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Vol. 46—No. 13
BOOK 1:
Pages
5851-6130

BOOK 2:
Pages
6131-6542

BOOK 3:
Pages
6543-6862

federal register

Book 1 of 3 Books
Wednesday, January 21, 1981

Highlights

5851-5857 **The President releases executive orders and a proclamation** (5 documents)

6358 **Hostage Relief** State, upon authorization by the President, proposes to issue regulation, providing for assistance to American hostages and members of their families and households; comments by 3–23–81 (Part XI of this issue)

6266 **Food Relief Programs** USDA/FNS reorganizes final rule regarding Summer Food Service Program for children; effective 1–1–81 (Part IV of this issue)

6296 **Medicare** HHS/HCFA proposes certification of medicare supplemental health insurance policies; comments by 3–23–81 (Part V of this issue)

6310 **Food Stamps** USDA/FNS publishes procedures and requirements for State agencies to follow to administer the Food Stamp Program; effective 2–20–81 (Part VI of this issue)

6114 **Veterans** VA publishes statements of procedures implementing provisions of the Veterans' Rehabilitation and Education Amendments of 1980; comments by 2–19–81

CONTINUED INSIDE

Highlights

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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.

6134 **Lead** Labor/OSHA publishes supplemental statement of reasons and amendment of standard regarding occupational exposure to lead; effective 2–20–81 (Part II of this issue)

6322 **Education** ED publishes regulations regarding certain educational programs concerning a student's cost of attendance at school; comments by 3–23–81 (Part VII of this issue)

6029 **Grant Programs—Food Stamps** USDA/FNS gives notice of availability of fiscal year 1981 funds for demonstration, research, and evaluation grants related to Food Stamp Program operations; apply by 3–23–81

6019 **Income Tax** Treasury/IRS publishes extension of time for comments to 2–17–81, regarding payments to foreign countries for oil and gas that are not considered taxes

6019 **Income Tax** Treasury/IRS releases proposal regarding limitation on foreign tax credit for foreign oil and gas taxes; comments by 2–17–81

6018 **Income Tax** Treasury/IRS extends time for comments to 2–17–81, regarding limitation on foreign tax credit for foreign oil and gas taxes

Privacy Act Documents

6426 DOD
6112 SSS
6113 Treasury
6075 HUD/Sec'y

6125 **Sunshine Act Meetings**

Separate Parts of This Issue

6134 **Part II, Labor/OSHA**
6230 **Part III, Commerce/Sec'y**
6266 **Part IV, USDA/FNS**
6296 **Part V, HHS/HCFA**
6310 **Part VI, USDA/FNS**
6322 **Part VII, ED**
6334 **Part VIII, DOT/UMTA**
6338 **Part IX, USDA/FNS**
6354 **Part X, HHS/PHS**
6358 **Part XI, State**
6364 **Part XII, OMB**
6426 **Part XIII, DOD/Sec'y**

Contents

Federal Register
Vol. 46, No. 13
Wednesday, January 21, 1981

The President
EXECUTIVE ORDERS
5854 Central Intelligence Agency Retirement and Disability System (EO 12273)
5857 Design Liaison Council (EO 12275)
5853 Foreign Service Retirement and Disability System (EO 12272)
5855 Military pay and allowances (EO 12274)
5851 Suspension in part of the tariff concessions on certain lead products, modification (Proc. 4817)

Executive Agencies

Agricultural Marketing Service
RULES
5859 Oranges, grapefruit, tangerines, and tangelos grown in Florida
5859 Oranges (navel) grown in Arizona and California

Agricultural Stabilization and Conservation Service
RULES
Export programs:
5860 Feed grains; CFR Part removed
5860 Flaxseed and linseed oil; CFR Part removed

Agriculture Department
See also Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Animal and Plant Health Inspection Service; Food and Nutrition Service; Forest Service.
NOTICES
Committees; establishment, renewals, terminations, etc.:
6031 Human Nutrition Board of Scientific Counselors

Animal and Plant Health Inspection Service
RULES
Livestock and poultry quarantine:
5861 Brucellosis; correction

Arms Control and Disarmament Agency
NOTICES
Committees; establishment, renewals, terminations, etc.:
6031 General Advisory Committee

Arts and Humanities, National Foundation
NOTICES
Meetings:
6106 Museum Advisory Panel
6106 Partnership Panel Office

Civil Aeronautics Board
NOTICES
Hearings, etc.:
6031 Former large irregular air service investigation et al.
6125 Meetings; Sunshine Act (2 documents)

Commerce Department
See also International Trade Administration; Maritime Administration.
NOTICES
Laboratory Accreditation Program, National Voluntary:
6230 Thermal insulation, concrete, and carpet; quarterly report

Commodity Futures Trading Commission
NOTICES
Futures contracts, proposed; availability:
6032 Chicago Mercantile Exchange; 20-year U.S. Treasury bond

Consumer Product Safety Commission
PROPOSED RULES
6016 Coal and wood burning appliances; performance provision and technical data; extension of time

Defense Department
See also Navy Department.
RULES
5956 American Forces Radio and Television Service (AFRTS); policy, responsibilities, information requirements, management and operations
NOTICES
6426 Privacy Act; systems of records; annual publication

Economic Regulatory Administration
RULES
Petroleum allocation and price regulations:
5864 Crude oil, newly discovered; verification requirements, etc.; interpretation
PROPOSED RULES
Petroleum allocation and price regulations:
6014 Alaska North Slope crude oil entitlements; intent to defer issuance of final rules
NOTICES
Meetings:
6035 National Petroleum Council

Education Department
RULES
Postsecondary education:
6322 National direct student loan program, etc.; cost of attendance calculation

Employment and Training Administration
PROPOSED RULES
Employment service system:
6017 Veterans preference indicators; compliance levels, 1981 FY

Employment Standards Administration
RULES
5876 Federal service contract labor standards; treatment of concession contracts under Service Contract Act; republication

Energy Department
See also Economic Regulatory Administration; Energy Information Administration; Federal Energy Regulatory Commission.
NOTICES
6033 Accounts, overdue; interest rates change
International atomic energy agreements; civil uses; subsequent arrangements:
6034 European Atomic Energy Community (2 documents)
6035 European Atomic Energy Community and Norway
6034 European Atomic Energy Community and Switzerland
6034 Japan

Energy Information Administration
NOTICES
6036 Natural gas, high cost; alternative fuel price ceilings and incremental price threshold

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
5965 California
5980 Rhode Island
Conduct standards:
5962 Financial disclosure statements and procedures for administrative enforcement of post-employment restrictions
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
5981 l-Naphthaleneacetic acid; correction
5980 Polyamide polymer derived from sebacic acid
Toxic substances:
5981 Chlorofluoroalkanes, fully halogenated; essential use exemption for spinnerette release agents
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
6021 Oregon; advance notice
Toxic substances:
6019 Chlorofluoroalkanes, fully halogenated; essential use exemption for pharmaceutical rotary tablet press punch lubricants
6021 N-methanesulfonyl-p-toluene sulfonamide; significant new uses; meeting
NOTICES
Air quality; prevention of significant deterioration (PSD):
6064 Permit approvals
Pesticide registration, cancellation, etc.:
6062 Lontrel 205 herbicide
Pesticides; emergency exemption applications:
6059 Benomyl
6062, 6063 Chlorofluorocarbons (2 documents)
6060 Fenvalerate
6061 Mesurol
6063 Napropamide
Pesticides; experimental use permit applications:
6065 Monsanto Co. et al.
Pesticides; temporary tolerances:
6066 Rohm & Haas Co.
6067 Uniroyal Chemical
Pesticides; tolerances in animal feeds and human food:
6061 Monsanto Co. et al.
Toxic and hazardous substances control:
6065 Premanufacture notices receipts

Federal Communications Commission
RULES
Common carrier services:
5984 Second computer inquiry (telephone deregulation); reconsideration and clarification
PROPOSED RULES
Common carrier services:
6025 MTS and WATS market structure; interstate telecommunications services entry policy and Alaska submarket inquiry; extension of time
Television broadcasting:
6025 Cable television; addition to Huntsville-Decatur, Ala., market; denial

Federal Deposit Insurance Corporation
NOTICES
6125 Meetings; Sunshine Act
Securities suspension of trading:
6067 Farmers Bank of Delaware

Federal Energy Regulatory Commission
NOTICES
Hearings, etc.:
6038 Arizona Public Service Co. (2 documents)
6038 Central Illinois Light Co.
6039 Columbia Irrigation District
6039 Continental Hydro Corp.
6040 Edison Sault Electric Co.
6040 Henwood Associates, Inc., et al.
6041 Illinois Power Co.
6046 Indiana & Michigan Electric Co.
6042 Mississippi Power Co.
6043 Mitchell Energy Co., Inc. (2 documents)
6041 Moore's Arco
6042 Northern States Power Co.
6042 Pacific Gas & Electric Co.
6045 Shawano, Wis., et al.
6044 South Carolina Electric & Gas Co.
6126 Meetings; Sunshine Act (2 documents)
Natural Gas Policy Act of 1978:
6049, 6055 Jurisdiction agency determinations (2 documents)
Small power production facilities; qualifying status; certification applications, etc.:
6038 Canners Steam Co.
6044 Occidental Geothermal, Inc.
6042 Sea World

Federal Home Loan Bank Board
NOTICES
6127 Meetings; Sunshine Act

Federal Maritime Commission
NOTICES
6127 Meetings; Sunshine Act (2 documents)

Federal Mine Safety and Health Review Commission
NOTICES
6127 Meetings; Sunshine Act

Federal Reserve System
RULES
Authority delegations:
5862 Banking Supervision and Regulation Division, Director; applications to acquire failing banks, approval

5863 Banking Supervision and Regulation Division, Director; modifications of commitments and conditions
5861 Federal Reserve Banks; agreements of nonmember banks wishing to extend credit in connection with securities transactions
5862 Federal Reserve Banks; branch applications, approval
Procedure rules:
5861 Applications; community reinvestment; waiver for applications requiring immediate or expeditious action
NOTICES
Applications, etc.:
6068 Citizens Bancshares, Inc.
6068 El Pueblo Bancorporation
6068 First Blackwell Bancshares, Inc.
6068 First Kansas Bancgroup, Inc.
6067 Hawkeye Bancorporation
6069 Henry County Bancorp, Inc.
6069 Montfort Bancorporation, Inc.
6069 Southeast Capital Corporation
6069 Southwest Texas Bankers, Inc.
6069 Valley Bank Holding Co.
6070 Weldon Bancshares, Inc.
Bank holding companies; proposed de novo nonbank activities:
6067 First Mississippi National Corp.

Federal Trade Commission
PROPOSED RULES
Prohibited trade practices:
6014 Godfrey Co.
NOTICES
Premerger notification waiting periods; early terminations:
6070 El Corte Ingles, S.A.

Fish and Wildlife Service
RULES
Hunting:
6013 White River National Wildlife Refuge, Ark. et al.

Food and Nutrition Service
RULES
Child nutrition programs:
6338 Commodity supplemental food program; final rule
6266 Summer food service program; reorganization and revision
Food stamp program:
6310 Food Stamp Act of 1977; State plans of operations
NOTICES
Food stamp program:
6029 Demonstration, research and evaluation projects; fiscal year 1981 funds

Forest Service
NOTICES
Meetings:
6030 Gila National Forest Grazing Advisory Board

General Accounting Office
NOTICES
6070 Regulatory reports review; proposals, approvals, violations, etc. (FCC)

General Service Administration
RULES
Procurement:
5982 Contract clauses; shelf-life items, "age-on-delivery" type clauses and update solicitation cover page notices and miscellaneous text

Geological Survey
NOTICES
Tar sand areas, designation:
6077, 6078 Utah (6 documents)

Health and Human Services Department
See Health Care Financing Administration; Health Resources Administration; National Institutes of Health; Public Health Service; Social Security Administration.

Health Care Financing Administration
PROPOSED RULES
Medicare:
6296 Special programs and projects; certification of supplemental health insurance (Medigap) policies

Health Resources Administration
NOTICES
Meetings; advisory committees:
6070 February

Heritage Conservation and Recreation Service
NOTICES
6078 National wild and scenic rivers system; State-administered rivers; correction

Housing and Urban Development Department
NOTICES
6075 Privacy Act; systems of records

Immigration and Naturalization Service
RULES
5861 Naturalization petitions, preliminary examinations; designation of examiners; correction

Interior Department
See Fish and Wildlife Service; Geological Survey; Heritage Conservation and Recreation Service; Land Management Bureau; Surface Mining Reclamation and Enforcement Office.

Internal Revenue Service
PROPOSED RULES
Income taxes:
6019 Foreign countries; payments for oil and gas that are not considered taxes; extension of time
6018 Foreign tax credit limitation for foreign oil and gas taxes; extension of time

International Trade Administration
RULES
Export licensing:
5864 Foreign policy control expansion; computers exported to government consignees in South Africa and Namibia; interim; correction
5865 Short supply controls; consideration of applications for exceptions, criteria establishment; interim rule and request for comments

Interstate Commerce Commission
NOTICES
6079 Motor carrier industry; minority participation; issue proper, meeting, and inquiry
Motor carriers:
6082, 6084 Finance applications (2 documents)
6085 Permanent authority applications
6088 Permanent authority applications; correction
6088 Temporary authority applications
6082, 6088 Temporary authority applications; correction (2 documents)
Railroad operation, acquisition, construction, etc.:
6086 Norfolk & Western Railway Co. et al.

Justice Department
See Immigration and Naturalization Service.

Labor Department
See also Employment and Training Administration; Employment Standards Administration; Mine Safety and Health Administration; Occupational Safety and Health Administration; Pension and Welfare Benefit Programs Office.
PROPOSED RULES
6019 Service Contract Appeals Board; withdrawn republication

Land Management Bureau
NOTICES
Environmental statements; availability, etc.:
6078 La Sal pipeline right-of-way (ROW), Colorado and Wyoming; scoping meetings

Management and Budget Office
NOTICES
6364 Budget rescissions and deferrals

Maritime Administration
NOTICES
Applications, etc.:
6031 Aeron Marine Shipping Co. et al.

Metric Board
NOTICES
6127, 6128 Meetings; Sunshine Act (6 documents)

Mine Safety and Health Administration
RULES
Coal mine health and safety:
5885 Miners with pneumoconiosis employed at underground coal mines; work options and sampling procedures; correction

National Council on Educational Research
NOTICES
6128 Meetings; Sunshine Act

National Institutes of Health
NOTICES
Meetings:
6071 Biotechnology Resources Review Committee
6072 Cancer Clinical Investigation Review Committee
6072 Cancer Institute, National; Board of Scientific Counselors
6072 Clinical Applications and Prevention Advisory Committee
6073 Clinical Cancer Program Project and Cancer Support Review Committee
6073 General Clinical Research Centers Committee
6073 Minority Access to Research Careers, Review Committee
6073 Research Grants Division, study sections
6071 Sickle Cell Disease Advisory Committee

National Railroad Passenger Corporation
NOTICES
6128 Meetings; Sunshine Act

Navy Department
RULES
Navigation; COLREGS compliance exemptions:
5962 USNS Mohawk

Nuclear Regulatory Commission
NOTICES
Applications, etc.:
6106 Duke Power Co.
6106 University of California Regents
Meetings:
6107 Reactor Safeguards Advisory Committee
6107 Three Mile Island Unit 2 Decontamination Advisory Panel

Occupational Safety and Health Administration
RULES
5878 Carcinogens, potential occupational; identification, classification, and regulations; significance of risk; republication
Health and safety standards:
6134 Lead; occupational exposure standards

Pension and Welfare Benefit Programs Office
RULES
Reporting and disclosures requirements:
5882 Health maintenance organizations; limited relief from requirements

Personnel Management Office
PROPOSED RULES
Procurement:
6022 Health benefit plans for Federal employees; advance notice

Public Health Service
RULES
Health maintenance organizations:
6354 Information disclosure requirements
NOTICES
Meetings:
6075 Toxicology Program, National; Scientific Counselors Board

Securities and Exchange Commission
RULES
5867 Electric utility companies; acquisitions of voting securities of electric generation or transmission companies, and holding company exemption
NOTICES
Hearings, etc.:
6107 Hamilton High Yield Fund, Inc.

6108 McDonald Money Market Fund, Inc.
6110 Twentieth Century Investors, Inc., et al.
6129 Meetings; Sunshine Act (2 documents)
Self-regulatory organizations; proposed rule changes:
6109 Pacific Stock Exchange

Selective Service System
NOTICES
6112 Privacy Act; systems of records

Small Business Administration
NOTICES
Applications, etc.:
6112 Vanguard Investment Co., Inc.

Social Security Administration
RULES
Supplemental security income:
5870 Reporting requirements

State Department
PROPOSED RULES
6358 Hostage relief
NOTICES
Passports, foreign; validity:
6113 New Zealand and Senegal

Surface Mining Reclamation and Enforcement Office
RULES
Permanent program submission; various States:
5885 Iowa
5892 Kansas
5899 Utah
5915 West Virginia

Transportation Department
See also Urban Mass Transportation Administration
RULES
Organization, functions, and authority delegations:
6012 Saint Lawrence Seaway Development Corporation Administrator; secretarial succession

Treasury Department
See also Internal Revenue Service
NOTICES
6113 Privacy Act; systems of records

Urban Mass Transportation Administration
PROPOSED RULES
6334 Maintenance requirements; advance notice

Veterans Administration
NOTICES
6114 Education benefits; policies and procedures; inquiry

MEETINGS ANNOUNCED IN THIS ISSUE

AGRICULTURE DEPARTMENT
Forest Service—
6030 Gila National Forest Grazing Advisory Board, Silver City, N. Mex., 2–12–81

ENERGY DEPARTMENT
Economic Regulatory Administration—
6035 National Petroleum Council, Emergency Preparedness Committee, Coordinating Subcommittee, Houston, Tex., 1–29–81

HEALTH AND HUMAN SERVICES DEPARTMENT
Health Resources Administration—
6070 National Council on Health Planning and Development, Washington, D.C., 2–6–81
6070 National Council on Health Planning and Development, Implementation and Administration Subcommittee, Washington, D.C., 2–5–81
6070 National Council on Health Planning and Development, National Guidelines and Technology Subcommittee, Washington, D.C., 2–5–81
National Institutes of Health—
6071 Biotechnology Resources Review Committee, Bethesda, Md., 2–10–81
6072 Board of Scientific Counselors, Division of Cancer Treatment, Bethesda, Md., 2–12 and 2–13–81
6072 Cancer Clinical Investigation Review Committee, Bethesda, Md., 2–23 and 2–24–81
6072 Clinical Applications and Prevention Advisory Committee, Bethesda, Md., 1–29 and 1–30–81
6073 Clinical Cancer Program Project and Cancer Center Support Review Committee (Cancer Center Support Review Subcommittee), Bethesda, Md., 3–19 and 3–20–81
6073 General Clinical Research Centers Committee, Bethesda, Md., 2–23 and 2–24–81
6073 Minority Access to Research Careers Review Committee, Bethesda, Md., 3–5 and 3–6–81
6071 Sickle Cell Disease Advisory Committee, Bethesda, Md., 2–19 and 2–20–81
6073 Study Sections, various locations, February and March 1981 dates
Public Health Service—
6075 National Toxicology Program Board of Scientific Counselors, Bethesda, Md., 2–18–81

INTERIOR DEPARTMENT
Land Management Bureau—
6078 La Sal Pipeline Right-of-Way, Colorado and Wyoming, 1–26 and 1–27, 2–3, 2–4 and 2–5–81

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES
6106 Museum Panel (Museum Purchase Plan), Washington, D.C., 2–10–81
6106 Office for Partnership Panel (State Programs Section), Washington, D.C., 2–4 and 2–5–81

NUCLEAR REGULATORY COMMISSION
6107 Advisory Panel for the Decontamination of Three Mile Island, Unit 2, Harrisburg, Pa., 2–4, 2–11 and 2–19–81
6107 Reactor Safeguards Advisory Committee, Reactor Radiological Effects Subcommittee, Washington, D.C., 2–5–81

HEARING

INTERSTATE COMMERCE COMMISSION
6079 Minority participation in the motor carrier industry, 2–5–81

CFR PARTS AFFECTED IN THIS ISSUE

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

3 CFR

Executive Orders:

11157 (Amended by 12274)....5855
12272....5853
12273....5854
12274....5855
12275....5857

Proclamations:

4707 (Amended by Proc. 4817)....5851
4817....5851

7 CFR

225....6266
247....6338
272....6310
274....6310
905....5859
907....5859
1484....5860
1486....5860

8 CFR

335....5861

9 CFR

51....5861

10 CFR

212....5864

Proposed Rules:

211....6014

12 CFR

262....5861
265 (4 documents)...5861–5863

15 CFR

371....5864
374....5864
377....5865

16 CFR

Proposed Rules:

13....6014
1406....6016

17 CFR

250....5867

20 CFR

416....5870

Proposed Rules:

653....6017

22 CFR

Proposed Rules:

1....6358
2....6358
3....6358
4....6358

26 CFR

Proposed Rules:

1 (2 documents)....6018, 6019

29 CFR

4....5875
1910....6134
1990....5878
2520....5882
2560....5882

Proposed Rules:

8....6019

30 CFR

90....5885
915....5885
916....5892
944....5899
948....5915

32 CFR

372a....5956
706....5962

34 CFR

674....6322
675....6322
676....6322
682....6322
683....6322
690....6322

40 CFR

3....5962
52 (2 documents)....5965, 5980
180 (2 documents)...5980, 5981
762....5981

Proposed Rules:

52....6021
721....6021
762....6019

41 CFR

5A–1....5982
5A–2....5982

Proposed Rules:

Ch. 16....6022

42 CFR

110....6354

Proposed Rules:

403....6296

47 CFR

64....5984

Proposed Rules:

63....6025
76....6025

49 CFR

1....6012

Proposed Rules:

638....6334

50 CFR

32....6013

Federal Register
Vol. 46, No. 13
Wednesday, January 21, 1981

Presidential Documents

Title 3—

The President

Proclamation 4817 of January 16, 1981

Proclamation To Modify the Suspension in Part of the Tariff Concessions on Certain Lead Products

By the President of the United States of America

A Proclamation

1. On October 31, 1979, under the authority of section 101(a)(1) of the Trade Act of 1974 (the Trade Act) (19 U.S.C. 2111(a)(1)), the United States entered into a trade agreement with the United Mexican States (Mexico) containing certain tariff concessions by the United States. These tariff concessions were implemented by Proclamation No. 4707 of December 11, 1979, beginning January 1, 1980. This agreement provides that, under certain circumstances which now exist, the United States may suspend or withdraw these concessions in whole or in part.

2. An expectation, which this agreement stated to be the basis for the United States concessions therein, not having materialized, and only partially equivalent substitute concessions having been received from Mexico, the President, by Proclamation 4792 of September 15, 1980 (45 Fed. Reg. 61589), suspended in part tariff concessions which were granted to Mexico in the October 31, 1979 agreement because adequate substitute compensatory concessions had not been provided by Mexico at that time.

3. In view of the temporary modification of the rate of duty on unwrought lead other than lead bullion by section 114 of Public Law 96–609, of December 28, 1980, and of the extent of concessions which have been received from Mexico, I determine that the suspension of the concessions under the Agreement of October 31, 1979 should be modified as set forth below.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes of the United States, including sections 125 and 604 of the Trade Act (19 U.S.C. 2135 and 2483), do proclaim that:

The tariff concessions proclaimed by Proclamation No. 4707 on litharge and red lead provided for in items 473.52 and 473.56 of the Tariff Schedules of the United States (19 U.S.C. 1202), (in the case of litharge as partially suspended by Proclamation 4792) are suspended as set forth in the Annex of this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of January, in the year of our Lord nineteen hundred and eighty-one, and of the Independence of the United States of America the two hundred and fifth.

Jimmy Carter

ANNEX

Part 2D of the Appendix to the Tariff Schedules of the United States is modified to read as follows:

Item	Articles	Rates of Duty 1	Rates of Duty 2	Effective Period
	Subpart D.-Temporary Duties, Pursuant to Section 125 of the Trade Act of 1974			
	Subpart D headnote:			
	1. Any article described in the provisions of this subpart, if entered during the period specified in the last column, is subject to duty at the rate set forth herein in lieu of the rate provided therefor in schedules 1 to 8, inclusive.			
948.10	Litharge (provided for in item 473.52)	3% ad val. or such other rate as may be proclaimed by the President	No change	On and after 1/19/81
948.12	Red lead (provided for in item 473.56)	3.4% ad val. or such other rate as may be proclaimed by the President	No change	On and after 1/19/81

[FR Doc. 81-2331
Filed 1-19-81; 10:19 am]
Billing code 3195-01-M

Presidential Documents

Executive Order 12272 of January 16, 1981

Foreign Service Retirement and Disability System

By the authority vested in me as President of the United States of America by Section 805 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1065), and in order to further conform the Foreign Service Retirement and Disability System to the Civil Service Retirement and Disability System, it is hereby ordered as follows:

1–101. Section 882(c) of the Foreign Service Act of 1946, as amended (22 U.S.C. 1121(c)), shall be deemed to be amended (a) by striking out paragraph (1) thereof, and (b) by inserting in lieu thereof the provisions of Section 8340(c)(1) of Title 5 of the United States Code.

1–102. The amendment made by subsection 1–101(a) hereof shall apply with respect to annuities commencing after January 19, 1981.

Jimmy Carter

THE WHITE HOUSE,
January 16, 1981.

[FR Doc. 81–2322
Filed 1–19–81; 10:20 am]
Billing code 3195–01–M

Presidential Documents

Executive Order 12273 of January 16, 1981

Central Intelligence Agency Retirement and Disability System

By the authority vested in me as President of the United States of America by Section 292 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended (50 U.S.C. 403 note), and in order to further conform the Central Intelligence Agency Retirement and Disability System to certain amendments to the Civil Service Retirement and Disability System, it is hereby ordered as follows:

1–101. Section 291(b) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended, shall be deemed to be amended (a) by striking out paragraph (1) thereof, and (b) by inserting in lieu thereof the following:

"(1) The first cost-of-living increase (if any) made to an annuity which is payable from the Central Intelligence Agency Retirement and Disability Fund to a participant who retires, or to the widow or widower of a deceased participant, shall be equal to the product (adjusted to the nearest of 1/10 of one percent) of:

a. 1/6 of the applicable percent change computed under subsection (a) of this Section, multiplied by

b. the number of full months for which the annuity was payable from the Fund before the effective date of the increase (counting any portion of a month as a full month).".

1–102. The amendment made by subsection 1–101(a) hereof shall apply with respect to annuities commencing after January 19, 1981.

Jimmy Carter

THE WHITE HOUSE,
January 16, 1981.

[FR Doc. 81–2333
Filed 1–19–81; 10:21 am]
Billing code 3195–01–M

Presidential Documents

Executive Order 12274 of January 16, 1981

Military Pay and Allowances

By the authority vested in me as President and as Commander in Chief of the Armed Forces of the United States of America by Sections 301c, 305a, and 403 of Title 37 of the United States Code, and in order to implement incentive pay for submarine duty for Navy enlisted members and officers, to implement special pay for officers serving on sea duty and increased rates of special pay for enlisted personnel serving on sea duty, and to extend the payment of basic allowances for quarters to certain members without dependents, it is hereby ordered as follows:

1–1. *Incentive Pay for Submarine Duty.*

1–101. Executive Order No. 11157, as amended, is further amended by revising Section 106 of Part I thereof to read as follows:

"Sec. 106(a). As determined by the Secretary of the Navy, a member who is entitled to basic pay, who holds or is in training leading to a submarine duty designator, who is not entitled to continuous monthly submarine duty incentive pay, and who is in and remains in the submarine service on a career basis, is also entitled to submarine duty incentive pay for the frequent and regular performance of operational submarine duty required by orders, except as provided by 37 U.S.C. 301c(c).

"(b) To the extent provided for by appropriations, a member of the Naval Reserve who is entitled to compensation under Section 206 of Title 37 of the United States Code, and who performs, under orders, duty on a submarine during underway operations, is eligible for an increase in such compensation equal to one-thirtieth of the monthly submarine duty incentive pay for the performance of that duty by a member of a corresponding grade and years of service who is entitled to basic pay when those orders specify such increased entitlement. Such member is eligible for the increase for each day served, for as long as he is qualified for it, during each regular period of appropriate duty.

"(c) As determined by the Secretary of the Navy, a member who is entitled to basic pay, who holds or is in training leading to a submarine duty designator and who is in and remains in the submarine service on a career basis, is entitled to continuous monthly submarine duty incentive pay, subject to the performance of required number of years of operational submarine duty (37 U.S.C. 301c(a) (3)–(4)), except as provided by 37 U.S.C. 301c(c).

"(d) The Secretary of the Navy is hereby designated and empowered to issue additional implementing regulations with respect to entitlement of regular and reserve officers and enlisted members of the Navy to submarine duty incentive pay, or continuous monthly submarine duty incentive pay.".

1–2. *Special Pay for Career Sea Duty.*

1–201. Section 201 of Part II of Executive Order No. 11157, as amended, is further revised to read as follows:

"Sec. 201(a). The following members of a uniformed service who are entitled to receive basic pay shall be entitled to receive, additionally, career sea pay while on sea duty:

(1) enlisted members who are in pay grade E–4 or above,

(2) warrant officers,

(3) commissioned officers in pay grade 0–3 or above who have over three years of sea duty, and

(4) commissioned officers in pay grades 0–1 and 0–2 with at least four years active service as enlisted members or as noncommissioned warrant officers and over three years of sea duty.

"(b) The period of sea duty shall include the date of reporting and the date of detachment as stated in orders. Career sea pay shall be at the rates prescribed in Section 305a of Title 37 of the United States Code.".

1–202. Section 202 of Part II of Executive Order No. 11157 as amended, is revoked.

1–203. Part II of Executive Order No. 11157, as amended, is further revised by adding a new Section 202 as follows:

"Sec. 202. A member of a uniformed service who is entitled to career sea pay and who has served 36 consecutive months of sea duty as such period is computed under regulations of the Secretary concerned, is entitled to a monthly career sea pay premium for the thirty-seventh consecutive month and each subsequent consecutive month of sea duty service by such member when such member is entitled to career sea pay. In the regulations published by the Secretary concerned, the term "consecutive months of sea duty" may be defined to include periods during which a member is serving in or under orders to duties, service in which qualifies the member for career sea pay, either periodically or continuously during assignment to such duties. Examples of such periods are periods of service as a member of a two crewed submarine or fleet aviation units assigned to ships, or periods for training, hospitalization, or other periods of a similar nature.".

1–204. Section 206 of Part II of Executive Order No. 11157, as amended, is further revised by deleting subsection (b).

1–3. *Basic Allowance for Quarters.*

1–301. Subsection 401 of Part IV of Executive Order No. 11157, as amended, is amended by adding new subsections (e) and (f) as follows:

"(e) The term "deployed" shall apply to time during which the unit is at sea or in a port more than 50 miles from its home port; provided, however, time during which the unit is in a port for overhaul or extended repairs is not to be considered deployed time. Unanticipated overhauls or extended repairs which occur during a period scheduled as extended deployment in the mission assignment of the ship is time deployed unless otherwise classified by appropriate command authority.

"(f) The phrase "while the unit to which he is assigned is deployed for a period in excess of 90 days" shall apply to periods of time commencing on the 91st day the unit to which the member is assigned is deployed.".

1–302. Executive Order No. 11157, as amended, is further amended by deleting section 408 of Part IV thereof.

1–4. *Effective Date.*

1–401. The amendments made by this Order to Executive Order No. 11157, as amended, shall be effective as of January 1, 1981.

Jimmy Carter

THE WHITE HOUSE,
January 16, 1981.

[FR Doc. 81–2334
Filed 1–19–81; 10:22 am]
Billing code 3195–01–M

Presidential Documents

Executive Order 12275 of January 16, 1981

Design Liaison Council

By virtue of the authority vested in me as President by the Constitution of the United States of America, and in order to affirm our commitment that each Federal dollar spent on design shall be viewed as an investment in enriching the quality of American life, it is hereby ordered as follows:

1–101. To encourage good design within the Federal government, there is hereby established an interagency Design Liaison Council composed of the heads of the following agencies or their designees:

Department of State.

Department of the Treasury.

Department of Defense.

Department of Justice.

Department of the Interior.

Department of Agriculture.

Department of Commerce.

Department of Labor.

Department of Health and Human Services.

Department of Housing and Urban Development.

Department of Transportation.

Department of Energy.

Department of Education.

Environmental Protection Agency.

National Aeronautics and Space Administration.

Office of Personnel Management.

General Services Administration.

Veterans Administration.

International Communication Agency.

Small Business Administration.

Federal Council on the Arts and the Humanities.

1–102. The following agencies are invited to participate in the activities of the Design Liaison Council:

Commission on Fine Arts.

Smithsonian Institution.

U.S. Postal Service.

Tennessee Valley Authority.

1–103. The representative of the Federal Council on the Arts and the Humanities shall chair the Design Liaison Council.

1–104. Representatives of other interested agencies may be invited to participate in the functions of the Design Liaison Council.

1–105. For the purposes of this Order, "design" encompasses products and processes of architecture, energy conservation, engineering, graphic design, industrial and product design, interior design, landscape architecture, urban design and city planning, and other related disciplines.

1–106. The Design Liaison Council shall encourage the exchange of information and research on design issues among federal agencies. The Council shall also recommend those changes in agency standards and procedures which will enhance the functional and visual quality of design products and processes.

Jimmy Carter

THE WHITE HOUSE,
January 16, 1981.

[FR Doc. 81–2335
Filed 1–19–81; 10:23 am]
Billing code 3195–01–M

Rules and Regulations

Federal Register
Vol. 46, No. 13
Wednesday, January 21, 1981

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 905

[Orange, Grapefruit, Tangerine and Tangelo Regulation 4, Amendment 6]

Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Amendment of Tangerine Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This amendment lowers the minimum diameter requirement for Florida Honey tangerines from 2 1/16 inches to 2 6/16 inches during the period January 15 through October 18, 1981. This action recognizes demand conditions and the size composition of available supply in the interest of growers and consumers.

EFFECTIVE DATE: January 15, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975. The Final Impact Analysis relative to this final rule is available on request from the above named individual.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and has been classified "not significant." This regulation is issued under the marketing agreement and Order NO. 905, (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendation and information submitted by the Citrus Administrative Committee, and upon other available information. It is hereby found that the regulation of Florida Honey tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

The minimum size requirements, herein specified, for domestic shipments reflect the Department's appraisal of the need for the amendment of the current regulation to permit handling of smaller size fresh Florida Honey tangerines during the specified period based on the size composition of the crop and current and prospective demand conditions.

It is further found that there is insufficient time between the date when information became available upon which this amendment is based and when the action must be taken to warrant a 60-day comment period as recommended in E.O. 12044, and that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), and this amendment relieves restrictions on the handling of Florida Honey tangerines. It is necessary to effectuate the declared purposes of the act to make this regulatory provision effective as specified, and handlers have been apprised of such provision and the effective time.

Accordingly, it is found that the provisions of § 905.304 (Orange, Grapefruit, Tangerine and Tangelo Regulation 4; (45 FR 67047; 76651; 79002; 80269; 81199; 83192) should be and are amended by revising Table I, paragraph (a) to read as follows:

§ 905.304 Orange, grapefruit, tangerine, and tangelo regulation 4.

(a) * * *

Table I

Variety	Regulation period	Minimum grade	Minimum diameter (inches)
(1)	(2)	(3)	(4)
Tangerines: Honey	Jan. 15, 1981, through Oct. 18, 1981	Florida No. 1	2 6/16

* * * * * * *

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

Dated: January 15, 1981.

D. S. Kuryloski,

Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81–2069 Filed 1–19–81; 8:45 am]

BILLING CODE 3410–02–M

7 CFR Part 907

[Navel Orange Regulation 504; Amendment 2]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This action increases the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period January 9–January 15, 1981. Such action is needed to provide for orderly marketing of fresh navel oranges for the period specified due to the marketing situation confronting the orange industry.

DATES: The amendment is effective for the period January 9–January 15, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This amendment is issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges in Arizona and designated part

of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Navel Orange Administrative Committee and upon other information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81 which was designated significant under the procedures of Executive Order 12044. The marketing policy was recommended by the committee following discussion at a public meeting on October 14, 1980. A final impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again on January 14, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navel oranges deemed advisable to be handled during the specified week. The committee reports the demand for navel oranges is improving.

It is further found that there is insufficient time between the date when information became available upon which this amendment is based and when the action must be taken to warrant a 60-day comment period as recommended in E.O. 12044, and that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), and this amendment relieves restrictions on the handling of navel oranges. It is necessary to effectuate the declared policy of the act to make this regulatory provision effective as specified, and handlers have been apprised of such provisions and the effective time.

Section 907.804 Navel Orange Regulation 504 (46 FR 2025; 46 FR 3493) is revised to read as follows:

Order

§ 907.804 Navel Orange Regulation 504.

The quantity of navel oranges grown in Arizona and California which may be handled during the period January 9, 1981, through January 15, 1981, are established as follows:

(1) District 1: 1,406,000 cartons;

(2) District 2: 54,509 cartons;

(3) District 3: unlimited cartons;

(4) District 4: 44,000 cartons;

(b) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" mean the same as defined in the marketing order.

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

Dated: January 15, 1981.

D. S. Kuryloski,

Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81–2070 Filed 1–19–81; 8:45 am]

BILLING CODE 3410–02–M

Agricultural Stabilization and Conservation Service

7 CFR Part 1484

Feed Grains; Deletion

AGENCY: Agricultural Stabilization and Conservation Service (ASCS), USDA.

ACTION: Final rule.

SUMMARY: This rule deletes the regulations issued under Part 1484, Feed Grains, including the Subpart—Feed Grain Export Program. These regulations no longer need to be set forth in the Code of Federal Regulations since the Feed Grain Export Program has been inoperative for more than five years.

EFFECTIVE DATE: January 21, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Ronald Burgess, Chief, Commodity Operations Branch, Inventory Management Division, Agricultural Stabilization and Conservation Service, USDA, Room 5969 South Building, P.O. Box 2415, Washington, D.C. 20013, (202) 447–2762.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedure established in Secretary's Memorandum 1955 to implement Executive Order 12044 and has been classified as "not significant." In compliance with Secretary's Memorandum 1955 and the final report issued by the Secretary with respect to Executive Order 12044 and entitled "Improving USDA Regulations" (43 FR 50988), it is determined after review of these regulations for need, currency, clarity, and effectiveness, that deletion of these regulations is appropriate at this time. Furthermore, it has been determined that it is impractical and contrary to the public interest to comply with the public rulemaking requirement of 5 U.S.C. 553 since this action merely deletes provisions which are no longer applicable.

The Feed Grain Export Program, as provided for in 7 CFR Part 1484, authorized the making of payments to exporters of feed grains to encourage exports. While statutory authority for this program continues to exist, this program has been inoperative for more than five years.

Final Rule

Accordingly 7 CFR Part 1484 is removed and reserved.

PART 1484—[RESERVED]

Signed at Washington, D.C. on January 13, 1981.

Ray Fitzgerald,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81–1844 Filed 1–19–81; 8:45 am]

BILLING CODE 3410–05–M

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7 CFR PART 1486

Flaxseed and Linseed Oil; Deletion

AGENCY: Agricultural Stabilization and Conservation Service (ASCS), USDA.

ACTION: Final rule.

SUMMARY: This rule deletes the regulations issued under 7 CFR Part 1486, Flaxseed and Linseed Oil. These regulations no longer need to be set forth in the Code of Federal Regulations since the Flaxseed and Linseed Oil Export Program has been inoperative for more than five years.

EFFECTIVE DATE: January 21, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Ronald Burgess, Chief, Commodity Operations Branch, Inventory Management Division, Agricultural Stabilization and Conservation Service, USDA, Room 5969 South Building, P.O. Box 2415, Washington, D.C. 20013.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedure established in Secretary's Memorandum 1955 to implement Executive Order 12044 and has been classified as "not significant." In compliance with Secretary's Memorandum 1955 and the final report issued by the Secretary with respect to Executive Order 12044 and entitled "Improving USDA Regulations" (43 FR 50988), it is determined after review of these regulations for need, currency, clarity, and effectiveness, that deletion of these regulations is appropriate at this time. Furthermore, it has been determined that it is impractical and contrary to the public interest to comply with the public rulemaking requirement of 5 U.S.C. 553 since this action merely deletes provisions which are no longer applicable.

The Flaxseed and Linseed Program as provided for in 7 CFR Part 1486, has been inoperative for more than five years and continuation of the program regulations is not necessary.

Final rule

Accordingly 7 CFR Part 1486 is removed and reserved.

PART 1486—[RESERVED]

Signed at Washington, D.C. on January 13, 1981.

Ray Fitzgerald,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81-1843 Filed 1-19-81; 8:45 am]

BILLING CODE 3410-05-M

Animal and Plant Health Inspection Service

9 CFR Part 51

Brucellosis Indemnity; Correction

Correction

In FR Doc. 80-40649, at page 86409, in the issue of Wednesday, December 31, 1980, on page 86410, the first column, in the codified material, paragraph (c) of § 51.6, fourth line down, insert the number "15" after the word "within".

BILLING CODE 1505-01-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 335

Preliminary Examination on Petitions for Naturalization; Designation of Examiners

Correction

In FR Doc. 80-39300 appearing on page 83195 in the issue for Thursday, December 18, 1980, make the following correction:

On page 83195, in the second column, under § 335.11, in paragraph (b), in the thirty-fifth line, the words "and issue" should have read "and issue such".

BILLING CODE 1505-01-M

FEDERAL RESERVE SYSTEM

12 CFR Part 262

[Docket No. R-0343]

Waiver of Procedural Rules for Applications Requiring Immediate or Expeditious Action

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: This amendment to the Board's Rules of Procedure permits waiver of public notice and other procedural rules for applications that require immediate or expeditious action.

EFFECTIVE DATE: January 21, 1981.

FOR FURTHER INFORMATION CONTACT: Bronwen Mason (202/452-3564), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: (1) *Background.* On November 6, 1978 (43 FR 47,157), the Board amended its Rules of Procedure to require applicants for the Board's approval for expansion of their banking operations through merger, consolidation, acquisition, or branching to publish notices of their applications in newspapers of general circulation for two consecutive weeks (12 CFR 262.3(b)), and in some cases to post notices in branch lobbies. Occasionally the Board must act immediately on such applications because an institution involved is likely to fail otherwise, or the Board must act expeditiously because of some emergency. In those rare circumstances, normally initiated by a request from the primary supervisor of a bank for immediate or expedited action, the delay involved in the publication of newspaper notice and the solicitation of public comment will normally not be in the public interest. This amendment permits the Board (or the Reserve Bank or officer having authority over a particular application) to waive or curtail notice and comment reuirements in those cases as circumstances dictate. This amendment does not reflect any change in the Board's commitment to maximize public participation in the regulatory process, it does not affect the statutory obligation of a bank to publish notice of an application requiring expeditious action filed under the Bank Merger Act (12 U.S.C. 1828(c)); and for all applications requiring expeditious, but not immediate, action the Board will expect applicants to satisfy the requirements of its Rules of Procedure to the fullest extent compatible with the emergency.

Under this amendment the Board, Reserve Bank, or responsible official may also waive or curtail any other procedural rule that might prevent immediate or expditious action when needed. For example, the Board may find it necessary to eliminate or shorten notice of a proposed acquisition of a nonbank company by a bank holding company in exigent circumstances. However, the Federal Reserve System and applicants normally should be able to observe all other procedural rules even in emergencies.

(2) *Authority.* This action is taken pursuant to the Board's authority under sections 3(a), 4 and 5(b) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a), 1843, and 1844(b)), section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)), and sections 9 and 11(i) of the Federal Reserve Act (12 U.S.C. 321 and 248(i)).

(3) *Effective date.* This amendment has been adopted without following the provisions of 5 U.S.C. § 553 relating to notice, public participation, and deferred effective date because the change involved is procedural in nature and does not constitute a substantive rule subject to the requirements of that section. The Board's expanded rulemaking procedures (44 FR 3,957 (1979)) have not been followed because the amendment is a technical one and because it relieves a procedural burden that could obstruct necessary and prompt action that would be in the public interest.

Accordingly, § 262.3 of the Board's Rules of Procedure (12 CFR 262.3) is amended by adding the following paragraph (l):

§ 262.3 Applications.

* * * * *

(l) *Waiver.* The Board, or the officer or Reserve Bank authorized to approve an application, may waive or modify any procedural requirements for that application prescribed or cited in this section and may excuse any failure to comply with them upon a finding that immediate action on the application is necessary to prevent the probable failure of a bank or company or that an emergency exists requiring expeditious action.

* * * * *

By Order of the Board of Governors of the Federal Reserve System, January 13, 1981.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 81-2110 Filed 1-19-81; 8:45 am]

BILLING CODE 6210-01-M

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12 CFR Part 265

[Docket No. R-0346]

Authority To Accept Agreements Under the Securities Exchange Act of 1934

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: Section 8 of the Securities Exchange Act of 1934 requires nonmember banks wishing to extend credit in connection with securities transactions to enter into an agreement with the Board to comply with the provisions of law and the Board's rules

in connection with such extensions of credit. The Board has delegated to the Federal Reserve Banks authority to receive such agreements.

EFFECTIVE DATE: January 21, 1981.

FOR FURTHER INFORMATION CONTACT: Laura Homer, Securities Credit Officer (202/452-2786), Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: Section 8(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78h(a)) prohibits a broker or dealer from borrowing on a security registered on a national exchange from any bank other than a member of the Federal Reserve System, or one that has filed an agreement with the Board. The agreement provides that the nonmember bank will comply with the provisions of the 1934 Act, the Federal Reserve Act and the Banking Act of 1933 as well as the rules and regulations issued thereunder. This amendment authorizes the Federal Reserve Banks to accept on the Board's behalf these agreements, which are executed on forms approved by the Board.

The provisions of 5 U.S.C. 553, relating to notice, public participation and deferred effective date are not followed in connection with adoption of the amendment because the change involved is procedural in nature and does not constitute a substantive rule subject to the requirements of that section. The Board's expanded rulemaking procedures (44 FR 3,957 (1979)) have not been followed because the amendment is a technical one and because it relieves a burden that could obstruct necessary and prompt action.

Pursuant to its authority under section 11(k) of the Federal Reserve Act and section 8(a) of the Securities Exchange Act of 1934, the Board amends its Rules Regarding Delegation of Authority (12 CFR 265) by adding paragraph (f)(53) to read as follows:

Section 265.2 is amended by adding paragraph (f)(53) as follows:

§ 265.2 Specific functions delegated to Board employees and to Federal Reserve Banks.

* * * * *

(f) * * *

(53) Under the provisions of section 8(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78h(a)) concerning extensions of credit to finance securities transactions, to accept agreements on behalf of the Board from nonmember banks in the form prescribed by the Board.

By Order of the Board of Governors of the Federal Reserve System, January 13, 1981.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 81-2106 Filed 1-19-81; 8:45 am]

BILLING CODE 6210-01-M

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12 CFR Part 265

[Docket R-0345]

Authority To Approve Applications To Acquire Failing Banks

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: This amendment to the Board's Rules Regarding Delegation of Authority permits the Director of the Board's Division of Banking and Supervision and Regulation to approve applications by a company to acquire a bank and to permit an individual to acquire a bank when immediate or expeditious action is necessary.

EFFECTIVE DATE: January 21, 1981.

FOR FURTHER INFORMATION CONTACT: Bronwen Mason (202/452-3564), Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: Occasionally urgent consideration is required of certain applications under the Bank Holding Company Act or notices under the Change in Bank Control Act because the institution is likely to fail otherwise or because of some emergency. In order to avoid undue delay, under this amendment, the Board has delegated authority to the Director of its Division of Banking Supervision and Regulation to approve such applications and to permit such acquisitions that meet the conditions specified for Reserve Bank approval under delegated authority.

This action is taken pursuant to the Board's authority under sections 3(a) and 5(b) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a) and 1844(b), and the Change in Bank Control Act (12 U.S.C. 1817(j)).

The provisions of 5 U.S.C. 553 relating to notice, public participation and deferred effective date are not followed in connection with adoption of the amendment because the change involved is procedural in nature and does not constitute a substantive rule subject to the requirements of that section. The Board's expanded rulemaking procedures (44 FR 3,957 (1979)) have not been followed because the amendment is a technical one and because it relieves a burden that could obstruct necessary and prompt action that would be in the public interest.

In order to accomplish this delegation, § 265.2(c) of the Board's Rules Regarding Delegation of Authority is amended by adding subparagraph (30) to read as follows:

§ 265.2 Specific functions delegated to Board employees and to Federal Reserve Banks.

* * * * *

(c) * * *

(30) Under the provisions of § 3(a) of the Bank Holding Company Act (12 U.S.C. § 1842(a)) and the Change In Bank Control Act (12 U.S.C. § 1817(j)) to take actions the Reserve Bank could take under paragraphs (f)(22) and (f)(30) of this section if immediate or expeditious action is required to avert failure of a bank or because of an emergency.

* * * * *

By Order of the Board of Governors of the Federal Reserve System, January 13, 1981.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 81-2107 Filed 1-19-81; 8:45 am]

BILLING CODE 6210-01-M

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12 CFR Part 265

[Docket No. R-0347]

Authority To Approve Branch Applications

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final regulation.

SUMMARY: Section 265.2(f) of the Board's Rules Regarding Delegation of Authority is hereby amended to eliminate the requirement that Federal Reserve Banks may approve the application of a State member bank to establish a branch only if the proposed branch has already been approved by the appropriate State supervisory authority.

EFFECTIVE DATE: January 21, 1981.

FOR FURTHER INFORMATION CONTACT: Bronwen Mason, Senior Attorney (202/452-3564) of the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: Section 265.2(f) of the Board Rules Regarding Delegation of Authority authorizes Federal Reserve Banks to approve applications pursuant to section 9 of the Federal Reserve Act (12 U.S.C. 321) by State member banks to establish branches. The Reserve Banks may approve branch applications if the proposed branch has already been approved by the appropriate state

supervisory authority and if several other conditions are met. The other conditions that must be met relate to the Reserve Bank's evaluation of the overall financial condition of the applicant bank, as well as competitive considerations, and the convenience and needs of the community to be served. In a 1953 interpretation concerning this policy, the Board noted that embarrassment may result if the Board approves a branch before a state supervisor acts. However, in the Board's experience with matters requiring action by an agency other than the Board, such conflicts arise rarely. Accordingly, in order to promote greater efficiency, the requirement of state approvals before Reserve Banks can approve branch applications has been eliminated. Of course, the Reserve Banks may require supervisory approval in cases where it appears that the record is not complete or where precipitous Board action might create a conflict.

This action is taken pursuant to the Board's authority under section 9 of the Federal Reserve Act (12 U.S.C. 321).

The provisions of 5 U.S.C. 553 relating to notice, public participation and deferred effective date are not followed in connection with adoption of the amendment because the change involved is procedural in nature and does not constitute a substantive rule subject to the requirements of that section.

Accordingly, paragraph (f)(1) of § 265.2 is revised to read as follows:

§ 265.2 Specific functions delegated to Board employees and Federal Reserve Banks.

* * * * *

(f) * * *

(1) Under the provisions of the third paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 321), section 5155 of the Revised Statutes (12 U.S.C. 36), and § 208.8 of this chapter (Regulation H), to approve the establishment by a State member bank of a domestic branch if the Reserve Bank is satisfied that approval is warranted after giving consideration to:

(i) The bank's capitalization in relation to the character and condition of its assets and to its deposit liabilities and other corporate responsibilities, including the volume of its risk assets and of its marginal and inferior quality assets, all considered in relation to the strength of its management;

(ii) The ability of bank's management to cope successfully with existing or foreseeable problems, and to staff the proposed branch without any significant deterioration in the overall management situation;

(iii) The convenience and needs of the community;

(iv) The competitive situation (either actual or potential);

(v) The prospects for profitable operations of the proposed branch within a reasonable time, and the ability of the bank to sustain the operational losses of the proposed branch until it becomes profitable; and

(vi) The reasonableness of bank's investment in bank premises after the expenditure for the proposed branch.

* * * * *

By Order of the Board of Governors of the Federal Reserve System, January 13, 1981.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 81-2108 Filed 1-19-81; 8:45 am]

BILLING CODE 6210-01-M

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12 CFR Part 265

[Docket R-0344]

Modifications of Commitments and Conditions

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: In order to expedite and facilitate the performance of certain of its functions with respect to applications and notices under the Bank Holding Company Act, Bank Merger Act, Federal Reserve Act, International Banking Act, Federal Reserve Act, and Change of Bank Control Act, the Board of Governors has delegated to the Director of the Division of Banking Supervision and Regulation the authority to grant or deny requests for modification, including extension of time, to fulfill commitments or conditions relied on by the Board in acting on such applications.

EFFECTIVE DATE: January 21, 1981.

FOR FURTHER INFORMATION CONTACT: Bronwen M. Mason, Senior Attorney (202-452-3564) or Jennifer J. Johnson, Senior Attorney (202-452-3584), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: From time to time, often because of economic conditions or changes of circumstances, the Board receives requests from companies for modification, including extension of time to fulfill conditions or commitments relied on by the Board in acting on applications. Under existing procedures, each of these requests, including the most routine, must be acted upon by the Board resulting in unnecessary delay in processing such requests. To avoid this delay, the Board has, by the instant amendment, delegated the authority to grant or deny such extensions to the Director of the Division of Banking Supervision and Regulation in consultation with other interested Divisions.

This action is taken pursuant to the Board's authority under sections 3(a), 4 and 5(b) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a), 1843 and 1844(b)), section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828 (c)), sections 9 and 11(i) of the Federal Reserve Act (12 U.S.C. 321 and 2481) and section 13 of the International Banking Act (12 U.S.C. 3108), sections 25 and 25a of the Federal Reserve Act (12 U.S.C. 604(a) and 615), and Change in Bank Control Act (12 U.S.C. 1817(j)).

The provisions of 5 U.S.C. 553 relating to notice, public participation and deferred effective date were not followed in connection with the adoption of this amendment because the change involved herein is procedural in nature and does not constitute a substantive rule subject to the requirements of such section. The Board's expanded rulemaking procedures (44 FR 3,957 1979) have not been followed because the amendment is a technical one and because it relieves a burden that could obstruct necessary and prompt action that would be in the public interest.

In order to accomplish this delegation, § 265.2(c) of the Rules Regarding Delegation of Authority is amended by adding subparagraph (29) to read as follows:

§ 265.2 Specific functions delegated to Board employees and to Federal Reserve Banks.

* * * * *

(c) * * *

(29) To grant or deny requests for modification, including extension of time, for the performance of a commitment or condition relied on by the Board or its delegee in taking any action under the provisions of the Bank Holding Company Act, the Bank Merger Act, the Change in Bank Control Act of 1978, the Federal Reserve Act or the International Banking Act. In acting on requests hereunder, the Director may take into account changed circumstances and good faith efforts to fulfill the commitments or conditions, and shall consult with the Directors of other interested divisions, where appropriate. The Director may not take any action hereunder that would be inconsistent with or result in an evasion of the provisions of the Board's original action.

* * * * *

By Order of the Board of Governors of the Federal Reserve System, January 13, 1981.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 81-2109 Filed 1-19-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 212

[Docket No. ERA-R-78-26-A]

Newly Discovered Crude Oil Rule

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice.

SUMMARY: The Economic Regulatory Administration of the Department of Energy ("DOE") is issuing this Notice to answer several questions concerning the identification report that 10 CFR 212.79(c) requires for each newly discovered crude oil property.

FOR FURTHER INFORMATION CONTACT:

Jim Mayberry, Southwest Office of Special Counsel for Compliance, U.S. Department of Energy, 1341 West Mockingbird Lane, Suite 200-E, Dallas, Texas 75247, (214) 767-7407

John Marks, Office of Enforcement, U.S. Department of Energy, 2000 M Street, NW., Room 5002, Washington, D.C. 20461, (202) 653-3517

Ben McRae, Office of General Counsel, Department of Energy, 1000 Independence Avenue SW., Room 6A-127, Washington, D.C. 20585, (202) 252-6739.

SUPPLEMENTARY INFORMATION: On November 18, 1980, we adopted several amendments concerning newly discovered crude oil. (45 FR 78588, November 25, 1980). As a result of one of these amendments, an identification report for each newly discovered crude oil property must be filed with DOE on or before February 1, 1981. Several firms have asked similar questions concerning the manner in which they should comply with the requirment to file this report. In order to minimize the burden on firms that must file this report, we are issuing this Notice to set forth our answers to the questions most frequently asked by these firms.

1. *Who must file this report?* A report must be filed for each property that qualifies as a newly discovered crude oil property.[1] It is not necessary, however, for each producer of oil from a specific property to file a report. Rather, the operator of a property may file a report that will satsify the requirement for all producers of oil from that property, provided that the report lists the names and addresses of those producers.

2. *What should this report contain?* There is no official format for this report. Rather, a firm that is complying with the requirement should prepare a letter that supplies the information requested by 10 CFR 212.79(c).[2] The report must be signed by an official who is authorized to act for the firm. The report also should contain the name and telephone number of a person who may be contacted with regards to the content of the report.

3. *Where should this report be filed?* The address of the appropriate DOE office for a property from which one of the thirty-four major refiners is a producer of oil is: Southwest Office of Special Counsel for Compliance, U.S. Department of Energy, 1341 West Mockingbird Lane, Suite 200-E, Dallas, Texas 75247, Attn: Mr. Jim Mayberry.

The address of the appropriate DOE office for a property from which a firm that is not one of the thirty-four major refiners is a producer of oil is: Office of Enforcement, U.S. Department of Energy, 2000 M Street, NW., Room 5002, Washington, D.C. 20461, Attn: Mr. John Marks.

(Emergency Petroleum Allocation Act of 1973, 15 U.S.C. 751 *et seq.*, Pub. L. 93.159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, 15 U.S.C. 787 *et seq.*, Pub. L. 93-275, as amended, Pub. L. 94-332, Pub. L. 94-385, Pub. L. 95-70, and Pub. L. 95-91; Energy Policy and Conservation Act, 42 U.S.C. 6201 *et seq.*, Pub. L. 94-163, as amended, Pub. L. 94-385, Pub. L. 95-70, Pub. L. 95-619, and Pub. L. 96-30; Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*, Pub. L. 95-91, Pub. L. 95-509, Pub. L. 95-619, Pub. L. 95-620, and Pub. L. 95-621; E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267)

Issued in Washington, D.C., January 14, 1981.

Barton R. House,

Acting Administrator, Economic Regulatory Administration.

[FR Doc. 81-1972 Filed 1-19-81; 8:45 am]

BILLING CODE 6450-01-M

[1] 10 CFR 212.79(b) defines a "newly discovered crude oil property" as "(1) a new lease on the Outer Continental Shelf; or (2) a property (not on the Outer Continental Shelf) from which no crude oil was produced and sold in commercial quantities in calendar year 1978; or (3) any unitized property that includes only properties that prior to inclusion within the unit qualified as newly discovered crude oil properties. For purposes of this definition, crude oil is produced and sold in commercial quantities from a property if crude oil is produced from that property on a continuing basis. Crude oil shall be deemed to be produced on a continuing basis from a property if installation of a production facility for the crude oil produced from that property has begun."

[2] 10 CFR 212.79(c) requests the following information:

(1) the type of legal instrument which establishes the property and its effective date;

(ii) the date on which crude oil first was produced and sold from the property;

(iii) the date on which crude oil first was produced and sold in commercial quantities from the property;

(iv) where the property is a reservoir that is to be or has been designated as a newly discovered crude oil property, evidence of the reservoir designation by the appropriate governmental authority and the basis upon which the reservoir qualifies;

(v) where the property is a unitized property, the amount of production that will be certified as imputed newly discovered crude oil and the name of the unitized property; and

(vi) the location of the producer's main place of business.

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 371 and 374

Expansion of Foreign Policy Control; Correction

AGENCY: U.S. Department of Commerce, International Trade Administration, Office of Export Administration.

ACTION: Interim Final Rule; Correction.

SUMMARY: This notice corrects an incorrect date in the Expansion of Foreign Policy Control notice printed in the January 6, 1980 **Federal Register.**

DATE: This correction is effective January 21, 1981.

FOR FURTHER INFORMATION CONTACT: Daniel E. Cook, Assistant to the Director, Policy Planning Division, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: (202) 377-4159.

SUPPLEMENTARY INFORMATION: This notice corrects an incorrect date in a notice published January 6, 1981 (45 FR 1258) which expanded a foreign policy export control. The second sentence in the second paragraph of the Supplementary Information in the third column reads "Effective January 1, 1980, computers exported to South African or Namibian government officials will be subject to foreign policy controls regardless of their performance level." It should read instead "Effective January 1, 1981, computers exported to South African or Namibian government officials will be subject to foreign policy controls regardless of their performance level." This notice effectuates that change.

(Secs. 6, and 13, Pub. L. 96-72, 93 Stat. 503, 50 U.S.C. app. 2401 *et seq.*: Executive Order 12214, 45 FR 29783 [May 6, 1980]; Department Organization Order 10-3, 45 FR 6141 [January 25, 1980]; International Trade Administration

Organization and Function Order 41–1, 45 FR 11862 (February 22, 1980)).

Issued in Washington, D.C. on January 14, 1981.

William V. Skidmore,

Director, Office of Export Administration.

[FR Doc. 81–1964 Filed 1–19–81; 8:45 am]

BILLING CODE 3510–25–M

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15 CFR Part 377

Short Supply Controls; Establishment of Criteria for Consideration of Applications for Exceptions

AGENCY: Office of Export Administration, International Trade Administration, U.S. Department of Commerce.

ACTION: Interim Rule with Invitation to Comment.

SUMMARY: These regulations establish the basis for the consideration of applications for exceptions to the regulations governing exports of commodities subject to short supply export controls. They are intended to supplement the regulations under which short supply control programs are administered without significantly altering applicable program policies.

DATES: These rules are effective on publication, but may be revised after comments are received. Comments must be received by the Department by March 23, 1981.

ADDRESS: Written comments (five copies) should be sent to: Mr. Robert F. Kan, Special Assistant to the Director, Short Supply Division, Office of Export Administration, P.O. Box 7138, Ben Franklin Station, Washington, DC 20044, (202) 377–3984.

FOR FURTHER INFORMATION CONTACT: Mr. Robert F. Kan, Special Assistant to the Director, Short Supply Division, Office of Export Administration, P.O. Box 7138, Ben Franklin Station, Washington, DC 20044, (202) 377–3984.

SUPPLEMENTARY INFORMATION: On September 25, 1974, the Department published regulations establishing standards for the consideration of applications for relief from short supply export controls on grounds of unique hardship. These regulations, contained in § 377.3, remain in effect. With limited exceptions, they have been the sole basis on which relief from short supply controls have been granted.

Since publication of those regulations, the Department has administered short supply export control programs covering ferrous scrap (in 1973–74) and petroleum and petroleum products, and a statutorily mandated control program covering western red cedar. In administering these programs, it has noted that certain applications have presented persuasive reasons, not explicitly contemplated by the unique hardship criteria, for considering the issuance of an export license outside the quota system. In the Department's experience, the express provisions of this unique hardship criteria have tended to be particularly applicable to the period immediately following the institution of export controls, but after controls have been in place for a considerable period of time, the hardship criteria have been less applicable to the kinds of cases which might warrant consideration for the granting of an exception to the regulations. Therefore, the Department has concluded that it should provide by regulation a basis for the consideration of exceptions to short supply export controls on grounds other than those specified in the provisions on unique hardship.

The Department has also noted that the types of exceptions applications filled under short supply programs tend to vary significantly according to the commodity under control. Consequently, while this rule establishes certain general criteria applicable to all short supply export control programs, irrespective of the commodity involved, it also enumerates factors more particularly applicable to the petroleum control program.

Hardship and exceptions applications for western red cedar are already provided for in the regulations. It is anticipated that specific factors for the consideration of applications for exceptions involving other commodities that may be made subject to short supply export control in the future will be issued at the appropriate time.

The establishment of these criteria for the consideration of exceptions cases does not represent a change of policy by the Department and does not reflect any change in the Department's administration of current control programs, including the petroleum short supply and the western red cedar programs. Exporters are placed on notice that applications for licenses considered under these criteria are likely to be approved only under exceptional circumstances.

This rule also revokes the special exception under the petroleum regulations applicable to residual fuel oil refined on the West Coast from California-origin crude petroleum. The circumstances which gave rise to the establishment of that special exception no longer exist. Furthermore, should an application be filed which heretofore would have been considered under that special rule, it may now be considered under the new exceptions criteria established herein.

Rulemaking Procedure and Invitation to Comment

Section 13(a) of the Export Administration Act of 1979 (Pub. L. 96–72, to be codified at 50 U.S.C. App. 2401 *et seq.)* ("the Act") exempts regualtions promulgated under the Act from the public participation in rulemaking procedures of the Administrative Procedures Act. Because they relate to a foreign affairs function of the United States, it has been determined that these regulations are not subject to Department of Commerce Administrative Order 218–7 (44 FR 2082, January 9, 1979) and International Trade Administration Administrative Instruction 1–6 (44 FR 2093, January 9, 1979) which implement Executive Order 12044 (43 FR 12661, March 23, 1978), "Improving Government Regulations."

However, because of the importance of the issues raised by these regulations and the intent of Congress set forth in section 13(b) of the Act, these regulations are issued in interim form and comments will be considered in developing final regulations.

The period for submission of comments will close March 23, 1981. However, in order that they may be given maximum consideration, persons wishing to comment are urged to submit their comments as soon as possible. All comments received before the close of the comment period will be considered by the Department in the development of final regulations. While comments received after the end of the comment period will be considered if possible, their consideration cannot be assured. Public comments which are accompanied by a request that part or all of the material be treated confidentially, because of its business proprietary nature or for any other reason, will not be accepted. Such comments and materials will be returned to the submitter and will not be considered in the development of the final regulations.

All public comments on these regulations will be a matter of public record and will be available for public inspection and copying. In the interest of accuracy and completeness, comments in written form are preferred. If oral comments are received, they must be followed by written memoranda (in five copies) which will also be a matter of public record and will be available for public review and copying.

Communications from agencies of the United States Government or foreign governments will not be made available for public inspection.

The public record concerning these regulations will be maintained in the International Trade Administration Freedom of Information Records Inspection Facility, Room 3012, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C., 20230. Records in this facility, including written public comments and memoranda summarizing the substance of oral communications, may be inspected and copied in accordance with regulations published in Part 4 of Title 15 of the Code of Federal Regulations. Information about the inspection and copying of records at the facility may be obtained from Mrs. Patricia L. Mann, the International Trade Administration Freedom of Information Officer, at the above address or by calling (202) 377–3031.

Accordingly, the Export Administration Regulations, 15 CFR 368 *et seq.*, are revised as follows:

1. Section 377.2 is amended by inserting a new paragraph (c)(2) and renumbering the present paragraphs (c)(2) and (3) as (c)(3) and (4).

§ 377.2 Past participation in exports licensing method.

* * * * *

(c) Submission of Statement of Past Participation.

* * * * *

(2) Unique or unusual factors. If there are any unique or unusual factors affecting an exporter's history of exports during the base period—such as commencement or termination of export activity, disruption of exports due to strikes, acts of God, or seasonal variations or supply-demand cycles impacting his level of exports—which an exporter believes should be taken into consideration in the allocation of quotas, these should be succinctly stated in a letter to be considered with the Past Participation Statement.

* * * * *

2. Section 377.3 is amended by revising the section's title, retitling and renumbering subsection (a) as paragraph (a)(1), inserting a new paragraph (a)(2), and inserting a new subsection (c).

§ 377.3 Unique hardship and exceptions.

(a) *General.* (1) Unique Hardship * * *

(2) *Exceptions.* If an applicant seeks an exception, on grounds other than unique hardship, to quota limitations or other restrictions on export imposed for reasons of short supply, he must specifically cite this subsection in his application and state the precise reason(s) why he believes an exception is warranted. Each such application will be considered on a case-by-case basis and will be approved only in exceptional circumstances and only if the Office of Export Administration determines that granting of the requested exception would be consistent with the national interest and the purposes of the applicable short supply control program.

* * * * *

(c) Standards for Exceptions Cases. In making a determination with respect to an application for an exception, the Office of Export Administration will consider, in addition to the general guidelines of § 377.3(a)(2):

(1) Factors such as the following, to the extent that they are relevant to a particular case:

(i) Whether, for specific economic or technological reasons, the particular materials to be exported cannot be practicably processed or untilized within the United States;

(ii) The impact of the proposed export on the adequacy of domestic supply;

(iii) The probable impact on the domestic economy, including consumer and wholesale prices (nationally, regionally, or sectorally);

(iv) The extent to which the proposed country of destination engages in equitable trade practices with respect to the United States and treats the United States equitably in times of short supply;

(v) The extent to which the proposed export would advance or impair specific U.S. policy objectives (including those set forth in statutes or in any international agreement to which the United States is a party);

(vi) The extent to which the exceptions request arises from unique circumstances and is unlikely to be repeated;

(vii) The extent to which the circumstances giving rise to the exceptions request were within the control of the applicant; and

(viii) Any additional factors applicable to the particular commodity to be exported, as set forth elsewhere in this Part 377.

(2) What effect a finding in favor of the applicant would have on attainment of the basic objectives of the short supply control program.

3. Section 377.6 is amended by revising the present subsection (d)(10) and removing subsection (e)(10).

§ 377.6 Petroleum and petroleum products.

* * * * *

(d) Issuance of Export Licenses

* * * * *

(10) *Exceptions Cases.* An application for a validated license to export a pertroleum commodity, other than crude petroleum, submitted under Section 377.3(a)(2) will be considered under the standards for exceptions cases set forth in § 377.3(c) and under the following factors, if applicable:

(i) Whether there is a practicable domestic market for the commodity;

(ii) The level of domestic stocks of the commodity proposed for export, both nationally and in the area from which the export would take place, in relation to normal levels;

(iii) Whether the applicant, for bona fide business reasons other than export,

(A) Refined (or fractionated),

(B) Purchased, or

(C) Is contractually obligated to purchase the commodity proposed for export;

(iv) Whether the commodity will be only temporarily exported (e.g., for convenience or increased efficiency of transporation) and will reenter the United States;

(v) Whether the export would be part of a two-way transaction with Canada or Mexico, which has not yet begun, involving the import of an equal quantity of the same commodity, to be initiated under either of the following circumstances:

(A) To meet an emergency shortage in the importing country, or

(B) To relieve a temporary lack of practicable storage facilities in the exporting country.

(vi) If the proposed export is represented as an exchange, the extent to which:

(A) The commodity to be imported is otherwise available for purchase on the world market so that the export is not necessary for the import to take place, and

(B) The export-import transaction would result in a net gain or loss of energy, as measured in quantity and/or BTU content, to the United States.

(vii) Whether the export would be part of a transaction involving a temporary import, which has not yet begun, to be carried out for convenience or increased efficiency of transportation; and

(viii) The effect of the export (or combined export-import transaction in the case of an exchange) on wholesale and consumer prices in the United States.

* * * * *

Drafting Information

The principal authors of these rules are Converse Hettinger, Director, Short Supply Division, Office of Export Administration; Robert F. Kan, Special

Assistant, Short Supply Division, Office of Export Administration; Roman W. Sloniewsky, Deputy Assistant General Counsel for Domestic Commerce, Department of Commerce; Pete M. Dalmut, Attorney-Advisor, Office of General Counsel, Department of Commerce; and Robin B. Schwartzman, Special Advisor to the Under Secretary for International Trade.

(Secs. 7, 15 and 21, Pub. L. 96–72, 50 U.S.C. App. 2401 et seq.; sec. 103, Pub. L. 94–163, 42 U.S.C. 6212; E.O. 12214, (45 FR 29783, May 6, 1980); Department Organization Order 10–3, (45 FR 6141, January 25, 1980); International Trade Administration Organization and Function Order 41–1 (45 FR 11862, February 22, 1980) and 41–4 (45 FR 65003, October 1, 1980))

Dated: January 14, 1981.

Eric L. Hirschhorn,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 81–1963 Filed 1–15–81; 11:45 am]

BILLING CODE 3510–25–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 250

[Release No. 35–21881; File No. S7–845]

Rules Exempting Certain Acquisitions by Electric Utility Companies and Exempting Such Companies as "Holding Companies"

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Commission is adopting Rule 14, which exempts from the requirements of sections 9(a)(2) and 10 of the Public Utility Holding Company Act of 1935 ("Act") the acquisition by one or more electric utility companies of securities of a power supply company as defined in the rule. The Commission is also adopting Rule 15, a related rule, to provide an exemption from regulation as a "holding company" under section 3(a)(2) of the Act for an electric utility company that makes any such acquisitions. The rules eliminate the need for case-by-case consideration of projects by electric utility companies that would not be subject to regulation under the Act but for the fact that a separate company is employed to provide additional capacity to generate or transmit electric energy.

EFFECTIVE DATE: January 21, 1981.

FOR FURTHER INFORMATION CONTACT: Aaron Levy, Director, Division of Corporate Regulation (202) 523–5691, Grant G. Guthrie, Associate Director (202) 523–5156, or James E. Lurie, Special Counsel (202) 523–5683, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Commission is adopting Rules 14 and 15. The first exempts from Commission review and approval under sections 9(a)(2) and 10 of the Act acquisitions by one or more electric utility companies (hereinafter referred to as "participating" or "sponsoring companies") of securities of defined electric generation or transmission companies (hereinafter referred to as "power supply companies"). Rule 15 exempts pursuant to section 3(a)(2) of the Act companies that as a result of the acquisitions become holding companies. An electric utility company that also distributes gas at retail is an "electric utility company" as defined in section 2(a)(3) of the Act and under these rules.

When electric utility companies acquire the voting securities of a separate company organized to construct or operate electric generation or transmission facilities, one or more of the sponsoring companies may become "holding companies" within the meaning of section 2(a)(7)(A) of the Act.[1] Such acquisitions may require Commission approval under sections 9(a)(2) and 10 of the Act [2] if the acquiring company is an "affiliate" of another utility company within the meaning of section 2(a)(11)(A) of the Act and will become an affiliate of a power supply company by acquiring five percent or more of its voting securities.[3]

Electric utilities are increasingly relying on joint ownership of large new base-load generating plants and related transmission facilities in an effort to spread the risks associated with escalating costs of plant and equipment. It permits unaffiliated utilities to share the benefits of efficient new facilities that are too large for any one utility to construct for its own needs. The organization of a separate power supply company by one or more sponsoring utilities offers some advantages over joint ownership under a tenancy in common. The principal advantage is the ability to utilize "project financing," which allows the sponsoring utilities to finance the facility by the power supply company issuing long-term securities that are not subject to the mortgage bond indentures of the sponsoring companies and which provides flexibility with respect to the kind of security and the amount of debt used to finance the project. In addition, the proportionate interests of the participants in the new facility can be altered as load forecasts change and new participants in the project can be admitted by a transfer of the voting securities.

Over the years, the Commission has authorized, by order, the acquisition by electric utilities of equity interests in companies that would construct and operate generating facilities and sell power to the participating utilities or to a government agency.[4] On the basis of this experience, the Commission believes that an acquisition of a proportionate interest in a power supply company by an operating electric utility is not the kind of acquisition that the Commission need review and approve by order under section 10 in all cases. The requirement in Rule 14 that the energy produced be sold to the sponsoring utilities (except for sales to municipal and cooperative utilities) and the regulatory approvals relating to the financings of the power supply company satisfy the main objectives of section 10 without additional review by this Commission. Such an acquisition does not enlarge the service area of any sponsoring electric utility company, nor, in terms of the Act, frustrate effective local regulation of the sponsoring companies. It does no more than provide a sponsoring utility a source of supply to serve existing or future needs. These are the assumptions upon which the exemptions under Rules 14 and 15 are predicated.

The proposed rules were published for comment July 22, 1980 (HCAR No. 21661) (45 FR 49954, July 28, 1980). Twenty-nine

[1] A "holding company" is defined in section 2(a)(7)(A) as "any company which directly or indirectly owns, controls, or holds with power to vote, 10 per centum or more of the outstanding voting securities of a public utility company * * *." A "holding company" and its subsidiaries must register under section 5 of the Act, unless exempt under section 3(a) of the Act.

[2] Section 9(a)(2) provides: "Unless the acquisition has been approved by the Commission under section 10, it shall be unlawful for any person * * * to acquire, directly or indirectly, any security of any public utility company, if such person is an affiliate [under section 2(a)(11)(A)] of such [public utility] company and of any other public utility or holding company, or will by virtue of such acquisition become such an affiliate."

[3] If any company owns five percent or more of the voting securities of one public utility company or of a holding company, it is an "affiliate" of that company within the meaning of section 2(a)(11)(A) of the Act.

[4] *See Middle South Utilities, Inc.*, HCAR No. 18437 (June 4, 1974); *Maine Yankee Atomic Power Company*, 43 Sec. 764 (1968); *Vermont Yankee Nuclear Power Corporation*, 43 Sec. 693 (1968); *Connecticut Yankee Atomic Power Company*, 41 Sec. 705 (1963); *Southern Electric Generating Company*, HCAR No. 13210 (June 28, 1956); *Yankee Atomic Electric Company*, 36 Sec. 552 (1955); *Mississippi Valley Generating Company*, 36 Sec. 159 (1955); *Electric Energy, Inc.*, 34 Sec. 586 (1953); *Ohio Valley Electric Corporation, 34 Sec. 323 (1952); Central Illinois Public Service Company, 32 Sec. 202 (1951); Wisconsin River Power Company*, 27 Sec. 539 (1948).

letters of comment were received, all but one in favor of the proposed rules with suggested amendments. The rules, as now adopted, have been revised in light of the comments and have been clarified in other respects. The American Public Power Association ("APPA") is opposed in principle for reasons discussed below.

The exemption under Rule 14 applies to an electric utility company provided it is not an "affilitate" of any other company under clause (B) of section 2(a)(11).[5] This requirement limits the exemption to an independent utility that is not under the influence or control of another company as an affiliate or subsidiary of such other company. An affiliation under clause (B), when linked to the affiliations subject to section 9(a)(2), would result in an affiliate chain of a kind that might not meet the standards of section 10, particularly section 10(b)(3).[6] In this respect the limitation in the rule is consistent with section 10.

Rule 14 does not deny an exemption to a sponsoring company that, by reason of the voting securities it owns, has subsidiaries or affiliates as defined in clause (A) of section 2(a)(11). Indeed, the affiliate acquisition exempted by Rule 14 from section 9(a)(2) assumes that the sponsoring company has at least one other utility affiliate under clause (A). Nor does it preclude the sponsoring company from affiliate acquisitions of other electric utilities or of other power supply companies. Acquisitions by a registered holding company, directly or through a subsidiary, are governed by sections 9(a)(1) and 10. Rule 14 provides an exemption from section 9(a)(2), which applies to affiliate acquisitions by "any person" [7] other than a registered holding company or its subsidiary. Rule 14 does not apply to the latter acquisitions, but that does not affect exemptions under the rule for other participating utilities.

In response to comments, Rule 14(a)(1) substitutes approval by "a regulatory authority" for "the regulatory authorities." An acquisition by a sponsoring utility may require approval by more than one such authority, depending on the laws to which it is subject. For purposes of the rule one approval is sufficient.

The required authorization extends also to the obligation by the sponsoring companies to provide funds to the power supply companies pursuant to a capital funds agreement among the utility companies or a guarantee of their debt obligations. These are essential to effective review of project financing by the authorizing agencies. During the construction of its facilities, the power supply company has no revenues or income to supply any construction funds. Some of the funds are provided by the sponsoring utilities by a purchase of common stock. A far greater proportion of the capital funds are obtained from other sources, mostly institutional lenders. The obligations to them are supported or secured by the investment and financial commitments of the sponsoring companies, which are normally in proportion to their respective power entitlements.

When a utility company proposes to become a participating member in a power supply company, it must and does consider the exent or magnitude of the obligations or guarantees it is required to undertake. In fact these commitments are essential to the project's financing. It is not to be assumed that, in reviewing proposed financings of the power companies or the capital investments by the participating companies, regulatory agencies would or should be content with less. That is not to say that Rule 14 requires that these commitments shall be separately reviewed by the regulatory agencies. All that the rule requires is a determination that the total obligations or commitments by the participating utilities have been expressly considered and found acceptable by the regulatory agencies when granting the required authorization for the transactions that have been submitted to them.

The requirement in subsection (a)(2) of the rule that the electric energy produced by the power supply company shall be sold to the sponsoring companies does not restrict resale by them. The business of an electric utility company is to sell electric energy, at retail or wholesale, so that all of its energy is normally subject to sale. The terms of resale are governed by the Federal Power Act or state laws, not by the Holding Company Act, whether jurisdiction over acquisitions under section 9(a)(2) is exercised by order or exemption by rule. Subsection (a)(2) rests on the basic assumption of Rule 14 that participation of each sponsoring utility is for the purpose of securing additional capacity for its own needs. In this respect subsection (a)(2) is in accord with the policy of section 10 as expressed in subsection (c)(2) thereof.[8]

Rule 14 includes a transmission company in its definition of a "power supply company." A transmission company does not normally buy or sell the energy it transmits. Subsection (a)(2) has been revised accordingly to allow for transmission to the sponsoring utility or to its customers.

Subsection (a)(3) of Rule 14 has been revised to provide that the issuence of securities by the power supply company shall be expressly authorized by a regulatory authority having jurisdiction "over their issuance" rather than over "rates and services." Rates and services of the power supply company will generally be regulated by the Federal Energy Regulatory Commission under the Federal Power Act, but under sections 204 (a) and (f) of that stature its security issues may be subject to regulation by the regulatory agency of the state in which it is organized and operating. As revised, subsection (a)(3) or Rule 14 is consistent with that division of authority under the Federal Power Act.

Rule 14(b) provides that if the voting securities of the power supply company are acquired by more than one sponsoring utility, the requirements for exemption under the rule "shall apply to each." Some of the comment letters mistakenly infer that if one of the sponsoring utilities does not qualify for an exemption the exemption is not available to the others. The exemption under the rule, like section 9(a)(2) itself, applies to affiliate acquisitions by each of the participating utilities. If a participating utility does not qualify for the exemption that does not affect the exemption for the others. If a participating utility sells the voting securities it acquired, the purchaser's acquisition will be subject to section 9(a)(2) unless exempt under Rule 14. The revision stating that the exemption requirements "shall apply independently to each" eliminates any question about what is meant.

APPA objects to the exemption of Rule 14, citing *Municipal Electric Association of Massachusetts* v. *SEC*, 413 F.2d 1052 (C.A.D.C. 1969). In that case the court reversed orders of the Commission that, without a hearing, had approved under the standards of section 10 the acquisition, by a group of New England utilities, of the common stocks

[5] Under clause (B) of section 2(a)(11) an "affiliate" of a specified company is defined as "any company 5 per centum or more of whose outstanding voting securities are owned, controlled, or held with power to vote, directly or indirectly, by such specified company * * *."

[6] Section 10(b)(3) provides that approval be granted unless "such acquisition will unduly complicate the capital structure of the holding company system of the applicant * * *."

[7] Under section 2(a)(1) "person" means "an individual or company."

[8] Section 10(c)(2) provides that the Commission shall not approve of the acquisition unless the Commission finds that the acquisition will tend toward the development of "an integrated public utility system."

of two companies, each organized to construct and operate nuclear power generating facilities. The Massachusetts municipal utilities requested a hearing, claiming that their exclusion from participation in these projects was contrary to the Federal antitrust laws.[9] The court agreed that the municipals should have been granted a hearing and the opportunity to develop a record supporting their contentions.[10] APPA urges that the exemption under Rule 14 deprives excluded utilities, including municipal utilities and cooperatives, of an adjudicatory forum to present those issues.

The exemption from sections 9(a) (2) and 10, as provided by Rule 14, is not a grant of immunity from suit under Federal antitrust laws, and Rule 14 was not designed to foster exclusion of municipal and cooperative utilities. Rule 14 allows for their participation by the sale of electric energy to them without any equity or capital investment in the power supply company. The Commission is satisfied that the exemption under Rule 14 is consistent with the policies of the Act as expressed in Section 10. It does not share APPA's apprehensions that the exemption will be turned against municipal or cooperative utilities or APPA's assumption that only approval by order under section 10, issued after notice and opportunity for hearing, is necessary to assure their participation in the power supply company.

One of the comment letters, although supporting the rules, prefers an amendment to section 2(a)(3). The adoption of exemptive Rules 14 and 15 does not bar this legislative route.

Actually, the direct and simple way to achieve the aim of Rules 14 and 15 is by an amendment to section 2(a)(3) that would declare a power supply company not to be an "electric utility company." The assumption underlying such an amendment is that, although a separate company, the power supply company, whether a corporation or a partnership, is only a source of supply of electric energy to its sponsoring utilities and in practical effect is a divisional unit within the operations of the utilities it serves. It is the same assumption, as noted before, upon which the exemption of Rules 14 and 15 are predicated. If the power supply company were not an "electric utility company," section 9(a)(2) would not apply to any affiliate acquisitions of its voting securities; the acquisition of their voting securities would not make the acquiring utility a "holding company;" [11] and no exemptions from section 9(a)(2) or pursuant to section 3(a) would be needed.

Rule 15 is adopted pursuant to section 3(a) which authorizes the Commission, by rule or order, to exempt five classes of holding companies. The exemption in section 3(a)(2) is for a public-utility company, operating in the state of its organization and contiguous states, that is a holding company because it has one or more public-utility subsidiaries.

Rule 15 limits the exemption under section 3(a)(2) to a public-utility company that is an electric utility company and defines the exemption in terms related to the exemption under Rule 14. Subsection (a) of Rule 15 provides that an electric utility company is exempt pursuant to section 3(a)(2) if as a holding company it has one or more power supply companies as a subsidiary utility or utilities and the acquisitions are exempt under Rule 14. It further provides that if the electric utility otherwise qualifies for exemption pursuant to section 3(a)(2), by order or Rule 2(a)(2),[12] that exemption is not affected by an affiliate acquisition exempt under Rule 14. The sequence in the acquisition is not relevant.

Subsection (b) is for the special case in which the first affiliate acquisition with respect to a power supply company is not subject to section 9(a)(2), and Rule 14 is therefore not applicable. For that case, subsection (b) provides that the exemption under subsection (a) applies if the conditions for exemption under Rule 14 are satisfied.

APPA objects to Rule 15 as well. It refers to the Pacific Northwest Electric Power Planning and Conservation Act, which was signed into law on December 5, 1980 (P.L. 96–501). Section 9(h) of that statute declares the power supply company not a utility company and thus exempt or excluded from the definition in section 2(a)(3) of the Act. That legislation is a response to an anticipated regional shortage of electric generation and permits the utility companies in the region to provide additional facilities through jointly-owned companies. It differs from the pattern contemplated by Rule 14 in that the energy will be sold under contract to the Bonneville Power Administration for pooling with its own hydroelectric power and for redistribution to all utilities in the regional network, public and private. The Commission is satisfied that the Congress did not intend for that statute to provide a model or mandate for the exemptions the Commission is authorized to grant under the Act. For reasons previously discussed, the Commission considers Rules 14 and 15 consistent with the intent and purposes of the Act.

The definition of "power supply company" in Rule 14(c) is revised and is restated solely in terms of the included properties. The reference to ownership interests has been eliminated as not relevant to the definition. No change of substance is intended.

It has been suggested that Rule 14 should be revised to allow for participation by non-utility companies, either by extending the exemption to the non-utility companies or by providing that their participation would not affect the exemptions for the utility participants. These proposals might require republication for comment and in any case would delay adoption of Rules 14 and 15 as now drawn. Consideration of these proposals is deferred for further review to determine if there is a real and public need for non-utility participations and whether the present exemption, by order, under section 3(a)(3) is adequate.

Statutory Basis and Text of the Rules

The Securities and Exchange Commission hereby amends Title 17, Chapter II of the Code of Federal Regulations, pursuant to its authority under the Public Utility Holding Company Act of 1935 [15 U.S.C. 79a *et seq.* and particularly sections 3(a), 3(d) and 20(a) thereof [15 U.S.C. 79c(a), 79c(d) and 79t(a)]] by adding § 250.14 and § 250.15 to read as set forth below. This action is effective immediately pursuant to the Administrative Procedure Act [5 U.S.C. 553(d)(1)].

PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

§ 250.14 Exemption of acquisitions of securities of power supply companies from section 9(a)(2) of the act.

(a) An electric utility company which is not an "affiliate" of any other company under clause (B) of section 2(a)(11) shall be exempt from section

[9] Section 10(b)(1) provides for disapproval of the acquisition if it "will tend towards interlocking relations or the concentration of control of public utility companies, of a kind or to an extent detrimental to the public interest or the interest of investors or consumers."

[10] After some hearings the parties reached a settlement, which the Commission approved. *Vermont Yankee Nuclear Power Corp.* and *Maine Yankee Atomic Power Co.*, 44 SEC 396 (1970).

[11] A holding company as defined in section 2(a)(7)(A) is based on the ownership of voting securities (fn. 1 *supra*) of a "public utility company," which section 2(a)(5) states is either "an electric utility company or a gas utility company."

[12] Rule 2 provides a procedure under which a holding company and every subsidiary thereof as such may claim an exemption pursuant to sections 3(a)(1) or 3(a)(2) of the Act by filing a statement claiming such exemption, rather than by application and order.

9(a)(2) of the Act with respect to the acquisition of any security of a power supply company, either directly or through a wholly-owned company organized solely for that purpose, provided that:

(1) The acquisition of any securities of the power supply company, including its voting securities, and any obligation by such electric utility company to provide funds to the power supply company pursuant to a capital funds agreement or guarantee of its debts, is authorized by a regulatory authority having jurisdiction over the rates and services of such electric utility company;

(2) All of the voting securities of the power supply company are owned by one or more electric utility companies to which the power supply company sells all of its electric energy, or as a transmission company provides all its transmission services to them or their customers (exclusive of any electric energy or transmission services which it sells to or provides to any person described in section 2(c) of the Act or to any rural electric cooperative association); and

(3) The issue of securities by the power supply company (other than any security maturing not more than one year after the date of issue) is subject to express authorization by a regulatory authority having jurisdiction over their issuance.

(b) If the voting securities of the power supply company are acquired by more than one electric utility company, the requirements of this rule shall apply independently to each (except that paragraph (a)(1) shall not apply to any person referred to in section 2(c) of the Act or to any rural electric cooperative association).

(c) *Definitions.* (1) The term "electric utility company," as used in this rule, includes any person referred to in section 2(c) of the Act.

(2) The term "power supply company" means any company which owns and/or operates facilities for the generation or transmission of electric energy for sale to one or more electric utility companies, together with such other facilities as are incidental and functionally related thereto.

(3) The term "voting security" shall have the same meaning as in section 2(a)(17) of the Act, including any voting interest that serves the same defined purpose.

§ 250.15 Exemption of holding company and subsidiary companies under section 3(a)(2) of the act.

(a) When an electric utility company becomes a holding company with respect to one or more power supply companies in a transaction or tranactions exempted under § 250.14, the electric utility company, as such holding company, shall be exempt pursuant to section 3(a)(2) of the Act. If an electric utility company otherwise qualifies for an exemption pursuant to section 3(a)(2) of the Act, either by order or pursuant to § 250.2(a)(2) of these rules, that exemption shall not be affected by an acquisition exempt under § 250.14.

(b) The exemption under paragraph (a) of this section shall apply to an electric utility company whose acquisition, though not subject to section 9(a)(2) of the Act, satisfies all the requirements provided by § 250.14 for an exempt acquisition.

By the Commission.

George A. Fitzsimmons,

Secretary.

January 13, 1981.

[FR Doc. 81-2111 Filed 1-19-81; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 416

Supplemental Security Income for the Aged, Blind, and Disabled; Required Reports

AGENCY: Social Security Administration, HHS.

ACTION: Final rule.

SUMMARY: These final regulations reorganize and restate our rules on reports required from each applicant, eligible individual, eligible spouse, eligible child, and representative payee under the Supplemental Security Income (SSI) program. To administer the program efficiently we must receive timely notice of events that affect eligibility and the amount of benefits. The final rules set forth all the provisions regarding required reports and explain the penalties we impose for failure to report on time. They also explain that if an individual has good cause for not making a report on time, we will not impose a penalty, but may still require that the individual refund an overpayment caused by a failure to report on time. We are making several minor revisions in the regulations. However, our principal purpose in rewriting this subpart is to make the rules clearer and easier for the public to use.

EFFECTIVE DATE: These regulations are effective January 21, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Marval Cazer, Office of Regulations, Social Security Administration, Room 4-H-10, West High Rise Building, 6401 Security Boulevard, Baltimore, MD 21235; Phone (301) 594-7463.

SUPPLEMENTARY INFORMATION: We have recodified Subpart G of 20 CFR Part 416 as part of Operation Common Sense, a Department-wide project to review and clarify all of our current regulations. We published our proposed recodification of this subpart as a Notice of Proposed Rule Making (NPRM) in the **Federal Register** on June 19, 1980 (45 FR 41453) with a 60-day comment period. A number of comments were received and are discussed under the heading **Discussion of Comments.**

Sections Retitled, Rearranged

We have rearranged the sections in this Subpart G in a more logical sequence. We have retitled and rewritten the sections in clear, plain language. We have added subtitles to highlight important rules and make them easier to find.

Definitions

We have added a new section (§ 416.702) to define terms used in this subpart.

Report Provisions

To administer the SSI program efficiently, the Social Security Administration (SSA) must receive timely notice of events that affect eligibility and the amount of benefits.

Section 416.704 states that an applicant, an eligible individual, and eligible spouse, an eligible child, or a representative payee of any of these, must report certain events to SSA. In addition, this section explains that a person who has been legally adjudged incompetent need not make reports, but that the incompetent person's representative payee must make the required reports.

Section 416.708 describes the events that must be reported to SSA. They include, for example, a change of address, a change in marital status, and an increase or decrease in the amount of income or resources an individual has. As explained in the NPRM, we are adding the requirement that a change in marital status and a change in school attendance must be reported for an ineligible child who lives with an eligible individual and an ineligible spouse. We are also clarifying the requirement that reports of temporary absences from the United States need be made only for absences of 30 or more consecutive days or for a full calendar month.

Section 416.710 lists what the reports must include, such as the event being reported and the date it happened. Also the name and social security number under which benefits are paid must be reported.

Section 416.712 describes the various ways an individual can make a report. For example, an individual can send a written report to SSA or go to one of SSA's offices and make an oral report.

Section 416.714 explains when reports are due. In addition, this section explains that SSA sometimes sends a written request for information needed to determine continuing eligibility or the correct amount of an SSI benefit payment. If an individual fails to respond to a written request for a report within 30 days, SSA may determine that he or she is ineligible to receive SSI benefits and benefits will be suspended.

Office of Management and Budget Clearance

The Department of Health and Human Services is required to submit to the Office of Management and Budget (OMB) for review and approval § 416.708, which deals with reporting requirements imposed on the public. All of the reporting events listed in § 416.708, with three exceptions, have OMB clearance under number 072–R0978. The exceptions are:

1. Section 416.708(i)—*Refusal to accept vocational rehabilitation services.* We generally receive these reports on Form SSA–1408 (VR Initiated Report to SSA). That form does not require OMB clearance.

2. Section 416.708(j)—*Refusal to accept treatment for drug addiction or alcoholism.* We generally receive these reports on Form SSA–8740 (Referral and Treatment Status). That form does not require OMB clearance.

3. Section 416.708(m)—*A termination of residence in the U.S.* We generally receive these reports from the Immigration and Naturalization Service on Form I–157 (Notice of Deportation).

However, when a recipient reports any of these three events directly to us, the report is taken on Form SSA–795 (Statement of Claimant or Other Person). The Form SSA–795 has OMB clearance under number 072–R0442.

Penalty Deduction

Section 416.722 explains that SSA will make a penalty deduction from an individual's SSI benefits if:

He or she has not made a required report on time;

SSA reduces, suspends, or terminates his or her benefits;

The individual has received and accepted an SSI benefit for the penalty period; and

The individual does not have good cause for not reporting on time.

Section 416.724 lists the amount of penalty deductions and explains that SSA will limit the number of penalty deductions imposed to one penalty deduction for any one penalty period.

Sections 416.726–416.730 describe penalty periods, give examples of penalty periods, and explain when a penalty period may be extended. We have clarified the beginning and ending dates of penalty periods. This clarification makes clear that where an event (described in § 416.708) occurs in one penalty period and does not become overdue until after that penalty period ends, a new penalty period is created.

Section 416.732 explains that if an individual has good cause for not making a report on time, SSA will not impose a penalty deduction, but may require that the individual refund an overpayment because of the event that was not reported. Good cause means that an individual was "without fault" as defined in § 416.552 or his or her delay in reporting was not willful.

Discussion of Comments

As previously indicated, we received a number of comments on the NPRM published on June 19, 1980 (45 FR 41453). A summary of the comments and our responses follow.

Report Provisions (§§ 416.704–416.714)

1. *Comment:* One commenter states the proposed rules fail to comply with the Privacy Act because the regulations do not inform the recipient of the purpose for which the information will be used and its effect on their benefit levels. In addition, the commenter states the regulations do not define "in-kind income", or adequately define "living arrangement", and "household".

Response: Section 416.701(a) clearly indicates that the events listed in this subpart must be reported because they may affect continued eligibility or payment amount. We disagree with the suggestion that we define "in-kind income" or expand the discussion on "living arrangement" or "household" in this subpart. This information appropriately belongs with the rules on income. Accordingly, in § 416.708(c) we specifically refer the reader to Subpart K, which contains the rules on income, for a complete discussion of what we consider income. We have used a cross-reference because we do not believe the rules should be repeated here. Also, it would be confusing to include only a partial listing of what constitutes income. For these reasons and since this subpart is designed only to alert the reader as to why we require reports of certain events, the events that must be reported, and the penalties for not making required reports, no change is being made in the regulations.

2. *Comment:* One commenter states that § 416.708(k) limits reporting to admission to or discharge from a public institution or medical facility. The commenter suggests this section be revised to include admission to or discharge from a private institution.

Response: This comment is correct. Admission to or discharge from any kind of facility including a private institution may affect eligibility or payment amount and must be reported. Accordingly, § 416.708(k) is being revised to include private institutions.

3. *Comment:* One commenter is concerned that the reporting requirement of "any improvement in your medical condition" (§ 416.708(h)) will unduly burden those agencies serving as representative payees for disabled or blind recipients. The commenter suggests that § 416.708(h) be revised to state that medical improvement need not be reported if the recipient is a resident of an inpatient medical program or other alternative living arrangement where the recipient's medical condition is monitored by a health professional. In this situation the recipient or representative payee would report medical improvement only where it would affect eligibility for benefits.

Response: We do not believe the regulations require a change to clarify the conditions under which medical improvement need be reported. The proposed change is unacceptable because the recipient or representative payee would not be able to determine under what conditions medical improvement affects eligibility for benefits. We require reports of medical improvement in all cases because this information is necessary for us to determine whether to conduct a continuing disability investigation. We use the results of the investigation to determine if eligibility for benefits continues or should be terminated.

4. *Comment:* One commenter points out that § 416.708 (m) and (n) makes a distinction between reporting a permanent change in U.S. residency and a temporary change in U.S. residency for more than 30 days or a full calendar month. The commenter suggests these paragraphs be combined to read as follows:

(m) *Leaving the U.S.* You must report to us if you leave the U.S. for 30 or more consecutive days or for a full calendar month.

Response: We disagree with this suggestion. We believe two separate paragraphs are necessary to avoid any potential misunderstandings. The purpose of having two paragraphs is to clarify and state more clearly when reports for leaving the U.S. are required. The rule in § 416.708(m) is intended to cover those cases where the individual no longer meets the citizenship or alienage requirements as well as residency in the U.S. Paragraph (n) deals with the situations where a person would no longer be considered a resident only for the period he or she was outside the U.S.

Penalty Deductions (§§ 416.722–416.732)

5. *Comment:* One commenter strongly opposed the penalty provisions for tardy reports and recommended we eliminate it.

Response: Section 1631(e)(2) of the Social Security Act clearly requires that we impose a penalty by reducing subsequent benefits where an individual fails to timely report events and changes in circumstances relevant to eligibility and benefit amount unless the individual had good cause for such failure or delay. Since this is a statutory requirement, we cannot eliminate the penalty provisions.

6. *Comment:* One commenter believes that the penalty imposed as a result of these regulations is a reduction, suspension, or termination of benefits. The commenter believes that such a penalty provision would force SSI recipients whose benefits are reduced, suspended, or terminated to seek public assistance from other programs, thereby overburdening those programs. The commenter also believes that the regulations will have an adverse effect on children and that children cannot be penalized if their parents fail to report.

Response: The penalty for failure to report is not a reduction, suspension, or termination of benefits. However, the penalty for failure to report, which is a dollar amount ($25–$100), is or may be withheld from SSI payments. The events listed in this subpart must be reported because they affect eligibility and payment amount. If eligibility and payment amount are affected, we will reduce, suspend, or terminate benefits as required by the circumstances.

We are not aware of any public assistance program that has been overburdened with applications from SSI recipients whose benefits have been reduced, suspended, or terminated. We have no reason to believe that other public assistance programs will be adversely affected by SSI benefit reductions, suspensions, or terminations arising in the future. In any case since the penalty is required by statute we could not change the rules reflecting this requirement.

In regard to the commenter's final point as to the reporting requirements for children, § 416.704(a)(3) requires an eligible child to make the required reports. The parents of the child are not responsible for making the report unless the parent is the representative payee. Eligible children will not be penalized if they have good cause for failure to report a change in their circumstances. As a general rule, children who fail to report are usually found to be "without fault" in failing to report and are not penalized.

7. *Comment:* One commenter states that the definition of "not willful" in § 416.732 is insufficiently defined.

Response: We have expanded the definition of "not willful" to explain more fully what we mean. The expanded definition states that "not willful" means the individual did not have full knowledge of the existence of an obligation to make a required report or did not intentionally, knowingly, and purposely fail to make a required report.

8. *Comment:* One commenter believes that where it is the representative payee's responsibility to report and he or she fails to do so, the penalty should not be imposed upon the recipient as it is obviously not the recipient's fault.

Response: Under § 416.704(c), a recipient with a representative payee shares the responsibility for making a report unless the recipient has been adjudged legally incompetent. In that case, a recipient is relieved of his or her responsibility and the responsibility to report rests solely with the representative payee. In those situations a recipient would not be penalized for a representative payee's failure to report. However, a recipient who has not been adjudged legally incompetent can be penalized for failing to report even if the representative payee also failed to report. For recipients with representative payees, as well as all recipients, we would determine if "good cause" existed for failure to report.

Periodic Notices

9. *Comment:* One commenter suggested that the regulations include a requirement that SSA periodically notify applicants, recipients, and representative payees of their duty to report.

Response: We, in fact, issue periodic reminders to SSI recipients and representative payees as to what events must be reported. We are opposed to changing the language of the regulations to mandate that these reminders be issued at specific times. We are evaulating our current methods of issuing periodic reminders of reporting responsibilities to recipients and representative payees (that is, check stuffers, periodic redeterminations, public information newspaper articles) to see if they can be improved.

Relationship to Medicaid Regulations

10. *Comment:* One commenter notes that States are required to use SSI criteria in determining Medicaid eligibility for aged, blind, and disabled individuals. The commenter asks what impact does §§ 416.714 and 416.722 have on the States' Medicaid eligibility determination? The commenter also asks if the applicable sections of this subpart will be incorporated in the Medicaid regulations?

Response: Section 416.714(b) (which provides that failure to submit a report requested by us could result in a determination of ineligibility for SSI benefits), will impact on a State's Medicaid eligibility determinations in those States which condition Medicaid eligibility solely on SSI eligibility. Therefore, in those States, if a recipient failed to answer our written request for information within 30 days, the person may be determined to be ineligible for SSI and, as a result, also lose Medicaid eligibility. Many States which use SSI eligibility as a condition for Medicaid eligibility use other criteria to determine Medicaid eligibility if a recipient loses SSI eligibility. In those States, a loss of SSI eligibility under section 416.714(b) will not necessarily result in loss of Medicaid.

Section 416.722 (which lists the circumstances under which we make a penalty deduction), will have no impact on Medicaid eligibility determinations in any Statem, including those which condition Medicaid eligibility solely on SSI eligibility. Recipients whose benefits are reduced for collection of a penalty deduction are not considered ineligible for SSI, even if that reduction results in the recipient not receiving any benefits. Since these recipients do not lose SSI eligibility, they should not lose their Medicaid eligibility. Decreased SSI payments will not result in any increase in Medicaid to compensate for the reduction.

Since these regulations are merely a clarification of SSI regulations and there is no substantive change in them, changes in the Medicaid regulations do not appear necessary. Nevertheless, we have forwarded a copy of this comment to the Health Care Financing Administration (which administers the Medicaid program) for any action it believes may be necessary.

Differences between Current Regulations, NPRM, and Final Regulations

As indicated in the NPRM we proposed a number of changes which we are incorporating into these final regulations.

1. In § 416.708(g) we have added the requirement that an eligible individual must report to us the marriage of an ineligible child who lives with an eligible individual and an ineligible spouse. This report is required because a change in marital status could affect the amount of income that is deemed (as described in Subpart K of this part) to an eligible individual from his or her ineligible spouse. When an ineligible child marries, we cease allocating a portion of the ineligible spouse's income to that child beginning in the month after the child's marriage.

2. In § 416.708(l) we have added the requirement that an eligible individual must report to us a change in school attendance of an ineligible child who is at least age 18 but less than 21 and who lives with the eligible individual and his or her ineligible spouse. This report is required because a change in school attendance could affect the amount of income that is deemed (as described in Subpart K of this part) to an eligible individual from his or her ineligible spouse. When an ineligible child who is at least age 18 but less than 21 stops attending school we cease allocating a portion of the ineligible spouse's income to that child beginning in the month after the child stops attending school. Conversely, when an ineligible child who is at least age 18 but less than 21 becomes a student, we allocate a portion of the ineligible spouse's income to that child beginning in the month after the child becomes a student.

3. In § 416.708(m) we have added the requirement that an eligible individual must report to us when he or she leaves the United States with the intent of abandoning his or her residence in the United States. This report is required because an eligible individual who abandons his or her residence in the United States becomes ineligible in the first month he or she is no longer a resident of the United States. The current regulations (§ 416.708(n)) state that an eligible individual must report the loss of his or her status as a resident of the United States. This clarification makes clear that intent to abandon residence in the United States, whether voluntary or not, must be reported to us.

4. In § 416.708(n) we explain that an eligible individual must report to us when he or she leaves the United States for 30 or more consecutive days or for a full calendar month without intending to abandon his or her residence in the United States. The current regulations (§ 416.703(j)) state that an eligible individual must report any departure from the United States. The final rule states more clearly what is intended.

In addition to the above changes we are also making several changes based on the comments we received.

1. In § 416.708(k) we are adding the requirement that admission to or discharge from a private institution must be reported. We are also defining the term "private institution".

2. In § 416.732(b) we have expanded the definition of "not willful" to more fully explain what we mean.

Accordingly, the regulations with these clarifying and editorial changes are adopted as set forth below.

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program)

Dated: December 10, 1980.

William J. Driver,

Commissioner of Social Security.

Approved: January 9, 1981.

Patricia Roberts Harris,

Secretary of Health and Human Services.

Subpart G of Part 416, Chapter III of Title 20 of the Code of Federal Regulations is revised to read as follow:

Subpart G—Reports Required

Introduction

Sec.

416.701 Scope of subpart.
416.702 Definitions.

Report Provisions

416.704 Who must make reports.
416.708 What you must report.
416.710 What reports must include.
416.712 Form of the report.
416.714 When reports are due.

Penalty Deductions

416.722 Circumstances under which we make a penalty deduction.
416.724 Amounts of penalty deductions.
416.726 Penalty period: First failure to report.
416.728 Penalty period: Second failure to report.
416.730 Penalty period: Three or more failures to report.
416.732 No penalty deduction if you have good cause for failure to report timely.

Authority: Secs. 1102, 1611, 1612, 1613, 1614, and 1631 of the Social Security Act, as amended; Sec. 211 of Pub. L. 93–66; 49 Stat. 647, as amended; 86 Stat. 1466, 1468, 1470, 1471, and 1475; 87 Stat. 154; 42 U.S.C. 1302, 1382, 1382a, 1382b, 1382c, and 1383.

Subpart G—Reports Required

Introduction

§ 416.701 Scope of subpart.

(a) *Report provisions.* The Social Security Administration, to achieve efficient administration of the Supplemental Security Income (SSI) program for the Aged, Blind, and Disabled, requires that you (or your representative) must report certain events to us. It is important for us to know about these events because they may affect your continued eligibility for SSI benefits or the amount of your benefits. This subpart tells you what events you must report; what your reports must include; and when reports are due. The rules regarding reports are in §§ 416.704–416.714.

(b) *Penalty deductions.* If you fail to make a required report when it is due, you may suffer a penalty. This subpart describes the penalties; discusses when we may impose them; and explains that we will not impose a penalty if you have good cause for failing to report timely. The rules regarding penalties are in §§ 416.722–416.732.

§ 416.702 Definitions.

For purposes of this subpart—

"Essential person" means someone whose presence was believed to be necessary for your welfare under the State program that preceded the SSI program. (See §§ 416.241–416.249.)

"Parent" means a natural parent, an adoptive parent, or the spouse of a natural or adoptive parent.

"Representative payee" means an individual, an agency, or an institution selected by us to receive and manage SSI benefits on your behalf. (See Subpart F of this part for details describing when a representative payee is selected and a representative payee's responsibilities.)

"Residence in the United States" means that your permanent home is in the United States.

"United States" or *"U.S."* means the 50 States, the District of Columbia, and the Northern Mariana Islands.

"We," "Us," or *"Our" means the Social Security Administration.*

"You" or *"Your"* means an applicant, an eligible individual, an eligible spouse, or an eligible child.

Report Provisions

§ 416.704 Who must make reports.

(a) You are responsible for making required reports to us if you are—

(1) An eligible individual (see § 416.120(13));

(2) An eligible spouse (see § 416.120(14));

(3) An eligible child (see §§ 416.120(13) and 416.1050); or

(4) An applicant awaiting a final determination upon an application.

(b) If you have a representative payee, and you have not been legally adjudged incompetent, either you or your representative payee must make the required reports.

(c) If you have a representative payee and you have been legally adjudged incompetent, you are not responsible for making reports to us; however, your representative payee is responsible for making required reports to us.

§ 416.708 What you must report.

This section describes the events that you must report to us. They are—

(a) *A change of address.* You must report to us any change in your mailing address and any change in the address where you live.

(b) *A change in living arrangements.* You must report to us any change in the make-up of your household: that is, any person who comes to live in your household and any person who moves out of your household.

(c) *A change in income.* You must report to us any increase or decrease in your income, and any increase or decrease in the income of—

(1) Your ineligible spouse who lives with you;

(2) Your essential person;

(3) Your parent, if you are an eligible child and your parent lives with you; or

(4) An ineligible child who lives with you.

However, you need not report an increase in your Social Security benefits if the increase is only a cost-of-living adjustment. (For a complete discussion of what we consider income, see Subpart K. See Subpart M, § 416.1323 regarding suspension because of excess income.)

(d) *A change in resources.* You must report to us any resources you receive or part with, and any resources received or parted with by—

(1) Your ineligible spouse who lives with you;

(2) Your essential person; or

(3) Your parent, if you are an eligible child and your parent lives with you. (For a complete discussion of what we consider a resource, see Subpart L. See Subpart M, § 416.1324 regarding suspension because of excess resources.)

(e) *Eligibility for other benefits.* You must report to us your eligibility for benefits other than SSI benefits. See §§ 416.230 and 416.1330 regarding your responsibility to apply for any other benefits for which you may be eligible.

(f) *Certain deaths.* (1) If you are an eligible individual, you must report the death of your eligible spouse, the death of your ineligible spouse who was living with you, and the death of any other person who was living with you.

(2) If you are an eligible spouse, you must report the death of your spouse, and the death of any other person who was living with you.

(3) If you are an eligible child, you must report the death of a parent who was living with you, and the death of any other person who was living with you.

(4) If you are a representative payee, you must report the death of an eligible individual, eligible spouse, or eligible child whom you represent; and the death of any other person who was living in the household of the individual you represent.

(5) If you have a representative payee, you must report the death of your representative payee.

(g) *A change in marital status.* You must report to us—

(1) Your marriage, your divorce, or the annulment of your marriage;

(2) The marriage, divorce, or annulment of marriage of your parent who lives with you, if you are an eligible child;

(3) The marriage of an ineligible child who lives with you, if you are an eligible child; and

(4) The marriage of an ineligible child who lives with you if you are an eligible individual living with an ineligible spouse.

(h) *Medical improvements.* If you are eligible for SSI benefits because of disability or blindness, you must report any improvement in your medical condition to us.

(i) *Refusal to accept vocational rehabilitation services.* If we have referred you for vocational rehabilitation services and you refuse to accept these services, you must report your refusal to us.

(j) *Refusal to accept treatment for drug addiction or alcoholism; discontinuance of treatment.* If you have been medically determined to be a drug addict or an alcoholic, and you refuse to accept treatment for drug addiction or alcoholism at an approved facility or institution, or if you discontinue treatment, you must report your refusal or discontinuance to us.

(k) *Admission to or discharge from a medical facility, public institution, or private institution.* You must report to us your admission to or discharge from—

(1) A hospital;

(2) A skilled nursing facility;

(3) An intermediate care facility; or

(4) A public institution (defined in § 416.231); or

(5) A private institution. "Private institution" means an institution as defined in § 416.231(b)(1) which is not administered by or the responsibility of a governmental unit.

(l) *A change in school attendance.* You must report to us—

(1) A change in you school attendance if you are an eligible child;

(2) A change in school attendance of an ineligible child who is at least age 18 but less than 21 and who lives with you if you are an eligible child; and

(3) A change in school attendance of an ineligible child who is at least age 18 but less than 21 and who lives with you if you are an eligible individual living with an ineligible spouse.

(m) *A termination of residence in the U.S.* You must report to us if you leave the United States voluntarily with the intention of abandoning your residence in the United States or you leave the United States involuntarily (for example, you are deported).

(n) *Leaving the U.S. temporarily.* You must report to us if you leave the United States for 30 or more consecutive days or for a full calendar month (without the intention of abandoning your residence in the U.S.).

§ 416.710 What reports must include.

When you make a report you must tell us—

(a) The name and social security number under which benefits are paid;

(b) The name of the person about whom you are reporting;

(c) The event you are reporting and the date it happened; and

(d) Your name.

§ 416.712 Form of the report.

You may make a report in any of the ways described in this section.

(a) *Written reports.* You may write a report on your own paper or on a printed form supplied by us. You may mail a written report or bring it to one of our offices.

(b) *Oral reports.* You may report to us by telephone, or you may come to one of our offices and tell one of our employees what you are reporting.

(c) *Other forms.* You may use any other suitable method of reporting—for example, a telegram or a cable.

§ 416.714 When reports are due.

(a) *A reportable event happens.* You should report to us as soon as an event listed in § 416.708 happens. If you do not report within 30 days after the calendar quarter in which the event happens, your report will be late. We may impose a penalty deduction from your benefits for a late report (see §§ 416.722–416.732).

(b) *We request a report.* We may request a report from you if we need information to determine continuing eligibility or the correct amount of your SSI benefit payments. If you do not report within 30 days of our written request, we may determine that you are ineligible to receive SSI benefits. We will suspend your benefits effective with the month following the month in which we determine that you are ineligible to receive SSI benefits because of your failure to give us necessary information.

Penalty Deductions

§ 416.722 Circumstances under which we make a penalty deduction.

A penalty deduction is made from your benefits if—

(a) You fail to make a required report on time (see §§ 416.708 and 416.714);

(b) We must reduce, suspend, or terminate your benefits because of the event you have not reported;

(c) You received and accepted an SSI benefit for the penalty period (see §§ 416.724–416.728 for penalty period definitions); and

(d) You do not have good cause for not reporting on time (see § 416.732).

§ 416.724 Amounts of penalty deductions.

(a) *Amounts deducted.* If we find that we must impose a penalty deduction, you will lose from your SSI benefits a total amount of—

(1) $25 for a report overdue in the first penalty period;

(2) $50 for a report overdue in the second penalty period; and

(3) $100 for a report overdue in the third (or any following) penalty period.

(b) *Limit on number of penalties.* Even though more than one required report is overdue from you at the end of a penalty period, we will limit the number of penalty deductions imposed to one penalty deduction for any one penalty period.

§ 416.726 Penalty period: First failure to report.

(a) *First penalty period.* The first penalty period begins on the first day of the month you apply for SSI benefits and ends on the day we first learn that you should have made a required report, but did not do so within 30 days after the calendar quarter in which the event happened. There may be more than one required report overdue at the end of the first penalty period, but we will impose no more than one penalty deduction for the period.

Example: On February 1 Mr. Jones filed for SSI benefits. His benefit payments began with February. On May 5 Mr. Jones left the U.S. to visit relatives in Europe. On September 1 he returned to his home in the U.S. On November 20 he reported that he had been out of the U.S. The event (being out of the U.S. for more than 30 consecutive days) happened in the second calendar quarter (April–May–June). Mr. Jones should have reported it to us within 30 days after the calendar quarter in which the event happened (before July 31). The first penalty period began February 1, the day Mr. Jones filed his application, and ended November 20, the day we learned that his report was overdue.

(b) *Extension of first penalty period.* If you have good cause for not making a report on time (see § 416.732), we will extend the first penalty period to the day when we learn that you should have made another required report, but did not do so within 30 days after the calendar quarter in which the event happened. There may be more than one required report overdue at the end of the extended first penalty period, but we will impose no more than one penalty deduction for the extended period.

Example: Mr. Jones was found to have good cause for failing to report that he had been outside the U.S. (see § 416.732); therefore, the first penalty period did not end on November 20. On December 6 we learned that he had failed to report to us income he received in March and April. He did not have good cause for failing to report this income; therefore, the first penalty period ended December 6 and we imposed a penalty deduction for his failure to report the income.

§ 416.728 Penalty period: Second failure to report.

(a) *Second penalty period.* The second penalty period begins on the day after the first penalty period ends. The second penalty period ends on the day we first learn that you should have made a required report, but did not do so within 30 days after the calendar quarter in which the event happened. (The event may have happened during the first penalty period, with the reporting due date in the second penalty period. The due date and the failure to report on time are the important factors in establishing a penalty period.) There may be more than one required report overdue at the end of the second penalty period, but we will impose no more than one penalty deduction for the period.

Example: Mrs. Martin's first penalty period had ended June 30. On December 31 Mrs. Martin reported that she had received a $2,000 inheritance on July 3. The event happened in the third calendar quarter (July–August–September). She should have reported it to us within 30 days after the calendar quarter in which the event happened (before October 31). The second penalty period began July 1, the day after the first penalty period ended, and ended December 31, the day we learned that her report was overdue.

(b) *Extension of second penalty period.* If you have good cause for not making a report on time (see § 416.732), we will extend the second penalty period to the day when we learn that you should have made another required report, but did not do so within 30 days after the calendar quarter in which the event happened. There may be more than one required report overdue at the end of the extended second penalty period, but we will impose no more than one penalty deduction for the extended period.

Example: Mrs. Martin did not have good cause for failing to report on time (see § 416.732); therefore, we did not extend the second penalty period—it ended on December 31, the day we learned that her report was overdue, and we imposed a penalty deduction. One year later, we first learned that Mrs. Martin was absent from the United States for several months and her report of this event was overdue during the second penalty period, but we did not impose another penalty deduction.

§ 416.730 Penalty period: Three or more failures to report.

(a) *Third (or a following) penalty period.* A third (or a following) penalty period begins the day after the last penalty period ends. This penalty period ends on the day we first learn that you should have made a required report during the penalty period, but did not do so within 30 days after the calendar quarter in which the event happened. (The event may have happened during an earlier penalty period, with the reporting due date in the third (or a following) penalty period. The due date and the failure to report on time are the important factors in establishing a penalty period.) There may be more than one required report overdue at the end of a penalty period, but we will impose no more than one penalty deduction for any one penalty period.

(b) *Extension of third (or a following) penalty period.* Just as with the first and second penalty periods, if you have good cause for not making a report on time during the third (or a following) penalty period (see § 416.732), we will extend the penalty period to the day when we learn that you should have made another required report, but did not do so within 30 days after the calendar quarter in which the event happened. There may be more than one required report overdue at the end of an extended penalty period, but we will impose no more than one penalty deduction for any one extended penalty period.

§ 416.732 No penalty deduction if you have good cause for failure to report timely.

We will find that you have good cause for failure to report timely and we will not impose a penalty deduction, if—

(a) You are "without fault" as defined in § 416.552; or

(b) Your failure or delay in reporting is not willful. "Not willful" means that—

(1) You did not have full knowledge of the existence of your obligation to make a required report; or

(2) You did not intentionally knowingly, and purposely fail to make a required report.

However, in either case we may require that you refund an overpayment caused by your failure to report. See Subpart E of this part for waiver of recovery of overpayments.

[FR Doc. 81-1568 Filed 1-19-81; 8:45 am]

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DEPARTMENT OF LABOR

29 CFR Part 4

Office of the Secretary

Labor Standards for Federal Service Contracts

Note.—This document originally appeared for Monday January 19, 1981. It is reprinted in this issue to meet requirements for publication on the Tuesday–Friday schedule assigned to the Department of Labor.

AGENCY: Wage and Hour Division, Labor.

ACTION: Final rule.

SUMMARY: This rule revises § 4.133 of the regulations of the Department of Labor (29 CFR 4.133) to clarify the treatment of concession contracts under the Service Contract Act. Subsection (a) of the revised regulation makes it clear that government concession contracts, like all other government contracts for services, are covered by the Act. Subsection (b) indicates the types of concession contracts the Secretary of Labor is exempting from the Act's coverage pursuant to his authority under Section 4(b) of the Service Contract Act.

EFFECTIVE DATE: February 18, 1981.

FOR FURTHER INFORMATION CONTACT: Dorothy P. Come, Assistant Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue, NW., Washington, D.C. 20210. Telephone: 202–523–8333.

SUPPLEMENTARY INFORMATION:

Coverage of the Service Contract Act is broad. It encompasses all contracts, or any bid specifications therefor, entered into by and with the Government, which have as their principal purpose the furnishing of "services in the United States through the use of service employees." Since 1966 the Department of Labor excepted from the Act's requirements those concession contracts which provide services of "indirect or remote" benefit to the Government, for example, National Park Service food and lodging concessionaires serving the general public.

However, difficulties were encountered in applying the language of 29 CFR 4.133, particularly in circumstances where it is difficult to determine how "indirect or remote" is the benefit to the Government. Further, the regulation was susceptible of being misconstrued as providing that the Act itself does not cover a contract unless the services provided are of direct benefit to the Government.

For these reasons, the Department of Labor proposed to recast the regulation to indicate that the Act covered all government concession contracts for services, and to continue to provide an exemption for National Park Service concession contracts which furnish food or lodging services to the general public. This proposed revision of § 4.133 was published in the **Federal Register** (44 FR 77057) on December 28, 1979. Comments concerning this proposed revision were received from the National Counsel of Technical Service Industries and three government agencies—the Federal Aviation Administration (FAA), the National Aeronautics Space Administration (NASA), and the General Services Administration (GSA). All except GSA questioned the correctness of the interpretation of the Department of Labor that the Service Contract Act covers concession contracts for services irrespective of the beneficiary of the contract services. NASA and FAA contended that the Act was intended to cover only concession contracts which are of a direct benefit to the Government or its personnel, and was not intended to cover concession contracts which primarily benefit the general public.

However, these contentions must be rejected. As previously noted, the language of the Act is very broad and covers all contracts the principal purpose of which is furnishing services. The Act's language makes no distinction based on the beneficiary of the contract services. In addition, the legislative history of the statute provides no evidence of a Congressional intent to limit coverage to service contracts of direct benefit to the Government. Comments by members of Congress that the Act should not be applied to certain concession contracts providing services to the general public were made after the passage of the Act, and do not constitute part of the statute's legislative history.

GSA and the National Council of Technical Service Industries submitted comments questioning whether there was a sufficient basis to exempt concession contracts in National Parks while not exempting similar concession contracts involving other Federal agencies. As a consequence of these comments, the Department of Labor proposed additional revisions to the regulation, which were published in the **Federal Register** (45 FR 81785) on December 12, 1980. Under this further proposed revision, subsection (b) was modified and clarified to specifically list which types of concession contracts were exempt, and to indicate that the exemption is not limited to National Park Service concession contracts but applies to qualifying concession contracts of other government agencies as well.

FAA and NASA submitted additional comments concerning these further proposed revisions. FAA generally approved of the revisions, but recommended that the list of exempt concession contracts be expanded to include those involving taxicabs, barber shops, commercial advertising displays and aircraft fuel sales. This recommendation is rejected as not being appropriate for incorporation in the regulation at this time. Further information is needed to establish both the basis for and the precise scope of these additionally suggested exemptions.

NASA submitted additional comments again contesting the interpretation of the Act found in § 4.133 that concession contracts which provide services of indirect or remote benefit to the Government are covered by the Act. NASA expressed concern with the possible effect this proposed regulation might have on the status of a pending lawsuit, and recommended that the proposed regulation be held in abeyance until the court rules in the case. However, in light of the real need for clarification of the position of the Department of Labor concerning the application of the Service Contract Act to government concession contracts, and the fact that it has been over a year since publication of the proposed revision of the regulation, the Department of Labor feels it would not be in the public interest to further delay publication of the regulation as a final rule.

The Secretary of Labor has determined, based on the information available, that because the proposed exemption is supported by statements of members of Congress, it is necessary and proper in the public interest; and further that because the proposed regulation will clarify the limits and make clear the basis of the previous exemption, it is therefore in accord with its remedial purpose to protect prevailing labor standards.

It has been determined that the amendments to this Regulation do not meet the criteria of Executive Order 12044 and the Department of Labor Guidelines (44 FR 5570) for a regulatory analysis. The revised regulation essentially clarifies interpretations and policies, and will not, in any event, cause major cost/price increases.

Accordingly, 29 CFR § 4.133 is revised as set forth below:

§ 4.133 Beneficiary of contract services.

(a) The Act does not say to whom the services under a covered contract must be furnished. So far as its language is concerned, it is enough if the contract is "entered into" by and with the government and if its principal purpose is "to furnish services in the United States through the use of service employees". It is clear that Congress intended to cover at least contracts for services of direct benefit to the Government, its property, or its civilian or military personnel for whose needs it is necessary or desirable for the government to make provision for such services. For example, the legislative history makes specific reference to such contracts as those for furnishing food service and laundry and dry cleaning service for personnel at military installations. Furthermore, there is no limitation in the Act regarding the beneficiary of the services, nor is there any indication that only contracts for services of direct benefit to the Government, as distinguished from the general public, are subject to the Act. Therefore, where the principal purpose of the Government contract or any bid specification therefor is to provide services through the use of service employees, the contract is covered by the Act, regardless of the direct beneficiary of the services or the source

of the funds from which the contractor is paid for the service, and irrespective of whether the contractor performs the work in its own establishment, on a Government installation, or elsewhere. The fact that the contract requires or permits the contractor to provide the services directly to individual personnel as a concessionaire, rather than through the contracting agency, does not negate coverage by the Act.

(b) Because of comments made shortly after the Act's passage by some members of Congress that the Act's requirements should not be imposed on certain concession contracts providing services to the general public, the Department of Labor, pursuant to Section 4(b) of the Act, exempts from the provisions of the Act certain kinds of concession contracts as provided herein. Specifically, concession contracts (such as those entered into by the National Park Service) for the furnishing of food, lodging, automobile fuel, souvenirs, newspaper stands, and recreational equipment to the general public, as distinguished from the United States Government or its personnel, are exempt. Where concession contracts, however, include specifications for services other than those stated, such as the maintenance of government buildings and grounds, and the dissemination of information about government programs or facilities, those services are not exempt. Exemption of additional recreational or similar services under concession contract will be determined in the discretion of the Secretary on a case-by-case basis in accordance with 29 CFR 4.123 and section 4(b) of the Act. The exemption provided does not affect a concession contractor's obligation to comply with the labor standards provisions of any other statutes such as the Contract Work Hours and Safety Standards Act, the Davis-Bacon Act (40 U.S.C 276 *et seq.*; see Part 5 of this title) and the Fair Labor Standards Act (29 U.S.C. 201 *et seq.*). This clarification and limitation of the exemption previously granted (33 FR 9880, July 10, 1968) is necessary and proper in the public interest and is in accord with the remedial purpose of the Act.

(Secs. 2(a) and 4, 79 Stat. 1034, 1035; 41 U.S.C. 351, 353, and under 5 U.S.C. 301)

Signed at Washington, D.C. this 14th day of January, 1981.

Donald Elisburg,

Assistant Secretary of Labor, Employment Standards Administration.

[FR Doc. 81-1927 Filed 1-15-81; 9:54 am]

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Occupational Safety and Health Administration

29 CFR Part 1990

Identification, Classification and Regulation of Potential Occupational Carcinogens; Conforming Deletions

Note.—This document originally appeared for Monday January 19, 1981. It is reprinted in this issue to meet requirements for publication on the Tuesday–Friday schedule assigned to the Department of Labor.

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Final Rule.

SUMMARY: Deletions are made to the permanent standard for the Identification, Classification and Regulation of Potential Occupational Carcinogens ("Cancer Policy" standard, 45 FR 5002, Jan. 22, 1980) to conform it to the recent Supreme Court decision on OSHA's benzene standard, *Industrial Union Department, AFL-CIO* v. *American Petroleum Institute, et al.* 65 L. Ed. 2d 1010, 100 S. Ct. 2844 (July 2, 1980). The deletions carry out the Court's interpretation of the Occupational Safety and Health Act of 1970 that consideration must be given to the significance of the risk in the issuance of a carcinogen standard and that OSHA must consider all relevant evidence in making these determinations.

EFFECTIVE DATE: February 18, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. James F. Foster, OSHA Office of Public Affairs, Room N-3641, U.S. Department of Labor, Third Street and Constitution Avenue, NW., Washington, D.C. 20210, telephone (202) 523-8151.

SUPPLEMENTARY INFORMATION:

1. Introduction

On January 22, 1980, the Occuaptional Safety and Health Administration published a final standard (29 CFR Part 1990) for the Identification, Classification and Regulation of Potential Occupational Carcinogens (the "Cancer Policy") at 45 FR 5002. On June 27, 1980, OSHA issued a correction document at 45 FR 43403. The Cancer Policy included scientific policies, regulatory policies and procedures designed to lead to the more effective regulation of occupational carcinogens. Among the regulatory policies was the provision that exposures to Category I Occupational Carcinogens be reduced to the lowest feasible level taking into account economic and technical considerations. Limitations on the consideration of some types of evidence already considered in the cancer Policy were also included.

On July 2, 1980, the Supreme Court issued its decision on the OSHA benzene standard, *Industrial Union Department, AFL-CIO* v. *American Petroleum Institute et al.*, 65 L. Ed. 2d 1010, 100 S. Ct. 2844 (the "benzene decision" or *"I.U.D.* v. *A.P.I."*). The Court held that OSHA must consider the significance of the risk before regulating toxic substances and that OSHA had the burden of demonstrating the significance of the risk.

The Cancer Policy shares certain policies with the benzene standard.

Therefore to conform the Cancer Policy to the benzene decision, OSHA is deleting the provisions of the Cancer Policy which required the automatic setting of the lowest feasible level for Category I Potential Carcinogens. Also deleted are limitations on the evidence which OSHA may consider in determining the exposure limit for carcinogens. The results of these deletions are that in setting exposure limits for carcinogens on a substance by substance basis, OSHA will take into account significance of the risk, feasibility, all relevant provisions of the Act, court interpretations, all relevant evidence, prudent occupational health policy and its experience in regulating toxic substances. No automatic setting of exposures at the lowest feasible level will occur.

Most provisions of the Cancer Policy are not affected by the benzene decision. These include scientific policies, priority setting, identification criteria and classification criteria. OSHA is, of course, not deleting them and they remain in force.

2. OSHA's Cancer Policy

The Cancer Policy preamble discusses the basis for the policy at great length. Very briefly occupational carcinogens pose a serious health problem. OSHA had regulated a number of such chemicals, (asbestos, vinyl chloride, coke oven emissions, arsenic, etc.), but discovered that it was a slow process, in part because it was necessary to reevaluate the scientific basis for identifying potential human carcinogens in each rulemaking. Therefore there were a significant number of likely occupational carcinogens which OSHA would not be able to regulate for a substantial period of time. However, during the course of the earlier rulemakings, it became clear that there was a significant body of well established scientific data to provide the basis for identifying and regulating carcinogenic substances.

In the Cancer Policy proposal, OSHA proposed to make use of this scientific data and its regulatory experience, to lead to a more efficient regulatory process and better protection for employees exposed to carcinogens. The proposal was intensively and extensively explored in a 10 week hearing during which many scientific and policy experts testified, and literally hundreds of scientific articles were submitted. That record and the final standard are analyzed in a 300 page Federal Register preamble.

The final Cancer Policy modified the proposal in a number of ways to meet suggestions and criticism made in the record and the scientific evidence. The final standard includes provisions for setting priorities (see §§ 1990.131, .132). There are provisions to amend the policies to reflect advances in science and changes in policy (see §§ 1990.104 and .145).

The Cancer Policy sets forth scientific principles for the identification and classification of carcinogenic chemicals. These principles are primarily stated in §§ 1990.111, .112 and .143. They deal with the relevance of animal data to humans, the appropriateness of high dose testing, the relevance of various routes of exposure to the chemical in test animals, the uses and abuses of human data, the relevance of benign tumors in test animals, and other scientific principles. These scientific principles are based on an extensive scientific record and are analyzed in depth in the preamble.

The Cancer Policy treats these scientific policies as binding on the Agency and the public. Inconsistent evidence may not be considered, unless it is substantial and new and forms the basis for amending the Cancer Policy (see § 1990.145).

The Supreme Court's benzene decision is fully consistent with the aspects of the Cancer Policy just discussed, including the scientific principles and all the identification and classification provisions of the Cancer Policy. Therefore, there is no need to change any of these provisions of the Cancer Policy based on the benzene decision. It should also be noted that all these provisions and specifically the identification and classification provisions of the Cancer Policy are readily severable from the regulatory policies, and it is OSHA's intention that they be considered severable.

3. Conforming Changes to Regulatory Sections

The following paragraphs discuss those sections of the Cancer Policy standard required to be deleted by the Supreme Court's decision in *I.U.D.* v. *A.P.I.* and explain why the Court's decision compels the changes made.

Section 1990.111(h)

This paragraph states that for Category I Potential Carcinogens, exposures will be reduced to the lowest feasible level primarily through engineering and work practice controls. The words "to the lowest feasible level" are deleted. In consequence no binding requirement for exposure level is included in the Cancer Policy and the level will be set on a substance by substance basis taking into account all relevant evidence and statutory provisions. Obviously included within this would be consideration of the significance of the risk present by each substance.

The last sentence in § 1990.111(h) is deleted to avoid the inappropriate inference that the significance of the risk should be ignored. However, the general scientific principle concerning thresholds is already included in § 1990.143(h) and it remains one of those principles adopted by OSHA based on the record evidence in the Cancer Policy rulemaking.

No change is made in the regulatory policy of primary reliance on engineering and work practice controls. That policy was adopted by OSHA based on an extensive analysis of the record (see the discussion at 45 FR 5222) and was not affected by the Supreme Court's decision.

Section 1990.111(i)

This paragraph provided that exposures to Category II Potential Carcinogens "will be reduced as appropriate and consistent with the statutory requirements on a case-by-case basis." No changes are needed, since the formulation of the criterion for setting the exposure limit is "as appropriate and consistent with statutory requirements." the existing language therefore automatically incorporates the Supreme Court's interpretation in *I.U.D.* v. *A.P.I.* and consideration of the significance of the risk becomes an issue.

Section 1990.111(j)

This paragraph states that risk assessments will be performed based on the available data utilizing cautious and prudent assumptions and that they will depend on the Secretary's judgment. The last sentence has been deleted to eliminate the possible interpretation that the risk assessments would depend solely on the Secretary's judgment. The assessment of risk and its significance have become regulatory issues as a result of the Supreme Court's decision. In consequence, determinations by the Secretary are to be based on the evidence in the record as to factual matters, and appropriate reasonable policies.

The clause that "cautious and prudent assumptions" are to be used remains. The Supreme Court held this was appropriate, stating that,

> So long as they are supported by a body of reputable scientific thought, the agency is free to use conservative assumptions in interpreting the data with respect to carcinogens, risking error on the side of over protection, rather than under-protection, (slip. op. p. 45)

Section 1990.111(k)

This paragraph provides that when suitable substitutes exists for a use of a chemical, a no occupational exposure limit should be set for that use to encourage substitution. Criteria are set for the determination of the suitability of substitutes including consideration of "regulatory requirements".

That terminology, of course, automatically incorporates into the determination of suitability, the regulatory requirements of the Supreme Court that OSHA consider the significance of the risk. Therefore there is no need to change the language of the paragraph to conform to the benzene decision. OSHA, before it encourages substitution, must consider whether the significance of the risk presented by the carcinogen makes it appropriate to encourage substitution.

Section 1990.142(a)(2)(iii)

This paragraph provided that exposure limits for Category I Carcinogens be set at the lowest feasible level achieved through engineering and work practice controls. For the reasons stated in the discussion of § 1990.111(h), the deletion of the reference to the lowest feasible level conforms the paragraph to *I.U.D.* v. *A.P.I.* No change in the suitable substitute language is required because as stated in the discussion of § 1990.111(k), the language of that section automatically incorporates into the suitability determination the significant risk question.

Section 1990.142(b)(2)

This paragraph stated that Category I Potential Carcinogens automatically create a "grave danger" for purposes of determining whether an Emergency Temporary Standard may be issued pursuant to section 6(c) of the OSH Act. (29 U.S.C. 655(c)). The Supreme Court's decision interpreted the Act to require non-emergency regulation of

carcinogens to be based on consideration of the significance of the risk as well as qualitative evidence of their carcinogenicity. Clearly then, qualitative evidence of carcinogenicity must be accompanied by consideration of the gravity of the danger before the issuance of an ETS. (See sl. op. p. 30, n. 45). Therefore, this interpretation of the Court requires the deletion of § 1990.142(b)(2). In consequence, the issuance of an ETS under the Cancer Policy requires that the agency determine that a "grave danger" exists and that an "emergency standard is necessary to protect employees from such danger" as provided by § 6(c) of the Act. Conforming changes in numeration are also made.

Section 1990.142(b)(3)(iii) (Renumbered to § 1990.142(b)(2)(iii))

This section provided that the exposure limit for Emergency Temporary Standards shall be set at the lowest feasible level through any practical combination of engineering and work practice controls and respiratory protection. The deletion of the words "set as low as feasible," conforms the paragraph to *I.U.D.* v. *A.P.I.* for the same reasons specified in the discussion of § 1990.111(h).

Section 1990.143

This section sets forth scientific principles to be utilized in the identification of carcinogenic chemicals. They are based on an extensive scientific record including review of many hundreds of scientific articles, testimony of more than 100 scientific witnesses and extensive OSHA experience in earlier rulemaking proceedings. They are discussed in over 200 pages of Federal Register preamble. The agency is to apply these principles unless contrary arguments are based on substantial new evidence not considered by the agency, substantial new issues (§ 1990.145), or upon evidence which meets certain threshold criteria (§ 1990.144).

The Supreme Court's decision is consistent with OSHA's recognizing scientific principles and policies based on a substantial evidentiary record. Several Supreme Court cases have recognized the appropriateness of generic policies in those areas so that the same issues need not be constantly repeated.

To require the Commission to proceed only on a case-by-case basis would require it, so long as its policy outlawed indefinite price changing provisions, to repeat in hearing after hearing its conclusions that condemn all of them. There would be a vast proliferation of hearings * * *. We see no reason why under the statutory scheme the process of regulation need be so prolonged and so crippled. (*F.P.C.* v. *Texaco*, 377 U.S. 33, 112 (1964).)

See also *United States* v. *Storer Broadcasting*, 351 U.S. 199 (1956) and *Weinberger* v. *Hynson*, 412 U.S. 609 (1973). Therefore these scientific principles remain established for the identification of carcinogens and the language of the introductory paragraph of the section indicates that their purpose is for the identification of carcinogens.

However, arguments based on evidence which would not be relevant for identification (such as the dose levels in animal testing) could be relevant in assessing the significance of the risk. Since § 1990.143 only refers to identification, arguments and evidence inconsistent with the principles may be introduced and considered on their merits for purposes of setting exposure limits. Therefore, no changes are made in § 1990.143.

Section 1990.144

This section sets minimum quality standards for the consideration of certain types of evidence for the identification, classification and regulation of carcinogens. As discussed in regard to § 1990.143, the criteria are based on an extensive scientific record and are consistent with the Supreme Court's decision when utilizing the criteria for the identification and classification of carcinogens. However, data which do not meet those criteria may be relevant to assessing the significance of the risk pursuant to the Supreme Court's decision. Therefore, the word "regulating" is deleted from the third line, to indicate that evidence not meeting the quality criteria will nonetheless be considered for purposes of assessing the significance of the risk.

Section 1990.146

This section lists the issues to be considered during the rulemaking proceeding on a carcinogen. Paragraph (h) provides for the consideration of "issues required by statute or executive order." The preamble discussion at 45 FR 5114 states that "this issue recognizes that future court decisions interpreting the Act and amendments to the Act may require OSHA to consider additional issues". Clearly then, the issues required to be considered by the benzene decision such as the significance of the risk and its assessment become germane to the proceeding. Evidence and arguments on each issue may be introduced in the proceeding and will be considered by the Secretary in his decision.

Paragraph (i) of this section provided for the consideration of the "lowest feasible level to control exposure to Category I Potential Carcinogens * * *." The words "lowest feasible" are deleted to conform the paragraph to the benzene decision for the reasons stated in the discussion of § 1990.111(h). As a result of the deletion all evidence and arguments as to the setting of exposure levels consistent with the statute and the benzene decision are relevant.

Sections 1990.151(c) and .152(c)

Sections 1990.151 and .152 are the model standards for permanent and emergency temporary standards setting forth guidelines for monitoring, exposure limit format, control strategy, medical protection, housekeeping and other provisions. Conforming deletions are made by striking the lowest feasible terminology from the time weighted average limit, ceiling limit, eye exposure limit and dermal limit. The reasons are explained in the discussion of § 1990.111(h). The suitable substitutes provisions automatically pick up the significant risk requirements of *I.U.D.* v. *A.P.I.* as discussed above. Certain minor typographical errors are also corrected.

5. The Process for Conforming the Cancer Policy to the Benzene Decision

As this discussion indicates, the Supreme Court's interpretation of the OSHA Act is clear and the deletions necessary to make the Cancer Policy standard consistent with the Act as interpreted are relatively simple. The deletions merely incorporate the law, as stated by the Supreme Court, into the language of the Cancer Policy, where the Court found OSHA's policy inconsistent with the OSHA Act. Indeed the Supreme Court's benzene decision has already legally nullified those sections of the Cancer Policy inconsistent with the decision, and these changes merely conform the regulations to the law. The agency has not changed any of the factual determinations and has not changed any policies except as required by the Supreme Court's holding in interpreting the OSHA Act.

It is true that the determination of what constitutes significant risk and the role of risk assessment in making these determinations may include many difficult policy and factual questions. However, the agency, by these changes, is not determining those policy or factual questions or setting criteria for those determinations. Rather, those determinations will be made in the regulatory proceedings on specific substances.

It should be noted that the Supreme Court required consideration of the significance of the risk including risk assessments when they could be appropriately performed. The Court stated this requirement was not to be a "mathematical straitjacket"; "OSHA is not required to support its finding that significant risk exists with anything approaching scientific certainty." The agency can utilize the "best available evidence" and "there are a number of ways in which the agency can make a rational judgment about the relative significance of the risks * * *" (sl. op. pp. 44, 45, 46). Therefore, when data are not available to perform a formal quantitative risk assessment, qualitative evidence, expert testimony and other evidence may be appropriately utilized to base a determination of significance of risk.

OSHA has therefore concluded that notice and comment is unnecessary in the process of conforming the Cancer Policy to the holding of the Supreme Court in the benzene decision. The deletions of certain Cancer Policy provisions are compelled by the Supreme Court's benzene decision. They concern only matters of law and they do not involve the reconsideration of evidentiary issues. OSHA's decision would be neither enhanced nor assisted by the receipt of evidence on the issue of what changes are compelled.

In addition, as also discussed above, OSHA recognized when it issued the Cancer Policy that changes in the issues considered may become necessary because of changes in law and provided that such issues would be automatically considered without the need to amend the Cancer Policy. Section 1990.146(h) provides for the consideration of "any issues required by statute or executive order." The preamble discussion at 45 FR 5214 states that "this issue recognizes that future court decisions interpreting the Act and amendments to the Act may require OSHA to consider additional issues." The requirement for consideration of additional issues required by court decision clearly implies that those issues become relevant to the Secretary's decisions. Therefore the conforming deletions from the Cancer Policy merely make explicit the issues which have already become relevant to the Cancer Policy as a result of the Supreme Court's decision.

This document was prepared under the direction and supervision of Eula Bingham, Assistant Secretary of Labor for Occupational Safety and Health.

Accordingly, pursuant to sections 4(b), 6(b), 8(c) and 8(g) of the Occupational Safety and Health Act of 1970 (84 Stat. 1592, 1593, 1599; 29 U.S.C. 653, 655, 657), the Secretary of Labor's Order 8–76 (41 FR 25059), and section 4 of the Administrative Procedure Act (5 U.S.C. 553), Part 1990, of Title 29, of the Code of Federal Regulations is hereby amended as set forth below.

Signed at Washington, D.C. this 14th day of January, 1981. This amendment is effective on February 18, 1981.

Eula Bingham,

Assistant Secretary of Labor.

Part 1990 of Title 29, Code of Federal Regulations, is amended as follows:

1. Section 1990.111 is amended by revising paragraphs (h) and (j) to read as follows:

§ 1990.111 General statement of regulatory policy.

* * * * *

(h) Worker exposure to Category I Potential Carcinogens will be reduced primarily through the use of engieering and work practice controls.

* * * * *

(j) The assessment of cancer risk to workers resulting from exposure to a potential occupational carcinogen will be made on the basis of available data. Because of the uncertainties and serious consequences to workers if the estimated risk is understated, cautious and prudent assumptions will be utilized to perform risk assessments.

* * * * *

2. Section 1990.142 is amended by revising paragraph (a)(2)(iii), removing paragraph (b)(2) and renumbering paragraph (b)(3) as new paragraph (b)(2) and by revising newly redesignated paragraph (b)(2)(iii) as follows:

§ 1990.142 Initiation of rulemaking.

* * * * *

(a) * * *

(2) * * *

(iii) The permissible exposure limit shall be achieved primarily through engineering and work practice controls except that if a suitable substitute is available for one or more uses no occupational exposure shall be permitted for those uses.

* * * * *

(b) * * *

(2) * * *

(iii) The permissible exposure limit shall be achieved through any practicable combination of engineering controls, work practice controls and respiratory protection.

3. Section 1990.144 is amended by revising the introductory paragraph as follows:

§ 1990.144 Criteria for consideration of arguments on certain issues.

Arguments on the following issues will be considered by the Secretary in identifying or classifying any substance pursuant to this Part, if evidence for the specific substance subject to the rulemaking conforms to the following criteria. Such arguments and evidence will be evaluated based upon scientific and policy judgments.

* * * * *

4. Section 1990.146 is amended by revising paragraph (i) as follows:

§ 1990.146 Issues to be considered in the rulemaking.

* * * * *

(i) The determination of the level to control exposures to Category I Potential Carcinogens primarily through the use of engineering and work practice controls including technological and economic considerations.

* * * * *

5. Section 1990.151 is amended by revising paragraph (c) as follows:

§ 1990.151 Model standard pursuant to section 6(h) of the Act.

* * * * *

(c) Permissible exposure limits provisions. (1) Inhalation. (i) Time weighted average limit (TWA). Within (insert appropriate time period) of the effective date of this section, the employer shall assure that no employee is exposed to an airborne concentration of———in excess of: (insert appropriate exposure limit or when it is determined by the Secretary that there are available suitable substitutes for uses or classes of uses that are less hazardous to humans, the proposal shall permit no occupational exposure) as an eight (8)-hour-time-weighted average.

(Where the Secretary finds that suitable substitutes for———may exist, the determination of the ———level shall include consideration of the availability, practicability, relative degree of hazard, and economic consequences of the substitutes.)

(ii) Ceiling limit. (If appropriate.) Within (insert appropriate time period) of the effective date of this section, the employer shall assure that no employee is exposed to an airborne concentration of———in excess of: (insert exposure limit) as averaged over any: (insert appropriate time period) during the working day.

(2) Dermal and eye exposure. (As appropriate.) (i) Within (insert appropriate time period) of the effective date of this section, the employer shall (If eye exposure to———does not create a risk of cancer, insert exposure level or criteria which will prevent other adverse

health affects of eye exposure to———if any. If eye exposure creates a risk of cancer, insert exposure level or criteria which represents the level of eye exposure to———).

(ii) Within (insert appropriate time period) of the effective date of this section, the employer shall (If skin exposure to———does not create a risk of cancer, insert exposure level or criteria which will prevent other adverse health effects of skin exposure to——— if any. If skin exposure creates a risk of cancer, insert exposure level or criteria which represents the level of skin exposure to———).

6. Section 1990.152 is amended by revising paragraph (c) as follows:

§ 1990.151 Model emergency temporary standard pursuant to section 6(c) of the Act.

* * * * *

(c) Permissible exposure limits—(1) Inhalation. (i) Time-weighted average limit (TWA). Within (insert appropriate time) from the effective date of this emergency temporary standard, the employer shall assure that no employee is exposed to an airborne concentration of———in excess of: (insert appropriate exposure limit representing a level that can be complied with immediately) as an eight (8)-hour-time-weighted average.

(ii) Ceiling limit. (If appropriate.) The employer shall assure that no employee is exposed to an airborne concentration of———in excess of: (insert appropriate exposure limit representing a level that can be complied with immediately) as averaged over any: (insert appropriate time period) during the working day.

(2) Dermal and eye exposure. (As appropriate.)

(i) Within (insert appropriate time period) of the effective date of this section, the employer shall (If eye exposure to———does not create a risk of cancer, insert exposure level or criteria which will prevent other adverse effects of eye exposure to———, if any. If eye exposure creates a risk of cancer, insert exposure level or criteria which represent the level of eye exposure to———.)

(ii) Within (insert appropriate time period) of the effective date of this section, the employer shall (If skin exposure to———does not create a risk of cancer, insert exposure level or criteria which will prevent other adverse health affects of skin exposure to——— if any. If skin exposure creates a risk of cancer, insert exposure level or criteria which represents the level of skin exposure to———).

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Pension and Welfare Benefit Programs

29 CFR Parts 2520 and 2560

Limited Relief From Reporting, Disclosure, and Claims Procedure Requirements With Respect to Welfare Plans Offering Membership in a Qualified Health Maintenance Organization as an Option

AGENCY: Department of Labor.

ACTION: Adoption of final regulation.

SUMMARY: These regulations provide limited relief from certain of the reporting, disclosure, and claims procedure requirements of the Employee Retirement Income Security Act of 1974 (ERISA) with respect to employee welfare benefit plans under which an available option is membership in a health maintenance organization qualified under Title XIII of the Public Health Service Act, "Health Maintenance Organizations", 42 U.S.C. 300e *et seq.* (HMO Act). The regulations are designed to avoid duplicative or otherwise unnecessary requirements which might result from the interaction of ERISA and the HMO Act. The regulations affect all plans that include membership in a federally qualified health maintenance organization (QHMO) as an available option.

EFFECTIVE DATE: February 20, 1981.

FOR FURTHER INFORMATION CONTACT: Robert Doyle, Office of Reporting and Plan Standards, Pension and Welfare Benefit Programs, U.S. Department of Labor, Washington, D.C. 20216, (202) 523–8684, or Doris Jacobs, Office of the Solicitor, Plan Benefits Security Division, U.S. Department of Labor, Washington, D.C. 20210, (202) 523–6844. These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: On June 22, 1979, the Department published in the Federal Register (44 FR 36862) a notice of proposed rulemaking proposing the addition of a new § 2520.102–5 and the amendment of §§ 2520.104–20, 2520.104–44, and 2560.503–1 to provide relief from certain reporting, disclosure and claims procedure requirements of ERISA for plans that include membership in a QHMO as an available option.

Section 1310 of the HMO Act requires that certain employers which offer health benefits plans[1] to their employees make available, as an option under those plans, membership in a health maintenance organization which is qualified under the HMO Act.[2] Under ERISA and the Department's regulations thereunder, certain information relating to benefits made available under a plan must be disclosed to plan participants and beneficiaries. Furthermore, certain procedures must be established with regard to the making of claims for benefits and the review of any denials of such claims. Because there are comparable provisions in the HMO Act and the regulations of HHS thereunder, some of these ERISA requirements are duplicative or otherwise unnecessary when the benefit in question is made available through membership in a QHMO. Accordingly, the Department proposed limited exemptions and other relief in these areas. In addition, the Department proposed amendments to existing exemptions from the reporting and disclosure requirements of ERISA so as to make clear that those exemptions apply to the extent that plans offer benefits through QHMOs.

At the time the proposed regulations were published, the Department solicited comments from interested persons. The Department has reviewed the comments received and modified the regulations where appropriate, as discussed below. The Department considers the final regulations to be "significant" within the meaning of Department of Labor guidelines implementing Executive Order 12044.

Discussion of Comments

The HMO Act and the HHS regulations thereunder set forth specific requirements that an employer offering a health benefits plan must comply with when such an employer is approached by a QHMO. Among other things, the employer is required to give the QHMO reasonable access to employees (42 CFR Subpart H 110.806(a)); is given the opportunity to review, revise and approve the QHMO offering materials (42 CFR 110.806(b); must assure that employees choosing the HMO option do not lose certain other health benefits (42 CFR 110.806(d)); must elicit an affirmative written selection from employees as to whether they wish to choose the QHMO option (42 CFR 110.806(e)); and must make contributions to the QHMO on behalf of selecting employees in accordance with specific standards (42 CFR 110.808). Some

[1] A "health benefits plan," as defined in regulations of the Department of Health and Human Services (HHS) under the HMO Act, comes within the definition of "employee welfare benefit plan" under section 3(1) of ERISA. See 42 CFR § 110.801(h).

[2] In order for a health maintenance organization to be qualified under the HMO Act, HHS must be satisfied that the health maintenance organization will be operated in accordance with various provisions of the HMO Act relating to fiscal soundness, nature of services, and other matters. See sections 1301 and 1310 of the HMO Act.

commenters took the view that in cases where the employer did no more than fulfill these obligations under the HMO Act and the HHS regulations, and did not contract with the QHMO regarding the substantive terms and conditions of coverage, the employer's involvement would not warrant a finding that the employer had established or maintained a plan within the meaning of section 3(1) of ERISA. These commenters concluded that in such circumstances the QHMO would not be subject to coverage under Title I of ERISA.

As the Department indicated in the preamble to the proposed regulations, when an employer, in order to comply with Federal law, offers employees the option of membership in a QHMO, the QHMO itself will not, solely by virtue of this fact, be deemed a plan under ERISA. On the other hand, in the Department's opinion, a plan established or maintained by an employer is established or maintained for the purpose of providing benefits enumerated in section 3(1) of Title I of ERISA,[3] to the extent the plan offers participants memberships in a QHMO (or any other HMO). Accordingly, the provisions of ERISA will apply, in relevant part, to the extent a plan established or maintained by an employer offers membership in a HMO.

Section 1310(a) of the HMO Act provides that an employer covered under that Act shall "include in any health benefits plan offered to its employees" the option of membership in a QHMO. These provisions of the HMO Act assume a pre-existing plan established by an employer for the purpose of providing health benefits, and require that the QHMO membership option be included in that plan. Since this pre-existing health benefits plan must be established by an employer, the provisions of ERISA will apply to the plan to the extent the plan offers benefits listed under section 3(1) of Title I, whether those benefits are offered through a QHMO or otherwise. Nothing in either the wording of section 3(1) of ERISA, which defines the term "employee welfare benefit plan," or in section 4 of ERISA, which specifies which employee benefit plans are subject to Title I of ERISA, suggests that the provisions of Title I do not apply to a plan to the extent the plan provides one or more of the benefits listed in section 3(1) through an option that is offered to participants by requirement of law, rather than by the choice of the plan sponsor. Accordingly, the Department is of the opinion that the provisions of Title I of ERISA are applicable, in relevant part, to a plan that offers a QHMO option pursuant to the HMO Act and HHS regulations thereunder, regardless of whether the employer enters into a contract with the QHMO as to the specific terms and conditions of coverage, and without regard to the terms of any such contract.

However, the existence and terms of such a contract are relevant to the reporting and disclosure requirements of ERISA, because such a contract may affect participants' and beneficiaries' rights under the plan. For this reason, one commenter recommended that the regulations require that participants and beneficiaries be given access to any contract between the employer and the QHMO. Section 104 (b)(2) and (b)(4) of ERISA require a plan administrator to make available for inspection and furnish at a reasonable charge "instruments under which [a] plan is . . . operated." Under this provision, a plan administrator is required to make available any relevant contract that the QHMO enters into with the employer or other plan sponsor, or with the plan. Moreover, under 29 CFR 2520.102–3(t)(2), the plan administrator is required to include a notice in the summary plan description (SPD) informing participants and beneficiaries that they may inspect and obtain copies of such documents. The Department does not think that any additional language is needed in the QHMO regulations to clarify the plan administrator's duty in this regard. As to the QHMO, under the HMO Act and the HHS regulations thereunder, the QHMO would be required to disclose all provisions in a contract between the plan, the plan administrator, or the plan sponsor and the QHMO that would be necessary for a full and fair description of the QHMO option. See 42 CFR 110.108(c) (45 FR 72512, 72534, October 31, 1980).

Some commenters suggested that the Department should extend relief not only to plans offering federally qualified HMOs, but also to those offering HMOs, which are qualified only under state law. The Department has decided not to extend the relief provided in § 2520.102–5 and § 2520.503(j) to plans offering HMOs which are qualified only under state law. The Department proposed relief under both of those provisions because these were areas where the federal HMO Act and ERISA imposed overlapping requirements, and because the Department was able to determine that the requirements of the HMO Act and HHS regulations thereunder were sufficiently protective of participants' rights to warrant limited relief under ERISA. On the other hand, the Department is unable to conclude, on the basis of the information submitted, that the various state laws regulating non-qualified HMOs would necessarily provide sufficient protections to participants to warrant relief for plans providing those benefits from the requirements of ERISA. However, the Department notes that the limited reporting and disclosure exemption for small plans contained in § 2520.104–20, and the limited reporting exemption and alterntive method of compliance contained in § 2520.104–44 are available if, among other things, benefits are provided through an organization that is (1) similar to an insurance company and (2) qualified to do business in any state. The Department has indicated that an HMO that is registered with a state insurance commissioner and regulated under state insurance laws can qualify as an organization similar to an insurance company under § 2520.104–20. See ERISA Opinion Letter 76–05. Moreover, such an HMO would also qualify as an organization similar to an insurance company for purposes of § 2520.104–44.

One commenter expressed concern as to the scope of § 2520.102–5(b)(3)(ii) of the proposed regulation, which refers to certain information regarding eligibility that the QHMO must supply to participants and beneficiaries upon request. The comments indicated that § 2520.102–5(b)(3)(ii), as written, might be interpreted to mean that a QHMO would have to disclose the general rules of the plan pertaining to eligibility for participation in the plan, as well as the specific rules of the QHMO pertaining to eligibility to receive services from the QHMO. Since information relating to general conditions of eligibility imposed by the plan must be disclosed in the summary plan description ("SPD"), additional disclosure of this information by the QHMO is unnecessary. Accordingly, the wording in § 2520.102–5(b)(3)(ii) has been modified to make clear that the information to be supplied by the QHMO does not include information regarding general conditions of eligibility for participation in the plan.

One commenter raised a question as to the timing of the required disclosure. Under § 2510.102–5(a)(3) of the proposed regulation the employer was required to furnish a notice identifying all QHMOs

[3] Section 3(1) of Title I of ERISA defines an employee welfare benefit plan to mean: "any plan, fund, or program which was heretofore or is hereafter established or maintained by an employer or by an employee organization, or by both, to the extent that such plan, fund, or program was established or is maintained for the purpose of providing for its participants or their beneficiaries, through the purchase of insurance or otherwise, (A) medical, surgical, or hospital care or benefits in the event of sickness, accident [or] disability . . ."

in which membership was available as a benefit under the plan "at the time the summary plan description is furnished or within 30 days after such information is made available to the plan administrator." The commenter noted that this language leaves doubt as to whether the identity of the QHMO is to be supplied within thirty days of the date an employer is approached by the QHMO, or within thirty days of the date the QHMO offering is made to the employees. The commenter also pointed out that the date on which disclosure by the plan administrator is required under this section of the proposed regulation may not coincide with the date on which disclosure by the QHMO is required under HHS's regulations. To deal with these problems, the Department has modified the regulation to provide that the plan administrator must disclose the identity of the QHMO at a date no later than the date when the QHMO is offered to employees pursuant to 42 CFR 110.807.

One commenter recommended that the QHMO be considered an ERISA fiduciary in administering the QHMO grievance procedures. In the Department's view, the QHMO would be a fiduciary to the extent the QHMO acts as a final decision maker on claims for benefits. See News Release USDL–78–188, March 10, 1978.

A minor editorial change has also been made in that regulation for purposes of clarity.

Statutory Authority

The regulations set forth below are issued under the authority of sections 104, 109, 503 and 505 of ERISA (29 U.S.C. §§ 1024, 1029, 1133, and 1135).

In consideration of the matters discussed above, Parts 2520 and 2560 of Chapter XXV of Title 29 of the Code of Federal Regulations are amended as follows:

PART 2520—RULES AND REGULATIONS FOR REPORTING DISCLOSURE

1. Add a new § 2520.102–5, to provide as follows:

§ 2520.102–5 Limited exemption with respect to summary plan descriptions of welfare plans providing benefits through a qualified health maintenance organization.

(a) The summary plan description of an employee welfare benefit plan under which some or all benefits are provided through membership in one or more qualified health maintenance organizations, as defined in section 1310(d) of the Public Health Service Act, as amended, 42 U.S.C. § 300e–9(d), shall not be required to include, with respect to any such qualified health maintenance organization, the information described in sections 102–3(j)(2), 102–3(l), 102–3(q) and 102–3(s) of this Part 2520, provided that:

(1) Such summary plan description contains a notice of the type described in paragraph (b) of this section;

(2) Any request made in the manner described in paragraph (b)(4) of this section is transmitted promptly by the plan administrator to any such organization in which the person making the request is eligible for membership as a benefit under the plan; and

(3) The plan administrator furnishes, in the manner described in section 104b–1 of this Part 2520, to each person to whom such summary plan description is furnished, the identity of all such qualified health maintenance organizations in which such person is eligible for membership as a benefit under the plan at a date no later than the date when the option of membership in the qualified health maintenance organization is offered to such person.

(b) The notice referred to in paragraph (a) of this section shall indicate:

(1) The availability of membership in one or more qualified health maintenance organizations as defined in section 1310(d) of the Public Health Service Act, as amended, 42 U.S.C. § 300e–9(d), as an option under the plan;

(2) Whether such membership is made available as the sole benefit under the plan, in addition to one or more other benefits, or as an alternative to one or more other benefits;

(3) That each such organization in which membership is available to the participant or beneficiary will supply him or her upon request, written materials concerning (i) the nature of services provided to members; (ii) conditions pertaining to eligibility to receive such services (other than general conditions pertaining to eligibility for participation in the plan) and circumstances under which services may be denied; and (iii) the procedures to be followed in obtaining such services, and the procedures available for the review of claims for services which are denied in whole or in part; and

(4) That requests for the materials described in paragraph (b)(3) of this section may be addressed to the plan administrator.

2. Amend § 2520.104–20 by revising paragraph (b)(2)(ii) thereof to read as follows:

§ 2520.104–20 Limited exemption for certain small welfare plans.

* * * * *

(b) * * *

(2) * * *

(ii) The benefits of which are provided exclusively through insurance contracts or policies issued by an insurance company or similar organization which is qualified to do business in any State or through a qualified health maintenance organization as defined in section 1310(d) of the Public Health Service Act, as amended, 42 U.S.C. § 300e–9(d), the premiums for which are paid directly by the employer or employee organization from its general assets or partly from its general assets and partly from contributions by its employees or members, *Provided*, that contributions by participants are forwarded by the employer or employee organization within three months of receipt, or

* * * * *

3. Amend § 2520.104–44 by revising paragraph (b)(1)(ii) thereof to read as follows:

§ 2520.104–44 Limited exemption and alternative method of compliance for annual reporting by unfunded plans and certain insured plans.

* * * * *

(b) Application. * * *

(1) * * *

(ii) The benefits of which are provided exclusively through insurance contracts or policies issued by an insurance company or similar organization which is qualified to do business in any State or through a qualified health maintenance organization as defined in section 1310(d) of the Public Health Service Act, as amended, 42 U.S.C. § 300e–9(d), the premiums for which are paid directly by the employer or employee organization from its general assets or partly from its general assets and partly from contributions by its employees or members, provided that any plan assets held by such an insurance company are held solely in the general account of such company or organization, contributions by participants are forwarded by the employer or employee organization within three months of receipt and, in the case of a plan that provides for the return of refunds to contributing participants, such refunds are returned to them within three months of receipt by the employer or employee organization, or

* * * * *

PART 2560—RULES AND REGULATIONS FOR ADMINISTRATION AND ENFORCEMENT

(4) Amend § 2560.503–1 by revising paragraph (b)(1)(i) thereof and adding thereto a new paragraph (j), to read as follows:

§ 2560.503–1 Claims procedure.

* * * * *

(b) *Obligation to establish.* * * *

(1) * * *

(i) Complies with the provisions of paragraphs (d) through (h) of this

section, except to the extent that it is deemed to comply with some or all of such provisions under the authority of paragraph (b)(2) or paragraph (j) of this section.

* * * * *

(j) *Qualified Health Maintenance Organizations.* Claims procedures with respect to any benefits provided through membership in a qualified health maintenance organization, as defined in section 1310(d) of the Public Health Service Act, as amended, 42 U.S.C. § 300e–9(d), shall be deemed to satisfy the requirements of this section with respect to the provision of such benefits to persons who are members of such qualified health maintenance organization, provided those procedures meet the requirements of section 1301 of the Public Health Service Act, as amended 42 U.S.C. § 300e and the regulations thereunder.

Signed at Washington, D.C. this 15th day of January, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration.

[FR Doc. 81–2105 Filed 1–19–81; 8:45 am]

BILLING CODE 4510–29–M

Mine Safety and Health Administration

30 CFR Part 90

Coal Miners Who Have Evidence of the Development of Pneumoconiosis

AGENCY: Mine Safety and Health Administration (MSHA), Department of Labor.

ACTION: Final rule; correction.

SUMMARY: The Department of Labor's mandatory health standard for coal miners who have evidence of the development of pneumoconiosis, 30 CFR Part 90, was amended at 45 FR 80760 (December 5, 1980). This document corrects a technical error which appeared in the final rule.

EFFECTIVE DATE: February 1, 1981.

FOR FURTHER INFORMATION CONTACT: William H. Sutherland, Chief, Division of Health, Mine Safety and Health Administration, Room 810, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, Virginia 22203, (703) 235–1358.

SUPPLEMENTARY INFORMATION: The Mine Safety and Health Administration makes the following revision to FR Doc. 80–37866, 30 CFR Part 90 which appeared as a final rule at 45 FR 80760 (December 5, 1980):

1. On page 80770, paragraph (a) of § 90.3 is corrected in the sixteenth line by removing the words "during each shift" the second time it appears and reads as follows:

§ 90.3 Part 90 option; notice of eligibility; exercise of option.

(a) Any miner employed at an underground coal mine or at a surface work area of an underground coal mine who, in the judgment of the Secretary of Health and Human Services, has evidence of the development of pneumoconiosis based on a chest X-ray, read and classified in the manner prescribed by the Secretary of Health and Human Services, or based on other medical examinations shall be afforded the option to work in an area of a mine where the average concentration of respirable dust in the mine atmosphere during each shift to which that miner is exposed is continuously maintained at or below 1.0 milligrams per cubic meter of air. Each of these miners shall be notified in writing of eligibility to exercise the option.

* * * * *

Dated: January 12, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81–2098 Filed 1–19–81; 8:45 am]

BILLING CODE 4510–43–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 915

Conditional Approval of the Permanent Regulatory Program Submission From the State of Iowa Under the Surface Mining Control and Reclamation Act of 1977

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior.

ACTION: Final rule.

SUMMARY: The State of Iowa resubmitted to the Department of the Interior its proposed permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA), following an initial approval in part and disapproval in part. The notice announcing the initial decision was published in the **Federal Register**, October 16, 1980 (45 FR 68673–68685). The purpose of the resubmission is to demonstrate the State's intent and capability to administer and enforce the provisions of SMCRA and the permanent regulatory program regulations, 30 CFR Chapter VII. After providing opportunities for public comment and conducting a thorough review of the program resubmission, the Secretary of the Interior has determined that the Iowa program meets the requirements of SMCRA and the federal permanent program regulations except for minor deficiencies discussed below under "Supplementary Information." Accordingly, the Secretary of the Interior has conditionally approved the Iowa program. A new Part 915 is being added to 30 CFR Chapter VII to implement this decision.

EFFECTIVE DATE: This conditional approval is effective April 10, 1981.

ADDRESSES: Copies of the Iowa program and the administrative record on the Iowa program are available for public inspection and copying during business hours at:

Office of Surface Mining Reclamation and Enforcement, Room 153, Interior South Building, 1951 Constitution Avenue NW., Washington, D.C. 20240, telephone: (202) 343–4728

Office of Surface Mining Reclamation and Enforcement, Region IV, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106

Iowa Department of Soil Conservation, Mines and Minerals Division, Wallace State Office Building, Des Moines, Iowa 50319

FOR FURTHER INFORMATION CONTACT: Carl C. Close, Assistant Director for State and Federal Programs, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, Interior South Building, 1951 Constitution Avenue, N.W., Washington, D.C. 20240, telephone (202) 343–4225

SUPPLEMENTARY INFORMATION: The general background on the permanent program, the state program approval process, and the Iowa program submission were discussed in the October 16, 1980, **Federal Register** (45 FR 68673–68676).

Also, in that notice the Secretary announced his partial approval and partial disapproval of the Iowa program. The legislative provisions were approved with the exceptions noted in the "Secretary's Decision," (45 FR 68676–68686, October 16, 1980).

Under 30 CFR 732.13(f), the State of Iowa had 60 days (until December 15, 1980) from the date of publication of the Secretary's partial approval decision in which to submit a revised program for consideration. Iowa submitted its revised program for consideration on December 15, 1980. Announcement of Iowa's resubmission was made in newspapers of general circulation within the State of Iowa and published in the **Federal Register** on December 15, 1980 (45 FR 82276).

A public hearing on the submission was also announced in the December 15,

1980, Federal Register notice (45 FR 82276) and in the newspapers of general circulation in Iowa and was held in Des Moines, Iowa on December 30, 1980. The post-resubmission public comment period ended December 31, 1980. Public disclosure of comments by Federal agencies was made on January 9, 1981 (46 FR 2368).

On January 14, 1981, the Administrator of the Environmental Protection Agency transmitted to the Secretary his written concurrence with the decision on the Iowa program.

The Regional Director completed his program review on January 7, 1981, and forwarded the public hearing transcripts, written presentations, and copies of all comments to the Director together with a recommendation that the program be approved conditionally.

On January 12, 1981, the Director recommended to the Secretary that the Iowa program be approved conditionally.

On behalf of the Secretary, the Regional Director discussed the conditions of approval in a telephone conversation with Lawrence G. Vance, Director, Iowa Department of Soil Conservation on January 7, 1981 (*see* the Regional Director's memorandum of this telephone conversation contained in Administrative Record No. IA–161). On January 8, 1981, the Director, Iowa Department of Soil Conservation telegraphed acceptance of the conditions of approval (*see* Administrative Record No. IA–162).

The Iowa program consists of the formal submission of February 28, 1980, (Administrative Record Nos. IA–9, 10, 11 and 22) as amended on June 11, 1980, (Administrative Record No. IA–75) and revised on December 15, 1980, (Administrative Record No. IA–148).

Throughout the review period beginning with the submission of the program, OSM has had frequent contact and discussions on the state program submission with the staff of the Iowa Department of Soil Conservation. Minutes or notes of the discussions were placed in the Iowa Administrative Record and made available for public review. All contacts between officials or staffs of the Department of the Interior and the State of Iowa were conducted in accordance with the Department's guidelines for such contacts published September 19, 1979 (44 FR 54444–54445).

In the initial decision notice approving in part and disapproving in part the Iowa program, the Secretary made findings on the Iowa program provisions pursuant to section 503 of SMCRA and 30 CFR 732.15. Iowa's resubmission, except as noted below in the "Secretary's Findings," amends the program to correct the deficiencies identified in that notice. Therefore, any deficiencies previously identified in the initial decision notice and corrected by the Iowa resubmission will not be discussed in the "Secretary's Findings," below.

Throughout the remainder of this notice, the term "Iowa Program" or "Iowa Submission" is used to mean the resubmission together with those parts of the original submission partially approved on October 16, 1980.

Secretary's Findings

In reaching his decision to approve conditionally the Iowa submission, the Secretary makes the following findings pursuant to section 503 of SMCRA and 30 CFR 732.15.

1. In accordance with section 503(a) of SMCRA, the Secretary finds that Iowa has the capability to carry out the provisions of SMCRA and to meet its purposes in the following ways:

(a) The Iowa Surface Coal Mining Act (ISCMA), and the Iowa Administrative Procedures Act (IAPA), and the regulations adopted thereunder provide for the regulation of surface coal mining and reclamation operations on non-Indian and non-federal lands in Iowa in accordance with SMCRA with the exception noted in Findings 4(i) and 4(o).

(b) The ISCMA provides sanctions for violations of Iowa laws, regulations or conditions of permits concerning surface coal mining and reclamation operations, and these sanctions meet the requirements of SMCRA, including civil and criminal action, forfeiture of bonds, suspensions, revocations, withholding of permits, and the issuance of cessation orders by the Iowa Department of Soil Conservation or its inspectors with the exceptions noted in Finding 4(h).

(c) The Iowa Department of Soil Conservation has sufficient administrative and technical personnel and sufficient funds to enable Iowa to regulate surface coal mining and reclamation operations in accordance with the requirements of SMCRA. The Iowa Department of Soil Conservation has requested an increase for the staff of the Mines and Minerals Division by three additional positions effective July 1, 1981. From the effective date of the Iowa program until July 1, 1981, the Mines and Minerals Division will rely upon a combination of personnel borrowed from other agencies through memoranda of agreement and contracts with consultants to adequately staff the program. The Secretary finds that these measures, when implemented, should provide for adequate administration and implementation of the Iowa regulatory program until the proposed staffing and budget plan is approved. The Secretary will, through OSM, carefully monitor the State's administration and implementation measures to ensure that the requirements of SMCRA and 30 CFR Chapter VII are being met. *See* Administrative Record No. IA–148 (Attachment 1) and transcripts to the public hearing held on December 30, 1980, in Des Moines, Iowa (Administrative Record No. IA–156).

(d) The ISCMA provides for the effective implementation, maintenance, and enforcement of a permit system that meets the requirements of SMCRA for the regulation of surface coal mining and reclamation operations on non-Indian and non-federal lands within Iowa;

(e) The ISCMA has established a process for the designation of areas as unsuitable for surface coal mining in accordance with section 522 of SMCRA, 30 U.S.C. 1272;

(f) Iowa has established for the purpose of avoiding duplication, a process for coordinating the review and issuance of permits for surface coal mining and reclamation operations with other federal and state permit processes applicable to the proposed operations;

(g) As of April 10, 1981, Iowa will have fully enacted regulations consistent with the federal regulations issued pursuant to SMCRA with the exceptions noted in Findings 4(h) and 4(o).

2. As required by sections 503(b)(1)–(3) of SMCRA, 30 U.S.C. 1253(b)(1)–(3), and 30 CFR 732.11–732.13, the Secretary has, through OSM:

(a) Solicited and publicly disclosed the views of the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the heads of other federal agencies concerned with or having specific expertise pertinent to the proposed Iowa program;

(b) Obtained the written concurrence of the Administrator of the Environmental Protection Agency with respect to those aspects of the Iowa program that relate to air or water quality standards promulgated under the authority of the Clean Water Act as amended, (33 U.S.C. 1151–1175), and the Clean Air Act as amended, (42 U.S.C. 7401 *et seq.)*, and;

(c) Held a public review meeting in Des Moines, Iowa on April 15, 1980, to discuss the completeness of the Iowa program submission, held a public hearing in Des Moines, Iowa on July 17, 1980, on the substance of the program submission, and subsequently held a public review meeting in Des Moines, Iowa on December 30, 1980, on the resubmitted program;

(d) Obtained an opinion from the U.S. Fish and Wildlife Service that the approval of the Iowa program is not likely to jeopardize the continued existence of species listed in Iowa as threatened or endangered under the Endangered Species Act, 16 U.S.C. 1531 *et seq.*

3. In accordance with section 503(b)(4) SMCRA (30 U.S.C. 1253(b)(4)), the Secretary finds the Department of Soil Conservation and other agencies having a role in the program of Iowa have as described in Finding 1(c) sufficient legal, technical, and administrative personnel and the necessary legal authority for the enforcement of the environmental protection standards of SMCRA and 30 CFR Chapter VII.

4. In accordance with 30 CFR 732.15, and on the basis of information in the Iowa program submission, including the section-by-section comparison of the Iowa statutes and rules with SMCRA and 30 CFR Chapter VII, public comments, testimony at the public meeting and hearings, and other relevant information, the Secretary makes the following findings:

(a) Pursuant to 30 CFR 732.15(a), the Secretary finds that the proposed Iowa program provides for the Iowa Department of Soil Conservation to carry out the provisions and meet the purposes of SMCRA and 30 CFR Chapter VII because the program includes fully enacted regulations consistent with 30 CFR Chapter VII, except as noted below in Findings 4(h) and 4(o). The original program submission contained four alternatives submitted pursuant to 30 CFR 731.13. The Secretary explained in the October 16, 1980, **Federal Register** (45 FR 68673–68685), why these four alternatives did not meet the criteria in 30 CFR 731.13. Iowa has subsequently withdrawn these four alternatives, and has not proposed any additional alternatives pursuant to 30 CFR 731.13.

(b) Pursuant to 30 CFR 732.15(b)(1), the Secretary finds that the Iowa Department of Soil Conservation has the authority under Iowa statutes and enacted regulations to implement, administer and enforce all applicable requirements consistent with 30 CFR Chapter VII, Subchapter K.

(c) Pursuant to 30 CFR 732.15(b)(2), the Secretary finds that the Iowa Department of Soil Conservation has the authority under the ISCMA and under enacted regulations to implement, administer and enforce a permit system consistent with 30 CFR Chapter VII, Subchapter G and to prohibit surface coal mining and reclamation operations without a permit issued by the Iowa Department of Soil Conservation.

(d) Pursuant to 30 CFR 732.15(b)(3), the Secretary finds that the Iowa Department of Soil Conservation has the authority under ISCMA section 18 and under enacted regulations to regulate coal exploration consistent with 30 CFR Parts 776 and 815, and to prohibit coal exploration that does not comply with 30 CFR Parts 776 and 815.

(e) Pursuant to 30 CFR 732.15(b)(4), the Secretary finds that the Iowa Department of Soil Conservation has the authority under ISCMA Section 26 and enacted regulations to require that persons extracting coal incidental to government-financed construction maintain information on-site consistent with 30 CFR Part 707.

(f) Pursuant to 30 CFR 732.15(b)(5), the Secretary finds that the Iowa Department of Soil Conservation has the authority under section 13 of the ISCMA and enacted regulations to provide for entry, inspections, and monitoring of all coal exploration and surface coal mining and reclamation operations on non-Indian and non-federal lands within Iowa consistent with section 517 of SMCRA and 30 CFR Chapter VII, Subchapter L.

(g) Pursuant to 30 CFR 732.15(b)(6), the Secretary finds that the Iowa Department of Soil Conservation has the authority in sections 10 and 16 of the ISCMA and enacted regulations, to implement, administer, and enforce a system for performance bonds and liability insurance, or other equivalent guarantees, consistent with sections 507(f), 509, 510 and 519 of SMCRA and 30 CFR Chapter VII, Subchapter J.

(h) Pursuant to 30 CFR 732.15(b)(7), the Secretary finds that the Iowa Department of Soil Conservation has the authority under section 15 of the ISCMA but does not have fully enacted regulations to provide for civil and criminal sanctions for violations of the Iowa law, regulations and conditions of permits and exploration approvals including civil and criminal penalties in accordance with section 518 of SMCRA (30 U.S.C. 1268) and consistent with 30 CFR Part 845 (except to the extent remanded) including the same or similar procedural requirements.

(1) Iowa has proposed a judicial system of penalty assessment, rather than the administrative system prescribed in section 518 of SMCRA and 30 CFR 845.17–845.20. In the initial decision notice (Finding 4(h), 45 FR 68678), the Secretary identified five aspects of the proposed Iowa system for proposal and assessment of civil penalties found to be inconsistent with section 518 of SMCRA and 30 CFR Part 845. These deficiencies were that (i) the proposed judicial assessment system did not adequately address the five considerations identified in the preamble to the permanent regulatory program at 44 FR 15296 (March 13, 1979). These considerations are used in determining whether a judicial system is the same or similar as the administrative system for proposal and assessment of civil penalties in section 518 of SMCRA; (ii) the proposed program did not provide procedures for proposing assessments of civil penalties, informing operators of the amount of those proposed assessments and providing an opportunity for payment of the penalty prior to a formal assessment hearing; (iii) the proposed program did not provide for mandatory assessment of civil penalties for cessation orders as required by section 518(a) of SMCRA; (iv) the program lacked criteria for determining when a civil penalty or an injunction would be sought when a notice of violation is issued under sections 14(8) and 15(1) of the ISCMA; and, (v) the program did not provide for prepayment of civil penalties into an escrow account, as required by section 518(c) of SMCRA. Iowa's resubmission addresses those deficiencies through an attorney general's opinion and a proposed amendment to rule 4.6(8) (*see* Adminsitrative Record No. IA–146, Attachments 4 and 5). The Secretary has reviewed the information in the Administrative Record and has determined that, with two exceptions, the problems identified in the initial decision notice would be corrected if proposed rule 4.6(8) is enacted as proposed.

(2) One ambiguity not fully clarified in the proposed rule amendment is whether the proposed Iowa program provides for mandatory assessment of civil penalties for cessation orders as required by section 518(a) of SMCRA (see 45 FR 68678, Finding 4(h)(3)). Both the ISCMA section 15(1) and proposed Iowa rule 4.6(8) require the Department of Soil Conservation to request the Attorney General to institute a civil action for recovery of a penalty whenever a cessation order has been issued. The Attorney General's opinion and section 15(1) of the ISCMA state that, in the judicial penalty action, the Department's findings as to the fact of the violation, the issuance of the cessation order, and the amount of the penalty shall be conclusive if supported by substantial evidence. However, the ISCMA is not clear as to whether the court must assess a penalty for a cessation order upon recommendation of the Attorney General and the Department of Soil Conservation. The Iowa Attorney General's office has

advised OSM that in its opinion section 15 of the ISCMA was intended to establish mandatory penalties for cessation orders, and that the Attorney General's office will take this position in any relevant enforcement action under section 15 of the ISCMA (*see* Administrative Record No. IA–146). In view of these assurances from the Attorney General of Iowa, the Secretary finds that the procedures in section 15(1) of the ISCMA and proposed rule 4.6(8), if enacted as proposed, will be in accordance with section 518 of SMCRA. The Secretary will, through OSM, carefully monitor the implementation of these procedures for penalty assessments for cessation orders to ensure that the requirements of section 518(a) are being met.

(3) The second apparent inconsistency is that the Iowa program does not contain provisions comparable to those in section 518(c) of SMCRA and 30 CFR Part 845 requiring prepayment of civil penalties into an escrow account. However, pursuant to the order of the United States District Court for the Southern District of Iowa in *Star Coal* v. *Andrus*, 14 ERC 1325 (1980), the Secretary has been enjoined on constitutional grounds from requiring Iowa to include in its program a provision comparable to section 518(c)'s prepayment requirement. *Star Coal* v. *Andrus* has been appealed to the United States Supreme Court (appeal filed March 13, 1980). Moreover, the issue of the constitutionality of section 518(c) is presently before the Supreme Court in two cases, *Virginia Surface Mining and Reclamation Association* v. *Andrus*, Nos. 79–1538 and 79–1596 and *Andrus* v. *Indiana*, No. 80–231. Should the Supreme Court rule that the prepayment requirement of section 518(c) is constitutional, the Secretary will then take steps to require the Iowa permanent program to comply with the requirements of section 518(c) relating to prepayment of civil penalties.

The Secretary conditions his approval of Iowa's judicial penalty assessment system on Iowa's correcting the deficiencies identified above (with the exception of the escrow provision for civil penalties) by enacting rule 4.6(8) as proposed or by otherwise amending its program to establish procedures for proposal and assessment of civil penalties similar to those established in section 518 of SMCRA and 30 CFR Part 845.

(i) Pursuant to 30 CFR 732.15(b)(8), the Secretary finds that the Iowa Department of Soil Conservation has the authority under section 14 of ISCMA, and regulations consistent with 30 CFR Chapter VII, Subchapter L to issue, modify, terminate and enforce notices of violation, cessation orders and show cause orders in accordance with section 521 of SMCRA (30 U.S.C. 1271) (with the exception noted specifically below) including the same or similar procedural requirements. However, according to the opinion of the Attorney General of Iowa (See Administrative Record No. IA–148, Attachment 5), section 17A.18(3) of the Iowa Administrative Procedures Act requires that an administrative hearing be held prior to the issuance of a cessation order for failure to abate a violation. This requirement potentially conflicts with section 14(2) of the ISCMA and with section 521(a)(3) of SMCRA, which provide that a cessation order shall be issued immediately upon the expiration of the time for abatement if abatement has not been accomplished. In its resubmission, Iowa has proposed an amendment to rule 4.363(2) to minimize the chance of conflict between the ISCMA and the IAPA. This proposed rule requires an operator who wishes to show compliance with abatement requirements to seek an expedited administrative hearing before the time set in the order for abatement. Hearings must be held promptly, and the abatement time may not be extended beyond ninety days from the date of issuance of the notice of violation.

However, even if the proposed amendment to Iowa rule 4.363(2) were promulgated as proposed, an Iowa operator could be able to extend the abatement time up to ninety days by requesting and participating in a hearing on the fact of abatement. In the case of a notice of violation with a short abatement period (e.g., 25 days) this potential delay in the issuance of a cessation order makes this procedure inconsistent with SMCRA. The Secretary conditions his approval of the Iowa program on Iowa's amending its program to provide for the immediate issuance of a cessation order for failure to abate a violation so as to be consistent with section 521(a)(3) of SMCRA.

(j) Pursuant to 30 CFR 732.15(b)(9), the Secretary finds that the Iowa Department of Soil Conservation has authority under section 8 of the ISCMA and enacted regulations to provide for the designation of areas as unsuitable for surface coal mining, consistent with 30 CFR Chapter VII, Subchapter F.

(k) Pursuant to 30 CFR 732.15 (b)(10), the Secretary finds that the Iowa Department of Soil Conservation has authority under the ISCMA and enacted regulations, to provide for public participation in the development, revision and enforcement of Iowa regulations and the Iowa program consistent with the public participation requirements of SMCRA, 30 CFR Chapter VII, and 43 CFR Part 4. Iowa also has the authority under the ISCMA and enacted regulations to provide for public participation in the permitting process and the enforcement of its laws consistent with 30 CFR Chapter VII and 43 CFR Part 4. The Secretary further finds that the public has had a meaningful opportunity to participate in the development of the state program submitted to OSM based on the information in the Administrative Record, the public hearings Iowa held on January 30, 1980, and July 23, 1980, in Des Moines, Iowa and the public comment periods provided pursuant to the Iowa Administrative Procedures Act.

(l) Pursuant to 30 CFR 732.15(b)(11), the Secretary finds that the Iowa Department of Soil Conservation has the statutory authority under the ISCMA, section 15, and enacted regulations to monitor, review, and enforce the prohibition against indirect or direct financial interests in coal mining operations by employees of the Iowa Department of Soil Conservation, consistent with 30 CFR Part 705.

(m) Pursuant to 30 CFR 732.15(b)(12), the Secretary finds that the Iowa Department of Soil Conservation has the authority under section 6(2) of the ISCMA to require the training, examination and certification of persons engaged in or responsible for blasting and the use of explosives in accordance with section 719 of SMCRA. Iowa has no regulations on the training, examination, and certification of persons engaged in blasting, but 30 CFR 732.15(b)(12) does not require the State to implement regulations governing such training, examination and certification until six months after complete federal regulations have been promulgated for these provisions. On December 12, 1980, OSM published partial final rules establishing minimal requirements for training and certifying persons involved in blasting in surface coal mining operations (45 FR 82084–82100). These regulations are codified at 30 CFR Chapter VII, Subchapter M, Part 850. Subchapter M is now final and complete with the exception of four subsections concerning qualification requirements and experience requirements. These subsections will be reproposed and subject to public comment prior to their final promulgation. Once the complete Subchapter M is finally promulgated, Iowa will have an additional six months

to prepare and submit to OSM regulations consistent with the federal regulations.

(n) Pursuant to 30 CFR 732.15(b)(13), the Secretary finds that the Iowa Department of Soil Conservation has the authority under section 4.1(d) of the ISCMA and enacted regulations to implement for a small operator assistance program consistent with 30 CFR Part 795.

(o) Pursuant to 30 CFR 732.15(b)(14), the Secretary finds that while the Iowa program contains authority in section 718.4 of the Iowa Code to provide for protection of state employees, the Iowa program does not establish penalties as stringent as those provided in section 704 of SMCRA. In the initial decision notice, 45 FR 68679, Finding 4(o), the Secretary determined that the Iowa Code provides a maximum penalty of 30 days imprisonment and a $100 fine for interference or harassment of state employees, whereas section 704 of SMCRA provides a maximum penalty of 1 year imprisonment and a $5,000 fine. In its resubmission, Iowa has proposed a rule which, as a condition of each permit, prohibits the permittee from willfully resisting, preventing, impeding, or interfering with state employees in the performance of their duties. When promulgated, this rule will subject violators to the sanctions provided in ISCMA section 15(2). This section establishes a maximum penalty of $10,000, and provides that violation of a permit condition shall constitute a serious misdemeanor. Under Iowa criminal law, serious misdemeanors are punishable by up to one year imprisonment. Therefore, Iowa's penalties for violation of a permit condition will satisfy the requirements of section 704 of SMCRA.

This scheme will provide protection to state employees comparable to that provided federal employees by section 704 of SMCRA, except that persons who are not employees of a permittee will not be subject to criminal sanctions for a violation of a permit condition. The Secretary believes that there is no material risk of interference with government employees from "wildcat operators" or others, in light of the information on the nature of the Iowa coal industry in the program submission and the absence of any public comments on this issue. The Secretary conditions his approval of the Iowa program on Iowa's amending its program to provide for protection of state employees by promulgating the proposed rule described above, or accomplishing the same results by other means. *See* Administrative Record No. IA–148 (Attachment 6).

(p) Pursuant to 30 CFR 732.15(b)(15), the Secretary finds that the Iowa Department of Soil Conservation has the authority under section 14 of the ISCMA and the Iowa Administrative Procedures Act and enacted regulations to provide for the administrative and judicial review of the Iowa program actions in accordance with section 525 and 526 of SMCRA, and with 30 CFR Chapter VII, Subchapter L.

(q) Pursuant to 30 CFR 732.15(b)(16), the Secretary finds that the Iowa Department of Soil Conservation has authority under Iowa laws and that the Iowa program contains provisions to cooperate and coordinate with, and provide documents and other information to, the Office of Surface Mining under the provisions of 30 CFR Chapter VII.

(r) Pursuant to 30 CFR 732.15(c), the Secretary finds that the ISCMA and other laws and regulations of Iowa do not contain provisions that would interfere with or preclude implementation of the provisions of SMCRA and 30 CFR Chapter VII with the exception noted in Finding 4(i).

(s) Pursuant to 30 CFR 732.15(d), the Secretary finds that the Iowa Department of Soil Conservation and other agencies having a role in the program have sufficient legal, technical, and administrative personnel and sufficient funding to implement, administer, and enforce the provisions of the program, the requirements of 30 CFR 732.15(b), and other applicable state and federal laws (*See* Finding 1(c)).

Disposition of Comments

The Heritage Conservation and Recreation Service commented that the Iowa rules should require consideration of cultural resources which have been determined eligible for the National Register of Historic Places when issuing a permit for surface coal mining or exploration, or when designating lands unsuitable for mining. However, pursuant to litigation in the United States District Court, the phrase "eligible for listing on" has been suspended in connection with 30 CFR Chapter VII regulations dealing with the National Register of Historic Places, (*see* 44 FR 67942), OSM and the Advisory Council on Historic Preservation have entered into a Programmatic Memorandum of Agreement (PMOA) setting forth OSM's responsibilities for compliance with section 106 of the National Historic Preservation Act of 1966, as amended (NHPA). In the PMOA, OSM has agreed to propose a modification to the permanent regulatory program, which will require state programs to include information on properties protected under section 106 of the NHPA in applications for approval to conduct coal exploration of 250 tons or more or surface coal mining operations. In addition, applicants for permits would be required to identify and describe historic properties on lists maintained by the State. When the changes to the federal regulations are made, Iowa will be required to have regulations consistent with them. The Secretary finds that the Iowa rules relating to the National Register of Historic Places are consistent with 30 CFR Chapter VII as affected by the court decision. Therefore, the Secretary will not require any program change at this time.

Background On Conditional Approval

The Secretary is fully committed to two key aims that underlie SMCRA. The Act calls for comprehensive regulation of the effects of surface coal mining on the environment and public health and safety, and for the Secretary to assist the states in becoming the primary regulators under the Act. To enable the states to achieve that primacy, the Secretary has undertaken many activities, of which several are particularly noteworthy.

The Secretary has worked closely with several state organizations, such as the Interstate Mining Compact Commission, the Council of State Governments, the National Governors Association and the Western Interstate Energy Board. Through these groups OSM has frequently met with state regulatory authority personnel to discuss informally how the Act should be administered, with particular reference to unique circumstances in individual states. Often these meetings have been a way for OSM and the states to explain portions of the federal requirements and how the states might meet them. Alternative state regulatory options, the "state window" concept, for example, were discussed at several meetings of the Interstate Mining Compact Commission and the National Governors Association.

The Secretary has dispensed over $6.9 million in program development grants and over $37.6 million in initial program grants to help the states to develop their programs, to administer their initial programs, to train their personnel in the new requirements, and to purchase new equipment. In several instances OSM detailed its personnel to states to assist in the preparation of their permanent program submissions. OSM has also met with individual states to determine how

best to meet the Act's environmental protection goals.

Equally important, the Secretary structured the state program approval process to assist the states in achieving primacy. He voluntarily provided his preliminary views on the adequacy of each state program to identify needed changes and to allow them to be made without penalty to the state. The Secretary adopted a special policy to insure that communication between him and the states remained open and uninhibited at all times. This policy was critical to avoiding a period of enforced silence with the state after the close of the public comment period on its program and has been a vital part of the program review process (*see* 44 FR 54444, September 19, 1979).

The Secretary has also developed in his regulations the critical ability to approve conditionally a state program. Under the Secretary's regulations, conditional approval gives full primacy to a state even though there are minor deficiencies in a program. This power is not expressly authorized by the Act; it was adopted through the Secretary's rulemaking authority under 30 U.S.C. 201(c), 503(b) and 503(a)(7). The Act expressly gives the Secretary only two options—to approve or disapprove a state program. Read literally, the Secretary would have no flexibility; he would have to approve those programs that are letter perfect and disapprove all others. To avoid that result and in recognition of the difficulty of developing an acceptable program, the Secretary adopted the regulation providing the authority to approve conditionally a program.

Conditional approval has a vital effect for programs approved by the Secretary: It results in the implementation of the permanent program in a state months earlier than might otherwise be anticipated. While this may not be significant in states that already have comprehensive surface mining regulatory programs, in many states that earlier implementation will initiate a much higher degree of environmental protection. It also implements the rights SMCRA provides to citizens to participate in the regulation of surface coal mining through soliciting their views at hearings and meetings and enabling them to file requests to designate lands as unsuitable for mining if they are fragile, historic, critical to agriculture, or simply cannot be reclaimed to their prior productive capacity.

The Secretary considers three factors in deciding whether a program qualifies for conditional approval. First is the State's willingness to make good faith efforts to effect the necessary changes. Without the state's commitment, the option of conditional approval may not be used.

Second, no part of the program can be incomplete. As the preamble to the regulations says, the program, even with deficiencies, must "provide for implementation and administration of all processes, procedures, and systems required by the Act and these regulations" (44 FR 14961). That is, a state must be able to operate the basic components of the permanent program: the designation process; the permit and all coal exploration systems; the bond and insurance requirements; the performance standards; and the inspection and enforcement systems. In addition there must be a functional regulatory authority to implement the other parts of the program. If some fundamental component is missing, conditional approval may not be issued.

Third, the deficiencies must be minor. For each deficiency or group of deficiencies, the Secretary considers the significance of the deficiency in light of the particular state in question. Examples of deficiencies that would be minor in virtually all circumstances are correction of clerical errors and resolution of ambiguities through attorneys general opinions, revised regulations, policy statements and changes in the narrative or the side-by-side.

Other deficiencies require individual consideration. An example of a deficiency that would most likely be major would be a failure to allow meaningful public participation in the permitting process. Although this would not render the permit system incomplete because permits could still be issued, the lack of any public participation could be such a departure from a fundamental purpose of the Act that the deficiency would most likely be major.

The use of a conditional approval is not and cannot be a substitute for the adoption of an adequate program. Section 732.13(i) of Title 30 of the regulations gives the Secretary little discretion in terminating programs where the state fails to fulfill the conditions. The purpose of the conditional approval power is to assist the states, not to excuse them from achieving compliance with SMCRA.

Conditional Approval

As indicated under Secretary's Findings 4(h), 4(i) and 4(o) there are three minor deficiencies in the Iowa program that the Secretary requires be corrected as a condition of program approval, and which the State has agreed to correct. In all other aspects, the Iowa program meets the criteria for approval. The deficiencies identified in the findings and the reason why they are considered minor are summarized below. In each instance, the discussion of the deficiencies found under "Secretary's Findings" discusses one means of eliminating the deficiency. The State may take other measures to eliminate the deficiencies, and so long as the same result is achieved, the conditions will be met.

1. As noted in Finding 4(h), Iowa has proposed a system of judicial assessment for civil penalties, rather than the administrative civil penalty assessment system prescribed by 30 CFR Chapter VII, Subchapter L and section 518 of SMCRA. The administrative rules proposed to correct the deficiencies identified in Finding 4(h) have not been fully enacted. Due to the short time between the effective date of the Secretary's conditional approval of the Iowa program and the date the proposed rules are scheduled to be enacted, and to the small number of violations and civil penalties expected during that time, this deficiency is viewed as minor. The Secretary is requiring Iowa to amend its program by enacting the proposed rules described in Finding 4(h), or by any other means, to be consistent with section 518 of SMCRA.

2. As noted in Finding 4(i), section 17A.18(3) of the Iowa Administrative Procedures Act requires that an administrative hearing be held prior to the issuance of a cessation order for failure to abate a violation. The Secretary has determined that this requirement potentially conflicts with section 14(2) of the ISCMA and with section 521(a)(3) of SMCRA, which provide that a cessation order shall be issued immediately upon the expiration of the time for abatement if abatement has not been accomplished. While the Secretary is requiring Iowa to amend its program to be consistent with SMCRA, this deficiency is viewed as minor in light of the small number of operating mines and violations expected to occur during the period when this deficiency is being corrected.

3. As noted in Finding 4(o), Iowa's program provisions that provide for the protection of state employees during the performance of their duties establish penalties which are less stringent than those provided by section 704 of SMCRA. While the Secretary is requiring Iowa to amend its program to be as stringent as SMCRA, this deficiency is viewed as minor in light of the history of mining in the state and the small number of operating mines. The

probability of harassment of state employees during the period while Iowa amends its program is relatively small.

Given the nature of these three deficiencies and their magnitude in relation to all other provisions of the Iowa program, the Secretary has concluded they are minor. Accordingly, the program is eligible for conditional approval under 30 CFR 732.13(i), because:

1. The deficiences are of such a size and nature as to render no part of the Iowa program incomplete since all other aspects of the program meet the requirements of SMCRA and 30 CFR Chapter VII, and the three deficiencies, which the state has agreed to correct promptly, will not directly affect the environmental performance of surface coal mining and reclamation operations;

2. Iowa has initiated and is actively proceeding with steps to correct the three deficiencies; and

3. Iowa has agreed, by telegram dated January 8, 1981, to correct the regulation deficiencies concerning rules for proposal and assessment of civil penalties and protection of state employees by July 1, 1981, and the statutory deficiency concerning the issuance of cessation orders for failure to abate notices of violations by January 1, 1982.

Accordingly, the Secretary is conditionally approving the Iowa program. This approval shall terminate if regulations correcting the deficiencies concerning rules for proposal and assessment of civil penalties and protection of state employees are not enacted by July 1, 1981, or if state legislation correcting the statutory deficiency concerning the issuance of cessation orders for failure to abate notices of violation is not enacted by January 1, 1982. This conditional approval is effective on April 10, 1981. This is the effective date of the Iowa rules. On December 15, 1980 (45 FR 82277), the Secretary announced he was considering waiving the provisions of 30 CFR 732.13(h), which state that the State program becomes effective on the date the Secretary's decision is published in the Federal Register. The Secretary is waiving this rule in light of the short delay between the date of publication of this notice and the effective date of the Iowa rules, and the lack of any public comments on his proposal to do so. The Secretary chooses to delay the effective date of the conditional approval until Iowa's rules become effective. In the December 15, 1980, Federal Register notice (45 FR 82277), the Secretary indicated that the Iowa rules were to take effect on January 29, 1981, and that the Iowa program would become effective on that date were it to be approved or approved conditionally by the Secretary. That date has since been extended to April 10, 1981. Iowa and the Department of the Interior will continue to implement the interim regulatory program during this period. The Iowa Legislative Rules Committee is presently reviewing the State's rules. The Secretary will indicate to Iowa that should any changes be made to the State's rules, the Secretary will have to review such revisions and make them available for public review, and may have to reconsider this decision in light of the revisions. This information is hereby being provided to Iowa by this notice and will also be included in the letters the Secretary is sending to Iowa Governor Robert D. Ray and to Lawrence G. Vance, Director, Iowa Department of Soil Conservation, to communicate to the State his decision on the Iowa program. These letters will be sent shortly and will be included in the Iowa Administrative Record.

Beginning on April 10, 1981, the Iowa Department of Soil Conservation shall be deemed the regulatory authority in Iowa and all surface coal mining and reclamation operations and all coal exploration on non-federal and non-Indian lands in Iowa shall be subject to the permanent regulatory program.

On non-federal and non-Indian lands in Iowa, the permanent regulatory program consists of the state program as conditionally approved by the Secretary.

On federal lands, the permanent regulatory program consists of the federal rules made applicable, under 30 CFR Chapter VII, Subchapter D, Parts 740–745. Iowa and the Department of the Interior may enter into a cooperative agreement to apply the requirements of the approved Iowa permanent regulatory program to federal lands under 30 CFR Part 745.

The Secretary's approval of the Iowa program relates at this time only to the permanent regulatory program under Title V of SMCRA. The approval does not constitute approval of any provisions related to implementation of Title IV of SMCRA, the abandoned mine lands reclamation program. In accordance with 30 CFR Part 844 (State Reclamation Plans), Iowa may submit a state AML reclamation plan. At the time of such a submission, all provisions relating to Abandoned Mined Lands Reclamation will be reviewed by officials of the Department of the Interior.

Additional Findings

The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this conditional approval.

The Secretary has determined that this document is not a significant rule under E.O. 12044, or 43 CFR Part 14, and no regulatory analysis is being prepared on this conditional approval.

Dated: January 15, 1981.

Joan M. Davenport,

Assistant Secretary of the Interior for Energy and Minerals.

A new PART, 30 CFR Part 915, Subchapter T is adopted to read as follows:

PART 915—IOWA

Sec.

915.1 Scope.

915.10 State regulatory program approval.

915.11 Conditions of State regulatory program approval.

Authority: Pub. L. 95–87, sections 102, 201 and 503, 30 U.S.C. 1202, 2111, and 1253.

§ 915.1 Scope.

This part contains all rules applicable only within Iowa which have been adopted under the Surface Mining Control and Reclamation Act of 1977.

§ 915.10 State regulatory program approval.

The Iowa program, as submitted on February 28, 1980, and amended, and clarified on June 11, 1980, and December 15, 1980, is conditionally approved, effective on April 10, 1981. Beginning on that date, the Iowa Department of Soil Conservation shall be deemed the regulatory authority in Iowa for surface coal mining and reclamation operations on non-federal and non-Indian lands. Copies of the approved program, together with copies of the telegram from the Iowa Department of Soil Conservation agreeing to the conditions in 30 CFR 915.11, are available at:

Iowa Department of Soil Conservation, Mines and Minerals Division, Wallace State Office Building, Des Moines, Iowa 50319

Office of Surface Mining Reclamation and Enforcement, Region IV, 5th Floor, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106

Office of Surface Mining Reclamation and Enforcement, Interior South Building, Room 153, 1951 Constitution Avenue NW., Washington, D.C. 20240, Telephone: (202) 343–4728.

§ 915.11 Conditions of State regulatory program approval.

The approval of the State regulatory program is subject to the following conditions:

(a) The approval found in § 915.10 will terminate on July 1, 1981, unless Iowa submits to the Secretary by that date

copies of fully enacted regulations establishing procedures for proposal and assessment of civil penalties similar to those established in section 518 SMCRA and 30 CFR Part 845, or otherwise amends its program to accomplish the same result.

(b) The approval found in § 915.10 will terminate on January 1, 1982, unless Iowa submits to the Secretary by that date copies of fully enacted statutes resolving the conflicting provisions of section 14(2) of the Iowa Surface Coal Mining Act and section 17A.18(3) of the Iowa Administrative Procedures Act so as to provide that cessation orders for failure to abate notices of violation shall be issued immediately, to be consistent with section 521(a)(3) of SMCRA or otherwise amends its program to accomplish the same result.

(c) The approval found in § 915.10 will terminate on July 1, 1981, unless Iowa submits to the Secretary by that date copies of fully enacted regulations establishing penalties to protect state employees during the performance of their duties in accordance with section 704 SMCRA, or otherwise amends its program to accomplish the same result.

[FR Doc. 81-2083 Filed 1-19-81; 8:45 am]
BILLING CODE 4310-05-M

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30 CFR Part 916

Conditional Approval of the Permanent Program Submission From the State of Kansas Under the Surface Mining Control and Reclamation Act of 1977

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior.

ACTION: Final rule; conditional approval of Kansas' permanent regulatory program.

SUMMARY: The State of Kansas resubmitted to the Department of the Interior its proposed permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA), following an initial approval in part and disapproval in part. The notice announcing the initial decision was published in the Federal Register, September 4, 1980 (45 FR 58569–58576). The purpose of the resubmission is to demonstrate the state's intent and capability to administer and enforce the provisions of SMCRA and the permanent regulatory program regulations, 30 CFR Chapter VII.

After providing opportunities for public comment and conducting a thorough review of the program resubmission, the Secretary of the Interior has determined that the Kansas program meets the minimum requirements of SMCRA and the federal permanent program regulations, except for minor deficiencies discussed below under "Supplementary Information." Accordingly, the Secretary of the Interior has conditionally approved the Kansas program.

A new Part 916 is being added to 30 CFR Chapter VII to implement this decision.

EFFECTIVE DATE: This conditional approval is effective January 21, 1981.

This conditional approval will terminate as specified in 30 CFR 916.11, adopted below, unless the deficiencies identified below have been corrected in accord with 30 CFR 916.11.

ADDRESSES: Copies of the Kansas program and the administrative record on the Kansas program, including the telegram from the Kansas Mined-Land Conservation and Reclamation Board agreeing to correct the deficiencies identified below, are available for public inspection and copying during business hours at:

Office of Surface Mining Reclamation and Enforcement, Department of the Interior, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106, Telephone: (816) 374–3920

Mined-Land Office, 107 West 11th Street, Pittsburg, Kansas 66762, Telephone: (316) 231–8540

Kansas Corporation Commission, Legal Office, 4th Floor, State Office Building, 915 Harrison, Topeka, Kansas 66612, Telephone: (913) 296–3361

Office of Surface Mining Reclamation and Enforcement, Room 153, Interior South Building, 1951 Constitution Avenue NW., Washington, D.C. 20240, Telephone: (202) 343–4728.

FOR FURTHER INFORMATION CONTACT:

Carl C. Close, Assistant Director, State and Federal Programs, Office of Surface Mining Reclamation and Enforcement

U.S. Department of the Interior, South Building, 1951 Constitution Avenue NW., Washington, D.C. 20240, Telephone (202) 343–4225.

SUPPLEMENTARY INFORMATION: The general background on the permanent program, the general background on state program approval process, and the background on the Kansas program submission were discussed in the Federal Register, September 4, 1980 (45 FR 58569–58576).

Also, in that notice the Secretary announced the partial approval and partial disapproval of the Kansas program. The legislative provisions were approved with the exceptions noted in the "Secretary's Decision," September 4, 1980, (45 FR 58569–58576). Under 30 CFR 732.13(f), Kansas had 60 days from the date of partial disapproval to resubmit a revised program. Kansas submitted its revised program for consideration on October 31, 1980. Announcement of Kansas' resubmission was made in two newspapers of general circulation within the State of Kansas and published in the **Federal Register** on November 10, 1980 (45 FR 74513–74515).

A public hearing on the resubmission was announced in the November 10, 1980, **Federal Register**, and was held in Pittsburg, Kansas, on November 24, 1980. The post-resubmission public comment period ended November 26, 1980. Public disclosure of comments by federal agencies was made on December 23, 1980 (45 FR 84824).

On December 15, 1980, the Regional Director completed the program review and forwarded the public hearing transcript and copies of all comments to the Director together with a recommendation that the program be conditionally approved.

On December 30, 1980, the Administrator of the Environmental Protection Agency transmitted his written concurrence on the Kansas program.

On January 13, 1981, the Director recommended to the Secretary that the Kansas program be conditionally approved.

On January 9, 1981, Kansas agreed to accept the conditions of approval. The Secretary's decision to approve conditionally the Kansas program was conveyed in a letter to Governor John Carlin. Copies of these documents are available for review in the Administrative Record.

Throughout the review period, beginning with the submission of the program, OSM has had frequent contact and discussions on the state program submission with the staff of the Mined Land Conservation and Reclamation Board. Minutes or notes of the discussions were placed in the Kansas Administrative Record and made available for public review. All contacts between officials or staffs of the Department of the Interior and the State of Kansas were conducted in accordance with the Department's guidelines for such contacts published September 19, 1979 (44 FR 54444–54445).

Throughout the remainder of this notice, the term "Kansas program" or "Kansas submission" is used to mean the resubmission, together with those parts of the original submission partially approved on September 4, 1980.

When the Secretary announced the initial decision on the Kansas program on September 4, 1980 (45 FR 58569–58576), he included with the analysis of the Kansas program the findings on the regulatory provisions and the disposition of comments. Kansas' resubmission, except as noted below under "Secretary's Findings," amends the program to correct the deficiencies identified in that notice.

Therefore, any deficiencies previously identified in the initial decision notice and corrected by the Kansas resubmission will not be discussed in the Secretary's Findings below.

The Secretary has determined that the conclusions in the initial decision were correct with the exception of Finding 4(e). Finding 4(e) concerned an exemption for coal extraction incidental to government-financed highway or other construction as provided for in Section 528(3) of SMCRA and 30 CFR Part 707. The Kansas Mined Land Conservation and Reclamation Board does not have the authority under the Mined Land Conservation and Reclamation Act (MLCRA) or under state regulations to require that persons extracting coal incidental to government-financed construction maintain information on site consistent with 30 CFR Part 707. However, the Secretary finds that the Kansas program can be approved without these provisions because the MLCRA does not contain an exemption from the requirements of the Act for the extraction of coal incidental to government-financed construction, as does SMCRA (Sec. 528(3), 30 U.S.C. 1228(3)). Therefore, the Kansas program is more stringent than SMCRA in this regard.

Also in the September 4, 1980, Federal Register notice, the Secretary explained that since Kansas had withdrawn its proposed regulations prior to that notice, the Secretary was unable to provide a list of regulations in the Kansas program affected by the orders of the U.S. District Court for the District of Columbia in *In Re: Permanent Surface Mining Regulation Litigation.*

The Secretary also noted that under these court orders, he need not affirmatively disapprove state regulations similar to those federal regulations suspended or remanded by the court where the state has adopted such provisions after the date of the Round II District Court decision (May 16, 1980), or where a state official specifically requests the Secretary to approve them. (45 FR 58570).

By the letter dated October 27, 1980 (Administrative Record Document KS–183), the Chairman of the Mined-Land Conservation and Reclamation Board stated that Kansas desires to retain all state regulations corresponding to suspended or remanded OSM regulations. In addition, all such state regulations except one were adopted on October 8, 1980, after the date of the Round II decision. Therefore, the Secretary need not affirmatively disapprove any Kansas regulations as a result of the above-mentioned litigation.

The contents of the September 4, 1980, notice also provide part of the basis for the following findings and for this decision.

Secretary's Findings

1. In accordance with Section 503(a) of SMCRA, the Secretary finds that Kansas has the capability to carry out the provisions of SMCRA and to meet its purposes in the following ways:

(a) The Kansas Mined-Land Conservation and Reclamation Act (MLCRA) and the regulations adopted thereunder provide for the regulation of surface coal mining and reclamation operations on non-Indian and non-Federal lands in accordance with SMCRA with the exceptions noted below in Findings 4(b), 4(g), 4(h), 4(i), 4(o), 4(p), and 4(r);

(b) The MLCRA provides sanctions for violations of Kansas laws, regulations or conditions of permits concerning surface coal mining and reclamation operations with the exception noted below in finding 4(h). These sanctions meet the requirements of SMCRA, including civil and criminal actions, forfeiture of bonds, suspensions, revocations, withholding of permits, and the issuance of cessation orders by the Kansas Mined-Land Conservation and Reclamation Board or its inspectors;

(c) The Kansas Mined-Land Office has sufficient administrative personnel and funds to enable Kansas to regulate surface coal mining and reclamation operations in accordance with the requirements of SMCRA. In the "Secretary's Findings" supporting the initial decision on the Kansas program, the Secretary noted that while the proposed staff and budget would probably be sufficient, the staffing and budget plan had not been approved by the Kansas Legislature. *See* Finding 1(c), 45 FR 58571, September 4, 1980. The Kansas Legislature is not expected to be able to act on the proposed staffing and budget plan until it recovenes in early 1981. Until the proposed staffing and budget plan is approved, Kansas proposes to administer and implement the State regulatory program using the following measures. Kansas has agreed to contract the services of qualified consulting firms to provide technical support as needed. The budget has been increased to cover these contractual services (Volume III, 731.14(K), page 165, Administrative Record document KS–189). Kansas also has agreed to utilize the expertise of other state agencies, as needed. In addition, OSM and Kansas have entered into an agreement under the Intergovenmental Personnel Act, whereby OSM will provide to Kansas a full-time technically qualified person for a period of one year, beginning January 11, 1981. Accordingly, the Secretary finds that these measures, when implemented, should provide for adequate administration and implementation of the Kansas regulatory program during the immediate time period until the proposed staffing and budget plan is approved by the Kansas Legislature. The Secretary will, through OSM, carefully monitor these measures and the permanent program staffing and budget plan once it is approved by the Kansas Legislature to ensure that the requirements of SMCRA and 30 CFR Chapter VII will be met;

(d) The MLCRA provides for the effective implementation, maintenance, and enforcement of a permit system that meets the requirements of SMCRA for the regulation of surface coal mining and reclamation operations on non-Indian and non-Federal lands within Kansas;

(e) The MLCRA has established a process for the designation of areas as unsuitable for surface coal mining in accordance with Section 522 of SMCRA, 30 U.S.C. 1272;

(f) Kansas has established, for the purpose of avoiding duplication, a process for coordinating the review and issuance of permits for surface coal mining and reclamation operations with other federal and state permit processes applicable to the proposed operations;

(g) Kansas has fully enacted regulations consistent with regulations issued pursuant to SMCRA. These regulations were enacted as temporary regulations on October 8, 1980, and will become effective as permanent regulations on May 1, 1981.

2. As required by Section 503(b)(1)–(3) of SMCRA, 30 U.S.C. 1253(b)(1)–(3), and 30 CFR 732.11–732.13, the Secretary has through OSM:

(a) Solicited and publicly disclosed the views of the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the heads of other federal agencies concerned with

or having special expertise pertinent to the proposed Kansas program;

(b) Obtained the written concurrence of the Administrator of the Environmental Protection Agency with respect to those aspects of the Kansas program that relate to air or water quality standards promulgated under the authority of the Clean Water Act as amended, (33 U.S.C. 1151–1175); and the Clean Air Act as amended, (42 U.S.C. 7401 *et seq.*), and;

(c) Held a public review meeting in Topeka, Kansas, on April 10, 1980, to discuss the completeness of the Kansas program submission, held a public hearing in Pittsburg, Kansas, on July 14, 1980, on the substance of the program submission, and subsequently held a public hearing in Pittsburg, Kansas, on November 24, 1980, on the resubmitted program;

(d) Obtained an opinion from the U.S. Fish and Wildlife Service that the approval of the Kansas program is not likely to jeopardize the continued existence of species listed in Kansas as threatened or endangered under the Endangered Species Act, 16 U.S.C. 1531 *et seq.*

3. In accordance with Section 503(b)(4) of SMCRA, 30 U.S.C. 1253(b)(4), the Secretary finds the State of Kansas has the legal authority and qualified personnel necessary for the enforcement of the environmental protection standards of SMCRA and 30 CFR Chapter VII. However, see Finding 1(c).

4. In accordance with 30 CFR 732.15, and on the basis of information in the Kansas program submission, including the section-by-section comparison of the Kansas MLCRA and regulations and SMCRA and 30 CFR Chapter VII, public comments, testimony at the public meeting and hearings, and other relevant information, the Secretary makes the following findings:

(a) Pursuant to 30 CFR 732.15(a), the Secretary finds that the proposed Kansas program provides for the Mined Land Conservation and Reclamation Board to carry out the provisions and meet the purposes of SMCRA and 30 CFR Chapter VII. The Secretary further finds that Kansas, in its resubmission, has not proposed any alternative approaches to the requirements of 30 CFR Chapter VII pursuant to 30 CFR 731.13;

(b) Pursuant to 30 CFR 732.15(b)(1), the Secretary finds that the Kansas Mined Land Conservation and Reclamation Board has the authority under the MLCRA and regulations (except as specifically set forth below in this paragraph) to implement, administer, and enforce all applicable requirements consistent with 30 CFR Chapter VII, Subchapter K. These provisions are incorporated in Sections 49–405 and 49–408 of the MLCRA and Article 9 of Kansas' regulations. The Secretary further finds that Sections 49–411 and 49–412 of the MLCRA, which allow for deferred planting and delayed reclamation, are inconsistent with Section 515(b)(16) of SMCRA which requires reclamation contemporaneously with mining. The Secretary conditions his approval of the Kansas program on Kansas amending MLCRA Section 49–411 to the extent it authorizes deferred planting and repealing Section 49–412 which authorizes delayed reclamation;

(c) Pursuant to 30 CFR 732.15(b)(2), the Secretary finds that the Kansas Mined Land Conservation and Reclamation Board has the authority under the MLCRA and regulations to implement, administer and enforce a permit system consistent with 30 CFR Chapter VII, Subchapter G and prohibit surface coal mining and reclamation operations without a permit issued by the Kansas Mined Land Conservation and Reclamation Board. These provisions are incorporated in Sections 49–405, 49–406, 49–407, 49–410, 49–427, and 49–429 of the MLCRA and Articles 2, 3, 4, 6, 7, 10, 11, 14, and 15 of Kansas' regulations;

(d) Pursuant to 30 CFR 732.15(b)(3), the Secretary finds that the Kansas Mined Land Conservation and Reclamation Board has the authority under the MLCRA and regulations to regulate coal exploration consistent with 30 CFR Parts 776 and 815, and to prohibit coal exploration that does not comply with 30 CFR Parts 776 and 815. These provisions are incorporated in Sections 49–405 and 49–427 of the MLCRA and Article 7 of Kansas' regulations;

(e) Pursuant to 732.15(b)(4) the Secretary finds that the MLCRA and the Kansas program do not provide an exemption from permanent program requirements for coal extraction incidental to government-financed construction. The Secretary further finds that without the exemption, the Kansas program is more stringent than SMCRA and 30 CFR Part 707;

(f) Pursuant to 30 CFR 732.15(b)(5), the Secretary finds that the Kansas Mined Land Conservation and Reclamation Board has the authority under the MLCRA and regulations to provide for entry, inspections, and monitoring of all coal exploration and surface mining and reclamation operations on non-Indian and non-federal lands within Kansas consistent with Section 517 of SMCRA and 30 CFR Chapter VII, Subchapter L. These provisions are incorporated in Sections 49–405, 49–405c and 49–405d of MLCRA and Articles 5 and 15 of Kansas' regulations;

(g) Pursuant to 30 CFR 732.15(b)(6), the Secretary finds that the Kansas Mined Land Conservation and Reclamation Board has the authority under the MLCRA and regulations to implement, administer and enforce a system for performance bonds and liability insurance, or other equivalent guarantees, consistent with 30 CFR Chapter VII, Subchapter J (with the exceptions noted specifically below in this paragraph). These provisions are incorporated in Sections 49–405, 49–406, 49–415 and 49–416 of the MLCRA and Articles 2, 3, and 8 of Kansas' regulations. The Secretary further finds that Sections 49–413 and 49–414 of the MLCRA, which allow for bond release once the Kansas Mined Land Conservation and Reclamation Board has determined that a satisfactory vegetative cover has been established, are inconsistent with Sections 515(b)(20) and 519(c) of SMCRA, which require an operator to assume a five year minimum period of responsibility for successful revegetation. Approval of the Kansas program is conditioned on Kansas amending Section 49–413 to the extent it authorizes discretionary bond release and repealing Section 49–414 of the MLCRA which authorizes release of bond in conjunction with deferred planting;

(h) Pursuant to 30 CFR 732.15(b)(7), the Secretary finds that the Kansas Mined Land Conservation and Reclamation Board has the authority under the MLCRA and Kansas regulations to provide for civil and criminal sanctions for violations of the Kansas law, regulations and conditions of permits and exploration approvals including civil and criminal penalties in accordance with Section 518 of SMCRA and 30 CFR Part 845 including the same or similar procedural requirements (with the exception noted specifically below in this paragraph). These provisions are incorporated in Sections 49–405 and 49–405c of the MLCRA and Article 5 of Kansas' regulations. The Secretary further finds that Section 49–421 of the MLCRA, relating to penalties, is inconsistent with SMCRA inasmuch as it does not authorize mandatory penalties for cessation orders as high as the $5,000 maximum contained in Section 518(a) of SMCRA. The Kansas statute limits such penalties to $250. The MLCRA also contains a provision (Section 49–405c) that establishes a penalty of $5,000 that is consistent with SMCRA. However, Section 49–421 is inconsistent with Section 49–405c;

apparently the Kansas legislature inadvertently failed to repeal Section 49–421 when Section 49–405c was enacted. The Secretary conditions his approval on Kansas repealing Section 49–421 of the MLCRA;

(i) Pursuant to 30 CFR 732.15(b)(8), the Secretary finds that the Kansas Mined Land Conservation and Reclamation Board has the authority (except as specifically set forth below in this paragraph) under the MLCRA and regulations to issue, modify, terminate and enforce notices of violation, cessation orders and show-cause orders in accordance with Section 521 of SMCRA (30 U.S.C. 1271), and consistent with 30 CFR Chapter VII, Subchapter L, including the same or similar procedural requirements. These provisions are incorporated in Section 49–405, 49–405c and 49–405d of the MLCRA and Articles 5 and 15 of Kansas' regulations. The Secretary further finds that Section 49–416 of the MLCRA is inconsistent in part with and less stringent than Section 521 of SMCRA (and Section 49–405(m) of the MLCRA) because it allows for discretionary permit revocation as distinguished from the mandatory cessation orders required under Section 521 for violations creating imminent danger to public health or safety or causing imminent environmental harm. The Secretary conditions his approval on Kansas amending Section 49–416 to the extent that it provides for discretionary permit revocation;

(j) Pursuant to 30 CFR 732.15(b)(9), the Secretary finds that the Kansas Mined Land Conservation and Reclamation Board has the authority under the MLCRA and regulations to provide for designation of areas as unsuitable for surface coal mining consistent with 30 CFR Chapter VII, Subchapter F. These provisions are incorporated in Sections 49–405, 49–405b, 49–406 and 49–422a of the MLCRA and Articles 2 and 12 of Kansas' regulations;

(k) Pursuant to 30 CFR 732.15(b)(10), the Secretary finds that the Kansas Mined Land Conservation and Reclamation Board has the authority under the MLCRA and regulations to provide for public participation in the development, revision and enforcement of Kansas regulations and the Kansas program consistent with the public participation requirements of SMCRA, 30 CFR Chapter VII, and 43 CFR Part 4. The Secretary further finds that the public has had a meaningful opportunity to participate in the development of the state program submitted to OSM based on the information in the administrative record, the public hearings Kansas held on July 24, 1979, December 10, 1979, and September 29, 1980, in Pittsburg, Kansas, and the public comment periods provided pursuant to Kansas Statutes Annotated, Chapter 77, Article 4;

(l) Pursuant to 30 CFR 732.15(b)(11), the Secretary finds that the Kansas Mined Land Conservation and Reclamation Board has the authority under the MLCRA and regulations to monitor, review, and enforce the prohibition against indirect or direct financial interests in coal mining operations by employees of the Kansas Mined Land Conservation and Reclamation Board consistent with 30 CFR Part 705. These provisions are incorporated in Sections 49–404, 49–405 and 49–406 of the MLCRA and Articles 2 and 14 of Kansas' regulations;

(m) Pursuant to 30 CFR 732.15(b)(12), the Secretary finds that the Kansas Mined Land Conservation and Reclamation Board has the authority under the MLCRA, but does not have the authority under fully enacted regulations, to require the training, examination, and certification of persons engaged in or responsible for blasting and the use of explosives in accordance with Section 719 of SMCRA. Under 30 CFR 732.15(b)(12), the State is not required to implement regulations governing such training, examination and certification until six months after complete federal regulations have been promulgated for these provisions. On December 12, 1980, OSM published partial final rules establishing minimal requirements for training and certifying persons involved in blasting in surface coal mining operations (45 FR 82084–82100). These regulations are codified at 30 CFR Chapter VII, Subchapter M, Part 850. Subchapter M is now final and complete with the exception of four subsections concerning qualification and experience reuirements. These subsections will be reproposed and subject to public comment prior to their final promulgation. Once the complete Subchapter M is finally promulgated, Kansas will have an additional six months to prepare and submit to OSM regulations consistent with the federal rules;

(n) Pursuant to 732.15(b)(13), the Secretary finds that the Kansas Mined Land Conservation and Reclamation Board has the authority under the MLCRA and regulations to implement a small operator assistance program consistent with 30 CFR Part 795. These provisions are incorporated in Sections 49–405 and 49–406 of the MLCRA and Article 11 of Kansas' regulations;

(o) Pursuant to 30 CFR 732.15(b)(14), the Secretary finds that the Kansas program does not provide for protection of employees of the Kansas Mined Land Conservation and Reclamation Board in accordance with the protection afforded federal employees under Section 704 of SMCRA. The Secretary conditions his approval on Kansas amending the MLCRA to include provisions for the protection of employees of the Kansas Mined Land Conservation and Reclamation Board consistent with the protection afforded federal employees under Section 704 of SMCRA;

(p) Pursuant to 30 CFR 732.15(b)(15), the Secretary finds that the Kansas Mined Land Conservation and Reclamation Board has the authority under the MLCRA and regulations to provide for the administrative and judicial review of the Kansas program actions (except as specifically set forth in this paragraph) in accordance with Sections 525 and 526 of SMCRA and with 30 CFR Chapter VII, Subchapter L. These provisions are incorporated in Sections 49–407, 49–416a and 49–422a of the MLCRA and Article 4 of Kansas' regulations. The Secretary further finds that Sections 49–422 and 49–422a of the MLCRA are inconsistent with each other and neither Section 49–422 nor 49–422a of the MLCRA states whether judicial review of an administrative action will be *de novo* or on the record made before the Board. The Secretary conditions his approval on Kansas repealing Section 49–422 and amending Section 49–422a to demonstrate that the review provided for will be on the record or consistent with the federal requirements for *de novo* review as stated in Finding 4(p) of the initial decision on the Kansas program (45 FR 58573, September 4, 1980);

(q) Pursuant to 30 CFR 732.15(b)(16), the Secretary finds that the Kansas Mined Land Conservation and Reclamation Board has authority under the MLCRA and regulations to cooperate and coordinate with, and provide documents and other information to the Office of Surface Mining under the provisions of 30 CFR Chapter VII;

(r) Pursuant to 30 CFR 732.15(c), the Secretary finds that the MLCRA contains provisions that would interfere with or preclude implementation of the provisions of SMCRA and 30 CFR Chapter VII, as noted in findings 4(b), 4(g), 4(h), 4(i), and 4(p) above;

(s) Pursuant to 30 CFR 732.15(b), the Secretary finds that the Kansas Mined Land Conservation and Reclamation Board and other agencies having a role in the program have sufficient legal and administrative personnel and sufficient funding to implement, administer, and enforce the provisions of the program, the requirements of 30 CFR 732.15(b)

and other applicable state and federal laws; however, see Finding 1(c) above.

Disposition Of Comments

The comments received on the Kansas program resubmission during the public comment period held between November 10, 1980, and November 26, 1980, raised several issues. The Secretary considered these comments in evaluating Kansas' program, as indicated below.

1. The Heritage Conservation and Recreation Service requested that Kansas adopt supplemental regulations that would adequately address compliance with Section 106 of the National Historic Preservation Act of 1966, as amended. The suggested supplemental regulations are discussed below:

(a) Both Kansas regulations 47–12–4(j) and 47–3–42(a)(2) should include a provision that would restrict public release of information identifying historic, archeological or Indian burial site locations if such disclosures might result in vandalism of these sites. Although the National Historic Preservation Act has been recently amended to restrict release of information in these circumstances for sites on federal lands, OSM's regulations at present, do not impose this requirement on the states. Therefore, the Secretary will not require Kansas to change its regulations at this time. If the Secretary subsequently adopts a regulation requiring such a provision in state programs, Kansas will be required to amend its program at that time.

(b) Both Kansas regulations 47–3–42(a)(32) and 47–10–1(c) should include a provision for consultation with the Heritage Conservation and Recreation Service in the development of measures to minimize or prevent adverse impacts to public parks and historic places. Kansas regulation 47–12–4(c) incorporates by reference 30 CFR 761.12(f), which provides for consultation with the Federal, State or local agency with jurisdiction over any public park or places listed on the National Register of Historic Places which may be adversely affected by a proposed surface coal mining operation. Such consultation would include HCRS when HCRS is the Federal agency with jurisdiction.

2. The Environmental Protection Agency (EPA) requested that the Memorandum of Agreement (MOA) between the Kansas Mined Land Conservation and Reclamation Board and the Kansas Department of Health and Environment specify provisions to coordinate water quality planning activities. In addition, EPA stated that the MOA did not specify how coordination on air pollution issues would be accomplished. The MOA does specify how the Board will coordinate with the Department of Health and Environment (DHE) on NPDES matters. The Board has no general water quality planning activities under the permanent program. The MOA also specifies that the board will consult with DHE before approving air pollution related aspects of an application for a surface coal mining permit. Therefore, no change to this part of the program is required.

3. The EPA recommended a larger staff for the Kansas Mined Land Office. The Secretary shares EPA's concern over Kansas' staffing and budget plans; see the detailed discussion contained in Finding 1(c) above.

4. The Soil Conservation Service (SCS), United States Department of Agriculture, noted that a clearer and more defined process for the review of reclamation plans would help inform all reviewers of their responsibilities and reduce delays in permit approvals. Volume 3 of the Kansas program, at pages 69–73 (Administrative Record No. KS–189), sets out in adequate detail the proposed process for coordinating the review of permit applications. These pages include a flow chart with time limits, as well as a narrative description of the process. Therefore, no additional information is required.

5. The SCS commented that Kansas regulation 47–3–21 should not consider historical use to determine prime farmland. The SCS further commented that the identification of prime farmland should be classified according to the USDA Soil Conservation Service definition, not based on historical use. Section 701(20) of SMCRA requires the Secretary to consider historical use in the determination of whether land is prime farmland. Therefore, Kansas' regulation 47–3–21 is consistent with SMCRA.

6. The Environmental Policy Institute (EPI) commented that by using Kansas' workload assumptions, Kansas needs to hire additional reclamation specialists to meet the Kansas projected inspection workload. The Secretary believes, based on experience in the interim program, the Kansas projection of inspection workload is overestimated. Partial inspections should require about 8 hours and complete inspections about 16 hours because the mines in Kansas are moderate to small in size. Also, because the mines are located in one small region of the state, the travel time to and between mines is relatively short. In light of these factors, the Secretary believes that the proposed inspection staff will be sufficient to permit Kansas to meet its inspection mandates. Also, see the discussion of Kansas' overall staffing and budget plan in Finding 1(c) above.

7. The EPI noted that the Kansas program does not include a provision comparable to section 704 of SMCRA providing for the protection of employees of the Kansas Mined Land Conservation and Reclamation Board in accordance with the protection afforded federal employees. The Secretary concurs; see the discussion under Finding 4(o), above.

The Secretary's Decision

The Secretary is fully committed to two key aims which underlie SMCRA. The Act calls for comprehensive regulation of the effects of surface coal mining on the environment and public health and safety, and for the Secretary to assist the states in becoming the primary regulators under the Act. To enable the states to achieve that primacy, the Secretary has undertaken many activities, of which several are particularly noteworthy.

The Secretary has worked closely with several state organizations, such as the Interstate Mining Compact Commission, the Council of State Governments, the National Governors Association and the Western Interstate Energy Board. Through these groups OSM has frequently met with state regulatory authority personnel to discuss informally how the Act should be administered, with particular reference to unique circumstances in individual states. Often these meetings have been a way for OSM to explain portions of the federal requirements and how the states might meet them. Alternative state regulatory options, the "state window" concept, for example, were discussed at several meetings of the Interstate Mining Compact Commission and the National Governors Association.

The Secretary has dispensed over $6.9 million in program development grants and over $37.6 million in initial program grants to help the states to develop their programs, to administer their initial programs, to train their personnel in the new requirements, and to purchase new equipment. In several instances OSM detailed its personnel to states to assist in the preparation of their permanent program submissions. OSM has also met with individual states to determine how best to meet the Act's environmental protection goals.

Equally important, the Secretary structured the state program approval process to assist the states in achieving primacy. He voluntarily provided his

preliminary views on the adequacy of each state program to identify needed changes and to allow them to be made without penalty to the state. The Secretary adopted a special policy to insure that communication between him and the states remained open and uninhibited at all times. This policy was critical to avoiding a period of enforced silence with a state after the close of the public comment period on its program and has been a vital part of the program review process (*see* 44 FR 54444, September 19, 1979).

The Secretary has also developed in his regulations the critical ability to approve conditionally a state program.

Under the Secretary's regulations, conditional approval gives full primacy to a state even though there are minor deficiencies in a program. This power is not expressly authorized by the Act; it was adopted through the Secretary's rulemaking authority under 30 U.S.C. 201(c), 503(b), and 503(a)(7). The Act expressly gives the Secretary only two options—to approve or disapprove a state program. Read literally, the Secretary would have no flexibility; he would have to approve those programs that are letter-perfect and disapprove all others. To avoid that result, and in recognition of the difficulty of developing an acceptable program, the Secretary adopted the regulation providing the authority to approve conditionally a program.

Conditional approval has a vital effect for programs approved by the Secretary: it results in the implementation of the permanent program in a state months earlier than might otherwise be anticipated. While this may not be significant in states that already have comprehensive surface mining regulatory programs, in many states that earlier implementation will initiate a much higher degree of environmental protection. It also implements the rights SMCRA provides to citizens to participate in the regulation of surface coal mining through soliciting their views at hearings and meetings and enabling them to file requests to designate lands as unsuitable for mining if they are fragile, historic, critical to agriculture, or simply cannot be reclaimed to their prior productive capability.

The Secretary considers three factors in deciding whether a program qualifies for conditional approval. First is the state's willingness to make good faith efforts to effect the necessary changes. Without the state's commitment, the option of conditional approval may not be used.

Second, no part of the program can be incomplete. As the preamble to the regulations says, the program, even with deficiencies, must "provide for implementation and administration for all processes, procedures, and systems required by the Act and these regulations" (44 FR 14961). That is, a state must be able to operate the basic components of the permanent program: the designation process; the permit and coal exploration systems; the bond and insurance requirements; the performance standards; and the inspection and enforcement systems. In addition there must be a functional regulatory authority to implement the other parts of the program. If some fundamental component is missing, conditional approval may not be used.

Third, the deficiencies must be minor. For each deficiency or group of deficiencies, the Secretary considers the significance of the deficiency in light of the particular state in question. Examples of deficiencies that would be minor in virtually all curcumstances are correction of clerical errors and resolution of ambiguities through attorneys general opinions, revised regulations, policy statements, and changes in the narrative or the side-by-side.

Other deficiencies require individual consideration. An example of a deficiency that would most likely be major would be a failure to allow meaningful public participation in the permitting process. Although this would not render the permit system incomplete because permits could still be issued, the lack of any public participation could be such a departure from a fundamental purpose of the Act that the deficiency would most likely be major. The use of a conditional approval is not and cannot be a substitute for the adoption of an adequate program. Section 732.13(i) of Title 30 of the regulations gives the Secretary little discretion in terminating programs where the state fails to fulfill the conditions. The purpose of the conditional authority power is to assist the states, not to excuse them from achieving compliance with SMCRA.

Conditional Approval

As indicated under "Secretary's Findings," there are minor deficiencies in the Kansas program that the Secretary requires be corrected as a condition of program approval, and which the State has agreed to correct. In all other aspects, the Kansas program meets the criteria for approval. The deficiencies identified in prior findings and the reasons why they are considered minor are summarized below. In each instance, the discussion of the deficiencies found under "Secretary's Findings" discusses one means of eliminating the deficiency. The State may take other measures to eliminate the deficiencies, and so long as the same result is achieved, the conditions will be met.

The statutory deficiencies identified below cannot be repealed or amended until the Kansas Legislature convenes in January 1981. However, the Chairman of the Kansas Mined Land Conservation and Reclamation Board stated in a letter of October 27, 1980, that the Board "will exercise its discretion, within the allowable limits of the law, in favor of the standards and policies identified in the proposed statutory revisions to the State Act. In other words, where a conflicting statute which the Board wishes to have repealed or amended currently contains language making an Act discretionary with the Board, and that Act conflicts with OSM regulations and P.L. 95–87, then the Board will not exercise its discretion to allow or order that Act." Administrative Record Document KS–183.

1. Sections 49–411 and 49–412 of the MLCRA allow the state regulatory authority to authorize deferred planting and delayed reclamation. These provisions are capable of implementation in a manner inconsistent with Section 515(b)(16) and SMCRA which requires reclamation as contemporaneously as practicable with mining.

As noted above, Kansas has agreed not to exercise its discretion in a manner inconsistent with SMCRA. Based on this representation, there is little likelihood of environmental damage prior to revision of the statute.

2. Sections 49–413 and 49–414 of the MLCRA allow the state regulatory authority to authorize bond release upon a determination that a satisfactory vegetative cover has been established. These sections are inconsistent with Sections 515(b)(20) and 519(c) of SMCRA which require an operator to assume a five year minimum period of responsibility for successful revegetation.

As noted above, Kansas has agreed not to exercise its discretion in a manner inconsistent with SMCRA. Based on this representation, there is little likelihood of any impact prior to the time when a statutory revision can be made.

3. Section 49–421 of the MLCRA limits mandatory civil penalties for cessation orders to $250. This provision is inconsistent with and less stringent than Section 518(a) of SMCRA which authorizes mandatory penalties of up to $5000. The Kansas MLCRA also contains a provision (Section 49–405c) that establishes a maximum penalty of

$5000. Apparently, Kansas inadvertently failed to repeal Section 49–421 when Section 49–405c was enacted.

Kansas state law (Section 49–405c) and regulations provide for penalties consistent with federal law and regulations. The deficiency noted above appears to be the result of an inadvertent error. While it is possible that in the period prior to revision of the statute these provisions could be applied to limit civil penalty assessments in a manner inconsistent with SMCRA, this is a minor deficiency in that operators will, in all cases, be subject to some fines, and the period before correction of the legislation should be brief.

4. Section 49–416 of the MLCRA is inconsistent in part with Section 521 of SMCRA (and Section 49–405(m) of the MLCRA) because it allows for discretionary permit revocation as distinguished from the mandatory cessation orders required under Section 521 for violations creating imminent danger to public health or safety or causing imminent environmental harm.

As noted above, Kansas has agreed not to exercise its discretion in a manner inconsistent with SMCRA. Based on this representation, there is little likelihood of any impact prior to revision of the statute.

5. The Kansas program contains no counterpart to Section 704 of SMCRA concerning protection of employees of the Kansas Mined Land Conservation and Reclamation Board equivalent to the protection afforded federal employees under Section 704.

The history of state and coal industry relations in Kansas indicates that state employees will not likely be either significantly deterred in performing their duties or subject to violence or harassment during the time necessary to amend the statute. State inspectors will be protected under certain circumstances by the general state assault and battery statutes.

6. Sections 49–422 and 49–422a of the MLCRA are inconsistent with each other (the retention of Section 49–422 may have been inadvertent) and neither Section states whether judicial review of an administrative action will be *de novo* or on the record made before the Mined Land Conservation and Reclamation Board. To the extent that the Kansas program provides for trial *de novo* review of an administrative action such review must incorporate procedures adequately addressing the seven criteria enumerated in Finding 4(p) of the **Federal Register** notice announcing the initial decision on the Kansas program. (45 FR 58573, September 4, 1980).

Based on the time periods involved in the administrative process and the small number of mines in Kansas, there are not likely to be any appeals from administrative decisions prior to correction of this deficiency in the state program. The probability of an appeal and of an inconsistent interpretation of federal regulations is considered minimal.

Given the nature of these deficiencies and their magnitude in relation to all the other provisions of the Kansas program, the Secretary of the Interior has concluded they are minor deficiencies. Accordingly, the program is eligible for conditional approval under 30 CFR 732.13(i), because:

1. The deficiencies are of such a size and nature as to render no part of the Kansas program incomplete since all other aspects of the program meet the requirements of SMCRA and 30 CFR Chapter VII, and these deficiencies, which have been agreed to be promptly corrected, will not directly affect environmental performance at coal mines;

2. Kansas has initiated and is actively proceeding with steps to correct the deficiencies (See Kansas Administrative Record Document KS–198 of draft legislation); and,

3. Kansas has agreed, by telegram dated January 9, 1981, to correct the statutory deficiencies by June 1, 1981.

Accordingly, the Secretary is conditionally approving the Kansas program. This approval shall terminate if the state legislation correcting the statutory deficiencies is not fully enacted by June 1, 1981. This conditional approval is effective on January 21, 1981. Beginning on that date, the Kansas Mined Land Conservation and Reclamation Board shall be deemed the regulatory authority in Kansas and all surface coal mining and reclamation operations and all coal exploration on non-federal and non-Indian lands in Kansas shall be subject to the permanent regulatory program.

On non-federal and non-Indian lands in Kansas, the permanent regulatory program consists of the state program as conditionally approved by the Secretary.

On federal lands, the permanent regulatory program consists of the federal rules made applicable under 30 CFR Chapter VII, Subchapter D, Parts 740–745. Kansas and the Department of Interior may enter into a cooperative agreement to apply the requirements of the approved Kansas permanent regulatory program to federal lands under 30 CFR Part 745.

The Secretary's approval of the Kansas program relates at this time only to the permanent regulatory program under Title V of SMCRA. The approval does not constitute approval of any provisions related to implementation of Title IV of SMCRA, the abandoned mine lands reclamation program. In accordance with 30 CFR Part 884, Kansas may submit a state reclamation plan now that its permanent program has been conditionally approved. At the time of such a submission, all provisions relating to abandoned mined lands reclamation will be reviewed by officials of the Department of the Interior.

Additional Findings

The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this conditional approval.

The Secretary has determined that this document is not a significant rule under E.O. 12044 or 43 CFR Part 14, and no regulatory analysis is being prepared on this conditional approval.

Dated: January 13, 1981.

Joan M. Davenport,

Assistant Secretary, Energy and Minerals.

A new Part, 30 CFR Part 916, is adopted to read as follows:

PART 916—KANSAS

Sec.

916.1 Scope.

916.10 State regulatory program approval.

916.11 Conditions of State program approval.

Authority: Pub. L. 95–87, Sections 102, 201 and 503; 30 U.S.C. 1202, 1211, and 1253.

§ 916.1 Scope.

This part contains all rules applicable only within Kansas which have been adopted under the Surface Mining Control and Reclamation Act of 1977.

§ 916.10 State regulatory program approval.

The Kansas program as submitted on February 26, 1980, and amended on October 31, 1980, is conditionally approved, effective January 21, 1981. Beginning on that date, the Kansas Mined Land Conservation and Reclamation Board shall be deemed the regulatory authority in Kansas for all surface coal mining and reclamation operations on non-federal and non-Indian lands. Copies of the approved program, together with copies of the telegram from the Kansas Mined Land Conservation and Reclamation Board agreeing to the conditions in 30 CFR 916.11, are available at:

(a) Office of Surface Mining Reclamation and Enforcement, Region IV, Fifth Floor, Scarritt Building, 818

Grand Avenue, Kansas City, Missouri 64106. Telephone: (816) 374–3920

(b) Mined-Land Office, 107 West 11th Street, Pittsburg, Kansas 66762. Telephone: (316) 231–8540

(c) Kansas Corporation Commission, Legal Office, 4th Floor, State Office Building, 915 Harrison, Topeka, Kansas 66612. Telephone: (913) 296–3361

(d) Office of Surface Mining Reclamation and Enforcement, Room 153, Interior Building, 1951 Constitution Avenue NW., Washington, D.C. 20240. Telephone: (202) 343–4728.

§ 916.11 Conditions of State program approval.

The approval of the State regulatory program is subject to the following conditions:

(a) The approval found in Section 916.10 will terminate on June 1, 1981, unless Kansas corrects the deficiencies by submitting to the Secretary by that date a law amending Section 49–411 of the MLCRA to remove the discretion to allow deferred planting and a law repealing Section 49–112 of the MLCRA which allows the state regulatory authority to authorize delayed reclamation, or otherwise amends its program to accomplish the same result.

(b) The approval found § 916.10 will terminate on June 1, 1981, unless Kansas corrects the deficiencies by submitting to the Secretary by that date a law amending Section 49–413 of the MLCRA to remove the discretion to allow bond release upon a determination that a satisfactory vegetative cover has been established and a law repealing Section 49–414 of the MLCRA which authorizes release of bond in conjunction with deferred planting, or otherwise amends its program to accomplish the same result.

(c) The approval found in § 916.10 will terminate on June 1, 1981, unless Kansas corrects the deficiency by submitting to the Secretary by that date a law repealing Section 49–421 of the MLCRA to the extent that it provides for a civil penalty assessment limit of $250, or otherwise amends its program to accomplish the same result.

(d) The approval found in § 916.10 will terminate on June 1, 1981, unless Kansas corrects the deficiency by submitting to the Secretary by that date a law amending Section 49–416 of the MLCRA to the extent that it provides for discretionary permit revocation, or otherwise amends its program to accomplish the same result.

(e) The approval found in § 916.10 will terminate on June 1, 1981, unless Kansas corrects the deficiency by submitting to the Secretary by that date a law providing for the protection of employees of the Kansas Mined Land Conservation and Reclamation Board consistent with the protection afforded federal employees under Section 704 of SMCRA, or otherwise amends its program to accomplish the same result.

(f) The approval found in § 916.10 will terminate on June 1, 1981, unless Kansas corrects the deficiency by submitting to the Secretary by that date a law repealing Section 49–422 and amending Section 49–422a of the MLCRA to establish that judicial review of an administrative action will be on the record before the Board or if trial *de novo*, that it complies with the federal requirements, or otherwise amends its program to accomplish the same result.

[FR Doc. 81–2035 Filed 1–19–81; 8:45 am]
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30 CFR Part 944

Conditional Approval of the Permanent Regulatory Program Submission From the State of Utah Under the Surface Mining Control and Reclamation Act of 1977

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final Rule; Conditional Approval of Utah's Proposed Permanent Regulatory Program.

SUMMARY: The State of Utah resubmitted to the Department of the Interior its proposed permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA), following an initial approval in part and disapproval in part. The notice announcing the initial decision was published in the Federal Register, October 24, 1980 (45 FR 70481–70510). The purpose of the resubmission is to demonstrate the State's intent and capability to administer and enforce the provisions of SMCRA and the permanent regulatory program regulations, 30 CFR Chapter VII. After providing opportunities for public comment and conducting a thorough review of the program submission, the Secretary of the Interior has determined that the Utah program meets the minimum requirements of SMCRA and the permanent program regulations except for minor deficiencies discussed below under "Supplementary Information." Accordingly, the Secretary of the Interior has conditionally approved the Utah program. A new Part 944 is being added to 30 CFR Chapter VII to implement this decision.

EFFECTIVE DATE: This conditional approval is effective January 21, 1981. This conditional approval will terminate as specified in 30 CFR 944.11 unless the deficiencies identified below have been corrected in accordance with 30 CFR 944.11, adopted below.

FOR FURTHER INFORMATION CONTACT: Mr. Carl C. Close, Assistant Director, State and Federal Programs, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, South Building, 1951 Constitution Avenue NW., Washington, D.C. 20240, telephone (202) 343–4225.

ADDRESSES: Copies of the Utah program and the administrative record on the Utah program are available for public inspection and copying during business hours at:

Office of Surface Mining Reclamation and Enforcement, Region V, Brooks Towers, Room 2115, 1020 15th Street, Denver, Colorado 80202, telephone: (303) 837–5421

Office of Surface Mining Reclamation and Enforcement, Room 153, Interior South Building, 1951 Constitution Avenue NW., Washington, D.C. 20240, telephone: (202) 343–4728

Division of Oil, Gas and Mining, 1588 West North Temple, Salt Lake City, Utah 84116, telephone: (801) 533–5771

SUPPLEMENTARY INFORMATION: The general background on the permanent program, the state program approval process, and the Utah program submission were discussed in the Federal Register, October 24, 1980 (45 FR 70481–70510). That notice, and the findings and discussions in it, form part of the basis and purpose of the decision being announced in this notice and are incorporated herein.

In that notice the Secretary announced his partial approval and partial disapproval of the Utah program. Regulatory and legislative provisions were disapproved because they did not meet the minimum requirements of SMCRA and the permanent program regulations. Under 30 CFR 732.13(f), Utah had 60 days from the date of partial disapproval to resubmit a revised program.

Utah resubmitted its program to OSM on December 23, 1980. The resubmission included: Utah Coal Mining and Reclamation Act—Proposed Housekeeping Amendments; Cooperative agreement; Utah State Program Amended Text and Clarifications—Rules and Regulations (Adopted Amendments); Amendments to Bonding Provisions; Penalty Provisions; Attorney General's Opinion;

Coal Mining and Reclamation Regulations—Proposed Amendments for Adoption; State Window Submission; Errors in adopted regulations; errors in Bonding Provisions, Proposed amendments for adoption on December 18, 1980; and Addendum to Attorney General Opinion dated December 19, 1980. Announcement of Utah's resubmission was made in the Salt Lake City Tribune within the State of Utah and published in the Federal Register on December 23, 1980 (45 FR 84824–26).

A public hearing on the resubmission was announced in the December 23, 1980, Federal Register, and held in Salt Lake City, Utah, on January 7, 1981.

The Utah program was resubmitted pursuant to 30 CFR 732.13(f). The post-resubmission public comment period ended January 8, 1981. Public disclosure of comments by Federal agencies was made on January 14, 1981 (45 FR 3238).

On January 15, 1981, the Administrator of the Environmental Protection Agency transmitted his written concurrence on the Utah program.

The Regional Director completed his program review on January 12, 1981, and forwarded the public hearing transcripts, written presentations, and copies of all comments to the Director together with a recommendation that the program be conditionally approved.

On January 12, 1981, the Director recommended that the Utah program be conditionally approved.

Throughout the remainder of this notice, the term "Utah program" or "Utah submission" is used to mean the resubmission together with those parts of the original submission approved on October 16, 1980.

Secretary's Findings

1. In accordance with section 503(a) of SMCRA, the Secretary finds Utah has, subject to the exceptions in findings (6)(1)(a)(i-v); (4)(b)(i); (c)(viii), (xv), (xx)(5), (xxix), (xxxi); and (4)(d)(i), below, the capability to carry out the provisions of SMCRA and to meet its purposes in the following ways:

(a) The Utah Coal Mining and Reclamation Act (Utah CMRA) and the Utah Coal Mining and Reclamation Regulations adopted thereunder provide for the regulation of surface coal mining and reclamation operations on non-Indian and non-federal lands in Utah in accordance with SMCRA except as noted in the following findings. Approval of the Utah program is based on the following findings or conditions of approval by the Secretary or representations made by Utah concerning Utah laws:

(i) Section 507(c) of SMCRA concerning criteria for the establishment of a Small Operator Assistance Program requires that under certain circumstances the regulatory authority pay for the required determination of probable hydrologic consequences and the statement of results of test borings and core samplings. The Utah CMRA limits this requirement by adding the phrase in Section 40–10–10(3) UCA "contingent upon receipt of funding from the Office of Surface Mining." This limitation is inconsistent with and less stringent than the federal requirement. Approval of the Utah program is conditioned on the State's revision of Section 40–10–10(3) UCA of the Utah CMRA or other appropriate revision to Utah's Program to provide for a Small Operator Assistance Program consistent with that mandated by Section 507(c) of SMCRA.

(ii) The state statute contains several apparently inadvertent errors. The statute's reference in 40–10–17(2)(j)(ii)(B) UCA to "(2)(h)(ii)" should be to "(2)(j)(ii)". In 40–10–16(4) UCA, the word "approves" should be "disapproves," as set forth in Section 519(d) of SMCRA. That section of SMCRA prescribes that if the regulatory authority disapproves the application for bond release, the regulatory authority must notify the permittee of the reasons for disapproval and recommended corrective action. Approval of the Utah program is conditioned upon the correction of these errors such that the noted provisions are consistent with SMCRA.

(iii) Section 40–10–21 UCA allows a suit against the United States in state court. The Secretary does not agree to submit to the jurisdiction of the Utah courts in all circumstances involving lawsuits under SMCRA or the Utah program. Accordingly, Section 40–10–21 UCA of the Utah CMRA is found to be inconsistent with Federal law to the extent that it purports to grant the Utah courts jurisdiction over the Secretary in these areas. Approval of the Utah program is conditioned upon Utah amending its statute to delete the provision for state court jurisdiction over the United States in citizen suits filed in state courts. The Secretary explicitly reserves the right to remove any suit brought against him in the courts of Utah, and further reserves his right to object to the jurisdiction of the Utah courts over him. By approval of the Utah program, the Secretary in no way consents to such jurisdiction.

(iv) Section 510(b)(6) of SMCRA and 30 CFR 788.15(b) provide that where the private mineral estate has been severed from the private surface estate, the permit applicant must submit either the written consent of the surface owner or a conveyance expressly granting or reserving the right to use surface mining methods, or where the conveyance does not have express language, the relative legal rights of the parties must be determined in accordance with state law. Section 40–10–11(f) UCA differs from the federal provisions in that these requirements are triggered only when the state mineral estate has been severed from the private surface estate.

Utah submitted to the Utah Legislative Drafting Committee, on November 19, 1980, an admendment to Section 40–10–11(f) UCA changing "state mineral estate" to "private mineral estate". With this change, the Utah statute will be verbatim to Section 510(b)(6) of SMCRA. Approval of the Utah program is conditioned upon the adoption of a statutory provision or other program modification to make the determination of property rights equivalent to that prescribed in the federal statute.

(v) The Utah statute does not reflect the dates of SMCRA for the determinations listed below. On December 9, 1980, Utah submitted housekeeping amendments to the Utah Legislative Drafting Committee to change the noted dates to be consistent with those set forth in SMCRA. Approval of the Utah program is conditioned upon Utah amending its statute to be consistent with the requirements of SMCRA.

(a) The date for the establishment of the "grandfathering" date of alluvial valley floors under Section 40–10–11(2)(e)(ii) UCA/Section 510(b)(5)(B) of SMCRA.

(b) The date for prime farmland permit application requirements under Section 40–10–11(4) UCA/Section 510(d)(2)of SMCRA.

(c) The date for the establishment of valid existing rights in Section 40–10–24(4) UCA/Section 522(e) of SMCRA.

(d) The date for the determination of substantial legal and financial commitments in Section 40–10–24(1)(e) UCA/Section 522(a)(6) of SMCRA.

(vi) Subsection 516(b)(1) of SMCRA requires operators to take steps consistent with known technology to prevent and mitigate damage from subsidence to the extent technologically and economically feasible, except where the mining method used involves planned subsidence and with the proviso that "nothing in this subsection shall be construed to prohibit the standard method of room and pillar mining * * *". Section 40–10–18 UCA has the same provisions, except that the proviso declares that "nothing in this

subsection shall be construed to prohibit the standard methods of mining."

The Secretary requested in his October 24, 1980 decision (45 FR 70484) partially approving the Utah program, that Utah either clarify that Utah's reference to "standard methods of mining" applies to "room and pillar" or "longwall" mining or a combination of those methods or to revise its statute.

Utah submitted on December 23, 1980, a Utah Attorney General's opinion stating that the reference in Section 40–10–18 UCA of the Utah CMRA to "standard methods of mining" applies only to the two methods or a combination thereof given special status under SMCRA. The Secretary bases his approval of Section 40–10–18 UCA on Utah's representation and on the Secretary's understanding that longwall mining results in predictable and controlled subsidence and as such is consistent with Section 516(b)(1) of SMCRA.

(b) The Utah CMRA provides sanctions for violations of Utah laws, regulations, or conditions of permits concerning surface coal mining and reclamation operations, and these sanctions meet the requirements of SMCRA, including civil and criminal actions, forfeiture of bonds, suspensions, revocations, withholding of permits, and the issuance of cease-and-desist orders by the Utah Division of Oil, Gas and Mining or its inspectors.

(c) The Utah Division of Oil, Gas and Mining has sufficient administrative and technical personnel and sufficient funds to enable Utah to regulate surface coal mining and reclamation operations in accordance with the requirements of SMCRA.

(d) Utah law provides for the effective implementation, maintenance, and enforcement of a permit system that meets the requirements of SMCRA for the regulation of surface coal mining and reclamation operations on non-Indian and non-federal lands within Utah except as noted in findings 4(d)(ii).

(e) The Utah (CMRA) has established a process for the designation of areas as unsuitable for surface coal mining in accordance with Section 522 of SMCRA, 30 U.S.C. 1271.

(f) Utah has established, for the purpose of avoiding duplication, a process for coordinating the review and issuance of permits for surface coal mining and reclamation operations with other federal and state permit processes applicable to the proposed operations.

(g) Utah has fully enacted regulations consistent with regulations issued pursuant to SMCRA, subject to the exceptions discussed below in these findings.

2. As required by Section 503(b)(1)–(3) of SMCRA, 30 U.S.C. 1253(b)(1)–(3), and 30 CFR 732.11–732.13, the Secretary has, through OSM:

(a) Solicited and publicly disclosed the views of the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the heads of other federal agencies concerned with or having special expertise pertinent to the proposed Utah program (45 FR 55477, August 20, 1980, and 46 FR 3238, January 14, 1981).

(b) Obtained the written concurrence of the Administrator of the Environmental Protection Agency with respect to those aspects of the Utah program that relate to air or water quality standards promulgated under the authority of the Clean Water Act as amended (33 U.S.C. 1151–1175), and the Clean Air Act as amended (42 U.S.C. 7401 *et seq.*). The administrator's concurrence was given in letter dated January 15, 1981 Utah Administrative Record No. 191, and;

(c) Held a public review meeting in Salt Lake City, Utah, on April 11, 1980, to discuss the completeness of the Utah program submission and subsequently held a public hearing in Salt Lake City, Utah, on July 21, 1980, on the substance of the program submission, and subsequently held a public hearing January 7, 1981, in Salt Lake City, Utah, on the resubmitted program.

3. In accordance with Section 503(b)(4) of SMCRA, 30 U.S.C. 1253(b)(4), the Secretary finds the State of Utah has the legal authority and qualified personnel necessary for the enforcement of the environmental protection standards of SMCRA and 30 CFR Chapter VII.

4. In accordance with 30 CFR 732.15, the Secretary finds, on the basis of information in the Utah program submission, including the section-by-section comparison of the Utah law and regulations with SMCRA and 30 CFR Chapter VII, public comments, testimony and written presentation at the public meeting and hearings and other relevant information that:

(a) The Utah program provides for Utah to carry out the provisions and meet the purposes of SMCRA and 30 CFR Chapter VII within its borders;

(b) Utah has proposed the following alternative approach to the requirements of 30 CFR Chapter VII pursuant to 30 CFR 731.13:

(i) Performance Standards for Steep Slope Grading and Backfilling Section 515(b)(3) of SMCRA requires operators to backfill and grade in order to restore the approximate orignial contour (AOC) of the land with all highwalls * * * eliminated * * *" 30 CFR 817.101 and .102 implement this statutory requirement. The basic purpose of backfilling and grading is to reshape the disturbed area to AOC to minimize erosion and water pollution and prevent slides, (44 FR 15271 March 13, 1979). Utah proposed (July 24, 1980 submission) to allow the reduction rather than the elimination of the highwall in those cases where, as determined by the Division, the reduced highwall would meet requirements associated with approximate original contour, mass stability and hydrologic balance.

In his partial approval/partial disapproval decision on the Utah program, published in the October 24, 1980 (45 FR 70481–70510), the Secretary agreed with the concept of Utah's proposed alternative approach, but noted that such an alternative must be defined to carefully limit the exception to highwall elimination in order to be consistent with SMCRA.

In his finding on the proposed alternative, the Secretary noted that the provision contained in UMC 817.101(6)(1), which would implement the proposed alternative was deficient in that it did not specifically state that alternative applied only to underground mining activities in terrain with steep slopes composed of steep escarpments. Further, the provision was deficient because it allowed the Division, as it determined to be "practical and appropriate" to apply the alternative of not eliminating highwalls in all cases. The lack of defined criteria for the Division's determination to apply this alternative made the provision deficient in that it could allow the retention of highwalls in situations where the unique topographical justification was lacking. In addition, the state allowed the reduction rather than the elimination of depressions and spoil piles. The Secretary stated that these deficiencies must be corrected before the proposed alternative approach could be approved.

Utah adopted, on November 19, 1980, amendments to UMC 817.101(b)(1). The Utah provision requires that all areas at underground mines affected by surface operations be graded and restored to achieve approximate original contour except where settled fills have become stabilized and revegetated. Utah requires the elimination of highwalls except, where approved by the Division, the highwall may be reduced in order to achieve approximate original contour when the underground coal mining is in steep slope terrain. Utah further prescribes that all applicable requirements for insuring a static safety factor of 1.5 and protecting the hydrologic balance of the surrounding

terrain as specified in the regulation, the program and the (state) Act shall be met.

The Secretary finds that Utah's provision for allowing settled fills that have become stabilized and revegetated to remain is consistent with the court's order *In Re: Permanent Surface Mining Regulation Litigation* (Civil Action No. 79–1144, February 26, May 16 and August 15, 1980). The Secretary believes that 817.101(b)(1) adequately addresses the concern for stability, protection of the environment and health and safety of the public through its reference to the 1.5 static safety factor requirement and the incorporation of the requirements of regulations, the program and the state's Act.

The court ordered the Secretary to suspend the requirements of 30 CFR 817.101(b)(1) and .102 insofar as they did not provide for some flexibility for settled fills that have become stabilized and revegetated. Upon promulgation of new regulations replacing 30 CFR 817.101, the Secretary will afford the state an opportunity to amend its program, as appropriate to comply with the revised federal regulations. Until that time, the Secretary finds Utah's implementation acceptable based on his understanding that the stabilized fill will be compatible with the hydrology of the area, the approved past mining land use, aesthetics, and the need for fill at other locations.

The Secretary finds, however, that the state has not adequately addressed the concern in his initial decision that criteria be defined by the Division such that a carefully limited exception to highwall elimination is implemented consistent with SMCRA. The Secretary believes that environmental considerations, such as the following, that are applicable to Utah, should be specified in order to ensure approximate original contour is achieved and the environment is protected:

- The "reduced" highwall is not significantly greater in size or length than the cliffs in the surrounding area.
- The residual highwall is similar in structural composition to the preexisting cliffs in the surrounding area and is compatible with the visual attributes of the area.
- The residual highwall is compatible with the geomorphic processes of the area.

A condition of the Secretary's approval of the Utah program is the adoption by Utah of provisions that prescribe criteria that must be met before the Division will approve the "reduction" of highwalls rather than their elimination.

(c) In accordance with 30 CFR 732.15(b)(1), the Secretary finds that the Utah Division of Oil, Gas and Mining has the authority under Utah law and regulations, to implement, administer, and enforce all applicable requirements consistent with 30 CFR Chapter VII, Subchapter K. The Utah law and regulations on performance standards are consistent with SMCRA and those sections of 30 CFR Chapter VII, Subchapter K, except for the provisions discussed in 4(viii), (xv), (xx)(5), (xxix), (xxxi) below. Approval is based on the following findings or conditions of approval by the Secretary or representations made by Utah concerning the Utah law and regulations:

(i) On November 19, 1980, Utah adopted an amendment to the definition of "surface operations" in UMC/SMC 700.5. The amendment added to the definition the requirement for the "construction, use, maintenance and reclamation of roads". The Secretary finds that this change makes the state's definition consistent with the definition of "surface coal mining operations" in 30 CFR 701.5. Further, the Secretary finds that the state's adoption of an amendment on November 19, 1980, to the definition of "underground operations" in UMC/SMC 700.5, adding "the reclamation of shafts, adits, underground support facilities, in situ processing, underground mining, hauling, storage and blasting" to that term, makes the state definition consistent with the definition of "underground mining activities" in 30 CFR 701.5 which encompasses those activities.

(ii) Utah amended the definition of "coal exploration" in UMC/SMC 700.5 on November 19, 1980, to include the gathering of environmental data which would cause substantial disturbance to the earth's surface or subsurface. The Secretary finds Utah's definition to be consistent with and as stringent as the definition of "coal exploration" in 30 CFR 701.5 and that the state's definition provides Utah with the authority to guarantee the environmental protection standards of Sections 512 and 515 of SMCRA and Sections 40–10–8 UCA and 40–10–17 UCA of the Utah CMRA.

(iii) The Secretary finds that Utah's adoption of an amendment on August 20, 1980, to the definition of "topsoil" in UMC/SMC 700.5, deleting the phrase "and other materials as determined in accordance with UMC 817.22(e)/SMC 816.22(e)", makes that definition verbatim to the definition of "topsoil" in 30 CFR 701.5. With this modification, the Secretary finds that Utah's performance standards regulations for topsoil in UMC 817.22(e)/SMC 816.22(e) are internally consistent and met the requirements of 30 CFR 817/816.22(e).

(iv) Utah amended its definition of "coal" in UMC/SMC 700.5 on August 20, 1980, to include the reference to ASTM Standard D388.77, contained in the definition of "coal" in 30 CFR 701.5. The Secretary finds the state's definition of "coal" consistent with that of the federal regulations.

(v) On August 20, 1980, Utah amended its definitions of "head-of-hollow fill" and "valley fill" in UMC/SMC 701.5 to reflect verbatim the requirements of 30 CFR 701.5 for those definitions. Accordingly, the Secretary finds the Utah provisions consistent with those of the federal regulations.

(iv) The Secretary finds that Utah's August 20, 1980, amendment to the definition of "applicant" in UMC 701.5, changing the reference to "surface coal mining and reclamation activities" to "underground coal mining and reclamation activities," makes that definition consistent with the definition of "applicant" in 30 CFR 701.5.

(vii) The Secretary finds that the state's standards for topsoil storage as provided by an amendment to UMC 817.23(b)(1)(ii) and SMC 816.23(b)(1)(ii) adopted on August 20, 1980, are the same as the federal standards at 30 CFR 817/816.23(b)(1)(ii), and the Utah provisions are accordingly consistent with the federal requirements for topsoil storage.

(viii) 30 CFR 817.42(a)(3)(ii)(A) requires that "For drainage from areas affected by surface operations and facilities, an exemption (to the sedimentation pond requirements) may be authorized only if the disturbed surface area within the disturbed area is small and there is no mixture of surface drainage with a discharge from underground mine workings." The state, in UMC 817.42(a)(3)(ii), deletes this limiting language and therefore would allow exemptions to be granted which are prohibited by the federal rules. This is less stringent than the federal requirement. A condition of the Secretary's approval of the Utah program is the correction of this deficiency through adoption by Utah of a provision that would apply the sedimentation pond exemption in a manner consistent with the requirements of 30 CFR 817.42(a)(3).

(ix) 30 CFR 816.43(b) and 817.43(b) require that permanent diversions be constructed with "gently" sloping banks that are stabilized by revegetation. The state in its corresponding sections, SMC 816.43(b) and UMC 817.43(b), deletes the term "gently". As part of its December

23, 1980, resubmission, Utah explained that the state has limited precipitation and severe temperature extremes. As a result of these conditions, Utah considers any slope that is capable of substaining revegetation to be "gently" sloping. Further, Utah points out that its regulations require all permanent diversion banks to be stabilized by revegetation. Thus the state program requires that the banks of permanent diversions be sloped to be stable and to support vegetation. Based on these considerations, the Secretary finds that Utah's provisions for requiring the construction of diversions that are stable and compatible with the environment to be consistent with the requirements of 30 CFR 816/817.43(b), since "gentle slopes" serve no environmental or safety function given Utah's unique local conditions.

(x) On November 19, 1980, Utah amended its definition of "intermittent stream" in UMC/SMC 700.5 to mean "a stream or reach of a stream that is below the local water table for at least some part of the year, and that contributes to the stream and obtains its flow from both surface runoff and ground water discharge." Utah also amended UMC 817.44(a) and SMC 816.44(a) to include ephemeral streams with drainage areas greater than one square mile. The Secretary finds that these amendments make the Utah regulations consistent with and as stringent as the definition of "intermittent stream" in 30 CFR 701.5 and the stream channel diversion requirements of 30 CFR 816/817.44(a). This finding is based on the Secretary's understanding that the phrase "and that contributes to the stream" in UMC/SMC 700.5, refers the ground water associated with the local water table referred to in the definition of intermittent stream in 30 CFR 701.5.

(xi) On December 18, 1980, Utah amended its provisions for sedimentation control in UMC 817.45(a) and .46(a) and SMC 816.45(a) and .46(a) to be identical to the requirements of 30 CFR 817/816.45(a) and .46(a). Accordingly, the Secretary finds that these standards are consistent with those prescribed by the federal regulations.

(xii) 30 CFR 816.46(o) and 817.46(o) prescribe materials that may not be used as fill materials in sedimentation ponds. Federal regulations specifically prohibit the use of coal processing waste. The preamble to the Federal regulations explains the reason for the prohibition (44 FR 15166, March 13, 1979). The major problems cited are: (1) The difficulty in obtaining the required compaction needed to insure stability, (2) the potential for toxic drainage and (3) the potential for spontaneous combustion. Standards for using coal processing waste in dams and embankments are set forth in 30 CFR 817/816.91–.93. These standards prohibit the use of waste in dam construction, unless the waste is proven to be a suitable fill material in accordance with standard engineering practices. Utah has adopted provisions in UMC 817.46(o) and SMC 816.46(o) which allow the use of non-acid and non-toxic forming coal processing waste as a fill material in sedimentation pond embankments when the waste is determined to be of a quality suitable as a construction material for its intended use as demonstrated by standard engineering and chemical tests and the sedimentation pond dam or embankment is designed and constructed pursuant to UMC 817.91–.93 and SMC 816.91–.93. The Secretary believes that Utah has adequately addressed the concerns mentioned above which limited the use of coal processing waste in 30 CFR 816/817.46(o), and as such, the state's provisions provide protection of the environment equal to that guaranteed by the federal regulations. The Secretary's finding is based on his understanding that, in accordance with sound engineering practice, material which fails to exhibit the proper strength necessary to achieve stability will not be allowed in any dam construction.

(xiii) On August 20, 1980, Utah adopted amendments to UMC 817.49 and 816.49 that make those sections identical to the provisions of 30 CFR 817/816.49. Specifically, the state added the requirement in UMC 817.49(c) and SMC 816.49(c) that excavations that impound water have slopes not steeper than 2v:1h. In addition, in (o), the state incorporated the requirement that all dams and embankments be inspected by a "qualified registered professional engineer or someone under the supervision of a qualified registered professional engineer." The Secretary finds that these changes make the Utah regulations consistent with the federal regulations.

(xiv) The Secretary finds that Utah's verbatim adoption on August 20, 1980, of the requirements of 30 CFR 817/816.52(a)(1) for surface and ground water monitoring, in UMC 817.52(a)(1) and SMC 816.52(a)(1), makes the Utah regulations consistent with the federal regulations.

(xv) 30 CFR 816.53(c) provides that upon an approved transfer of a well, the transferor shall be secondarily liable for the transferee's obligations until release of the bond for the area in which the well is located. The state had omitted this provision from both its surface coal mining and underground operations in its initial submission. On August 20, 1980, the state adopted verbatim at SMC 816.53(c) the requirements of 30 CFR 816.53(c) regarding liability for a well on surface coal mining operations consistent with the federal regulations. However, the State of Utah did not adopt the parallel requirement of 30 CFR 817.53(c) in its underground regulation, UMC 817.53. The Secretary finds that this omission makes the state provision less stringent than the federal regulation.

Approval of the Utah program is conditional on the revision of the state program to be consistent with the federal regulation.

(xvi) On August 20, 1980, Utah amended UMC 817.57(a) and SMC 816.57(a), deleting the phrase "important to a downstream fishery". The Secretary finds that this revision to Utah's provision for the establishment of buffer zones for perennial and intermittent streams consistent with the requirements of 30 CFR 817/816.57(a). This finding is based on the Secretary's understanding that the phrase "and which contains a biological community" in the Utah regulations applies to both perennial and intermittent streams.

The Secretary also finds Utah's amendment to UMC 817.57(c) and SMC 816.57(c), which adopts, verbatim, the requirements of 30 CFR 817/816.57(c) for the determination of a biological community in a manner consistent with and as stringent as the federal regulations.

(xvii) Utah's amendments of August 20, 1980, to SMC 816.65 and UMC 817.65 make those sections the same as the federal requirement at 30 CFR 816/817.65. The amendments corrected several typographical errors in SMC 816.65 and UMC 817.65 and incorporated the following missing paragraphs of 30 CFR 817.65 in UMC 817.65: (i) Concerning maximum peak particle velocity, (j) concerning variance to maximum peak particle velocity and (l) concerning the maximum weight of explosives to be detonated. The Secretary finds that these state regulations are consistent with and as stringent as the federal regulations.

(xviii) The Secretary finds that Utah's adoption on August 20, 1980, of the requirement in 30 CFR 816.68(s)(2) that seismograph records contain the name of the person taking the seismograph reading, to make SMC 816.68(s)(2) consistent with the federal requirement.

(xix) On August 20, 1980, Utah amended UMC 817.93(a) and SMC 816.93(a) by adding the phrase "or intended to impound such waste" to those sections' standards for design and construction criteria for dams and embankments. The Secretary finds that this modification makes UMC 817.93(a) and SMC 816.93(a) identical to the requirements of 30 CFR 817/816.93(a) and, therefore, consistent with and as stringent as the federal provision.

(xx) On August 20, 1980, and November 19, 1980, Utah amended several provisions of UMC 817.71–.74 and SMC 816.71–.74. These sections prescribe procedures for the disposal of excess spoil. The amendments to these provisions and the Secretary's finding on each amendment is provided below:

(1)(a) SMC 816.71(f)/30 CFR 816.71(f)—Utah uses the term "fill material" in lieu of the term "spoil" used in the federal regulation in specifying the disposal requirements of the section. Both SMC 816.71 and 30 CFR 816.71 are entitled "Disposal of excess spoil: General requirements", and the use of the term "fill material" in the federal regulation is deemed by the Secretary to be equivalent to the state's use of the term "spoil" in SMC 816.71(a). Utah also modifed SMC 816.71(f) to specify that the "fill materials" (spoil) be covered "as necessary to establish revegetation. The Secretary understands this to be a clarification that excess spoil is not to be covered for the sake of covering but rather for the purpose of establishing vegetation to meet the revegetation requirements of the Utah regulations. The Secretary finds this clarification to be consistent with the requirements of 30 CFR 816.71(f) for protecting the environment from any adverse effects from the excess spoil disposal.

The Secretary finds that Utah's adoption on August 20, 1980, of an amendment to SMC 816.71(f) requiring that excess spoil fills be constructed to ensure a long term static safety factor of 1.5 makes the Utah regulation consistent with fill construction requirements of 30 CFR 816.71(f).

UMC 817.71(f)/30 CFR 817.71(f)—Utah amended its regulation on August 20, 1980, adopting the requirements of the federal regulation for requiring that excess spoil fills be constructed to ensure a long term static safety factor of 1.5. Utah also modified the section to clarify that the fill must be covered as necessary to meet revegetation and stability requirements. The federal regulation only requires that the fill be "covered" and does not specifically prescribe a standard. The Secretary finds that the Utah regulations are consistent with the federal regulations.

(1)(b) SMC 816.71(j) UMC 817.71(j)/30 CFR 816/817.71(k)—Utah has amended its provisions to explain specifically that while coal processing waste cannot be included in head-of-hollow and valley fills, it can be disposed of, in a prescribed manner in head-of-hollows or valleys. Utah requires that coal processing waste disposed in those areas be placed in a coal waste bank in accordance with SMC 816.85/UMC 817.85 or where there is the potential for the bank to impound water, disposed of in accordance with the dam or embankment standards of SMC 816.91–.93/UMC 817.91–.93. 30 CFR 816/817.71(g) and UMC 817.71(g)/SMC 816.716) prescribe that no permanent impoundments are to be allowed on the completed fill. As such, Utah addresses the potential for impoundment of water and also sets forth measures for insuring stability. The Secretary's approval of the Utah provisions is based on his understanding that the State's reference to the impoundment of water is provided to insure that in the event water is *temporarily* impounded, the stability of the disposed material will not be affected and that in no case is the disposed material intended to permanently impound water. The Secretary finds that Utah's provision is consistent with the federal regulations in ensuring protection of the environment.

(1)(c) SMC 816.72(a)/UMC 817.72(a)/30 CFR 816/817.72(a)—Utah amended SMC 816.72(a) and UMC 817.72(a) on August 20, 1980, adopting verbatim the requirements of 30 CFR 816/817.72(a) for prescribing that valley fills be designed to attain a long term static safety factor of 1.5. The Secretary finds that the Utah regulations at SMC 816.72(a)/UMC 817.72(a) are consistent with the federal regulations.

(1)(d) Utah amended UMC 817.74(b)(2) and SMC 816.74(b)(2) on August 20, 1980, adopting verbatim the requirements of 30 CFR 816/817.74(b)(2) for valley fill and head-of-hollow fill embankment factors of safety. Accordingly, the Secretary finds that these standards are consistent with those prescribed by the Federal regulations.

(2)(a) SMC 816.71(a)/30 CFR 816.71(a)—On August 20, 1980, Utah modified its regulation to specify that spoil not required to achieve approximate original contour within the area where overburden has been removed and "which is not used as backfill" shall be transported and placed in designated disposal areas. The Secretary understands Utah's addition of the phrase "which is not used as backfill" to mean that the spoil which is used as backfill will be graded to the approximate original contour (a.o.c.) and that any material not required to achieve a.o.c. will be disposed of in accordance with the requirements of the regulations. Accordingly, the Secretary finds that SMC 816.71(a) as amended on August 20, 1980, is consistent with and as stringent as 30 CFR 816.71(a).

Utah also amended this section on August 20, 1980, by deleting the provision that allowed the use of non-acid and non-toxic forming coal processing waste in excess spoil fills. The Secretary finds that this modification makes the Utah provision consistent with the Federal regulations.

(2)(b) UMC 817.71(a)/30 CFR 817.71(a)—Utah amended its regulation on November 19, 1980, by deleting the provision that allowed non-acid and non-toxic forming waste to be used in "excess spoil fills." The Secretary finds Utah's regulations for the disposal of underground development waste and spoil are consistent with the Federal regulations.

(2)(c) SMC 816.72(c)/UMC 817.72(c)/30 CFR 816/817.72(c); SMC 816.73/UMC 817.73/30 CFR 816/817.73—The Utah regulations were amended on August 20, 1980, by deleting the provision in those sections which allowed the use of non-acid and non-toxic forming coal processing waste in valley and head-of-hollow fills. The Secretary finds Utah's provisions for head-of-hollow valley fills consistent with the Federal regulations.

(3) On August 20, 1980, Utah adopted an amendment to UMC 817.71(g) and SMC 816.71(g) making those sections identical to the provisions of 30 CFR 816/817.71(g). Utah adopted the requirement that no depressions or impoundments are allowed on the completed fill. The Secretary finds that Utah's standards for final fill configuration are consistent with the Federal standards.

(4) Utah amended UMC 817.72(b) and SMC 816.72(b) on August 20, 1980, by adopting verbatim the requirements of 30 CFR 816/817.72(b) (2), (3) and (4) for valley fill underdrain construction. The Secretary finds that these modifications make the Utah provisions consistent with the Federal standards. Section 515(b)(22) of SMCRA and Section 40-10-17(2)(Z)UCA of the Utah CMRA prescribe the placement of "all excess spoil material resulting from coal surface mining and reclamation activities in such a manner that appropriate surface and internal drainage systems and diversion ditches are used so as to prevent soil erosion and movement." 30 CFR 816/817.72(b) and UMC 817.72(b)/SMC 816.72(b)

implement this statutory requirement. Utah has modified the Federal regulatory provision which always requires that a subdrain system be constructed for valley fills. Utah allows an exemption from this requirement when the operator can demonstrate, to the satisfaction of the Division, that the runoff, precipitation and ground water from springs or seeps will adequately drain from the fill such that the long term static safety factor of 1.5 will be maintained and the requirements for ensuring that the quality of the water drainage meets the standards of SMC 816.42 and UMC 817.42 and that acceptable quality will be maintained. By delineating these performance standards that must be met, the Secretary finds that Utah has set forth the conditions for identifying the "appropriate" or necessary subdrain systems for a valley fill which will meet the statutory mandate to prevent spoil erosion and movement. Further, the Secretary finds that Utah's provision for implementing the exception could provide appropriate criteria to ensure that the mass stability is maintained, mass movement is prevented, and contamination of drainage is avoided. However, the State presented no justification based on local conditions to support this variance from the requirements of 30 CFR Chapter VII, as required by 30 CFR 730.13. Accordingly, the Secretary conditions his approval on Utah amending its program to assure that the underdrain requirement is not waived in any instance except with the consent of the Director, after a demonstration that the waiver qualifies under the requirements for experimental practices found in Section 711 of SMCRA and 30 CFR 785.13. The Secretary expects OSM to approve a reasonable number of valley fills which can demonstrate eligibility for the waiver based on the criteria found in UMC 817.72(b)/SMC 816.72(b), to determine whether this approach should lead to a change in the Federal rule. Based on these findings, and subject to this condition, the Secretary considers the Utah regulation to provide environmental protection equal to that prescribed by the Federal regulations.

(5) SMC 816.72(c)/UMC 817.72(c)—30 CFR 816/817.72(c)—The Utah regulations allow the Division to authorize lifts greater than four feet for valley fills. The federal regulations allow lifts no greater than four feet in thickness or less, to achieve densities necessary to ensure mass stability, prevent mass movement, avoid contamination of fill drainage systems or the creation of voids. The Utah regulations are inconsistent with the federal regulations because they mandate less environmental protection in fill construction. Approval of the Utah program is conditioned on the revision of the Utah regulation to prescribe a lift thickness for valley fills consistent with the federal regulations.

(xxi) On August 20, 1980, Utah amended UMC 817.72 and SMC 816.72 deleting the provisions in those sections which allowed "non-acid and non-toxic coal processing waste" to be used in "valley fills." The Secretary finds that these amendments to the Utah regulations make the state's standards for defining "valley fill" materials consistent with and as stringent as the standards of 30 CFR 816/817.72.

(xxii) On August 20, 1980, Utah adopted an amendment to UMC 817.97(d)(10) and SMC 816.97(d)(10) which makes the state's requirements for the protection of fish, wildlife and related environmental values identical to the requirements of 30 CFR 817/816.97(d)(10). The Secretary finds the Utah provisions consistent with the federal provisions.

(xxiii) The Secretary finds that Utah's adoption on August 20, 1980, of an amendment to SMC 816.102(a)(2), making the state's provision identical to the requirement of 30 CFR 816.102(a)(2) for backfilling and grading performance standards, makes the Utah regulation consistent with the federal regulation.

(xxiv) Sections 30 CFR 816.103(a)(1) and 817.103(a)(1) require that all exposed coal seams remaining after mining and all acid-forming materials, toxic-forming materials, combustible materials or any other materials identified by the regulatory authority as exposed, used or produced during mining be covered with a minimum of 4 feet of the best available non-toxic and non-combustible material. The District Court for the District of Columbia remanded this provision to also allow the treatment of such materials in *In re: Permanent Surface Mining Regulation Litigation* Action No. 79–1144 (D.D.C., February 26, 1980, p. 17). Utah adopted an amendment on August 20, 1980, amending SMC 816.103(a)(1) and UMC 817.103(a)(1) to require that all debris, acid-forming materials, toxic materials, or materials constituting a fire hazard be treated or covered with a minimum of four feet of the best non-toxic and non-combustible material.

Based on the Secretary's decision, published in the October 24, 1980, **Federal Register** Notice (45 FR 47481–47510), Utah suspended, in accordance with the court order described above, SMC 816.103(a)(1) and UMC 817.103(a)(1) on December 18, 1980. The Secretary finds Utah's suspension consistent with the court order and will provide the state opportunity to revise its regulations once final federal regulations are promulgated for these sections.

(xxv) The Secretary finds that Utah's deletion on August 20, 1980, of the term "or reduce" in SMC 816.104(b)(1), makes the state's provision identical to the requirements of 30 CFR 816.104(b)(1), to "cover all acid-forming and toxic-forming materials." As such, the Utah standards for backfilling and grading are consistent with and as stringent as the federal standards. See **Federal Register** (45 FR 70488), October 24, 1980, Finding (c)(xxv).

(xxvi) On August 20, 1980, Utah adopted at SMC 816.105(b)(5) a provision identical to 30 CFR 816.105(b) for backfilling and grading thick overburden. The Secretary finds that the state's provision is consistent with and as stringent as the federal provision.

(xxvii) On August 20, 1980, Utah adopted at SMC 816.111(b)(1) a provision identical to 30 CFR 816.111(b)(1) regarding general revegetation standards. The Utah regulation is consistent with the federal regulation, Section 515(b)(19) of SMCRA and Section 40–10–17(2)(s) UCA of the Utah CMRA.

(xxviii) On August 20, 1980, Utah adopted an amendment to UMC 817.116(b)(1) and SMC 817.116(b)(1) making the state's standards for revegetation success identical to the federal standards in 30 CFR 817/816.116(b)(1). The Secretary finds the state regulation consistent with the comparable federal provision.

(xxix) On August 20, 1980, Utah amended UMC 817.124(b), (b) (1) and (3). Utah deleted the provision in (b) that allowed an operator to comply with the requirements of the section for surface land and structure protection "at his option". Utah added a provision to (b)(1) however, that requires the operator to restore, rehabilitate, or remove and replace materially damaged structures, features or values only "to the extent technologically and economically feasible." This limitation on the liability of the operator is inconsistent with the purpose of 30 CFR 817.124 which was to provide surface owner protection from the potential adverse effects of subsidence. By allowing an operator to "restore * * *" only to the extent "technologically and economically feasible", Utah fails to ensure the protection of the surface and compensation for the surface owner to the extent guaranteed by the federal regulations. For example, 30 CFR 817.124(b)(2) requires that a damaged

structure or feature be purchased for its pre-subsidence fair market value. Subsection 3 of that same section requires that the owner be compensated in the full amount of the decrease in value resulting from subsidence. Hence, under the federal regulations the surface owner is guaranteed that the value of his or her property interest will not diminish as a result of underground mining activities.

The federal regulations at 30 CFR 817.124(b)(3) require by contrast the purchase of a "noncancellable premium prepaid insurance policy". The Utah provisions at UMC 817.124(b)(3) allows the purchase of a "noncancellable renewable premium prepaid policy". The Secretary does not understand Utah's intent in providing for a policy that is both "noncancellable and renewable". If the policy is truly renewable then there is the possibility that it could expire thereby depriving the surface owner of the protection guaranteed by the federal rules. The Utah provision for renewable policies is less stringent than the federal provision to the extent that it allows a policy to be cancelled or expire. As a condition of the Secretary's approval of the Utah program is the revision of UMC 817.124 to guarantee surface owner protection equal to that prescribed by 30 CFR 817.124.

(xxx) On August 20, 1980, Utah amended UMC 817.126 (a) and (c), deleting the provision that limited the prohibition against conducting underground operations in certain areas to those operations "which will cause subsidence." The Secretary finds that this amendment makes UMC 817.126 (a) and (c) consistent with and as stringent as the requirements of 30 CFR 817.126 (a) and (c) for the establishment of buffer zones to protect areas from potential subsidence damage.

(xxxi) On November 18, 1980, Utah adopted UMC 817.101(c). In its December 23, 1980, resubmission, Utah explained that this provision is intended to parallel the requirements of 30 CFR 826.12(a) for preventing the placement of spoil, waste materials, debris and abandoned equipment on the downslope on steep slopes. UMC 817.101(c)(1) does not prescribe that spoil will not be placed on the downslope and further allows the placement of waste material, including waste mineral matter on the downslope if it is demonstrated to be "non-acid and non-toxic forming and to be compatible with the stability of the slope." The Secretary finds that this provision is inconsistent with and less stringent than the 30 CFR 826.12(a) because it would allow the dumping of materials on the downslope specifically prohibited, except under certain conditions, by the federal regulations. A condition of the Secretary's approval of the Utah program is the revision of the Utah regulation to ensure that materials are placed on the downslope in steep slope areas in a manner that provides protection of the environment equal to that provided by 30 CFR 826.12(a).

(xxxii) The federal regulation at 30 CFR 828.11(b)(3) requires that in situ processing activities be planned and conducted to minimize disturbance to the hydrologic balance by avoiding annular injections between the wall of the drill hole and the casings. On August 20, 1980, Utah adopted verbatim, at UMC/SMC 828.11(b)(3) the federal regulation. Accordingly, the Secretary finds that it is consistent with the federal regulations.

(xxxiii) On August 20, 1980, Utah amended SMC 816.97(d)(2), to include the construction of "overpasses and construct the necessary passages." The Secretary finds that this regulation is consistent with the federal amendment on June 5, 1980, (45 FR 37818) to 30 CFR 816.97(d)(2) which added the same requirement.

(xxxiv) On November 19, 1980, Utah amended its definition of "aquifer" in UMC/SMC 700.5, to be identical to the definition of that term at 30 CFR 701.5. By this action, the state is deleting its reference to the "quality" of the water as a criterion in defining a water supply as an aquifer. The Secretary finds the state's definition of aquifer to be consistent with the definition at 30 CFR 701.5.

(d) In accordance with 30 CFR 732.15(b)(2), the Secretary finds that the Utah Division of Oil, Gas and Mining has the authority under Utah law and regulations, and the Utah program includes provisions to implement, administer and enforce a permit system and prohibit surface coal mining and reclamation operations without a permit issued by the regulatory authority consistent with those sections of 30 CFR Chapter VII, Subchapter G that are not affected by the district court decision. Approval is based on the following findings or conditions of approval by the Secretary or representations made by Utah concerning the Utah law and regulations:

(i) On August 2, 1908, Utah amended SMC 779.19(a), to require that the permit application vegetation map include plant communities within any proposed reference area. The Secretary finds that Utah's amended rule is identical to and consistent with 30 CFR 779.19(a).

(ii) On August 20, 1980, Utah amended UMC 784.20(b)(3)(v) to eliminate the provision that had allowed the state to require subsidence monitoring in "only those areas that may be affected by subsidence if it occurred." The state further modified the section to provide that monitoring, if any, would not be imposed as a control measure in "those instances where the mining technology requires planned subsidence in a predictable and controlled manner: provided, that nothing in this subsection shall be construed to prohibit the standard methods of mining." The state's added provision is inconsistent with 30 CFR 784.20(b)(3)(v) insofar as it limits the state's discretion to require monitoring when the site conditions warrant monitoring. If the operator has represented that subsistence will be controlled and predictable, the regulatory authority must be in a position to verify this through monitoring. Approval of the Utah program is conditioned upon the state revising its regulation to be consistent with and as stringent as the federal provision for subsidence monitoring.

(iii) The Secretary finds that Utah's amendment to UMC/SMC 785.19(c)(1), adopted on August 20, 1980, which changes the phrase "*lack* of an alluvial valley floor" to "presence of an alluvial valley floor" makes the Utah provisions consistent with the federal rquirements for an alluvial valley floor determinations as set out at 30 CFR 785.19(c)(1).

(iv) On December 18, 1980, Utah adopted an amendment to UMC/SMC 785.19(c) deleting the provision which had allowed a waiver of the requirements of subsections (d) and (e) of that section (UMC/SMC 785.19) where the Division determined that the proposed surface operation would not adversely affect an alluvial valley floor. The state also adopted an amendment to subsection (d), to prescribe that the requirement that surveys and baseline data be "adapted to site-specific conditions and the degree of proposed disturbance." The Secretary finds that this phrase further clarifies the state's intent to parallel federal procedures in the determination and protection of alluvial valley floors as delineated in 30 CFR 785.13 (c)(1) and (d)(1). The Secretary finds that the adoption of these changes render Utah's regulations consistent with 30 CFR 785.19 (c) and (d).

(v) On December 18, 1980, Utah adopted an amendment to UMC/SMC 786.19(h), to require that all reclamation fees required by Subchapter R of CFR Chapter VII, be paid before a permit is issued. The Secretary finds that the adoption of this change makes Utah's

provisions consistent with the provisions of 30 CFR 786.19(h) that require payment of all reclamation fees before a permit application can be approved.

(vi) On August 20, 1980, Utah amended UMC/SMC 788.12 (a)(1)(i) by adding *surface or subsurface* before the words "area disturbed * * *". This amendment makes clear that an increase in an area disturbed encompasses the area both above and below ground. The state has also deleted section (iv) which allowed the Division to decide on a site-by-site basis, "reasonable" permit revisions. The Secretary finds that these changes make Utah's provisions consistent with the requirements of 30 CFR 788.12(a) for determining what changes constitute significant departures from the approved method of mining under the original permit and, therefore, require a permit revision.

(vii) Utah's amendment to UMC/SMC 788.18(b)(2), adopted on August 20, 1980, replaces the phrase "the time required by the regulations of the particular regulatory program" with "30 days from the date of publication as required in (b)(1) above." The Secretary finds that this change meets the federal requirements under 30 CFR 788.18(b)(2) for prescribing the time in which written comments may be submitted concerning requests for permit transfers, assignment or sale of permit rights.

(e) In accordance with 30 CFR 732.15(b)(3), the Secretary finds that Section 40–10–8 and 40–10–17 UCA of the Utah CRMA and the Utah regulations under UMC/SMC 776 and UMC/SMC 815, provide Utah with the authority to regulate coal exploration consistent with Sections 512 and 515 of SMCRA and to 30 CFR Parts 776 and 815 and to prohibit exploration that does not comply with 30 CFR Parts 776 and 815.

(f) In accordance with 30 CFR 732.15(b)(4), the Secretary finds that the Utah Division of Oil, Gas and Mining has the authority under Section 40–10–5 UCA of the Utah CMRA and the Utah regulations, UMC/SMC 707, and the Utah program includes provisions to require that persons extracting coal incidental to government-financed construction maintain information on-site consistent with Section 528 of SMCRA and with 30 CFR Part 707.

(g) In accordance with 30 CFR 732.15(b)(5), the Secretary finds that the Utah Division of Oil, Gas and Mining has the authority under Section 40–10–19 UCA of the Utah CRMA and the Utah program includes in UMC/SMC 840 of the regulations, provisions for entry, inspection and monitoring of all coal exploration and surface coal mining and reclamation operations on non-Indian and non-federal lands within Utah consistent with the requirements of Section 517 of SMCRA and Subchapter L of 30 CFR Chapter VII.

(h) The Utah Division of Oil, Gas and Conservation has the authority under Utah laws and the Utah program includes provisions for the implementation, administration and enforcement of a system of performance bonds and liability insurance, or other equivalent guarantees, consistent with 30 CFR Chapter VII, Subchapter J. The performance bond and liability insurance provisions of Sections 507(f), 509, 510 and 519 of SMCRA and 30 CFR Chapter VII, Subchapter J are incorporated in Sections 40–10–10(6) UCA, 40–10–15 UCA and 40–10–16 UCA of the Utah CMRA and in Parts 800–808 of the Utah regulations. Portions of the federal bonding regulations were proposed for amendment on January 24, 1980 (45 FR 6028–6042) and final regulations were published on August 6, 1980, (45 FR 52306–52324). Utah has incorporated those changes into its regulations and submitted those changes as part of its resubmission. The Secretary's finding on those changes in the Utah regulations is in finding 4(h)(iii). Approval is based on the following findings, or conditions of approval by the Secretary or representation made by Utah concerning the Utah law and regulations:

(i) the Secretary finds that Utah's verbatim adoption in UMC/SMC 800.5 of the definition of "current assets" contained in 30 CFR 800.5 makes the Utah regulation consistent with the federal regulation.

(ii) Utah has amended UMC/SMC 805.13(b), deleting the provision which allowed an exemption from the revegetation liability period standards. The Secretary finds that with this amendment, UMC/SMC 805.13(b) are identical to 30 CFR 805.13(b) and that the Utah standards are consistent with and as stringent as the federal standards.

(iii) Portions of the following federal bonding regulations were proposed for amendment on January 24, 1980 (45 FR 6028–6042); 30 CFR 800.5, 800.11(b)(1), 800.13, Part 801, 805.13, 805.14, 806.11, 806.12, 806.13, 806.14, 806.17, 807.12, 808.11, 808.12, and 806.13(a). Final federal regulations on these bonding sections were published on August 6, 1980, (45 FR 62306–62324). Utah has adopted these final provisions, verbatim, in its bonding regulations set forth in UMC/SMC Parts 800–808. In addition, Utah has deleted its definition of "accumulating fund bond" contained in UMC/SMC 800.5. The Secretary finds Utah bonding provisions consistent with the federal bonding regulations promulgated on August 6, 1980.

(iv) Utah amended UMC/SMC 806.12 (e)(2) and (e)(3) to delete the references in those sections to the "state law" for the establishment of bonding standards, because in Utah, no state law exists that is applicable to those provisions. Utah incorporated the analogous federal provisions of 30 CFR 806.12(e) (2) and (3) in UMC/SMC 806.12(e) (2) and (3). The Secretary accordingly finds that Utah's regulations for the establishment of a maximum single obligation for a company beyond which a surety is restrained from bonding, is consistent with the 30 CFR 806.12(e) (2) and (3).

Utah also amended UMC/SMC 806.12(g) by deleting subsection (g)(6). That subsection provided that the Division could require in the indemnity agreement that the amount of the letter of credit be confessed to judgment upon forfeiture, such a procedure was authorized by state law. Utah does not have an applicable law so the subsection is not applicable. The Secretary finds these changes of the state's regulations to be consistent with the bonding provisions of the federal regulations.

(v) On August 20, 1980, Utah amended SMC/UMC 807.11(h) to provide an objector the right to request that a bond release hearing be held, at the option of the objector, in the town or city nearest the permit area or in Salt Lake City, Utah. The Secretary finds that Utah's provisions for conducting the bond release hearing are consistent with the requirements of 30 CFR 807.11(h).

(i) In accordance with 30 CFR 732.15(b)(7), the Secretary finds that the Utah Division of Oil, Gas and Mining has the authority under Sections 40–10–21 and 22 UCA of the Utah CMRA and UMC/SMC 845 of the Utah regulations to provide for civil and criminal sanctions for violations of Utah law, regulations and conditions of permits and exploration approvals, including civil and criminal penalties, in accordance with Section 518 of SMCRA (30 U.S.C. 1268) and consistent with 30 CFR Part 845. Approval is based on the following findings by the Secretary or representations made by Utah concerning the Utah laws and regulations:

(i) Utah's amendment to UMC/SMC 845.20(c), which was adopted on November 19, 1980, added the phrase "or at the prevailing Department of the Treasury rate, whichever is greater." The Secretary finds that this change makes the State's regulation consistent with 30 CFR 845.20(c).

(ii) The Secretary finds that Utah's regulations, UMC/SMC 845.17(c), provides for a formal hearing on the fact of the violation or amount of penalty as required by 30 CFR 845.19(b) and the Utah provision is therefore consistent with its federal counterpart.

(iii) The Secretary finds that Utah's provisions for administrative adjudication of proposed civil penalties under Section 40–10–20 UCA and UMC/SMC 845 are consistent with the federal requirements. Under OSM's assessment conference procedure, 30 CFR 845.18, no more than 150 days will elapse between the initial proposal of a penalty and the conclusion of the first level of administrative review. At that time an operator wishing further review must request a formal adjudicatory hearing and place the full amount of the proposed penalty in escrow. Utah omits an assessment conference in favor of an administrative hearing as the first level of review. The Secretary believes that since Utah's hearing is sequentially similar to OSM's assessment conference, that the escrow requirement can be deferred to the second level of review as it is under federal procedure. Utah's second level of review is judicial review. The Utah statute provides that upon the filing of a petition for a hearing—"the hearing shall be held without undue delay" Section 40–8–8–(1) UCA. Utah has amended regulation, UMC/SMC 845.17(c), to further provide that upon a request for a formal hearing "(the order) will be set for hearing before the Board within 30 days of date of receipt of such request." Further, in a Utah Attorney General opinion submitted on December 23, as part of the Utah resubmission, the state presented that the hearing will be set and take place within 30 days of the request for the hearing. The Board is required to enter its order within sixty days after the hearing. The Secretary bases his approval of Utah's provisions for adjudication of civil penalties upon the understanding that the Board of Oil, Gas, & Mining will proceed in an expedient manner to hold a hearing and that the entire procedure before which payment of the proposed assessment into escrow is required, will not exceed 150 days.

(j) In accordance with 30 CFR 732.15(b)(8), the Secretary finds that the Utah Division of Oil, Gas and Mining has the authority under Section 40–10–22 UCA of the Utah CMRA and Sections 840 through 845 of the Utah regulations contain provisions to issue, modify, terminate and enforce notices of violation, cessation orders and show cause orders in accordance with Section 521 of SMCRA (30 U.S.C. 1271) and with 30 CFR Chapter VII, Subchapter L.

(k) In accordance with 30 CFR 732.15(b)(9), the Secretary finds that the Utah Division of Oil, Gas and Mining has authority under Section 40–10–24 UCA of the Utah CMRA and Sections UMC/SMC 760, 761, 762 and 764 of the Utah regulations, and the Utah program contains provisions for the designation of areas as unsuitable for surface coal mining consistent with 30 CFR Chapter VII, Subchapter F. Approval is based on the following findings by the Secretary or representations made by Utah concerning the Utah laws and regulations:

(i) On August 20, 1980, Utah amended UMC 761.11(a)(3) and SMC 761.11(c) to restrict mining on any lands that will "adversely affect" any public park or any place included on the National Register of Historic Places. The Secretary finds that this change makes the state's regulations consistent with the requirements of 30 CFR 761.11(c) and Section 522(e) of SMCRA for the protection of such lands.

(ii) Section 522(e)(5) of SMCRA and the regulations at 30 CFR 761.11(e) provide that no "surface coal mining operations" may be conducted within 300 feet measured horizontally from any occupied dwelling unless a written waiver is obtained from the owner of the dwelling. "Surface coal mining operations" includes surface mining and the surface effects of underground mining. Section 40–10–24(4)(d) UCA, of the Utah CMRA mirrors the mandate of SMCRA. On December 18, 1980, Utah amended UMC 761.11(b)(1), to require that the restriction apply to "underground mining and reclamation activities". With this change, protection of surface lands equal to that prescribed by 30 CFR 761.11(b)(1) is guaranteed by the Utah underground regulations. The Secretary finds Utah's provision consistent with and as stringent as the federal regulation.

(iii) Utah has amended the definition of "area" in UMC/SMC 762.5 to mean "a geographic unit defined by a legal subdivision (i.e., township, range, and section number)." The term "area" is not defined in the federal regulations. In its July 24, 1980, submission, Utah stated that it was defining the term "area" to clarify the location which the petition seeks to designate or un-designate as suitable for mining. Utah is a public lands state. As such the land has been surveyed and defined by township, range and section numbers. The state noted that this information is readily available from a U.S. Geological Survey topographic map or the county records office. Based on his understanding that the definition of the term "area" is only for clarifying purposes, and will not inhibit the designation process, the Secretary finds Utah's definition acceptable.

(iv) Utah has amended UMC/SMC 764.13 such that only the information required by 30 CFR 764.13 is required in a petition under the Utah program. However, the state also requests additional information, with the proviso that the petitioner may provide the information if it is available, but failure to provide the information will not jeopardize the review of the petition or constitute a reason for rejection of the petition. (See 45 FR 70493, Findings 4(k)(iv)) Utah states that it does not intend these discretionary items to be a burden to the petitioner and will clearly set forth in its Petition Assistance Package, as it has in the regulations, that the lack of information on those items will not adversely affect the review of the petition.

In addition, the State's promulgated regulations in UMC/SMC 764.13(b)(2) require a legal description of the area covered by the petition rather than the Federal requirement of the location and size. On November 18, 1980, the state amended this section to indicate that "legal description" means "township, range and section number." The Secretary finds that these changes make the Utah regulations consistent with the federal regulations. Further, Utah's regulations do not impose a burden on the petitioner because the state has made it clear that the additional information will not adversely affect the review of the petition.

(v) The Secretary finds that Utah's amendment to UMC/SMC 764.15(b)(2), deleting its reference to a state register for a petition completeness notice is consistent with 30 CFR 764.15(b)(2). There is no state register in Utah.

(vi) Utah has amended UMC/SMC 764.17(a) to require the Board to hold a public hearing on a petition in Salt Lake City, Utah, or, at the written request of any interested person, to appoint a hearing examiner for the purpose of taking evidence at a public hearing in the locality of the area covered by a petition and to recommend findings of fact and conclusions of law for ultimate disposition by the Board. The hearing will be legislative and fact finding in nature, without cross-examination of witnesses. The Secretary finds that Utah's provisions for conducting a petition hearing are consistent with the requirement of 30 CFR 764.17(a) for providing for a hearing in the locality of the petition area and the procedures to be followed in the course of the hearing.

(1) In accordance with 30 CFR 732.15(b)(10), the Secretary finds that the Utah Division of Oil, Gas and Mining has the authority under the Utah Rules of Practice and Procedure, Utah laws and regulations and the Utah program to provide for public participation in the development, revision and enforcement of Utah regulations and program, consistent with the public participation requirements of SMCRA and 30 CFR Chapter VII. The Secretary finds that the public has had a meaningful opportunity to participate in the development of the state program submitted to OSM based on the information in the administrative record and the public hearings held in Salt Lake City, Utah on the adoption of regulations pursuant to the Utah (CMRA) and the Utah Rules of Practice and Procedure (June 26–27, 1979; July 26–27, 1979; August 23, 1979; January 9–10, 1980; January 24, 1980; February 14, 1980; August 20, 1980; November 19, 1980 and December 18, 1980). Further, the State on December 1, 1980 provided a summary of the proposed and adopted amendments to their regulations for public review and comment. Approval is based on the following findings by the Secretary or representations made by Utah concerning its laws and regulations:

(i) Utah's amendment to UMC/SMC 771.21(b)(1), adopted on November 19, 1980, provides a three month time limit for the acceptance of a complete permit application. The Secretary finds that Utah's time frame allows sufficient opportunity for review by the Division and the public, and is consistent with the intent of 30 CFR 771.21(b)(1). In addition, on December 18, 1980, Utah adopted an amendment to UMC 771.21(b)(1) changing "surface" to "underground" coal mining and reclamation activities. The Secretary finds that the adoption of this change to UMC 771.21(b)(1) makes the Utah underground regulation consistent with the federal regulations.

(ii) Utah's amendment to UMC/SMC 786.14, which was adopted on November 19, 1980, parallels the federal regulations by including the word "informal" before "conference" whenever referring to conferences on proposed permit applications in sections (a)(1), (a)(2), (b), (b)(2), (b)(3), (b)(4), (c), and (d). The state also deleted in section (b)(4) "Section 5 of the Administrative Procedures Act as amended (5 U.S.C. 544)" and inserted "the Board's Rules of Practice and Procedure." Utah's amended regulation 900(b)(ix) adopting the Board's Rules of Practice and Procedures contains amendments necessary to meet the requirements of 43 CFR 4 and the federal Administrative Procedure Act, 5 U.S.C. 551 et seq. The Secretary finds that Utah's changes are consistent with the requirements of 30 CFR 786.14 for prescribing procedures for requesting and conducting informal hearings on proposed permit applications.

(iii) Utah's amendment to UMC/SMC 700.14(b) which was adopted on August 20, 1980, deletes the provision referring to requests for records and documents under the federal provision 43 CFR Part 2 and the Freedom of Information Act. The Secretary finds Utah's policy of providing records and documents directly from the Division of Oil, Gas and Mining consistent with 30 CFR 700.14(b).

(iv) Utah's amendment to Rule B–1 of the Board's Rules of Practice and Procedure, which was adopted on August 20, 1980, defines "interested person" as "*any* person with an interest which is or may be adversely affected to bring action before the Board." UCA 63–46–8 provides that "an interested person may petition an agency requesting the promulgation, amendment or repeal of a rule" and UCA 40–6–3.3 further provides that "any person or the attorney general on behalf of the state may apply for a hearing before the board . . ." It therefore follows that if any person may petition the board for a hearing that any person may at that hearing also petition for a rule change. This interpretation was confirmed in a telephone conversation between a representative of OSM and the Utah Attorney General (See Administrative Record No. 183). Accordingly, the Secretary finds Utah's provisions under UMC/SMC 700.12 consistent with the intent to provide for public participation in the administration of the state program as found under 30 CFR 700.12.

(m) In accordance with 30 CFR 732.15(b)(11), the Secretary finds that the Utah Division of Oil, Gas and Mining has the authority under Utah law and the Utah program includes provisions to monitor, review, and enforce the prohibition against indirect or direct financial interests in coal mining operations by employees of the Utah Division of Oil, Gas and Mining consistent with 30 CFR Part 705.

These provisions are incorporated in UMC/SMC 705 of the Utah regulations. Approval is based on the following findings by the Secretary or representations made by Utah concerning the Utah laws and regulations:

(i) The Secretary finds that Utah's August 20, 1980, amendment to UMC/SMC 705.6 (a) and (b), which changes the state's reference to "30 CFR Part 705" to "Section 40–10–7 UCA of the Utah CMRA," makes the state provision consistent with the reference in 30 CFR 705.6(a) to Section 517(g) of SMCRA. 30 CFR 705.6 provides that any employee who fails to file a financial interest statement is in violation of SMCRA and is subject to removal.

(ii) The Secretary finds that Utah's adoption of the provisions of 30 CFR 705.21 (a) and (b) in UMC/SMC 705.21 (a) and (b) makes the state's procedures for employee and Division Director's appeals during the review of conflict of interest charges consistent with the federal requirements.

(n) In accordance with 30 CFR 732.15(b)(12), the Secretary finds that the Utah Division of Oil, Gas and Mining has the authority under Utah law to require the training, examination and certification of persons engaged in or responsible for blasting and the use of explosives in accordance with Section 719 of SMCRA. Utah currently has no regulations on the training, examination and certification of persons engaged in blasting because 30 CFR 732.15(b)(12) does not require a state to implement regulations governing such training, examination and certification until six months after federal regulations for these provisions have been promulgated.

On December 12, 1980, OSM published partial final rules establishing minimal requirements for training and certifying persons involved in blasting in surface coal mining operations (45 FR 82034–82100). These regulations are codified at 30 CFR Chapter VII, Subchapter M, Part 850. Subchapter M is now final and complete with the exception of four subsections concerning qualification requirements and experience requirements. These subsections will be reproposed and subject to public comment prior to their final promulgation. Once the complete Subchapter M is finally promulgated, Utah will have an additional six months to prepare and submit to OSM regulations consistent with the federal regulations.

(o) In accordance with 30 CFR 732.15(b)(13), the Secretary finds that the Utah Division of Oil, Gas, and Mining has the authority under Section 40–10–10 UCA of the Utah CRMA and UMC/SMC 795 of the regulations except as discussed in finding 4(o)(i) to provide for a small operator assistance program. Approval is based on the following findings or conditions of approval by the Secretary or representations made by Utah concerning the Utah laws and regulations:

(i) The Secretary finds that Utah's deletion, in UMC/SMC 795.3, of the

provision that limits the Small Operators Assistance Program (SOAP) to the receipt of funding "from the Office of Surface Mining specifically for SOAP," makes the state provision consistent with 30 CFR 795.3. A condition of the Secretary's approval of the Utah program is the deletion of the same phrase from Section 40–10–10(3) UCA of the Utah CMRA or other equivalent program revision so that the state statute will be consistent with the requirements of Section 705(c) of SMCRA for prescribing a Small Operators Assistance Program.

(ii) Utah has amended the definition of "probable hydrologic consequences" in UMC 795.5 to mean the "projected result of proposed underground coal mining and reclamation activities * * *." Utah also amended SMC 795.5 to include "reclamation" in the definition of "probable hydrologic consequences" for surface coal mining activities. The Secretary finds that these changes make the state's definition of "probable hydrologic consequences" consistent with the federal definition in 30 CFR 795.5.

(iii) Utah has amended UMC/SMC 795.14(f)(2) to provide for OSM right of entry to inspect lands to be mined or adjacent lands which may be affected in order to collect environmental data or to install necessary monitoring instruments on such lands as prescribed by 30 CFR 795.14(f)(2). The Secretary finds Utah's regulations consistent with the federal regulations which ensure this right of entry.

(p) In accordance with 30 CFR 732.15(b)(14), the Secretary finds that the Utah Division of Oil, Gas and Mining has the authority under Utah law and the Utah program contains provisions to provide for protection of employees of the Utah Division of Oil, Gas and Mining in accordance with the protection afforded federal employees under Section 704 of SMCRA. UMC/SMC 865 contains the provisions for protection of employees of the Utah Division of Oil, Gas and Mining.

(q) In accordance with 30 CFR 732.15(b)(15), the Secretary finds that the Utah Division of Oil, Gas and Mining has the authority under Section 40–10–22 UCA of the Utah CMRA and UMC/SMC 840, 842, 843 and 845 of the Utah regulations to provide for administrative and judicial review of state program actions in accordance with Sections 525 of SMCRA and 30 CFR Chapter VII, Subchapter L. Approval is based on the following findings or representations made by Utah concerning the Utah laws and regulations:

(i) Utah's amendment to UMC/SMC 840.15, which was adopted on August 20, 1980, deletes the reference to 30 CFR 842, 843, 845 and 43 CFR 4, and references UMC/SMC Part 842, 843, 845; the Board's Rules of Practice and Procedure; and Part 900(b)(ix). The Secretary finds that the state's amended regulations, UMC/SMC 900(b)(ix), which adopt the Board's Rules of Practice and Procedure contain amendments to Rule B–15 meet the federal requirements for discovery, intervention and award of attorney fees. He therefore finds that Utah's provisions are consistent with 43 CFR Part 4.

(ii) Utah's amendment to UMC/SMC 845.20(a), which was adopted on November 19, 1980, corrected a typographical error by adding a new section (a) that makes the state's provision identical to 30 CFR 845.20(a). The Secretary finds that Utah's regulations are consistent with and as stringent as the federal requirement which prescribes that if a person issued a proposed penalty fails to request a hearing, the proposed penalty is due and payable.

(iii) The Secretary finds that Utah's amendment to UMC 700.13 which was adopted on November 19, 1980, includes the term "underground coal mining and reclamation activities", and encompasses complaints on underground as well as surface mining activities, making the State's provisions consistent with 30 CFR 700.13(b).

(iv) On August 20, 1980, Utah amended UMC/SMC 840.15 by deleting the reference to federal regulations 30 CFR Parts 842, 843, 845 and 43 CFR Part 4, and referencing state provisions Part 842, 843, 845, the Board's Rules of Practice and Procedure; and Part 900(b)(ix). The Secretary finds that these changes make the state provisions for public participation valid and workable.

(v) Utah amended UMC/SMC 843.13(d), on November 19, 1980, to prescribe procedures for notice of the Board's order to show cause that are consistent with 30 CFR 843.13 (c) and (d). The Secretary finds that the State's procedures are as stringent as their federal counterpart in that the Board Rules of Practice and Procedure require publication in a newspaper of general circulation, and a statement of the procedure for intervention (Rule B2). Further, the state has amended UMC/SMC 843.13(d) on August 20, 1980 to provide 30 days written notice of the date, time and place of the hearing to the permittee, Division and any intervenor.

(vi) Utah's amendment to UMC/SMC 843.13(e), which was adopted on November 19, 1980, requires that a permittee immediately cease mining and fulfill certain other obligations after the Board determines that a pattern of violations exists. The Secretary finds that the State's amendment is verbatim to and consistent with 30 CFR 843.13(e).

(vii) The Secretary finds that Utah's amendment to UMC/SMC 843.14 which was adopted on November 19, 1980 is identical to 30 CFR 843.14 (a), (b), and (c). The State's omission of section (d), requiring the Division to make available copies of notices and orders is not significant since this requirement falls within UMC/SMC 700.14(b) (see finding 4(1)(iii)).

(viii) The Secretary finds that Utah's amendment to UMC/SMC 843.16, which was adopted on November 19, 1980, requires the Board to issue a decision within 30 days of receipt of a petition for the review of a cessation order, consistent with 30 CFR 843.16 and Section 525(b) of SMCRA.

(ix) Utah's amendment to UMC/SMC 700.5, which was adopted on August 20, 1980, provides that the state regulatory authority is the "Board and Division", as that term is used in the definition of "person having an interest which is or may be adversely affected or person with a valid interest * * *." The Secretary finds that Utah's provisions are consistent with 30 CFR 700.5.

(r) In accordance with 30 CFR 732.15(b)(16), the Secretary finds that the Utah Division of Oil, Gas and Mining has authority under Utah law and regulations, and the Utah program contains provisions to cooperate and coordinate with and provide documents and other information to the Office of Surface Mining under the provisions of 30 CFR Chapter VII.

(s) In accordance with 30 CFR 732.15(c), the Secretary finds that the Utah (CMRA) and regulations adopted thereunder and the other laws and regulations of Utah do not contain provisions that would interfere with or preclude implementation of the provisions of SMCRA and 30 CFR Chapter VII.

(t) The Division of Oil, Gas and Mining and other agencies having a role in the program have sufficient legal, technical, and administrative personnel and sufficient funding to implement, administer and enforce the provisions of the program, the requirement of 30 CFR 732.15(b), and other applicable state and federal laws.

The Secretary undertook an analysis of the proposed Utah staffing plan to assess Utah's ability to properly carry out inspection and enforcement activities and permitting functions as required by the Act. Based on this analysis, the Secretary found in his decision in the October 24, 1980, Federal Register Notice (45 FR 70481–70510), that

Utah needed additional staff. Utah indicated on December 15, 1980 in a discussion with OSM (Administrative Record No. 187), that it has requested funding from its legislature for three fulltime equivalents (FTEs) for inspection and enforcement and one FTE for permit review and administration. Utah expects these additional staff within six months of the Secretary's final decision. As such, Utah will have adequate staff to support its programs on non-federal and non-Indian programs within the initial eight month permit review requirement mandated by Section 506 of SMCRA.

In addition, Utah submitted to OSM for review, a proposed cooperative agreement, which, if entered into by the Secretary, would require necessary inspection and enforcement and permitting staff to carry out the program activities on mines which invoke federal lands. The adequacy of the Utah staffing and funding plan to undertake activities on federal lands will be examined during the review of the proposed cooperative agreement.

Secretary's Decision Background on Conditional Approval

The Secretary is fully committed to two key aims which underlie SMCRA. The Act calls for comprehensive regulation of the effects of surface coal mining on the environment and public health and safety and for the Secretary to assist the states in becoming the primary regulators under the Act. To enable the states to achieve that primacy, the Secretary has undertaken many activities of which several are particularly noteworthy.

The Secretary has worked closely with the Division of Oil, Gas and Mining, and the Utah Oil, Gas and Mining Board. OSM has frequently met with state regulatory authority personnel to discuss informally how the Act should be administered, with particular reference to unique circumstances in individual states. Often these meetings have been a way for OSM to explain portions of the federal requirements and how the state might meet them. Alternative state regulatory options, the "state window" concept, for example, were discussed at several meetings with the Division and Board.

The Secretary has dispensed over $6.9 million in program development grants and over $37.6 million in initial program grants to help the states to develop their programs, to administer their initial programs, to train their personnel in the new requirements, and to purchase new equipment. In several instances OSM detailed its personnel to states to assist in the preparation of their permanent program submissions. OSM has also met with individual states to determine how best to meet the Act's environmental protection goals.

Equally important, the Secretary structured the state program approval process to assist the states in achieving primacy. He voluntarily provided his preliminary views on the adequacy of each state program to identify needed changes and to allow them to be made without penalty to the state. The Secretary adopted a special policy to insure that communication between him and the states remained open and uninhibited at all times. This policy was critical to avoiding a period of enforced silence with a state after the close of the public comment period on its program and has been a vital part of the program review process (*see* 77 FR 54444, September 19, 1979).

The Secretary has also developed in his regulations the critical ability to approve conditionally a state program. Under the Secretary's regulations, conditional approval gives full primacy to a state even though there are minor deficiencies in a program. This power is not expressly authorized by the Act; it was adopted through the Secretary's rulemaking authority under sections 201(c), 503(b), and 503(a)(7) of SMCRA, 30 U.S.C. 1253(b), and 1253(a)(7).

The Act expressly gives the Secretary only two options—to approve or disapprove a state program. Read literally, the Secretary would have no flexibility; he would have to approve those programs that are letter-perfect and disapprove all others. To avoid that result and in recognition of the difficulty of developing an acceptable program, the Secretary adopted the regulation providing the authority to approve conditionally a program.

Conditional approval has a vital effect for programs approved in the Secretary's initial decision: it results in the implementation of the permanent program in a state months earlier than might otherwise be anticipated. While this may not be significant in states that already have comprehensive surface mining regulatory programs, in many states that earlier implementation will initiate a much higher degree of environmental protection. It also implements the rights SMCRA provides to citizens to participate in the regulation of surface coal mining through soliciting their views at hearings and meetings and enabling them to file requests to designate lands as unsuitable for mining if they are fragile, historic, critical to agriculture, or simply cannot be reclaimed to their prior productive capability.

The Secretary considers three factors in deciding whether a program qualifies for conditional approval. First is the state's willingness to make good faith efforts to effect the necessary changes. Without the state's commitment, the option of conditional approval may not be used.

Second, no part of the program can be incomplete. As the preamble to the regulations says, the program, even with deficiencies, must "provide for implementation and administration for all processes, procedures, and systems required by the Act and these regulations" (44 FR 14961). That is, a state must be able to operate the basic components of the permanent program: The designation process; the permit and coal exploration systems; the bond and insurance requirements; the performance standards; and the inspection and enforcement systems. In addition there must be a functional regulatory authority to implement the other parts of the program. If some fundamental component is missing, conditional approval may not be used.

Third, the deficiencies must be minor. For each deficiency or group of deficiencies, the Secretary considers the significance of the deficiency in light of the particular state in question. Examples of deficiencies that would be minor in virtually all circumstances are correction of clerical errors and resolution of ambiguities through attorney general's opinions, revised regulations, policy statements, changes in the narrative or the side-by-side.

Other deficiencies require individual consideration. An example of a deficiency that would most likely be major would be a failure to allow meaningful public participation in the permitting process. Although this would not render the permit system incomplete because permits could still be issued, the lack of any public participation could be such a departure from a fundamental purpose of the Act that the deficiency would most likely be major.

The use of a conditional approval is not and cannot be a substitute for the adoption of an adequate program. Section 732.13(i) of Title 30 of the regulations gives the Secretary little discretion in terminating programs where the state, in the Secretary's view, fails to fulfill the conditions. The purpose of the conditional authority power is to assist, not excuse, states from achieving compliance with SMCRA.

Conditional Approval

As indicated under "Secretary's Findings," there are minor deficiencies in the Utah program which the Secretary

requires be corrected. In all other respects, the Utah program meets the criteria for approval. The deficiencies identified in prior findings are summarized below.

1. A regulation which prescribes standards which a reduced highwall must achieve, in accord with Finding 4(b). Based on knowledge of current mining activities in Utah and the little, if any, potential for major environmental problems to occur before adoption of such standards, since (1) few, if any mines are scheduled for closure and final reclamation, and (2) new operations are required to retain materials necessary to grade to approximate original contour, the effect of the delayed promulgation of such standards is minimal.

2. A regulation which applies the exemption from the use of sediment ponds only to drainages from areas affected by surface operations and facilities where the disturbed surface drainage area within the total disturbed surface area is small and there is no mixture of surface drainage with a discharge from underground mine workings, in accord with Finding 4(c)(viii). All underground mines in Utah use sediment ponds as a sedimentation control measure (Administrative Record No. 168). Further, in not providing the small area exemption, the probability of a mine justifying not using sedimentation ponds to meet the effluent standard limitation is minimal. Finally, the Secretary's approval is conditioned upon Utah adopting revisions to its regulations before the eight month permit application and review deadline, prescribed by Section 506(a) of SMCRA and Section 40–10–9 UCA of the Utah CMRA and 30 CFR 771.13 and UMC/SMC 771.13.

3. A regulation which requires that upon an approved transfer of a well, the transferor is secondarily liable for the transferee's obligations until release of the bond or other equivalent guarantee for the area in which the well is located in accord with Finding 4(c)(xv). While there is no case law in Utah on secondary liability in the event of transfer of water wells, the state does not follow normal rules of liability. For example, in the area of negligence, the Utah Supreme Court stated that:

"* * * [W]e have indicated our agreement with the well established rule that where one is injured by the concurrent negligence of two wrongdoers he can recover from either or both; and this includes circumstances where one has previously created a dangerous condition, which combines with a later act of negligence, if the former is in fact a concurring proximate cause." (Footnote omitted.)

Anderson v. *Parson Red-E-Mix Paving Co.*, 24 Utah 2d 128, 467 P. 2d 45, 46 (1970)

Accordingly, it follows that if an operator negligently created an attractive nuisance with latent defects by drilling a water well, both the operator and his transferee may well be held liable under Utah tort law. As such, the effect of Utah not having a specific regulatory provision prescribing secondary liability in the event of water well transfer is minimal. The state has agreed to correct the regulation by July 1, 1981 as part of the Secretary's conditional approval of the Utah program. Further the likelihood that the State will approve such a transfer prior to the adoption of its proposed regulatory provision for this requirement is minimal.

4. A regulation which prohibits lifts for valley fills greater than four feet, in accordance with Finding 4(c)(xx)(5) and which requires federal approval for the waiver of the underdrain requirement in accordance with Finding 4(c)(xx)(4). Eighty percent of the permitted mining operations in Utah are considered to be on federal lands. The Secretary will have to approve any mine plan for such operations. Further, there are currently no pending new or revised permit applications on non-federal land that involve valley fills. The state has agreed to correct the regulation by July 1, 1980 as part of the Secretary's conditional approval of the Utah program.

5. A regulation which provides surface owner protection from the potential adverse effects of subsidence, in accordance with Finding 4(c)(xxix). Given that the Utah regulation is deficient on only one of three alternatives available to the operator, and the subsidence control measures must be approved as part of the permanent program permit, it is highly unlikely that the alternative would result in any adverse affect on surface owners or resources, before the regulation is revised. The state had agreed to correct the regulation by July 1, 1981 as part of the Secretary's conditional approval of the Utah program.

6. A regulation which prohibits the placement of certain materials on the downslope of steep slopes, in accordance with Finding 4(c)(xxxi). Because of the limited waste material from underground mines and the need for such materials to construct roads and portal embankments in steep slope areas, the probability of any material being deposited on the downslope, out of compliance, is negligible. This is reinforced by the fact that approximately 80% of the mines in Utah are on federal lands and must comply with the prohibition on downslope placement of materials under the interim cooperative agreement. The state has agreed to correct the regulation by July 1, 1981 as part of the Secretary's conditional approval of the Utah program.

7. A regulation that requires monitoring, as a possible subsidence control measure, in accord with Finding 4(d)(ii). Because monitoring is only one of several measures that may be taken to reduce the likelihood of future subsidence, from nearby mining, it is unlikely that this option will be used rather than the others available, in a subsidence control plan approved by the state. The state has agreed to correct the regulation by July 1, 1981 as part of the Secretary's conditional approval of the Utah program. As this date precedes the eight month permit application submission and review deadline prescribed by the Act and the regulations, it is highly unlikely a permit will be approved before a revised regulation is adopted.

8. A statutory amendment that provides for a Small Operator Assistance Program, in accord with Finding 1(a)(i). Utah has had no operators apply for assistance under the interim federal Small Operator Assistance Program, hence it is unlikely that there will be an application before an amendment can be adopted.

9. The statutory amendments correcting errors, in accord with Finding (1)(a). The state has proposed to adopt corrections to the noted typographical errors. The state's recognition of these inconsistencies insures that they will have no impact on the implementation of the law and the state program.

10. A statutory amendment which only allows a citizen suit against the Secretary in a federal court in accord with Finding (1)(a). The state has proposed a statutory amendment correcting this inconsistency. The state's corrective action, the limited probability that such a suit would be initiated before adoption of the amendment and the explicit reservation, hereby, of the right of the Secretary to remove to a Federal Court any suit brought against him in a state court, result in little, if any, effect of the deficiency.

11. A statutory amendment which recognizes "private" mineral estates, in accord with Finding 4(d)(viii). Based on the fact that the state has proposed such an amendment, and the fact that in Utah, the traditional dominance of the mineral estate over the surface estate with respect to private property exists, there will be little, if any, effect of the

state's variance before adoption of the statutory amendment.

12. Statutory amendments to provide that the dates for the determinations for alluvial valley floors, prime farmlands, valid existing rights and substantial legal and financial commitments reflect the dates of SMCRA, in accord with Finding (1)(a). Utah submitted on December 9, 1980, housekeeping amendments to the Utah Legislative Drafting Committee to make these statutory dates consistent with SMCRA. Utah's regulations reflect the dates of 30 CFR Chapter VII for these requirements. Based on the fact that the state expects adoption of these amendments before the eight month statutory and regulatory deadline for the submission and review of all permit applications, effects from the statutory date differences will be denoted or absent. Further, a condition of the Secretary's approval is that the revisions be implemented before the eight month deadline, which for Utah is September 15, 1981.

Given the nature of these deficiencies and their magnitude in relation to all the other provisions of the Utah program, the Secretary of the Interior has concluded they are minor deficiencies. Accordingly, the program is eligible for conditional approval under 30 CFR 732.13(i), because:

1. The deficiencies are of such a size and nature as to render no part of the Utah program incomplete since all other aspects of the program meet the requirements of SMCRA and 30 CFR Chapter VII, and these deficiencies, which will be promptly corrected, will not directly affect environmental performance at coal mines;

2. Utah has initiated and is actively proceeding with steps to correct the deficiencies; and

3. Utah has agreed, by letter dated January 13, 1981, to correct the regulation deficiencies by July 1, 1981 and the statutory deficiencies by December 1, 1981. Accordingly, the Secretary is conditionally approving the Utah program. This approval shall terminate if regulations correcting the deficiencies are not enacted by July 1, 1981, or if state legislation correcting the statutory deficiencies is not enacted by December 1, 1981. This conditional approval is effective January 21, 1981. Beginning on that date, the Division of Oil, Gas and Mining shall be deemed the regulatory authority in Utah for all surface coal mining and reclamation operations and for all coal exploration operations on non-federal and non-Indian lands in Utah shall be subject to the permanent regulatory program.

On non-federal and non-Indian lands in Utah, the permanent regulatory program consists of the state program as approved by the Secretary.

On federal lands, the permanent regulatory program consists of the federal rules made applicable under 30 CFR Chapter VII, Subchapter D, Parts 740–745. In addition, in accordance with Section 523(a) of the SMCRA, 30 U.S.C. 1273(a), the federal lands program in Utah shall include the requirements of the approved Utah permanent regulatory program. The approved state/federal cooperative agreement contained in 30 CFR Part 211 will terminate within 120 days of this approval of the Utah regulatory program. Utah and the Department of the Interior will have the opportunity to enter a revised cooperative agreement to include the requirements of the approved Utah permanent regulatory program.

The Secretary's approval of the Utah program relates at this time only to the permanent regulatory program under Title V of SMCRA. The approval does not constitute approval of any provisions related to implementation of Title IV of SMCRA, the abandoned mine lands reclamation program. In accordance with 30 CFR Part 884, Utah may submit a state reclamation plan now that its permanent program has been approved. At the time of such a submission, all provisions relating to abandoned mined lands reclamation will be revised by the Department of the Interior.

Public and Government Agency Comments

The Secretary received several comments from the public on Utah's program. There were no comments concerning outstanding issues by any of the federal agencies. All of the comments from the public were reviewed and considered by the Secretary in making the decision to conditionally approve the Utah program. The Secretary intends to publish in the **Federal Register** within the next few days, a summary of the comments received and his disposition of each significant issue they raise.

Additional Findings

The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this conditional approval.

The Secretary has determined that this document is not a significant rule under E.O. 12044 or 43 CFR Part 14, and no regulatory analysis is being prepared on this conditional approval.

Dated: January 15, 1981.

Joan M. Davenport,

Assistant Secretary of the Interior for Energy and Minerals.

A new Part, 30 CFR Part 944, is added to Subchapter T to read as follows:

Part 944—Utah

Sec.

944.1 Scope.
944.10 State Regulatory Program Approval.
944.11 Conditional State Regulatory Program Approval.
944.12 Provisions of State Regulatory Program Disapproved to Comply with the Order of the District Court.

Authority: Sec. 503, Pub. L. 95–87; 30 U.S.C. 1253.

§ 944.1 Scope.

This part contains all rules applicable only within Utah that have been adopted under the Surface Mining and Reclamation Act of 1977.

§ 944.10 State Regulatory Program Approval.

(a) The Utah State Program, as submitted on March 3, 1980, amended and clarified on June 16 and July 24, 1980, and resubmitted on December 23, 1980, is conditionally approved, effective January 21, 1981.

(b) Copies of the approved program, together with copies of the letter of the Division of Oil, Gas and Mining agreeing to the conditions in 30 CFR 944.11, are available at:

Division of Oil, Gas and Mining, 1588 West North Temple, Salt Lake City, Utah 80441, Telephone: (801) 533–5771.
Office of Surface Mining, Brooks Towers, Room 2115, 1020 15th Street, Denver, CO 80202, Telephone: (303) 837–5421.
Office of Surface Mining, Interior South Building, Room 153, 1951 Constitution Avenue, NW, Washington, DC 20240, Telephone: (202) 343–4728.

§ 944.11 Conditions of State Regulatory Program Approval.

The approval of the state program is subject to the following conditions:

(a) The approval found in Section 944.11 will terminate on December 1, 1981 unless Utah submits to the Secretary by the date copies of fully enacted statutes which delete the condition in Section 40–10–10(d) UCA of the Utah CMRA which limits the Small Operator Assistance Program to receipt of funding from the Office of Surface Mining, to be consistent with Section 517(c) of SMCRA, or otherwise amends its program to accomplish the same result.

(b) The approval in § 944.11 will terminate on December 1, 1981 unless Utah submits to the Secretary by the date copies of fully enacted statutes

revising the dates for the following determinations to be consistent with the dates of SMCRA, or otherwise amends its program to accomplish the same result:

(1) the date for the establishment of the "grandfathering" date of alluvial valley floors under Section 40–10–11(2)(e)(ii) UCA/Section 510(b)(5)(B) of SMCRA

(2) the dates for prime farmland permit application requirements under Section 40–10–11(4) UCA/Section 510(d)(2) of SMCRA.

(3) the date for the establishment of valid existing rights in Section 40–10–24(4) UCA/Section 522(e) of SMCRA.

(4) the date for the determination of substantial legal and financial commitments in Section 40–10–24(1)(e) UCA/Section 522(a)(6) of SMCRA.

(c) The approval in § 944.11 will terminate on December 1, 1981 unless Utah submits to the Secretary by the date copies of fully executed statutes correcting the errors in Sections 40–10–17(2)(j)(ii)(B) UCA and 40–10–16(4) UCA to be consistent with Sections 515(b)(10)(B)(ii) and 519(d) of SMCRA, or otherwise amends its program to accomplish the same result.

(d) The approval in § 944.11 will terminate on December 1, 1981 unless Utah submits to the Secretary by the date copies of fully executed statutes revising the jurisdiction of the Utah courts such that a suit against the United States cannot be conducted in a state court but only in a federal court under Section 40–10–21 UCA of the Utah CMRA, to be consistent with Section 520 of SMCRA, or otherwise amends its program to accomplish the same result.

(e) The approval in Section 944.11 will terminate on December 1, 1981 unless Utah submits to the Secretary by that date copies of fully enacted statutes recognizing "private" mineral estates under Section 40–10–11(f) UCA to be consistent with Section 510(b)(6) of SMCRA or otherwise amends its program to accomplish the same result.

(f) The approval in Section 944.11 will terminate on July 1, 1981 unless Utah submits to the Secretary by the date copies of fully enacted regulations adopting standards for the reduction of highwalls in UMC 817.101(b)(1) to be consistent with 30 CFR 817.101 and Section 510 of SMCRA, or otherwise amends its program to accomplish the same result.

(g) The approval in Section 944.11 will terminate on July 1, 1981 unless Utah submits to the Secretary by the date copies of fully enacted regulations adopting a sediment pond exemption provision in UMC 817.42(a)(3) consistent with 30 CFR 817.42(a)(3)(ii)(A), or otherwise amends its program to accomplish the same result.

(h) The approval in § 944.11 will terminate on July 1, 1981 unless Utah submits to the Secretary, by that date, copies of fully enacted regulations specifying that underdrains are required in all valley fills unless a waiver is granted in connection with an experimental practice approved by OSM, in UMC 817.72(b)/SMC 816.72(c) and specifying lifts for valley fills will not be greater than four feet, or less, if required by the regulatory authority, in UMC 817.72(c)/SMC 816.72(c) consistent with 30 CFR 817.72(c), or otherwise amends its program to accomplish the same result.

(i) The approval in § 944.11 will terminate on July 1, 1981 unless Utah submits to the Secretary by the date copies of fully enacted regulations adopting well transfer liability provisions in UMC 817.53(c) consistent with 30 CFR 817.53(c), or otherwise amends its program to accomplish the same result.

(j) The approval in § 944.11 will terminate on July 1, 1981 unless Utah submits to the Secretary by the date copies of fully enacted regulations providing for surface owner protection from the potential effects of subsidence in UMC 817.124(b) (1) and (3) consistent with 30 CFR 817.124(b) (1) and (3), or otherwise amends its program to accomplish the same result.

(k) The approval in § 944.11 will terminate on July 1, 1981 unless Utah submits to the Secretary by the date copies of fully enacted regulations prohibiting the placement of certain materials on the downslope in steep slope areas in UMC 817.101(c) consistent with 30 CFR 826.12(a), or otherwise amends its program to accomplish the same result.

(l) The approval in § 944.11 will terminate on July 1, 1981 unless Utah submits to the Secretary by the date copies of fully enacted regulations which allow monitoring as a subsidence control measure in UMC 784.20(c)(3)(v) consistent with 30 CFR 784.20(c)(3)(v), or otherwise amends its program to accomplish the same result.

§ 944.12 Provisions of State Regulatory Program Disapproval to Comply with the Order of the District Court.

(a) The following provisions of the Utah permanent regulatory program submission are hereby disapproved to the extent indicated in compliance with the February 26, 1980, May 16, 1980, and August 15, 1980, opinions and orders of the U.S. District Court for the District of Columbia (*In re: Permanent Surface Mining Regulation Litigation* (Civ. Action No. 79–1144)).

(1) Sections UMC/SMC 700.5, the definition of "mine plan area," and the use of the term in Parts SMC 779, SMC 780, UMC 783 and UMC 784 to the extent that they require information outside the permit area that is not specifically articulated in Sections 507 and 508 and the corresponding Utah statutory provisions of 40–10–10 UCA.

(2) Sections UMC/SMC 701.11(d)(1) (i) and (ii), relating to exemptions for existing structures, to the extent that the exemptions are not mandatory after the appropriate findings are made.

(3) Sections SMC/UMC 761.5(a)(2)(i), the definitions of "valid existing rights," to the extent they do not allow recognition of such rights an operator may claim by having made a good faith effort to obtain all permits before 8/3/77 as stipulated by the court's decision.

(4) Sections SMC 761.11(c), 761.12(f)(1) and UMC 761.11(a)(3) and .12(b) to the extent that they prohibit or restrict mining near places eligible for listing on the National Register of Historic Places, and the words "or a statutory or regulatory responsibility for" in UMC/SMC 761.12(f)(1). Further, both provisions are disapproved to the extent that they apply to privately owned places listed on the National Register of Historic Places in addition to publicly owned places.

(5) Sections UMC/SMC 776.11(b)(3), concerning the requirements for maps of the proposed exploration area.

(6) Sections UMC/SMC 761.11(b)(5), concerning the requirements that operators explain their basis for the exploration area when the surface is owned by a person other than the operator.

(7) Sections SMC 779.20, SMC 780.16, UMC 783.20, and UMC 784.21 requiring a permit application to contain a study of fish and wildlife and to include a fish and wildlife reclamation plan.

(8) Sections 779.21 and UMC 783.21 to the extent they require a soil survey for lands other than those which a reconnaissance inspection suggests may be prime farmland.

(9) Sections UMC/SMC 785.17(b)(3) and SMC/UMC 823.14(c), concerning excessive soil compaction, pending OSM's promulgation of a standard for soil compaction.

(10) Sections SMC/UMC 785.17(b)(8), to the extent that they require prime farmland reclamation target yields to be based on estimated yields under a high level of management rather than a level of management equivalent to that used on prime farmlands in the surrounding area.

(11) Sections UMC/SMC 785.19(d)(2)(iii) and (iv) to the extent that the regulations do not allow an analysis from data collected over a period of less than one year or extrapolated from existing data if such shorter period or extrapolation process is sufficient to enable the regulatory authority to make a determination of the impact of the proposed operation on the hydrologic balance of the area.

(12) Sections UMC/SMC 785.19(3)(1)(ii) insofar as the regulations do not allow negligible farmland interruption and undeveloped range lands as exclusions to the hydrologic requirements of Section 40–10–11(2)(e) UCA of the Utah statute.

(13) Sections UMC/SMC 785.19(e)(2) insofar as they prohibit mining when the mining would create a negligible impact on the farm's productive capacity.

(14) Sections SMC/UMC 805.13(d) to the extent that the exception the regulatory authority may grant might be from all of Section 816.

(15) Sections UMC/SMC 806.12(e)(6)(iii), (g)(7)(iii) to the extent they require cessation of operations upon the insolvency of a surety.

(16) Sections UMC/SMC 807.11(e) to the extent they fail to provide for citizens' access to the mine site for performance bond release.

(17) Sections UMC/SMC 808.12(c) to the extent that they limit bond liability to protection of the hydrologic balance.

(18) Sections UMC/SMC 808.14(b) to the extent they allow the regulatory authority to forfeit and keep the entire amount of a bond where the entire amount is not needed to complete a reclamation plan.

(19) Sections SMC 816.42 (a)(1) and (a)(7) to the extent they apply effluent limitation standards to the reclamation phase of a surface coal mining operation.

(20) Sections SMC 816.42(b) and UMC 817.42(b), relating to effluent standard exemptions during major storm periods, pending OSM's promulgation of new sediment removal regulations.

(21) Sections SMC 816.46(b) and UMC 817.46(b), concerning sediment storage volume in sediment ponds, pending OSM's promulgation of new requirements.

(22) Sections SMC 816.46(c) and UMC 817.16.46(c), concerning detention time for water in sediment ponds, pending OSM's promulgation of new requirements.

(23) Sections SMC 816.46(d) and UMC 817.46(d) to the extent they require dewatering devices to have a discharge rate to achieve and maintain the theoretical detention time for sediment ponds.

(24) Sections SMC 816.46(h) and 817.46(h), concerning sediment removal from sediment ponds, pending OSM's promulgation of rules.

(25) Sections SMC 816.65(f), requiring special approval prior to blasting within 1,000 feet of certain buildings and 500 feet of other facilities and which restricts blasting at distances greater than 300 feet.

(26) Sections UMC 817.95 and SMC 816.95, concerning air resources protection, to the extent the control measures enumerated for control of fugitive dust are not directly related to control of soil erosion.

(27) Sections SMC 816.115 and UMC 817.115 to the extent they require an operator who proposes range or pasture as the post-mining land use to actually use the land for grazing for the last two years of bond liability.

(28) Sections UMC 817.116(b) and SMC 816.116(b) to the extent that they state that an operator's responsibility for successful revegetation does not begin until the vegetation reaches 90 percent of the natural cover in the area.

(29) Sections SMC 816.133(b)(1) and UMC 817.133(b)(1) to the extent they do not allow restoration of lands to the conditions they were capable of supporting prior to any mining.

(30) Sections SMC 816.133(c) and UMC 817.133(c) to the extent they require an operator to provide "letters of commitment" for proposed land use changes or for proposed cropland use.

(31) Sections UMC/SMC 823.11(c), 823.15(b), and 823.15(c) to the extent they require an operator on prime farmland to actually return the land to crop production. The land needs only to be "capable" of supporting the designated use.

(32) Sections UMC/SMC 845.13 and 845.14 to the extent they impose a civil penalty point system.

(33) Sections UMC 783.25(c), (h), and (i) to the extent that they require cross sections, maps and plans as part of the information requisite of an underground permit application.

(34) Section UMC 817.54 to the extent that it requires an underground operator to replace the water supply of landowners if the operation contaminates, diminishes or interrupts the supply.

(35) Sections UMC/SMC 823 to the extent that they do not allow an exemption to the performance standards of operations on prime farmlands for surface facilities used over extended periods of time but which effect a minimal amount of land.

(b) The court suspended the requirements of 30 CFR 816.83(a) and 30 CFR 817.83(a) to the extent that they would preclude an exemption from the underdrain requirements for coal processing waste banks where an operator could demonstrate that an alternative to the required subdrainage system would ensure structural integrity of the waste bank and protection of ground or surface water quality. The Utah regulations SMC 816.83(a) (1) and (2) and UMC 817.83(a) (1) and (2) provide for the exemption, as specified by the Court. Nevetheless, Utah's provisions for water control measures for coal processing waste banks would be disapproved to comply with the court's order. UMC 817.102 insofar as these sections do not provide some flexibility for settled fills that have become stabilized and revegetated.

[FR Doc. 81–2081 Filed 1–19–81; 8:45 am]

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30 CFR Part 948

Conditional Approval of the Permanent Program Submission From the State of West Virginia Under the Surface Mining Control and Reclamation Act of 1977

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule.

SUMMARY: The State of West Virginia resubmitted to the Department of the Interior its proposed permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA), following an initial approval in part and disapproval in part. The notice announcing the initial decision was published in the **Federal Register** on October 20, 1980 (45 FR 69249–69271). The purpose of the resubmission is to demonstrate the State's intent and capability to administer and enforce the provisions of SMCRA and the permanent regulatory program regulations, 30 CFR Chapter VII.

After providing opportunities for public comment and conducting a thorough review of the complete program submission, the Secretary of the Interior has determined that the West Virginia program meets the requirements of SMCRA and the Federal permanent program regulations except for minor deficiencies discussed below. Accordingly, the Secretary of the Interior has conditionally approved the West Virginia program.

A new Part 948 is being added to 30 CFR Chapter VII to implement this decision.

EFFECTIVE DATE: This approval is effective January 21, 1981. This conditional approval will terminate as specified in 30 CFR 948.11 unless the deficiencies identified below have been corrected in accordance with the dates specified in 30 CFR 948.11, adopted below.

ADDRESSES: Copies of the West Virginia program and the administrative record on the West Virginia program, including the letter from the West Virginia Department of Natural Resources agreeing to correct the deficiencies which resulted in the conditional approval, are available for public inspection and copying during business hours at:

Office of Surface Mining, Reclamation and Enforcement, Region I, 603 Morris Street, Charleston, West Virginia 25301, Phone: (304) 342–8125.

West Virginia Department of Natural Resources, Division of Reclamation, Room 322, 1800 Washington Street, East, Charleston, West Virginia 25305, Phone: (304) 348–3267.

Office of Surface Mining, Reclamation and Enforcement, U.S. Department of the Interior, South Building, Room 153, 1951 Constitution Avenue, NW., Washington, D.C. 20240, Phone: (202) 343–4728.

FOR FURTHER INFORMATION CONTACT:

Carl C. Close, Assistant Director, State and Federal Programs, Office of Surface Mining, Reclamation and Enforcement, U.S. Department of the Interior, South Building, 1951 Constitution Avenue, NW., Washington, D.C. 20240, Phone: (202) 343–4225.

SUPPLEMENTARY INFORMATION:

A. Background

The general background on the permanent program, the general background on the state program approval process, and the background on the West Virginia program submission were discussed in the initial decision published in the **Federal Register** on October 20, 1980 (45 FR 69249–69271). Also, in that notice the Secretary announced his partial approval and partial disapproval of the West Virginia program. The disapproved rules and legislative provisions were disapproved because: (1) the draft regulations submitted on June 16, 1980, had not been promulgated before the 104th day after program submission, as required by 30 CFR 732.11, and (2) the legislative provisions identified as deficient in the October 20, 1980, **Federal Register** notice were inconsistent with SMCRA and the regulations promulgated thereunder. Under 30 CFR 732.13(f), West Virginia had 60 days from the date of partial disapproval (October 20, 1980) to resubmit a revised program. Thus, the period allowed for resubmission ended December 19, 1980.

On December 19, 1980, West Virginia resubmitted its program, which contains proposed statutory amendments and regulations. Announcement of West Virginia's resubmission was made in newspapers of general circulation within the State of West Virginia and published in the **Federal Register** on December 19, 1980 (45 FR 83544–83546). A public comment period extending until January 6, 1981, was announced in the December 19 notice. A public hearing on the resubmission was also announced in that notice. The hearing was held in Charleston, West Virginia on January 5, 1981. In response to a request from a mining industry organization, the comment period was extended until January 9, 1981. This extension was announced in the **Federal Register** on January 6, 1981, (46 FR 1311). The resubmission public comment period ended at 4:00 p.m. on January 9, 1981. Public disclosure of comments by Federal agencies was made on January 15, 1981, in the **Federal Register** (46 FR 3560).

The Regional Director completed his program review on January 12, 1981, and forwarded the public hearing transcripts, written presentations, and copies of all comments to the Director together with a recommendation that the program be conditionally approved.

On January 15, 1981, the Director recommended to the Secretary that the West Virginia program be conditionally approved.

On January 14, 1981, the Administrator of the Environmental Protection Agency transmitted his written concurrence on approval of the West Virginia program.

The basis and purpose statement for the Secretary's decision to conditionally approve West Virginia's program consists of this notice, the other **Federal Register** notice cited above, and the October 20, 1980, **Federal Register** notice announcing the Secretary's initial decision. Throughout the remainder of this notice, the term "West Virginia program" or "West Virginia submission" is used to mean the resubmission together with those parts of the original partially approved on October 20, 1980. The term "State Regulation" or "West Virginia Regulation" refers to the regulations (Sections 2–16) submitted by West Virginia as part of the December 19 resubmission. The term "Technical Handbook" refers to the Technical Handbook which is referred to and incorporated as part of the State's regulations. The term "December 30, 1980, meeting" refers to a meeting held between OSM and the West Virginia Department of Natural Resources (DNR) (Administrative Record No. WV 313). The purpose of the meeting was to discuss apparent deficiencies which had been found in the State program submission.

The Secretary's Findings below are organized to follow the order set forth in Sections 503 of SMCRA and 30 CFR 732.15, respectively. These sections specify the findings which the Secretary must make before he may approve a regulatory program. Where appropriate, the reader is referred to specific paragraphs in the October 20, 1980, **Federal Register** notice for a complete discussion of the issues.

B. Secretary's Findings

Finding 1

The Secretary finds that Chapter 20, Article 6 of the Code of West Virginia, known as the West Virginia Surface Coal Mining and Reclamation Act (WV SCMRA), and the West Virginia Administrative Procedures Act provide, except as noted in subsequent Findings, for the regulation of surface coal mining and reclamation operations on non-Indian and non-federal lands in West Virginia in accordance with the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

This finding is based on the requirements of Section 503(a)(1) of SMCRA [30 U.S.C. 1253(a)(1)]. Analysis of the issues underlying this finding is found in Findings 12 through 30, below.

Finding 2

The Secretary finds that the WV SCMRA provides, except as noted in subsequent Findings, sanctions for violations of West Virginia laws, regulations or conditions of permits concerning surface coal mining and reclamation operations and that these sanctions meet, except as noted in subsequent Findings, the requirements of SMCRA, including civil and criminal actions, forfeiture of bonds, revocation of permits, withholding of permits, and the issuance of cessation orders by the Department of Natural Resources or its inspectors.

This finding is based on the requirements of Section 503(a)(2) of SMCRA [30 U.S.C. 1253(a)(2)]. Analysis of the issues underlying this finding is found in Findings 18, 19, and 20, below.

Finding 3

The Secretary finds that the Department of Natural Resources has

demonstrated that it has sufficient administrative and technical personnel and funds to enable West Virginia to regulate surface coal mining and reclamation operations in accordance with the requirements of SMCRA.

This finding is based on the requirements of Section 503(a)(3) of SMCRA [30 U.S.C. 1253(a)(3)]. An analysis of the issues underlying this finding is found in Finding 30, below.

Finding 4

The Secretary finds that West Virginia law provides, except as noted below, for the effective implementation, maintenance, and enforcement of a permit system that meets the requirements of SMCRA for the regulation of surface coal mining and reclamation operations on non-Indian and non-federal lands within West Virginia.

This finding is based on the requirements of Section 503(a)(4) of SMCRA [30 U.S.C. 1253(a)(4)]. An analysis of the issues underlying this finding is found in Finding 14, below.

Finding 5

The Secretary finds that West Virginia has established a process for the designation of areas as unsuitable for surface coal mining in accordance with Section 522 of SMCRA.

This finding is based on the requirements of Section 503(a)(5) of SMCRA [30 U.S.C. 1253(a)(5)]. An analysis of the issues underlying this finding is found in Finding 21, below.

Finding 6

The Secretary finds that West Virginia has established, for the purpose of avoiding duplication, a process for coordinating the review and issuance of permits for surface coal mining and reclamation operations with other federal and State permit processes applicable to the proposed operations.

This finding is based on the requirements of Section 503(a)(6) of SMCRA [30 U.S.C. 1253(a)(6)]. An analysis of the issues underlying this finding is found in Findings 13 and 14, below.

Finding 7

The Secretary finds that West Virginia has enacted a statute and regulations, except as noted in subsequent Findings, consistent with regulations issued pursuant to SMCRA.

This finding is based on the requirements of Section 503(a)(7) of SMCRA [30 U.S.C. 1253(a)(7)].

West Virginia has developed and submitted with the material provided on December 19, 1980, revised regulations to implement the WV SCMRA. These regulations are being enacted as temporary rules concurrent with the decision announced in this notice. This action is consistent with the requirements of SMCRA in that West Virginia has all necessary authority to enforce a permanent regulatory program at the time approval by the Secretary is effective. See State Administrative Procedures Act Section 29A–3–14 (Temporary Rules).

Finding 8

The Secretary has, through OSM, solicited and publicly disclosed the views of the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the heads of other federal agencies concerned with or having special expertise pertinent to the proposed program.

This finding is based on the requirements of Section 503(b)(1) of SMCRA [30 U.S.C. 1253(b)(1)] and on the information contained in a **Federal Register** notice published January 15, 1981 (46 FR 3560). This notice identified the federal agencies from which comments were solicited, the agencies which responded and the offices of OSM and the West Virginia Department of Natural Resources at which copies of the comments were made available.

Finding 9

The Secretary has obtained the written concurrence of the Administrator of the Environmental Protection Agency with respect to those aspects of the West Virginia program which relate to air or water quality standards promulgated under the authority of the Clean Water Act, as amended (33 U.S.C. 1151–1175) and the Clean Air Act, as amended (42 U.S.C. 1857 *et seq.*).

This finding is based on the requirements of Section 503(b)(2) of SMCRA [30 U.S.C. 1253(b)(2)] and on the letter transmitted by the Administrator of EPA to the Secretary on January 14, 1981. A copy of this letter has been placed in the West Virginia Administrative Record.

Finding 10

The Secretary, through the OSM Regional Director for Region I, held a public meeting in Charleston, West Virginia, on April 9, 1980, to discuss the completeness of the West Virginia program submission, and held public hearings in Morgantown, West Virginia on July 14, 1980, and in Charleston, West Virginia on July 14, 1980, and January 5, 1981, to solicit public comments on the substance of the West Virginia program submission.

This finding is based on the requirements of Section 503(b)(3) of SMCRA [30 U.S.C. 1253(b)(3)].

Finding 11

The Secretary finds that the State of West Virginia has the legal authority and has demonstrated that it has sufficient qualified personnel necessary for the enforcement of the environmental protection standards of SMCRA and 30 CFR Chapter VII.

This finding is based on the requirements of Section 503(b)(4) of SMCRA [30 U.S.C. 1253(b)(4)]. Analysis of the issues underlying this finding is found in Findings 12 through 30, below.

Finding 12

The Secretary finds that the West Virginia program provides, except as noted below, for West Virginia to carry out the provisions and meet the purposes of SMCRA and 30 CFR Chapter VII.

This finding is made under the requirements of the first half of 30 CFR 732.15(a). Analysis of the issues underlying this finding is found throughout this **Federal Register** notice. Additional issues which arose during review of the program are as follows.

12.1 As discussed in Finding 12.2 of the October 20 **Federal Register** notice, Section 20–6–3(t) of the WV SCMRA defines "surface mining" in such a way that it could be interpreted to exempt certain permanent facilities which would be considered "surface coal mining operations" under Section 701(28) of SMCRA. However, in Regulation Section 8A.05, the State defines the permanent facilities which will not be subject to regulation under the State program. The regulation provides that the operator must show the location of the facility and his or her nearest permit area; must describe the use proposed for the facility during mining and its proposed use after mining as well as its present use; and must submit a verified statement that the facility will not be directly involved in the extraction, loading, storage or processing of coal. This regulation clarifies that the State statute is designed to exclude only offices and other permanent facilities not within the permit area. The Secretary finds that this clarification is consistent with the federal definition of surface coal mining operations.

12.2 Section 20–6–10(a)(13)(H) of West Virginia's statute provides that a surface mining permit application must contain maps depicting the location of any "significant aquifers," while Section 507(b)(14) of SMCRA requires that these maps reveal the location of aquifers,

without the qualifying adjective "significant." However, West Virginia Regulation Section 2.108 defines "significant aquifer" consistent with the 30 CFR 701.5 definition of "aquifer." Therefore, West Virginia's provision is equivalent to the federal provision.

12.3 Under 30 CFR 701.5, the definition of "prime farmland" includes the phrase "historically used for cropland," which in turn is defined to include land that has been used for cropland for any five years or more out of the ten years preceding the acquisition of the land for the purpose of mining or resale for mining. Section 4G.03a. of West Virginia's Regulations specifies five years out of the twenty years before the date of the permit application, rather than the date of acquisition. However, it also provides that for lands obtained after the passage of the West Virginia statute and retired from farming, the twenty years shall be calculated, using as an ending date, the date of acquisition for the purpose of mining. Thus, prime farmland bought for mining purposes cannot be exempted from the special requirements applicable to prime farmlands by actions of the purchaser to retire the land from farming. West Virginia's provision is consistent with the federal provision.

12.4 West Virginia defines "valid existing rights" in State Regulation Section 2.131 to include people who were mining coal as of August 2, 1977, people who had made a good faith effort to obtain all necessary permits by that date and people whose property rights would be unconstitutionally taken without compensation by the prohibitions of Section 22(d) of the State statute if they were not deemed to possess valid existing rights.

The federal requirements are different in several respects. First, under Section 522(e) of SMCRA and 30 CFR 761.11, operations which existed on August 3, 1977, are exempt from the prohibitions of Section 522(e). The Secretary interprets the language of State Regulation Section 2.131 which refers to persons mining coal on August 2, 1977, as having the same meaning as the federal provisions; that is, he assumes that West Virginia means only to exempt such persons with regard to the particular operation which existed on August 2, 1977, and not to create an across-the-board exemption covering any operation connected with a person who was mining coal anywhere on August 2, 1977.

The second difference between the West Virginia and federal definitions of valid existing rights is that the State refers to a good faith effort to obtain all permits while the federal rule originally required that such permits be actually issued. However, the court in Round I of *In re: Permanent Surface Mining Regulation Litigation,* Civil Action No. 79–1144 (D.D.C., February 26, 1980) at page 20 held that a good faith effort should suffice to meet the all permits test, and the Secretary is revising his rule accordingly. He assumes that West Virginia will interpret its good faith language consistent with the court's opinion. When the Secretary issues a final rule implementing the court's opinion, the State will, if necessary, have an opportunity to demonstrate that its interpretation of the good faith language is consistent with such a final rule.

The third difference between the State and federal definitions of valid existing rights is that the State definition refers to persons whose rights would be unconstitutionally taken unless they were treated as having valid existing rights. This concept is consistent with the federal provision. As discussed in the preamble to the federal rule, (44 FR 14992, March 13, 1979), the Secretary believes that the purpose of the valid existing rights language in Section 522(e) of SMCRA is to avoid unconstitutional takings, and the federal definition of valid existing rights is designed to protect those rights. Further, meeting the requirements in 30 CFR 761.5 is not the only way to establish valid existing rights, as "VER must be applied on a case-by-case basis, except that there should be no question about the presence of VER where an applicant had all permits for the area as of August 3, 1977" (44 FR 14993, March 13, 1979). As discussed in the meeting of December 30, 1980, West Virginia's rule is intended to mean that the Department of Natural Resources could determine that an applicant has valid existing rights only where it finds that he or she meets one of the first two criteria of the State's definition. If the DNR is unable to make such a finding, the applicant would have the option of asking a court to make the determination under the third criterion that he or she has valid existing rights because the designation would otherwise be an unconstitutional taking. The State does not believe that the DNR is legally authorized to make this consitutional determination. Thus, the third provision under State Regulation 2.131 would come into play only after a judicial determination had been made that the individual would suffer an unconstitutional taking of property unless VER was granted. The Secretary finds that West Virginia's definition is consistent with the federal requirements.

Finding 13

The Secretary finds that the Department of Natural Resources has, except as noted below, the authority under West Virginia laws to implement, administer, and enforce applicable requirements consistent with 30 CFR Chapter VII, Subchapter K (performance standards) and the West Virginia program includes, provisions adequate to do so, with the exceptions noted below. This finding is made under the requirements of 30 CFR 732.15(b)(1).

West Virginia incorporate provisions corresponding to Sections 515 and 516 of SMCRA and the provisions of Subchapter K of 30 CFR Chapter VII in Sections 13 and 14 of Chapter 20, Article 6 of the Code of West Virginia and throughout the body of the State's regulations. Section (g)(8) of the program narrative contains a discussion of West Virginia's administrative and enforcement procedures for performance standards.

Discussion of significant issues raised during the review of the West Virginia environmental performance standards follows.

13.1 As discussed in Finding 13.1 of the October 20, 1980 **Federal Register** notice, although the West Virginia statute is consistent with federal requirements concerning backfilling and grading, the regulations concerning auger mining on previously mined lands are inconsistent. State Regulation Section 6B.09f.3. only requires backfilling after augering on previously mined lands to a depth of four feet over the augered coal seam. Section 515(b)(3) of SMCRA, 30 CFR 816.102(a)(2) and the policy statement of Walter Heine of September 13, 1979, all require complete highwall elimination following augering, although deviations from approximate original contour may be allowed on previously mined lands. This interpretation is supported by the decision of the Interior Board of Surface Mining Appeals in *Miami Springs Properties,* IBSMA 80–76 (1980) which has been remanded for further hearings. Approval of West Virginia's program is conditioned upon amendment of the State regulation to require highwall elimination following auger mining of previously mined lands.

13.2 As discussed in Finding 13.2 of the October 20 **Federal Register** notice, State law (Section 20–6–13(b)(20)) holds the operator responsible for revegetation success for five growing seasons, while Section 515(b)(20) of SMCRA refers to five years. However, West Virginia Regulation Section 2.54 defines "growing season" to mean one year, thus making

the State program consistent with the federal requirements.

13.3 As discussed in Finding 13.3 of the October 20 **Federal Register** notice, Section 20–6–13(b)(21) of the State's law is inconsistent with Section 515(b)(22) of the SMCRA. State Regulation Section 6B.08f defines the conditions under which the Director, DNR, will exercise the discretion granted him by Section 20–6–13(b)(21) to allow disposal of excesss spoil outside a permit area for surface mining operations. These conditions restrict such areas to those under a different permit or under contract for reclamation pursuant to West Virginia SCMRA and regulations. The Secretary considers the existence of a contract for reclamation work performed under State law to be the equivalent of a permit and bond for the purposes of this section. Since the disposal area will either be under State permit or subject to a State abandoned mine lands reclamation project, the Secretary finds this provision of the State program is consistent with the requirements of Section 515(b)(22) of SMCRA.

The State regulations for underground mining and facilities incidental to mining do not have a similar provision. Instead, each requires that the disposal area must be within the permit area, State Regulation Sections 7B.09a. and 8B.10a. The Secretary interprets this omission to mean that the Director will not exercise his discretion to allow the variance with respect to underground mining and facilities incidental to mining. On this basis, the Secretary finds that the State provisions are consistent with the federal requirements.

13.4 As discussed in Finding 13.4 of the October 20 **Federal Register** notice, West Virginia's statute [Section 20–6–13(b)(25)] allows the use of constructed outcrop barriers to prevent slides and erosion, while Section 515(b)(25) of SMCRA requires retention of a natural barrier. As part of its resubmission, the State has submitted evidence (Dames & Moore study, *Alternate Practice for Outcrop Barriers)* which indicates that West Virginia's provision may be more stringent than the SMCRA requirement. After having reviewed the Dames & Moore study, the Secretary agrees that the State's alternative for a constructed outcrop barrier may be more stringent than its federal counterpart. However, the State submission does not contain specific criteria for design of constructed outcrop barriers that would ensure that their performance in preventing slides and erosion will be more effective than that of a natural barrier.

Approval of West Virginia's program is conditioned on amendment of the State program to include specific criteria for design of constructed outcrop barriers which will achieve better results than under Section 515(b)(25) of SMCRA when constructed outcrop barriers are approved by the regulatory authority.

13.5 As discussed in Finding 13.5 of the October 20 **Federal Register** notice, Section 20–6–13(d) of the West Virginia SCMRA contains a provision for spoil from the initial cut to be placed on the downslope with the approval of the Director of the Department of Natural Resources. This appears to conflict with Section 515(d)(1) of SMCRA, which forbids spoil on the downslope except where spoil not needed for restoration to approximate original contour is permanently stored in a fill under Section 515(b)(22). The Attorney General's opinion submitted with West Virginia's resubmission (Part A, response to Finding 13.5) refers to State Regulations Sections 6B.08, 7B.09 and 8B.10 for interpretation of the language of the State law. The Secretary finds that these sections require that all spoil not required to achieve the approximate original contour shall be disposed of in accordance with standards that are consistent with Section 515(b)(22) of SMCRA. On this basis, the Secretary finds that first cut material must be disposed of in accordance with requirements for excess spoil or used to return the site to its approximate original contour. Thus, the State requirements are found to be consistent with the federal requirements.

13.6 As discussed in Finding 13.6 of the October 20 **Federal Register** notice, West Virginia needed to enact regulations establishing jurisdiction over liquid waste consistent with Section 516(b)(5) of SMCRA. State Regulation Sections 6B.07c.3. and 7B.08c.3. provide such jurisdiction, rendering the State program consistent with the federal requirements.

13.7 As discussed in Finding 13.7 of the October 20 **Federal Register** notice, WV SCMRA Sections 20–6–13(b)(10)(B) and 20–6–14(b)(9)(B) regarding effluent standards do not alone meet all the requirements of Section 515(b)(10)(B)(i) of SMCRA and the federal regulations which implement this provision. State Regulation Sections 6B.04b., 7B.04b., 8B.04b., 9B.03b. and 10C.03c. include language consistent with the federal provisions. Further, the Attorney General's Opinion (Part A, response to Finding 13.7) points out that the West Virginia Code, Chapter 20, Article 5A, also requires all permittees to comply with applicable federal water quality standards and effluent limitations. The Secretary finds that the regulations cited above and the requirements of Chapter 20–5A of the WV Code make the program consistent with federal requirements.

The Attorney General also advised that additional language will be proposed to the West Virginia Legislature to make the WV SCMRA consistent with the SMCRA. The Secretary believes the additional language would be helpful in resolving any questions that may result from the differing construction of the two laws and urges that the change be made. A successful challenge to the authority of the DNR to promulgate or enforce the regulations being approved could result in the Secretary being forced to intervene in the administration of the West Virginia program. A statutory amendment would obviate this possibility.

13.8 As discussed in Finding 13.8 of the October 20 **Federal Register** notice, West Virginia allows woodlands as an alternative postmining land use in mountaintop removal operations. [WV SCMRA Section 20–6–13(c)(3)]. Section 2.133 of the State's regulations defines "woodlands" to include only *commercial* woodlands "where flat or gently rolling land is essential for the operation and harvesting: Provided that environmental benefits would occur from such a woodland, post-mining land use".

Finding 13.8 of the October 20 notice pointed out that the preamble to the federal rules, 44 FR 15288–15289 (March 13, 1979), states that flat or gently rolling terrain is not necessary for silviculture and therefore silviculture would not be an acceptable alternative postmining land use. However, by strictly limiting its definition of woodlands to require that the operator demonstrate that flat land is *essential* to the proposed *commercial* land use, West Virginia would permit such an alternative post-mining land use only where the concern discussed in the federal regulation preamble is met. Thus, although there may be no across-the-board need for flat areas for silviculture, there might in a specific case be special circumstances which would make flat land essential. The Secretary finds that West Virginia's provision for a *commercial* woodlands alternative post-mining land use is consistent with the federal provisions.

13.9 As discussed in Finding 13.9 of the October 20 **Federal Register** notice, West Virginia's program initially failed to require design and/or certification by a registered professional engineer (RPE) as required by Sections 515(b)(10) of

SMCRA with regard to siltation structures and 515(c)(3) with regard to the stability, drainage and configuration necessary for the intended alternative post-mining land use. West Virginia Regulation Section 3E.01 provides that an "approved person" for purposes of Sections 20–6–10(a)(13) of the State statute must be a registered professional engineer (RPE). Section 20–6–13(b)(10) of the State law covers siltation structures. RPE certification of fill stability is required by Chapters 8.10, 9.10, and 10.9 of West Virginia's Technical Handbook; RPE certification of drainage systems is required by Section 20–6–13(b)(10)(B) of the State statute; and RPE certification of the final surface configuration is required by Section 20–6–10(a)(13)(iv) of the State statute. The Secretary finds the West Virginia provisions are consistent with Sections 515(b)(10) and 515(c)(3) of SMCRA.

13.10 As discussed in Finding 13.10 of the October 20 Federal Register notice, WV SCMRA Section 20–6–14(b)(12) regarding the location of drift-mine openings in acid producing or iron producing coal seams is inconsistent with Section 516(b)(12) of SMCRA. The Attorney General's opinion (Part A) indicates that changes to this State section will be proposed to delete the Director's discretion with regard to the placement of these openings. The opinion also refers to State Regulation Section 7D, which limits the Director's discretion. However, this regulation still provides variances to Section 516(b)(12), which specifically requires "that openings for *all* new drift mines working acid-producing or iron-producing coal seams be located in such a manner as to *prevent* a gravity discharge of water from the mine." (Emphasis supplied) State Regulation Section 7B.05 also allows for gravity discharge from these types of mines. In view of this language, the Secretary finds that WV SCMRA Section 20–6–14(b)(12) and Regulation Sections 7B.05 and 7D are inconsistent with Section 516(b)(12) of SMCRA. Approval of the West Virginia program is conditioned on the State amending its statute and regulations or otherwise amending its program to prohibit gravity discharge consistent with Section 516(b)(12) of SMCRA.

13.11 As discussed in Finding 13.11 of the October 20 Federal Register notice, Section 20–6–3(e) of West Virginia's statute allows "minor deviations" in its definition of approximate original contour. In its resubmission (Attorney General's opinion, Part A), the State identifies Chapter 18.4.2 of the Technical Handbook as demonstrating consistency with SMCRA. This section of the Handbook discusses constructed drainage facilities near the tops of backfilled highwalls. In the meeting of December 30, 1980, the State confirmed that these drainage structures are the only minor deviations allowed under their statute and regulations. The structures allowed in Chapter 18.4.2 of the State's Technical Handbook are consistent with the Secretary's interpretation of approximate original contour and do not violate the requirement that the highwall be eliminated. The Secretary considers this official State interpretation to be a binding element of the State program and relies upon it in approving the State's provisions as consistent with the federal requirements.

13.12 As discussed in Finding 13.12 of the October 20 Federal Register notice, the State definition of "adequate treatment" in Section 20–6–3(a) of its statute states that treated water shall not lower the water quality standards established for the body of water concerned. Since lowering of water quality standards is an administrative process and not a function of a mining operation, the meaning of the State's definition is unclear. The Attorney General's opinion (Part A) indicates that changes will be proposed to the State Legislature to make this section of the law consistent with Section 515(b)(10) of SMCRA. Furthermore, as stated in Finding 13.7 above, State Regulation Sections 6B.04b, 7B.04b., 8B.04b., 9B.03b, and 10C.03c. are consistent with the federal rules. Approval of West Virginia's program is conditioned on amendment of its statute or other program amendment to meet the concerns discussed in the October 20 notice and make it consistent with Section 515(b)(10) of the SMCRA.

13.13 As discussed in Finding 13.13 of the October 20 Federal Register notice, the State's definition of "affected area" in Section 20–6–3(b) of its statute may not provide jurisdiction over ground water. The Attorney General's opinion (Part A, response to Finding 13.13) points to Section 20–6–14(b)(9) of the WV SCMRA which specifically requires protection of "* * * the quantity and the quality of water in surface and ground water systems * * *". This specific performance requirement establishes the necessary jurisdiction.

13.14 In Finding 13.14 of the October 20 Federal Register notice, the Secretary found that the definition of "disturbed area" in Section 20–6–3(j) of the State law is inconsistent with the federal definition in 30 CFR 701.5. This finding was based on two factors. First, the State definition fails to include areas upon which topsoil, spoil, coal processing waste, underground development waste or non-coal waste are placed. Second, the definition does not provide that the area is considered to be disturbed until the bond is released.

The first concern has been addressed by the requirements of State Regulation Sections 2.20 and 10B.03a, and Chapters 8.4 and 8.12 of the Technical Handbook, except for topsoil storage areas. Section 10B.03a provides that as a requirement of site development for coal mine waste piles, the area must first be cleared and grubbed. Chapter 8.4 and 8.12 of the Technical Handbook provides the same requirement for spoil disposal areas. This means that the area would be "disturbed" as defined by Section 20–6–3(j) of the West Virginia statute. Additionally, State Regulation Section 2.20 provides that "coal waste" is any waste coal, rock shale, slurry, culm, gob, boney, slate, clay or related materials associated with or near a coal seam. These two provisions would assure treatment of the areas which were of concern to the Secretary as "disturbed", except for topsoil storage areas. The Secretary is unable to find that a topsoil storage area would fall within the definition of "disturbed area". Thus, such areas would not be subject to provisions of the program, such as Section 6B.04a. of the State Regulations which requires all surface drainage from the disturbed area to pass through sediment control structures.

The second concern is addressed by the definition of the term "completion of reclamation" at State Regulation Section 2.31.

That definition provides that reclamation is incomplete until the total bond has been released.

Approval of the State's definition of "disturbed area" is conditioned upon inclusion of topsoil storage areas under this provision or other amendment of the State program to make its provisions consistent with the federal requirements.

13.15 As discussed in Finding 13.15 of the October 20 Federal Register notice, Section 711 of SMCRA provides for the use of experimental practices with the authorization of the regulatory authority and the approval of the Secretary, but Section 20–6–33 of the WV SCMRA fails to provide for the Secretary's approval. In the October 20 notice, OSM stated that this deficiency could be corrected by a regulation requiring that all proposed experimental practices receive approval of the Secretary prior to their initiation. State

Regulation Section 3H.04 requires that the Director of OSM approve any experimental practice authorized by the regulatory authority. Since the Secretary has delegated this authority to the Director of OSM, West Virginia's requirement is equivalent to the federal provisions.

13.16 As discussed in Finding 13.16 of the October 20 notice, the narrative discussion in the State's original submission was inadequate to demonstrate the State's capability of administering and enforcing its program. In the narrative discussion in the State's resubmission, the State provided more detailed information on the number, qualification and distribution of permanent program staff. This information is presented at several places in the narrative resubmission. The State describes the staffing of the District Review Teams for reviewing permit applications under the topic "Finding 14.5 Comment No. 25." The number, qualifications and distribution of its permanent program staff, together with estimates as to how existing and proposed staff can effectively administer the program, are identified under the topic "Finding No. 30." On the basis of this new information, the Secretary finds that the State has demonstrated that it has the capability for administering and enforcing its permanent program performance standards. Further discussion concerning these issues can be found in Findings 14, 20 and 30 below.

13.17 30 CFR 816.101(a) (1) and (3) provides that the time for backfilling and grading may be extended only where the permittee demonstrates through a "detailed written analysis" that more time is necessary. State Regulation Section 6B.09b.7 provides that extensions may be granted where the permittee "affirmatively demonstrates" necessity. The Secretary interprets this language to mean that the demonstration must be in writing and thus finds the State's regulations to be equivalent to the federal rule.

13.18 The Secretary finds that State Regulation Section 6B.02, which addresses the casing and sealing of holes for purposes of assuring that water pollution does not result, is not consistent with 30 CFR 816.13–15 because it does not contain provisions for protective devices and temporary sealing. The federal provisions provide for the protection of the public, livestock, wildlife and machinery for the potential harmful effects of exploratory and other holes which are not properly managed or plugged. Approval of West Virginia's program is conditioned upon the addition of language in its regulations or other program amendment providing the additional safeguards found in 30 CFR 816.13–15.

13.19 Federal rule 30 CFR 819.11(c)(1) requires that auger holes discharging water containing toxic-forming or acid-forming material be sealed or treated within 72 hours, while non-discharging holes must be sealed within 30 days. West Virginia's statute, Section 20–6–13(b)(9), require that all auger holes be sealed, but contains no time limit. State Regulation Section 6B.09.b.2. and .3. require that backfilling and grading follow augering within 30 days. Since auger holes would have to be sealed prior to backfilling and grading, this in effect requires that auger holes be sealed within 30 days. With regard to the 72-hour requirement, State Regulation Section 6B.02 provides that no discharge from an auger hole may violate water quality standards. West Virginia representatives stated at the December 30, 1980 meeting that they interpret their rules to require immediate treatment of leaking auger holes. This is more stringent than the federal 72-hour requirement. The Secretary considers this policy statement by West Virginia to be a binding and enforceable part of the State program, and finds the State provisions consistent with the federal provisions.

13.20 The Secretary finds that State Regulation Section 6B.07b., which deals with auger mining, does not meet the requirements of 30 CFR 819.11. First, the State has no counterpart to the requirement in 30 CFR 819.11(a) that auger mining be conducted to maximize recoverability of mineral reserves remaining after mining by providing undistributed areas for future underground entrances along augered highwalls. The requirement generally pertains to only those coal seams and areas where later recovery of remaining minerals would be practical by underground mining techniques.

The second inconsistency is that 30 CFR 819.11(e) provides that the regulatory authority "shall" prohibit auger mining under certain circumstances, including where a prohibition is necessary to maximize mineral recoverability, as well as where there are environmental problems. The State regulations and Section 20–6–13(b)(9) of the WV SCMRA provide that augering "may" be prohibited in order to maximize the utilization, recovery or conservation of the mineral and under certain other listed circumstances.

Approval of West Virginia's program is conditioned on the inclusion of provisions to maximize recoverability of mineral resources as required by Section 515(b)(9) of SMCRA and 30 CFR 819.11, and to make the prohibition of auger mining mandatory as in 30 CFR 819.11(e).

13.21 30 CFR 816.85(d) requires that coal refuse shall be covered with four feet of non-toxic and non-combustible material, except under specified conditions. While Section 8B.05.b of the West Virginia regulations provides for the four-foot cover for facilities incidental to coal mining, Section 10 of the regulations, which governs coal mine waste piles, does not. At the December 30, 1980, meeting, the State noted that omission of the four-foot standard was inadvertent. Approval of West Virginia's program is conditioned upon addition of corrective language in its regulations or other program amendment to provide standards consistent with the federal requirements.

13.22 30 CFR 816.85(a) requires that coal processing waste banks be constructed in compliance with the provisions of 30 CFR 816.71 and 816.72. State Regulation Section 10 fails to incorporate all provisions of 30 CFR 816.71 and .72. Specifically, the State has failed to include requirements consistent with the provisions of 30 CFR 816.71(j), which provides for inspections during construction and 816.72 (b)(1) and (b)(4), which pertain to the design of drainage structures. In addition, State Section 10C.08c.3.c. provides for approval of impoundments on the fill, while 30 CFR 816.71(g) provides that no impoundments shall be allowed. Approval of the West Virginia program is conditioned on amendment of Section 10 of the State regulations or other program amendment to make the State program consistent with these federal requirements.

13.23 30 CFR 816.74(c)(1) requires that fill underdrain design be based on the maximum anticipated discharge. Chapter 10.5.4 of West Virginia's Technical Handbook requires that the system be designed based on measured or anticipated flows, but does not specifically state that maximum flows must be anticipated. However, State Regulation Sections 6A.02.b.1 and 2 require that field flow data must be taken at regular monthly intervals for a period of at least six consecutive months before the permit application. Thus, as the State explained in the December 30, 1980, meeting, it would not be acceptable for an operator to measure or anticipate flow only during a dry season; he or she must anticipate maximum flows. The State provisions are equivalent to the federal rule.

13.24 State Regulation Section 6B.07e.1. provides for modification of backfilling and grading requirements for

special land use purposes. The language of the regulation appears to provide a broad variance from other requirements for backfilling and grading, including requirements for approximate original contour or highwall elimination. The State has provided no explanation of the variance and no criteria for its use. The Secretary cannot approve a provision which allows variances from approximate original contour requirements, except as authorized by Sections 515(c) and 515(e) of SMCRA and 30 CFR 824.11 and 826.15. The language of the West Virginia regulation does not include the criteria included in the federal law and regulations. Approval of the West Virginia program is, therefore, conditioned upon the exclusion of this provision as submitted from the program. If the State intends Regulation Section 6B.07e.1. to implement Section 20–6–13(e) of the WV SCMRA, revised regulations consistent with 30 CFR 824.11 and 826.15 should be proposed.

13.25 30 CFR 786.21(b) provides that existing structures which cannot be reconstructed without causing significant harm to the environment or public health and safety shall be abandoned. West Virginia has no regulation explicitly stating this requirement. However, as the State explained at the meeting of December 30, 1980, they interpret their rules to imply such a requirement. State Regulation Sections 3H.02 and 3H.03 and Chapter 21 of the Technical Handbook provide that all pre-existing structures must comply with all standards in order to be used. This implies that such structures must be abandoned if the standards cannot be met. The Secretary considers this interpretation to be a binding element of the State program and relies upon it in approving this provision as consistent with the federal requirement.

13.26 West Virginia Regulation Sections 6A.02.b.1. and 7A.02.b.1. do not require that permit applications contain water analyses related to total manganese, as required by 30 CFR 783.16(b)(2)(vi). However, WV SCMRA Section 20–6–10a(19) and State Regulation Section 6A.02b. grant the State the necessary authority to require this analysis. Approval of West Virginia's program is conditioned upon addition of a requirement consistent with 30 CFR 783.16(b)(2)(vi).

13.27 30 CFR 816.101(a)(3) requires that during area strip mining operations rough backfilling and grading (1) shall be completed *within 180 days* following coal removal, and (2) shall not be more than four spoil ridges behind the pit being worked. State Regulation Section 6B.09b.4., although it provides that backfilling and grading shall not be more than two spoil ridges or 3,000 feet behind the pit and is more stringent in this regard, is not as stringent overall as the federal rule because it omits the 180-day requirement. Accordingly, approval of the West Virginia program is conditioned upon a regulatory change that incorporates the 180-day requirement into the regulations for backfilling and grading in area strip mining.

13.28 Federal regulation 30 CFR 824.11(a)(7) requires a static safety factor of 1.5 or greater if the outslopes of the level plateau or rolling configuration created by mountaintop removal exceed a slope of lv:2h. West Virginia Regulation Section 6B.07c.2. fails to restrict slopes in excess of lv:2h to those having a static safety factor of 1.5 or greater. Accordingly, the Secretary finds this provision inconsistent with the federal requirements. Approval of the West Virginia program is conditioned upon an amendment which provides for the prohibition of outslopes greater than lv:2h unless a minimum static safety factor of 1.5 will be attained.

13.29 Section 515(d)(1) of SMCRA and 30 CFR 826.12(a)(i)(C) forbid placing or leaving debris on the downslope in areas of steep slopes. State Regulation Section 6B.07.a.2 allows the Director of the DNR to permit windrowing timber where the permittee makes certain showings. The Secretary considered and rejected a similar modification to the federal rule 44 FR 15291, (March 13, 1979). Approval of West Virginia's program is conditioned on amendment of the State program to forbid leaving any debris on the downslope consistent with the federal provisions.

13.30 State Regulation Section 4C.04g. allows a peak particle velocity of two (2) inches per second which shall not be exceeded at the nearest residence, building, or structure. This is inconsistent with 30 CFR 816.65(i), which requires that the maximum peak particle velocity shall not exceed 1 (one) inch per second at the location of any dwelling, public building, etc.

The first problem is that the State standard of two inches per second peak particle velocity is less stringent than the federal standard. The second problem is that the State states that the peak particle velocity shall not be exceeded at the *nearest* residence, building, etc. while the federal regulation says the peak particle velocity shall not be exceeded at the location of *any* dwelling, public building, etc. Ground motion resulting from a blast, depending upon location, topography, and geologic conditions may not be in excess at the nearest dwelling but be in excess at a more distant structure in another direction from the blast location. Therefore, the State regulation is less stringent than its federal counterpart.

Approval of the West Virginia program is conditioned upon amendment of State Regulation Section 4C.04g to reflect the requirements of 30 CFR 816.65(i) regarding peak particle velocity and the locations where the velocity is to be measured.

13.31 The Secretary finds that State Regulation Section 4D.04 does not provide for a 60 day period for alternate land use plan review by appropriate State and Federal fish and wildlife management agencies. This time period is found in 30 CFR 816.133(c)(8) and is designed to provide adequate review of the suitability of such proposed plans prior to the beginning of operations. Approval of West Virginia's program is conditioned upon the inclusion of a regulation or other program amendment to provide for a review period consistent with 30 CFR 816.133(c)(8).

13.32 State regulations addressing the transfer of exploratory or monitoring wells consistent with 30 CFR 816.53 and 30 CFR 817.53 have not been submitted. State Regulation Sections 6B.02, 7B.02 and 8B.02 provide for management, sealing, or casing, or use in groundwater monitoring, but do not contain criteria for transfer of such wells to a third party. Since the State Attorney General has indicated the transfer of wells could occur in West Virginia (Administrative Record No. WV *3236*), such regulations should be included. Approval of the West Virginia program is conditioned upon the addition of requirements consistent with 30 CFR 816.53 and 30 CFR 817.53.

13.33 The West Virginia program does not require that operators promptly notify the regulatory authority of slides which may have a potential adverse affect on public property, health, safety, or the environment or that the operator comply with remedial measures required by the regulatory authority when such slides occur as required by 30 CFR 816.99(b) and 30 CFR 817.99. Notification is important because it is the first in a sequence of events (e.g., emergency evacuations, traffic control, or entry for remedial measures by other than mine personnel) that might occur should the slide pose substantial threats or require more effective measures than those contemplated by the operator or within his power to effect. Approval of West Virginia's program is conditioned upon the inclusion of regulations or other program amendments to require

operators to notify the regulatory authority of slides and comply with any remedial measure required.

13.34 In accordance with 30 CFR 731.13 the State of West Virginia proposed in its resubmission of December 19, 1980 an alternative to the provisions of 30 CFR 816.72, 816.73, and 817.72 which provide for the design standards of valley and head-of-hollow fills. The legal authority for West Virginia's proposal is found in Section 20–6–13 of the West Virginia SCMRA and State Regulation Section 6B.08c. and Chapter 8 of the Technical Handbook.

The State proposal combines all federal requirements for valley and head-of-hollow fills with the exception of the requirements for diversions of water off or away from the fill in channels at the sides of the fill, 30 CFR 816.72 and 817.72. This combination of criteria would result in all West Virginia fills having a central rock core drain without the diversion of water provided in the federal valley fill requirements. The requirement found in 30 CFR 816.73(a), which assures that head of hollow fills are limited to a maximum 250,000 cubic yards if not constructed to the ridge line, would not be included. The State could approve exceptions to these requirements under State Regulation 6B.08c if the method of construction had been previously approved by OSM.

The limitation on the size of head of hollow fills that are not constructed at the ridge line was adopted in the federal regulations based upon evidence then available and expert opinion submitted to the Secretary. This data indicated that the central rock core drain system could be blocked or the flow of water entering the core impeded over time if the structure was situated so as to be subjected to the flow from a substantial upstream drainage area. This impeded flow or blockage could affect the water carrying capacity of the rock core system and eventually, the structural integrity of the fill. In addition, there was concern that the increased flow onto the face of the fill from the increased upslope drainage would erode the surface of the fill creating downstream pollution and surface instability and potentially saturate the fill so as to affect its integrity.

The State has provided two justification documents in support of its proposal: The West Virginia Section of the American Society of Civil Engineers, Committee on Surface Mining Regulations Report and a professional field evaluation of existing fills in West Virginia, conducted June 30 through July 2, 1980, by a committee composed of industry and State government officials representing a variety of disciplines. It is difficult to draw specific conclusions from these documents regarding long term effects of allowing run-off from upslope drainage areas through a rock core system in or over fills greater than 250,000 cubic yards. The documents do provide evidence and experience that West Virginia rock core fills are sound and may provide "* * * a higher factor of safety than natural hillsides * * *" The two studies take note of the fact that the rock core has a percentage of voids as high as 25 to 30% of total volume of the core and that the voids are substantial in relation to the amount of fines which would be transported through the core. Further infiltration of material from the face of the fill or to the core would be limited due to required revegetation and reclamation practices. These factors support a finding that the probability of blockage or impeded water flow is within acceptable limits.

The results of the American Society of Civil Engineers report are further verified by the field inspection and study of actual fills constructed in the 1970's in West Virginia under equivalent or very similar design criteria as that proposed. The observations indicate that the fills have remained stable in fact and show for all practical purposes that neither degradation in their integrity nor significant pollution from the flow through the core or from drainage transported across the face of the core have occurred.

The local geologic, topographic, and hydrologic conditions and industry familiarity with West Virginia rock core drainage systems establish the need for the modification of federal requirements proposed by West Virginia. These factors must be balanced against the complexity of designing, constructing and maintaining steep slope conveyances for drainage across natural ground required by the present valley fill requirements.

The Secretary finds that the materials provided by West Virginia support approval of the proposed "state window" but remains concerned about the potential impacts of substantial flows of water onto or over the fill from drainage areas above. In order to fully assure that substantial problems will not result, the Secretary's approval is conditioned on the State providing additional scientific data or studies to substantiate the capability of the rock core system to handle the long term excess run-off that can result from allowing uncontrolled drainage onto or over the fill without adverse effects. If the additional data provided by the State indicate that size changes in the drainage system or maximum fill limits are needed to insure long term water carrying capacity and integrity, such changes will be required of the State.

13.35 West Virginia Regulation Section 6B.05 allows spoil blending as a method of handling acid-producing or toxic-producing materials. Federal regulation 30 CFR 816.103(a)(1), which required burial in all cases, has been suspended and an amendment has been proposed. 45 FR 8241–8245 (February 6, 1980). Until this rule becomes final, States need only meet the requirement in the federal Act. Under Section 515(b)(14) of the Act, such materials must be treated, buried "or otherwise disposed of in a manner designed to prevent [water] contamination * * *" This would allow blending in circumstances where blending would be an effective method of preventing contamination. The Secretary assumes that the Department of Natural Resources will only allow blending where it will be effective, and accordingly finds the State provision consistent with the federal provision.

13.36 30 CFR 824.11(a)(8) requires that surface runoff from mountaintop removal operations be diverted away from valley or head-of-hollow fills. State Regulation Section 6B.07c.3. contains no such requirement. However, the State Regulation does require that the contour shall be graded to drain inward from the outslope except at specific points where it drains over the downslope in constructed channels. At the December 30, 1980, meeting, the State clarified that this provision was consistent with 30 CFR 824.11(a)(8) in that it would not allow drainage from the operation to be diverted through the associated fill. The Secretary considers this interpretation to be a binding element of the State program and relies upon it in approving the State's provision as consistent with federal requirements.

13.37 30 CFR 816.49(a) (1) and (4) and 817.49(a) (1) and (4) require that the quality of water in permanent impoundments be maintained and that discharges meet applicable water quality standards. West Virginia has no such explicit requirement. However, State Regulation Section 6B.07e.2. requires that the plan for an impoundment include data on water quality, and 6B.04b. requires that federal or State water quality and effluent limitations be met. Further, as the State explained in the December 30, 1980, meeting, the bond will not be released if these standards are not met. The Secretary considers this interpretation to be a binding element of the State program and relies upon it in approving

the State's provision as consistent with federal requirements.

Finding 14

The Secretary finds that the Department of Natural Resources has the authority under West Virginia laws and regulations and the West Virginia program includes, except as noted below, provisions to implement, administer and enforce a permit system consistent with 30 CFR Chapter VII, Subchapter G (permits). This finding is made under the requirements of 30 CFR 732.15(b)(2).

West Virginia incorporates provisions corresponding to Sections 506, 507, 508, 510, 511, and 513 of SMCRA and Subchapter G of 30 CFR Chapter VII in Chapter 20, Article 6, Sections 8, 9, 10, 11, and 18 of the Code of West Virginia and State Regulation Sections 3, 5A, 6A, 7A, 8A, 9A and 10A. Section (g)(1) of the State's program narrative contains discussions of the systems for (1) issuing permits, (2) incidental mining permits, (3) surface mining, underground mining and other operations permits, (4) permit revisions, (5) permit renewals and (6) transfer, assignment, and/or sale of permit rights.

Discussion of significant issues raised during the review of the West Virginia permit provisions follows.

14.1 As discussed in Finding 14.1 of the October 20, 1980 **Federal Register** notice, WV SCMRA Section 20–6–10(a)(3) is inconsistent with Section 507(b)(3) of SMCRA. The federal statute requires that a permit applicant submit with the application a statement of any current or previous surface coal mining permits or pending application for such a permit held by the applicant in the United States. West Virginia law requires only a statement of any current surface mining permits held by the applicant or pending application in West Virginia. The Attorney General's opinion refers to proposed statutory amendments to correct this deficiency. Approval of West Virginia's program is conditioned on statutory changes necessary to meet the requirements of 507(b)(3) of SMCRA as outlined above.

14.2 As discussed in Finding 14.2 of the October 20, 1980 **Federal Register** notice, Section 507(b)(5) of SMCRA requires that a permit applicant submit a statement of suspended or revoked mining permits for the previous five year period. WV SCMRA Section 20–6–10(a)(5) limits this requirement to "permanently" suspended permits which are, in effect, revoked permits. The Attorney General's opinion (Part A) indicates that legislative changes will be proposed to make the State program consistent with the federal sections. Approval of West Virginia's program is conditioned on amendment of its statute to correct this deficiency.

14.3 As discussed in Finding 14.3 of the October 20, 1980 **Federal Register** notice, Section 510(c) of SMCRA requires that the applicant file with his permit application a schedule listing any and all notices of violation pertaining to air or water environmental protection incurred by the applicant on any coal mining operation in the United States within the three-year period prior to the date of the application. WV SCMRA Section 20–6–10(f) requires this schedule only for bond forfeitures, permit revocation, cessation orders or permanent suspension orders. It does not require that other types of notices of violations be reported. In addition, Section 20–6–18(c) of the WV SCMRA allows the Director to consider only violations of West Virginia laws during the decision making process on permit applications. The Attorney General's opinion (Part A) states that a statutory change will be proposed to correct this deficiency.

Furthermore, State Regulation Section 3F.01b., which was submitted to partially correct this deficiency, has in fact complicated the issue. It requires reporting "violations of any law, rule, or regulation of West Virginia, or of any State law, rule, or regulation enacted pursuant to Federal law, rule or regulation. . . ." This means that violations of any federal law, rule or regulation would not have to be reported. Approval of West Virginia's program is conditioned on amendment of the State law and regulations to make them consistent with the requirements of Section 510(c) of SMCRA.

14.4 Under Section 20–6–31 of the WV SCMRA, special provisions exist under which a person involved in non-coal development of a property may obtain a special permit if, in the course of the non-coal development, coal will be removed from five acres or less. These provisions are implemented in Section 9 of the West Virginia Regulations.

The special provisions for these "incidental permits" apply to the development of land for commercial, residential, industrial or civic use. The purpose of the incidental permits is to expedite coal removal in instances where the primary purpose of the land development is not coal mining, but where a coal seam is or will be encountered in the course of the development.

West Virginia has had incidental permits as part of its regulatory scheme for the past three years. During that period, 35 incidental permits were issued for development affecting a total of 130 acres. Five of those permits affected two acres or less, which means they would have been exempt from the requirements of SMCRA. No special or severe environmental problems have been brought to the Secretary's attention by any member of the public in connection with any of these incidental permits. The Secretary specifically requested public comment on this provision of the State program in Finding 14.4 of the October 20, 1980, **Federal Register** notice. Incidental permits represent a particularly useful mechanism for expedited permitting in West Virginia, where commercial land development often occurs in areas underlain by coal and where coal is encountered in the course of unrelated construction projects. The statistics and other specific information presented to the Secretary on incidental permits are found in a December 1, 1980, letter from James Pitsenbarger to Paul Reeves, together with 100 pages of accompanying justification, copies of which were included in the West Virginia resubmission. (Administrative Record No. WV–261)

Under Section 528(2) of SMCRA and the implementing regulations, all operations affecting two acres or less are exempt from all requirements of the federal law. In addition, coal removal incidental to government financed construction is exempt from the substantive requirements of SMCRA, without regard to acreage affected. Accordingly, the only incidental permit operations required to comply with minimum Federal standards are those privately funded projects affecting between two and five acres.

The Secretary has examined the incidental permit provisions in West Virginia's law and regulations to determine whether they meet minimum requirements for permitting, bonding, performance standards and inspection and enforcement. With respect to the contents of the incidental permit application, there are detailed requirements for maps, ownership information, compliance history of the developer, site development plans, blasting plans and vegetation plans. Several specific requirements for permit contents found in Sections 507 and 508 of SMCRA are not explicitly required in SCMRA or State regulations. However, the State has assured the Secretary that it will require all additional information which may be appropriate to determine compliance with the performance standards applicable to the operation. Approval of the State provision is conditioned on the State demonstrating

that all applicable data will be included in the application.

The incidental permit regulations also include detailed performance standards, including signs and markers, top soil, water quality, acid-producing and toxic materials, monitoring, revegetation, backfilling and grading. In addition, there are special standards for projects located on steep slopes. While these requirements include most of the relevant performance standards of SMCRA and 30 CFR Chapter VII, some Federal requirements are not clearly included, such as prime farmlands requirements, requirements related to augering during construction, and the like. A complete list of these areas is found in Administrative Record No. WV-317. The State has agreed to provide further information to remedy deficiencies in the performance standards, or explain why the program is not deficient. Approval of this provision is conditioned on the State completing this demonstration.

Bonding of incidental permits is required at the rate of $2,000 per acre affected. This is in keeping with the bonding scheme for all West Virginia permits, where a general fund will be used to cover bond liability above a minimum amount. The State has assured the Secretary that this fund is available for incidental permit liability above the $2,000 otherwise posted by the developer. The State provisions allow the release of the bond at the conclusion of site preparation, rather than requiring the five-year revegetation responsibility found in Section 515(b)(20) of SMCRA. Since the permits are only issued where development would occur, revegetation will not normally be a problem. The State will, however, look to the general fund after the posted bond is released. (Administrative Record WV 318) Since Section 519(c) of SMCRA allows 85 percent of the bond to be released before the five-year revegetation responsibility period runs out, the Secretary deems the West Virginia provisions approvable as an alternative bonding system under Section 509(c) of SMCRA.

Section 20-6-31(c) of the WV SCMRA is somewhat ambiguous, in that it might be read to exempt developers holding incidental permits from periodic inspections and enforcement provisions applicable to all other permittees. The Office of the Attorney General has assured the Secretary that this section does not exempt incidental permittees from the inspection and enforcement provisions of the West Virginia program. (Administrative Record WV-318).

Finally, the program does not set forth in detail the public participation provisions applicable to these incidental permits, although State Regulation Section 9A.03 does require evidence of notification by the operator to owners of contiguous surface areas. The State has assured OSM that it will post all incidental permit applications for at least ten days in the DNR office nearest the development site.

The Secretary finds that the West Virginia provisions for public participation in issuance of incidental permits is inadequate, and conditions his approval upon the State adopting provisions to assure public notice of and opportunity to participate in decisions on incidental permits.

14.5 As discussed in Finding 14.5 of the October 20 Federal Register notice, many deficiencies existed in the State's permitting procedures, as addressed in a letter dated May 23, 1980, from OSM to the Department of Natural Resources. [Administrative Record No. WV 84] Additional program narrative (identified as "Finding 14.5, Response to Part II") resolved all of the concerns expressed in this letter.

14.6 Under 30 CFR 780.37 and 784.24, each permit application must describe each road, conveyor, or rail system in the permit area. State Regulation Section 4A.01 requires the same information, but subsection b. provides that it shall include only railroads over which the applicant has a reasonable opportunity to exercise control, and defines when such an opportunity will be considered to exist. The definition is narrowly drawn and assures that the operator cannot, by voluntarily transferring ownership of part of the operation, avoid the requirements otherwise applicable to a coal operation.

West Virginia's provision is as stringent as the federal provision because the Secretary does not interpret 30 CFR 780.37 to require that an operator submit information for portions of a railroad over which the operator could not possibly exercise any control. Such areas are not required to be within the permit area and need not be bonded. These areas are subject to the jurisdiction of other governmental agencies.

14.7 30 CFR 788.12(a)(3) requires that a permit revision shall be obtained in order to continue operation after the cancellation or material reduction of the liability insurance or performance bond upon which the original permit was granted. The State does not have a provision explicitly stating this requirement. However, as the State explained in the December 30, 1980, meeting, they interpret their rules to require that a permit be revoked if the operator loses or reduces his or her bond or insurance. This interpretation is based on State Regulation Section 3D.02, which requires that the insurance policy remain in effect during the life of the permit or any renewal, and on State Regulation Section 4H.03.a., which requires that liability under the bond continue until all reclamation is complete.

14.8 West Virginia regulations do not contain provisions for public and other notification by the regulatory authority as to the approval, modification or denial of a permit application, as required by 30 CFR 786.23(e). Under this provision, the regulatory agency's written findings regarding the permit application must be sent to the applicant and simultaneously to each person and government official who filed written objection or comment with respect to the application and to the Regional Director of (OSM). The regulatory authority must also publish a summary of its decision in a newspaper or similar periodical of general circulation in the general area of the proposed operation. Approval of West Virginia's program is conditioned on the adoption of a regulation or other program amendment consistent with 30 CFR 786.23(e) regarding public and other notification of permit application decisions.

14.9 The Secretary finds that West Virginia Regulation Section 12B.07b., possibly due to clerical error, could be construed to restrict the availability of boring and sampling analyses to the public in conflict with 30 CFR 786.15(a)(2) and Section 507(b)(17) of SMCRA. The State regulation is also inconsistent with WV SCMRA Section 20-6-11(a)(12). The State regulation would require only that information on potentially toxic materials be made available to the public and that all other information be kept confidential. Approval of West Virginia's program is conditioned upon the amendment of State regulation 12B.07b. to be consistent with Section 20-6-11(a)(12) of the WV SCMRA and 30 CFR 786.15(a)(2).

Finding 15

The Secretary finds that the Department of Natural Resources has, except as noted below, the authority to regulate coal exploration consistent with 30 CFR Parts 776 and 815 and to prohibit coal exploration that does not comply with 30 CFR Parts 776 and 815, and the West Virginia program includes provisions adequate to do so, except as noted below. This finding is made under the requirements of 30 CFR 732.15(b)(3).

The West Virginia program incorporates provisions corresponding to Section 512 of SMCRA and 30 CFR

Parts 776 and 815 (as related to coal exploration) in Chapter 2, Article 6, Section 8 of the WV Code of and State Regulation Section 5. Section (g)(1) of the program narrative includes discussion of the systems for exploration, review, and approval. In the West Virginia law and program, exploration is referred to as prospecting.

15.1 As discussed in Finding 15 of the October 20 **Federal Register** notice, West Virginia's program narrative discussing approval or denial of prospecting permits was inconsistent with Section 20–6–8 of the State law. The Secretary finds that Section (g)(1) of the State's narrative resubmission (identified as "Finding 14.5 Comment No. 6") now discusses State procedures for approval or denial of prospecting permits consistent with State statutory requirements.

15.2 30 CFR 776.12(a)(3)(i) and 30 CFR 776.12(a)(5) require that exploration applicants requesting approval to remove more than 250 tons of coal supply, among other information, a map and narrative describing the proposed area. WV SCMRA Section 20–6–8(b)(1) and State Regulation Section 5A.01b.12. also require a map and a narrative. However, the West Virginia program lacks provisions consistent with several of the federal requirements. Approval of the West Virginia program is conditioned on adoption of provisions consistent with the following: An additional provision as required by 30 CFR 776.12(a)(3)(i), requiring a description of surface topography, geology, surface water and other physical features, vegetative cover, and the distribution and important habitats of fish and wildlife; and a map, as required by 30 CFR 776.12(a)(5), identifying proposed trenches, roads, structures, land excavations, water and coal exploratory holes, wells, and earth and debris disposal areas, historic, cultural, and drainage features, and habitats of any endangered or threatened species listed pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

Finding 16

The Secretary finds that the Department of Natural Resources has the authority under West Virginia law and that the West Virginia program includes provisions to require that persons extracting coal incidental to government-financed construction maintain information on site consistent with 30 CFR Part 707. This finding is made under the requirements of 30 CFR 732.15(b)(4).

As discussed in Finding 16 of the October 20 **Federal Register** notice, West Virginia needed to enact regulations adequate to implement Section 20–6–29(3) of the WV SCMRA, concerning extraction of coal incidental to government-financed construction, in accordance with the requirement of 30 CFR Part 707 and 30 CFR 732.15(b)(4). The West Virginia program resubmission contains State Regulation Section 9C which is consistent with 30 CFR Part 707 and meets the requirements of 30 CFR 732.15(b)(4).

Finding 17

The Secretary finds that the Department of Natural Resources has the authority and the West Virginia program includes provisions to enter, inspect, and monitor all coal exploration and surface coal mining and reclamation operations on non-Indian and non-federal lands within West Virginia, consistent, except as noted below, with the requirements of Section 517 of SMCRA (inspections and monitoring) and 30 CFR Chapter VII, Subchapter L (inspection and enforcement). This finding is made under the requirements of 30 CFR 731.15(b)(5).

Provisions corresponding to Section 517 of SMCRA and Subchapter L of 30 CFR Chapter VII for inspection and monitoring are found in Chapter 20, Article 6, Section 15 of the Code of West Virginia and State Regulation Section 14 of the State Regulations. Section (g)(4) of the program narrative contains a discussion of West Virginia's inspection procedures. Discussion of significant issues raised during the review of the West Virginia inspection and enforcement procedures follows:

As discussed in Finding 17 of the October 20 **Federal Register** notice, Section 521(a)(1) of SMCRA grants authority to citizens to accompany an inspector during an inspection resulting from a citizen's complaint. Section 20–6–15(g) of the WV SCMRA provides, however, that neither the permittee nor his authorized agents or employees shall be liable for any injury sustained by a citizen accompanying the inspector onto the minesite except for willful and deliberate acts. The Secretary found in the October 20 **Federal Register** notice that this provision of the West Virginia SCMRA could operate as a constraint on citizens exercising their right to go to the mine site. Consequently, approval of the West Virginia program is conditioned upon the deletion of this provision from Section 20–6–15(g) of the WV SCMRA.

Finding 18

The Secretary finds that the Department of Natural Resources has the authority under the West Virginia law and the West Virginia program includes provisions to implement, administer, and enforce a system of performance bonds and liability insurance, or other equivalent guarantees consistent with the requirements of Sections 509 and 519 of SMCRA and 30 CFR Chapter VII, Subchapter J (performance bonds). The Secretary finds that the Department of Natural Resources has the authority under West Virginia law and the West Virginia program includes provisions to implement, administer, and enforce an alternative system of performance bonds consistent, except as noted below, with Section 509(c) of SMCRA. This finding is made under the requirements of 30 CFR 732.15(b)(6).

Provisions corresponding to Sections 509 and 519 of SMCRA and to Subchapter J of 30 CFR Chapter VII are incorporated in Chapter 20, Article 6, Sections 12 and 26 of the Code of West Virginia and State Regulation Section 4H. Section (g)(3) of the State program narrative contains descriptions of the State's process for implementing, administering, and enforcing a system of performance bonds and liability insurance or other equivalent guarantees.

Discussion of significant issues raised in the review of West Virginia's bonding and insurance provisions follows:

18.1 As discussed in Finding 18.1 of the October 20 **Federal Register** notice, West Virginia needed to submit additional information to demonstrate that its alternative bonding system will provide sufficient funds to allow the DNR to complete reclamation where necessary and that the system will provide an incentive for the operator to fulfill his or her obligations. Regulation 4H and the Attorney General's opinion (Part A, as Finding 18.1) address these concerns. The Secretary agrees that the approach taken by West Virginia is innovative and finds that the funding system is procedurally approvable.

The sole remaining concern of the Secretary is whether or not the State fund will always contain enough money to cover the demands made upon it. The materials submitted in the Attorney General's opinion, although they provide some information on the amount of money in the fund, are not sufficient for a final determination by the Secretary that projected fund balances will be either more or less than may be required under reasonably projectable conditions. The Secretary believes that such a determination, based on standard statistical and actuarial techniques, is required before the size of the fund is finally approved. Thus, approval of the State alternative bonding system is

conditioned on the State providing the Secretary within a reasonable period of time with the results of an analysis by a professionally qualified party using standard statistical and actuarial techniques, sufficient to demonstrate that the amount of money going into the fund will cover the demands likely to be placed upon it. Further, the State will have to modify the limits on the fund balance now included in West Virginia SCMRA if such changes are found necessary as a result of this study. OSM will assist the State in the design and conduct of the study if requested to do so by DNR.

18.2 Finding 18.2 of the October 20 **Federal Register** notice stated that Section 20–6–12(f) of the WV SCMRA was inconsistent with Section 509(a) of SMCRA because it could allow violation of federal water quality requirements. The West Virginia provision allows release of the bond if untreated drainage or discharge "is not lower than the water quality of the receiving stream." The Secretary's finding was in error to the extent it relied upon Section 509(a) since neither that section nor Section 519 of SMCRA restrict the release of the backfilling and grading portion of a bond on the basis of water quality. However, to the extent the State provision could be interpreted to allow discharges in violation of the water quality standards for the receiving stream it would violate the provisions of the Federal Water Pollution Control Act, as amended, and the requirements of Sections 510 and 515 of SMCRA regarding the protection of hydrologic resources. The Secretary finds that State Regulation Section 6B.04b. does require all discharges from the permit area to meet water quality standards. This provision and West Virginia Code, Chapter 20, Article 5A, resolves the concerns expressed by the Secretary in the October 20 notice. (See also the Attorney General's opinion Part A, response to Finding 13.7.)

18.3 As discussed in Finding 18.4 of the October 20 **Federal Register** notice, the narrative discussion in the State's original submission was inadequate in that it provided no information on the State procedures for filing bonds or insurance policies. The narrative resubmission relating to Finding 18.1 presents additional information on West Virginia's bonding and insurance provisions. This information together with State Regulation Sections 3 and 4H of the State's regulations demonstrates that the State's bonding and insurance procedures meet the requirements of 30 CFR Part 806. The Secretary finds these procedures acceptable.

18.4 Section 507(f) of SMCRA and 30 CFR 806.14(b) provide that the liability insurance policy must remain in force during the life of the permit, including reclamation operations. Section 20–6–10(a)(19)(d) of the WV SCMRA contains a similar provision, but State Regulation Section 3D.01 provides that blasting insurance need be in effect only as long as blasting activities occur. The Secretary finds this provision consistent with the federal provision. Section 507(f) of SMCRA and 30 CFR 806.14(b) do not require that the insurance policy continue to cover blasting when no blasting is occuring. However, the basic liability policy must remain in effect until reclamation activities are complete.

Finding 19

The Secretary finds that the Department of Natural Resources has, except as noted below, the authority and the West Virginia program provides, except as noted below, for civil and criminal sanctions for violations of West Virginia law, regulations and conditions of permits and exploration approvals including civil and criminal penalties consistent with Section 518 of SMCRA (penalties) including the same or similar procedural requirements. This finding is made under the requirements of 30 CFR 732.15(b)(7).

Provisions corresponding to Section 518 of SMCRA and to 30 CFR 845 are incorporated in Chapter 20, Article 6, Section 17 of the Code of West Virginia and in Section 14 of the State's Regulations. Section (g)(7) of the program narrative contains descriptions of the State's procedures for civil and criminal sanctions.

In Finding 19 of the October 20 **Federal Register** notice the Secretary found several provisions of State law unacceptable as being inconsistent with SMCRA and the regulations promulgated thereunder. Many of these problems involve statutory deficiencies which could not be addressed before the resubmission, because the State legislature did not convene until after resubmission. The State has submitted both revised and additional regulations which do modify the nature and extent of some deficiencies. Thus, the Secretary finds that State requirements and provisions remain inconsistent with federal requirements and provisions as set forth in the following findings. Approval of the West Virginia program is conditioned upon revisions which remedy these inconsistencies.

19.1 In Finding 19.2 of the October 20 **Federal Register** notice, the Secretary noted several inadequacies in the State's proposal for assessing, adjudicating, and collecting civil penalties. The areas of concern were (1) inadequate description of the procedures for proposing civil penalties; (2) lack of regulations pertaining to the administrative assessment of civil penalties; (3) use of the Magistrate Courts to impose civil penalties; (4) failure to provide for the prepayment of civil penalties into an escrow account; (5) failure to provide that findings of fact and a written decision shall be prepared after a public hearing; (6) no specific provision for public participation; and (7) provision for a jury trial in magistrate court. A detailed discussion of the issues involved with each of these considerations can be found in the October 20 **Federal Register** notice (45 FR 69258–69259).

With respect to the description of the procedures for proposing civil penalties and the development of regulations pertaining to the administrative assessment of civil penalties, the State's resubmission contains State Regulation Section 14A.02. This section provides that each reclamation inspector shall, within fifteen days of issuing a notice or order, confer with his reclamation supervisor or other duly authorized person, who shall determine the amount of penalty to be sought using the factors listed in WV SCMRA Section 20–6–17(c). This approach to making penalty assessments is sufficient to meet the Secretary's concerns in this regard with one exception. Section 518(b) of SMCRA envisions the administrative assessment of penalties. Section 20–6–17(c) of the WV SCMRA contains the same general criteria for assessing penalties as Section 518(a) of SMCRA, but the State program contains no regulations or other procedures which would give inspectors or magistrates any guidance as to how these general criteria would be applied in specific factual situations. Although the State cannot be required to develop any particular system for assessing civil penalties, some form of guidance is necessary. The failure to provide any regulations or guidelines for assessing penalties would almost certainly result in widely varying assessments under similar factual situations. In addition, without additional written guidance, magistrates could change the penalty proposed by the inspector with virtual impunity. This would, for all practical purposes, result in judicial determination of penalties, which is inconsistent with 518(b) of SMCRA. Accordingly, approval of West Virginia's procedures for proposing civil penalties is conditioned on the adoption of regulations, or other program amendment, which would provide

guidance to inspectors and magistrates for applying the general criteria of WV SCMRA Section 20–6–17(c).

The State's proposal for using the magistrate court to impose civil penalties contained in its original March 3, 1980 submission has been changed by virtue of proposed statutory amendments to WV SCMRA Section 20–6–17(d). These changes, as explained in the Attorney General's opinion (discussion at Part A, response to Findings 19.3 and 27.4) address the concerns of the Secretary previously set forth in Finding 19.2 of the October 20 Federal Register notice. The proposed statutory changes would make the magistrate judges similar to administrative law judges in all significant respects. Approval of this aspect of the West Virginia program is conditioned upon enactment of proposed statutory changes or other program amendments which meet the concerns of the Secretary expressed here and in Finding 19.2 of the October 20 Federal Register notice.

The State has proposed an amendment to WV SCMRA Section 20–6–17(d) which provides that an operator must place the amount of a proposed penalty in escrow if the operator wishes to challenge the penalty in magistrate court. Approval of the West Virginia program is conditioned upon the enactment of statutory language or other program changes which meet the prepayment requirement of Section 518(c) of SMCRA.

The State has proposed an amendment to Section 20–6–17(d) of the WV SCMRA that would provide citizens full access to the magistrate court, including intervention and recovery of attorney fees. Approval of the State program is conditioned upon the enactment of statutory changes or other program changes which address the concerns of the Secretary as set out here and in Finding 19.2 of the October 20 Federal Register notice. The State has proposed an amendment to Section 20–6–17(d) which makes clear that jury trials are not available in civil penalty proceedings in magistrate court. Approval of the West Virginia program is conditioned upon statutory or other program changes, which insure that jury trials will not be available in civil penalty proceedings.

19.2 In Finding 19.3 of the October 20 Federal Register notice, the Secretary found that West Virginia Code Ann. Section 50–5–12, which provides that appeals from the magistrate court to the county circuit court are *de novo*, is inconsistent with Section 525 of SMCRA. The Attorney General's opinion (Part A, response to Findings 19.3 and 27.4) states that a legislative change will be proposed to eliminate *de novo* review of magistrate decisions. Approval of the West Virginia program is conditioned on amendment of the State statute or other program change which corrects this deficiency.

19.3 In Finding 19.4 of the October 20 Federal Register notice, the Secretary found that Section 20–6–17(a) of the WV SCMRA, which provides that mandatory daily penalties for certain cessation orders terminate once corrective steps have been *initiated* to the satisfaction of the inspector, is inconsistent with 518(h) of SMCRA, which provides that the penalty shall be imposed for each day the violation continues unabated. The Attorney General's opinion (Part A, response to Finding 19.4) states that a legislative change will be proposed to correct this inconsistency. In the interim, State Regulation Section 14A.02c specifies that only when the violation is abated will corrective steps have been "initiated to the satisfaction of the reclamation inspector." While this regulation reduces the Secretary's concern, approval of the West Virginia program is conditioned on amendment of the State statute which corrects this deficiency.

19.4 In Finding 19.5 of the October 20 Federal Register notice, the Secretary found that the West Virginia program provides two independent avenues for appealing a notice of violation, which could lead to forum shopping and inconsistent interpretations of State law. The Attorney General's opinion (Part A, response to Finding 19.5) states that a legislative change will be proposed to place jurisdiction over civil penalty cases exclusively in the magistrate system. In the interim, the Reclamation Board will interpret the provisions of 20–6–17(d) of the WV SCMRA as removing appeals of civil penalty cases from board jurisdiction. While this regulation reduces the Secretary's concern, approval of the West Virginia program is conditioned upon revisions to the program which correct this deficiency.

Finding 20

The Secretary finds that the Department of Natural Resources has, except as noted below, the authority under West Virginia law to issue, modify, terminate and enforce notices of violation, cessation orders and show cause orders consistent with Section 521 of SMCRA (enforcement) and with 30 CFR Chapter VII, Subchapter L (inspection and enforcement), including the same or similar procedural requirements. This finding is made under the requirements of 30 CFR 732.15(b)(8).

Provisions corresponding to Section 521 of SMCRA and to Subchapter L of 30 CFR Chapter VII are included in Chapter 20, Article 6, Sections 16 and 17 of the Code of West Virginia and Section 14 of the State's Regulations.

In Finding 20 of the October 20, 1980 Federal Register notice, the Secretary found certain provisions of the West Virginia program unacceptable as inconsistent with SMCRA and the regulations promulgated thereunder. Several of the problems previously identified by the Secretary involve statutory deficiencies which could not be addressed before the State resubmission because the legislature does not convene until after the resubmission. However, West Virginia has made changes in its resubmission in several areas which address certain previously identified problems and minimize the effect of others.

The following constitute the Secretary's findings on this portion of the West Virginia resubmission. Approval of the West Virginia program is conditioned upon revisions to the State Program which remedy these inconsistencies.

20.1 As discussed in Finding 20.1 of the October 20 Federal Register notice, Section 20–6–16(a) of the WV SCMRA grants discretionary authority for an inspector to issue a cessation order in situations of imminent danger. Section 521(a)(2) of SMCRA mandates that such orders be issued.

State Regulation Section 14A.03a mandates that inspectors issue a cessation order in situations of imminent danger. The Secretary finds that with this revision the West Virginia program is consistent with the federal requirements.

The Secretary recommends that the West Virginia statute be changed to provide for mandatory issuance of cessation orders in these situations. A successful challenge to the authority of the Department of Natural Resources to promulgate or enforce the regulation might result in the Secretary being forced to intervene in the administration of the West Virginia program. A statutory amendment mandating the issuance of a cessation order in cases of imminent environmental harm or danger to persons would obviate this possibility.

20.2 As discussed in Finding 20.2 of the October 20 Federal Register notice, Section 20–6–17(a) of the WV SCMRA provides that if an operator affirmatively demonstrates that compliance with a notice of violation is unattainable due to conditions totally beyond the control of the operator, issuance of a cessation order for failure

to abate is not mandatory. As the Secretary noted in the October 20 **Federal Register** notice, this appears to be inconsistent with Section 521(a)(3) of the SMCRA, which provides for a maximum time limit of 90 days for abatement of violation and for immediate cessation where a violation is not timely abated.

The Attorney General's opinion explains that this exception applies only to (1) strikes which result in employees of the operator being completely excluded from taking steps to correct the problem, and (2) acts of God as that phrase is generally understood (i.e. cataclysmic events and not just heavy rain, *Adkins v. City of Hinton*, 142 S.E. 2nd 889 (1965)).

The Secretary believes that he has the authority to recognize legitimate, narrowly-drawn exceptions to the ninety-day abatement limitation, and that the State's exceptions meet this test. These exemptions in no way act as a deterrent to prompt remedial action and would never provide a defense to an operator whose negligence, tardiness or failure to anticipate foreseeable problems were a contributing factor in his failure to abate. The Secretary, therefore, finds that the exceptions to the ninety-day abatement limitation contained in Section 20–6–17(a) of the WV SCMRA, as limited by the Attorney General's opinion, are consistent with Section 521(a)(3) of SMCRA.

20.3 As discussed in Finding 20.3 of the October 20 **Federal Register** notice, Section 20–6–17(a) of the WV SCMRA provides that if any of the requirements of the law and regulations or permit conditions have not been complied with, the Director "may cause a notice of violation to be served on the operator". Section 521(a)(3) of the SMCRA requires mandatory issuance of a notice of violation when the Secretary or his authorized representative determines that any permittee is in violation of any requirement of the Act or any permit condition required by the Act. State Regulation Section 14A.04 requires each inspector to issue a notice of violation for all violations observed. The Secretary finds that this regulation makes West Virginia's program consistent with the Federal Act.

The Secretary recommends that Section 20–6–17(a) of the WV SCMRA statute be amended to provide for mandatory issuance of notices of violations for all observed violations. A successful challenge to the authority of the Department of Natural Resources to promulgate or enforce this regulation might result in the Secretary being forced to intervene in the administration of the West Virginia program. A statutory amendment mandating the issuance of a notice of violation would obviate this possibility.

20.4 As discussed in Finding 20.4 of the October 20 **Federal Register** notice, Section 521(a)(3) of SMCRA provides that a cessation order shall remain in effect until the Secretary determines that the violation has been abated. Section 20–6–17(a) of the WV SCMRA provides for a mandatory daily civil penalty only until corrective steps have been initiated. The Secretary finds this provision inconsistent with the Federal requirements. The Attorney General's opinion (Part A, response to Finding 20.4) states that a legislative change will be proposed to correct this inconsistency. In the interim, State Regulation Section 14A.03b specifies that the cessation order shall remain in effect until the violation is abated. While this regulation reduces the Secretary's concern, approval of the West Virginia program is conditioned on amendment of the State statute which corrects this deficiency.

20.5 As discussed in Finding 20.5 of the October 20 **Federal Register** notice, Section 20–6–16(a) of the WV SCMRA mandates that a cessation order shall expire twenty-four hours after the order becomes effective unless an informal conference is held by a reclamation supervisor at or near the mine site. Section 521(a)(5) of SMCRA states that a cessation order shall expire within thirty days unless a public hearing is held at or near the mine site. In Finding 20.5 of the October 20 **Federal Register** notice, the Secretary found that the State had not adequately demonstrated that it could conduct the required hearings in a timely manner. The Secretary requested the State to provide documentation that the State has adequate staff to insure that cessation orders will not expire because of insufficient personnel to conduct the hearings. In the revised program narrative provided with its resubmission, the State demonstrates that it has adequate staffing to conduct such hearings in a timely manner. Therefore, the Secretary finds this provision of WV SCMRA Section 20–6–26(a) is acceptable.

20.6 In Finding 20.6 of the October 20 **Federal Register** notice the Secretary found that the State failed to address the procedures for issuance of orders and notices in accordance with 30 CFR 731.14(g)(4). In the revised program narrative (identified as "Comment No. 30") the State described its procedure for the issuance of orders and notices. In addition, the State has provided regulations (Section 14) and proposed statutory amendments which further explain its inspection procedures. The Secretary finds that these procedures are the same or similar to those in SMCRA and the regulations promulgated thereunder.

20.7 State Section 20–6–16(c) of the WV SCMRA provides that an inspector shall be readily available to vacate a cessation order upon abatement of a violation. As the Secretary noted in Finding 20.7 of the October 20 **Federal Register** notice, this section could allow, or possibly require, the vacation rather than termination of such orders. Therefore, the Secretary finds that this provision of State law is less stringent than federal law. The Attorney General's opinion (Part A, response to Finding 20.7) states that a legislative change will be proposed to correct this inconsistency. In the interim, State regulation Section 14A.03d. specifies that the term "vacate" will not mean that the violation is to be treated as if it never existed, which is the meaning usually assigned to the term in the federal regulations. While this regulation reduces the Secretary's concern, approval of the West Virginia program is conditioned upon revisions to the statute which remedy this deficiency.

20.8 In Finding 20.8 of the October 20 **Federal Register** notice, the Secretary noted that Section 20–6–17(a) of the WV SCMRA omits the language in Section 521(a)(3) of SMCRA which states that in a cessation order issued for failure to abate a notice of violation, "the Secretary shall determine the steps necessary to abate the violation in the most expeditious manner possible, and shall include the necessary measures in the order." The Secretary finds the State provision inconsistent with SMCRA to the extent that the federal requirement is omitted. The Attorney General's opinion (Part A, response to Finding 20.8) states that a legislative change will be proposed to correct this inconsistency. In the interim, State Regulation Section 14A.03d. requires the inspector to identify the necessary steps to abate the violation in the most expeditious manner possible. While this regulation reduces the Secretary's concern, approval of the West Virginia program is conditioned upon revisions to the statute or other program amendments which remedy this deficiency.

20.9 State Regulation Section 14A.01 contains procedures for issuance of show cause orders similar to the requirements of 30 CFR 843.13. However, federal law provides that an unwarranted failure to comply exists where a permittee fails to prevent *or*

abate a violation due to indifference, lack of diligence, or lack of reasonable care. Although the State regulation is similar with respect to the failure to prevent a violation, it does not reference the failure to abate a violation. In some situations the failure to prevent a violation may be excusable whereas the failure to abate the violation is unwarranted, so it is important that both situations be covered in the State regulation. Also, the word "no" in State Regulation Section 14A.01.a.3 negates the meaning of the show cause regulations. This is an obvious clerical error (Administrative Record No. WV 313) which must be corrected. Approval of the program is conditional upon changes which correct these problems.

Finding 21

The Secretary finds that the Department of Natural Resources has the authority and the West Virginia program contains provisions to designate areas unsuitable for surface coal mining consistent, except as noted below in part, with 30 CFR Chapter VII, Subchapter F (designations of areas unsuitable for mining). This finding is made under the requirements of 30 CFR 732.15(b)(9).

Provisions corresponding to Section 522 of SMCRA and to Subchapter F of 30 CFR Chapter VII are included in 20–6–22 of the Code of West Virginia and in Sections 3 and 13 of the State regulations. Section (g)(11) of the West Virginia program narrative describes the system by which petitions for designating areas unsuitable for surface coal mining will be received and processed and the establishment of a data base and inventory system. A discussion of significant issues raised in the review of West Virginia's provisions concerning unsuitability designations follows.

21.1 As discussed in Finding 21.1 of the October 20 **Federal Register** notice, Section 20–6–22(d)(1) of the WV SCMRA allows the Director of DNR to issue variances to the prohibitions of Section 522(e)(1) of SMCRA which relate to mining within the boundaries of certain areas of national importance established by Congress. Approval of West Virginia's program is conditioned upon amendment of the State statute to eliminate the variance provision. In addition, the Director of DNR has agreed not to issue such a variance before the statute is amended.

21.2 As discussed in Finding 21.2 of the October 20 **Federal Register** notice, the State has proposed to use the West Virginia Heritage Trust Program to satisfy the requirements of a data base and inventory system under Section 522(2)(4)(B) of SMCRA. The original narrative did not include an adequate discussion work plan or methodology for developing the Trust Program to provide the required information, nor did the State identify local, State, or federal sources of information necessary for the process. The narrative resubmission contains a work plan for systematically developing an inhouse data base around the nucleus of the Heritage Trust data base. Local, State and federal sources of information are listed in the discussion. The program narrative resubmission also contains a description of the State's procedure for designating lands unsuitable for coal mining activity (identified as "Comment No. 42"). On the basis of this information, the Secretary finds the State's narrative describing its proposed data base system acceptable.

Finding 22

The Secretary finds that the Department of Natural Resources has the authority under West Virginia laws and the West Virginia program contains, except as noted below, provisions for public participation in the development, revision and enforcement of West Virginia's laws and regulations and the West Virginia program consistent with the public participation requirements of SMCRA and 30 CFR Chapter VII. This finding is made under the requirements of 30 CFR 732.15(b)(10).

Provisions corresponding to public participation requirements in SMCRA and in 30 CFR Chapter VII are included throughout the West Virginia statutes and rules submitted as part of the program. Revised Section (g)(14) of the program narrative describes the procedures for insuring that adequate public participation is provided throughout the development and functioning of the State program.

Discussion of significant issues raised in the review of West Virginia's public participation provisions follows:

22.1 In Finding 22.1 of the October 20, 1980 **Federal Register** notice, the Secretary found that Section 20–6–24(b) of the WV SCMRA was inconsistent with 43 CFR Part 4 to the extent that it provided for a determination of timeliness of intervention on a case by case basis. 43 CFR 4.1110(a) allows intervention at any stage in an enforcement proceeding. Part C of the Attorney General's opinion in the State program resubmission of December 19, 1980 explains that "an intervenor may intervene in any stage of the proceeding. Obviously once the hearing is started or ended an intervenor may be allowed to proceed only upon showing a reason for not appearing before and how his intervention and his evidence or brief will further the process." The Secretary finds that this legal interpretation of WV SCMRA Code Section 20–6–24 shows that it is consistent with the Federal intervention provision and bases his approval on the interpretation.

22.2 In Finding 22.2 of the October 20 **Federal Register** notice, the Secretary found that although the State submitted a listing in Section (g)(14) of the narrative of areas of public participation, he could not find that the State is capable of providing for public participation throughout the program because the program did not describe avenues of public participation. The narrative resubmission presents a more detailed list of areas for public participation than the original submission and presents a ten-point discussion of avenues for public participation. Accordingly, the Secretary finds that the public participation process is consistent with Federal requirements.

22.3 In Finding 22.3 of the October 20 **Federal Register** notice the Secretary found that Section 20–6–24(f) of the WV SCMRA provides that, with respect to appeals to the Reclamation Board of Review, all fees and mileage expenses incurred and the expense of preparing the record at the request of the appellant would have to be paid by the appellant. This Section and Section 20–6–25(c) require the appellant to bear the cost of preparing and transcribing the record. Section 29A–5–1(f) of the West Virginia Code appears to place the cost of preparing the transcript upon the agency. The Secretary found that the West Virginia procedures were inconsistent with SMCRA to the extent that appellants would be required to bear the cost of preparing the record of proceedings. Since the statute has not been amended to resolve this problem the Secretary finds that this provision is inconsistent with SMCRA. Approval of the State program is conditioned on amendment of the program to meet the requirements of SMCRA.

Finding 23

The Secretary finds that the West Virginia Department of Natural Resources has the authority under West Virginia laws, except as noted below, and the West Virginia program includes, except as noted below, provisions to monitor, review, and enforce the prohibition against indirect or direct financial interests in coal mining operations by employees of the West Virginia Department of Natural Resources or other State employees consistent with 30 CFR Part 705 (restrictions on financial interests of

State employees). This finding is made under the requirements of 30 CFR 732.15(b)(11).

Provisions corresponding to Section 517(g) of SMCRA are incorporated in Chapter 20, Article 6, Section 40 of the Code of West Virginia.

In Finding 23 of the October 20 Federal Register notice, the Secretary found the lack of conflict of interest requirements for the Reclamation Commission unacceptable. The revised Attorney General's opinion (Part A, response to Finding 23) states that an amendment will be proposed to the State Legislature to correct this deficiency. Approval of the State program is conditioned upon adoption of a provision subjecting all members of the Reclamation Commission to the provisions of Section 20–6–40 of the Code of West Virginia.

Finding 24

The Secretary finds that the West Virginia Department of Natural Resources has the authority under West Virginia laws and the West Virginia program includes provisions to require the training, examination, and certification of persons engaged in or responsible for blasting and the use of explosives in accordance with Section 719 of SMCRA to the extent required for approval of its program. This finding is made under the requirements of 30 CFR 732.15(b)(12).

Provisions corresponding to Section 719 of SMCRA are incorporated in Chapter 20, Article 6, Section 34 of the Code of West Virginia. Section (g)(13) of the West Virginia program narrative contains a description of the cooperative effort between the State Department of Mines and the Department of Natural Resources as it relates to blaster training and certification. West Virginia has no regulations on training, examination, and certification of persons engaged in blasting. However, under 30 CFR 732.15(b)(12) the State is not required to implement regulations governing such training, examination and certification until six months after complete federal regulations on those provisions have been promulgated. On December 12, 1980, OSM published partial final rules establishing minimum requirements for training and certifying persons involved in blasting in surface mining operations. 45 FR 82084–82100. These regulations are codified at 30 CFR Chapter VII, Subchapter M, Part 850. This portion of Subchapter M is now final. However, four subsections concerning qualification requirements and experience requirements remain to be promulgated. These subsections will be reproposed and subjected to public comment prior to their promulgation. Once the complete Subchapter M is finally promulgated, West Virginia will have an additional six months to prepare and submit to OSM regulations consistent with the federal regulations.

Finding 25

The Secretary finds that the West Virginia Department of Natural Resources has the authority under West Virginia laws and the West Virginia program contains provisions for small operator assistance consistent with 30 CFR Part 795 (small operator assistance). This finding is made under the requirements of 30 CFR 732.15(b)(13).

Provisions corresponding to Section 507(c) of SMCRA are incorporated in Chapter 20, Article 6, Section 10(19)(b) of the Code of West Virginia and Section 11 of the State Regulations. Section (g)(16) of the State program submission contains a description of the small operator assistance program within the State.

Only one significant issue was raised in the review of the West Virginia small operator assistance program. Section 20–6–10(b) of the WV SCMRA provides for the payment of costs associated with the determination of probable hydrologic consequences and the statement of the result of test borings and core sampling for operators producing less than one hundred thousand tons of coal annually. This section further provides that the cost "shall be assumed by the Department from funds provided by the United States Department of the Interior pursuant to Public Law 95–87." This has the effect of limiting funding for the small operator assistance program to federal funds. Such a limitation is inconsistent with Section 507 of the SMCRA. The federal funds currently available to West Virginia for small operator assistance are sufficient to meet the present needs of West Virginia. However, this may not be the case in the future, and thus the West Virginia law concerning small operator assistance does not fully comply with Section 507(c) of SMCRA.

The Attorney General's opinion has responded to this issue by preparing changes to WV SCMRA 20–6–10(b) which would delete the proviso stated above and which appear, subject to public comment, to make the WV SCMRA consistent with SMCRA. Furthermore, State regulations Sections 11C and 11C.01 provide that the "Division of Reclamation shall: select and *pay* a qualified laboratory * * *" When supported by statutory authority, this provision will make the State program consistent with SMCRA. Approval of the State program is conditioned upon amendment of the State statute or other program amendment to meet the requirements of Section 507(c) of SMCRA.

Finding 26

The Secretary finds that the West Virginia Department of Natural Resources has the authority under West Virginia law and the West Virginia program contains provisions to provide protection of employees of the Department of Natural Resources corresponding with the protection afforded federal employees under Section 704 of SMCRA. This finding is made under the requirements of 30 CFR 732.15(b)(14).

Provisions corresponding to Section 704 of SMCRA are incorporated in Chapter 20, Article 6, Section 17(i) of the West Virginia Code. The Secretary finds this is consistent with federal law.

Finding 27

The Secretary finds that West Virginia has, except as noted below, the authority under its laws and the West Virginia program contains, except as noted below, provisions for administrative and judicial review of State program actions in accordance with Sections 525 and 526 of SMCRA. This finding is made under the requirements of 30 CFR 732.15(b)(15).

Provisions corresponding to Sections 525 and 526 of SMCRA are incorporated in Chapter 6, Article 9A; Chapter 20, Article 6; Sections 24 and 25; and Chapter 29A of the Code of West Virginia. Section (g)(15) of the program narrative contains a description of the administrative and judicial procedures which are available for the review of administrative decisions, action, and refusals to act.

Discussion of significant issues raised in the review of West Virginia's public participation provisions follows.

27.1 In Finding 27.1 of the October 20 Federal Register notice, the Secretary found that Section (g)(15) of the West Virginia program narrative contained a seemingly erroneous statement that the administrative hearing before the Reclamation Board would be held within sixty days of the notice of filing. In the revised program narrative (Table G15–1), the State has corrected this error, stating that such hearing will be held within thirty days of the notice of filing as provided in Section 20–6–24(c) of the WV SCMRA.

27.2 In Finding 27.2 of the October 20 Federal Register notice, the Secretary requested that West Virginia submit its rules under the State Open Government Proceedings Law, which the State has

done in Section 15 of its regulations. However, these regulations do not state how much notice will be provided to the public in advance of a formal hearing as required in Section 525(a)(2) of SMCRA, which requires at least 5 days written notice. Approval of the West Virginia program is conditioned on a change in the State program which insures that 5 days notice will be provided to the public.

27.3 In Finding 27.3 of the October 20 Federal Register notice, the Secretary found that West Virginia had not demonstrated that a State court has authority to enter an order requiring payment of any civil penalty assessment enforced by its judgment. The State has submitted West Virginia Code 50–6–1, which contains such authority. The Secretary finds that State law is consistent with federal law on this matter.

27.4 In Finding 27.4 of the October 20 Federal Register notice, the Secretary noted several deficiencies in the State's provisions for administrative and judicial review, including (1) dual avenues of appeal for operators cited for a violation, (2) use of jury trials in magistrate court and (3) *de novo* review of magistrate decisions if appealed to circuit court.

These problems are discussed at Finding 19 above. Also, a detailed discussion of the problems with jury trials and *de novo* review is set forth at Finding 27.4 of the October 20 notice. 45 FR 69262. Approval of the program is conditioned upon the enactment of revisions making the State program consistent with the federal requirements.

Finding 28

The Secretary finds that the West Virginia Department of Natural Resources has the authority under West Virginia laws and the program contains provisions to cooperate and coordinate with and provide documents and other information to the Office of Surface Mining under the provisions of 30 CFR Chapter VII, except as noted in Finding 14.8. This finding is made under the requirement of 30 CFR 732.15(b)(16).

Chapter 20, Article 6, Section 20(a) of the Code of West Virginia provides for public notice of applications for permits, applications for permit revisions and actions to revoke permits. In addition, the West Virginia Administrative Procedures Act assures that information is publicly available.

Finding 29

The Secretary finds that the West Virginia laws and regulations and the West Virginia program contain no provisions which would interfere with or preclude implementation of the provisions of SMCRA and 30 CFR Chapter VII. This finding is made under the requirements of 30 CFR 732.15(c).

In West Virginia's permanent program submission, the following laws other than the West Virginia Surface Coal Mining Reclamation Act were referenced as legal authority for various sections of West Virginia's program:

Open Government Proceedings Law (Chapter 6, Article 9A)
Conflict of Interest Law (Chapter 6B, Article 1)
Administrative Procedures Law (Chapter 29A and Chapter 29B)
Civil Jurisdiction and Authority Law (Chapter 50, Article 2)

Other state laws and regulations directly affecting the regulation of surface coal mining and reclamation operations include:

Existing Chapter 20, Article 6 of the Code of West Virginia, Surface Mining and Reclamation
Enrolled H.B. 1404, Surface Mining and Reclamation
Existing Chapter 20–6, Series VII (1978) Rules and Regulations Draft Chapter 20–6, Series VII Rules and Regulations
Chapter 20, Article 5 of the Code of West Virginia, Water Resources
Administrative Regulations of the State of West Virginia for Water Quality Criteria on Inter- and Intrastate Streams, 1977
Proposed Administrative Regulations of the State of West Virginia for Water Quality Criteria on Inter- and Intrastate Streams, 1980
Chapter 19 Articles 12 D and 20 of the Code of West Virginia, Department of Agriculture
Chapter 22 of the Code of West Virginia, Underground Coal Mine Safety Laws
Chapter 38, Articles 3, 4, 5 and 6 of the Code of West Virginia, Liens
Judicial Code of Ethics, Appendix

In the substantive review of the program submission, these laws and regulations were reviewed as part of the adequacy analysis or reviewed for their potential for conflicting with the statutory and regulatory elements of the State program. No conflicts were found which might weaken those State laws and State regulations which form the basis for implementation of a program equal to or more stringent than SMCRA or 30 CFR Chapter VII.

The provisions in these laws and regulations which constitute West Virginia's requirements corresponding to the minimum standards found in SMCRA of 30 CFR Chapter VII are part of the State regulatory program being approved today.

Finding 30

The Secretary finds that the West Virginia Department of Natural Resources has demonstrated that it will have sufficient legal, technical, and administrative personnel, and sufficient legal, technical, and administrative personnel, and sufficient funds to implement, administer, and enforce the provisions of the program, the requirements of 30 CFR 732.15(b) (program requirements), and other applicable State and federal laws. This finding is made under the requirements of 30 CFR 732.15(d).

The Secretary finds that the West Virginia Department of Natural Resources had demonstrated that it will have sufficient funds to implement, administer, and enforce the provisions of the program, the requirements of 30 CFR 732.15(b) (program requirements), and other applicable State and federal laws. This finding is made under the requirements of 30 CFR 732.15(d), the narrative discussion in the program resubmission (identified as "Finding 30") and in memoranda provided by the West Virginia Department of Natural Resources in response to comments made at the public hearing on the resubmission. (Administrative Record No. WV 32). The State describes the proposed staff and demonstrates how such staff will be adequate to carry out the functions for the projected workload to ensure that coal exploration and surface mining and reclamation operations comply with the requirements of SMCRA and the federal regulations. This discussion also includes budget information which demonstrates that adequate funds are available.

C. Disposition of Public Comments

The Secretary received a number of public comments on the resubmitted West Virginia program. The disposition of these comments has been organized into categories to assist the reader. Comments from Federal agencies are addressed first; all other comments follow.

The disposition of public comments constitutes a part of the Secretary's basis and purpose in deciding to approve, with conditions, West Virginia's program. Comments with which the Secretary agrees have been incorporated directly into specific Findings and the Conditions stated in Section E of this notice, where appropriate.

Under Section 505(b) of SMCRA and 30 CFR 730.11, State provisions which provide more stringent environmental protection than the federal provisions shall not be construed to be inconsistent with SMCRA. The Secretary has no authority to disapprove State provisions which are more stringent than the

federal provisions. Thus, State provisions characterized by the Secretary in the disposition of public comments as "consistent with" federal provisions may be more stringent than the federal requirements.

I. General Comments

1. The West Virginia Coal Association (WVCA) and other industry commenters objected that the comment period was not long enough. They stated that they had difficulty in obtaining copies of the resubmission, that there were changes to the regulations after the resubmission, and that the holidays and vacations made it difficult for them to review the program. One of these commenters stated that it was difficult to encourage people to do the work required to review the program because some people believed that their comments would not receive serious consideration.

The comment period was originally set at eighteen days, and in response to an industry request (letter of December 29, 1980, from WVCA to OSM, Administrative Record No. WV 279), was extended to twenty-one days. The extra three days correspond to the three days of official holidays occurring during the comment period. This is consistent with 30 CFR 732.13(f), which states that in the resubmission process, the comment period may be shortened to 15 days. There were no adverse comments on this provision when it was promulgated in March, 1979, and no lawsuits were brought challenging it. The Secretary exercised his discretion in setting a comment period of twenty-one days, which he believes was sufficient to allow review of the program. This period was greater than that afforded in any other State resubmission, including that of Kansas, where the entire body of the regulations was withdrawn after the original submission, necessitating review of an entire set of new regulations on resubmission. [Kansas, 45 FR 74513 (November 10, 1980), 16 days—Oklahoma, 45 FR 80837 (December 8, 1980), 16 days—Utah, 45 FR 84824 (December 23, 1980), 15 days—Wyoming, 45 FR 49597 (July 25, 1980), 15 days—Mississippi, 45 FR 37223 (June 2, 1980), 18 days—Iowa, 45 FR 82276 (December 15, 1980), 16 days—Louisiana, 45 FR 58576 (September 4, 1980), 15 days].

The Secretary's belief that the 21-day comment period was adequate is largely based on the fact that the nature of the review required is narrow. The question the Secretary has considered in deciding whether to approve West Virginia's program and upon which he solicited public comments is whether the State program is consistent with the federal program. Comments attacking the wisdom of the State rules, rather than their consistency with the federal rules, should be directed to the State in its own public participation process, not to the Secretary. Thus, the reviewer's task in this procedure is identifying inconsistencies between the State and federal programs. Furthermore, since under Section 505 of SMCRA the Secretary has no power to disapprove a State provision which provides more stringent environmental protection than the federal rule, reviewers need only be concerned with those differing State provisions which are less stringent than the federal rules. Also see response to comment No. 2 for a further discussion of the narrow nature of the issues under consideration.

The adequacy of the comment period is further borne out by the extent and detail of the public comments received, including detailed comments submitted by several environmental groups on the date of the public hearing, January 5, 1981, four days before the close of the public comment period. One of these environmental groups commented that although they experienced "a slight amount" of hardship in reviewing the resubmission because of the holiday season, they felt that there was adequate time to review the program. They also stated that "by keeping up with the drafts as they were developed over the past two months, we were able to quickly analyze the relatively small volume of new material which was not first available for public inspection until December 19." (Testimony of Ed Light, Administrative Record No. WV 294).

In addition, the industry, as well as other members of the public, had and took advantage of numerous opportunities to familiarize themselves with the draft regulations and discuss them with OSM and the State well before the resubmission. Like the commenter quoted above they were in fact already familiar with many of the regulations in the resubmission. The State held a workshop on May 19, 1980, which was well attended by all facets of the industry, including WVCA and the West Virginia Surface Mining and Reclamation Association (WVSMRA), where the draft regulations were discussed. It was these draft regulations which, after incorporating industry comments, became the June 16, 1980, initial State program submission. The State also met with industry representatives on many occasions to discuss issues in the draft regulations. Industry representatives reviewed drafts of the regulations, discussed them with the State and presented the State with a list of items which they considered to be problems. They then met with OSM and the State on December 6, 1980, to review these items. At this meeting, the participants also discussed the list of issues presented to the State by OSM in letters dated November 19 and 20, 1980 (Administrative Record Nos. WV226 and WV227). Thus, the Secretary believes that the industry, like the environmental groups, was already familiar with most of the regulations in the resubmission and could have conducted a complete review of the program material within the time allowed.

Furthermore, several other factors convinced the Secretary that it would not be overly difficult to review the resubmission in the allotted time. There were several tools available to the public to assist in focusing on the new aspects of the resubmission and to otherwise aid review. Part B of the Attorney General's opinion in the resubmission contains a discussion of how each of the issues in the November 19 and 20, 1980, letters was resolved and cites the State and federal provisions involved. The opinion also contains in Part A a discussion of how each problem raised in the Secretary's October 20, 1980 partial approval/partial disapproval was resolved and citations to the parts of the program which the state felt resolved the problem. Thus, it should not have been difficult for the industry or any other commenters to focus on the program and identify any remaining problems. OSM itself relied heavily on these tools in its own review of the program.

Many of the regulations in the resubmission which differ from previously circulated drafts are nearly identical to the parallel federal regulations, making review of these provisions for consistency with the federal program relatively easy. In addition, in the December 19, 1980, notice announcing receipt of the resubmission and the public comment period the Secretary offered to assist the public in reviewing the program by keeping a list of those wishing to be kept apprised of changes in the resubmission and contacting these people when any such changes were made. 45 FR 83546 (December 19, 1980). Very few such changes were made and OSM received no requests for assistance from these commenters. Thus, the industry's complaint that it was too difficult to keep abreast of program amendments is without foundation.

With regard to the industry's complaints that they were not able to obtain copies of the program, the

Secretary's obligations under 30 CFR 732.12 are to make copies of the program available for inspection at the office of the Regional Director and at the central office and each field office of the State agency. In addition, any person who so requested could receive, free of charge, one copy of the State statutes and regulations (not the program narrative or Attorney General's opinion) from OSM.

In every case where a copy of the statutes and regulations was requested, it was sent by OSM within 24 hours. (Administrative Record No. WV300). Copies of the program were available for review in more than a dozen locations throughout the State. Although there were some minor delays in getting copies of the program to some field offices of OSM and the State, every field office reported that no one requested to see the program before the program was delivered. (Administrative Record No. WV296). In addition, the Federal Register notice announcing the public comment period, 44 FR 83544 (December 19, 1980), identified and provided the telephone number of the Public Affairs Officer at OSM in Charleston to provide further information about the submission. No one contacted this official with regard to difficulty in obtaining copies of the program.

Furthermore, in response to a request from WVCA to the State, OSM reproduced 75 copies of the program for WVCA to send to its members. WVCA, although based in Charleston, never picked up these copies from OSM's Charleston office.

In summary, the narrow nature of the review required and the many tools available to assist in that review should have made the comment period adequate. The industry's claims that they were unable to obtain or view copies of the State program or to keep abreast of changes in the program are unsubstantiated. The Secretary does not agree that the public comment period was too short, or that the holiday season unduly hampered the efforts of those who conscientiously worked to review the program under the applicable legal standards, since the three-day extension of the comment period more than made up for the holidays during the comment period. The extensive and detailed comments actually submitted by many commenters, including the coal industry, confirm the Secretary's view.

2. One commenter argued that the Secretary must specifically answer in detail all comments which "do not match the Federal Act." The Secretary interprets this to mean that the commenter wishes him to consider comments which criticize the wisdon of the State rules rather than comparing the State and federal rules to determine whether they are consistent.

However, under Section 503(a)(7) of SMCRA, the Secretary is authorized only to determine whether the State rules are consistent with the federal rules; furthermore, under Section 505, State provisions which are more stringent than the federal provisions may not be deemed inconsistent with the federal provisions. Thus, the Secretary may not disapprove State rules which impose requirements in addition to, or requirements which are more strigent than, the federal requirements; he also may not impose upon the States any requirements beyond those in the federal regulations. The public has already had an opportunity to comment on the wisdom of the federal rules themselves and to challenge in court those which they believe to be unwise or illegal. Further, the public will have an opportunity to comment on the wisdom of the State rules when the State completes its public participation requirements for its permanent regulations. If at that time the State decides in response to public comments to change any of its rules, it may do so under the program amendment provision, 30 CFR 732.17, as long as its rules do not become less stringent than the Federal program.

3. One commenter argued that West Virginia's submission fails to consider the distinct differences between surface and underground coal mining, as required by Section 516 of SMCRA and Section 20–6–14(a) of the State law. Although the commenter alleged that there are numerous problems presented by the State submission because of this alleged failure, no specific instances were identified. As discussed in the reponse to comment No. 2, the issue considered by the Secretary in deciding whether to approve State programs is whether a State's provisions are consistent with federal requirements. The commenter's specific allegations, if any, should be directed to the State in its permanent rulemaking procedures. With regard to the federal regulations on which the Secretary's review is based, the Secretary took the distinct differences between surface and underground mining into account and provided an opportunity for public comment when he promulgated the permanent federal regulations.

4. WVCA argued that the Federal regulations require that enacted State regulations be submitted but that West Virginia's regulations do not meet this requirement because they are in draft form with an additional process required before they can be enacted. WVSMRA also noted that the Federal Register notice of October 20, 1980, which partially approved the West Virginia program, stated that 30 CFR 732.11(d), as amended [45 FR 33927 (May 20, 1980)], requires that regulations be enacted by the 104th day after submission. WVCA and WVSMRA quoted portions of the October 20 notice which stated that the Secretary could not consider West Virginia's regulations because they were not enacted. They argued that because the State regulations were still not enacted as of the date of the public hearing, January 5, 1981, the Secretary cannot consider them.

The regulations which the Secretary is approving are being enacted as emergency regulations simultaneously with the Secretary's approval, a process which under W. Va. Code, Section 29A-3–14, is done immediately without further procedures (although hearings will be required to make the rules permanent). This meets the requirement of Section 503(a)(7) of SMCRA, which provides that in order for a State program to be approved, the State must be capable of carrying out the purposes of SMCRA through regulations consistent with the Secretary's regulations. There is no statutory requirement that the State regulations be enacted *before* approval.

The 104-day rule cited by WVSMRA, 30 CFR 732.11(d), as amended [45 FR 33927 (May 20, 1980)], governs the initial submission process, not the resubmission process. If the Secretary were to interpret the 104-day rule as applying to resubmissions, no State program which was initially disapproved because of failure to have enacted regulations by the 104th day after submission could ever receive approval on resubmission, since it would still fail to have had enacted regulations on the 104th day. The purpose of the 104-day rule was to assist commenters by insuring that the State program would be "fixed" at some point, rather than allowing it to change from day to day, which would make it difficult for commenters to keep up with program changes. This rule was not related to the requirement of Section 503(a)(7) of SMCRA that a State have effective regulations when the State program is approved. The policy of assisting commenters was met in the process of considering the West Virginia program by the Secretary's offer, 45 FR 83546 (December 19, 1980) to keep a list of anyone wishing to be kept apprised of changes to the program and to contact these people when changes were

made—an offer of which no one took advantage.

The language quoted by WVSMRA from the October 20 notice announcing the Secretary's initial decision does not support its allegation that the Secretary may not consider draft regulations which are enacted concurrently with conditional approval. That quoted language relates the application of the 104-day rule to the initial decision and in no way suggests that the rule would apply to the resubmission. Finding 7 of that notice, which WVSMRA cites as supporting its view, merely states that under Section 503(a)(7) of SMCRA the Secretary cannot approve a program which lacks enacted regulations. He is not doing so here, as the State rules are being enacted concurrently with this approval.

5. Several commenters stated that West Virginia violated the provisions of *W. Va. Code*, Section 20–6–23b by submitting a program to OSM which contained provisions which were more stringent than federal law and regulations. Section 23b was added to Chapter 20, Article 6, by H.B. 1404 in 1979. This section authorizes the DNR and the West Virginia Joint Committee on Government and Finance to develop a program which allows West Virginia to gain primacy under Section 503 of SMCRA. Subsections 23b (b), (c), and (d) expressed the legislature's disapproval of provisions in the State program which are more stringent than the federal law and required that any existing provisions which were more stringent be submitted to the Joint Committee by May 1979. Under Subsection 23b(e) the Joint Committee was required to insure that the intent of Section 23b was carried out and to recommend proposed surface mining legislation to the legislature by January 1980. All of these requirements were met. The legislation recommended by the Joint Committee became H.B. 1529, which is the effective West Virginia surface mining statute upon proclamation by the Governor that the West Virginia proposed program had been approved by the Secretary of the Interior.

It is DNR's position (Administrative Record No. WV 352) that to the extent that H.B. 1404 imposed any obligations on DNR and the Joint Committee, those obligations were fulfilled by the actions of May 1979 and January 1980. It is also DNR's position that its actions in program development were ratified as being in compliance with the entirety of Section 23b by the Joint Committee's recommendations to the legislature pursuant to Subsection 23b(e).

Based on the foregoing, the Secretary finds the provisions of the West Virginia program to be fully authorized by State law, even though some provisions may be classified as more stringent. As pointed out above in Part B, "Secretary's Findings," except for those provisions upon which a condition has been placed, the West Virginia program is consistent with and at least as stringent as the federal requirements. In addition, as discussed in response to comment 2 above, if any portions of the West Virginia program are more stringent than the federal rules, Section 505(b) of SMCRA makes it clear that they are to be construed as consistent with the federal requirements.

6. The following is OSM's response to comments made by WVSMRA and other commenters on the following definitions contained in the State regulations:

a. WVSMRA argued that the phrase "or the State as a result of bond forfeiture to reclaim it under State or Federal Law" contained in State Regulation Section 2.01 defining "Abandoned Coal Waste Disposal Area" is not accurate or necessary. However, this does not affect the consistency of the State regulation with the federal requirements in Section 404 of SMCRA, 30 CFR 816.81 and 816.87.

b. Several commenters argued that the listing of specific seam names in the definition of "Acid Producing Overburden" is misleading since "some of the seams in some areas of the state have differing characteristics." However, this has no effect on the consistency of the State Regulation Section 2.05 with the term "Acid Forming Materials" in 30 CFR 701.5, as used in 30 CFR 779.14. The Secretary has no power to require a change in this definition of acid-producing overburden.

c. WVSMRA argued that State Regulation Section 2.13, which defines "Best Technology Currently Available", is too broad because it gives the Director of the Department of Natural Resources discretion to require equipment, devices, systems methods or techniques. However, the provision is consistent with federal requirements in 30 CFR 701.5, and the Secretary has no authority to require the change.

d. It was argued that State Regulation Section 2.18, defining "Coal Processing Plant," should be rewritten because in West Virginia it is not possible to expect a coal processing plant to have control over all roads, railroads and other transportation facilities. The State regulation is identical to the definition in 30 CFR 701.5. However, see Finding 14.6.

e. A commenter stated that in State Regulation Section 2.49, "fragile lands" should be defined to be "what fragile lands actually are and not what the federal regulations say they are." The State regulations are identical to 30 CFR 762.5 and are consistent with federal requirements.

f. WVSMRA criticized the State's definition of "growing season" under State Regulation Section 2.54 and argued that it should be changed because in West Virginia a growing season is not one year. In finding 13.2 it is determined that the State regulations are consistent with federal requirements.

g. A commenter believed that State Regulation Section 2.56, the definition of "haulageway or access road," is too broad because it follows a federal definition which was designed to solve problems in states other than West Virginia. The West Virginia regulation is consistent with the federal definition in Section 701(28) of SMCRA and 30 CFR 701.5, and the Secretary has no authority to require this change.

h. A commenter stated that the West Virginia definition in State Regulation Section 2.60 of "historic lands" is too broad because it includes any land which is *eligible* for listing on a State or National Register of Historic Places instead of just lands which are actually *considered* historic. The State Regulation is identical to 30 CFR 762.5 and is consistent with federal requirements.

i. A commenter stated that in State Regulation Section 2.81, defining "Occupied Dwelling," dwellings occupied on a temporary basis should not be considered occupied and that "regular" basis should be defined using number of days. The State regulation is identical to 30 CFR 761.5 and is consistent with federal requirements. The Secretary has no authority to require this change.

7. The following is the Secretary's response to comments submitted by WVSMRA which address provisions of the WV SCMRA and generally do not address possible inconsistencies between the federal Act and the West Virginia law. The comments relating to the following West Virginia statute sections are merely objections to the federal requirements. Some are covered in Findings.

a. Section 20–6–17(d) of the WV SCMRA, governing the imposition of civil penalties by the magistrate courts. Finding 19.1.

b. Section 20–6–17(a) of the WV SCMRA, governing the issuance of notices of violation.

c. Section 20–6–18(a) of the WV SCMRA, governing the issuance of permits by the Director.

d. Section 20–6–22(d)(1) of the WV SCMRA, prohibiting surface mining activities in national parks, wildlife refuges, recreation areas, etc.

e. Section 20–6–3(2) of the WV SCMRA, defining "adequate treatment" of water. Finding 13.12.

f. Section 20–6–(a)(3) of the WV SCMRA, requiring for each permit application a statement of any current surface mining permits held by the applicant. Finding 14.1.

g. Section 20–6–10(a)(5) of the WV SCMRA, requiring from each permit applicant a statement of whether the applicant or any officer, partner, etc. has ever been an officer, partner, etc. in any company which has ever held a federal or State mining permit which in the previous five years has been suspended.

h. Section 20–6–10(b) of the WV SCMRA, governing the payment by the State for the cost of certain test data for small operators.

i. Section 20–6–10(f) of the WV SCMRA, requiring that the permit applicant file as part of his permit application a schedule listing all his or her bond forfeitures, permit revocations, cessation orders, etc. Finding 14.3.

j. Section 20–6–14(b)(12) of the WV SCMRA, which relates to the location of openings for all new drift mines in acid-producing or iron-producing coal seams. Finding 13.10.

k. Section 20–6–15(g) of the WV SCMRA providing for inspections following citizen complaints inspections.

l. Section 20–6–16(a) of the WV SCMRA, giving the inspector the authority to issue cessation orders. Finding 20.1.

m. Section 20–6–24(a) of the WV SCMRA, relating to the reclamation board of review.

n. Section 20–6–40(a) of the WV SCMRA, regarding conflict of interest. Finding 23.

8. The Carbon Fuel Company submitted comments on a number of West Virginia regulations which Carbon identified as being more stringent than the federal regulations. As discussed above in the response to comment 2 and in the general discussion under "Disposition of Public Comments," the Secretary may not disapprove State provisions that are more stringent than the federal requirements.

a. State Regulation Section 2.39, which defines "downslope" to include mining-related construction, is consistent with the federal definitions of 30 CFR 701.5.

b. State Regulation Section 3G.02a, which requires that the permit application include maps showing the location of all buildings on and within 1,000 feet of the proposed permit area, is consistent with 30 CFR 779.24.

c. State Regulation Section 3H.02a.2, which requires the applicant to specifically request for each existing structure an exemption from the design criteria required by SCMRA, is consistent with 30 CFR 780.12.

d. State Regulation Section 3H.02b., which requires the applicant to submit the necessary modifications in the event he fails to qualify for the exemption provided for existing structures, is consistent with 30 CFR 780.12.

e. State Regulation Section 4A.01a., which requires certain data in the description of transportation facilities, is consistent with 30 CFR 780.37.

f. State Regulation Section 4A.01d., which could, according to the comment, be read to cover existing railroad lines all the way to the market if under common ownership, is consistent with 30 CFR 701.5 and 30 CFR 780.37. (See comment No. 6d. and Finding No. 14.6.)

g. State Regulation Section 4A.02b., which provides the construction requirements for road fills, is consistent with 30 CFR 816.71.

h. State Regulation Section 4A.06, which requires dust control from the surface of haulageways or access roads, is consistent with 30 CFR 780.15.

i. State Regulation Section 4A.13d, which requires that other transportation facilities shall, unless exempted, be designed, constructed and maintained, and the area restored to control and minimize air pollution, is consistent with 30 CFR 780.15.

j. State Regulation Section 4B.06e.3., which requires that a request to leave a structure in place after the final release must contain a statement signed by the landowner and the operator, is consistent with 30 CFR 780.23.

k. State Regulation Section 4C.04c., which requires that the maximum air blast level of 128 decibel linear peak shall not be exceeded at any residence or occupied structure within one-half mile of the blast site, is consistent with 30 CFR 816.65.

l. State Regulation Section 4C.04f.1., which requires that, except under certain conditions, blasting shall not be conducted within 1,000 feet of any building used as a dwelling, school, church, hospital or nursing facility, is consistent with 30 CFR 816.65. (See discussion of remanded regulations in response to comment 9 below.)

m. State Regulation Section 5A.01a.1., which requires that the "Notice of Intent" shall identify the boundaries of the property to be prospected and the surface and mineral owners of the tract, is consistent with 30 CFR 776.11.

n. State Regulation Section 4A.11, which requires that existing roads used for access or haulage comply with certain regulations, is consistent with Section 701(28) and 515(b)(17) of SMCRA. (See response to Comment 9e. below.)

o. State Regulation Section 4A.07, requiring sediment control provisions for roads and other transportation facilities, is consistent with Sections 701(28) and 515(b)(17) of SMCRA. (See response to Comment 9d. below.)

p. State Regulation Section 4A, which applies to short term roads such as exploration roads, is consistent with Section 701(28) and 515(b)(17) of SMCRA and 30 CFR Part 776.

9. Consolidation Coal Company and the WVCA commented that several provisions of the State regulations contain requirements corresponding to federal provisions which had been remanded or suspended. While this is correct, the Secretary cannot require the State to delete these requirements. The court ruled in *In re: Permanent Surface Mining Regulation Litigation,* Civil Action No. 79–1144 (D.D.C., August 8, 1980) that regulations which a State promulgates after the court's decision or for which the State requests approval, are not to be disapproved. Since all of the West Virginia regulations were promulgated after May 16, 1980 and in addition, on September 4, 1980, Director David C. Callaghan of the West Virginia DNR requested approval of all State regulations which correspond to remanded or suspended federal regulations (Administrative Record No. WV–200), the Secretary has no authority to require that they be deleted from the program. Also see response to comment 2.

Below is a listing of State regulations included in the above comment:

a. State Regulation Section 2.51, which defines the term "fugitive dust" and is related to remanded regulation 30 CFR 816.95. (Note, however, that the federal definition of fugitive dust has not been remanded or suspended.)

b. State Regulation Section 2.60, which defines historic lands.

c. State Regulation Section 4A.03, regarding stream crossings.

d. State Regulation Section 4A.07, regarding sediment control for haulageways and access roads.

e. State Regulation Section 4A.11, regarding existing haulageways or access roads.

f. State Regulation Section 4B.06b, relating to sediment storage volume.

g. State Regulation Section 4D.02a, relating to the premining use of land.

h. State Regulation Section 4D.04d, relating to letters of commitment.

i. State Regulation Section 4E.01, relating to fish and wildlife information.

j. State Regulation Section 4F.09d.2, which relates to standards for evaluating vegetative cover.

k. State Regulation Section 46.03, regarding prime farmlands requirements for underground mines.

l. State Regulation Section 4G.05e.1, regarding compaction of soils for prime farmlands.

m. State Regulation Sections 4G.06b. and 4G.06c, relating to actual crop production on prime farmlands.

n. State Regulation Section 4H.02, addressing escrow accounts and self-bonding.

o. Chapter 3.5 of the Technical Handbook, relating to cleanout of sediment basins at the 60% level.

p. Chapter 3.6 of the Technical Handbook, addressing storage of sediment.

q. Chapter 4.8 of the Technical Handbook, relating to NPDES Standards.

r. Chapters 13.2, 13.4.2, 13.8.3, 13.10, 13.12, 13.15, 13.17, 13.19 and 13.21 of the Technical Handbook, addressing haulageways or access roads.

s. Chapter 13.8 of the Technical Handbook, which relates to culverts for haulageways and access roads.

10. One commenter pointed out that there are two titles numbered "4A" in the State's rules and recommended that the second title, "Transportation Facilities," be dropped. This error does not affect the consistency of the State program with the federal requirement.

11. One commenter stated that the titles of State Regulation Sections 4 and 4A are switched. This does not affect the consistency of the State rules with the federal provisions.

12. One commenter stated that State Regulation Section 4A.01c. is incoherent, conflicting and unintelligible because it is not a properly constructed sentence and refers to alternative specifications while stating that alternatives are not allowed. These editorial deficiencies do not interfere with the meaning or the consistency of the regulation with federal requirements.

13. Consolidation Coal Company and WVCA criticized various aspects of the State program. The following sections, alleged to be more stringent than federal law, have been reviewed and are found to be consistent with the SMCRA and 30 CFR chapter VII requirements or to impose a requirement not presently contained in federal law:

State Regulation Section 2.11, regarding the definition of buffer zone, the commenter states, should contain a clarification of intermittent stream. The definition is consistent with the requirements of 30 CFR 816.57 and a further clarification is not necessary.

State Regulation Section 2.18, which defines coal processing plants, is consistent with 30 CFR 701.5. The commenter request a clarification because "as currently written this could well include all the *rail* of the C & O railroad." However, further clarification is not necessary for consistency with the federal regulation.

State Regulation Section 2.51, which defines fugitive dust, is consistent with 30 CFR 701.5, for the reasons discussed in response to comment 9.

State Regulation Section 2.60, which defines historic lands, is consistent with 30 CFR 701.5, for the reasons discussed in the response to comment 9.

State Regulation Section 2.68, which defines intermittent streams, should not be changed as the commenter states because to do so would exclude all surface runoff intermittent streams.

Redefinition of State Regulation Section 2.92, to exclude the term "bond" from the pre-plan, is not necessary because it would merely be a clarification of a regulation that is consistent with federal requirements.

State Regulation Section 2.105, which defines sediment control structures, is consistent with 30 CFR 701.5. Language almost identical to that which the commenter wants deleted appears in the federal definition of "sedimentation pond."

The commenter asks for a clarification of State Regulation Section 3A.02, regarding the submission and approval of phased applications. This regulation meets the federal requirement of 30 CFR 771.21 and a mere clarification cannot be required.

The commenter requests that State Regulation Section 3A.02c., be reworded to require the director of the DNR to allow an operator to continue to operate after eight months from the date of approval of the state program if he or she has shown a good faith attempt to submit complete permit applications. The Director's discretionary authority is consistent with 30 CFR 701.11(a) and the State need not make the requested change.

The commenter states that state Regulation Section 3A.03, should be deleted because it has no basis in law or existing regulations. The legal basis is W. Va. Code Section 20–6–15(a)(1). The commenter further objects to the Director's requiring from operators a schedule for compliance with DNR regulations. While Section 3A.03 is not required by federal law, it is within the State's prerogative to require this.

The commenter request that State Regulation Section 3B.02c., addressing information to be contained in the public notice for filing of permit applications, be changed to require legal advertisements "in an abbreviated form". The regulation is consistent with 30 CFR 786.11(a) and the change requested is not necessary.

The commenter requests that State Regulation Section 3B.02e., regarding proof of public notices for the filing of permit applications, be deleted because it is not required in the Federal Act. This regulation is consistent with 30 CFR 778.21 and 782.21 and the fact that there is no comparable federal provision does not require deletion.

The commenter requests the deletion of a map scale requirement from State Regulation Section 3C.02, regarding final maps for prospecting operations because it is covered in another State regulation. This provision is consistent with 30 CFR 771.23 and a further clarification is not necessary.

The commenter requests in State Regulation Sections 3C.03, 7A.01c.1., 8A.01c.1., 9A.01a., 10B, and 10B.05b., regarding the size of maps, certain changes in size. This provision is consistent with 30 CFR 779.24 and 783.24 and it is within the states prerogative to establish map sizes.

The commenter objects to State Regulation Section 3E.02, regarding testing of engineers or surveyors, because the commenter believes State registration should be adequate proof of a person's qualifications. The State regulation is consistent with 30 CFR 780.14(c) and 783.23(c) and it is within the state's discretion to require additional proof of qualifications.

The commenter requests a clarification of State Regulation Section 3G.01, regarding permit application plans. The regulation is consistent with 30 CFR 780.11 and 784.11 and a mere clarification is not necessary.

The commenter requests a change in State Regulation Section 3G.02, regarding required maps to require *USGS* maps. The State regulation is consistent with 30 CFR 779.24 and 783.24 and the requested change is not necessary.

The commenter asked for an unspecified clarification of State Regulation Section 3G.03, regarding permit term information and general environmental resources information. The State regulation is consistent with 30 CFR 778.17(a), 779.12(a), 782.17(a) and 783.12(a), and the Secretary has no authority to require additional clarification.

The commenter requested deletion of the word "Premining" in State Regulation Section 3G.04, regarding cross-sections for existing *premining* surface configurations. The regulation is consistent with 30 CFR 779.25(k) and 783.15(k) and there is, thus, no basis for the requested change.

The commenter requested a clarification of "pre-existing" in State Regulation Section 3H.02, regarding pre-existing as opposed to existing in State regulation 2.45. The State regulation is consistent with 30 CFR 780.12(b) and 784.12(b) and there is no basis for requiring the clarification requested.

State Regulation Section 3H.04, regarding experimental practices, is consistent with 30 CFR 785.13(h)(3) for the reasons discussed in Finding 13.15.

The commenter stated that State regulation Section 3Q.06 does not provide the specific exemption of 30 CFR 761.13(b) for preventing lands unsuitable designation when a permit has been issued. The exemption, while not explicit in the State regulation, need not be further clarified because it is within the State's prerogative to provide a more narrow exemption than that of 30 CFR 761.13(b).

The commenter objected to State Regulation Section 4A.01a., concerning general permit application requirements, stating that this regulation must be affirmatively disapproved because it is more stringent and because the federal regulations contain no comparable provision. The provision is consistent with the federal program, and the Secretary has no authority to require this change.

State Regulation Section 4A.01c., regarding geotechnical analysis, was objected to as being unintelligible and incoherent. The State is permitted to establish its own requirements within the confines of the federal regulation. While parts of this regulation may be confusing, it is consistent with the requirements of 30 CFR 771.23(a) and there is no basis for rejecting it.

The commenter objected to State Regulation Section 4A.01d., addressing control of railroads. However, this provision is consistent with 30 CFR 780.37 and 784.24 for the reasons discussed in Finding 14.6.

State Regulation Section 4A.06, which addresses dust control from haulageways and access roads, is consistent with 30 CFR 816.95 and 817.95.

State Regulation Section 4A.13, which addresses railroad loops, spurs, sidings, surface conveyor systems, chutes and aerial tramways, is consistent with 30 CFR 816.180 and 817.180.

The commenter criticized State Regulation Section 4B.03, requiring "buffer zones" along intermittent streams. However, this provision is consistent with 30 CFR 816.57 and 817.57.

Although the commenter asked that State Regulation Section 4B.04, requiring that diversions be capable of diverting a 10-year, 24-hour precipitation event, be changed to include only permanent diversions, the West Virginia Regulation is consistent with 30 CFR 816.43(b) and 817.43(b) and there is no basis for requiring the change.

The commenter asked that State Regulation Section 4B.06, requiring runoff from disturbed areas to pass through a sedimentation pond, be changed to eliminate runoff from roads. This regulation is consistent with 30 CFR 816.42(a)(4) and 817.42(a)(4).

The commenter objected to State Regulation Section 4B.08, regarding intermittent streams. However, this provision is consistent with 30 CFR 816.57 and 817.57.

The commenter objected to State Regulation Section 5A.01b.3., regarding notice of intent to prospect, as being overly broad because it includes persons "associated with" the person filing the Notice of Intent. This regulation is consistent with 30 CFR 776.11.

The commenter objected to State Regulation Section 4C.02a., which limits the blasting notice to cover an area no larger than 300 acres. This requirement is consistent with 30 CFR 816.64(b)(2)(i) and need not be deleted.

The commenter stated that State Regulation Section 4C.04e. does not clearly indicate whether the State requires air blast monitoring by the operators. The State rule is consistent with 30 CFR 816.65(e)(4) and 817.65(e)(4).

The commenter stated that State Regulation Section 4C.04h., regarding blasting, does not meet the federal requirements. See Finding 13.30.

The commenter objected to West Virginia State Regulation Section 4D.02a., regarding postmining land use, alleging that it places an additional requirement for comparison to land that has been properly managed. This is consistent with 30 CFR 816.133(b).

The commenter objected to State Regulation Section 4F.01a., regarding revegetation, allegeding that it adds provisions for providing economic benefit and restoring aesthetic appeal. There is no basis for requiring the deletion of these provisions merely because there is no federal counterpart.

The commenter objected to State Regulation Section 4F.08, establishing mulching rates, because the commenter believes that a hydroseeder can not apply mulch so heavily. The State regulation is consistent with 30 CFR 816.114 and 817.114.

The commenter objected to State Regulation Section 4F.09f.2.a., because the State regulation requires 600 trees per acre, while 30 CFR 816.117(b)(1) and 817.117(b)(1) require only 450 trees per acre in stocking for commercial woodlands. The State provision is consistent with the federal rule.

The commenter objected to State Regulation Section 5B.01b.7. regarding drilling exemptions. See response to 5A.016.3., above as the same response applies.

The commenter stated that State Regulation Section 5B.02, regarding off road travel, is already covered by Section 5B.02a. This does not make the State rule inconsistent with any federal provision.

The commenter requested the exclusion of roads from State Regulation Section 5B.04, regarding drainage, arguing that prospecting roads are infrequently used. The State rule is consistent with the federal requirements. The commenter objected to the requirements in State Regulation Section 5B.05a. regarding prospecting on steep slopes. This regulation is consistent with 30 CFR 815.15.

The commenter objected to State Regulation Section 5B.05h., regarding revegetation of prospecting areas, arguing that future mining activities would render revegetation useless. This regulation is consistent with 30 CFR 815.15(f).

The commenter asked that State Regulation Section 5B.06(L) be deleted because registration requirements are already spelled out in Section 5B.07. This appears to be an improper cite, as there is no Section 5B.06(L).

The commenter asked for a definition of mine site in State Regulation Sections 6A.02a.5., 7A.02a.5. and 8A.02a.5., regarding the request for additional information by the Director on a permit application. These provisions are consistent with 30 CFR 779.15 and 783.15 and the definition need not be added to meet federal requirements.

The commenter asked that the State not consider potential uses of water in State Regulation Sections 6A.02a.6., 7A.02a.6., 8A.02a.6. and 8B.07b.2., regarding ground water analysis. These regulations are consistent with 30 CFR 779 and 783.

The commenter objected to the State's requirement for the use of rain gauges in State Regulation Sections 6A.02c., 7A.02c., and 8A.02c. This requirement is consistent with 30 CFR 779.18(a) and 783.18(a).

The commenter objected because 30 CFR 779.24(b)(1) allows for field estimates of compaction and erodibility while State Regulation Sections 6A.03a.3., 7A.03a.3. and 8A.03a.3., regarding overburden analysis, do not. The State regulations are consistent with the federal rules.

The commenter requested State Regulation Sections 6A.03b., 7A.03b. and 8A.03b., require a response by the Director to the operator within 10 days if data are available from previous investigations. The regulations are consistent with 30 CFR 779.14(b)(3) and 783.14(b), and the ten day limit need not be added.

The commenter requested that State Regulation Sections 6A.02, 7A.02, and 8A.02 include a definition of "mine site." There is no federal requirement for such a definition.

State Regulations Sections 6B.03b., 7B.03b., and 8B.03b., regarding topsoil segregation, require the segregation of subsoil. The commenter believes the Director should have discretion not to impose this requirement. This regulation is consistent with 30 CFR 816.22(c) and 817.22(a).

The commenter stated that State Regulation Section 6B.04a., regarding water quality control, should not require that water leaving the permit area shall not violate the water quality standards of the water into which it is discharged, arguing that OSM only applies this requirement to runoff from reclaimed areas. This provision is consistent with 30 CFR 816.42(a)(2) and 817.42(a)(2).

The commenter stated that State Regulation Section 6B.04b., regarding the discharge of water from a permit area, is unclear as to which standard applies. Such clarification is not necessary because the State regulation is consistent with 30 CFR 816.41(c).

The commenter requested that State Regulation Sections 6B.04b.1. and 9B.03b.1., regarding the discharge of water from a grade, be changed to allow for the consideration of existing background levels, in determining allowable effluent concentrations. The State regulation is consistent with 30 CFR 816.42 and 817.42.

The commenter objected because State Regulation Sections 6B.04f.2., 7B.04Af.2. and 8B.04f.2. do not allow the discharge of materials into underground workings, arguing that 30 CFR 816.55 and 817.55 allow such discharges. The State rules are consistent with the federal requirements.

The commenter argued that State Regulation Sections 6B.05b., 7B.06b. and 8B.05b. attempt to allow lesser amounts of cover than do 30 CFR 816.103(a) (1) and (4) and 817.103 (1) and (4) regarding the treatment of toxic materials. The State rules are consistent with the federal requirements.

The commenter stated that State Regulation Section 6B.06a.2., regarding the sampling of water discharged from a permit area, should not require *daily* sampling. This is consistent with 816.42 (a)(2) and 817.42(a)(2).

The commenter argued that State Regulation Section 6B.09b.9., regarding the variance from reclamation requirements, should give the Director discretion to allow underground mining to commence more than one year after the completion of surface mining activities. This regulation is consistent with 30 CFR 816.101, 816.102, 817.101 and 817.102.

The commenter criticized State Regulation Section 7A.01c.1., regarding the size of permit maps. However, the rule is consistent with 30 CFR 771.23(e).

The commenter states that State Regulation Section 7A.01c.2., which addresses the *preferred* scale of maps used in a permit application, should address only the *suggested* scale. This provision is consistent with 30 CFR 771.23(e)(1).

The commenter objected to State Regulation Section 7A.01c.12., requiring a map showing fish and wildlife facilities. This regulation is consistent with 30 CFR 779.24(1), 779.25(b), 783.24(1) and 783.25(b).

The commenter requested further guidance as to where signs may be required. State Regulation Section 7B.01a., regarding permanent monuments, is consistent with 30 CFR 816.11(c) and 817.11(c). The Secretary notes that the State rule clearly requires that a monument be posted at the entrances to public roads.

The commenter requested that State Regulation Sections 7B.01b., 8B.01b. and 10C.01b., regarding perimeter markers, be deleted. However, these regulations are consistent with 30 CFR 816.11(d) and 817.11(d).

State Regulation Section 7B.01f. concerns the marking of slope measurements. The commenter desires that this marking be restricted to within 300 feet of the face-up area for a deep mine. However, the regulation is consistent with 30 CFR 816.11 and 817.11.

The commenter stated State Regulation Section 7B.03e.2., regarding topsoil substitutes, should require approved methods rather than approved laboratories for certification of soil test. This requirement is consistent with 30 CFR 816.22 and 817.22.

The commenter requested that State Regulation Section 7B.04a., regarding water quality standards and the reference to "pit area", be deleted in part. However, this provision is consistent with 30 CFR 816.42 and 817.42.

The commenter requested that State Regulation Section 7B.04d.1., regarding the regulation of water breakthroughs, be deleted. However, this provision is consistent with 30 CFR 816.41 and 817.41.

The commenter requested that State Regulation Section 7B.04d.2., regarding breakthrough procedures, be deleted because it reiterates a previous regulation. This does not make the State rule inconsistent with the federal rules.

The commenter objected to State Regulation Section 7B.05a., regarding discharge from underground operations, arguing that it should be clarified. However, the rule is consistent with 30 CFR 817.50(c).

The commenter requested that State Regulation Section 7B.06a.1., regarding the disposal of acid-forming and toxic-forming material and the treating of such material to prevent adverse effects on water quality, be replaced by the language of 30 CFR 816.48 and 817.48. The State rule is consistent with the federal requirements.

The commenter desires the recording of only precipitation events in excess of 1." However, State Regulation Sections 7B.07a.1., 8B.06a.1. and 9B.05a.1. are consistent with 30 CFR 816.52(b) and 817.52(b). These federal rules authorize the regulatory authority to adopt standards on the nature of data requirements and frequency of collection.

The commenter requested that State Regulation Sections 7B.07b.3. and 8B.06b.3., regarding submission of monthly reports of records pertaining to testing dates and analytical data to the Director, be deleted. However, the State rule is consistent with 30 CFR 816.52(a) and 817.52(a).

The commenter desires the inclusion of a phrase concerning weather conditions in State Regulation Section 7B.10a.1., regarding temporary revegetation. However, the rule is consistent with 30 CFR 816.113 and 817.113.

The commenter requested a longer period of time to accomplish grading. However, State Regulation Section 7B.11b., regarding backfilling and grading, is consistent with 30 CFR 816.101 and 817.101.

The commenter asked for inclusion of a definition of "material damage" in State Regulation Section 7C.02, regarding subsidence and surface owner protection. However, the rule is consistent with 30 CFR 817.124.

The commenter desires that the State include a provision concerning valid existing rights in State Regulation Section 7C.02b., regarding standards for surface effects of underground mining, is consistent with 30 CFR 817.124.

The commenter objected to State Regulation Section 7C.03a., which

prohibits underground mining beneath perennial streams and impoundments unless the Director determines subsidence will not cause material damage. However, the existing state language is virtually identical to 30 CFR 817.126(a).

The commenter objected to State Regulation Section 7C.03c., which prohibits underground mining beneath public buildings without the Director's authorization. However, the rule is consistent with 30 CFR 817.126(c). The State rule authorizes the Director to provide the requested flexibility.

The commenter requested director discretion in State Regulation Section 7C.04, concerning subsidence control plans. This regulation is consistent with 30 CFR 784.20.

The commenter asked for a clarification of State Regulation Section 8A.01, regarding "at or near the mine site." This regulation is consistent with Section 701(28) of SMCRA and further clarification is not necessary.

State Regulation Section 8A.01c.2., which requests that maps be on a scale of 1:2400, is consistent with 30 CFR 771.23. See response to comment on State Regulation 7A.01c.2., above.

The commenter questioned the use of the word "premining" in State Regulation Section 8A.02b, regarding surface water requirements for incidental facilities. This usage is consistent with 30 CFR 779.16 and 783.16 and premining need not be changed to "existing" as the commenter suggests.

The commenter requested in State Regulation Section 8A.03a., concerning geological information, a reduction in the requirement for a description of the geology. The State Regulation is consistent with 30 CFR 779.14 and 783.14 and the change is not necessary for meeting federal requirements.

The commenter suggested that State Regulation Section 8B.05, regarding permanent facilities, provide certain exemptions for permanent facilities not involved in the excavation, loading, etc., of coal. This Section is consistent with SMCRA Section 701 and 30 CFR Part 827 and a broadening of the exemption is not required.

The commenter asked for a clarification of State Regulation Section 8B.01a., which addresses signs and markers. This regulation is consistent with 30 CFR 816.11 and 817.11 and a clarification is not necessary.

The commenter asked for a clarification regarding the certification of soil testing in State Regulation Section 8B.03e.2. The regulation is consistent with 30 CFR 816.22(e)(ii) and 817.22(e)(ii) and a clarification is not necessary.

The commenter asked for an addition to include sludged in State Regulation Section 8B.04f.2., regarding discharge of water into an underground mine. This regulation is consistent with 30 CFR 816.55(c)(4) and (c)(5) and 817.55(c)(4) and (c)(5) and the additions are not necessary.

State Regulation Section 8B.08a.1, regarding temporary revegetation, requires revegetation within 30 days. The commenter requested the beginning of the next growing season. The regulation is consistent with 30 CFR 816.113 and 817.113 and the change is not necessary.

The commenter in State Regulation Section 8B.09g.1. and 2., regarding remining of previously mined areas, requested that a change be made to require only *new* highwalls be elminated.

This regulation meets the requirement of 30 CFR 826.15 and no change is necessary.

The commenter requested the addition of a reference and language modification to allow flexibility in State Regulation Sections 10A and 10A.01b.3., regarding coal waste piles and impounding structures for coal mine waste piles. However, the State rule is consistent with 30 CFR 816.81, 816.91(b), 817.91(b), 816.92(b), 816.93 and 817.93.

The commenter requested that a reference to Technical Paper 40 be added to Section 10A. Such a change is not necessary for meeting the federal requirement.

The commenter stated that State Regulation Sections 10B.03, 10B.04a.1.a., 10B.04a.1.e. and 10B.04b.3., regarding coal waste piles, contain unnecessary language which should be deleted. These regulations are consistent with 30 CFR 816.82, 816.42, and 816.81. The commenter also recommended adding flexibility to the design standards in Section 10B.04a.1.e. This section is consistent with the federal requirement and no further change may be required.

The commenter stated that State Regulation Section 10B.04a.1., regarding permanent structures, should clarify the meaning of the word permanent. This section is consistent with 30 CFR 816.49 and 817.49. A mere clarification is not required.

The commenter requested a clarification of State Regulation Sections 10B.04c.6.a.(iii) and 10B.04d., regarding coal waste piles, to provide for flexibility in construction methods. These sections are consistent with 30 CFR 816.49, 817.49, 816.83(a) and 817.83(a) and no clarification is required.

The commenter suggested that State Regulation Section 10B.04d.3., regarding predominant type of fill material, be changed to allow use of coal refuse material in underdrains. Section 10B.04d.3 is consistent with 30 CFR 816.72(b)(3) and 817.72(b)(3), which specify that underdrains shall consist of durable rock free of coal.

The commenter recommended deletion of the last sentence of State Regulation Section 10B.05b.2., regarding coal waste piles. This section is consistent with 30 CFR 816.81 and 817.81, and the Secretary has no authority to require deletion unless a section is inconsistent with federal requirements. The commenter also recommended adding the words "or otherwise per good engineering standards" to Section 10C.09.b.6. This section is consistent with 30 CFR 816.81 and 817.81 and no further change is required.

The commenter suggested that State Regulation Section 10C.05a.9., concerning the use of concrete in spillways and diversion construction, delete the words "and diversion ditches" in the first sentence. This section is consistent with the federal requirements, and no further change is necessary.

The commenter requested clarification of State Regulation Section 10C.06a.1., addressing drainage from acid-forming and toxic-forming underground development waste. This section is consistent with 30 CFR 816.48(c) and 817.48(c), and no clarification is required.

The commenter suggested that Chapter 3.4 of the Technical Handbook, which addresses drainage area and site evaluation and limitations, delete the mandatory requirement to use "Water Management Practices." Chapter 3.4 is consistent with 30 CFR 816.46 and 817.46, and no change is required.

The commenter stated the requirements to clean sediment ponds when sediment reaches the 60% level should be eliminated from Chapter 3.5 of the Technical Handbook. See response to Comment Number 9.

The Commenter stated that the requirements of Chapters 3.5, 4.6, 5.6, 7.5 and 14.5 of the Technical Handbook, regarding sediment control on pre-mining disturbances, should be deleted. These requirements are consistent with 30 CFR 816.42 and 817.42.

The commenter stated that Chapters 3.8 and 3.9 of the Technical Handbook, specifying technical requirements for the design of principal and emergency spillways, should be revised to allow site-specific design. These chapters are consistent with 30 CFR 816.49 and 817.49.

The commenter stated that Chapter 3.8.5.1.1 of the Technical Handbook,

regarding the thickness of pipe conduits in sediment dams (embankment type), should be revised to allow the thickness of pipe to be determined on a case-by-case basis. This requirement is consistent with 30 CFR 816.46(d) and 817.46(d).

The commenter stated that Chapter 3.8.6.2 of the Technical Handbook requiring dewatering devices for structures, including sedimentation ponds, should be revised to delete this mandatory requirement. This requirement is consistent with 30 CFR 816.46(d) and 817.46(d).

The commenter suggested that the requirement in Chapter 3.8.6.3 of the Technical Handbook for anti-seep collars to prevent seepage should not be required for corrugated metal pipe and may not be needed for other types of conduits. This requirement is consistent with 30 CFR 816.45(b)(6) and 817.45(f).

The commenter stated that the requirement in Chapter 3.8.6.4 of the Technical Handbook, specifying two suitable anti-vortex devices for sediment dams (embankment type), should be expanded to allow other devices. This requirement is consistent with 30 CFR 816.46 and 817.46.

The commenter stated that the requirement in Chapter 3.9.4.2 of the Technical Handbook, regarding emergency spillways in rock, should allow greater maximum velocity than that specified. This requirement is consistent with 30 CFR 816.46(i) and 817.46(i).

The commenter stated that the requirement in Chapter 3.9.5 of the Technical Handbook specifying two conditions for use of concrete spillways should be amended to allow use of concrete in accordance with good engineering practices. This requirement is consistent with 30 CFR 816.46 and 817.46.

The commenter stated that Chapter 3.10.2 of the Technical Handbook, regarding minimum top width of embankments, should be modified to allow a lower minimum top width. Chapter 3.10.2 is consistent with 30 CFR 816.46(l) and 817.46(l).

The commenter stated that Chapters 3.10.7, 11.7.4, and 13.10 of the Technical Handbook, relating to mulching and vegetation requirements, should be modified to allow delayed seeding until a more favorable planting season. These requirements are consistent with 30 CFR 816.113, 152 (c)(3) and (d)(15) and 817.113, 152 (c)(3) and (d)(15).

The commenter stated that the requirement in Chapter 4.32.d of the Technical Handbook, that inspection reports on embankment type sediment dams must be provided, should be changed to required only that such reports be made available if requested. The requirement is consistent with 30 CFR 780.25 and 784.16.

The commenter stated that Chapters 4.10 and 5.10 of the Technical Handbook, addressing entrance channel side slope configuration, should not require a 1 to 1 slope because this serves no purpose when the pond is discharging. These requirements, however, are consistent with 30 CFR 816.46 and 817.46.

The commenter stated that Chapter 4.12.5 of the Technical Handbook, which requires a design height of 10% to allow for settlement, should be changed to 5%, the federal requirement. The West Virginia requirement is consistent with 30 CFR 816.46 and 817.46. The State can exercise its discretion to set different standards so long as they are consistent with federal requirements.

The commenter stated that Chapters 4.12.9, 5.17.14, 6.14.7 and 7.14.8 of the Technical Handbook, which address vegetation protection against erosion, should be modified to allow delayed seeding until a more favorable planting season. These requirements however, are consistent with 30 CFR 816.46(s) and 817.46(s).

Consolidation Coal Co. argued that the requirement in Chapter 5.17.3 of the Technical Handbook, that embankment materials contain a certain amount of moisture, should be deleted because it is allegedly not of a technical nature. This requirement is consistent with the federal requirements.

Consolidation Coal Co. argued that Chapters 8.4 and 9.4 of the Technical Handbook, should not require that all valley and head-of-hollow fills have rock toe buttresses. The commenter argued that fills can be designed to have a 1.5 static safety factor without such buttresses. However, this requirement is consistent with 30 CFR 816.71(i), 817.71(i), 816.71(j) and 817.71(j).

Consolidation Coal Co. argued that Chapter 8.5 of the Technical Handbook, which requires rock fill drains in valley fills, should allow constructed underdrains instead. However, this provision is consistent with the federal requirements.

Consolidation Coal Co. argued that Chapter 10.4 of the Technical Handbook, which defines materials greater than 6" in diameter as rock and materials less than 6" in diameter and soil, should be deleted. However, this requirement is consistent with 30 CFR 816.74 and 817.74.

Consolidation Coal Co. argued that Chapter 10.5.4 of the Technical Handbook, regarding internal drainage for rock fills, should be more flexible by reflecting various alternatives for underdrains. However, the state's provision is consistent with 30 CFR 816.74, 817.74, 816.71, 817.71, 816.72, and 817.72.

Consolidation Coal Co. argued that Chapter 10.7.3 of the Technical Handbook, should not require that soil materials in durable rock fills be compacted to a certain degree. The commenter argued that compaction occurs automatically, due to dumping. However, the state provision is consistent with 30 CFR 816.74(a)(1) and 817.74(a)(1).

Consolidation Coal Co. commented that all of Chapter 10.8 of the Technical Handbook, which requires a registered professional engineer or qualified person under the direct supervision of a registered professional engineer to be retained at the site during the construction of the rock fill, should be deleted. The commenter argued that this requirement is excessive because the construction specifications for durable rock fills are no more difficult than those for other fills. However, this provision is consistent with 30 CFR 816.71(i) and 817.71(i).

Consolidation Coal Co. argued that Chapter 12.4.2 of the Technical Handbook, addressing velocity in stream channel diversions, should not require riprap in every case. However, this requirement is consistent with 30 CFR 816.41(d)(2)(v), 817.41(d)(1)(v), 816.43(f)(1) and 817.43(f)(1).

Consolidation Coal Co. argued that Chapter 13.17 of the Technical Handbook, regarding sediment control, should not require runoff from roads to pass through sedimentation ponds. However, this regulation is consistent with 30 CFR 816.46 and 817.46.

Consolidation Coal Co. argued that Chapter 13.21(5)(d) of the Technical Handbook, regarding plan, design data and construction specifications, should require that motor graders be used only where necessary to maintain cross slopes. However, this provision is consistent with the federal requirements.

Consolidation Coal Co. argued that Chapter 14.4 of the Technical Handbook, which requires that the plan concerning drainage areas use the methods of "Water Management Practices" in Chapter 19, should be deleted. The commenter argued that it is questionable whether this guide includes the best technology currently available. However, the provision is consistent with 30 CFR 780.11(b)(3), 784.11(b)(1), (6), 780.18(b)(5), (9) and 780.21.

II. Performance Standards

1. One commenter questioned the lack of criteria for the design and construction of "alternative outcrop barriers" in the State submission. The Secretary agrees, as discussed in Finding 13.4, and has conditioned his approval of West Virginia's program accordingly.

2. One commenter stated that the State had not justified the use of woodlands as an acceptable alternative land use for mountaintop removal as required by the Secretary in Finding 13.8 of the October 20 Federal Register notice. The commenter pointed out that no showing had been made to demonstrate that flat or gently rolling terrain would be "essential" for the woodlands use. However, the State has limited its discretion to allow woodlands in State Regulation Section 2.133 by allowing only commercial woodlands where flat or gently rolling land is essential. This qualification of the State provision satisfies the concern expressed in the Secretary's original Finding of October 20, 1980. The use of this provision by the State will be reviewed by the Department during its oversight responsibilities under the permanent program. This issue is discussed further in Finding 13.8.

3. On commenter stated that although an amendment will be submitted to the West Virginia Legislature to remove the provision allowing gravity discharge in iron and acid producing coal seams, he was concerned that the measure would have no chance of approval in the Legislature unless detailed information is presented by well-informed experts on the subject. This issue is addressed in Finding 13.10 wherein approval of the West Virginia program is conditioned upon the State amending its statute. OSM will attempt to give any assistance requested by DNR in providing technical information to the Legislature on this issue.

4. One commenter stated that the State regulations do not provide for the use of protective devices and temporary sealing to prevent access to drill holes by the public, livestock, wildlife and machinery. This issue is discussed in Finding 13.18.

5. One commenter asked for clarification of State Regulation Section 6B.07c.3. in light of the requirements of 30 CFR 824.11(a)(8). It is not clear that the State regulation prohibits discharges from a mountaintop removal operation through a valley fill, although this is current practice in the State. This issue was identified by OSM in the review of the program and was discussed in the December 30, 1980 meeting with the State. (See Administrative Record No. WV 313). West Virginia representatives stated for the record that State Regulation Sections 6B.07c.3. and 7B.07c.3. do not allow mountaintop drainage into or through a fill. This issue is discussed further in Finding 13.36.

6. One commenter stated that State Regulation Section 6B.07b. does not provide that auger holes must be located so as to leave room for future deep mining operations. This issue is discussed in Finding 13.20.

7. One commenter noted that State Regulation Section 6B.07e.1. provides a very broad exemption from the regrading standards for special land use considerations. This issue is discussed in Finding 13.24.

8. One commenter suggested State Regulation Section 4C.04g which requires two (2) inch per second peak particle velocity be changed to reflect the standard of one (1) inch per second as found in 30 CFR 816.65(i) and 817.65(i). This issue is discussed in Finding 13.30.

9. One commenter noted the absence of State regulations containing provisions and criteria for transfer of wells as found in 30 CFR 816.53 and 817.53. This issue is discussed in Finding 13.32.

10. One commenter stated that the phrase "not permitted under a general Surface Mining Permit" should be added to State Regulation Section 10A. While the federal regulations do not require separate permits for coal waste piles, it is entirely within the discretion of the State to require additional permits. The State regulations are consistent with 30 CFR 780.25.

11. Consolidation Coal Company commented that West Virginia requirements on the construction of end-dump fills, Chapter 10 of Technical Handbook, are more stringent than federal requirements and therefore are not authorized by Section 20–6–23b of the WV Surface Mining and Reclamation Act.

General comments concerning the effect of Section 23b have been disposed of in response to comment 5 of Section I, above. The commenter did not provide any reference to the portions of Chapter 10 of the Technical Handbook concerning end-dump fills which were considered more stringent. However, a comparison of 30 CFR 816.71, 816.74, 817.71 and 817.74 with the requirements of Chapter 10 of the Technical Handbook reveals that West Virginia requirements are consistent with the federal requirements.

12. The West Virginia Coal Association (WVCA) suggested deletion of the last sentence in State Regulation Sections 10B.04c.2.b., 10B.04c.2.c.2. and 10B.04c.2.c.3. which require a dewatering device to maintain water in a slurry impoundment at the lowest practicable elevation. OSM regulations do not contain a comparable provision. However, the West Virginia regulations protect the integrity of the slurry impoundment, and thus provide additional protection for the public and the environment. The West Virginia regulations are consistent with the purposes of the federal requirements, and therefore acceptable.

13. The WVCA commented that State Regulation Section 10B.04c.6.a.iii., requiring grated drainpipes for ponds built without principal spillways, should be deleted because it conflicts with State Regulation Section 10B.04c.2., impoundment requirements. The comment does not specify in what manner these sections are in conflict, and a review of these regulations shows them to be consistent with federal requirements.

14. One commenter stated that the West Virginia regulatory program does not have a definition for permit area. Permit area as defined in Section 20–6–3(p) of the WV SCMRA is consistent with the federal requirements in 30 CFR 701.5.

15. One commenter argued that State Regulation Section 4A.04, which governs seeding of cut and fill slopes "in accordance with subsections 4F," must be changed to make the cross-reference more specific. The entirety of State Regulation Section 4F governs all requirements which must be met for revegetation. These requirements are consistent with the revegetation requirements of the 30 CFR 816.111–816.117 and 817.111–817.117.

16. One commenter objected to State Regulation Section 6A.03.a.4. limiting overburden analysis to the procedure in EPA manual 600/2–78–054 (Field and Laboratory Methods Applicable to Overburden Mine Soils). State Regulation Section 4F.02, however, does allow for "other methods." The State regulations, while not delineating "other methods," are consistent with 30 CFR 779.14.

17. The West Virginia Surface Mining and Reclamation Association (WVSMRA) commented that State Regulation Section 6B.06a.4., regarding surface water monitoring after grading approval, should be required "only if the discharge does not meet the quality of the receiving stream." Such monitoring is necessary in order to determine that discharges are not violating water quality standards. The State regulation is consistent with 30 CFR 816.52, and is acceptable.

18. One commenter questioned whether the use of the phrase "other approved sediment control structures" in State Regulation Section 6B.04a. would allow operators to avoid the requirement to pass all drainage through ponds as required by 30 CFR 816.42(a)(1). State Regulation Section 2.105 defines "sediment control structure" as a pond and specifically exludes secondary sediment control structures such as straw bale dikes, check dams, etc. In addition, State Regulation Section 4B.06 requires that "all runoff from the disturbed area shall pass through a sedimentation pond(s) * * *" These requirements make it clear that all surface drainage from West Virginia operations must be passed through sedimentation ponds. The State regulations are consistent with the requirements of 30 CFR 816.42(a)(1).

19. Several commenters stated that State Regulation Section 7B.04f improperly limits materials which could be disposed of in underground workings in such a way that would prohibit disposal of flue gas desulfurization sludge and acid mine drainage treatment sludge. 30 CFR 816.55 is a restrictive provision which allows the State regulatory authority to prohibit disposal of certain materials in any particular case. It is entirely within the proper discretion of the State to choose, *a priori*, which materials it will not allow to be disposed of in underground workings in any case. The State provision is consistent with federal requirements and, therefore, acceptable.

20. One commenter stated that the State Regulation Section 6B.04b. establishing "pH" water quality standards * * * is "unrealistic" because of environmental conditions in West Virginia. The State provision is consistent with 30 CFR 816.42(a)(7) and effluent limits for the coal mining industry established by EPA in 40 CFR Part 434.

21. One commenter noted that 30 CFR 816.52(a)(2), requiring monitoring of ground water "adequate to plan for modification of surface mining activities, if necessary, to minimize disturbance to the prevailing hydrologic balance," is more stringent than State Regulation Section 6B.06b. The State regulations provide for monitoring adequate to reflect "changes in groundwater quantity and quality" and are within the discretion given to States under 30 CFR 816.52. The State regulations are consistent with federal requirements.

22. The WVSMRA commented that State Regulation Section 4C.02, regarding information on obtaining a pre-blast survey, should be deleted. The State regulation is identical to 30 CFR 816.62 and 817.62 and is consistent with federal requirements.

23Several commenters stated that State Regulation Section 4C.04a. fails to require that the blasting schedule contain a list of foreseeable situations which might necessitate blasting outside the scheduled times as required by 30 CFR 816.64(b)(v). State Regulation Section 4C.04a does specify the emergency situations where deviation from the schedule may be permitted. This regulation provides ample notice to the public as to when an operator may deviate from the published schedule, and is consistent with federal requirements.

24. One commenter questioned the absence of West Virginia regulations which coincide with 30 CFR 816.65(c) requiring that persons who live or work within one-half mile of the permit area shall be instructed on the meaning of the blasting signal. State Regulation Section 4C.02 requires that public notice of blasting shall be published in a newspaper of general circulation in the county of the proposed permit area and the schedule mailed or delivered to each residence within one-half mile of the permit area at least every 12 months. Persons near the permit area are warned by signs required by State Regulation Section 6B.01e. to be posted at all entrances to the permit area. These State provisions for public warning and notification are consistent with 30 CFR 816.65(c).

25. The WVSMRA commented that State Regulations Section 4C.04f.1., regarding the prohibition of blasting, should be changed from 1,000 feet to 300 feet. Since in 30 CFR 816.65(f) and 817.65(f) which contain these provisions have been remanded, the State is free to adopt whatever limitations are reasonable. See response to Comment 9 of Section I, above.

26. The WVSMRA commented that State Regulations Section 4C.04h. regarding the formula for maximum weight of a detonation, should be changed from $W=(d/60)^2$ to $W=(d/50)^2$. The State regulation is identical to 30 CFR 816.65(l)(1) and 30 CFR 817.65(l)(1) and is consistent with federal requirements.

27. One commenter objected to the hazard classification system for embankments and impoundments found in State Regulation 10B.04.b.1. Although OSM does not utilize a hazard classification system, the State requirements for coal waste embankments and impoundments are consistent with federal requirements in 30 CFR 816.81–816.93 and 817.81–817.93 and are acceptable. The commenter also points out a difference between West Virginia requirements in 10B.04.d.3. which provide minimum size for shale underdrains and federal requirements in 30 CFR 817.72(b)(3) which also include minimum size requirements for sandstone underdrains. The West Virginia regulations provide that all drains are to be constructed of durable rock and provide criteria for durability. The West Virginia requirements are consistent with the federal regulations.

28. One Commenter questioned the absence of a requirement in State Regulation Section 10B.04d. preventing the use of acid-forming/toxic-forming rock in the construction of underdrain systems for valley fills as required in 30 CFR 816.72(b)(4) and 817.72(b)(4). State Regulation Section 10C.06a.2., however, requires that "acid-forming or toxic-forming material shall not be buried or stored in proximity to a drainage course * * *" This prohibition would apply for material used in the underdrain itself since such material is in proximity to a drainage course. The State provisions are consistent with federal requirements.

29. The WVCA and others also recommended deletion of State Regulations 10B.04.c.6.a.iv.8. which states that water may not be diverted under a coal refuse area by means of a pipe or conduit. The commenter stated that this practice was acceptable to MSHA and that any problems could be avoided by proper design. The West Virginia requirement is consistent with requirements of 30 CFR 816.72(d) and 816.83(b) which require that surface drainage be diverted off of and around a coal refuse area, rather than through it.

30. The WVCA recommended deletion of State Regulation 10B.05.a which requires that upon reprocessing of abandoned coal waste piles, the entire pile must be removed. Under 30 CFR 816.81(b), 816.87, 817.81(b) and 817.87, discretion is granted to State regulatory authorities in dealing with abandoned coal refuse piles. The West Virginia requirements are a proper exercise of that discretion and are consistent with federal requirements.

31. A commenter requests clarification of the term "qualified person" utilized in State Regulation 10C.08d.2. by proposing it be defined in the definitions section of the West Virginia regulations. 30 CFR 816.82(a) requires that inspections be made during construction of coal waste piles by an RPE or person approved by the regulatory authority. Discussion of the West Virginia system for "approved persons" is found in Finding 13.9. As stated therein, the West Virginia requirements are consistent with federal requirements. Placement of any

definitions is within the discretion of the State.

32. One commenter stated that Section 10 of the Technical Handbook is unclear in its application to impounding and non-impounding coal waste areas. The commenter suggested that the requirements for each type of area be separated for the sake of simplicity. This comment is not directed to the consistency of the West Virginia regulations. The organization of State regulations is entirely up to the State.

33. The same commenter also objected to the requirement in State Regulation Section 10C.08d. calling for weekly inspections of impoundments and embankments. 30 CFR 816.82(a) requires at least quarterly inspections, but vest State regulatory authorities with discretion to require more frequent inspections. The West Virginia requirement of weekly inspections is a consistent exercise of this discretion.

34. One commenter stated that State Regulation Section 10C does not include the requirement for keyway cuts or rock toe buttresses found in 30 CFR 816.85(a) and 816.71(i) for coal refuse piles on steep slopes. Chapter 8.4 of the Technical Handbook, requires these measures "in all cases" for valley-fills. Coal refuse pile construction is to be in accordance with modified valley fill standards, therefore the State provisions are consistent with the federal requirements.

35. One commenter objected to State Regulation Section 6B.05a.1. which allows blending as an appropriate means of handling toxic materials. The commenter stated that there is not an accurate correlation between total potential acidity and alkalinity in many instances. Blending is an acceptable method of handling toxic or acid-forming material, for the reasons discussed in Finding 13.35.

36. The WVSMRA commented that in State Regulation Section 4E.02c., regarding protection of fish, wildlife and related values, the reference of electric power lines should be deleted. The State regulation is identical to the relevant portions of 30 CFR 816.97(c) and 817.97(c) and is consistent with federal regulations.

37. The WVSMRA commented that State Regulation Section 4F.01a., regarding the purpose of revegetation requirements, should delete the reference to providing economic benefits and restoring esthetic appeal. The State regulation is consistent with 30 CFR 816.111 and 817.111.

38. The WVSMRA commented that State Regulation Section 4F.08 should only require mulch to be distributed on areas where it is needed instead of on "all" disturbed areas. The State regulation is consistent with 30 CFR 816.114(a) and 817.114(a).

39. The WVSMRA commented that State Regulation Section 4F.09 should require that perennials be planted after the last season instead of "after the last year." The State regulation is consistent with 30 CFR 816.116(b)(1) and 817.116(b)(1).

40. The WVSMRA commented that State Regulation Section 4D.04a.–j., regarding postmining land use should be changed to require reporting on future land use instead of specific plans and commitments. The State regulation is consistent with 30 CFR 816.133 and 817.133, which also require specific plans and commitments.

41. The WVSMRA commented that State Regulation Section 4D.02a. and 4D.02a.3., which governs the determination of premining land use, should regard previously mined land as an acceptable premining land use. The State regulation is identical to 30 CFR 816.133(b) and 30 CFR 817.133(b) and is consistent with federal requirements.

42. The WVSMRA commented that State Regulations 6B.04b.2., 7B.04b.2, 7B.07a.3., and 6B.04b.2., regarding the quality of water discharges from a grade release area, should be changed to require meeting only the quality of the receiving stream. The State regulation is consistent with 30 CFR 816.41(c), 816.42(a)(2), 817.41(c) and 817.42(a)(2), which require that all federal and State water quality statutes, regulations, standards and effluent limitations must be met.

43. The WVSMRA commented that the word "desirable" should be deleted from State Regulation Section 4A.05 regarding the materials used in surfacing of haulageways and access roads. The word "desirable" does not appear in this regulation. If the commenter meant to suggest that "durable" should be deleted, the Secretary does not have authority to require that this be done.

44. United States Steel Corporation (USSC) commented that it was of the opinion that State Regulation Sections 7B.04a., b., c. and 8B.04a., b., c. are inconsistent with 30 CFR 817.42 because the State regulations do not provide a variance for the utilization of sediment ponds as provided in the federal regulations. The Secretary has no authority to require this change, as the State rules are consistent with the federal rules.

45. The WVSMRA commented that State Regulation Section 8B.09b should not require that a permanent facility has to be removed. The State regulation is consistent with the federal rules.

46. The WVSMRA commented that State Regulation Section 8A.01, regarding permit requirements for facilities incidental to coal mining, should delete the reference to "mine buildings." The State regulation is consistent with 30 CFR 817.181(a), and 816.181(a) which also contains this phrase.

III. Permitting

1. The United States Fish and Wildlife Service commented that State Regulation Section 3Q.03 requiring the Director to make a written determination concerning threatened or endangered species should be amended to refer to Section 3J.02 rather than 3J.01. This appears to be a typographical error which does not obscure the meaning of the requirement and the Secretary assumes that this mistake will be corrected.

2. The United States Fish and Wildlife Service suggested that State Regulation Sections 6A.01c. and 7A.01c., specifying the maps which a permit shall contain, should also require a map to show the location of any unusual wildlife habitats including habitats for endangered or threatened species occurring within the areas to be mined and within the drainage areas to be affected by the proposed mining. The Secretary finds that Sections 6A.01c. and 7A.01c. regarding maps are consistent with 30 CFR 779.24 and 783.24. The requirements of 30 CFR 779.20 and 783.20 regarding fish and wildlife information have been remanded; therefore, no changes will be required in the West Virginia regulations.

3. The United States Fish and Wildlife Service suggested that State Regulation Section 13.07(a) regarding the criteria for designating lands as unsuitable for surface coal mining operations be expanded to include, upon petition, these areas where endangered or threatened species may be jeopardized or their critical habitats adversely affected. The Secretary finds that Section 13.07a. is consistent with 30 CFR 762.11, therefore, no changes will be required.

4. One commenter questioned the status of pending interim program permit applications following program approval. Specifically, this commenter requested that the State be required to conduct an inspection prior to the issuance of a permit and at the request of the applicant. While a pre-permit inspection may be desirable in some circumstances, there is no provision in SMCRA or the federal regulation for such an inspection, and the State cannot be required to make provision for this.

5. One commenter stated that the State should accept, as part of meeting the requirements for a permit, maps approved by the Mine Safety and Health Administration. Such maps are acceptable under federal requirements and the State program as long as they meet the standards of 30 CFR 779.24, 783.24 and Section 20–6–10 of the WV SCMRA and State Regulation Section 3.

6. One commenter stated that he did not believe that the State inquired into an applicant's legal right to mine coal prior to issuance of a permit. He also stated that he wanted the State to comply with 30 CFR 782.15 and 30 CFR 778.15. These Sections require an identification and description of the document upon which the applicant bases his or her legal right to enter and begin the underground or surface mining of coal. This information is also required by Section 20–6–10(a)(9) of the WV SCMRA and is consistent with the federal requirements.

7. One commenter referred to the lack of simultaneous notification to the public, State Regulation Section 3Q, regarding the determination made concerning a permit application, especially to those who filed written objections or comments. This issue is discussed in Finding 14.8.

8. One commenter identified an inconsistency between State Regulation Section 12B.07b. and 30 CFR 786.15(a)(2) as it relates to public availability of permit application information pertaining to overburden and soil sample analysis. This concern is addressed in Finding 14.9.

9. One commenter questioned several portions of State Regulation Section 4D.04, "Criteria for Approving Post-Mining Use of Land". The first concern was that specific criteria be used in approval of alternative post-mining land use. These criteria are provided in State Regulation Section 4D.04. The second concern was that the alternative use be approved prior to permit issuance. This is provided in the reclamation plan requirements of Section 20–6–11 of the WV SCMRA. The third concern was the omission of the words "financing" and "attainment" in the State regulations. Section 20–6–11(a)(4) of the WV SCMRA requires a detailed description of how the post-mining land use is to be achieved and the necessary support activities needed to achieve the proposed land use. These requirements are consistent with the Act.

10. One commenter referred to "written statements of the views of the authorities with statutory responsibilities" not being required in State Regulation Section 4D.04. The federal standard in 30 CFR 816.133(c)(1) and 817.133(c)(1) allows 60 days for such written statements, while the State requires such statements "accompany the request for (alternate post mining land use) approval." The State provision is consistent with the federal requirements.

11. One commenter indicated that the requirement for a 60 day alternate land use plan review period by State and federal fish and wildlife management agencies before surface mining activities begin as reflected in 30 CFR 816.133(c)(8) is not provided for in the State program. This issue is discussed in Finding 13.32.

12. One commenter objected to State Regulation Section 4E.01 in that it appears to mean that the submittal of a permit application triggers an evaluation by the Director as to whether or not that area is unsuitable for mining and whether fish and wildlife studies will be necessary. The Secretary finds that the lands unsuitability inquiry conducted by the Director is an informal process intended to assist the applicant in the permitting process. The Director's review of the environmental resources of the proposed permit area is only intended to alert the applicant to those resources which may need special consideration, and therefore, is found to be consistent with the federal requirements.

13. The West Virginia Society of Professional Engineers commented that the requirements of State Regulation Section 3E.02b. exceeds the requirements of the Act by requiring all persons who wish to qualify to prepare application and preplans to pass an examination administered by the Director. The commenter stated that this was unacceptable because of the provisions of Section 20–6–23(b), of the WV Surface Mining and Reclamation Act which the commenter stated forbid any regulations more stringent than the federal requirements.

General comments concerning the effect of Section 20–6–23(b) of the WV Surface Mining and Reclamation Act have been disposed of in number 5 Section I, above. In addition, the West Virginia provision concerning examinations for "approved persons" is consistent with federal requirements. [See Finding 13.9, above]

14. Carbon Fuel Company commented that State Regulation Section 3A.02c. which allows operators with interim program permits to continue operating without a permanent program permit past the eight month cut-off date set forth in State Regulation Section 3A.02 and Section 506(a) of SMCRA, must be construed to include permits issued by the West Virginia Department of Mines (DOM) for underground mines. These DOM permits, issued before 1977, are usually known as "D" numbers. These "D" permits, by themselves, cannot be construed as interim program permits because they do not incorporate the provisions required by Section 502(b) and (c) of SMCRA.

Since January, 1980, DNR has been accepting DR–14 and DR–23 forms from underground mines existing before the effective date of SMCRA. These DR–14 and DR–23 forms basically upgrade the existing permits to assure compliance with the interim standards. As stated in Carbon's comment, the industry obtained an injunction in Kanawha County Circuit Court, *Amherst Coal Corp. v. Callaghan*, Civil Action No. 80–701 (1980), prohibiting DNR from *requiring* all underground operators to submit DR–14 and DR–23 forms. However, DNR has continued to accept, process and approve those DR–14 and DR–23's which were voluntarily submitted.

Carbon has also argued that the Secretary's legal position in the case of *Union Carbide* v. *Andrus*, Civil Action No. 79–2182 (S.D.W.V. 1979), mandates that "D" numbers be considered interim program permits. This is not correct. In that case, the Secretary argued that DNR had jurisdiction over all underground mines by virtue of West Virginia statutes and Section 502(c) of SMCRA, even though all these mines did not have permits from DNR. This position was adopted by the Court. However, it does not follow that because DNR has jurisdiction over underground mines to enforce performance standards, that this automatically transforms "D" numbers into interim program permits. As stated above, this transformation can only be accomplished by a DR–14 and DR–23. The State may take the position that only those operators who have applied for DR–14 and DR–23's prior to the approval of the State program are eligible for extensions of time beyond the eight-month cut-off date.

15. The West Virginia Surface Mining and Reclamation Association (WVSMRA) commented that State Regulation Section 4E.01, regarding the determination of whether a study should be made on the impacts of fish and wildlife resources of the affected area, should not delay the issuance of a SMA number. This requirement is within the discretion of the State and is consistent with federal requirements.

16. The WVSMRA commented that State Regulation Sections 30.01 (e) and (f), in regard to the requirement of a progress map, should be deleted. This provision is consistent with Section 517(b)(1) of SMCRA.

17. The WVSMRA commented that State Regulation Section 4A.04, regarding the seeding of slopes, should not be "immediately" seeded, but "seeded in the first appropriate season." This section is consistent with the seeding requirements of 30 CFR 816.113 and 817.113.

18. The WVSMRA commented that the word "horizontal" should be deleted from State Regulation Section 3K.01, regarding the measurement of distance from an occupied dwelling to a coal mining operation. The State provision is consistent with 30 CFR 761.12(e).

19. The WVSMRA commented that State Regulation Section 3G.05, pertaining to the effective date of determining substantial, financial and legal commitments, should be changed from January 4, 1977, to August 3, 1977. The State regulation is consistent with Section 522(a)(6) of SMCRA and 30 CFR 778.16(b) and 782.16(b).

20. One commenter stated that State Regulation Section 6A.03, regarding the submission of a description of the geology within adjacent areas with a permit application, is unnecessary. The State regulation is consistent with 30 CFR 779.14.

21. The WVSMRA commented that State Regulation 5B.11, regarding newspaper advertisements for prospecting operations, should be deleted. The State regulation is consistent with 30 CFR 776.14(a).

22. The WVSMRA commented that the State Regulation Section 6A.03a.5., regarding the submission of a test for marcasite and clay content in the geologic description, should be deleted. The State regulation is consistent with 30 CFR 779.14(b)(1) (iii), (iv) and (v).

23. One commenter stated that the State Regulation Sections 6A.02, 6A.03, 7A.02 and 7A.03 and WV SCMRA Section 20–6–16(b)(3) require submission of hydrologic data with a permit application which is unnecessary and costly to the operator. The State requirements are consistent with SMCRA and 30 CFR 779.13, 779.14, 779.17, 783.13, 783.14, 783.17 and 786.19(c).

24. One commenter suggested that the requirement of State Regulation Sections 6A.02a. and 7A.02a., regarding the submission of groundwater information with a permit application, are unnecessary. The State regulations are consistent with 30 CFR 779.15 and 783.15.

25. The WVSMRA commented that State Regulation Section 3G.02a., requiring a permit application to contain information on buildings within 1,000 feet of the proposed permit area, should not be required if the building is not used by the mining operation. The State regulation is consistent with 30 CFR 779.24(d) and 783.24(d).

26. The WVSMRA commented that State Regulation Section 3G.02e., requiring information in the permit application on designated study rivers under Section 5(a) of the Wild & Scenic Rivers Act, should be deleted. The State regulation is consistent with 30 CFR 779.24(k) and 783.24(k).

27. The WVSMRA commented that State Regulation Section 6A.01c.9., requiring the measurement of slopes for a permit application, should be deleted. The State regulation is consistent with 30 CFR 779.25(k).

28. The WVSMRA commented that State Regulation Section 3F.016. requiring a permit application to contain a listing of any notice of violation, should be deleted. The State regulation is consistent with 30 CFR 778.14(c) and 782.14(c).

29. One commenter suggested that State Regulation Section 3H.03 should be disapproved to the extent that it is applicable to something other than existing structures. The Secretary finds that the West Virginia definition of existing structures includes facilities used in connection with or to facilitate surface coal mining and reclamation operations and is consistent with 30 CFR 780.12, 784.12 and 786.12.

30. One commenter stated that State Regulation Section 3H.03 (c) and (d) requires more than conformance with the performance standards of the WV SCMRA for existing roads and coal waste piles. The Secretary finds this provision of the West Virginia program is consistent with 30 CFR 780.12, 784.12 and 786.12.

31. One commenter stated that State Regulation Section 3D.01 is inconsistent with 30 CFR 782.18 because the West Virginia program does not provide the option for self insurance. The West Virginia personal injury and property damage provision is consistent with the federal requirements. The federal regulations provide the option for self insurance, but do not require this provision to be included in a State program.

32. The WVSMRA commented that State Regulation Section 7A.03a.5., regarding the analysis of the coal seam in the geology description, should be deleted. The State regulation is consistent with 30 CFR 783.14.

33. United States Steel Corporation (USSC) also commented that it was of the opinion that State Regulation Sections 7A.02b. and 8A.02b., concerning surface water information, are inconsistent with 30 CFR 783.16 because they do not provide that alternative methods of data collection may be employed. USSC continued that this section of the State regulations are also inconsistent with guidance provided to USSC by OSM and with other state programs which have been provided conditional program approval, because the state regulations require that water quality data be collected on a monthly basis for not less than six months, rather than on a quarterly basis for one year. The West Virginia provision is consistent with the federal requirements. The requirements in 30 CFR 783 do not provide a specific sampling frequency or duration for the hydrologic data to be included in the permit application, but require that it be sufficient to provide certain information. West Virginia has provided in State Regulation Section 3A.02 that permit applicants may submit partial or phased applications if such action is approved by the Director of DNR, provided that a complete application is submitted no later than eight months after approval of the permanent state program. Therefore, the applicant will have an ample opportunity to collect the additional water quality data which DNR requires to be a part of the permit application before the deadline for submitting a complete application.

34. The WVSMRA commented that State Regulation Section 4A.01c. and d., regarding the descriptions of coal transportation systems to be contained in the permit application, should only describe the transportation facilities under the control of the operator. The State regulation is consistent with 30 CFR 780.37 and 784.24. See Finding 14.6.

35. The WVSMRA commented that State Regulation Section 3H.04, requiring the Director of OSM to approve any experimental practices prior to the beginning of operation, should be changed giving the approval authority to DNR. Section 711 of SMCRA and 30 CFR 785.13 require the Director of OSM to approve all experimental practices. The State regulations are consistent with the federal requirements.

IV. Designating Lands Unsuitable

1. One commenter stated that he had been told that the State must deny a petition to designate a certain area as unsuitable for mining if any portion of the area was determined to be suitable for mining. This is incorrect. Section 20–6–22(a)(1) of the WV SCMRA, which is consistent with Section 522(a)(2) of SMCRA, places a mandatory responsibility upon the Reclamation Commission to designate an area as unsuitable if it determines that reclamation is not technologically or economically feasible. The Commission

is not required, however, to designate the entire petitioned area as unsuitable. They must designate only the areas where reclamation is not feasible.

V. Civil Penalties

The Tug Valley Recovery Center (TVRC) and other commenters submitted a number of comments pertaining to West Virginia's civil penalty procedure contained in Section 20–6–17 of the WV SCMRA (including the amendments proposed thereto) and State Regulation Section 14A.02. Disposition of these comments relates to Finding 19.

1. TVRC commented that use of an administrative hearing officer to review penalty assessments imposed by the DNR is preferable to the State's reliance on the magistrate court system because it is more likely that hearing officers would develop subject matter expertise than magistrates. Although it is possible that this observation is correct, the use of magistrates is acceptable because of their general experience in adjudication. Expertise in the specific area of surface mine assessments will develop over time. In addition, the State has traditionally utilized the magistrate courts to process criminal complaints against persons accused of violating the State's Surface Mining laws.

2. TVRC commented that delays in the imposition of civil penalties will occur because there are inadequate resources available to the magistrate courts. The State is proposing amendments to Section 20–6–17(d) of WV SCMRA which would require, among other things, that all such cases be heard by the magistrate within 60 days, that a written decision be entered within 10 days, and that preference be given to civil penalty cases. Enactment of this language would insure that such cases would be disposed of promptly, even if the resolution of other cases pending before the magistrate is delayed. Accordingly, approval of the State's submission has been conditioned upon amendment of the program to insure that disposition of civil penalty cases is accomplished in a timely fashion.

3. TVRC stated that the magistrate court in West Virginia was subject to political pressure and, therefore, would result in penalty decisions favorable to industry. Information in the Administrative Record (Administrative Record No. WV 165—Exhibit A submitted by Benjamin C. Green, President of the West Virginia Surface Mining Reclamation Association) showed 784 successful prosecutions before magistrates by DNR in 1979. This would tend to refute this contention. In addition, magistrates decisions would be subject to both judicial review and secretarial oversight.

4. TVRC comments that the failure of the State program to provide for an administrative hearing officer to adjudicate civil penalty matters will result in a lack of uniformity of assessment of penalties, especially since this function will be performed by magistrates who are spread across the State. This comment states that the problem is aggravated by the fact that, since the magistrate court system is independent of the regulatory authority, it would be acting without guidance from a policy making body such as the Reclamation Board of Review.

The Secretary believes that this comment somewhat misperceives the federal civil penalty process. In the federal system, penalties are proposed by OSM in accordance with a point system set forth at 30 CFR Part 845. (As discussed in detail in Finding 19 of the October 20, 1980, Federal Register Notice (45 FR 69258), the Secretary cannot require that states utilize any particular system for assessing penalties). Although the review of a proposed penalty is before an administrative law judge, the review is based on OSM compliance with the regulations; the judge is not bound by OSM policy.

The State system is similar in that the proposed amendment to Section 20–6–17(d) of WV SCMRA would require in Section 17(d)(2) that, "The magistrate shall be bound by the provisions of this Act, regulations promulgated pursuant thereto, and any decisions rendered by the Reclamation Board of Review pursuant to Section 20–6–24 of this Act."

However, the Secretary agrees that it is unlikely that uniform assessments will occur as the State program is now written. Although Section 20–6–17(c) of WV SCMRA contains the same general criteria for assessing penalties as Section 518(a) of SMCRA, there are no State regulations which provide guidance as to how these factors are to be applied. Without such guidance it is unlikely that any semblance of uniformity in civil penalties can be achieved. Of even more significance, however, is the fact that, with only the general statutory criteria to use in reviewing penalty assessments, the magistrates could substitute freely their judgment for that of the regulatory authority. Accordingly, approval of the State program has been conditioned on the promulgation of regulations or other program changes which provide guidance to DNR personnel and magistrate courts as to the application of the penalty criteria in Section 20–6–17(d) of WV SCMRA to factual situations.

5. TVRC stated that reliance on the magistrate system in the civil penalty process deprives citizens of the ability to review the effectiveness of the system and eliminates their ability to petition for rule changes that would adjust the process to make it effective and efficient. The Secretary believes that the West Virginia system does provide for the imposition of civil penalty assessments by the regulatory authority; the only function of the magistrate is to review the DNR's proposed penalty. Since citizens would have access to DNR's records, this information would be readily available. Citizens could always petition for changes if they felt the penalities were inadequate to deter violations.

6. TVRC stated that Section 518(d) of SMCRA demonstrates that Congress intended the courts to be involved solely in the collection of civil penalties and in appeals from initial assessments by an administrative agency. That section provides that "Civil penalties owed under this Act, may be recovered in a civil action brought by the Attorney General at the request of the Secretary in any appropriate district court of the United States." Although this language is written for the expressed purpose of collecting federally imposed penalties in the federal judicial system, Section 518(i) of the Act requires that State programs contain the same or similar procedural requirements but that additional enforcement procedures available under State law are not to be eliminated. The Attorney General's opinion states that magistrate courts have authority to enforce their judgments. One reason Section 518(d) is needed in the federal law is because administrative law judges cannot directly enforce their orders. Therefore, the Secretary concludes that use of the magistrate courts to perform the adjudicatory function of the administrative law judge is in accordance with the language of Section 518(i) because it provides a more direct way of enforcing penalty judgments than does the federal system.

7. TVRC stated that since Article III, Section 13 of the West Virginia Constitution provides for a trial by jury in civil matters where the value in controversy exceeds $20.00, the DNR proposal to amend Section 20–6–17(d) of the WV SCMRA to eliminate the availability of jury trials in civil penalty proceedings may conflict with the State Constitution. In response to this comment, the West Virginia Attorney General's office was contacted and

requested to offer an opinion on this issue. The Attorney General's office advised that State case law had clearly established that the constitutional provision for a jury trial was limited to those situations where jury trial was available at common law when the constitution was adopted in 1863 and did not preclude the legislature from providing that jury trials would not be available in the instant situation. [*State Human Rights Commission* v. *Pearlman Realty Agency*—W. Va.—, 239 S.E. 2nd 145, (1977); *Simms* v. *Dillon*, 119 W. Va. 284, 193 S.E. 331 (1937)]. The Secretary accepts this interpretation of State law and concludes that the legislature does have authority to preclude the use of jury trials in adjudicating civil penalty issues.

8. TVRC notes that Article VII, Section 10 of the West Virginia Constitution provides that magistrate courts "shall have original jurisdiction in all civil cases at law wherein the value or amount in controversy, exclusive of interest and costs, shall not exceed $1,500, unless such amount in value shall be increased by the legislature * * *." Therefore, the magistrate system would not have jurisdiction over any proposed penalty in excess of $1,500.

The Secretary notes that Section 20–6–17(d) of the WV SCMRA provides that, "notwithstanding the jurisdictional limitations contained in Article 2, Chapter 50 of the West Virginia Code, any such penalty may be imposed and collected by the magistrate courts which shall have jurisdiction over all civil penalty actions brought by the Director." (Slight changes to this language are being proposed). This provision would appear to give the magistrates legal authority to hear civil penalty cases involving more than $1500 because the Constitution on its face anticipates that the legislature may increase the $1500 limit.

9. One commenter stated that West Virginia Code Section 50–6–1 pertaining to enforcement of judgements was not consistent with the requirements of Section 526(a)(2) of SMCRA because the State section does not establish that State courts have jurisdiction to issue an order in *equity* requiring payment of civil penalties. Section 526(a)(2) of SMCRA states, "* * * the court shall have jurisdiction to enter an order requiring payment of any civil penalty assessment enforced by its judgment." There is no specific requirement in federal law that enforcement must be via the court's contempt power. Rather, federal law requires that the court have jurisdiction to enter an order requiring payment of the civil penalty. The actual enforcement of this order could equally be accomplished by use of contempt powers, liens, or any other mechanism that would enable the court to actually enforce its order. The Secretary finds that West Virginia Code Sections 50–6–1 and 20–6–17(d) are adequate in this regard.

10. One commenter stated that the magistrate courts are not subject to the conflict of interest provisions contained in Section 20–6–40 of the WV SCMRA and Section 517(g) of SMCRA. The commenter went on to state that although the magistrates are subject to the West Virginia judicial code of ethics under the West Virginia Code, there is no provision which would preclude a magistrate from presiding over a case where he had an interest in a surface mining operation although he does not have an interest in the particular operation which is presently a party before him. Furthermore, the commenter stated that the judicial code of ethics, unlike Section 20–6–40 of the WV SMCRA and Section 517(g) of SCMRA, does not provide for criminal sanctions.

The Secretary believes that nothing in SMCRA prevents a program function from being performed in a State agency that is different from the regulatory authority. Thus, the Secretary believes that nothing in SMCRA dictates *against* the West Virginia proposal to have the magistrate court system impose civil penalties. See Finding 19.1 for discussion of West Virginia's use of the magistrate system.

This being the case, it is necessary to address the conflict of interest provision that applies to magistrates in light of the conflict of interest provisions required by SMCRA to apply to regulatory authority personnel. SMCRA and 30 CFR Part 705 clearly provide that any administrative personnel are deemed to be within the regulatory authority (for conflict of interest purposes), and, therefore, are subject to the conflict of interest provisions of Section 517(g) of the Act. However, the Secretary has never taken the position that judicial personnel are subject to those same provisions. The Secretary believes this is not only a proper interpretation of SMCRA but also it is in keeping with traditional concepts of separation of power. For example, in the federal system, federal judges have never been considered federal administrative employees subject to the conflict of interest provisions for employees. Federal judges have always been subject to judicial codes of ethics and will continue to be so, although SMCRA's federal conflict of interest provisions apply to all federal employees. See Section 201(f) of SMCRA.

The Secretary does not believe that it is appropriate under SMCRA either to require that the magistrates be subject to an administrative code of ethics or that West Virginia devise new conflict of interest provisions for its judicial code. Therefore, the Secretary believes that the conflict of interest provisions of Section 517(g) of SMCRA dictate that Section 20–6–40 of WV SCMRA apply only to regulatory authority personnel.

As mentioned above, nothing in SMCRA prevents magistrates from imposing civil penalties. If West Virginia's purpose in placing this authority in the magistrate court system were to avoid the conflict of interest provisions of Section 517(g) of SMCRA, then the Secretary could not find approvable the magistrate court system for imposing civil penalties. However, this is not the case. The magistrate system has a long history in the imposition of penalties under West Virginia law. The Secretary believes that West Virginia is merely utilizing the magistrate court system in a manner that is in keeping with the routine operation of that State's government.

West Virginia Code Chapter 50–2–3 provides, and the practice is highly developed and utilized, for the transfer of pending cases from one magistrate to another where any of the parties or the magistrates would be unable to render a fair and impartial decision. Additionally, under the proposed West Virginia system the circuit courts of record could reverse any improper decision to transfer, or a decision on the merits of the case itself, where a fair and impartial decision is not made.

Because the court system is governed by a judicial code of ethics and provides for due process protection, OSM will not require that magistrates be determined to be administrative personnel subject to the code of ethics provisions of Section 517(g) or Section 20–6–40 of the WV SCMRA, or that West Virginia's judicial system revise its code of ethics.

11. TVRC stated that the State submission failed to make clear how penalty assessments for continuing violations would be handled. Presumably the commenter is concerned that this language might allow the assessment of penalties for only some days the violation is unabated, rather than imposing a penalty for each day the violation is unabated. State Regulation Section 14 A.02c. provides that civil penalties continue until the violation is corrected. State Regulation Section 14 also contains general procedures for assessing and collecting these penalties. The Secretary believes that the

regulations state clearly that assessments *shall* continue and that there is no question that the penalties would be imposed on a daily basis for every day the violation remains unabated. State law provides that a proposed assessment must be issued within 30 days after the violation is issued. Should a violation continue unabated beyond the 30 days, the regulatory authority should have some flexibility in deciding when to seek penalties for the additional days the operator is in violation. Accordingly, no change in the West Virginia program will be required.

12. One commenter expressed concern that the West Virginia proposed statutory amendment to Section 20–6–17(d) of the WV SCMRA does not make clear that attorney's fees could not be awarded against a participating party in civil penalty cases where it was determined a violation existed, even though the individual may have proceeded in bad faith and for the purposes of harassing or embarrassing the violator. The commenter notes that this language does appear in Section 17(d)(10)(d) of the proposed State statutory amendment which states when attorney fees can be awarded against the DNR. The Secretary believes that where a violation is determined to have existed, it is highly unlikely that a court would ever award attorney's fees to a violator against a participating party. In view of this, the Secretary finds that the change requested by this commenter would be superfluous because the concern expressed is at best theoretical and would in all likelihood never occur.

13. One commenter stated that there was a strong likelihood that the State's proposed use of the magistrate court system in the civil penalty process would be struck down by the West Virginia Supreme Court. The reason for this commenter's concern was that the magistrates would be acting in a fashion more closely akin to that of a hearing officer employed by the Executive Branch of the government than as a judicial officer employed by the Judicial Branch of government; therefore, the State's approach is inconsistent with the separation of powers doctrine. The Secretary notes that at the present time the magistrates have jurisdiction over criminal actions brought by the State Department of Natural Resources for violations of the State's Surface Mining Law. Even with the statutory changes proposed by West Virginia, the role of the magistrate court in making decisions on civil penalty cases would not change in any significant way. The magistrates would continue to adjudicate disputes between the DNR and operators concerning civil penalty assessments and the underlying fact of violation. Since the changes in the magistrate system proposed by the State appear to be well within the powers of the legislature (e.g., requiring a written decision, requiring a decision to be rendered within a specific period of time), the Secretary finds that the use of the magistrate system envisioned by the proposed statutory changes does not conflict with the separation of powers doctrine, nor is there a significant likelihood that the system would be struck down by the West Virginia Supreme Court of Appeals.

14. One commenter expressed concern that Section 20–6–16(a) of the WV SCMRA read in conjunction with Section 20–6–17(a) of the WV SCMRA might result in situations where no mandatory daily penalty would be assessed even though the violation had not actually been abated. The commenter notes as an example that the situation could occur where a cessation order expires because a hearing is not held within 24 hours after the order was issued, as required by Section 20–6–16(a). This concern is shared by the Secretary as reflected in Finding 19.1 of the October 20, 1980, **Federal Register** notice. At that time the Secretary required that the State demonstrate it had adequate personnel to conduct hearings within the 24-hour time period to insure that such cessation orders did not expire prematurely. The State has submitted the requested information in their program narrative. Further review and monitoring of the State's ability to conduct the required 24-hour hearings will occur during the Secretary's oversight of the West Virginia program.

VI. Inspection and Enforcement

1. One commenter noted that State Regulation Section 14A.01 defines "unwarranted failure to comply" as "the failure to prevent the occurrence of any violation." This is contrasted to 30 CFR 843.13 of the federal regulations, which provides that unwarranted failure to comply means the failure of the permittee to prevent the occurrence of any violation of the permit or any requirement of the Act *or the failure to abate any violation* (emphasis added). This issue is discussed further in Finding 20.9.

2. One commenter objected to the presence of the word "no" in State Regulation Section 14A.01a.3. which reads, "The director shall after hearing determine that a pattern of violations exists, if he finds that there were *no* violations of the same or related requirement of this Article * * *" The presence of the word "no" is clearly contrary to the purpose of this section. The State has advised the Secretary that this is a clerical error and that regulations promulgated to implement this section will have the word "no" deleted (Administrative Record No. WV 313). Approval of the State's program is with the understanding that this language will be corrected to reflect the intention of the State. This issue is discussed further in Finding 20.9.

3. One commenter stated that Section 20–6–17(a) of the WV SCMRA, which provides that a cessation order is not mandatory if the operator affirmatively demonstrates that compliance is unattainable due to conditions totally beyond the control of the operator, is inconsistent with Section 521(a)(3) SMCRA. Federal law provides for immediate cessation and a maximum time limit of 90 days for abatement. This section of the State's submission is discussed fully in Finding 20.2.

4. One commenter objected to the language in Section 20–6–15(g) of the WV SCMRA which provides that, "any such person accompanying an inspector on an inspection shall be responsible for supplying any safety equipment required for his use." This commenter is of the opinion that any requirement that a citizen provide his own hard hat and safety shoes would have a negative effect on the citizen's exercising his or her right to go onto the mine site. Section 521(a)(1) of SMCRA provides that any person providing information which results in an inspection is entitled to accompany an inspector during the inspection. The granting of this right to individuals does not also mean that the regulatory authority is legally obliged to provide a hard hat or safety shoes to the complainant. Furthermore, this comment relates to a provision in the West Virginia law that was approved in the Secretary's initial decisions published in the **Federal Register** on October 20, 1980.

5. One commenter stated that Section 20–6–17(h) of the WV SCMRA pertaining to the authority of the State to obtain injunctive relief for violations of the State program is not as broad as federal law. The commenter noted that 30 CFR 843.19 authorizes obtaining injunctive relief against any "person," whereas the State section references "permittee or his agent." 30 CFR 843.19 is derived from Section 521(c) of the Federal Act which also uses the phrase "permittee or his agent." The scope of West Virginia's authority to obtain judicial review is founded in the West Virginia SCMRA and Section 521(c) of SMCRA and Section 20–6–17(h) of WV SCMRA are the same.

VII. Citizen Participation

1. One commenter noted that Section 20-6-26(h) of the WV SCMRA provides that in a hearing regarding a proposed bond release, a verbatim record of each public hearing shall be made. The section goes on to state that the transcript will be made available on the motion of any party or by order of the Director at the cost of the person requesting the transcript. The commenter stated that the State should be required to change this language so as not to require the person requesting a transcript to bear the cost of preparing the record. This issue is discussed in Finding 22.3.

2. One commenter noted that the regulations issued pursuant to the State Open Governmental Proceedings Law submitted by the State did not state how much advance notice of meetings would be given to the public. Section 525(a)(2) of SMCRA requires at least five days. This issue is further discussed in Finding 27.2.

VIII. Bonding

1. One commenter stated that the West Virginia bonding discussion does not conclusively prove that there will be sufficient funds to reclaim all forfeited lands. This comment is correct. The Secretary has determined that the State has not conclusively demonstrated that its alternative bonding system is capable of providing the necessary funds under all possible situations. Approval of the alternative bonding system is conditioned upon the submission of an independent study demonstrating that the fund will contain, on a continuous basis, enough money to meet the demands placed upon it. See Finding 18.1.

2. The same commenter also requested that the Secretary consider requiring the removal of the two million dollar ceiling on the fund and an amendment to authorize the reclamation commission to adjust the per ton tax or per acre bond when necessary to keep the fund solvent. This aspect of the State bonding proposal is also discussed at Finding 18.1.

3. The West Virginia Surface Mining and Reclamation Association (WVSMRA) commented that State Regulation Sections 4H.07b.1.b. and 4H.08a.1., regarding combined surety/escrow bonding, should be changed from "total reclamation cost" to the "bonding rate." The State regulations are consistent with 30 CFR Part 806.17 and reflects the difference required to be covered by the total escrow balance.

4. The WVSMRA commented that State Regulation Section 4I.01a., regarding release of the performance bond, should be amended to delete "or part." State Regulation Section 4I.01a. is consistent with 30 CFR Part 807.12(a) which allows portions and does not require full phase release.

5. The WVSMRA commented that State Regulation Section 4I.01a.1., regarding evaluation of reclamation operations prior to bond release, should be deleted. State Regulation Section 4I.01a.1. is consistent with 30 CFR 807.11(a)(1) because it requires identification in the permit application of the time when an inspection is to be conducted.

D. Background on Conditional Approval

The Secretary is fully committed to two key aims which underlie SMCRA. The Act calls for comprehensive regulation of the effects of surface coal mining on the environment and public health and safety and for the Secretary to assist the states in becoming the primary regulators under the Act. To enable states to achieve that primacy, the Secretary has developed in his regulations the critical ability to conditionally approve a state program. Under the Secretary's regulations, conditional approval gives full primacy to a state even though there are minor deficiencies in a program. This power is not expressly authorized by the Act; it was adopted through the Secretary's rulemaking authority under 30 USC 201(c), 502(b), and 503(a)(7). The Act expressly gives the Secretary only two options—to approve or disapprove a state program. Read literally, the Secretary would have no flexibility; he would have to approve only those programs that are letter-perfect and disapprove all others. To avoid that result and in recognition of the difficulty of developing an acceptable program, the Secretary adopted the regulation providing the authority to approve conditionally a program.

Conditional approval has a vital effect for state programs. It results in the implementation of the permanent program in a state months earlier than might otherwise be possible. It also implements the rights SMCRA provides to citizens to participate in the regulation of surface coal mining through soliciting their views at hearings and meetings and enabling them to file requests to designate lands as unsuitable for mining if they are fragile, historic, critical to agriculture, or simply cannot be reclaimed to their prior productive capability.

The Secretary considers three factors in deciding whether a program qualifies for conditional approval. First is the state's willingness to make good faith efforts to effect the necessary changes. Without the state's commitment, the option of conditional approval may not be used.

Second, no part of the program can be incomplete. As the preamble to the regulations says, the program, even with deficiencies, must "provide for implementation and administration for all processes, procedures, and systems required by the Act and these regulations" (44 FR 14961, March 13, 1979). That is, a state must be able to operate the basic components of the permanent program: the designation process; the permit and coal exploration systems; the bond and insurance requirements; the performance standards; and the inspection and enforcement systems. In addition, there must be a functional regulatory authority to implement the other parts of the program. If some fundamental component is missing, conditional approval may not be used.

Third, the deficiencies must be minor. For each deficiency or group of deficiencies, the Secretary considers the significance of the deficiency in light of the particular state in question. Correction of clerical errors would be minor in virtually all circumstances. Other deficiencies require individual consideration. An example of a deficiency that would most likely be major would be a failure to provide a bonding system as required by Section 509 of SMCRA. The lack of such provisions would be such a departure from a fundamental purpose of the Act that the deficiency would most likely be major.

The use of a conditional approval is not and cannot be a substitute for the adoption of an adequate program. Section 732.13(i) of Title 30 of the regulations gives the Secretary little discretion in terminating programs where the state, in the Secretary's view, fails to fulfill the conditions. The purpose of the conditional authority power is to assist states in achieving compliance with SMCRA, not to excuse them from compliance.

E. The Secretary's Decision

As indicated in the Secretary's Findings, there are minor deficiencies in the West Virginia program which the Secretary requires be corrected. In all other respects, the West Virginia program meets the criteria for approval. The deficiencies identified in prior findings are summarized below and an explanation is given to show why each deficiency is minor, as required by 30 CFR 732.13(i).

(1) As discussed in Finding 13.1, the State program does not require highwall

elimination where auger mining is conducted at pre-existing highwalls. The environmental effect of this deficiency is minor, because augering represents only a small portion of mining conducted in West Virginia, and the deficiency will only affect sites where the augering occurs at a highwall created prior to the passage of West Virginia's statute. Finally, all the other permitting and performance standards which must be applicable to auger mining under Federal law, are required to be met by West Virginia's program.

(2) State law allows for the use of constructed outcrop barriers but fails to provide criteria for design of such barriers as discussed in Finding 13.4. This deficiency is considered minor because State law provides that barriers can be allowed only when natural barriers would result in future water quality deterioration and would conflict with the goal of maximum resource utilization. Furthermore, State law requires the stability factor of constructed barriers must be least equal that of the natural outcrop barrier. In view of these requirements it is unlikely that any environmental harm will result before the design criteria are developed.

(3) As discussed in Finding 13.10, the West Virginia program would allow drift mine openings to be located in a manner which might allow gravity discharges. The impact of this deficiency is minor because drift mines are located in only a limited part of the State, and only certain coal seams there are able to support a drift mine. In addition, the State may not allow openings which would lead to gravity discharges after consideration of safety and environmental factors.

(4) The State law definition of "adequate treatment" as discussed in Finding 13.12, does not accurately reflect the manner in which water quality standards for streams are set. This deficiency is minor because the state's regulations regarding water quality will provide guidance to applicants preparing permanent program permit applications during the period before the change is made.

(5) As discussed in Finding 13.14, the definition of "disturbed area" does not include topsoil storage areas. However, since topsoil storage areas are required to be on the permit area, and all drainage leaving the permit area must meet effluent limits this deficiency is considered minor. It is unlikely that any significant environmental harm would occur before the definition is revised.

(6) State regulations for protective devices and temporary sealing of exploratory and other holes are inadequate as discussed in Finding 13.18. This deficiency is minor because the casing and sealing requirements found in West Virginia Regulation Section 6B.02 aimed at preventing pollution, should result in most holes being adequately and promptly sealed. The Secretary expects this will significantly reduce the danger of injury to the public or wildlife from the dangers of exploratory holes during the period before the deficiency is corrected.

(7) As discussed in Finding 13.20, State Regulation Section 6B.07b does not include provisions for maximizing mineral resource recovery during augering operations. The deficiency is minor because of the limited amount of augering within the state, and because the State law grants the Director of DNR the authority to take the steps which SMCRA makes mandatory. The Secretary has no reason to believe that the Director will exercise this discretion in a manner inconsistent with maximum resource recovery.

(8) As discussed in Finding 13.21 and 13.22, West Virginia Regulations fail to include certain provisions relating to coal waste piles. Each of these omissions are minor for the following reasons.

a. The failure to provide for four feet of cover with non-toxic and non-combustible material on toxic or acid-forming spoil in coal mine waste piles as discussed in Finding 13.21 is minor because other state requirements relating to water quality will result in prevention of most of the environmental problems intended to be prevented by the four-foot cover.

b. As discussed in Finding 13.22, the State fails to require submission of a certified report to the regulatory authority within two weeks after inspection of waste piles. This is minor because West Virginia requires weekly inspections and reports must be prepared and made available on site. The only deficiency relates to submission of the reports to the Department of Natural Resources at critical construction stages.

c. As discussed in Finding 13.22, State Regulation 10C.08c.3.c allows for approval of impoundments on waste piles by the Director. The deficiency is minor because the deficiency must be corrected before any permit is likely to be issued authorizing an impoundment on a waste pile.

(9) The State regulations allow broad variances for special land use purposes at the Director's discretion, with no regulatory criteria for his exercising this discretion, as discussed in Finding 13.24. This deficiency is minor because the variance may only be granted when it is "consistent with the purposes of" the State Act (Regulation Section 6B.07e.1.), and thus the Director may only grant the variance in the limited circumstances where the variance doesn't jeopardize protection of the public or the environment, and where the variance is not used to allow mining where reclamation is not feasible. See State Act Section 20-6-2(b) (1) and (3).

(10) West Virginia regulations fail to require that permit applications contain water quality information relating to the manganese content, as discussed in Finding 13.26. The impact of this deficiency will be minor, since manganese represents only one of a large number of pollutants on which information is required, and since the deficiency should be corrected relatively soon. In addition, the performance standards regulate manganese pollution.

(11) The State regulations do not require that for area strip mining, rough backfilling and grading operations be completed within 180 days of coal extraction, as discussed in Finding 13.27. The deficiency is minor since the State does require that no more than two spoil piles may be allowed nor more than 3,000 linear feet of open pit. It is unlikely that situations will occur in area strip mining where operations would greatly exceed the 180 day limitation during the short period required to modify present State regulations, since these situations could only occur where mining proceeds on a sporadic basis.

(12) As discussed in Finding 13.28, the State regulations do not, due to an apparent clerical error, prohibit static safety factors of less than 1.5 on the outslopes of the plateau created by mountaintop removal where these slopes exceed lv:2h. This deficiency is minor because it is unlikely that any such steep slopes will be permitted without the required static safety factor during the brief period before the regulation is clarified.

(13) As discussed in Finding 13.29, the State Regulations allow the Director of DNR to permit windrowing timber on the downslope, which is contrary to the federal requirements. This deficiency is minor because under the State rule the Director may permit windrowing only where the permittee demonstrated that such placement will not reduce stability and it is unlikely that the amount of windrowing which might be allowed during the short period before their regulation is changed will cause significant water degradation.

(14) As discussed in Finding 13.30, the State regulations allow a peak particle velocity of two inches per second at the nearest residence from the blast contrary to the federal requirements.

This deficiency is minor because Section 4C.04h limits the weight of explosives consistent with the federal formula, which is based on meeting the federal one inch per second peak particle velocity requirement. It is unlikely that there will be many instances where measurement of peak particle velocity at the nearest residence, rather than at any dwelling, as under the federal rule, would be inadequate during the period before the regulation is changed. Further, this regulation should be changed before the deficient practice could be put into effect under the permanent program.

(15) As discussed in Finding 13.31, the State regulations do not require that fish and wildlife agencies be given 60 days to review alternate land use plans. This problem is minor because State Regulation 4D.04h requires that any necessary approvals from fish and wildlife agencies must be obtained before the plans can be approved. This will provide significant protection to fish and wildlife during the short period before the regulation is changed. Further, the normal opportunities for comment by government agencies will be provided, as for all permits.

(16) As discussed in Finding 13.32, the State rules do not contain the provisions for the transfer of wells equivalent to those under the federal program. Due to the infrequent use of wells by persons other than the permittee, this omission in the regulations will have little effect during the short period before the regulation is changed.

(17) As discussed in Finding 13.33, State regulations do not require that the operator immediately inform the regulatory authority of dangerous slides and comply with any remedial measures ordered. However, the State permit requires that the operator notify endangered parties and initiate self-imposed remedial measures. In addition, such slides are not likely to occur during the short period before the State program is changed, as the program already contains numerous measures designed to prevent slides.

(18) As discussed in Finding 13.34, the State provision which allows head-of-hollow fill, rock-core drain system design criteria to be used when the fill is not constructed at the ridge line could pose long term threats to integrity of the fills. This program is minor because, if the additional data being requested from the State substantiates a long term problem, surficial changes to the drainage pattern can be made with relative ease to divert water away from the fill. Few fills will be completed to the point of bond release in the time allowed for collection of the additional data. Further, there is substantial professional opinion in the administrative record that the potential problem will be found to be minimal when the additional data has been fully analyzed.

(19) As discussed in Findings 14.1, 14.2, 14.3, the State program fails to require all necessary information in permit applications relating to other operations of the applicant or the applicant's record of violations. This deficiency is minor because, as explained in the cited findings, only out-of-State operations are excluded from the requirement to identify other operations of the applicant, and only temporary suspensions are excluded from the requirement to report permit revocations and suspensions. While all violations of West Virginia environmental laws must be reported, violations of other laws need not be. The State and the public are likely to identify any applicant with a serious compliance problem with the information being required.

(20) As discussed in Finding 14.4, the State provisions for incidental permits are not completely consistent with the federal requirements. However, this deficiency is minor, as most of the federal environmental protection standards and permit information requirements are met and there is some opportunity for public participation. Further, as discussed in the Finding, only 35 of these permits have been granted in the last three years, and many of these involved areas under two acres, which would not be regulated at all under SMCRA. Finally, the fact that these permits must be under 5 acres makes it unlikely that any significant environmental harm will occur during the short period before the regulation is changed.

(21) As discussed in Finding 14.8, the State program omits the requirement that the State provide a copy of its written findings concerning permit approval, modification or denial to each person and government official who filed written objections or comment and the Regional Director and publish a summary of its decision in a newspaper of general circulation in the area of the coal mining operation. The effect of this deficiency is minor because the State does assist interested members of the public in keeping informed under Regulation Section 3Q.07, which requires that DNR notify the Clerk of the County Commission where the permit is located that a permit has been issued, and under Regulation Section 3Q.02, which requires that DNR send copies of renewal decisions to any person who filed comments on the renewal or was a party to any informal conference on the renewal.

(22) As discussed in Finding 14.9, due to an apparent clerical error the State regulations may be inconsistent with the federal program concerning public availability of borings and sampling analyses. The problem is minor because Section 20-6-11(a)(12) of SCMRA requires that this information be available.

(23) As discussed in Finding 15.2, West Virginia fails to include the requirement for a narrative description and map of the proposed exploration area consistent with the federal program. West Virginia law [Section 20-6-8(b)(1)] does require submission of a United States Geological Survey topographical map, and Regulation Section 5A.01b.12. requires submission of a map and narrative containing certain additional information. The amount of information required by West Virginia is adequate for the short period of time required to amend the State Regulations since exploration operations do not normally cause substantial problems.

(24) As discussed in Finding 17, the State law contains language which provides that, except for willful and deliberate acts, neither the permittee nor his authorized agents or employees shall be liable for any injury sustained by a citizen accompanying an inspector onto the minesite. This statutory problem is minor because it is very unlikely that anyone accompanying an inspector onto a minesite will be injured during the short period the Secretary has given the State to correct this provision. The Secretary is aware of no instance in which a citizen accompanying an inspector onto a minesite during the interim Federal program has been injured. Accordingly, few, if any citizens are likely to be deterred from exercising their statutory right to go onto a minesite pending resolution of this deficiency.

(25) As discussed in Finding 18.1, the State must provide an actuarial study of the funding mechanism for its alternative bonding system to insure that sufficient funds will be available to cover any necessary reclamation. This deficiency is deemed to be minor because, Section 20-6-12(h) of West Virginia SCMRA requires the net amount in the fund to equal or exceed one million dollars at all times. As explained in the Attorney General's opinion (Part A, response to Finding 18.1) the State utilizes this bonding procedure at the present time and has encountered no funding difficulties. The information in the Attorney General's

opinion pertaining to the State's past history of forfeitures, indicates the amounts in fund will be more than adequate pending completion of the actuarial study. This is especially true in view of the fact that the State requires a $1,000 per acre, $10,000 minimum bond from each operator in addition to the Special Reclamation Fund.

(26) State law fails to provide for the following civil penalty assessment requirements, as discussed in Finding 19.

(a) Adequate regulations or guidelines to insure (1) that penalties assessed in accordance with the State's broad statutory criteria will be uniform or consistent as applied to various factual situations, and (2) that the State's assessment procedures are adequate to constitute *administrative* assessment rather than judicial assessment. This deficiency is deemed to be minor because the Department of Natural Resources clearly has authority to assess and collect civil penalties during the short period allowed to develop guidelines for assessing penalties. The absence of guidelines will not preclude the State from implementing its civil penalty assessment authority during this period.

(b) Requirement that hearings in magistrate court be on the record, that Findings of Fact be made, that a written decision be entered, and that review in the circuit court be on the record. These deficiencies are deemed to be minor for several reasons: (1) the Department of Natural Resources has agreed to make a record of any magistrate proceedings to insure that a transcript is available; (2) since review of magistrate decisions by the circuit court will be *de novo* until the State statute is amended to provide for review on the record, preservation of the record presented in magistrate court is not vital; (3) relatively few notices are likely to be ripe for hearing, much less for circuit court review, before the required changes are made; and (4) although *de novo* review may be frustrating and cumbersome, it will not preclude the DNR from issuing and adjudicating civil penalty assessments during the period before the program is changed.

(c) Adequate provisions for citizen participation in magistrate court proceedings including provision for recovery of Attorney fees. This deficiency is deemed to be minor because, although it is an important provision, it is not utilized frequently.

(d) Provisions for timely resolution of disputes about civil penalty assessments. This deficiency is deemed to be minor because the State can, as a practical matter, insure that penalties for violations of the State law can be quickly resolved by exercising its criminal prosecution authority as it has in the past. As stated in the Attorney General's opinion, the State will continue to do this.

(e) Provisions for resolution of civil penalty issues without the availability of trial by jury. The possibility of an operator requesting a trial by jury is deemed minor because there should be relatively few instances where penalty assessments would be ripe for hearing during the period allowed for program amendment. Even if operators elect to utilize the present provision in State law which allows for a jury trial, the DNR would still be able to proceed with assessment and adjudication of civil penalties.

(f) Provision for payment into escrow as a condition precedent to contesting a proposed civil penalty assessment. This deficiency is deemed to be minor because, in the short period allowed for program change, the State can, and will, continue to utilize its authority to proceed against violators criminally. A criminal prosecution requires posting of a bond, which serves to some extent the same function as prepayment into escrow.

(g) Provisions in State law which clarify that an operator has only one avenue of appeal for challenging violations or penalty assessments, as discussed at Findings 19.4 and 20.4. This problem is deemed to be minor because it is unlikely that an appellant will have an opportunity to take advantage of the dual system before the problem is corrected by the State. Even if an operator seeks review of a notice of violation before the magistrate court and the Reclamation Board of Review simultaneously, a problem will arise only if different decisions are reached by the two bodies. In addition, the Attorney General's opinion states that the issuance of a civil penalty by the Department at any time before or after an appeal of a notice or order to the Reclamation Board of Review deprives the Board of Jurisdiction to hear the appeal. Although the law as it is now written does not, on its face, confirm this view, this interpretation can probably be utilized to avoid dual appeals pending the program revision.

As stated in a–g above each of the noted deficiencies is considered to be minor. In addition, the Secretary considers the cumulative effect of the deficiencies to be minor because they do not preclude the State from proposing, issuing, adjudicating or collecting civil penalty assessments for violations of the State program. In addition, the State has available very effective criminal prosecution authority to insure that monetary fines can be imposed swiftly against anyone who violates any provision of the program pending resolution of all the deficiencies identified by the Secretary.

(27) As discussed in Findings 19.4 and 20.4, State law does not require that daily civil penalties for cessation orders issued for failure to abate a notice of violation be imposed until the violation is abated. This problem is deemed to be minor because regulation 14A.03b. provides that any cessation order issued under Section 17(a) "shall remain in effect until the violation has been abated." This regulation should be sufficient to insure that, during the period allowed for a statutory amendment, no cessation order will be terminated before complete abatement is accomplished.

(28) As discussed in Finding 20.7, State law provides that cessation orders shall be "vacated" once remedial action has been accomplished. The Secretary deems this problem to be minor because a very short period of time has been allowed to correct this deficiency. Since Federal law provides up to 90 days to abate a violation before a cessation order must issue, relatively few cessation orders will be issued before the required change is made. Also, State Regulation 14A.03d provides that the word "vacate" means "terminate." In view of the legislative history of this particular section of State law as outlined in the Attorney General's opinion, it is possible that a challenge to the DNR's authority to promulgate regulation 14A.03d would be unsuccessful.

(29) As discussed in Finding 20.7 and Finding 20.8, State law does not clearly define vacation as opposed to termination and does not contain a provision which requires inspectors to determine the steps necessary to abate each violation. The Secretary deems this problem to be minor because State inspectors clearly have the authority to issue cessation orders and State Regulation Section 14A.03d. applies. Therefore, it is unlikely that many problems will occur. As far as determining abatement steps, the inspector can insist on specific or particular remedial steps to be taken by the operator. In addition, State Regulation 14A.03c. directs inspectors to include in the order the measures necessary to abate the cessation order. This regulation offers support for the inspector's authority to demand specific actions, should specific requirements for abatement contained in the order be challenged by the operator.

(*30*) State law fails to provide that an operator's unwarranted failure to abate a violation is to be considered in determining whether an operator should be issued an order to show cause why his permit should not be suspended or revoked, as discussed in Finding 20.9. Also, because of a clerical error, the word "no" appears in Regulation 14A.01.a.3, which negates the purpose of the regulation. The Secretary deems these deficiencies to be minor because it is highly unlikely that any operator would develop a pattern of violations before the deficiency is corrected.

(*31*) The State statute allows variances to certain of the prohibitions against mining contained in Section 522(e)(1) of SMCRA, as discussed in Finding 21.1. This deficiency is minor because 20-6-22(d)(2) of SCMRA restricts its use to cases where there is an affirmative finding that positive environmental benefits will result. This restriction assures that the variance will not be used frequently. Further, the required change is expected to have been made before any permits are issued which incorporate such a variance.

(*32*) State law imposes certain costs of taking an appeal on the appellant, as discussed in Finding 22.3. The Secretary deems this to be a minor problem because few appeals are likely to be taken during the short time period before the requisite statutory changes are accomplished. In addition, the Attorney General's opinion says that current practice is that appellants pay only for the cost of personal copies of the transcript, not the full cost of transcription.

(*33*) State law fails to make the Reclamation Commission subject to certain conflict of interest provisions, as discussed in Finding 23. Three of the four members of the Commission are subjected to these requirements by virtue of their employment with the Department of Natural Resources. The fourth member, the Director of the Department of Mines, is subject to a conflict of interest provision under Chapter 6B of the Code of West Virginia. These provisions will provide adequate protection against conflicts of interest during the short period before the statute is changed.

(*34*) State law limits the scope of Small Operator Assistance, discussed in Finding 25, by providing funds only as available from the U.S. Department of the Interior. Since it is not expected that the Small Operator Assistance Program is West Virginia will receive a substantial number of applications, and since federal funds will probably be adequate to fund the program during the period between the program approval and the legislative change, this deficiency is considered to be minor.

(*35*) As discussed in Finding 27.2, the State program does not provide for 5 days written notice of formal hearings. This deficiency is considered to be minor because the regulations promulgated pursuant to the Open Government Proceedings Law do require advance notice be given. In addition, since due process requires that adequate notice be given to parties to any litigation; ample notice will be provided as a matter of constitutional law.

Given the nature of the deficiencies set forth in the Secretary's Findings and their magnitude in relation to all the other provisions of the West Virginia program, the Secretary of the Interior has concluded they are minor deficiencies. Accordingly, the program is eligible for conditional approval under 30 CFR 732.13(i) because:

1. The deficiencies are of such a size and nature as to render no part of the West Virginia program incomplete since all other aspects of the program meet the requirements of SMCRA and 30 CFR Chapter VII and these deficiencies, which will be promptly corrected, will not directly affect environmental performance at coal mines;

2. West Virginia has initiated and is actively proceeding with steps to correct the deficiencies; and

3. West Virginia has agreed, by letter dated January 13, 1981, to correct the statutory and regulatory deficiencies by the dates specified in 30 CFR Part 948.

Accordingly, the Secretary is conditionally approving the West Virginia program. This approval shall terminate if regulations correcting the deficiencies are not enacted by the dates specified in 30 CFR Part 948.

This conditional approval is effective January 21, 1981. Beginning on that date, the West Virginia Department of Natural Resources shall be deemed the regulatory authority in West Virginia and all West Virginia surface coal mining and reclamation operations on non-federal and non-Indian lands in West Virginia shall be subject to the permanent regulatory program.

On non-federal and non-Indian lands in West Virginia, the permanent regulatory program consists of the state program approved by the Secretary.

The Secretary's approval of the West Virginia program relates at this time to the permanent regulatory program under Title V of SMCRA. The approval does not constitute approval of any provisions related to implementation of Title IV under SMCRA, the abandoned mine lands reclamation program. In accordance with 30 CFR Part 884, West Virginia may submit a state reclamation plan now that its permanent program has been approved. At the time of such a submission, all provisions relating to abandoned mined lands reclamation will be reviewed by officials of the Department of the Interior.

F. Additional Findings

The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 USC 1292(d), no environmental impact statement need be prepared on this conditional approval.

The Secretary has determined that this document is not a significant rule under E.O. 12044 or 43 CFR Part 14, and no regulatory analysis is being prepared on this conditional approval.

Dated: January 15, 1981.

Joan M. Davenport,

Assistant Secretary.

A new Part, 30 CFR Part 948, is adopted to read as follows:

PART 948—WEST VIRGINIA

Sec.

948.1 Scope.

948.10 State regulatory program approval.

948.11 Conditions of State regulatory program approval.

Authority: Pub. L. 95-87, Surface Mining Control and Reclamation Act of 1977, (30 U.S.C. 1201 *et seq.*)

§ 948.1 Scope.

This Part contains all rules applicable only within West Virginia that have been adopted under the Surface Mining Control and Reclamation Act of 1977.

§ 948.10 State regulatory program approval.

The West Virginia State program, as submitted on March 3, 1980, as amended and clarified on June 16, 1980, and resubmitted December 19, 1980, is conditionally approved, effective January 21, 1981. Beginning on that date, the Department of Natural Resources shall be deemed the regulatory authority in West Virginia for all surface coal mining and reclamation operations and for all exploration operations on non-federal and non-Indian lands. Only surface coal mining and reclamation operations on non-federal and non-Indian lands shall be subject to the provisions of the West Virginia permanent regulatory program. Copies of the approved program, together with copies of the letter of the Department of Natural Resources agreeing to the conditions in 30 CFR 948.11, are available at:

(a) West Virginia Department of Natural Resources, Division of Reclamation, Room 322, 1800 Washington Street,

East, Charleston, West Virginia 25311; Telephone: (304) 348–3267.
(b) Office of Surface Mining, Region I, 603 Morris Street, Charleston, West Virginia 25301; Telephone: (304) 342–8125.
(c) Office of Surface Mining, Interior South Building, Room 153, 1951 Constitution Avenue, NW., Washington, DC 20240; Telephone: (202) 343–4728.

§ 948.11 Conditions of State regulatory program approval.

(a) The approval of the West Virginia State program is subject to the State revising its program to correct the deficiencies listed in this section. The program revisions may be made, as appropriate, to the statute, the regulations, the program narrative, or the Attorney General's opinion. This section indicates, for the general guidance of the State, the component of the program to which the Secretary recommends the change be made.

(1) The approval found in § 948.10 will terminate on July 1, 1981, unless West Virginia submits to the Secretary by that date copies of an enacted law, and, if necessary, regulations requiring elimination of highwalls in all augering operations consistent with Section 515(b)(3) of SMCRA and 30 CFR 816.102(a)(2) or otherwise amends its program to accomplish the same result.

(2) The approval found in § 948.10 will terminate on May 1, 1981, unless West Virginia submits to the Secretary by that date copies of enacted regulations or otherwise amends its program to provide criteria for the design of constructed barriers which will assure protection of water quality and long term stability at least equal to that of natural barriers.

(3) The approval found in § 948.10 will terminate on April 1, 1982, unless West Virginia submits to the Secretary by that date copies of enacted law and regulations or other amendment to its program to prohibit updip mining consistent with Section 516(b)(12) of SMCRA.

(4) The approval found in § 948.10 will terminate on May 1, 1981, unless West Virginia submits to the Secretary by that date copies of an enacted statutory changes which are consistent with Section 515(b)(10) of SMCRA and which clarify the definition of "adequate treatment".

(5) The approval found in § 948.10 will terminate on July 1, 1981, unless West Virginia submits to the Secretary by that date copies of fully enacted statutory or regulatory revisions or other program amendments that will result in inclusion of topsoil storage areas within the definition of "disturbed area" consistent with 30 CFR 705.1.

(6) The approval found in § 948.10 will terminate on May 1, 1981, unless West Virginia submits to the Secretary by that date copies of enacted regulations which contain provisions that are the same or similar to 30 CFR 816.13 through 816.15 or other program amendments requiring the protection of the public, wildlife, and others from the dangers of exploratory or other bore holes which have not been properly managed or controlled.

(7) The approval found in § 948.10 will terminate on May 1, 1981, unless West Virginia submits to the Secretary by that date copies of enacted regulations designed to maximize the ultimate mineral recoverability when augering operations are conducted consistent with 30 CFR 819.11(a) and to make the prohibition of auger mining mandatory as in 30 CFR 819.11(e).

(8) The approval found in § 948.10 will terminate on May 1, 1981, unless West Virginia submits to the Secretary by that date copies of an enacted regulations which (i) require covering of coal mining waste banks with non-toxic and non-combustible material consistent with 30 CFR 816.85(d); (ii) specify construction criteria for subdrainage systems consistent with 30 CFR 816.72(b)(1) and (b)(4); (iii) prohibit the use of impoundments on constructed fills consistent with 30 CFR 816.71(g); and (iv) require inspection of coal refuse piles consistent with 30 CFR 816.71(j) or otherwise amends its program to accomplish the same results.

(9) The approval found in § 948.10 will terminate on May 1, 1981, unless West Virginia submits to the Secretary by that date enacted regulations which eliminate the broad variance now found in State Regulation 6B.07e.1. or define criteria for use of the variance consistent with Section 515(e) of SMCRA and 30 CFR 826.15.

(10) The approval found in § 948.10 will terminate on May 1, 1981, unless West Virginia submits to the Secretary by that date copies of enacted regulations or other program amendments requiring that permit applications contain water quality information on total manganese consistent with 30 CFR 783.16(b)(2)(vi).

(11) The approval found in § 948.10 will terminate on May 1, 1981, unless West Virginia submits to the Secretary by that date copies of enacted regulations requiring completion of rough backfilling and grading in area strip mining operations within 180 days, consistent with 30 CFR 816.101(a)(3).

(12) The approval found in § 948.10 will terminate on May 1, 1981, unless West Virginia submits to the Secretary by that date copies of enacted regulations containing a provision which prohibits a static safety factor of less than 1.5 on slopes greater than 1v:2h on the outslopes of the plateau created by mountaintop removal mining operations consistent with 30 CFR 824.11(a)(7).

(13) The approval found in § 948.10 will terminate on May 1, 1981, unless West Virginia submits to the Secretary by that date copies of enacted regulations which prevent placing debris on the downslope consistent with Section 515(d)(1) of SMCRA and 30 CFR 826.12(a)(i)(C).

(14) The approval found in § 948.10 will terminate on May 1, 1981, unless West Virginia submits to the Secretary on that date copies of enacted regulations which limit the maximum peak particle velocity to one (1) inch per second at *any* residence or other structure, consistent with 30 CFR 816.65.

(15) The approval found in § 948.10 will terminate on May 1, 1981, unless West Virginia submits to the Secretary by that date copies of enacted regulations or other program amendment which provide a minimum of 60 days for review of alternate land use proposals consistent with 30 CFR 816.133(c)(8).

(16) The approval found in § 948.10 will terminate on May 1, 1981, unless West Virginia submits to the Secretary by that date copies of enacted regulations or other program amendment containing provisions regarding the transfer of wells consistent with 30 CFR 816.53 and 30 CFR 817.53.

(17) The approval found in § 948.10 will terminate on May 1, 1981, unless West Virginia submits to the Secretary by that date copies of enacted regulations or other program amendment containing provisions requiring notification of the regulatory authority of slides and compliance with required remedial measues to mitigate the threat posed by such slides consistent with 30 CFR 816.99(b) and 30 CFR 817.99.

(18) The approval found in § 948.10 will terminate on April 1, 1982, unless West Virginia submits to the Secretary by that date additional data demonstrating that large volumes of water runoff will not damage the fills along with copies of enacted regulations or other program changes, if any, necessary to correct deficiencies identified by the data provided.

(19) The approval found in § 948.10 will terminate on July 1, 1981, unless West Virginia submits to the Secretary by that date copies of enacted statutes and regulations to require data on the applicant's past record of mining

consistent with Sections 507(b)(3), 507(b)(5) and 510(c) of SMCRA.

(20) The approval found in § 948.10 will terminate on July 1, 1981, unless West Virginia submits to the Secretary by that date copies of enacted regulations or other program amendments to show that applicable permit data, performance standards and public participation requirements of SMCRA are included in the State provisions for incidental permits.

(21) The approval found in § 948.10 willwill terminate on May 1, 1981, unless West Virginia submits to the Secretary by that date copies of enacted regulations regarding the type of boring and sampling analyses information to be made available to the public consistent with 30 CFR 786.15(a)(2) and the State law [20–6–11(a)(12)].

(22) The approval found in § 948.10 will terminate on May 1, 1981, unless West Virginia submits to the Secretary by that date copies of enacted regulations regarding the type of boring and sampling analyses information to be made available to the public consistent with 30 CFR 786.15(a)(2) and the State law [20–6–11(a)(12)].

(23) The approval found in § 948.10 will terminate on May 1, 1981, unless West Virginia submits to the Secretary by that date copies of enacted regulations or other program amendments which provide a narrative description and map of the proposed exploration area if more than 250 tons of coal will be removed consistent with 30 CFR 776.12.

(24) The approval found in § 948.10 will terminate on May 1, 1981, unless West Virginia submits to the Secretary by that date copies of enacted law which eliminates the provision that a permittee and his authorized agents and employees are not liable for any injury sustained by a citizen accompanying the inspector onto the minesite except for willful and deliberate acts.

(25) The approval found in § 948.10 will terminate on April 1, 1982, unless West Virginia submits to the Secretary by that date an actuarial study of the Fund, prepared by a qualified professional, that demonstrates the amount of money going into the Fund will cover the demands to be placed on it, along with copies of enacted law, or other program changes needed to redress any deficiencies identified by the actuarial study.

(26) The approval found in § 948.10 will terminate on July 1, 1981, unless West Virginia submits to the Secretary by that date copies of enacted law and regulations which provide for a system for assessment, enforcement and collection of civil penalties the same or similar to Section 518 and the related provisions of Sections 525 and 526 of SMCRA.

(27) The approval found in § 948.10 will terminate on May 1, 1981, unless West Virginia submits to the Secretary by that date copies of enacted law which requires that civil penalties for cessation orders issued for failure to abate a notice of violation be imposed on a daily basis consistent with Section 518(h) of SMCRA.

(28) The approval found in § 948.10 will terminate on May 1, 1981, unless West Virginia submits to the Secretary by that date copies of enacted law which provides that the abatement for a validly issued cessation order does not result in the vacation of the order.

(29) The approval found in § 948.10 will terminate on May 1, 1981, unless West Virginia submits to the Secretary by that date copies of enacted law which provides that, in issuing cessation orders, inspectors specify the steps necessary to abate the violation in the most expeditious manner possible, including all necessary abatement measures, as is required by Section 521(a)(3) of SMCRA.

(30) The approval found in § 948.10 will terminate on May 1, 1981, unless West Virginia submits to the Secretary by that date copies of enacted regulations which provide that an operator's unwarranted failure to abate will be considered in determining whether a show cause order should be issued and that other provisions of the State regulations are consistent with 30 CFR 843.13.

(31) The approval found in § 948.10 will terminate on May 1, 1981, unless West Virginia submits to the Secretary by that date copies of enacted law which does not allow mining to be approved within areas where mining is prohibited by Section 522(e)(1) of SMCRA.

(32) The approval found in § 948.10 will terminate on May 1, 1981, unless West Virginia submits to the Secretary by that date copies of enacted law which provides that the appellant does not have to bear the cost of transcribing the proceedings or pay the mileage or transportation expenses incurred by other parties consistent with 43 CFR Part 4.

(33) The approval found in § 948.10 will terminate on May 1, 1981, unless West Virginia submits to the Secretary by that date copies of enacted law which subjects all members of the Reclamation Commission to the conflict of interest provisions of Section 20-6-40 of the West Virginia law.

(34) The approval found in § 948.10 will terminate on April 1, 1982, unless West Virginia submits to the Secretary by that date copies of fully enacted law consistent with Section 507(c) of SMCRA which does not restrict assistance to small operators to funds provided by the federal government.

(35) The approval found in § 948.10 will terminate on May 1, 1981, unless West Virginia submits to the Secretary by that date copies of enacted regulations which provide for advance public notice of formal hearings consistent with Section 525 of SMCRA.

[FR Doc. 81–2062 Filed 1–19–81; 8:45 am]
BILLING CODE 4310–05–M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR 372a

[DoD Directive 5120.20][1]

American Forces Radio and Television Service

AGENCY: Office of the Secretary of Defense.

ACTION: Final rule.

SUMMARY: This rule defines the Department of Defense policy, responsibilities, information requirements, management and operations of the American Forces Radio and Television Service (AFRTS). It is issued in support of the provisions of PART 372 of this title.

EFFECTIVE DATE: December 23, 1980.

FOR FURTHER INFORMATION CONTACT: LTC C. William Duerre, Office of the Assistant Secretary of Defense (Public Affairs), American Forces Information Service (AFIS), The Pentagon, Washington, D.C. 20301, Telephone 202–694–4606.

Accordingly, 32 CFR is being amended by adding a new Part 372a, reading as follows:

PART 372a—AMERICAN FORCES RADIO AND TELEVISION SERVICE (AFRTS)

Sec.

372a.1 Purpose.
372a.2 Applicability.
372a.3 Policy.
372a.4 Responsibilities.
372a.5 Information Requirements.

Enclosure 1—AFRTS Management and Operations.

Authority: 10 U.S.C. 133.

§ 372a.1 Purpose.

This Rule:

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

(a) Reflects the AFRTS organization, states policy, and assigns responsibilities for the AFRTS.

(b) Authorizes the development and publication of DoD 5120.20–R, "Management and Operation of AFRTS," in compliance with DoD Directive 5025.1,[1] "DoD Directives System," October 16, 1980. Upon publication of DoD 5120.20–R, enclosure 1 of this Part will be canceled and any subsequent reference to enclosure 1 will be deemed a reference to the relevant provision of DoD 5120.20–R.

§ 372a.2 Applicability.

The provisions of this Part apply to the Office of the Secretary of Defense and its field activities, the Military Departments, the Organization of the Joint Chiefs of Staff and the Unified and Specified Commands, and the Defense Agencies (referred to herein as "DoD Components"). As used in this Part, the term "Military Services" refers to the Army, Navy, Air Force, and Marine Corps.

§ 372a.3 Policy

(a) The *American Forces Radio and Television Service,* an activity of the American Forces Information Service (AFIS), under the direction of the Assistant Secretary of Defense (Public Affairs) (ASD(PA)):

(1) Supports the internal information program of the Department of Defense, as stipulated in 32 CFR 372, by providing a broad range of information and entertainment programing, through the radio and television media, to overseas DoD personnel and their dependents. As used in this Directive, the term "overseas" refers to geographic locations outside of the contiguous United States including Navy ships at sea, Alaska, and Hawaii.

(2) Provides U.S. military commanders, worldwide, with unique means to communicate internal information directly to DoD personnel overseas.

(3) Assists in maintaining and enhancing the morale, readiness, and well-being of DoD personnel.

(4) Does not seek to compete for audiences with any other broadcast facility or organization. AFRTS broadcasts are directed toward DoD audiences overseas. The fact that others may receive these broadcasts is the result of electronic media characteristics.

(5) Does not endorse or imply DoD endorsement of any commercial product or service.

(6) Is part of the internal information program of the Department of Defense. Funds appropriated for AFRTS may not be used to support external information programs.

(b) *American Forces Radio and Television Service Outlets:*

(1) Operate under the centralized management and control of the Military Departments, in accordance with the policies and procedures developed by the Director, AFIS, under the provisions of this Part and 32 CFR 372.

(2) Adhere to AFIS broadcast policy, which prohibits censorship, propagandizing, or manipulation, and which mandates that overseas DoD personnel and their dependents are entitled to the same type of information and entertainment programing as their fellow citizens in the United States.

(i) This policy is subject to the following considerations:

(A) *Host Country Sensitivities.* AFRTS outlets operate in foreign countries with the approval of the host government which assigns broadcast frequencies. Program topics considered sensitive to a host country may be restricted from broadcast on an AFRTS outlet. Such restrictions shall be based soley on official determination by the U.S. Embassy or U.S. Country Team.

(B) *Area Restrictions.* When legal owners of programs prohibit AFRTS from broadcasting certain programs in specified geographic areas, these restrictions must be honored.

(ii) The above considerations do not permit the calculated withholding or editing of information and entertainment programing based on personal taste or preference. Such practices constitute censorship and are prohibited.

(3) Shall give maximum use to information and entertainment programing provided by the AFRTS Programing Center located in Los Angeles, California, and to Service-produced internal information programing distributed by the Military Departments. AFRTS outlets may produce local information, entertainment and religious programing to meet internal information objectives.

(4) May not produce news editorials, commentary, or analysis; engage in investigative reporting; or initiate political news coverage.

(5) Shall protect all programing and associated broadcast products from unauthorized use. These materials remain in the custody of the Department of Defense.

(6) May be advised by the Director, AFIS, to broadcast special programing on certain occasions. Failure to comply with this requirement must be justified to the ASD(PA).

(7) May not offer broadcasts in other than the English language, except as stated in subsection C.2., enclosure 1.

(8) May be used to promote military training or off-duty education. However, AFRTS facilities may not be used for training or educational purposes except at designated remote sites and aboard Navy ships, and as stated in paragraph C.2.b., enclosure 1. Further exceptions to this policy shall be considered by the Director, AFIS, on a case-by-case basis. In no instance shall the primary mission of AFRTS be jeopardized.

(9) May not use films and program materials from the Army and Air Force Exchange Service and the Navy Motion Picture Service.

(c) The *American Forces Radio and Television Service Programing Center,* a field activity of the AFIS:

(1) Provides information and entertainment programing for the exclusive use of AFRTS outlets.

(2) Is the only source authorized to negotiate for, procure, and distribute commercial and public broadcasting programing, except as stated in paragraph C.3.k., enclosure 1. Further exceptions to this policy will be considered by the Director, AFIS, on a case-by-case basis.

(3) Provides internal information programing and distributes radio and television spot announcements provided by the AFIS, in support of DoD internal information themes, goals, and objectives.

(4) Provides religious programing approved solely by the Armed Forces Chaplains Board, Office of the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics).

(5) Establishes procedures to alert AFRTS outlets of specific entertainment programing containing discretionary subject matter including that considered sensitive to a host country.

§ 372a.4 Responsibilities

(a) The *Assistant Secretary of Defense (Public Affairs)* shall:

(1) Comply with 32 CFR 372.

(2) Provide policy and operational direction to the Director, AFIS, for the management and operation of AFRTS.

(3) Issue directive-type memorandums and provide policy guidance to AFRTS centralized management elements within the Military Departments.

(b) The *Director, American Forces Information Service,* shall:

(1) Comply with 32 CFR 372.

(2) Develop policies and procedures, and oversee their implementation, for the management and operation of the AFRTS radio and television broadcasting activities of the Department of Defense; and evaluate

[1] See footnote page 1.

and direct corrective action by the Military Departments to ensure AFRTS is properly structured and managed.

(3) Exercise AFRTS fiscal and personnel resource control through the Planning, Programing, and Budgeting System, and monitor the implementation of approved programs.

(4) Authorize the configuration and capabilities of AFRTS outlets.

(5) Ensure a free flow of information and entertainment programing to overseas DOD personnel and their dependents without censorship, propagandizing, or manipulation.

(6) Ensure that all AFRTS broadcast activities are in conformance with host country rules and regulations governing radio and television transmissions, and are guided by the applicable rules and regulations of the Federal Communications Commission (FCC), and the Radio and Television Codes of the National Association of Broadcasters (NAB).

(7) In coordination with the Military Departments, establish standards for the training of management, production, and technical staffs; and for the operation and maintenance of equipment at AFRTS outlets.

(8) Establish and develop policies for a worldwide radio and television satellite distribution system to designated AFRTS outlets.

(9) Oversee management of the AFRTS Programing Center.

(10) Issue instructional-type memorandums and provide policy guidance to the Military Departments for ASD(PA) approved programs.

(11) As appropriate, consult with and inform Unified/Specified Commands on matters that impact on their mission and responsibilities.

(c) The *Commanders of the Unified and Specified Commands* shall:

(1) Comply with 32 CFR 372.

(2) Provide the Director, AFIS, and the Military Departments with contingency plans to assume control of AFRTS outlets.

(3) Provide a list of subjects considered sensitive to host countries as related to AFRTS programing in accordance with § 372a.5(c) of this Part.

(4) Upon request of the Director, AFIS, negotiate agreements or memorandums with host countries authorizing the establishment and continuance of AFRTS outlets.

(5) Upon request of the Director, AFIS, negotiate agreements, contracts, and clearances with music and performing arts societies of host countries.

(6) Ensure that nothing inhibits the free flow of radio and television information and entertainment programing to overseas DoD personnel and their dependents.

(d) The *Secretaries of the Military Departments* shall:

(1) Comply with 32 CFR 372.

(2) Through their respective AFRTS centralized management elements, provide all personnel, financial, engineering, maintenance, and logistics resources to establish, centrally manage, control, operate, and maintain AFRTS outlets, in accordance with this Part, 32 CFR 372, 32 CFR 169, and 32 CFR 169a.

(3) Ensure that a U.S. citizen is designated as a commander or manager of an AFRTS outlet. This individual may be either military or civilian. Civilians must be employed by the U.S. Government, or a concern under contract to the U.S. Government. Exceptions may be granted when required by a host country agreement.

(4) Establish and maintain centralized equipment allowances and authorizations for AFRTS outlets, in accordance with DoD Directive 5040.2,[1] "Audiovisual Activities," July 23, 1979 and DoD 5040.2–R, "Management and Operation of DoD Audiovisual Activities," November 1979, and the provisions of the AFIS program for the standardization and certification of broadcast equipment.

(5) Ensure that nothing inhibits the free flow of radio and television information and entertainment programing to overseas DoD personnel and their dependents.

(6) Negotiate an Interservice Support Agreement, in accordance with Section D., enclosure 1, of this Part, and DoD Directive 4000.19,[1] "Interservice, Interdepartmental and Interagency Support," October 14, 1980, when an AFRTS outlet serves personnel of more than one Military Service. Normally, these agreements will be negotiated at the lowest feasible level. Differences in reaching agreements shall be adjudicated by the Director, AFIS.

(e) The *Secretary of the Army* shall designate the U.S. Army Materiel Development and Readiness Command (DARCOM) to provide support to the DoD-wide AFRTS mission. Responsibilities shall be delegated to the Television-Audio Support Activity (T–ASA), a DARCOM activity located at the Sacramento Army Depot, California. This is in accordance with DoD Instruction 4115.1,[1] "DoD Coordinated Procurement Program Purchase Assignments," September 1, 1972, and the policy direction provided by the Director, AFIS. T–ASA shall comply with the provisions of section E, enclosure 1.

(f) *Heads of DoD Components* shall follow the AFRTS management and operations procedures found in enclosure 1.

§ 372a.5 Information Requirements

(a) The Audiovisual (AV) Annual Report, DD Form 2054, Report Control Symbol DD–PA(A)1348 shall be completed in accordance with the provisions of DoD Directive 5040.2, and DoD 5040.2–R.

(b) The AFRTS Outlet/Network Registration, DD Form 2137, Report Control Symbol DD–PA(AR)1572, shall be submitted through channels to the Director, AFIS, at the time of initiation of a request for an AFRTS outlet and within 30 days of a substantive change affecting an AFRTS outlet.

(c) The AFRTS host country Sensitive Subject Summary Narrative Report, Report Control Symbol DD–PA(A&AR)1537, shall be submitted to: the Director, AFIS; the Director, AFRTS Programing Center; and the Commandant, DINFOS. Public Affairs Officers of Unified and Specified Commands, or other major commands having AFRTS outlets under their cognizance, shall forward this report annually and as changes, additions, and deletions occur. Annual reports are due September 15th of each year.

§ 372a.6 Definitions

(a) *AFRTS.* A worldwide broadcast organization that comprises: (1) An AFRTS headquarters element within AFIS; (2) the AFRTS centralized management elements within the Military Departments; (3) AFRTS outlets around the world; and (4) the AFRTS Programing Center in Los Angeles, California.

(b) *AFRTS Outlet.* Any facility authorized by the Director, AFIS, in accordance with policy to disseminate radio or television programing. An outlet includes AFRTS radio and television stations and networks, relay sites, translators, Navy ships using AFRTS program materials, mini-TV sites, and any other AFRTS broadcast facility.

(c) *AFRTS Network.* Two or more AFRTS stations, authorized by the Director, AFIS, to disseminate programing through interconnecting broadcast quality transmission circuits.

(d) *AFRTS Mini-TV.* A self-contained videotape playback system used in remote or isolated areas not accessible to a radiated AFRTS television signal.

(e) *AFRTS Programing Center.* A field activity of the AFIS located in Los Angeles, California, which provides

[1] See footnote page 1.

[1] See footnote page 1.

information and entertainment programing to AFRTS outlets.

(f) *Censorship.* The withholding or editing of information and entertainment programing, when such action is not supported by legitimate host country sensitivities or by broadcast restrictions imposed by program owners.

(g) *Host Country Sensitivities.* Topics that are restricted from broadcast on an AFRTS outlet when determined by the U.S. Embassy or U.S. country team, normally in writing, to be sensitive to the host country concerned.

(h) *Information Programing.* Radio and television programing that communicates knowledge and includes: world, national (U.S.), Service, major/local command, community, and host country news; sports news; analysis and commentary; public affairs; and spot announcements on internal information themes.

(i) *Entertainment Programing.* Radio and television programing that affords pleasure, diversion or amusement, such as comedy, drama, variety, play-by-play sports, and musical recordings.

Enclosure 1

AFRTS Management and Operations

A. Procedures

1. *Establishment of an AFRTS Outlet.* In accordance with responsibilities and policies established herein, an AFRTS outlet may be proposed for establishment wherever a requirement for such a communication medium can be demonstrated.

a. Upon determining that there is a need for an AFRTS outlet and before the investment of funds, the local command will forward a request to the appropriate Military Department with an information copy to the appropriate Unified/Specified Command. The Military Department will take steps to ensure that funds, personnel, administrative, and logistics support are available prior to submitting the request for the approval of the Director, AFIS. The Military Department will provide the following information for the consideration of the Director, AFIS, keeping the appropriate Unified/Specified Command informed:

(1) Number of military (by branch of Service) and civilian DoD personnel and dependents who will benefit from the outlet.

(2) Amount and format of English language programing currently available.

(3) Designation of the activity that will exercise immediate control over the outlet.

(4) Type of outlet and physical location.

(5) Staffing plan for the outlet, including the number of military and civilian spaces to be allocated.

(6) Financial plan to fund for the outlet, including the amount of investment, and operation and maintenance estimates.

(7) Estimated "on-air" date.

(8) Copy of frequency allocation authorization or other suitable documentation, if radiating.

(9) Copy of the agreement with the host government when the outlet is to be based in a foreign country. When no formal written agreement has been negotiated, a memorandum of understanding or record from the U.S. Embassy or U.S. Country Team will suffice.

(10) Appropriate documentation in compliance with 32 CFR 169, 32 CFR 169a when applicable.

b. In considering any request for a new AFRTS outlet, the following criteria will apply:

(1) An outlet in a foreign country will abide by existing treaties, agreements, or regulations. Outlets located in other than foreign countries will not cause interference, as determined under the rules of the FCC, to licensed broadcast stations.

(2) An outlet will not be operated within the United States, except in certain isolated areas or where the Director, AFIS, determines that U.S. commercial radio and television programs are inadequate.

(3) An outlet will not be established when the Director, AFIS, determines that English language commercial, public, or government radio and television programs are adequate.

c. With the exception of designated mobile stations during time of war and Navy ships at sea, the geographic location of authorized AFRTS outlets will not be changed without approval of the Military Department concerned. The Director, AFIS will be advised in advance of such proposed changes. The appropriate Unified/Specified Command will be informed.

d. Changes or modifications to equipment that will alter materially the type of broadcast, the broadcast coverage area, or will result in a condition contrary to host country agreements, will not be made without approval of the Military Department concerned in coordination with the appropriate Unified/Specified Command. The Director, AFIS, will be advised in advance of such proposed changes.

e. For new outlets requiring AFRTS program materials, the Military Departments will furnish the Director, AFIS, and the appropriate Unified/Specified Command, an advisory at least 90 days prior to the planned "on-air" date, and an updated advisory 30 days prior to the firm "on-air" date.

f. Frequency assignment parameters (frequency, emission, power, or time restrictions) will not be exceeded without the approval of the Director, AFIS, and the appropriate broadcast frequency assignment authority.

g. A request for the establishment of a relay station as an AFRTS outlet will be considered only if it is intended to relay programs from an existing AFRTS outlet.

2. *Disestablishment of an AFRTS Outlet.* When a need no longer exists for an AFRTS outlet, the responsibile Military Department in coordination with the appropriate Unified/Specified Command, will obtain the approval of the Director, AFIS, to disestablish and will:

a. Notify the appropriate U.S. Embassy or U.S. Country Team of the disestablishment, if the outlet is located in a foreign country, and forward a copy of the notification to the Director, AFIS.

b. Advise the JCS and the Office of the Assistant Secretary of Defense (Communications, Command, Control, and Intelligence) (ASD(C31)) when FCC jurisdiction is involved.

c. At least 60 days prior to disestablishment, request from the AFRTS Programing Center disposition instruction for program materials.

d. Determine equipment disposition and furnish appropriate instructions to the outlet.

e. Notify the appropriate broadcast frequency assignment authority.

3. *Station Identification*

a. AFRTS networks and stations will:

(1) Identify themselves at prescribed regular intervals in compliance with international and host country regulations. If call letters, an identifying phrase, or a local television on-air logo has been assigned by the appropriate Military Department with the approval of the Director, AFIS, they may be used. If call letters or an identifying phrase has not been assigned, the network or station identification will be made as follows: "This is the American Forces Radio and Television Service," followed by the city, geographical location, or name of the Navy ship.

(2) Identify themselves at least once daily, or at sign-on and sign-off, as "This is the American Forces Radio and Television Service."

(3) Play the National Anthem of the United States at the normal sign-on and sign-off times, if not in contravention with an existing agreement with a host country. Networks and stations operating 24 hours a day will play the National Anthem at least once a day at the most appropriate time.

b. Networks will not be identified as such unless they exist in fact, and then they will be identified as being operated for the benefit of the American Forces as a whole.

4. *Emergency Announcements.* AFRTS outlets may not broadcast emergency announcements without clearance from an appropriate local commander or the AFRTS outlet commander/manager, who must verify the requirement. Recall, alert, or maneuver announcements for training purposes are not considered emergency announcements and will not be broadcast.

B. AFRTS Program Materials

1. *Authorization.* AFRTS program service may be authorized only for approved AFRTS outlets. Requests for this service will be made to the Director, AFIS, through the appropriate Military Department, keeping the Unified/Specified Command informed.

2. *Ownership.* All AFRTS program materials remain in the custody of the DoD and are restricted for use on AFRTS outlets only. The use or reproduction of AFTS program materials, in whole or in part, for any other purpose is prohibited without specific authorization from the Director, AFIS, or as prescribed in paragraphs B.5.e. and B.5.f. of this enclosure.

3. *Disposition*

a. AFRTS program materials, including spot announcements, on hand at AFRTS outlets will be screened at least semi-annually to ensure that obsolete recordings, spot announcements, and films are removed from station libraries.

b. AFRTS outlets will obtain disposition instructions for outdated program materials from the AFRTS Programing Center.

c. When disposal has been authorized by the AFRTS Programing Center, the program materials will be disposed of in accordance with furnished instructions. Certified statements of such disposition will be forwarded to the Programing Center.

d. To meet emergency situations AFRTS outlets will develop contingency plans for removing or destroying AFRTS program materials.

4. *Restrictions*

a. AFRTS program materials will not be used:

(1) On foreign or domestic commercial, private, or government-owned broadcasting stations without specific authorization from the Director, AFIS.

(2) In a program originating from a military installation and broadcast by a commercial station.

(3) As a feed from a hospital program broadcasting system to provide entertainment for such nontherapeutic activities as service clubs, staff quarters, barracks, and offices.

(4) In any manner that constitutes competition with, or is detrimental to commercial artists, copyright owners, or other private interests determined to be competitive.

(5) For direct projection exhibitions.

(6) Aboard Navy ships, while the ships are in port and within range of U.S. commercial stations broadcasting or telecasting U.S. programs.

b. Program materials produced by AFRTS outlets will not be made available to commercial, private, or government-owned radio or television stations or networks, or their representatives, without approval through normal public affairs channels.

5. *Use*

a. AFRTS program materials will be broadcast as received from the AFRTS Programing Center. Editing, for any purpose, is prohibited without prior approval of the Programing Center, except as prescribed in paragraphs e. and f., below.

b. TV information programing designated as "priority" by the AFRTS Program Center will be aired by AFRTS outlets in local prime time. Requests for exceptions to this requirement will be submitted to the Director, AFIS. (This requirement does not apply to Navy ships, when such broadcasts would interfere with operational commitments.)

c. Program materials furnished by the AFRTS Programing Center may be taped for delayed broadcast only when authorized by the Programing Center. The same security measures will apply to duplicate copies as to original recordings. All copies will be erased as soon as operational requirements are met. None will be retained without authority from the Programing Center.

d. AFRTS outlets may excerpt individual musical recordings from AFRTS radio programs for continuing local use.

e. AFRTS outlets may delete material in entertainment programing to remove host country sensitivities. To facilitate this process outlets are authorized to reproduce (dub) the original program. Such reproductions will be erased immediately after airing. The AFRTS Programing Center will be notified when deletions for sensitivities are made.

f. AFRTS outlets may use short excerpts electronically edited (dubbed) out of television shows or feature films for the purpose of informing viewers of upcoming television programs. The use of these excerpts (for promotionals) will met specific criteria provided by the AFRTS Programing Center.

g. AFRTS outlets may not conduct fund-raising radiothons or telethons in support of the overseas Combined Federal Campaign. Outlets may conduct such fund-raising programs in support of commend relief, welfare, and organizational activities within the limits of DoD Directive 5035.1, "Fund-Raising Within the Department of Defense," April 7, 1978.

h. AFRTS outlets may use program materials furnished by the AFRTS Programing Center for broadcasts originating from remote locations providing the following criteria are met:

(1) Adequate justification exists to preclude broadcast of the program from the studios of the AFRTS outlet.

(2) The primary purpose of the remote broadcast is not to provide entertainment to an audience at the remote location.

(3) The preponderance of the audience at the remote location does not comprise foreign nationals.

(4) The length of the remote broadcast conforms to similarly formatted programs broadcast from the studios of the AFRTS outlet.

(5) Upon termination of the remote broadcast, AFRTS program materials will not continue to be used at the remote location.

(6) All agreements with host country organizations that have music rights are observed.

C. Programs

1. *Authorized Programs*

a. Except for those programs supplied or authorized by the AFRTS Programing Center and those specified in paragraph b., below, no AFRTS outlet may broadcast or rebroadcast any program produced in behalf of private or commerical interests or foreign governments without the approval of the Director, AFIS.

b. In certain instances, programs, events, or ceremonies broadcast by a foreign government or agency may be considered of sufficient cultural or informational value to warrent broadcast by AFRTS outlets. No broadcast of this nature may be made without the express permission of the originating or controlling foreign government or agency. Use of such programs requires the concurrence of the appropriate Military Department. The Director, AFIS, will be notified.

c. All requests for satellite program service will be submitted to the Director, AFIS, through the appropriate Military Department and with a copy to the appropriate Unified/Specified Command. The Director, AFRTS Programing Center, will effect coordination and circuit-order validation with communications carriers.

d. Military Departments may authorize AFRTS outlets under their command to produce local programing, including live broadcasts and spot announcements.

2. *Foreign Language Broadcasts.* Broadcasts in other than the English language may not be made without obtaining approval from the Director, AFIS, except as outlined below:

a. Those broadcasts designed to satisfy the needs of U.S. Forces speaking other than the English language.

b. Programs or announcements in the language of the host country, with adequate English translation, addressed specifically to DoD personnel to increase their knowledge of the language, and appreciation of the host country, its customs, background, and people.

c. Official requests by the host government to alert its civilian population of emergency conditions, such as storms, floods, and earthquakes. Such announcements must be confirmed and approved for broadcast by the U.S. Country Team or senior host command. The appropriate Unified/Specified Command, and the Director, AFIS, will be advised as soon as possible of the circumstances and action taken.

3. *News Programs*

a. The AFRTS Programing Center will provide a broad spectrum of news programs and materials from the major U.S. commercial and public broadcasting networks and wire services. This service provided by the Programing Center will be the principal source of world and national (U.S.) news for AFRTS outlets.

b. The DoD has assured the U.S. commercial and public networks that it will protect the integrity of all news programs and materials. No change will be made in the editorial content of any news programs and materials used. Radio news actualities and correspondents' reports may be excerpted from network newscasts, but must be excerpted in their entirely. Radio actualities presented within correspondents' reports may not be excerpted. Television news programing may not be excerpted in any manner unless specifically authorized by the AFRTS Programing Center. If television news programing is procured locally by an AFRTS outlet, as authorized in paragraph k. below, the provisions of the contract with the source of such programing will apply.

c. AFRTS outlets will use news analyses or commentaries provided by the AFRTS Programing Center only. Outlets will identify analyses or commentaries as such, distinguishing them from newscasts and straight news reporting.

d. The AFRTS Programing Center and AFRTS outlets' news policy is guided by the FCC's Fairness Doctrine. This doctrine requires that U.S. broadcast stations provide a significant cross section of opposing views on controversial issues. The Fairness Doctrine applies to issues rather than persons and does not require "equal opportunities." It does require U.S. broadcast stations to provide "reasonable opportunities" for the presentation of conflicting views on the important controversial public issues. All AFRTS news programing will be characterized by its fairness.

e. The AFRTS political broadcasting policy is based on the FCC's law of Political Broadcasting and Cablecasting, which does require "equal opportunities" for political candidates. For example, a U.S. broadcast

station may grant "equal opportunities" to a candidate to compensate for a speech or other appearance by a rival candidate. Accordingly, if an AFRTS outlet carries an original speech (or appearance), it is required to broadcast the answering response, which will also be made available from the AFRTS Programing Center. It is noted, however, the requirement for "equal opportunities" does not apply to four kinds of news programs: newscasts, news interviews, news documentaries, and spot coverage of news events. All AFRTS political programing will be characterized by its fairness.

f. The AFRTS Programing Center will provice a free flow of political programing from U.S. commercial and public networks. The Programing Center and AFRTS outlets will maintain the same "equal opportunities" balance offered by these sources. AFRTS outlets should make extensive use of such programing, especially during presidential election years, and should provide their audience with political analysis, commentary, and public affairs programs, in addition to political hard news.

g. AFRTS outlets may disseminate Service, major/local command, community, and host country news that is of special interest to DoD personnel and their dependents.

h. AFRTS outlets may routinely mention the name of a commercial sponsor, along with other pertinent facts, in news stories and local announcements concerning Armed Forces Professional Entertainment Programs.

i. The content, format, and presentation of local news programs will be carefully supervised to ensure that such programing is factual, fair, and unbiased, and is in compliance with all of the applicable provisions of this Directive. Equal care will be exercised in the selection of editors, newscasters, and supervisory personnel who direct and disseminate the news.

j. Locally produced newscasts will contain appropriate attribution at the beginning and end of each newscast. Normally, it is necessary to reattribute individual news items related to U.S. Government or DoD policies and operations. AFRTS outlets will not delete source attribution in news programs and materials provided by the AFRTS Programing Center.

k. To ensure complete and balanced news programing, AFRTS outlets have authority to contract for commercial news services, subject to normal budgeting and contracting procedures.

D. Interservice Support Agreements

1. When a proposed or existing AFRTS outlet serves personnel of more than one Military Service, an Interservice Support Agreement will be executed covering staffing, operations, support services, programing and internal information requirements. This agreement will be initiated by the responsible Military Service in accordance with DoD Directive 4000.19.[1] Normally this agreement is executed at the time establishment is requested. A copy of these Interservice Support Agreement will be provided to the appropriate Unified/Specified Command.

2. Budgeting and funding functions will be performed by the responsible Military Department. When a Military Department requests either a new service or an increase in present AFRTS service for an installation in another Military Department's geographical area of responsibility, the requester will fund the new service, reimbursing the geographical area manager for the balance of the current fiscal year, plus one additional fiscal year. Within this time frame, the geographical area manager will program and budget resources for the additional service. The pay, allowances (including subsistence), and permanent change of station expenses of military personnel permanently or temporarily assigned to assist in the management, operation, or engineering of the AFRTS outlet will be borne by the parent Military Department of those personnel. Where host-tenant support is provided by a command other than the one assigned control over the AFRTS outlet concerned, the requirement for reimbursement shall be determined in accordance with DoD Directive 4000.19.[1]

3. Military personnel authorizations for AFRTS outlets will be shared by the Military Services in proportion to the respective audience of each Service within the coverage area. For purposes of personnel authorizations, audience includes military, DoD civilians, and dependents. Where U.S. civilian personnel spaces are required, the proportionate share of these spaces and funds will be transferred to the operating Service from the other Services at the time of outlet establishment or transfer.

E. Television-Audio Support Activity (T-ASA) will:

1. Procure (based upon specified requirements and funds made available by the respective Military Departments), temporarily hold and issue, in accordance with DoD Instruction 4115.1,[1] nonstandard radio and television supplies and equipment requisitioned by AFRTS outlets. Minimum stocks (to include National Stock Numbers) of fast moving repetitive-demand type items, will be stocked to preclude the necessity for individual purchases for each requisition.

2. Process in-warranty and repair cycle float requirements for AFRTS outlets.

3. Review excess listings for feasibility of repair and redistribution to AFRTS outlets.

4. Provide engineering support for new and existing outlets when requested by other Military Departments. The requesting Service will be required to furnish travel and per diem funds.

5. Provide engineering expertise on the selection of replacement equipment to ensure maximum standardization.

6. Provide technical guidance on the maintenance and rehabilitation of existing AFRTS outlets.

7. Provide supervision and engineering expertise associated with the on-site survey, procurement, issuance and installation of nonstandard radio and television supplies and equipment upon request. The requesting Service will be required to furnish travel and per diem funds.

8. Conduct on-site maintenance advisory visits and provide on-the-job training as required/requested to AFRTS maintenance personnel.

9. Conduct on-site logistics advisory visits and provide supply procedure training as requested. Funding will be furnished by the requesting Service.

10. Provide Commodity Management for AFRTS outlets. This includes life cycle management for all systems, end items, repairables, consumables, and commercial technical literature in support of AFRTS outlets.

11. Develop, in coordination with the Military Departments and the Director, AFIS, specifications and standards for professional equipment for AFRTS outlets.

F. Telecommunications

1. Established military standards for long haul communications (strategic) are to be complied with when the use of Defense Communications System facilities is anticipated. This is necessary in order to provide appropriate interface and compatibility.

2. The ASD (C3I) is responsible for the coordination of AFRTS matters involving correspondence with the FCC and the National Telecommunications and Information Administration (NTIA).

3. Commanders will ensure required coordination, when applicable, with the Joint Frequency Panel of the U.S. Military Communications Electronics Board.

4. Early planning concepts, as well as requests for establishment of AFRTS facilities for broadcasting within the United States and possessions, will also be submitted through command channels to the ASD(C3I), who will effect necessary coordination with the NTIA and the FCC; and who will advise on consistency with national and departmental international telecommunications policy. The ASD(C3I) will advise the appropriate Military Department whether or not an application for frequency assignment may be processed to the NTA.

5. Frequency assignments will be obtained in accordance with established procedures and command responsibilities for frequency coordination and assignments.

G. Direct Communication

Direct communication is authorized between:

1. AFRTS outlets, Military Departments, Unified/Specified Commands, ASD(PA), and AFIS, concerning immediate operational matters only.

2. AFRTS outlets, Military Departments, and the T-ASA, Sacramento Army Depot, concerning routine supply matters, procurement actions, and technical engineering advice.

3. AFRTS outlets and the AFRTS Programing Center in Los Angeles on program matters such as new radio and television programs, program complaints, satellite transmissions, area program restrictions, and advisories on program sensitivities. Mini-TV outlets and Navy ships will channel such communications through the appropriate circuit manager to ensure proper coordination. All AFRTS outlets will channel communications concerning such matters as broadcast policy, or proposed changes in existing program services through the appropriate Military Department.

[1] See footnote page 1.

4. AFRTS outlets and host country commercial or government broadcasters, with the approval of the Director, AFIS. This direct link would be authorized for such local matters as lifting area program restrictions and the use of satellite broadcasters.

January 15, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer
Washington Headquarters Services
Department of Defense.

[FR Doc. 81-2060 Filed 1-19-81; 8:45 am]

BILLING CODE 3810-70-M

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) to reflect that the Secretary of the Navy: (1) has determined that USNS MOHAWK (T-ATF 170) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with Annex I, section 2(f) of the 72 COLREGS without interfering with its special function as a naval fleet tug, and (2) has found that USNS MOHAWK (T-ATF 170) is a member of the T-ATF 166 Class of ships, certain exemptions for which have been previously granted under 72 COLREGS Rules 38(a), 38(b), and 38(d)(i). The intended effect of this rule is to warn mariners in waters where the 72 COLREGS apply.

EFFECTIVE DATE: January 7, 1981.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Charles Stanley Prentace, JAGC, USN, Admiralty Division, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, Virginia 22332, Telephone number: (202) 325-9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. § 1605 and Executive Order 11964, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USNS MOHAWK (T-ATF 170) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS Annex I, section 2(f), in that, during those situations when the USNS MOHAWK must simultaneously display masthead lights used for towing as required by Rule 24 and the task lights of a vessel restricted in its ability to maneuver as required by Rule 27, the masthead lights used for towing will not be located above and clear of the task lights. Full compliance with this provision would interfere with the special function of the ship. The Secretary of the Navy has also certified that the aforementioned masthead lights are located in closest possible compliance with the applicable 72 COLREGS requirement.

Notice is also provided to the effect that the Secretary of the Navy has previously authorized the use by T-ATF 166 Class of vessels of certain exemptions permitted by 72 COLREGS Rule 38. Specifically, the use of the exemptions has been authorized as allowed in Rule 38(a), pertaining to lights with ranges and intensities prescribed in Rule 22; Rule 38(b), pertaining to lights with color specifications prescribed in Annex I, section 7; and, Rule 38(d)(i), pertaining to the repositioning of masthead lights on vessels less than 150 meters in length required by Annex I, section 3(a).

The Secretary of the Navy has determined that USNS MOHAWK is a member of the T-ATF 166 Class, is in compliance with the 1960 Rules of the Road, and the keel of the T-ATF 166 Class lead ship was laid prior to July 15, 1977.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary and contrary to the public interest since it is based on technical findings that the placement of lights on this ship in a manner different from that prescribed herein will adversely affect the ship's ability to perform its military function. Accordingly, 32 CFR Part 706 is amended as follows:

§ 706.2 [Amended]

1. Table Four of § 706.2 is amended by adding the following note 14 which reflects the certification issued by the Secretary of the Navy:

* * * * *

14. On USNS MOHAWK (T-ATF 170), the masthead lights used for towing required by Rule 24 will be displayed approximately 4.1 meters below the lowest of the lights required to be displayed by Rule 27 when a vessel is not under command or is restricted in its ability to maneuver.

* * * * *

Dated: January 7, 1981.

Robert J. Murray,

Acting Secretary of the Navy.

[FR Doc. 81-2060 Filed 1-19-81; 8:45 am]

BILLING CODE 3810-71-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 3

[FRL AS-FRL 1728-8]

Employee Responsibilities and Conduct

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This rule revokes the procedures for filing public financial disclosure statements under the Toxic Substances Control Act, the Solid Waste Disposal Act, the Clean Air Act, and the Environmental Research, Development, and Demonstration Authorization Act of 1978. The Ethics in Government Act of 1978 (Pub. L. 95-521) supersedes financial disclosure requirements under these statutes. This rule also sets forth procedures for administrative enforcement of the post-employment restrictions of 18 U.S.C. 207, as required by the Ethics in Government Act and Office of Government Ethics regulations published February 1, 1980, at 45 FR 7402. This rule is intended to implement these requirements.

EFFECTIVE DATE: January 21, 1981.

FOR FURTHER INFORMATION CONTACT: Donnell Nantkes, Office of General Counsel, Contract and General Administration Branch (A-134), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, telephone: 202-426-8830.

SUPPLEMENTARY INFORMATION: Four statutes under which the Environmental Protection Agency (EPA) conducts business contain provisions requiring certain EPA employees to file public reports of their financial interests in persons regulated under the statutes or persons receiving funds under the statutes. In response to these requirements, EPA promulgated regulations to implement the reporting of such financial interests. The procedures for filing such reports under section 26(e) of the Toxic Substances Control Act (15 U.S.C. 2625(e)) are contained in 40 CFR 3.305. Section 3.306 contains the procedures for filing such reports under section 1007 of the Solid Waste Disposal Act (also referred to as the Resource Conservation and Recovery Act, 42 U.S.C. 6906). Section 3.307 contains the procedures for filing such reports under section 218 of the Clean Air Act (42 U.S.C. 7618). Section 3.308 contains the procedures for filing such reports under section 12 of the Environmental Research, Development, and

Demonstration Authorization Act of 1978 (Pub. L. 95–155).

On October 26, 1978, the Ethics in Government Act (Pub. L. 95–521) became law. Section 207(c) of the Act provides in pertinent part:

The provisions of this title requiring the reporting of information shall supersede any general requirement under any other provision of law or regulation with respect to the reporting of information required for purposes of preventing conflicts of interest or apparent conflicts of interest.

On April 11, 1980, the Office of Legal Counsel of the Department of Justice rendered its opinion that section 207(c) has displaced the financial reporting requirements of the four specific statutes discussed above "and brought the provision of Title II of the Ethics Act into play in their stead." Accordingly, this rule revokes the reporting procedures under the four statutes.

The Ethics in Government Act contains certain amendments concerning post-employment restrictions for government employees and requires agencies to establish procedures for administrative enforcement of these restrictions. EPA drafted such procedures and, as required by the act, EPA sent these procedures to the Office of Government Ethics for review. On April 14, 1980, the Office of Government Ethics found that "EPA's proposed administrative procedures, implementing the provisions of 18 U.S.C. 207(j) conform with the law and the regulations promulgated by this Office on February 1, 1980, (45 FR 7402)." Accordingly, this rule establishes those procedures as a new Appendix C to Subpart A of the rules.

Dated: January 13, 1981.

(88 U.S.C. 301)

Douglas Costle,

Administrator.

40 CFR Chapter I, Part 3, is amended as follows:

1. The Table of Sections, Subpart A, is amended by adding Appendix C to read as follows:

Subpart A—General Provisions

Sec.

* * * * *

Appendix C—Procedures for Administrative Enforcement of Post-Employment Restrictions

2. The Table of Sections, Subpart C, is amended by Revising §§ 3.305, 3.306, 3.307 and 3.308, and Appendices D, E, F, G and H to read as follows:

Subpart C—Financial Interests and Investments

Sec.

* * * * *

3.305 Special requirements under the Clean Air Act.

* * * * *

3.306 3.308 [Reserved]

* * * * *

Appendix D—Employees exempt from special requirements under the Clean Air Act.

Appendices E—H [Reserved]

3. Subpart A is amended by adding the following new Appendix C after Appendix B:

Appendix C.—Procedures for Administrative Enforcement of Post-Employment Restrictions

1. Purpose

The purpose of this Appendix is to implement provisions of The Ethics in Government Act which concern restrictions on post-EPA employment. This Appendix contains procedures which EPA follows whenever it believes that a former EPA employee has violated 18 U.S.C. 207 (a), (b), or (c), as implemented by 5 CFR Part 737.

Authority: 18 U.S.C. 207 (a), (b), (c), as implemented by 5 CFR Part 737.

2. Delegation

The Administration delegates the authority to carry out this Appendix to the Inspector General, with the following exceptions:

(a) The General Counsel has the authority to appoint the presiding official of a hearing, as provided by paragraph (9)(a) of this Appendix;

(b) The Agency Ethics Official has the authority to designate the Agency Counsel, as provided by paragraph 9(b) of this Appendix;

(c) The Deputy Administrator has the authority to impose appropriate administrative sanctions, as provided by paragraph (15) of this Appendix.

3. Preliminary Review and Referral of Information About Violations

The Inspector General receives and reviews written or oral information concerning a possible violation of the post-employment restrictions of 18 U.S.C. 207 (a), (b), or (c) as implemented by 5 CFR Part 737. The Inspector General reviews the information to determine whether the matter is clearly frivolous and does not merit further action. If the Inspector General (IG) determines that the matter merits further action, the IG informs the Director of the Office of Government Ethics and consults with the Criminal Division of the Department of Justice regarding the conduct of an investigation. The purpose of the consultation is to avoid prejudicing any criminal proceeding that the Justice Department may have under consideration.

4. Investigation by the Inspector General

If the Criminal Division of the Justice Department agrees that EPA should handle the matter, the IG must conduct an investigation of the possible violation of the post-employment restrictions of 18 U.S.C. 207 (a), (b), or (c).

5. Initiating Process to Impose Sanctions: Notice

If the Inspector General's investigation establishes that there are reasonable grounds to believe that a former EPA employee has violated the post-employment restrictions of 18 U.S.C. 207 (a), (b), or (c), the IG may initiate the process of imposing sanctions under 18 U.S.C. 207(j). The Inspector General must send the former EPA employee a written notice of charges and a copy of this Appendix by certified mail, return receipt requested. The notice of charges must describe the allegations against the former employee in sufficient detail to enable the former employee to prepare an adequate defense and must contain the following final paragraph:

You must request a hearing by mailing or otherwise furnishing written notice of your request to me within 30 days after the date you receive this notice of charges. If you do not request a hearing within 30 days, the Agency may nonetheless determine that you have violated the provisions of 18 U.S.C. 207 (a), (b), (c) as implemented by 5 CFR Part 737 and impose administrative sanctions set forth in paragraph 15 of the enclosed Appendix to 40 CFR Part 3, Subpart A: You have a right to counsel, at your own expense, at all stages of this administrative enforcement proceeding. The procedures for administrative enforcement of the post-employment restrictions are set forth in the enclosed Appendix.

6. Request for a Hearing

A former EPA employee must request a hearing within 30 days after receiving the notice of charges. Otherwise, the initial determination of the charges is made without a hearing.

7. Initial Decision Without a Hearing

If a former EPA employee fails to make a timely request for a hearing, the Inspector General must prepare an initial decision in writing. The Inspector General must furnish this decision to the former employee by certified mail, return receipt requested within 60 days after the time for requesting a hearing expires. The initial decision must set forth the findings of fact and conclusions of law on which it is based.

8. Appeal of an Initial Decision Made Without a Hearing

A former employee may appeal an initial decision made without a hearing. The appeal must be submitted to the Deputy Administrator in accordance with paragraph (10)(b) of this Appendix.

9. Initial Decision After a Hearing

If the former employee requests a hearing, an initial decision is made after a hearing takes place.

(a) *Appointment of a Presiding Official*

The General Counsel must appoint an impartial examiner to preside over the hearing. The examiner must be an attorney and an employee of the Environmental Protection Agency. The General Counsel must promptly notify the former employee and the Inspector General of the examiner's name, address and telephone number.

The examiner shall preside at the hearing, conduct it in a fair and impartial manner, and issue an initial decision as promptly as possible after the record is complete, but in no event later than 60 days after the hearing is terminated. No person who has participated in any way in the investigation or in the decision to initiate administrative enforcement, or is a subordinate of the Agency Counsel, or who has had any connection or dealings with the former employee may serve as an examiner. The General Counsel may remove an examiner for cause.

(b) *Appointment of Agency Counsel*

The Agency Ethics Official shall designate an attorney to act as Agency Counsel. The Agency Ethics Official must notify the examiner and the former employee (or if the former employee is represented by counsel, his or her attorney) of the name, address and telephone number of the Agency Counsel.

(c) *Hearings*

Hearings will be held at EPA Headquarters in Washington, D.C., or at an EPA regional office or laboratory. After conferring with the parties, the examiner shall set a reasonable time, date and place for the hearing with due regard for the former employee's need for adequate time to prepare a defense and the need to expeditiously resolve allegations which may damage the former employee's reputation. At least 15 days before the date set for the hearing, the examiner shall notify the parties of the time, date and place by certified mail, return receipt requested. Hearings will be as informal as reasonably possible consistent with establishing an orderly record. Federal rules of evidence do not control the hearing, although the examiner may use these rules as guidance. The examiner generally will admit evidence unless it is clearly irrelevant, immaterial or unduly repetitious. The parties have the right to:

(i) Introduce and examine witnesses;

(ii) Offer documentary evidence;

(iii) Confront and cross-examine adverse witnesses; and

(iv) Present oral argument in the form of brief opening and closing statements.

In addition, the former employee has the right:

(i) To represent himself or herself or be represented by counsel at all stages of administrative enforcement; and

(ii) To require that all persons be excluded from the hearing room except the reporter, the examiner, the Agency Counsel and witnesses during the time they are actually testifying.

Witness shall testify under oath or affirmation administered by the examiner.

The examiner must arrange for a transcript of the hearing through the EPA Procurement and Contracts Management Division using the funds of the Office of Management and Agency Services. The former employee is entitled to a copy of the transcript at no charge, and the examiner must furnish it as soon as it is received from the reporter.

(d) *Burden of Proof*

The Agency has the burden of proof and must establish a violation by clear and convincing evidence.

(e) *Initial Decision*

The Examiner must make an initial decision exclusively on matters of record in the proceeding. The initial decision must be made within 60 days after the hearing and must set forth the findings of fact and conclusions of law on which it is based. The examiner must furnish this decision to the former employee by certified mail, return receipt requested to the Agency Counsel and to the Inspector General.

10. Appeal of an Initial Decision Made After a Hearing

(a) *Initial Decision After a Hearing*

The initial decision of the examiner becomes the final Agency decision unless, within 30 days after receiving the initial decision, either party appeals by mailing or otherwise furnishing to the Deputy Administrator written notice of appeal, with a copy to the opposing party. The notice of appeal may discuss the reasons why the party contends that the initial decision is erroneous, subject to the right of the opposing party to present a written response to the Deputy Administrator within 30 days after receiving a copy of the notice of appeal. Neither party may submit new evidence.

The Deputy Administrator must base his or her decision solely on the record of the proceedings or those portions cited by the parties to limit the issue, and the notice of appeal and response. If the Deputy Administrator modifies or reverses the initial decision, he or she must state in writing why the initial decision was erroneous.

(b) *Initial Decision Without a Hearing*

If the former employee did not request a hearing, the initial decision of the Inspector General will become the final Agency decision unless the former employee submits a written notice of appeal to the Deputy Administrator within 30 days after receipt of the initial decision, with a copy to the Inspector General. The notice of appeal may discuss reasons why the initial decision is erroneous, subject to the right of the Inspector General to present a written response to the Deputy Administrator within 30 days after receiving the notice of appeal. The Deputy Administrator's review will be based on an examination of the Inspector General's evidence and any legal arguments which the former employee or the Inspector General presents.

11. Exparte Communications (communications outside the record)

Neither an examiner nor the Deputy Administrator will receive from any person any written or oral communication outside the record about the merits of an administrative enforcement proceeding or appeal. This does not apply to exparte discussions concerning administrative functions or procedures under this Appendix, or to consultations between the Deputy Administrator and the judicial officer or other staff member who assists the Deputy Administrator.

12. Calculating Deadlines

If a deadline falls on a Saturday, Sunday or federal holiday, the next working day is considered the deadline.

13. Administrative Sanctions

Whenever a final determination is made that a former employee has violated 18 U.S.C. 207 (a), (b) or (c) as implemented by 5 CFR Part 737, the Deputy Administrator may impose an appropriate administrative sanction, which may include one or more of the following:

(i) Prohibiting the former employee from making, on behalf of any other person (except the United States) any formal or informal appearance before, or, with the intent to influence, any oral or written communication to, the U.S. Environmental Protection Agency on any matter of business for a period not to exceed 5 years. This will be accomplished by a memorandum to all EPA employees directing them to refuse to participate in any such appearance or to accept any such communication during the restriction period.

(ii) Debarring the former employee receiving any EPA contract, grant, cooperative agreement or loan for a period of up to 3 years, provided that the violation was committed in the context of seeking or performing a government contract, grant, cooperative agreement or loan.

(iii) A written reprimand with a copy to be placed in the former employee's official personnel file.

(iv) A written reprimand without a copy to the former employee's official personnel file.

The Deputy Administrator may confer with the parties before deciding upon an administrative sanction. The former employee must be notified of any administrative sanction by certified mail, return receipt requested.

14. Confidentiality

All records and information regarding administrative enforcement proceedings under this Appendix will be kept confidential and will not be disclosed except as required by law or regulation.

15. Judicial Review

Any person found to have violated 18 U.S.C. 207 (a), (b) or (c) as implemented by 5 CFR, Part 737, may seek judicial review of this administrative determination.

4. Subpart C is amended by revising §§ 3.305, 3.306, 3.307 and 3.308 and Appendices D, E, F, G and H to read as follows:

§ 3.305 Special requirements under the Clean Air Act.

(a) Notwithstanding the other provisions of this part, after August 7, 1978, no employee who is not listed in Appendix D as exempt may be employed by, serve as attorney for, act as consultant for, or hold any other official or contractual relationship to (other than ownership of stock, bonds, or other financial interest)—

(1) The owner or operator of any major stationary source or any stationary source which is subject to a standard of performance or emission standard under section 111 (42 U.S.C. 7411) or section 112 (42 U.S.C. 7412) of the Act;

(2) Any manufacturer of any class or category of mobile sources if such mobile sources are subject to regulation under the Act;

(3) Any trade or business association of which an owner or operator referred to in paragraph (h)(1) of this section or a manufacturer referred to in paragraph (h)(2) of this section is a member;

(4) Any organization (whether non-profit or not) which is a party to litigation, or engaged in political, educational, or informational activities, relating to air quality.

(b) In reviewing financial interest statements, Deputy Counselor and the Agency Counselor shall consider whether certain financial interests of non-exempt employees may be inconsistent with the particular employee's position and duties. In particular, any financial interest that presents a conflict of interest or an apparent conflict of interest with an employee's duties under the Act shall be resolved under § 3.203.

(c) Under § 318(d) of the Clean Air Act, any employee subject to this provision who knowingly violates the provisions of this section is subject to a fine of not more than $2500 or imprisonment for not more than one year, or both.

§ 3.306–3.308 [Reserved.]

Appendix D.—Employees Exempt From Special Requirements Under the Clean Air Act

The positions listed below have been determined to be of a non-regulatory or non-policymaking nature under section 318(d) of the Clean Air Act. Whenever the title of a position is listed, it includes any person who occupies the position as "acting" and any person who occupies a successor position under a subsequent reorganization.

Exemptions:

(1) All special government employees.

(2) Under the Office of the Administrator:

All employees except the Administrator, Deputy Administrator, General Counsel, Deputy General Counsel, Associate General Counsel for Air, Noise and Radiation and Director of the Science Advisory Board.

(3) Under the Office of Planning and Management:

All employees except the Assistant Administrator for Planning and Management, Associate Assistant Administrator for Planning and Management, Deputy Assistant Administrator for Planning and Evaluation and the Director of the Standards and Regulations Evaluation Division.

(4) Under the Office of Enforcement:

All employees except the Assistant Administrator for Enforcement, Deputy Assistant Administrator for General Enforcement, Director of the Stationary Source Enforcement Division and Director of the Mobile Source Enforcement Division.

(5) Under the Office of Air, Noise and Radiation:

All employees except the Assistant Administrator for Air, Noise and Radiation, Director of the Office of Policy Analysis, Director of the Office of Transportation and Land Use Policy, Deputy Assistant Administrator for Air Quality Planning and Standards and Division Directors reporting to this official, and the Deputy Assistant Administrator for Mobile Source Air Pollution Control and Division Directors reporting to this official.

(6) All other employees.

Appendices E–H [Reserved]

[FR Doc. 81–1881 Filed 1–19–81; 8:45 am]

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40 CFR Part 52

[A–9–FRL 1729–5]

South Coast Air Basin Nonattainment Area Plan; Approval and Promulgation of Implementation Plans

AGENCY: Environmental Protection Agency.

ACTION: Notice of Final Rulemaking.

SUMMARY: On April 1, 1980 (45 FR 21271), the Environmental Protection Agency (EPA) published a notice of proposed rulemaking for the South Coast Air Basin nonattainment area plan (NAP) for ozone, carbon monoxide (CO), particulate matter (PM), and nitrogen dioxide (NO_2). The April 1, 1980 notice proposed to disapprove the NAP because the lack of the following constituted major deficiencies with respect to Part D of the Clean Air Act, "Plan Requirements for Nonattainment Areas:"

1. For ozone, CO, PM, and NO_2, new source review (NSR) rules.

2. For ozone, rules reflecting reasonably available control technology (RACT) for certain volatile organic compound (VOC) sources.

3. For ozone and CO, legal authority to implement an inspection and maintenance (I/M) program.

The State has submitted the necessary VOC RACT and NSR rules and therefore has corrected two of the major deficiencies. However, the California State Legislature has not provided the necessary legal authority to implement and enforce an I/M program. Because the major deficiency of the lack of the I/M program has not been corrected, today's notice takes final action to disapprove the NAP for ozone and CO. Further, since the major deficiency concerning PM and NO_2 has been corrected and the State has provided assurances to correct the minor deficiencies in the NAP, today's notice takes final action to conditionally approve the NAP for PM and NO_2. These actions retain the prohibition on construction of certain major new or modified VOC and CO sources, but removes the prohibition for PM and oxides of nitrogen (NO_x) sources.

This notice also provides a brief summary of the proposed rulemaking notice, describes recent revisions which supplement the NAP, discusses public comments received, specifies deadlines by which the State is required to submit material to correct minor deficiencies in the NAP, and describes EPA's final action on the NAP.

DATES: This action is effective January 21, 1981.

FOR FURTHER INFORMATION CONTACT: Louise P. Giersch, Director, Air and Hazardous Materials Division, 215 Fremont Street, San Francisco, CA 94105. Environmental Protection Agency, Region IX, Attn: Douglas Grano (415) 556–2938.

A copy of today's revision to the California State Implementation Plan (SIP) is located at: The Office of the Federal Register, 1100 "L" Street, N.W., Room 8401, Washington, D.C. 20408.

SUPPLEMENTARY INFORMATION:

Background

The Clean Air Act, as amended in 1977, requires states to revise their SIPs for all areas that have not attained the National Ambient Air Quality Standards (NAAQS). On July 25, 1979, the Executive Officer of the California Air Resources Board (ARB), the Governor's official designee, submitted revisions to the California SIP consisting of a control strategy and regulations for the South Coast Air Basin. These revisions, submitted as the South Coast Air Basin NAP, are intended to provide for the attainment of the ozone, CO, NO_2, and PM NAAQS in the South Coast Air Basin.

On April 1, 1980 (45 FR 21271), EPA published a notice of proposed rulemaking for the South Coast Air Basin NAP. That notice provided a description of the NAP, summarized the applicable Clean Air Act requirements into 14 criteria, compared the NAP to those criteria, and, as described below, proposed to approve, conditionally approve, or disapprove portions of the NAP. The April 1, 1980 notice should be used as a reference in reviewing today's action.

EPA proposed to approve the reasonable further progress, emissions growth, annual reporting, public and government involvement, and public hearing portions of the NAP for ozone, CO, NO_2, and PM because they were found to be consistent with Part D of the Clean Air Act. EPA also proposed to

approve the modeling portion of the NAP for CO and NO_2.

EPA proposed to conditionally approve the emission inventory, emission reduction estimates, attainment provision, and resources portions of the NAP for ozone, CO, NO_2, and PM because they were found to contain minor deficiencies with respect to Part D. EPA also proposed to conditionally approve the modeling portion of the NAP for ozone and PM.

EPA proposed to disapprove the legally adopted measures/schedules, permit program, extension requirements, and extension requirements for VOC RACT portions of the NAP. EPA proposed to disapprove these portions because the lack of an I/M program, NSR rules, and rules reflecting RACT for certain VOC sources constituted major deficiencies with respect to Part D. As a result of the absence of an I/M program, NSR rules, and nine VOC rules, the April 1, 1980 notice proposed to disapprove the overall South Coast Air Basin NAP with respect to Part D and continue the construction prohibition.

After publication of the April 1, 1980 notice, the State submitted the necessary VOC and NSR rules as SIP revisions. As a result of the State's submittal of these rules, two of the three major deficiencies in the NAP were corrected.

However, the California State Legislature has failed to provide the necessary legal authority to implement and enforce an I/M program. On September 8, 1980 (45 FR 59180), EPA published a rulemaking which proposed to limit certain Federal funding assistance for specific areas in the State of California, including the South Coast Air Basin. This action was proposed in response to Sections 176(a) and 316(b) of the Clean Air Act because the State has failed to submit or make a reasonable effort to submit an SIP revision containing an I/M program including the legal authority to implement and enforce the I/M program. On December 12, 1980 (45 FR 81746), EPA published a final rulemaking on the September 8, 1980 proposal. This rulemaking took action to limit certain Federal funding assistance for the South Coast Air Basin and other areas in California. These limitations apply to funds provided under the Clean Air Act (42 U.S.C. 7401 et seq.), the Clean Water Act (33 U.S.C. 1251 et seq.), and the Surface Transportation Act (23 U.S.C. 101 et seq.).

Supplemental Revisions

After EPA's review of the July 25, 1979 submittal, the State submitted revisions which correct some of the deficiencies noted in the April 1, 1980 notice. These revisions are discussed below.

New Source Review

As discussed in the April 1, 1980 notice, a legally enforceable NSR rule was not included in the NAP and this constituted a major deficiency. However, the State did submit a draft NSR rule. EPA reviewed the draft NSR rule (See EPA's Evaluation Report) and concluded that it contained only minor deficiencies with respect to the Part D requirements. Thus, EPA proposed that the permit program portion of the NAP could be conditionally approved if the State submitted an adopted NSR rule similar and equivalent to the draft rule.

On the dates noted below, the Governor's designee submitted the following NSR rules for the South Coast Air Quality Management District (AQMD):

Regulation XIII—New Source Review

April 3, 1980:

Rule 1301—General
Rule 1302—Definitions
Rule 1303—Applicability and Analysis
Rule 1304—Exemptions from Regulation XIII
Rule 1305—Special Permit Provisions
Rule 1306—Emission Calculations
Rule 1307—Emission Offsets
Rule 1308—Eligibility of Emission Offsets
Rule 1310—Analysis, Notice, and Reporting
Rule 1311—Power Plants
Rule 1313—Permits to Operate

August 15, 1980:

Rule 1302—Definitions
Rule 1308—Eligibility of Emission Offsets

Section 173 of the Act contains the requirements for approval of a permit program. EPA has established guidance based on Section 173 in: (1) EPA's Emission Offset Interpretative Ruling (January 16, 1979, 44 FR 3274) and (2) EPA's proposed amendments to regulations for NSR and the Emission Offset Interpretative Ruling (September 5, 1979, 44 FR 51924).

EPA has reviewed the South Coast AQMD's NSR rules with respect to both the draft NSR rule and to the guidance based on Section 173. The South Coast AQMD's NSR rules do contain differences from both the draft rule and the Section 173 guidance. The only significant differences are as follows:

1. Rule 1306, "Emission Calculations" does not count emission increases up to 100 lbs/day when the October 8, 1976 cutoff date is used and it allows company records to be used in some cases to calculate emissions for offsets using the highest three years of the past five year period.

2. Rule 1307, "Emission Offsets" does not require offsets for the first 150 lbs/day of emission increases for VOC, NO_x, and PM and for the first 750 lbs/day for CO.

An NSR permit program cannot be approved or conditionally approved with these deficiences, hence the two rules noted above are being disapproved. Aside from these disapproved portions, the South Coast AQMD's NSR rules contains only minor deficiencies with respect to the Section 173 requirements, including the definitions of "stationary source" and lowest achievable emission rate (LAER) (All of the deficiencies are described in EPA's Evaluation Report Addendum, which is available at the Region IX Office, the ARB, the South Coast AQMD, Southern California Association of Governments (SCAG), and the EPA Library in Washington, D.C.) Thus, the NSR rules being approved in this notice are (1) similar to the draft rule in that the definitions and requirements are substantially the same and are equivalent to the draft rule in that they are at least as effective in meeting the requirements of Section 173, and (2) contain only minor deficiences with respect to Section 173.

It should be noted that EPA has published two final rulemaking notices on the September 5, 1979 proposed amendments to EPA's NSR regulations and the Emission Offset Interpretative Ruling. These notices, published on May 13, 1980 (45 FR 31307) and August 7, 1980 (45 FR 52676), amend EPA's Interpretative Ruling and set out new requirements for NSR under Section 173. The State is required to comply with the August 7, 1980 requirements by May 7, 1981. In revising the South Coast AQMD's NSR rules, the State/AQMD must address (1) any new requirements in EPA's amended regulations for NSR (45 FR 31307, May 13, 1980 and 45 FR 52676, August 7, 1980) which the AQMD rules do not currently satisfy and (2) those deficiencies cited in EPA's Evaluation Report Addendum which still apply despite EPA's new NSR requirements (contained in Document File NAP-CA-9 at the EPA Library in Washington D.C. and the Region IX Office).

VOC RACT Rules

As discussed in the April 1, 1980 notice, nine legally enforceable VOC rules were not included in the NAP and this constituted a major deficiency. However, the State did submit model VOC rules. EPA reviewed these model rules and concluded that they contained only minor deficiencies with respect to the Part D requirements. Thus, EPA proposed that the legally enforceable measures/schedules and extension requirements for VOC RACT portions of

the NAP could be conditionally approved if the State submitted legally adopted rules which were similar and equivalent to the model rules.

On the dates noted below, the State submitted the following VOC rules for the South Coast AQMD:

December 17, 1979:

Rule 1108—Cutback Asphalt
Rule 1108.1—Emulsified Asphalt
Rule 1128—Paper and Fabric Coating Operations
Rule 1107—Manufactured Metal Products and Coatings

April 2, 1980:

Rule 1122—Solvent Metal Cleaners (Degreasers)

April 23, 1980:

Rule 464—Wastewater Separators
Rule 465—Vacuum Producing Devices and Systems
Rule 1123—Refinery Process Turnaround
Rule 1125—Can and Coil Operations

EPA has reviewed each of these rules against both the applicable model rule and Control Technique Guideline document (CTG) (See Evaluation Report Addendum). EPA has concluded that the adopted rules (1) are similar to the model rules in that the definitions and requirements are substantially the same and are equivalent to the model rules in that they are at least as effective in meeting RACT and (2) are consistent with the applicable CTG. Therefore, all the deficiencies noted in the April 1, 1980 notice concerning these rules have been corrected.

Rule 461, "Gasoline Transfer and Dispensing" submitted on July 25, 1979 was proposed to be conditionally approved in the April 1, 1980 notice. However, in response to public comments (See *Public Comment* Section, Criterion 14), EPA has decided that rule 461 is fully approvable. On February 7, 1980 the ARB submitted a revised rule 461. This revised rule is being approved and incorporated into the SIP without further notice and comment because the revisions to the rule are minor (See 5 U.S.C. Section 553(b)(B), Administrative Procedure Act). Therefore, the minor deficiencies concerning Rule 461 has been corrected.

In addition, Rules 1122, 1125, and 1128 contain exemptions for the use of methylene chloride and methyl chloroform (1,1,1 trichloroethane). On May 16, 1980, EPA published a clarification of Agency policy concerning the control of methyl chloroform and methylene chloride in ozone SIPs (45 FR 32424). EPA explained that it cannot approve or enforce controls on either of these two compounds as part of a Federally enforceable ozone SIP because current information indicates that neither compound is an ozone precursor. Consequently, EPA is not disapproving California's exemption of methyl chloroform and methylene chloride.

This policy is in no way an expression of EPA's view on the desirability of controls on these compounds. States retain the authority to control these compounds under the authority reserved to them in Section 116 of the Clean Air Act. However, State officials and sources should be advised that there is a strong possibility of future regulatory action by EPA to control emissions of these two compounds (See Proposed New Source Performance Standards for Organic Solvent Cleaners, 45 FR 39766, June 11, 1980).

California Environmental Quality Act (CEQA)

The April 1, 1980 notice proposed to conditionally approve the NAP based upon the submittal of those portions of CEQA that relate to the requirement providing for an analysis of alternatives for new sources which demonstrates that the benefits of the source outweigh the environmental costs (Section 172(b)(11)(A) of the Clean Air Act).

On October 20, 1980, the State submitted the following portions of CEQA:

Sections 2100; 21001; 21002; 21002.1; 21061; 21063; 21065; 21080.1; 21080.4(a); 21080.5 (a), (b), (c) and (d); 21081; 21082; 21100; 21104; 21151; 21153; and 21160.

These portions of CEQA require all "State agencies, boards, and commissions" to certify the completion of an environmental impact report (EIR) on any project "which may have a significant effect on the environment." The EIR shall include "a detailed statement" setting forth, among other things, "alternatives to the proposed action." In order to approve a project under CEQA, the agency must find either (1) that changes have been required in the project "which mitigate or void the significant environmental effects thereof as identified in the completed environmental impact report" or (2) that "[S]pecific economic, social, or other considerations make infeasible mitigation measures or project alternatives identified in the environmental impact report.

EPA has determined that these portions of CEQA satisfy the requirements of Section 172(b)(11)(A) of the Clean Air Act and therefore this minor deficiency has been corrected.

Public Comments

Comments Specific to the South Coast Air Basin NAP

During the public comment period, EPA received numerous comments. The comments received were both general comments and comments related to EPA's criteria for approval which are described in the April 1, 1980 notice. In response to these comments, EPA has revised certain proposed actions. Each of the points raised by the commenters and EPA's responses follow.

I. General Comments

Comment: The ARB, SCAG, and the South Coast AQMD believe that EPA should modify the proposed conditions of approval because they will require them to take several actions that will impair their ability to develop an acceptable 1982 NAP.

Response: Because the South Coast Air Basin NAP did not satisfy all of the Part D requirements for the 1979 NAP, EPA cannot approve it. However, EPA believes that most of the materials that will be required to satisfy the conditions of approval are also necessary steps directed toward developing the 1982 NAP. Therefore, correcting the minor deficiencies should not significantly impair the development of the 1982 NAP.

Comment: The South Coast AQMD and SCAG commented that EPA's proposed dates for satisfying the conditions of approval should be revised as follows: (1) the minimum deadline should be 90 days after the final rulemaking is published, (2) the January, 1981 proposed deadline should be set at six months after the final rulemaking is published, and (3) the June and July 1981 proposed deadlines should be set at one year after the final rulemaking is published. The Federal Highway Administration (FHWA) commented that the dates of May 1, 1980 are almost impossible to meet because the proposal was published on April 1, 1980, and that the dates should be tied to ongoing work specified in the Overall Work Program (OWP).

Response: EPA is revising the dates as recommended by the South Coast AQMD, SCAG, and the ARB. However, EPA is extending certain dates recommended by these agencies so that there will be fewer deadlines. EPA is also making the dates consistent with the OWP, where possible.

Comment: The Western Oil and Gas Association (WOGA) commented that EPA should make every effort to allow State and local governments maximum flexibility in developing NAPs. WOGA further commented that EPA should not scrutinize the NAPs by a point-by-point

review, but should look at the NAP as a whole when determining compliance with the Clean Air Act.

Response: Throughout the NAP development process, EPA has encouraged State and local governments to initiate, study, develop, and adopt an attainment plan which reflects the unique characteristics of each nonattainment area. While the Clean Air Act allows for State and local governments to use unique approaches in satisfying NAP requirements, EPA does not have the flexibility to "trade-off" any of these requirements, because they all must be satisfied.

Comment: WOGA requested that EPA extend the public comment period.

Response: Prior to the May 1, 1980 deadline, the Regional Office contacted WOGA and informed them that all comments would be accepted until May 16, 1980. All the comments made during this period have been incorporated into this notice.

Comment: The Southern California Edison Company requested that a public hearing be held to provide a full examination of the actions taken by the ARB in submitting the NAP.

Response: A public hearing was held in January 1979, when the NAP was adopted by the South Coast AQMD and SCAG. The ARB held public hearings on April 26, 27, and 28, 1979. The NAP was adopted by the Board at a public hearing held on May 10, 1979. As a result, EPA believes that there has been adequate opportunity to orally comment on the NAP and that the requirements of Section 172(b) and 40 CFR 51.4 have been met.

Comment: The Urban Mass Transportation Administration (UMTA) commented that sub-regional plans (i.e., air quality plans prepared by a County) were apparently prepared by the four counties in the South Coast Air Basin and the City of Los Angeles, but were not made available for review nor effectively summarized in the NAP. They further commented that they must review these plans in order to provide informed comments on the NAP and its implications.

Response: EPA did not receive these plans with the NAP for the South Coast Air Basin. Therefore, these plans cannot be considered in EPA's evaluation of the NAP.

II. Comments on EPA's Criteria For Approval

1. Emission Inventory

Comment: The ARB stated that they disagreed with EPA's proposed conditions of approval which required that certain revisions be made to the CO, NO_x and PM emission inventories. The ARB stated that they are developing appropriate 1979 base year emission inventories for CO, NO_x and PM. The South Coast AQMD and SCAG agreed with EPA's proposed conditions.

Response: The 1979 base year emission inventories will satisfy the proposed conditions of approval concerning the submittal of an annual NO_x inventory, winter inventory for CO, and an inventory for PM which includes non-traditional emission sources.

Comment: The South Coast AQMD, SCAG, and the ARB commented that Tables VI–1 and VII–12 presented emission inventories that only include emissions from the South Coast Air Basin. The South Coast AQMD and SCAG also stated that no additional work should be done on the inventories in the 1979 NAP and that the conditions of approval concerning these inventories should be deleted. The ARB, however, also commented that they would submit an inventory that does not include emissions from Ventura County.

Response: While it appears that Tables V–1 and VII–12 included emissions from Ventura County, the 1979 base year inventories that will be submitted (see previous comment) can satisfy this condition of approval if the emissions from the South Coast Air Basin are specifically delineated.

Comment: WOGA commented that emissions from tankers and outer continental shelf (OCS) facilities should not be included in the emission inventories as proposed by EPA.

Response: EPA believes that emissions from OCS activities should be included in the inventories to improve the accuracy of the air quality analyses that will be conducted in the future.

2. Modeling

Comment: The ARB stated that the documentation and procedures needed to satisfy EPA's proposed condition of approval regarding ozone modeling is contained in the public hearing record.

Response: EPA has reviewed the information contained in the hearing record and concluded that it supports the hydrocarbon emission reduction estimate. EPA is therefore deleting this condition of approval.

Comment: The ARB commented that they will submit a revised modeling analysis for PM to satisfy EPA's proposed condition of approval concerning PM modeling. The South Coast AQMD and SCAG agreed with the proposed condition, but requested clarification from EPA on the input data required.

Response: As noted in the April 1, 1980 notice, an inventory which includes non-traditional source categories is necessary to use as input to the air quality model for PM. EPA has published many technical reports which provide emisson factors for non-traditional sources. Each factor specifies the input data needed for its emission calculation. With regard to secondary aerosols, emission inventories of the precursor pollutant emitting source categories need to be developed and used in the modeling. The simplest approach would be to assume that each precursor source contributes secondary aerosol to each downwind monitor in direct proportion to the level of secondary aerosol determined to be in the total suspended particulate (TSP) sample. Emission factors for each precursor source are also available in published EPA technical documents.

Comment: FHWA stated that the air quality base year in the modeling analyses must be consistent with the emissions inventory base year.

Response: Air quality concentrations are directly related to meteorological conditions as well as to the emission inventory. While meteorological conditions can vary considerably from year to year, the emission inventory is relatively stable. In order to account for this meteorological variability, it is not always appropriate to use the same base year air quality data and emission inventory data.

Comment: FHWA believes that it is not reasonable to require a state to submit a photochemical modeling analysis in the 1979 NAP. FHWA further commented that EPA should modify its statement concerning the State's use of an accurate photochemical model to assess the relationship between ozone and NO_x.

Responses: EPA did not require the State to submit a photochemical modeling analysis in the 1979 NAP. However, in the South Coast Air Basin, reductions in NO_x emissions are needed to attain the NO_2 NAAQS. Since NO_x emissions also affect ozone concentrations, EPA Region IX feels that a photochemical model is necessary to assess the relationship of VOC to NO_x in ozone formation, and to evaluate the effectiveness of varying degrees of VOC and NO_x controls.

3. Emission Reduction Estimates

Comment: The ARB, South Coast AQMD, and SCAG commented that they will submit revised emission reduction estimates for the pre-1982 stationary source and transportation control measures and thereby satisfy EPA's proposed condition of approval concerning emission reduction estimates.

Response: EPA believes that the ARB's submittal of the emission reduction estimates for the pre-1982 control measures will satisfy this proposed condition of approval.

Comment: The Southern California Edison Company believes that the NO_2 control strategy is misdirected. They believe that emphasis should be placed on controlling emissions from motor vehicles, rather than stationary sources, because they are the primary source of NO_x emissions in the South Coast Air Basin. The City of Newport Beach commented that the control of NO_x emissions from stationary sources is inadequate.

Response: As discussed in the April 1, 1980 notice and in today's notice, further air quality and emission reduction control strategy analyses are required as conditions of approval. These analyses will help identify the most effective control strategy for attaining the NO_2 and ozone NAAQS.

Comment: The Southern California Edison Company commented that Rule 475.1, "Controlling Emissions of Oxides of Nitrogen from Electric Power Generating Equipment" (submitted to EPA as Rule 1135.1) does not accurately reflect LAER nor best available control technology (BACT).

Response: The ARB has rescinded Rule 1135.1. Therefore, EPA cannot evaluate this rule. However, EPA cannot disapprove a rule because it is too stringent (See Section 116 of the Clean Air Act), and LAER and BACT refers to NSR and prevention of significant deterioration (PSD) provisions, respectively, while Rule 1135.1 is a rule for existing sources.

Comment: UMTA commented that the baseline data in the NAP reflect regional growth factors between 20%–35%, while the baseline transit system is projected to remain at the current level. UMTA feels that this constitutes a decrease in the level of transit service in view of the significant growth forecast. UMTA believes that the baseline assumption for transit should reflect service improvements between a "do nothing" situation and full RTP implementation.

Response: EPA agrees that the baseline assumption may not be appropriate. However, the assumption will be corrected in the 1982 NAP, which will discuss how the State and local agencies will use Federal, State, and local funds to implement public transportation programs to meet basic transportation needs.

Comment: UMTA stated that there was little documentation for control tactic H–13, "Trip Reduction Programs." UMTA further commented that they do not believe that this control tactic can reduce VMT by 5.8 percent.

Response: EPA has accepted this estimate for initial planning purposes, recognizing that a limited amount of data exist to make such an estimate. While EPA is approving this estimate, it should be noted that the Annual Reports submitted to EPA each year by the State will include verification of emission reductions by monitoring of transportation control measures and updated emission reduction estimates for the transportation control measures.

4. Attainment Provision

Comment: The ARB commented that the condition of approval concerning the inclusion of emissions from planned highway and freeway projects in the baseline inventory should be deleted for two reasons. First, it is not the intent of the State to preempt, preclude, or circumvent the federal process for determining consistency between the SIP and these projects. The identification and inclusion of these projects in the baseline inventory was to provide an estimate of the potential emissions which may require mitigation. Second, most of these projects have already moved through the federal approval process and have already been determined by FHWA to be consistent with the SIP.

SCAG and the Orange County Chapter of the Building Industry Association of Southern California, Inc. commented that EPA should agree that the baseline inventory documents SIP conformance for four reasons. First, the inclusion of these projects in the baseline inventory was an attempt to account for both mobility and air quality needs. Second, the emissions from these projects were mitigated by the control measures in the NAP and are therefore consistent with the SIP. Third, EPA staff has misinterpreted the status of the projects in that these measures are not placed in the same priority category as the transportation control measures. Fourth, their inclusion in the baseline inventory has removed SIP conformance as an issue that will unnecessarily block the implementation of these projects. FHWA commented that the air quality analyses included these projects and therefore their air quality impacts were considered. FHWA further commented that if the air quality analyses are found to be inadequate, they should be done over in the 1982 SIP revision.

Response: EPA agrees with the ARB in that the inclusion of these projects in the baseline inventory does not remove demonstration of SIP conformance as a necessary requirement. Therefore, based upon the ARB's clarification, EPA is deleting this condition of approval. Since the NAP does not demonstrate attainment, the claim that emissions from these projects have been mitigated is not acceptable. While EPA is deleting this as a condition of approval, a demonstration of SIP conformance remains a requirement for approval of any transportation project, program, or plan.

Comment: SCAG disagreed with EPA's statement that the NAP does not demonstrate a commitment to an emission reduction target for the transportation sector. SCAG stated that an emission reduction target is committed to in the NAP. The emission reduction target is the sum of all the adopted transportation control measures shown in Chapter IX. SCAG also stated that the local commitment is identified in Chapter I.

Response: EPA disagrees in that the NAP does not demonstrate attainment. Without such a demonstration, an acceptable target cannot be provided.

Comment: The ARB commented that the proposed condition of approval concerning the selection of a design value for PM should be deleted because additional study was necessary before either the annual geometric mean (AGM) or the 24-hour NAAQS could be projected to be attained.

The South Coast AQMD disagreed with this proposed condition of approval for three reasons. First, the Friedlander/Trijonis modified rollback model, which was used in the NAP, can only estimate reductions to meet the AGM NAAQS. Second, a simple linear rollback model is not appropriate for the South Coast Air Basin because a major portion of the PM concentration is aerosol. Third, there are no other PM air quality models that are valid or appropriate for the South Coast Air Basin.

Response: The selection of a design value does affect the projected attainment date, but only to the extent that it provides the means from which to calculate a first-order approximation for an emission reduction goal. It makes little difference whether a quantifiable amount of air quality improvement is achieved by eliminating the directly contributing PM or by eliminating a percentage of the precursor pollutant in proportion to the desired aerosol air quality improvement. In response to the South Coast AQMD's rationale: (1) the model used in the NAP is not an EPA approved model and any limitations inherent in its use are solely the responsibility of the user, (2) simple linear rollback can be adapted to TSP situations involving aerosol, and (3) EPA does not agree that "no other air quality models are valid or appropriate . . .;"

other models are appropriate for use and valid to varying degrees of accuracy within certain limitations.

Comment: The ARB commented that the proposed condition of approval regarding the submittal of a schedule and work program to study nontraditional control measures and a revised modeling work program for PM should be deleted in the final rulemaking notice. The ARB believes that this condition of approval should be deleted because they committed to study and adopt all measures found to be reasonably available and effective in reducing emissions from sources of precursors of secondary particulates. The ARB also provided a schedule that identifies the measures that will be studied and the time frame, and stated that they are developing a work plan that identifies the elements that will be submitted as part of the December 1981 SIP revision that will demonstrate attainment of the PM NAAQS.

Response: EPA disagrees and feels that a schedule and work program must be submitted. Further, EPA has determined that the schedule which identifies the non-traditional control measures that will be studied is adequate. However, the schedule must be submitted as an SIP revision. Therefore, to satisfy this condition of approval, the State must submit as an SIP revision the schedule and a revised modeling work program for PM.

Comment: The ARB commented that the date for submitting the material to satisfy the condition of approval regarding the estimation of the emission reduction needed to attain the NO_2 NAAQS should be extended at least 60 days beyond the final rulemaking notice. The South Coast AQMD commented that the material to satisfy this condition of approval should be submitted with the draft 1982 NAP.

Response: EPA has revised the deadline to May 20, 1981.

5. Reasonable Further Progress

Comment: The ARB commented that EPA should modify its comment on the annual reports because EPA/ARB guidance has been provided to the local agencies.

Response: The comment was modified in a letter dated February 29, 1980. This letter transmitted EPA's and the ARB's guidance on what is required to be contained in the Annual Reports to the South Coast AQMD and SCAG.

Comment: SCAG agreed with EPA's comments concerning the concept of a transportation monitoring program, but indicated that the date for a system to be in place should be submitted as part of the 1982 Annual Report.

Response: Although this is not a condition of approval, EPA policy requires that the transportation monitoring program be in place by 1980 as a basis for emission reduction credit and that the program be discussed in the 1980 Annual Report.

Comment: SCAG and the Orange County Chapter of the Building Industry Association of Southern California, Inc. commented that EPA should employ the criteria contained in the ARB resolution (79–27) for reviewing wastewater treatment facilities and not continue individual project review.

Response: Until the details of the air quality and water quality integration policy are reviewed and committed to by the implementing agencies and approved by EPA after public notice and review, the requirements of RFP concerning wastewater treatment facilities must be satisfied by individual project review. In addition, EPA's policy on Section 316 of the Clean Air Act was published on August 11, 1980 (45 FR 53382). This policy must also be followed in reviewing wastewater treatment facilities.

Comment: The South Coast AQMD commented that the proposed condition of approval requiring the submittal of a refined RFP assessment for non-traditional PM control measures should be deleted in the final rulemaking notice. The South Coast AQMD further commented that this information should be submitted in the draft 1982 NAP because no new information is currently available.

Response: This was not a condition of approval in the April 1, 1980 notice. However, based on the work being accomplished under the condition of approval in Criterion 4, "Attainment Provision," EPA feels that the next Annual Report must include a refined assessment of reasonable further progress for the PM non-traditional control measures.

6. Legally Adopted Measures

Comment: The ARB commented that all the applicable CTG Group I rules have been submitted as SIP revisions and therefore the major deficiency concerning the submittal of these rules has been corrected.

Response: EPA agrees and a discussion of these rules is contained in the April 1, 1980 notice, Supplemental Revisions section of this notice, and in EPA's Evaluation Report Addendum.

Comment: The ARB commented that EPA should structure its final rulemaking action such that the major deficiency is based solely on the failure of the State to submit evidence of legal authority to implement an I/M program and, upon correction of the major deficiency, the NAP could be automatically conditionally approved.

Response: EPA agrees that the only major deficiency remaining in the South Coast Air Basin NAP is the lack of legal authority to implement an I/M program. However, EPA believes that there must be an opportunity for public comment on the adequacy with respect to Part D of any I/M program authorized by the State before the NAP can be conditionally approved. Thus, the NAP cannot be automatically conditionally approved upon correction of the major deficiency.

Comment: The Sierra Club commented that the South Coast Air Basin NAP should not be approved until the legal authority to implement an I/M program has been provided by the State Legislature.

Response: EPA agrees.

Comment: WOGA believes that applying the construction prohibition to major sources which totally offset any emission increases goes beyond the requirements of the Act.

Response: This comment pertains to the question of which "sources" should be subject to the construction moratorium. This issue is addressed by EPA's regulations promulgated on August 7, 1980 (45 FR 52675), which define "source" for the purposes of the moratorium. Under those regulations, only significant net increases in emissions at a major source are covered by the moratorium. "Source" is defined as both an entire plant and a piece of process equipment. WOGA argues that EPA should look only at the entire plant. WOGA's comments therefore really go to EPA's August 7 rulemaking and not to EPA's proposal on the South Coast Air Basin NAP. In fact, similar comments were submitted when EPA proposed its definition of source on September 5, 1979 (44 FR 51924). EPA's rationale for its definition and its response to comments can be found at 45 FR 52696–98.

Comment: SCAG commented that they will continue to seek the general commitments from the responsible local jurisdictions to implement the six transportation control measures that are identified in the NAP to satisfy EPA's proposed condition of approval concerning the State's submittal of these commitments and schedules. SCAG further commented that the submittal of these commitments should be part of an ongoing Annual Reporting process. SCAG also stated that EPA must recognize the limits on local governments for providing legally enforceable schedules for an extended period.

Response: EPA feels that policy level commitments and schedules for implementation from the agencies and local jurisdictions responsible for implementing the six transportation control measures identified in the 1979 NAP must be submitted as SIP revisions to satisfy this condition of approval.

Comment: The South Coast AQMD and the ARB agreed with EPA's proposed condition of approval regarding the submittal of a schedule which identifies the dates that the non-CTG stationary source hydrocarbon control measures will be adopted and submitted to EPA. The South Coast AQMD and the ARB also commented that these measures will be adopted in accordance with the State-wide rule development schedule submitted to EPA with their public comments. The ARB also stated that this proposed condition of approval should be modified to (1) reflect that the schedules have been provided for most measures and (2) identify specifically the measures which EPA considers to have inadequate schedules.

Response: Because the State requested an extension of the attainment date to December 31, 1987, EPA feels that the schedule that was submitted satisfies this condition of approval. Therefore, the submittal of the schedule by the ARB satisfies the Part D requirements and the proposed condition of approval is being deleted.

Comment: The ARB commented that they are working with SCAG and the other transportation agencies to obtain the necessary commitments to evaluate and implement the transportation control measures contained in Section 108(f) of the Act that were not adopted in the 1979 NAP. SCAG commented that the Executive Committee and the South Coast AQMD Board committed to implement reasonably available control measures by 1982 and to study other measures for implementation after 1982. SCAG also commented that they cannot obtain commitments to implement further study measures as required by EPA until these measures are found to be "reasonable."

Response: EPA agrees that commitments for the further study measures should not be submitted at this time. The commitments and schedules for implementation must be submitted with the 1982 NAP for all measures found to be reasonably available between 1979 and 1982. Therefore, the condition of approval concerning the submittal of commitments to implement the further study measures is being deleted.

Comment: The ARB commented that the condition of approval regarding the submittal of a schedule to study non-traditional and secondary particulate control measures should be modified to (1) reflect that the schedules have been provided for most measures and (2) identify specifically which measures EPA considers to have inadequate schedules. The South Coast AQMD provided a schedule which identifies the dates by which the non-traditional control measures will be adopted. The South Coast AQMD also commented that additional measures will be adopted in accordance with the State-wide rule development schedule.

Response: EPA agrees that the schedule was provided by the ARB along with its comments on the April 1, 1980 notice. EPA has determined that this schedule will satisfy this condition of approval if it is submitted as an SIP revision.

Comment: The ARB commented that EPA's proposed condition of approval regarding the specific schedules for rule development and adoption of the NO_x control measures should be deleted for several reasons. First, Rule 1135.1, "Controlling Emissions of Oxides of Nitrogen from Electric Power Generating Equipment" submitted to EPA in April, 1980 will reduce NO_x emissions from power plants by approximately 90%. Second, schedules for the study of additional NO_x control measures have been established as part of the State-wide rule development schedule. Third, Table 18–3 of the NAP contains several measures identified for further study. Fourth, the ARB has committed to submit an SIP revision in 1981 that will demonstrate attainment of the NO_2 NAAQS by December 31, 1982.

Response: EPA agrees that the schedule was provided by the ARB along with its comments on the April 1, 1980 notice. EPA has reviewed this schedule and has determined that it is adequate. However, it must be submitted as an SIP revision to satisfy this condition of approval. Further, the ARB has requested EPA to delay its review of Rule 1135.1 until a rehearing is completed. EPA has delayed review, but notes that the Rule is still part of the control strategy in the NAP as submitted by the State.

Comment: UMTA commented that they could not conduct a thorough review of the NAP because no commitments for implementing the transportation control measures were included. UMTA further commented that they would like to review the commitments when they are submitted to EPA.

Response: These commitments will be available for review after they are submitted to EPA from the State in response to the conditions of approval.

Comment: Riverside County commented that they should not be penalized for not providing resolutions supporting the implementation of the six transportation control measures because they adopted the necessary resolutions. They further commented that no provision was made for review of sub-regional plans within the South Coast Air Basin.

Response: EPA can apply funding restrictions by geographic area if the NAP is disapproved because of the State's failure to satisfy Part D requirements. Because EPA did not receive the resolutions as part of the NAP, EPA cannot determine the adequacy of Riverside County's resolutions. Further, EPA must review the NAP for the South Coast Air Basin as a whole as submitted by the State and not by sub-region because sub-regional plans were not submitted by the State.

7. Emissions Growth

No comments were received.

8. Annual Reporting

No comments were received.

9. Permit Program

Comment: The ARB stated that EPA should be more specific in its final rulemaking notice with respect to identifying the deficiencies in the South Coast AQMD's NSR rules and how to correct the deficiencies.

Response: EPA's review of the NSR rules and the deficiencies found by EPA are summarized in the Supplemental Revisions section of this notice and are described in EPA's Evaluation Report Addendum.

Comment: Several commenters stated that the major deficiency concerning the submittal of legally adopted NSR rules has been corrected by the ARB's submittal of the South Coast AQMD's NSR rules.

Response: EPA agrees that the major deficiency concerning the submittal of legally adopted NSR rules for the South Coast AQMD has been corrected. EPA's evaluation of these rules is discussed in the Supplemental Revisions and EPA Actions sections of this notice.

Comment: The ARB commented that the deficiency cited by EPA (Number 2 in the April 1, 1980 notice) concerning the modeling requirement that oxides of sulfur (SO_x) PM, and CO show a net air quality benefit has been corrected because Regulation XIII allows offset credit without modeling only for sources of offsets located within a 5 mile radius of the new or modified source. (Note:

SO_x was inadvertently referred to in the April 1, 1980 notice.)

Response: EPA disagrees in that the 1 : 1.2 offset ratio will not provide a net air quality benefit in all cases within 5 miles of the new or modified source. The rules should be revised so that this determination will be based upon an air quality model or the State must demonstrate that this ratio will result in a net air quality benefit.

Comment: The ARB disagreed with EPA's statement that offsets must be made for the same pollutant. The ARB commented that a interprecursor offset should be acceptable when a decrease in one precursor can be shown to offset an increase in emissions of another precursor to the same pollutant so that the ambient levels of that pollutant do not increase.

The ARB further commented that (1) the South Coast AQMD's NSR rules are more restrictive than the draft rule in that it allows interprecursor offsets only for PM and only when the applicant demonstrates that reductions in directly emitted PM are not available, (2) this provision is based upon estimates calculated from air quality monitoring data, and (3) interprecursor offsets will result in a reduction of small particulates which will result in greater health and visibility benefits.

Response: EPA's offset guidance does not allow NO_x, SO_x, or hydrocarbon (HC) emissions to be used in lieu of PM offsets for a PM program. EPA interprets the rules to preclude such an occurrence and thus, based upon the ARB's three conditions, EPA feels that such offsets are warranted in this case.

WOGA and the Southern California Edison Company submitted several comments concerning EPA's review of the ARB's draft NSR rule for the South Coast AQMD. Each of the points raised and EPA's responses follow.

Comment: WOGA noted that since the South Coast AQMD's legally adopted NSR rule may differ substantially from the ARB's draft NSR rule, review of any other rule is meaningless.

Response: As discussed in the Supplemental Revisions and EPA ACTIONS sections, the South Coast AQMD's NSR rules differ significantly only with respect to certain requirements pertaining to emission calculations and offset provisions, which EPA is disapproving. Otherwise, EPA has found that the rules are similar and equivalent. Therefore, EPA's review of the draft rule was meaningful.

Comment: WOGA stated that EPA is ignoring the actual NSR rules adopted by the South Coast AQMD and is explicitly encouraging them to merely parrot the ARB, and not adopt rules adapted to their local needs.

Response: Prior to the time EPA published its notice of proposed rulemaking, the NSR rules had been adopted by the South Coast AQMD with the exception of a minor revision submitted to EPA on August 15, 1980. Thus, EPA's notice did not lead the South Coast AQMD to parrot the ARB's draft rule. In addition, the proposal clearly stated that it is EPA's policy to approve any NSR rules adopted by the South Coast AQMD that would meet the requirements of the January 16, 1979 Interpretative Ruling (44 FR 3274) or the criteria of the September 5, 1979 proposal (44 FR 51924). Therefore, the South Coast AQMD was provided the flexibility to adopt any NSR rules it chose, provided they satisfied either of EPA's two sets of criteria.

Comment: WOGA stated that in reviewing the South Coast AQMD's legally adopted NSR rules, EPA should look at the overall stringency of the rules, and not be concerned with a point-by-point check of isolated portions of the rules. WOGA also commented that EPA should consider that the ARB's draft rule is more stringent than EPA's criteria.

Response: EPA's policy regarding NSR programs allows states to develop rules which differ in some respects from EPA's criteria (44 FR 3280, January 16, 1979 and 44 FR 51924, September 5, 1979). EPA may approve such rules if the State submits a demonstration that the overall impact on emissions in the areas where the rules apply is at least as stringent as EPA's criteria. Since the State did not provide such a demonstration, EPA reviewed the South Coast AQMD's NSR rules by comparing them to both the January 16, 1979 and September 5, 1979 criteria.

Comment: WOGA argued that the ARB's requirement that a new onshore source offset emissions generated by associated tankers while they are loading, unloading, and operating on the outer shelf (OCS) constitutes regulation of such tankers and offshore facilities. This provision, according to WOGA, is beyond EPA, State, and local jurisdiction. In addition, WOGA cited two recent court cases, *California v. Kleppe*, 13 E.R.C. 1577 (9th Cir., August 2, 1979) and *California v. Exxon*, (U.S. District Court, Central District of California, No. 78-249 RMT, November 14, 1978), which held that neither EPA nor ARB have authority over sources on the OCS for the purpose of controlling air pollution.

Response: The ARB's draft NSR rule requires that a new *onshore* source offset emissions from tankers while they are operating on the OCS. Therefore, only the onshore source is regulated and the cases cited by WOGA are not applicable.

Comment: WOGA noted that a 1979 Court decision on EPA's regulations for Prevention of Significant Deterioration (PSD) of Air Quality affect EPA's NSR requirements for NAPs as well. WOGA stated that EPA should not require APCD's to adopt either (1) the September 5, 1979 regulations until they have been finalized or (2) "de minimis" significance levels until adequate scientific studies have been conducted.

Response: In the September 5, 1979 Proposal (44 FR 51924), EPA's views were presented on how the *Alabama Power* decision affects NSR requirements for NAPs. EPA also responded to WOGA's concerns in the May 13, 1980 (45 FR 31307) and August 7, 1980 (45 FR 52676) Federal Registers. Further, today's notice requires that the South Coast AQMD adopt rules that are consistent with EPA's final NSR requirements that were published on May 13, 1980 and August 7, 1980.

Comment: WOGA commented that the South Coast Air Basin is an attainment area for sulfur dioxide and therefore sulfur dioxide offsets should not be required as proposed by EPA in the April 1, 1980 notice.

Response: EPA inadvertently referred to sulfur dioxide in the April 1, 1980 notice.

Comment: WOGA noted that EPA objected to the provision in the draft rule which describes the areas in which offsets may be allowed. WOGA also noted that EPA indicated that EPA's criteria call for offsets to be made in the immediate vicinity of the site of increased emissions. WOGA commented that the draft rules' approach may be justified for site-specific pollutants (CO and PM), but that it is inappropriate for VOC and NO_x emissions which often do not form ozone or NO_2 until they are well away from the source.

Response: EPA agrees.

Comment: WOGA stated that EPA should disapprove the ARB's oxides of nitrogen (NO_x) offset requirement for ozone if EPA does not approve provisions allowing interpollutant offsets. WOGA further stated that EPA must disapprove this requirement because (1) EPA only requires VOC offsets as a precursor to ozone and (2) EPA's policy regarding the control of ozone is based in part on the belief that there is a substantial risk involved in controlling NO_x as a precursor to ozone. WOGA also submitted a modeling study for the Bay Area which showed that NO_x control would result in higher

ozone levels than would occur with a hydrocarbon only control strategy. The Southern California Edison Company commented that the ARB's definition of "precursors" is too broad and should be limited to NO as a precursor to NO_2 and VOC as a precursor to ozone.

Response: To meet the minimum Federal NSR requirements, only emissions of the nonattainment pollutants are subject to NSR requirements. For ozone, whose precursors are VOC and NO_x, federal requirements specify that, at a minimum, VOC emissions be offset. However, the State has the option of requiring offsets for NO_x in addition to VOC if they wish.

EPA's present policy requiring the control of ozone, as noted by WOGA, is based upon controlling VOC emissions. This strategy appears to reduce both maximum concentrations of ozone and area-wide exposure to ozone. The effectiveness of controlling NO_x emissions is not well known. The current research suggests that controlling NO_x will increase ozone concentrations near sources of NO, but this effect becomes less pronounced downwind. In addition, there is good reason to believe that a beneficial impact would be observed downwind and during multi-day stagnation periods if NO_x emissions were controlled. As a result, EPA is neither encouraging nor discouraging states to control NO_x as a precursor to ozone. However, EPA is recommending that states not ignore NO_x emissions growth and is encouraging that NO_x emissions remain at the same level, if possible. The ARB's requirement of NO_x offsets essentially accomplishes this in that it will help keep NO_x emissions at the same level.

In addition, the modeling study submitted by WOGA for the Bay Area is inconclusive in that it does not address the effect of controlling NO_x emissions on ozone concentrations downwind of the Bay Area or the effect of multi-day stagnation periods.

Comment: WOGA stated that the public should be given the opportunity to comment on EPA's evaluation of the South Coast AQMD's legally adopted NSR rules, and that failure to allow an opportunity to comment on these rules would be a violation of the Administrative Procedure Act.

Response: As stated in the SUPPLEMENTAL REVISIONS section, EPA has determined that the South Coast AQMD's NSR rules are similar and equivalent to the ARB's draft rule and Section 173 of the Act, with the exception of certain requirements pertaining to emission calculations and offset provisions. Since these requirements in the South Coast AQMD's NSR rules are not consistent with Section 173, EPA must disapprove them. As a result, the NSR rules being conditionally approved in this notice are similar and equivalent to the ARB's draft rule which are discussed in the April 1, 1980 notice. Therefore, EPA feels that the public has been provided adequate opportunity to comment on the approvability of the South Coast AQMD's NSR rules through EPA's evaluation and notice of proposed rulemaking on the ARB's draft rule.

Comment: The Southern California Edison Company commented that an exemption is needed for subparagraph B.4. of the draft rule to allow minor modifications to be made to obtain a marginal increase in the capacity of an electric generating unit. According to Southern California Edison, this is needed to forestall the building of new generating facilities where the BACT requirements would render the increase in capacity infeasible.

Response: EPA policy allows exemptions only for minor modifications where the increase in emissions is below EPA's "de minimis" levels (See August 7, 1980, 45 FR 52676).

Comment: The Southern California Edison Company believes that sections C and D of the draft rule should be completely revised because the requirements reflected in these provisions go beyond the intent of the Clean Air Act.

Response: The State's draft rule and Regulation XIII of the South Coast AQMD each contain provisions which are both more and less stringent then EPA's criteria. The rules must be corrected in those cases where it is less stringent, and Section 116 of the Clean Air Act allows the State to adopt more stringent regulations. Further, the State's draft rule and Regulation XIII serve not only as an NSR regulation but also as a control measure to attain the NAAQS. Therefore, Sections C and D of the State's draft rule are consistent with the overall intent of the Clean Air Act.

Comment: The Southern California Edision Company commented that the maximum impact of a new or modified facility should be based on the emission rates achieved at maximum designed capacity *or demonstrated capacity, whichever is greater.* Southern California Edison further commented that the emission offset requirements should be determined on the basis of annual average emissions because it is impossible to mitigate the impact of a new source upon pollutant concentrations under varying conditions as the draft rule attempts to do. They also commented that annual average emissions should be used because the net air quality benefit of emission changes can be considered "on balance" for the area affected by the source.

Response: EPA can only approve or disapprove revisions submitted by the State. EPA is approving the approach used in Regulation XIII because the impact of a new or modified source is based upon the emission rates achieved at maximum design capacity and because this approach is consistent with the Clean Air Act. Further, EPA feels that the approach taken by both the draft rule and Regulation XIII of mitigating seasonal emissions is better than using annual emissions.

Comment: The Southern California Edison Company commented that where more than one source is owned by an applicant, the effect of a new or modified source on emissions from the existing sources should be considered in determining offset requirements. They noted that this is particularly true for electric utilities, where the effect of operation of a new unit will have an immediate effect on the operation of and the emissions from all other units on the system. For this reason, they believe that section D.2.a.1. of the draft rule should be revised so that emission offset requirements are based on changes in basin-wide emissions for each basin within the system from the 3-year period to the in-service date and not the date of application. They further commented that if the new unit results in an emission reduction because of better controls, offsets should not be required until the years when system load increases to the point where the emissions from the electric generating system were projected to be above the base period for the air basin.

Response: Section D.2.a.1. of the draft rule refers to air quality and not establishing an emissions baseline. However, EPA cannot approve an approach such as the one recommended by Southern California Edision because EPA's criteria specifies that the emission baseline should be determined by using emissions data from one to two years prior to the date of application (See August 7, 1980, 45 FR 52676, 40 CFR 51.18(j)(1)(vii) and (xv)).

Comment: The Southern California Edison Company commented that emission offsets should not be restricted to 15 miles, and arbitrary offset ratios should not be included as requirements in the draft rule. They further commented that such ratios should be determined on a case-by-case basis, and there may very well be justifiable reasons where a 10% reduction in emissions would be more than adequate.

Response: Offsets are not restricted to 15 miles in either the draft rule or

Regulation XIII. In the draft rule when offsets are obtained outside of 15 miles the applicant shall conduct a modeling analysis to determine an offset ratio sufficient to show a net air quality benefit in the area affected by emissions from the new source or modification. For ozone and NO_2, Regulation XIII requires the ratio to be increased as the distance increases from the source. This approach is consistent with EPA's criteria. For CO and PM, EPA requires a case-by-case demonstration that offsets will provide a net air quality benefit. To the extent that Regulation XIII does so it is approvable.

Comment: The City of Newport Beach objected to the offset provision in the draft rule because there is no requirement that offsets be obtained directly upwind of a source.

Response: The NSR rules that were adopted by the South Coast AQMD are being conditionally approved. One of the conditions of approval is that the rules be revised to require that a net air quality benefit be obtained for ozone, CO, NO_2, and PM before a new source is built. For CO and PM, this net air quality benefit is based upon modeling. However, EPA allows offsets for VOC and NO_x emissions to be obtained within a broad area because area-wide ozone and NO_2 levels are generally not as dependent on specific VOC or NO_x source locations as they are on overall areawide emissions.

Comment: The Southern California Edison Company commented that the emission offset bank for electric utilities should not be site specific, but should be at least a basin-wide bank.

Response: Regulation XIII does not contain a banking provision.

Comment: The Southern California Edison Company stated that provisions for power plant siting are assigned to the Energy Commission by the Warren-Alquist Act and therefore the State and the South Coast AQMD should only serve as a reviewing agency for compliance with their rules and regulations.

Response: In the development of Regulation XIII, the ARB, South Coast AQMD, and the Energy Commission together established procedures for reviewing power plants. These procedures are consistent with the Warren-Alquist Act.

Comment: The Southern California Edison Company commented that the ARB uses BACT for its definition of LAER and this creates a confusing situation. Southern California Edison further commented that the definition of "stationary source" is *too* broad and should be made consistent with the Act.

Response: Although the definitions are somewhat different, EPA does not require the State to use identical wording. However, the definitions of BACT and "stationary source" in Regulation XIII are not fully consistent with the Act. Therefore, the State must correct these deficiencies.

Comment: The Southern California Edison Company commented that Section I.1.a. of the draft rule should be clarified to prevent requiring unproven emission control techniques when the LAER determination is made and that Section I.1.b. should be deleted as unnecessary given Section I.1.a.

Response: EPA feels that Section I.1.a. of the draft rule would not result in the application of unproven emission control techniques because the applicant is involved with negotiations when the LAER determination is made. Further, this points was clarified in Regulation XIII, which states that a specific control technique shall not apply if the owner or operator of the proposed source demonstrates to the satisfaction of the Executive Officer that such control techniques are not available. EPA also feels that Section I.1.b. is necessary because new information may be found which will result in a new LAER determination.

10. Resources

Comment: The ARB commented that the condition of approval requesting information identifying (1) the personnel and financial resources needed to implement the control measures and (2) the commitments which identify the resources necessary for implementation of the NAP should be deleted. The ARB requested that this condition of approval be deleted because it is not legally possible for California agencies to commit to multi-year budget commitments. The ARB commented that EPA's concerns regarding this issue can be addressed in the Annual Reports. SCAG also commented that resolutions which demonstrate commitments made by the major implementing agencies for the individual transportation control measures were submitted to the ARB on August 31, 1979.

Response: EPA agrees that it is not legally possible for California to provide multi-year budget commitments. Therefore, the identification of necessary resource commitments for implementation of the NAP for the future year as well as the South Coast AQMD and ARB identification of the personnel and financial resources needed to implement the control measures for the future year must be submitted by the State to EPA when the local budgets are adopted. The NAP must include a commitment to provide this information annually.

Comment: UMTA commented that attainment of the NAAQS will apparently require transportation control measures which will result in a funding shortfall. UMTA further commented that their analysis of the funding sources for the transportation control measures was hampered by the lack of any specific indication of the funding sources being considered.

Response: Because the NAP must provide reasonable assurances for implementation, the State and local agencies must obtain the necessary commitments and sources of funding, or new measures with more realistic assurances of funding must be developed. The funding sources for the transportation control measures will be provided with the commitments from the local agencies that will implement the transportation control measures. When the State submits this material in response to the conditions of approval, EPA will provide UMTA with a copy and request additional comments at that time.

11. Public and Government Involvement

No comments were received.

12. Public Hearing

No comments were received.

13. Extension Requirements

Comment: The ARB commented that the condition of approval regarding the submittal of the relevant portions of CEQA should be deleted in the final rulemaking because they have been submitted.

Response: As discussed in the SUPPLEMENTAL REVISIONS section, the CEQA provisions have been submitted by the State and they satisfy the Clean Air Act requirements providing for an analysis of alternative sites, sizes, processes, and controls which demonstrate that the benefits of the facility outweigh the environmental costs. Therefore, this condition is being deleted.

Comment: SCAG commented that EPA's proposed condition of approval requiring the submittal of a commitment to use federal grants and state and local funds as necessary to meet basic transportation needs has been substantially satisfied and that additional commitments should not be required until the plan to meet basic transportation needs is developed and adopted.

Response: EPA feels the existing commitments satisfy the requirements for the 1979 NAP for a commitment to meet basic transportation needs.

Comment: The ARB commented that the proposed condition of approval regarding the prioritization of federal funds for highway projects should be deleted. The ARB believes that this condition of approval should be deleted because (1) it is not the State's intent in submitting the NAP to reject the requirements of Section 176(d), (2) the policy of programming 50% of available funds for "air quality measures" constitutes a conceptual response to the requirements of Section 176(d), and (3) this issue should be directed toward the federally required transportation planning process and not the subject of a condition of approval on 1979 NAP.

SCAG commented that this condition of approval should be deleted because (1) this policy was adopted as a commitment to implement the transportation control measures in the NAP, (2) the transportation control measures contained in the NAP are given top priority in the programming policies and (3) the procedures and criteria adequately address the Section 176(d) procedures.

FHWA disagreed with EPA's critique of SCAG's programming an equal proportion of funding of "air quality projects" and "capital highway projects" as not meeting the prioritization requirement.

Response: EPA believes that the policy contained in the NAP may be in potential conflict with Section 176(d). Further, EPA feels that no commitment was adopted as part of the NAP which will ensure continued compliance with Section 176(d). Consequently, there is no assurance that priority will be given to the implementation of the transportation control measures. Also, EPA did not critique SCAG's programming an equal proportion of funding of "air quality projects" and "capital highway projects" because they were not included in the NAP as submitted by the ARB. This provision was developed at a later date and it has not been submitted to EPA as an SIP revision. Therefore, to satisfy this condition of approval, the State must submit SCAG's greater weight and equal proportion programming policy and procedures as they relate to prioritization and funding of "air quality projects" and "capital highway projects" and justification that the NAP provisions are consistent with Section 176(d) of the Clean Air Act.

Comment: SCAG commented that the procedures to ensure that priority be given to projects in the Transportation Improvement Plan (TIP) which have air quality benefits have been submitted.

Response: EPA agrees that SCAG has submitted draft procedures to EPA. However, these procedures must be submitted as an SIP revision in order to meet the requirements of the condition of approval concerning this issue.

14. Extension requirements for VOC RACT

Comment: The ARB commented that EPA's proposed condition of approval regarding exemptions from the Stage I Gasoline Vapor Recovery rule should be deleted in the final rulemaking because the cost of retrofitting the exempted tanks is prohibitive.

Response: EPA agrees.

Comment: The Can Manufacturers Institute commented that the ARB's model rule emission limitations for can manufacturing do not reflect current or near future RACT for the can coating industry. The Can Manufacturer's Institute recommended that EPA adopt Rule 1125 of the South Coast AQMD rather than the ARB's model rule.

Response: As discussed in the SUPPLEMENTAL REVISIONS section, Rule 1125 meets EPA's RACT requirements for can coating. Therefore, EPA is approving Rule 1125 of the South Coast AQMD.

National Comments

One commenter submitted extensive comments and requested that they be considered part of the record for each state plan. Another commenter, a national environmental group, discussed EPA's action on permit fee systems and the composition of state boards. Although some of the issues raised are not relevant to provisions in the South Coast Air Basin NAP, the November 10, 1980 Federal Register (45 FR 74480) should be referred to for a discussion of these comments and EPA's responses.

EPA Actions

Introduction

It is important for reviewers of this notice to understand the overall nature of NAPs and of EPA's review and approval role. Central to such an understanding is recognition that action may be taken on a portion of the NAP for a specific pollutant. Therefore, a portion of the NAP may be adequate for one pollutant but inadequate for others. It is EPA's policy to take final action on all portions of the NAP for each pollutant. As a result, this notice contains a series of actions for each pollutant and for each portion of the NAP rather than a single action. The following three actions are taken for each portion of the NAP:

1. Disapproval where the State does not agree to correct minor deficiencies or where deficiencies are of such magnitude as to significantly interfere with the basic objective; or

2. Approval where the portion of the NAP under consideration meets all requirements;

3. Approval with conditions where deficiencies exist, but where the effect of the deficiency is not judged to be major and where the State has agreed to take those steps necessary to correct the deficiency. In this case, it is EPA's intent that the State proceed expeditiously to correct the noted deficiency by certain dates.

EPA's final action on each portion of the NAP for each pollutant is based upon the proposed rulemaking notice, supplemental revisions submitted by the State, and public comments received by EPA. Each action is described below.

Disapproved Portions of the NAP

As proposed in the April 1, 1980 notice and as discussed in the BACKGROUND and PUBLIC COMMENTS sections of this notice, EPA has determined that the legally adopted measures/schedules for I/M and the extension requirements for I/M portions of the NAP for ozone and CO cannot be approved because of the State's failure to submit the necessary legal authority along with schedules and commitments to implement and enforce an I/M program. Therefore, EPA takes final action under Part D of the Clean Air Act to disapprove these two portions of the NAP for ozone and CO.

Approved Portions of the NAP

As proposed in the April 1, 1980 notice and as discussed in the Background and Public Comments sections of this notice, EPA has determined that the reasonable further progress, emissions growth, annual reporting, public and governmental involvement and public hearing portions of the NAP for ozone, CO, NO_2 and PM are consistent with the Part D requirements. Therefore, EPA takes final action under Part D to approve these portions of the NAP.

In addition, without legal authority to implement and enforce an I/M program, the NAP cannot demonstrate reasonable further progress for ozone and CO through 1987. However, at this time there is no point in disapproving the reasonable further progress portion of the NAP for ozone and CO since the key deficiency, the I/M portion of the NAP, is disapproved and causes disapproval of the overall NAP for ozone and CO. Once I/M legislation is passed, the State would be able to demonstrate reasonable further progress and the NAP could be approved. Therefore, EPA is approving the reasonable further progress portion of the NAP.

As proposed in the April 1, 1980 notice, EPA is taking final action under Section 110 of the Clean Air Act to approve Rule 461 (VOC rule) because it strengthens existing requirements. Also as proposed, EPA is taking final action under Section 110 and Part D to approve Rules 461, 462, 1104, 1115, and 1126 (VOC rules) because they satisfy the requirements for RACT.

The State did not officially submit nine VOC rules with the NAP in July 1979, but they did submit their model VOC rules and requested EPA to review them. As described in the April 1, 1980 notice, EPA reviewed these model rules, determined that they contained only minor deficiencies, stated that the NAP could be conditionally approved upon submittal of rules similar and equivalent to the model rules, and provided an opportunity for public comment on these actions. As stated in the SUPPLEMENTAL REVISIONS section, EPA has found that the South Coast AQMD's rules are (1) similar and equivalent to the State's model rules and (2) satisfy the RACT requirements of Part D. Therefore, EPA is taking final action under Section 110 and Part D to approve Rules 464, 465, 1107, 1108, 1108.1, 1122, 1123, 1125 and 1128 because they strengthen existing SIP requirements and satisfy the RACT requirements of Part D.

Conditionally Approved Portions of the NAP

Although the State did not officially submit the NSR rules with the NAP in July 1979, the State did submit their draft NSR rule and requested EPA to review this rule. As described in the April 1, 1980 notice, EPA reviewed the draft rule, determined that it contained only minor deficiencies with respect to Section 173, stated that the NAP could be conditionally approved upon submittal of an NSR rule similar and equivalent to the draft rule, and provided an opportunity for public comment on these actions. As stated in the SUPPLEMENTAL REVISIONS and PUBLIC COMMENTS sections, EPA has found that the South Coast AQMD's NSR rules (1) are similar and equivalent to the State's draft rule and (2) contain only minor deficiencies with respect to Section 173, with the exception of certain deficiencies pertaining to emission calculations and offset provisions. Further, EPA found that a NAP containing these deficiencies cannot be approved or conditionally approved. Therefore, EPA disapproves those provisions in the NSR rules that contain these deficiencies. As a result, the South Coast AQMD's NSR rules are conditionally approvable with respect to Section 173 and contain only insignificant differences which tend to make the rules more stringent, than the model rule, and since the rules which are being conditionally approved are similar and equivalent to the draft rule which was subject to public comment and since the effect of the conditional approval will be to lift the construction prohibition for PM and NO_x sources, EPA finds that good cause exists for taking action on the South Coast AQMD's NSR rules without additional comment on those rules (See 5 U.S.C. Section 553(b)(B), Administrative Procedure Act). Further, new rules will be submitted by May 7, 1981 which will be subject to notice and comment. Therefore, EPA takes final action to conditionally approve the South Coast AQMD's NSR rules (permit program portion of the NAP) with the exception of the provisions noted above which are disapproved.

The State, South Coast AQMD, and SCAG have assured EPA that they will submit the material to correct the minor deficiencies noted in the April 1, 1980 notice and discussed in the PUBLIC COMMENTS section of this notice. EPA therefore takes final action to conditionally approve the following portions of the South Coast Air Basin NAP:

1. For ozone, CO, PM, and NO_x, emission inventory, emission reduction estimates, attainment provision, permit program, and resources.
2. For ozone and CO, legally adopted measures and extension requirements.
3. For ozone, extension requirements for VOC RACT.
4. For PM, modeling.

To correct the minor deficiencies, the State must submit the following material as SIP revisions by the following dates:

New Source Review

1. By May 7, 1981, NSR rules must be revised and submitted as an SIP revision. The rules must satisfy Section 173 and 40 CFR 51.18, "Review of new sources and modifications." In revising the South Coast AQMD's NSR rules, the State/AQMD must address (1) any new requirements in EPA's amended regulations for NSR (45 FR 31307, May 13, 1980 and 45 FR 52676, August 7, 1980) which the AQMD rules do not currently satisfy and (2) those deficiencies cited in EPA's Evaluation Report Addendum which still apply despite EPA's new NSR requirements (contained in Document File NAP–CA–9 at the EPA library in Washington D.C. and the Region IX Office).

Resources

1. By May 20, 1981, a commitment to submit annual implementing agency fiscal and personnel commitments to implement the South Coast Air Basin NAP.

Ozone and Carbon Monoxide

1. By May 20, 1981, a refined emission inventory for the South Coast Air Basin for (1) CO which is based upon winter emissions and (2) for VOC.
2. By May 20, 1981, revised emission reduction estimates for each year for the adopted control measures which are based upon the refined emission inventories.
3. By May 20, 1981, a schedule for the submittal of the revised emission reduction estimates for the pre-1982 control measures that are not yet adopted.
4. By May 20, 1981. Written evidence of local adoption of legally enforceable commitments and implementation schedules consistent with reasonable further progress for the six transportation control measures presently found to be reasonable.
5. By May 20, 1981. A schedule to analyze alternative packages of transportation control measures, including but not limited to those measures listed in Section 108(f)(1)(A) of the Clean Air Act.
6. By May 20, 1981. The Southern California Association of Governments (SCAG) greater weight and equal proportion programming policy and procedures as they relate to prioritization and funding of "air quality projects" and "Highway Projects" and justification that the NAP provisions are consistent with Section 176(d) of the Clean Air Act.

Particulate Matter

1. By December 31, 1981, a refined emission inventory which includes estimates of emissions from traditional and nontraditional (fugitive dust) sources for the South Coast Air Basin.
2. By December 31, 1981, documentation for the PM design value used to determine the allowable PM emission level, and a modeling analysis using the new emissions inventory data which shows the emission reductions necessary to provide for attainment of the PM NAAQS by December 31, 1982.
3. By December 31, 1981, revised emission reduction estimates per control measure for each year which are based upon the revised emission inventory.
4. By May 20, 1981. A work program for modeling, a commitment and schedule to study and adopt nontraditional PM control measures,

and a commitment to implement those control measures necessary to provide for attainment.

Nitrogen Dioxide

1. By May 20, 1981. An annual average emission inventory for the South Coast Air Basin.

2. By May 20, 1981. The results of an air quality analysis giving a preliminary quantification of the total emission reductions needed to attain the NO_2 NAAQS.

3. By May 20, 1981. Revised emission reduction estimates for each year which are based upon the revised emission inventory for the control measures that are adopted.

4. By May 20, 1981. A schedule and work program for the submittal of a detailed air quality analysis giving the final quantification of the needed emission reductions needed to attain the NO_2 NAAQS.

5. By May 20, 1981. A commitment and schedule to develop and adopt NO_2 control measures and a commitment to implement those control measures necessary to provide for attainment.

Final Action of the NAP

Since the major deficiency concerning I/M has not been corrected, EPA is taking final action to disapprove the NAP for ozone and CO. This action continues the construction prohibition for these two pollutants.

Since the major deficiencies noted in the April 1, 1980 notice for NO_2 and PM have been corrected and only minor deficiencies remain, EPA is taking final action to conditionally approve the NAP for PM and NO_2. As a result, the current prohibition on construction of certain major new or modified sources in the South Coast Air Basin is no longer in effect for NO_2 and PM sources.

In those areas for which the State of California has submitted approvable or conditionally approvable NAPs in accordance with the requirements of Part D of the Clean Air Act, EPA has a responsibility to take final action as soon as possible in order to lift the construction prohibition. Since the NO_2 and PM portions of the NAP are conditionally approvable for the South Coast Air Basin, EPA finds that good cause exists for making this action immediately effective. Under Section 307(b)(1) of the Clean Air Act, judicial review of today's final 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.

Conditional Approval Procedure

A discussion of conditional approval and its practical effect appears in two supplements to the General Preamble (44 FR 38583, July 2, 1979 and 44 FR 67192, November 23, 1979). Conditional approval of the NAP requires the State to submit additional meterial by the deadlines specified in today's notice. There will be no extensions granted to the condition of approval deadlines being promulgated today. EPA will follow the procedures described below when determining if the State has satisfied the conditions.

1. If the State submits the required additional documentation according to schedule, EPA will publish a notice in the Federal Register announcing receipt of the material. EPA will also announce that the conditional approval is continued pending EPA's final action on the submittal.

2. EPA will evaluate the State's submittal to determine if the conditions are fully met. After EPA's review is completed, a Federal Register notice will be published proposing to either (1) find the conditions have been met and approve the submittal or (2) find the conditions have not been met and disapprove the submittal. If the submittal is disapproved, the Section 110(a)(2)(I) prohibitions on construction would be effective.

3. If the State fails to submit the required materials to meet a condition, EPA will publish a Federal Register notice shortly after the expiration of time limit for the submittal. The notice will announce that the conditional approval is withdrawn, the NAP is disapproved, and the Section 110(a)(2)(I) prohibition on construction is in effect.

Certain deadlines for satisfying conditions have been changed from those proposed and are being promulgated today without further notice and comment. EPA finds that for good cause additional notice and comment on these deadlines are unnecessary (see 5 U.S.C. Section 553(b)(B), Administrative Procedure Act). The State is the party responsible for meeting the deadlines and the State has agreed to the deadlines. In addition, the public has had an opportunity to comment generally on the concept of conditional approval and on what deadlines should apply for these conditions (44 FR 38583, July 2, 1979 and 45 FR 21271, April 1, 1980).

40 CFR Part 52 Rescissions

EPA is taking final action to rescind certain federally promulgated regulations from 40 CFR Part 52 as proposed. No supplemental revisions or public comments addressed EPA's proposed rescissions.

VOC RACT Requirements

The April 4, 1979 General Preamble (44 FR 20376) requires agencies to submit VOC RACT regulations for certain sources located in ozone nonattainment areas. The first set of RACT regulations were required for sources covered by the Group I CTG documents published before January 1978. Regulations for sources covered by the Group I documents were to have been submitted by January 1, 1979. A second set of RACT regulations are required for sources covered by the GROUP II CTG documents, published between January 1978 and January 1979. Regulations for sources covered by the Group II documents were to have been submitted by January 1, 1981 (45 FR 78121, November 5, 1980). Regulations must be submitted in order for the Part D requirements of the ozone portion of the South Coast Air Basin NAP to be fully approvable. Further, these requirements have been set forth in 40 CFR 52.223.

Attainment Dates

The 1979 edition of 40 CFR Part 52 lists, in the Subpart for California, the applicable deadlines for attaining the NAAQS (attainment dates) required by Section 110(a)(2)(A) of the Act. For each nonattainment area where a NAP provides for attainment by the deadlines required by Section 172(a) of the Act, the new deadlines are substituted on California's attainment date chart in 40 CFR Part 52. The earlier attainment dates will be referenced in a footnote to the chart. Sources subject to plan requirements and deadlines established under Section 110(a)(2)(A) prior to the 1977 Amendments remain obligated to comply with those requirements, as well as the new Section 172 requirements. Congress established new attainment dates under Section 172(a) to provide additional time for previously regulated sources to comply with new, more stringent requirements, and to permit previously uncontrolled sources to comply with the newly applicable emission limitations. These new deadlines were not included to give sources that failed to comply with pre-1977 plan requirements by the earlier deadlines more time to comply with those requirements. As noted by

Congressman Paul Rogers in discussing the 1977 Amendments.

Section 110(a)(2) of the Act made clear that each source had to meet its emission limits "as expeditiously as practicable," but not later than three years after approval of a plan. This provision was not changed by the 1977 Amendments.

It would be a perversion of clear Congressional intent to construe Part D to authorize relaxation or delay of emission limits for particular sources. The added time for attainment of the National Ambient Air Quality Standards was provided, if necessary, because of the need to tighten emission limits or bring previously uncontrolled sources under control. Delays or relaxation of emission limits were not generally authorized or intended under Part D (123 Cong. Rec. H 11958, daily ed. November 1, 1977).

To implement Congress' intention that sources remain subject to pre-existing plan requirements, sources cannot be granted variances extending compliance dates beyond the attainment dates established prior to the 1977 Amendments. EPA cannot approve such compliance date extensions, even though a NAP with a later attainment date has been approved. However, a compliance date extension beyond a pre-existing attainment date may be granted if it will not contribute to a violation of an ambient standard or a PSD increment (44 FR 20373–74, April 4, 1979).

In addition, sources subject to pre-existing plan requirements may be relieved of complying with such requirements if a NAP imposes new, more stringent control requirements that are incompatible with controls required to meet the pre-existing regulations. Decisions on the incompatibility of requirements will be made on a case-by-case basis.

Note.—EPA has determined that this action is "specialized," and therefore not subject to the procedural requirements of Executive Order 12044.

Authority: Sections 110, 129, 171–178, and 301(a) of the Clean Air Act, as amended [42 U.S.C. 7410, 7429, 7501–7508, and 7601(a)].

Dated: January 12, 1981.

Douglas M. Costle,

Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the Federal Register on July 1, 1980.

Subpart F of Part 52 of Chapter I of Title 40 of the Code of Federal Regulations is amended as follows:

Subpart F—California

1. Section 52.220, paragraph (c) is amended by adding subparagraphs (47)(i)(B), (58)(ii), (63), (65), (66), (67), (68), (69,) and (70), as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(47) * * *

(i) * * *

(B) New or amended rules 462, 481, and 1104.

(58) * * *

(ii) South Coast AQMD.

(A) New or amended Rules 1107, 1108, 1108.1 and 1128.

* * * * *

(63) The following portions of the *California Environmental Quality Act* submitted on October 20, 1980, by the Governor's designee: Sections 21000; 21001; 21002; 21002.1; 21061; 21063; 21065; 21080.1; 21080.4; 21080.5 (a), (b), (c) and (d); 21081; 21082; 21100; 21104; 21151; 21153; 21160.

* * * * *

(65) The *South Coast Air Basin Control Strategy* (Chapter 18 of the Comprehensive Revision to the State of California Implementation Plan for the Attainment and Maintenance of Ambient Air Quality Standards), submitted on July 25, 1979 by the Governor's designee. Those portions of the *South Coast Air Basin Control Strategy* identified by Table 18–1, "Location of Plan Elements Which Meet Clean Air Act Requirements," together with Rules 1115 and 1126, comprise the submitted nonattainment area plan control strategy. The remaining portions are for informational purposes only.

(66) Revised regulations for the following APCD's, submitted on February 7, 1980, by the Governor's designee.

(i) South Coast AQMD.

(A) New or amended Rule 461.

(67) Revised regulations for the following APCD's, submitted on April 2, 1980, by the Governor's designee.

(i) South Coast AQMD.

(A) New or amended Rule 1122.

(68) Revised regulations for the South Coast AQMD, submitted on April 3, 1980, by the Governor's designee.

(i) New or amended Rules 1301, 1303, 1304, 1305, 1306, 1307, 1310, 1311, and 1313.

(69) Revised regulations for the South Coast AQMD submitted on April 23, 1980, by the Governor's designee.

(i) New or amended Rules 464, 465, 1123, and 1125.

(70) Revised regulations for the following APCD's submitted on August 15, 1980, by the Governor's designee.

(i) South Coast AQMD.

(A) New or amended Rules 1302 and 1308.

2. Section 52.222 is amended by adding subparagraph (b)(2), and removing and reserving paragraph (c), as follows:

§ 52.222 Extensions.

* * * * *

(b) * * *

(2) South Coast Air Basin for NO_2 and particulate matter (PM).

(c) [Reserved].

* * * * *

3. Section 52.223 is amended by adding subparagraphs (b)(3), (c), and (c)(1) as follows:

§ 52.223 Approval status.

* * * * *

(b) * * *

(3) South Coast Air Basin for NO_2 and PM.

* * * * *

(c) The Administrator finds that the plan does not satisfy all the requirements of Part D, Title I of the Clean Air Act as amended in 1977, for the nonattainment areas listed in this paragraph.

(1) South Coast Air Basin for ozone and CO.

4. In § 52.229, paragraph (a) is removed and reserved.

5. Section 52.223 is amended by adding subparagraph (a)(3), as follows:

§ 52.232 Part D conditional approval.

(a) * * *

(3) *The South Coast Air Basin portion of the California SIP.* The following material must be submitted as SIP revisions by the following dates.

(i) For ozone, CO, NO_2 and PM:

(A) By May 7, 1981, the NSR rules must be revised and submitted as an SIP revision. The rules must satisfy Section 173 of the Clean Air Act and 40 CFR 51.18, "Review of new sources and modifications." In revising the South Coast AQMD's NSR rules, the State/AQMD must address (1) any new requirements in EPA's amended regulations for NSR (45 FR 31307, May 13, 1980 and 45 FR 52676, August 7, 1980) which the AQMD rules do not currently satisfy and (2) those deficiencies cited in EPA's Evaluation Report Addendum which still apply despite EPA's new NSR requirements (contained in Document File NAP–CA–9 at the EPA Library in Washington, D.C. and the Regional Office).

(B) By May 20, 1981. A commitment to submit annual implementing agency fiscal and personnel commitments to implement the South Coast Air Basin NAP.

(ii) For ozone and CO:

(A) By May 20, 1981. A refined emission inventory for the South Coast

Air Basin for (1) CO which is based upon winter emissions and (2) for VOC.

(B) By May 20, 1981. Revised emission reduction estimates for each year for the adopted control measures which are based upon the refined emission inventories.

(C) By May 20, 1981. A schedule for the submittal of the revised emission reduction estimates for the pre-1982 control measures that are not yet adopted.

(D) By May 20, 1981. Written evidence of local adoption of legally enforceable commitments and implementation schedules consistent with reasonable further progress for the six adopted transportation control measures.

(E) By May 20, 1981. A schedule to analyze alternative packages of transportation control measures, including but not limited to those measures listed in Section 108(f)(1)(A) of the Clean Air Act.

(F) By May 20, 1981. The Southern California Association of Governments (SCAG) greater weight and equal proportion programming policy and procedures as they relate to prioritization and funding of "air quality projects" and "Highway Projects" and justification that the NAP provisions are consistent with Section 176(d) of the Clean Air Act.

(iii) For particulate matter:

(A) By December 31, 1981, a refined emission inventory which includes estimates of emissions from fugitive dust sources for the South Coast Air Basin.

(B) By December 31, 1981, documentation for the PM design value used to determine the allowable PM emission level, and a modeling analysis using the new emissions inventory data which shows the emission reductions necessary to provide for attainment of the PM NAAQS by December 31, 1982.

(C) By December 31, 1981, revised emission reduction estimates per control measure for each year which are based upon the revised emission inventory.

(D) By May 20, 1981. A commitment and schedule to study and adopt non-traditional PM control measures and a commitment to implement those control measures necessary to provide for attainment.

(iv) For nitrogen dioxide:

(A) By May 20, 1981. An annual average emission inventory for the South Coast Air Basin.

(B) By May 20, 1981. The results of an air quality analysis giving a preliminary quantification of the total emission reductions needed to attain the NO_2 NAAQS.

(C) By May 20, 1981. Revised emission reduction estimates for each year which are based upon the revised emission inventory for the control measures that are adopted.

(D) By May 20, 1981. A schedule and work program for the submittal of a detailed air quality analysis giving the final quantification of the needed emission reductions needed to attain the NO_2 NAAQS.

(E) By May 20, 1981. A commitment and schedule to develop and adopt NO_2 control measures and a commitment to implement those control measures necessary to provide for attainment.

6. Section 52.233 is revised by adding subparagraph (a)(3), as follows:

§ 52.233 Review of new source and modifications.

(a) * * *

(3) South Coast AQMD.

(i) In Rule 1306(a)(i), submitted on April 3, 1980, sentence 3 is disapproved.

(ii) In Rule 1306(d)(1)(B)(ii), submitted on April 3, 1980, the following portion of the rule is disapproved: "which have occurred during the highest three years of the last five year period, divided by three, provided the applicant demonstrates that such permit units have been operated at least 90 days during each of such three years."

(iii) In Rule 1307(a) submitted on August 15, 1980, the following portion of the rule is disapproved: "greater than 68 kilograms (150 pounds) per day, except carbon monoxide, for which the value is an increase greater than 340 kilograms (750 pounds) per day."

7. Section 52.237 is amended by adding subparagraph (a)(1), as follows:

§ 52.237 Part D disapproval.

(a) The following portions of the California SIP are disapproved because they do not meet the requirements of Part D of the Clean Air Act.

(1) The portions of the *South Coast Air Basin Control Strategy* that pertain to an I/M program.

8. Section 52.252 is amended by adding subparagraph (b)(2)(ii) to read as follows:

§ 52.252 Control of degreasing operations.

* * * * *

(b) * * *

(2) * * *

(ii) South Coast AQMD.

* * * * *

9. In § 52.238, the "Metropolitan Los Angeles Intrastate" line is revised to read as follows:

§ 52.238 Attainment dates for national standards.

* * * * *

Air quality control region and nonattainment area	Pollutants						
	TSP		SO_x		NO_x	CO	O_x
	Primary	Secondary	Primary	Secondary			
* * *	*	*	*	*	*		
South Coast Air Basin	h	c	d	e	h	i	i

10. Section 52.253 is amended by revising paragraph (b)(2) to read follows:

§ 52.253 Metal surface coating thinner and reducer.

* * * * *

(b) * * *

(2) In the following portions of the Metropolitan Los Angeles Intrastate Region, this section is either fully rescinded or partially rescinded subject to the conditions specified as follows:

(i) This section is fully rescinded for the Ventura County APCD.

(ii) This section is rescinded for magnet wire insulators, can and coil coaters, metal parts coaters, and auto assembly line coaters which are subject to and in full compliance with Rules 1107, 1115, 1125, and 1126 in the South Coast AQMD.

* * * * *

11. Section 52.255 is amended by removing and reserving paragraph (b)(1)(vii), and by adding paragraph (b)(3) to read as follows:

§ 52.255 Gasoline transfer vapor control.

* * * * *

(b) * * *

(3) The control requirements of this section are rescinded in the following air pollution control districts:

(i) South Coast AQMD.

* * * * *

12. Section 52.256 is amended by revising paragraph (b) to read as follows:

§ 52.256 Control of evaporative losses from the filling of vehicular tanks.

* * * * *

(b) This section is applicable in the Metropolitan Los Angeles, Sacramento

Valley and San Joaquin Valley Intrastate Air Quality Control Regions, except as follows:

(1) In the following portions of the Metropolitan Los Angeles Intrastate Region, this section is rescinded.

(i) South Coast AQMD.

* * * * *

[FR Doc. 81-2095 Filed 1-20-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-1-FRL 1729-8]

Approval and Promulgation of Implementation Plans; Revision

AGENCY: Environmental Protection Agency.

ACTION: Final Rule.

SUMMARY: The Director of the Rhode Island Department of Environmental Management (DEM) submitted on August 28, 1980 a request for EPA approval of a revision to the Rhode Island State Implementation Plan (SIP). This revision constitutes a variance from Regulation 8, "Sulfur Content of Fuels" of DEM's Rules and Regulations for the Prevention, Control and Abatement, and Limitation of Air Pollution which requires fuel oil burning sources to use fossil fuel containing 0.55 pounds or less of sulfur per million Btu heat release (approximately equivalent to 1 percent by weight). The revision allows an alternative emission reduction option for control of sulfur dioxide in accordance with EPA's controlled trading policy (Federal Register Vol. 44, No. 239, Tuesday, December 11, 1979), commonly refered to as the "Bubble Policy." This revision allows the Narragansett Electric Company to increase its sulfur-in-fuel oil content from 1 percent to 2.2 percent at its electric power generating station on South Street in Providence during such times that it ceases operation or burns natural gas at its electric power generating station on Manchester Street in Providence. EPA published a proposed approval of this revision on October 24, 1980 (45 FR 70513). No letters of comment were received during the thirty (30) day comment period which ended November 24, 1980. EPA is today approving this revision.

EFFECTIVE DATE: January 21, 1981.

FOR FURTHER INFORMATION CONTACT: Marcia L. Spink, Air Branch, Environmental Protection Agency, Region I, Room 1903, J.F.K. Federal Building, Boston, Massachusetts 02203, (617) 223-4448.

ADDRESSES: Copies of the Rhode Island revision document, which is incorporated by reference, are available for public inspection during regular business hours at the Environmental Protection Agency, Region I, Room 1903, J.F.K. Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M Street SW., Room 8401, Washington, D.C. 20460; and the Rhode Island Department of Environmental Management, 75 Davis Street, Room 204, Cannon Building, Providence, Rhode Island 02908.

SUPPLEMENTARY INFORMATION: On October 24, 1980 (45 FR 70513) EPA proposed approval of a revision to the Rhode Island SIP which would allow the Narragansett Electric Company (NEC) to increase its sulfur-in-fuel oil limit from 1 percent to 2.2 percent at its electric power generating station on South Street in Providence when it ceases operation or burns natural gas at its electric power generating station on Manchester Street in Providence. This revision involves a variance from Regulation 8, "Sulfur Content of Fuels," of DEM's Rules and Regulation for the Prevention, Control and Abatement, and Limitation of Air Pollution and is being undertaken in accordance with EPA's controlled trading policy (Federal Register, Vol. 44, No. 239, Tuesday, December 11, 1979), commonly referred to as the "Bubble Policy."

The SIP revision and EPA's reasons for approving it were explained in the Notice of Proposed Rulemaking, cited above, and will not be repeated here. No comments having been received, EPA is now taking final action to approve the revision.

EPA finds good cause for making this revision immediately effective for the following reasons:

1. The revision to the SIP is already in effect under State law and EPA approval imposes no additional regulatory burden.

2. The NEC estimates fuel cost savings of 2.7 to 4 million dollars annually as a result of the revision.

3. The revision will result in a 600,000 barrel per year reduction of imported oil.

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.

After evaluation of the State's submittal, the Administrator has determined that the Rhode Island revision meets the requirements of the Clean Air Act and 40 CFR part 51. Accordingly, this revision is approved as a revision to the Rhode Island SIP.

(Sec. 110(a) of the Clean Air Act, as amended, 42 U.S.C. 7401 et seq.)

Dated: January 12, 1981.

Douglas M. Costle,

Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the state of Rhode Island was approved by the Director of the **Federal Register** on July 1, 1980.

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

Subpart 00—Rhode Island

1. Section 52.2070, paragraph (c) is amended by adding subparagraph (13) as follows:

§ 52.2070 Identification of plan.

* * * * *

(c) * * *

(13) A revision to Regulation 8, "Sulfur Content in Fuels," for the Narragansett Electric Company, Providence, submitted on August 28, 1980 by the Director of the Department of Environmental Management.

[FR Doc. 81-2072 Filed 1-19-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 180

[PH-FRL 1731-4; PP 4F1514/R296]

Polyamide Polymer Derived From Sebacic Acid

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for polyamide polymer derived from sebacic acid, vegetable oil acids with or without dimerization, terephthalic acid and/or ethylenediamine when used as an encapsulating medium for methoprene only.

EFFECTIVE DATE: Effective on January 21, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M-3708, 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: John Shaughnessy, Registration Division (TS-767), Office of Pesticide Programs,

Environmental Protection Agency, Rm. E-229, 401 M St. SW., Washington, D.C. 20460, (202-426-9458).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register of November 18, 1980 (45 FR 76211) that the agency proposed deleting an inert ingredient from § 180.1001(d) where it is listed without restriction, and establishing an exemption from the requirement of a tolerance for polyamide polymer derived from sebacic acid, vegetable oil acids without dimerization, terephthalic acid and/or ethylenediamine when used as an encapsulating medium for methoprene only.

No comments or requests for referral to an advisory committee were received by the agency in response to this notice of proposed rulemaking.

It has been concluded, therefore, that the proposed regulation to 40 CFR Part 180 will protect the public health, and is established as set forth below.

Any person adversely affected by this regulation may, on or before February 20, 1981, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M St. SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." This regulation has been reviewed and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

Effective date: January 21, 1981.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

Dated: January 13, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart D of 40 CFR Part 180 is amended as follows:

§ 180.1001 [Amended]

1. By deleting "Polyamide polymer derived from sebacic acid, vegetable oil acids with or without dimerization, terephthalic acid and/or ethylenediamine" from the table under § 180.1001(d).

2. By adding a new § 180.1053 to read as follows:

§ 180.1053 Polyamide polymer derived from sebacic acid; exemption from requirement of tolerance.

Polyamide polymer derived from sebacic acid, vegetable oil acids with or without dimerization, terephthalic acid and/or ethylenediamine is exempted from the requirement of a tolerance when used as an encapsulating medium for methoprene only.

[FR Doc. 81-2017 Filed 1-19-81; 8:45 am]

BILLING CODE 6560-32-M

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40 CFR Part 180

[PH-FRL 1732-1; PP OF2277/R276A]

1-Naphthaleneacetic Acid; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Rule; correction.

SUMMARY: This document corrects a regulation that appeared in the Federal Register of November 26, 1980 (45 FR 78686), in which the lethal dose appeared incorrectly.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Product Manager (PM) 25, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, Rm. E-359, 401 M St. SW., Washington, D.C. 20460, (202-755-2196).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register of November 26, 1980 (45 FR 78686) that a regulation had been established for residues of the plant growth regulator 1-naphthaleneacetic acid. In the 2nd column, 6th paragraph, the acute oral LD_{50} appeared incorrectly. Please correct the document to read: "The toxicology data evaluated included an acute oral LD_{50} (1-NAA) with a LD_{50} of 1 gram (g)/kilogram; * * *"

(Sec. 408(e), 68 Stat. 514, (21 U.S.C. 346a(e)))

Dated: January 13, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-2022 Filed 1-19-81; 8:45 am]

BILLING CODE 6560-32-M

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40 CFR Part 762

[OPTS-66005A; TSH-FRL 1681-1]

Fully Halogenated Chlorofluorocarbons; Exemption for Spinnerette Release Agents

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA proposed that the essential use exemption from the Agency's chlorofluorocarbon rule for spinnerette release agents be revoked. This proposal was published in the Federal Register of June 14, 1979 (44 FR 34167). EPA is now promulgating a final rule which revokes the essential use exemption effective March 1, 1982.

EFFECTIVE DATE: This rule becomes effective March 1, 1982.

ADDRESS: The official record of rulemaking is available from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays by contacting: Joni T. Repasch, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-447, 401 M St., SW., Washington, D.C. 20460, (202-755-8050).

FOR FURTHER INFORMATION CONTACT: John B. Ritch, Jr., Director, Industry Assistance Office, Office of Toxic Substances, (TS-799), Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, Toll Free (800-424-9065), In Washington, DC: (554-1404).

SUPPLEMENTARY INFORMATION: EPA's chlorofluorocarbon rule (40 CFR 762) prohibits the manufacture, processing, and distribution in commerce of fully halogenated chlorofluoroalkanes (chlorofluorocarbons) for nonessential aerosol propellant uses, published in the Federal Register of March 17, 1978 (43 FR 11318). Section 762.21(b) contains an essential use exemption for "release agent for molds used in the production of plastic and elastomeric materials". EPA had interpreted this exemption to include spinnerette release agents.

A spinnerette is a metal plate with tiny holes (0.1-1.0 mm diameter) used in the formation of man-made fibers. By preventing filaments from adhering to the spinnerettes, release agents keep the spinnerettes clean, thereby ensuring the quality of the filaments.

EPA proposed to immediately revoke the exemption for spinnerette release agents, because of the Agency's belief that substitutes for chlorofluorocarbon-propelled spinnerette release agents had been developed. This proposal was published in the Federal Register of June 14, 1979 (44 FR 34167). Comments on that proposal have convinced EPA that the substitutes available as of the date of the proposed rule were not as effective as EPA had thought and that industry needs more time to develop a substitute. Therefore, EPA is revoking the essential use exemption for spinnerette release agents, but delaying the effective date of the action until March 1, 1982.

This change is based on comments submitted to EPA in response to the June 14, 1979 proposal and on information obtained as a result of a visit to a DuPont Corporation plant in Kinston, N.C. Comments on the June 14, 1979 proposal were received from fiber producers, producers of substitute products, a distributor for one of the producers, and a trade association.

Producers of substitute products reported that they needed more time to refine their product delivery system. At the same time fiber producers reported that, while substitute products were available, they were not completely satisfactory for all fibers and processes used.

Generally the problems encountered in developing a substitute can be summarized as follows: (1) Spinnerette release agents are used on many different types of fibers and in many different processes making it unlikely that one substitute product could service all of the industry's needs, (2) carbon dioxide-propelled products have unsatisfactory spray characteristics, (3) hydrocarbon-propelled products have flammability problems, and (4) there are potential toxicity problems from products containing methylene chloride or 1,1,1-trichloroethane.

EPA now recognizes that the spinnerette release agents marketed at the time the proposed rule was published were inadequate to serve all the needs of fiber producers. However, EPA believes that acceptable substitute products can be developed, and that the additional year extension granted under this rule will be sufficient time to complete the development of a substitute. This extension has the effect of actually allowing approximately two additional years from the original proposal date for development and testing of substitute products.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized". This proposed regulation has been reviewed and determined to be a specialized regulation not subject to the procedural requirements of Executive Order 12044.

The rulemaking record for this action consists of the rulemaking record for EPA's chlorofluorocarbon rule under 40 CFR Part 762 published in the Federal Register of March 17, 1978, and the following documents:

Federal Register Notices

1. "Fully Halogenated Chlorofluorocarbons: Spinnerette Release Agents", EPA, Published June 14, 1979 (44 FR 34167)
2. USEPA, OPTS, "Essential Use Determinations—Revised", March 17, 1978

Company File

A. W. Chesterton Co.:
Main Comment, Aug. 31, 1979
Aerosol Systems, Inc.:
Communication, Dec. 28, 1978
Communications (2), Apr. 12, 1979
Allied Chemical Co.:
Communication, Jan. 24, 1979
Communication, July 13, 1979
Main Comment, Sept. 10, 1979
Communication, Nov. 5, 1979
American Enka Co.:
Main Comment, Sept. 5, 1979
D. B. Powers Corporation:
Communication, Jan. 9, 1979
Communications (4), Apr. 12, 1979
Communication, May 10, 1979
Communication, Aug. 30, 1979
Main Comment, Sept. 6, 1979
Communication, Sept. 28, 1979
Communication, Nov. 26, 1979
Diamond Hill:
Communication, Apr. 11, 1979
Communication, Aug. 30, 1979
Dixie Bearings, Inc.:
Communication, May 15, 1979
Communication, May 29, 1979
E. I. DuPont deNemours and Company:
Communication, Dec. 27, 1978
Main Comment, Aug. 28, 1979
EPA Memorandum on Nov. 15, 1979, site visit, Dec. 31, 1979
Eastman Kodak Company:
Main Comment, Aug. 31, 1979
Essex Chemical Corporation:
Communication, July 2, 1979
Fenwal Inc.:
Communication, June 20, 1979
Fibers Industries:
Main Comment, Aug. 27, 1979
Hoescht Fibers Industries:
Main Comment, Sept. 10, 1979
Man-Made Fiber Producers Assn., Inc.:
Main Comment, Sept. 11, 1979
Communication, Sept. 24, 1979
Monsanto Textile Co.:
Main Comment, Sept. 10, 1979
Main Comment, Sept. 26, 1979
O'Brian-Mace Co., Inc.:
Communication, Mar. 12, 1979
Sherwin-Williams Co.:
Communication, June 28, 1979
Sprayon Products:
Communication, Mar. 19, 1979

(Sec. 6, Pub. L. 94-469, 90 Stat. 2020 (15 U.S.C. 2065))

Dated: January 12, 1981.

Douglas M. Costle,

Administrator.

40 CFR Part 762 is amended by revising § 762.21(b) to read as follows:

§ 762.21 Essential use exemptions.

* * * * *

(b) Release agents for molds used in the production of plastic and elastomeric materials; including spinnerette release agents until March 1, 1982.

* * * * *

[FR Doc. 81-2103 Filed 1-19-81; 8:45 am]
BILLING CODE 6560-31-M

GENERAL SERVICES ADMINISTRATION

41 CFR Parts 5A-1, 5A-2

[APD 2800.3 CHGE 19]

Procurement Regulations; Miscellaneous Amendments

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: Chapter 5A, General Services Administration Procurement Regulations, is amended to (1) prescribe examples of "Age on Delivery" type clauses applicable to procurements of shelf-life items, and (2) update solicitation cover page notices and miscellaneous text provisions by deletion or revision. The purpose of these changes is to improve regulatory coverage of contract clauses and procurement procedures.

EFFECTIVE DATE: This regulation is effective February 13, 1981.

FOR FURTHER INFORMATION CONTACT: Philip G. Read, Director, Federal Procurement Regulations Directorate, Officer of Acquisition Policy (703-557-8947).

PART 5A-1—GENERAL

Subpart 5A-1.3—General Policies

1. In § 5A-1.370-3, paragraph (a) is revised and paragraph (c)(7) is added as follows:

§ 5A-1.370-3 Use of warranty.

(a) The procuring director shall approve the use of a warranty in supply contracts, except when the warranty is in the specification, or the contractor's commercial warranty is included, or a warranty is prescribed in the GSPR for specific situations. To the extent practicable, a clause substantially similar to that prescribed in § 5A-1.370-4 shall be used. Warranty clauses that differ substantially shall be approved or prescribed by the Assistant Administrator for Acquisition Policy.

* * * * *

(c) * * *

(7) Warranty clauses applicable to shelf-life items should, to the extent feasible, indicate the nature of and the degree to which deterioration will be permitted during the warranty period.

unless such factors are adequately covered in the product specification.

* * * * *

2. In § 5A–1.370–4, paragraph (a) of the "Warranty of Supplies" clause is revised to read as follows:

§ 5A–1.370–4 Warranty clause for supply contracts.

* * * * *

Warranty of Supplies

(a) Notwithstanding inspection and acceptance by the Government of supplies furnished under the contact or any provision of this contract concerning the conclusiveness thereof, the Contractor warrants that for *(enter specific warranty period such as "one year after specified date," or other applicable warranty provision) all supplied* furnished under this contract will be free from defects in material or workmanship and will conform with the specifications and all other requirements of this contract. Further, the Contractor certifies that the supplies will be suitable for their intended purpose. Unless otherwise provided, this warranty period shall begin 60 days after the date of shipment.

* * * * *

PART 5A–2—PROCUREMENT BY FORMAL ADVERTISING

The table of contents for Part 5A–2 is amended to delete § 5A–2.202–51 in its entirety.

Sec.

* * * * *

5A–2.202–51 [Deleted]

* * * * *

Subpart 5A–2.2—Solicitation of Bids

§ 5A–2.202–4 [Amended]

1. In § 5A–2.202–4, paragraphs (e) and (i) are amended by changing the words "Quality Control Division" to "quality assurance activity." In paragraph (k), the organizational title "Office of Standards and Quality Control (FM)" is changed to "Office of Engineering and Technical Management (FRE)."

§ 5A–2.202–51 [Removed]

2. Section 5A–2.202–51 is removed in its entirety.

3. Section 5A–2.202–70 is revised as follows:

§ 5A–2.202–70 Unsolicited samples, descriptive literature, or brand name references.

(a) The following clause shall be inserted in each solicitation (applicable to formally advertised procurements).

Unsolicited Samples, Descriptive Literature, or Brand Name References

When procurement is effected under specifications or purchase descriptions (other than "brand name or equal") and the Government does not specifically request bid samples, descriptive literature, or references to brand names, models, or part numbers as an integral part of the bid, bids which are accompanied by any of the foregoing will be rejected unless it is clear from the bid or accompanying papers that the samples, descriptive literature, or references to brand names, models, or part numbers are not intended to qualify the bid and that the bidder proposes to furnish items fully in accordance with the specifications or purchase descriptions. When offers contain unsolicited material such as samples, descriptive literature, or references to brand names, models, or part numbers, the Government will not be responsible in any way for determining whether the items which are offered meet the Government's requirements set forth in the applicable specifications or purchase descriptions.

(End of Clause)

(b) The following notice shall be included on GSA Form 1602, Notice Concerning Your Solicitation for Offers, except when "brand name or equal" items are being procured.

Unsolicited Material

Bidders are cautioned that the submission of unsolicited bid samples or descriptive literature, or references in the bid to brand names, models, or part numbers may cause rejection of the offer. The bidder's attention is directed to the clause entitled "Unsolicited Samples, Descriptive Literature, or Brand Name References."

(End of Notice)

§ 5A–2.203–1 [Amended]

4. Section 5A–2.203–1 is amended by removing the parenthetical statement at the end of paragraph (c).

5. Section 5A–2.203–70 is revised as follows:

§ 5A–2.203–70 Solicitation Copies clause.

The following clause shall be included in all solicitations (may be included as a notice on GSA Form 1602 if a cover page is used):

Solicitation Copies

To reduce costs, only a single copy of this solicitation is mailed to addressees on our bidders mailing list, except that complete bid sets are furnished to active bidders who responded to previous solicitations for similar commodities. If additional copies are required (see Block 9, page 1, for number of bid copies to be submitted), you may reproduce them yourself, provided they are complete in every respect, or you may obtain them from the GSA Business Service Center, *(insert address and phone number of the BSC serving the issuing office).*

(End of Clause)

PART 5A–7—CONTRACT CLAUSES

The table of contents for Part 5A–7 is amended to remove § 5A–7.103–58 and to add new § 5A–7.103–70, as follows:

Sec.

* * * * *

5A–7.103–58 [Deleted]

* * * * *

5A–7.103–70 Acceptable age of shelf-life items.

* * * * *

Subpart 5A–7.1—Fixed-Price Supply Contracts

1. Section 5A–7.103–57 is amended by removing paragraphs (c) and (d) in their entirety.

§ 5A–7.103–57 Standby-stock clauses.

* * * * *

(c) [Deleted]

(d) [Deleted]

§ 5A–7.103–58 [Removed]

2. Section 5A–7.103–58 is removed in its entirety.

3. Section 5A–7.103–70 is added as follows:

§ 5A–7.103–70 Acceptable age of shelf-life items.

In accordance with § 101–27.206–2 of the Federal Property Management Regulations, contractors are required to furnish shelf-life items within a specified number of months from the date of manufacture or production of the supplies.

(a) When the required shelf-life period is 12 months or less, the corresponding age-on-delivery period as suggested in FPMR 101–27.206–2 is relatively short (i.e., one or two months from date of manufacture). Consequently, if the supplies are to be laboratory tested by the Government prior to acceptance, the acceptable age period should stop at the time the supplies are offered for inspection and testing. Otherwise, contractors may be prejudiced by unusual delays on the part of the Government in completing the testing process. Accordingly, in these circumstances a clause substantially as follows shall be used:

Acceptable Age of Supplies

The supplies furnished under this contract shall not be more than ——— months old, beginning with the first full month after the date of manufacture marked on the container. For the purpose of this clause, supplies shall be considered to be furnished (1) when they are offered to the Government for inspection and testing, or (2) on the date of shipment if the supplies are shipped under a Quality Approved Manufacturer Agreement. If the age of the supplies furnished under this contract is greater than the specified number of months, the Government may exercise its rights under the Inspection clause of this contract (Article 5, Paragraph (b), Standard Form 32).

(End of Clause)

(b) If the minimum shelf-life period of the supplies being procured is more than 12 months and/or if lengthy testing is not involved, the end of the acceptable age period may be either the time of shipment or the time of delivery, as considered appropriate by the contracting officer. In these circumstances, a clause substantially as follows shall be used. (Note.—This example is applicable to procurements which cover both shelf-life and non-shelf-life items, or items with different shelf-life periods.)

Age on Delivery

Included in the item description of each shelf-life item covered by this procurement is a statement regarding the "age of delivery" of the item. The age of the item(s) shall not exceed the number of months shown in the item description, counted from the first day of the month following the month of manufacture to the date of actual delivery to the delivery point(s) specified herein. If the age of the supplies delivered under this contract is greater than the number of months shown, the Government may exercise its rights under the Inspection clause of this contract (Article 5, Paragraph (b), Standard Form 32).

(End of Clause)

4. Section 5A–7.103–71 is revised as follows:

§ 5A–7.103–71 Special discount terms.

(a) When inspection is at destination and laboratory testing is required prior to acceptance of the supplies, the following clause shall be used. The number of days to be entered in the blank space in the clause shall be the number of days needed for testing and/or analysis, including the time required for shipping samples of the supplies to the testing facility. The period entered shall not exceed 30 calendar days unless the quality assurance activity furnishes a written statement that additional time is absolutely necessary.

(b) If Standard Form 33–A is not incorporated as a part of the solicitation (as in the case of the small purchases), the parenthetical statement at the beginning of the clause shall be omitted.

Special Discount Terms

(Article 9, Discounts, of Standard Form 33–A, Solicitation Instructions and Conditions, is deleted and the following is substituted therefor.)

(a) Prompt payment discounts offered for payment within less than 20 calendar days will not be considered in evaluating offers for award. However, offered discounts of less than 20 calendar days will be taken if payment is made within the discount period, even though not considered in the evaluation of offers.

(b) Prior to final acceptance, the supplies described in this solicitation will be laboratory tested for conformance with the specifications cited. It is estimated that such testing will require a maximum of calendar days, and any discount period offered will begin that same number of calendar days after the date of arrival of the supplies at the destination or port of embarkation, or on the date a correct invoice or voucher is received in the office specified by the Government, if the latter date is later than the date of final acceptance. Payment is deemed to be made for the purpose of earning the discount on the date of mailing of the Government check.

(End of Clause)

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: December 18, 1980.

William B. Ferguson

Acting Assistant Administrator for Acquisition Policy

[FR Doc. 81–2096 Filed 1–19–81; 8:45 am]

BILLING CODE 6820–61–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[Docket No. 20828; FCC 80–628]

Miscellaneous Rules Relating to Common Carriers

AGENCY: Federal Communications Commission.

ACTION: Reconsideration of Final Decision in Docket No. 20828 (Final Decision).

SUMMARY: The Reconsideration Order modifies and clarifies the Final Decision of the Second Computer Inquiry. It amends Rule 64.702(c) by modifying the structure under which certain communications common carriers may provide enhanced services and consumer premises equipment. The Order removes certain carriers from the list of those required to provide these services and equipment under that structure. It also adopts a bifurcated schedule for deregulation of consumer premises equipment.

DATES: Effective dates: Carrier provided customer premises equipment which is federally tariffed or not in service as of March 1, 1982 and is offered to consumers after that date must be detariffed prior to March 1, 1982. The date by which all other carrier provided customer premises equipment must be detariffed is undetermined; Rule Amendment effective February 3, 1981.

ADDRESS: Federal Communications Commission, 1919 M Street NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Kathleen B. Levitz, Common Carrier Bureau, (202)632–9342.

In the matter of amendment of § 64.702 of the Commission's rules and regulations (second computer inquiry), Docket No. 20828. *Memorandum Opinion and Order* (45 FR 31319).

Adopted: October 28, 1980.

Released: December 30, 1980.

By the Commission: Chairman Ferris issuing a separate statement; Commissioners Quello, Fogarty and Jones concurring and issuing a statement.

1. On April 7, 1980 the Commission adopted its *Final Decision* in the Second Computer Inquiry. 77 FCC 2d 384 (1980). Petitions seeking reconsideration of this decision were filed by 34 parties, including those filing oppositions to the petitions and replies. Appendix A contains a list of all parties filing pleadings on reconsideration. The pleadings focus on four general areas: network services, carrier provision of customer-premises equipment (CPE), corporate separations requirements, and legal considerations. We will consider each of these areas in turn.

I. Network Services

a. Summary of Comments

2. In the *Final Decision* we adopted a regulatory scheme under the Communications Act of 1934, as amended, that distinguishes between the common carrier offering of basic transmission services and the provision of enhanced services. This scheme is embodied in Section 64.702 of the Commission's Rules, 47 CFR § 64.702. Under this decision basic services are common carrier communications services and regulated as such under Title II of the Act, whereas enhanced services are not. Our action in this regard represents an adjustment of the regulatory demarcation adopted over a decade ago in the *First Computer Inquiry*[1] required by technololgical developments that have occurred since then and the resulting need to establish more clearly the parameters of regulation under Title II of the Act.

3. In petitions for reconsideration various parties have focused on the basic/enhanced dichotomy. Generally, the parties seek either clarification or expansion of the definition of basic service. For its part, Tymnet requests that the Commission confirm that Tymnet's Tariff FCC No. 2 is an enhanced service offering.[2] American Telephone and Telegraph Co. (AT&T) and GTE Service Corp. (GTE) requests that the Commission expand the definition of basic service in order to permit telephone companies to offer voice and data storage and retrieval applications as part of basic service. In particular, AT&T is concerned that the restrictions on storage and retrieval applications could prevent the offering of the call answering and advance calling features of its Custom Calling II Service. AT&T submits that basic service must not be construed so narrowly as to limit the technological capabilities and evolution of the network, and that services that can be more effectively provided by the network should be so provided. It also asserts that mass calling services (e.g. "Dial-It") must be provided through the network as part of basic service. In addition, AT&T requests that the Commission modify the *Final Decision* to permit basic service to include information storage, so long as "once information is given to the communications facility, its progress towards the destination is subject to only those delays caused by congestion within the network or transmission priorities given by the originator *or the called party.*" (AT&T Comments at 38.) AT&T and GTE also contend that code and protocol conversion should be permitted as part of a basic service. In addition, while the Commission stated its intent to institute an inquiry in this regard, GTE contends that it is procedurally incorrect for the Commission to prohibit the provision of code and protocol conversion as a part of basic service before the Commission initiates the proposed inquiry.

4. A number of parties have urged the Commission to reject the arguments of the petitioners seeking modification of the basic/enhanced dichotomy.[3] These parties argue that the distinction drawn in the *Final Decision* between basic and enhanced services is reasonable and workable. Moreover, they claim that not only would further attempts at clarification prove futile, such attempts would create uncertainty in the marketplace as to which services could be provided without regulation and could lead to the eventual regulation of the enhanced service market. Additionally, they argue that the parties seeking modification of the *Final Decision* have offered no new evidence that warrants revisiting these issues.

5. With respect to the information storage issues, the parties opposing modification of the *Final Decision* contend that such applications are properly classified as enhanced and that to permit them to be offered as part of a basic service would completely blur the distinction between basic and enhanced service. The parties further argue that any demarcation between basic and enhanced service other than the one adopted would lead to burdensome *ad hoc* determinations. Rebutting AT&T's contentions, parties claim that storage services such as call answering and advance calling are enhanced as these services allow customers to store and retrieve information for purposes other than to facilitate the transmission of information and perform the same function as existing telephone answering equipment.

6. Similarly, the parties assert that "Dial-It" goes far beyond the ancillary functions which may be offered with traditional telephone service. They reject AT&T's argument that these services must be provided through the network, pointing out that these services cannot readily be distinguished from a number of voice or simulated voice services already ubiquitously available from unregulated data-base storage companies. (CBEMA Opposition at 43.)

7. In response to AT&T's proposal to allow information storage based on priorities established by the called party, CBEMA states that the Commission should make clear that all voice storage systems are enhanced regardless of whether the storage is accomplished by the originator or the called party. Moreover, parties such as ADAPSO state that if telephone companies were permitted to offer voice storage services as part of basic service, the monopoly ratepayer will bear the expense of switching equipment designed and installed with extra capacity needed only to compete with existing enhanced services and CPE. The parties also assert that the threat of voice storage and retrieval as part of a basic service would establish carrier dominance over such offerings and force heretofore unregulated vendors to seek regulated status to offer the same degree of service.

8. Taking issue with the proposal that carriers be permitted to offer code and protocol conversion as part of basic service, various parties contend that to permit such conversions would totally distort the basic/enhanced dichotomy. These parties reject the argument that code and protocol conversion must be provided within the carrier's network as part of basic service and point out the current availability of these services in the marketplace, none of which is provided within the network. Finally,

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[1] *Regulatory and Policy Problems Presented by the Interdependence of Computer Communications Services and Facilities*, 28 FCC 2d 291 (1970) (*Tentative Decision*); 28 FCC 267 (271) (*Final Decision*), *aff'd in part sub nom.* GTE Service Corp. v. FCC, 474 F. 2d 724 (2d Cir. 1973), *decision on remand*, 40 FCC 2d 293 (1973).

[2] Tymnet noted the diminished need for clarification as a result of our determination that Telenet's tariff F.C.C. No. 1, which is comparable to Tymnet's Tariff F.C.C. No. 2, constitutes an enhanced service. *See* Memorandum Opinion and Order, FCC 80-425, released July 22, 1980.

[3] *See e.g.*, Oppositions of ADAPSO, CBEMA, Delphi, IBM, Sperry Univac, SPCC. (See Appendix B for complete names of these organizations.)

concern is expressed that significant anticompetitive abuses could arise from allowing carriers to offer code and protocol conversion as part of their basic service offerings.

b. Discussion

9. The arguments summarized above essentially address the issue of whether we have drawn a reasonable boundary between basic and enhanced services or whether we should have drawn the basic/enhanced demarcation at some other point. Those requesting modification would seek to have us expand the basic category to include services that fall within the enhanced category as set forth in our *Final Decision*. In assessing the merits of these arguments it is important to understand the underpinnings of our basic/enhanced dichotomy. First, the decision is premised on our factual determination that under Title II of the Act basic services are regulated as common carrier communications services whereas enhanced services are not. Second, the record supported our conclusion that the distinction set forth in the *Final Decision* between basic and enhanced services constituted the most enduring demarcation which could be established as to those services which when offered by common carriers are regulated under Title II and those which are not. At the same time numerous reasons were given as to why this demarcation should not be contaminated by subjecting some enhanced services to Title II regulation, but not others. See *Final Decision* at paras. 106–113. Under this structure "the scope of Commission regulation is focused on those services which are clearly within the contemplation of the Communications Act and which serve as the foundation for all enhanced services . . . . This structure enables us to direct our attention to the regulation of basic services and to assuring non-discriminatory access to common carrier telecommunications facilities by all providers of enhanced services." *Id.* at para. 116.[4]

10. A basic transmission service is the common carrier offering of transmission capacity for the movement of information between two or more points. Various basic services are offered depending upon the amount of bandwidth employed, the analog or digital characteristics of the transmission medium, and other line conditioning parameters that affect overall transmission quality. In providing such services a carrier offers to the public channel(s) of communications with associated network switching and routing. In this sense, a basic service is the offering of a "transmission pipeline" in contrast to the myriad services that are dependent upon, but different in kind, from the pipeline service. This is reflected in our basic service category and forms the underlying premise for the demarcation between basic and enhanced services. The basic services category therefore must be broad enough to insure our ability to carry out our statutory mandate as set forth in Section 1 of the Act and our concamitant responsibilities under Title II, but narrow enough to exclude other services that are separate from the common carrier offering.

11. In this context, we are asked to reassess our demarcation between basic and enhanced services. AT&T and GTE contend that various information storage and "mass calling" services should be included within the basic category. In considering these contentions, we must distinguish between two separate and very different considerations. The first is whether the proposed services fall within the transmission pipeline concept which we have described as basic service. The second is whether the proposed services, even if enhanced, cannot be offered apart from intergration within the communications network which provides basic service. The former implicates the scope of Title II regulation. The latter implicates the requirement that AT&T engage in the provision of enhanced services only through a separate subsidiary utilizing separate computer facilities.

12. Upon review and consideration of the pleadings filed on reconsideration, we are of the view that the classification scheme for basic and enhanced services as set forth in the *Final Decision* should be affirmed. In the *Final Decision* we noted that many enhanced services feature voice or data storage and retrieval applications, and thus in an enhanced service the content of the information need not be changed but may simply involve subscriber interaction with stored information. *Id.* at para. 97. The information storage and mass calling services raised by petitioners fall into this category. These are services that are dependent upon the availability of common carrier facilities, but the end product is not the offering of a common carrier communication service. Moreover, to include voice or data information storage services within the ambit of a basic service would be to destroy any meaningful regulatory boundary that otherwise exists and unduly expand the common carrier offering beyond one of providing the appropriate communications pipeline for the transmission of information to services in which communications is merely a factor of production.

13. These conclusions are reinforced when we examine the specific concerns which AT&T has raised, such as its "Dial-It," and "Custom Calling II" offerings.[5] AT&T markets "Dial-It" as a "mass calling service" which can be subdivided into public announcement services (PAS) and media stimulated calling (MSC) services. Under PAS, information such as news, stock prices, sports reports, etc. is recorded or stored within the carrier's network for retrieval by a subscriber to the service. MSC also involves the storage of recordings or information within the network, but is promoted through such media as radio or television to produce highly concentrated, peaked, calling patterns, unlike PAS. For example, the public might be invited to call different specified numbers to register their approval or disapproval of policy position on a given public issue. AT&T analogizes such services to time and weather information as support for their classification as basic services. Moreover AT&T argues that classifying voice storage services as enhanced could prevent the offering of various features of its Custom Calling II service, which involves storage of telephone messages in the network for subsequent sending or retrieval—commonly referred to as "advanced calling" and "call answering".

14. As presently structured, Dial-It and Custom Calling II constitute enhanced services under our *Final Decision*. They constitute more than the common carrier offering of a channel of communication and clearly fall outside the scope of a basic service. See *Final Decision* at paras. 93–98. Needless to say these offerings present only a small sample of the type of voice storage related services that may be offered consumers. AT&T notes that it may introduce additional offerings which involve the storage of information. (AT&T comments at 35.) To alter the basic category as suggested by AT&T and GTE would be to bring within the scope of basic service as host of

[4] The basic/enhanced dichotomy is applicable to both domestic and international services provided over common carrier facilities.

[5] On August 27, 1980, special permission No. 80-440 was issued under delegated authority whereby AT&T was authorized to advance the effective date of tariff revisions for "Dial-It" service, on the condition that the tariff have an expiration date of no later than March 1, 1982, without prejudice to the Commission ordering an earlier expiration date. While this service was viewed as enhanced, the staff was also aware of its pendency before the Commission on reconsideration in this proceeding, and thus did not reject the tariff.

computer-based voice storage and retrieval applications and customer-interactive services that far exeed basic transmission and related switching and routing functions. Not only might this require common carrier regulation of such services under Title II, but it would undermine any workable demarcation as to the boundary between basic and enhanced services. Technological advances are negating network differentiation of voice and non-voice transmissions. Customers can technically use Custom Calling II to store data now; as networks become increasingly digital, there will be no way to distinguish between voice storage and other types of information storage services. This compels that any enduring and workable demarcation between basic and enhanced services exclude information storage and retrieval services—both voice and data—from the basic category.

15. The parameters of a basic service should be dictated by the purposes of the Act and the statutory scheme set forth in Title II for the regulation of common carrier communications services. Our affirmance of the regulatory demarcation set forth in the *Final Decision* recognizes this and the corresponding need for regulatory stability and greater certainty in the marketplace. To impose regulation over some enhanced services, in light of our determination that information storage and retrieval services are not common carrier communications services, would be to impose a scheme of Title II regulation that attempts to distinguish regulated and unregulated enhanced services. This we specifically rejected in our *Final Decision* at paras. 102–113. Evidence has not been submitted on reconsideration to warrant a contrary conclusion.

16. AT&T's attempts to classify these services as basic by analogizing to its time and weather recordings also must be rejected. The provision of time and weather information has never been determined to be a common carrier communictions service. Their availability may, in fact, be noted in a given tariff for informational purposes, but these offerings are not regulated and are not marketed as discrete common carrier services pursuant to tariff.[6] AT&T is seeking to have Dial-It and Custom Calling II regulated as common carrier communications services, *i.e.*, separately offered pursuant to tariffed charges as discrete services. The PAS portion of Dial-It represents the offering of an information retrieval service whereby a subscriber pays to obtain information, whether it be news, stock reports, or other matters of broad interest. That which is being offered to the public as a common carrier communication service is not a transmission service; only the transmission component of the service is tariffable. The same is true for the messages and recordings stored within the network for MSC services and the advanced calling and call answering features of Custom Calling II.

17. While Dial-It as currently structured is an enhanced service, there are network control features that are properly associated with a basic service and tariffable as part of a common carrier service. For example, "choke" techniques are built into the network to block excessive calls and to avoid congestion and interference with other network traffic that is not MSC. The ability of a carrier to include capabilities within a basic service to handle peaked demands on the network or to accommodate special signalling needs associated with a given vendor's enhanced service offerings was clearly provided for in our *Final Decision*. We stated that "we are in no way restricting the carrier's ability to take advantage of advancements in technology in designing its telecommunications network." *Id.* at para. 96. Moreover, nothing in this proceeding precludes a carrier from imposing the costs of such capabilities on those users of the service. Because AT&T's "Dial-It" offering is an enhanced service, it must be offered on a nonregulated basis through a separate corporate entity. To allow an appropriate transition period, AT&T must detariff "Dial-It" by March 1, 1982. This transition period is consistent with that allowed other carriers for the detariffing of their enhanced services. *See Memorandum Opinion and Order*, FCC 80–425, released July 22, 1980.

18. Aside from the arguments which suggest that various enhanced services are common carrier communications services, the argument is made that certain services should be provided as part of an integrated basic transmission network on the theory that they must be offered in the network to be efficiently offered or ubiquitously available. Thus a separate issue is whether compelling reasons exist for allowing various services, even though enhanced, to be offered through network computer facilities of those carriers that would otherwise be subject to the separate subsidiary requirement. Based on the record in this proceeding, we conclude that evidence has not been presented that warrants such a determination. To the contrary, parties such as Delphi Communications Corp., IBM and CBEMA demonstrate that current voice storage services, and specifically AT&T's Custom Calling II features, actually employ entirely separate computer facilities which need not be co-located with the carrier's central office facilities to be provided or ubiquitously available on an economic basis.[7]

19. No evidence has been submitted to warrant departure from our conclusion in the *Final Decision* regarding the requirement that AT&T offer enhanced services only through a separate corporate entity. (As discussed below, we are removing from GTE the separate subsidiary requirement.) At the same time we recognize that strict adherence to such structural separation may foreclose the availability to consumers of certain enhanced services if, for example, state of the art technology dictates that only through the use of network facilities could the carrier provide a given enhanced service, or if complying with the separate subsidiary requirement results in the imposition of unreasonable costs upon consumers. Should such situations arise we are prepared to assess the merits of granting a waiver of our separation requirement for a specific service after notice and opportunity to comment on the request is afforded interested parties.

20. It is not our desire to impose unnecessarily increased costs upon consumers, or to cause them to pay unreasonable prices for a specific enhanced service in order to preserve the integrity of structural separation. In order to assess the economic costs of maintaining structural separation for a given enhanced service, we must determine whether the offering of an enhanced service through the subsidiary's facilities would impose upon consumers unreasonable costs outweighing the benefits which we have herein identified as underlying our adaption of the separate subsidiary requirement in the first instance. In so doing, we recognize that the calculus for assessing the merits of any waiver required for existing or future services must be premised on the existence of the separate subsidiary and its computer facilities, and must include not only the costs of not waiving the separate facilities requirement but also the potential for cross-subsidization and

[6] To the extent time and weather recordings continue to be offered as a public service, we are not foreclosing any carrier from continuing to offer these features on a non-regulated basis.

[7] See IBM's Opposition at 21–24, Delphi's Opposition at 9–12, CBEMA Reply at 26–28.

other unacceptable effects upon ratepayers.

21. At this time AT&T's arguments to justify the provision of certain enhanced services through its common carrier network facilities are too generalized to warrant our granting a waiver. Its arguments seek to expand the parameters of a basic service, an action we have rejected. Reclassification of services is not a proper subject for consideration in determining whether a particular requirement, for example, facilities separation, should be waived. Petitioners carry the burden of demonstrating that concerns about any cross-subsidization or other anticompetitive effects which may arise from grant of a waiver are outweighed by the possibility of imposition of unreasonable costs upon consumers, or unavailability of an enhanced service, if the waiver is not granted. As part of a waiver request, a petitioner will be expected to provide detailed economic and technical information to support its assertions. The Commission, in its discretion, may give notice and opportunity for comment on the request, and will make every effort to act on petitions for waiver within 90 days of the expiration of any ordered pleading cycle. Where opportunity for comment is afforded, parties generally will be given 30 days after release of the public notice to file comments and 15 days thereafter for the filing of reply comments.

22. AT&T suggests that paragraph 95 of the *Final Decision* should be modified to permit within a basic service the originator "or the called party" to control the progress of information through the network. It perceives an artificial distinction being created between storage within the network that occurs at the direction of the called party from that storage which takes place at the direction of the originating party (e.g. the difference between call answering and advance calling). As to the storage of information within the network, however, there was no intent to distinguish basic services on such a basis. We stated: "[T]hus in a basic service, once information is given to the communications facility, its progress toward the destination is subject to only those delays caused by congestion within the network or transmission priorities given by the originator" *Id.* at para. 95. The phrase "transmission priorities given by the originator" was intended to focus on consumer options in obtaining different levels of service quality, for example, if subscribing to a relatively inferior grade of service affected transmission priorities within the network.[8] There was no intention to include within a basic service the ability of the originator of a message to control storage within the network. Services involving storage or retrieval of information within the network are enhanced—independent of the actions of the sender or recipient. This is reflected in the language of Section 64.702(a).[9] The phrase "or involve subscriber interaction with stored information" makes no distinction between the originator and intended recipient.

23. In addition to those issues involving storage within the network; various parties have proposed alternative definitions for enhanced service. NTIA argues that the definitions of basic and enhanced are imprecise and proposes that an "encryption" test be used to distinguish these services. IBM, the original proponent of the encryption test, argues that the test was suggested "simply to demonstrate a characteristic of pure transmission"; but is incomplete for classifying basic and enhanced service. (IBM Reply at 5) It notes for example that storage and retrieval and other programmed actions on user's information would satisfy the encryption criterion, but would be enhanced under our definition. Tymnet, on the other hand, proposes that the Commission classify as enhanced all "service offerings in which computer processing power is dynamically applied to a bit stream during transmission." (Tymnet Opposition at 8).

24. It is essential that the delineation between basic and enhanced service comport with the statutory scheme established by Congress. This entails the identification of common carrier services from other services provided over a carrier's network. Within this framework we have set forth a classification scheme which adjusts the regulatory parameters of the service categories established in the *First Computer Inquiry*, while not restricting a carrier's ability to take advantage of advancements in technology in designing its telecommunications network. Neither NTIA's nor Tymnet's proposals are sufficient in this regard. NTIA's "encryption" test identifies a characteristic of a common carrier communications service; but, as NTIA itself recognizes, it is also descriptive of various information storage retrieval services which are enhanced. Nor does Tymnet's result in an understandable demarcation; it may, moreover, impair a carrier's ability to employ computer technology in providing basic services. The demarcation between basic and enhanced services set forth in the *Final Decision* comports with our congressional mandate and, while not conferring absolute precision as to the bounds of regulation, is a reasonable and workable regulatory demarcation. It draws as clear a line as is probably possible in a rapidly changing technological environment and will permit businesses to plan, invest, and innovate more free from uncertainty than would any of the other proposals which have been advanced during the four year course of this proceeding.

Protocol Conversion

25. As to our conclusion that code and protocol conversion services are enhanced, AT&T and GTE contend they should be able to offer them as part of their basic services. AT&T argues that the Commission should differentiate for regulatory purposes between various levels of protocol conversion. Other parties express total disagreement with the merits of their contentions, while still others suggest that the Commission should initiate the proceeding indicated at footnote 37 of the *Final Decision* if further examination is warranted.

26. To clarify any misconceptions about the scope of our determination, the *Final Decision* is not intended to restrict protocol conversion capabilities a carrier may employ internal to its own network. In a basic service, while various conversions may take place within the network, the result of the common carrier offering is not a change in protocol. For example, if information enters a carrier's network on protocol "A", it must exit the network on the same protocol, even though within the network it could be converted to "x", "y" or "z" protocols for network traffic management or security purposes. Nor does our prohibition prevent multiplexing of protocol "A" for output. The record on reconsideration does not support modification of our determination that the offering of code and protocol conversion capabilities external to the carrier's network transmission function is an enhanced service. Evidence is lacking to support the proposition that protocol conversion

[8] We do not intend to foreclose the use of message switching in which the progress of information, either voice or data, from origination to destination, is a function of both the priority chosen by the user and internal congestion within the network.

[9] Section 64.702 reads: (a) For the purpose of this Subpart, the term "enhanced service" shall refer to services, offered over common carrier transmission facilities used in interstate communications, which employ computer processing applications that act on the format, content, code, protocol or similar aspects of the subscriber's transmitted information; provide the subscriber additional, different, or restructured information; or involve subscriber interaction with stored information. Enhanced services are not regulated under Title II of the Act.

must be performed as part of a basic service. The market-place to date demonstrates that users are able to choose among an increasing number of alternatives—all of which are external to the basic transmission network—for performance of all levels of protocol conversion. These include providers of enhanced services, equipment manufacturers, and firms that provide specialized protocol converters. Moreover, to conclude that these activities constitute basic service would be to cloud the regulatory boundary that we have established and to disregard the fact that protocol conversions capabilities are now being offered completely external to the basic transmission network of underlying carriers.

27. At the same time we must reject GTE's argument that it is procedurally incorrect for the Commission to prohibit the provision of code and protocol conversion as part of a basic service prior to further examination in a separate inquiry. The thrust of this argument is based on the false premise that if a determination is made that it is in the public interest to have various protocol conversion services performed in conjunction with the basic transmission network of a carrier bound by the separate subsidiary requirement, the resulting service must therefore be basic. Needless to say, even in the event such a determination were made, the Commission has discretion to determine the terms and conditions under which code and protocol conversion may be incorporated into the underlying network, short of classifying the offering as a basic service. Thus we have not prejudged further consideration in a separate proceeding of the limits of permissible protocol conversion that may be employed within a given network, along with concomitant public interest considerations. We therefore affirm the basic/enhanced classification scheme as set forth in the *Final Decision*.

II. Customer-Premises Equipment (CPE)

a. Summary of the Final Decision

28. In the *Final Decision* we determined that the provision of customer-premises equipment (CPE) [10] was not communications common carriage. We determined that CPE offered by communications common carriers should be unbundled from charges for transmission service and that CPE should be provided on a non-tariffed basis. We provided for a transition period, lasting until March 1, 1982, during which this Commission, the Joint Board, state commissions and the carriers would complete transitional activities. We required that unbundled rates be filed by March 1, 1981 with the respective state commissions and that all carrier terminal equipment be detariffed by March 1, 1982. We further provided that, once unbundled, carrier provided residential CPE (including maintenance) be offered at pre-deregulation rates that would be fixed for the life of the instrument in order to insulate residential subscribers from any significant dislocations resulting from deregulation.

29. We further observed that it would be necessary to address a number of related issues during the transition, including depreciation rates, investment recovery and "prices at which terminal equipment is removed from carriers' rate bases." *Id.*, para. 166. We anticipated the need to initiate a "proceeding that would examine into possible changes to depreciation schedules and also address the basis upon which unsold equipment should be removed from a carrier's regulated rate base and books of account." *Id.*

b. Summary of Comments

30. Commenting parties addressed both our transition proposal—in some cases suggesting alternate approaches—and the desirability of including or excluding one or more elements within CPE.

31. Eleven parties argued for a longer transition period. Several parties suggested that the deadline for CPE deregulation be postponed until the Joint Board, or the Commission in a full hearing, considers the broad public interest implications of deregulation. WUI asked that the effective date of the transition be deferred until we have acted upon the various requests for clarification and provided an opportunity for comment. United, on the other hand, favored the earliest practicable date for detariffing of CPE, and suggested retention of the March 1, 1982, implementation date to assure the necessary proceedings are concluded as quickly as possible.

32. Four parties—GTE, NTIA, Centel and USITA—put forth alternative transition plans. Centel's plan would have the transition proceed in two stages. During the first stage, encompassing twelve to twenty-four months, Commission and Joint Board proceedings would lay the groundwork for the second stage. The length of the second stage, estimated to be between thirty-six and sixty months, would be established at the end of the groundwork phase. Carriers would be given flexibility in the sequence and timing of implementation. Carriers could choose to make transfers all at once or in stages, so long as the transition was completed by the Commission-prescribed deadline. Centel suggests that its transition plan could be implemented along with or could incorporate other transition alternatives. These would include a gradual reduction of the obligation to provide service to particular groups or classes of customers, and a freeze upon all additions to FCC accounts 231 (Station Apparatus) and 234 (Large Private Branch Exchanges) as of a fixed date, followed by amortization of the investment in those accounts over a fixed period.

33. USITA's alternative transition plan, like those suggested by NTIA and the GTE telcos, prescribes separate treatment for new and embedded CPE. On a specified date, the investment in the CPE accounts, including inside wiring, would be capped. The capped investment would be amortized over a period selected by the telephone company, not to exceed ten years. A two-year transition period would be provided. During this period, new CPE would be separately identified, accounted for and unregulated. Embedded CPE would continue under flexible regulation during this period while companies unbundled CPE from related services, and then transferred prices, revenues, investment and expenses relating to CPE to non-regulated accounts. Regulation would continue as to terminal equipment and related services associated with multi-party lines, pending further study.

34. NTIA's transition proposal would include inside wiring as part of CPE. Only new CPE would be detariffed by March 1, 1982 (or, alternatively, two years after the decision on reconsideration). Installations of CPE (and wiring) already in place on the specified date would continue under state tariff until retired or until some time limit set by the state commission, but not in excess of eight years. NTIA's plan requires unbundling of rates for embedded CPE prior to the specified date. NTIA's plan describes the manner in which sales of embedded CPE and wiring might take place during transition. It further provides that, at the

[10] Customer-premises equipment includes all equipment provided by common carriers and located on customer premises except over voltage protection equipment, inside wiring, coin operated or pay telephones, and multiplexing equipment to deliver multiple channels to the customer. This decision applies to CPE provided in the fifty states, the District of Columbia, Puerto Rico, and the Virgin Islands, as did the *Final Decision* (footnote 57 inadvertently was printed without listing the District of Columbia). *See also* fn. 12.

end of the transition period, those customers who had paid the full book value through amortization charges under the unbundled tariff rates would own the CPE and inside wiring.

35. The GTE telephone companies propose that new CPE be offered on a completely unregulated basis, subject only to separate accounting, beginning on the effective date of the decision on reconsideration. Old CPE, in place on the effective date of the reconsideration decision, would be removed from regulation over a transition period of three to five years to be determined by a Joint Board. Recovery of capital investment in embedded CPE would be permitted through accelerated depreciation or other modes of capital recovery. To the extent necessary to achieve recovery, increases in both interstate and intrastate CPE-related rates are contemplated under the GTE plan. Embedded CPE would continue to be provided on a bundled basis during the transition period. Revenues, investment and expenses associated with the embedded investment in CPE would remain in the regulated portion of the business during transition and would be subject to review by the appropriate commission.

36. In addition to those parties proposing a bifurcated transition approach to CPE deregulation, other parties identified transition issues which pertain solely to embedded CPE. Numerous parties asserted that unbundling of rates for embedded CPE cannot be accomplished by March 1, 1981. Many state commissions would soon be inundated with revised local exchange tariffs, which state commission staff would be required to review. Other parties note that we have neither required that the instrument charge, once unbundled, be cost-based, nor prescribed an unbundling methodology. Several parties contend that a transition period of less than eight years may result in increased revenue requirements for some telephone companies as a result of recapture of accelerated depreciation and of investment tax credits. Increased costs could be avoided by permitting a longer transition period for embedded CPE. In addition, arguments are advanced that any necessary rate changes and changes in separations or access charges should be phased in gradually, minimizing any dislocation which might result from an abrupt detariffing of all CPE. Uncertainty was also expressed as to the status of telephone cooperatives and municipally-owned telephone companies exempt by law from state commission regulation.

37. AT&T opposed a bifurcated transition, arguing that any such plan would create operational difficulties for the Bell System, because of the separate subsidiary requirement. Embedded CPE would remain with the regulated entity, while the new CPE would be provided by a separate subsidiary on an unregulated basis. This, it was argued, would inevitably lead to wasteful duplication of facilities and confusing treatment of customers.

38. CBEMA and IDCMA urged prompt completion of transition activities. CBEMA urged that unbundling be required as soon as possible, while recognizing that detariffing may not be feasible by March 1, 1982. IDCMA urged prompt transfer of all data communications CPE, both new and embedded, to AT&T's separate subsidiary, to prevent AT&T from using the transition period to reduce book value of CPE in preparation for a transfer at less than fair market value.

39. Our rate proposal for residential subscribers was criticized by numerous parties who asserted that the proposal prescribed local exchange rates in violation of Sections 2(b) and 221(b). It was also argued that, by failing to make allowance for increasing labor and transportation costs over time, frozen rates would be confiscatory. Some commenters asserted that prescription of frozen rates for CPE affiliates after March 1, 1982, runs counter to our basic premise that CPE should be provided on an unregulated, competitive basis.

40. A number of parties would have us take various actions which would limit the scope of future action by state commissions. Both AT&T and United would have us convey to the states our expectation that increased intrastate rates will be necessary to permit recovery of increased costs of more rapid depreciation. AT&T would have us announce our intention to preempt the state commissions as to valuation and transfer pricing of CPE and Centel would favor a similar announcement as to depreciation. AT&T asked that we consider steps to ensure uniformity in rate structures after CPE is unbundled. Centel urged us to preempt state action that would require formation of separate subsidiaries within a given state.

41. Several parties asserted that restrictions should be placed upon activities of one or more carriers during transition. Datapoint urged us to reconsider our finding that AT&T should be permitted to provide enhanced services and CPE through a subsidiary, and to bar AT&T from providing CPE on a competitive basis. NATA argued that telephone companies should be prohibited from offering CPE on a nonregulated basis during the transition. REA and the Alaska petitioners (Alaska PUC, ATA, ATU), asked that small and municipally-owned telephone companies be exempted from unbundling and detariffing.

42. A number of parties asked that we expedite consideration of issues pending in other dockets, or consolidate those issues in this proceeding for resolution. Among the proceedings mentioned were: CC Docket No. 79–105, on station connection accounting; CC Docket No. 78–196, revision to the Uniform System of Accounts; Amendments to Part 68 of the Commission's Rules to include inside wiring and party line equipment within the registration program; and the Joint Board proceeding in CC Docket No. 80–286.

43. Several parties suggested that inside wiring be deregulated along with CPE. Some commenters asserted that, absent deregulation of inside wiring, customers might be required to obtain private branch exchanges and associated instruments from an unregulated provider while the inside wiring would remain regulated.

44. A number of commenters argued that multi-party service is not insubstantial, especially in rural areas, and that some means should be provided whereby telephone companies could continue to provide such service notwithstanding general deregulation of CPE. One alternative suggested by the commenters was to amend Part 68 of the Commission's rules to bring CPE attached to multi-party lines within the registration program and subsequently deregulate such CPE. A related concern was that the *Final Decision* was silent on the status of CPE used with multi-party lines in connection with business and "farmer" services.

45. Motorola requested that we amend Section 64.702 specifically to exclude all mobile radio equipment from the definition of CPE. Both AT&T and SBS asked that we address the issue of whether earth stations are to be considered CPE. SBS argued that, at least in its own system, the earth station is an essential system component and should be provided under tariff. On the other hand, AT&T asserted that its enhanced service and CPE subsidiary or subsidiaries should be permitted to own and operate earth stations, in order to be fully competitive.[11]

[11] AT&T raised the issue in the context of the bar on ownership of "transmission facilities" by the separate subsidiary, suggesting that there are difficult questions involved in establishing the boundary between CPE and "transmission facilities" in the case of satellite earth stations. SBS, in its opposition, suggested that classification of all or a portion of a satellite earth station as CPE would

c. Discussion

46. In conferring jurisdiction upon this agency over "all instrumentalities . . . incidental to . . . transmission," Congress intended ". . . to give the FCC ability to regulate any charge or practice associated with a common carrier service in order to insure that the carrier operated for the public benefit." *Final Decision*, at para. 170. We affirm our determination that the provision of CPE is not communications common carriage and should be offered separate and apart from a carrier's tariffed services. The continued provision of CPE by common carriers under regulation impedes the evolution of a truly competitive CPE market. *Id.* at paras. 144–159. Although some of the commenting parties believe that one or more of the potential competitors should be barred from full competition, or subject to more stringent structural or accounting requirements, there is generally no dispute that CPE should be provided on a competitive basis. Given this, the issue before us, and the one receiving substantial comment on reconsideration, is the manner in which CPE should be deregulated.

47. In this regard we perceive three basic alternatives available to us. We could elect to proceed along the path delineated in the *Final Decision*, hoping to resolve the remaining issues in time for a single transition at March 1, 1982. On the other hand, we could eliminate the date certain for CPE deregulation and allow interested parties to submit transition plans as soon as practicable, with implementation of a given plan conditioned on regulatory determinations of depreciation, capital recovery and corresponding rate issues. Alternatively, we could bifurcate the transition and separately address here the deregulation of that CPE which does not result in the substantial dislocations alleged by various petitioners while designating implementation issues as to other CPE for further comment and study.

48. In weighing the comments and alternatives proposed, we conclude that modifications of our previous determinations are warranted. The transition mechanism outlined in the *Final Decision* required that CPE first be unbundled from local exchange rates and then removed from regulation by March 1, 1982. In order to insulate residential ratepayers from significant dislocation, we required carriers and affiliates to offer a CPE lease option to existing residential subscribers at unbundled, fixed rates. As we indicated above, both aspects received substantial criticism. However, various petitioners have suggested a bifurcated transition plan that would enable regulators to address separately equipment which is embedded in the separations process and tariffed with the various States. We find this approach to be reasonable. It would allow for an orderly transition to deregulation of that equipment where significant dislocations are alleged to arise if detariffing is to occur by March 1, 1982. Moreover it would not foreclose this Commission from proceeding with the deregulation of non-embedded CPE and that equipment tariffed at the federal level when offered in conjunction with interstate or foreign communications. The difficult transitional issues arise not in connection with the provision of new CPE, but in connection with the necessity to make adjustments to existing arrangements involving allocations of costs, investments and revenues associated with embedded equipment jointly used for both intrastate and interstate or foreign services. Deregulation of such existing or "embedded" CPE gives rise to different concerns from those associated with that CPE investment which is either not factored into the separations process or directly assigned to interstate services. A bifurcated approach would avoid the significant dislocations of an abrupt transition that are alleged to occur if all CPE is deregulated and removed from separations as of March 1, 1982.

49. Accordingly, for transitional purposes we will distinguish new CPE and federally tariffed CPE from that CPE which is tariffed at the state level and subject to the separations process. The latter we shall refer to as embedded CPE. On the other hand, "new CPE" is that equipment which is not in service as of March 1, 1982 and is offered to consumers after this date. For accounting purposes and compliance with the corporate structure requirements, therefore, new CPE is that equipment not in the subscriber's possession as of March 1, 1982. As of this date new CPE and associated maintenance must be separated from a carrier's basic service and offered on a nonregulated basis. Moreover, all equipment tariffed with this Commission in conjunction with interstate or foreign communications shall likewise be detariffed as of this date.[12] Under this scenario we are maintaining our implementation date set forth in the *Final Decision* of March 1, 1982 for new CPE and also that CPE which is tariffed at the federal level. To the extent that unbundling and detariffing of embedded CPE tariffed at the state level and subject to the separations process is not required as of March 1, 1982, the immediacy of the need for regulatory commissions to address all the relevant regulatory implications of such deregulation is diminished. As to embedded CPE we intend to institute a separate "implementation proceeding" to address the transitional mechanisms for deregulating this equipment.[13]

50. We recognize that a bifurcated approach requires that carriers subject to the resale structure make some operational changes. We do not believe, despite AT&T's assertion, that duplication of facilities will result from a bifurcation of the transition. One option, which we intend to address in the implementation proceeding, is the provision of maintenance and other related services for embedded CPE on an unregulated basis, after March 1, 1982. Under this approach there would be no real need for separate maintenance for regulated and nonregulated CPE. One carrier-affiliated installation and maintenance force could provide service for all CPE after that date.

51. We also recognize that under a bifurcated approach some customers may pay more than other for equivalent CPE, depending upon the date service was instituted, and that a single customer, ordering the same equipment and service both before and after the transition date, might be required to deal with different entities or pay different rates. Absent such an approach, however, the progress towards a more competitive equipment environment and the promise of a more efficient and reasonably priced service mandated by Section I, 47 U.S.C. § 151, would be postponed. Offerings of new carrier-provided equipment would continue to be subject to suspicions of subsidy as a result of opportunities for pricing variations which inhere in the separations process. The bifurcation plan we have set forth freezes growth in CPE investment that is subject to the separations process as of March 1, 1982. Carrier-provided equipment offered

be equivalent to an exception from the transmission ownership bar.

[12] Excluded from the requirement is telex terminal equipment provided by the international record carriers which is being addressed separately in Docket No. 21005.

[13] Under this bifurcated approach, customers would continue their relationship with the telephone company as to their embedded CPE under local regulation until they terminated service, returned the equipment or until the end of the transition period. Any accounting changes required for the disposition of inventory as of March 1, 1982 will be addressed in the implementation proceeding.

after this date can be competitively provided relative to other equipment vendors. The advantages of such a plan are such that, on balance, we believe the public interest would best be served by the detariffing of CPE under a bifurcated plan.

d. Other Proceedings

52. As noted in paragraph 166 of the *Final Decision*, detariffing of CPE requires consideration not only of transition procedures, but also of separations implications, depreciation rates, investment recovery, asset valuation and transfer pricing. Efforts have begun in several areas. We recently appointed the members of the Joint Board in CC Docket No. 80–286, FCC 80–543, released September 25, 1980 which will consider, among other things, the separations implications of detariffing CPE. Moreover, in a separate proceeding, we have prescribed revised depreciation rates for eleven telephone companies which reflect, among other things, the effect of competition on terminal equipment lives.[14]

53. As part of Docket No. 20188 we have authorized carriers to employ the equal life group method of computing depreciation expense with respect to plant additions commencing in 1981. Alternative methods, including the use of capital recovery schedules, which allocate investment recovery on a straight line basis may also be employed for new additions. As to embedded investment, we permit the use of remaining life methods of calculating depreciation charges, subject to certain conditions. In order to implement these changes, a disaggregation of book reserves to plant categories may be required for some companies. These changes not only address a number of concerns the carriers have raised in the capital recovery area, but also facilitate identification of asset book values.

54. In CC Docket No. 79–105 we have prescribed accounting rules governing the sale of new CPE. These operations will be accounted for as non-telephone activities in separately identified sub-accounts by all carriers under the new rules. In addition, we conclude that existing accounting rules appropriately address sales of in-place CPE and maintenance of existing customer-owned terminal equipment pending the completion of transitional activities. We further amended the accounting rules to require expensing of inside wiring. The issue of whether the inside wiring portion of station connections should be detariffed is to be addressed in the next phase of that proceeding.

55. In the implementation proceeding which we will initiate shortly, we will address issues of capital recovery [15] and asset valuation, alternative mechanisms by which transition to an unregulated CPE environment may be achieved, and the appropriate time period for removal of embedded CPE investment from separations and a carrier's rate base. We will also address the potential deregulation of maintenance for embedded CPE as of March 1, 1982. Due consideration will be given to the views of consumers, carriers, state commissions and other interested parties. Because the implementation proceeding will address the manner in which embedded CPE tariffed at the state level is deregulated, we are modifying the *Final Decision* insofar as it required (a) that new state tariffs showing an unbundled charge for embedded CPE, (b) that rate levels for residential service be no higher following unbundling than before, and (c) that existing residential customers be offered an option to continue to lease the instrument(s), including maintenance, at pre-deregulation rates for a fixed period. These requirements are eliminated.

e. Applicability

56. *Inside Wiring.* Commenting parties are divided on the issue of whether inside wiring should be included within CPE and deregulated. The issue was not addressed in the earlier phases of this proceeding, and we believe that further comment is warranted before we determine whether, and to what extent, inside wiring should be deregulated. Accordingly, we will address this issue in a further notice of proposed rulemaking in CC Docket No. 79–105.

57. *Party Line.* In the *Final Decision*, at para. 161, n. 57, we excluded "CPE attached to residential party line service because such CPE cannot currently be registered under Part 68 of the Rules." Absent a control mechanism for connection to the network, there would be no institutional assurance that connection of non-carrier-provided terminal equipment to party lines would not cause harm to the telephone network,[16] or substantially disrupt service to other subscribers.

58. Both REA and RTC submitted comments in opposition to our exclusion of CPE attached to party lines. These parties note that the percentage of party line service is quite substantial in areas served by small companies, and that party line service is provided, on a functionally identical basis, to both business and residential subscribers. Moreover, practical problems arise if a regulatory scheme is imposed on party line CPE, but not other equipment. For some carriers a substantial portion of their equipment would continue to be regulated and subject to the separations process. In addition, carriers subject to the separate subsidiary requirement for the provision of CPE might also be required to separately offer and maintain regulated equipment. Upon reconsideration, we conclude that our definition of CPE subject to the *Final Decision* principles should be revised to include party line CPE. While such equipment is not registered under Part 68, we intend to examine in a separate proceeding what network and subscriber safeguards may be necessary to accommodate direct multi-vendor provision of CPE used in conjunction with multiparty service. Any necessary adjustments to the timing of party line CPE deregulation can be made in light of determinations made in that proceeding.

59. *Mobile Telephone Equipment.* The *Final Decision* did not expressly exclude all mobile radio equipment from the definition of CPE. At paragraph 161, n. 57, we noted that the status of mobile telephone equipment is currently being examined in the Cellular Mobile Radio proceeding, CC Docket No. 79–318, 77 FCC 2d 984 (1980). That proceeding only addresses mobile equipment used in conjunction with cellular systems. Motorola, suggesting that nothing in the rationale of the *Final Decision* indicates that such equipment be included in CPE, asks that we amend Section 64.702 expressly to exclude mobile radio equipment. Since this equipment can be provided on a competitive basis, there may be no reason for applying different policies. However, because the status of some mobile telephone equipment will be addressed in CC Docket No. 79–318, we believe that any determination with respect to such equipment should await final Commission action in that

[14] The studies underlying these rates were completed prior to the *Final Decision*. Although these rates do not explicitly consider the impact of this decision, they do reflect the growth of terminal equipment competition over the past several years. Pending before the Commission is a request filed by AT&T on behalf of the Bell System companies that we prescribe new depreciation rates for accounts 231 (station apparatus) and 234 (large private branch exchanges), which accounts contain the vast majority of terminal equipment affected by the *Final Decision*.

[15] Represcription of depreciation rates for terminal equipment is expected to proceed on a parallel course, utilizing the existing processes. We believe this course to be desirable because of the need to closely coordinate our represcription of depreciation rates for jointly-used plant with affected state commissions. See 47 U.S.C. Sec. 220(i).

[16] For a definition of harm, see 47 C.F.R. Sec. 68.2(g).

proceeding, regardless of whether or not it is used solely with cellular systems.

60. *Satellite Earth Stations.* We have been asked to address the status of satellite earth stations when they are located on the customer's premises. Receive-only earth stations, since the adoption of the First Report and Order in CC Docket 78-374, 77 FCC 2d 205 (1979) need not be licensed. These earth stations, like CPE in general, are manufactured and sold by a number of carriers (including carrier affiliates) and independent entities. We believe that such stations are appropriately classified as CPE. Transmit earth stations that are located on the customer's premises present a different situation. In the offering of integrated satellite systems, such a transmit earth station could constitute a necessary component of the transmission offering for network control purposes. This may not be the case, however, for those entities desiring merely to offer transponder capacity to providers of other services. Whether transmit earth stations should be accorded a different status in such situations may warrant further consideration. However, this matter is more appropriately addressed in a separate proceeding. Accordingly, earth station equipment that requires licensing under Title III of the Act is not considered CPE under the *Final Decision.*

III. Structural Separation

a. Introduction

61. In the *Final Decision* we addressed the structure under which various communications common carriers may engage in the provision of enhanced services and CPE. In essence, we removed for all carriers, except AT&T and GTE, the requirement established in the First Computer Inquiry that certain non-regulated services be offered to the public through a separate corporate entity. In the case of AT&T and GTE, we specified that enhanced services and CPE must be provided through a separate subsidiary. Various conditions affecting the degree of separation between the present organizational structures of AT&T and GTE, and their separate subsidiaries were set forth to protect the communications rate-payer. Many of the conditions were designed to reflect the degree of separation established in the First Computer Inquiry.

62. Numerous petitions for reconsideration have been submitted addressing both the determination as to which carriers should be subject to the separate subsidiary requirement and the degree of separation imposed on those carriers that are so subject. AT&T and GTE have petitioned for more lenient separation conditions, including a request by GTE that the separate subsidiary requirement not apply to it. Other parties have petitioned that this requirement should be applied to other carriers and that more stringent separation conditions be imposed, including a request for a complete ban on AT&T's entry into the enhanced service market.

63. We believe our general approach to the provision of enhanced services and CPE in the *Final Decision* is a moderate one and one that serves the public interest. Consumers and the public in general will benefit from the fullest exploitation of common carrier facilities in the provision of enhanced services by all entities. Given the structural safeguards we have imposed, no statutory objective is gained in foreclosing any carrier from providing enhanced services or CPE. Nor do we believe that structural separation is warranted where the potential costs of separation exceed the benefits and where other regulatory tools are available to aid in the exercise of our statutory responsibilities. Within these parameters we will address those arguments that question the extent to which the separate subsidiary requirement is imposed. We will also consider concerns as to the degree of separation required. However, we approach this with the view that our separation conditions will evolve over time as we gain more experience in this very complex area of communications regulation and as the marketplace continues to evolve. See *Final Decision* at para. 207. Neither absolute precision nor a complete permanence in establishing the degree of separation is a realistic objective. Our goal nevertheless is, to the extent possible given present levels of experience with the separate subsidiary regulatory mechanism, to specify the degree of separation between regulated and unregulated activities of a given carrier that maximizes consumer welfare, within the parameters of our overall statutory mandate.

b. Applicability

64. Several parties have criticized the criteria and/or analysis used in determining that AT&T and GTE alone must form separate subsidiaries to provide CPE and enhanced services. For example, NTIA proffers an alternative method to identify carriers that should be subject to the separate subsidiary requirements based on the revenues generated from interexchange services.[17] GTE argues that it is nondominant and therefore should not be required to form a separate subsidiary. Others claim that many independent telephone companies satisfy the criteria necessitating separation and therefore should be subject to the requirement. Still others assert that the specialized common carriers can cross-subsidize their enhanced services and deny equal access to their basic services.

65. In assessing the need to maintain structural separation, consideration was given to the following factors: (a) a carrier's ability to engage in anticompetitive activity through control over "bottleneck" facilities, i.e., local exchange and toll transmission facilities, on a broad national geographic basis; (b) a carrier's ability to engage in cross-subsidization to the detriment of the communications ratepayer; (c) the integrated nature of the carrier and affiliated entities, with special emphasis upon research and development and manufacturing capabilities that are used in conjunction with, or are supported by, communications derived revenues; and (d) the carrier's possession of sufficient resources to enter the competitive market through a separate subsidiary. In weighing these factors, we took the view that consumers would be best served if the separate subsidiary mechanism were imposed only where essential to assure the objectives of the Act. As to other carriers, where the risk of serious harm to statutory values appeared less, we thought it better to wait to see if competitive abuses develop which warrant further application of our separation conditions for the carrier provision of either enhanced services or CPE. See *Final Decision* at para. 223.

66. On reconsideration we conclude that GTE should be excluded from the separate subsidiary resale structure of the *Final Decision.* GTE has advanced persuasive arguments as to why it should not be subject to the separate subsidiary requirement for either enhanced services or CPE. Concerning enhanced services, the most compelling arugment tendered is that GTE is dependent upon AT&T for the vast majority of its interstate transmission needs. GTE-Telenet has also argued that the separation condition barring ownership of transmission facilities by the subsidiary would deprive it of the ability to construct its own transmission plant if AT&T facilities are either unavailable or inadequate for its service needs.

[17] Petition of NTIA at p. 10.

67. The fact that GTE has relied heavily upon AT&T toll facilities militates against its receiving the same treatment as AT&T. In fact, in our GTE-Telenet merger decision, 72 FCC 2d 111 (1979), we authorized GTE to acquire Telenet Corporation subject to several structural separation conditions which sought to ensure Telenet's position as an alternative supplier of nationwide data communications service. In that decision we stated that "our greatest concern in this matter is whether GTE will actually compete with AT&T." *Id.* at 117. The Merger decision placed on the GTE-Telenet subsidiary responsibility for providing augmented data services, and the thrust of the decision was to maintain Telenet's incentive to develop and exploit fully its packet switched technology. The *Final Decision* could restrict GTE-Telenet's potential as an alternative supplier to AT&T if GTE-Telenet were to be prevented from providing basic services or if the proscription against the GTE subsidiary's owning transmission facilities is maintained. In all likelihood GTE-Telenet would have been GTE's vehicle for providing enhanced services because various of the former's augmented data services fall within the enhanced service category established in the *Final Decision.* This combined with GTE-Telenet's continuing, substantial reliance on AT&T's transmission facilities warrants, on balance, that the separate subsidiary requirement of the *Final Decision* not apply to GTE for enhanced services. We wish to make clear, however, that in this proceeding we are not modifying in any way the conditions imposed upon the GTE-Telenet merger. These conditions are now the subject of reexamination in a separate proceeding, Docket No. 80-197, 78 FCC 2d 403 (1980). We point out, however, that should GTE engage in conduct detrimental to the interests of the communications ratepayer recourse is available under Section 208 of the Act.

68. With respect to CPE, GTE states that over 90 percent of its 2200 exchanges have fewer than 7500 main stations and that only 1.1 percent of these exchanges have over 50,000 main stations. Given that GTE's operating territories are predominantly rural, it is questionable whether the costs of separation outweigh the benefits. Based on the above-stated facts, it is not at all clear that structural separation for GTE's provision of CPE is warranted. Absent more compelling facts, we conclude that the public will be better served if the separate subsidiary requirement is removed for GTE for its provision of CPE.

69. Moreover, subjecting other independent telephone companies or specialized common carriers to the separate subsidiary requirement is not warranted at this time, based on the factors we have set forth and the regulatory concerns they address. Specialized carriers do not have captive monopoly ratepayers to whom they can pass the costs of competitive services nor do they have control of bottleneck facilities which could be employed to deny competitors entry into the market. Enhanced service providers always have the option of alternative basic transmission facilities from AT&T, for example, at cost-based prices. The need for structural solutions to stem potential anticompetitive behavior is not as great where such behavior is constrained by marketplace forces. Moreover, other regulatory tools, such as the complaint process under Section 208 of the Act, are available to the Commission where abuses do occur.

70. In a similar vein, arguments are advanced that the regulatory problems posed by the joint provision of CPE and enhanced services are common to all telephone companies, including the "leverage to manipulate customers' preferences" in these areas.[18] However, the ability of a telephone company "to manipulate customer preferences" is not a regulatory concern which the structural separation we are imposing seeks to remedy. More generally, there are fundamental aspects of the market that counsel us to draw the line right below AT&T with respect to telephone companies. First, because the enhanced service and CPE markets generally are national in scope, the ability of AT&T to cross subsidize these services is much larger than that of the independent telephone companies. Such cross-subsidization redounds to the detriment of the communications ratepayer. Second, the costs of separation are borne disproprotionately by smaller companies due to indivisibilities. These additional costs may foreclose entry into the enhanced service or CPE market for some carriers. Thus both the costs and benefits of imposing separation requirements on telephone companies are related to both firm and market size. There is no dispute in the record as to the relative size of AT&T compared to the independent telephone companies. We believe this disparity in size leads to the result that the benefits of structural separation for AT&T are greater than the costs, while this calculus is reversed for the independent telephone companies. In addition AT&T has enormous research and development and manufacturing capabilities, which greatly complicates assessing allegations of cross-subsidy.

71. In this proceeding we have performed a careful analysis of the communications industry to determine which carriers possess the ability and incentive either to cross-subsidize the provision of CPE and enhanced services or to engage in anticompetitive conduct through their control over bottleneck facilities. We have then determined for each of these carriers, or for each similarly situated group of these carriers, whether the benefits to consumers from reducing the risk of undetected cross-subsidization or discriminatory access by imposing structural remedies would be greater or less than the costs imposed by the separation requirements. We recognize the possibility of undetected cross-subsidization and other anticompetitive conduct by carriers that are not subject to the separation requirement. For purposes of this proceeding, however, we have concluded that maintaining the separate subsidiary requirement for carriers other than AT&T does not outweigh other public interest considerations.

c. Separation Conditions

72. Having modified the *Final Decision* so that the separate subsidiary requirement applies only to AT&T we now analyze those arguments addressing the degree of separation imposed on its operations.

Resale Structure

73. In the *Final Decision* we adopted a resale structure for the provision of enhanced services. Under the resale structure AT&T is required to form a separate subsidiary for the provision of enhanced services and "[i]nherent in the resale structure is the fact that the separate corporate entity may not construct, own, or operate its own transmission facilities. In essence, the resale subsidiary must acquire all its transmission capacity from an underlying carrier pursuant to tariff." *Id.* at para. 229.[19]

[18] Petition of IDCMA at p. 41.

[19] Those carriers not subject to the separate subsidiary requirement, when employing their own common carrier transmission facilities in the provision of enhanced services, must obtain transmission capacity pursuant to the terms and conditions embodied in their tariff. This proceeding does not remove a carrier's obligation to provide basic services, nor does this proceeding alter existing policies and rules under which carriers are certificated, or transmission facilities are owned or constructed. The Commission is reviewing whether various currently regulated entities are properly classified as common carriers and whether their

74. AT&T objects to the prohibition on the ownership of transmission facilities by its separate subsidiary. AT&T argues that such a restriction will prevent the subsidiary from operating as an economically viable competitor. AT&T believes the restriction will prevent the subsidiary from "meeting customers' specialized needs for transmission services, developing CPE and transmission facilities concurrently to achieve synergy and optimal price/performance, and integrating transmission facilities into a total system design in which the location of intelligence and other functions are matched to the user's special requirements." (AT&T Petition at p. 8).

75. AT&T also provides numerous reasons to support its belief that the restriction on the ownership of transmission facilities by the separate subsidiary is not necessary. It argues that "nondiscriminatory access to existing underlying facilities is already assured by their availability for resale on equal terms to affiliated and nonaffiliated suppliers of enhanced services; continued access to improved transmission facilities is assured because the supply of technological improvements to transmission facilities will not be controlled by underlying carriers, but will be provided by all who can profit from such innovation; and the potential for cross-subsidization of enhanced services by basic services is eliminated through separation of joint ownership of underlying facilities." (AT&T Petition at p. 9).

76. Before addressing AT&T's arguments, it would be helpful to set forth the scope of the proscription against ownership of transmission facilities by the subsidiary as required under Section 64.702(c)(1). In this context we are referring to that transmission medium, whether it be "radio" or "wire," 47 U.S.C. § 152, that constitutes the communications "pipeline" over which information is tranmitted. The enhanced service subsidiary need only acquire communications links pursuant to tariff, but is otherwise free to utilize its own switching equipment, network nodes, and other computer facilities necessary for the provision of its enhanced services. For example, if the enhanced services subsidiary needed a communications link between two centralized computers, or between a computer and a network node, that link must be acquired from a common carrier pursuant to tariff. Once having obtained that link, however, the subsidiary is free to add channelizing or concentrating equipment, etc. to tailor the transmission capacity to its own needs as dictated by the requirements of the enhanced services provided. The subsidiary is not precluded from constructing tranmission facilities for a third party, as long as the facilities are not owned or operated by the subsidiary. Nor do we intend that the bar on transmission facility ownership or operation encompass facilities that link various operations of a customer where its communication needs are spread among multiple buildings at a common location, such as an industrial park.

77. Within this framework, we believe AT&T's arguments that the proscription against ownership of transmission facilities will prevent the subsidiary from operating as an economically viable competitor are without merit. Marketplace developments since our *First Computer Inquiry* nearly a decade ago indicate otherwise. There are many enhanced service providers that do not own transmission facilities, yet integrate transmission facilities into a total system design that meets the needs of their customers with high quality service and at competitive prices. There is no reason to expect otherwise for AT&T's separate subsidiary. For example, using the underlying network as a basic building block, the subsidiary is permitted to aid intelligence of its own to perform enhanced services. The subsidiary is not restricted in its ability to design its services, including the ability to place intelligence either within its network components or within equipment located on the customers' premises. Neither is an underlying carrier affiliated with the subsidiary restricted in its use of packet switch technology in applications that constitute basic services. *See Final Decision* at para. 95.

78. Imposition of the facility ownership bar upon AT&T's subsidiary arises from our recognition that most enhanced service providers are and will remain dependent upon AT&T's common carrier facilities. AT&T controls the vast majority of interstate transmission facilities and local exchanges in a substantial number of major metropolitan areas. Thus several regulatory objectives assume paramount importance in affirming the proscription against the subsidiary's owning transmission facilities. First, it is crucial that AT&T make adequate transmission capacity available to enhanced service vendors on a non-discriminatory basis. Second, it is imperative that access to and use of this transmission capacity is afforded all enhanced service providers under equal terms and conditions. By establishing a structure in which the subsidiary must acquire needed transmission capacity from a carrier exercise of our powers under Sections 201–205 of the Act can ensure that all enhanced service vendors, including AT&T's subsidiary, obtain access to and use of this transmission capacity on fully equal terms and conditions. Third, the benefits of any improvements introduced into AT&T's transmission facilities to accommodate the needs of the subsidiary would become available to all users of the underlying facility. In addition, the bar against the subsidiary's owning transmission would provide an important incentive to AT&T to continue to improve its common carrier network and to assure an adequate supply of basic services compatible with enhanced service use. Such continuing improvement of this network is clearly in the public interest.

79. Thus, the facility ownership bar is fundamental to our resale structure. "Requiring the subsidiary to acquire its transmission capacity from other sources pursuant to tariff provides a structural constraint on the potential for abuse of the parent's market power through controlling access to and use of the underlying transmission facilities in a discriminatory and anticompetitive manner." *Final Decision* at para. 229. In addition, the construction authorization for common carrier facilities is premised on the licensee's providing a basic common carrier communications service, which an enhanced service is not. "Thus the subsidiary may not provide basic transmission services, for to do so would subject it to regulation and negate the structural separation of regulated and nonregulated activities." *Id.* at para. 230. We have required the separation of AT&T's nonregulated enhanced services from its regulated basic services "thereby lessening the potential that the communications ratepayer will be subsidizing its unregulated ventures." *Id.* at para. 230. AT&T controls more than 80% of the private line market. The subsidiary's ownership of transmission facilities would enable AT&T to shift some or all of its private line services to the separate subsidiary, and its dominance in this market could lead to improper cross-subsidization to the detriment of the communications ratepayers.

80. The *Final Decision* established a resale structure whereby AT&T's enhanced services subsidiary must acquire all its transmission capacity from an underlying carrier pursuant to

services must be provided pursuant to tariff. *See* Second Report and Further Notice of Proposed Rulemaking (Docket No. 79-252), FCC 80-742, adopted December 16, 1980.

tariff, and no new evidence has been submitted to warrant a different conclusion.[20] Accordingly we affirm the resale structure as set forth for AT&T in the *Final Decision*.

81. As to those contentions that the subsidiary must be able to construct its own transmission facilities if suitable facilities are not available, we would merely note that under this structure meeting the transmission needs of consumers and enhanced service vendors is the responsibility of the communications common carrier, not the enhanced service provider. The parent or carrier affiliated with the subsidiary has the option of seeking appropriate authorization to construct the requisite facilities. Indeed, the resale structure imposed here is premised upon the hope that it would encourage underlying carriers to have sufficient capacity, appropriately configured, to meet the needs of enhanced service firms without requiring our intervention under Section 214. It is anticipated that more transmission alternatives will be available to all enhanced service providers as new carriers enter the communications arena and as existing carriers provide additional capacity.

82. We recognize, as we must, that our requirement precluding AT&T's enhanced service subsidiary from owning or controlling transmission facilities would have to give way if the subsidiary could not obtain adequate transmission capacity for a highly specialized service. Thus we do not intend to imply that we would not consider granting a waiver of the facility proscription to allow the subsidiary to own or operate its own transmission facilities. Should a need develop for the subsidiary to construct or operate a specialized transmission network for a given customer, other than at a common business location (cf. para. 76 *supra*), we will consider on a case-by-case basis, requests for waiver of the facility ownership proscription imposed on the enhanced service subsidiary. Moreover, waiver requests will be considered should the subsidiary desire to obtain under contract (as opposed to under tariff) from a third party the total output of a given transmission system. In such a situation, the public-interest concerns which may arise from precluding other service vendors access to the system must be considered.

[20] AT&T cites a study by MARTECH STRATEGIES Inc. That was entered into the record in this proceeding subsequent to our *Final Decision* as support for its position. However, the primary focus of this study was not the facility ownership issue and the study fails to adequately consider the limits of the proscription as we have more clearly delineated here.

83. In determining whether to grant such a request, petitioners carry the burden of demonstrating that any negative effects on ratepayers which may arise from grant of a waiver are outweighed by the possibility of imposition of unreasonable costs upon consumers, or unavailability of an enhanced service if waiver is not granted. Such a consideration of negative effects should include, but not necessarily be limited to, those possibilities discussed in paragraphs 78 and 79 above. The Commission, in its discretion, may give notice and opportunity for comment on the request, and we will make every effort to act on petitions for waiver within 90 days of the expiration of any ordered pleading cycle. Where opportunity for comment is afforded, parties generally will be given 30 days after release of the public notice to file comments and 15 days thereafter to file reply comments.

Research and Development

84. The *Final Decision* permits the sharing, on a cost compensatory basis, of research and development work products in the area of hardware, firmware, and generic software. We required the subsidiary to perform its own design and development work for non-generic software, or applications programs. Several parties, including CBEMA,[21] question the lack of an objective standard for "compensatory," while AT&T, ADAPSO, NTIA,[22] and others are convinced we have assumed a hopeless definitional burden in attempting to distinguish among software, firmware, and hardware.

85. CBEMA's concern about the definition of "compensatory" is not surprising. It is probably not possible to clarify this term to the satisfaction of all the parties concerned.

86. We have not required third-party transactions in every area where the compensatory nature of parent-subsidiary transactions might be at issue. In particular, we have not established such a requirement with respect to research and development. We also will not attempt to anticipate all the forms that such intracorporate transactions might take, so the specificity of the term "compensatory" is necessarily limited. Still, this does not mean that we cannot offer some clarification. Our use of "compensatory" in this proceeding means that for each transaction, the parent corporation or affiliated entity must recover from its subsidiary the full cost of the transferred goods or services at the same terms, prices, and conditions that would be available to a nonaffiliated purchaser if third-party transactions were required. Since the parent would expect to earn reasonable profits on third-party transactions, it will be expected to earn similar profits on intracorporate transfers. Since it would expect to recover transaction costs and overhead loadings in its third-party transactions, it will be expected to make similar recoveries in its intracorporate transfers.

87. We realize, as IBM has pointed out,[23] that standard accounting procedures presently in use in the regulated telecommunications industry may not be sufficient to insure the compensatory nature of such intracorporate transactions where neither party is a regulated common carrier, but potential burdens on the communications ratepayer still exists. In such circumstances, it may be necessary to require the creation of additional accounting records to enable us to monitor more accurately the cost allocations within the manufacturing or research affiliates.

88. There is substantial agreement among diverse interests that the distinctions we have attempted to draw among software, firmware, and hardware are unworkable. AT&T tells us, "The technology is rapidly evolving, and the technical distinction is perishing. In the future, manufacturers will have greater capability to develop all of what is now regarded as applications software together with the hardware." [24] Others agree, although they disagree on how we should respond to such a definitional quandry. ADAPSO, for example, would have us expand our prohibition against joint work to encompass all research and development, while AT&T would have us remove any such prohibition. AT&T argues that software restrictions would leave its subsidiary at a competitive disadvantage, and deprive users of highly integrated hardware-software designs for communications equipment.

89. In the *Final Decision* we did not foreclose the subsidiary from sharing research and development capabilities with affiliated entities. At the same time we stated that "we intend to examine into the license contract arrangements and other issues generic to the use of monopoly revenues to support competitive research and development." *Id.* at para. 248. Such a proceeding is being initiated and at its conclusion we

[21] Statement of CBEMA, at 7–13.

[22] Petition of AT&T, at 45–46; Opposition of AT&T, at 10–11; Petition of ADAPSO, at 14–18; Opposition of ADAPSO, at 23–28; Petition of NTIA at 12.

[23] Opposition of IBM, at 29–30.

[24] Petition of AT&T, at 48.

are free to take whatever action may be appropriate, but we will not here modify our decision in this regard. It is not our intention to forestall technological contributions on the part of AT&T to the extent such contributions require some joint research and development work.

90. At the same time, we cannot permit the entry of AT&T into new markets under conditions that would expose the communications consumer to unacceptable risks of anti-competitive activity, either through cross-subsidization or through its control over access to the underlying transmission facilities. Software also is a significant cost element in developmental efforts for the competitive markets and, thus, is an area where established carriers could gain a substantial competitive advantage through misallocation of joint and common costs if joint work were allowed. AT&T does not dispute our conclusion that software costs are a large and growing part of development costs, or our conclusion that joint development work would be susceptible to cost misallocations. Beyond this, however, is the more important fact that joint software development for CPE and computer facilities of the subsidiary can also affect the manner in which information about network interfacing is conveyed to the subsidiary. First, the subsidiary may be privy to interconnection information, or information as to the technical parameters of affiliated carriers' facilities that might not be available to the general trade. Second, such joint cooperation could result in the subsidiary's obtaining advance information of changes being made to the underlying network. The separate subsidiary structure is, in part, aimed at insuring non-discriminatory access to underlying transmission facilities of the parent. At the same time the record indicates that we made unworkable distinctions as to permissible activity in the area of joint software development. We, therefore, conclude that modification of our *Final Decision* is warranted as to joint software development.

91. We remain convinced that some restrictions on joint software development are essential. We believe the best resolution of the problem is to follow the approach we have taken in our GTE/Telenet merger authorization, requiring the separated subsidiary or its outside contractors to perform all software development, including firmware, while allowing the subsidiary either to contract with affiliated or non-affiliated entities for research and develop equipment into which such software might be inserted, or to develop equipment on its own.[25] The subsidiary may purchase any equipment its parent sells to the general trade so long as any software, or firmware, contained therein is not customized, but is generic. Software may only be considered generic if it is contained, in standard form, within equipment that is sold "off the shelf" to any interested purchaser. The subsidiary is free to contract with its manufacturing affiliate to perform research and development on an exclusive basis on products and processes that do not use software. Moreover, we believe it is reasonable to expect the manufacturer, at its option, to be responsible for the installation and maintenance of its own equipment. Thus, we will not prohibit such an arrangement unless we discover evidence that the burden of misallocated installation and maintenance costs is being borne by the ratepayer. However, installation and maintenance performed by the parent or its unseparated affiliates may extend only to that hardware and software actually provided.

Information Flow Restrictions

92. Three areas of information flow were addressed in the *Final Decision*. The first consists of information relating to the basic network, including information concerning network design and technical standards, information affecting changes which are being contemplated to the telecommunications network that would affect either intercarrier interconnection or the manner in which interconnected CPE must operate, and information concerning construction plans. This information must be disclosed by AT&T to all interested parties, including its separate subsidiaries, at the same time and under the same terms and conditions. The second area of information flow relates to information dealing with research and development. This information must be transferred between parent and subsidiary on a fully compensatory basis. Finally we required that customer proprietary information acquired through the normal course of the parent's business activities must be disclosed to all interested parties at the same time and under the same terms and conditions that it is disclosed to the separate subsidiary, if disclosed at all.

93. Several parties have petitioned the Commission to reconsider its rules for each of the areas of information flow. ADAPSO, for example, seeks expansion of the requirements relating to disclosure of network information between affiliated entities. IDCMA suggests that all carriers should be required to make timely disclosures of network information. AT&T requests both a reduction in the recording and filing of information between its carriers, affiliates and subsidiaries and a provision for filing summary reports in lieu of the contracts, agreements and other arrangements. Finally several parties requested modification of the Commission's rules concerning customer proprietary information so that the confidentiality of that information could be protected.

94. We do not believe that additional information flow restrictions are warranted between entities affiliated with separate subsidiaries. Paragraph 246 of the *Final Decision* sets forth in unambiguous terms the requirement that network information must be disclosed to competitors of the subsidiaries at the same time and under the same terms and conditions as it is disclosed to the subsidiaries, if it is made available at all.

95. IDCMA submits that all carriers should be required to make timely disclosures of network information.[26] We believe this submission has some merit. We note that the absence of a requirement for structural separation does not imply that a firm does not have the incentive to behave anticompetitively. It merely signifies that we believe the costs of separation exceed the benefits. However it is clear that carriers providing basic network service, whether they must enter a competitive market through a separate subsidiary or not, have the incentive and ability to withhold information to the detriment of competition and the communications ratepayer in that competitive market. Therefore we will extend to all carriers owning basic transmission facilities the requirement that all information relating to network design be released to all interested parties on the same terms and conditions, insofar as such information affects either intercarrier interconnection or the manner in which interconnected CPE operates.

96. AT&T has requested that the rules requiring recording of transactions should be modified to include only transactions between subsidiaries and affiliated manufacturers or other transactions relating to manufacturing, purchasing of products or product research and development. Similarly AT&T believes that contracts, agreements or other arrangements

[25] Memorandum Opinion and Order, 72 FCC 2d 526.

[26] Petition of IDCMA at n. 21.

between a separate subsidiary and the carrier or its affiliates should be filed with the Commission only for these same transactions. Finally AT&T would prefer to file summary reports as a basis for on-premises auditing of such records by the Commission staff or an independent auditing staff in lieu filing all contracts with the Commission.[27]

97. We believe that such modifications to our *Final Decision* are unwarranted. The ability and incentive of AT&T to cross-subsidize competitive services need not be re-emphasized here. It is imperative, however, that all parties to this proceeding understand that the primary method to detect and police cross-subsidization and other anticompetitive behavior, once the structural safeguards for AT&T have been erected, is to have a written account of all transactions, agreements and other arrangements between the parent, affiliates and separate subsidiaries. This affords the Commission and interested parties the ability to analyze the firms' behavior to ascertain whether they are performing within permissible guidelines. We believe the framework established in the *Final Decision* with respect to the recording and filing of all arrangements between parent, affiliates and separate subsidiaries is a crucial aspect of our structural safeguards and one that is necessary to allow AT&T to enter the enhanced service and CPE markets.

98. Several parties object to the rule requiring that AT&T not provide to its separate subsidiary any customer proprietary information unless such information is available to any member of the public under the same terms and conditions. ADAPSO, for example, has argued that a carrier's customers who are also competitors of the carrier's separated subsidiary could be disadvantaged by information disclosures concerning their contractual arrangements with the parent, even if the disclosures are made publicly.[28] We believe this requirement has been misinterpreted. We are not requiring unauthorized disclosures. Our decision assumes that disclosures of customer information will take place only with the approval of the affected customers, thus obviating ADAPSO's objection.

Marketing of Network Equipment by the Separate Subsidiary

99. The *Final Decision* barred a separate subsidiary providing both CPE and enhanced services from marketing any transmission or other network equipment because of the potential of the communications ratepayer bearing the cost of non-compensatory intracorporate transfer pricing that may inure to the benefit of the subsidiary. *Id.* at para. 253. AT&T disputes this restriction, claiming that nowhere in the *Final Decision* does the Commission explain how the communications ratepayers might be injured by the subsidiary's marketing of other equipment, or how the subsidiary would unfairly benefit, or how this condition guards against the potential injury.

100. The concept of intracorporate transfer pricing for vertically integrated, rate-of-return regulated, dominant firms is a simple one. Specifically, AT&T's telephone companies have the incentive to purchase equipment from their affiliates, even if that equipment is not completely competitive with that of the general trade, because as a general proposition the affiliates are not subject to a rate of return constraint. This, then, is just a specific example of the broad proposition that firms subject to public utility regulation have an incentive to transfer costs to jurisidictional activities and profits to non-jurisdictional activities. In the present context, the incentive may be manifested by the subsidiary's serving as a conduit, buying equipment from the company's manufacturing affiliate and marking up the equipment for sale to the operating companies.

101. In addressing AT&T's argument, our concerns are limited to the potential impact on the communications ratepayer from intracorporate transfer pricing. The stated prohibition appears too broad in that it would foreclose the subsidiary from marketing equipment to non-affiliated entities. These concerns can be met by revising the proscription and merely restricting affiliated entities from acquiring such equipment from the separate subsidiary if the equipment is not manufactured by the subsidiary. This more appropriately guards against the potential injury to the ratepayer, and we so modify the *Final Decision.*[29]

Administrative Services

102. With respect to the degree of separation required for administrative services, ADAPSO has requested two specific clarifications.[30] Regarding our statement in para. 255 of the *Final Decision* that parent and subsidiary will be allowed to share administrative services on a cost reimbursable basis, ADAPSO has asked for a listing of the services included. In this area we will follow the pattern established by the Bureau Audit Report for GTE/Telenet, permitting the sharing of the following administrative services: accounting, auditing, legal services, personnel recruitment and management, finance, tax, insurance, and pension services. *See GTE/Telenet Merger,* 78 FCC 2nd at 427. The sharing of physical space should be confined to that used for joint administrative services, as listed above.

Advertising

103. The propriety of joint advertising has been questioned by IDCMA.[31] In the *Final Decision* we prohibit the parent corporation from engaging in "the sale or promotion of enhanced services or customer-premises equipment, on behalf of the separate corporation."[32] This means that entities affiliated with the subsidiary may not engage in advertising that is product or service specific on behalf of the subsidiary. Since institutional advertising is not product or service specific, it will be permitted on a joint basis. There is no harm to the communications ratepayer in letting the parent take advantage of its good will. Cf. *GTE Service Corp.* v. *FCC,* 474 F.2d 724, 732–736 (2d Cir. 1973).

Financing and Transitional Reporting

104. In our *Final Decision* we rejected a requirement of outside financing, pending a review of the subsidiary's capitalization plans, partly because "the corporate and regulatory implications of outside financing have not been addressed in any significant detail in the course of this proceeding. Prior to imposing such a requirement we believe these areas deserve further exploration." *Id.* at para. 257. In subsequent filings this subject has received more attention and substantial questions have been raised. The record is still not adequate to support a conclusive finding prior to our review of capitalization plans, but other issues that have been raised deserve some immediate attention. Earnings of the subsidiary from unregulated activities shall not be imputed to the parent's regulated activities or serve to alter the parent's revenue requirements.

105. We required that the separate subsidiaries obtain Commission approval as to capitalization. Several parties have voiced the concern that the Commission will not be in a position to examine capitalization plans adequately

[27] Petition of AT&T at pp. 52–54.

[28] Petition of ADAPSO at p. 20.

[29] Absent practices which adversely affect communications consumers, anticompetitive concerns should be left to the antitrust authorities and the antitrust laws. Where the factual premise of harm to communications customers can be established, however, we would continue to exercise our jurisdiction in aid of the goals of the Communications Act.

[30] Petition of ADAPSO, at 23–27.

[31] Petition at IDCMA at p. 21.

[32] Appendix, para. 64.702(d)(1).

without information on the expenses incurred by AT&T in the interim period before structural separation occurs. We believe these parties have demonstrated a need for a mechanism to control, and to hold AT&T accountable for, the expenses incurred in the interim period. These expenses relate to the costs of setting up the separate subsidiaries and to the costs of developing the CPE and the enhanced services that will be offered by the unregulated subsidiaries after separation. Therefore, we are requiring AT&T to 1) account for all expenses incurred to date relating to existing and future enhanced service offerings; 2) account for all expenses incurred to date that directly relate to the separate subsidiary; and 3) submit a plan describing accounting methodology for the interim expenses relating to the provision of enhanced services.[33] Such a plan should include a breakdown of all major categories of expenses. This information shall be filed within 30 days from the release of this order and an update provided every six months thereafter to reflect additional expenses incurred. Finally, the capitalization plans for the separate subsidiary must be filed with the Commission at least 120 days prior to the formation of the separate subsidiary in order to allow time for public comment.

IV. Legal Considerations

a. Introduction

106. Our *Final Decision* in the Second Computer Inquiry is the culmination of a comprehensive examination of regulatory issues raised by the ever-increasing use of computer processing technology and by the interdependence of this technology and common carrier communications services. On reconsideration of this decision, petitioners have challenged our authority to: a) adopt the basic/enhanced classification scheme for services provided over the telecommunications network; b) preempt the states and deregulate CPE in the manner proposed; c) impose structural separation limitations on certain carriers possessing monopoly control over a significant portion of the telecommunications network; and d) construe the 1956 Western Electric Consent Decree [34] as not foreclosing AT&T's participation in the enhanced services and CPE markets.

[33] It is also our intent that no earnings of the subsidiary be imputed to the regulated activities of affiliates for determining either their revenue requirements or their proper return on investment.

[34] United States v. Western Electric Co., 1956 Trade Cas. 71,134 (D.N.J. 1956).

b. Jurisdiction

107. *The Final Decision, 77* FCC 2d 384 (1980), draws a distinction between basic transmission services, which encompass traditional common carrier communications services, and enhanced services. 77 FCC 2d at paras. 90–94, paras. 114–18. There we rejected a proposal set forth in the *Tentative Decision* to break the enhanced services category into subcategories based on services' communications or data processing nature. *Id.* at paras. 102–10. In so doing, we eliminated the concepts of "hybrid communications" and "hybrid data processing" developed in the *First Computer Inquiry*. Cognizant of the rapid development of computer and communications technology and their concomitant market applications in a distributed data processing environment, we concluded that any refinement of enhanced services into subcategories would soon become obsolete.

108. We determined in the *Final Decision* that enhanced services are subject to the Commission's ancillary jurisdiction. The decision indicates that this agency receives subject matter jurisdiction over enhanced services under Section 2(a), 47 U.S.C. § 152(a), which states that the provisions of the Communications Act "shall apply to all interstate and foreign communication by wire or radio and all interstate and foreign transmission of energy by radio, which originates and/or is received within the United States. . . ". The *Final Decision* supports this jurisdictional assertion by reference to our mandate in 47 U.S.C. § 151 and the use of "communication" and "transmission" in 47 U.S.C. § 153(a) and (b). *Id.* at paras. 124–125. Having asserted Section 2(a) jurisdiction, we found, on the basis of the detailed record developed in this proceeding, that extensive regulation of enhanced services is unnecessary at present. *Id.* at paras. 127. We did conclude, however, that our jurisdiction over enhanced services allows us to impose cetain separate subsidiary requirements where necessary. *Id.* at para. 132.

109. In the *Final Decision* we recognized that our demarcation of the basic/enhanced services boundary, as well as our view of agency jurisdiction over these services and their providers, would give rise to significant debate. We discuss issues raised in the Petitions for Reconsideration on these topics in three section belows. These sections deal with the line which we draw between basic and enhanced services, with our jurisdiction over enhanced services and with our power to impose separate subsidiary requirements on certain providers of enhanced services and CPE. We briefly address questions of adequate notice under the Administrative Procedure Act in a fourth section below.

110. (1) *Line of demarcation between basic and enhanced services.* Petitioners disagree about the propriety of our basic/enhanced distinction. ARINC, CBEMA and IBM specifically endorse the manner in which we distinguished between Titles II regulated basic services and enhanced services. GTE Telcos, Telenet/CNS and Xerox object to the approach taken in the *Final Decision.* Telenet argues that enhanced communications services meet what it terms "the appropriate tests of common carrier status". Telenet contends that the Commission has in the past classified services as common carrier services which would now be reclassified "enhanced". Telenet and the GTE Telcos maintain that Commission characterization of these services as enhanced is an unlawful withdrawal of Title II jurisdiction. They state that this Commission lacks the authority to "forbear" from regulation of enhanced services under Title II. Xerox states that the Commission has historically recognized entities providing "hybrid communications services" as common carriers and has regulated them as such.

111. Having studied petitioners' arguments, we remain convinced that the distinction drawn in the *Final Decision* between basic common carrier services and enhanced services is a reasonable and valid one. We foresaw that any boundary which we set between basic and enhanced services would be questioned. We stated:

> We appreciate there can be disagreement as to the line we have drawn between basic and enhanced services. Plausible arguments can be tendered for drawing it elsewhere. At the margin, some enhanced services are not dramatically dissimilar from basic services or dramatically different from communications as defined in *Computer Inquiry I.* But any attempt to draw the line at this margin potentially could subject both the enhanced services providers and us to the prospect of literally hundreds of adjudications over the status of individual service offerings. We have noted the danger that such proceedings could lead to unpredictable or inconsistent regulatory definitions. See para. 107 *supra.* Such proceedings also could consume a very significant proportion of the resources of this agency. The requirement to devote significant resources to try to make individual service distinctions would necessarily reduce the resources available for regulating basic services and ensuring non-discriminatory access to common carrier telecommunications facilities. *Final Decision* at para. 130.

112. We note that even if we shift somewhat the boundary between Title II regulated services and other services as delineated by the *First Computer Inquiry* we have acted within our discretion as an administrative agency. If an administrative body acts based on "reasoned analysis" consistent with the language and intent of its statutory mandate, "[a]n agency's view of what is in the public interest may change, either with our without a change in circumstances." *Greater Boston Television Corp.* v. *FCC*, 444 F.2d 841, 852 (D.C. Cir. 1970), *cert. denied*, 403 U.S. 923 (1971). As the Second Circuit stated very recently, "[t]he FCC's own construction of its enabling statute, even if it is a changing one, is entitled to deference from the courts." *New York Telephone Co.* v. *FCC*, No. 1137, slip. op. at 5642 (2d Cir. Sept. 17, 1980). We have articulated a reasoned analysis for our action in the *Final Decision*. We noted that, "the reality that technology and consumer demand have combined to so overrun the definitions and regulatory scheme of the *First Computer Inquiry* that today no comparable, minimally enduring line of demarcation can be drawn." *Id.* at para. 120.[35]

113. Furthermore, in our decisions in both the *First Computer Inquiry* and in *Resale and Shared Use* we recognized that any boundary then drawn between common carrier communications services and other services with a communications component was tentative. We were aware that we might need to realign our distinction as technology and services developed. The result of such a shift could be that certain services which had previously been on the "common carrier" side of the regulatory boundary would no longer be regulated under Title II. In our *Resale and Shared Use* decision on reconsideration we specifically stated:

> Thus if what is ultimately offered to the public is "data processing" or anything other than "communications", this proceeding is not applicable to such activity. The question as to what is "data processing" or "communications" is at issue in docket No. 20828. This proceeding is not concerned with the definitions of those terms, and we assume herein that our jurisdiction attaches only to the activities which are found to be "communications."

62 FCC 2d at 600. *See also First Computer Inquiry Final Decision*, 28 FCC 2d at pp. 296–298.

114. We have in the past decided admittedly close factual questions about whether particular services, with some similarities to common carrier services, fall within our Title II jurisdiction. The Courts have recognized our expertise in making such determinations. *FCC* v. *Midwest Video Corp.*, 440 U.S. 689 (1979) (cable television systems); *AT&T v. FCC*, 572 F.2d 1725 (2d Cir. 1978) (shared use of communications services); *American Civil Liberties Union v. FCC*, 523 F.2d 1344 (9th Cir. 1975) (cable television access channels); *NARUC v. FCC*, 525 F.2d 630 (D.C. Cir. 1976) (specialized mobile radio); *Philadelphia Television Broadcasting Co.* v. *FCC*, 358 F.2d 282 (D.C. Cir.), *cert. denied*, 325 U.S. 837 (1966) (cable television systems).

115. In their petitions Xerox and Telenet contend that we cannot forbear from regulating enhanced services under Title II of the Act. These petitioners have misapprehended our factual conclusion in the *Final Decision* that enhanced services are not common carrier services. *Id.* at paras. 121–23. Hence, forbearance from Title II regulation of enhanced services is not an issue in this proceeding.[36]

116. Any argument which leads to the conclusion that all the myriad types of services provided over common carrier facilities are necessarily Title II services must fall of its own weight. As we indicated in the *Final Decision* at para. 109: "(T)here are literally thousands of unregulated computer service vendors offering competing services connected to the interstate telecommunications network." This Commission has never regulated all the services provided over common carrier facilities. As an evolution of determinations made in the *First Computer Inquiry*, we have in this proceeding delineated those services which are outside the scope of Title II. Basic services are regulated under Title II, and the basic service category includes those kinds of services that have traditionally been regulated under Title II. See para. 10, *supra*, and *Final Decision* at paras. 93–96. On the other hand our enhanced category reflects services which are different in kind from basic services and for the most part have not been regulated under Title II. In addition, we have, in a factual context analyzed the characteristics of enhanced services within the framework of our overall statutory mandate and have rejected further classification of different enhanced services for purposes of Title II regulation. *Final Decision* at paras. 107–113. Under this structure a workable and reasonably enduring demarcation is established as to the scope of Title II jurisdiction.

117. As noted in our *Final Decision*, para. 123, we believe that the critical regulatory line we have drawn between basic and enhanced services is fully consistent with *NARUC I, supra*. As discussed in our *Final Decision*, enhanced services do not fall within the criteria set forth in *NARUC I* for determining what is a common carrier offering; that is, enhanced services are specialized services not offered on an indifferent basis. We also expressed, in our *Final Decision*, reservations about certain aspects of the Court's opinion which attempted to focus more on an *a priori* definition of common carriage (based on historical or common law interpretations), rather than on the specific factual nature of the service offered and on a demonstrated need for the Commission to impose common carrier obligations on such service providers. We believe that in our current determinations, we are free, and perhaps required, to consider empirically-derived distinctions between different types of activities and to implement such destinctions in a principled manner that is consistent with our statutory goals. The regulatory treatment of any particular activity must thus be derived from a calculus which considers whether a statutory purpose is served by such treatment. *See Philadelphia Television, supra*.

118. In dealing with the question of which entities were to be regulated as common carriers, *NARUC I* focused on historically derived criteria relating to how a particular service is offered to the public as well as on the Commission's determination as to whether Title II obligations should be imposed. In our *Final Decision*, we pointed out some of the deficiencies of a "holding out" test which focuses only on the intentions of

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[35] A general principle of administrative law is that regulatory agencies may alter their interpretation or application of their governing statute. For example, the Supreme Court sustained an Interstate Commerce Commission decision in which that agency changed its views of its jurisdiction over trailer-on-flatcar services. The Court concluded:

> [T]he Commission, faced with new developments or in light of reconsideration of the relevant facts and its mandate, may alter its past interpretation and overturn past administrative rulings and practice. In fact, . . . this kind of flexibility and adaptability to changing needs and patterns of transportation is an essential part of the office of a regulatory agency. Regulatory agencies do not establish rules of conduct to last forever; they are supposed, within the limit of the law and of fair and prudent administration, to adapt their rules and practices to the Nation's needs in a volatile, changing economy.

American Trucking Ass'n., Inc. v. Atchinson, Topeka & Santa Fe Railway Co., 387 U.S. 397, 416 (1967). *See also* Andrus v. Sierra Club, 442 U.S. 347, 358 (1979); NIRB v. J. Weingarten, Inc., 420 U.S. 151, 184–66 (1975); Public Interest Reserach Group v. FCC, 522 F.2d 1060, 1065–66 (1st Cir.), *cert. denied*, 424 U.S. 965 (1975).

[36] For the record, we disagree with the view that we lack the authority in proper circumstances to forbear from the application of Title II regulatory mechanisms to acknowledged communications common carriers. We are addressing this issue in a separate proceeding. *See* Second Report and Further Notice of Proposed Rulemaking, Docket No. 79–252.

a service provider and could leave to such an entity's discretion whether or not an obligation to serve on a nondiscriminatory basis will be imposed. Moreover, it is clear that to the extent *NARUC I* considered questions only with regard to the nature of the service *provider*, rather than the nature of the *service*, it does not answer the question in this proceeding. We believe, therefore, that the second prong of the *NARUC I*, test, i.e., the Commission's determination of the need to impose an obligation to serve the public indifferently is critical to our discussion here. 525 F.2d at 642–43. In this respect, we believe that our approach in this proceeding draws on, and can be reconciled with the D.C. Circuit's *NARUC I* decision.

119. We are not persuaded of by the argument GTE Telcos and Telenet/CNS that the line of cases beginning with *Packet Communications, Inc.*, 43 FCC 2d 922 (1973), obliges us to retain former classifications in the communications/data processing area. To speed processing of its application, the applicant in *Packet Communications, Inc.*, PCI, was " . . . willing to have itself treated as a traditional common carrier, whether or not the Commission [would] ultimately determine that such service should be regulated by it as common carriage." 43 FCC 2d at 922–23. PCI indicated that it was ". . . not now proposing to offer hybrid data processing service, but rather is proposing to offer a pure communication service". 43 FCC 2d at 924. Furthermore, the applicability of Title II was generally assumed, rather than focused precisely upon, in the ensuing decisions, *Graphnet Systems, Inc.*, 44 FCC 2d 800 (1974), and *Telenet Communications Corp.*, 46 FCC 2d 680 (1974). The fact that parties to earlier proceedings and the Commission assumed certain findings without discussing the point does not confer common carrier status for all time.

120. (2) *Jurisdiction over enhanced services.* The preponderance of petitions for reconsideration addressing the question of our jurisdiction over enhanced services contend that the Commission does not have jurisdiction over all enhanced services or all enhanced service providers. Petitioners state that this Commission should narrow the focus of its jurisdictional assertion either by stating that we do not have authority over enhanced services which are primarily data processing services or that we have no jurisdiction over certain classes of service providers and the services offered by them. ANPA, ARINC and Xerox maintain that services which are primarily data processing in nature or "hybrid data" services are outside our reach. ADAPSO, IBM and IDCMA argue that this Commission should only extend its jurisdiction to enhanced services offered by common carriers and their affiliates. CBEMA and Sperry Univac suggest that we only assert jurisdiction over enhanced services provided by dominant carriers or their affiliates. On the other hand, AT&T and NTIA support the jurisdictional claim made in the *Final Decision.*

121. After review of petitioners' arguments we conclude that clarification of our assertion of jurisdiction over enhanced services would be helpful. Various statements in the *Final Decision* may reasonably be read as asserting jurisdiction over all enhanced services. We seek to make clear on reconsideration that it is not our intent in this proceeding to assert that *any* service or activity in which communications is a component is within the subject matter jurisdiction of Section 2(a) of the Communications Act. On the other hand, we do not here exclude *a priori* all enhanced services from within the scope of Section 2(a) of the Act either. The question of whether a specific activity is "communications" is a mixed question of fact and law, and thus one which, we believe, is most appropriately left for a case-by-case determination when the necessary facts are before us. Thus, we need not and should not resolve in the abstract questions of whether any enhanced services, while clearly not within our Title II jurisdiction, may be otherwise within our jurisdiction.

122. At the outset we note that some petitioners urge a delineation of jurisdiction which would render either all enhanced services within the Commission's jurisdiction or all enhanced services beyond our jurisdiction. We reject this categorical approach. As has often been recognized by the courts and by this agency, the Communications Act does not rigidly compartmentalize our jurisdiction. The Act includes only imprecise definitions of our mandate in Section 2(a) and the definitions of wire and radio communications in Section 3(a) and (b). As the Supreme Court has recognized repeatedly, the imprecision which necessarily accompanies any broad conferral of legislative authority serves an important purpose of permitting the Commission to deal with a dynamic and constantly changing industry through case-by-case evolution and delineation of agency authority. *NBC* v. *United States*, 319 U.S. 190, 219 (1943). Since such fully delineated jurisdicitional grant—based on specifically delineated inclusions and exclusions of authority—is not the general thrust of the Act, we see no reason to conclude that in delegating authority to the Commission, Congress intended that we delineate Commission jurisdiction over enhanced services on a rigid categorical basis. While identifying the dividing line between services for purposes of determining the relevant regulatory scheme under Title II or Title III is appropriate when that precise issue is before us, as was the case in creating the basic/enhanced classification scheme, the establishment of rigid categories that go to the essence of Commission jurisdiction under Title I would be inappropriate and unwarranted.

123. Moreover, even if we were capable of making findings in a generic context on the question of whether any enhanced service is within the scope of Congress' jurisdictional grant to the Commission, more would be required before any action on our part would be sustainable. Recent Supreme Court and federal appellate court decisions relating to the Commission's ancillary jurisdiction show plainly that beyond the threshold 2(a) finding, we must also determine whether a proposed exercise of agency jurisdiction would serve a relevant statutory purpose and whether there is an adequate factual predicate shown for the proposed agency action. *United States* v. *Southwestern Cable Co.*, 392 U.S. 157, 173 (1968); *Midwest Video Corp.* v. *FCC*, 406 U.S. 649, 659–60 (1972); *Home Box Office* v. *FCC*, 567 F.2d 9, 36, 4043 (1977).

124. Under this three prong test, assertion of Commission jurisdiction, and determinations of the limits of our ancillary jurisdiction, require a more pragmatic response; such issues must be dealt with in a specific, factual, and individualized context. Whether a given activity falls within or outside Section 2(a) of the Act is a factual determination which cannot be divorced from the concrete matter in dispute or from consideration of the relevant statutory purpose to be served by any assertion of jurisdiction. Moreover, assuming the statutory jurisdictional nexus exists, the exercise of such jurisdiction through specific agency action must be predicated on the need to satisfy an overall statutory purpose or objective.

125. Within this context we conclude that such a statutory nexus exists for the assertion of Commission jurisdiction over the provision of enhanced services by communication common carriers. We now assert jurisdiction over the terms and conditions of a common carrier or

its affiliate's provision of enhanced services but only insofar as such offerings affect our traditional Title II concerns that there be no unjust or unreasonable discrimination in the offering of Title II services and that such regulated services not cross-subsidized enhanced services or otherwise negatively affect communications ratepayers. We are entitled to some leeway in choosing which jurisdictional base will most effectively advance those congressional objectives, such as effective rate supervision, embodied in the Communications Act. *Philadelphia Television, supra* at 284.

126. We have concluded that we have jurisdiction to regulate a carrier's participation in the provision of enhanced services under *GTE Service Corp.* v. *FCC*, 474 F.2d 724, 731 (1973) (hereinafter *GTE Service*), because these carriers' enhanced services activities "may substantially affect the efficient provision of reasonably priced communications service". In *GTE Service* the Second Circuit found that the Commission had authority to promulgate rules governing common carrier entry into data processing services because these rules were designed to ensure that communications services be provided efficiently and at reasonable rates. 474 F.2d at 731–32. It stated:

> The rules we are now considering are generically based upon the primary charge of the Commission that its carriers provide efficient and economic service to the public. The burgeoning data processing activities of the common carrier pose, in the view of the Commission's a threat to efficient public communications services at reasonable prices and hence regulation is justified under its broad rulemaking authority. 474 F.2d at 730.

127. In *GTE Service*, the court reasoned that the rules which it had upheld were "supported by the Commission; concern that its regulated carriers continue to provide the public with efficient and economic telephone service." 474 F.2d at 733. The court stated:

> The *media via* approach of "maximum separation" of services is logically directed at eliminating the potential hazards to efficient and economic phone service which is clearly the Commission's primary responsibility and interest here. Specifically, the Commission was concerned that data processing costs would be passed on directly or indirectly to the public consumer of telephone services and that revenues derived from common carrier services would be used to subsidize data processing services. This concern is met by rules 64.702(b), (c)(1), (2) and (3). . . . These rules effectively reduce the possibility of shifting costs, hiding operating or advertising expenses or any juggling of accounts which might otherwise occur. The efficiency of carrier service presumably is maintained and secured by the corporate, physical and financial separation prescribed by the regulation. 474 F.2d at 732.

128. Furthermore, the Second Circuit sustained a rule prohibiting common carrier leasing or selling of computer system components or extra capacity because of the effect which these activities could have on common carrier facilities provisioning, regulated under Section 214. The court found that this rule ". . . is aimed at the protection of efficient telephone service to the public by eliminating the possibility of a diversion of facilities to other purposes". 474 F.2d at 732.

129. The import of the holding in *GTE Service* is that this Commission can regulate a common carrier's provision of enhanced services because the provision of such services by a carrier may affect the carrier's Title II regulated services.

> While these cases [prior Communications Act jurisdiction cases] do not deal with the precise issue here under consideration, they nevertheless point the direction that must be followed in interpreting the Commission's authority under the Communications Act. The plain implication of these precedents is that, even absent explicit reference in the statute, the expansive power of the Commission in the electronic communications field includes the jurisdictional authority to regulate carrier activities in an area as intimately related to the communications industry as that of computer services, where such activities may substantially affect the efficient provision of reasonably priced communications service. We so hold. 474 F.2d at 731.

130. As we noted above, at present only enhanced services provided by common carriers or their affiliates for whom the Commission already has Title II responsibility seem likely to affect the efficient provision of reasonably priced communications service. The Commission is legitimately concerned that cross-subsidization of enhanced services by basic common carrier services can influence the rates for basic services regulated under Sections 201 through 205. *GTE Service* also indicates that the Commission can regulate the use of carrier facilities to make certain that facilities subject to Title II regulation not be diverted to use in the data services area. Again, the basis for governing use of facilities either for data processing or for communications services is that the Commission has broad jurisdiction to regulate common carrier activities.

131. Precedent dealing with the authority of other regulatory agencies reinforces our view that the Commission can regulate a carrier's participation in activities which otherwise might not be within its jurisdiction when these activities are engaged in by carriers and when they have a potential impact on regulated activities. The Supreme Court has held that the Interstate Commerce Commission is empowered by a combination of Interstate Commerce Act provisions, including its public interest mandate, to regulate motor carrier equipment leasing practices in order "to protect the industry from practices detrimental to the maintenance of sound transportation services consistent with the regulatory system" in *American Trucking Association* v. *United States*, 344 U.S. 298, 310 (1953). Furthermore, the D.C. Circuit found that the Civil Aeronautics Board could rely on "a combination of sections of the Federal Aviation Act", including its public convenience and necessity mandate, to regulate "the actions of air carriers and their affiliates in order to protect the finanical integrity of the carriers so as to foster sound economic conditions in air transportation" in *United Air Lines, Inc.* v. *C.A.B.*, 569 F.2d 640, 649 (1977). Here the D.C. Circuit supported the CAB's conclusions that the acquisition of control by holding companies over air carriers presents a "substantial danger of harm to the carriers' ability to serve the public convenience and necessity" and that this formed a "sufficient basis for the Board to take preventive measures." 569 F.2d at 653. The court stated:

> What is involved in this case is neither an attempt by the Board to prohibit holding companies from acquiring air carriers nor an attempt to "control the financial structure" of air carriers. Rather, the Board is seeking to regulate financial activities by air carriers that affect the ability of the carriers efficiently to serve the public convenience and necessity. This is one of the most basic powers of the Board.

569 F.2d at 640.

132. Thus, we believe that we have properly declined various petitioners' requests that we make "final" determination of the precise contours of our jurisdiction in this broad policy making proceeding rather than in particular contexts when the specific facts of the matter would be before us. Moreover, we have not found, as we have clearly stated, and here reiterated, that any relevant statutory purpose would be served by regulating such activities. On the other hand, both in the *Final Decision*, and here on reconsideration, we have pointed out that we could regulate the carrier's participation in the very same activities when offered in connection with other currently regulated activities. The definitions of wire and radio communications in Section 3 (a) and (b)

which include reference to "all instrumentalities, facilities, apparatus and services . . . incidental to such transmission" lend credence, we believe, to focusing the agency's regulatory powers only on those activities with respect to which a clear nexus with specifically conferred responsibilities can be demonstrated. We, therefore, see no reason to enter at this time the jurisdictional thickets presented by Section 2(a) together with Sections 3 (a) and (b) insofar as the activities of those who are neither licensed under Title III or certificated under Title II are concerned.

133. Thus we have in this proceeding established several demarcations in assessing the parameters of jurisdiction under the Act. First, we have classified network services as either basic or enhanced for purposes of delineating the scope of Title II. Under this scheme common carrier regulation addresses the manner in which transmission capacity is made available for the movement of information. Excluded from common carrier regulation are services where communications is only a component of a service which is different in kind from the offering of transmission capacity. Second, a further distinction has been made relative to the scope of Commission jurisdiction over a carrier's participation in the provision of enhanced services. We have not addressed the extent, if any, of our jurisdiction over enhanced services. We have asserted jurisdiction only where a statutory nexus exists. This approach is reasonable and consistent with our statutory purpose, since it is the role of this Commission to apply regulatory mechanisms where warranted. In this regard, specific attention is given to the manner in which enhanced services are provided by common carriers.

134. (3) *Jurisdiction to order the establishment of separate subsidiaries.* In the *Final Decision* we removed the maximum separation requirements established in the *First Computer Inquiry* from all carriers except AT&T and GTE. We concluded that maintaining the requirement that AT&T and GTE offer enhanced services and CPE on a resale basis through a fully separated subsidiary was necessary to guard against potential abuses which would disserve the interests of the communications rate payer. On reconsideration we have decided that GTE need not offer enhanced services through a fully separated subsidiary. See para. 63 *supra.*

135. In its petition, AT&T "reserves" its position that the Commission generally lacks authority to require structural separation. In any case, it states that it could adjust to the separation scheme proposed with modifications. AT&T Petition at pp. 6–9. GTE and Telenet/CNS maintain that imposition of the separation requirement on only two carriers is deficient constitutionally and under the Communications Act. USITA lauds the Commission for removing the separation requirement from all telephone companies except AT&T and GTE. RTC also approves of our removal of the separation requirement from most telephone companies. RTC states that our broad authority under Title II to enforce interconnection and nondiscrimination requirements on telephone companies operating on an integrated basis should amply protect the communications consumer. ADAPSO and ICDMA assert that we acted within our statutory mandate and constitutional bounds when we imposed the separation requirements on AT&T and GTE. They suggest that we consider placing these requirements on additional telephone companies as well. Finally, ANPA alleges that we committed a "legal error" by not undertaking a "cost/benefit" analysis to decide whether to impose additional structural restrictions on AT&T and GTE. Having reviewed the petitions, we conclude that we have jurisdiction under the Act to impose structural separation on AT&T. Furthermore, we have determined that subjecting AT&T and not others to structural separation does not amount to unlawful discrimination under the Communications Act or the Constitution. Our decision on reconsideration not to impose structural separation on GTE moots GTE's arguments that since GTE itself is not a common carrier it cannot be subjected to structural separation and that such structural separation is a violation of equal protection guarantees.

136. We have authority under the Act to impose structural safeguards on communications carriers to fulfill our regulatory responsibilities. See *Southwestern Cable* and *GTE Service.* In *GTE Service,* the Second Circuit upheld our authority to require that communications carriers offer data processing services only through a maximally separated subsidiary. Structural remedies have been repeatedly utilized by us as a regulatory tool and have been recognized by the courts as serving an important statutory purpose. *See United States* v. *FCC,* (D.C. Cir. No. 77–1249, Mar. 7, 1980) and *Final Decision* at fn. 103.

137. Our imposition of separation requirements on AT&T is not unlawfully discriminatory under the Communications Act. In our *Final Decision* we evaluated carriers' ability to engage in anticompetitive activity and their ability to absorb the costs of separation and still find it worthwhile to enter the competitive, and thus riskier, enhanced services market. We concluded, based on the relative size of AT&T and GTE as well as the diverse national markets which they serve, that we needed only to impose a resale structure on AT&T and GTE. *Id.* at paras. 215–232. We ruled that all other entities providing basic services were subject to the full range of Title II regulation. *Id.* at para. 264. We reevaluate today our assessment in the *Final Decision* of GTE's ability to engage in anticompetitive activity and conclude that changing GTE's corporate structure is not now necessary. Our assessment of the need to impose structural separation on AT&T remains valid. We can continue to enforce our interconnection and nondiscrimination requirements where structural separation is not warranted. *Bell Telephone of Pennsylvania* v. *FCC,* 503 F.2d 1250, 1273 (3d Cir. 1974), *cert. denied sub nom., AT&T* v. *FCC,* 422 U.S. 1076 (1975).

138. *Philadelphia Television* establishes our broad discretion to determine the choice of regulatory tools applicable to particular services in general; and *GTE Service* establishes our broad discretion to choose between structural remedies or solely conduct regulation in the communications/data processing area. 474 F.2d at 731. Furthermore, the *First Computer Inquiry* separation rules upheld in *GTE Service* did not apply to all carriers. These rules exempted carriers with operating revenues not in excess of $1,000,000 annually. 474 F.2d at 730, n.7. A regulatory scheme marked by traditional Title II regulation of all carriers and imposition of a separate subsidiary structure on AT&T is within our "broad discretion in choosing how to regulate" under *AT&T* v. *FCC,* 572 F.2d 17, 28 (2d Cir. 1978). We reject ANPA's contention that we failed to undertake a "cost/benefit" analysis of whether to impose other structural restrictions and that this amounts to legal error. Our discussion in the *Final Decision* demonstrates that we carefully assessed the need for structural limitations imposed. *Id.* at paras. 233–60. Moreover, we noted that there must be a recalculation from time to time "to ensure in the first instance, that the balance was correctly struck here and, second, that important events have not caused a disequilibrium to develop". *Id.* at para. 207.

139. (4) *Notice.* We reject the argument by some parties that the Commission did not provide adequate notice, under Section 553(c) of the Administrative Procedure Act, of its intent to assert jurisdiction over all enhanced services and to order the unbundling of all CPE. ANPA states that notice about assuming jurisdiction over all enhanced services was not given. Xerox questions the adequacy of notice about Commission jurisdiction over hybrid data processing and all CPE. ATA, ATU and NARUC maintain that they were not properly notified of CPE unbundling and detariffing. In fact, the public received adequate notice and a "fair opportunity to present their views on the contents of the final regulatory plans proposed". *BASF Wyandote* v. *Costle,* 598 F.2d 637, 643–46 (1st Cir. 1979). We specifically solicited comments in the *Tentative Decision and Further Notice of Inquiry and Rulemaking,* 72 FCC 2d 358 (1979), on the "deregulation of . . . all customer-premises equipment". *Id.* at para. 65. Additionally, throughout this document we discussed our resolve to establish valid categories for communications and data services. We were forthright in asserting that certain services might be subjected to different regulation depending upon which side of the Title II margin they fell. *See Tentative Decision,* 72 FCC 2d at paras. 65–88, paras. 165–73. Moreover, we have clarified here any confusion concerning the reach of our jurisdiction over enhanced services.

d. Jurisdiction over Customer-Premises Equipment

140. In the *Final Decision* we determined that the provision of stand-alone CPE is not a common carrier activity and that the objectives of the Communications Act would best be fulfilled by deregulating all CPE. We concluded that we have jurisdiction over terminal equipment, that we have the authority to order carriers to unbundle and detariff it, that we can forbear from regulation of CPE and that our preemption of state authority over CPE does not violate the Communications Act or any other laws. We found that carriers' bundling of CPE and services "has a direct effect on the rates charged for interstate service". *Id.* at para. 146. It produces "distortions in interstate rates which would be difficult to remedy without requiring unbundling". *Id.* at para. 154. We found that the bundling of non-usage sensitive CPE into usage-sensitive rates for service is very likely to result in misallocation of costs among services and facilities offerings. This in turn increases the potential for cross-subsidization of competitive CPE offerings from monopoly service revenues.

141. In the *Final Decision* we determined that CPE must also be detariffed because otherwise the carrier could distort either the price for CPE or the charges for basic service through the allocation of joint and common costs on which we set a rate of return. We reasoned, ". . . it is important that the costs attributable to the regulated utility service be separated from competitive provision of equipment used in conjunction with the service by the removal of such equipment from a carrier's rate base". *Id.* at para. 156. The present system discriminates against subscribers who purchase and use non-carrier CPE in making MTS calls but pay the same charge, including an element of cost for carrier-provided CPE, as the subscriber using a carrier-provided terminal equipment. We concluded that deregulation of CPE and removal of related investment from separations were required to eliminate this discrimination between customers.

142. Certain petitioners seek to characterize the order to unbundle and detariff CPE as an unlawful forbearance from its regulation. We disagree. The choice of a proper regulatory approach is within this agency's broad discretion. *United States* v. *Southwestern Cable Co.,* 392 U.S. 157, 173 (1968); *National Broadcasting Co.* v. *United States,* 319 U.S. 190, 219 (1943). We recognize that we have significant flexibility in determining how to regulate terminal equipment offered by carriers separately from transmission service. *Final Decision* at para. 181. Under the "all instrumentalities" provision of Section 3 of the Act the Commission receives permissive authority over CPE, as discussed in our Tentative Decision at paras. 115–118. We have the authority under Section 205 to require the unbundling of CPE from transmission service, even if the provision of such equipment together with transmission service is characterized as common carrier service. Furthermore, Sections 203(b)(2) and 203(c) confer on us the authority to order the detariffing of terminal equipment.

143. (1) *Commission jurisdiction over CPE.* Our general assertion that carrier provision of equipment as part of an end-to-end offering has traditionally been subject to Title II regulation was not challenged on reconsideration. We have frequently in the past asserted jurisdiction over carrier-provided CPE when used with an interstate communications service.[37] As indicated in *North Carolina Utilities Commission* v. *F.C.C.,* 552 F.2d 1036, 1050 (4th Cir. 1976) (hereinafter *NUUC II*), our jurisdiction extends to CPE used for both intrastate and interstate communications should the need for federal action arise.[38] We noted in the *Final Decision* that, while such terminal equipment is within our subject matter jurisdiction, the Act does not mandate its regulation. Under *Permian Basin Area Rate Cases,* 390 U.S. 747 (1968); *United States* v. *Southwestern Cable Co.,* 392 U.S. 157 (1968) and *HBO* v. *F.C.C.,* 567 F.2d 9, (D.C. Cir.) *cert. denied,* 434 U.S. 829 (1977), any regulation by tariff or otherwise must be demonstrated to be reasonably ancillary to the effective performance of the Commission's responsibilities.

144. IDCMA, Motorola, Telenet/CNS, WUI and Xerox question, however, whether we have jurisdiction over non-carrier-provided CPE. Cognizant of the serious concerns voiced by several petitioners about the breadth of the *Final Decision's* holding of ancillary jurisdiction over stand-alone CPE, and based on our view that no statutory purpose would be served by regulating non-carrier-provided CPE, on reconsideration we need only conclude that the provision of CPE by carriers or their affiliates subject to our Title II jurisdiction is within our jurisdiction. We do not reach the issue of whether other CPE falls within our jurisdiction under Title I. We have discussed several general aspects of our ancillary jurisdiction in paras. 121–125 *supra,* and we believe that analysis is relevant as well to our consideration here of the scope of our jurisdiction over non-carrier provided CPE. To the extent that all carriers become involved in competitive CPE provisioning they must of course comply with antitrust standards. *See Cantor v. Detroit Edison Co.,* 428 U.S. 579, 596 (1976).

145. *GTE Service* teaches that common carrier offering of even stand-alone CPE is within our jurisdiction because it can affect the cost of and

[37] Department of Defense v. General Telephone Co., 38 FCC 2d 803 (1973), *review denied,* FCC 73-654, *aff'd per curian sub nom.,* St. Joseph Telephone & Telegraph Co. v. FCC, 505 F.2d 976 (D.C. Cir. 1974); AT&T "Foreign Attachment" Tariff Revisions, 15 FCC 2d 605 (1968); *reconsideration denied,* 18 FCC 2d 871 (1969); Hush-a-Phone Corp. v. United States, 238 F.2d 266 (D.C. Cir. 1956), *decision on remand,* 22 FCC 112 (1957); Jordaphone Corp. v. AT&T, 18 FCC 644 (1954); Katz v. AT&T, 43 FCC 1328 (1953); Use of Recording Devices, 11 FCC 1033 (1947).

[38] RTC has questioned whether we have the authority to enforce our decision on non-fully subject Section 2(b)(2) carriers. We need only note that such carriers' CPE is subject to the separation process and raises the same regulatory concerns.

efficient provisioning for common carrier services. For example, we imposed structural separation on AT&T in part because of our concern that AT&T can cross-subsidize between competitive CPE sales and Title II regulated basic transmission services. Such separation is well within the bounds of our jurisdiction under *GTE Service*.

146. (2) *Jurisdiction to implement the specific CPE regulatory scheme mandated.* Petitioners assumed differing positions on our authority to order the unbundling and detariffing of CPE and the rate freeze. Among the parties questioning our jurisdiction to order the deregulation of CPE were APUC and USITA. CBEMA, Centel and REA maintain that the Commission does have authority to order unbundling and detariffing in certain circumstances. ATU and ATA recommend that we convene a Joint Board pursuant to 47 U.S.C. § 410(c) to consider CPE removal from the separations process. Xerox questions whether, having taken jurisdiction over CPE, we can then forbear from its regulation. AT&T, Centel, GTE, NTIA, RTC, United and USITA question whether our paragraph 165 guidelines for the pricing of local exchange service are equivalent to prescription of a rate, to be accomplished only pursuant to a hearing under Section 205. United maintains that the freeze of a rate for the life of the instrument by the Commission violates Section 203 of the Act because it precludes affected carriers from filing new rates when justified. Requiring certain rate levels after detariffing CPE exceeds the subject matter jurisdiction of this Commission, according to ATU. Centel argues that the rate freeze is possibly an unconstitutional taking of property without just compensation. AT&T and GTE add, in a related argument, that the extraction of CPE from the state and federal rate bases has a retroactive effect and is confiscatory under the Fifth Amendment and the APA.

147. Our decision on reconsideration to defer the unbundling and detariffing of embedded CPE pending the outcome of a further proceeding moots petitioners' arguments addressed to our power to deregulate embedded CPE as outlined in the *Final Decision*. However, we discuss here our authority to order the prospective unbundling and detariffing of CPE because our decision today will ultimately have this result.

148. We find the authority to require carriers to unbundle and detariff CPE in Sections 4(i), 203 and 205 of the Act. Unbundling and detariffing are the most effective ways to control charges for terminal equipment used in interstate commerce. Section 205 authorizes us to establish ". . . what classification, regulation, or practice is or will be just, fair, and reasonable . . .". As stated in the *Final Decision*, we have in the past exercised our Section 205 power broadly in the areas of customer/provided equipment and interstate transmissions service. *See First Report and Order in Docket No. 19528*, 56 FCC 2d 593 (1975), *on reconsideration*, 57 FCC 2d 1216 (1976), 58 FCC 2d 716 (1976) and 59 FCC 2d 83 (1976); *Second Report and Order in Docket No. 19528*, 58 FCC 2d 736 (1976), *aff'd sub nom., North Carolina Utilities Commission* v. *FCC*, 552 F.2d 1036 (4th Cir.), *cert. denied*, 434 U.S. 874 (1977); *Regulatory Policies Concerning Resale and Shared Use of Common Carrier Services and Facilities*, 60 FCC 2d 261 (1976), *on reconsideration*, 62 FCC 2d 588 (1977), *aff'd sub nom., AT&T* v. *FCC*, 572 F.2d 17 (2d Cir.), *cert. denied*, 439 U.S. 875 (1978).

149. In the *Final Decision* we pointed out that the current regulatory approach, which involves tariff review of CPE charges only to the extent that they are bundled into changes for interstate transmission services, provides "little or no effective oversight over the offering of terminal equipment utilized jointly for interstate and intrastate communications". *Id.* at paras. 177, 178. In contrast, we found that "the provision of terminal equipment on an unbundled and detariffed basis should enhance significantly or flexibility to assure cost-based provision of transmission services in an increasingly competitive market place". *Id.* at para. 179. We expressed our strong conviction that terminal equipment charges made in connection with interstate service should be offered on a cost-related, not a usage-sensitive, basis and on a separate, not a bundled, basis. *Id.* at para. 177. Unbundling CPE would explicitly identify to a customer the cost of the terminal equipment service component. In the *Final Decision* we also make known our intention to require certain carriers to offer terminal equipment through an entity separate from the company providing transmission services. This would, we concluded, more effectively assure against cross-subsidization of essentially competitive services by distinct and separate transmission services than present practices do. *Id.* at para. 177.[39]

150. We scrutinized different approaches to assuring that communications customers have access to CPE at reasonable, cost-based rates in the *Final Decision*. Having done so, we concluded that by unbundling and not tariffing individual equipment offerings we could more effectively meet our responsibilities under the Communications Act than under present arrangements. We summarized our conclusion in paragraph 178: "[f]aced with this choice between alternative regulatory approaches, we believe that there are extraordinarily compelling reasons for adopting a new regulatory approach to the interstate provision of terminal equipment". In reliance on our broad Section 205 power we chose unbundling and detariffing as a "different set of regulatory tools" better designed to insure reasonable, efficient communications service in the developing competitive marketplace. We found that our mandating interconnection in *Carterfone* and our subsequent establishment of technical standards in this area have helped create the conditions for a strong market for equipment which assures users a wide range of competitive alternatives. *Id.* at para. 179.

151. On reconsideration we rely additionally on our Section 203(b)(2) and 203(c) powers to order the prospective detariffing of terminal equipment. Section 203(b)(2) grants this Commission the authority "in its discretion and for good cause shown" to "modify any requirement made by or under the authority of this section either in particular instances or by general order applicable to special circumstances". Section 203(c), coupled with Section 4(i), Section 205, and Section 211, provides us with significant discretion on how to regulate tariffed service.[40]

152. (3) *State Preemption.* Certain petitioners challenge our CPE regulatory scheme by stating that it preempts areas of regulation reserved to the states by

[39] Our decision to order the unbundling and detariffing of CPE was based on our independent assessment of the record in this proceeding and of all factors which would serve the public interest in efficient communications service at reasonable rates. Our assessment of market conditions is one such factor. *See* FCC v. RCA Communications, Inc., 346 U.S. 86, 94 (1953).

[40] Section 203(c) provides that:

No carrier, unless otherwise provided by or under authority of this Act, shall engage or participate in such communication unless schedules have been filed and published in accordance with the provisions of this Act and with the regulations made thereunder; and no carrier shall (1) charge, demand, collect, or receive a greater or less or different compensation, for such communication, or for any service in connection therewith, between the points named in any such schedule than the charges specified in the schedule then in effect, or (2) refund or remit by any means or device any portion of the charges so specified, or (3) extend to any person any privileges or facilities, in such communication, or employ or enforce any classifications, regulations, or practices affecting such charges, except as specified in such schedule.

the Act. State preemption arguments are directed to our order unbundling and detariffing CPE as well as to our rate guidelines set forth in paragraph 165 of the *Final Decision*. Our decision on reconsideration moots arguments directed to the formerly mandated tariff filing and rate freeze. Our requirement today that embedded CPE used solely in conjunction with interstate or foreign transmission offerings and associated maintenance be detariffed not later than March 1, 1982 deals solely with equipment within our jurisdiction. It cannot give rise to state preemption claims. Embedded CPE employed in both interstate and intrastate service will be addressed in a separate implementation proceeding.

153. In their petitions, APUC, ATU, GTE, NARUC and USITA contend that our decision to order the unbundling and detariffing of CPE treads on state prerogatives. They contend that our action is prohibited by Section 2(b), which excludes "charges, classifications, practices, services, facilities, or regulations for or in connection with intrastate communication service by wire or radio of any carrier . . ." from our jurisdiction.

154. We are aware that requiring carriers to unbundle and detariff CPE used jointly in the provision of interstate and intrastate service has the practical effect of eviscerating state jurisdiction to establish charges for this terminal equipment in a manner that conflicts with federal interests. But, we preempt the states here only to the extent that their terminal equipment regulation is at odds with the regulatory scheme set forth. We do not assess here the legaility under the Communications Act of future attempts by the states to regulate CPE in ways which they perceive to be consistent with this decision. We shall address such regulatory attempts, should they present themselves, on an *ad hoc* basis.

155. Section 2(b) does not preclude us from exercising our conceded section 2(a) regulatory authority over terminal equipment as part of an interstate service in ways which may result in the displacement of state authority to regulate intrastate rates. In the *Final Decision* we found that current bundling of non-usage sensitive CPE with usage-sensitive service rates and its incorporation in the separations process produces price distortions among interstate and intrastate customers. We stated that, ". . . it is important that the costs attributable to the regulated utility service be separated from the competitive provision of equipment used in conjunction with the service by the removal of such equipment from a carrier's rate base". *Id.* at para. 156. We do not unduly infringe on the states' Section 2(b)(1) jurisdiction by requiring that new terminal equipment not be tariffed as of March 1, 1982. While this requirement may impair the states' ability to establish charges for intrastate service, we have imposed it only to best implement our jurisdiction under Sections 1 and 2(a) over interstate service. When the exercise of our jurisdiction over interstate services requires the imposition of requirements for unbundling and nonusage sensitive charges, however, inconsistent state regulations must yield to preeminant claims of the federal regulatory scheme.

156. Section 2(b)(1) does not reserve authority over carrier offered CPE solely to the states. This section reserves to the states jurisdiction over classifications, practices, services, facilities or regulations for or in connection with *intrastate* communication service by wire or radio. Under *North Carolina Utilities Commission* v. *F.C.C.*, 537 F.2d 787, 793 (4th Cir. 1976) (hereinafter *NCUC I*), Section 2(b) only prevents Commission regulation of "local services, facilities and disputes that in their nature and effect are separable from and do not substantially affect the conduct or development of interstate communications". Furthermore, in ruling on this Commission's terminal equipment registration program, the Fourth Circuit found that Section 2(b)(1) "does not deny the Commission jurisdiction with respect to intrastate facilities used for interstate communications". *NCUC II*, 552 F.2d at 1046.

157. NARUC and the RTC maintain that *NCUC II* distinguishes between federal preemption of contrary state regulation "where the efficiency or safety of the national communications network is at stake" and federal preemption of "state ratemaking prerogatives". *NCUC II* at 1046–1048. We reiterate that it is not our desire to infringe on purely local rates, but to ensure economic interstate service. According to *NCUC II*, " . . . once it is recognized that FCC regulations may preempt any contrary state regulations where the efficiency or safety of the national communications network is at stake, there can be little argument that FCC regulation of jointly used terminal equipment for the purpose of improving interstate communications service may not also displace conflicting state regulations". *NCUC II* at 1046. In *NCUC II* the court stated: "[r]ecognition of federal primacy in the regulation of jointly used terminal equipment no more curtails state ratemaking *as a matter of jurisdiction* than would the denial of state authority to set rates for interstate calls in order to subsidize local exchange and intrastate services." *NCUC II* at 1048.[41]

158. Finally, a few parties contend that the Commission should refer the issue of whether removal of all CPE from the separations process is warranted to a Federal/State Joint Board convened under Section 410(c) of the Communications Act. This argument is moot as to embedded CPE because we do not today propose to remove such CPE from the separations process. A Joint Board is considering the effect of removing all embedded CPE from the separations process. We are, furthermore, aware of no precedent which would require us to convene a Joint Board prior to ordering that as of March 1, 1982, new CPE must be offered on an unbundled and detariffed basis. Section 410(c) was not intended to hamstring this Commission in the formulation of its long range policies by requiring that every decision which could have a wholly prospective impact on the size of the separations pool be referred to a Joint Board.

e. 1956 Western Electric Decree

159. We set forth our reading of the 1956 Western Electric Decree in the *Final Decision*. We determined that excluding CPE from tariff-type regulation would not forclose Bell System participation in the CPE market under Section IV; that enhanced services are "incidental to" the provision of common carrier communications services under Section V(g); and that Section II(i), which defines the activities which the Bell System can engage in under the decree, does not specify more than that the

[41] We are unconvinced by the contention of NARUC that Congress in enacting Section 2(b)(1) denied us jurisdiction over the CPE regulatory scheme proposed because it did not want this Commission to exercise the type of ICC jurisdiction upheld in the *Shreveport Rate Cases, Houston, East & West Texas Railway* v. *I.C.C.* 234 U.S. 342 (1914). These cases do not circumscribe our authority to regulate directly rates for interstate communications services. While in the *Schreveport Rate Cases* the ICC ordered a change in intrastate rates solely because of their indirect effect on interstate commerce, here we do not seek to set rates for local services. Rather, we have ordered the unbundling of CPE at the local level because of the direct effect of CPE inclusion in end-to-end service on interstate service rates. NARUC mischaracterizes CPE provision and maintenance as "exclusively local services", NARUC Petition at page 8. Separations and settlements from interstate revenues currently partially subsidize CPE. Furthermore, when a local carrier offers CPE it intends to provide the customer with access to the interstate and intrastate switched networks alike.

regulation of charges required be "public" and "under the Communications Act of 1934." *Id.* at para. 277. The petitions for reconsideration present us with challenges to our authority to interpret the decree and questions about the validity of the interpretation presented.

160. ANPA, CCIA, GTE, IDCMA, WUI and Xerox argue that we cannot "modify" the 1956 Western Electric Decree. GTE, IDCMA and Telenet/CNS state that the judgement court is the appropriate forum to definitively construe or modify it. AT&T and NTIA maintain that an administrative agency's interpretation of a judicial decree which has far-reaching implications in its area of expertise should be accorded substantial deference.

161. We believe that we can and, in fact, are obligated by our public interest mandate to assess the impact of the Final *Decision* upon the Bell System's activities under the decree. In the *Final Decision* we expressly stated that "no attempt is being made to render a definitive construction of the decree." *Id.* at para. 275. We conceded that the judgment court with jurisdiction over the decree is the appropriate body to render a conclusive construction of it. *Id.* We stated that it was AT&T's responsibility to approach the judgment court should it seek such a definitive construciton. *Id.* at para. 280. We assessed the meaning of the decree for our regulatory purposes in the *Final Decision.* We believe the existence and meaning of the decree to be relevant facts, like any others, to be considered in our effort to locate the public interest in the extraordinarily important and complex communications policy matters being considered in this proceeding. Indeed, we would have been remiss had we not assessed the impact of the comprehensive regulatory scheme established in this proceeding on the largest company in the telecommunications industry. Our action here is not an attempt to usurp judicial power. It represents an effort to weigh the effects of a comprehensive industry regulatory scheme on the industry's donimant participant.

162. Much debate focuses on our interpretation of the 1956 Western Electric Decree. ADAPSO and Telenet/CNS argue that the regulation referred to in Section II(i) of the decree must be tariff-type regulation.[42] CCIA, Datapoint and IDCMA maintain that regulation specified under Section II(i) is either tariff-type regulation or the imposition of stronger structural separation on AT&T's enhanced services and CPE subsidiary. NTIA contends that our interpretation of Section II(i) is correct. According to NTIA, services referred to under Section II(i) need only be subject to ongoing surveillance and protection of the public interest, provided under the *Final Decision.* AT&T holds the opinion that the regulatory regime for enhanced services and CPE in the *Final Decision* does in fact regulate "charges" under Section II(i). CCIA does not accept our reading of Section IV of the decree. ANPA, CCIA, GTE and IDCMA contend that enhanced services are not "incidental to" communications under Section V(g). CBEMA "questions" this characterization of enhanced services. AT&T and NTIA agree with it.

163. On reconsidering we adhere to our reading of the 1956 Western Electric Decree in the *Final Decision.* We do not interpret the decree as foreclosing AT&T involvement in enhanced services and CPE subject to proper structural safeguards. The consent decree clearly does not address the evolution of a more competitive communications equipment market by breaking the monopoly hold of AT&T's communications services affiliates. Rather, it is premised upon constraining the equipment prices which can be charged by Western Electric and accumulated as part of the operating affiliates' public utility rate bases. The decree's purpose is to protect monopoly ratepayers from inflated charges through rate base padding.

164. While we believe that a simple assessment of the terms of the decree itself makes this plain enough, there is collateral evidence which puts this beyond dispute. The Department of Justice concluded the decree only after soliciting this agency's expert advice as to our ability, and that of similarly chartered state public utility commissions, to prevent the imposition of excessive charges for Western Electric products upon the Bell operating companies. The point of requiring in Section II(i) that the "charges" for services and facilities be "subject to public regulation" was to guarantee that costs of a non-jurisdictional nature not be attributed to public utility service and that profits in fact generated by utility service not escape regulatory constraints by being funneled to a non-regulated manufacturing affiliate.

165. The Commission's advice to the Department of Justice that we could in fact protect the monopoly ratepayer from excessive prices for goods and services obtained from affiliated entities through traditional regulatory mechanisms such as disallowances led the Department to enter into the decree. We feel very confident in attesting that the separate subsidiary form of regulation imposed here promises far greater protection for the monopoly ratepayer, and concomitantly for AT&T's competitors, than the more traditional public utility approaches comprehended by those who would insist upon a narrow reading of "charges" in Section II(i).

166. In dealing with Section II(i) as well as other provisions of the decree, we have noted the breadth and ambiguity of the decree's language. Section II(i) in particular invites resort to this agency's expertise in delineating the particular forms of public regulation available under the 1934 Act. We note that the decree makes no explicit reference to the Commission's Title II or tariff-related powers; and, therefore, we believe that it would be unreasonable to view the form of "public regulation" referred to in the decree as so narrowly limited. In fact, we believe that our requirement for a separate subsidiary for the provision of terminal equipment and enhanced services—with various competitive safeguards imposed in this proceeding—constitutes a more effective form of public regulation than is available under a tariff-oriented regulatory scheme. Indeed, over the past twenty years of the development of a competitive terminal equipment market, our affirmative scrutiny of terminal equipment prices has been very limited.[43] Moreover, different states have greatly varying degrees of resources to be dedicated to examination of terminal equipment prices to protect monopoly ratepayers against cross-subsidization. As a legitimate regulatory tool, the establishment of a subsidiary will provide a coordinated focus for dealing on an accounting basis with cross subsidy problems and provides checks on anticompetitive behavior. In the case of enhanced services, a subsidiary is being required for services that are not to a significant degree being provided by AT&T. That subsidiary must obtain its transmission services under tariff, cannot obtain certain software from affiliated entities and cannot obtain other competitive advantages as a result of its affiliations. We believe that all these regulatory requirements should be

[42] Section II(i) states, "'[c]ommon carrier communications services' shall mean communications services and facilities, other than message telegram service, the charges for which are subject to public regulation under the Communications Act of 1934. . . ."

[43] See Docket No. 19419, 33 FCC 2d 578; 36 FCC 2d 498 (1972); 39 FCC 2d 837 (1973); 42 FCC 2d 647 (1973); Dataspeed 40/4, 62 FCC 2d 21 (1977), aff'd sub nom. International Business Machines Corp. v. FCC, 570 FCC 2d 452 (2d Cir. 1978); IRC Telex Equipment, CC Docket No. 80-339, 79 FCC 2d 173 (1980).

regarded as fully effectuating the basic goals and objectives of Section II(i).[44]

167. In the *Final Decision* we interpreted the decree based on a full-scale analysis of antitrust concerns and of the public interest in general. We concluded that our reading of the decree is compatible with antitrust principles favoring open entry. *See Northern Pacific Railway v. U.S.*, 356 U.S. 1, 4 (1958). Accordingly, we indicated: "[w]hen an unstrained interpretation of the decree, holding out some reasonable promise both of avoiding such an anticompetitive result and of preventing possible controversies regarding AT&T's competitive activities from spreading beyond the range of markets 'incidental' to common carrier communications is available, we believe it would be unreasonable to adopt rules premised upon the assumption that either the Justice Department or the District Court in New Jersey would subscribe to a less attractive interpretation." *Id.* at fn. 117.

168. Our jurisdictional determinations on reconsideration in no way affect our discussion of the Bell System's opportunities to participate in the enhanced services and CPE markets under the decree. We perceive that enhanced services are incidental to the provision of common carrier communications services described by Section V(g) of the consent decree because they presuppose the use of common carrier telecommunications facilities. We maintain that any enhanced services provided by the separate Bell subsidiary would remain subject to our jurisdiction under *GTE Service*. In addtion, as we indicated in the *Final Decision*, our jurisdictional assertion and our interpretation of the 1956 Western Electric Decree stand independently. We reserve the right to inquire closely, and even to prescribe price levels within the fully separated subsidiary if violations of basic separations safeguards are made out and such remedial action is necessary to protect the statutory rights of the monopoly ratepayer.

V. Conclusion

169. In acting on the petitions for reconsideration we have attempted to clarify various points raised, and we have modified the *Final Decision* where appropriate. We recognize that a fair number of issues remain for resolution. Some will be addressed as part of on going proceedings such as Docket 79-105 and Docket No. 20188. We are also instituting proceedings to examine the implications of various license contract arrangements and to implement the deregulation of embedded CPE. Thus, the *Second Computer Inquiry* may be viewed as an on-going proceeding.

170. We have attempted to make our determinations as clear as possible. In addition to those issues which remain for resolution in separate proceedings, some ambiguity may exist in our decision. This may be inevitable. considering the scope of the proceeding, it may be difficult to cover all related areas. The Commission intends to give expeditious consideration to those matters that bear on the effective implementation of the *Final Decision*, as modified herein, and to render advice when necessary.

171. CWA has filed comments in this proceeding which express its concern about the effects of the proceeding upon its members. We expect that AT&T will make every effort to accommodate the impact of the *Final Decision* on its employees in terms of wage structures, benefits, pension rights, and senority and collective bargaining rights within the prescribed period. We continue to believe that a cooperative approach among all affected parties is essential if significant institutional and personal dislocations are to be avoided. It is important that the transition be accomplished in a manner which will not disadvantage the affected carriers, their employees or their shareholders. We continue to believe, however that "the burdens of working out the transition must be borne in the largest measure by the affected carriers." *Final Decision* at para. 266.

VI. Ordering Clauses

172. Accordingly, IT IS ORDERED pursuant to Sections 4(i), 4(j), 201-205, 403 and 404 of the Communications Act of 1934, as amended, that the *Final Decision* adopted in this proceeding is modified to the extent set forth herein.

173. *It is further ordered* that petitions for reconsideration are granted to the extent set forth herein, and are otherwise denied.

174. *It is further ordered* that Section 64.702 of the Commission's Rules and Regulations is amended as set forth below effective February 3, 1981.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Section 64.702(c)(4) is amended to read as follows:

§ 64.702 Furnishing of data processing services.

* * * * *

(c) * * *

(4) Any research or development performed on a joint or separate basis for the subsidiary must be done on a compensatory basis. Except for generic software within equipment, manufactured by an affiliate, that is sold "off the shelf" to any interested purchaser, the separate corporation must develop its own software, or contract with non-affiliated vendors.

* * * * *

APPENDIX A

Petitioners

American Telegraph & Telephone Co. (AT&T)
United Telephone System, Inc. (United)
Datapoint Corporation
Public Utilities Commission of California
TDX Systems, Inc.
Computer and Business Equipment Manufacturers Association (CBEMA)
NCR Corporation (NCR)
Western Union International, Inc. (WUI)
GTE Service Corporation (GTE)
Computer Corporation of America (CCA)
Communications Workers of America (CWA)
Central Telephone & Utilities Corporation (Centel)
U.S. Telephone and Telegraph Corporation (UST&T)
Plantronics Inc.
Alaska Public Utilities Commission
Independent Data Communications Mfg. Association (IDCMA)
Association of Data Processing Service Orgs., Inc. (ADAPSO)
Rural Electrification Administration (REA)
North American Telephone Association (NATA)
GTE Telenet Communications Corporation and GTE Communications Network Systems Incorporated (GTE-Telenet)
Tymnet, Inc.
Anchorage Telephone Utility
Rural Telephone Coalition (RTC)
Alaska Telephone Association (ATA)
United States Independent Telephone Association (USITA)
National Association of Regulatory Utility Commissions (NARUC)
Motorola, Inc.
American Newspaper Publishers Association (CCIA)
Xerox Corporation

[44] In paragraph 17 we have proposed certain transitional arrangements under which existing AT&T "enhanced" services could be offered pending the establishment of a fully separated subsidiary. We regard these "transitional" measures as an adequate mechanism for public oversight of such activities for the limited transition period anticipated. Parenthetically, as to the acceptability of nontariff oversight under the consent decree, we have noted the Department of Justice acquiescence in numerous unregulated Bell System activities. See *Final Decision* at fn. 116 and *Tentative Decision* at paras. 142-144. By contrast, we have here implemented a scheme which establishes both a separate subsidiary and a set of competitive safeguards or separation requirements. Except to the extent that certain more limited transitional arrangements are afforded for certain existing AT&T enhanced services on a short-term basis, as noted above, we regard these separation requirements as integral and essential to our conclusion that the AT&T activities in question—and indirectly, of course, the charges for such activities—are subject to a scheme of public regulation at least as effective if not more effective in our view than traditional tariff regulation.

Nebraska Public Service Commission (Motion for Extension of Time)
United Computing Systems, Inc. (Intention to Reply)
Minnesota Public Service Commission
National Telecommunications & Information Administration (NTIA)
Computer Law & Tax Report

Oppositions

United	NCR
AT&T	USITA
ANPA	GTE-Telenet
UST&T	RTC
IDCMA	ADAPSO
NTIA	Tymnet
Central	CBEMA

America Satellite Company (ASC)
Sperry Univac Division Sperry Corporation (Sperry Univac)
Anchorage Telephone Utility
Delphi Communications Corporation
Satellite Business Systems (SBS)
National Burglar and Fire Alarm Association and the Alarm Industry Telecommunications Committee (NBFAA & AITC)
Southern Pacific Communications Company (SPCC)
International Business Machines Corporation (IBM)

Reply Comments

CBEMA	NTIA
AT&T	Xerox
GTE	ADAPSO
NATA	IDCMA
IBM	NARU
CCIA	Plantronics Inc.
USITA	ANPA
SPCC	Tymet

Anchorage Telephone Utility
Society of Telecommunications Consultants
Telecommunications Association of Minnesota and Wisconsin Telecommunication Contractors Association

Separate Statement of Charles D. Ferris, Chairman

Re: Reconsideration of the *Final Decision* in the *Second Computer Inquiry.*

We have modified our *Final Decision* in the *Second Computer Inquiry* in several important respects. First, the pleadings have demonstrated that the complexities of deregulating embedded terminal equipment require a separate proceeding, so we are modifying our Decision to reflect that fact. Second, we are now convinced that imposing the same separation requirements on GTE as on AT&T is not justified in light of their differing circumstances. Third, we have refined our legal analysis to clarify our jurisdiction with respect to enhanced services.

I am gratified that the structural safeguards we have placed on the American Telephone and Telegraph Company have survived intact. These regulatory safeguards are absolutely necessary if we are to carry out our responsibility under the *Communications Act* to protect ratepayers from cross-subsidy and ensure non-discriminatory access to underlying basic transmission facilities by all participants in the evolving enhanced communications industry.

Guaranteeing non-discriminatory access is, in my view, the most important goal of the structure we have established. If AT&T, with its overwhelming share of both the local distribution and intercity transmission markets, is allowed to combine both basic transmission facilities and enhanced services in the same organizational and operational structure, we could never be certain that competitors would receive non-discriminatory access to the building blocks upon which all of the evolving communications markets are based.

These regulatory safeguards take on added significance in light of the 1956 Consent Decree. I am satisfied that substituting structural regulation for our traditional Title II regulation satisfies both the public interest and the requirements of the Decree. Anything less, however, would serve neither.

I hope that in the future this Commission will evaluate requests for waivers of this structure in light of the compelling need to satisfy our obligations to consumers and competitors, as well as the constraints imposed on AT&T by virtue of the Consent Decree. Evisceration of this regulatory structure would not only defeat the fundamental policy premises of the *Second Computer Inquiry*, it would expose the decision to unnecessary risks in the New Jersey court, which has responsibility for construing the Decree that AT&T voluntarily entered into in 1956.

Let me emphasize, however, that while providing for AT&T's participation in these evolving markets is very important, removing needless, wasteful regulation from *all* competitors is even more important. If faced with the choice of regulating all competitors or keeping AT&T out, I would vote to guarantee that these markets could grow and prosper free from traditional regulation.

Concurring Statement of Commissioner James H. Quello

Re: Reconsideration of Final Decision in Docket No. 20828—Second Computer Inquiry.

I believe that this decision, as it has evolved, is a good one which will contribute to the offering of more and better telecommunications service for the American public. The Commission, upon reconsideration, has wisely eliminated some of the more burdensome aspects of the *Final Order* and has clarified some of its provisions.

While I wholeheartedly support the main thrust of this order, I continue to have concerns that it might be overly restrictive particularly with regard to ownership of transmission facilities by AT&T's subsidiary. Only time will tell whether the waiver standards we have adopted are capable of providing relief where such relief is necessary and desirable as a matter of public policy.

I am hopeful that over time this decision will continue to evolve and that we will have encouraged development of a telecommunications system that will truly meet the needs and interests of the public.

Therefore, I concur.

Statement of Commissioner Joseph R. Fogarty

Concurring in Part

In Re: *Computer Inquiry II*—On Reconsideration

When the Commission adopted the *Final Decision* in its Second Computer Inquiry on April 7, 1980, I described that action as a "landmark" in the history of telecommunications, observing that no other decision since the passage of the Communications Act of 1934 and the creation of this Commission is so momentous in terms of impact on industry, regulation, and the public interest. I believe that the *Final Decision*, as amended along the lines I proposed, represents significant progress and accomplishment in resolving the critical issues of telecommunications regulation in the computer age which have confronted the Commission now for well over a decade. In particular, the essential concept of a basic/enhanced service dichotomy and resale structure, together with dominant carrier structural regulation and forbearance from regulation for the rest of the enhanced service competitors, is wise, pragmatic, and supported by a strong policy foundation. The unbundling and detariffing of customer premises equipment (CPE) is also premised on sold legal and policy considerations.

The Commission's *Final Decision*, as refined in this order, will, for the most part, bring the benefits of competition to the American consumer. Our decision will permit AT&T to offer enhanced services for the first time. This entry is long overdue and, because of AT&T's tremendous research and development potential, the Commission's action should result immediately in benefit to consumers in terms of innovative, widely-available, and low cost enhanced services. AT&T, however, will

not be the only competitor to benefit from this decision. Pursuant to the policy enunciated in our *Computer II* rulings, a number of companies, who are not traditional common carriers, will now be permitted to provide a wide range of services, including communications components, without being constrained to limit the nature and scope of their offerings in order to avoid Commission regulation. Moreover, our decision will permit a myriad of common carriers, other than AT&T, to expand their offerings to include enhanced services without being constricted by burdensome regulation in general, and the separate subsidiary requirement in particular. In the long run, these actions encouraging competition in the enhanced services market by non-AT&T companies will prove to be the more important consequence of our *Computer II* decisions. As a result of this new and expanded competition, I foresee truly dynamic growth in the number of low-cost and innovative services and equipment products available to the consumer in the future.

During the course of this proceeding, I have questioned the adequacy and wisdom of various proposals considered by the Commission in several critical areas. Central to my partially dissenting views [1] has been the concern that while the Commission has attempted to implement an almost pristine devotion to economic theories of "marketplace competition," the actual effect of such actions would be anti-competitive in terms of denying certain entities and most importantly, the public they serve, the benefits of "full and fair" competition. I have also been troubled that in certain key areas the real-world consequences of the Commission's actions have been only dimly perceived or wholly unanticipated with no assurance that the public interest will be served in fact, as well as in theory. This has been my primary and vital concern, for under our existing statutory mandate, it is the public interest—the interest of consumers, ratepayers, and end users—and not the interest of particular competitors, which must command the Commission's paramount attention and responsibility.

Many of the issues which I raised have been addressed and resolved over the long and somewhat tortuous course of this proceeding, and the decision which we adopt here represents a vast improvement over the *Tentative Decision* and the *Final Decision*. In particular, although I agreed in principle with the position reached in the *Final Decision* on customer premises equipment (CPE), I questioned whether the Commission had properly addressed the serious problem of the upward rate pressures on local exchange rates which would result from the removal of terminal equipment revenue requirements from the separations process.[2] I was also concerned that the March 1, 1982 implementation date for the deregulation of CPE was totally unrealistic.[3] The bifurcated approach with respect to new and imbedded CPE and the proposed implementation proceeding which we have adopted in this decision go a long way toward easing my concerns.[4] In my judgment, it is critical that the Commission not deregulate in-place CPE until the numerous rate issues have been addressed and satisfactorily resolved. In light of the Commission's recognition of these issues, my concerns regarding the March 1, 1982 implementation deadline have been mooted. I suggest that in order to speed our consideration of these issues, the implementation proceeding should be promptly instituted as a Notice of Inquiry and Proposed Rulemaking. The rate issues not addressed in this implementation proceeding should be dealt with by the Joint Board recently convened in Docket 80-286, and as a member of this Joint Board, I intend to see that this responsibility is met.

With respect to both the *Tentative Decision* and the *Final Decision*, I observed that the Commission had never assessed the critical cost benefit trade offs inherent in the various degrees of separation proposed for "dominant" carriers. Here, I have been especially concerned that we have never examined the question of whether the economies which might flow to the ratepayer from vertical integration may outweigh any potential abuses.[5] Again, many of my concerns have been met. On reconsideration, I argued that GTE should not be subject to the separate subsidiary requirement. In fact, GTE should never have been considered a dominant carrier for the purposes of the *Computer II* resale requirements. The record in this proceeding is clear that GTE does not have sufficient market power to allow it to engage in the cross-subsidization of enhanced services. In this order, the Commission has relieved GTE of the burden of the resale requirement, and GTE may now provide CPE and enhanced voice services directly. However, on its face, this order still leaves GTE subject to the conditions imposed in the *GTE Telenet Merger* decision.[6] I believe this result is inconsistent with the plain effect and rationale of the Commission's decision lifting the separate subsidiary requirement from GTE. In essence, the Commission has overruled the GTE Telenet merger conditions. However, a question has been raised as to whether parties have had sufficient notice of this action, and I will defer to the need for procedural certainty on this point. The Commission should move quickly on the rulemaking proceeding which will address this issue with the requisite finality.

This order also represents an improvement over the *Final Decision* and *Tentative Decision* with respect to the basic/enhanced service dichotomy and its application. My partial dissent to the *Final Decision* emphasized that this dichotomy and its accompanying restrictions, as adopted in that order, would preclude AT&T from offering a number of important services via the core network. On reconsideration, certain modifications have been made which substantially lessen these concerns.

Under the standard adopted in this order, AT&T will be able to petition the Commission for waiver permitting it to offer enhanced services directly upon a public interest showing. I concur in this standard. I would have preferred, however, that the Commission amend the definition of basic service to include the offering of voice storage, forward and retrieval services, such as AT&T's Custom Calling II and Dial-It services and Plantronics' CentraVox. I believe that by precluding the offering of these services as a part of basic service, the Commission has sacrificed the public interest to preserve an allegedly "bright and enduring" line between basic and enhanced services.[7] Any line which attempts to distinguish between AT&T's Custom Calling I offering, which is permitted as a part of basic service,[8] and Custom Calling II, Dial-It and CentraVox, which are not, is neither

[1] See, e.g., *Second Computer Inquiry—Final Decision*, Statement of Commissioner Joseph R. Fogarty Dissenting in Part, 77 FCC 2d 505 (1980).

[2] *Id.* at 513.

[3] *Id.* at 517.

[4] See Notice of Proposed Rulemaking and Order Establishing a Joint Board, (Docket No. 80-288, FCC 2d (1980)). I note that this Joint Board has already held one meeting in Houston, Texas on November 12, 1980.

[5] See Separate Statement of Commissioner Joseph R. Fogarty, *Tentative Decision*, 72 FCC 2d 358, 452 (1979); Separate Statement of Commissioner Joseph R. Fogarty, 77 FCC 2d 384, 508 (1980).

[6] *GTE Telenet Merger*, 72 FCC 2d 111 (1979).

[7] I cannot accept the argument that the impact of this is somehow lessened because only AT&T is affected. AT&T serves 81.3 percent of this nation's telephones. Therefore, the vast majority of consumers will be potentially affected.

[8] See, Final Decision at para. 98.

"bright" nor "enduring," nor in the public interest. If all consumers, particularly residential or occasional users and the less affluent in our society in the ghetto and rural areas, are ever to be able to obtain the full benefits of modern telecommunications technology, AT&T must be permitted to offer these services as a part of basic service. The criterion separating basic from enhanced services should be whether the content of the information is altered during transmission not the obsolete "real time," "human-to-human" concept adopted by the *Final Decision*. The Commission is not mandated simply to promote competition in and of itself nor to promote a particular economic theory, but rather to regulate "so as to make available, so far as possible to all the people of the United States a rapid, efficient, Nation-wide, and world-wide wire and radio communication service with adequate facilities at reasonable charges." [9] This mandate may well mean that the distinction between basic and enhanced services will have to be blurred, but if the public interest requires such a blurring, then blurred it should be.

Although I concur in the network services waiver standard adopted by the majority, I am not completely satisfied with the language contained in paragraphs 19–21 of this order. My main difficulty with the language on this point is that while it would properly identify "unreasonable costs" as a ground for a waiver request, it overlooks other possible grounds for waiver, namely, technological inefficiencies, transitional factors, and national defense or security considerations, and thus may limit our discretion to too rigid an application of the separate subsidiary requirement. For these reasons, I proposed that paragraphs 19–21 be amended to indicate that the Commission would consider granting a waiver in the following circumstances:

(1) Where it is technologically impossible to provide the service as an enhanced service through the separate subsidiary as opposed to its being offered as a part of the basic network;

(2) Where the provision of the service as enhanced instead of basic would result in an unreasonably higher economic burden or significantly greater costs to be borne by consumers of the service;

(3) Where transitional considerations require that existing or soon to be offered services be given a reasonable period of time to comply with the separation requirement; or

(4) Where other public interest factors, such as national defense or security, require that a particular enhanced service be offered as basic.

[9] 47 U.S.C. § 151.

I withdrew my proposed amendment after I was assured during the course of the Commission's discussion that these circumstances were covered by language extant in the Order.

I also concur in the standard which would permit AT&T's subsidiary to seek a waiver of the Rules in order to construct or operate a specialized transmission network for a given customer, other than at a common business location.[10] As originally drafted, the proposed *Reconsideration* order would have affirmed the *Final Decision's* flat prohibition on construction, ownership, or operation of transmission facilities by the dominant carrier's enhanced service and CPE separate subsidiary. The subsidiary would not have been permitted even to build a customized network for a particular customer. I believe that such a broad prohibition would be anti-competitive in effect, overly restrictive in terms of preserving the basic/enchanced service dichotomy, and unnecessary in terms of essential regulatory policy. On reconsideration, I argued that the separate subsidiary should be allowed to construct, own, or operate its own transmission facilities to optimize the flexibility, innovation, and cost economy of its enhanced service and CPE offerings. The potential competitors of the dominant carrier separate subsidiary—e.g., Exxon, Xerox, IBM/SBS, Comsat—will have these clear and advantageous benefits of joint facilities/enhanced service-CPE planning, marketing, control, and operation, and I see no sound reason to deny these same competitive benefits to the dominant carrier separate subsidiary. I believe that any legitimate—as opposed to illusory—concerns about the integrity of that basic/enhanced service dichotomy could be met through the Section 214 process which would require prior Commission authorization of any separate subsidiary construction or ownership of transmission facilities. This process would provide a fully adequate safeguard against any abuse by the parent of its "market power" with respect to basic underlying transmission facilities or any neglect of its "building block" responsibilities with respect to the adequacy of the basic core network. Although I would have preferred that the transmission facilities bar be eliminated, I believe that the waiver standard adopted in this order will permit AT&T's subsidiary to be fully competive.

This order is also vast improvement over the *Tentative Decision* and the *Final Decision* with respect to the treatment of code and protocol conversion. The *Final Decision* would have precluded code and protocol conversion by AT&T within the core network. If that had occurred, it would have meant the end of telephone service as we know and need it. This *Reconsideration* order makes clear the AT&T may perform code and protocol conversion within the core network. We have recently adopted a Notice of Inquiry seeking comment as to whether AT&T should be permitted to offer code and protocol conversion services without being subjected to the separation requirement.[11] We should pursue the important issues of core network flexibility and utility which are raised in this proceeding as expenditiously as possible.

In conclusion, I firmly believe that the competitive forces we have now unleashed are the best means of stimulating technological innovation and of ensuring the highest quality service at the lowest cost to the consumer. This is, however, no time for complacency. The newly created competitive market will require continuing surveillance by the Commission to ensure that real-world performance matches theoretical promise. The Joint Board convened in Docket No. 80–286 to examine separations impacts has only recently begun its deliberations. The proceeding to study whether AT&T should be permitted to offer code and protocol conversion service offerings as a part of the core network has just been initiated, while the proceeding to work out the details for implementing the deregulation of in-place CPE has not yet been established. The Commission must promptly address the large number of issues remaining so that we may continue the positive progress achieved in this proceeding thus far—progress which will mean a dramatic improvement in telecommunications service and equipment offerings to the American people.

December 16, 1980.

Statement of Commissioner Anne P. Jones—Reconsideration of the Final Decision in the Second Computer Inquiry

I believe that the Commission's action on Reconsideration in the Second Computer Inquiry has gone a long way towards alleviating the concerns which I have previously expressed regarding the Final Decision. The modification we have adopted should provide a sound

[10] See, *supra*, para. 82.

[11] Digital Communications Protocols, Notice of Inquiry, ——FCC 2d ——, FCC 80–702 (Adopted On December 4, 1980; Released on December 8, 1980).

structural framework for service providers, allowing them to bring innovative and diverse services and products to the marketplace to the benefit of users and consumers.

In my statement on the Final Decision, I expressed some reservations regarding the degree of structural separation imposed upon both AT&T and GTE, prior to any clear and convincing evidence that anticompetitive abuse would take place in the provision of enhanced services and customer premises equipment (CPE). However, I am now convinced that AT&T's sheer size, and its potential for either inhibiting or harming competition before there could be effective regulatory intervention, argues for the imposition of the structural separation measures adopted by the Commission.

By the same token, I feel that the gamble of not requiring the original structural separation provisions set out in the Final Decision is worth taking in the case of GTE, since, due to its smaller relative size, the same potential for harm does not exist. In addition, GTE is highly dependent on AT&T's toll facilities in order to provide its own enhanced services. Therefore, unlawful cross subsidization of enhanced services is much less likely to occur than in the case of AT&T itself.

While I believe that the structural separation requirements imposed upon AT&T are justified, I also believe that there may be specific situations in which the benefits to consumers due to reducing the potential for anticompetitive abuse are outweighed by the extra costs which the separation requirements may cause. It is for this reason that I suggested the creation of an explicit waiver process specifically designed to deal with two such situations: problems arising from the Basic/Enhanced definition, and problems arising from the prohibition on the ownership of transmission facilities by a separate subsidiary.

I believe that our Basic/Enhanced definitional structure draws a bright line in the correct place between basic services, which we may continue to regulate, and enhanced services, which will be provided on an unregulated basis. Since I believe that competition should be relied upon to the fullest extent possible to meet the telecommunication needs of this country, I believe that a heavy burden of proof should be placed upon any carrier which wishes to modify any of the separation requirements imposed on the provision of enhanced services because such modifications would result in more services being subjected to varying degrees of regulation rather than being subjected to the test of the marketplace.

The prohibition on the ownership of transmission facilities by a separate subsidiary was one of the most troublesome issues faced by the Commission on Reconsideration. Valid arguments have been made on both sides of this issue but on balance I am now convinced that the prohibition on AT&T should be sustained. At present virtually all enhanced service providers are dependent upon AT&T for underlying basic services. I believe the prohibition on ownership of transmission facilities in AT&T's separate subsidiary will provide the proper incentive for AT&T to continue to upgrade its underlying basic service network, since its own subsidiary will be dependent upon it. Such an incentive will stimulate the introduction of new technologies into the basic service network, will help insure the provision of adequate capacity for all enhanced service providers, and will help guarantee that complex interfaces into the basic service network will be available to all enhanced service providers on an equitable basis.

As in the case of the Basic/Enhanced definition, in certain circumstances the prohibition on the ownership of transmission facilities may cause undue hardship to consumers or users of telecommunication services. In such circumstances a waiver may be required.

Further, as I suggested, the subsidiary will not be precluded from constructing transmission facilities for a third party as long as these facilities are not owned or operated by the subsidiary. Moreover, the bar on transmission facilities ownership will not encompass facilities "that link various operations of a customer where its communication needs are spread among multiple buildings at a common location".

Another concern that I raised in my previous statement on the Final Decision was that the March 1, 1982 deadline for CPE deregulation was too early. We have now adopted a bifurcated approach to the deregulation of CPE. The more complex problems associated with embedded CPE will be resolved in a subsequent proceeding. I hope that this approach will permit an adequate transition for the deregulation of embedded CPE and its resulting impact upon local ratepayers. However, I still feel that the March 1, 1982 deadline for the deregulation of new CPE may be unrealistic.

Few if any deicisions made by this Commission or during my tenure as a Commissioner will influence this nation's telecommuncation services and products more than the decision made in the Second Computer Inquiry. I believe the foundation has been laid for the growth of innovative and diverse services free from the constraints of unnecessary regulation, and, as a result, the nation's telecommunications industry will better be able to meet the needs of the future.

[FR Doc. 81-2034 Filed 1-19-81; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[OST Docket No. 1; Amdt. 1]

Organization and Delegation of Powers and Duties; Order of Secretarial Succession

AGENCY: Department of Transportation.

ACTION: Final rule.

SUMMARY: This amendment adds the Administrator of the Saint Lawrence Seaway Development Corporation to the list of Department of Transportation officials who succeed to the Office of Secretary of Transportation in the case of disability or absence of the Secretary, or vacancy in the Office of Secretary.

EFFECTIVE DATE: January 15, 1981.

FOR FURTHER INFORMATION CONTACT: Robert I. Ross, Office of the General Counsel, 202-426-4723.

SUPPLEMENTARY INFORMATION: Since this amendment relates to Departmental management, procedures, and practices, notice and public procedure on it are not required and it may be made effective in fewer than thirty days after publication in the Federal Register.

In consideration of the foregoing, § 1.26 of Title 49, Code of Federal Regulations, is amended by adding a new subparagraph (7) at the end of paragraph (a), to read as follows:

§ 1.26 Secretarial succession.

(a) The following officials, in the order indicated, shall act as Secretary of Transportation, in case of the absence or disability of the Secretary, until the absence or disability ceases, or, in the case of a vacancy, until a successor is appointed:

* * * * *

(7) Saint Lawrence Seaway Development Corporation Administrator.

(Sec. 9(e), Department of Transportation Act, 49 USC 1657(e).)

Issued in Washington, DC, on January 15, 1981.

William J. Beckham, Jr.,

Acting Secretary of Transportation.

[FR Doc. 81-2121 Filed 1-16-81; 8:45 am]

BILLING CODE 4910-62-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 32

Hunting; Opening of Wildlife Refuges in Arkansas and Mississippi

AGENCY: Fish and Wildlife Service.

ACTION: Special regulations.

SUMMARY: The Director has determined that the opening to hunting of certain national wildlife refuges in Arkansas and Mississippi is compatible with the objectives for which the areas were established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public. In addition, managed big game hunts are designed to keep population levels compatible with habitat capabilities. This document establishes special regulations effective for the upcoming hunting seasons for certain big game species.

DATES: Period covered—March 21, 1981 to May 3, 1981.

FOR FURTHER INFORMATION CONTACT: The Area Manager or appropriate refuge manager at the address or telephone number listed below:

Gary L. Hickman, Area Manager, 200 E. Pascagoula St., Suite 300, Jackson, Mississippi 39201, Telephone (601) 960-4900.

Raymond McMaster, Refuge Manager, White River National Wildlife Refuge, Box 308, DeWitt, Arkansas 72042, Telephone 501/946-1468.

George Chandler, Acting Refuge Manager, Panther Swamp National Wildlife Refuge, P.O. Box 107, Yazoo City, Mississippi 39194, Telephone 601/746-8511.

Supplementary Information

Alton Dunaway is the primary author of these special regulations.

General Conditions

1. Hunting is permitted on national wildlife refuges indicated below in accordance with 50 CFR Part 32, all applicable state regulations, the general conditions, and the following special regulations:

The Refuge Recreation Act of 1963 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires: (a) that any recreational use permitted will not interfere with the primary purpose for which the area was established; and (b) that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which these refuges were established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November, 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

2. A list of special conditions applying to individual refuge hunts and a map of the hunt area(s) are available at each refuge headquarters. Portions of refuges which are closed to hunting are designated by signs and/or delineated on maps.

3. Access points on certain refuges are limited to designated roads or other specified areas. Vehicle use on all refuge areas is restricted to designated roads and lanes.

4. Persons under 16 must be under the close supervision of an adult. For safety reasons each adult may not have more than two juveniles under his supervision.

5. Dogs are not permitted on refuge areas during hunts.

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

Arkansas—White River National Wildlife Refuge

(1) Turkey hunting is permitted Wednesday through Saturday as follows: April 1, 1981 through April 4, 1981; April 8, 1981 through April 11, 1981; April 15, 1981 through April 18, 1981; April 22, 1981 through April 25, 1981; and April 29, 1981 through May 2, 1981.

(2) Loaded firearms are not allowed in boats, vehicles, or on campgrounds.

(3) Boats may be used to reach hunting areas. Roads will be closed if too wet for traffic.

(4) Permit is required and will be made available at State license dealers near the refuge in DeWitt, Elaine, Mellwood, Tichnor, St. Charles, Marvell, and Helena.

(5) All turkey killed must be checked at one of the following check stations: Wild Goose Bait Ship, Rush's Bait Shop—Tichnor, Rush's Sport Shop—DeWitt, O.B.'s Catfish Farm—Ethel, White River Bait Shop—St. Charles, Singleton's Bait Shop—Indian Bay, or Davis Grocery—Mellwood.

Mississippi—Panther Swamp National Wildlife Refuge

(1) Turkey hunting will be permitted throughout the State spring season. No Sunday hunting.

The provisions of these special regulations supplement the regulations which generally govern hunting on wildlife refuge areas and which are set forth in Title 50, *Code of Federal Regulations*, Part 32. The public is invited to offer suggestions and comments at any time.

Dated: January 7, 1981.

Gary L. Hickman,

Area Manager.

[FR Doc. 81-2086 Filed 1-19-81; 8:45 am]

BILLING CODE 4310-55-M

Proposed Rules

Federal Register
Vol. 46, No. 13
Wednesday, January 21, 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 ENERGY

Economic Regulatory Administration

10 CFR Part 211

[Docket Nos. ERA-R-80-09A; ERA-R-80-36]

Alaska North Slope Crude Oil Entitlement Adjustment; Domestic Crude Oil Entitlements

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of intent to defer issuance of final rules.

SUMMARY: On September 8, 1980, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) issued a further notice of proposed rulemaking and public hearings (45 FR 61268, September 15, 1980) to reduce the entitlement obligation on controlled Alaska North Slope (ANS) crude oil by $2.00 per barrel. In a separate notice of proposed rulemaking issued on October 24, 1980 (45 FR 72552, October 31, 1980), ERA proposed amendments to the entitlements program in 10 CFR 211.67 to reduce post-entitlement cost differences between equivalent price-controlled and uncontrolled domestic crude oil by establishing separate entitlement obligations for refineries in PADDs I–IV and refineries in PADD V. An adjustment to reflect the differential between high and low sulfur controlled crude oil also was proposed. Public hearings were held on both proposals and written comments were received.

The purpose of this notice is to advise the public that ERA has evaluated the written and oral comments and has assessed the current crude oil market, and as a result of this analysis has determined at this time to defer issuance of final rules with respect to both proposals.

FOR FURTHER INFORMATION CONTACT:

Cynthia Ford (Hearing Procedures), Economic Regulatory Administration, Room B–210, 2000 M Street NW., Washington, D.C. 20461, (202) 653–3971

William L. Webb (Office of Public Information), Economic Regulatory Administration, Room B–110, 2000 M Street NW., Washington, D.C. 20461, (202) 653–4055

David A. Welsh (Office of Petroleum Operations), Economic Regulatory Administration, Room 6208, 2000 M Street NW., Washington, D.C. 20461, (202) 653–3459

Daniel J. Thomas (Office of Petroleum Price Regulations), Economic Regulatory Administration, Room 7116, 2000 M Street NW., Washington, D.C. 20461, (202) 653–3271

William Funk or Peter Schaumberg (Office of General Counsel), Department of Energy, Room 6A–127, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252–6736 or 252–6754.

SUPPLEMENTARY INFORMATION: We have decided to defer action on our proposal to reduce the entitlement obligation imposed upon controlled ANS crude oil for several reasons. First, recent changes in prices for crude oils indicate that any price disadvantage of price-controlled ANS crude oil in comparison with alternative sour crude imports at the Gulf Coast has been reduced significantly so as to restore the competitiveness of the post-entitlement price of controlled ANS. Second, because of the increasing effect of the phased decontrol of domestic crude oil prices, the amount of ANS crude oil that may to some extent be disadvantaged has diminished substantially. Finally, at the public hearing on our proposal in this proceeding, the ANS producers reaffirmed our opinion that retention of the existing ANS entitlement obligation would not adversely affect North Slope production.

The decision to defer adoption of the other proposed changes to the entitlements program also was based upon several factors. First, the post-entitlement cost differential between controlled and equivalent exempt domestic crude oils in PADDs I–IV has diminished significantly. As a result, many commenters were of the view that the additional reporting and administrative burdens associated with the proposed changes outweighed any anticipated benefits at this time. Also, as with the ANS proposal, the diminishing volume of controlled crude oil each month is ameliorating the effects of any remaining disparities between controlled and exempt domestic crude oil.

Therefore, the proposed changes for ANS crude oil will not be made effective for crude oil runs-to-stills beginning October 1, 1980, and the other proposed changes for domestic crude oil entitlements will not be made effective for crude oil runs-to-stills beginning January 1, 1981. Until further notice, refiners and producers should continue to base their business decisions on the existing entitlement regulations.

Issued in Washington, D.C., January 9, 1981.

Hazel R. Rollins,

Administrator, Economic Regulatory Administration.

[FR Doc. 81-1772 Filed 1-19-81; 8:45 am]
BILLING CODE 6450-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 811 0015]

Godfrey Company; 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 Waukesha, Wis. operator of a retail grocery chain to divest, within six months from the effective date of the order, seven specified retail grocery stores located in "The Milwaukee SMSA." Such divestiture would have to be made to an acquirer or acquirers approved in advance by the Commission. The company would also be prohibited for a period of ten years from making any acquisition in the retail grocery store business involving four or more stores without prior Commission approval.

DATE: Comments must be received on or before March 23, 1981.

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

FOR FURTHER INFORMATION CONTACT: FTC/C, E. Perry Johnson, Washington, D.C. 20580. (202) 523–3601.

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)).

United States of America Before Federal Trade Commission

In the matter of Godfrey Company, a corporation; file No. 811–0015, agreement containing consent order to divest and other relief.

The Federal Trade Commission having initiated an investigation of the proposed acquisition by Godfrey Company, a corporation, of certain assets of Jewel Companies, Inc., a corporation, and it now appearing that Godfrey Company, a corporation, hereinafter sometimes referred to as Godfrey, is willing to enter into an agreement containing an Order to Divest and Other Relief:

It is hereby agreed by and between Godfrey Company, a corporation, but its duly authorized officer and its attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent Godfrey Company is a corporation organized, existing and doing business under and by virtue of the laws of the State of Wisconsin with its principal executive offices located at 1200 West Sunset Drive, in the City of Waukesha, State of Wisconsin 53187.

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

3. Godfrey 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 a 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 the complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify Godfrey 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 Godfrey that the law has been violated as alleged in the draft of 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 Godfrey, (1) issue its complaint corresponding in form and substance with the draft of the complaint here attached and its decision containing the following Order to Divest and Other Relief in disposition of the proceeding, and (2) make information public in respect thereto. When so entered, the Order to Divest and Other Relief 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 Godfrey's address as stated in this agreement shall constitute service. Godfrey waives any right it might 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 to contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby. It understands that once the order has been issued, it 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 be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

8. This agreement is conditioned in its entirety on the consummation of the acquisition of Jewel assets pursuant to the agreement dated October 13, 1980 between Godfrey and Jewel. If for any reason such acquisition shall be cancelled and not occur, this agreement shall thereafter be of no effect.

ORDER TO DIVEST AND OTHER RELIEF

I.

As used in this order:

(A) "Godfrey" means Godfrey Company, a corporation organized under the laws of Wisconsin with its principal executive offices at 1200 West Sunset Drive, Waukesha, Wisconsin 53187 and its directors, officers, agents and employees, and its subsidiaries, successors and assigns.

(B) "Jewel" means Jewel Companies, Inc., a corporation organized under the laws of New York with its principal executive offices at 5725 East River Road, Chicago, Illinois 60631.

(C) "Retail grocery stores" are retail stores presently classified under Bureau of Census Industry Classification No. 541, including supermarkets, convenience stores and delicatessens, which primarily sell a wide variety of canned or frozen foods, such as vegetables, fruits and soups; dry groceries, either packaged or in bulk, such as tea, coffee, cocoa, dried fruits, processed food, and non-edible grocery items. In addition, these stores often sell smoked and prepared meats, and fresh fish and poultry, fresh vegetables and fruits, and fresh or frozen meats.

(D) "The Milwaukee SMSA" means the Milwaukee Standard Metropolitan Statistical Area, consisting of the four Wisconsin counties of Milwaukee, Waukesha, Washington and Ozaukee.

(E) "Godfrey stores" means those retail grocery stores in the Milwaukee SMSA owned by or operated by Godfrey.

(F) "Jewel stores" means those retail grocery stores in the Milwaukee SMSA owned or operated by Jewel.

(G) The "disposition stores" means the following Godfrey ("G") stores and Jewel ("J") stores:

1. G–427 (3045 S. 13th St., Milwaukee, WI.)
2. G–607 (6077 S. Packard Ave., Cudahy, WI.)
3. G–810 (3939 S. 76th St., Milwaukee, WI.)
4. J–1201 (1201 N. 35th St., Milwaukee, WI.)
5. J–729 (729 S. Layton Blvd., Milwaukee, WI.)
6. J–15182 (N81 W15182 Appleton Ave., Menomonee Falls, WI.)
7. J–6251 (6251 S. 27th St., Greenfield, WI.)

(H) "Acquisition", "acquire", "merger", or "merge with" includes al other forms of arrangement by which Godfrey may obtain, directly or indirectly, all or any part of the stock or assets, both tangible and intangible, of any other retail grocery store or stores.

II.

It is ordered that within six months from the date on which this order becomes final, Godfrey shall divest itself absolutely and in good faith of all of its right, title and interest in the disposition stores; provided, however, that Godfrey may, if so required by the lessor(s) of any one or more of the disposition stores, remain a party to its lease with such lessor(s) and may take possession of any of the disposition stores upon default under the lease or sublease for such store by the sublessee which acquired such disposition store from Godfrey. In the event of such reacquisition of any of the disposition stores, Godfrey shall divest the reacquired disposition store in accordance with the terms of this order within six (6) months of the date of reacquisition of any such store. Until approval of divestiture, Godfrey shall continue to operate disposition stores G–427, G–607 and G–810 as retail grocery stores. Divestiture shall be made only to an acquiror or acquirors approved in advance by the Federal Trade Commission. The purpose of

the divestiture required by this paragraph is to assure the continued operation of the disposition stores as retail grocery stores and their survival as viable competitors in the Milwaukee SMSA.

III.

It is further ordered that for a period of ten (10) years from the date on which this order becomes final, Godfrey shall not merge with or acquire, or merge with or acquire and thereafter hold, as corporately operated or as franchised retail grocery stores, directly or indirectly through subsidiaries or in any other manner, without the prior approval of the Federal Trade Commission, the whole or any part of the stock or assets of any individual, firm, partnership, corporation or other legal or business entity which directly or indirectly owns or operates any retail grocery store, where such acquisition or merger involves four or more such retail grocery stores; provided, however, that nothing in this order shall be construed to prevent Godfrey from being or becoming a guarantor of lease obligations of any Godfrey franchisee.

IV.

It Is Further Ordered that within sixty (60) days from the date on which this order becomes final and every sixty (60) days thereafter until the divestiture required by paragraph II of this order is completed, Godfrey shall submit to the Federal Trade Commission a written report setting forth in detail the manner and form in which Godfrey intends to comply, is complying, and has complied with the terms of this order and such additional information relating thereto as may from time to time be required. In addition, upon written request of the staff of the Federal Trade Commission, Godfrey shall submit such reports in writing with respect to the other requirements of this order as may from time to time be requested.

V.

It Is Further Ordered that Godfrey notify the Federal Trade Commission at least thirty (30) days prior to any proposed corporate changes, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation, which may affect compliance with the obligations arising out of this order.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Godfrey Company.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments from 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 Commission's investigation in this matter concerned the November, 1980 acquisition by Godfrey Company ("Godfrey") of the assets of eleven retail grocery stores operated by Jewel Companies, Inc. ("Jewel") in the Milwaukee, Wisconsin Standard Metropolitan Statistical Area (SMSA). Godfrey is a retail grocery chain which does business in the Milwaukee area as well as in other parts of Wisconsin. The Commission complaint accompanying the proposed consent order charges that Godfrey's acquisition of Jewel's assets in Milwaukee violated section 7 of the Clayton Act and section 5 of the Federal Trade Commission Act. The complaint alleges that there may be anticompetitive effects of the acquisition in the Milwaukee SMSA, a highly concentrated market. The alleged anticompetitive effects include (a) the elimination of actual competition between Godfrey and Jewel in the Milwaukee SMSA; (b) increased concentration in the retail grocery store business in the Milwaukee SMSA; and (c) the encouragement of further acquisitions and mergers by and among other leading firms in the retail grocery store business in the Milwaukee SMSA.

The proposed order contains provisions requiring divestiture and imposing limitations on Godfrey's future acquisitions. Under the order Godfrey will be required to divest seven retail grocery stores in the Milwaukee SMSA, within six months of the date the order becomes effective. Divestiture will be made to an acquirer or acquirers approved in advance by the Federal Trade Commission. The proposed order states that the purpose of this divestiture is to assure that the divested retail grocery stores continue to operate as such, and as viable competitors in Milwaukee. The proposed order also requires that for a period of ten years from the effective date of the order, Godfrey will not be permitted to make any acquisitions in the retail grocery store business involving four or more stores without prior Commission approval.

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. 81-2101 Filed 1-19-81; 8:45 am]

BILLING CODE 6750-01-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1406

Provision of Performance and Technical Data for Coal and Wood Burning Appliances

AGENCY: Consumer Product Safety Commission.

ACTION: Extension of comment period on proposed rule.

SUMMARY: The Commission extends the period for submitting written data, views, and arguments on its proposed rule that would require certain performance and technical data to be supplied with coal and wood burning stoves, free-standing fireplaces and similar appliances. The period is extended one month, from January 2, 1981, to February 2, 1981. The extension was made in response to requests from groups representing the interests of retailers and distributors of the affected products.

DATES: The comment period is extended to February 2, 1981.

ADDRESSES: Written comments, preferably in five copies, should be submitted to the Secretary, Consumer Product Safety Commission, Washington, D.C., 20207, and should be titled *Coal and Wood Stoves, Proposed Labeling Rule.*

All materials the Commission has that are relevant to this proceeding, including any comments that may be received on the proposal, may be seen in, or copies obtained from the Office of the Secretary, Third Floor, 1111 18th Street, N.W., Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT: Stan Morrow, Project Manager, Fire and Thermal Burn Hazards Program, Office of Program Management, Consumer Product Safety Commission, Washington, D.C., 20207, phone (301) 492-6453.

SUPPLEMENTARY INFORMATION: On November 17, 1980, the Commission proposed a rule that would require that certain performance and technical data be supplied with coal and wood burning stoves, free-standing fireplaces, and similar appliances in order that consumers will be aware of important safety information concerning the installation, operation, and maintenance of these appliances (45 FR 76018). Part of the required data would be in the form of a permanent, conspicuous written notice on the device that would provide the following information:

a. Appropriate minimum clearances between the stove and chimney

connector and combustibles to avoid the occurence of fire.

b. Type of chimney and connector appropriate for use with the appliance and identification of parts or precautions required for passing the chimney or connector through combustible walls or ceilings.

c. Type and dimensions of floor protection, if necessary to protect combustible floors.

d. Information to prevent overfiring of the appliance.

e. A statement of how often the chimney and chimney connector should be inspected and cleaned.

f. A statement that local building or fire officials should be contacted about restrictions and installation inspection in the owner's area.

g. The name and address of the manufacturer or private labeler, and the model designation of the appliance.

Items (d) and (e) and the appropriate distance to be maintained from furnishings in the room would be placed so that they are readily visible during normal use of the appliance.

The proposed rule would also require that complete installation, operation, and maintenance directions be provided with the appliance. The appliance's packaging would bear a statement referring to the installation directions. Sales catalogs and other point of sale literature would contain the information required by items (a) and (f) above. To facilitate the Commission's confirmation that manufacturers are adequately complying with the rule, manufacturers must provide copies of the notice on the appliance, and of the directions, to the Commission.

The proposal provided for the submission of written comments to the Commission by January 2, 1981.

By letter dated December 1, 1980, Marcus J. Smith of the National (Wood Stove & Fireplace) Journal requested an extension of the comment period. He stated that it was impossible for his magazine to notify its readers, who make, distribute, and retail stoves, before January 2, 1981.

On December 23, 1980, the Commission received additional requests for an extension of the comment period from the American Retail Federation and the National Retail Merchants Association. These requests cited the difficulty of formulating comments by January 2 because the comment period extended through the retailers' busiest season.

After considering these requests, the Commission extended the time for submitting data, views, and arguments on the proposal until February 2, 1981.

Dated: January 13, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 81-1882 Filed 1-19-81; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 653

Fiscal Year 1981 Level For Veterans Preference Indicators of Compliance

AGENCY: Employment and Training Administration, Labor.

ACTION: Proposed Rule.

SUMMARY: The Employment and Training Administration of the Department of Labor is proposing to update the levels for the veterans preference indicators of compliance for fiscal year 1981 as it is required to do on an annual basis under 20 CFR 653.230(c) (e) and (j). The veterans preference indicators of compliance are used by the Department to monitor State employment service agencies to insure that veteran applicants receive priority service as required by 38 U.S.C., Chapters 41 and 42 and by 20 CFR 653, Subpart C. The Department does not propose any change in the structure of the indicators of compliance. Changes are limited to adjustments in the floor levels for job placement in several States.

DATES: Comments addressing the proposed changes to the veterans preference indicators of compliance for fiscal year 1981 are due by February 20, 1981. Comments directed to the basic structure of the veterans indicator system are due by April 21, 1981.

ADDRESSES: Comments on the proposed rule should be sent to: David O. Williams, Administrator, U.S. Employment Service, Room 8000, 601 D Street, NW., Washington, D.C. 20213.

FOR FURTHER INFORMATION CONTACT: Gilbert Apodaca, Acting Director, Office of Program Review, U.S. Employment Service, Room 8208, 601 D Street, NW., Washington, D.C. 20213, 202-376-6755.

SUPPLEMENTARY INFORMATION: The Department has issued regulations to implement 38 U.S.C. Chapters 41 and 42 at 20 CFR Part 653, Subpart C. These regulations set forth requirements concerning services to veterans by State employment service agencies. Sections 653.221-226 set forth standards of performance governing State agency service to veterans, and § 653.230 sets forth veterans preference indicators of compliance for use in determining whether the performance standards have been met. Under 20 CFR 653.230(c), (e), and (j) the Employment and Training Administration is required to update the numerical values for the veterans preference indicators of compliance on an annual basis and to publish such values in the **Federal Register.**

Indicators of Compliance

In accordance with 20 CFR 653.230(a), (c) and (e) and (j), the performance of each State agency and factors outside of each agency's control were considered in developing the proposed fiscal year 1981 veterans preference indicators and appropriate numerical values for each indicator. Historical performance data examined covered six months of fiscal year 1980 as well as fiscal years 1979, 1978 and 1977.

As a result of the above review process, changes to the fiscal year 1980 compliance indicators for fiscal year 1981 are limited to changes in the floor level indicators for several States as discussed below. The Department proposes no change in the computational method used in fiscal year 1980. While alternatives incorporating significant revisions to the particular indicators and numerical standards were considered, such changes to the present set of indicators and required levels were judged not to be appropriate at this time.

A review of job service performance shows that substantial progress in service provision to all applicants was made during the 1977-79 period. This period was characterized by expanding employment opportunities in the regular unsubsidized job market and a sharp increase in the number of subsidized jobs available to unemployed job seekers unde the President's Economic Stimulus Program. State agencies took full advantage of these opportunities by expanding their contacts with the business community and providing strong support to the Economic Stimulus Program. As reflected by State agency performance on the veterans preference indicators during these years, these efforts were particularly beneficial to veterans as their numbers served rose in abosolute terms and on a preferential basis.

A number of factors indicate that the expanding employment opportunities that characterized most of the 1977-1979

period have been reversed during fiscal year 1980, with recovery not anticipated until the second quarter of fiscal year 1981. The effect of the decline in economic activity has been to significantly increase the number of job applicants while concurrently producing a sharp reduction in job opportunities available to ES applicants, including veterans. Accordingly, State agency performance data through the first half of fiscal year 1980 show declines in service levels particularly in the area of placements. For fiscal year 1981, expectations for the overall condition of the economy including employment prospects are uncertain. In addition, State agencies will again be operating with budget levels similar to those of previous years with no reasonable expectation for additional resources.

The Department believes that the above consideration represent "other appropriate factors" under 20 CFR 652.230(c) for use in computing State agency floor levels. Therefore, based on recent State agency performance, reduced availability of job opportunities for ES applicants, uncertain economic conditions for fiscal year 1981 and the lack of increases in State agency resources, the Department has determined with few exceptions (described below) to propose in fiscal year 1981 the same floor level and preference level service indicators and corresponding numerical values established in fiscal year 1980.

Based on the above considerations, ETA proposed to limit changes lto the veterans preference indicators of compliance to revision of the placement floor level indicator as follows:

West Virginia, 19%.
Indiana, 16%.
Michigan, 14%.
Ohio, 16%.

These States all have serious unemployment problems. Michigan has the highest unemployment rate in the nation with Indiana second, Ohio fourth and West Virginia fifth. Michigan, Indiana and Ohio have also had the largest increase in unemployment from May 1979 to May 1980, while West Virginia has been beset by a sluggish coal industry. These levels recognize the impact of adverse economic conditions but are not so low as to guarantee achievement.

Comments of the Structure of the Indicators of Compliance System

ETA invites comments from federal, State and local government units, veterans organizations and other interested persons on ways to improve the veterans perference indicator system to make it more effective, manageable and usabale in promoting services to veterans. All aspects of the veterans preference indicator system can be addressed. Comments received on the structure of the system will be carefully considered and analyzed and, if appropriate, provide the basis for changes in the current veterans preference indicators for future years.

Comments on the structure of the system should be submitted by April 21, 1981. However, commenters may submit system related comments in conjunction with comments to the proposed indicator levels for fiscal year 1981 February 20, 1981.

The proposed regulation is neither a "significant" nor a "major" regulation under the criteria set forth in the Department of Labor's guidelines under Executive Order 12044 which were published on January 26, 1979 at 44 FR 5570. Consequently, neither an action plan, which is required for significant regulations, nor a regulatory analysis, which is required for major regulations has been prepared.

Accordingly, it is proposed that in 20 CFR 653.230(c)(1)(iii) the state values in the following four states be revised to read as follows:

§ 653.230 Veterans preference indicators of compliance for fiscal year 1981.

* * * * *

(c) * * *

(1) * * *

(iii) * * *

Region III (Philadelphia):	
* * *	
West Virginia	19
* * * * *	
Region V. (Chicago):	
Indiana	16
Michigan	14
* * * * *	
Ohio	16

* * * * *

(29 U.S.C. 49 *et seq.* 39 U.S.C. 2012)

Signed at Washington, D.C. this 16th day of December, 1980.

Ray Marshall,

Secretary of Labor.

[FR Doc. 81-2184 Filed 1-19-81; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-70-75]

Limitation on Foreign Tax Credit for Foreign Oil and Gas Taxes

AGENCY: Internal Revenue Service, Treasury.

ACTION: Extension of Time for Comments and Requests for a Public Hearing.

SUMMARY: This document provides notice of an extension of time for submitting comments and requests for a public hearing concerning the notice of proposed rulemaking relating to the limitation on the foreign tax credit with respect to taxes paid on foreign oil related income. The extended deadline for submission of comments and requests for a public hearing is February 17, 1981.

DATES: Written comments and requests for a public hearing must be delivered or mailed by February 17, 1981.

ADDRESS: Send comments and requests for a public hearing to Commissioner of Internal Revenue, Attn: CC:LR:T (LR-70-75), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Donald K. Duffy of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, CC:LR:T, 202-566-4336, not a toll-free call.

SUPPLEMENTARY INFORMATION: By a notice of proposed rulemaking published in the **Federal Register** for Monday, November 17, 1980 (45 FR 75695), comments and requests for a public hearing with respect to the proposed rules were to be delivered or mailed to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-70-75), Washington, D.C. 20224, by January 16, 1981. The date by which comments or requests must be delivered or mailed is hereby extended to February 17, 1981.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury directive on improving government regulations appearing in the **Federal Register** for Wednesday, November 8, 1978.

By direction of the Acting Commissioner of Internal Revenue.

David E. Dickinson,

Acting Director, Legislation and Regulations Division.

[FR Doc. 81-2074 Filed 1-15-81; 4:27 pm]

BILLING CODE 4830-01-M

26 CFR Part 1

[LR-65-75]

Payments to Foreign Countries for Oil and Gas that are Not Considered Taxes

AGENCY: Internal Revenue Sevice, Treasury.

ACTION: Extension of Time for Comments and Requests for a Public Hearing.

SUMMARY: This document provides notice of an extension of time for submitting comments and requests for a public hearing concerning the notice of proposed rulemaking with respect to payments to foreign countries for oil and gas that are not considered taxes. The extended deadline for submission of comments and requests for a public hearing is February 17, 1981.

DATES: Written comments and requests for a public hearing must be delivered or mailed February 17, 1981.

ADDRESS: Send comments and requests for a public hearing to Commissioner of Internal Revenue, Attn: CC:LR:T (LR-65-75), Washington D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Donald K. Duffy of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, CC:LR:T, 202-566-4336, not a toll-free call.

SUPPLEMENTARY INFORMATION: By a notice of proposed rulemaking published in the Federal Register for Monday, November 17, 1980 (45 FR 75692), comments and requests for a public hearing with respect to the proposed rules were to be delivered or mailed to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-65-75), Washington, D.C 20224, by January 16, 1981. The date by which comments or requests must be delivered or mailed is hereby extended to February 17, 1981.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive on improving government regulations appearing in the Federal Register for Wednesday, November 8, 1978.

By direction of the Acting Commissioner of Internal Revenue.

David E. Dickinson,

Acting Director, Legislation and Regulations Division.

[FR Doc. 81-2075 Filed 1-15-81; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF LABOR

Office of the Secretary

29 CFR Part 8

Practice Before the Board of Service Contract Appeals

Note.—This document originally appeared in the Federal Register for Monday January 19, 1981. It is reprinted in this issue to meet requirements for publication on the Tuesday-Friday schedule assigned to the Department of Labor.

AGENCY: Office of the Secretary, Labor.

ACTION: Withdrawal of proposed regulations.

SUMMARY: It had been proposed to create a new Board of Service Contract Appeals and to give it broad jurisdiction to hear the various kinds of issues which can arise under the Service Contract Act. The appeals would arise from either rulings of the Wage and Hour Administrator or from the decisions of the administrative law judges. Because of concerns expressed during the notice and comment period, this proposal is now withdrawn. An appeal to the Secretary of Labor has been substituted as Subpart F of the revision of 29 CFR Part 6.

FOR FURTHER INFORMATION CONTACT: Gail V. Coleman, Counsel for Contract Labor Standards, General Legal Services, Office of the Solicitor, Department of Labor Building, 200 Constitution Avenue, NW, Washington, D.C. 20212. Phone 202-523-8268.

SUPPLEMENTAL INFORMATION: On April 22, 1980, a proposal was published (45 FR 27410) to create a Board of Service Contract Appeals to hear appeals from rulings of the Wage and Hour Division and from decisions by administrative law judges involving Service Contract Act matters and related Contract Work Hours and Safety Standards Act matters. Great concern was expressed in the comments received that such a formal appeal mechanism would create unacceptable delays in areas of procurement requiring quick decisions, such as wage determinations. There was also concern expressed regarding the creation of another formal review body.

Upon reflection, the Department has decided to withdraw the proposal and to substitute what should be a more expeditious appeal to the Secretary. These regulations are being published as a new Subpart F to 29 CFR Part 6.

Signed at Washington, D.C. this 14th day of January, 1981.

Ray Marshall,

Secretary of Labor.

[FR Doc. 81-1928 Filed 1-15-81; 9:55 am]

BILLING CODE 4510-23-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 762

[OPTS-62010; TSH-FRL 1681-2]

Fully Halogenated Chlorofluoroalkanes; Proposed Essential Use Exemption for Pharmaceutical Rotary Tablet Press Punch Lubricants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to amend its chlorofluorocarbon rule to add a new essential use exemption for pharmaceutical rotary tablet press punch lubricants.

DATES: All comments and requests for a public hearing must be submitted by February 20, 1981.

ADDRESS: Written comments should be addressed to the Document Control Officer for this proposed rulemaking and should bear the identifying notation "OPTS-62010." Joni T. Repasch, Technical Information Specialist, Office of Pesticides and Toxic Substances (TS-793), Environmental Protection Agency, Rm. E-447, 401 M St., SW Washington, D.C. 20460, (202-755-8050).

Requests for public hearing should be submitted, in writing, by the end of the comment period. These requests should include: (1) A brief statement of the interest of the person or organization in the proceeding; (2) a brief outline of the points to be addressed; (3) an estimate of the time required; and, (4) a nonbinding list of the persons to take part in the presentation. Requests should be directed to the Record and Hearing Clerk: Gordon McCurdy, Record and Hearing Clerk, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Room E-529A, 401 M St., SW, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: John B. Ritch, Jr., Director, Industry Assistance Office, Office of Pesticides and Toxic Substances, (TS-799), Environmental Protection Agency, 401 M ST., SW, Washington, D.C. 20460, Toll Free: (800-424-9065). In Washington, DC: (554-1404).

SUPPLEMENTARY INFORMATION: EPA promulgated a rule under 40 CFR Part 762 (43 FR 11318) which prohibited almost all manufacture, processing and distribution in commerce of fully halogenated chlorofluoroalkanes (hereinafter referred to as chlorofluorocarbons or CFCs) for those aerosol propellant uses which are subject to the Toxic Substances Control Act (TSCA) (15 U.S.C. 2601 et. seq.),

published in the Federal Register of March 17, 1978 (43 FR 11318). EPA provided exemptions from this general prohibition for uses determined to be "essential" according to certain criteria. EPA is now proposing to amend the rule in order to add and essential use exemption for pharmaceutical rotary tablet press punch lubricants.

Pharmaceutical rotary tablet press punch lubricants are used to lubricate various moving parts of machines which make medicine tablets. Punches and dies are used in the press to form solid tablets. Since the punches are located in punch sockets which have a clearance of only .002 inches, lubrication is considered critical.

EPA is aware of two different types of lubricants which are used on pharmaceutical rotary tablet press punches. One is grease; the other is Teflon Only Teflon lubricants are propelled by chlorofluorocarbons.

The primary area of lubrication is the side or shank area of the punches. The lubricant is not placed on the surface which actually touches the tablet. Therefore, these lubricants are not mold release agents which have previously been granted and essential use exemption.

A request for this exemption was made before EPA promulgated the final rule on March 17, 1978. EPA denied the request on the grounds that nonaerosol application of the lubricants was feasible and that carbon dioxide-propelled products should be suitable alternatives. Information submitted since promulgation of the final rule has led EPA to reevaluate this determination.

The process EPA has used in evaluating applications for essential use exemptions is described in "Essential Use Determinations—Revised", a support document to the March 17, 1978 rule. In making these determinations, EPA considers the availability or nonavailability of substitutes, the possibility of severe economic hardship if the use of CFC is not allowed, and the health and environmental consequences of use of another product in place of CFCs. Decisions to grant or deny exemptions are based on all these criteria. In particular, the nonavailability of an alternative by itself is not a basis for finding that a product is essential.

In evaluating this exemption request, EPA considered potential alternatives to chlorofluorocarbon-propelled Teflon lubricants, including grease and other methods for application of Telflon .

Grease is not a suitable lubricant for newer machines which run at greater speeds than the older machines. The increased speed causes the grease to fall down the shank of the punch and contaminate the medicine tablet.

In theory, Teflon lubicants can be applied by brush by aerosol. However, brush application is not considered to be safe. Punches must be moved during lubrication so that all surfaces requiring lubrication are exposed. In the past employees would lubricate the machines while they were moving. This procedure was a safety hazard and is currently prevented by OSHA regulations which require placement of a guard under 29 CFR 19.10 212(a)(3)(i). Employees can stop the machines to lubricate them. However, they must move the punches by hand in order to lubricate them thoroughly, and this is a safety hazard. Brush application has an additional disadvantage in that bristles may break off and contaminate the medicine tablets. Because of the difficulties with brush application, EPA does not consider it a suitable alternative to aerosol application.

Finally, EPA considered the use of alternative propellants for application of Teflon lubricants, including carbon dioxide and hydrocarbons. Carbon dioxide does not offer adequate performance characteristics. The CO_2 spray is much colder than the F–12 chlorofluorocarbons spray and creates the condensation when the spray touches the steel punches. The water Mixes with the Teflon® and causes a smearing effect in the punch socket and eventual binding of the punch in the socket. Furthermore, some parts of the machinery are cast iron, and the water causes rusting. Hydrocarbon sprays cannot be used because they create a flammability hazard. Thus, only CFCs of the major aerosol propellants have been proved to be technically effective and generally safe.

On the basis of the above, EPA believes that there is no safe and effective alternative to CFC propellants in the lubrication of newer, high-speed pharmaceutical rotary tablet press punches. EPA has not performed a detailed assessment of the economic impact of not using newer machines because of a lack of an acceptable lubricant. However, EPA believes that denial of the exemption would lead to a slowdown of tableting operations, and a greater probability of product contamination. Particular problems might result in operation of the most modern high speed machines without Teflon.® The overall result would mean substantially increased cost to the manufacturer, and eventually to the consumer.

The detriment to public health resulting from unavailability of adequate lubricants is unknown. Presumably, a cessation of the use of newer machines could result in at least a short-term shortage of necessary medicinal products. On the other hand, continued production of aerosol products for this use would not have a significant impact on the environment. The annual production of this product by the company which dominates the market amounts to 6,000 cans, containing 3,000 pounds of CFCs.

Therefore, on the basis of the lack of alternatives to the use of CFCs, the economic and potential health impacts of nonavailability of such products, and the fact that the release of CFCs into the environment would be small, EPA has concluded that the use meets the criteria for an essential use, and is proposing to amend § 762.21 to provide for an exemption on this basis. This exemption would become effective upon final promulgation of the rule.

EPA has established a public record for this rulemaking, (OPTS docket number 62010) that is available for inspection in Rm. E–447, Environmental Protection Agency, 401 M St., SW, Washington, D.C., during the hours from 8:00 a.m. until 4:00 p.m., Monday through Friday, except for legal holidays. This record includes all information considered by the Agency in developing this proposal. EPA will supplement the record with additional information as it is received. The record includes the following categories of information:

1. The exemption applications from Key Industries (February 20, 1979);
2. "Essential Use of Determinations—Revised", EPA, March 17, 1978.
3. Records of all communications and meetings between EPA personnel and persons outside the Agency pertaining to the development of this rule.
4. Any factual information considered by the Agency.
5. Comments received on this notice.

Under Executive Order 12044, EPA must determine whether a regulation is "significant" and therefore subject to the procedure requirements of the order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." This rule has been reviewed and determined to be a specialized regulation not subject to the procedural requirements of Executive Order 12044.

(Sec. 6, Pub. L. 94–469, 90 Stat. 2020 (15 U.S.C. 2065))

EPA proposes to amend 40 CFR Part 762 by adding a new paragraph (h) to § 762.21 to read as follows:

§ 762.21 Essential use exemptions.

* * * * *

(h) pharmaceutical rotary tablet press punch lubricants.

Dated: January 12, 1981.

Douglas M. Costle,

Administrator.

[FR Doc. 81-2104 Filed 1-19-81; 8:45 am]

BILLING CODE 6560-31-M

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40 CFR Part 52

[A-10-FRL 1724-1]

Availability of Implementation Plan Revision; State of Oregon

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Availability and Advance Notice of Proposed Rulemaking.

SUMMARY: EPA announces today receipt of four (4) revisions submitted by the Department of Environmental Quality in fulfillment of a condition on the approval of this portion of the Oregon Part D SIP revision.

The public is invited to submit written comments to the record which will be held open for a period of thirty (30) days.

A Notice of Proposed Rulemaking describing the rules and the action that EPA intends to take regarding them will be published in the **Federal Register** after the initial thirty (30) day public comment period has closed. A second period for the submittal of written comments will extend for thirty (30) days after the publication of the Notice of Proposed Rulemaking.

DATE: Comments will be accepted up to February 20, 1981.

ADDRESSES: The related material in support of this revision may be examined during normal business hours at the following locations:

Central Docket Section (10A-70-2), West Tower Lobby, Gallery I, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460

Air Programs Branch, Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Seattle, Washington, 98101

State of Oregon, Department of Environmental Quality, 522 S.W. 5th Avenue, Yeon Building, Fourth Floor, Portland, OR 97207

COMMENTS SHOULD BE ADDRESSED TO: Laurie M. Kral, Air Programs Brauch, M/S 629, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: Michael Gearheard, Air Programs Branch, M/S 625, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101 (206) 442-1226.

SUPPLEMENTARY INFORMATION: On June 24, 1980 EPA published in the **Federal Register** (45 FR 42265) final rulemaking on Part D revision to the Oregon SIP. As part of this action, EPA conditioned various portions of the Part D SIP pending revisions. The state responded to these conditions by submitting four (4) revisions. They are:

(1) September 8, 1980—Certain aspects of RACT determinations for OAR 340-22-170.

(2) October 16, 1980—revision and additions to the Volatile Organic Compounds rules.

(3) December 17, 1980—draft new source review rules.

(4) December 19, 1980—source testing procedures.

The October 16, 1980 Volatile Organic Compound (VOC) rules include revised rules for both Group I and Group II VOC sources. Only the Group I VOC rules were subject to EPA's June 24, 1980 conditional SIP approval. EPA will proceed with a separate rulemaking action for the Oregon VOC rules applicable to Group II sources.

The purpose of this notice is to call the public's attention to the fact that these rules have been formally submitted to EPA and are available for public inspection at the locations noted above. The public is encouraged to submit written comments regarding the proposed rules and thus participate in this rulemaking activity.

A more detailed description of the proposed Oregon SIP revisions will be published in the **Federal Register** at a later date as part of a Notice of Proposed Rulemaking.

Pursuant to the provisions of 5 U.S.C. § 605(b) I hereby certify that the attached rule will not if promulgated have a significant economic impact on a substantial number of small entities. This action only approves state actions. It imposes no new requirements. Moreover, due to the nature of the federal-state relationship, federal inquiry into the economic reasonableness of the state actions would serve no practical purpose and could well be improper.

(Sec. 110, 172, Clean Air Act (42 U.S.C. 7410 and 7502))

Dated: January 13, 1981.

Donald P. Dubois,

Regional Administrator.

[FR Doc. 91-2115 Filed 1-19-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 721

[OPTS-50013A; TSH-FRC 1732-4]

N-Methanesulfonyl-p-Toluenesulfonamide; Public Meeting on Proposed Significant New Use Determination

AGENCY: Environmental Protection Agency (EPA).

ACTION: Public Meeting.

SUMMARY: EPA proposed that certain uses of the chemical substance N-methanesulfonyl-p-toluenesulfonamide be designated as "significant new uses" under section 5(a)(2) of the Toxic Substance Control Act (TSCA) (15 U.S.C. 2604) in the **Federal Register** of November 26, 1980 (45 FR 78970). The comment period for written comment to the proposed rule ended on January 12, 1981. The Chemical Manufacturers Association (CMA) requested an opportunity to convey comments orally to EPA. EPA grants the request and is holding a meeting, open to the public, to receive comments on the proposal from CMA.

DATE: The public meeting will begin at 2:00 p.m. on February 17, 1981.

ADDRESS: The meeting will be held in Washington, D.C. at: EPA Headquarters, Rm. 3908, Waterside Mall, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

John B. Ritch, Jr., Director, Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-429, 401 M St. SW., Washington, D.C. 20460, Toll-Free (800-424-9060), In Washington, D.C. (554-1404).

SUPPLEMENTARY INFORMATION: EPA will hold a meeting, open to the public, concerning the N-Methanesulfonyl-p-Toluenesulfonamide significant new use proposal from 2:00 p.m. to 4:00 p.m. on Tuesday, February 17, 1981, to obtain oral comments from the Chemical Manufacturers Association. Participation in the meeting will be limited to representatives of CMA. As a standard operating policy, the Office of Toxic Substances offers an opportunity for oral comment that is not duplicative of written commentary after the close of written comment periods. This scheme allows EPA to review in advance the written commentary of those who have some additional material or interpretation to communicate which is better conveyed orally in a face-to-face, roundtable type of session. The meeting with CMA falls within this policy. The Agency will include a transcript of the session in the official public record.

Dated: January 12, 1981.

Edward A. Klein,

Director, Chemical Control Division, Office of Toxic Substances.

[FR Doc. 81-2025 Filed 1-19-81; 8:45 am]

BILLING CODE 6560-31-M

OFFICE OF PERSONNEL MANAGEMENT

41 CFR Ch. 16

Procurement Regulations for Federal Employees Health Benefit Plans

AGENCY: Office of Personnel Management (OPM).

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: OPM is drafting proposed regulations to apply to the negotiation and administration of contracts between OPM and carriers for Federal Employees Health Benefit Plans. This Advance Notice explains the major concepts that OPM intends to place in the proposed regulations, and invites comments from all interested persons.

DATE: Comments must be received on or before March 23, 1981.

ADDRESS: Office of Personnel Management, Compensation Group, Office of Pay and Benefits Policy, P.O. Box 57, Washington, D.C. 20044.

FOR FURTHER INFORMATION CONTACT: Ms. Mary Ann Mercer, Telephone (202) 632-4634.

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Employees Health Benefits Act (FEHBA), Pub. L. 86-362, 73 Stat. 708 (1959), as now amended and codified in Chapter 89 of Title 5, United States Code, Federal employees and annuitants may purchase health insurance as a fringe benefit of their Government employment. The Government does not act as an insurer. Rather, in accordance with FEHBA, the Health Benefits Program consists of a group of "health benefit plans." These plans are group insurance policies, contracts or similar group arrangements with nongovernmental organizations, called "carriers," established for the purpose of "providing, paying for or reimbursing expenses for health services." Title 5, United States Code, Subsections 8901 (6) and (7).

Chapter 89 of Title 5 designates the Office of Personnel Management (OPM) as the agency responsible for the administration of the Federal Employees Health Benefits Program. OPM is authorized by the statute to enter into contracts with carriers to make available four categories or types of health benefit plans: (a) one Government-wide service benefit plan; (b) one Government-wide indemnity benefit plan; (c) employee organization plans available only to members of the organization and their families; and (d) comprehensive medical plans, wherein the plan itself provides health care to enrollees on a prepaid basis. 5 U.S.C. 8903. There are now over 100 plans participating in the program, including the two Government-wide plans and 18 employee organization plans.

FEHBA also provides that the Government will pay part of the cost of coverage for each employee, with the employee assuming the remainder. Currently, for all employees except those in the Postal Service, the Government pays a contribution of up to 60 percent of the average charge made by six plans designated by criteria set forth in Section 8906 of Title 5.

Under Subsection 8905(a) of Title 5, each employee is permitted to choose to enroll in one of the health benefit plans approved by OPM. Under Sections 8905(e) and 8913 of Title 5, OPM has, by regulation, designated an "open season" during each year when an employee may make changes in enrollment, including transferring from one plan to another. 5 CFR 890.301(d).

The National Treasury Employees Union v. Campbell Lawsuit

OPM entered into a contract with the Blue Cross Association and the Blue Shield Association to establish the Government-wide Service Benefit Plan authorized by 5 U.S.C. 8903. This contract is known as "Contract No. CS 1039."

On September 18, 1980, the United States District Court for the District of Columbia issued its order in the case of *National Treasury Employees Union* v. *Campbell*, C.A. No. 75-2173. The Court held that Contract No. CS 1039 is a Government procurement contract, and that therefore the Federal Procurement Regulations (FPR's) must, in part, be applied to Contract No. CS 1039. The FPR's are regulations issued by the General Services Administration; the FPR's consist of uniform policies and procedures applicable to Federal agencies in the procurement of, among other things, nonpersonal services. See 41 CFR 1-1.002. The FPR's are set forth in 41 CFR Chapter 1.

The District Court further held that while the FPR's are applicable in general to Contract No. CS 1039, "their specific application necessarily differs because of the distinctive nature of the service involved." *National Treasury Employees Union* v. *Campbell*, Slip Opinion, at 6. The District Court stated that OPM is obligated to issue regulations which inform contractors and employees of which portions of the FPR's are applicable, and of the extent to which OPM policies deviate from the FPR's. The District Court therefore ordered OPM to issue such regulations.

Purpose of This Notice

OPM believes that comments from interested parties and the public would be helpful in drafting the contemplated regulations which will define the applicability of the FPR's to the contracts between OPM and health benefits carriers for Federal employees health benefit plans. OPM anticipates that the final regulations will apply to all such contracts.

The FPR's contain in their provisions numerous Government-wide policies on the negotiation and administration of procurement contracts. OPM believes that this is an appropriate time to reexamine the manner in which these Government-wide policies apply to the rather unique form of procurement that contracts between OPM and health benefit carriers constitute. OPM has therefore set forth for comment the major concepts and policies which OPM contemplates its regulations will embody.

Material for Comment

The FPR's provide a format for each Federal agency to publish "implementing regulations deemed necessary for business concerns, and others properly interested to understand basic and significant agency procurement policies and procedures which implement, supplement or deviate from the FPR." 41 CFR 1-1.008. Such implementing and supplementing material is to be published in the **Federal Register** and then incorporated into succeeding chapters of Title 41, Code of Federal Regulations. 41 CFR 1-1.006-1. In order to carry out the order of the District Court in *National Treasury Employees Union* v. *Campbell*, OPM proposes to follow the FPR format and establish a new chapter in Title 41, Code of Federal Regulations. OPM will describe in that chapter the applicability of the FPR's to contracts between OPM and health benefit carriers, including any OPM deviations from the FPR's.

OPM proposes to generally define the applicability of the FPR's to contracts with health benefit carriers as follows: "The Federal Procurement Regulations set forth in Chapter 1 of Title 41, Code of Federal Regulations are applicable to contracts between the Office of Personnel Management (OPM) and health benefits carriers which establish health benefit plans for Federal employees and annuitants, except to the

extent that this chapter indicates that a part of the Federal Procurement Regulations is inapplicable, or that OPM has determined to deviate from a part of the Federal Procurement Regulations."

OPM proposes to then implement the particular parts of the FPR's applicable to the contracts for health benefit plans through a series of more specific regulations dealing with those parts requiring supplementation or modification. Those numerous parts of the FPR's which, by their own terms, have no apparent application to these contracts, will not be referenced in the OPM regulations. For example, part 1–2, "Procurement by Formal Advertising," has no application because FEHBA exempts these contracts from formal advertising. Similarly, parts 1–5, "Special and Directed Sources of Supply;" 1–6, "Foreign Purchases;" 1–9, "Patents, Data and Copyrights;" 1–10, "Bonds and Insurance;" 1–14, "Inspection and Acceptance;" 1–17, "Extraordinary Contractual Actions to Facilitate the National Defense;" 1–18, "Procurment of Construction;" and 1–19, "Transportation" have no apparent relevance to these contracts. This list is illustrative and not intended to be complete. In addition, parts 1–1 and 1–7 contain numerous contract clauses which the contracting officer will have to determine the applicability of on an individual basis for each contract.

Part 1–1. This part contains general procurement policies. Subpart 1–12 deals with determination of responsible prospective contractors. OPM has previously issued regulations which specifically set minimum standards for health benefit plans and carriers for participation in the Federal Employees Health Benefits Program, thereby implementing statutory requirements set forth in Section 8902 of Title 5. These regulations, 5 CFR 890.201–890.202, will continue to govern admission to the program.

Part 1–3. Contracts between OPM and health benefit carriers are exempted by 5 U.S.C. 8902 from any requirements for formal advertising for bids. Contracts between OPM and health benefit carriers are consequently procured by negotiation, and thus are generally subject to part 1–3 of the FPR's. OPM proposes to implement part 1–3 of the FPR's, "Procurement by Negotiation," by defining the types of contracts involved, by describing how subpart 1–3.8, "Price Negotiation Policies and Techniques," applies to these types of contracts, and by stating the extent of applicability of subpart 1–3.12, "Cost Accounting Standards."

OPM's proposed definitions of the types of contracts are as follows:

"Contracts between OPM and health benefit carriers are of two principal types:

(a) Community rated contracts: The subscription charge per subscriber is fixed for the term of the contract and is not subject to any redetermination. The contract is with a health benefit carrier which offers a single basic benefit package to all of its subscribers (including Federal employees and annuitants) at the same basic subscription rate. The community rate per subscriber is calculated to produce sufficient revenue to cover the cost of benefits delivered to all enrollees as well as the overhead costs of delivering the benefits. The rate charged to Federal subscribers may differ somewhat from the community rate because: (1) certain additional benefits above the basic package may be provided to Federal subscribers (this cost is referred to as a "benefit loading"); and (2) minor adjustments from the basic community rate may be made in the rate charged to Federal subscribers to cover unique requirements of the Federal Employees Health Benefits Program (this cost is referred to as a "standard loading"). Where, because of lead-time requirements in rate negotiations, an estimated community rate is used, and subsequently the actual community rate turns out to differ from the estimated rate, some readjustment may be made.

(b) Experience rated contract: In this contract, the subscription charge per subscriber is set at the beginning of the contract term, and a fixed service charge (fee) to the carrier may be set. Administrative expenses of the carrier are subject to a negotiated limitation.

At the end of the contract term, any surplus of the subscription charges collected by the carrier over the cost of providing the benefits is carried forward to the next contract term as a positive balance in an account called the "special reserve;" conversely, any shortfall where cost of providing the benefits exceeded rates collected is carried forward as a negative special reserve balance. The special reserve balance becomes a factor in determining subscription charges for the next contract term. See 5 CFR 890.201(a)(8)."

OPM proposes to describe the applicability of subpart 1–3.8 of the FPR's to the process of negotiating health benefit plan contracts in the following manner: "Application for approval of, and proposal of amendments to, health benefit plans should be made according to the procedures set out in 5 CFR 890.203. OPM applies the requirements of Subpart 1–3.8 of 41 CFR, "Price Negotiation Policies and Techniques," to such proposals for a plan subscription charge during a contract term as follows:

(a) For a community-rated health benefit plan contract, the carrier is required to demonstrate to the contracting officer that the base community rate is in fact a true community rate offered to non-Federal subscribers. The Office of Actuary, Compensation Group, OPM, will assist the contracting officer in analyzing the proposed rate, and the Office of Actuary may request that the carrier provide appropriate supporting data or documentation. The Office of Actuary will examine any standard and benefit loadings.

(b) For an experience-rated plan, the carrier is required to demonstrate to the contracting officer that the proposed rate reasonably and equitably reflects the costs of the benefits to be provided. The Office of Actuary will assist the contracting officer in analyzing the proposed rate, and the Office of Actuary may request that the carrier provide appropriate supporting data or documentation on the costs to be incurred by the carrier under the proposal.

Each experience-rated plan is required to submit, with its rate proposal, a projection of its operations for the current and succeeding years, and to explain the derivation of each item in the projection. Data supplied by the plan is checked against statements filed by the plan showing monthly paid claims by incurred quarter of each year. The data in these reports are also verified by comparison to the plan's annual accounting statement filed with OPM. The Office of Actuary will review the information filed by the plan and compare the plan's data with an independent projection developed by the actuary.

(c) Each health benefit plan is audited by the Audit Division, Compensation Group, OPM, on a periodic basis according to a schedule determined by the Audit Division in consultation with the contracting officer. The Audit Division prepares audit reports which are supplied to the contracting officer and the Office of the Actuary. The contracting officer utilizes these audit reports in evaluating the validity and accuracy of data submitted by the carriers, in conducting negotiations on rates proposed by carriers, and in evaluating the efficiency and effectiveness of carrier operations.

(d) Carriers are required to submit a "Certificate of Current Cost on Pricing Data" in a format designated by OPM. For community-rated carriers, this certificate will require the carrier to

certify that the base community rate is a true community rate. The certificate will, with respect to experience rates, require the carrier to certify that to the best of the carrier's knowledge and belief, the data is accurate, complete and current.

OPM also proposes to explain its policy relating to a service charge (fee or profit) for health benefit carriers. OPM proposes the following statement of its policies on this subject:

"(a) Community-rated contracts with health benefit carriers include a fee, if any, as part of the overall subscription charge, and there is no separately negotiated fee item.

(b) Experience-rated contracts with health benefit carriers may contain an item called the "service charge," which is analogous to a fee. The amount of the service charge is determined by negotiation between the contracting officer and the carrier. In addition to the factors set forth in 41 CFR 1–3.808, the following types of factors may be considered in negotiating the amount of a service charge:

(1) Underwriting risk;

(2) Size of enrollment in plan;

(3) Level of capital investment by plan in facilities;

(4) Plan efforts and effectiveness in containment of health care costs;

(5) Quality of plan service to subscribers;

(6) Plan participation in or sponsorship of subscriber and provider education, and other community service programs;

(7) Unrecovered costs to carrier for enrollees converting from enrollment in plan to individual coverage;

(8) Changes in the Consumer Price Index; and

(9) For plans sponsored by employee organizations, the amount of associate membership dues, if any, received by the organization.

Subpart 1–3.12 of the FPR's sets forth a series of Cost Accounting Standards issued by the Cost Accounting Standards Board. OPM proposes to define the extent of the applicability of the Cost Accounting Standards through the following statement: "Experience-rated contracts between OPM and health benefit carriers will include the 'modified contract coverage clause' set forth in 41 CFR 1–3.1204–2(b). This clause, entitled 'Consistency of Cost Accounting Practices-Nondefense Contract,' requires compliance with 41 CFR 1–3.1220–1, 'Consistency in Estimating, Accumulating and Reporting Costs,' and 41 CFR 1–3.1220–2, 'Consistency in Allocating Costs incurred for the Same Purpose.'"

Although application of the remaining cost accounting standards (41 CFR 1–3.1220–3 to 1–3.1220–14) is not required by the modified contract coverage clause, OPM believes that these standards represent the application of sound cost accounting theory which, if adhered to by carriers, would result in an equitable and reasonable allocation of expenses to the health benefit plans. Consequently, OPM plans to review the other cost accounting standards for possible future application to the health benefit plan contracts, and OPM requests comments regarding the appropriateness of applying each standard.

Part 1–8. This part contains procedures for termination of procurement contracts. The procedures for withdrawal of approval of a health benefit plan are governed by specific program regulations set forth at 5 CFR 890.205 and are implemented by provisions in each of these contracts.

Part 1–11. This part concerns Federal, State and local taxes. The contracts between OPM and health benefit carriers contain specific provisions governing taxes.

Part 1–12. This part deals with general policies concerning labor. In subpart 1–12.1, "Basic Labor Policies," certain requirements for prospective and retroactive approvals of overtime premiums and shift premiums are set forth at 41 CFR 1–12.102–4. OPM will not require any agency approval of overtime or shift premiums.

OPM contracts with health benefit carriers will contain appropriate clauses to implement the subparts of Part 1–12 which relate to restrictions on use of convict labor and to equal opportunity in employment.

Part 1–15. This part of the FPR's contains general cost principles and procedures for the negotiation and administration of several types of contracts. OPM has maintained that the cost principles set forth in subpart 1–15.2 apply to experience-rated contracts with health benefit carriers, and OPM proposes to so state through the following language:

"The Contract Cost Principles and Procedures set forth in 41 CFR Subpart 1–15.2, entitled "Contracts with Commercial Organizations," apply to all experience-rated contracts between OPM and health benefit carriers. Allowable costs under such experience-rated contracts will be determined according to Subpart 1–15.2."

OPM is studying the "selected costs" principles set forth in § 1–15.205, and welcomes comments regarding particular cost items. In particular, OPM has the option, pursuant to FPR Temporary Regulation 40, 41 Federal Register 44475 (October 8, 1976), of implementing Cost Accounting Standard No. 414, "Cost of Money as an Element of the Cost of Facilities Capital."* Interested parties should be aware that if OPM determines to issue regulations allowing the imputed cost of money in facilities capital as an allowable administrative cost, OPM expects that, consistent with General Services Administration guidance, the service charge paid to the carrier would no longer reflect the level of investment by the carrier, and would be correspondingly reduced.

At this time OPM is proposing several clarifications of the selected costs subsections. These proposals are as follows: "The 'Selected Costs' set forth in 41 CFR 1–15.205 are supplemented or modified to the following extent:

(1) Advertising costs (§ 1–15.205(1)). Advertising includes any message in the media which identifies the name of the carrier or of its Federal Employees Health Benefit plan, and which is directed at either the plan's current subscribers, Federal employees and annuitants, providers of medical services, or the general public. Media messages with an asserted "educational" content or purpose are deemed advertising when the above circumstances exist, regardless of the fact that the messages may include information related to health care or cost containment. The expense of advertising is not allowable as a cost; however, the expense of plan educational efforts may be a factor to be considered by the contracting officer in negotiating the "service charge."

(2) Compensation for personal services (§ 1–15.205–6(b)). OPM approval of overtime is not required for overtime premiums, extra-pay shifts and multi-shift work premiums to constitute allowable costs.

"(3) Professional and consultant service costs—legal, accounting, engineering and other (§ 1–15–205–31(d)). Expenses incident to carrier appeals under the disputes clause of a contract from final decisions of the contracting officer are not allowable costs."

Part 1–16. This part prescribes various forms for use in procurement actions. OPM generally uses forms it has developed for use within the Federal Employees Health Benefits Program, and which serve comparable functions to the forms set forth in Part 1–16.

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* FPR Temporary Regulation 40 may be rescinded in the near future pursuant to Policy Letter 80–7 of the Office of Federal Procurement Policy (December 9, 1980). Should FPR Temporary Regulation 40 be revoked, OPM will evaluate the situation in the light of whatever future provisions are inserted into the FPR's concerning cost of money.

Part 1–20. This section prescribes requirements for records retention. This part applies to contracts between OPM and health benefit carriers, except that 16–20.202(a), "Other record retention requirements," will be modified to ensure consistency among all FEHBP contracts. OPM will require retention of records and accounts for 5 years after the end of the contract year to which they relate, except that claims records shall be maintained for 3 years after the end of the contract year to which they relate.

Part 1–30. This part concerns contract financing. The contracts between OPM and health benefit carriers contain specific provisions defining the method of payment from the Federal Employees Health Benefit Fund to the carrier.

This advance notice of proposed rulemaking is issued under the authority of 40 U.S.C. 486(c) and 5 U.S.C. 8913.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

[FR Doc. 81–1846 Filed 1–19–81; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 63

[CC Docket No. 78–72—Phase II]

MTS and WATS Market Structure; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Report and Third Supplemental Notice of Inquiry and Proposed Rule; Extension of comment and reply period.

SUMMARY: This Order grants Alascom, Inc., a one month extension of time in which to file comments in CC Docket 78–72–Phase II relating to MTS and WATS market structure. The extension is granted to give Alascom additional time to complete market studies and to prepare comments.

DATES: Initial comments are now due on or before January 8, 1981, and reply comments are due on or before February 16, 1981.

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

FOR FURTHER INFORMATION CONTACT: Douglas Slotten, Policy and Program Planning Division, Common Carrier Bureau, 202–632–9342.

SUPPLEMENTARY INFORMATION:

Order Extending Time for Filing Comments and Reply Comments (45 FR 55777); August 21, 1980

Adopted: December 4, 1980.

Released: December 5, 1980.

By the Chief, Common Carrier Bureau:

1. On December 1, 1980, Alascom, Inc., filed a petition for an extension of time to file comments to the Commission's *Report and Third Supplemental Notice of Inquiry and Proposed Rulemaking* in *CC Docket No. 78–72 Phase II,* FCC 80–463 (released August 25, 1980).[1] The *Third Supplemental Notice* separated the question of competitive versus monopoly supply of telecommunications services in the Alaska submarket from the consideration of that issue for the remainder of the United States. In so doing, it provided Alascom with a further opportunity to support its argument that Alaska should be served on a sole source basis. On December 3, 1980, General Communications Inc. (GCI), filed an opposition to Alascom's petition.

2. Alascom seeks an extension of time until January 8, 1981, in which to file initial comments, and until February 14, 1981, in which to file reply comments. In support of its request, Alascom states that the month extension to December 8 was the minimum necessary if everything happened without delay. It states that it has made considerable progress in preparing its studies but needs an additional month to complete the studies and to prepare its comments. Alascom states that it does not believe the Commission or other parties will be injured by a short delay.

3. GCI argues that Alascom has failed to justify its request for an extension of time in which to file comments, and that the Commission should deny, or severely limit, any extension of the due date. In support of its position, GCI submits that it and other carriers desire an early confirmation that an open entry policy in the MTS–WATS market is applicable to Alaska as well as the other 49 states; that Alascom has already had 90 to 120 days to develop a study methodology and prepare its comments; and that this is the third 30 day extension requested by Alascom.

4. The Commission is cognizant of the uncertainty engendered by the existence of an outstanding docket which is inquiring into the question of whether an open entry policy for the MTS–WATS market in Alaska is in the public interest. To reach a decision, the Commission must develop a record on which a decision can be made. Based on Alascom's representation that considerable effort has been expended in preparing market studies and that significant progress has been made, the Commission finds that the grant of an additional month in which to file comments is in the public interest. This should provide the Commission with a complete record upon which to base its decision. We would emphasize, however, that the Commission will not look with favor on further requests for extension of time by Alascom in the absence of compelling circumstances. Reply comments will be due on February 16, 1981, since the fourteenth is a Saturday.

5. Accordingly, it is ordered, pursuant to Sections 4(i), 5(d)(1) and 303(f) of the Communications Act, as amended, and Section 0.291 of the Commission's Rules, that the dates for filing comments in response to the *Report and Third Supplemental Notice of Inquiry and Proposed Rulemaking* IS EXTENDED to and including January 8, 1981, and the date for filing reply comments IS EXTENDED to and including February 16, 1981.

Federal Communications Commission.

William B. Ginsberg,

Deputy Bureau Chief (Policy).

[FR Doc. 81–2032 Filed 1–19–81; 8:45 am]

BILLING CODE 6712–01–M

[1] That Order initially established filing dates of October 17, 1980, for initial comments and November 17, 1980, for reply comments. Because of Commission delays in issuing the Order, the Common Carrier Bureau extended the dates at Alascom's request until November 10, 1980, and December 10, 1980, respectively. See Mimeo No. 35462. Subsequently, the Commission granted an additional extension of time to December 8, 1980, and January 14, 1981, respectively. See Mimeo No. 01146 (released November 4, 1980).

47 CFR Part 76

[CT Docket No. 79–193; RM–3115; FCC 80–754]

Television Broadcasting; Television Broadcasting; Cable Television; Addition to Huntsville-Decatur, Alabama, Market

AGENCY: Federal Communications Commission.

ACTION: Denial of proposed rule.

SUMMARY: The Commission does not adopt a proposed amendment to its list of the top 100 television markets utilized in the cable television rules (47 CFR 76.51) to add Florence, Alabama to the hyphenated market now designated as Huntsville-Decatur, Alabama (#96). Inclusion of Florence in the market would have made Florence televison stations "must-carry signals" for cable systems within the Grade B contour of Huntsville and Decatur television stations. The Commission finds that

Florence is not part of the Huntsville-Decatur viewing market; that there is no public need to include Florence in the market; and that the burden would be too great on Huntsville and Decatur cable systems to require them to carry the Florence station under the mandatory signal carriage rules.

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

FOR FURTHER INFORMATION CONTACT: Deborah L. Stuehrmann, Cable Television Bureau, (202) 632-6468.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 76.51 of the Commission's rules and regulations, CT-Docket NO. 79-193, RM-3115.

Report and Order

Adopted: December 18, 1980.
Released: January 14, 1981.

By the Commission: Commissioners Quello and Jones absent.

1. Television Muscle Shoals, Inc., ("TMS"), licensee of Station WOWL-TV (NBC, channel 15), Florence, Alabama, has requested that the Commission revise its list of the top 100 television markets utilized in the cable television rules (47 CFR 76.51), to add Florence, Alabama to the hyphenated market now designated as Huntsville-Decatur, Alabama (#96). TMS originally filed its request as a petition for special relief pursuant to § 76.7 of the Commission's Rules. Objections to that petition were filed by Teleprompter Southeast, Inc., and Decatur TeleCable Corp., both operators of cable systems that would be required to carry the signal of WOWL-TV if the market designation were changed. When TMS replied to these objections, it became clear that what TMS sought was in fact a change in § 76.51(a)(96) of the Rules, rather than special relief. TMS's pleading was thus converted to a petition for rulemaking and in response the *Notice of Proposed Rule Making in CT Docket 79-193,* FCC 79-484, FCC 2d , 44 FR 48997 (1978), was issued proposing the change in market designation urged by TMS. Comments and Reply Comments were filed by Teleprompter Southeast, Inc., Rocket City Television, Inc., American Valley Broadcasting Company, Decatur TeleCable Corporation, Television Muscle Shoals, Inc., and Athens TV Cable of Alabama, Inc. In addition all pleadings in the special relief proceeding have been considered in the present rulemaking.

Comments

2. The Comments in support of the proposed rulemaking argue: (1) That it is unfair to exclude Florence from the Huntsville-Decatur market when, in fact, the Florence population was included in the calculation of the market rank in 1970; (2) that Florence is a part of the Huntsville-Decatur community due to the amount of advertiser support in that market from Florence viewers; and (3) that the inclusion of Florence in the market could be accomplished without undue economic hardship to existing cable systems. Athens TV Cable of Alabama, operator of a cable television system in Athens, Alabama, supports the change since in its absence it is prohibited from carrying the signal of WOWL-TV.

3. The cable television system comments in opposition to the proposed change argue: (1) That Florence is a community separate and distinct from Huntsville-Decatur, such that there is no integration of economic and social units to justify including it in the market; (2) that the petition is actually based upon a conflict between TMS and Arbitron such that the Commission should not be "used" to settle their dispute; and (3) that to include Florence in the Huntsville-Decatur market would force cable operators to carry Station WOWL-TV and that such a requirement would be costly to cable systems already carrying a full complement of signals. The cable system in Decatur, for example, estimates that carriage of WOWL-TV would require an upgrading of its plant and the installation of converters involving an initial capital outlay of $641,050 and annual operating costs of $40,520. The change is also resisted by American Valley Broadcasting, Inc., the licensee WAFF, a Huntsville, Alabama television station, which states that the communities in question are geographically and economically separate and that while it has audience in the Florence area it does not rely on the area for advertising support or attempt to ascertain or serve the needs and interest of that area. It claims that what is really involved, is a dispute between the Florence television station and ARB, that ARB's decision to include Florence in the market is erroneous, and that the Commission should not permit itself to be used to resolve this private dispute.

Discussion

4. The presence or absence of a community on the major (top 100) market list has a number of consequences for television stations licensed to that community: (1) It determines whether the station obtains the benefits of smaller or major market network nonduplication protection (smaller market stations receive a large zone of protection), (2) it determines whether the station receives syndicated program exclusivity and the type of protection from distant signal carriage to which it is entitled (the Commission in its *Report and Order in Docket 20988 and 21284,* FCC 80-443, 45 FR 60186 (1980) has voted to eliminate these rules), and (3) it determines the scope of a station's mandatory cable television carriage rights (a station is entitled to mandatory carriage throughout the market with which it is identified). The Commission originally based it major market list on the American Research Bureau's (now Arbitron) 1970 primetime households ranking, although it made minor adjustments to this list. Para. 75, *Cable Television Report and Order,* FCC 72-108, 36 FCC 2d 143, 171-172 (1972). Arbitron's 1970 market rankings refer to the "Huntsville-Decatur-Florence" market. However, when the list was incorporated into Section 76.51 of the rules, the market was designated "Huntsville-Decatur." The absence of Florence from this list is unexplained in the *Cable Television Report and Order, supra.*

5. In the present context what is in issue is the mandatory carriage rights of WOWL-TV. It would like to have such rights on additional cable systems, including particularly those in Huntsville and Decatur. The cable systems are resisting such carriage on the grounds of inadequate channel capacity, technical unavailability of the WOWL-TV signal, unnecessary duplication of signal carriage from stations that might be subject to deletion under the network nonduplication rules, and a desire for freedom from governmental interference in the broadcast signals distributed to their subscribers. The change would also create additional competition for the stations in Huntsville and is resisted by one of the stations there.

6. In the *Cable Television Report and Order, supra,* at 176, the subject of "hyphenated markets" was discussed. The Commission said:

> In such markets, characterized by more than one major population center supporting all stations in the market but with competing stations licensed to different cities within the market area, we will permit and, on request of the station involved, require carriage of all stations licensed to designated communities in the market. Because of the structure of these markets, including the terrian and the population distribution, portions of the market are occasionally located beyond the Grade B contours of some market station. Consequently, we are adopting this rule in order to help equalize competition between stations in markets of this type, and to assure that stations will have access to cable subscribers in the market and that cable subscribers will have access to all stations in the market. (Footnote omitted).

7. The term "market" as it is used in the cable television rules, and indeed as it is used by the audience rating services and the broadcasting industry generally, is not without certain ambiguities. Since the term is used in a number of different contexts and in particular has been used to perform a number of functions in the regulation of cable television, certain compromises inevitably have been incorporated into the definition. For purposes of the cable television syndicated program exclusivity rules the definition was intended to be a partial reflection of the manner in which television programming was sold; for purposes of protecting television stations from distant signal competition it was intended to define a core area on which the stations in question principally relied for their economic support; and for purposed of the mandatory carriage rules it was intended as an area on which the stations in the market actually relied or could logically rely on for economic support. For all of these purposes the greater the separation between cities, involved, the thinner the common bond allowing both to be considered part of the same market.[1]

8. Our research has failed to produce any definitive answer to the question of why Florence was eliminated from the Arbitron list which was used as the basis for the 1972 cable television top 100 market list. Although the *Notice of Proposed Rulemaking* in this proceeding refers to the absence of Florence from the major market list as "inadvertent error" (para. 4), further investigation suggests that while unexplained in the *Cable Television Report and Order*, the absence of Florence from the list was probably not inadvertent. As that *Report* explains, the list used by the Commission was not identical to that used by Arbitron. Certain changes were made as the result of the Commission's own experience with the various market situations involved and it appears that the decision had been made prior to the *Cable Television Report and Order* that the Florence and Huntsville-Decatur areas were separate, at least for some purposes, such as the Commission's reporting of aggregate market-by-market television station financial data. See, for example, "TV Broadcast Financial Data—1970," Sept. 7, 1970, mimeo 71434 which lists the Huntsville-Decatur market separately.

9. Regardless of the historical reasons for the market list created in 1972, the question to be resolved now is whether, in terms of the functions of the cable television rules, the areas here involved should be one market or two. What is involved in the present proceeding is a situation in which the two cities in question—Florence and Huntsville—are some 75 miles apart. Both Huntsville and Decatur are outside the Grade B contour of the station in Florence and Florence is outside of the Grade B contours of the stations licensed to Huntsville. Although stations from Huntsville have a considerable viewing audience in the Florence area and are carried on the Florence cable television system, the Florence station has little if any off-air audience in the Huntsville area and historically has not been available for cable television carriage on the Decatur or Huntsville cable television systems because of the operation of the Commission's cable television rules. A review of recent Arbitron county coverage audience surveys shows that WOWL–TV has very little over-the-air audience in any part of the 35-mile zone around Huntsville and Decatur where cable carriage would be mandatory if the proposed rule were adopted.[2] The lack of cable television carriage thus cannot be said to be impeding the station from reaching its natural over-the-air audience. Nor has TMS offered any other persuasive evidence of a *public* need to include Florence in the Huntsville-Decatur market. It has rather simply asserted that it is prejudiced by *Arbitron's* list through impacts on its advertising rates.[3] TMS has not brought forth any facts indicating a public desire for reception of WOWL–TV in the Huntsville-Decatur area. Our conclusion is that, in terms of the cable television rules, a strong case has not been to merge these two markets into one.

10. Besides the lack of evidence of any public benefits to be derived from the proposed rule change, it could involve significant costs. Mandatory carriage of several television signals in areas far beyond their Grade B contours would be required if the rule change were adopted. For example, a cable system in Scottsboro, Alabama, within the 35 miles zone and Grade A contour of Huntsville, would be forced, under the mandatory carriage rules, to carry the Florence station, which is approximately 100 miles away. The same would be true of cable systems in Mississippi, just outside the Grade A contour of Florence but within its 35 mile zone, which would have to carry the Huntsville stations, again approximately 100 miles away. It is impossible to justify such carriage as necessary to assure these stations access to the audience they are licensed to serve given the distances involved. Moreover, the cable systems involved would be required to carry an NBC affiliated station, largely duplicative of stations already carried, from communities with little immediate economic or social relationship to them. In sum, given the distances involved, the fact that most of the area in which this change would afford WOWL–TV expanded carriage rights is outside its Grade B service area, and the absence of any clear showing or particularized need by the station requesting the change, or indication of how the public would benefit from the change, we have concluded that it should not be adopted. It should be emphasized, however, that this market definition is for purposes principally of enforcing the cable television mandatory cable television signal carriage rules and should not be taken as automatically applicable as a market definition for other purposes.

11. The *Notice of Proposed Rule Making* in this proceeding also proposed the elimination of Decatur from the Huntsville-Decatur designated market

[1] It should be acknowledged that market definitions are also reflections of economic decisions made by the three major national television networks. The three networks attempt to provide coverage of the entire nation through the broadcasts of their affiliates but at the same time reduce their costs by minimizing diplication of coverage. Thus, the presence of two affiliates of the same network in an area suggests that two markets are present since two affiliates are required to provide adequate coverage of the area. It not infrequently occurs, however, that for various reasons, including particularly differences in the transmission capabilities between UHF and VHF stations, that one network can obtain full coverage of an area with one station while another network will require more than one affiliate. Thus, the area is one "market" for some networks and two "markets" for others. The Commission and the rating services may then be required to chose one or the other categorization depending upon the purposes the market definition or list is to be used for.

[2] According to Arbitron's *1979 County Coverage Survey, CATV-Controlled*, WOWL–TV receives no measurable share of off-air viewing in Marshall County where Huntsville is located and only a 1 share in Morgan County where Decatur is situated. However the Huntsville stations do receive a respectable portion of the off-air viewing in Colbert and Lauderdale counties where Florence is located. WAFF–TV, the Huntsville-Decatur NBC affiliate, receives a 6 share in Colbert county and an 8 share in Lauderdale. WAAY–TV's (ABC, Huntsville-Decatur) off-air share is 25 in both counties. WHNT–TV (CBS, Huntsville) receives viewing shares of 42 and 39 in Colbert and Lauderdale counties, respectively.

[3] Various commenting parties have argued that this controversy is really between *Arbitron* and TMS, and that the Commission should not be "used" as an arbitrator of an essentially private matter. It is not clear, however, just how this dispute would be resolved by a Commission ruling nor what its impact would be on the advertising rates charged by TMS. Nor is it sufficiently clear what the basis would be for any court action by TMS against *Arbitron*. In any event, it is not the Commission's responsibility to settle disputes of this kind, nor will our decision be influenced by the existence of this private controversy.

because there is no station licensed to that community. Since there is no station licensed to Decatur no "specified zone" (see 47 CFR 76.5 (f)) exists around it and its inclusion has no regulatory consequence. Its deletion from the list was therefore proposed. Compare *Order,* FCC 74–1126, 49 FCC 2d 198 (1974) deleting Jacksonville from the Springfield-Decatur-Champaign, Illinois market. We are cited to a number of other situations by commenting parties in which communities on the major market list have no commercial stations licensed to them. Since the inclusion of these cities on the list has no regulatory consequence we do not believe that by themselves they provide justification for continuing the existing confusion with respect to Decatur. However, in § 73.606 (the broadcast table of assignments), channel 54 has been allocated to the hyphenated Huntsville-Decatur community and it is evident that should a station on that channel be activated that this would be the appropriate market designation. Therefore, in order to avoid the necessity of further proceedings if that channel is activated we have decided to leave the list as it is in its present form. it should be understood, however, that until a station comes on the air in Decatur, there is no station there to have a "specified zone" § 76.5(f)) and therefore the inclusion of this community on the list has no immediate regulatory consequence.

Authority for the action taken herein is contained in Sections 2, 3, 4 (i) and (j), 301, 303, 307, 308, and 309 of the Communications Act of 1934 as amended.

Accordingly, it is ordered, that the rule change proposed in CT Docket 79–193 is denied.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81–2058 Filed 1–19–81; 8:45 am]

BILLING CODE 6712–01–M

Notices

Federal Register
Vol. 46, No. 13
Wednesday, January 21, 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.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Food Stamp Program: Fiscal Year Funds for Demonstration, Research, and Evaluation Projects; Grant Availability

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice of grant availability.

SUMMARY: The Food and Nutrition Service (FNS) gives notice of the availability of Fiscal year 1981 funds for demonstration, research, and evaluation grants related to Food Stamp Program operations. The grants are authorized under Section 17 of the Food Stamp Act of 1977, as amended (7 U.S.C. 2026). This Notice provides general background information on the types of grant proposals which are being solicited and describes how grantee selections will be made.

DATE: The cutoff date for receipt of applications is March 23, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. Claire Lipsman, Director, Program Development Division, Family Nutrition Programs, Food and Nutrition Service, USDA, Room 672 GHI Building, Washington, D.C. 20250, (202) 447-8325.

SUPPLEMENTARY INFORMATION:

Background and Objectives

With the growth of the Food Stamp Program, both Congress and the Administration recognized the importance of earmarking special funds which could be used to gain increased program knowledge. This recognition was translated into legislative and budgetary authority for the operation of research, evaluation, and demonstration projects. With the initiation of those projects mandated by the 1977 Act, FNS has turned its attention to the development of a systematic mechanism for improving program operations through research activities. This announcement marks the first step in implementing an on-going mechanism for such research.

FNS intends, at least annually, to solicit proposals for the conduct of demonstration, research, and evaluation projects. Such initiatives will be undertaken with the purpose of gaining specific knowledge which would lead to the improvement of program administration and/or service delivery. For FY 1981, FNS intends that project and research proposals focus on priority policy areas such as program simplification; reduction of error, fraud, waste, and abuse; and strengthened program management.

FNS proposes the conduct of demonstration projects and research studies. While it is expected that many demonstration projects will come from State welfare agencies, given their role as program administrators, other public agencies or non-profit organizations may be more inclined to submit proposals related to the research topics listed in this notice. Universities and colleges are particularly encouraged to respond to this solicitation. This latter emphasis is reinforced through a recent Executive Order which mandates a governmentwide commitment to enlarge the role of historically Black colleges and universities in Federally funded research and evaluation projects.

Funding

Depending on the nature and objective of the research or demonstration project, FNS will pay up to 100% of the total cost. In other instances, grantees may be asked to share the expenses at a rate not to exceed 25% of total costs. Grantees' portion of funds may be in either cash or in-kind contributions which meet the Department's definition of "allowable" under appropriate financial regulations.

Areas of Research and Demonstration Projects

FNS wishes to encourage applicants to develop proposals which reflect creative and innovative approaches to Food Stamp Program administration and service delivery. Such creativity need not necessarily be a totally new idea or concept, but could be the application of an existing concept to Food Stamp Program operations Proposals should not, however, alter recipient eligibility and benefit level standards but rather explore the adaptation of alternative management techniques or modified procedures that can be cost effective and result in program improvement.

Presented below is a compilation of project and research ideas which have emerged from discussions regarding the Agency's objectives/priorities. This list is intended to provide examples of the types of projects or research in which the Department is interested. This list is not intended to be limiting, but to present an idea of the scope and variety of topics. Issuance project/research proposals have intentionally been omitted from the following listing as these issues will be requested under a separate solicitation.

(1) Effects of refining specific certification and recertification procedures—introducing modifications and measuring costs and impacts of processes such as the application cycle, recipient information and face-to-face interviews.

(2) Effects of current and alternative appeals procedures—how to best accommodate recipient appeal rights in a more timely and cost effective manner.

(3) Analysis of patterns of Food Stamp Program participation—relating recipient characteristics to benefits and benefit duration.

(4) Effects of standardizing Food Stamp and AFDC procedures.

(5) Impacts of caseload management alternatives—experimenting with various approaches to local Food Stamp office organization, procedures and staffing.

(6) Participant and cost effects of methods of allocating resources to accomplish verification requirements while reducing errors.

(7) Effects of different methods of local office organization and procedures on meeting expedited service standards, and impacts on participants and costs of alternative expedited service processing standards.

(8) Effects of alternative procedures for detecting program fraud and abuse—exploring specific measures such as matching computer records, using special investigative teams, etc.

(9) Techniques for State and local caseload projections for planning, budgeting and management purposes.

(10) Information dissemination—how to best communicate new information to and within State agency structures.

Selection Process

In response to this announcement, FNS invites potential grantees to submit a pre-application, using Form AD–625. By requesting pre-applications rather than full applications as original submissions, FNS hopes to keep to a minimum the costs involved in initial proposal preparation.

Upon receipt of the pre-applications, FNS will convene a panel to review all project submissions received to date. The panel will be composed of FNS representatives and representatives of other Agencies if project ideas impact their areas of operation. Organizations submitting ideas which are selected for further review will be subsequently contacted and asked to submit full proposals. At the same time, FNS will inform the potential grantees of any modifications to the project scope which are considered necessary. Full proposals shall be submitted in accordance with all appropriate requirements as established under OMB Circular A–95 and other applicable OMB Circulars, and shall be signed by representatives of the applicant agency with the authority to commit the agency to the project. Final proposals will be evaluated based on criteria discussed under Proposal Evaluation.

Successful negotiations on project operations will result in the issuance of a Notice of Grant Award. The Grant Notice will set forth the amount of the grant, the purpose of the grant, the terms and conditions of the grant, the grantee's level of financial participation, the effective date of the grant, and the budget period of the grant. Unsuccessful applicants will be notified in writing that their proposals have either not been selected for funding or are being held for consideration at a future date.

The grant awards resulting from this notice will be awarded in Fiscal Year 1981. It is recognized that the operational period for the majority of such grants may extend beyond FY 1981.

Proposal Contents

The *Program Narrative* section of the pre-application form (AD–625) should provide sufficient information to allow FNS to make a judgement on how the research or the demonstration project will add to program knowledge, the proposer's ability to conduct the project, and the project's potential cost. At a minimum, the following information will be required:

(1) The added knowledge and/or the objectives of the research or demonstration project, or problem(s) which the project is intended to address;

(2) A brief description of the demographic and administrative characteristics for the proposed demonstration project site;

(3) A description of the project or research design and/or operation in sufficient detail to demonstrate the proposer's development of the concept;

(4) A brief description of the qualifications of the staff which will be responsible for the development and conduct of the research or demonstration project; and

(5) Estimated project cost, including an identification of that portion of the cost the potential grantee would be willing to share.

Applicants selected for further negotiation would be expected to submit full applications for project operations within 45 days from the date of notification. Additional time allotted for submission will depend upon the scope of the research or demonstration project and the time judged necessary for preparation of a full application.

The full application would be expected to contain, at a minimum, the following information:

(1) A detailed research/project design statement which would include:

(a) A statement of goals;

(b) A description of project or research scope;

(c) A description of the operational procedures;

(d) Identification of regulatory waivers necessary for project operation; and

(e) A description of data used in the research or the evaluation procedures used to judge the project's success.

(2) A work plan describing specific tasks for project implementation and operation, including timeframes for task accomplishment;

(3) A management plan, which would include the identification of all groups or agencies to be involved in the research/project, the names of persons and/or job descriptions for key personnel, and a description of all facilities, equipment and other resources available to the applicant;

(4) A brief economic and demographic profile of the project jurisdiction, including the characteristics of persons currently participating in the Program and an estimate of potential eligibles; and

(5) A budget summary and justification.

Proposal Evaluation

Pre-applications will be judged on how well project ideas conform to the priority policy areas mentioned in this announcement, the research/project design, the proposer's ability to conduct the research/project, and the cost.

Final applications will be evaluated using the following criteria:

(1) Suitability of the research/project in relation to current agency objectives/priorities;

(2) The degree to which economic and demographic characteristics meet the requirements for a successful testing environment;

(3) The applicant's understanding of the research/project to be undertaken and ability to accomplish the objectives;

(4) The reasonableness of the budget and justification thereof;

(5)(a) For a demonstration project, a sound evaluation component which should include a description of data collection and the analysis procedure that will be used to assess quantitatively the achievement of project objectives;

(b) For research, a description of data, data collection and the procedure(s), used to analyze data; and

(6) The qualifications of key personnel and the applicant's accessibility to adequate facilities and other resources.

The Application Proposal Process

Applicants are requested to submit pre-applications, using Form AD–625 in response to this Notice. The AD–625 may be obtained by writing: PRAB, Program Development Division, Family Nutrition Programs, Food and Nutrition Service, USDA, Room 672, GHI Building, Washington, D.C. 20250 or calling (202) 447–8332.

The pre-application should be submitted in an original and two copies to Dr. Claire Lipsman, Director, Program Development Division, Family Nutrition Programs, at the above address.

(91 Stat 958 (7 U.S.C. 2011–2027))

(Catalog of Federal Domestic Assistance, Program No. 10.551 Food Stamps)

Dated: January 15, 1981.

Robert Greenstein,

Administrator, Food and Nutrition Service.

[FR Doc. 81–2033 Filed 1–19–81; 8:45 am]

BILLING CODE 3410–30–M

Forest Service

Gila National Forest Grazing Advisory Board; Meeting

The Gila National Forest Grazing Advisory Board will meet at 2:00 P.M., February 12, 1981 in large Conference Room, Federal Building, 2610 North Silver Street, Silver City, New Mexico.

The agenda for this meeting is:

1. Review of Carrizo Allotment Management Plan.

2. Election of Officers.

The meeting will be open to the public.

Dated: January 12, 1981.

Kenneth C. Scoggin,

Forest Supervisor.

[FR Doc. 81-2015 Filed 1-19-81; 8:45 am]

BILLING CODE 3410-11-M

Office of the Secretary

Human Nutrition Board of Scientific Counselors; Intent To Establish an Advisory Board

Notice is hereby given that the Secretary of Agriculture intends to establish a Human Nutrition Board of Scientific Counselors. The purpose of this Board is to review and advise the Department as to the scope and quality of the research carried out at the Human Nutrition Research Centers in Houston, Texas; Boston, Massachusetts; San Francisco, California; Grand Forks, North Dakota; Beltsville, Maryland; and Hyattsville, Maryland. Members will review the research activities of each center on site, and in addition will meet as a Board at least once per year. The Board will prepare and submit to the Director, SEA, no later than September 30 of every year, a report which shall include its evaluation and recommendations.

It has been determined that the establishment of this Board is in the public interest in connection with the work of the U.S. Department of Agriculture.

Interested parties are invited to submit written comments, views, or data concerning this proposal to D. Mark Hegsted, Administator, Human Nutrition, Science and Education Administration, USDA, Washington, D.C. 20250, by February 5, 1981.

Done at Washington, D.C., this 14th day of January, 1980.

Joan S. Wallace,

Assistant Secretary for Administration.

[FR Doc. 81-2064 Filed 1-19-81; 8:45 am]

BILLING CODE 3410-01-M

ARMS CONTROL AND DISARMAMENT AGENCY

General Advisory Committee; Renewal

Notice is hereby given in accordance with paragraph 7(a) of Office of Management and Budget Circular No. A-63 (revised March 27, 1974), as amended by Transmittal Memorandum No. 1 (July 19, 1974), that the General Advisory Committee has been renewed effective January 5, 1981.

Dated: January 14, 1981.

Ralph Earle II,

Director.

[FR Doc. 81-2076 Filed 1-19-81; 8:45 am]

BILLING CODE 6820-32-M

CIVIL AERONAUTICS BOARD

[Dockets 33363, 34652, and 34653]

Former Large Irregular Air Service Investigation; Applications of Great Plains Airlines, Ltd.; Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on February 23, 1981, at 10:00 a.m. (local time), in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., January 13, 1981.

William A. Pope II,

Administrative Law Judge.

[FR Doc. 81-2078 Filed 1-19-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket S-684]

Aeron Marine Shipping Co., Aries Marine Shipping Co., Atlas Marine Co., Aquarius Marine Co., American Shipping, Inc., Pacific Shipping, Inc., Worth Oil Transport Co.; Joint Application

The subject companies—parties to long-term operating-differential subsidy contracts in the foreign bulk trade of the United States—are affiliates of Anndep Steamship Corp. (Anndep), Archon Shipping, Inc. (Archon) and Arcturus Shipping, Inc. (Arcturus). Archon and Arcturus may become the bareboat charterers, respectively, of the 225,000 DWT tankers, BROOKLYN and WILLIAMSBURGH, and Anndep may become the operator of the vessels. The BROOKLYN and the WILLIAMSBURGH, built with construction-differential subsidy (CDS) are under long-term time charter to American Petrofina, Inc. (Fina). Both vessels have operated in the domestic Alaskan oil trade under waivers granted pursuant to section 506 of the Merchant Marine Act, 1936, as amended (the Act), and may operate in the domestic trade in the future. Application has been made for the total repayment of CDS on the BROOKLYN in exchange for the removal of domestic trading restrictions. If the application for total repayment of CDS on the BROOKLYN is denied or if the pendency of that application continues, it is anticipated that applications will be filed periodically under section 506 of the Act for the temporary employment of the vessel in the domestic trade. Future applications under section 506 are also anticipated for the WILLIAMSBURGH.

The subject companies request written permission under section 805(a) of the Act for Archon and Arcturus to be the bareboat charterers of the BROOKLYN and WILLIAMSBURGH, respectively, and for Anndep to be the operator of the two vessels.

Any person, firm, or corporation having any interest in such application (within the meaning of section 805(a)) and desiring to submit comments concerning the application must file written comments in triplicate with the Secretary, Maritime Administration, by close of business on January 26, 1981 together with petition for leave to intervene. The petition shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operations (a) will result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

By order of the Assistant Secretary for Maritime Affairs.

Dated: January 15, 1981.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 81-2088 Filed 1-19-81; 8:45 am]

BILLING CODE 3510-15-M

COMMODITY FUTURES TRADING COMMISSION

Proposed Futures Contracts; Proposed Rules of Major Economic Significance: Terms and Conditions of the 20-Year United States Treasury Bond Futures Contract of the Chicago Mercantile Exchange

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed rules of contract markets.

SUMMARY: The Chicago Mercantile Exchange ("CME") has applied for designation as a contract market in $100,000 20-year United States Treasury bonds ("U.S. T-bonds"). The Commodity Futures Trading Commission ("Commission") has determined that the proposed terms and conditions of this proposed futures contract are of major economic significance and that, accordingly, publication of the proposed terms and conditions is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before March 23, 1981.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Reference should be made to CME 20-Year U.S. T-Bond Futures Contract.

FOR FURTHER INFORMATION CONTACT: George Garrow, Staff Attorney, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581; Telephone: (202) 254-8955.

SUPPLEMENTARY INFORMATION: The terms and conditions of CME's proposed 20-Year U.S. T-Bond futures contract are as follows:

Chapter —

20-Year U.S. Treasury Bonds

—00. Scope of Chapter.—This chapter is limited to futures trading in 20-year U.S. Treasury Bonds. The procedures for trading, clearing, settlement, and any other matters not specifically covered herein shall be governed by the rules of the Exchange.

—01. Commodity Specifications.—Each futures contract shall be valued at the current market value of United States Treasury bonds maturing in 20 years with a face value at maturity of $100,000 and a ten percent (10%) coupon.

—02. Futures Call.—

A. Trading Months and Hours.—Futures contracts shall be scheduled for trading during such hours and for delivery in such months as may be determined by the Board of Governors.

B. Trading Unit.—The unit of trading shall be $100,000 U.S. Treasury bonds of twenty (20) years maturity.

C. Minimum Increments.—Bids and offers shall be quoted in terms of the value of 10% coupon U.S. Treasury bonds with exactly twenty years to maturity, expressed as a percentage of par. The minimum fluctuation of the futures contract will be one thirty-second (1/32) of one percentage point, or $31.25 per contract.

D. Daily Limits.—There shall be no trading at a level more than ^{6}4/32, equivalent to $2,000 per contract, above or below the preceding day's settlement except as provided by Rule —08.

E. Discretionary Position Limits.—The Board may in its sole and complete discretion impose limits upon an individual or related accounts.

F. Termination of Trading.—No trades in long-term U.S. Treasury bond futures in the spot month shall be made during the last seven business days of that month.

G. Contract Modifications.—Specifications shall be fixed as of the first day of trading of a contract. If any U.S. governmental agency or body issues an order, ruling, directive or law that conflicts with the requirements of these rules, such order, ruling, directive or law shall be construed to take precedence and become part of these laws.

—03. Deliveries.—The following shall specifically apply to the delivery of twenty-year U.S. Treasury bonds.

A. Delivery Days.—Delivery may be made on the business day selected by seller and satisfying Rule —03.C.

B. Registered Banks and Other Facilities.—The Board shall establish such requirements and preconditions for registration as a facility for the delivery of Treasury bonds as it deems necessary.

C. Seller's Duties.—The clearing member representing the seller shall deliver to the Exchange Clearing House by 2:00 p.m. (Chicago time) on any business day of the spot month, two business days before the seller's chosen delivery date, or on the last day of trading, a seller's delivery commitment indicating a Chicago Bank, registered with the Exchange and a member of the Federal Reserve System, and the name of the account from which the delivery unit will be transferred. By 12:45 p.m. (Chicago time) on the day of delivery, the seller shall deliver to a Chicago bank, registered with the Exchange and a member of the Federal Reserve System, selected by the buyer, a deliverable U.S. Treasury bond. Delivery shall be made no later than the fifth business day immediately preceding the last business day of the spot month.

D. Buyer's Duties.—The clearing member representing the buyer shall deliver to the Clearing House by 12 noon (Chicago time) on the delivery date assigned to him by the Clearing House, or on the last day of trading, a buyer's delivery commitment that includes: the buyer's name and account number, and the name of a Chicago bank registered with the Exchange and a member of the Federal Reserve System to which the delivery unit should be transferred. The clearing member representing the buyer shall, by payment against delivery on the day of delivery, present to the selling clearing member's bank or its designated agent a wire transfer of Federal funds for the net invoicing price.

E. Matching Longs and Shorts.—The Clearing House shall pair Seller's and Buyer's Delivery Commitments by matching the oldest long positions with the Seller's Delivery Commitments as received. The Clearing House shall, as soon as practicable thereafter, present to make known the Buyer's Delivery Commitment to the appropriate, paired clearing member.

F. Payment.—The Clearing House shall monitor the delivery procedure to ensure proper transfer of Treasury bonds from the seller to the buyer and correct payment by the buyer to the seller. The net invoicing price shall be determined on the basis of the settlement price on the day seller submits his delivery commitment, or the last day of trading after adjustment for any accrued interest (which shall be computed in accordance with Department of the Treasury Circular 300) and after adjustment by an appropriate factor reflective of the actual coupon rate and maturity length of the bond being transferred which equates the yields of deliverable bonds to a 10% coupon bond selling at par.

The formula for this computation shall be as follows: Net invoice price = (settlement price × conversion price) + accrued interest. The conversion price is the price at which a deliverable bond with a particular coupon rate and maturity length has a yield of 10% according to bond tables prepared by the Financial Publishing Company of Boston, Massachusetts.

Interest accrued on the bonds shall be charged to long's clearing member by short's clearing member in accordance with Department of Treasury Circular 300, Subpart P.

—04. Par Delivery.—

A. Par Delivery.—A delivery unit shall be composed of a United States Treasury bond maturing 20 years hence with a face value of $100,000 at maturity.

B. Delivery Points.—Delivery shall be made to a Chicago or New York bank, registered with the Exchange and a member of the Federal Reserve System, specified by the buyer's clearing member. All banks selected by the buyer and by the seller to effectuate delivery must be members of the Federal Reserve System.

—05. Deliverable Bonds.—Bonds suitable for delivery on U.S. Treasury bond futures contracts shall be U.S. Treasury bonds which if callable are not callable for at least 15 years, or if not callable, have a maturity of at least 15 years from the delivery date.

All bonds deliverable against a contract must be of the same issue. For settlement, the time to maturity of a given issue is calculated in complete three-month increments (i.e., 15 years and 5 months = 15 years and one quarter) from the first day of the delivery month.

—06. Emergencies, Acts of God, Acts of Government.—If delivery or acceptance or any precondition or requirement of either is prevented by strike, fire, accident, act of government, act of God, or other emergency the seller or buyer shall immediately notify the Exchange President. If the President determines that emergency action may be necessary, he shall call a special meeting of the Board of Governors or the Business Conduct Committee and arrange for the presentation of evidence respecting the emergency condition. If the Board or the Committee determines that an emergency exists, it shall take such action as it deems necessary under the circumstances and its decision shall be binding upon all parties to the contract. For example, and without limiting the Board's or Committee's power, it may: determine and assess losses in accordance with the procedures specified in Rule —07; extend delivery dates; and designate alternate delivery points in the event of conditions interfering with the normal operations of approved facilities.

In the event that the Board of Governors or Business Conduct Committee determines that there exists a shortage of deliverable U.S. Treasury bonds, it may upon a two-thirds vote of the members present or upon a two-thirds vote of the members who respond to a poll take such action as may in the Board's or Committee's sole discretion appear necessary to prevent, correct, or alleviate the condition. Without limiting the foregoing, the Board or Committee may: (1) designate as deliverable any specified U.S. Treasury bonds otherwise meeting the specifications and requirements stated in Rule —01; (2) designate as deliverable one or more issues of U.S. Treasury bonds having maturities shorter than 15 years or longer than 20 years and otherwise meeting the specifications and requirements stated in Rule —01 above; and/or (3) determine a cash settlement based on the current cash value of 10% coupon rate, 20-year U.S. Treasury bond as determined by using the current cash market yield curve for U.S. Treasury securities on the last day of trading.

—07. Failure to Perform.—If the clearing member with a delivery commitment fails to perform all acts required by this chapter, then that clearing member shall be deemed as failing to perform, which may be punishable as a major violation. A clearing member failing to perform shall be liable to the clearing member to which it was matched on the failing transaction for any loss sustained. The Board shall determine and access losses sustained, taking into account the settlement price, interest earnings foregone, and such other factors as it deems appropriate. The Board may also assess such penalties as it deems appropriate in addition to damages.

—08. Expanded Daily Limits.—Whenever on two successive days any contract month closes at the normal daily limit in the same direction (not necessarily the same contract month on both days) an expanded daily limit schedule shall go into effect as follows:

1. The third day's limit in all contract months shall be 150% of the normal daily limit.

2. If any contract month closes at its expanded daily limit on the third day in the same direction, then the fourth day's expanded daily limit shall be 200% of the normal daily limit.

3. If any contract month closes at its expanded daily limit on the fourth day in the same direction then there shall be no daily limit for said contract on the fifth day.

4. On the sixth day of the foregoing progression, the normal daily limit shall be reinstated.

5. Whenever the foregoing daily limit schedule is in effect and no contract month closes at the limit in the same direction which initiated the expanded schedule, then the normal daily limit shall be reinstated on the following day.

* * * * *

The Commission also will make available any other materials submitted by the CME in support of its application for contract market designation to the extent that such materials are not entitled to confidential treatment under Part 145 of the Commission's regulations (17 CFR Part 145). Copies of such materials submitted by the CME in support of its application for designation will be available through the Commission's Secretary or its offices in Washington, New York, Chicago, Minneapolis, Kansas City and San Francisco.

Any person interested in submitting written data, views or arguments on the terms and conditions of the proposed futures contract, or with respect to other materials submitted by the CME in support of its application for contract market designation, should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, by March 23, 1981.

Issued in Washington, D.C., on January 14, 1981.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81-2063 Filed 1-19-81; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF ENERGY

Past Due Accounts; Assessment of Interest Charges

AGENCY: Department of Energy.

ACTION: Notice of Change in Interest Rates.

SUMMARY: The U.S. Department of Energy (DOE) hereby announces a change in the method of assessing interest charges for overdue accounts.

This notice supercedes a similarly entitled notice published in the Federal Register of November 19, 1973.

Background

The Department of Treasury revised its Treasury Fiscal Requirement Manual to reflect changes in the cash managment regulations, (Section 8070, "Billings and Collections" of Chapter 8000 "Cash Management"). The revision is a direct result of the findings of a Government wide task force on debt collection which stated that in order for the Federal Government to management its accounts receivables more efficiently, interest should be collected on all overdue accounts. The rate at which the interest is assessed should be representative of current economic conditions.

In order to comply with Treasury guidelines, the Department of Energy is proposing to change the rate at which interest on delinquent accounts will be

assessed. The rate will be based on percentage rates published quarterly in Treasury Fiscal Requirements bulletins by the Department of Treasury. This annualized percentage rate determined by the Treasury represents the average of the current value of funds to the Treasury for a recent three month period.

Use of this rate enables the government to recoup the approximate value that has been lost by the delayed receipt of funds rather than to penalize the debtor. Assessment of interest on overdue accounts will be vigorously pursued by the Department. Interest will also be assessed on deferred payments.

Notice

The Department of Energy shall assess interest charges on all overdue accounts owed the Department, both foreign and domestic, but exclusive of other Federal agencies. The rate of interest will be based on percentage rates published quarterly by the Department of Treasury in the Treasury Fiscal Requirements bulletin. This rate can be obtained from the Cash Management Regulation and Compliance Staff, Bureau of Government Financial Operations, Department of Treasury, Washington, D.C.

In the absence of a different rule prescribed by existing contract, statue or regulation, interest on delinquent debts will be assessed in conformance with Treasury Fiscal Requirements Manual Volume 1, Part 6 Section 8020.20. Deferrals of payment beyond a due date for specified time periods will similarly be assessed interest, regardless of amount.

Reference: Treasury Fiscal Requirements Manual, Volume 1, Part 6, Section 8020.20 Charges for Late Payments.

DATES: Comments must be received on or before February 20, 1981.

ADDRESS: Send comments on this proposal to: Mark D. Loop, Cash Management Specialist, Office of the Controller, Department of Energy, Washington, D.C. 20545, (301) 353–4581.

Issued in Washington, D.C., January 14, 1981.

Clarence E. Mahan,

Acting Controller.

[FR Doc. 81–2077 Filed 1–19–81; 8:45 am]

BILLING CODE 6450–01–M

Office of Assistant Secretary for International Affairs

Proposed Subsequent Arrangement

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for supply of 175 grams of normal uranium oxide to France, for use as standard reference material at the EURODIF facility at Tricastin.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material under Contract Number S–EU–675 will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: January 14, 1981.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81–1965 Filed 1–19–81; 8:45 am]

BILLING CODE 6450–01–M

Proposed Subsequent Arrangement

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of the United States of America and the Government of Switzerland Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreements involves approval for the retransfer from the Federal Republic of Germany to Switzerland of 24,500 kilograms of uranium, containing 810.950 kilograms of U–235 (3.31% enrichment), in the form of fuel elements to be used for the third reload of the Kernkraftwerk Gosgen power reactor.

In accordance with Section 131 of the Atomic Energy act of 1954, as amended, it has been determined that the approval of this retransfer, designated as RTD/SD(EU)–34 will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: January 14, 1981.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81–1966 Filed 1–19–81; 8:45 am]

BILLING CODE 6450–01–M

Proposed Subsequent Arrangement

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for the sale to the Central Bureau for Nuclear Measurements at Geel, Belgium of 47.027 grams of uranium, enriched to greater than 99% in U–235, to be used for the preparation of targets for neutron physicists in the European Community.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material under Contract Number S–EU–673 will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: January 14, 1981.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81–6450 Filed 1–19–81; 8:45 am]

BILLING CODE 6450–01–M

Proposed Subsequent Arrangement

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for the sale of 350 grams of natural uranium to the

Mitsubishi Nuclear Fuel Company, Ltd., Japan for use as standard reference material.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material under Contract No. S–JA–292 will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: January 14, 1981.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81–1968 Filed 1–19–81; 8:45 am]

BILLING CODE 6450–01–M

Proposed Subsequent Arrangement

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Norway Concerning Civil Uses of Atomic Energy, as amended, and the Additional Agreement Between the Government of the United States of America and the European Atomic Energy Community (ERATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreements involves approval for the retransfer of 54 kilograms of uranium, containing 4.32 kilograms of U–235 (8% enrichment) from the Federal Republic of Germany to Norway for fabrication of fuel elements for the Halden research reactor.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that approval of this retransfer, designated as RTD/NO(EU)–31, will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: January 14, 1981.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81–1969 Filed 1–19–81; 8:45 am]

BILLING CODE 6450–01–M

Meeting of the Coordinating Subcommittee of the Committee on Emergency Preparedness of the National Petroleum Council

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of Meetings.

SUMMARY: The National Petroleum Council (NPC), an advisory committee to the Department of Energy (DOE), provides technical advice and information to the Secretary of Energy on matters relating to oil and gas or the oil and gas industries. The NPC Committee on Emergency Preparedness is currently undertaking an analysis of issues bearing on emergency preparedness planning and the ability of the refining industry to respond to energy emergencies. NPC's Coordinating Subcommittee will hold two meetings to review and discuss study modules of this analysis. Because the need for these meetings was determined within the last week, and the timing can not be altered, the DOE is unable to provide the customary 15 days notice prior to the January 29, 1981, meeting.

DATE AND LOCATION: The Coordinating Subcommittee of the NPC's Committee on Emergency Preparedness will meet:

- Thursday, January 29, 1981, starting at 9:00 a.m., Exxon Building, Room 3920, 800 Bell Avenue, Houston, Texas.

FOR FURTHER INFORMATION CONTACT:

Mr. David A. Eaton, Office of Energy Contingency Planning, 2000 M Street, N.W., Room 7302, Washington, D.C. 20461, Telephone: (202) 653–3202.

Ms. Joan Walsh Cassedy, National Petroleum Council, 1625 K Street, N.W., Washington, D.C. 20006, Telephone: (202) 393–6100.

SUPPLEMENTARY INFORMATION:

Items for discussion and review at the meeting will include:

1. Review and comment on drafts of individual sections of the study.

2. Review and discuss the overall schedule of Subcommittee activities.

3. Discuss any other matters pertinent to the overall assignment from the Secretary.

All meetings are open to the public. The Chairman of the Subcommittee is empowered to conduct the meetings in a fashion that will, in his judgement, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Subcommittee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements at the meeting should inform Joan Walsh Cassedy, National Petroleum Council, (202) 393–

6100, prior to the meeting, and provisions will be made for their appearance on the agenda. A transcript of the Coordinating Subcommittee meeting will be available for public review at the Freedom of Information Public Hearing Room, Room 5B–180, Department of Energy, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m., and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., on January 14, 1981.

Barton R. House,

Deputy Administrator for Operations and Emergency Management, Economic Regulatory Administration.

[FR Doc. 81–1970 Filed 1–19–81; 8:45 am]

BILLING CODE 6450–01–M

Energy Information Administration

Publication of Alternative Fuel Price Ceilings and Incremental Price Threshold for High Cost Natural Gas

The Natural Gas Policy Act of 1978 (NGPA) (Public Law 95–621), signed into law on November 9, 1978, mandated a new framework for the regulation of most facets of the natural gas industry. In general, under Title II of the NGPA, interstate natural gas pipeline companies are required to pass through certain portions of their acquisition costs for natural gas to industrial users in the form of a surcharge. The statute requires that the ultimate cost of gas to the industrial facility does not exceed the cost of the fuel oil which the facility could use as an alternative.

Pursuant to Title II of the NGPA of 1978, Section 204 (e), the Energy Information Administration (EIA) herewith publishes for the Federal Energy Regulatory Commission (FERC) computed natural gas ceiling prices and a high cost gas incremental pricing threshold which are to be effective February 1, 1981. These prices are based on the prices of alternative fuels.

For further information contact: Leroy Brown, Jr., Energy Information Administration, Federal Building, 12th & Pa. Ave., N.W., Rm 4121, Washington, D.C. 20461, (202) 633–9710.

Section I. Alternative Fuel Price Ceilings

As required by FERC Order No. 50, computed prices are shown for the 48 contiguous States. The District of Columbia's ceiling is included with the ceiling for the State of Maryland. FERC also by Interim Rule, issued on December 24, 1980, in Docket No. RM81–9 amended price ceilings for Kentucky for the months following January 1981 to be set at the price ceiling at the Region D price until the Commission takes final action on its generic rulemaking in Docket No. RM79–21.

The price ceiling is expressed in dollars per million British Thermal Units (BTU's). The method used to determine the price ceilings is described in Section III.

State	Dollars per million BTU's
Alabama	4.40
Arizona	3.81
Arkansas	4.61
California	3.75
Colorado	3.57
Connecticut	4.61
Delaware	5.07
Florida	4.58
Georgia	4.55
Idaho	3.90
Illinois	2.91
Indiana	3.71
Iowa	4.32
Kansas	4.10
Kentucky[1]	3.48
Louisiana	4.11
Maine	4.48
Maryland	4.81
Massachusetts	4.50
Michigan	4.26
Minnesota	4.02
Mississippi	4.40
Missouri	4.04
Montana	3.65
Nebraska	4.14
Nevada	3.81
New Hampshire	4.69
New Jersey	4.36
New Mexico	4.79
New York	4.06
North Carolina	4.80
North Dakota	4.82
Ohio	3.36
Oklahoma	3.95
Oregon	4.00
Pennsylvania	4.25
Rhode Island	4.52
South Carolina	4.79
South Dakota	4.14
Tennessee	4.49
Texas	3.47
Utah	4.26
Vermont	4.87
Virginia	4.71
Washington	3.91
West Virginia	4.04
Wisconsin	3.67
Wyoming	3.32

[1] Region based price as required by FERC Interim Rule, issued on December 24, 1980 in Docket No. RM81–9.

Section II. Incremental Pricing Threshold for High Cost Natural Gas

The EIA has determined that the volume-weighted average price for No. 2 distillate fuel oil landed in the greater New York City Metropolitan area during

November 1980 was $35.53 per barrel. In order to establish the incremental pricing threshold for high cost natural gas, as identified in the NGPA, Title II, Section 203(a)(7), this price was multiplied by 1.3 and converted to its equivalent in millions of BTU's by dividing by 5.8. Therefore, the incremental pricing threshold for high cost natural gas, effective February 1, 1981, is $7.76 per million BTU's.

Section III. Method Used to Compute Price Ceilings

The FERC, by Order No. 50, issued on September 28, 1979, in Docket No. RM79–21, established the basis for determining the price ceilings required by the NGPA. FERC also, by Order No. 81, issued in the same docket on May 7, 1980, established that only the price paid for No. 6 high sulfur content residual fuel oil would be used to determine the price ceilings until November 1, 1981.

A. Data Collected

The following data were required from all companies identified by the EIA as sellers of No. 6 high sulfur content (greater than 1 percent sulfur content by weight) residual fuel oil: for each selling price, the number of gallons sold to large industrial users in the months of September 1980, October 1980, and November 1980.[2] All reports of volume sold and price were identified by the State into which the oil was sold.

B. Method Used to Determine Alternative Price Ceilings

(1) *Calculation of Volume-Weighted Average Price.* The prices which will become effective February 1, 1981, (shown in Section I) are based on the reported price of No. 6 high sulfur content residual fuel oil, for each of the 48 contiguous States, for each of the 3 months, September 1980, October 1980, and November 1980. Reported prices for sales in September 1980 were adjusted by the percent change in the nationwide volume-weighted average price from September to November 1980. Prices for October 1980 were similarly adjusted by the percent change in the nationwide volume-weighted average price from October to November 1980. The volume-weighted 3-month average of the adjusted September 1980 and October 1980, and the reported November prices were then computed for each State.

(2) *Adjustment for Price Variation.* States were grouped into the regions identified by the FERC (see Section III.C.). Using the adjusted prices and associated volumes reported in a region during the 3-month period, the volume-weighted standard deviation of prices was calculated for each region. The volume-weighted 3-month average price (as calculated in Section III.B.(1) above) for each State was adjusted downward by two times this standard deviation for the region to form the adjusted weighted average price for the State.

(3) *Calculation of Ceiling Prices.* The lowest selling price within the State was determined for each month of the 3-month period (after adjusting up or down by the percent change in oil prices at the national level as discussed in Section III.B.(1) above). The products of the adjusted low price for each month times the State's total reported sales volume for each month were summed over the 3-month period for each State and divided by the State's total sales volume during the 3 months to determine the State's average low price. The adjusted weighted average price (as calculated in Section III.B.(2)) was compared to this average low price, and the higher of the values was selected as the base for determining the alternative fuel price ceiling for each State. For those States which had no reported sales during one or more months of the 3-month period, the appropriate regional volume-weighted alternative fuel price was computed and used in combination with the available State data to calculate the State's alternative fuel price ceiling base. The appropriate lag adjustment factor (as discussed in Section III.B.4.) was then applied to the alternative fuel price ceiling base. The alternative fuel price (expressed in dollars per gallon) was multiplied by 42 and divided by 6.3 to estimate the alternative fuel price ceiling for the State (expressed in dollars per million BTU's).

(4) *Lag Adjustment.* The EIA has implemented a procedure to partially compensate for the two-month lag between the end of the month for which data are collected and the beginning of the month for which ceiling prices become effective. It was determined that *Platt's Oilgram Price Report* publication provides timely information relative to the subject. The prices found in *Platt's Oilgram Price Report* publication are given for each trading day in the form of high and low prices for No. 6 residual oil in 21 cities throughout the United States. The low posted prices for No. 6 residual oil in these cities were used to calculate a national and a regional lag adjustment factor. The national lag adjustment factor was obtained by calculating a weighted average price for No. 6 high sulfur residual fuel oil for the ten trading days ending January 14, 1981, and dividing that price by the corresponding weighted average price computed from prices published by Platt's for the month of November 1980. A regional lag adjustment factor was similarly calculated for four regions. These are: One for FERC Regions A and B combined; one for FERC Region C; one for FERC Regions D, E, and G combined and one for FERC Regions F and H combined. The lower of the national or regional lag factor was then applied to the alternative fuel price base for each State in a given region as calculated in Section III.B.(3).

C. Listing of States by Region

States were grouped by the FERC to form eight distinct regions as follows:

Region A

Connecticut
Maine
Massachusetts
New Hampshire
Rhode Island
Vermont

Region B

Delaware
Maryland
New Jersey
New York
Pennsylvania

Region C

Alabama
Florida
Georgia
Mississippi
North Carolina
South Carolina
Tennessee
Virginia

Region D

Illinois
Indiana
Kentucky
Michigan
Ohio
West Virginia
Wisconsin

PRegion E

Iowa
Kansas
Missouri
Minnesota
Nebraska
North Dakota
South Dakota

Region F

Arkansas
Louisiana
New Mexico
Oklahoma
Texas

Region G

Colorado
Idaho
Montana
Utah
Wyoming

Region H

Arizona
California
Nevada
Oregon
Washington

Issued in Washington, D.C. on January 15, 1981.

Albert H. Linden, Jr.,

Acting Administrator, Energy Information Administration.

[FR Doc. 81–1971 Filed 1–19–81; 8:45 am]

BILLING CODE 6450–01–M

[2] Large Industrial User—A person/firm which purchases No. 6 fuel oil in quantities of 4,000 gallons or greater for consumption in a business, including the space heating of the business premises. Electric utilities, governmental bodies (Federal, State or Local) and the military are excluded.

Federal Energy Regulatory Commission

[Docket No. ER81-203-000]

Arizona Public Service Co.; Proposed Tariff Change

January 12, 1981.

The filing company submits the following:

Take notice that on January 5, 1981, Arizona Public Service Company (APS) tendered for filing a proposed Letter Agreement amending APS–FPC Rate Schedule No. 52 by decreasing the contract demand for the sale of firm power with the Papago Tribal Utility Authority.

Waiver is requested under the provisions of Section 35.11 so that the said decrease would become effective on December 16, 1980, simultaneously with the requested effective date of service in the filing with FERC of APS' Agreement with Washington Water Power Company.

A copy of the filing was served upon the Arizona Corporation Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 30, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-1984 Filed 1-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-204-000]

Arizona Public Service Co.; Proposed Tariff Change

January 12, 1981.

The filing company submits the following:

Take notice that on January 1, 1981, Arizona Public Service Company (APS) tendered for filing a Power Agreement between APS and Washington Water Power Company for the sale of power and energy. The filing is made pursuant to § 35.1 of the Commission's Regulations.

The parties request waiver under the provision of § 35.11 so that service could be commenced on December 16, 1980.

A copy of the filing was served upon the Arizona Corporation Commission.

Any person desiring to be heard or to protest said aplication should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 30, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-1985 Filed 1-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. QF81-6-000]

Canners Steam Co.; Application for Commission Certification of Qualifying Status as a Cogeneration Facility

January 12, 1981.

On November 12, 1980, Canners Steam Company filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a proposed facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules.

The proposed facility is a topping-cycle cogeneration facility which will be located at Terminal Island, California. Canners Steam Company states that is is a customer owned and operated central steam generating facility which provides process steam to the fish canneries, and related industries, within the environs of Fish Harbor, Port of Los Angeles, California. The primary fuel to be used will be natural gas with No. 2 distillate as an alternate. The generator output for the facility will be 2600 kilowatts.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Steet, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed on or before February 20, 1981, and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-1986 Filed 1-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-200-000]

Central Illinois Light Co.; Filing

January 12, 1981.

The filing company submits the following:

Take notice that on January 6, 1981, Central Illinois Light Company (CILCO) tendered for filing Modification No. 2, dated December 23, 1980 to the Interconnection Agreement between CILCO and the city of Springfield, Illinois (Springfield) (CILCO Rate Schedule FERC No. 21).

Modification No. 2 increases the demand rates for Scheduled Maintenance, Short-Term Firm and Short-Term Non-Firm Power in Service Schedules C, E and F to the Interconnection Agreement, and effects certain other changes in the terms and conditions of the Service Schedules to Interconnection Agreement. CILCO has requested waiver of § 35.3 of the Commission's regulations in order to permit Modification No. 2 to become effective in accordance with its terms on December 1, 1980.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 31, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-1987 Filed 1-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No 3672-000]

Columbia Irrigation District; Application for Preliminary Permit

January 12, 1981.

Take notice that Columbia Irrigation District (Applicant) filed on November 7, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. § 791(a)–825(r)] for proposed Project No. 3672 to be known as Horn Rapids Water Power Project located on Yakima River in Benton County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: I. J. Sunford, Manager, Columbia Irrigation District, 10 East Kennewick Avenue, Kennewick, Washington 99336. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) Horn Rapids Dam, a 4–foot high rock filled timber crib weir structure approximately 500–feet long; (2) a 170–acre reservoir; and (3) a powerhouse with a turbine and 3 generating units rated at 465 kW each.

The Applicant estimates that the average annual energy output would be 7,200,000 kWh.

Purpose of Project—The power produced by the proposed project would be sold to the City of Richland's Energy Services Department.

Proposed Scope and Cost of Studies under Permit—The Applicant seeks issuance of preliminary permit for a period of 36 months during which time they would secure hydrologic and geologic data, assess environmental impacts, and make a feasibility study. The Applicant estimates the cost of the studies to be $40,000 to $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. 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 March 2, 1981, 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 May 1, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

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 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 March 2, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protest, or petitions to intervene 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. Any of these filings must also state that it is made in response to this notice of aplication for preliminary permit for Project No. 3672. Any comments, notices of intent, competing applications, protests, or petitions to intervene 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, 400 First Street, N.W., Washington, D.C. 20426. 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. 81-1988 Filed 1-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3717-000]

Continental Hydro Corp.; Application for Preliminary Permit

January 12, 1981.

Take notice that Continental Hydro Corporation (Applicant) filed on November 13, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3717 to be known as the Ringold Wasteway Project located on the Ringold Wasteway in Franklin County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Gail, 141 Milk Street, Suite 1143, Boston, Massachusetts 02109. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) an intake structure; (2) a penstock approximately 1,100 feet long; (3) a powerhouse containing a single generating unit with a maximum capacity rating of 3.1 MW; and (4) a 3-mile long transmission line.

The Applicant estimates that the average annual energy output would be 10,760 MWh.

Purpose of Project—Project power would be sold to Pacific Power and Light Company or other appropriate purchaser.

Proposed Scope and Cost of Studies under Permit—Applicant would conduct a feasibility study including data acquisition and analysis, technical studies, energy production and capacity evaluation, project design, construction options, and financial and economic examinations. Applicant estimates the cost of performing these studies at $45,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives

the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. 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 March 12, 1981, 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 May 11, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

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 requirments 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 March 12, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTESTS", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3717. Any comments, notices of intent, competing applications, protests, or petitions to intervene 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, 400 First Street, NW., Washington, D.C. 20426. 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. 81-1989 Filed 1-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-21-000]

Edison Sault Electric Co.; Application

January 12, 1981.

Take notice that on December 23, 1980, Edison Sault Electric Company (Applicant) filed an application seeking an order pursuant to Section 204 of the Federal Power Act authorizing the issuance and sale from time to time on or before December 31, 1981, of Promissory Notes to commercial banks purchasing such notes as a financial institution and to residents of the State of Michigan, up to but not exceeding $2,300,000 in aggregate principal amount.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 25, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-1990 Filed 1-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Project Nos. 3413 and 3497]

Henwood Associates, Inc. and William Symons, Jr.; Application for Preliminary Permit

January 12, 1981.

Take notice that Henwood Associates, Inc. and William Symons, Jr. (Applicants) filed on August 28, 1980 and September 22, 1980, respectively, competing applications for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project Nos. 3413 and 3497 to be known as Millner Creek located on Millner Creek in Mono County, California. The applications are on file with the Commission and are available for public inspection. Correspondence with the Applicants should be directed to: Dr. Kenneth Henwood, Henwood Associates, Inc., P.O. Box 7, Smartville, California 95977, and John Symons, P.O. Box 1267, Bishop, California 93514. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The project proposed by Henwood Associates, Inc. would consist of: (1) a concrete diversion dam, approximately 8' high × 14' wide; (2) a perforated 12" horizontal pipe tapping the creek underflow; (3) a 12" diameter steel penstock approximately 23,000-feet long; (4) a powerhouse containing an impulse turbine and gererating unit, having a total installed capacity of 700 kW; (5) a switchyard; and (6) 3,700 feet of transmission line. Henwood Associates, Inc. estimates that the average annual energy output would be between 1.5 and 3.5 million kWh.

The project proposed by William Symons, Jr. would consist of: (1) a 22,000-foot long penstock with a minimum diameter of 12"; (2) a powerhouse containing a Pelton-type turbine and generating unit, having a total installed capacity of 658 kW; (3) an intake structure; (4) a 2,500 cubic foot capacity off stream storage reservoir; (5) a pipeline connecting the stream diversion structure with the settlement reservoir; and (6) approximately one mile of 12.5 kVA transmission line. The Applicant estimates that the average annual energy output would be between 4 and 5 million kWh.

Purpose of Project—Each Applicant plans to sell the power generated by the project to Southern California Edison Company.

Proposed Scope and Cost of Studies Under Permit—Henwood Associates, Inc. seeks issuance of a preliminary

permit for a period of two years, during which time it would conduct hydrologic investigations, carry out technical and economic analyses, collect environmental data, and prepare a FERC license application. The cost of these activities is estimated by the Applicant to range from $30,000–$50,000.

William Symons, Jr. seeks issuance of a preliminary permit for a period of 15 months, during which time hydrologic investigations and economic, technical, and environmental studies would be carried out; necessary agencies would be contacted; and a FERC license application would be prepared. The cost of the activities is estimated by the Applicant to be $30,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. 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 March 23, 1981, 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 May 22, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

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 March 23, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene 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. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project Nos. 3413 and 3497. Any comments, notices of intent, competing applications, protests, or petitions to intervene 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.W., 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, 400 First Street, N.W., Washington, D.C. 20426. 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. 81-1991 Filed 1-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-201-000]

Illinois Power Co.; Filing

January 12, 1981.

The filing company submits the following:

Take notice that on January 2, 1981, Illinois Power Company ("Illinois Power") tendered for filing proposed Modification No. 2, dated November 25, 1980, to the Interchange Agreement, dated January 17, 1956, between Central Illinois Public Service Company ("CIPS") and Illinois Power.

The parties propose that effective December 1, 1980, with respect to said Modification, Section 3 of the current Emergency Interchange Agreement be modified and supplemented by the deletion therefrom of the cents quantity 1¾ and by substitution, therefore, the cents quantity 3.

Illinois Power states that a copy of the filing was served upon CIPS and the Illinois Commerce Commission.

Any person desiring to be heard or to protest said filing should file comments or protests with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with §§ 1.8 or 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such comments or protests should be filed on or before January 30, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-1993 Filed 1-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA80-103]

Jeffrey Moore, d.b.a. Moore's Arco; Filing of Petition for Review Under 42 U.S.C. 7194

January 12, 1981.

Take notice that Jeffrey Moore, d.b.a. Moore's Arco on August 29, 1980, filed a Petition for Review under 42 U.S.C. § 7194(b) (1977) Supp.) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice or participation on or before February 2, 1981, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participatnt in the Commission proceeding, must file a petition to intervene on or before February 2, 1981,

in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H–025, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., N.E., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–1994; Filed 1–19–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ER81–193–000]

Northern States Power Co.; Filing

January 12, 1981.

The filing company submits the following:

Take notice that Northern States Power Company, on December 29, 1980, tendered for filing a Notice of Cancellation dated December 15, 1980, terminating the Firm Power Service Resale Agreement dated March 11, 1970, with Valley Springs, South Dakota.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 30, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–1996 Filed 1–19–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ER81–202–000]

Pacific Gas and Electric Co; Filing

January 12, 1981.

The filing company submits the following:

Take notice that on January 5, 1981, Pacific Gas and Electric Company (PG and E) tendered for filing a contract dated October 8, 1980. The contract specifies rates to be charged to the United States Department of Energy, Western Area Power Administration (WAPA) for transmission service rendered by PG and E to WAPA between Tracy Switchyard and the Delta Pumping Plant of the California Department of Water Resources. The service will be provided from the proposed date of December 1, 1980 until the contract is terminated, or similar transmission service is provided under United States Power Contract No. 14–06–200–2948A.

Copies of this filing were served upon the California Public Utilities Commission and the California Department of Water Resources.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 30, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–2004 Filed 1–19–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. QF81–8–000]

Sea World; Application for Commission Certification of Qualifying Status as a Cogeneration Facility

January 13, 1981.

On December 18, 1980, Sea World filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a cogeneration facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules.

The facility is located at 1720 South Shores Road, San Diego, California. Sea World states that the existing capacity of the facility is 1.2 megawatts. The facility is privately owned with no utility participation.

The facility consists of two natural gas-fired engines with heat recovery equipment on exhaust gases and engine jacket water. The fuel input per engine is equal to 7,540,000 Btu's/hour. The electrical output per engine equals 630 kilowatts or 2,150,442 Btu's/hour. The steam per engine equals 3,429,240 Btu's/hour. The fuel input for the total facility is 15,080,800 Btu's/hour. The electrical output for the total facility is 4,300,884 Btu's/hour. The useful thermal energy for the total facility is 6,858,480 Btu's/hour.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed on or before February 20, 1981, and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–2005 Filed 1–19–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ER81–194–000]

Mississippi Power Co.; Proposed Tariff Change

January 12, 1981.

The filing company submits the following:

Take notice that Mississippi Power Company on December 29, 1980, tendered for filing proposed agreement with Municipal Energy Agency of Mississippi for bulk power transmission services. The filed agreement and rate will provide charges for bulk power service performed by Mississippi Power Company for Municipal Energy Agency of Mississippi for the period from December 1, 1980 through November 30, 1981.

This filing is an initial filing for a new service. At the request of the customers, the service has already commenced.

Posting of the filing has been accomplished with notice to Municipal Energy Agency of Mississippi, the only affected customer.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the

Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 30, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-2000 Filed 1-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3699-000]

Mitchell Energy Company, Inc.; Application for Preliminary Permit

January 12, 1981.

Take notice that Mitchell Energy Company, Inc. (Applicant) filed on November 7, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3699 to be known as Palo Verde Diversion Dam Project located on Colorado River in Riverside 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. Mitchell L. Dong, President, Mitchell Energy Company, Inc., 173 Commonwealth Avenue, Boston, Massachusetts 02116. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize an existing government dam owned by the United States Water and Power Resources Service and would consist of a powerhouse with a total installed capacity of 8,700 kW.

The Applicant estimates that the average annual energy output would be 53,000,000 kWh.

Purpose of Project—Power generated by the project would be sold to Southern California Edison Company or another local utility.

Proposed Scope and Cost of Studies Under Permit—The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of the studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the studies to be performed under the preliminary permit would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. 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 March 12, 1981, 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 May 11, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

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 March 12, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene 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. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3699. Any comments, notices of intent, competing applications, protests, or petitions to intervene 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, 400 First Street NW., Washington, D.C. 20426. 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. 81-1999 Filed 1-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3708-000]

Mitchell Energy Company, Inc.; Application for Preliminary Permit

January 12, 1981.

Take notice that Mitchell Energy Company, Inc. (Applicant) filed on November 10, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3708 to be known as the Navajo Project located on the San Juan River in San Juan County, New Mexico. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Mitchell L. Dong, President, Mitchell Energy Company, Inc., 173 Commonwealth Avenue, Boston, Massachusetts 02116. Any person who wishes to file a response to this notice should read the

entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed run-of-the-river project would utilize the existing United States Water and Power Resources Service's Navajo Dam (almost 4,000-feet long, including a 138-foot wide spillway, and 400 feet high) and Lake and would consist of: (1) a new powerplant just below the dam; (2) new turbine/generator units with a total capacity of 325 MW; and (3) transmission and appurtenant facilities.

The Applicant estimates that the average annual energy output would be 855 GWh.

Purpose of Project—Project power would be sold to Public Service Company of New Mexico, or another local utility.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. 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 March 23, 1981, 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 May 22, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

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 or 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 March 23, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTESTS", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3708. Any comments, notices of intent, competing applications, protests, or petitions to intervene 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, 400 First Street, NW., Washington, D.C. 20426. 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. 81-1998 Filed 1-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. QF81-7-000]

Occidental Geothermal, Inc.; Application for Commission Certification of Qualifying Status as a Small Power Production Facility

January 12, 1981.

On November 21, 1980, Occidental Geothermal, Inc. filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility is located in Bakersfield, California. Occidental Geothermal, Inc., states that the facility will generate electric power solely through the utilization of geothermal steam from wells located in Lake and Sonoma Counties in the "geysers" geothermal area of Northern California. The facility will have a net power production capacity of 80 megawatts.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed on or before February 20, 1981, and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-2001 Filed 1-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3726-000]

South Carolina Electric and Gas Co.; Application for Preliminary Permit

January 12, 1981.

Take notice that South Carolina Electric and Gas Company (Applicant) filed on November 13, 1980, an application for preliminary permit

[pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3726 to be known as Lower Saluda River Project located on the Saluda River in Richland and Lexington Counties, South Carolina. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: E. H. Crews, Jr., Vice President and Group Executive, South Carolina Electric and Gas Company, P.O. Box 764, Columbia, S.C. 29218. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a concrete dam, approximately 1,250 feet long and 70 feet high, with an integral powerhouse containing 3—6,000 kW generating units; (2) a 115-kV transmission line, approximately 1.5 miles long, and (3) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 48,000,000 kWh.

Purpose of Project—All of the energy generated would be transmitted into the Applicant's system to supply customer loads and contract obligations to other utilities.

Proposed Scope and Cost of Studies under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months. During this time, Applicant proposes to carry out field surveying, studies of the hydrology, right-of-way requirements, conceptual design and locations and geology, preliminary design and locations, economic evaluations, an environmental impact assessment and preparation of license application. The estimated cost of these studies is $105,000.

Pupose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. 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 March 23, 1981, 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 May 22, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

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 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 March 23, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene 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. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3726. Any comments, notices of intent, competing applications, protests, or petitions to intervene 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, 400 First Street NW., Washington, D.C. 20426. 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. 81-2006 Filed 1-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3483 and Project No. 3508]

City of Shawano, Wis., North American Hydro, Inc., Application for Preliminary Permit

November 18, 1980.

Notice that City of Shawano, Wisconsin (Shawano), and North American Hydro, Inc. (NAHI), (Applicant) filed on September 18, 1980, and September 29, 1980, respectively, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)—825(r)] for proposed Project No. 3483 and 3508 respectively to be known as Hayman Falls Dam located on the Hayman Falls Dam on the Embarass River near Pella in Shawano County, Wisconsin. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. J. Leroy Thilly, Attorney for the City of Shawano, P.O. Box 9927, Madison, Wisconsin 53701. Correspondence with NAHI should be sent to: Mr. Jerry Donohue, North American Hydro, Inc., P.O. Box 11578, Fond du Lac, Wisconsin 54935.

Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—Shawano's proposed project would consist of: (1) an existing concrete dam, approximately 115 feet long and 13 feet high; (2) an existing reservoir with a storage capacity of 414.8 acre-feet at normal pool elevation of 881 feet m.s.l. and an approximate area of 79.5 acres; (3) a proposed one-quarter mile long steel penstock; (4) an existing reinforced concrete powerhouse located on the east bank of the river; (5) proposed transmission lines; and (6) appurtenant facilities. Shawano estimates the capacity of the project to be 780 kW

with an annual energy output of 3,400,000 kWh.

NAHI's proposed project would consist of: (1) an existing concrete dam, approximately 13.8 feet long with a hydraulic head of 14 feet; (2) an existing reservoir with a storage capacity of 80 acres; (3) a proposed penstock approximately 1,100 feet long; (4) a proposed reinforced concrete powerhouse located on the east bank of the river; (5) proposed transmission lines; and (6) appurtenant facilities. NAHI estimates the capacity of the project to be 750 kW with an annual energy output of 2,500,000 kWh.

Purpose of Project—Both Shawano and NAHI would sell its project power to either Wisconsin Power and Light Company or Wisconsin Public Service Corporation.

Proposed Scope and Cost of Studies under Permit—Both Applicants have requested 36-month permits to prepare definitive project reports, including preliminary design and economic feasibility studies, hydrological studies, environmental and social studies, and soils and foundation data. The costs of the aforementioned activities along with obtaining agreements with other Federal, State, and local agencies are estimated by Shawano to be 40,000 while NAHI's costs are estimated to be from $30,000 to $35,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. 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 21, 1981, 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 March 23, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c)(1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d)(1980).

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 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 filed on or before January 21, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene 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. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project Nos. 3483 and 3508. Any comments, notices of intent, competing applications, protests, or petitions to intervene 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, 400 First St., NW., Washington, D.C 20426. A copy of any notice of intent, competing application, 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. 81-1997 Filed 1-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-105-000]

Indiana & Michigan Electric Co.; Order Granting Waiver of Filing Requirements, Denying Waiver of Notice, Accepting for Filing and Suspending Proposed Rates, Consolidating Dockets, Directing Summary Disposition, Granting Intervention, and Establishing Procedures

Issued: January 9, 1981.

On November 10, 1980, Indiana & Michigan Electric Company (IME) tendered for filing revised tariffs proposed to become effective November 1, 1980, which provide for an increase in jurisdictional revenue from its municipal wholesale customers of approximately $209,635 based on the twelve month period ending December 31, 1979.[1] IME proposes to increase its demand charge from $8.60/kWh to $9.14/kWh, to decrease its energy charge from 9.60 mills/kW to 9.41 mills/kW, and to decrease its monthly customer charge from $385.05 to $221.93. In addition, the base cost of fuel will be increased from 6.9109 mills/kWh to 7.5945 mills/kWh and the loss factor will be decreased from 3.547% to 2.975%. IME also proposes to eliminate the currently specified 60% billing demand ratchet.

Notice of the filing was issued on November 18, 1980, with responses due on or before December 5, 1980. Petitions to intervene were filed on December 5, 1980, by the Cities of Anderson and Auburn, Indiana (Anderson), and on December 5, 1980, as amended on December 19, 1980, by the Cities of Avilla, Bluffton, Columbia City, Frankton, Garrett, Gas City, Mishawaka, New Carlisle, and Warren, Indiana, and the Cities of Niles, South Haven, and Sturgis, Michigan together with the Indiana and Michigan Municipal Distributors Association (IMMDA). On December 17, 1980, IME filed its response.

Anderson and IMMDA argue that the rate increase is, in actuality, substantially larger than IME suggests. Anderson urges that the filing be rejected. Anderson, in the alternative, and IMMDA seek a maximum five month suspension and an order instituting a hearing concerning the

[1] See Attachment for rate schedule designations.

lawfulness of the proposed rate increase. In addition, Anderson and IMMDA raise a variety of cost of service issues.

Both Anderson and IMMDA also allege that the proposed rates will result in a price squeeze, and they request that the Commission institute price squeeze procedures.

Discussion

Initially, we find that participation by each of the petitioners is in the public interest. Consequently, we shall grant the petitions to intervene.

In Order No. 91, Docket No. RM79–64, issued June 27, 1980, the Commission indicated that until revised filing requirements became effective, the Commission would waive the filing requirements of the then current section 35.13 for those utilities that seek to implement the revised cost of service format. Although IME has not specifically requested such waiver, our review of its filing indicates that IME tendered its revised rates in accordance with the filing requirements of section 35.13, as revised by Order No. 91, and we thus shall regard such a request as implicit in IME's filing. Accordingly, we find that waiver of the filing requirements of section 35.13 at the time of IME's filing is warranted and the motion to reject will be denied.

IME has requested waiver of the 60-day notice requirement of section 35.3 of the Commission's regulations in order to allow an effective date of November 1, 1980. IME states that the proposed rates represent a nominal increase, and constitute only a technical filing designed to create a locked-in period with respect to rates which have been in effect, subject to refund, since December 23, 1978. According to IME, the purpose for creating such a locked-in period is to limit IME's exposure to refunds which might result if a recent initial decision[2] respecting the earlier rates is affirmed by the Commission. As indicated above, Anderson and IMMDA contend that the Commission should deny IME's request because the increase in rates is not minimal, but rather is substantial in comparison to rates which might be expected on the basis of the pending initial decision. Upon consideration, the Commision finds that IME's arguments do not constitute the requisite showing of good cause for waiver of the notice requirements, as required by section 35.11 of the Commission's regulations. The request will therefore be denied.

[2] *Indiana & Michigan Electric Co.*, Docket Nos. ER78–379, *et al.*, Initial Decision, issued June 18, 1980.

Considering the allegations raised by the intervenors, we find that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept the proposed rates for filing and suspend them as ordered below.

In a number of suspension orders,[3] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circulmstances have been presented here. The Commission notes that a variety of substantive contentions have been raised by the intervenors, but that our preliminary analysis indicates that the proposed rates may not yield excessive revenues. We therefore believe that a five month suspension is unnecessary and may be inequitable to IME. However, in order to ensure refund protection for the affected customers pending further review, we believe we should exercise our discretion to suspend the rates for only one day from sixty days after filing, permitting the rates to take effect subject to refund thereafter on January 11, 1981.

Both IME and Anderson request that the instant docket be consolidated with the proceedings in Docket Nos. ER81–46–000 *et al.* These dockets, involving revised rates filed on October 24, 1980, for three other wholesale customer classes, were suspended for one day from sixty days after filing to become effective on December 25, 1980, were set for hearing, and were consolidated for hearing and decision thereon.[4] Because the instant docket and these dockets present common questions of law and fact, we shall consolidate Docket No. ER81–105–000 with these dockets for purposes of hearing and decision.

[3] *E.g., Boston Edison Co.*, Docket No. ER80–508 (August 29, 1980) (five month suspension); *Alabama Power Co.*, Docket Nos. ER80–506, *et al.* (August 29, 1980) (one day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80–488 (August 22, 1980) (one day suspension).

[4] *Indiana and Michigan Electric Company*, Docket Nos. ER81–46–000 *et al.*, order issued December 18, 1980.

Anderson and IMMDA correctly note that IME has reflected accumulated deferred investment tax credits (ADITC) in its capitalization at the company's claimed overall rate of return. The Commission has previously determined that summary disposition is appropriate under these circumstances,[5] and we shall so resolve the issue in this docket. However, the Commission notes that the revenue impact of this summary disposition is relatively small in relation to the proposed rate increase. Moreover, as noted above, our preliminary analysis has indicated that IME's proposed rates may not produce excessive revenues. As a result, we shall not require IME to refile its cost of service and rates at this time. Nonetheless, summary disposition of the ADITC issue shall be reflected in any rates finally approved by the Commission.

The Commission observes that IME's proposed rate schedules for Anderson and IMMDA contain a tax adjustment clause. We shall not reject the tax adjustment clause, but we note that implementation of the clause will constitute a change in rate necessitating a timely filing with the Commission pursuant to section 35.13 of the regulations.

The Commission further observes that IME's proposed rates incorporate by reference the curtailment provision at issue in Docket Nos. E–9548 and E–9549, currently awaiting Commission action. We note that the curtailment provision shall remain subject to the outcome of the proceedings in those dockets.

In accordance with the Commission's policy established in *Arkansas Power & Light Company*, Docket No. ER79–339, order issued August 6, 1979, we shall phase the price squeeze issue. As we have noted in previous orders, this procedure will allow a decision first to be reached on the cost of service, capitalization and rate of return issues. If, in the view of the intervenors or staff, a price squeeze persists, a second phase of the proceeding may follow.

The Commission Orders:

(A) The requirement of section 35.13 of the Commission's regulations at the time of IME's filing that cost of service data, Period I, end no earlier than seven months prior to the date of the filing is hereby waived. The motion to reject is hereby denied.

(B) IME's request for waiver of the Commission's notice requirements is denied.

(C) IME's proposed rates tendered for filing on November 10, 1980, are

[5] *E.g., El Paso Electric Co.*, Docket No. ER79–526, order issued September 24, 1979.

accepted for filing and suspended for one day from sixty days after filing, to become effective on January 11, 1981, subject to refund pending hearing and decision thereon.

(D) The proceedings in Docket No. ER81–105–000 are hereby consolidated with the proceedings in Docket Nos. ER81–46–000 *et al.* for purposes of hearing and decision thereon.

(E) IME's inclusion of ADITC in its capitalization at the claimed overall rate of return is summarily rejected. This determination shall be reflected in any rates ultimately approved by the Commission in this docket.

(F) IME is hereby advised that implementation of its tax adjustment clause will require timely filing in accordance with the provisions of section 35.13 of the Commission's regulations.

(G) IME is hereby advised that the curtailment provision incorporated by reference in the instant filing is subject to the outcome of the proceedings in Docket Nos. E–9548 and E–9549.

(H) We hereby order initiation of price squeeze procedures in Docket No. ER81–105–000 and further order that the proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for a consideration of price squeeze, would be just and reasonable. The presiding judge may order a change in this schedule for good cause. The price squeeze portion of this case shall be governed by the procedures set forth in section 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(I) The petitions to intervene are granted subject to the rules and regulations of the Commission; *Provided, however,* that participation by the intervenors shall be limited to matters set forth in their petitions to intervene; and *Provided, further,* that the admission of the intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(J) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [18 CFR, Chapter I (1980)], a public hearing shall be held concerning the justness and reasonableness of IME's proposed rates.

(K) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately ten (10) days of the service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426. The designated law judge is authorized to establish procedural dates, and to rule on all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(L) The Commission staff shall serve top sheets in this proceeding on or before January 9, 1981.

(M) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,

Secretary.

Indiana and Michigan Electric Company

Docket No. ER81–105–000

Filed: November 10, 1980.

Other Parties: (1) Cities of Anderson, Auburn, and Mishawaka; (2) Towns of Avilla, Frankton, New Carlisle, and Warren, and Cities of Bluffton, Columbia City, Garret, Gas City, Niles, South Haven, and Sturgis

(1) First Revised Sheet No. 1B, Second Revised Sheet Nos. 1 and 6–1, Third Revised Sheet Nos. 5 and 6, and Fourth Revised Sheet No. 4 under Schedule WS under FPC Electric Tariff, Original Volume No. 2 (Supersede Original Sheet No. 1B, First Revised Sheet Nos. 1 and 6–1, Second Revised Sheet Nos. 5 and 6, and Third Revised Sheet No. 4 thereunder)

(2) First Revised Sheet No. 1C, Second Revised Sheet No. 8–2, Third Revised Sheet No. 1, Fourth Revised Sheet Nos. 8 and 8–1, and Fifth Revised Sheet No. 7 under Schedule MRS under FPC Electric Tariff, Original Volume No. 1 (Supersede Original Sheet No. 1C, First Revised Sheet No. 8–2, Second Revised Sheet No. 1, Third Revised Sheet Nos. 8 and 8–1, and Fourth Revised Sheet No. 7 thereunder)

[FR Doc. 81–1992 Filed 1–19–81; 8:45 am]

BILLING CODE 6450–85–M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: January 12, 1981.

JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
NORTH DAKOTA GEOLOGICAL SURVEY							
-APACHE CORPORATION				RECEIVED: 12/09/80 JA: ND			
8108728		3300700310	102	EVONIUK NO 1-8	ELKHORN RANCH	35.8	KOCH HYDROCARBON CO
8108732		3300700333	102	STATE OF NORTH DAKOTA #1-16	ELKHORN RANCH	16.7	KOCH HYDROCARBON CO
8108729		3300700350	102	STATE WELL NO 2-16	ELKHORN RANCH	31.1	KOCH HYDROCARBON CO
-GULF OIL CORPORATION				RECEIVED: 12/09/80 JA: ND			
8108730		3302500145	102	LEONARD KOSTELNAK 4-28-4D	LITTLE KNIFE	36.0	MONTANA-DAKOTA UTILI
8108731		3300700374	102	TEDROW 5-12-1D	LITTLE KNIFE	18.0	MONTANA-DAKOTA UTILI
-KERR-MCGEE CORPORATION				RECEIVED: 12/09/80 JA: ND			
8108734		3305301037	103	NORTH DAKOTA STATE WELL NO 3	BOXCAR BUTTE	121.0	MONTANA DAKOTA UTILI
-SHELL OIL CO				RECEIVED: 12/09/80 JA: ND			
8108727		3305301046	102	EIKREN 44-10	BICENTENNIAL	31.0	MONTANA DAKOTA UTILI
-TENNECO OIL COMPANY				RECEIVED: 12/09/80 JA: ND			
8108733		3300700510	102	EGLY - #2-20	BIG STICK	155.0	WESTERN GAS PROCESSO
OKLAHOMA CORPORATION COMMISSION							
-ADAMS PETROLEUM ENTERPRISES CORP				RECEIVED: 12/08/80 JA: OK			
8108683	06359	3506300000	103	MEADOWLAND #1-ML	GREASY CREEK	123.7	TRANSOK PIPE LINE CO
-AL MCCORD INC				RECEIVED: 12/08/80 JA: OK			
8108684	06360	3501721052	103	EVERY #1-9	NORTH PIEDMONT	36.0	PHILLIPS PETROLEUM
-AN-SON CORPORATION				RECEIVED: 12/08/80 JA: OK			
8108686	06364	3501520878	103	BREHM #1	EAST HINTON	365.0	DELHI GAS PIPE LINE
-ANADARKO PRODUCTION COMPANY				RECEIVED: 12/08/80 JA: OK			
8108685	06363	3500721755	103	ALLEN D NO 1	MOCANE	500.0	COLORADO INTERSTATE
-ANDOVER OIL COMPANY				RECEIVED: 12/08/80 JA: OK			
8108651	05258	3501721348	102	SIEGRIST #9-1	WILDCAT	185.0	DELHI GAS PIPELINE C
-ARCO OIL AND GAS COMPANY				RECEIVED: 12/08/80 JA: OK			
8108655	03834	3504721817	103	DICK TOEDTMAN #3	SOONER TREND	110.0	PANHANDLE EASTERN PI
8108652	04923	3500721555	103	ERNEST NELSON #2	LAVERNE	36.5	MICHIGAN WISCONSIN P
8108671	06774	3504722065	102	J J BROWN #1	SOUTH DOUGLAS	36.5	
8108724	06142	3504721907	102	JOEL J BROWN #1	SOUTH DOUGLAS	110.0	
8108621	04068	3508720359	103	LINDSAY DEESE #15-2	GOLDEN TREND	10.9	WARREN PETROLEUM CO
8108623	04069	3508720416	103	LINDSAY DEESE #17-3	GOLDEN TREND	6.9	WARREN PETROLEUM CO
8108622	04071	3508720415	103	LINDSAY DEESE #2-1	GOLDEN TREND	10.9	WARREN PETROLEUM CO
8108626	04070	3508720445	103	LINDSAY DEESE #3-1	GOLDEN TREND	6.9	WARREN PETROLEUM CO
8108620	04072	3508720446	103	LINDSAY DEESE #7-1	GOLDEN TREND	10.9	WARREN PETROLEUM CO
8108653	04395	3500700000	108	ULLRICH PARKER #1U & 1L	MOCANE-LAVERNE	10.0	NORTHERN NATURAL GAS
8108654	03962	3505920773	103	W F DUNAWAY #2	LAVERNE	73.0	MICHIGAN WISCONSIN P
-B R POLK INC				RECEIVED: 12/08/80 JA: OK			
8108675	06437	3508321252	103	PFEIFFER #1	WEST ORLANDO	27.0	EASON OIL CO
-BARUCH-FOSTER CORP				RECEIVED: 12/08/80 JA: OK			

VOLUME 342 PAGE 002

JD NO	JA DKT	API NO	SEC	J	WELL NAME	FIELD NAME	PROD	PURCHASER
8108638	06887	3501820623	102		WRIGHT-LANE REDRILL #1			
					RECEIVED: 12/08/80 JA: OK			
-BOBBY J DARNELL								
8108694	06380	3507322224	103		BENNETT #1			
					RECEIVED: 12/08/80 JA: OK			
-BONANZA PETROLEUM INC								
8108634	06388	3505920835	103		BONANZA #1 OHAIR (CHESTER)	RAVENDALE	70.0	CITIES SERVICE GAS C
					RECEIVED: 12/08/80 JA: OK			
-BROWN & BORELLI INC								
8108688	06368	3507322168	103		AMBER/GARRETT #1	SOONER TREND	912.5	CONOCO INC
8108682	06374	3507322348	103		BOLLENBACH #1			
					RECEIVED: 12/08/80 JA: OK			
-C & S RESOURCES INC								
8108689	06375	3508100000	103		NEILL #1	LAVERNE CHESTER	425.0	MICHIGAN WISCONSIN P
					RECEIVED: 12/08/80 JA: OK			
-C M C OIL & GAS INC								
*8108641	06959	3514721181	102		SOUDERS 8-8			
					RECEIVED: 12/08/80 JA: OK			
-CHAMPLIN PETROLEUM COMPANY								
8108691	06377	3509321627	103		HARRY C EBERHART NO 2	SOUTH WEST DOVER	18.3	CITIES SERVICE CO
8108692	06378	3500321628	103		LOLA J JEFFRIES NO 2	SOONER TREND	25.6	PHILLIPS PETROLEUM C
8108693	06379	3504721939	103		MARIE R SIDWELL NO 2			
					RECEIVED: 12/08/80 JA: OK			
-CLARK RESOURCES INC								
8108695	06384	3507322293	103		PEACH #2-1	SOUTH CARNEY	25.6	SUN GAS CO
					RECEIVED: 12/08/80 JA: OK			
-COBRA OIL AND GAS CORPORATION								
8108645	06653	3515320985	102		BLASDEL 15 #1	BARTLESVILLE-DEWEY	150.0	BARTLESVILLE GATHERI
8108702	06629	3515321003	103		PEOPLES 10 #1			
					RECEIVED: 12/08/80 JA: OK			
-CONOCO INC								
8108639	06836	3514920070	102		LEPPKE NO 1	EAST CHANEY DELL	68.0	CHAMPLIN PETROLEUM C
					RECEIVED: 12/08/80 JA: OK	EAST CHANEY DELL	38.0	CHAMPLIN PETROLEUM
-COQUINA OIL CORPORATION						N E ENID	110.0	CHAMPLIN PETROLEUM C
8108690	06376	3501120988	103		DUNCAN 1-33			
					RECEIVED: 12/08/80 JA: OK			
-COTTON PETROLEUM CORPORATION						SOONER TREND	224.7	PANHANDLE EASTERN PI
8108635	06386	3501520848	103		SCHIMMEL NO 1			
8108723	06733	3501520871	102		SEMINARY NO 1			
					RECEIVED: 12/08/80 JA: OK			
-DALCO PETROLEUM INC								
8108658	06045	3507322278	103		JOHNSON #1		360.0	NORTHERN NATURAL GAS
8108657	06358	3507322445	103		STAUDE #1		0.0	NORTHERN NATURAL GAS
					RECEIVED: 12/08/80 JA: OK			
-F C D OIL CORP								
8108643	06911	3504722193	102		GULLEDGE 1-16			
8108709	06261	3507300000	103		RODENBERG 3-19A			
					RECEIVED: 12/08/80 JA: OK			
-F HOWARD WALSH JR								
8108640	06823	3505120894	102		HULME #1	FT COBB	118.6	
8108636	06816	3505120896	102		POAG #1			
					RECEIVED: 12/08/80 JA: OK			
-GETTY OIL COMPANY								
*8108710	06399	3513700000	103		DOMA SPEARS NO 9	WATONGA TREND	123.0	DELHI GAS PIPELINE C
					RECEIVED: 12/08/80 JA: OK			
-HAMM PRODUCTION CO								
8108701	06349	3509321768	103		STATE #1	EAST LOOKEBA	275.0	TRANSOK PIPE LINE CO
					RECEIVED: 12/08/80 JA: OK	S W HINTON	500.0	TRANSOK PIPE LINE CO
-HARPER OIL COMPANY								
8108633	06539	3509321719	102		KLUCKNER #1	SOONER TREND	91.3	DALCO PETROLEUM US L
8108656	06348	3509321787	103		RUFUS PARKER #1	SOONER TREND	91.2	DALCO PETROLEUM US L
					RECEIVED: 12/08/80 JA: OK			
-J M HUBER CORPORATION								
8108687	06367	3504500000	103		GRANTHAM B NO 1	KREMLIN	36.5	C R A INC
					RECEIVED: 12/08/80 JA: OK	N E OKARCHE	0.0	PHILLIPS PETROLEUM C
-J WALTER DUNCAN JR								
8108637	06779	3501520903	103		MARGIE #1	SE CHICKASHA	1095.0	ARKANSAS LOUISIANA G
					RECEIVED: 12/08/80 JA: OK	SE CHICKASHA	365.0	ARKANSAS LOUISIANA G
-JONES & PELLOW OIL CO								
8108719	05851	3504921154	103		RINGERWOOD #10-4	SHO-VEL-TUM	73.0	LONE STAR GAS COMPAN
					RECEIVED: 12/08/80 JA: OK			
-JORDAN OIL & GAS COMPANY								
8108703	05854	3504500000	103		IKARD NO 1	S W AMES	182.5	PHILLIPS PETROLEUM C
					RECEIVED: 12/08/80 JA: OK			
						DANE	73.0	PANHANDLE EASTERN PI
						NORTH DANE	100.0	DELHI GAS PIPELINE C
						SOUTHEAST GAGE	18.0	ONG WESTERN INC
						N E SICKLE	2190.0	
						EOLA	180.0	LONE STAR GAS CO
						SOUTH HIGGINS FIELD	100.0	NORTHERN NATURAL GAS

JO NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-KAISER-FRANCIS OIL COMPANY					RECEIVED: 12/08/80 JA: OK			
8108699	06332	3505900000	108		MUNDELL #1	MOCANE	17.0	NORTHERN NATURAL GAS
-KEITH F WALKER					RECEIVED: 12/08/80 JA: OK			
8108659	06225	3501900000	103		TATGE	OIL CITY	125.0	MOBIL OIL CORP
-KENNEDY & MITCHELL INC					RECEIVED: 12/08/80 JA: OK			
8108649	05877	3504500000	103		BRIGGS #20-304		275.0	NORTHERN NATURAL GAS
8108706	06069	3500700000	103		BROWN #23-325	(C SE SE SEC 31-4N-21ECM	500.0	NORTHERN NATURAL GAS
8108661	06067	3505900000	103		CHARLESTON #24-354	UNALLOCATED	180.0	MICHIGAN WISCONSIN P
8108705	06071	3505900000	103		SHORT #14-118-3		275.0	NORTHERN NATURAL GAS
-KENT E PHILLIPS CO					RECEIVED: 12/08/80 JA: OK			
8108670	06930	3503120541	102		BENTLEY #1-22	WEST STERLING	36.0	CITIES SERVICE GAS C
-KENT PHILLIPS EXPLORATION LTD					RECEIVED: 12/08/80 JA: OK			
8108676	06416	3501721450	103		CHEEK #1-35	RICHLAND	60.1	CONOCO INC
-KETAL OIL PRODUCING CO					RECEIVED: 12/08/80 JA: OK			
8108664	06434	3504722109	103		BIBY #2	SHELL LAKE	0.1	
8108677	06433	3504721367	103		WORTHINGTON #1	RAMONA	0.1	
-L & N EXPLORATION INC					RECEIVED: 12/08/80 JA: OK			
8108720	05385	3507322165	103		RANDOLPH #1-1	WEST MARSHALL	144.0	EASON OIL CO
-L & T OIL & GAS INC					RECEIVED: 12/08/80 JA: OK			
8108721	09226	3507322659	103		ALLISON 16 NO 2	SOONER TREND	0.0	CONOCO INC
8108722	09225	3507322572	103		ALLISON 19 NO 1	SOONER TREND	0.0	CONOCO INC
-L G WILLIAMS OIL COMPANY INC					RECEIVED: 12/08/80 JA: OK			
8108696	06240	3501721259	103		WRIGHT 33-2	YUKON	0.0	PHILLIPS PETROLEUM C
-MACKELLAR INC					RECEIVED: 12/08/80 JA: OK			
8108708	06391	3507322427	103		ALFRED #1	SOONER TREND	0.0	CITIES SERVICE GAS C
-MAGUIRE OIL COMPANY					RECEIVED: 12/08/80 JA: OK			
8108707	06392	3500300000	103		REXROAT #2	CHANEY DELL	0.2	PANHANDLE EASTERN PI
-MAHAN ENERGY CORP					RECEIVED: 12/08/80 JA: OK			
8108698	06330	3508120932	103		NOSSAMAN #1	PRAIRIE GEM	1.7	SUN GAS CO
-MARK GANER OIL & GAS					RECEIVED: 12/08/80 JA: OK			
8108715	06401	3507121464	108		BRAWNER #1	NORTH DILWORTH	11.0	EUFUALA ENTERPRISES
8108714	06402	3507121833	108		BRAWNER #2	NORTH DILWORTH	11.0	EUFUALA ENTERPRISES
-MOBIL OIL CORP					RECEIVED: 12/08/80 JA: OK			
*8108711	06396	3506120319	103		CHUNN HEIRS B UNIT WELL	KINTA	217.0	OKLAHOMA GAS & ELECT
8108712	06395	3507920349	103		ROY REED UNIT WELL #2	RED OAK-NORRIS	800.0	ARKANSAS LOUISIANA G
-NICHOLS PETROLEUM CO					RECEIVED: 12/08/80 JA: OK			
8108642	06919	3511720727	102		BRANCH #C-2	GREENUP	220.0	COLORADO GAS COMPRES
8108672	06712	3511720622	102		RED BUD RANCH	GREENUP	180.0	COLORADO GAS COMPRES
-NORTHERN NATURAL GAS CO					RECEIVED: 12/08/80 JA: OK			
8108697	06329	3500721439	103		FILE 2-29	IVANHOE W	18.0	NORTHERN NATURAL GAS
-OKLAHOMA PETROLEUM MANAGEMENT CORP					RECEIVED: 12/08/80 JA: OK			
8108648	06935	3514920057	103		#1 MCABEE	WEST ROCKY	15.0	OKLAHOMA NATURAL GAS
-OKLAND OIL CO					RECEIVED: 12/08/80 JA: OK			
8108676	06435	3505920802	103		RUBLE 1-2	LOVEDALE	82.5	DELHI GAS PIPELINE C
-PENINSULA RESOURCES CORPORATION					RECEIVED: 12/08/80 JA: OK			
8108700	06338	3504721849	103		LEROY A TEFFT #1	NORTH ENID	102.0	PANHANDLE EASTERN PI
-PETROLEUM RESERVE CORP					RECEIVED: 12/08/80 JA: OK			
8108680	06411	3500320721	103		BROWN #26-1	S W JET	182.5	PIONEER GAS PRODUCTS
-PETROMARK EXPLORATION INC					RECEIVED: 12/08/80 JA: OK			
8108681	06410	3509300000	103		MARTINDALE #21-1		91.3	PIONEER GAS PRODUCTS
-PHILLIPS PETROLEUM COMPANY					RECEIVED: 12/08/80 JA: OK			
8108717	06436	3500700000	108		BOCKELMAN AH NO 1	IVANHOE	9.0	

JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
8108713	06413	3501721417	103	REICH A NO 1		0.0	PANHANDLE EASTERN PI
8108718	06415	3501721418	103	SCHIEBER A NO 1		0.0	PANHANDLE EASTERN PI
8108679	06414	3501721467	103	WIEWEL D NO 1		0.0	PANHANDLE EASTERN PI
-PIONEER PRODUCTION CORPORATION				RECEIVED: 12/08/80 JA: OK			
8108665	06960	3515121054	103	WILBER W MADDOX #1-27	WILDCAT	204.0	
8108666	06960	3515121054	102	WILBER W MADDOX NO 1-27	WILDCAT	65.0	PANHANDLE EASTERN PI
-RAMEY OIL CORP				RECEIVED: 12/08/80 JA: OK			
8108704	06253	3503700000	108	PRESTON #5 03721241	GLENPOOL	13.6	PHILLIPS PETROLEUM C
-RICKS EXPLORATION CO				RECEIVED: 12/08/80 JA: OK			
8108644	06928	3515120924	102	NIDA 31A	N AVARD	300.0	PANHANDLE EASTERN PI
-RODMAN PETROLEUM CORP				RECEIVED: 12/08/80 JA: OK			
8108669	06407	3507321982	103	MAXWELL 33-1	SOONER TREND	30.0	PHILLIPS PETROLEUM C
-SAXON OIL COMPANY				RECEIVED: 12/08/80 JA: OK			
8108668	06455	3504321041	103	DEAN UNIT A NO 1	TONKAWA	100.0	MOBIL OIL CORP
8108673	06454	3504321027	103	DEAN UNIT NO 1	TONKAWA	100.0	MOBIL OIL CORP
8108667	06456	3504321035	103	HENDRIX UNIT NO 1	TONKAWA	100.0	MOBIL OIL CORP
-SOUTHLAND ROYALTY CO				RECEIVED: 12/08/80 JA: OK			
8108650	05289	3504320797	103	DOWLING #1		50.0	OKLAHOMA GAS & ELECT
8108660	06223	3513921242	102	HEIRS #1-33	CAPLE	70.0	NORTHERN NATURAL GAS
-SUN OIL COMPANY (DELAWARE)				RECEIVED: 12/08/80 JA: OK			
*8108628	05997	3507300000	108	BORELLI SECTION 8 WELL NO 2	S E DOVER	11.0	EXXON CORP
*8108663	05969	3507300000	108	KARCH WELL NO 1	SE DOVER	9.5	EXXON CORP
8108674	06439	3505920828	103	LENZ A NO 1	MOCANE-LAVERNE	548.0	MICHIGAN-WISCONSIN P
*8108646	05964	3504700000	108	S E FLYNN UNIT NO 46-1	DOVER-HENNESSEY	1.5	EXXON CORP
*8108647	05967	3504700000	108	S E FLYNN UT NO 58-1	DOVER-HENNESSEY	1.0	EXXON CORP
8108662	05971	3512300000	108	SCOTT BROWN WELL NO 7	FITTS	7.0	KOCH EXPLORATION CO
8108630	05993	3503700000	108	STROUD PRUE UNIT NO 26-4	STROUD	2.5	KERR-MCGEE CORP
8108627	05992	3508100000	108	STROUD PRUE UNIT NO 30-1	STROUD	0.5	KERR-MCGEE CORP
8108629	06002	3508100000	108	STROUD PRUE UNIT NO 32-1	STROUD	0.5	KERR-MCGEE CORP
8108631	06003	3503700000	108	STROUD PRUE UNIT NO 33-4	STROUD	0.5	KERR-MCGEE CORP
8108625	06006	3508100000	108	STROUD PRUE UNIT NO 33-5	STROUD	0.5	KERR-MCGEE CORP
8108624	05995	3503700000	108	STROUD PRUE UNIT NO 45-5	STROUD	0.5	KERR-MCGEE CORP
-UNION OIL COMPANY OF CALIF				RECEIVED: 12/08/80 JA: OK			
8108725	06140	3505900000	108	HIERONYMUS #1-18	LAVERNE	15.0	MICHIGAN WISCONSIN P
8108726	06139	3500700000	108	PARKER A #1-11	N E ELMWOOD	12.0	NORTHERN NATURAL GAS
-WAGNER & BROWN				RECEIVED: 12/08/80 JA: OK			
8108716	06693	3505120951	102	SMITH NO 1	S E CHICKASHA	700.0	
-WOODS PETROLEUM CORPORATION				RECEIVED: 12/08/80 JA: OK			
8108632	06818	3512920445	102	SWITZER C #5-1	S W LEEDY	730.0	DELHI GAS PIPELINE C
**********							
WEST VIRGINIA DEPARTMENT OF MINES							
**********							
-COLUMBIA GAS TRANSMISSION CORP				RECEIVED: 12/09/80 JA: WV			
8108735		4705700016	102	MASTELLAR COAL CO 620364	KEYSER	350.0	COLUMBIA GAS TRANSPO
8108736		4705700022	102	MASTELLAR COAL CO 620616	KEYSER	105.0	
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED: 12/09/80 JA: WV			
8108747		4703302076	103	ALICE V KNISLEY 12597	WEST VIRGINIA OTHER A857	23.0	GENERAL SYSTEM PURCH
8108737		4701702363	103	O C STEWART 12571	WEST VIRGINIA OTHER A857	27.0	GENERAL SYSTEM PURCH
8108739		4703302146	103	EMMA A POST 12594	WEST VIRGINIA OTHER A857	50.0	GENERAL SYSTEM PURCH
8108738		4703300940	108	SUSAN V CURRY 12057	WEST VIRGINIA OTHER A857	19.0	GENERAL SYSTEM PURCH
-F F MCINTOSH SR ESTATE				RECEIVED: 12/09/80 JA: WV			
8108752		4701303058	108	ESTER GIBSON #1		4.0	CONSOLIDATED GAS SUP

J [illegible]	J [illegible]	API #	[illegible]	WELL NAME	FIELD NAME	PROD	PURCHASER
-FOX DRILLING CO INC				RECEIVED: 12/09/80 JA: WV			
8108748		4700101262	103	A F BOSELY #1 (47-001-1262)	BELINGTON FIELD	60.0	COLUMBIA GAS TRANSMI
8108749		4700101263	103	C POE #D-1 (47-001-1263)	BELINGTON FIELD	40.0	COLUMBIA GAS TRANSMI
8108750		4700101265	103	H POLING #1 (47-001-1265)	BELINGTON FIELD	45.0	COLUMBIA GAS TRANSMI
8108751		4700101316	103	R AUVIL #2 (47-001-1316)	BELINGTON FIELD	25.0	COLUMBIA GAS TRANSMI
-J & J ENTERPRISES INC				RECEIVED: 12/09/80 JA: WV			
8108754		4700102873	103	B-113	PHILIPPI	400.0	CONSOLIDATED GAS SUP
8108753		4700100000	103	B-213	UNION	400.0	CONSOLIDATED GAS SUP
8108756		4701702625	103	J-232	CENTRAL	400.0	COLUMBIA GAS TRANSMI
8108757		4701702675	103	J-262	CENTRAL	400.0	COLUMBIA GAS TRANSMI
8108755		4701702656	103	J-264	CENTRAL	400.0	COLUMBIA GAS TRANSMI
-N & K E BUSCH DBA RICHTER OIL CO				RECEIVED: 12/09/80 JA: WV			
8108745		4710500873	108	M RICHTER NO 10	BURNING SPRINGS DISTRICT	0.5	PENNZOIL CO
8108744		4710500874	108	M RICHTER NO 14	BURNINGS SPRINGS DISTRIC	0.5	PENNZOIL CO
8108743		4710500875	108	M RICHTER NO 15	BURNING SPRINGS DISTRICT	0.5	PENNZOIL CO
8108742		4710500876	108	M RICHTER NO 18	BURNING SPRINGS	0.5	PENNZOIL CO
8108741		4710500877	108	M RICHTER NO 20	BURNING SPRINGS DISTRICT	0.5	PENNZOIL CO
8108746		4710500872	108	M RICHTER NO 3	BURNING SPRINGS DISTRICT	0.5	PENNZOIL CO
8108740		4710520524	108	M RICHTER NO 7	BURNING SPRINGS DISTRICT	0.5	PENNZOIL CO
-PETROLEUM DEVELOPMENT CORP				RECEIVED: 12/09/80 JA: WV			
8108758		4701702568	103	L S MCGEE #2	STRT FORK-BLUESTONE CREE	115.0	COLUMBIA GAS TRANSMI

BILLING CODE 6450-85-C

OTHER PURCHASERS VOLUME NO 1342

8108628	OKLAHOMA NATURAL GAS CO
8108641	CITIES SERVICE
8108646	OKLAHOMA NATURAL GAS COMPANY
8108647	OKLAHOMA NATURAL GAS CO
8108663	OKLAHOMA NATURAL GAS CO
8108710	OKLAHOMA NATURAL GAS CO
8108711	PUBLIC SERVICE COMPANY OF OKLAHOMA

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" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission within fifteen (15) days after the date of publication of this notice in the **Federal Register.**

Please reference the FERC Control Number (JD No.) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-1995 Filed 1-19-81; 8:45 am]

BILLING CODE 6450-85-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: January 12, 1981.

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PRCD	PURCHASER
**********								
OKLAHOMA CORPORATION COMMISSION								
**********								
-AMES OIL AND GAS CORP					RECEIVED: 12/12/80 JA: OK			
8108911	06482	3511700000	103		PORTER #1		10.9	COLORADO GAS COMPRES
8108909	06478	3511700000	103		ROGERS #1		109.5	COLORADO GAS COMPRES
-AMOCO PRODUCTION CO					RECEIVED: 12/12/80 JA: OK			
8108908	06477	3509330229	108		STALLMAN GAS UNIT #1 (2ND FILING)	TOGO EAST	15.7	MICHIGAN WISCONSIN P
8108914	06476	3505935299	108		WOLF UNIT #1 (2ND FILING)	MOCANE LAVERNE	17.5	MICHIGAN WISCONSIN P
-ANADARKO PRODUCTION COMPANY					RECEIVED: 12/12/80 JA: OK			
8108941	05706	3505320504	102		GARY A NO 2-32	RENFROW	49.0	PANHANDLE EASTERN PI
8108940	05699	3505320521	102		KENNEDY A NO 1-31	RENFROW	26.0	PANHANDLE EASTERN PI
8108939	05698	3505320496	102		SCHOFFNER A NO 1-29	RENFROW	26.0	PANHANDLE EASTERN PI
8108942	05707	3505320523	102		SCHUNEMAN A NO 1-33	RENFROW	32.0	PANHANDLE EASTERN PI
8108937	05705	3505320519	102		SUBERA A NO 1-30	RENFROW	26.0	PANHANDLE EASTERN PI
-ARCO OIL AND GAS COMPANY					RECEIVED: 12/12/80 JA: OK			
8108936	04379	3505100000	108		ELMER S POOLER A #5U & 5L	CHICKASHA	15.7	ARKANSAS LOUISIANA G
8108938	03592	3504320811	108		VANDERWORK UNIT #3	PUTNAM	15.5	MICHIGAN WISCONSIN P
-BARUCH-FOSTER CORP					RECEIVED: 12/12/80 JA: OK			
8108910	06479	3508321335	103		BOZALIS #1	NE PLEASANT VALLEY	36.0	CITIES SERVICE GAS C
-BERRY PETROLEUM CORP					RECEIVED: 12/12/80 JA: OK			
8108934	05180	3507300000	103		MILDRED LOWERY #2-1	SOONER TREND	150.0	PHILLIPS PETROLEUM
-BONANZA PETROLEUM INC					RECEIVED: 12/12/80 JA: OK			
8108947	06372	3505920835	103		BONANZA #1 CHAIR (MORROW)	LAVERNE MORROW	425.0	MICHIGAN WISCONSIN P
8108946	06365	3500721713	103		WATSON NO 1	SEC 26 T6N RGE26ECM	90.0	PANHANDLE EASTERN PI
-BROWN & BORELLI INC					RECEIVED: 12/12/80 JA: OK			
8108918	06373	3507322302	103		#1 DAVID	SOONER TREND	36.5	PHILLIPS PETROLEUM C
-CHAMPLIN PETROLEUM COMPANY					RECEIVED: 12/12/80 JA: OK			
8108935	04573	3500300000	108		SUSIE K LEIERER B NO 1	E CHANEY DELL	12.3	CHAMPLIN PETROLEUM C
-CHASE EXPLORATION CORP					RECEIVED: 12/12/80 JA: OK			
8108903	06483	3507121232	103		BROWN #2-7		7.0	CITIES SERVICE GAS C
*8108904	06484	3507121043	103		DAY #1-28		6.5	CITIES SERVICE GAS C
*8108906	06486	3507120973	103		THAIN #2-27		8.0	CITIES SERVICE GAS C
*8108907	06487	3507121819	103		WHITING #1-29		11.0	CITIES SERVICE GAS C
*8108905	06485	3507121816	103		YEDICA-HENNEBERRY #1-12		1.2	CITIES SERVICE GAS C
-CROUCH PETROLEUM COMPANY					RECEIVED: 12/12/80 JA: OK			
8108921	06383	3502500000	108		ADA JOHNSON #1 025-45553	S E GRIGGS	2.0	WESTERN GAS INTERSTA
8108920	06382	3502520179	108		CRONE #1 025-44179	S E GRIGGS	6.0	WESTERN GAS INTERSTA
8108919	06381	3502520167	108		STAFFORD #1 025-43765	S E GRIGGS	15.0	WESTERN GAS INTERSTA
-GEORGE RODMAN INC					RECEIVED: 12/12/80 JA: OK			
*8108922	06408	3509321850	103		WEAVER NO 1	W E CEDARDALE	645.0	MICHIGAN WISCONSIN P
-HARPER OIL COMPANY					RECEIVED: 12/12/80 JA: OK			
8108951	06502	3507300000	108		C K STURGEON 16-1	SOONER TREND	14.0	PHILLIPS PETROLEUM C
8108949	06500	3500300000	108		HERTZLER #1	E E ALINE	5.0	DELHI GAS PIPELINE C

JD NO	JA DKT	API NT	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
8108931	06432	3507321976	103	MACK #1	SOONER TREND	6.0	PHILLIPS PETROLEUM C
8108950	06501	3508320687	108	MAE #1	ORLANDO	9.0	EASON OIL CO
8108899	06494	3507300000	108	MARY BAXTER #1	SOONER TREND	4.0	EXXON CO USA
*8108901	06497	3509300000	108	MAY #1	RINGWOOD	6.0	UNION TEXAS PETROLEU
8108900	06496	3500900070	108	PENNINGTON #1	SOUTH ERICK	10.0	EL PASO NATURAL GAS
8108902	06498	3507320384	108	ROTTGER #1	SOONER TREND	10.0	PHILLIPS PETROLEUM C
8108948	06499	3504700000	108	SCOTT #2	SOONER TREND	7.0	EXXON CORP
-JAMES C MEADE				RECEIVED: 12/12/80 JA: OK			
8108932	06417	3506100000	103	EBERLY AND MEADE MASON #2A-18	KINTA FIELD	365.0	ARKANSAS LOUISIANA G
-KENT PHILLIPS CO				RECEIVED: 12/12/80 JA: OK			
8108923	06409	3503120541	103	BENTLEY #1-22	WEST STERLING	36.0	CITIES SERVICE GAS C
-NATIONAL OIL COMPANY				RECEIVED: 12/12/80 JA: OK			
8108924	06412	3505920825	103	HEADLEE 059 0618	LOVEDALE	511.0	DELHI PIPELINE CO
-PHILLIPS PETROLEUM COMPANY				RECEIVED: 12/12/80 JA: OK			
8108943	06215	3513900000	103	DRV #2	GUYMON HUGOTON	0.0	MICHIGAN WISCONSIN P
-SEARCH DRILLING CO				RECEIVED: 12/12/80 JA: OK			
8108912	06473	3502520422	103	TWOMBLY #1-22A	E SAMPSEL	133.0	
-SHAR-ALAN OIL CO				RECEIVED: 12/12/80 JA: OK			
8108933	06298	3509300000	103	KECK 8-1	S W FAIRVIEW	200.0	DELHI GAS PIPELINE C
-SHELL OIL CO				RECEIVED: 12/12/80 JA: OK			
8108913	06474	3500721654	103	LONKER D 2-2	MOCANE LAVERNE	102.0	NORTHERN NATURAL GAS
-TENNECO OIL COMPANY				RECEIVED: 12/12/80 JA: OK			
8108930	06458	3500721724	103	CARLISLE 17-21	MOCANE-LAVERNE	3.6	COLORADO INTERSTATE
-TEXAS OIL & GAS CORP				RECEIVED: 12/12/80 JA: OK			
8108929	06461	3509321801	103	FAST # 8-1	WILDCAT	0.0	
-THOMPSON TYE DRILLING CO INC				RECEIVED: 12/12/80 JA: OK			
8108925	06457	3511921053	103	THOMPSON #5	BROYLES	0.0	SUN GAS CO
-TOWER OIL AND GAS COMPANY INC				RECEIVED: 12/12/80 JA: OK			
8108944	06233	3507322337	103	HILL #1	SOONER TREND	73.0	PHILLIPS PETROLEUM C
-UNION TEXAS PETROLEUM				RECEIVED: 12/12/80 JA: OK			
8108917	06471	3500320709	103	A WEDEL NO 2	E CHANEY DELL	24.0	PANHANDLE EASTERN PI
-UNIVERSAL RESOURCES CORPORATION				RECEIVED: 12/12/80 JA: OK			
8108926	06462	3501721440	103	ZUM MALLEN 1-26	PIEDMONT WEST	200.0	PHILLIPS PETROLEUM C
-VIERSEN & COCHRAN				RECEIVED: 12/12/80 JA: OK			
8108928	06464	3515321035	103	KING-HAMILTON #1-19	WEST VICI	180.0	PANHANDLE EASTERN PI
-VULCAN ENERGY CORP				RECEIVED: 12/12/80 JA: OK			
8108927	06463	3507322327	103	OBLANDER	NW LOYAL	85.0	CITIES SERVICE
8108915	06465	3507322327	103	TURNER #1	SOONER TREND	150.0	PHILLIPS PETROLEUM C
-WAGNER & BROWN				RECEIVED: 12/12/80 JA: OK			
8108916	06468	3508300000	103	BARKER NO 1	WEST LAURIE	18.0	EASON OIL CO
-WM J OCONNOR				RECEIVED: 12/12/80 JA: OK			
8108945	06291	3515121025	103	GOSS #1	ALINE	185.0	MICHIGAN-WISCONSIN P
**********							
WEST VIRGINIA DEPARTMENT OF MINES							
**********							
-TUG FORK CORP				RECEIVED: 12/15/80 JA: WV			
*8108957		4709900439	107	C T FRALEY 1-725	GRANT	8.6	TENNESSEE GAS PIPELI
*8108968		4709901496	107	GLEN JOHNSON 1-1201	GRANT	13.2	TENNESSEE GAS PIPELI
*8108978		4709900396	107	KOONCE-ZIMMERMAN 4-718	LINCOLN	2.7	TENNESSEE GAS PIPELI
*8108977		4709900407	107	KOONCE-ZIMMERMAN 5-719	LINCOLN	2.6	TENNESSEE GAS PIPELI
*8108979		4709900426	107	KOONCE-ZIMMERMAN 7-748	LINCOLN	9.1	TENNESSEE GAS PIPELI
*8108953		4709900737	107	MARION BURGESS 1-786	LINCOLN	4.4	TENNESSEE GAS PIPELI

JD NO	JA DKT	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
*8108962		4709900723	107	NILE BARTRAM 1-801	LINCOLN	1.1	TENNESSEE GAS PIPELI
*8108960		4709900049	107	WILSON COAL LAND CO 20-535	LINCOLN	15.9	TENNESSEE GAS PIPELI
*8108963		4709900066	107	WILSON COAL LAND CO 24-539	STONEWALL	1.9	TENNESSEE GAS PIPELI
*8108992		4709900193	107	WILSON COAL LAND CO 25-570	LINCOLN	26.7	TENNESSEE GAS PIPELI
*8108997		4709900210	107	WILSON COAL LAND CO 26-577	LINCOLN	7.1	TENNESSEE GAS PIPELI
*8108998		4709900230	107	WILSON COAL LAND CO 28-596	LINCOLN	0.6	TENNESSEE GAS PIPELI
*8108980		4709900247	107	WILSON COAL LAND CO 29-604	LINCOLN	6.3	TENNESSEE GAS PIPELI
*8108964		4709900019	107	WILSON COAL LAND CO 3-521	LINCOLN	9.5	TENNESSEE GAS PIPELI
*8108965		4709900260	107	WILSON COAL LAND CO 31-624	LINCOLN	10.6	TENNESSEE GAS PIPELI
*8108983		4709900304	107	WILSON COAL LAND CO 32-634	LINCOLN	9.7	TENNESSEE GAS PIPELI
*8108966		4709900328	107	WILSON COAL LAND CO 34-682	LINCOLN	10.2	TENNESSEE GAS PIPELI
*8108994		4709900340	107	WILSON COAL LAND CO 36-694	GRANT	5.9	TENNESSEE GAS PIPELI
*8108996		4709900347	107	WILSON COAL LAND CO 39-700	LINCOLN	1.8	TENNESSEE GAS PIPELI
*8108984		4709900382	107	WILSON COAL LAND CO 40-709	LINCOLN	9.6	TENNESSEE GAS PIPELI
*8108986		4709900397	107	WILSON COAL LAND CO 41-716	GRANT	14.2	TENNESSEE GAS PIPELI
*8108988		4709900409	107	WILSON COAL LAND CO 42-717	LINCOLN	7.4	TENNESSEE GAS PIPELI
*8108987		4709900487	107	WILSON COAL LAND CO 44-754	LINCOLN	2.4	TENNESSEE GAS PIPELI
*8108967		4709900633	107	WILSON COAL LAND CO 51-789	GRANT	1.1	TENNESSEE GAS PIPELI
*8108956		4709900634	107	WILSON COAL LAND CO 52-790	LINCOLN	5.4	TENNESSEE GAS PIPELI
*8109005		4709900641	107	WILSON COAL LAND CO 53-792	LINCOLN	30.1	TENNESSEE GAS PIPELI
*8108973		4709900753	107	WILSON COAL LAND CO 54-799	LINCOLN	4.2	TENNESSEE GAS PIPELI
*8109004		4709900761	107	WILSON COAL LAND CO 55-800	LINCOLN	1.1	TENNESSEE GAS PIPELI
*8108995		4709900790	107	WILSON COAL LAND CO 56-827	LINCOLN	1.0	TENNESSEE GAS PIPELI
*8108999		4709900792	107	WILSON COAL LAND CO 57-828	LINCOLN	1.5	TENNESSEE GAS PIPELI
*8108975		4709900793	107	WILSON COAL LAND CO 58-831	LINCOLN	1.5	TENNESSEE GAS PIPELI
*8108989		4709900820	107	WILSON COAL LAND CO 60-840	LINCOLN	4.2	TENNESSEE GAS PIPELI
*8108985		4709900871	107	WILSON COAL LAND CO 61-841	LINCOLN	3.2	TENNESSEE GAS PIPELI
*8109001		4709900824	107	WILSON COAL LAND CO 63-848	LINCOLN	1.8	TENNESSEE GAS PIPELI
*8108990		4709900853	107	WILSON COAL LAND CO 65-856	LINCOLN	4.6	TENNESSEE GAS PIPELI
*8109002		4709900854	107	WILSON COAL LAND CO 66-859	LINCOLN	1.3	TENNESSEE GAS PIPELI
*8108959		4709900856	107	WILSON COAL LAND CO 67-860	LINCOLN	5.2	TENNESSEE GAS PIPELI
*8108962		4709900862	107	WILSON COAL LAND CO 68-870	LINCOLN	0.5	TENNESSEE GAS PIPELI
*8108952		4709900877	107	WILSON COAL LAND CO 69-883	LINCOLN	1.9	TENNESSEE GAS PIPELI
*8108961		4709901291	107	WILSON COAL LAND CO 73-929	LINCOLN	13.6	TENNESSEE GAS PIPELI
*8108958		4709900981	107	WILSON COAL LAND CO 74-930	LINCOLN	8.9	TENNESSEE GAS PIPELI
*8108981		4709900972	107	WILSON COAL LAND CO 75-931	LINCOLN	26.9	TENNESSEE GAS PIPELI
*8108954		4709901486	107	WILSON COAL LAND CO 77-937	LINCOLN	7.4	TENNESSEE GAS PIPELI
*8108955		4709901464	107	WILSON COAL LAND CO 78-938	LINCOLN	9.4	TENNESSEE GAS PIPELI
*8108974		4709901466	107	WILSON COAL LAND CO 83-1192	LINCOLN	23.0	TENNESSEE GAS PIPELI
*8108976		4709901471	107	WILSON COAL LAND CO 84-1193	LINCOLN	4.4	TENNESSEE GAS PIPELI
*8108971		4709901487	107	WILSON COAL LAND CO 85-1194	LINCOLN	4.1	TENNESSEE GAS PIPELI
*8108969		4709901488	107	WILSON COAL LAND CO 86-1195	LINCOLN	9.5	TENNESSEE GAS PIPELI
*8108970		4709901491	107	WILSON COAL LAND CO 88-1197	LINCOLN	5.4	TENNESSEE GAS PIPELI
*8108972		4709901495	107	WILSON COAL LAND CO 89-1200	LINCOLN	3.8	TENNESSEE GAS PIPELI
*8108993		4709900037	107	WILSON COAL LAND CO 9-526	LINCOLN	2.6	TENNESSEE GAS PIPELI
*8109000		4709901500	107	WILSON COAL LAND CO 90-1205	LINCOLN	1.3	TENNESSEE GAS PIPELI
*8108991		4709901508	107	WILSON COAL LAND CO 93-1214	LINCOLN	3.6	TENNESSEE GAS PIPELI
*8109008		4709901507	107	WILSON COAL LAND CO 94-1215	LINCOLN	2.6	TENNESSEE GAS PIPELI

OTHER PURCHASERS VOLUME NO 1344

8108001 OKLAHOMA GAS & ELECTRIC CO
8108004 CHASE GATHERING SYSTEMS INC
8108005 CHASE GATHERING SYSTEMS INC
8108006 CHASE GATHERING SYSTEMS INC
8108007 CHASE GATHERING SYSTEMS INC
8108022 DELHI GAS PIPELINE CORP
8108052 INDUSTRIAL GAS CORPORATION
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8109005 INDUSTRIAL GAS CORPORATION

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" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before February 5, 1981.

Please reference the FERC Control Number (JD No.) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-2002 Filed 1-19-81; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-180547; PH-FRL 1723-8]

California; Issuance of Specific Exemption for Benomyl on Crucifer Seeds

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted a specific exemption to the California Department of Food and Agriculture (hereafter referred to the "Applicant") to use benomyl on 56,000 pounds of crucifer seeds (cabbage, cauliflower, broccoli, and Brussels sprouts) to control blackleg disease (*Phoma lingam*). The specific exemption is issued under the Federal Insecticide, Fungicide, and Rodenticide Act.

DATE: The specific exemption expires on July 1, 1981.

FOR FURTHER INFORMATION CONTACT: Edward Gross, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, Rm. E-124, 401 M St., SW., Washington, D.C. 20460 (202-426-0223).

SUPPLEMENTARY INFORMATION: According to the Applicant, *P. linam* reduces germination and can devastate a field by killing the plants or severely stunting their growth and yield. The organism is often present on crucifer seed or weed hosts of the genus *Brassica* that are already at the planting site. Spores of *P. lingam* can remain viable on infected debris for up to 4 years, and uninfected fields can be infected by the introduction of contaminated seed. The Applicant claimed that effective disease control requires treatment of seed stock used for seed production as well as the treatment of commercial seed lots.

The Applicant estimates that California growers can expect to lose $21 million, with major losses in other States, without the use of benomyl. The Applicant claimed that there is no pesticide registered for this use, nor are there any successful cultural practices to control blackleg.

The Applicant proposed using a maximum of 140 pounds of Benlate (0.005.0.01 pound of the active ingredient benomyl per acre) to treat 56,000 pounds of seed as a slurry application in combination with Arasan or Captan. One application is to be made per seed lot.

EPA has determined that residues of benomyl are not likely to exceed 0.2 part per million (ppm) in cabbage and cauliflower and 0.4 ppm in broccoli and Brussels sprouts from this use. These levels have been judged adequate to protect the public health. No adverse effects to the environment are anticipated from this specific exemption.

It should be noted that a rebuttable presumption against registration (RPAR) of pesticide products containing benomyl was published in the Federal Register on December 6, 1977 (42 FR 61788). On Thursday, August 30, 1979 (44 FR 51186), EPA published in the Federal Register a preliminary notice of determination concluding the RPAR against benomyl. As developed in the position document, EPA has determined that benomyl poses risks of mutagenicity (as a spindle poison), tertogenicity, and spermatogenic depression to humans, and acute toxicity to aquatic organisms. EPA determined that other areas of concern had been successfully rebutted. EPA will require modification of labeling of benomyl pesticide products packaged in 5-pound or larger bags with aerial application directions. EPA has reflected this preliminary determination in imposing appropriate precautions in the specific exemption to protect employees working with benomyl.

After reviewing the application and other available information, EPA has determined that the criteria for an exemption have been met. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until July 1, 1981, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. The product Benlate 50 Percent Wettable Powder (EPA Registration No. 352-354) will be used.

2. Benlate will be applied at a maximum rate of 8 ounces formulation (4 ounces benomyl active ingredient) in sufficient water to treat 100 pounds of seed.

3. Each seed lot may receive no more than a single application of benomyl. Benomyl may be used in combination with Arsan or Captan products, which are registered for use as crucifer seed treatments, providing such combinations are not prohibited by the various product labels.

4. Application of benomyl will be restricted to seeds on which infestations have been confirmed or to seeds from areas where *Phoma lingam* is known to be present.

5. A maximum of 56,000 pounds of seeds may be treated.

6. Treated seeds will not be used for food, feed, or any other use except planting, and all shipments of seed must be so labeled.

7. Residues of benomyl, in the raw agricultural commodities, which result from treatment of the seeds are not likely to exceed 0.2 ppm in cabbage and cauliflower and 0.4 ppm in broccoli and Brussels sprouts. Cabbage, cauliflower, broccoli, and Brussels sprouts with residue levels not exceeding these levels may be shipped in interstate commerce. The Food and Drug Administration, U.S. Department of Health and Human Services, has been advised of this action.

8. Only seeds intended for commercial planting may be treated with benomyl. Benomyl-treated seeds will be clearly labeled as such.

9. The EPA has determined that benomyl causes birth defects and reduced sperm production in laboratory animals. Exposure to benomyl during pregnancy should be avoided. Exposure to benomyl might cause a depressed sperm count. In case of accidental spills or other unusual exposure, work must cease immediately and directions for contact with benomyl must be followed.

10. The Applicant is responsible for insuring that the restrictions of this specific exemption are met, and must

submit a report summarizing the results of this program by December 31, 1981.

11. All applicable directions, restrictions, and precautions on the EPA-registered label must be followed.

12. The EPA shall be immediately informed of any adverse effects resulting from the use of benomyl in connection with this exemption.

13. All applications will be made by, or under the direct supervision of, State-certified applicators. Applicators must wear dust masks when treating crucifer seeds with benomyl.

(Sec. 18 as amended 92 Stat. 819; (7 U.S.C. 136))

Dated: January 9, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-2028 Filed 1-19-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP-180552; PH-FRL 1731-3]

California; Issuance of Specific Exemption for Fenvalerate on Tomatoes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted a specific exemption to the California Department of Food and Agriculture (hereafter referred to as the "Applicant") to use fenvalerate (Pydrin) on a maximum of 3,800 acres of tomatoes in Fresno, San Diego, and Tulare Counties in California to control the tomato pinworm. The applicant had previously availed itself of a crisis exemption for this purpose. The specific exemption is issued under the Federal Insecticide, Fungicide, and Rodenticide Act.

DATE: The specific exemption expires on January 15, 1981.

FOR FURTHER INFORMATION CONTACT: Libby Welch, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, Rm. E-124, 401 M St. SW., Washington, D.C. 20460 (202-426-0223).

SUPPLEMENTARY INFORMATION: On August 29, 1980, the Applicant initiated a crisis exemption for the use of Pydrin (EPA Reg. No. 201-401), for control of the tomato pinworm on fresh market tomatoes in San Diego County, and so notified the Administrator. The Applicant submitted a request for a continuation of that program and later requested that the specific exemption be amended to include Fresno and Tulare Counties also.

According to the Applicant, a very heavy population of pinworms emerged in these counties this season as a result of a very wet and warm winter. Growers could not get into the wet fields last year to disk under the old tomato plants which contained overwintering pinworms. Many of the overwintering pinworms survived and emerged this season. Although the pest is a problem to a small degree every year, this year is proving to be a very severe pinworm year, according to the Applicant. Damage is caused by the pinworm's holes and secondary bacteria and fungi infections. Tomatoes with excessive pinworm damage do not meet the quality standards established by the California Administrative Code and are not marketable. The Applicant estimates that without the use of fenvalerate to control this pest, tomato growers face a potential loss of $5 million.

The Applicant proposed to make 10 applications of the active ingredient (a.i.) fenvalerate (cyano(3-phenoxyphenyl)methyl-4-chloro-alpha-(1-methylethyl)benzeneacetate) on fresh market tomatoes using ground and air equipment.

The Applicant indicates that none of the registered alternatives are controlling this pest. Light infestations of pinworm can be controlled with at least four applications of either methomyl or azinphosmethyl; heavy investations cannot be controlled. In addition, the Applicant states, several applications of methomyl lead to a secondary outbreak of the vegetables leafminer which then requires applications of oxamyl for control of this pest. Also, azinphosmethyl requires a 14-day preharvest interval which is not practical in Fresno, San Diego, and Tulare Counties where tomatoes are harvested every 1 to 3 days.

According to the Applicant, the other alternatives, parathion, methyl parathion, toxaphene, endosulfan, cryolite, carbaryl, and pyrethrin have been ineffective for years and are no longer recommended for this use. A temporary tolerance for fenvalerate in or on fresh market tomatoes at 1 part per million (ppm) is currently in effect. Residues of fenvalerate from the proposed use should not exceed 1 ppm in or on fresh market tomatoes. This level has been judged adequate to protect the public health. EPA has determined that the proposed use should not pose an unreasonable hazard to the environment.

After reviewing the application and other available information, EPA has determined that the criteria for an exemption have been met. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until January 15, 1981, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. The product Pydrin 2.4 E.C., manufactured by Shell Chemical Co., may be used.

2. A total of not more than 3,800 acres of tomatoes may be treated.

3. A maximum of 7,700 pounds of a.i. may be applied at a maximum rate of 0.1 to 0.2 pound a.i. per acre.

4. A maximum of 10 applications are authorized.

5. A 2-day preharvest interval is imposed.

6. All applications must be made by State-certified applicators or persons under their direct supervision.

7. Treated acreage may not be planted to root crops for 12 months after the last application. Treated acreage may not be planted to any other crop for 60 days after the last application.

8. Fenvalerate will be applied by ground equipment in a minimum spray volume of 20 gallons of water per acre or by air in a minimum spray volume of 5 gallons of water per acre.

9. Fenvalerate may be applied to fields only when fields are to be harvested within 14 days and a State entomologist has determined that (a) a major infestation of pinworms exists; (b) registered pesticide are not controlling the pest; and (c) significant economic losses to fresh market tomatoes will occur.

10. It is recommended that fenvalerate not be applied any closer to fish-bearing freshwaters than 200 feet by ground and 750 feet by air at the 0.1 pound a.i. rate, and 300 feet by ground and 1,250 feet by air at the 0.2 pound a.i. rate. Applications closer than these may result in fish and/or other aquatic organism kills.

11. Participants are to be notified of their obligation to report any adverse effects on nontarget organisms arising from the use of Pydrin. The EPA shall be immediately informed of any adverse effects resulting from the proposed use.

12. Precautions must be taken to avoid or minimize spray drift to nontarget areas. It is recommended that pesticide application be made when wind speeds are between 2 and 5 miles per hour. No pesticide applications are to be made when wind speed exceeds 10 miles per hour.

13. Pydrin is highly toxic to bees exposed to direct treatment or to residues on crops or weeds. It may not be applied or allowed to drift to weeds or crops in bloom if bees are actively visiting the treatment area. Protective information may be obtained from the

State Cooperative Agricultural Extension Service.

14. Fenvalerate is extremely toxic to fish and aquatic invertebrates. It may not be applied directly to any body of water and drift reduction precautions must be observed. It may not be applied where excessive runoff is likely to occur. Care must be taken to prevent contamination of water by the cleaning of equipment or disposing of waste or excess pesticides.

15. Fresh market tomatoes with residues of fenvalerate not exceeding 1 ppm may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health and Human Services, has been advised of this action.

16. Treated tomatoes may not be used for animal feed, byproducts, or processing.

17. All applicable directions, restrictions, and precautions on the EPA-registered product label must be followed.

18. The Applicant is responsible for assuring that all of the provisions of this specific exemption are met and must submit a final report summarizing the results of this program by June 30, 1981.

(Sec. 18 as amended 92 Stat. 819; (7 U.S.C. 136))

Dated: January 13, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-2016 Filed 1-19-81; 8:45 am]

BILLING CODE 6560-32-M

[PF-212; PH-FRL 1731-6]

Certain Pesticide Chemicals; Filing of Pesticide Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that certain companies have filed pesticide petitions with the EPA proposing that tolerances be established for certain pesticide chemicals in or on certain raw agricultural commodities.

ADDRESS: Written comments to the product manager given in each petition at the address below: Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460.

Written comments may be submitted while a petition is pending before the agency. The comments are to be identified by the document control number "[PF-212]" and the specific petition number. All written comments filed pursuant to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: The product manager given in each specific petition at the telephone number cited.

SUPPLEMENTARY INFORMATION: EPA gives notice that the following pesticide petitions have been submitted to the agency to establish tolerances for certain pesticide chemicals in or on certain raw agricultural commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each specific petition.

PP 1F2447. Monsanto Co., 1101 17th St., Washington, D.C. 20036, proposes to amend 40 CFR 180.249 by establishing tolerances for the combined residues of the herbicide alachlor (2-chloro-2',6'-diethyl-*N*-(methoxyethyl)acetanilide) and its metabolities (calculated as alachlor) in or on the raw agricultural commodity sunflower seed at 0.5 part per million (ppm). The proposed analytical method for determining residues is gas chromatography with a nitrogen specific detector. (PM 25, Robert J. Taylor, Rm. E-359, 202-755-2196.)

PP 1F2449. Chevron Chemical Co., 940 Hensley St., Richmond, CA 94804, proposes to amend 180.108 by establishing a tolerance for the combined residues of the insecticide acephate (*O-S*-dimethyl acetylphosphoramidothioate) and its cholinesterase-inhibiting metabolite *O,S*-dimethyl phosphoramidothioate in or on the raw agricultural commodity grass (pasture and range) at 3.0 ppm. The proposed analytical method for determining residues is a gas chromatographic procedure utilizing a thermionic detector. (PM 16, William H. Miller, Rm. E-343, 202-426-9458.)

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 135))

Dated: January 13, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-2019 Filed 1-19-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP-180541; PH-RL 1732-6]

Connecticut; Issuance of Specific Exemption for Mesurol on Grapes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA granted a specific exemption to the Connecticut Department of Environmental Protection (hereafter referred to as the "Applicant") to use Mesurol to control depredating birds on approximately 45 acres of grapes in Connecticut. The specific exemption was issued under the Federal Insecticide, Fungicide, and Rodenticide Act.

DATE: The specific exemption expired on November 15, 1980.

FOR FURTHER INFORMATION CONTACT: Edward Gross, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, Rm. E-124, 401 M St. SW., Washington, D.C. 20460, (202-426-0223).

SUPPLEMENTARY INFORMATION: According to the Applicant, birds can seriously reduce the crop of marketable grapes. The amount of injury varies from year to year, reflecting bird populations and availability of alternative food sources. Grapes are generally harvested after other berry crops and thus can become a major food source for birds. Grapes are subject to feeding at all times after the fruit has begun to ripen.

There are currently no pesticides registered for bird control in grapes. There are two types of alternative control available: (a) scare devices, and (b) exclusion devices. According to the Applicant, scare devices do not prevent, but only reduce, feeding injury; some birds quickly adapt to these devices, while residents nearby are extremely discomforted. The Applicant claimed that exclusion devices are prohibitively expensive. Mesurol is currently registered as a bird repellent on cherries.

The Applicant proposed to apply 2.67 pounds of Mesurol, which contains the active ingredient (a.i.) 3,5-dimethyl-4-(methylthio) phenyl methylcarbamate, per acre up with to three applications. The Applicant anticipated that grape growers in Connecticut could lose from $750 to $1,600 per acre, depending on grape variety and expected yield, if Mesurol were not available.

EPA has determined that residues of the a.i. and its cholinesterase-inhibiting metabolites would not exceed 10 parts per million (ppm) in or on grapes, 20 ppm in or on raisins, and 50 ppm in or on grape pomace and raisin waste, from the proposed use. These residue levels have been judged adequate by EPA to protect the public health. EPA has also determined that the proposed use should not present an undue hazard to the environment.

After reviewing the application and other available information, EPA determined that the criteria for an

exemption had been met. Accordingly, the Applicant was granted a specific exemption to use the pesticide noted above until November 15, 1980, to the extent and in the manner set forth in the application. The specific exemption was also subject to the following conditions:

1. The product Mesurol 75 percent WP insecticide-bird repellent, EPA Reg. No. 3125–288, might be used. An unregistered label used in this connection was required to contain the identical, applicable precautions and restrictions which appeared on the registered label.

2. Mesurol was to be applied by ground equipment at a rate of 2.67 pounds (2.0 pounds a.i.) per acre. No more than three applications were to be made per season.

3. A 7-day preharvest interval was imposed.

4. A total of 360 pounds of Mesurol 75 percent WP were authorized to treat up to 45 acres of grapes.

5. Mesurol is toxic to fish and other aquatic organisms. It was not to be applied directly to any body of water, and drift precautions were to be observed. It was not to be applied where excessive runoff was likely to occur. Water was not to be contaminated by cleaning of equipment or disposal of wastes or excess pesticide.

6. Mesurol is highly toxic to bees exposed to direct treatment or residues on crops or blooming weeds. It was not to be applied or allowed to drift to crops or weeds when bees were actively visiting the area.

7. All applicable precautions, restrictions, and directions on the registered label were to be followed.

8. Residues of the a.i. and its cholinesterase-inhibiting metabolites not exceeding the following levels may enter into interstate commerce: grapes—10 ppm; raisins—20 ppm; raisin waste—50 ppm; grape pomace—50 ppm. The Food and Drug Administration, U.S. Department of Health and Human Services, was advised of this action.

9. The Applicant was responsible for ensuring that all of the provisions of this specific exemption were met and must submit a final report summarizing the results of this program by April 1, 1981.

(Sec. 18 as amended 92 Stat. 819; (7 U.S.C. 136))

Dated: January 9, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81–2026 Filed 1–19–81; 8:45 am]

BILLING CODE 6560–32–M

[OPP–30194; PH–FRL 1731–8]

Dow Chemical Co.; Application To Register Pesticide Product Containing a New Active Ingredient

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Dow Chemical Co., has submitted an application to register the pesticide product LONTREL 205 HERBICIDE, which contains the active ingredient 2,4-dichlorophenoxyacetic acid as alkanolamine (salts of the ethanol and isopropanol series) at 32.2 percent and 3,6-dichloro-2-pyridinecarboxylic acid as alkanolamine (salts of the ethanol and isopropanol series) at 8.5 percent. The latter has not been included in any previously registered pesticide product.

DATE: Written comments must be received on or before February 20, 1981.

ADDRESS: Written comments to: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS–767), Office of Pesticide Programs, Rm. E–351, 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort (202–755–1397).

SUPPLEMENTARY INFORMATION: Dow Chemical, USA, Agricultural Products Dept., P.O. Box 1706, Midland, MI 48640, has submitted an application to register the herbicide product LONTREL 205 HERBICIDE (EPA File Symbol 464–LAG) containing the active ingredient 2,4-dichlorophenoxyacetic acid as alkanolamine (salts of the ethanol and isopropanol series) at 32.2 percent and 3,6-dichloro-2-pyridinecarboxylic acid as alkanolamine (salts of the ethanol and isopropanol series) at 8.5 percent. The proposed classification is for general use.

The application is made pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; 7 U.S.C. 136) and the regulations thereunder (40 CFR 162.6). Notice of receipt of this application does not indicate a decision by the agency on the application. Interested persons are invited to submit written comments on the application referred to in this notice.

Notice of approval or denial of this application will be announced in the **Federal Register**. Except for such material protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; 7 U.S.C. 136) and the regulations thereunder (40 CFR 162.6), the test data and other scientific information deemed relevant to the registration decision may be made available after approval under the provisions of the Freedom of Information Act. The procedure for requesting such data will be given in the **Federal Register** if an application is approved.

(Sec. 3(c), 86 Stat. 972; (7 U.S.C. 136a))

Dated: January 13, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81–2021 Filed 1–19–81; 8:45 am]

BILLING CODE 6560–32–M

[OPTS—62011; TSH FRL 1681–3]

Fully Halogenated Chlorofluorocarbons; Denial of Exemption for the Propellant Use of Chlorofluorocarbons in Spray Adhesives

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is denying a request for an essential use exemption to the chlorofluorocarbon (CFC) rule for the use of CFCs in spray adhesives.

FOR FURTHER INFORMATION CONTACT: John B. Ritch, Jr., Director, Industry Assistance Office, Office of Toxic Substances, (TS–799), Environmental Protection Agency, 401 M St., SW, Washington, D.C. 20460, Toll Free (800–424–9065), In Washington, DC: (554–1404).

SUPPLEMENTARY INFORMATION: The Environmental Protection Agency (EPA) promulgated a rule under 40 CFR Part 762, which prohibited almost all manufacturing, processing, and distribution in commerce of fully halogenated chlorofluoroalkanes (hereinafter referred to as chlorofluorocarbons) for aerosol propellant uses, published in the Federal Register of March 17, 1978 (43 FR 11318). The Agency granted exemptions for aerosol propellant uses which were determined to be essential.

The manufacturer of "Tax Wax Spray Adhesive," an aerosol propellant used in the graphic arts industry, has petitioned EPA to grant an essential use exemption for his product. The manufacturer contends that the product is a unique spray wax adhesive used in the graphic arts and further contends he cannot produce the spray wax without CFCs. Because hot wax is used in the formulation of "Tax Wax," a nonflammable proellant must be used; the manufacturer has not been able to adapt his formulation to any propellant besides chlorofluorocarbons.

The process EPA uses in evaluating applications for essential use exemptions is described in "Essential Use Determinations—Revised", a support document to the March 17, 1978 rule. In making these determinations, EPA considers the availability or nonavailability of substitutes, the possibility of severe economic hardship if the use of CFC is not allowed, and the health and environmental consequences of use of another product in place of CFCs. Decisions to grant or deny exemptions are based on all these criteria. In particular, the nonavailability of an alternative by itself does not qualify a product for an essential use exemption.

There are a number of aerosol spray adhesives and nonaerosol wax coaters currently on the market. Although these adhesives may not be perfect substitutes for "Tax Wax," EPA cannot grant an exemption on that basis. For EPA to grant an essential use exemption in this case, removal of the product would have to result in adverse economic, environmental or human health impacts. However, there is no evidence that adverse impacts are occurring or that they will occur if the product remains off the market.

For the above reasons, the request is denied.

Dated: January 12, 1981.

Douglas M. Costle,

Administrator.

[FR Doc. 81-2031 Filed 1-19-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-62012; TSH-FRL 1681-4]

Fully Halogenated Chlorofluorocarbons; Denial of Exemption for Use of Chlorofluorocarbons in Aerosol Sprays To Produce Smoke or Fog

AGENCY: Environmental Protection Agency, (EPA).

ACTION: Notice.

SUMMARY: EPA is denying a request for an essential use exemption to the chlorofluorocarbon (CFC) rule for the use of CFCs in aerosol sprays to produce smoke or fog.

FOR FURTHER INFORMATION CONTACT: John B. Ritch, Jr., Director, Industry Assistance Office, Office of Toxic Substances, (TS-799), Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, Toll Free (800-424-9065), In Washington, D.C.: (554-1404).

SUPPLEMENTARY INFORMATION: The Environmental Protection Agency (EPA) promulgated a rule, under 40 CFR Part 762, which prohibited almost all manufacturing, processing, and distribution in commerce of fully halogenated chlorofluoroalkanes (hereinafter referred to as chlorofluorocarbons) for aerosol propellant uses, published in the Federal Register of March 17, 1978 (40 CFR 762; 43 FR 11318). The Agency granted exemptions for aerosol propellant uses which were determined to be essential.

The distributor of "Fog Juice", an aerosol propellant used to generate fog for theatrical productions, has petitioned EPA to grant an essential use exemption for this use. EPA previously considered this use before publishing the final rule and determined that the use was not essential. EPA had denied this request on the basis that removal of this product without replacement by an alternative would have no known adverse impacts on environmental quality, human health, and safety. Also, EPA believed that an acceptable carbon dioxide-propelled product could be developed and that the economic impact of substitution of another product would be slight. (See "Essential Use Determinations—Revised", p. C-9.) After reevaluation, the Agency still considers the use to be nonessential.

"Fog Juice" is a mixture of chlorofluorocarbon aerosol propellant and mineral oil. The aerosol can is connected to a machine containing a hot plate. The mineral oil is propelled into the hot plate where it is vaporized and becomes smoke. The equipment can be operated by remote control.

Companies supporting the exemption request contend that the theatrical industry needs the fog machine for their special effects, that the industry would sustain sizable costs in set redesign if they could not use the fog machines, and that the available alternatives are not adequate substitutes. The fog machine has the unique characteristics of being portable, capable of being operated by remote control, and capable of dissipating a fine mist that rises quickly.

The two available alternatives, the "Mole-Richardson" machine and dry ice, are either expensive and nonportable in the former instance, or create a different low level fog effect unlike that achieved with the fog machine in the latter instance. A third alternative which was cited in EPA's "Essential Use Determinations—Revised" was that of a carbon dioxide-propelled product. However, the aerosol filler of "Fog Juice" was unable to pressurize the Fog Juice aerosol product with carbon dioxide.

Because the development of the carbon dioxide substitute did not occur as EPA thought, the company requested that EPA reconsider this request on the basis of the essential use criteria defined in the "Essential Use Determinations—Revised," the support document to the March 17, 1978 rule. The review process described in this document is as follows. EPA first considers whether or not an alternative propellant or nonaerosol product is available. If an alternative propellant is available, the use is determined to be nonessential. If an adequate alternative product is not available, which the company requesting the exemption contends in the instance, EPA then asks whether the environmental/health and economic impacts of its removal are acceptable. If they are, the use is determined to be nonessential. It is important to note that the absence of an available alternative does not alone qualify a product for an essential use exemption.

Although the carbon dioxide-propelled substitute could not be developed, alternative products do exist. These may not be perfect substitutes. However, even if no substitute existed, EPA would grant the exemption only if the health, environmental and economic impacts of its removal were unacceptable. EPA indicated in denying the original request that use of substitute products would have no known impacts on environmental quality, human health and safety. No new evidence has been presented that would lead EPA to revise this conclusion. In addition, since fog scenes are used infrequently in theater productions, there is no reason to believe that the economic impact of set redesign will result in significant overall injury to these productions.

For the above reasons, the request is denied.

Dated: January 12, 1981.

Douglas M. Costle,

Administrator.

[FR Doc. 81-2029 Filed 1-19-81; 8:45 am]

BILLING CODE 6560-31-M

[OPP-180550; PH FRL 1732-7]

Idaho and Oregon; Issuance of Specific Exemptions for Napropamide on Mint

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted specific exemptions to the Idaho and Oregon Departments of Agriculture (hereafter referred to as "Idaho," "Oregon," or the "Applicants") to use napropamide on up to 10,000 acres of mint in Idaho and

3,000 acres of mint in Oregon. The specific exemptions are issued under the Federal Insecticide, Fungicide, and Rodenticide Act.

DATE: The specific exemptions expire on March 1, 1981.

FOR FURTHER INFORMATION CONTACT: Libby Welch, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Rm. E-124, Washington, D.C. 20460 (202-426-0223).

SUPPLEMENTARY INFORMATION: According to the Applicants, annual grasses are serious weed pests in mint. Weed competition during the growing season reduces yields and the quality of the oil and affects recovery of the mint after harvest to the extent that the crop is weakened. This results in winter kill and poor stands of mint the succeeding year. The Applicants state that populations of annual grasses increased dramatically in 1979. The Applicants claim that currently registered herbicides either provide inadequate control or are phytotoxic to the furrow-irrigated mint grown in these areas. Data indicate that napropamide would be an effective alternative for control of annual grasses in mint.

Idaho estimates that uncontrolled annual grass infestations could result in a loss of $1 million to Idaho mint growers and Oregon estimates losses of from $300,000 to $1.5 million without the use of napropamide.

The Applicant plans to make a single application of Devrinol 50-WP (napropamide) using ground equipment. 40,000 lbs. active ingredient (a.i.) in 20 to 100 gallons of water per acre will be used to treat approximately 10,000 acres of furow-(rill) irrigated mint in Idaho and 12,000 lbs. a.i. to treat 3,000 acres of furrow-irrigated mint in Malheur County, Oregon.

EPA has determined that residues of napropamide (N,N-diethyl-2-(1-naphthalenyloxy)propionamide) from the proposed use are not expected to exceed 0.1 part per million (ppm) in the fresh mint hay, oil, and spent mint hay. This residue level has been judged adequate to protect the public health. While EPA is unable to evaluate the hazard to applicators because of existing data gaps, it has been determined that there will be negligible incremental risk associated with this specific exemption since: (1) Devrinol 50-WP has been registered for a number of years for use on citrus, nuts, pome fruits, small fruits, stone fruits, vegetables, and tobacco without development of any known applicator hazards; (2) most registered uses involve the same rates and mixing and application technique as recommended in this requested use on mint; (3) the product is not restricted; and (4) treatment of the requested acreage will result in negligible applicator exposure when compared to the acreage planted to crops for which Devrinol 50-WP is registered. The proposed use should not pose an unreasonable hazard to the environment.

After reviewing the applications and other available information, EPA has determined that the criteria for exemptions have been met. Accordingly, the Applicants have been granted specific exemptions to use the pesticide noted above until March 1, 1981, to the extent and in the manner set forth in the applications. The specific exemptions are also subject to the following conditions:

1. Use of the product Devrinol 50-WP, EPA Reg. No. 476-2108, manufactured by Stauffer Chemical Co., is authorized. If an unregistered label is used, it must contain the identical applicable precautions and restrictions which appear on the registered label.

2. A single application of Devrinol will be made by ground equipment at a maximum rate of 4 pounds a.i. in 20 to 100 gallons of water per acre in Idaho and 3 to 4 pounds a.i. in 25-100 gallons of water per acre in Oregon.

3. A maximum of 10,000 acres may be treated in Idaho and 3,000 acres in Oregon.

4. A maximum of 40,000 pounds a.i. may be applied in Idaho and 12,000 in Oregon.

5. All applications will be made by State-licensed commercial applicators or certified growers.

6. All applicable directions, restrictions, and precautions on the EPA-registered product label must be followed.

7. Devrinol 50-WP must be kept out of lakes, streams, and ponds. It may not be applied where excessive runoff is likely to occur. Care must be taken to prevent contamination of water by the cleaning of equipment or disposal of wastes and excess pesticides.

8. This pesticide may not be applied in the vicinity of apiaries nor may it be allowed to drift to weeds in bloom on which significant numbers of bees are actively foraging.

9. Treatment of mint as proposed should not result in residues of napropamide exceeding 0.1 ppm in or on fresh mint hay, oil, and spent mint hay. These commodities with residues not exceeding that level may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health and Human Services, has been advised of this action.

10. The EPA shall be immediately informed of any adverse effects resulting from the use of this pesticide in connection with these exemptions.

11. Each of the Aplicants shall be responsible for assuring that all provisions of its specific exemption are met and must submit a report summarizing the results of this program by September 1, 1981.

(Sec. 18 as amended 92 Stat. 819; (7 U.S.C. 136))

Dated: January 9, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-2027 Filed 1-19-81; 8:45 am]

BILLING CODE 6560-32-M

[A-10-FRL 1730-7]

Issuance of PSD Permit to the Weyerhaeuser Company

Notice is hereby given that on January 5, 1981, the Environmental Protection Agency issued a Prevention of Significant Deterioration (PSD) permit to the Weyerhaeuser Company for approval to construct a coal/wood-fired power boiler at the Longview, Washington facility.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR Part 52.21) regulations subject to certain conditions, including:

1. Emissions of nitrogen oxides (NO_x) shall not exceed the following:

Emission Limitations

Source and concentration	Tons/year
Power boiler No. 12—0.6 lb/10^6 Btu on a 30-day rolling average	3,260

2. With the exception of NO_x, increases in potential emissions of any pollutant regulated under the Clean Air Act resulting from this operation will be less than 250 tons per year.

Under section 307(b)(1) of the Clean Air Act, judicial review of the PSD Permit is available *only* by the filing of a petition for review in the Ninth Circuit Court of Appeals 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.

Copies of the permit are available for public inspection upon request at the following location EPA, Region 10, 1200 Sixth Avenue, Room 11C, Seattle, Washington 98101.

Dated: January 12, 1981.

Donald P. Dubois,

Regional Administrator.

[FR Doc. 81-2030 Filed 1-19-81; 8:45 am]

BILLING CODE 6560-38-M

[OPP-50518; PH-FRL 1732-2]

Extension of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The EPA has issued extensions of experimental use permits to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Product Manager (PM) 25, Registration Division, (TS-767), Office of Pesticide Programs, Environmental Protection Agency, Rm. E-359, 401 M St. SW., Washington, D.C. 20460 (202-755-2196).

SUPPLEMENTARY INFORMATION: EPA has extended the following experimental use permits:

524-EUP-47. Monsanto Co., 1107 17th St. NW., Washington, D.C. 20036. This experimental use permit allows the use of the remaining amount of glyphosate on stone fruit to evaluate control of weeds. A total of 2,080 acres are involved. This program is effective from April 16, 1981 to April 16, 1982. The program is authorized only in the States of Alabama, Arkansas, California, Georgia, Idaho, Illinois, Indiana, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, Tennessee, Utah, Virginia, Washington, West Virginia, and Wisconsin. A permanent tolerance for residues of glyphosate on stone fruit has been established (40 CFR 180.364).

21137-EUP-3. EM Laboratories, Inc., Elmsford NY 10523. This experimental use permit allows the use of 75 pounds of the plant growth regulator methyl 2-chloro-9-hydroxyfluorene-9-carboxylate, methyl-9-hydroxyfluorene-9-carboxylate, and methyl 2, 7-dichloro-9-hydroxyfluorene-9-carboxylate on cucumbers to evaluate its ability to induce seedless fruit in all-female cultivars of pickling cucumbers. A total of 750 acres are involved. The program is authorized only in the States of Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Maryland, Massachusetts, Michigan, Minnesota, New York, North Carolina, Ohio, South Carolina, Texas, and Wisconsin. The program is effective from March 19, 1981 to March 19, 1982. A temporary tolerance for residues of the plant growth regulator has been extended.

Persons wishing to review the experimental use permits are referred to the Product Manager's office. Inquiries regarding these permits should be directed to the person givern above. It is suggested that persons call before visiting the EPA headquarters office, so that the appropriate file may be made available for inspection from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

(Sec. 5, 92 Stat. 819 as amended, (21 U.S.C. 136))

Dated: January 13, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-2023 Filed 1-19-81; 8:45 am.]

BILLING CODE 6560-32-M

[OPTS-51202; TSH—FRL 1732-3]

1,6-Hexanediamine, Distillation Residues—Amines, C_{4-6} Alkyl Di—and C_6Cyclic Di—Dichloroethane—Epichlorohydrin Polymer; Premanufacture Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the Federal Register certain information about each PMN within 5 working days after receipt. This Notice announces receipt of a PMN and provides a summary.

DATE: Written comments by February 15, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-447, 401 M St., SW., Washington, D.C. 20460, (202-755-8050).

FOR FURTHER INFORMATION CONTACT: Kirk Maconaughey, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-240, 401 M St., SW., Washington, D.C. 20460, (202-426-3936).

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA (90 Stat. 2012 (15 U.S.C. 2604)1, requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the Federal Register of May 15, 1979 (44 FR 28558—Initial) and July 29, 1980 (45 FR 50544—Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the Federal Register issues of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the Federal Register of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the Federal Register nonconfidential information on the identity and use(s) of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use(s), and the potential exposure descriptions in the Federal Register.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended Federal Register notice. EPA

immediately will review confidentiality claims for chemical identity, chemical use(s), the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register.**

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, a summary of the data taken from the PMN is published herein.

Interested persons may, on or before January 30, 1981, submit to the Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–447, 401 M St., SW., Washington, D.C. 20460, written comments regarding this notice. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS–51202]". Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: January 14, 1981.

Edward A. Klein,

Director, Chemical Control Division.

PMN 80–343

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. March 1, 1981.

Manufacturer's Identity. Monsanto Company, 800 N. Lindbergh Boulevard, St. Louis, MO 63166.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: 1,6-Hexanediamine, distillation residues—amines, C_{4-6} alkyl di- and C_6 cyclic di—dichloroethane—epichlorohydrin polymer.

Use. Corrugated medium in paperboard manufacture.

Production Estimates

1981—300,000 kg.
1982—450,000 kg.
1983—700,000 kg.

Physical/Chemical Properties

Viscosity—40–80 cps, typical.

Freezing point—25°F (−4°C) freeze/thaw stable.

Weight per gallon—9.25 lb/gal.

Solids—35±1%.

pH—4.5±0.5

Molecular weight—10–40K estimates.

Toxicity Data

Oral LD_{50}, single (rabbit)—6,060 mg/kg.

Dermal LD_{50}, single (rabbit)—5,000 mg/kg.

Skin irritation (rabbit)—Non-irritating. Irritation score of 0.6 on a scale of 8.

Eye irritation (rabbit)—Slightly irritating. Score of 5.2 on a scale of 110.

LC_{50} acquatic species:

Rainbow trout, 96 hr—0.26 mg/1.

Bluegill sunfish, 96 hr—0.24 mg/1.

Daphnia magna, 48 hr—0.26 mg/1.

Exposure. The manufacturer states that the manufacturing process will be in a closed system and no worker exposure is anticipated.

Users' sites. Monsanto estimates 15–20 users with 20–30 workers each site will be involved. The submitter states that dermal exposure as a result of spills, and inhalation due to evaporation of vapors of the impurities from closed storage tanks may be possible.

Environmental Release/Disposal. The manufacturer states that assuming no inadvertent spills occur, there is no disposal of the new polymer at the manufacturing site and that an environmentally insignificant amount of the polymer will be released into settling ponds after use of the product in paper manufacture.

[FR Doc. 81–2024 Filed 1–19–81; 8:45 am]

BILLING CODE 6560–31–M

[PP 1G2431/T280; PH FRL 1731–7]

Rohm and Haas Co.; Establishment of Temporary Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice establishes a tolerance for residues of the chemical hybridizing agent potassium (1-(p-cholorphenyl)-1,4-dihydro-6-methyl-4-oxopyridazine-3-carboxylate and related metabolites in or on wheat (second generation; grown-out of the hybrid seed) at 1 part per million (ppm).

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Product Manager (PM) 25, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, Rm. E–359, 401 M St. SW., Washington, D.C. 20460, (202–755–2196).

SUPPLEMENTARY INFORMATION: EPA has established a temporary tolerance for the chemical hybridizing agent potassium (1-(p-cholorphenyl)-1,4-dihydro-6-methyl-4-oxopyridazine-3-carboxylate and related metabolites in or on wheat (second generation; grown-out of the hybrid seed) at 1 part per million. This tolerance was requested by Rohm and Haas Co., Independence Mall West, Philadelphia, PA 19105 (PP 1G2431).

This temporary tolerance will permit the marketing of the above raw agricultural commodity treated in accordance with the experimental use permit 707–EUP–95, which is being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and all other relevant material have been evaluated, and it has been determined that the temporary tolerance will protect the public health. Therefore, the temporary tolerance is being established on the condition that the experimental use permit and temporary tolerance be used with the following provisions:

1. The total amount of the pesticide to be used must not exceed the amount authorized in the experimental use permit.

2. Rohm and Haas Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company will also keep records of production, distribution, and performance, and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires on October 18, 1981. Residues not in excess of the amount remaining in or on the raw agricultural commodity after the expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary

tolerance. This tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health.

(Sec. 408(j), 68 Stat. 561, (21 U.S.C. 346a(j)))

Dated: January 13, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-2020 Filed 1-19-81; 8:45 am]

BILLING CODE 6560-32-M

[PP 7G1939/T279; PH FRL 1731-5]

Uniroyal Chemical; Establishment of Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has established temporary tolerances for residues of the defoliant and dessecant 2, 3-dihydro-5, 6-dimethyl-1, 4-dithiin-1, 1, 4, 4-tetraoxide in or on cotton at 0.2 part per million (ppm) and potatoes at 0.1 ppm.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Product manager (PM) 25, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, Rm. E-359, 401 M St. SW., Washington, D.C. 20460, (202-755-2196).

SUPPLEMENTARY INFORMATION: Uniroyal Chemical, Division of Uniroyal Inc., 74 Amity Rd., Bethany, CT 06525, submitted a pesticide petition (PP 7G1939) to the EPA. The petition requested that temporary tolerances be established for residues of the defoliant and dessicant 2, 3-dihydro-5, 6-dimethyl-1, 4-dithiin-1, 1, 4, 4-tetraoxide in or on cotton at 0.2 ppm and potatoes at 0.1 ppm.

These tolerances will permit the marketing of the above raw agricultural commodities when treated in accordance with an experimental use permit (400-EUP-53) which has been issued under the Federal Insecticide, Fungicide, and Rodenticide Act (92 Stat. 819, 7 U.S.C. 136).

The scientific data reported and other relevant material were evaluated, and it was determined that establishment of the temporary tolerances would protect the public health. The temporary tolerances have been established on the condition that the experimental use permit be used with the following provisions:

1. The total amount of the active defoliant to be used will not exceed the quantity authorized by the experimental use permit.

2. Uniroyal Chemical will immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company will also keep records of production, distribution, and performance, and on request make the records available to any authorized officer of employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire July 8, 1981. Residues not in excess of the temporary tolerances remaining in or on the above raw agricultural commodities after expiration of these tolerances will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, provisions of the experimental use permit and temporary tolerances. These temporary tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health.

(Sec. 408(j), 68 Stat. 561, (21 U.S.C. 346a(j)))

Dated: January 13, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-2018 Filed 1-19-81; 8:45 am]

BILLING CODE 6560-32-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Farmers Bank of the State of Delaware; Dover, Delaware; Suspension of Trading

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Order.

DATES: Effective Midnight (E.S.T.) January 14, 1981 through Midnight January 15, 1981.

FOR FURTHER INFORMATION CONTACT: Patrick J. Moses, Chief, Registration and Disclosure Section, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429. (202) 389-4651.

SUMMARY: It appearing to the Federal Deposit Insurance Corporation that the summary suspension of trading in the common stock of the Farmers Bank of the State of Delaware, Dover, Delaware being traded otherwise than on a national securities exchange, is required in the public interest and for the protection of investors;

Therefore, pursuant to Sections 12(i) and 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended for the period beginning at Midnight (E.S.T.) on January 14, 1981 through Midnight January 15, 1981, unless earlier terminated.

By order of the Board of Directors, January 14, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 81-2061 Filed 1-19-81; 8:45 am]

BILLING CODE 6714-01-M

FEDERAL RESERVE SYSTEM

Hawkeye Bancorporation; Acquisition of Bank

Hawkeye Bancorporation, Des Moines, Iowa, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Cedar River Bancorporation, Cedar Rapids, Iowa, a one bank holding company which owns 91.35 percent of the voting shares of United State Bank, Cedar Rapids, Iowa. Applicant will also acquire directly 8.65 percent of the voting shares of United State Bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than February 9, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 12, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-1658 Filed 1-19-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding company listed in this notice has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been

determined by the Board of Governors to be closely related to banking.

With respect to this application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on this application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for the application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than February 9, 1981.

A. *Federal Reserve Bank of Atlanta* (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

First Mississippi National Corporation, Hattiesburg, Mississippi (finance company activities; Mississippi): to engage through *de novo* offices of its subsidiary Bienville Finance Company, in the making of loans to persons, partnerships, corporations and other legal entities, taking security therefor as appropriate, such as would be done by a finance company. These activities will be conducted from offices in Hattiesburg, Jackson, and Biloxi, Mississippi, serving Mississippi.

B. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, January 14, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-1954 Filed 1-19-81; 8:45 am]

BILLING CODE 6210-01-M

Citizens Bancshares, Inc.; Formation of Bank Holding Company

Citizens Bancshares, Inc., Bristol, Tennessee, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Citizens Fidelity Bank, Bristol, Tennessee. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than February 13, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 14, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-1952 Filed 1-19-81; 8:45 am]

BILLING CODE 6210-01-M

El Pueblo Bancorporation; Formation of Bank Holding Company

El Pueblo Bancorporation, Espanola, New Mexico, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of El Pueblo State Bank, Espanola, New Mexico. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 13, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 14, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-1953 Filed 1-19-81; 8:45 am]

BILLING CODE 6210-01-M

First Blackwell Bancshares, Inc.; Formation of Bank Holding Company

First Blackwell Bancshares, Inc., Blackwell, Oklahoma, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of the First National Bank and Trust Company, Blackwell, Oklahoma. The factors that are considered in acting on the application are set forth in Section 3(c) of the act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 13, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 14, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board

[FR Doc. 81-1955 Filed 1-19-81; 8:45 am]

BILLING CODE 6210-01-M

First Kansas BancGroup, Inc.; Formation of Bank Holding Company

First Kansas BancGroup, Inc., Herndon, Kansas, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 88.90 per cent or more of the voting shares of State Bank of Herndon, Herndon, Kansas. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 13, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 14, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board

[FR Doc. 81-1956 Filed 1-19-81; 8:45 am]

BILLING CODE 6210-01-M

Henry County Bancorp, Inc.; Formation of Bank Holding Company

Henry County Bancorp, Inc., Cambridge, Illinois, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1) to become a bank holding company by acquiring 85.14 per cent or more of the voting shares of Peoples Bank of Cambridge, Cambridge, Illinois. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 13, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 14, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board

[FR Doc. 81-1957 Filed 1-19-81; 8:45 am]

BILLING CODE 6210-01-M

Montfort Bancorporation, Inc.; Formation of Bank Holding Company

Montfort Bancorporation, Inc., Platteville, Wisconsin, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Citizens State Bank, Montfort, Wisconsin. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 10, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 14, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-1958 Filed 1-19-81; 8:45 a.m.]

BILLING CODE 6210-08-M

Southeast Capital Corp.; Formation of Bank Holding Company

Southeast Capital Corporation, Quitman, Mississippi, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Southeast Mississippi Bank, Quitman, Mississippi. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 13, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 14, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-1959 Filed 1-19-81; 8:45 am]

BILLING CODE 6210-01-M

Southwest Texas Bankers, Inc.; Formation of Bank Holding Company

Southwest Texas Bankers, Inc., San Antonio, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 99 percent of the voting shares, less directors' qualifying shares, of San Antonio Bank and Trust Co., San Antonio, Texas; 100 percent of the voting shares of Southwest Texas Bankers, Inc., a Delaware corporation; and 13 percent of the voting shares of State Bank of Kingsville, Kingsville, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 13, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 14, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-1960 Filed 1-19-81; 8:45 am]

BILLING CODE 6210-01-M

Valley Bank Holding Co.; Formation of Bank Holding Company

Valley Bank Holding Company, Security, Colorado, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The Fountain Valley Bank, Security, Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 10, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 14, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-1961 Filed 1-19-81; 8:45 am]

BILLING CODE 6210-01-M

Weldon Bancshares, Inc.; Formation of Bank Holding Company

Weldon Bancshares, Inc., Weldon, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 92.8 percent of the voting shares of Weldon State Bank, Weldon, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 10, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 14, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-1902 Filed 1-19-81; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Transmittal Rules; Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: El Corte Ingles, S.A. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of all stock of the Harris Corporation. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: January 7, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202-523-3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-2102 Filed 1-19-81; 8:45 am]

BILLING CODE 6750-01-M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review; Receipt of Report Proposal

The following request for clearance of report intended for use in collecting information from the public was accepted by the Regulatory Reports Review Staff, GAO, on January 13, 1981. See 44 U.S.C. 3512(c) and (d). The purpose of publishing this notice in the **Federal Register** is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FCC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed requests, comments (in triplicate) must be received on or before February 9, 1981, and should be addressed to Mr. John M. Lovelady, Senior Group Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, N.W., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

Federal Communications Commission

The FCC requests clearance of a new, voluntary Form 201 on Emergency Broadcast System Activation which will be sent to a possible 10,000 broadcasters. The form seeks information regarding when broadcast stations activate the Emergency Broadcast System and for what reason. The FCC states that the information will be used to assess the success of the Emergency Broadcast System Activation Program and will pinpoint what areas of the country need further assistance to develop their local Emergency Broadcast System. The form is a postcard. The card provides space for multiple entries in cases where several activations may occur within one day or other short periods of time, enabling the station to submit only one card. The FCC estimates approximately 5 minutes will be the average time required to complete the form.

Norman F. Heyl,

Regulatory Reports, Review Officer.

[FR Doc. 81-2120 Filed 1-19-81; 8:45 am]

BILLING CODE 1610-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources Administration

Advisory Council and Subcommittee; Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory bodies scheduled to meet during the month of February 1981:

Name: National Guidelines and Technology Subcommittee of the National Council on Health Planning and Development.

Date and Time: Thursday, February 5, 1981; 9:00 a.m.-5:00 p.m.

Place: Conference Rooms 308A-305A, H. H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201.

Open for entire meeting.

Purpose: The mission of the National Guidelines and Technology Subcommittee is to advise the Council on the formulation, adjustment, and refinement of the National Guidelines for Health Planning. The Guidelines include standards respecting the appropriate supply, distribution, and organization of health resources and a statement of national health planning goals. In the formulation of its recommendations to the Council, the Subcommittee will take into consideration National Health Priorities outlined in Pub. L. 96-79, include an evaluation of the implications of new medical technology for the organization, delivery and distribution of health care services, and evaluate factors related to improved productivity of the health care delivery system.

The Subcommittee will study the experience nationwide in the public and private sectors with the adoption and/or adjustment of the National Guidelines; study the experience of HSAs and SHPDAs in implementation of high priority goals and subgoals; investigate and coordinate information on relevant demonstrations by provider, reimbursement, regulatory, labor,

industry and community groups such as those on alcoholism and prevention; study, investigate and identify research needs; study and develop improved indicators to assess the impact of the guidelines and the need for revisions; and review technology assessment activities related to productivity in the health care field in order to assure they are relevant to the HSAs and are useful in the development and implementation of the National Guidelines.

Agenda: Update on data collection and reporting activities relating to the National Guidelines on Health Planning; review of comments on the National Health Planning Goals issuance of November 25, 1980; consideration of revisions in resource standards, including proposed standard on psychiatric services and others under study; and follow-up on the Institute of Medicine Study on National Guidelines development.

Name: Implementation and Administration Subcommittee of the National Council on Health Planning and Development.

Date and Time: Thursday, February 5, 1981; 9:30 a.m.–5:00 p.m.

Place: Room 1137, HHS North Building, 330 Independence Avenue, S.W., Washington, D.C. 20201.

Open for entire meeting.

Purpose: The objective of the Implementation and Aministration Subcommittee is to study and make recommendations in the implementation and administration of Titles XV and XVI: of the Public Health Service Act. Specific areas for the Subcommittee's consideration are (1) the impact of HHS's implementation and administration on the effectiveness of Health Systems Agencies (HSA) and State Health Planning and Development Agencies (SHPDA); (2) the effectiveness of the interrelationships between health planning agencies and HHS, Central and Regional Offices; (3) the timing and strategy of implementation and of the dissemination and distribution of regulatory and technical material; (4) how to better meet the needs of HSAs and SHPDAs; (5) the review of the Council's responsibilities under section 1122 of the Social Security Act; and (6) the review of the Council's responsibilities related to proposed terminations and/or non-renewals of HSAs and SHPDAs under sections 1515(c) and 1521(b) of the PHS Act.

Agenda: Section 1122 review; consideration of paper on consumer participation in health planning; and discussion of the health planning program of the future.

Name: National Council on Health Planning and Development.

Date and Time: Friday, February 6, 1981; 8:45 a.m.–3:30 p.m.

Place: Auditorium, H. H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201.

Open for entire meeting.

Purpose: The National Council on Health Planning and Development is responsible for advising and making recommendations with respect to (1) the development of national guidelines under section 1501 of Pub. L. 93–641, (2) the implementation and administration of Title XV and XVI of Pub. L. 93–641, and (3) an evaluation of the implications of new medical technology for the organization, delivery and equitable distribution of health care services. In addition, the Council advises and assists the Secretary in the preparation of general regulations to carry out the purposes of section 1122 of the Social Security Act and on policy matters arising out of the implementation of it, including the coordination of activities under that section with those under other parts of the Social Security Act or under other Federal or federally assisted health programs. The Council considers and advises the Secretary on proposals submitted by the Secretary under the provisions of section 1122(d)(2) that health care facilities or health maintenance organizations be reimbursed for expenses related to capital expenditures notwithstanding that under section 122(d)(1) there would otherwise be exclusion of reimbursement for such expenses.

Agenda: Status reports from Health Resources Administration officials; reports and recommendations from the Subcommittee on National Guidelines and Technology and the Subcommittee on Implementation and Administration; and consideration of the health planning program of the future.

Anyone requiring information regarding the subject Council should write to or contact Mrs. S. Judy Silsbee, Executive Secretary, National Council on Health Planning and Development, Health Resources Administration, Room 10–27, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782. Telephone (301) 436–7175.

Agenda items are subject to change as priorities dictate.

Dated: January 14, 1981.

Irene D. Skinner,

Advisory Committee Management Officer, HRA.

[FR Doc. 81-1949 Filed 1-19-81; 8:45 am]

BILLING CODE 4110-83-M

National Institutes of Health

Sickle Cell Disease Advisory Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Sickle Cell Disease Advisory Committee, National Heart, Lung, and Blood Institute, February 19–20, 1981. The meeting will be held on the NIH Campus, 9000 Rockville Pike, Bethesda, Maryland, Building 31, Conference Room 9, C–Wing. The entire meeting will be open to the public from 9:00 a.m. to 5:00 p.m., to discuss recommendations on the implementation and evaluation of the Sickle Cell Disease Program.

Attendance by the Public will be limited to space available.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, NIH, Building 31, Room 4A21, (301) 496–4236, will provide summaries of the meeting and roster of the Committee members.

Clarice D. Reid, M.D., Chief, Sickle Cell Disease Branch, DBDR NHLBI, NIH, Federal Building, Room 504, (301) 496–6931, will furnish substantive program information.

Dated: January 13, 1981.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

(Catalog of Federal Domestic Assistance Program No. 13.839, Blood Diseases and Resources Research, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in Seciton 8(b)(4) and (5) of that Circular.

[FR Doc. 81-1982 Filed 1-19-81; 8:45 a.m.]

BILLING CODE 4110-08-M

Biotechnology Resources Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the biotechnology Resources Review Committee, Division of Research Resources, February 10, 1981, Conference Room 8, Bldg. 31, National Institutes of Health, Bethesda, Maryland, 20205.

This meeting will be open to the public from 8:30 a.m. to approximately 1:00 p.m. for discussion of Biotechnology Resources Program activities in 1981 and to discuss possible future activities in the area of mass spectrometry. attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from approximately 1:00 p.m. to adjournment for review, discussion, and evaluation of individual research prospectuses submitted by organizations seeking access to PROPHET System services. These prospectuses and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the prospectuses, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Chief, Office of Science and Health Reports, Division of

Research Resources, Bldg. 31, Rm. 5B–13, National Institutes of Health, Bethesda, Maryland, 20205, telephone area code 301 496–5545, will provide summaries of meetings and rosters of committee members.

Dr. Charles L. Coulter, Executive Secretary, Biotechnology Resources Review Committee, Division of Research Resources, Bldg. 31, Rm. 5B–41, National Institutes of Health, Bethesda, Maryland, 20205, telephone area code 301 496–5411, will furnish substantive program information.

Dated: January 13, 1981.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

(Catalog of Federal Domestic Assistance Program No. 13.371, Biotechnology Research, National Institutes of Health)

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.

[FR Doc. 81–1974 Filed 1–19–81; 8:45 am]

BILLING CODE 4110–08–M

Cancer Clinical Investigation Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Cancer Clinical Investigation Review Committee, National Cancer Institute, February 23–24, 1981, Building 31C, Conference Room 6, National Institutes of Health, Bethesda, Maryland 20205. This meeting will be open to the public on February 23, from 8:30 a.m. to 11:00 a.m., for a Mini-symposium on "The Role of Pathology in Cooperative Clinical Studies." Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on February 23, from 11:00 a.m. to 5:00 p.m., and on February 24, from 8:30 a.m. to adjournment, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individual associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Committee Management Officer, National Cancer Institute, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Dorothy K. Macfarlane, Executive Secretary, National Cancer Institute, Westwood Building, Room 819, National Institutes of Health, Bethesda, Maryland 20205 (301/496–7481) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Number 13.395, Project grants in cancer treatment research, National Institutes of Health)

(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: January 13, 1981.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 81–1977 Filed 1–19–81; 8:45 am]

BILLING CODE 4110–08–M

Board of Scientific Counselors, Division of Cancer Treatment; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, DCT, National Cancer Institute, February 12–13, 1981, Building 31, 6th Floor, "C" Wing, Conference Room 10, National Institutes of Health. This meeting will be open to the public on February 12, 1981, from 8:30 a.m. until 10:30 a.m., and again from 1:30 p.m. until adjournment, and on February 13, 1981, from 8:30 a.m. until adjournment, to review program plans, followup on status of budget and a progress review of the DCT Biological Response Modifiers program and the Screening Component of the Drug Development program. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on February 12, 1981, from 10:45 a.m. until 12:30 p.m., for the review, discussion and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Saul A. Schepartz, Acting Director, Division of Cancer Treatment, National Cancer Institute, Building 31, Room 3A–51, National Institutes of Health, Bethesda, Maryland 20205 (301–496–6404) will furnish summaries of meetings, rosters of committee members, and substantive program information.

Dated: January 13, 1981.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 81–1975 Filed 1–19–81; 8:45 am]

BILLING CODE 4110–08–M

Clinical Applications and Prevention Advisory Committee; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Clinical Applications and Prevention Advisory Committee, Division of Heart and Vascular Diseases, National Heart, Lung, and Blood Institute, January 29–30, 1981, Federal Building, Conference Room B119, Bethesda, Maryland 20205.

This meeting will be open to the public on January 29 from 1:30 p.m. to adjournment. At 2:30 the committee will break into subgroups to discuss research opportunities in heart and vascular disease. The meeting will also be open on January 30 from 8:30 a.m. to 3:00 p.m. when a status report of the 1981 new initiatives, and a report on the Recommendations of the National Black Health Providers Task Force on High Blood Pressure Education and Control will be presented. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92–463, the meeting will be closed to the public on January 30 from 3:00 p.m. to adjournment for the review discussion and evaluation of individual contract renewal proposals. The proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496–4236, will provide summaries of meetings and rosters of committee members. Dr. William Friedewald, Executive Secretary of the Committee, Federal Building, Room 212, Bethesda, Maryland 20205, phone (301) 496–2533, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, Heart and Vascular Diseases Research, National Institutes of Health.)

(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: January 14, 1981.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 81-1978 Filed 1-19-81; 8:45 a.m.]

BILLING CODE 4110-08-M

Clinical Cancer Program Project and Cancer Center Support Review Committee (Cancer Center Support Review Subcommittee); Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Clinical Cancer Program Project and Cancer Center Support Review Committee (Cancer Center Support Review Subcommittee), National Cancer Institute, March 19-20, 1981, Building 31C, Conference Room 6, National Institutes of Health, Bethesda, Maryland. This meeting will be open to the public on March 19, from 8:30 a.m. to 10:00 a.m., to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92-463, the meeting will be closed to the public on March 19, from 10:00 a.m. to 6:00 p.m., and on March 20, from 8:30 a.m. to adjournment, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will provide summaries of the meetings and rosters of committee members, upon request.

Dr. Robert L. Manning, Executive Secretary, National Cancer Institute, Westwood Building, Room 803, National Institutes of Health, Bethesda, Maryland (301/496-7721) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Number 13.397, project grants in cancer center support, National Institutes of Health.)

(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: January 13, 1981.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 81-1976 Filed 1-19-81; 8:45 am]

BILLING CODE 4110-08-M

General Clinical Research Centers Committee; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the General Clinical Research Centers Committee, Division of Research Resources, February 23-24, 1981. The meeting will be held in Conference Room 8, Building 31, National Institutes of Health, Bethesda, Maryland 20205.

The meeting will be open to the public on February 23, 1981, from 9:00 a.m. to approximately 11:00 a.m., to discuss administrative matters. Attendance by the public will be limited to space available. In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub L. 92-463, the meeting will be closed to the public on February 23, 1981, from approximately 11:00 a.m. to recess and on February 24, 8:30 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Informatin Officer, Division of Research Resources, Bldg. 31, Rm. 5B-13, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-5545 will provide summaries of the meeting and rosters of the Committee members. Dr. Ephraim Y. Levin, Executive Secretary of the General Clinical Research Centers Review Committee, Bldg. 31, Rm. 5B51 National Institutes of Health, Bethesda, Maryland 20205, (301) 496-6595, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.333, Clinical Research, National Institutes of Health)

(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 the Circular.

[FR Doc. 81-1979 Filed 1-19-81; 8:45 am]

BILLING CODE 4110-08-M

Minority Access to Research Careers Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Minority Access to Research Careers Review Committee, National Institute of General Medical Sciences, National Institutes of Health, Building 31-C, Conference Room 7, on March 5-6, 1981, 9:00 a.m.

This meeting will be open to the public on March 5, 9:00 a.m. to 12:00 p.m. The meeting will consist of opening remarks and discussion of procedural matters. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public for approximately the last four hours of the day on March 5, and approximately four hours on March 6. It is estimated that this will occur from 1:00 p.m. to 5:00 p.m., on March 5, and on March 6 from 9:00 a.m. until adjournment for the review, discussion and evaluation of institutional and individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Ellen Casselberry, Public Information Officer, NIGMS, Westwood Building, Room 9A-10, 5333 Westbard Avenue, Bethesda, Maryland 20205, telephone (301) 496-7301, will furnish summary minutes of the meeting and a roster of committee members.

Substantive program information may be obtained from Harriet L. Gordon, M.D., Executive Secretary, Westwood Building, Room 949, Bethesda, Maryland 20205, telephone (301) 496-7585.

(Catalog of Federal Domestic Assistance Program 13.880, Minority Access to Research Careers (MARC), National Institutes of Health, Department of Health and Human Services.)

(NIH programs are not covered by OMB Circular A-95 because they fit the description of "program not considered appropriate" in section 8(b) (4) and (5) of that Circular.)

Dated: January 13, 1981.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 81-1980 Filed 1-19-81; 8:45 am]

BILLING CODE 4110-08-M

Research Grants; Division Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of the following study sectons for February through March 1981, and the individuals

from whom summaries of meetings and rosters of committee members may be obtained.

These meetings will be open to the public to discuss administrative details relating to Study Section business for approximately one hour at the beginning of the first session of the first day of the meeting. Attendance by the public will be limited to space available. These meetings will be closed thereafter in accordance with the provisions set forth in Sections 552b(c)(4) and 552(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Marian Oakleaf, Acting Chief, Grants Inquiries Office, Division of Research Grants, Westwood Building, National Institutes of Health, Bethesda, Maryland 20205, telephone area code 301–496–7441 will furnish summaries of the meetings and rosters of committee members. Substantive program information may be obtained from each Executive Secretary whose name, room number, and telephone number are listed below each study section. Anyone planning to attend a meeting should contact the Executive Secretary to confirm the exact meeting time. All times are A.M. unless otherwise specified.

Study section	February–March 1981 meetings	Time	Location
Allergy & Immunology: Dr. Morton Reitman, Rm. 320, Tel. 301–496–7380.	Mar. 21–14	8:30	Marriott Hotel, Bethesda, MD.
Applied Physiology & Orthopedics: Ms. Ileen E. Steward, rm. 350, Tel. 301–496–7581.	Mar. 11–14	1:00 p.m	Room 9, Bldg. 31C, Bethesda, MD.
Bacteriology & Mycology: Dr. Milton Gordon, Rm. 304, Tel. 301–496–7340.	Feb. 26–28	8:30	Holiday Inn, Bethesda, MD.
Behavorial Medicine: Dr. Joan Rittenhouse, Rm. 203, Tel. 301–496–7109.	Mar. 4–6	9:00	Georgetown Holiday Inn, Washington, DC.
Biochemical Endocrinology: Dr. Norman Gold, Rm. A–17, Tel. 301–496–7430.	Feb. 23–25	8:30	In-Town Motel, Chevy Chase, MD.
Biochemistry: Dr. Adolphus P. Toliver, Rm. 318, Tel. 301–496–7516	Mar. 4–7	8:30	Marriott Hotel, Bethesda, MD.
Bio-Organic & Natural Products Chemistry: Dr. Michael Rogers, Rm. A–27, Tel. 301–496–7107.	Feb. 23–25	9:00	Marriott Hotel, Bethesda, MD.
Biophysics & Biophysical Chemistry A: Dr. James C. Cassatt, Rm. 236, Tel. 301–496–7060.	Feb. 20–22	9:00	Hyatt House, Arlington, VA.
Biophysics & Biophysical Chemistry B: Dr. John B. Wolff, Rm. 236, Tel. 301–496–7070.	Feb. 18–20	8:30	Room 7, Bldg. 31C, Bethesda, MD.
Bio-Psychology: Dr. A. Keith Murray, Rm. 220, Tel. 301–496–7058	Feb. 23–26	9:00	Maryland Inn, Annapolis, MD.
Cardiovascular & Pulmonary: Dr. Constance E. Weinstein, Rm. 2A–04, Tel. 301–496–7316.	Mar. 4–6	8:00	Georgetown Holiday Inn, Washington, DC.
Cardiovascular & Renal: Dr. Rosemary S. Morris, Rm. 321, Tel. 301–496–7901.	Feb. 18–20	8:30	Holiday Inn, Bethesda, MD.
Cell Biology: Dr. Gerald Greenhouse, Rm. 306, Tel. 301–496–7681	Feb. 18–20	8:30	Room A, Landow Bldg., Bethesda, MD.
Chemical Pathology: Dr. Edmund Copeland, Rm. 353, Tel. 301–496–7078.	Feb. 17–19	8:00	Holiday Inn., Bethesda, MD.
Communicative Sciences: Dr. Michael Halasz, Rm. 226, Tel. 301–496–7550.	Mar. 4–6	8:30	Connecticut Inn., Washington, DC.
Diagnostic Radiology: Dr. Catherine Wingate, Rm. 219, Tel. 301–496–7650.	Feb. 23–25	8:30	Marriott Hotel, Bethesda, MD.
Endocrinology: Mr. Morris M. Graff, Rm. 333, Tel. 301–496–7346	Feb. 23–25	7:00 p.m.	Linden Hill Hotel, Bethesda, MD.
Epidemiology & Disease Control: Dr. Ann Schruederberg, Rm. 234, Tel. 302–496–7246.	Feb. 26–27	8:30	Ramada Inn, Bethesda, MD.
Experimental Cardiovascular Sciences: Dr. Richard Peabody, Rm. 310, Tel. 301–496–7940.	Feb. 24–26	8:00	Holiday Inn, Bethesda, MD.
Experimental Immunology: Dr. David Lavrin, Rm. 222, Tel. 301–496–7238.	Feb. 26–28	8:30	Marriott Hotel, Bethesda, MD.
Experimental Therapeutics: Dr. Anne R. Bourke, Rm. 319, Tel. 301–496–7839.	Feb. 25–28	12:30 p.m	Marriott Hotel, Bethesda, MD.
Experimental Virology: Dr. Eugene Zebovitz, Rm. 206, Tel. 301–496–7474.	Feb. 22–25	2:00 p.m	Room 8, Bldg. 31C, Bethesda, MD.
General Medicine A: Dr. Harold Davidson, Rm. 354, Tel. 301–496–7797.	Feb. 26–27	8:30	Room 8, Bldg. 31C, Bethesda, MD.
General Medicine B: Dr. Mischa Friedman, Rm. 322, Tel. 301–496–7730.	Mar. 4–7	8:30	Georgetown Holiday Inn, Washington, DC.
Genetics: Dr. David Remondini, Rm. 349, Tel. 301–496–7271	Feb. 19–21	9:00	Room 6, Bldg. 31C, Bethesda, MD.
Hematology: Dr. Clark Lum, Rm. 355, Tel. 301–496–7508	Feb. 26–28	8:30	In-Town Motel, Chevy Chase, MD.
Human Development: Dr. Miriam Kelty, Rm. 303, Tel. 301–496–7025	Mar. 8–11	8:30	Gramercy Inn, Washington, D.C.
Human Embryology & Development: Dr. Arthur Hoversland, Rm. 221, Tel. 301–496–7597.	Mar. 3–6	6:00 p.m	Ramada Inn, Bethesda, MD.
Immunobiology: Dr. William Stylos, Rm. 226, Tel. 301–496–7780	Mar. 4–6	8:30	Linden Hill Hotel, Bethesda, MD.
Immunological Sciences: Dr. Lottie Kornfeld, Rm. 233, Tel. 301–496–7179.	Feb. 25–27	8:30	Linden Hill Hotel, Bethesda, MD.
Mammalian Genetics: Dr. Halvor Aaslestad, Rm. 349, Tel. 301–496–7271.	Feb. 26–28	9:00	Room 6, Bldg. 31C, Bethesda, MD.
Medicinal Chemistry A: Dr. Ronald Dubois, Rm. A–27, Tel. 301–496–7107.	Feb. 25–27	9:00	Holiday Inn, Chevy Chase, MD.
Metabolism: Dr. Robert Leonard, Rm. 334, tel. 301–496–7091	Feb. 26–28	8:30	Room 10, Bldg. 31C, Bethesda, MD.
Metalliobiochemistry: Dr. Marjam Behar, Rm. 310, Tel. 301–496–7733	Feb 26–28	9:00	Rosslyn Westpark Hotel, Arlington, VA.
Microbial Physiology: Dr. Martin Slater, Rm. 238, Tel. 301–496–7183	Feb. 25–27	8:30	Ramada Inn, Bethesda, MD.
Molecular Biology: Dr. Donald Disque, Rm. 338, Tel. 301–496–7830	Feb. 19–21	8:30	United Inn, Bethesda, MD.
Molecular Cytology: Dr. Ramesh Nayak, Rm. 283, Tel. 301–496–7149	Feb. 26–28	8:30	Room 7, Bldg. 31C, Bethesda, MD.
Neurological Sciences: Dr. Edwin Bartos, Rm. 207, Tel. 301–496–7000.	Feb. 26–28	8:30	Sheraton Inn, Silver Spring, MD.
Neurology A: Dr. William Morris, Rm. 326, Tel. 301–496–7095	Mar. 11–14	9:00	Executive House Hotel, Washington, D.C.
Neurology B: Dr. Willard McFarland, Rm. A–25, Tel. 301–496–7422	Feb. 25–28	8:30	Mayflower Hotel, Washington, D.C.
Nutrition: Dr. John R. Schubert, Rm. 204, Tel. 301–496–7178	Feb. 25–27	8:30	Room 9, Bldg. 31C, Bethesda, MD.

Study section	February–March 1981 meetings	Time	Location
Oral Biology & Medicine: Dr. Thomas Tarpley, Jr., Rm. 325, Tel. 301–496–7818.	Feb. 23–26	8:30	Marriott Hotel, Bethesda, MD.
Pathobiological Chemistry: Dr. Clarice E. Gaylord, Rm. A–26, Tel. 301–496–7820.	Mar. 2–5	8:30	Room 8, Bldg. 31C, Bethesda, MD.
Pathology A: Dr. Harold Waters, Rm. 337, Tel. 301–496–7305	Mar. 10–13	8:00	Shoreham-Americana Hotel, Washington, DC.
Pathology B: Dr. Earl Fisher, Rm. 352, Tel. 301–496–7244	Mar. 11–13	8:30	Holiday Inn, Bethesda, MD.
Pharmacology: Dr. Joseph Kaiser, Rm. 206, Tel. 301–496–7408	Feb. 24–26	8:30	Holiday Inn, Bethesda, MD.
Physical Biochemistry: Dr. Jeanne Ketley, Rm. 218, Tel. 301–496–7120.	Feb. 26–28	9:00	Georgetwon Holiday Inn, Washington, DC.
Physiological Chemistry: Dr. Harry Brodie, Rm. 440, Tel. 301–496–7837.	Feb. 26–28	8:30	Rosslyn Westpark Hotel, Arlington, VA.
Physiology: Dr. Martin Frank, Rm. 209, Tel. 301–496–7878	Mar. 6–8	9:00	Sheraton Inn, Silver Spring, MD.
Radiation: Dr. Robert L. Straube, Rm. 219, Tel. 301–496–7073	Mar. 2–4	9:00	Holiday Inn, Chevy Chase, MD.
Reproductive Biology: Dr. Dharam Dhindsa, Rm. 307, Tel. 301–496–7318.	Feb. 17–20	8:30	Ramada Inn, Bethesda, MD.
Social Sciences & Population: Ms. Carol Campbell, Rm. 210, Tel. 301–496–7906.	Feb. 20–22	9:00	Georgetown Holiday Inn, Washington, DC.
Surgery, Anesthesiology & Trauma: Dr. Keith Kraner, Rm. 336, Tel. 301–496–7771.	Feb. 19–21	8:30	Holiday Inn, Bethesda, MD.
Surgery & Bioengineering: Dr. Joe Atkinson, Rm. 303, Tel. 301–496–7506.	Feb. 19–21	8:30	Holiday Inn, Bethesda, MD.
Toxicology: Dr. Raymong Bahor, Rm. 205, Tel. 301–496–7570	Feb. 25–27	8:30	Holiday Inn, Washington, DC.
Tropical Medicine & Parasitology: Dr. Betty June Myers, Rm. 203, Twl. 301–496–7494.	Feb. 26–28	8:30	Connecticut Inn, Washington, DC.
Virology: Dr. Claire Winestock, Rm. 309, Tel. 301–496–7605	Mar. 5–7	8:30	Room 6, Bldg. 31C, Bethesda, MD.
Visual Sciences A: Dr. Orvil E. A. Bolduan, Rm. 439, Tel. 301–496–7260.	Mar. 4–6	9:00	Olde Colony Motor Lodge, Alexandria, VA.
Visual Sciences B: Dr. Luigi Giacometti, Rm. 325, Tel. 301–496–7251	Mar. 11–14	9:00	Georgetown Holiday Inn, DC.

Dated: January 13, 1981.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

(Catalog of Federal Domestic Assistance Program Nos. 13.306, 13.333, 13.337, 13.393–13.396, 13.837–13.844, 13.846–13.878, 13.892, 13.893, National Institutes of Health, HHS).

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.

[FR Doc. 81–1973 Filed 1–19–81; 8:45 a.m.]

BILLING CODE 4110–08–M

Public Health Service

National Toxicology Program Board of Scientific Counselors; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Toxicology Program Board of Scientific Counselors, U.S. Public Health Service, in Building 31C, National Institutes of Health, Bethesda, Maryland, on February 18, 1981.

The meeting will be held in Conference Room 6, and will be open to the public from 9 a.m. until adjournment for the purpose of completing external peer reviews on draft technical reports of bioassays from the National Toxicology Program (NTP) Carcinogenesis Testing Program. Reviews will be conducted by the Technical Reports Review Subcommittee of the Board in conjunction with an *ad hoc* panel of experts.

Draft technical reports will be peer reviewed February 18 on the following chemicals (and routes of administration):

Chemical	Route
C.I. Acid Orange 10	Dosed feed.
11-Aminoundecsnoic acid	Do.
C.I. Disperse Yellow 3	Do.
D and C Red No. 9	Do.
C.I. Solvent Yellow 14	Do.
Eugenol	Do.
Vinylidine chloride	Gavage.
Agar agar	Dosed feed.
Guar gum	Do.
Gum Arabic	Do.
Gum Tara	Do.

The Executive Secretary, Dr. Larry G. Hart, Office of the Director, National Toxicology Program, P.O. Box 12233, Research Triangle Park, North Carolina 27709, telephone (919) 541–3989, FTS 629–3989, will furnish summary minutes of the reviews, rosters of Subcommittee and panel members, and other program information.

Dated: January 6, 1981.

David P. Rall, M.D., Ph.D.,

Director, National Toxicology Program.

[FR Doc. 81–1981 Filed 1–19–81; 8:45 am]

BILLING CODE 4110–08–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N–81–1053]

Privacy Act of 1974; Proposed Amendment to System of Records

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of proposed amendment to existing system of records.

SUMMARY: The Department is giving notice that it intends to amend the following Privacy Act system of records: HUD/DEPT–64, Congregate Housing Services Program Data Files.

EFFECTIVE DATE: The amendment shall become effective without further notice 30 calendar days from the publication of this notice unless comments are received on or before that date which would result in a contrary determination.

ADDRESS: Rules Docket Clerk, Room 5218, Department of Housing and Urban Development 451 Seventh Street, SW., Washington, D.C. 20510.

FOR FURTHER INFORMATION CONTACT: Robert English, Department Privacy Act Officer, Telephone: 202–557–0605. This is not a toll free number.

SUPPLEMENTARY INFORMATION. The Department is modifying the Congregate Housing Services Program (CHSP) Data Files (HUD/DEPT–64). The system is being expanded to increase the categories of individuals covered to include: (1) A sample of individuals residing in non-grantee public housing and Section 202 projects; and (2) a

random sample of individuals residing in CHSP grantee projects who did not apply for CHSP. The proposed modification also increases the categories of records maintained on all individuals. The modification is being made to allow an evaluation of the program as requested by OMB and Congress. The evaluation will not affect the privacy of any individual and will not release information on individuals or provide information which identifies any individual in any way. Previously, the system was published at 45 FR 67621 (October 10, 1980). Appendix A, which lists the addresses of HUD's offices was published at 45 FR 67626 (October 10, 1980). A report of intent to amend this system of records was filed with the Speaker of the House, the President of the Senate, and the Director, Office of Management and Budget on December 16, 1980.

HUD/DEPT-64

System Name:

Congregate Housing Services Program Data Files.

System Location:

Headquarters and Offices of HUD Contractor.

Categories of Individuals Covered by System:

Congregate Housing Services Program (CHSP) participants and selected applicants and non-applicants residing in grantee public housing and Section 202 (elderly) projects; and selected individuals residing in non-grantee public housing and Section 202 projects.

Categories of Records in the System:

The files will contain the following records on CHSP participants: Name, project, file number, race/ethnic background, birthdate, sex, marital status, residential history and current living arrangement, number of minors residing, number of children/relatives nearby and family relationships, education, socioeconomic status (occupation/income), total housing expense, characteristics (special features) of the Housing unit, size of unit, sources of income and medical coverage, handicap type, disability type, medical status (recurrent/chronic medical problems) and hospitalization in past year, scores on activiites of daily living tests, level of informal service supports (family, friends, etc.), current and previous services received by program type (formal services), dates of services receipt, service needs assessment, moral scale and satisfaction with services and residential arrangements, mental status (primarily, disorientation for elderly and cognitive functioning for mentally retarded), emotional status, social interaction assessment (participation in formal and informal activities, and interpersonal skills), cost and usage of CHSP and other services, project admission date, CHSP application date, physical functioning/health status when entered project, current physical functioning/health status, physical functioning/health status at entry to CHSP, Professional Assessment Committee (PAC) determinations and recommended services, physical functioning/health status when left CHSP, date moved out of project, physical functioning/health status when moved out of project, new address/telephone (or contact person), name/telephone of physician, legal guardian, or family member.

The files will contain the following records on CHSP applicants who were not selected as participants: Name, project, file number, race/ethnic background, birthdate, sex, marital status, resident history and current living arrangement, number of minors residing, number of children/relatives nearby and family relationships, education, socio-economic status (occupation/income), total housing expense, characteristics (special features) of the housing unit, size of unit, sources of income and medical coverage, handicap type, disability type, medical status (recurrent/chronic medical problems) and hospitalization in past year, scores on activities of daily living tests, level of informal service supports (family, friends, etc.), current and previous services received by program type (formal services), dates of service receipt, service needs assessment, morale scale and satisfaction with services and residential arrangements, mental status (primarily, disorientation for elderly and cognitive functioning for mentally retarded), emotional status, social interaction assessment (participation in formal and informal activiites, and interpersonal skills), cost and usage of services, project admission date, physical functioning/health status when entered project, current physical functioning/health status, PAC determinations, date moved out of project, physical functioning/health status when moved out of project, new address/telephone (or contact person), name/telephone of physician, legal guardian, or family member.

The files will contain the following records on residents of CHSP projects who did not apply to the program and residents of non-CHSP projects: name, project, file number, race/ethnic background, birthdate, sex, marital status, residential history and current living arrangement, number of minors residing, number of children/relatives nearby and family relationships, education, socio-economic status (occupation/income), total housing expense, characteristics (special features) of the housing unit, size of unit, sources of income and medical coverage, handicap type, disability type, medical status (recurrent/chronic medical problems) and hospitalization in past year, scores on activities of daily living tests, level of informal service supports (family, friends, etc.), current and previous services received by program type (formal services), dates of service receipt, service needs assessment, morale scale and satisfaction with services and residential arrangements, mental status (primarily, disorientation for elderly and cognitive functioning for mentally retarded), emotional status, social interaction assessment (participation in formal and informal activities, and interpersonal skills), cost and usage of services, project admission date, physical functioning/health status when entered project, current physical functioning/health status, date moved out of project, physical functioning/health status when moved out of project, new address/telephone (or contact person), name/telephone of physician, legal guardian, or family member.

Authority for Maintenance of the System:

Title IV, Housing and Community Development Amendments of 1978 (Congregate Housing Services Act of 1978).

Routine Uses of Records Maintained in the System Including Categories of Users and the Purposes of Such Uses:

To HUD Contractor for conducting the evaluation.

Policies and Practices for Storing, Retrieving, Accessing, Retaining and Disposing of Records in the System:

Storage:

In file folders and on magnetic tape/disc/drum.

Retrievability:

Name, project, file number, race/ethnic background, birth date, sex, marital status, residential history and current living arrangement, number of minors residing, number of children/relatives nearby and family relationships, education, socio-economic

status (occupation/income), total housing expense, characteristics (special features) of the housing unit, size of unit, sources of income and medical coverage, handicap type, disability type, medical status (recurrent/chronic medical problems) and hospitalization in past year, scores on activities of daily living tests, level of informal service supports (family, friends, etc.), current and previous services received by program type (formal services), dates of service receipt, service needs assessment, morale scale and satisfaction with services and residential arrangements, mental status, emotional status, social interaction assessment (participation in formal and informal activities, and interpersonal skills), cost and usage of CHSP and other services, project admission date, CHSP application date, physical functioning/health status when entered project, current physical functioning/health status, physical functioning/health status at entry to CHSP, PAC determinations and recommended services, physical functioning/health status when left CHSP, date moved out of project, physical functioning/health status when moved out of project, new address/telephone (or contact person), name/telephone of physician, legal guardian, or family member.

Safeguards:

Manual files will be kept in lockable cabinets in a secured area, computer records will be maintained in a separate secured area. Access to either type of record will be limited to authorized personnel.

Retention and Disposal:

Manual and automated records are retained in accordance with officially approved mandatory standards contained in HUD handbooks 2225.6 and 2228.2.

System Manager and Address:

Director, Office of Consumer Affairs, NVACP, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

Notification Procedure:

For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the Headquarters location, in accordance with 24 CFR Part 16. This location is given in Appendix A.

Record Access Procedures:

The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at Headquarters. This location is given in Appendix A.

Contesting Record Procedures:

The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) In relation to contesting contents of records, the Privacy Act Officer at the Headquarters location. This location is given in Appendix A; (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Record Source Categories:

Subject individuals, Professional Assessment Committee, Project Managers.

Authority: 5 U.S.C. 552a, 88 Stat. 1896; Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d))

Issued at Washington, D.C., January 12, 1981.

Vincent J. Hearing,

Deputy Assistant Secretary for Administration.

[FR Doc. 81-1951 Filed 1-19-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Geological Survey

Designated Tar Sand Area; Argyle Canyon-Willow Creek, Utah

Under authority contained in Sections 17, 21, and 32 of the Mineral Lands Leasing Act of February 25, 1920, as amended (30 U.S.C. 189, 226, 241), and the Mineral Leasing Act for Acquired Lands of August 7, 1947 (30 U.S.C. 351–359), and delegations of authority in 220 Departmental Manual 2 and 7, and Geological Survey Manual 220.7, Federal lands within the State of Utah have been determined to be subject to the leasing provisions of the Mineral Lands Leasing Act of February 25, 1920, as amended (30 U.S.C. 226, 241). The name of the area, effective date, and total acreage involved are as follows:

Utah

Argyle Canyon-Willow Creek Designated Tar Sand Area; November 10, 1980; 21,863 acres.

A plat showing the boundary of the area designated for leasing has been filed with the appropriate land office of the Bureau of Land Management.

Copies of the plat and the land description may be obtained from the Conservation Manager, Central Region, U.S. Geological Survey, Stop 609, Box 25046, Denver Federal Center, Denver, CO 80225.

Dated: January 12, 1981.

George F. Brown,

Acting Chief, Conservation Division.

[FR Doc. 81-2050 Filed 1-19-81; 8:45 am]

BILLING CODE 4310-31-M

Designated Tar Sand Area; Hill Creek, Utah

Under authority contained in Sections 17, 21, and 32 of the Mineral Lands Leasing Act of February 25, 1920, as amended (30 U.S.C. 189, 226, 241), and the Mineral Leasing Act for Acquired Lands of August 7, 1947 (30 U.S.C. 351–359), and delegations of authority in 220 Departmental Manual 2 and 7, and Geological Survey Manual 220.7, Federal lands within the State of Utah have been determined to be subject to the leasing provisions of the Mineral Lands Leasing Act of February 25, 1920, as amended (30 U.S.C. 226, 241). The name of the area, effective date, and total acreage involved are as follows:

Utah

Hill Creek Designated Tar Sand Area; November 10, 1980; 107,249 acres.

A plat showing the boundary of the area designated for leasing has been filed with the appropriate land office of the Bureau of Land Management. Copies of the plat and the land description may be obtained from the Conservation Manager, Central Region, U.S. Geological Survey, Stop 609, Box 25046, Denver Federal Center, Denver, CO 80225.

Dated: January 12, 1981.

George F. Brown,

Acting Chief, Conservation Division.

[FR Doc. 81-2051 Filed 1-19-81; 8:45 am]

BILLING CODE 4310-31-M

Designated Tar Sand Area; Pariette, Utah

Under the authority contained in Sections 17, 21, and 32 of the Mineral Lands Leasing Act of February 25, 1920, as amended (30 U.S.C. 189, 226, 241), and the Mineral Leasing Act for Acquired Lands of August 7, 1947 (30 U.S.C. 351–359), and delegations of authority in 220 Departmental Manual 2 and 7, and Geological Survey Manual 220.7, Federal lands within the State of Utah have been determined to be subject to the leasing provisions of the Mineral Lands Leasing Act of February 25, 1920, as

amended (30 U.S.C. 226, 241). The name of the area, effective date, and total acreage involved are as follows:

Utah

Pariette Designated Tar Sand Area; November 10, 1980; 22,071 acres.

A plat showing the boundary of the area designated for leasing has been filed with the appropriate land office of the Bureau of Land Management.

Copies of the plat and the land description may be obtained from the Conservation Manager, Central Region, U.S. Geological Survey, Stop 609, Box 25046, Denver Federal Center, Denver, CO 80225.

Dated: January 12, 1981.

George F. Brown,

Acting Chief, Conservation Division.

[FR Doc. 81-2052 Filed 1-19-81; 8:45 am]

BILLING CODE 4310-31-M

Designated Tar Sand Area; Raven Ridge-Rim Rock and Vicinity, Utah

Under the authority contained in Sections 17, 21, and 32 of the Mineral Lands Leasing Act of February 25, 1920, as amended (30 U.S.C. 189, 226, 241), and the Mineral Leasing Act for Acquired lands of August 7, 1947 (30 U.S.C. 351–359), and delegations of authority in 220 Departmental manual 2 and 7, and Geological Survey Manual 220.7, Federal lands within the State of Utah have been determined to be subject to the leasing provisions of the Mineral Lands Leasing Act of February 25, 1920, as amended (30 U.S.C. 226, 241). The name of the area, effective date, and total acreage involved are as follows:

Utah

Raven Ridge-Rim Rock and Vicinity Designated Tar Sand Area; November 10, 1980; 16,258 acres.

A plat showing the boundary of the area designated for leasing has been filed with the appropriate land office of the Bureau of Land Management.

Copies of the plat and the land description may be obtained from the Conservation Manager, Central Region, U.S. Geological Survey, Stop 609, Box 25046, Denver Federal Center, Denver, CO 80225.

Dated: January 12, 1981.

George F. Brown,

Acting Chief, Conservation Division.

[FR Doc. 81-2053 Filed 1-19-81; 8:45 am]

BILLING CODE 4310-31-M

Designated Tar Sand Area; San Rafael Swell, Utah

Under the authority contained in Sections 17, 21, and 32 of the Mineral Lands Leasing Act of February 25, 1920, as amended (30 U.S.C. 189, 226, 241), and the Mineral Leasing Act for Acquired Lands of August 7, 1947 (30 U.S.C. 351–359), and delegations of authority in 220 Departmental Manual 2 and 7, and Geological Survey Manual 220.7, Federal lands within the State of Utah have been determined to be subject to the leasing provisions of the Mineral Lands Leasing Act of February 25, 1920, as amended (30 U.S.C. 226, 241). The name of the area, effective date, and total acreage involved are as follows:

Utah

San Rafael Swell Designated Tar Sand Area; November 10, 1980; 130,292 acres.

A plat showing the boundary of the area designated for leasing has been filed with the appropriate land office of the Bureau of Land Management.

Copies of the plat and the land description may be obtained from the Conservation Manager, Central Region, U.S. Geological Survey, Stop 609, Box 25046, Denver Federal Center, Denver, CO 80225.

Dated: January 12, 1981.

George F. Brown,

Acting Chief, Conservation Division.

[FR Doc. 81-2054 Filed 1-19-81; 8:45 am]

BILLING CODE 4310-31-M

Designated Tar Sand Area; White Canyon, Utah

Under authority contained in Sections 17, 21, and 32 of the Mineral Lands Leasing Act of February 25, 1920, as amended (30 U.S.C. 189, 226, 241), and the Mineral Leasing Act for Acquired Lands of August 7, 1947 (30 U.S.C. 351–359), and delegations of authority in 220 Departmental Manual 2 and 7, and Geological Survey Manual 220.7, Federal lands within the State of Utah have been determined to be subject to the leasing provisions of the Mineral Lands Leasing Act of February 25, 1920, as amended (30 U.S.C. 226, 241). The name of the area, effective date, and total acreage involved are as follows:

Utah

White Canyon Designated Tar Sand Area; November 10, 1980; 10,469 acres.

A plat showing the boundary of the area designated for leasing has been filed with the appropriate land office of the Bureau of Land Management.

Copies of the plat and the land description may be obtained from the Conservation Manager, Central Region, U.S. Geological Survey, Stop 609, Box 25046, Denver Federal Center, Denver, CO 80225.

Dated: January 12, 1981.

George F. Brown,

Acting Chief, Conservation Division.

[FR Doc. 81-2055 Filed 1-19-81; 8:45 am]

BILLING CODE 4310-31-M

Heritage Conservation and Recreation Service

Approval of the Lower Little Miami River as a State-Administered Component of the National Wild and Scenic Rivers System

Correction

In FR Doc. 81-925, appearing on page 2725 in the issue of Monday, January 12, 1981, make the following changes:

1. In column one, the last line should read, "11, 1980, the lower Little Miami River, as".

2. In column two, the Date line and signature should read, "Dated: January 11, 1980" and "Cecil D. Andrus" respectively.

BILLING CODE 1505-01-M

Bureau of Land Management

Proposed La Sal Pipeline ROW; Meetings

Public scoping meetings will be held in communities that may be affected by the proposed La Sal Pipeline right-of-way (ROW). The dates, times, and locations of the meetings are as follows:

January 26, 1981: 7:00 P.M.—Craig District Office, Bureau of Land Management, 455 Emerson Street, Craig, Colorado 81625.

January 27, 1981: 1:00 P.M. & 7:00 P.M.—Grant Junction District Office, Bureau of Land Management, 764 Horizon Drive, Grand Junction, Colorado 81502.

February 3, 1981: 7:00 P.M.—Casper District Office, Bureau of Land Management, 951 Union Blvd., Casper, Wyoming 82601.

February 4, 1981: 1:00 P.M. & 7:00 P.M.—Hitchin' Post Inn, 1700 W. Lincoln Way, Cheyenne, Wyoming 82001.

February 5, 1981: 1:00 P.M. & 7:00 P.M.—Denver Marina Hotel, 303 W. Colfax Avenue, Denver, Colorado 80202.

For further information, contact James E. Dean, Environmental Coordinator at (303) 837–3515, or at: Bureau of Land Management, Colorado State Office, 1600 Broadway, Suite 700, Colorado

State Bank Building, Denver, Colorado 80201.

Harold R. Martin,

Acting State Director, Colorado.

[FR Doc. 81-1947 Filed 1-19-81; 8:45 am]

BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

Minority Participation in the Motor Carrier Industry

AGENCY: Interstate Commerce Commission.

ACTION: Notice of public meeting and issue paper.

SUMMARY: Among several new objectives, it is now a goal of the National Transportation Policy (Section 10101(a)(7)(g) of the Interstate Commerce Act as amended by the Motor Carrier Act of 1980) to promote greater participation by minorities in the motor carrier industry. Pursuant to the Act the Interstate Commerce Commission will hold public hearings in seven cities throughout the nation (1) to identify the nature and magnitude of the problems facing minorities seeking to obtain ICC authority or expand their operations, and (2) to assess any relationship between minority business under-representation within the surface transportation industry and lack of employment opportunities. An issue paper prepared by the Commission is included in this notice and describes the major issues involved in our inquiry. In addition to the public meetings written comments are also invited.

DATES: Written comments should be submitted on or before 60 days after the publication of this notice. An original and 15 copies (if possible) should be submitted to: Bernard Gaillard, Room 3385, Interstate Commerce Commission, Washington, D.C. 20423.

The schedule for the public hearings is as follows.

February 5, 1981

Baltimore, MD

Holday Inn Downtown, 301 West Lombard Street, Baltimore, MD 21201
ICC Contact Person: William Hughes, (301) 922–2560
Time: 10:30 a.m.

February 10, 1981

Cleveland, OH

Hotel Bond Court, 777 St. Clair Avenue, Cleveland, OH 44114
ICC Contact Person: Martin Monaghan, (216) 522–4000
Time: 9:00 a.m.

February 17, 1981

Chicago, IL

Best Roberts Motel, 301 63rd Street, Chicago, IL 60637
ICC Contact Person: Betty Gilliland, (312) 886–6463
Time: 9:00 a.m.

March 5, 1981

Newark, NJ

Robert Treat Hotel, 50 Park Place, Newark, NJ 07101
ICC Contact Person: Millie Stovall, (201) 645–3550
Time: 9:00 a.m.

March 13, 1981

Atlanta, GA

Admiral Benbow by the Airport, 1419 Virginia Avenue, Atlanta, GA 30337
ICC Contact Person: Sara Davis, (404) 881–2167
Time: 9:00 a.m.

April 3, 1981

New Orleans, LA

Fountain Bay, 4040 Tulane Avenue, New Orleans, LA 70119
ICC Contact Person: Bob Kirspel, (504) 682–6102
Time: 9:00 a.m.

April 6, 1981

Oakland, CA

California Public Utilities Commission, 111 Jackson Street, Assembly Room, Oakland, CA 94607
ICC Contact Person: Marga Deminne, (415) 764–7181
Time: 9:00 a.m.

PROCEDURE: The meetings will be conducted in an informal manner under the supervision of representatives from the ICC. Those wishing to speak should inform the appropriate ICC contact person as soon as possible. Copies of prepared statements to be delivered at the hearing will be appreciated.

FOR FURTHER INFORMATION CONTACT: Mr. Bernard Gaillard, (202) 275–7597, Rm. 3385, Director, Small Business Assistance Office, Interstate Commerce Commission, 12th and Constitution Avenue, N.W., Washington, D.C. 20423.

Issued: January 15, 1981.

Agatha L. Mergenovich,

Secretary.

Issue Paper on Minority Participation in Interstate Surface Transportation

Statement of the Problem

Historically, no established regulatory mechanism existed to measure the level of minority participation in the regulated motor carrier industry or in any other segment of interstate surface transportation.

Recent surveys have indicated that minorities are under-represented in all facets of the transportation industry. The Commission estimates that of the 21,000 motor carriers holding ICC certificates and permits today only 144 are minority-owned firms.

In recognition of the problem, Congress amended the National Transportation Policy when it enacted the Motor Carrier Act of 1980 to include promotion of greater minority participation as one of the mandates to be followed by the Commission in its regulation of motor carriers of property. Our preliminary review of the kinds of actions that should be taken to implement this Congressional directive reveals an absence of critical knowledge by the Commission about minority involvement in surface transportation. For example, although the Commission has some estimation of the number of minority firms involved in regulated transportation and related businesses generally, a more precise and comprehensive evaluation is needed. Secondly, since minorities appear clearly to be under-represented in all facets of the industry, the specific causes of the problems being experienced by minorities must be explored to assist the Commission in determining how best to increase the level of minority participation in the regulated sector. In order to develop a complete record on these issues, hearings are scheduled around the country to gather information from minorities in or seeking to enter the transportation field and to receive recommendations on what further action the Commission should take.

Background

In the broadest context of minority participation in the transportation industry there are at least two indentifiable problem areas: (1) inadequate opportunities to become an ICC regulated carrier, and (2) the lack of employment opportunities within the industry. These areas, though apparently separate, may be facets of the same problem. We know, for example, that many owner-operators were formerly city or long-haul company drivers. Later, some of these same owner-operators formed companies and eventually obtained ICC authority in their own name. Correspondingly, many small local trucking firms progressed through a period of agency relationship with regional and national long-haul interstate carriers to become effective competitors with formerly associated firms. With the exception of primarily

family-owned companies which were formed and expanded slowly over time and others which resulted from mergers, founders of motor carrier firms to a large extent appear to have evolved through a kind of uninstitutionalized but patterned system of apprenticeship. Our focus, therefore, will encompass both the areas of carrier entry and expansion as well as employment.

The Commission's estimate of minority-owned firms graphically illustrates the low level of participation by minorities in the regulated industry sector. There are at least two generally accepted historical explanations for this. In 1935 some individuals engaged in the trucking business were able, after passage of the first Motor Carrier Act, to receive "grandfather" certificates. Of course, just as there were fewer minority banks, retail stores, and insurance companies in 1935 in proportion to the general population, there were also disproportionately fewer minority truckers. In addition, the Commission's post 1935 entry standard for a grant of operating authority, i.e., that existing service be proven inadequate, served as a barrier to subsequent significantly minority entry.

There have been a number of governmental efforts in the past which sought either to define the problem or to find solutions to some part of the minority transportation issue. In 1975, and again in 1980, the Task Force on Minority Enterprise of the Subcommittee on General Oversight and Minority Enterprise of the House Committee on Small Business held hearings on the role of minority carriers in the regulated transportation industry. Commission witnesses at the Subcommittee hearings cited administrative actions which could have the potential for increasing minority participation. Examples included the establishment of the Small Business Assistance Office, streamlining the application process, eased entry standards, Ex Parte No. 373, *Impact of Commission Decisions on Small Businesses*, and Ex Parte No. MC 107, *Transportation of Government Traffic*. Subcommittee Chairman Congressman Parren J. Mitchell and others cited chronic complaints from minorities in this area and urged the Commission to take more definitive actions.

In 1979, the General Accounting Office issued a report, which discussed ways the federal government could increase opportunities for minority motor carrier participation in the government's transportation programs.[1] The report recommended that the Secretary of Commerce work with individual agencies to develop affirmative action programs which would (1) set specific objectives, goals, and methodologies for increasing the use of minority motor carriers, and (2) provide for a periodic evaluation process and a monitoring procedure to insure attainment of goals. GAO also issued a report with similar recommendations to the Department of Defense.[2]

In 1972, the Commission instituted an investigation into (a) the employment practices of and minority participation within the surface transportation industry, (b) the industry's compliance with applicable civil rights statutes and Executive Orders, and (c) the proper role to be assumed by the Commission in regard to these matters.[3]

In its report, the Commission found that unlawful discriminatory employment practices did exist in the industry but concluded that visible efforts were being made by the industry, including legal action by the U.S. Department of Justice, to correct these problems. In its decision the Commission, nevertheless, reaffirmed its commitment to assist and participate in programs designed to enhance and encourage greater minority participation in surface transportation.

An attempt to deal with the issue of greater minority participation in Federal procurement programs resulted in Congress' "enactment of Public Law No. 95–507."[4] Here, Congress amended the Small Business Act and the Small Business Investment Act of 1958 by establishing that small business concerns generally, and those owned and controlled by socially and economically disadvantaged individuals, shall have the maximum practicable opportunity to participate in the performance of contracts let by any Federal Agency.[5] In effect, government contractors were required to include in their bids details for subcontracting with minority firms. In spite of Public Law No. 95–507, minority transportation firms continue to complain of difficulties in participating effectively in government contracts. Some of the reasons given are a lack of good faith on the part of many contractors and Federal agencies, and barriers to obtaining appropriate ICC authority to become participants in government transportation procurement contracts.

Issues for Consideration

In the backdrop of these governmental actions, Congress has now included increased minority participation as a goal of the National Transportation Policy. We hope the scheduled hearings will provide the Commission with information on specific problem areas and shed light on potential solutions. The following is an inexhaustive list of the issues the Commission wants the participants to address at the hearing:

1. What specific types of problems or difficulties are minorities experiencing in getting, maintaining, or expanding ICC operating authority?

2. Is the application process for the type of authority you desire fully understood? If not, in what respects is it confusing?

3. Does the requirement for shipper support in some applications pose special problems for minority firms? If so, what kind, and have those problems ever precluded the filing of an application?

4. Is the cost of legal fees prohibitive to entry or expansion. In this context, would some form of legal assistance help alleviate this burden, or would you make some other recommendation?

5. Is the application filing fee itself prohibitive to entry or expansion? Would elimination of all filing fees, reduced fees, or some type of sliding-scale fee system based on ability to pay be helpful?

6. What is your general understanding of the Commission's financial fitness requirements? Are these requirements viewed as an obstacle to entry?

7. Do you believe it is easier to purchase ICC authority than to obtain it by application? If so, please explain why.

8. What investment capital problems have you had? Is the interest cost of loans prohibitive? Are loans available at *any* rate?

9. In what ways and to what extent do compliance and recordkeeping requirements imposed by the Commission create financial burdens to existing firms?

10. The Motor Carrier Act of 1980 requires motor carriers of property to maintain $750,000 public liability, property damage, and environmental restoration insurance. What is the impact, in terms of cost or otherwise, of this requirement on your ability to enter the motor carrier transportation field or expand your operations? Does the requirement amount to an entry barrier?

11. Have you missed opportunities to obtain ICC authority in the past because of a lack of information? Which ones? What recommendations would you

[1] *Federal Agencies Can Provide More Opportunities for Minority Motor Carriers*, LCD–79–208, April 25, 1979.

[2] *Minority Motor Carriers Can Be Given More Opportunities to Participate In Defense Transportation*, LCD–78–213, June 6, 1978.

[3] Ex Parte No. 278, *Equal Opportunity In Surface Transportation*, 353 I.C.C. 425 (1977).

[4] 92 Stat. 1757.

[5] 92 Stat. 1767.

make to the Commission to improve communication to minorities in the future?

12. Have you experienced any difficulties in obtaining support from other government agencies for ICC authority in the past? What were the nature of those difficulties?

13. Have you as a minority ever experienced employment discrimination by the ICC regulated carrier? What were the circumstances involved?

14. Have you or your firm ever been refused any association or affiliation with an ICC carrier on racial grounds?

Conclusion

The purpose of these hearings is to find the answers to these and other questions concerning the problems you have in entering the field and in expanding your operations. We want to explore the reasons for the small number of minorities in this industry and to develop politices and strategies for overcoming the obstacles. Bring your ideas, problems and solutions to the hearings. Testify! Fill our the questionnaire attached to this issue paper and help us to continue to raise the level of minority participation in the surface transportation industry. All interested parties are invited to participate in these hearings.

Minority Trucker Questionnaire

The Interstate Commerce Commission is seeking to develop more information about minority involvement in the interstate motor carrier transportation industry. This questionnaire is designed to assist us in developing specific strategies to increase minority participation. It is divided into five sections (A–E). Sections A and B apply to all persons. Section C relates to employee situations; Section D to transportation of government traffic; and Section E to owner-operators. To insure that we properly pursue our minority efforts, please complete all applicable sections of the questionnaire and return it to the ICC, Small Business Assistance Office, Room 3385, Washington, DC 20423.

The collection, use, and maintenance of the data requested here is in conformity with the Privacy Act of 1974, 5 U.S.C. 552a. Since compliance with this request is voluntary, the failure to provide all or any part of the information will have no adverse effect on any individuals' rights, benefits, or privileges under Federal programs.

Section A (to be completed by all):

1. Name and address:
(Name) _____
(Street) _____
(City) _____
(State) _____
(ZIP code) _____

2. Minority status:
Black———
Spanish origin———
Aleutian———
Asian American———
American Indian———
Female———
Other (specify)———

3a. Type of transportation business:
Motor carrier
—general freight———
—household goods———
—passengers———
—Freight forwarder———
—Household goods agent———
—Property broker———
Water carrier———
Passenger borker———
Intrastate carrier———
Owner-operator———
Other (specify)———

b. Position held (i.e., owner, manager, driver, etc.)———

4. Number of years in transportation business:
0–5——— 6–20——— 20 or more———

5. Scope of transportation operations (number of States served) 1——— 2–5——— 6–20——— 20 or more———

6a. Do you hold ICC authority? Yes——— No———

b. If yes, indicate MC No.:———

c. Type of authority: Common carrier——— Contract carrier——— General freight——— Household goods——— Passenger——— Permanent authority——— Temporary authority———

d. Scope of regulated authority (number of States served):———

e. Did you use an attorney or ICC practitioner? Yes——— No———

7a. If you do not hold ICC authority, why not? Fearful of ICC rules and procedures——— No desire——— Lack of shipper support——— Unsuccessful application——— Too expensive——— Other (specify)———

b. Are you interested in obtaining ICC authority? Yes——— No———
What type (commodities and territory) ——

Section B (to be completed by all):

1. What are your primary sources of information about the transportation industry? The ICC——— Minority transportation associations——— Trade journals——— Other minority businessmen——— Attorney or practitioner——— Other (specify):———

2. What do you believe the ICC can do to best improve communications? Develop minority mailing list——— Distribute booklets/literature——— Conduct seminars/meetings——— Other (specify)———

3. Are you familiar with transportation terms as used by the ICC (such as common and contract carriage or radial and non-radial authority)? Yes——— No———

4. Are you familiar with the provisions of the Motor Carrier Act of 1980? Yes——— No———

5a. Do you have access to technical and managerial assistance? Yes——— No———

b. If no, do you believe the lack of this type of assistance has been an obstacle to successful competing in the transportation industry? Yes——— No———

6a. Are financing sources readily available to your firm? Yes——— No———

b. What is the primary source of your financing? Commercial institutions——— Direct loans from banks, loan companies, etc.——— Guaranteed government loans——— Government grants——— Other (specify)———

c. What are your major financing problems? Inability to secure loans——— Interest rates——— Length of loans——— Collateral required——— Other (specify)———

7a. Do you hold State motor carrier authority? Yes——— No———

b. Are you familiar with the State transportation licensing regulations of States other than where your business is located? Yes——— No———

c. Has compliance with these regulations created serious burdens on your firm? Yes——— No———

8. What is your perception about the dollar cost of acquiring ICC authority? $———

9a. Do you believe legal assistance is required to file for ICC authority? Yes——— No———

b. If desired, is legal assistance available to you? Yes——— No———

c. Would some form of government legal assistance program eliminate any problems you have had in securing legal advice? Yes——— No———

10. Are you familiar with ICC's rate filing requirements? Yes——— No———

11. Are you familiar with ICC's requirements that a regulated carrier designate process agents (persons upon whom legal papers may be filed on your behalf) in each State through which operations are conducted? Yes——— No———

12. Are you familiar with ICC reporting and recordkeeping requirements? Yes——— No———

13a. Are you familiar with DOT and ICC insurance requirements? Yes——— No———

b. What impact does the $750,000 minimum insurance requirement have on your ability to operate as an ICC carrier, in terms of increased cost or otherwise (as provided for in the Motor Carrier Act of 1980)? Cost $——— Barrier to acquiring authority: Yes——— No——— Other (specify) ———

14a. What is your estimate of the time required to obtain an initial decision from the ICC on a permanent motor carrier application?
(Time)———

b. Has your perception of regulatory delay at the ICC ever prevented you from filing for authority? Yes——— No———

15a. Have you ever filed an appliation for ICC authority? Yes——— No———

b. If yes, how many permanent ——— Number approved ———
How many temporary ——— Number approved ———

16a. Is the $350 permanent authority filing fee prohibitive to entry or expansion in

regulated interstate operations? Yes——— No———

b. Would elimination of filing fees, reduced fees, or some form of sliding-scale fee system (based on ability to pay), enable you to file more applications with the ICC? Yes——— No———

17a. Does the shipper support requirement associated with some application filings present any special problems? Yes——— No———

b. If yes, specify what kind: ———

c. Have those problems ever prevented you from filing for authority? Yes——— No———

Section C (to be completed by job applicant and by past or present employees of a transportation business):

1a. Have you ever experienced employment discrimination with an ICC regulated carrier? Yes——— No———

b. If yes, identify type of problem: ———

c. Do you believe that past employment discrimination contributed to any lack of opportunity by you in gaining experience in the transportation industry? Yes——— No———

2. Have you ever filed (individually or as a member of a class of individuals) a formal complaint with the Equal Employment Opportunity Commission? Yes——— No———

3a. Have you ever encountered problems in gaining knowledge about the industry in areas other than employment? Yes——— No———

b. If yes, what type? ———

4. Are vocational and other educational courses on transportation available to you? Yes——— No———

Section D (to be completed by persons interested in transporting government traffic):

1. Are you familiar with federal government procurement procedures? Yes——— No———

2a. Have you ever filed a bid to transport government traffic? Yes——— No———

b. If yes, list government agencies ———

3a. Have you ever had difficulty in obtaining support for ICC authority from government agencies? Yes——— No———

If yes, list government agencies ———

4a. Have you ever encountered other types of problems in dealing with government agencies? Yes——— No———

If yes, explain ———

5a. In 1979 the ICC established special, simplified licensing procedures for handling government traffic (Ex Parte No. MC–107). Were you aware of these procedures? Yes——— No———

b. If yes, did you file a request for authority under these special procedures? Yes——— No———

c. If no application was filed, explain why not: ———

Section E (to be completed by owner-operators):

1. Are you: leased to an ICC carrier ——— an exempt hauler ———

2. If leased to an ICC carrier, are you familiar with ICC's leasing regulations? Yes——— No———

3. Have you ever been refused any association with an ICC carrier on what you believe to be racial grounds? Yes——— No———

4a. Have you ever encountered other problems as an owner-operator based on what you feel were racial grounds? Yes——— No———

b. If yes, explain: ———

Any other comments (optional) ———

Note.—No envelope or postage is necessary. Simply fold the questionnaire, staple closed, and drop in a U.S. mailbox. Thank you.

[FR Doc. 81–2092 Filed 1–19–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carrier Temporary Application

Correction

In FR Doc. 80–34509, published at page 73543, on Wednesday, November 5, 1980, on page 73544, in the third column, the fifth line "points in Guernsey City, OH and Kanawha City, WV" should be corrected to read "points in Guernsey County, OH and Kanawha County, WV".

BILLING CODE 1505–01–M

Motor Carriers; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). An interim proposed final Rule 240 reflecting changes to comport with the Motor Carrier Act of 1980 was published in the July 3, 1980, Federal Register at 45 FR 45529 under Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*. These rules provide, among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the Federal Register. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 240(C) of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.240(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.240(A)(h).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: January 12, 1981.

By the Commission, Review Board Number 5, Members Krock, Taylor and Williams. (Member Krock not participating).

MC F 14528F, filed December 17, 1980. CARDINAL TRANSPORT, INC. (Cardinal) (1830 Mound Road, Joliet, IL

60463)—Purchase—WILLIAM T. AUSTIN (Trustee) d.b.a. AUSTIN TRUCKING COMPANY (Austin) (P.O. Box 306, Decatur, AL 35602). Representative: Fred H. Daly, 2550 M Street, NW., Washington, D.C. 20037. Cardinal seeks authority to purchase the interstate operating rights of Austin. John M. Riley, the sole stockholder of Cardinal, seeks authority to acquire control of said rights through this transaction. Cardinal is purchasing the interstate operating rights of Austin evidenced by permit No. MC 143423 (Sub-Nos. 2, 3, 4, 7, and 8), which authorizes the transporation, as a motor contract carrier, of (1) *sugar* (except in bulk), (a) from Gramercy, LA, to Decatur, AL, and (b) from Decatur, AL, to those points in the United States in and east of TX, OK, KS, NE, SD, and ND, under continuing contract(s) with Contract Packaging International, Inc., of Decatur, AL, (2)(a) *paint coatings, resing, and adhesives* (except commodities in bulk, in tank vehicles), from the facilities of Whittaker Coatings and Chemicals, at Chicago and Rockdale, IL, Los Angeles, and Gardena, CA, West Alexandria and Wooster, OH, Decatur, IL, Lenior, NC, and Minneapolis, MN, to points in AL, AR, CA, CT, FL, GA, IL, MD, MA, MN, MS, NH, NJ, NY, NC, OH, PA, SC, TN, TX, and VA, and (b) *raw materials used in the manufacture of the above-described commodities* (except commodities in bulk, in tank vehicles), from points in AL, AR, CA, CT, FL, GA, IL, MD, MA, MN, MS, NH, NJ, NY, NC, OH, PA, SC, TN, TX, and VA, to the facilities of Whittaker Coatings and Chemicals, at Chicago and Rockdale, IL, Los Angeles and Gardena, CA, West Alexandria and Wooster, OH, Decatur, AL, Lenoir, NC, and Minneapolis MN, (3) *insulated copper wire*, from the facilities of Cerro Wire and Cable Company at Hartselle, AL, to points in GA, IN, LA, MS, NC, TN, SC, FL, KY, MI, PA, and NY, under continuing contract(s) with Cerro Wire and Cable Company of Decatur, AL, (4) *copper rods*, from the facilities of Cerro Wire and Cable Company, at Syosset, NY, to the facilities of Cerro Wire and Cable Company at Hartselle, AL, under continuing contract(s) with Cerro Wire and Cable Company at Hartselle, AL, (5)(a) *generators, motors, and internal combustion engines*, and (b) *parts* for the commodities named in (5)(A) above, between the facilities of Onan Corporation at Huntsville, AL, on the one hand, and, on the other, points in AZ, CO, CA, GA, KS, KY, MO, NM, NC, OH, OK, OR, PA, SD, TN, TX, VT, WA, and IL, under continuing contract(s) with Onan Corporation of Minneapolis, MN, and certificate No. MC 143423 (Sub-No. 11), which authorizes *household refrigerators*, from the facilities of General Electric Company of Decatur, AL, to Little Rock, AR, and points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the United States and Canada. Cardinal is authorized to operate as a common carrier pursuant to certificates issued in MC 142059 and sub-numbers thereunder.

Note.—(1) An application for temporary authority has been filed. (2) A directly related conversion application was filed in MC 142059 (Sub-No. 148F) published in this same Federal Register issue.

Decision-Notice

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). Special Rule 247 was published in the Federal Register of July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically 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 protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed on or before March 9, 1981 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. On or before March 23, 1981 an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

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.

Dated: January 12, 1981.

By the Commission, Review Board Number 5, Members Krock, Taylor, and Williams (member Krock not participating).

MC 142059 (Sub-148F), filed December 17, 1980. Applicant: CARDINAL TRANSPORT, INC.—conversion and extension—1830 Mound Road, Joliet, IL 60463. Representative: Fred H. Daly, 2550 M Street NW., Washington, D.C. 20037. Authority is sought to convert contract carrier authority to common carrier authority in Docket No. MC 143423 (Sub-Nos. 2, 3, 4, 7F, and 8F). The authority being converted is as follows: (1) *sugar* (except in bulk), (a) from Gramercy, LA, to Decatur, AL, and (b) from Decatur, AL, to those points in the United States in and east of TX, OK, KS, NE, SD, and ND, (2)(a) *paint coatings, resins, and adhesives* (except commodities in bulk, in tank vehicles), from Chicago and Rockdale, IL, Los Angeles and Gardena, CA, West Alexandria and Wooster, OH, Decatur, IL, Lenoir, NC, and Minneapolis, MN, to points in AL, AR, CA, CT, FL, GA, IL, MD, MA, NM, MS, NH, NJ, NY, NC, OH, PA, SC, TN, TX, and VA, and (b) *raw*

materials used in the manufacture of the above-described commodities (except commodities in bulk, in tank vehicles), from points in AL, AR, CA, CT, FL, GA, IL, MD, MA, MN, MS, NH, NJ, NY, NC, OH, PA, SC, TN, TX, and VA, to Chicago and Rockdale, IL, Los Angeles and Gardena, CA, West Alexandria and Wooster, OH, Decatur, AL, Lenoir, NC, and Minneapolis, MN, (3) *insulated copper wire*, from Hartselle, AL, to points in GA, IN, LA, MS, NC, TN, SC, FL, KY, MI, PA, and NY, (4) *copper rods*, from Syosset, NY, to Hartselle, AL, and (5) *generators, motors, and internal combustion engines*, and (b) *parts* for the commodities named in (5)(a) above, between Huntsville, AL, on the one hand, and, on the other, points in AZ, CO, CA, GA, KS, KY, MO, NM, NC, OH, OK, OR, PA, SD, TN, TX, UT, WA, and IL. Applicant seeks to broadened the scope of authority in the conversion application. The authority being broaden is as follows: (1) *sugar* (except in bulk), between points in Morgan County, AL, and Orleans County, LA, on the one hand, and, on the other, those points in the United States in and east of TX, OK, KY, NE, SD, and ND, (2) *paint, coatings, resins, and adhesives*, and *raw materials* used in the manufacture thereof, between points in Cook County, IL, Will County, IL, Los Angeles County, CA, Wayne County, OH, Preble County, OH, Morgan County, AL, Caldwell County, NC, and Hennepin County, MN, on the one hand, and, on the other, points in the United States, (3) *copper wire*, between points in Morgan County, AL, on the one hand, and, on the other, points in GA, IN, LA, MS, MO, SC, TN, FL, KY, MI, PA, and NY, (4) *copper rods*, between points in Nassau County, NY, on the one hand, and, on the other, points in Morgan County, AL, and (5) *electrical generation and internal combustion engines, and parts and accessories* related thereto; and *materials, equipment and supplies* used in the manufacture thereof, between points in Madison County, AL, on the one hand, and, on the other, points in the United States. Condition: Since the above authority is broadening the authority sought in the directly related conversion application, we will require an additional $350 filing fee as a condition to the approval of this application.

Note.—This application in part, is directly related to MC–F–14528F, published in this same **Federal Register** issue.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–2090 Filed 1–19–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carrier Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). An interim proposed final Rule 240 reflecting changes to comport with the Motor Carrier Act of 1980 was published in the July 3, 1980, **Federal Register** at 45 FR 45529 under Ex Parte 55 (Sub-No. 44), Rules Governing Applications filed By Motor Carriers Under 49 U.S.C. 11344 and 11349. These rules provides among other things, that oppostiion to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 240(C) of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.240(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.240(A)(h).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authoriuzed as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: January 10, 1981.

By the Commission, Review Board Number 5, Members Krock, Taylor and Williams. (Board Member Krock not participating).

MC–F 14467F, filed December 17, 1980. MID-CITY FREIGHT LINES, INC. (Mid-City) (Route 1, Sibley, MO 64088)—Puchase (portion)—THUNDERBIRD MOTOR FREIGHT LINES, INC. (Thunderbird) (1473 Ripley, P.O. Box 5216, Lake Station, IN 46405). Representative: Wendell G. Rinacke, Route 1, Sible, MO 64088. Mid-City seeks authority to purchase a portion of the interstate operating rights of Thunderbird. Wendell G. Rinacke, who controls Mid-City through 100% of capital stock, as a condition to the approval of this transaction, will be required to join in the application. Mid-City is purchasing that portion of Thunderbird's Certificate No. MC–125708 (Sub-No. 104), which authorizes the transportation, as a motor common carrier, over irregular routes, of (1) *fertilizer equipment, fertilizer implements parts and accessories*, from the plant site and warehouse facilities of Clark Mfg. Co. (now Lely Independent Mfg. Co.) at Atherton, MO, to points in the U.S. (except AK and HI), and (2) *materials and supplies* used in the manufacture of fertilizer equipment, implement parts, and accessories, in the reverse direction. Mid-City is authorized to operate as a motor common carrier pursuant to authority issued in MC–138218 and sub-numbers thereunder. Condition: Approval and authorization of this transaction is conditioned upon

the prior receipt by the Commission of an affidavit signed by Wendell G. Rinacke, stating that he is in control of Mid-City Freight Lines, Inc., through stock ownership, that he joins in this application, and furnishing all information required by the application, form OP–F–44, to be submitted by an individual in control of an acquiring carrier.

MC–F 14527F, filed December 17, 1980. WOOSTER MOTOR WAYS, INC. (Wooster) (1357 Mechanicsburg Road, Wooster, OH 44691)—Purchase—BEAVERSON TRUCKING, INC. (Beaverson) (1752 Locust Street, Wooster, OH 44691). Representative: David A. Turano, 100 East Broad Street, Columbus, OH 43215. Wooster seeks authority to purchase the interstate operating rights of Beaverson. Kenneth E. Beaverson, the sole stockholder of Wooster, seeks authority to acquire control of said rights through the transaction. Wooster is purchasing those rights contained in Beaverson's Permits in MC–88621 and sub-numbers thereunder, which authorize the transportation, as a motor contract carrier, over irregular routes, of: (1) *truck bodies,* assembled and unassembled, and *parts, materials, and accessories* used in the assembly and sale of truck bodies when transported therewith, from Wooster and Akron, OH, to points in CT, DE, IL, IA, IN, KY, MD, MA, MI, MN, MO, NE, NJ, NY, PA, TN, VA, WV, and WI; (2) *supplies and materials* used in the manufacture, assembly and sale of truck bodies, from the above-specified destination points to Wooster and Akron, OH; (3) *unfinished sheet-metal stampings,* from Wooster, OH, to points in IN and to points in MI (except Willow Run, MI); (4) *paper and paper products* and *materials and supplies* used in the manufacture and sale thereof, between Wooster, OH, on the one hand, and, on the other, points in IL, IN, KY, MI, NJ, NY, OH, PA, and WV; (5) *paper and paper products,* and *equipment, materials and supplies* used in the manufacture, distribution, and sale of paper and paper product (except commodities in bulk, and except machinery, which by reason of size or weight requires the use of special equipment), between points in Sewickley Township, Westmoreland County, PA, on the one hand, and, on the other, points in IN, KY, MD, NJ, NY, PA, OH, VA, WV, and DC, under continuing contract with International Paper Company; and (6) *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 pertroleum and their products and by-products (except commodities in bulk), between points in IL, IN, KY, MI, NY, OH, PA, and WV, under continuing contract with Cofsco, Inc., of Wooster, OH. Wooster is a common carrier operating under certificates issued in MC–145194, transporting specified commodities in described areas involving the States of MI, IL, IN, OH, NY, PA, MA, CT, RI, NJ, MD, DE, WV, VA, NC, SC, GA, and AL.

Note.—Application for TA has been filed.

MC F 14534F, filed December 18, 1980. JOHNSON'S BUS SERVICE, INC. (Johnson) (704 Main Street, Mt. Joy, PA 17552)—Purchase(portion)—BROWN'S BUS SERVICE, INC. d.b.a. CAN-AM TOURS, (Brown) (Coatesville, PA 19320). Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108. Johnson seeks authority to purchase a portion of the interstate operating rights of Brown. Robert E. Johnson, sole stockholder of Johnson, as a condition to the approval and authorization of this transaction, will be required to join in this application as person in control. Johnson seeks to purchase the interstate operating rights contained in Brown's certificates which authorize the transportation, as a motor common carrier, over regular routes, as follows: MC–94774 (Sub-No. 2), *passengers, and their baggage* in the same vehicle with passengers, between Chester, PA, and Camden, NJ, serving all intermediate points; from Chester over U.S. Hwy 13 to junction PA Hwy 420, then over PA Hwy 420 to Essington, PA, then over PA Hwy 291 to Philadelphia, PA, then over the Walt Whitman Bridge and city streets to Camden, and return over the same route, service over the above-described route is restricted to the transportation of passengers who are picked up or discharged at the site of the plant of the New York Ship Building Corporation at Camden; and MC–94774 (Sub–No. 5), *passengers and their baggage* in the same vehicle with passengers, between Chester PA, and Gloucester City, NJ, serving all intermediate points except that no service shall be provided in the city of Philadelphia, PA, at points north of Interstate Hwy 676 or west of PA Hwy 291; from Chester over PA Hwy 291 to junction Interstate Hwy 676, then over Interstate Hwy 676 and the Walt Whitman Bridge to Camden, NJ, then over city streets and connecting hwys to Glucester City, and return over the same route. Johnson presently holds no authority from the Commission. Robert E. Johnson, sole stockholder of Johnson, controls 33% of Executive Coach (MC–144620F). Condition: Authorization and approval of this transaction and the issuance of an effective notice is conditioned upon the prior receipt by the Commission of an affidavit signed by Robert E. Johnson, stating that he is the person in control of Johnson's Bus Service, Inc., through stock ownership, and that he joins in this application.

[FR Doc. 81–2091 Filed 1–19–81; 8:45 am]
BILLING CODE 7035–01–M

Motor Carrier Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539. 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 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant 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 its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant 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. 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 interest in the form of verified statements filed on or before March 9, 1981, (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.

On or before March 23, 1981, 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".

Volume No. OP1–007

Decided: January 14, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill. (Member Hill dissenting.)

MC 33641 (Sub-156F), filed November 16, 1980, and previously noticed in FR issue of December 11, 1980, as MC 33541 (Sub-156F). Applicant: IML FREIGHT, INC., P.O. Box 30277, Salt Lake City, UT 54130. Representative: Eldon E. Bresee (same address as applicant). Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in the U.S.

Note.—This republication deletes the condition previously imposed and corrects the docket number.

Volume No. OP2–154

Decided: January 14, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 144303 (Sub-26), (correction), filed November 5, 1980, published in the **Federal Register**, issue of December 10, 1980, and republished, as corrected, this issue. Applicant: YOUNGBLOOD TRUCK LINES, INC., P.O. Box 1048, Fletcher, NC 28732. Representative: Charles Ephraim, 406 World Center Bldg., 918 16th St., NW., Washington, D.C. 20006. 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 Franklin Chemical Industries, Inc., of Columbus, OH, and its subsidiaries and affiliates. The purpose of this republication is to correct the territorial description by adding "and its subsidiaries and affiliates". This application was originally published under sub 23, which has been re-numbered to sub 26 this publication.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-2036 Filed 1-19-81; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 29455 (Sub-Nos. 1-5)]

Norfolk and Western Railway Co; Purchase, Illinois Terminal Railroad Co.; Decision and Notice

AGENCY: Interstate Commerce Commission.

ACTION: Applications accepted for consideration.

SUMMARY: The Commission is accepting for consideration the application of Norfolk and Western Railway Company to purchase the assets of the Illinois Terminal Railroad Company. The proposed transaction is found not to constitute one of regional or national transportation significance within the meaning of the Staggers Rail Act of 1980. The Commission is also accepting related applications concerning certain trackage rights agreements with the Illinois Central Gulf Railroad Company and the Chicago and North Western Transportation Company, and the assumption of bonds of Illinois Terminal Railroad Company.

DATES: Written comments must be filed no later than February 20, 1981.

FOR FURTHER INFORMATION CONTACT: Ellen Hanson (202) 275–7245 or Ernest B. Abbott (202) 275–3002.

ADDRESS: An original and 10 copies of all statements should be sent to: Section of Finance, Room 5414, Interstate Commerce Commission, Washington, D.C. 20423.

SUPPLEMENTARY INFORMATION: Finance Docket No. 29455 (Sub-No. 1), Norfolk and Western Railway Company—Purchase—Illinois Terminal Railroad Company; Finance Docket No. 29455 (Sub-No. 2), Norfolk and Western Railway Company—Assumption and Obligation of Bonds of Illinois Terminal Company; Finance Docket No. 29455 (Sub-No. 3), Norfolk and Western Railway Company—Trackage Rights—Illinois Central Gulf Railroad Company; Finance Docket No. 29455 (Sub-No. 4), Norfolk and Western Railway Company—Trackage Rights—Illinois Central Gulf Railroad Company; Finance Docket No. 29455 (Sub-No. 5), Norfolk and Western Railway Company—Trackage Rights—Chicago and North Western Transportation Company.

On December 22, 1980, NORFOLK AND WESTERN RAILWAY COMPANY (N&W) and ILLINOIS TERMINAL RAILROAD COMPANY (IT) jointly filed an application under 49 U.S.C. 11343 seeking authority for N&W to purchase the assets and equipment of IT. A number of related applications were also filed on December 22, 1980, including three trackage rights applications (two involving the Illinois Central Gulf Railroad Company (ICG) and one with the Chicago and North Western Transportation Company (C&NW)) and an application for approval for N&W to assume obligation and liability of bonds of IT.

All of the applications have been consolidated for handling by the Commission.

These applications were filed under our current consolidation regulations, 49 CFR Part 1111, as modified in Ex Parte No. 282 (Sub-No. 3) [45 FR 62991, September 23, 1980], *Railroad Consolidation Procedures*, 363 I.C.C. 200 (1980). Applicability of these regulations was established in our decision in this proceeding served December 11, 1980. These regulations, subject to the waivers granted in our December 11, 1980 decision, apply to all other persons who may become parties to these proceedings.

We are accepting these applications for consideration because they substantially comply with the applicable regulations and the waivers granted in this proceeding.

The applications and exhibits are available for inspection in the Public Docket Room at the offices of the Interstate Commerce Commission in Washington, D.C. In addition, they may be obtained from applicants' representatives upon request.

Description of the Transaction

The proposed transaction involves the purchase by N&W, a Class I rail carrier, of the principal assets and equipment of IT, a Class II rail carrier. The transaction is governed by 49 U.S.C. § 11343 and the time limits of 49 U.S.C. 11345, as those sections are modified by Section 228 of the Staggers Rail Act of 1980, Public Law 96–448, October 14, 1980.

The rail carrier subsidiaries of N&W are set forth in the Appendix. IT has no rail carrier subsidiaries.

N&W operates a system comprised of 7,454 miles of railroad in IL, IN, IA, KY, MD, MI, MO, NE, NY, NC, OH, PA, VA, and WV, and in the Province of Ontario, Canada. N&W also operates in KS pursuant to trackage rights.

The principal lines of N&W extend from the eastern points of Norfolk, VA, Hagerstown, MD, and Buffalo, NY, westward to Kansas City, KS, and

Omaha, NE, and serve Detroit, MI, Cleveland, Toledo, Akron, Columbus and Cincinnati, OH, Ft. Wayne, Muncie, and Indainapolis, IN, Chicago and Decatur, IL, St. Louis, MO, and Pittsburgh, PA. N&W also provides north-south service between Chicago and St. Louis, between the upper midwest and western VA, and through the Shenandoah Valley of Va.

IT operates in Illinois and Missouri, with a system comprising 420.45 miles of main track of which 149.18 miles are owned and the remainder operated under trackage rights agreements. The principal line of IT extends from St. Louis, MO to Springfield, Decatur and Champaign, IL. IT also has a line that extends from Decatur to Peoria, IL.

If the transaction is approved N&W will operate over former IT lines as a single carrier. IT will be dissolved as a corporate entity.

Presently pending before the Commission is an application by NWS Enterprises, Inc., a holding company, to control both N&W and the Southern Railway Company. F.D. 29430 (Sub-No. 1). *See* 46 FR 173 (January 2, 1981). Should both applications be approved by the Commission, IT's lines would be incorporated in the new NWS system.

Statutory Standards

Under the Staggers Rail Act, if a proceeding does not involve the merger or control of at least two class I railroads, we must approve the application unless we find:

(1) As a result of the transaction there is likely to be a substantial lessening of competition, creation of a monopoly, or restraint of trade in freight surface transportation in any region of the United States; and

(2) The anticompetitive effects of the transaction outweigh the public interest in meeting significant transportation needs.

49 U.S.C. 11344(d). Parties filing comments are cautioned and urged to address these statutory criteria.

The Staggers Rail Act requires us to indicate in this notice whether the proposed transaction is of "regional or national transportation significance."[1] Our interim regulations state that a Section 11343 transaction between a Class I railroad and a Class II railroad is of regional or national transportation significance if it is a "control or merger" proceeding, or if it is a "major market extension" resulting from, *inter alia*, an acquisition or purchase. 49 CFR 1111.5(a), *as amended by* Ex Parte No. 282 (Sub-No. 8) [45 FR 74488, November 10, 1980], *supra*.

N&W's application does not appear to constitute a major market extension. First, the transaction does not give N&W access to any new market. N&W already serves IT's principal market area (St. Louis, MO). With one exception (Delany, IL), all IT terminal points connect with N&W. N&W and IT essentially operate parallel lines and N&W will gain access to only a few additional points, such as Morton and Mackinaw, IL. While the transaction arguably gives N&W access to new through routes from St. Louis to Peoria and from St. Louis to Champaign (both via Springfield and Decatur), IT's route is approximately equal in length to that of N&W, consists of relatively light weight rail, and is in poor condition; it does not provide N&W with an opportunity to improve its service time significantly.

The competitive insignificance of the transaction is reflected by the vote of IT's shareholders approving N&W's proposal. These shareholders are the 8 principal carriers serving the midwest area, and are N&W's principal competitors in the region. Yet all but the trustee of the Chicago, Rock Island, and Pacific Railroad Company, which is no longer in rail operations, voted for the proposal.

Finally, the price to be paid for the extensive mileage involved does not seem to reflect any major competitive benefits. The principal consideration for N&W's acquisition of all of IT's assets is the assumption by N&W of IT's first mortgage in the amount of $5.3 million.

For all of these reasons, we believe the proposed transaction is not a major market extension. Moreover, we believe that our "major market extension" analysis demonstrates directly that the transaction is not of regional or national transportation significance. Indeed, the purpose of our major market extension rules is to identify those transactions which will likely have a significant impact. See 49 CFR 1111.3(c).

We believe, on further reflection, that our statement in our interim regulations that a proceeding is of regional or national transportation significance if it involves the "merger or control"—as opposed to the "acquisition"—of a Class I and a Class II carrier is unduly restrictive. The form of the transaction—merger, control, or acquisition of assets and assumption of obligation—should not affect the substance of the transaction or its significance to the regional and national transportation systems.

Accordingly, whether or not N&W's purchase of substantially all assets of IT should be construed as, in essence, a "merger or control", we hereby find that the proposed transaction is not one of regional or national transportation significance.

Participation in the Proceeding: Comments

Any interested person may participate in this proceeding by submitting written comments regarding the applications. An original and 10 copies must be filed with the Section of Finance, Room 5414, Interstate Commerce Commission, Washington, DC 20423, no later than February 20, 1981. Written comments shall be concurrently served by first-class mail on the United States Secretary of Transportation, the Attorney General of the United States, and the applicants' representatives: Robert J. Cooney, Senior General Attorney, Norfolk and Western Railway Company, 1660 Railway Exchange Bldg., St. Louis, MO 63101 and Steven J. Anthony, Secretary and General Counsel, Illinois Terminal Railroad Company, 710 Tucker Boulevard, St. Louis, MO 63177.

Written comments must also be served upon all parties of record within 10 days of service of the service list by the Commission. We plan to issue that service list by March 2, 1981. All persons who file timely written comments may be considered as parties of record, but only if they so indicate in their comments. In this event no petition for leave to intevene need be filed.

Written comments must contain:

(1) The docket number and title of the proceeding;

(2) The name, address and telephone number of the commenting party and its representative upon whom service shall be made;

(3) The commenting party's position, *i.e.* whether it supports or opposes the proposed transactions;

(4) A statement of whether the commenting party intends to participate formally in the proceeding or merely comment upon the proposal;

(5) A list of all information sought to be discovered from applicant carriers;

(6) An initial list of specific protective conditions sought; and

(7) Any request for oral hearing that the commenting party will make with reasons supporting the request. Particular attention should be given to

[1] This finding determines the time frames applicable to the proceeding. If the transaction is not of regional or national transportation significance, we must issue a final decision within 150 days from the date of publication of this notice in the Federal Register; otherwise, we have 270 days in which to issue a final decision.

Furthermore, there is no provision for the filing of inconsistent applications if the transaction is not of regional or national transportation significance. See Ex Parte No. 282 (Sub-No. 8), *Railroad Consolidation Procedures—Time Revisions*, (decided October 29, 1980) 45 FR 74488 (November 10, 1980).

Ex Parte No. 282 (Sub-No. 3A), *Railroad Consolidation Proceedings, Expedited Processing*, (served December 17, 1980, 45 FR 84803 (December 23, 1980).

We advise interested person to direct their comments to the statutory criteria discussed above.

Preliminary comments from the Secretary of Transportation and the Attorney General must be filed with the Commission by March 9, 1981.

Responsive Applications

The Staggers Rail Act of 1980 contains no provision for inconsistent applications in connection with a transaction which is not of regional or national significance. Our interim regulations implementing the Act expressly prohibit such responsive application. Ex parte No. 282 (Sub-No. 8), *supra*. Thus, none will be entertained.

Procedural Information

Applicants are directed to respond no later than March 25, 1981, to any information request contained in the written comments of other parties. We encourage response to discovery requests as soon as possible in order to expedite the proceeding. Applicants' responses should indicate what information will be voluntarily supplied and the reasons why the remainder will not be voluntarily supplied. We warn parties now that we will not tolerate dilatory tactics in response to reasonable discovery requests designed to elicit relevant evidence. A refusal voluntarily to supply information will be treated as an objection to the request for discovery. Responses should be served upon all parties of record, and 10 copies of those responses should be concurrently filed with the Commission.

The original and 10 copies of all documents in this proceeding should be filed directly with the Section of Finance, Office of Proceedings, Interstate Commerce Commission, Room 5414, Washington, DC 20423.

Formal hearing are not contempleted at this time. On or before April 4, 1981, if hearings or other evidentiary proceedings are deemed necessary, we will issue a further order to that effect.

By statute, the evidentiary phase of the proceeding must be concluded by May 6, 1981. Service of an initial decision will be waived, and determination on the merits of the applications will be made in the first instance by the entire Commission, under 49 U.S.C. 11345, by June 20, 1981.

It is ordered:

1. The applications in Finance Docket No. 29455 (Subs. 1–5) are accepted for consideration.

2. The parties shall comply with all provisions as stated above.

3. This decision is effective on January 21, 1980.

Decided: January 14, 1981.

By the Commission, Chairman Gaskins, Vice Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

Appendix—Norfolk and Western Railway Company's Railroad Subsidiaries

Class III

The Akron, Canton & Youngstown Railroad Company.

Chesapeake Western Railway.

The Lorain & West Virginia Railway Company.

New Jersey, Indiana & Illinois Railroad Company.

Norfolk, Franklin and Danville Railway Company.

Terminal Company

The Lake Erie and Fort Wayne Railroad Company.

Other Railroad Companies

The Scioto Valley and New England Railroad Company.

The Toledo Belt Railway Company.

Wabash Railroad Company.

The Wheeling and Lake Erie Railway Company.

[FR Doc. 81-2093 Filed 1-19-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions

Correction

In FR Doc. 80-34324, published at page 73148, on Tuesday, November 4, 1980, on page 73154, in the second column, the first line, "Bridgeport, OH" should be corrected to read "Bridgeport, NJ".

BILLING CODE 1505-01-M

Motor Carrier Temporary Authority Application

Correction

In FR Doc. 80-36060, published at page 76538, on Wednesday, November 19, 1980, on page 76549, in the second column, in the fourth paragraph "MC 124078 (Sub-4-44TA)", in the ninth line, "Baton Rouge, IA" should be corrected to read "Baton Rouge, LA".

BILLING CODE 1505-01-M

Motor Carrier Temporary Authority Application

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-87

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 140267 (Sub-1-2TA), filed January 8, 1981. Applicant: R. A. TRANSPORTATION, INC., Six Connerty Court, East Brunswick, NJ 08816. Representative: Thomas J. Beener, 67 Wall Street, Suite 2510, New York, NY 10005. *Contract carrier:* irregular routes: *Paint, stains, varnishes, liquid and dry*, from Parlin, NJ, to points in New York, NY. Supporting shipper: E. I. Dupont de Nemours & Co., Inc., 1000-1007 Market Street, Wilmington, DE 19898.

MC 8973 (Sub-1–8TA), filed January 8, 1981. Applicant: METROPOLITAN TRUCKING, INC., 75 Broad Avenue, Fairview, NJ 07022. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. *Such commodities as are manufactured, dealt in or used by a manufacturer or distributor of chemicals, plastic materials (except in bulk),* between points in the US. Supporting shipper(s): Amoco Chemicals, 200 E. Randolph Drive, Chicago, IL 60601. Dow Chemical USA, P.O. Box 150, Building 3302, Plaquemine, LA 70764. B. F. Goodrich, 6100 Oak Tree Blvd., Cleveland, OH 44131. P. D. George Company, Industrial Coatings Div., 5200 N. 2nd Street, St. Louis MO 63147. Meer Corp., 9500 Railroad Avenue, North Bergen, NJ 07047.

MC 123408 (Sub-1–6TA), filed December 31, 1980. Applicant: FOOD HAULERS, INC., 600 York Street, Elizabeth, NJ 07207. Representative: Barbara R. Klein, 1101 Connecticut Avenue N.W., Washington, DC 20036. *Contract carrier:* irregular routes: *Frozen food products* between points in the US, under continuing contracts with Lenders Bagel Bakery. Supporting shipper: Lender's Bagel Bakery Inc., Post Road, West Haven, CT 06516.

MC 106748 (Sub-1–2TA), filed December 31, 1980. Applicant: GODDARD'S TRANSPORTATION, INC., Route 4, Fair Haven, VT 05743. Representative: John P. Monte, P.O. Box 568, Barre, VT 05641. *Ground limestone,* from Florence VT to Franklin, PA. Supporting shipper: Omya, Inc., 61 Main Street, Proctor, VT 05765.

MC 150121 (Sub-1–1TA), filed December 30, 1980. Applicant: DVJ TRUCK LINES, INC., 1 Ridge Road, Monmouth Junction, NJ 08852. Representative: Henry J. Capro, 1585 Morris Avenue, Union, NJ 07083. *Contract carrier:* irregular routes: *Toilet Preparations, bandages or dressings, soap and shampoo, swabs, diapers or diaper liners, baby gift sets, powder, baby talc and related raw materials,* between Somerset, North Brunswick, Linden, NJ; NJ TOFC ramps, Port Jervis, NY, Philadelphia TOFC ramps, Westchester, PA, and Harrisburg, PA. Supporting shipper: Johnson & Johnson Baby Products Company, 220 Centennial Avenue, Piscataway, NJ 08854.

MC 22988 (Sub-1–3TA), filed January 8, 1981. Applicant: K. G. MOORE, INC., 9 Park Ave., Hudson, NH 03051. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181. *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading)* (1) between points in CT, ME, MA, NH, RI and VT, and (2) between points in CT, ME, MA, NH, RI and VT, on the one hand, and, on the other, points in the U.S. (except HI). There are fourteen (14) certificates of support submitted with this application which may be examined at the I.C.C. Regional Office at Boston, MA.

MC 16872 (Sub-1–3TA), filed January 7, 1981. Applicant: WILLIAM MIRRER, d.b.a. MIRRER'S TRUCKING, 100 E. 25th Street, Paterson, NJ 07514. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *(1) Plastic and metal articles, and (2) materials, equipment and supplies used in the manufacture and sale of the commodities named in (1) above,* (1) between Carlstadt, NJ, on the one hand, and, on the other, Sarasota, FL, and (2) between Carlstadt, NJ, on the one hand, and, on the other, points in TX. Supporting shipper: Atlantic Can Company, 101 7th St., Passaic, NJ 07055.

MC 153294 (Sub-1–2TA), filed January 6, 1981. Applicant: A YANKEE LINE, INC., 25 Chestnut Street, Cambridge, MA 02138. Representative: Michael Eby, Esq, Gilman, McLaughlin & Hanrahan, 10 Post Office Square, Boston, MA 02109. *Passengers and their baggage, in the same vehicle, in charter and special operations,* between Boston, MA, on the one hand, and, on the other, points in the US (excluding AK and HI). Supporting shippers: There are 6 statements in support attached to this application which may be examined at the I.C.C. Regional Office in Boston, MA.

MC 136366 (Sub-1–2TA), filed January 7, 1981. Applicant: BEE LINE INC., 17 Commerce Road, Fairfield, NJ 07006. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *(1) Paper and paper articles, (2) plastic and plastic articles, and (3) materials, equipment, and supplies used in the manufacture and sale of the commodities named in (1) and (2) above (except commodities in bulk),* between Mechanic Falls, ME and Elmwood Park, NJ, on the one hand, and, on the other, points in the US. Supporting shipper: Marcal Paper Mills, Inc., 1 Market Street, Elmwood Park, NJ 07407.

MC 145829 (Sub-1–12TA), filed January 7, 1981. Applicant: ETI CORP., P.O. Box 1, Keasbey, NJ 08832. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Contract carrier:* irregular routes: *General commodities (except commodities in bulk, household goods, classes A and B explosives, and commodities which because of size and weight require special handling),* between points in the US, under continuing contract(s) with ABC–TNT and Acme Fast Freight. Supporting shipper: ABC–TNT and Acme Fast Freight, 2110 Alhambra Avenue, Los Angeles, CA 90031.

MC 153449 (Sub-9–1TA), filed January 6, 1981. Applicant: FRANK P. PITTS, INC., Route 104, Williamson, NY 14589. Representative: John F. O'Donnell, Barrett and O'Donnell, 60 Adams St., P.O. Box 238, Milton, MA 02187. *Contract carrier:* irregular routes: *Metals, metal products, plastics, plastic products, and containers,* between Rochester, NY, Chicago, IL, Philadelphia, PA, and Jackson, MS, under contract(s) with Caldwell Manufacturing Company, Rochester, NY. Supporting shipper: Caldwell Manufacturing Company, Rochester, NY 14602.

MC 153337 (Sub-1–1TA), filed December 30, 1980. Applicant: FLUTONVILLE PLASTICS, INC., 1 Union Street, Fultonville, N.Y. 12072. Representative: Robert Dorfman, Comrie Ave., Johnston, N.Y. 12072. *Contract carrier, irregular routes, containers, glass with or without caps, stoppers or covers* from Clarion, PA to Canajoharie, NY under a continuing contract with Beech Nut Foods Corp., Canajoharie, NY. Supporting Shipper: Beech Nut Foods Corporation, Church Street, Canajoharie, NY 13317.

MC 145829 (Sub-1–11TA), filed January 6, 1981. Applicant: ETI CORP., P.O. Box 1, Keasbey, NJ 08832. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Contract carrier:* irregular routes: *(1) Cleaning compounds, disinfectants, softeners, and insecticides; and (2) materials, equipment, and supplies used in the manufacture and distribution of the commodities named in (1) above (except in bulk),* between points in the U.S. Supporting shipper: Texize, Division of MortonNorwich, P.O. Box 368, Greenville, SC 29602.

MC 145468 (Sub-1–4TA), filed January 6, 1981. Applicant: KSS TRANSPORTATION CORP., Route 1 and Adams Station, P.O. Box 3052, North Brunswick, NJ 08902. Representative: Arlyn L. Westergren, Westergran & Hauptman, P.C., Suite 201, 9202 West Dodge Road, Omaha, NE 68114. *Meat and packinghouse products,* between Seward County, KS, on the one hand, and, on the other, points in the U.S. Supporting shipper: National Beef Packing Co., Inc., P.O. Box 1358, Liberal, KS 67901.

MC 109725 (Sub-1–2TA), filed January 6, 1981. Applicant: K. F. CROCKER TRANSPORTATION CO., INC., Jewell Hill Road, Ashby, MA 01431. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103. *Liquid sweeteners in bulk, in tank vehicles,* between Boston, MA and points east of the Mississippi River. Supporting shipper: Ingredient Technology Corp., Boston Molasses Division, 920 East First Street, South Boston, MA 02127.

MC144710 (Sub-1–1TA), filed January 6, 1981. Applicant: MONROE CONTRACTORS EQUIPMENT, INC., 1640 Penfield Road, Rochester, NY 14625. Representative: S. Michael Richards, P.O. Box 225, Webster, NY 14580. *Carbon electrodes, furnace or electrolytic bath and carbon plugs, carbon or graphite scrap, coke flour, machinery and machinery parts, and materials, equipment and supplies used in the manufacture, sale and distribution of carbon electrodes,* between points in Erie, Niagara and St. Lawrence Counties, NY and Elk County, PA, and points in AL, AZ, AR, CA, CO, DE, DC, ID, IA, KS, LA, ME, MD, MI, MN, MS, MO, MT, NE, NV, NH, NM, NY, ND, OK, OR, RI, SD, TX, UT, VT, WA and WY. Supporting shipper: Airco Speer, Carbon Graphite Div., Airco, Inc., 4861 Packard Rd., Niagara Falls, NY 14302.

MC 148155 (Sub-1–1TA), filed January 6, 1981. Applicant: TRANS COASTAL CORPORATION, P.O. Box 116W, Winslow, ME 04902. Representative: John C. Lightbody, Esq., Murray, Plumb & Murray, 30 Exchange Street, Portland, ME 04101. *General commodities (except household goods as defined by the Commission, explosives and commodities of unusual value),* between points in ME, GA, and CA, on the one hand, and, on the other points in the U.S. Supporting shipper(s): There are 17 statements in support attached to this application which may be examined at the I.C.C. Regional Office in Boston, MA.

MC 153232 (Sub-1–1TA), filed January 6, 1981. Applicant: DAVID D. SALKA FREIGHT LINES, 59 Valley View Drive, Meriden, CT 06450. Representative: John E. Fay, Esq., 663 Maple Avenue, Hartford, CT 06114. *Contract carrier:* irregular routes: *Raw materials and finished goods suitable for the manufacture and processing of soft drinks and production and distribution of same,* between Meriden, CT, on the one hand, and, on the other hand, points in MA, RI, NH, VT, ME, NY, NJ, PA, and MD, for account of Connecticut Seven-Up Bottling Co., Inc. Supporting shipper: Connecticut Seven-Up Bottling Co., Inc., 127 Pomeroy Ave., Meriden, CT 06450.

The following applications were filed in region 2: Send protests to: ICC, Federal Reserve Bank Building, 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 121372 (Sub–II–5TA), filed January 5, 1981. Applicant: EXPRESS TRANSPORT COMPANY, 1217 Dalton St., Cincinnati, OH 45203. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. *(1) Iron and Steel, iron and steel articles, and (2) equipment, material and supplies used in the manufacturing, processing, sale and distribution of the commodities named in (1) above (except commodities in bulk),* Between Boyd and Greenup Counties, KY, on the one hand, and, on the other, points in AL, GA, FL, LA, MS, NC, SC, TN, VA and WV, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: ARMCO, INC., 703 Curtis St., Middletown, OH 45043.

MC 140889 (Sub–II–11TA), filed January 5, 1981. Applicant: FIVE STAR TRUCKING, INC., 4720 Beidler Rd., Willoughby, OH 44094. Representative: Ignatius B. Trombetta, 1220 Williamson Bldg., Cleveland, OH 44114. Contract, Irregular. *Boxed, and packaged meats and meat products, poultry, poultry products, frozen and processed potato and potato products, canned fruits and vegetables, diatomaceous earth products, and other and sundry items, goods, materials, and equipment used in the wholesale and retail grocery business;* from points in TX, CO, NB, IA, OK, KS, AZ, NM, WA, OR, ID, WI, MN, TN, NC, SC, GA, and FL, to shippers facilities located in Monroe County, NY. Shipper: Wegman's Food Markets, Inc., 1500 Brooks Ave., Rochester, NY 14607.

MC 153474 (Sub–II–1TA), filed January 7, 1981. Applicant: WAYNE THOMAS, dba C&W TRUCKING. Representative: Edward A. O'Donnell, 1004 29th St., Sioux City, IA 51104. *Contract Irregular; Printing inks, materials, equipment and supplies utilized in the manufacture and distribution of printing inks* Between Elk City, PA, on the one hand, and on the other, points in the Commercial Zones of Akron, OH, Appleton, WI, Chicago, IL, Cincinnati, OH, Des Moines, IA, Detroit, MI, Holland, MI, Kalamazoo, MI, LaCrosse, WI, Louisville, KY, Milwaukee, WI, San Francisco, CA, Sioux Falls, SD, St. Louis, MO, St. Paul, MN, Waseca, MN, Youngstown, OH, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Ridgeway Color Co., 75 Front St., Ridgeway, PA 15853.

MC 2605 (Sub-II–6TA), filed January 7, 1981. Applicant: COMMERCIAL TRANSPORTATION, INC., 2300 E. Adams Ave., Phila. Pa. 19124. Representative: Donald J. Campanile (same address as applicant). *General commodities, in containers, having prior or subsequent movement by water or rail,* between Baltimore County, MD, Philadelphia County, PA, points in the States of OH, IN, KY, PA, Wayne County, MI, Cook County, IL, and New York, NY, for 270 days. Applicant intends to tack the authority sought herein with its existing authority. Supporting shipper: S. R. Teimouri, Chamber of Commerce Bldg., Baltimore, Md.

MC 113828 (Sub-II–12TA), filed January 7, 1980. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, D.C. 20014. Representative: William P. Sullivan, 818 Connecticut Ave., Washington, D.C. 20006. *Chemicals in bulk* between Rowan Co., and Brunswick Co., on the one hand, and, on the other, points in the U.S. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Proctor Chemical Co., Lumbert St., P.O. Box 399, Salisbury, NC 28144.

MC 138438 (Sub-II–22TA), filed January 2, 1981. Applicant: D. M. BOWMAN, INC., Rt. 2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *Brick, concrete products, and other building materials,* between points in and east of OH, KY, TN and AL, on the one hand, and, on the other, points in IL and IN, for 270 days. Supporting shipper: Ramm Brick and Materials, Inc., 223 Tilden Ave., La Grange, IL 60525.

MC 119791 (Sub-II–1TA), filed January 5, 1981. Applicant: R. J. TRUCKING, INC., 1220 Roosevelt Ave., York, PA 17405. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St. NW., Washington, D.C. 20005. *Paper and paper products, and materials and supplies used in the manufacture and distribution thereof,* between points in York County, PA, on the one hand, and, on the other, points in CT, MA, NY, OH, VA, and WV for 270 days. The operations authorized herein are limited to a transportation service on behalf of St. Regis Paper Company. An underlying ETA seeks 120 days authority. Supporting shipper: St. Regis Paper Company, 150 E. 42nd St., New York, NY 10017.

MC 106920 (Sub-II–12TA), filed January 5, 1981. Applicant: RIGGS FOOD EXPRESS, INC., West Monroe St., P.O. Box 26, New Bremen, OH 45869. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St. NW., Washington, D.C. 20001. *Such*

commodities as are dealt in by food business houses, and materials, ingredients, and supplies used in their manufacture and distribution, between points in OH, on the one hand, and, on the other, points in CT, DC, DE, IA, IL, IN, KY, MA, MD, ME, MI, MN, MO, ND, NE, NH, NJ, NY, OH, PA, RI, SD, VA, VT, WI, and WV for 270 days. Restricted to traffic originating at or destined to the facilities utilized by Stouffer Corporation. Supporting shipper: Stouffer Foods Corporation, 5750 Harper Road, Solon, OH 44139.

MC 146551 (Sub-II–6TA), filed January 5, 1981. Applicant: TAYLOR TRANSPORT, INC., P.O. Box 285, Grand Rapids, OH 43522. Representative: Tommy R. Taylor (same as applicant). (1) *Bakery goods and equipment, materials and supplies used in the manufacture, preparation and distribution of bakery goods* (except commodities in bulk), between points in Hamilton County, OH, on the one hand, and, on the other, points in IL and MI (lower peninsula) and, (2) *Such merchandise as is dealt in by wholesale, retail, chain grocery and food business houses, institutions, catalog show room stores, and home center stores and equipment, materials and supplies used in the manufacture, preparation and distribution of commodities named above* (except commodities in bulk), between points in CT, GA, IL, IN, KY, MA, MI (lower peninsula), NJ, NY, NC, TN, OH, and PA. Restricted to shipments for the account of Victory Wholesale Grocers. For 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: (1) Springwater Cookie Co. 11555 Grooms Rd. Cincinnati, OH 45242. (2) Victory Wholesale Grocers, 333 W. 1st Street, Suite 170, Dayton, OH 45402.

MC 127579 (Sub-II–10TA), filed January 2, 1981. Applicant: HAULMARK TRANSFER, INC., 1100 North Macon Street, Baltimore, MD 21205. Representative: Glen M. Heagerty (same as applicant). *General commodities* (except household goods, commodities in bulk and Class A and B explosives) between the facilities of Parke, Davis & Co., Greenwood, SC, on the one hand, and, on the other, points in the states of AR, CT, DE, IL, IN, IA, KS, KY, ME, MD, MA, MI, MO, NH, NJ, NY, OH, PA, RI, TN, VT, VA, WV, WI, and DC for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Parke, Davis & Co., P.O. Box 368, Greenwood, SC 29646.

MC 110328 (Sub-2–3TA), filed January 5, 1981. Applicant: ROY A. LEIPHART TRUCKING, INC., 1298 Toronita St., York, PA 17402. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *Automobile parts, carpets and carpeting, and materials and supplies used in the manufacture, sale and distribution of automobile parts and carpets and carpeting* between Carlisle and Lewistown, PA, and Mobile and Atmore, AL, on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, KS, OK and TX, for 270 days. Supporting shipper: C. H. Masland & Sons, Box 40, 50 Spring Rd., Carlisle, PA 17013.

MC 153321 (Sub-2–1TA), filed December 31, 1980. Applicant: LAVCO, INC., 1620 Keyser Ave, Scranton, PA 18508. Representative: Louis J. Carter, Esq., 1625 Eye St. N.W. Ste 1009, Washington, DC 20006. *Non-radioactive hazardous wastes and industrial wastes and empty waste containers* from the City of Scranton, PA and within 120 miles of the City of Scranton, PA to points in PA, OH, NY, NJ, MD and SC for 270 days. An underlyng ETA seeks 120 days authority. Supporting shippers: L. E. Carpenter & Company, 170 North Main St., Wharton, NJ 07881; The Trane Company, P.O. Box 917, Scranton, PA 18501; Sanitas, Humboldt Industrial Park, Hazleton, PA 18201; Harte & Co., Oakhill Road, Crestwood Park, Mountaintop, PA 18707; Consolidated Molded Products, Inc., Greenwood & Warner Sts, Scranton, PA 18505.

MC 150939 (Sub-2–11TA), filed January 7, 1981. Applicant: GEMINI TRUCKING, INC., 1533 Broad St., Greensburg, PA 15601. Representative: William A. Gray, ESQ., 2310 Grant Bldg., Pittsburgh, PA 15219. *Petroleum and petroleum products, automotive chemicals and cleaning compounds and materials, equipment and supplies used by automotive service centers (except in bulk)* between the facilities of Ashland Petroleum Co., Division of Ashland Oil, Inc. in NJ, OH, KY, TX, IL, MO, PA, OR and CA on the one hand, and, on the other, points in the US, under a continuing contract or contracts with Ashland Petroleum Co., Division of Ashland Oil, Inc., for 270 days. Supporting shipper: Ashland Petroleum Co., Division of Ashland Oil, Inc., P.O. Box 391, Ashland, KY 41101.

MC 45194 (Sub-2–2TA), filed December 18, 1980. Applicant: LATTAVO BROTHERS, INC., 2230 Shepler Church Ave., S.W., Canton, OH 44706. Representative: James W. Muldoon, 50 W. Broad St., Columbus, OH 43215. (1) *metals, metal products* (except metal containers used in the food and beverage industry), *machinery and machinery parts*, except commodities in bulk; (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above, except commodities in bulk, and (3) *contractors' and builders' materials, equipment and supplies*, except commodities in bulk, between points in AL, FL, GA, IL, IN, KY, MD, NJ, NY, NC, OH, PA, SC, TN, VA and WV. An underlying ETA seeks 120 days authority. Supporting shipper(s): There are 28 supporting shippers. Their statements can be examined at the ICC Phila. Regional office.

MC 138036 (Sub-2–1TA), filed December 29, 1980. Applicant: J & S, INC., P.O. Box 288, Indianola, PA 15051. Representative: Williams A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219. *General commodities* (except classes A and B explosives) between points in the US under a contiuing contract(s) with J. C. Penney Company, Inc. of New York, NY., for 270 days. Supporting shipper: J. C. Penney Company, Inc., 1301 Avenue of the Americas, New York, NY 10019.

MC 148412 (Sub-2–2TA), filed December 29, 1980. Applicant: GRIBBLER TRUCKING, INC., RD 3, Rockwood, PA 15557. Representative: John E. Fullerton, 407 N. Front St., Harrisburg, PA 17101. *Locomotive parts; electrical equipment; materials, supplies and equipment used in the manufocture and distribution of locomotives and electrical motors* between points in the United States, under continuing contracts with General Electric Company, Erie, PA, for 270 days. Supporting shipper: General Electric Company, 2901 E. Lake Rd., 24B. Erie, PA 16531.

MC 48386 (Sub-2–3TA), filed December 29, 1980. Applicant: GRAVER TRUCKING, INC., R.D. 7, Box 7655, Stroudsburg, PA 18360. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. *Wine*, From Hammondsport, NY to Jacksonville and Miami, FL, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Gold Seal Wine Company, P.O. Box 203, Hammondsport, NY 14840.

MC 80653 (Sub-2–5TA), filed December 29, 1980. Applicant: DAVID GRAHAM COMPANY, P.O. Box 254, Levittown, PA 19059. Representative: Lois T. Philipkosky (same address as applicant). *Lumber and wood products* from MT, ID, WA, and OR, on the one hand, and, on the other, to points in and States East of MI, IL, KY, TN and MS, for 270 days. An underlying ETA seeks 120 days authority: Supporting shippers: Lightner Brokerage Service, Box 8208, Missoula, MT 59807; Missoula White Pine Sash Co., P.O. Box 7009, Missoula,

MT 59807; Louisiana—Pacific Corporation, Intermountain Division, P.O. Box 4007, Missoula, MT 59806.

MC 153289 (Sub-II–1TA), filed December 22, 1980. Applicant: GEORGE W. LANE, d.b.a., G. W. LANE TRUCKING, 5501 Fireside Court, Virginia Beach, VA 23464. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229. *Contract,* irregular: *bananas,* between Norfolk, VA (and points in the commercial zone thereof) on the one hand, and, on the other, Baltimore, MD; Charleston, SC; Miami and Tampa, FL; Mobile, AL; Newark, NJ; New York, NY; Philadelphia, PA; Wilmington, DE; (and points in the commercial zones thereof) for 270 days. Supporting shipper: Norfolk Banana Distributing Co., Inc., 3616 E. Virginia Beach, Blvd., Norfolk, VA 23502.

MC 143394 (Sub-2–20TA), filed December 24, 1980. Applicant: GENIE TRUCKING LINE, INC., 70 Carlisle Springs Rd, P.O. Box 840, Carlisle, PA 17013. Representative: G. Kenneth Bishop (same as applicant). Contract: Irregular: *General Commodities* (except those of unusual value, Class A & B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment) between Philadelphia, PA and commercial zone and Hoboken, NJ and commercial zone and points in the states of AL, FL, GA, IL, IN, LA, MS, NC, OH, SC, TN, TX and WI under continuing contract(s) with West Coast Shippers Association, Philadelphia, PA 19142 for 270 days. Supporting shipper: West Coast Shippers Association, 2000 S. 71st Street, Philadelphia, PA 19142.

MC 125335 (Sub-2–23TA), filed December 29, 1980. Applicant: GOODWAY TRANSPORT, INC. P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. *Foodstuffs and such commodities as are used or dealt in by food business houses,* From Rocky Mount and Forest City, NC, to Mason City, IA, Quakertown, PA, La Grange, GA, Independence, MO, Frankfort, KY, and Jacksonville, FL, for 270 days. Supporting shipper: Fast Food Merchandisers, Inc., P.O. Box 1241, Rocky Mount, NC 27801.

MC 13134 (Sub-II–17TA), filed December 19, 1980. Applicant: GRANT TRUCKING, INC., Box 256, Oak Hill, OH 45656. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215. *Refractory products and materials and supplies* used in the manufacture, installation and distribution of refractory products, between points in Greenup County, KY, and Hamilton County, OH, on the one hand, and, on the other, Andrews, SC; Bauxite and Little Rock, AR; Mexico, MO, and Niagara Falls, NY, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Didier-Taylor Refractories Corp., Box 457, South Shore, KY 41175.

MC 147570 (Sub-2–4TA), filed December 17, 1980. Applicant: KABAT EXPRESS, INC., 1944 Scranton Rd., Cleveland, OH 44113. Representative: Daniel M. Kabat (same as applicant). Contract: Irregular: *Computing machine paper, plain or ruled; forms, printed NOI; computing machine paper, printed; teletype paper, printed;* between the facilities of Duplex Products, Inc., at Emigsville, PA; W. York, PA; Goshen, IN; Sycamore, IL; Temple, TX; and Atlanta, GA, on the one hand, and, on the other points in the US (except AK and HI), for 270 days. Supporting shipper: Duplex Products, Inc., 228 W. Page St., Sycamore, IL 60178.

MC 25562 (Sub-2–1TA), filed December 17, 1980. Applicant: A. R. GUNDRY, INC., 445 Earlwood Ave., Oregon, OH 43616. Representative: William P. Fromm (same as applicant). *Petroleum and petroleum products,* in bulk, in tank vehicles from Albany, NY to points within the states of VT, CT and MA for 270 days. Supporting shipper: Bray Terminals, Inc., River Road, Marcy, NY 13403.

MC 152984 (Sub-2–1TA), filed December 22, 1980. Applicant: WILLIAM R. LUTZ, SR., d.b.a. LUTZ ENTERPRISES, R. D. #2, Rte. 22, New Alexandria, PA 15670. Representative: John A. Vuono, 2310 Grant Bldg., Pittsburgh, PA 15219. *Contract Carrier, Irregular Route: Fabricated pipe and ferrous and non-ferrous metals,* between points in Westmoreland County, PA, on the one hand, and, on the other, points in DE, DC, IN, KY, MD, NY, OH, VA and WV under a continuing contract(s) with Universal Plumbing & Piping Supply, Inc. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Universal Plumbing & Piping Supply, Inc., P.O. Box Y, Latrobe, PA 15650.

MC 125335 (Sub-2–24TA), filed December 30, 1980. Applicant: GOODWAY TRANSPORT, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. *Foodstuffs* (except in bulk), *and materials, supplies and equipment used in the production, sale and distribution thereof,* (1) From points in CT, DE, MD, MA, NJ, NY, PA, and RI, to Springfield, Belvidere, Ashton, and Chicago, IL, Terre Haute, New Albany, Lafayette, and Seelyville, IN, Martel, OH, and St. Louis, MO; (2) From Kansas City, KS, and Kansas City, MO, to Springfield and Belvidere, IL, and Terre Haute and New Albany, IN; (3) From Denison, TX, to points in AR, KS, LA, MS, MO, NE, OK, and SD; (4) From St. Louis, MO, to East Greenville, PA, and Denison, TX; (5) From Trenton, TN, to Terre Haute, IN, and East Greenville, PA; (6) From East Greenville, PA, to CT, DE, MD, MA, NJ, NY, RI, and DC; (7) From Terre Haute, IN, and Springfiled, IL, to Buffalo, NY; (8) From Miami, FL, to Doraville, GA, Lafayette, IN, Belvidere, IL, and Ft. Worth, TX; (9) Between Fridley, MN, Ft. Worth, TX, Doraville, GA, Carthage, MO, Bonner Springs, KS, Vineland, NJ, Tampa, FL, and Belvidere, IL; and (10) From Newnan, GA, to Murfreesboro, TN, and Joplin, MO, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: The Pillsbury Company, 608 Second Avenue, South, Minneapolis, MN.

The following applications were filed in Region 3. Sent protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 115841 (Sub-3–38TA), filed January 6, 1981. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., McBride Lane, P.O. Box 22168, Knoxville, TN 37922. Representative: Michelene Good (same as above). *Foodstuffs* (except commodities in bulk), from Cincinnati, OH to points in CT, DE, DC, MD, NJ, NY, PA and VA. Supporting shipper: Serv-A-Portion, 9140 Lurline Avenue, Chatsworth, CA 91311.

MC 138882 (Sub-3–34TA), filed January 6, 1981. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, Alabama 36081. Representative: John J. Dykema (same address as applicant). (1) *Pressure sensitive paper, label stock, self-adhesive paper labels and reinforcements, gum paper, printing and wrapping paper, label machines, plastics and cellulose film, aluminum foil, textile label and tags, and reflective sheeting, and (2) Materials, equipment and supplies used in the manufacture and distribution of commodities named in (1) above* Between points in the US (except AK and HI). Restricted to traffic originating at or destined to the Fasson, Thermark, Avery Label and Soabar Divisions of Avery International. Supporting shipper: Avery International, 250 Chester St., Painesville, OH 44077.

MC 133757 (Sub–3-1TA), filed January 6, 1981. Applicant: CAROLINA EAST FURNITURE TRANSPORT, INC., P.O. Box 1426, Sumter, SC 29150. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. *1–(a) New furniture, (b)-materials, equipment and supplies used in the manufacture of*

new furniture, between Rocky Mount, NC and Sumter, SC, on the one hand, and, on the other, points in KY. *2-Fireplace accessories,* from New Albany, IN to points in GA, NC, and SC. There are eleven certificates of support attached to the application which may be examined at the ICC Regional Office.

MC 108676 (Sub-3–6TA), filed January 6, 1981. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Avenue, N.E., Knoxville, TN 37917. Representative: Michael S. Teets (same address as applicant). *Construction machinery and equipment* between points in the US (except AK and HI), restricted to transportation of shipments moving for the account of Astec Industries, Inc., Supporting Shipper: Astec Industries, Inc., 4101 Jerome Avenue, Chattanooga, TN 37407.

MC 115841 (Sub-3–39TA), filed January 6, 1981. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., McBride Lane, P.O. Box 22168, Knoxville, TN 37922. Representative: Michelene Good (same as above). *Canned Foodstuffs* from St. Henry, OH to points in AL, AR, DC, FL, GA, IL, IN, KY, LA, MD, MI, MS, MO, NJ, NY, NC, OK, PA, SC, TN, TX, VA, WV, and WI. Supporting Shipper: Beckman & Gast, P.O. Box 307, St. Henry, OH 45883.

MC 138157 (Sub-3–4TA), filed January 6, 1981. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 South Market Street, Chattanooga, TN 37410. Representative: Patrick E. Quinn (same as above). *General commodities (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities which by reason of size or weight require the use of special equipment)* from points in WA, OR, and CA to points in the United States. Restricted to traffic moving for the account of Onan Consolidation, Inc. Supporting Shipper: Onan Consolidation, Inc., 911 Western Avenue, Suite 522, Seattle, WA 98114.

MC 146646 (Sub-3–38TA), filed January 6, 1981. Applicant: BRISTOW TRUCKING CO., INC., P.O. Box 6355–A, Birmingham, AL 35217. Representative: James W. Segrest, (same address as applicant). *General Commodities (except household goods as defined by the Commission and Class A and B explosives),* between points in the U.S. Restricted to the transportation of traffic for United Freight, Inc. Supporting shipper: United Freight, Inc., 1260 Southern Road, Morrow, GA 30260.

MC 138279 (Sub-3–2TA), filed January 6, 1981. Applicant: CONALCO CONTRACT CARRIER, INC., P.O. Box 968, Jackson, Tennessee 38301. Representative: Charles W. Teske, (address same as applicant). *Contract carrier,* irregular routes, *Pressure-sensitive paper, label stock, self-adhesive paper labels & reinforcements, gum paper, printing and wrapping paper, lable machines, plastics and cellulose film, aluminum foil, textile lables and tags, reflective sheeting and materials used in manufacturing thereof,* between all points in the US (except AK and HI) and facilities of Avery International, under a continuing contract or contracts with Avery International. Supporting shipper(s): Avery International, 250 Chester St., Painesville, OH 44077.

MC 75840 (Sub-3–45TA), filed January 6, 1981. Applicant: MALONE FREIGHT LINES, INC., Post Office Box 11103, Birmingham, AL 35202. Representative: William P. Jackson, Jr., Post Office Box 1240, Arlington, VA 22210. *Such commodities as are used, dealt in, or distributed by a manufacturer and distributor of paper and paper products (except in bulk),* between the facilities of P. H. Glatfelter Company, located at or near Spring Grove, PA and West Carrollton, OH, on the one hand, and, on the other, points in TX, AR, LA, MS, TN, GA, FL, AL, KY, NC, SC, VA, DE, MD, WV, OH, PA, NY, NJ, RI, CT, MA and DC. Supporting shipper: P. H. Glatfelter Company, 228 South Main Street, Spring Grove, PA 17362.

MC 139958, (Sub-3–11TA), filed January 6, 1981. Applicant: R. T. TRUCK SERVICE, INC., 2334 Millers Lane, Louisville, KY 40216. Representative: Rudy Yessin, 113 West Main Street, Frankfort, KY 40601. *Pre-stressed concrete structural products, steel reinforced;* from Greenville, IN to points in OH, IA, KY and PA. Supporting shipper: Zurn Industries, Inc., P.O. Box 187, Greenville, IN 47124.

MC 126899 (Sub-3–3TA), filed January 2, 1981. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, P.O. Box 3156, Paducah, KY 42001. Representative: George M. Catlett, 708 McClure Building, Frankfort, KY 40601. *Paper and plastic articles,* from Lexington, KY, to Cleveland and Columbus, OH, Indianapolis, IN, Pittsburgh, PA, Charleston, WV, Nashville, and Knoxville, TN, Detroit, MI. Supporting shipper: American Can Co., Lexington, KY.

MC 153396 (Sub-3–1TA), filed January 2, 1981. Applicant: ANTHONY D. SOSEBEE, d.b.a. LOAD–IT, 5211 Mitchell Bridge Road, Dalton, GA 30720. Representative: Anthony D. Sosebee (same address as applicant). *Contract* carrier: irregular: *General Commodities, except household goods as defined by the Commission and Classes A and B explosives,* between the facilities utilized by CO–AM Transport Services, Inc. and their customers and receivers, between points in the U.S. (except AK and HI), under continuing contract with CO–AM Transport Services, Inc. Supporting shipper: CO–AM Transport Services, Inc., P.O. Box 26793, Charlotte, NC 28213.

MC 152952 (Sub-3–1TA), filed December 2, 1980. Republication—originally published in **Federal Register** of December 15, 1980, Page 82381, volume 45, No. 242. Applicant: WAYNE SMITH, d.b.a. WAYNE SMITH TRUCKING COMPANY, Route 2, Box 462, Jacksonville, AL 36265. Representatives: Archie B. Culbreth, John P. Tucker, Jr., Suite 202, 2200 Century Parkway, Atlanta, GA 30345. *Lumber, lumber products and forest products,* between points in Etowah, Calhoun and Talladega Counties, AL on the one hand, and, on the other points in FL, GA, IA, IL, IN, KS, KY, MI, MN, MO, MS, NY, OH, PA, TN, and WI. Supporting shippers: Gerald Willis Lumber Co., Route 3, Box 467, Piedmont, AL 36272; Read Brothers Lumber Co., Route 9, Gadsden, AL.

MC 151727 (Sub-3–3TA), filed December 2, 1980. Republication—originally published in **Federal Register** of December 15, 1980, page 82381, volume 45, No. 242. Applicant: SABRE TRANSPORT, INC., P.O. Box 12288, Atlanta, GA 30305. Representative: H. L. Walsh (same address as applicant). *No. 300 Finished Metal Containers and Processed cat and dog food (canned),* from Atlanta, GA to all points south and east of MN, WI, IA, KS, CO and NM. Supporting shipper: Allied Foods, Inc., 1450 Hills Place N.W., Atlanta, GA 30318.

MC 144827 (Sub-3–27), filed January 6, 1981. Applicant: DELTA MOTOR FREIGHT, INC., P.O. Box 18423, Memphis, TN 38118. Representative: R. Connor Wiggins, Jr., Suite 909, 100 N. Main Bldg., Memphis, TN 38103. (1) *Bread making compounds and ingredients* from Sanford, FL, and Dallas, TX, to points in the U.S.; and (2) *materials and supplies used in the processing and manufacturing and distribution of commodities in (1)* from points in the U.S. to Dallas, TX, and Sanford, FL. Supporting shipper: Southland Corporation, Chemical Div., 5801 Marvin D. Love Freeway, Suite 400, Dallas, TX 75237.

MC 138882 (Sub-3–33TA), filed January 6, 1981. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081.

Representative: John J. Dykema (same address as applicant). *(1) Malt beverages, in containers, and (2) Materials, equipment and supplies used in the manufacture and distribution of commodities in (1) above,* between San Antonio, TX and its commercial zone, and points in AL. Supporting shippers: (1) Alabama Distributing Co., Inc., P.O. Box 818, Selma, AL 36702, (2) Gulf Distributing Co., Inc., 3378 Moffat Road, Mobile, AL 36605, and (3) Allstate Beverage Company, Inc., P.O. Box 2308, Montgomery, AL 36103.

MC 136291 (Sub-3–1TA), filed January 6, 1981. Applicant: CUSTOMIZED PARTS DISTRIBUTION, INC., 3600 N.W. 82nd Avenue, Miami, FL 33166. Representative: Dale A. Tibbets (same address as applicant). *Contract:* Irregular: *automotive parts and materials, accessories and supplies used in the manufacture of automotive parts and automotive vehicles.* between Livonia and Detroit, MI; East Point and Atlanta, GA; Charlotte, NC; Miami and Jacksonville, FL; Richmond, VA; Pennsauken, NJ; New York, NY; Teterboro, NJ; Hopedale, MA; Baltimore, MD; and Memphis, TN; under continuing contract(s) with Ford Motor Company. Supporting shipper: Ford Motor Company, One Parklane Blvd., Dearborn, MI 48126.

MC 145637 (Sub-3–2TA), filed January 6, 1981. Applicant: B & B EXPRESS, INC., P.O. Box 5552, Station B, Greenville, SC 29606. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004. *Medical and surgical supplies and materials, equipment and supplies used in the manufacture, sale and distribution of same,* between the facilities of Parke Davis & Co., Medical, Surgical Division, at or near Greenwood, SC, on the one hand, and, on the other, points in WA, OR, CA, AZ, TX, NM and ID. Supporting shipper(s): Parke Davis & Co., Medical and Surgical Division, P.O. Box 368, Greenwood, SC 29646.

MC 119777 (Sub-3–26TA), filed January 6, 81. Applicant: LIGON SPECIALIZED HAULER, INC., Highway 85 East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer L, Madisonville, KY 42431. *(1) Off-highway vehicles, (2) off-highway vehicular bodies and (3) parts, and accessories for comodities in (1) and (2),* between ports of entry on the international boundary line between the United States and Canada at or near Detroit, MI, Buffalo and Champlain, NY, and Highgate Springs, VT, on the one hand, and, on the other, points in the United States. Restriction: Restricted to traffic originating at the facilities of Atlas Hoist & Body, Inc. Supporting shipper: Atlas Hoist & Body, Inc., 7500 Cote de Liesse, Montreal Quebec, H–4T 1E8.

MC 138157 (Sub-3–41TA), filed January 6, 1981. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.d.a. SOUTHWEST MOTOR FREIGHT, 2931 South Market Street, Chattanooga, TN 37410. Representative: Patrick E. Quinn (same as above). *General commodities (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities which by reason of size or weight require the use of special equipment)* between points in the United States. Restricted to traffic moving for the account of A. J. Fritz & Co. Supporting shipper: A. J. Fritz & Co., 1306 2nd Avenue, Room 210, Seattle, WA 98101.

MC 153429 (Sub-3–1TA), filed January 6, 1981. Applicant: LAKEWAY TRUCKING COMPANY, Post Office Box 763, Morristown, TN 37814. Representative: Carl W. Eilers, 111 East Market Street, Kingsport, TN 37660. *(1) Lumber, wood products, paper, paper products, and marble tops and (2) materials, equipment, and supplies used in the manufacture, assembly, and distribution of the commodities in (1)* above between points in Hamblen and Jefferson Counties, TN, on the one hand, and, on the other, points in the United States in and east of TX, OK, KS, NE, SD, and ND. Supporting Shippers: Lea Industries, Inc., 1530 Gluck Road, Morristown, TN 37814 and Triangle Pacific Corporation, 16803 Dallas Parkway, Dallas, TX 75248.

MC 75840 (Sub-3–44TA), filed January 6, 1981. Applicant: MALONE FREIGHT LINES, INC., Post Office Box 11103, Birmingham, AL 35202. Representative: William P. Jackson, Jr., Post Office Box 1240, Arlington, VA 22210. *Such commodities as are used, dealt in, or distributed by a manufacturer of rail and locomotive supplies and equipment (except in bulk),* between the facilities of Abex Corporation located at or near Winchester, VA, Niagara Falls, NY, and Salisbury, NC, on the one hand, and, on the other, points in TX, AR, LA, MS, TN, GA, FL, AL, KY, NC, SC, VA, DE, MD, WV, OH, PA, NY, NJ, RI, CT, MA and DC. Supporting shipper: Abex Corporation, 530 Fifth Avenue, New York, NY 10036.

MC 75840 (Sub-3–43TA), filed January 6, 1981. Applicant: MALONE FREIGHT LINES, INC., Post Office Box 11103, Birmingham, AL 35202. Representative: William P. Jackson, Jr., Post Office Box 1240, Arlington, VA 22210. *Such commodities as are used, dealt in, or distributed by a manufacturer of smoke vents and steel doors (except in bulk),* between the facilities of General Products Company, Inc., located at or near Fredericksburg, VA, on the one hand, and, on the other, points in TX, AR, LA, MS, TN, GA, FL, AL, KY, NC, SC, VA, DE, MD, WV, OH, PA, NY, NJ, RI, CT, MA and DC. Supporting shipper: General Products Company, Inc., Post Office Box 887, Fredericksburg, VA 22401.

MC 75840 (Sub-3–42TA), filed January 6, 1981. Applicant: MALONE FREIGHT LINES, INC., Post Office Box 11103, Birmingham, AL 35202. Representative: William P. Jackson, Jr., Post Office Box 1240, Arlington, VA 22210. *Such commodities as are used, dealt in, or distributed by a manufacturer of radios, stereo equipment and televisions (except in bulk),* between the facilities of Soundesign Corporation located at or near Jersey City, Bayonne, and Elizabeth, NJ, on the one hand, and, on the other, points in TX AR, LA, MS, TN, GA, FL, AL, KY, NC, SC, VA, DE, MD, WV, OH, PA, NY, NJ, RI, CT, MA and DC. Supporting shipper: Soundesign Corporation, Route 169, 30th Street, Bayonne, NJ 07002.

MC 151653 (Sub-3–2TA), filed January 6, 1981. Applicant: GLOSSON ENTERPRISES, INC., Route 15, Box 55 (Old 29 South), Lexington, NC 27292. Representative: J. C. Glosson (same address as applicant). *General Commodities, except household goods as defined by the Commission and Classes A and B explosives,* between the facilities utilized by CO–AM Transport Services, Inc. and their customers and receivers, between points in the U.S. (except AK and HI). Supporting shipper: CO–AM Transport Services, Inc., P.O. Box 26793, Charlotte, NC 28213.

MC 144081 (Sub-3–1TA), filed January 6, 1981. Applicant: D. W. STACY CO., INC., 100 North Bivens Road, Monroe, NC 28110. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204. *Contract carrier:* irregular: *such commodities as are dealt in by food business houses and materials, ingredients and supplies used in their manufacture and distribution,* between all points in the United States, under continuing contract with Stouffer Foods Corporation. Supporting shipper: Stouffer Foods Corporation, 5750 Harper Road, Solon, OH 44139.

MC 140484 (Sub-3–17TA), filed January 6, 1981. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, Fort Myers, FL 33902. Representative: Frank T. Day (same as applicant). *Such merchandise as is dealt in by food*

business houses and materials, ingredients and supplies used in their manufacture and distribution between points in the states of OH and SC on the one hand, and on the other, points in the states of AL, AR, FL, GA, KY, LA, MS, NC, OH, OK, SC, TN, and TX. Restricted to traffic originating at or destined to the facilities utilized by the Stouffer Foods Corporation. Supporting shipper: Stouffer Foods Corporation, 5750 Harper Road, Solon, OH 44139.

MC 153427 (Sub-3–1TA), filed January 6, 1981. Applicant: H. G. TURNER, INC., U.S. Highways 129 and 41, P.O. Box 1007, Jasper, FL 32052. Representative: Martin Sack, Jr., 203 Marine National Bank Bldg., 311 W. Duval Street, Jacksonville, FL 32202. *Construction materials, and machinery, equipment, materials and supplies used in the manufacture, installation, distribution and packaging thereof,* between the facilities of General Laminates Corporation at or near Jasper, FL, on the one hand, and, on the other hand, points in the United States. Supporting shipper: General Laminates Corporation, P.O. Box 1011, Jasper, FL 32052.

MC 59150 (Sub-3–11TA), filed January 6, 1981. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose Street, Jacksonville, FL 32206. Representative: Martin Sack, Jr., 203 Marine National Bank Bldg., 311 W. Duval Street, Jacksonville, FL 32202. *Roofing materials, Fibrous Glass Products, Wallboard, and Pipe,* between Winder, GA; Butner, NC; Savannah, GA; Green Cover Springs, FL; Etowah, TN; Natchez, MS; and Marrero, LA, on the one hand, and, on the other, points in AL, FL, GA, NC, SC, TN, VA, MS, LA, AR, KY, WV, MD and DC. Supporting shipper: Johns-Manville Sales Corporation, P.O. Box 105545, Atlanta, GA 30348.

MC 124839 (Sub-3–2TA), filed January 6, 1981. Applicant: BUILDERS TRANSPORT, INC., P.O. Box 500, Camden, SC 29020. Representative: B. M. Shirley, Executive Vice President, Builders Transport, Inc., P.O. Box 500, Camden, SC 29020; and William P. Sullivan, 818 Connecticut Avenue NW., Washington, DC 20006. *Contract,* irregular—*General commodities (except class A and B explosives and used household goods as defined by the Commission)* betweeen points in, south and east of TX, OK, MO, IA, IL, IN, OH, PA and NY under a continuing contract(s) with Lowe's Companies, Inc. of North Wilkesboro, NC. Supporting shipper: Lowes Companies, Inc., Highway 268 East, P.O. Box 1111, North Wilkesboro, NC 28656.

MC 107515 (Sub-3–89TA), filed January 6, 1981. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Bruce E. Mitchell, Esq., 3390 Peachtree Rd. NE., 5th Floor, Lenox Towers South, Atlanta, GA 30326. *Foodstuffs, supplies and ingredients used in the manufacture of non-exempt food or kindred products* between Jacksonville, IL and Sherman, TX. Supporting shipper: Anderson Clayton Foods, P.O. Box 226165, Dallas, TX 75266.

MC 121654 (Sub-3–29TA) filed January 6, 1981. Applicant: COASTAL TRANSPORT & TRADING CO., P.O. Box 7438, Savannah, GA 31408. Representative: Bruce E. Mitchell, Esq., 3390 Peachtree Rd. NE., 5th Floor-Lenox Towers South, Atlanta, GA 30326. *Such commodities as are dealt in by manufacturers of paper and paper products (except in bulk)* from facilities of Container Corporation of America at or near Lansdale, North Wales, Philadelphia and Port Providence, PA and South Brunswick, NJ to Mobile, AL; Alexandria, LA; Medford, MA; Auburn, NY; and Dallas, TX, and points within their respective commercial zones. Supporting shipper: Container Corporation of America, 5000 Flat Rock Rd., Philadelphia, PA 19127.

MC 136898 (Sub-3–4TA), filed January 6, 1981. Applicant: BAKER TRANSPORT, INC., P.O. Box 688, Hartselle, AL 35640. Representative: M. Bruce Morgan, 100 Roesler Rd, Suite 200, Glen Burnie, MD 21061. *Contract:* Irregular: *General Commodities,* Between Points in the U.S. Supporting shipper: Alabama Farmers Cooperative, Inc., P.O. Box 2227, Decatur, AL.

MC 144827 (Sub-3–26TA), filed January 6, 1981. Applicant: DELTA MOTOR FREIGHT, INC., P.O. Box 18423, Memphis, TN 38118. Representative: R. Connor Wiggins, Jr., Suite 909, 100 N. Main Bldg., Memphis, TN 38103. *General commodities (except those of unusual value, Classes A & B explosives, commodities in bulk, household goods, and those requiring special equipment) which at the time are moving on bills of lading of freight forwarders* from Orange County and Los Angeles, CA to points in the U.S. Supporting shipper: Acme Fast Freight, Inc., 2110 Alhambra, Los Angeles, CA 90031.

MC 129712 (Sub-3–8TA) filed January 6, 1981. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 569, McDonough, GA 30253. Representative: Frank D. Hall, Postell & Hall, P.C., Suite 713, 3384 Peachtree Rd. NE., Atlanta, GA 30326. *Contract,* irregular, *Lock sets, lock parts, hardware and materials, equipment and supplies used in the manufacture and distribution of such commodities,* between all points in the US, under a continuing contract(s) with Dexter Lock Co., a division of Kysor Industrial Corp. Supporting shipper: Dexter Lock Co., Division of Kysor Industrial Corp., 1601 Madison Ave., Grand Rapids, MI.

MC 144827 (Sub-3–25TA), filed January 6, 1981. Applicant: DELTA MOTOR FREIGHT, INC., P.O. Box 18423, Memphis, TN 38118. Representative: R. Connor Wiggins, Jr., Suite 909, 100 N. Main Bldg., Memphis, TN 38103. *Foodstuffs (except in bulk)* from facilities of La Rinascente Macaroni Co. at or near Hackensack, NJ, to New Orleans, LA; Omaha, NE; and points in FL and TX. Supporting Shipper: La Rinascente Macaroni Company, 41 James St., So. Hackensack, NJ 07606.

MC 151536 (Sub-3–1TA), filed January 6, 1981. Applicant: CEPHUS DALTON, Route 7, Box 750, Mt. Airy, NC 27030. Representative: Wayne Harrell, P.O. Box 1124, Mt. Airy, NC 27030. *Contract:* Irregular: *Portable Utility Buildings,* from Mt. Airy, NC to various sales lots in the following states: NC, SC, VA, GA, KY, TN, WV. Supporting Shipper: Leonard Aluminum Utility Buildings, Inc., P.O. Box 1124, Mt. Airy, NC 27030.

MC 115840 (Sub-3–9TA), filed January 6, 1981. Applicant: COLONIAL FAST FREIGHT LINES, INC., McBride Lane, P.O. Box 22168, Knoxville, TN 37922. Representative: Michelene Good (same as above). *Particleboard panels (finished and/or unfinished),* between Mocksville, NC on the one hand, and, on the other, points in AL, AR, DE, FL, GA, IL, IN, KY, LA, MA, MD, MI, MN, MO, MS, NJ, NY, OH, OK, PA, SC, TN, TX, VA, and WI. Supporting Shipper: Funder America, Inc., P.O. Box 907, Mocksville, NC 27028.

The following protests were filed in Region 4. Send protests to Consumer Assistance Center, Interstate Commerce Commission, 219 South Dearborn Street, Room 1304, Chicago, IL 60604.

MC 144867 (Sub-4–5TA), filed January 7, 1981. Applicant: R & J TRANSPORT, INC., 929 North 24th St., Manitowoc, WI 54220. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. *Construction materials and supplies* from points in AL, AR, CA, GA, ID, LA, MS, MT, OR, TX, WA and WY to WI and the Upper Peninsula of MI. Underlying ETA seeks 120 days authority. Supporting shipper: Amerhart, Ltd. 2455 Century Road, Green Bay, WI 54303.

MC 153502 (Sub-4–1TA), filed January 9, 1981. Applicant: POGO TRAVEL

SERVICE, INC., 224 W. Michigan Ave., P.O. Box 1129, Jackson, MI 49201. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933. *Passengers and their baggage, in the same vehicle with passengers, in round trip special and charter operations* beginning and ending at points in Jackson, Hillsdale, Calhoun and Lenawee Counties, MI and extending to points in the U.S. (including AK, but excluding HI) and to points of entry on the International Boundary Line between the United States and Canada. Supporting shippers: There are eight (8) supporting shippers.

MC 153491 (Sub-4–1TA), filed January 8, 1981. Applicant: CARGO TRANSPORT, INC., P.O. Box 41265, Chicago, IL 60641. Representative: Donald B. Levine, 39 S. LaSalle St., Chicago, IL 60603. *(a) Institutional and industrial laundry equipment, materials and supplies and (b) machine tools, metal cutting saws, parts thereof and materials, equipment and supplies used in the manufacture and distribution thereof,* between Chicago, IL, and points in its commercial zone OTOH and, OTO Milwaukee and Oshkosh, WI. Supporting shippers: Armstrong-Blum Mfg. Co., 5800 West Bloomingdale Ave., Chicago, IL 60639, and, Southern Mills, Inc., 3250 N. Milwaukee, Chicago, IL 60618.

MC 126346 (Sub-4–17TA), filed January 7, 1981. Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 1023, Wausau, WI 54401. Representative: Elaine M. Conway, 10 S. LaSalle St., Chicago, IL 60603. *Contract; Irregular:* Such commodities as are dealt in or used by manufacturers of air conditioners, humidifiers, and dehumidifiers, between Edison, NJ and points in the U.S. under continuing contract with Edison Products. An underlying ETA seeks 120 days authority. Supporting shipper: Edison Products, Route 27 and Vineland, Edison, NJ 08817.

MC 148074 (Sub-4–5TA), filed January 9, 1981. Applicant: FRUTH MOTOR TRUCK SERVICE, INC. 720 Scheel St., P.O. Box 992, Belleville, IL 62221. Representative: Leslieann G. Maxey, Attorney at Law, 907 S. Fourth St., Springfield, IL 62703. *Drugs, medicines, toilet preparations, shampoo, and plastic bottles, caps and articles* between Hillside, NJ and St. Louis, MO, OTOH and Franklin, KY. OTO Supporting shipper: Bristol Myers Products Company, 225 Long Ave, Hillside, NJ 07207.

MC 145664 (Sub-4–13TA), filed January 9, 1981. Applicant: STALBERGER, INC., 223 S. 50th Ave., W., Duluth, MN 55807. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. *Wrought iron pipe and/or tubing, supplies and materials used in the manufacture, sale and distribution of named commodities,* between the four (4) plant sites of UNR-Leavitt at Chicago, IL on the one hand, and on the other, points in MN and to Ashland, Barron, Bayfield, Buffalo, Burnett, Chippewa, Clark, Douglas, Dunn, Eau Claire, Iron, Jackson, La Crosse, Monroe, Pepin, Pierce, Polk, Price, Rusk, Saint Croix, Sawyer, Taylor, Trempealeau, Vernon, and Wasburn Counties, WI. Supporting shipper: UNR-Leavitt, Div. of UNR, Inc., 1717 W. 115th Street Chicago, IL 60643.

MC 153495 (Sub-4–1TA), filed January 9, 1981. Applicant: STAGECOACH EXPRESS, INC., 7985 E. 190th St., Hastings, MN 55033. Representative: Val M. Higgins, 1600 TCF Tower, Minneapolis, MN 55402. *Contract* irregular: *General commodities* (except Class A & B explosives) between points in the U.S. Restricted to traffic moving under continuing contract with S. St. Paul Feed, Inc. Supporting Shipper: So. St. Paul Feed Inc., 500 Farwell Ave., So. St. Paul, MN 55075.

98025 (Sub-4–1TA), filed January 9, 1981. Applicant: LINCOLN TRANSFER COMPANY, INC., 305 S. Main St., Lincoln, IL 62656. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. *Common* regular and irregular: *General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment),* over regular routes, (a) between Decatur, IL and Springfield, IL: from Decatur over U.S. Hwy 36 to Springfield and return over the same route; between Decatur, IL and Bloomington, IL: from Decatur over IL Hwy 51 to Bloomington and return over the same route; between Decatur, IL and Peoria, IL: from Decatur over IL Hwy 121 to its junction with I-Hwy 74, thence over I-Hwy 74 to Peoria and return over the same route; between Bloomington, IL and Springfield, IL: from Bloomington over I-Hwy 55 to Springfield and return over the same route; between Springfield, IL and Jacksonville, IL: from Springfield over U.S. Hwy 36 to Jacksonville and return over the same route; between Peoria, IL and Springfield, IL: from Peoria over IL Hwy 29 to Springfield and return over the same route; between Peoria, IL and Bloomington, IL: from Peoria over I-Hwy 74 to Bloomington and return over the same route; in connection with the routes described in (a) above, service is authorized to or from all other points in Woodford, Piatt, Mason, McLean, Fulton, DeWitt, Cass, Moultrie, Shelby, Christian, Sangamon, Menard, Morgan, Macon, Logan, Tazewell and Peoria Counties, IL as intermediate or off-route points; (b) between Lincoln, IL and Moline, IL: from Lincoln over IL Hwy 121 to its intersection with I-Hwy 74, thence over I-Hwy 74 to its intersection with I-Hwy 80, thence over I-Hwy 80 to Moline and return over the same route; between Lincoln, IL and Hamilton, IL: from Lincoln over IL Hwy 121 to its intersection with U.S. Hwy 136, thence over U.S. Hwy 136 to Hamilton and return over the same route; between Havana, IL and Quincy, IL: from Havana over IL Hwy 136 to its intersection with U.S. Hwy 24, thence over U.S. Hwy 24 to Quincy and return over the same route; between Macomb, IL and Rock Island, IL: from Macomb over U.S. Hwy 67 to Rock Island and return over the same route; between Lincoln, IL and South Beloit, IL: from Lincoln over I-Hwy 55 to Bloomington, thence over U.S. Hwy 51 to South Beloit; between Peoria, IL and Rockford, IL: from Peoria over IL Hwy 88 to its intersection with IL Hwy 2, thence over IL Hwy 2 to Rockford; between Bloomington, IL and East Dubuque, IL: from Bloomington over U.S. Hwy 51 to its intersection with U.S. Hwy 52, thence over U.S. Hwy 52 to its intersection with IL Hwy 84, thence over IL Hwy 84 to its intersection with U.S. Hwy 20, thence over U.S. Hwy 20 to East Dubuque; between Rockford, IL and East Dubuque, IL: from Rockford, IL over U.S. Hwy 20 to East Dubuque and return over the same route; between Lincoln, IL and Chicago Heights, IL: from Lincoln over I-Hwy 55 to its intersection with U.S. Hwy 30, thence over U.S. Hwy 30 to Chicago Heights and return over the same route; from Lincoln over IL Hwy 10 to its intersection with I-Hwy 57 to its intersection with U.S. Hwy 30, thence over U.S. Hwy 30 to Chicago Heights and return over the same route; between Lincoln, IL and Danville, IL: from Lincoln over IL Hwy 10 to its intersection with I-Hwy 74 thence over I-Hwy 74 to Danville and return over the same route; between Lincoln, IL and East St. Louis, IL: from Lincoln over I-Hwy 55 to East St. Louis and return over the same route; from Lincoln over I-Hwy 55 to Springfield, thence over U.S. Hwy 36 to its intersection with U.S. Hwy 67, thence over U.S. Hwy 67 to Alton, thence over Alternate U.S. Hwy 67 to East St. Louis and return over the same route; between Lincoln, IL and Cairo, IL: from Lincoln over IL Hwy 121 to its intersection with U.S. Hwy 51, thence over U.S. Hwy 51 to Cairo and return

over the same route; from Lincoln over IL Hwy 121 to U.S. Hwy 45, thence over U.S. Hwy 45 to its intersection with I-Hwy 57, thence over I-Hwy 57 to Cairo and return over the same route; between Lincoln, IL and Brookport, IL: from Lincoln over IL Hwy 121 to U.S. Hwy 45, thence over U.S. Hwy 45 to its intersection with I-Hwy 57, thence over I-Hwy 57 to its intersection with I-24, thence over I-Hwy 24 to its intersection with U.S. Hwy 45, thence over U.S. Hwy 45 to Brookport and return over the same route; (c) between Chicago Heights, IL and Waukegan, IL: from Chicago Heights over U.S. Hwy 30 to its intersection with I-Hwy 94, thence over I-Hwy 94 to its intersection with U.S. Hwy 41, thence over U.S. Hwy 41 to its intersection with IL Hwy 120, thence over U.S. Hwy 120 to Waukegan and return over the same route; between Chicago, IL and Fox Lake, IL: from Chicago over U.S. Hwy 12 to Fox Lake and return over the same route; between Chicago, IL and Barrington, IL: from Chicago over U.S. Hwy 14 to Barrington and return over the same route; between Chicago, IL and Elgin, IL: from Chicago over IL Hwy 194 to its intersection with I-Hwy 90, thence over I-Hwy 90 to Elgin and return over the same route; between Chicago, IL and St. Charles, IL: from Chicago over IL Hwy 64 to St. Charles and return over the same route; between Chicago, Il and Aurora, IL: from Chicago over I-Hwy 90 to its intersection with IL Hwy 5, thence over IL Hwy 5 to Aurora and return over the same route; between Chicago Heights, IL and Elgin, IL: from Chicago Heights over U.S. Hwy 30 to its intersection with IL Hwy 31, thence over IL Hwy 31 to Elgin and return over the same route; between Chicago Heights, IL and Des PLaines, IL: from Chicago Heights over U.S. Hwy 30 to its intersection with U.S. Hwy 45, thence over U.S. Hwy 45 to Des Plaines and return over the same route; between Chicago Heights, IL and Kankakee, IL: from Chicago Heights over U.S. Hwy 30 to its intersection with I-Hwy 57, thence over I-Hwy 57 to Kankakee and return over the same route; in connection with the routes described in (c) above, service is authorized to or from all points in Lake, Cook, DuPage, Kane, Iroquois, Will, Grundy, Kankakee and Kendall Counties, IL as intermediate or off-route points; Restrictions: The authority is subject to the following restrictions: (a) Service to any of the commercial zones of the points named is restricted to points in IL; (b) The regular route authority granted above shall not be severable by sale or otherwise from carrier's underlying irregular route authority granted below; (c) In connection with points described in (b) and (c), service is limited to that from, to, or between points in Woodford, Piatt, Mason, McLean, Fulton, DeWitt, Cass, Moultrie, Shelby, Christian, Sangamon, Menard, Morgan, Macon, Logan, Tazewell and Peoria Counties, IL; over irregular routes, (a) between points in Woodford, Piatt, Mason, McLean, Fulton, DeWitt, Cass, Moultrie, Shelby, Christian, Sangamon, Menard, Morgan, Macon, Logan, Tazewell and Peoria Counties, IL; (b) between points in the counties named in (a) above, on the one hand, and, on the other, points in IL; Restriction: Carrier shall not, pursuant to the irregular route operations authorized above, transport shipments moving between any points authorized to be served by it in regular route operations. Supporting shippers: There are 13 statements of support attached.

Note.—Authority is sought to serve the Illinois commercial zones of all named points. An underlying ETA seeks 120 days authority.

MC 125973 (Sub-4–2TA), filed January 8, 1981. Applicant: CROWN WAREHOUSE TRANSPORTATION COMPANY, INC., 710 East 9th Avenue, Gary, IN 46401. Representative: Jack H. Blanshan, 205 West Touhy Avenue, Suite 200, Park Ridge, IL 60068. Contract: irregular: *Sugar*, from Gary, IN and points in its commercial zone, to points in MN, MO, ND and SD and points in the U.S. in and east of MI, IN, KY, TN and MS, under a continuing contract with Indiana Sugars, Inc. Supporting shipper: Indiana Sugars, Inc., 911 Virginia Street, Gary, IN 46401.

MC 153478 (Sub-4–1TA), filed January 9, 1981. Applicant: S & W MOTOR SERVICES, INC., Suite 270, 823 Commerce, Oak Brook, IL 60521. Representative: Frederick W. Smart, Suite 202, 1301 W. 22nd St., Oak Brook, IL 60521. *Contract:* Irregular: *Such commodities as are dealt in by drug, health food, catalog and general department stores, and materials equipment and* supplies used in the manufacture between terminals and warehouses with a fifty mile radius of Oak Brook, IL and points and places in the states of IL, IN, IA, MI, MO, and WI under continuing contracts with General Nutrition Corp., Supporting shipper: General Nutrition Corporation, 3125 Preble Avenue, Pittsburg, PA 15233.

MC 153356 (Sub-4–1TA), filed January 8, 1981. Applicant: RAYMOND FULLER, d.b.a. AT&E TRUCKING, 18995 Forest Blvd. No., Forest Lake, MN 55025. Representative: James F. Finley, AAA Building, Suite 200, 170 E. 7th Place, St. Paul, MN 55101. *Contract:* Irregular *Confectionery Items* between all points in MN, DE, FL, GA, IL, IN, IA, KS, KY, MD, MA, MI, MO, NJ, NY, NC, OH, PA, SC, TN, VA, WV, WI and CT under a continuing contract with Fritz Company, Inc., Supporting Shipper: Fritz Company, Inc., 1912 Hastings Avenue, Newport, MN 55055.

MC 139482 (Sub-4–24TA), filed January 8, 1981. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: Barry M. Bloedel, P.O. Box 877, New Ulm, MN 56073. *(1) Paper and paper products, scrap or waste paper and plastic articles, and (2) materials, supplies and equipment used in the manufacture and distribution of commodities listed in (1) above,* between points in the United States (except AK and HI). Restricted to traffic orignating at or destined to the facilities of Stone Container Corporation. Supporting shipper: Stone Container Corporation, 360 North Michigan Avenue, Chicago, IL 60601.

MC 139482 (Sub-4–23TA), filed January 8, 1981. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: Barry M. Bloedel, P.O. Box 877, New Ulm, MN 56073. *Such merchandise as is dealt in by food business houses and materials, ingredients and supplies used in their manufacture and distribution,* between points in the states of OH and SC, OTOH, and OTO points in the states of IA, IL, IN, KS, KY, MI, MN, MO, NE, OH, ND, SC, SD, TN and WI. Restricted to traffic originating at or destined to the facilities utilized by the Stouffer Corporation. Supporting shipper: Stouffer Foods Corporation, 5750 Harper Road, Solon, OH 44139.

MC 151365 (Sub-4–3TA), filed January 8, 1981. Applicant: MAC OF WISCONSIN, INC., 26 Lake View Dr., Sullivan, WI 53178. Representatives: Steven L. Weiman & Steven H. Dorne, 4 Professional Dr., Gaitersburg, MD 20760. *Bakery products,* from Ripon WI to Baltimore, MD, Jessup, MD, Edison, NJ, Franklin Township, NJ and Columbus, OH. Supporting shipper: Ripon Foods, Inc., Box 348, Oshkosh St, Ripon, WI 54971.

MC 112893 (Sub-4–4TA), filed January 8, 1981. Applicant: BULK TRANSPORT COMPANY, 100 Waukegan Road, P.O. Box 1000, Lake Bluff, IL 60044. Representatives: Michael V. Kaney (same as above). *Petroleum lubricating oil and rubber process oil* from Wood River, IL to Waukesha and Racine Counties, WI. Supporting shipper: Petron Corp., 16700 Glendale Dr., New Berlin, WI 53151.

MC 36556 (Sub-4–2), filed January 8, 1981. Applicant: BLACKMON TRUCKING, INC., P.O. Box 188, Somers,

WI 53171. Representatives: Howard E. Blackmon, P.O. Box 186, Somers, WI 53171. *Fertilizer compounds, Ice melting compounds, and Vermiculite products,* from the plantsites and/or facilities utilized by Koos, Inc., in Kenosha County, WI, to Detroit, MI. An underlying ETA has been granted for 120 days. Supporting shipper: Koos, Inc., Kenosha, WI 53140.

MC 145042 (Sub-4–4TA), filed January 7, 1981. Applicant: ZEELAND FARM SERVICES, INC., 2468 84th Avenue, Zeeland, MI 49464. Representatives: James R. Neal, 1200 Bank of Lansing Bldg., Lansing, MI 48933. *Equipment, materials and supplies dealt with by bakeries in connection with the manufacturing, packaging and distribution of bakery goods and products* from points in IL, IN, MN, NY, OH and WI to Cadillac and Grand Rapids, MI and their commercial zones. Supporting shipper: Mid-State Fruit, Inc., P.O. Box 208, Cadillac, MI 49601.

MC 149092 (Sub-4–1TA), filed January 7, 1981. Applicant: ASPEN, INC., 2900 E. 83rd Place, Merrillville, IN 46410. Representatives: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Contract; irregular, *petroleum and petroleum products,* in bulk, in tank vehicles, From East Chicago, IN to points in Berrien, Cass, Van Buren, Allegan, and Ottowa Counties, MI; and from Niles, MI to South Bend, IN. Restricted to service to be performed under continuing contracts with Pyramid Oil, Inc., 500 Paw Paw Avenue, Benton Harbor, MI 49022.

MC 148930 (Sub-4–5TA), filed January 7, 1981. Applicant: AERO DELVIERIES, INC., 529 Gidley Dr., Grand Haven, MI 49417. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503. *Contract* irregular: *(except in bulk)* between points in IL and MI, under a continuous contract with ServiceMaster Industries, Inc. Supporting shipper: ServiceMaster Industries, Inc., 2300 Warrenville Rd., Downers Grove, IL 60515. *Cleaning Compounds, cleaning machinery and parts, and printed matter.*

MC 150242 (Sub-4–3TA), filed January 7, 1981. Applicant: BRIAN-DAWN TRUCKING, INC., Box 164, Tremont, IL 61569. Representative: Michael W. O'Hara, 300 Reisch Building, Springfield, IL 62701. *Feed, feed ingredients, dog food ingredients and meat scraps,* between points in Peoria, Tazewell, McLean and Woodford Counties, IL on the one hand, and on the other, points in IA, IL, IN, MI and WI. An underlying E/T/A seeks 120 days authority. Supporting shipper: Central Illinois Grain Company, R.R. #1, Tremont, IL 61568.

MC 90870 (Sub-4–6TA), filed January 7, 1981. Applicant: RIECHMANN ENTERPRISES, INC., Route Box 1284, Granite City, IL 62040. Representative: Cecil L. Goettsch, 1100 Des Moines Bdlg., Des Moines, IA 50307. *Forest products, lumber, lumber mill products, construction material, building material, supplies* between the facilities of D–J Lumber Sales, Inc., at Indianapolis, IN and points in GA, AL, IN, IL, MO, WI, IA, OK, KS, and points in TX on and North of Hwy 84 and points in KS on and East of Hwy 281. Supporting shipper: D-J Lumber Sales, Inc., 3605 Farnswate Ave., Indianapolis, IN.

MC 152282 (Sub-4–2TA), filed January 7, 1981. Applicant: FLOYD DUENOW, INC., P.O. Box 86, Savage, MN 55378. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Edina, MN 55424. *Contract* Irregular *lumber and lumber products,* from points in ID, MT, OR and WA to points in IL, IN, IA, KS, MI, MN, MO, OH, NE, ND, SD and WI, under continuing contract(s) with Sprenger-Midwest, Inc., of Minneapolis, MN. Supporting shipper: Sprenger-Midwest, Inc., 4660 West 77th Street, Minneapolis, MN 55435.

MC 151556 (Sub-4–5TA), filed January 7, 1981. Applicant: ALLSTATE TRANSPORTATION COMPANY, 10700 Lyndale Avenue, So., Minneapolis, MN 55420. Representative: George L. Hirschbach, 920 West 21st Street, S. Sioux City, NE 68776. *Such commodities as are dealt in by farm supply cooperatives* (except foodstuffs, commodities in bulk and household goods as described by the Commission) between points in CO, IA, IL, IN, KS, MI, MN, MO, NE, ND, SD and WI. Supporting shipper: CENEX, 1185 North Concord Street, South St. Paul, MN 55164.

MC 120737 (Sub-4–9TA), filed January 8, 1981. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, Canton, IL 61520. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. *Iron and steel articles,* from Putnam County, IL to points in MO, TN, AR, OK, AL and MS. Supporting shipper: Jones & Laughlin Steel Corporation, P.O. Box 325, Hennepin, IL 61327.

MC 149057 (Sub-4–3TA), filed January 8, 1981. Applicant: C & M TRUCKING, INC., 3500 North Monroe, Monroe, MI 48161. Representative: John C. Scherbarth, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167. *Limestone,* in bulk, from Toledo, OH to Fremont, OH. Supporting shipper: Northern Ohio Sugar Company, Denver, CO 80217.

MC 153273 (Sub-4–2TA), filed January 5, 1981. Applicant: SCHREIBER TRANSIT, INC., 425 Pine Street, Green Bay, WI 54305. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. *Contract;* Irregular. *General Commodities* except Class A & B explosives, between points in the U.S. under contract with Winn-Dixie Stores, Inc. and its subsidiaries. Supporting shipper: Winn-Dixie Stores, Inc., 5050 Edgewood Ct., Jacksonville, FL 32203.

MC 720 (Sub-4–4TA), filed January 5, 1981. Applicant: BIRD TRUCKING COMPANY, INC., P.O. Box 227, Waupun, WI 53963. Representative: Tom Westerman, P.O. Box 227, Waupun, WI 53963. Contract; irregular. *Materials, equipment and supplies used or useful in the sale, manufacture or distribution of foodstuffs* from Cook County, IL to points in CT, DE, IN, IA, KY, ME, MA, MD, MI, MN, MO, NH, NJ, NY, OH, PA, RI, VT, VA, WV, WI and DC. Under contract to Hospital and Kitchen Equipment Ltd. Underlying ETA seeks 120 days authority. Supporting shipper: Hospital and Kitchen Equipment Ltd., 555 Oakdale Rd., Downsview, Ontario.

MC 153400 (Sub-4–1TA), filed January 5, 1981. Applicant: C.S.I. TRUCKING, INC., 15430 58th Street North, Stillwater, MN 55082. Representative: Philip W. Getts, 10 South Fifth Street, Suite 930, Minneapolis, MN 55401. Contract; irregular. *Roofing granules* (washed, dried and crushed slag) in bulk, from Woodbury, MN to the point to entry at Emerson, Manitoba and MN. Supporting shipper: Black Diamond, Ltd., 499 Cottage Road Drive, Woodbury, MN 55107.

MC 153402 (Sub-4–1TA), filed January 5, 1981. Applicant: SAGINAW VALLEY MARINE TERMINAL AND WAREHOUSE, INC., 700 Harrison Street, Bay City, MI 48706. Representative: Paul Buda, 700 Harrison Street, Bay City, MI 48706. (A) *Doors and Door Frames, and parts thereof,* from Flint and West Branch, MI and from Auburndale, FL on the one hand, and on the other points and places in the U.S., (except AK and HI), and (B) *General Commodities,* except those of unusual value, and except dangerous explosives, household goods, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, from points and places in the U.S., (except AK and HI), OTOH and OTO points and places in the States of IA, IL, IN, KY, MI, MN, OH, PA, WV and WI. Shipper Taylor Building Products, 631 N. First St., West Branch, MI 48661.

MC 143002 (Sub-4–17TA), filed January 2, 1981. Applicant: C. D. B.,

INCORPORATED, 155 Spaulding Avenue, S.E., Grand Rapids, 49506. Representative: C. Michael Tubbs, 155 Spaulding Avenue, S.E., Grand Rapids, MI 49506. *Contract;* irregular. *Plastic materials and articles used in the manufacture thereof* between various points in the Continental United States under contract(s) with Southern Petrochemical, Inc. Supporting shipper: Southern Petrochemical, Inc.; 1293 Minhinnett Drive; Roswell, Georgia 30075.

MC 139482 (Sub-4–21TA), filed January 5, 1981. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: Barry M. Bloedel, P.O. Box 877, New Ulm, MN 56073. *Such commodities as are dealt in by wholesale and retail grocery stores and food business houses (except commodities in bulk),* from New Prague and New Ulm, MN to points in the states in and east of WI, IL, KY, TN, and MS. Restricted to the facilities of International Multifoods Corporation. An underlying ETA seeks 120 days authority. Supporting shipper: International Multifoods Corporation, 1200 Multifoods Building, Minneapolis, MN 55402.

MC 139482 (Sub-4–22TA), filed January 5, 1981. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: Barry M. Bloedel, P.O. Box 877, New Ulm, MN 56073. *(1) Sugar and sugar products, (2) materials, supplies and equipment used in the manufacture and distribution of (1) above (except commodities in bulk),* from Gary, IN to points in the United States (except AK and HI). Restricted to the transportation originating at the facilities of Indiana Sugars, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Indiana Sugars, Inc., 911 Virginia St., Gary, IN 46401.

MC 153399 (Sub-4–1TA), filed January 5, 1981. Applicant: GREEN RIVER LINES, INC., R.R. #1, Walnut, IL 61376. Representative: Glenn Hansen (same as above). *Passengers and their baggage, in special and charter operations,* between points in Lee, Bureau, and LaSalle Counties, IL OTOH and OTO all points in the U.S. (except HI). There are 6 statements of support attached. An underlying E.T.A. seeks 120 days authority.

MC 134645 (Sub-4–1TA), filed January 6, 1981. Applicant: LAKE STATE TRANSPORT, INC., P.O. Box 944, St. Cloud, MN 56301. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Compressed Air de-icing systems and anti-freeze compounds,* Between the facilities of Tanner Systems, Inc. At St. Cloud, MN on the one hand, and, on the other, points in the U.S. Supporting shipper: Tanner Systems, Inc., Box 87, Sauk Rapids, MN 56379.

MC 153434 (Sub-4–1TA), filed Januany 6, 1981. Applicant: LEONARD C. MILLARD, an individual, d.b.a., MILLARD TRUCKING, P.O. Box 606, St. Charles, Minnesota 55972. Representative: Robert S. Lee, 1600 TCF Tower, Minneapolis, MN 55402. *Contract;* irregular: *(1) such commodities as are dealt in by poultry processors* and *(2) equipment, materials and supplies used in the production, sale and distribution of the commodities in (1) above* between points in the U.S. Restricted to traffic moving under continuing contract with North Star Foods, Inc. Supporting shipper: North Star Foods, Inc., P.O. Box 587, St. Charles, MN 55972.

MC 142059 (Sub-4–14), filed January 5, 1981. Applicant: CARDINAL TRANSPORT, INC., P.O. Box 911, Joliet, IL 60434. Representative: Jack Riley (same address as applicant). *Sheet steel stoves or ranges in packages.* from Walled Lake, MI to Buffalo and Syracuse, NY: Camden, Trenton and Wayne, NJ; Reading, PA; Tulsa, OK; Dallas and Houston, TX; Chicago, Springfield and E. St. Louis, IL; Denver and Steamboat Springs, CO: Lake Tahoe, Reno and Las Vegas, NV; Salt Lake City, Provo and Ogden, UT; Casper and Cheyenne, WY; Los Angeles, San Francisco, Lake Elsimore and Jackson, CA and Nogales, Phoenix and Tucson, AZ. Supporting shipper: Freedom Stoves Works, 2700 W. Maple, Walled Lake, MI 48088.

MC 16503 (Sub-4TA), filed January 5, 1981. Applicant: GUEX TRUCKING, INC., P.O. Box 359, Shawano, WI 54166. Representative: DANIEL R. DINEEN, 710 North Plankinton Avenue, Milwaukee, WI 53203. *Contract;* irregular: *Canned goods,* from Plainview, MN, and Manitowoc, WI, to points in AL, FL, GA, KS, MO, and NE under continuing contracts with Lakeside Packing Company. An underlying ETA seeks 120 days authority. Supporting shipper: Lakeside Packing Company, 508 Jay Street, Manitowoc, WI, 54220.

MC 105159 (Sub-4–8TA), filed January 6, 1981. Applicant: KNUDSEN TRUCKING, INC., 1320 West Main Street, Red Wing, MN 55066. Representative: Stephen F. Grinnell, 1,600 TCF Tower, Minneapolis, MN 55402. *Foodstuffs;* from Minneapolis, MN to points in AZ, CA, CO, ID, MT, NE, NV, NM, OR, WA and WY. Supporting shipper: Food Producers International, Division of Beatrice Foods, 10505 Wayzata Blvd., Minneapolis, MN 55343. An underlying ETA seeks 120 days authority.

MC 105159 (Sub-4–9TA), filed January 6, 1981. Applicant: KNUDSEN TRUCKING, INC., 1320 West Main St., Red Wing, MN 55066. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402. *Tires and tubes;* from Huntsville, AL; Los Angeles, CA; Mount Vernon, IL; Mayfied, KY; St. Louis, MO; Charlotte, NC; Buffalo, NY; Cincinnati, OH; Olkahoma City, OK; and Memphis, TN to Minneapolis, MN. An ETA seeks 120 days authority. Supporting shippers: Northwestern Tire Company, Inc., 1200 Glenwood Avenue North, Minneapolis, MN 55405; S & M Tire Co., 2101 Kennedy NE, Minneapolis, MN 55413.

MC 136899 (Sub-4–7TA), filed January 6, 1981. Applicant: HIGGINS TRANSPORTATION LTD., P.O. Box 637, Richland Center, WI 53581. Representative: Foster L. Kent, P.O. Box 285, Council Bluffs, IA. 51502. *(1) Such commodities as are dealt in or used by grocery and food business houses, and (2) materials, equipment and supplies used in the manufacture and distribution of items in (1) above,* between points in Towner County, ND on the one hand, and on the other, points in CO, IL, IN, IA, KS, MI, MN, MO, NE, OH, SD, and WI. An underlying ETA seeks 120 days authority. Supporting shipper: Noodles by Leonardo, Cando, ND 58324.

MC 148739 (Sub-4–1TA), filed January 6, 1981. Applicant: DOORN'S INC., I–90 and Betts Road, P.O. Box 1083, Mitchell, SD 57301. Representative: A. J. Swanson, P.O. Box 1103, 226 N. Phillips Avenue, Sioux Falls, SD 57101. *Building materials,* (1) between Davison County, SD, on the one hand, and, on the other, points in MT, WA, CA, and MN; and (2) from Webster and Woodbury Counties, IA; Davison County, SD; and Kansas City, MO and Minneapolis and Shakopee, MN, and points in their commercial zones, to points in SD and Cherry County, NE. An underlying ETA seeks 120 days authority. Supporting shipper: Fullerton Lumber Company, 1717 North Sanborn, Mitchell, SD 57301.

MC 146420 (Sub-4–2TA), filed January 6, 1981. Applicant: FRATE SERVICE, INC., Rural Route One, East Peoria, IL 61611. Representative: Samuel G. Harrod, Eureka Professional Building, Eureka, IL 61530. *Iron and steel group, racks group,* and *machinery group* from points in IL to points in IN, KY, MI, OH, WI, IA, and return. Supporting shippers: Speedrack, Inc., 5300 Golf Road, Skokie, IL 60077; Keystone Consolidated Industries, Inc., 7000 South West Adams

Street, Peoria, IL 61641; and Rolled Steel Corp., 6101 Oakton, Skokie, IL 60076.

MC 125973 (Sub-4–1TA), filed January 6, 1981. Applicant: CROWN WAREHOUSE TRANSPORTATION COMPANY, 710 East 9th Ave., Gary, IN 46401. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. *Contract:* irregular: *Pulp board and scrap paper,* between Coshocton, OH and points in its commercial zone on the one hand, and on the other, Mishawaka, IN and North Chicago and Chicago, IL and points in their commercial zones, under a continuing contract with Stone Container Corporation. Supporting shipper: Stone Container Corporation, 360 North Michigan Avenue, Chicago, IL 60601.

MC 133689 (Sub-4–60), filed January 6, 1981. Applicant: OVERLAND EXPRESS, INC., 8651 Naples St. NE, Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Floor covering,* between the facilities of Lowry Enterprises, Inc. at St. Louis, MO on the one hand, and, on the other hand, points in and east of ND, SD, NE, KS, OK and TX. Supporting shipper: Lowry Enterprises, Inc., 4001 N. Kings Highway, St. Louis, MO 63115.

MC 153400 (Sub-4–3TA), filed January 6, 1981. Applicant: C. S. I. TRUCKING, INC., 15430 58th Street North, Stillwater, MN 55082. Representative: Philip W. Getts, 10 South Fifth Street, Suite 930, Minneapolis, MN 55401. *Contract,* irregular: *muriate of potash, potassium nitrate, potash fertilizer,* in bulk, from the International Boundary between MN and ND and Sask. and Man., to points in ND and SD, MN, and WI. Under contract with Howe, Inc. Supporting shipper: HOWE, INC., 4821 Xerxes Avenue North, Minneapolis, MN 55430.

MC 145394 (Sub-4–15TA), filed January 6, 1981. Applicant: A & B FREIGHT LINE, INC., 4805 Sandy Hollow Road, Rockford, IL 61109. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719. *Contract;* irregular; *liquefied petroleum products, in cylinders, cutting torches and tools, engine starting fluid and materials, equipment and supplies* used in the manufacture, sale and distribution of such commodities between Sycamore, IL, and points in the U.S. Restriction: Restricted to transportation performed under a continuing contract(s) with Turner Corp., Div. Cleanweld Products. An underlying ETA seeks 120 days authority. Supporting shipper: Turner Corp., Div. Cleanweld Products, Park Street, Sycamore, IL 60178.

MC 147435 (Sub-4–1TA), filed December 31, 1980. Applicant: BELTMANN NORTH AMERICAN CO., INC., 3400 N.W. Spring, Minneapolis, MN 55413. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402. *Used household goods* which transportation is incidental to a pack and crate service on behalf of the Department of Defense, U.S. Government; between points in Lincoln, Cottonwood, Lyon, Murray, Nobles, Pipestone, Redwood, Renville, Jackson, Rock, Blue Earth, Brown, Faribault, Freeborn, LeSueur, Martin, Nicollet, Rice, Sibley, Steel, Waseca, Watonwan, MN Counties. Supporting shipper: Dept. of Defense, Fort Snelling, St. Paul, MN.

MC 140086 (Sub-4–2), filed January 6, 1981. Applicant: DeLARIA TRANSPORT, INC., 327 8th Avenue, N.W., New Brighton, MN 55112. Representative: James M. Christenson, 4444 IDS Center, 80 South Eighth Street, Minneapolis, MN 55402. *Liquid sugar, corn syrup and blends thereof,* from points in Minneapolis-St. Paul, MN commercial zone to points in MT. Supporting shipper: A. E. Staley Company, 2200 East Eldorado St., Decatur, IL 62521.

MC 41406 (Sub-4–4), filed January 6, 1981. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 8400 Westlake Dr, Merrillville, IN 46410. Representative: Ralph D. Artim, President, 8400 Westlake Dr, Merrillville, IN 46410. *Iron and Steel Articles, and materials, supplies and equipment,* used in the manufacture, processing, sale and distribution thereof, between Boyd and Greenup Counties, KY, on the one hand, and, on the other points in the states of AL, FL, GA, KS, KY, LA, MS, NC, SC, TN, VA, and WV. Supporting shipper: Armco Inc., 703 Curtis Street, Middletown, OH.

MC 146728 (Sub-4–5TA), filed January 5, 1981. Applicant: GOLDEN BROS., INC., 234 East McClure St, Kewanee, IL 61443. Representative: Donald S. Mullins, 1033 Graceland Ave, Des Plaines, IL 60016. *Iron and Steel Articles,* from points in TX to points in the U.S. except points in the states of AK, CA, CO, ID, HI, MT, NV, OR, TX, WA, and WY. Supporting shipper: Cook Steel Corp., Houston, TX, Mueller Supply Co. Inc., Ballinger, TX.

MC 121406 (Sub-4–1), filed January 5, 1981. Applicant: STAR LINE EXPRESS, INC., 700 West Estes Avenue, Schaumburg, IL 60193. Representative: Donald S. Mullins, 1033 Graceland Avenue, Des Plaines, IL 60016. *General Commodities, except commodities in bulk,* Between points in IL, and that portion of IN within the Chicago, IL, Commercial Zone, OTOH, and OTO, points in IA, IL, IN, KY, MI, MN, MO, and WI. Supporting shippers: 16 Supporting shippers.

MC 151968 (Sub-4–5), filed January 5, 1981. Applicant: ALLSTATE TRANSPORTATION COMPANY, 10700 Lyndale Avenue, South, Minneapolis, MN 55420. Representative: George L. Hirschback, P.O. Box 155, South Sioux City, NE 68776. Contract; Irregular. (1) *Engines, generators, generating sets, tractors, loaders, back hoes* and (2) *materials, equipment and supplies* used in the manufacture, installation and sale of commodities in (1) above (except commodities the transportation of which require the use of special equipment) between points in IA, MN, ND, SD and WI under continuing contract(s) with Valley Equipment Company. Supporting shipper: Valley Equipment Co., Valley Engine Div. Burnsville, MN.

MC 145746 (Sub-4–1TA), filed January 5, 1981. Applicant: MINDEMANN TRUCKING, INC., N63 W22985 Main Street, Sussex, WI 53089. Representative: Daniel R. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. Contract irregular: *Canned goods and materials, equipment, and supplies used in the manufacture, sale or distribution of canned goods* between the facilities of Friday Canning Corporation at points in WI, on the one hand, and, on the other, points in IA, IL, IN, MI, MN, MO, and OH, under continuing contracts with Friday Canning Corporation. An underlying ETA seeks 120 days authority. Supporting shipper: Friday Canning Corporation, 660 North 2nd Street, New Richmond, WI, 54017.

MC 95876 (Sub-4–10TA), filed January 2, 1981. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, MN 56301. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402. *Lumber,* from Pine Bluff and Sheridan, AR to points in TX. Supporting shipper: Arkansas Oak Flooring Company, 2200 West 5th Street, Pine Bluff, AR.

MC 124078 (Sub-4–51TA), filed January 5, 1981. Applicant: SCHERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. *Salt cake,* in bulk from Nashua, NH and Front Royal, VA to Orangeburg, NY. Supporting shipper: Glenshaw Glass Co. Inc. 1101 Wm Flinn Hwy, Glenshaw, PA 15116.

MC 153448 (Sub-4–1TA), filed January 7, 1981. Applicant: CONTRUX, INC., 1050 Kingery Highway, Bensenville, IL 60106. Representative: Donald B. Levine,

39 S. LaSalle St., Chicago, IL 60603. *Contract; Irregular; General commodities (except Classes A and B explosives, commodities in bulk, household goods as defined by the Commission, commodities of unusual value, or those which because of size or weight require the use of special equipment),* between points in the U.S. (except AK and HI) under a continuing contract(s) with W. W. Grainger, Inc. of Chicago, IL. Supporting shipper: W. W. Grainger, Inc., 5959 W. Howard St., Chicago, IL 60648.

MC 145673 (Sub-4–1TA), filed January 7, 1981. Applicant: ROAD RAIL SERVICES, INC., 850 Skokie Hwy., Lake Bluff, IL 60044. Representative: Donald S. Mullins, 1033 Graceland Ave., Des Plaines, IL 60016. *Liquid Adhesives, except in bulk, in temperature controlled vehicles;* From Marshall, MI, to Wilmington, IL. Supporting shipper: Bostik Div. Emhart Corp., Middleton, MA 01949.

MC 153447 (Sub-4–2TA), filed January 6, 1981. Applicant: ROBERT J. KAMPS d.b.a. HI-CUBE TRANSPORT, 6812 S. Prairieview Ave., Woodridge, IL 60517. Representative: Donald S. Mullins, 1033 Graceland Ave, Des Plaines, IL 60016. Temporary authority sought for 270 days transporting: *Plastics and Plastic Products, Containers, Foodstuffs, Furniture, Sporting Goods. Household Utensils, Insulation, and Merchandise normally sold in a retail department store, except commodities in bulk;* Between points in AL, AR, AZ, CA, CO, DC, DE, FL, GA, IL, IN, IA, KS, KY, LA, MD, MI, MN, MS, MO, ND, NE, NC, NJ, NM, NY, OH, OK, PA, SC, SD, TN, TX, and WI. 6 Supporting shippers.

MC 153447 (Sub-4–1TA), filed January 6, 1981. Applicant: ROBERT J. JAMPS d.b.a. HI-CUBE TRANSPORT, 6812 S. Prairieview Ave., Woodridge, IL 60517. Representative: Donald S. Mullins, 1033 Graceland Ave., Des Plaines, IL 60016. Temporary authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Plastic Articles (expect in bulk) and Materials, Supplies, and Equipment used in the manufacture, marketing, and distribution of plastic articles,* between Mason, MI; Leola, PA; Lithonia, GA; North Aurora, IL; Corona, CA; Waxahachie, TX; and Horse Cave, KY; OTOH, and, OTO, all points in the United States (expect AK and HI) under continuing contract(s) for the account of Dart Container Corp. Supporting Shipper: Dart Container Corp., Mason, MI 48854.

MC 153315 (Sub-4–1TA), filed January 5, 1981. Applicant: GEO. McNEIL TEAMING COMPANY, 700 West Erie Street, Chicago, IL 60610. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114. *Contract,* irregular: *Such merchandise as is dealt in and used by retail department stores, wholesale mercantile establishments, and mail order houses,* between Elk Grove Village, IL, on the one hand, and, on the other, points in IN and WI, under contract(s) with J. C. Penny Company, Inc. Supporting shipper: J. C. Penney Company, Inc., 851 Devon Ave., Elk Grove Village, IL 60027.

MC 152208 (Sub-4–2), filed January 7, 1981. Applicant: GERALD J. GERIS (individual), 1105 5th Ave. East, Alexandria, MN 56308.. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Contract,* irregular: *Aluminum extrusions, aluminum billets and scrap metals* between points in the U.S. (except AK and HI) under a continuing contract(s) with Alexandria Extrusion Company, Alexandria, MN. An underlying ETA seeks 120 days authority. Supporting shipper: Alexandria Extrusion Company, County Road 22, Alexandria, MN 56308.

MC 152981 (Sub-4–2TA), filed January 7, 1981. Applicant: ERIC LOMEN, d.b.a. LOMEN AUTO TRANSPORT, Rural Route 1, Zumbrota, MN 55992. Representative: John B. Van de North, Jr., Briggs and Morgan, 2200 First National Bank Building, St. Paul, MN 55101. *Used motor vehicles,* between points in IL, MN, WI, MI, and IN. Supporting shippers: Lanny J. Boyer, L. B. Sales, Inc., 4000 Highway 61, White Bear Lake, MN 55110; Dick Kuehn, Kuehn Motor Co., 1210 6th Street NW, Rochester, MN 55901.

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 200 (Sub-5–77TA), filed Janaury 5, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same as applicant). *Plastic granules,* between Houston, TX and Ayer, MA. Supporting shipper: Plastic Distributing Corporation, Molumco Industrial Park, Ayer, MA.

MC 116164 (Sub-5–1TA), filed January 5, 1981. Applicant: ARROW TRANSPORTATION CO., 1911 N.E. 58th Avenue, Des Moines, IA 50313. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. *Contract insulation and materials and supplies used in the manufacture and distribution of insulation* between pts in the U.S. under contract with L & L Insulation & Supply Company, Inc. Supporting shipper: L & L Insulation & Supply Company, Inc., 107 3rd Street, Des Moines, IA 50305.

MC 126600 (Sub-5–1TA), filed January 5, 1981. Applicant: EHRSAM TRANSPORT, INC., 108 North Factory, Enterprise, KS 67441. Representative: Bob W. Storey, Attorney at Law, 310 Columbian Title Building, 820 Quincy Street, Topeka, KS 66612 (913) 232–9383. *Contract irregular: Construction equipment, all types and kinds of commercial and industrial machinery, agricultural machinery and implements, and semi-trailer units,* between Wichita, KS on the one hand, and all points and places within the U.S., except AK and HI, on the other. Supporting shipper: Murphy Machinery Company, 4200 West MacArthur, Wichita, KS 67200.

MC 136786 (Sub-5–47TA), filed January 5, 1981. Applicant: ROBCO TRANSPORTATION, INC., P.O. Box 10375, Des Moines, IA 50306. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. *(1), Horticultural equipment, implements, and tools, (2) plastic articles, (3) insecticides, plant foods, and fertilizer (except commodities in bulk), and (4) equipment, materials, and supplies (except commodities in bulk) used in the manufacture or distribution of the products in (1), (2), and (3) above,* between West Des Moines, IA, on the one hand, and, on the other, all pts in the U.S. Supporting shipper: Ross Daniels, Inc., 1720 Fuller Road, West Des Moines, IA 50265.

MC 140665 (Sub-5–55TA), filed January 5, 1981. Applicant: PRIME, INC., P.O. Box 4208, Springfield, MO 65804. Representative: H. J. Anderson, P.O. Box 4208, Springfield, MO 65804. *Foodstuffs* from points in the U.S. to the facilities of Giant Eagle Markets, Inc., in Allegheny and Butler Counties, PA. Supporting shipper: Giant Eagle Markets, Inc., 101 Kappa Drive, Pittsburgh, PA 15238.

MC 141197 (Sub-5–5TA), filed January 5, 1981. Applicant: FLEMING-BABCOCK, INC., 4106 Mattox Road, Riverside, MO 64151. Representative: Tom B. Kretsinger, Kretsinger & Kretsinger, 20 East Franklin, Liberty, MO 64068. *Animal feed and feed ingredients, in bulk, in dump vehicles,* between points in Clay County, MO, on the one hand, and on the other hand, points in AR, CO, IA, NE, OK and TX. Supporting shipper: CPC International, Inc., International Plaza, Englewood Cliffs, NJ 07632.

MC 143953 (Sub-5–2TA), filed January 5, 1981. Applicant: ELITE TRUCKING CO., P.O. Box 69, Station E., St. Joseph, MO 64505. Representative: W. R.

England, III, P.O. Box 456, Jefferson City, MO 65102. *Contract* irregular *tree or weed killing compounds, insecticides, chemicals and packaging for said commodities (except commodities in bulk),* between the plant site and warehouse facilities of Rhone Poulenc, Inc., located in the States of CA, WA, ND, OR, MO and MT, on the one hand, and all points in the States of CA, ID, IL, ND, OR, WA, MT, WY, NV, MN, KS, CO, MO, IA, SD, on the other hand. Supporting shipper: Rhone-Poulenc, Inc., 125 Blackhorse Lane, P.O. Box 125, Monmouth Junction, NJ 08852.

MC 145904 (Sub-5–6TA), filed January 5, 1981. Applicant: SOUTH WEST LEASING, INC., P.O. Box 152, Waterloo, IA 50704. Representative: Stanley C. Olsen, Jr. 5200 Willson Road, Suite 307, Edina MN 55424. *Meat, meat products, meat byproducts and articles distributed by meat packinghouses (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766,* from Tama, IA to points in IN, OH and MI. Supporting shipper: Tama Meat Packing Corportion, P.O. Box 209, Tama, IA 52339.

MC 145904 (Sub-5–7TA), filed January 5, 1981. Applicant: SOUTH WEST LEASING, INC., P.O. Box 152, Waterloo, IA 50704. Representative: Stanley C. Olsen, Jr. 5200 Willson Road, Suite 307, Edina MN 55424. *Meat, meat products, meat byproducts and articles distributed by meat packinghouses (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766,* from the facilities of Wilson Foods Corp. located at Albert Lea, MN, Cedar Rapids, Cherokee and Des Moines, IA; Marshall, MO; Monmouth, IL; and Omaha, NE to points in IL, IA, KS, MN, MO, NE, and WI. Supporting shipper: Wilson Foods Corp., 4545 Lincoln Boulevard, Oklahoma City, OK 73105.

MC 146730 (Sub-5–1TA), filed January 5, 1981. Applicant: L & W TRANSPORTATION, Route 3, Box 195, Sedalia, MO., 65301. Representative: Charles J. Fain, Fain & Fain, Attorneys, 333 Madison Street, Jefferson City, MO 65101. *Lumber or wood products, except furniture,* from AR, MO, NE, and OK to points in CA, ID, IL, IN, MT, OH, OR, TN, UT and WA. Supporting shipper: Todd Slanker, Slanker and Co., 1732 Tanner Bridge Road, Jefferson City, MO 65101.

MC 147280 (Sub-5–1TA), filed January 5, 1981. Applicant: WARREN GRADWELL, d.b.a. W. L. GRADWELL TRANSPORT, 450 N.E. 44th Des Moines, IA 50313. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Contract irregular *Meat, meat products, meat by-products and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk)* from points in IA, IL, KS, MN, MO, NE, ND, SD and WI to points in CA, OR, TX and WA under continuing contract(s) with D. C. Buback Meat Co. of St. Louis, MO. Supporting shipper(s): D. C. Buback Meat Co., 12015 Manchester Road, Suite 116, St. Louis, MO 63131.

MC 153323 (Sub-5–1TA) filed January 5, 1981. Applicant: IOWA-TEXAS EXPRESS, LTD., P.O. Box 283, Denison, IA 51442. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Contract irregular *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk,* from Dakota City and Crete, NE and Spencer, Denison and Iowa Falls, IA to points in TX. Supporting shipper(s): Handy Packing Company, Inc., P.O. Box 2420, San Angelo, TX 76902.

MC 153413 (Sub-5–1TA), filed January 5, 1981. Applicant: ROBERT E. GUNSALLUS, d.b.a. R. E. Gunsallus & Son, 906 Chase Street, Osage, IA 50461. Representative: Ronald R. Adams, 600 Hubbell Building, Des Moines, IA 50309. *Fertilizer (except in tank vehicles) and feed and feed ingredients (except in tank vehicles),* (1) between the facilities of Man-an-so at or near Fremont, NE, and Nevada, Oskaloosa, and Plainfield, IA, on the one hand, and points in IA, IL, and MN, on the other; and (2) from Ft. Worth, TX, Florence, CO, and Waterloo and Chicago, IL, to points in IA, IL, MN, and Fremont, NE, under continuing contract(s) with Man-an-so of Nevada, IA. Supporting shipper: Man-an-so, 603 Inn Avenue, Nevada, IA 50201.

MC 153416 (Sub-5–1TA), filed January 5, 1981. Applicant: ACCORD SERVICES, INC., 9414 Lewis, Kansas City, MO 64138. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Ste. 600, Kansas City, MO 64105. *Contract* Irregular *General commodities, except household goods as defined by the Commission and Classes A and B explosives,* between Johnson and Wyandotte Counties, KS and Jackson, Clay and Platte Counties, MO, on the one hand, and, on the other, points in the U.S. Supporting shipper: Metro Park Warehouses, Inc., 301 South Fifth Street, Kansas City, KS 66110.

MC 5853 (Sub-5–1TA), filed January 7, 1981. Applicant: NATIONWIDE MOVING & STORAGE CORP., 2930 DeSoto, P.O. Box 7577, Monroe, LA 71203. Representative Joseph E. Rebman, 314 North Broadway, 13th Floor, St. Louis, MO 63102. *Used household goods and personal effects,* between Caldwell, E. Carroll, Franklin, Madison, Morehouse, Richland, W. Carroll, Winn, Tensas and Ouachita Parishes in LA and Adams, Amite, Claiborne, Franklin, Jefferson and Wilkinson Counties in MS, restricted to the transportation of shipments having a prior or subsequent movement in containers, beyond the points authorized, and further restricted to the performance of pick-up and delivery service in connection with packing, crating and containerization, and unpacking, uncrating and decontainerazation of such shipments. Supporting shipper: U.S. Army, Military Traffic Management Command, 5611 Columbia Pike, Falls Church, VA 22041.

MC 106398 (Sub-5–54), filed January 7, 1981. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson (same as applicant). *Metal Products,* between Fulton County, OH, on the one hand, and, on the other, all points in the U.S. (except AK and HI). Supporting shipper: Arrow Tru-Line, Inc., P.O. Box 231, Archbald, OH 43502.

MC 106398 (Sub-5–55TA), filed January 7, 1981. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson (same as applicant). *Commodities used in the manufacture of metal building products,* from points in the U.S. (except AK and HI) to points in the state of CA. Supporting shipper: H. H. Robertson, Drawer G, Stockton, CA 95201.

MC 107727 (Sub-5–1TA), filed January 7, 1981. Applicant: ALAMO EXPRESS, INC., 6013 Rittiman Plaza, San Antonio, TX 78218. Representative: James M. Doherty, P.O. Box 1945, Austin, TX 78767. Common, regular. *General Commodities (except classes A and B explosives and household goods as defined by the Commission)* (1) Between Houston, TX and New Orleans, LA as follows: From Houston, TX to New Orleans, LA over IH 10 and return over the same route, serving all intermediate points. (2) Between Baton Rouge, LA and New Orleans, LA as follows: From Baton Rouge, LA over LA Hwy. 1 to its intersection with LA Hwy. 18, thence over LA Hwy. 18 to its intersection with U.S. Hwy. 90, thence over U.S. Hwy. 90

to New Orleans, LA, and return over the same route, serving all intermediate points. (3) Between Lafayette, LA and New Orleans, LA, as follows: From Lafayette, LA to New Orleans, LA over U.S. Hwy. 90, and return over the same route, serving all intermediate points, serving the plantsite of Ashland Chemical at United, LA, on U.S. Hwy. 83, as an off-route point in connection with such regular route operations. Applicant proposes to tack and interline, and to serve the commercial zones of all involved municipalities. Supporting shippers: There are 33 supporting shippers.

MC 119493 (Sub-5–50TA), filed January 7, 1981. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone, Traffic Manager, Monkem Company, Inc. P.O. Box 1196, Joplin, MO 64801. *Paints, stains, and varnishes and materials and supplies used in the manufacture and distribution thereof (except commodities in bulk)* Between : Carl Junction, MO on the one hand And: points in AZ, AR, CA, CO, IA, IL, IN, KS, MN, NM, NE, OR, OK, and TX on the other hand. Supporting shipper: Master Made Paints, Inc., P.O. Box 568, Carl Junction, MO 64834.

MC 119988 (Sub-5–31TA), filed January 7, 1981. Applicant: GREAT WESTERN TRUCKING CO., INC. P.O. Box 1384, Lufkin, TX 75901. Representative: Kenneth W. Haskins, P.O. Box 1384, Lufkin, TX 75901. *Such commodities as are dealt in or used by manufacturers and distributors of plastic articles and paper articles (except in bulk),* between the facilities of Solo Cup Co. at or near Chicago, Urbana, and Highland Parks, IL; Grandview, MO; Santa Paula, CA; Ada, OK; and Baltimore and Federalsburg, MD, on the one hand, and on the other, points in the U.S. (except AK and HI). Supporting shipper(s): Solo Cup Company, 1505 E. Main Street, Urbana, Illinois 61801.

MC 128273 (Sub-5–28TA), filed January 7, 1981. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban, P.O. Box 189, Fort Scott, KS 66701. *Salt and salt products* from the plant site of Cargill, Inc., at or near Hutchinson, KS, to points in IL, IN, MN, MO, and WI. Supporting shipper: Cargill, Incorporated, Minneapolis, MN.

MC 135797 (Sub-5–93TA), filed January 7, 1981. Applicant: J. B. HUNT TRANSPORT, INC., Post Office Box 130, Lowell, AR 72745. Representative: Paul R. Bergant, Esquire (same as above). *General commodities with the usual exceptions* between pts. in CA, on the one hand, and, on the other pts. in the U.S. (except AK and HI). Restricted to traffic originating at or destined to the facilities of California Cartage Company. Supporting shipper: California Cartage Company, 20021 Susana Road, Compton, CA 90221.

MC 142364 (Sub-5–10TA), filed January 7, 1981. Applicant: KENNETH SAGELY TRUCKING COMPANY, Post Office Box 368, Van Buren, AR 72956. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72701. *Such Commodities as are dealt in or used by retail and wholesale discount and variety stores and grocery stores* from pts. in CO, IA, LA, NC, NE, SC, VA and WV to the facilities of Wal-Mart Stores, Inc., located at pts. in AL, AR, IL, KS, KY, LA, MS, MO, OK, TN and TX. Supporting shipper: Wal-Mart Stores, Inc., Post Office Box 116, Bentonville, AR 72712.

MC 144505 (Sub-5–3), filed January 7, 1981. Applicant: DOYLE LOVE, d.b.a. LOVE TRUCKING, Route 1, Box 438, Mabank, TX 75147. Representative: Thomas L. Cook, First Continental Bank Bldg., Suite 301, 5801 Marvin D. Love Freeway, Dallas, TX 75237. *Bar-B-Q grills, accessories, hickory chips, outdoor cooking equipment, and materials and supplies used in the manufacturing of such commodities,* between the plantsite facilities of Smoker Products, Inc. located at or near Mabank, TX, on the one hand, and, on the other, points in the U.S. (except AK). Supporting shipper: Smoker Products, Inc., P.O. Drawer S, U.S. Highway 175E, Mabank, TX 75147.

MC 144603 (Sub-5–35TA), filed January 7, 1981. Applicant: F.M.S. TRANSPORTATION, INC., 2564 Harley Drive, Maryland Heights, MO 63043. Representative: Laura C. Berry (same address as applicant). *Such commodities dealt in by retail discount department store chains* between MO, IL, IN, IA and KS, on the one hand, and, on the other, points in the U.S. (except AK and HI), restricted to traffic from or to the facilities of Venture Stores, their vendors and suppliers. Supporting shipper: Venture Stores, 615 Northwest Plaza, St. Ann, MO 63074.

MC 144844 (Sub-5–2TA), filed January 7, 1981. Applicant: OZARK TRANSPORTATION, INC., P.O. Box 203, Greenville, MO 63944. Representative: Joseph Winter, 29 South LaSalle Street, Chicago, IL 60603. *Lumber or wood products,* (a) from points Wayne County, MS and Sabine Parish, LA, and points in AR, to points in AL, AR, CO, IL, IN, IA, LA, KS, KY, MO, MN, MS, NE, OH, OK, TN, TX and WI, and (b) from points in MO to points in AL, CO, LA, KS, MN, MS, NE, OH, OK and TX. Supporting shipper(s): There are five supporting shippers.

MC 147969 (Sub-5–5TA), filed January 7, 1981. Applicant: JOE S. BOWEN, INC., Highway 264 East, P.O. Box 262, Springdale, AR 72764. Representative: John C. Everett, 140 E. Buchanan, P.O. Box A, Prairie Grove, AR 72753. *Meat, meat products, meat by-products and articles distributed by meat packing houses except hides and commodities in bulk,* from the plant site and storage facilities of the Rath Packing Co. at Columbus Junction and Waterloo, IA, to points in OK and TX. Supporting shipper: The Rath Packing Company, P.O. Box 330, Waterloo, IA 50704.

MC 152260 (Sub-5–2TA), filed January 7, 1981. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1120, Cape Girardeau, MO 63701. Representative: William F. King, Suite 400, Overlook Bldg., 6121 Lincolnia Road, Alexandria, VA 22312. *Contract,* irregular, *Printed matter; and materials, equipment and supplies used in the manufacture of printed matter; and by-products thereof,* between points in the U.S., except AK and HI. Supporting shipper: R. R. Donnelley & Sons Company, 2223 South Martin Luther King Drive, Chicago, IL 60616.

MC 153042 (Sub-5–1TA), filed January 7, 1981. Applicant: PROTOCOL TRUCKING CO., P.O. Box 40098, 2422 Ridgecrest, Garland, TX 75040. Representative: Shelly D. Smith (same address as applicant). *Bale Feeders, Roping Arenas, Horse Pens, IorS Gates, and Articles used in agriculture,* between Rowlett, TX, (Dallas County), on the one hand, and, on the other, points in LA, OK, and TX (for shipments only imported from Mexico). Supporting shipper: Top Hand Steel Products, 5413 Chiesa Rd., Rowlet, TX 75088.

MC 153283 (Sub-5–1TA), filed January 7, 1981. Applicant: REID WOODWARD CO., 3327 West Hillsboro, El Dorado, AR 71730. Representative: Joe D. Woodward, P.O. Box 727, Magnolia, AR 71730. *Pipe and pipe fabricating supplies,* between Union County, AR, and all points and places in the U.S. Supporting shipper: Mid-States Pipe Fabricating, Inc., 1130 East Main, El Dorado, AR 71730.

MC 153284 (Sub-5–1TA), filed January 7, 1981. Applicant: TEXAS MOTOR LINE, 361 West Tyler Avenue, Longview, TX 75601. Representative: C. M. Bowen (same as applicant). *Welding supplies, tires, oil field equipment, engines, parts, machinery, hand-tools, work benches and general commodities,* between TX counties of: Bowie, Titus,

Morris, Camp, Upshur, Franklin, Hopkins, Wood, Smith, Rusk, Panola, Gregg, Harrison, Marion and Cass, and Texarkana, AR. Supporting shippers: There are eight supporting shippers.

MC 153455 (Sub-5–1), filed January 7, 1981. Applicant: AMICK ROCK, SAND & GRAVEL, 320 North Adams, Papillion, NE 68046. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. *Rock, sand and gravel, in bulk, in dump vehicles,* between pts in the states of NE and IA. Supporting shippers: 5.

MC 153456 (Sub-5–1TA), filed January 7, 1981. Applicant: FRANK A. KOSAR, d.b.a. RITE WAY TRUCK RENTAL, 2606 Cartwright, Dallas, TX 75212. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. *Heavy Machinery, Self-Propelled, and/or Attachments and Parts Thereof,* between Dallas, TX on the one hand, and, on the other, points in AL, AR, AZ, CA, CO, FL, GA, KS, KY, LA, MS, MO, NC, NM, OH, OK, PA, TN, TX and VA. Supporting shipper: Arthur Equipment Co., 1711 No. Beltline Road, Irving, TX 75061.

The following applications were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 732 (Sub-6–4TA), filed January 7, 1981. Applicant: ALBINA TRANSFER CO., INC., 4320 N. Suttle Rd., Portland, OR 97217. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210. *General Commodities* (except classes A and B explosives) in cargo containers, between Portland, OR and Seattle, WA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: General Steamship Corporation, Ltd., 421 S.W. 6th Ave., Portland, OR 97204.

MC 148407 (Sub-6–1TA), filed January 5, 1981. Applicant: CHEMICAL DISTRIBUTORS, 2262 N.W. Nicholai St., Portland, OR 97210. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. *Contract Carrier,* irregular routes: *Gypsum, Limestone and Dolomite,* between points in WA, OR, ID and MT, for 270 days. Carrier has applied for underlying 120 day ETA. Supporting shipper: Greenacres Gypsum and Lime Co., Inc., 17900 Euclid, Spokane, WA 99207.

MC 144756 (Sub-6–1TA), filed November 6, 1980. Applicant: DEDICATED TRUCKING CORP., Hamilton and Rush Roads, P.O. Box 1383, Chehalis, WA 98532. Representative: Henry C. Winters, 525 Evergreen Building, Renton, WA 98055. *Contract Carrier,* Irregular routes: *Such commodities as are dealt in by wholesale and retail grocery stores and food business houses, and starch, except commodities in bulk,* between points in AZ, CA, ID, MT, OR, UT and WA, under continuing contract(s) with Centennial Mills, Division of Univar, for 270 days. Supporting shipper: Centennial Mills, Division of Univar, 1464 N.W. Front Avenue, P.O. Box 3773, Portland, OR 97208.

MC 134484 (Sub-6–2TA), filed January 8, 1981. Applicant: EDWARDS BROS., INC., P.O. Box 1684, Idaho Falls, ID 83401. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. *Contract Carrier,* Irregular routes: *Beer, wine and related advertising matter in mixed loads with beer and wine,* from points in CA, OR, and WA to our facilities at or near Idaho Falls and Salmon, ID, for 270 days. Supporting shippers: B & F Distributing, P.O. Box 2396, Idaho Falls, ID 83401; Boneville Distributing, P.O. Box 456, Idaho Falls, ID 83401.

MC 145102 (Sub-6–12TA), filed January 2, 1981. Applicant: FREYMILLER TRUCKING, INC., 1400 S. Union Ave., Bakersfield, Ca 93307. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. *Frozen foods* from points in ID to points in TX, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Blue Bonnet Meat Company, Inc., 402 Dawson St., San Antonio, TX 78202.

MC 153134 (Sub-6–1TA), filed December 29, 1980. Applicant: HI COUNTRY CARRIERS, INC., 4061 South Broadway, Englewood, CO 80110. Representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. *Fiberglass reinforcements,* from points in Anderson County, SC, Madison, County, TN, Randall County, TX, Huntingdon County, PA and Licking County, OH to points in CA for 270 days. Supporting shipper: THALCO, Division of United Merchants and Manufacturers, Inc., 6431 Flotilla, Street, Los Angeles, CA 90040.

MC 153134 (Sub-6–2TA), filed January 8, 1981. Applicant: HI COUNTRY CARRIERS, INC., 4061 S. Broadway, Englewood, CO 80110. Representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. *Transformers, electrical and switching equipment, lamps and display materials,* from the facilities of Westinghouse Electric Corporation, at or near Jefferson City, MO; Athens, GA; and Washington, PA to points in AZ, CA, ID, MT, NV, ND, OR, SD, UT, and WA for 270 days. Supporting shipper: Westinghouse Electric Corporation, 290 Leger Road, Huntingdon, PA, 15642.

MC 153481 (Sub-6–1TA), filed January 7, 1981. Applicant: J & I TRUCKING, 4736 18th N.E., No. A–2, Seattle, WA 98105. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. *Contract Carrier,* Irregular routes: (1) *Lumber or Wood Products* and (2) *Commodities as may be dealt in or used by Construction Supply Companies,* between points in U.S. as contract carrier for 270 days. Supporting shippers: Tyee Lbr. and Mfg. Co., Inc., 765 S. Myrtle St., Seattle, WA 98108; Unresco Construction Materials, Inc., P.O.B. 80414, Seattle, WA 98108.

MC 144865 (Sub-6–1TA), filed January 6, 1981. Applicant: JASCO TRUCKING, INC., 202 94th St., N.W., Albuquerque, NM 87103. Representative: John W. Peery (same as applicant). *Contract,* Irregular routes: *Coal* from Chimney Rock Mine, Archuleta County; CO, to Paul's Spur, Cochise County, AZ for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Perma Resources Corporation, 6911 S. Yosemite St., Ste. 105, Englewood, CO 80112.

MC 153264 (Sub-6–1TA), filed January 1, 1981. Applicant: JERRY AND GAYLE TRUCKING, INC., P.O. Box 1016, Yuma, AZ 85364. Representative: Richard J. Herbert, 934 West McDowell Rd., Phoenix, AZ 85007. *Contract Carrier,* Irregular, *Beverages* in cans, bottles and kegs from Los Angeles, CA commercial zone to Yuma, AZ under continuing contract with Sun Valley Beverage Company, Inc., Yuma, AZ, for 270 days. Supporting shipper: Sun Valley Beverage Company, Inc., 536 E. 20th St., Yuma, AZ 85364.

MC 146561 (Sub-6–2TA), filed January 7, 1981. Applicant: L.M.T., INC., 15005 Faulkner Rd., Santa Paula, CA 93060. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Foodstuffs,* from Prosser, WA, to points in CA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Seneca Foods Corportation, Lee Road, P.O. Box 71, Prosser, WA 99350.

MC 125650 (Sub-6–2TA), filed January 6, 1981. Applicant: MOUNTAIN PACIFIC TRUCKING CORPORATION, 3605 Hwy. 10 W. Rt. 11, Missoula, MT 59801. Representative: Michael D. Duppenthaler, 211 S. Washington St., Seattle, WA 98104. *Flour and grain products,* from Billings and Great Falls, MT to points in CA, ID, NV, OR UT and WA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: ConAgra, Inc., P.O. Box 2548, Great Falls, MT 59403; Peavey Co., 730 Second Ave. S., Minneapolis, MN 55402.

MC 147012 (Sub-6–4TA), filed January 5, 1981. Applicant: T.B.T., Inc., P.O. Box 8472, Stockton, CA. 95208. Representative: Mark J. Hannon, 1884 West Willow Street, Stockton, CA 95203. *Contact Carrier:* Irregular routes: (1) *Prefabricated sheet metal ducting, in various shapes and sizes,* from Stockton, CA to various points in UT, for the account of United Sheet Metal, Division United McGill Corporation; for 270 days. An underlying ETA seeks 90 day authority. Supporting shipper: United Sheet Metal, Division United McGill Corporation, 1747 East Charter Way, Stockton, CA.

MC 152598 (Sub-6–1TA), filed January 8, 1981. Applicant: RICHARD L. BURKEY, d.b.a. TIMBERWOLF TRANSPORTATION, 441 Missouri, Casper, Wyoming 82601. Representative: Richard L. Burkey (same as applicant). *Contract Carrier,* Irregular routes: (1) *Dry chemicals* in packages from Dallas, TX and Denver, CO to points in WY, OK, and LA and (2) *Aluminum-Citrate,* in liquid bulk, from Garland, TX to points in WY, and MT, for the account of TIORCO, INC. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Tiorco, Inc., 1375 Pennsylvania St., Denver, Co. 80203.

MC 110325 (Sub-6–51TA), filed December 29, 1980. Applicant: TRANSCON LINES, P.O. Box 92220, Los Angeles, CA 90009. Representative: Wentworth E. Griffin, Midland Bldg., 1221 Baltimore Ave., Kansas City, MO 64105. Common carrier; *regular routes, general commodities,* (except household goods as defined by the Commission and Classes A and B explosives), (1) between Oklahoma City, OK and Las Cruces, NM, from Oklahoma City over Interstate Hwy 40 to junction U.S. Hwy 54, then over U.S. Hwy 54 to junction U.S. Hwy 70, then over U.S. Hwy 70 to Las Cruces, and return over the same route, (2) between Wichita, KS and Tucumcari, NM, from Wichita over U.S. Hwy 54 to Tucumcari, and return over the same route, as an alternate route, serving no intermediate points, with service at Tucumcari, NM for purposes of joinder in route (1) above, for 270 days.

Supporting shipper: There are no supporting shippers. Applicant's statement of economies may be reviewed at the Regional Office listed.

Note.—Applicant proposes to tack the authority sought with its authority in MC-110325 and subs thereto, and proposes to interline with other motor carriers.

MC 146577 (Sub-VI–2TA), filed January 8, 1981. Applicant: UNITED HAULING CORPORATION, 3rd and Railroad, Caldwell, ID 83605. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. *Contract carrier,* irregular routes; *lumber, lumber mill products and particleboard,* from points in OR to points in ID, under continuing contact(s) with Kuzman Forest Products, Inc. for 270 days. Supporting shipper: Kuzman Forest Products, Inc., 1220 S.W. Morrison, Portland, OR 97205.

MC 26396 (Sub-6–56TA), filed January 5, 1981. Applicant: THE WAGGONERS TRUCKING, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Steel wire rope,* from Kenosha, WI to Casper, WY, for 270 days. Supporting shipper: Macwhyte Wire Rope Co., 2906 14th Ave., Kenosha, WI 53141.

MC 53482 (Sub-6–1TA), filed January 7, 1981. Applicant: GENE WAGNER, 1254 W. 9th St., Escondido, CA 92025. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306. *Tile, facing or flooring,* from Polk County, FL to points in Los Angeles, Orange, San Diego, Santa Barbara and Ventura Counties, CA for 270 days. Supporting shippers: Morena Tile Supply, Inc., 696 Rancheros Dr., San Marcos, CA 92069 and Tileco Distributors, Inc., 721 S. Miller St., Santa Maria, CA 93454.

MC 147770 (Sub-6–1TA), filed January 5, 1981. Applicant: WEST AMERICAN TRANSPORT, INC., 1260 West North Temple, Salt Lake City, UT 84116. Representative: Mark K. Boyle, 10 Broadway Bldg., Suite 400, Salt Lake City, UT 84101. *Primary metal products; including galvanized products; fabricated metal products; machinery and supplies,* between points in the U.S., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Envirotech Corporation, 3000 Sand Hill Road, Menlo Park, CA 94025.

MC 145999 (Sub-6–6TA), filed January 7, 1981. Applicant: WESTERN DRYWALL TRANSPORT, INC., d.b.a. WESTERN DIRECT TRANSPORT, 2001 Broadway, Vallejo, CA 94590. Representative: Norman A. Sorensen (same address as applicant). *Lime, in bags,* from the lant site of The Flintkote Company at or near Henderson, NV to points in Orange and Los Angeles Counties, CA, for 270 days. Supporting shipper: The Flintkote Co., 5500 So. Alameda St., Vernon, CA 90058.

MC 146215 (Sub-6–2TA), filed January 5, 1981. Applicant: WOLFE TRUCKING, INC., 1333 E. 7th St., Los Angeles, CA 90021. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. *Contract carrier;* Irregular routes: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) from points in CT, ME, MA, NH, NJ, NY, PA, RI and VT, to points in AZ, CA, NV and UT, for the account(s) of United Freight Forwarders, Inc., for 270 days. Supporting shipper: United Freight Forwarders, Inc., P.O. Box 389, Holyoke, MA 01041.

MC 42487 (Sub-6–44TA), filed October 27, 1980. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. *Common carrier,* regular routes: *General commodities, (except household goods as defined by the Commission, and Classes A and B explosives),* (1) Between Memphis, TN and Baton Rouge, LA, serving the intermediate points of Cleveland, Vicksburg and Natchez, MS, and serving the junction U.S. Hwy 61 and U.S. Hwy 82 and the junction U.S. Hwy 82 and MS Hwy 5, for purpose of joinder only: From Memphis over U.S. Hwy 61 to Baton Rouge, and return over the same route. (2) Between Memphis, TN and Laplace, LA, serving the intermediate points of Batesville, Grenada, Winona, Canton, Jackson, Crystal Springs, Hazlehurst, Brookhaven and McComb, MS and Hammond, LA: From Memphis over U.S. Hwy 51 to LaPlace, and return over the same route. (3) Between Corinth, MS and New Orleans, LA, serving the intermediate points of Booneville, Baldwyn, Tupelo, Columbus, Meridian, Laurel, Hattiesburg and Poplarville, MS and serving Shannon and Brooksville, MS for purpose of joinder only: From Corinth over U.S. Hwy 45 to Meridian, then over U.S. Hwy 11 to New Orleans, and return over the same route. (4) Between Shannon, MS and Brooksville, MS, and serving the intermediate point of West Point, MS, and serving the termini of Shannon and Brooksville, MS for purpose of joinder only and the junction Alt. Hwy 45 and U.S. Hwy 82 for purpose of joinder only: Fron Shannon over Alt. U.S. Hwy 45 to Brooksville, and return over the same route. (5) Between Memphis, TN and Tuscumbia, AL, serving the intermediate points of Corinth, Burnsville and Iuka, MS: From Memphis over U.S. Hwy 72 to Tuscumbia, and return over the same route. (6) Between Clarksdale, MS and Birmingham, AL, serving the intermediate points of Batesville,

Oxford, Pontotoc and Tupelo, MS and Hamilton, AL, and serving the junction U.S. Hwy 82 and MS Hwy 6 for purpose of joinder only: From Clarksdale over MS Hwy 6 to Tupelo, then over U.S. Hwy 78 to Birmingham, and return over the same route. (7) Between Greenville, MS and Birmingham, AL, serving the intermediate points of Greenwood, Winona, Starkville and Columbus, MS and serving the junction U.S. Hwy 61 and U.S. Hwy 82 and the junction Alt. Hwy 45 and U.S. Hwy 82 for purpose of joinder only: From Greenville over U.S. Hwy 82 to Tuscaloosa, AL, then over U.S. Hwy 11 to Birmingham, and return over the same route. (8) Between Vicksburg, MS and Birmingham, AL, serving the intermediate points of Clinton, Jackson, Pearl, Brandon, Newton and Meridian, MS, and York and Livingston, AL: From Vicksburg over U.S. Hwy 80 to Meridian, then over U.S. Hwy 11 to Birmingham, and return over the same route. (9) Between Memphis, TN and Tupelo, MS, serving the intermediate point of Holly Springs, MS: From Memphis over U.S. Hwy 78 to Tupelo, and return over the same route. (10) Between Jackson, MS and Hattiesburg, MS, serving no intermediate points: From Jackson over U.S. Hwy 49 to Hattiesburg, and return over the same route. (11) Between Natchez, MS and Hattiesburg, MS, serving the intermediate point of McComb, MS: From Natchez over U.S. Hwy 84 to junction U.S. Hwy 98, then over U.S. Hwy 98 to Hattiesburg, and return over the same route. (12) Between Hattiesburg, MS and Mobile, AL, serving no intermediate points: From Hattiesburg over U.S. Hwy 98 to Mobile, and return over the same route. (13) Between Meridian, MS and Mobile, AL, serving the intermediate points of Shubuta and Waynesboro, MS: From Meridian, over U.S. Hwy 45 to Mobile, and return over the same route, for 270 days. Service is authorized at the off-route points of Ackerman, Amory, Bude, Kosciusko, Louisville, New Albany, Philadelphia, Ripley and Taylorsville, MS, Sulligent, AL and Moscow and Grand Junction, TN, in connection with routes (1) through (13) described above. Authority will be tacked, and interlined. Supporting shipper(s): There are fifty-two supporting shippers. Their statements may be examined at the Regional Office listed.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-1838 Filed 1-19-81; 8:45 am]

BILLING CODE 7035-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Museum Panel (Museum Purchase Plan); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Museum Panel (Museum Purchase Plan) to the National Council on the Arts will be held February 10, 1981, from 9:00 a.m.-5:30 p.m. in room 1422 of the Columbia Plaza Office Complex, 2401 E Street, Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

January 14, 1981.

[FR Doc. 81-2013 Filed 1-19-81; 8:45 am]

BILLING CODE 7537-01-M

Office for Partnership Panel (State Programs Section); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Office for Partnership Panel (State Programs Section) to the National Council on the Arts will be held on February 4-5, 1981 from 8:30 a.m. to 5:00 p.m. and February 6, 1981 from 8:30 a.m. to 4:00 p.m. in the first floor conference room of the Shoreham Building, 806 15th Street NW., Washington, D.C.

This meeting will be open to the public on a space available basis. The topic for discussion will be guidelines, review of regional applications, and Dance Touring Program Presentations.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Office of Council and Panel Operations, National Endowment for the Arts.

January 14, 1981.

[FR Doc. 81-2014 Filed 1-19-81; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. STN 50-488, 50-489, and 50-490]

Duke Power Co. (Perkins Nuclear Station, Units 1, 2, and 3); Oral Argument

Notice is hereby given that, in accordance with the Appeal Board's order of January 13, 1981, oral argument on the appeal of intervenors Mary Apperson Davis and the Yadkin River Committee from the February 22, 1980 partial initial decision of the Licensing Board in this construction permit proceeding will be heard at *10:00 a.m. on Wednesday, February 18, 1981 in the NRC Public Hearing Room, Fifth Floor, East-West Towers Building, 4350 East-West Highway, Bethesda, Maryland.*

Dated: January 14, 1981.

For the Appeal Board.

C. Jean Bishop,

Secretary to the Appeal Board.

[FR Doc. 81-2065 Filed 1-19-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-142 OL (Proposed Renewal of Facility License)]

The Regents of the University of California (UCLA Research Reactor); Order (Scheduling a Prehearing Conference)

January 12, 1981.

In a conference call on December 12, 1980, it was determined that February 4 and 5, 1981, were the first dates convenient to the parties and the Board for a prehearing conference. The purpose of the conference is to consider those contentions which are still in dispute.

The prehearing conference will begin at 9:30 a.m. (local time) on February 4, 1981, in the New Yorker Room in the Los Angeles Hilton, 930 Wilshire Boulevard, Los Angeles, California. Assuming that the conference will not be concluded in one day, it will be continued on

February 5 in the Patio Room in the Hilton.

The public is invited to attend. No limited appearance statements will be accepted at the prehearing conference. A time for limited appearance statements will be scheduled at a later date.

It is so ordered.

For the Atomic Safety and Licensing Board.

Elizabeth S. Bowers,

Administrative Judge.

[FR Doc. 81-2066 Filed 1-19-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Panel for the Decontamination of Three Mile Island, Unit 2; Meetings

Notice is hereby given pursuant to the Federal Advisory Committee Act that the Advisory Panel for the Decontamination of Three Mile Island, Unit 2, will hold three meetings during the month of February. The meetings will be open for public observation.

The meetings will be on February 4, February 11, and February 19 from 7:00 p.m. to 10:30 p.m. in The Forum of the Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania.

Since these will be working meetings to develop Advisory Panel advice to the Commission, there are no specific meeting agenda.

Further information on the meetings may be obtained from Dr. William Travers, Three Mile Island Program Office, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone 301-492-7811.

Dated: January 14, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-2068 Filed 1-19-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Subcommittee on Reactor Radiological Effects; Meeting

The ACRS Subcommittee on the Reactor Radiological Effects will hold a meeting at 1:00 p.m. on February 5, 1981 in Room 1167, 1717 H Street, NW, Washington, D.C. to review and comment on the NRC Staff's paper to the NRC Commissioners on the current status of thinking and research related to iodine releases and accident source terms.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980 (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Thursday, February 5, 1981

1:00 p.m. until 7:00 p.m.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to Mr. Garry G. Young (telephone 202/634-1414) between 8:15 a.m. and 5:00 p.m., EST. The cognizant Designated Federal Employee for this meeting is Mr. John C. McKinley.

Dated: January 15, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-2067 Filed 1-19-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 11554; (811-1511)]

Hamilton High Yield Fund, Inc., (Formerly Hamilton Bond Fund, Inc.); Filing of Application Pursuant to Section 8(f) of the Investment Company Act of 1940 for an Order of the Commission Declaring That Applicant Has Ceased to be an Investment Company

January 14, 1981.

Notice is hereby given that Hamilton High Yield Fund, Inc. (formerly Hamilton Bond Fund, Inc.) ("Applicant"), 3600 South Yosemite Street, Denver, Colorado 80237, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on November 28, 1980, pursuant to Section 8(f) of the Act, for an order of the Commission declaring that Applicant has ceased to be an investment company as that term is defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant was organized under the laws of the State of Delaware on May 1, 1967, as International Income Fund, Inc., and registered with the Commission under that name on July 10, 1967. Applicant effected numerous name changes after registering with the Commission, including the name change from Hamilton Bond Fund, Inc., to Hamilton High Yield Fund, Inc., on February 3, 1978. An application for a limited exemption from the provisions of Sections 10(a), 15(a), 15(c), 30(b), 30(d), and 32(a) of the Act was filed with the Commission on behalf of Applicant by its investment adviser, Hamilton Management Corporation, presently called Oppenheimer Asset Management Corporation ("Oppenheimer"), which the Commission granted by order dated September 1, 1967 (Investment Company Act Release No. 5074). Hamilton Futura Fund, Inc. (former name used by Applicant) filed a registration statement (File No. 2-33588) under the Securities Act of 1933 ("1933 Act") to make a public offering of shares of its capital stock on June 20, 1969. This registration statement did not become effective, and on May 3, 1972, the Commission issued an order allowing withdrawal of such registration statement pursuant to Rule 477 under the 1933 Act. Subsequently, on November 22, 1972, a registration statement under the 1933 Act was filed by American Future Fund, Inc. (File No. 2-46411), another of Applicant's former names. According to the application, this registration statement was never declared effective. Thus, the application represents that Applicant has not made a public offering of its securities.

Applicant states that its sole shareholder, Oppenheimer, has been reimbursed for its initial investment, and that Applicant's shares which it held, representing the total number of Applicant's outstanding capital stock, have been retired with the exception of

one share of $1.00 par value stock which Oppenheimer still holds. Applicant further states that it presently has no assets; that it has no outstanding debts or other liabilities; that it is not a party to any litigation or administrative proceeding; and that it has not, for any reason, transferred any of its assets to a separate trust, the beneficiaries of which were or are securityholders of Applicant. Applicant also states that it is not now engaged, and does not propose to engage, in any business activities other than those necessary for the winding-up of its affairs. Finally, Applicant states that it has filed a Certificate of Dissolution with the Secretary of State of the State of Delaware, and that such filing terminates Applicant's existence under Delaware state law.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than February 16, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–2008 Filed 1–19–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 11548; (812–4779)]

McDonald Money Market Fund, Inc., Filing of Application for an Order Pursuant to Section 6(c) of the Act Exempting Applicant From the Provisions of Section 2(a)(4) of the Act and Rules 2a–4 and 22c–1 Thereunder

January 13, 1981.

Notice is hereby given that McDonald Money Market Fund, Inc. ("Applicant"), 2100 Central National Bank Building, Cleveland, Ohio 44114, an open-end, diversified management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on December 5, 1980, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit Applicant to compute its net asset value per share using the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contined therein, which are summarized below.

Applicant states that it is a "money market" fund designed as an investment vehicle for investors who desire to place assets in money market investments where the primary considerations are safety, liquidity and, to the extent consistent with these objectives, a high income return. According to the application, Applicant's portfolio may be invested in a variety of short-term money market instruments consisting of marketable securities issued by the United States government or its agencies or instrumentalities; certificates of deposit; bankers' acceptances; repurchase agreements; and high grade commercial paper. Applicant further states that all its investments will consist of obligations maturing wihtin one year from the date of acquisition, and the average maturity of all its investments will be 120 days or less on a dollar-weighted basis.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c–1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell such security. Rule 2a–4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution and redemption shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered company. Prior to the filing of the application, the Commission expressed its view that, among other things: (1) Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Applicant states that experience indicates that two qualities are helpful in order to attract investment: (1) stability of principal and (2) steady flow of investment income. Applicant asserts that by utilizing high quality money market instruments of short maturities combined with a stable net asset value, it would be possible to provide these features to investors. Applicant represents that its board of directors has determined in good faith that in light of the characteristics of Applicant, the amortized cost method of valuing portfolio securities is appropriate and preferable for Applicant and reflects fair value of such securities. According to the application, experience has shown that given the nature of Applicant's policies and operations, there will be a relatively negligible discrepancy between prices obtained by market value methods and amortized cost valuation. accordingly, Applicant requests exemptions from Section 2(a)(41) of the Act and Rules 2a–4 and

22c-1 thereunder to the extent necessary to permit Applicant to value its portfolio by means of the amortized cost method of valuation.

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

Applicant expressly consents to the imposition of the following conditions in any order granting the relief it requests:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's board of directors undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase at $1.00 per share.

2. Included within the procedures to be adopted by Applicant's board of directors shall be the following:

(a) Review by the board of directors, as it dems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from Applicant's $1.00 amortized cost price per share, and maintenance of records of such review.[1]

(b) In the event such deviation from the $1.00 amortized cost price per share exceeds ½ of 1%, the board of directors will promptly consider what action, if any, should be initiated.

[1] To fulfill this condition, Applicant will use actual quotations or estimates of market value reflecting current market conditions selected by its board of directors in the exercise of its discretion to be appropriate indicators of value. The quotations or estimates utilized may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments or (2) values obtained from yield data relating to classes of money market instruments furnished by reputable sources.

(c) Where the board of directors believes the extent of any deviation from Applicant's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which action may include: redemption of shares in kind; the sale of portfolio securities prior to maturity to realize capital gains or losses, or to shorten Applicant's average portfolio maturity; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity at the date of acquisition of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity in excess of 120 days. In fulfilling this condition, if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, the Applicant will invest its available cash in such a manner as to reduce its dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

4. Applicant will record, maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and Applicant will record, main ain and preserve for a period of not less han six years (the first two years in the easily accessible place) a written record of the board of directors' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the board of directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act as though such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements if any, to those United States dollar-denominated instruments which the board of directors determines present minimal credit risks, and which are of high quality as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the board of directors.

6. Applicant will include in each quarterly report, as an attachment to Form N-1Q, a statement as to whether any action pursuant to condition 2(c) was taken during the preceding fiscal quarter, and, if any action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than February 6, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Aplicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-2009 Filed 1-19-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 17433; (SR-PSE-80-22)]

Pacific Stock Exchange; Order Approving Proposed Rule Change

January 9, 1981.

On November 17, 1980, the Pacific Stock Exchange, Incorporated ("PSE"), 301 Pine Street, San Francisco, CA

94104, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) ("Act") and Rule 19b–4 thereunder, copies of a proposed rule change which modify the PSE's four existing XYZ agreement forms designed for use between an applicant for PSE membership and the applicant's financial backer.[1] The modifications would permit the use of XYZ agreements for financing equity floor memberships, as well as for financing options floor memberships.[2] Further, under the terms of the XYZ forms, the period of time that the PSE could extend deadlines for the orderly closing of an applicant's business or its transfer from an applicant to a backer would be increased from 30 to 60 days. The PSE's present requirement that all agreements between an applicant and a backer must be approved by the PSE would be rescinded.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 17349, December 1, 1980) and by publication in the **Federal Register** (45 FR 80624, December 5, 1980). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–2012 Filed 1–19–81; 8:45 am]

BILLING CODE 8010–01–M

[1] The four XYZ agreements, while containing the same general language, have variations depending on whether an applicant or a backer is a sole proprietorship or a member organization.

[2] Presently, XYZ forms are available only for financing options floor memberships, but under the proposed rule change they would also be available for financing equity floor memberships. This would be achieved by deleting from each of the XYZ forms certain language that has always been interpreted by the PSE as barring the use of the forms for equity floor memberships.

[Release No. 11549; (812–4330)]

Twentieth Century Investors, Inc. and Investors Research Corporation; Application for a Conditional Order Pursuant to Section 6(c) of the Act Exempting Certain Transactions and Classes of Transactions from the Provisions of Section 17(e)(1) of the Act

January 13, 1981.

Notice is hereby given that Twentieth Century Investors, Inc. ("Twentieth Century"), registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, and Investors Research Corporation, ("Research") (collectively with Twenieth Century, "Applicants"), 605 West 47th Street, Kansas City, MO 64112, an investment adviser registered under the Investment Advisers Act of 1940, filed an application on July 3, 1978, with amendments on April 23, November 5, and December 26, 1979, and March 24, June 6, and December 1980, for a conditional order of the Commission pursuant to Section 6(c) of the Act, exempting certain past transactions and proposed classes of transactions from the provisions of Section 17(e)(1) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Twentieth Century is a series company with two series of shares, one seeking capital appreciation and the other current cash distributions. Research is investment adviser to Twentieth Century. Applicants state that in 1973 Research developed computer programs that enable it to analyze the revenues and earnings over the past twenty quarters of over 6,000 publicly held companies, and that classify the companies according to their earnings and revenue characteristics. According to the application, the computer programs develop information which is applied to certain ideas, theories, concepts and techniques of stock selection developed by Research in conjunction with Richard H. Driehaus ("Driehaus"), currently an employee of Jessup & Lamont, Inc., a registered broker-dealer. Applicants argue that the information developed through the use of the computer programs is extremely valuable in managing Twentieth Century's two portfolios and that those programs have enabled Twentieth Century to enhance substantially its investment performance.

According to Administrative Proceeding File No. 3–4669 (incorporated by reference in the application), from August, 1973 to September, 1975 Research received payments from two broker-dealers for use of the computer programs developed by Research. During that period, a substantial portion of Twentieth Century's portfolio brokerage business was directed to those broker-dealers. In 1975, the Commission instituted administrative proceedings (the "Enforcement Proceeding") against the two broker-dealers, Research, Driehaus and James E. Stowers, Research's chief executive officer and principal owner, and president, director and portfolio manager of Twentieth Century. On May 1, 1978, the Commission found, *inter alia*, that Research had violated Section 17(e)(1) of the Act and, as a result, censured Research (*Investors Research Corporation*, Investment Company Act Release No. 10223). The Commission found that the leasing arrangement created a conflict of interest, giving Research an incentive to churn Twentieth Century's two portfolios and making it less likely that Research would be aggressive in negotiating with broker-dealers concerning best price and execution of portfolio transactions on behalf of Twentieth Century. Research appealed the Commission's decision, and the United States Circuit Court of Appeals for the District of Columbia affirmed the Commission's censure of Research (*Investors Research Corporation* v. *SEC*, [Current] Fed. Sec. L. Rep. (CCH) ¶97,526 (D.C. Cir. 1980).

Applicants state that, during the pendency of the Enforcement Proceeding, Research permitted Thomson & McKinnon Securities, Inc. ("Thomson & McKinnon"), to use its programs. Thomson & McKinnon paid $1,000 per month into an escrow account for a period of eight months and then ceased all payments when the administrative law judge entered his initial decision in which he found that the prior similar arrangements violated Section 17(e)(1) of the Act.

Applicants state that Research currently directs almost all of the portfolio brokerage business of Twentieth Century to Driehaus, that information from the computer programs is furnished to Driehaus because he utilizes the information to give investment advice to Research, and that Research finds Driehaus' advice useful in managing Twentieth Century's portfolios. Applicants further state that Driehaus utilizes the information in recommending securities transactions to his other customers and thereby enjoys for his own use and profit proprietary information which belongs to Research.

Applicants represent that Driehaus is willing to pay for the information, but that because of the Commission's decision in the Enforcement Proceeding, Driehaus is unable to pay, and Research is unable to accept, payment for the use of the programs.

Section 17(e)(1) of the Act provides, in part, that it shall be unlawful for any affiliated person of a registered investment company, acting as agent, to accept from any source any compensation for the purchase or sale of any property to or for such registered company, except in the course of such person's business as an underwriter or broker.

Section 6(c) of the Act provides, in part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, transaction, or any class or classes of persons or transactions, from any provision of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Without admitting that past or proposed payments violate any provisions of the Act, Applicants request a conditional order pursuant to Section 6(c) of the Act exempting from the provisions of Section 17(e)(1) of the Act, to the extent necessary, the future receipt by Research of payments for the use of its computer programs by brokers to whom portfolio brokerage of Twentieth Century is directed. Applicants suggest several conditions to such an order that they assert will respond to the Commission's concerns in the Enforcement Proceeding. Applicants argue that the following conditions would fulfill the prophylactic purpose of Section 17(e)(1) of the Act and would make the granting of the application by the Commission appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act:

(1) The aggregate of all payments to Research from participating brokers will be limited to an amount that will not exceed the out-of-pocket cost to Research and its affiliates for the computer hardware and attendant system software needed for the operation of its programs.[1]

(2) Research will submit quarterly reports to the board of directors of Twentieth Century. These reports will include: (a) the portfolio turnover rate in the preceding quarter for each of Twentieth Century's two portfolios, as compared with their respective rates for the preceding three years and an identification and explanation of any portfolio transaction during the quarter where a security was sold within sixty days of its purchase; (b) the brokerage commission rates paid in the preceding quarter to participating brokers, together with the brokers' rates charged other customers (and an annual letter from the independent auditors of participating brokers affirming that Twentieth Century had received "most favored customer" treatment from the participating brokers); (c) an evaluation of the quality of execution provided by the participating brokers, including identification and explanation of any portfolio transaction where a participating broker failed to comply with special instructions, where there was an unauthorized material delay in executing an order, where a sale was made at a price less than 95% of the price at the time of placing a sell order, or where a purchase was made at more than 105% of the price of the security at the time of placing a buy order.

(3) Twentieth Century's board of directors will review the quarterly reports and will evaluate Research's performance in dealing on behalf of Twentieth Century with the participating brokers. After the review of each report, the board will vote on whether to approve Research's actions. Approval by a majority of Twentieth Century's full board of directors and by a majority of its disinterested directors will be required in order that the leasing arrangements continue without compensation for harm.

(4) Research agrees to reimburse Twentieth Century for any harm to Twentieth Century that might result from the leasing arrangements between Research and the participating brokers as a result of excessive portfolio turnover, excessive brokerage expenses, or poor execution of portfolio transactions. To obtain reimbursement for harm, a majority of Twentieth Century's disinterested directors must request it. Research will pay, without recourse, any such requested amounts that do not exceed amounts it received from participating brokers during the quarter or quarters for which reimbursement is sought. With regard to claims for reimbursement in excess of leasing payments received from participating brokers in the quarter in question, Research reserves the right to present a good faith defense to a court of competent jurisdiction.

(5) Research will lease its computer programs only to brokers that agree to provide brokerage services to Twentieth Century at commission rates that are (a) at least as favorable as those charged their most favored customers on transactions of similar magnitudes to those of Twentieth Century and (b) no greater than usual and customary brokerage commission rates.

Applicants also request an order pursuant to Section 6(c) of the Act exempting from the provisions of section 17(e)(1) of the Act the receipt by Research of the payments (with interest) made into escrow by Thomson & McKinnon for use of the computer programs during the pendancy of the administrative hearing in the Enforcement Proceeding. Applicants represent that those payments were $1,000 per month and that Research's out-of-pocket costs for computer hardware and system software during that period were approximately $6,000 per month. Applicants further represent that, during the period covered by the escrowed payments, the portfolio turnover rates for each of Twentieth Century's two portfolios were less, on an annualized basis, than they had been in each of the three prior calendar years. Applicants further represent that the brokerage services provided by Thomson & McKinnon during the period of the escrowed payments were of acceptable quality and at a reasonable price. Applicants assert that an order pursuant to Section 6(c) of the Act permitting Research to receive the escrowed payments would be appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than February 9, 1981, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and

[1] Applicants represent that such costs were $8,217 in the month of July, 1979.

Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion.

Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-2010 Filed 1-19-81; 8:45 am]

BILLING CODE 8010-01-M

SELECTIVE SERVICE SYSTEM

Privacy Act of 1974; Notice of Systems of Records, Proposed Revision of System of Records

AGENCY: Selective Service System.

ACTION: Proposed Revision of System of Records.

SUMMARY: The Selective Service System proposes to revise its system of records SSS-8 necessitated by the resumption of registration under the Military Selective Service Act (50 U.S.C. App. 453). The system that will be revised pertains to suspected violators of the Military Selective Service Act.

COMMENT DATE: Comments are due on or before February 20, 1981.

ADDRESS: Selective Service System, ATTN: Records Manager, 600 E Street, NW., Washington, D.C. 20435.

FOR FURTHER INFORMATION CONTACT: C. E. Boston, Records Manager, Selective Service System, 600 E Street, NW., Washington, D.C. 20435. Phone (202) 724-0419.

SUPPLEMENTARY INFORMATION: The system of records, SSS-8, that will be revised appears at 41 FR 53965.

Bernard Rostker,

Director of Selective Service.

January 15, 1981.

SSS-8 as revised is:

SSS-8

SYSTEM NAME:

Suspected Violator Inventory System (SVIS)—SSS.

SYSTEM LOCATION:

National Headquarters, Selective Service System, 600 E Street, NW., Washington, D.C. 20435.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Alleged violators of the Military Selective Service Act (50 U.S.C. App. 451 et seq.).

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains the name, Selective Service Number (if any), Social Security Account Number (if any), report of, and disposition data of, alleged violations of the Military Selective Service Act.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 10(b)(3) of the Miltary Selective Service Act (50 U.S.C. App. 460(b)(3)).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Exchange of information with the Department of Justice respecting alleged violations of the Military Selective Service Act.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records are maintained in file folders, on tape, input forms and computer printouts.

RETRIEVABILITY:

Indexed by Selective Service Number, Social Security Account Number, and name.

SAFEGUARDS:

a. Records are available to authorized SSS personnel only.

b. Office is locked when authorized personnel are not on duty.

c. Periodic security checks.

RETENTION AND DISPOSAL:

Upon final disposition of violator case.

The input forms are destroyed by maceration, shredding or burning immediately after the information has been recorded in SVIS.

Computer printouts distributed to National Headquarters are destroyed when they have served their temporary purposes by maceration, shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Selective Service, National Headquarters, Selective Service System, 600 E Street, NW., Washington, D.C. 20435.

NOTIFICATION PROCEDURE:

Same as the above. It is necessary to furnish the following information in order to identify the individual whose records are requested:

a. Full name.

b. Date of birth.

c. Selective Service Number or Social Security Account Number.

d. Mailing address to which the reply should be mailed.

RECORD ACCESS PROCEDURES:

An individual can obtain information on the procedures for gaining access to and contesting records through: Director of Selective Service, National Headquarters, Selective Service System, 600 E Street, NW., Washington, D.C. 20435, Attn: Records Manager.

CONTESTING RECORD PROCEDURES:

Same as the above.

RECORD SOURCE CATEGORIES:

Information concerning name of alleged violator is recorded in file folders by Records Manager and input documents are prepared by him.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-2047 Filed 1-19-81; 8:45 am]

BILLING CODE 8015-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 04/04-5092]

Filing of Application for Approval of Conflict of Interest Transaction

Notice is hereby given that Vanguard Investment Company, Inc., (VICI), 309 Pepper Building, Fourth & Liberty Streets, Winston-Salem, N.C. 27101 a Federal Licensee under the Small Business Investment Act of 1958 Section 301(d) as amended has filed an application with the Small Business Administration, pursuant to Section 312 of the Act and covered by § 107.1004(b)(1) of the SBA Rules and Regulations, governing Small Business Investment Companies (13 CFR 107.1004(1980)) for approval of the Conflict of Interest transaction falling within the scope of the above Sections of the Act and Regulations.

Subject to such approval VICI proposes to invest $124,500 in A & B Fast Foods, Inc. of Charlotte, N.C. The purpose of the small business concern is to operate a Burger King restaurant in Charlotte, N.C. The principals are Mr. Lee D. Andrews (49%) and Mr. Matthew Beatty (51%).

The proposed financing is brought within the purview of § 107.1004 of the SBA Regulations because Mr. Andrews is an officer, director and 10 percent stockholder of the licensee.

Notice is hereby given that any interested person may not later than

February 2, 1981, submit written comments on the proposed investment to the Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

(Catalog of Federal Domestic Assistance Program No. 59,011 Small Business Investment Companies.)

Dated: January 12, 1981.

Michael K. Casey,

Associate Administrator for Investment.

[FR Doc. 81-2073 Filed 1-19-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice 735]

Certain Foreign Passports; Validity

New Zealand and Senegal are added to the list of countries which have entered into agreements with the Government of the United States whereby their passports are recognized as valid for the return of the bearer to the country of the foreign issuing authority for a period of at least six months beyond the expiration date specified in the passport.

This notice amends Public Notice 633 of October 19, 1978 (43 FR 48751).

Dated: December 18, 1980.

Diego C. Asencio,

Assistant Secretary for Consular Affairs.

[FR Doc. 81-1948 Filed 1-19-81; 8:45 am]

BILLING CODE 4710-01-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

Privacy Act of 1974; Revised System of Records

AGENCY: Office of the Secretary, Department of Treasury.

ACTION: Notice of Intent to Revise Privacy Act System of Records, Treasury/OS 00.190, General Allegations and Investigative Records System, as last published at 45 FR 18690, March 21, 1980.

SUMMARY: The above referenced system of records is being revised as follows:

System number:

Administrative change due to typographical error.

Categories of individuals:

Correct reference to Civil Service Merit System. Administrative change due to reorganization.

Authority for maintenance of the system:

Administrative update of citation.

Routine uses including categories of users and purposes of such uses:

Amended to add Special Counsel to the Merit Systems Protection Board; GAO Fraud Task Force, state and local licensing boards; and Intelligence Oversight Board, pursuant to requirements of Executive Order 12036 relating to the oversight of foreign intelligence activities in Treasury.

Policies and practices for storing, retrieving, accessing, retaining and disposing of records in the system:

Amended to update system description to include automated indexing.

Safeguards:

Reworded for clarity.

System exempt:

Administrative change to reinstate this data item which was inadvertently omitted from the previous printing of the system description.

The intended effect of the action is to provide more efficient and accurate retrieval of information due to the growth of the system files.

DATES: Public comment on this proposed revision must be received not later than February 20, 1981. Unless nonconcurrence of the report of this proposed revision by the Office of Management and Budget, or unless this Department publishes further notice of change or receipt of public comments, this proposed system will become effective on March 23, 1981.

ADDRESSES: Office of the Inspector General, Main Treasury Building, Washington, D.C. 20220.

FOR FURTHER INFORMATION CONTACT: Mrs. Carol Jolliffe, Office of the Inspector General, Main Treasury Building, Washington, D.C. 20220, 202-566-8900.

Dated: January 9, 1981.

Walter J. McDonald,

Assistant Secretary (Administration).

TREASURY/OS 00.190

SYSTEM NAME:

General Allegations and Investigative Records—Treasury/OS

SYSTEM LOCATION:

Office of the Inspector General, Main Treasury Building, Washington, D.C. 20220

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(A) Current and former employees of the Department of Treasury and such other persons whose association with current and former employees relate to the alleged violations of the Department's rules of conduct, the Office of Personnel Management merit system, or any other criminal or civil misconduct, which affects the integrity or facilities of the Department of Treasury. The names of individuals and the files in their names may be:

(1) received by referral; or

(2) initiated at the discretion of the Office of the Inspector General in the conduct of assigned duties.

(B) Individuals who are: witnesses; complainants; confidential or non-confidential informants; suspects; defendants; parties who have been identified by the Office of the Inspector General or by other agencies; constituent units of the Department of Treasury and members of the general public in connection with the authorized functions of the Inspector General.

(C) Current and former senior Treasury and bureau officials who are the subject of investigations initiated and conducted by the Office of the Inspector General.

CATEGORY OF RECORDS IN THE SYSTEM:

Letters, memoranda, and other documents citing complaints of alleged criminal or administrative misconduct. Investigative files which include: reports of investigations to resolve allegations of misconduct or violations of law with related exhibits, statements, affidavits, records or other pertinent documents obtained during investigations; transcripts and documentation concerning requests and approval for consensual (telephone and consensual non-telephone) monitoring; reports from or to other law enforcement bodies; prior criminal or noncriminal records of individuals as they relate to the investigations; reports of actions taken by management personnel regarding misconduct and reports of legal actions resulting from violations of statutes referred to the Department of Justice for prosecution.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Reorganization Plan No. 26 of 1950, Treasury Department Order No. 256, dated July 18, 1978, Treasury Department Order No. 101-4, dated April 13, 1979, Treasury Department Order No. 101-14, dated February 20, 1980, and Treasury Department Order No. 101-15, dated February 27, 1980.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine disclosure of information contained in this system may be made to appropriate officials of the Treasury Department and the Department of Justice in connection with actual or potential criminal prosecution or civil litigation and to the Office of the General Counsel in connection with requests for legal advice; Special Counsel to the Merit Systems Protection Board; GAO Fraud Task Force; state and local licensing boards; Intelligence Oversight Board, pursuant to requirements of Executive Order 12036 relating to the oversight of foreign intelligence activities in Treasury; and to authorized investigative offices of the Treasury Department constituent units. Disclosure may be made during judicial proceedings and administrative hearings. Routine disclosure may be made (to the extent provided by law or regulation and as necessary) to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to authorized investigative offices of other Federal Agencies in connection with security procedures. Disclosures may be made to those offices and employees of the Treasury Department who have a need for the records such as those disclosures required by the Freedom of Information Act (5 U.S.C. 522) as amended. For additional routine uses see Appendix AA entitled "Department of the Treasury Appendix Additional Routine Uses".

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file jackets and word processing discs maintained in locked safes.

RETRIEVABILITY:

By name and case number. Access to the physical files containing records is by case number obtained from alphabetized card indices and word processing discs.

SAFEGUARDS:

Records and word processing discs are maintained in locked safes and all access doors are locked when office is vacant. The records are available to Office of the Inspector General personnel who have an appropriate security clearance.

RETENTION AND DISPOSAL:

Investigative files are stored on-site for 3 years and indices to those files are stored on-site for 5 years. The word processing discs will be retained indefinitely, however they will be reviewed on a periodic schedule and will be purged when the information is no longer required. Upon expiration of their respective retention periods, the investigative files and their indices are transferred to the Federal Records Center for retention and in most instances destroyed by burning, maceration or pulping when 20 years old.

SYSTEM MANAGER(S) AND ADDRESS:

Inspector General, Main Treasury Building, Washington, D.C. 20220.

NOTIFICATION PROCEDURE:

Pursuant to 5 U.S.C. 552a(j)(2) and (k)(2), this system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

RECORDS ACCESS PROCEDURES:

See Notification Procedures above.

CONTESTING RECORD PROCEDURES:

See Notification Procedures above.

RECORDS SOURCE CATEGORIES:

See Categories of Individuals above. This system contains investigatory material whose sources need not be reported.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

As authorized by 5 U.S.C. 552a(j)(2) and (k)(2), this system is exempt from the various provisions of the Privacy Act enumerated in 31 CFR 1.36.

[FR Doc. 81-2007 Filed 1-19-81; 8:45 am]
BILLING CODE 4810-25-M

VETERANS ADMINISTRATION

Education Benefits; Policies and Procedures

AGENCY: Veterans Administration.

ACTION: Request for public comments.

SUMMARY: The Veterans Administration is publishing for public comment statements of procedures which have been adopted by the agency in order to implement some of the provisions of the Veterans' Rehabilitation and Education Amendments of 1980. These statements will better acquaint veterans, eligible persons, educational institutions and the public at large with the way these provisions will be implemented.

DATE: Comments must be received on or before February 19, 1981.

ADDRESS: Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420.

Comments will be available for inspection at the above address during normal business hours until March 2, 1981.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer, Assistant Director for Policy and Program Administration, Education Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue, NW., Washington DC 20420 (202-389-2092).

SUPPLEMENTARY INFORMATION: This publication contains DVB Circular 22-80-39 and Appendix B to that circular. This circular and appendix implement the provisions of the Veterans' Rehabilitation and Education Amendments of 1980, especially those provisions dealing with flight training and payment of educational assistance allowance to veterans and eligible persons in correspondence training.

This circular and appendix have been distributed through the normal channels. The Veterans Administration is implementing the procedures contained in the circulars. All comments received will be reviewed and used in changing the circular and appendix, if necessary.

Additional Comment Information

Interested persons are invited to submit written comments, suggestions or objections regarding this document to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays) until March 2, 1981. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to a VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Approved: January 13, 1981.

By direction of the Administrator.

Rufus H. Wilson,

Deputy Administrator.

Educational Provisions of the Veterans' Rehabilitation and Education Amendments of 1980 (PL 96–466)

[DVB Circular 22–80–39]

November 4, 1980.

1. *General:* H.R. 5288 was enacted as Pub. L. 96–466 on October 17, 1980. Some major provisions of the law are a 10% two-part increase in chapters 34 and 35 educational assistance, a reduction in the amounts VA can reimburse for correspondence and flight training, and changes to chapters 32, 34, 35, and 36. Provisions of the new law are arranged by effective dates. Those provisions for which more detailed instructions will be issued later are clearly indicated. Changes in the law concerning vocational rehabilitation (chapter 31 of title 38) and veterans' employment provisions (chapters 41 and 42 of title 38) will be covered in separate publications.

2. *Provision Effective January 1, 1977:* Title 38 U.S.C. 1602(1)(A) has been amended to allow participation in the chapter 32 VEAP Program by persons with a prior period(s) of military service, but who are ineligible for chapter 34 educational assistance. Although entry into active duty must still be January 1, 1977 or later, the amendment eliminates the requirement that it be the "initial" entry into military service.

Example: A person first entered into active military service on August 1, 1976 and received a hardship discharge on December 8, 1976 (130 days). He reenlisted on October 22, 1977 and is to be discharged on October 21, 1981. Prior to enactment of this law, he would not have been eligible for chapter 34 or chapter 32 benefits. He did not meet the 181 continuous days active service requirement for chapter 34. He also did not meet the "initial" period of service after January 1, 1977 for chapter 32. However, this law eliminates the "initial" entry requirement and he can now participate in the chapter 32 program.

3. *Provisions Effective October 1, 1980, Chapters 34 and 35:*

Note.—Some portions of provisions listed are effective on different dates. They are included here with the major subjects for clarity. Differing effective dates are clearly identified.

a. *Rates.* Chapters 34 and 35 benefit rates have been increased by 5% effective October 1, 1980. (The remainder of the 10% increase is effective January 1, 1981, as discussed in paragraph 6a of this circular.) The charge against entitlement for correspondence training is at the rate of $327 per month. The charge against entitlement for flight training is at the rate of $302 per month. The October 1, 1980, rates are shown in paragraph 8 a and b of this circular. The following sections of title 38, U.S.C., have been amended to reflect the new rates:

(1) Sections 1682 (a), (b) and (c); and 1787(b)—chapter 34 rates.

(2) Sections 1732(b) and 1742(a)—chapter 35 rates.

(3) Section 1786(a)(2)—correspondence rates.

(4) Section 1677(b)—flight rates.

b. *Tutorial Assistance.* Amendments to 38 U.S.C. 1692(b) increase the tutorial assistance rate and disqualify certain family members as tutors.

(1) The rate of tutorial assistance is increased to $72 per month with a maximum of $869. Payments for tutoring provided on or after October 1, 1980, will be computed at the new rate and will be subject to the new maximum.

(2) Legislation has confirmed VA policy to prohibit payment of tutorial assistance to a veteran for tutoring by his or her own parent, spouse, child (whether or not married or over 18 years of age), brother, or sister.

c. *SAA Reimbursement.* Title 38 U.S.C. 1774(b) is amended to increase the allowance for administrative expenses paid to State approving agencies by 5%. The new allowances range from $662 to $14,288 base. The administrative allowances for expenses incurred on or after October 1, 1980, will be computed on the basis of the following rate chart:

Total salary cost reimbursable	Allowance for administrative expenses
$5,000 or less	$662.
Over $5,000 but not exceeding $10,000.	$1,191.
Over $10,000 but not exceeding $35,000.	$1,191 for the first $10,000 plus $1,103 for each additional $5,000 or fraction thereof.
Over $35,000 but not exceeding $40,000.	$7,205.
Over $40,000 but not exceeding $75,000.	$7,205 for the first $40,000 plus $953 for each additional $5,000 or fraction thereof.
Over $75,000 but not exceeding $80,000.	$14,288.
Over $80,000	$14,288 for the first $80,000 plus $833 for each additional $5,000 or fraction thereof.

d. *Education Loans*

(1) Title 38 U.S.C. 1798(b)(3) is amended to increase the maximum amount a veteran or eligible person may borrow for an education loan to $327 multiplied by the number of months of remaining entitlement. This change applies to loans made on or after October 1, 1980. However, the maximum loan amount for a regular academic year remains $2,500 with corresponding amounts for loans for specific enrollment periods also remaining in effect.

(2) Title 38 U.S.C. 1798(c) is amended to allow education loans for flight training. Pending further instructions regarding this provision, all applications for loans based on flight training will be held.

e. *Extension of Delimiting Date Based on Disability*

(1) Title 38 U.S.C. 1662(a)(1) and 1712(b)(2) are amended to require that an application for an extension of delimiting date based on disability be made within 1 year of the following dates, whichever is latest:

(a) The delimiting period otherwise applicable; or

(b) The termination of the mental or physical disability; or

(c) The effective date of this law.

(2) This amendment codifies the procedures now applied when considering the timeliness of applications for delimiting date extensions. The only change to existing procedures is that the effective date of the provision of the law has been changed from November 23, 1978 (1 year from date of enactment of Pub. L. 95–202) to October 17, 1981 (1 year from date of enactment of Pub. L. 96–466). No review will be conducted of claims previously denied based on the earlier date (November 23, 1978) unless requested by the claimant.

f. *Clarification of Administrator's Authority to Disapprove an Application for Benefits.* Title 38 U.S.C. 1671 and 1721 are amended to provide express authority for disapproving applications for educational benefits filed by a veteran or eligible person if the enrollment would be precluded under any of the provisions of chapter 36 of title 38, U.S.C. This change involves no change in existing procedures.

g. *Elimination of Prohibition Against Sales and Sales Management Courses.* Specific reference concerning the approval of sales and sales management courses has been deleted from 38 U.S.C. 1673 and 1723. Approval of such courses will be treated the same as any other vocational course. Further instructions concerning this change will be provided by a separate circular.

h. *Modification of 50% Employment Reporting for Vocational Programs*

(1) In order to satisfy the 50% employment requirement (38 U.S.C. 1673 and 1723), at least half the persons who completed a program over the preceding 2-year period who are available for employment, must have been employed in the occupational category for which the program was designed to provide training. The law now also requires that the graduate work in the training-related

occupation for an average of 10 hours per week before he/she may be considered *employed* in a related occupation.

(2) The requirement for submission of recurring employment reports is not applicable if:

(a) The institution offering the program has had 35% or fewer of its students enrolled under chapter 34 or 35 during the preceding 2 years; *and*

(b) The program has met all provisions of the 50% employment requirement, including the provision for a *weekly average* of 10 hours training-related employment, for a 2-year period that ends on or after the enactment date of Pub. L. 96–466. Schools that are not currently collecting information on their graduates' *monthly hours* of employment should immediately begin to do so.

(3) The requirement for submission of recurring employment reports may be waived if the Administrator determines the submission of an employment report causes an undue hardship on the institution because only a small percentage of persons enrolled in the institution are receiving chapter 34 or 35 benefits.

(4) Detailed instructions concerning the changes in 50% employment reporting will be provided by a separate circular.

i. *85–15% Ration Computations.* Confirming VA policy, a change to 38 U.S.C. 1673(d) eliminates persons receiving Federal grants such as BEOG (Basic Educational Opportunity Grant) and SEOG (Supplemental Educational Opportunity Grant) from 85–15% ratio computations.

j. *Standards for Determining Satisfactory Progress.* Title 38 U.S.C. 1674 and 1724 are amended to remove the VA standard of progress based on rate of completion. However, the requirement remains that an institution have and enforce its own standards of progress. The provisions of appendix M, Revised, of DVB Circular 20–76–84, concerning courses not counted to satisfy graduation requirements, remain in effect.

k. *Education Outside the United States.* The definition of institution of higher learning in 38 U.S.C. 1652(f) and 1701(a)(10) has been amended to include a foreign institution which offers a course leading to a standard college degree, or the equivalent, and which is recognized as such by the appropriate foreign education authority of the country or other jurisdiction in which the institution is located. This amendment does not involve any change in existing procedures.

1. *Independent Study.* Section 1682(e) is amended to revise the method of computing educational assistance when a student takes a combination of resident training and independent study. This change will greatly simplify the current method for paying these courses which is described in VAR 14280(C) (38 CFR 21.4280(c)).

(1) If independent study is combined with resident training, the total training time will be determined by adding the number of semester hours (or the equivalent) of resident training to the number of semester hours (or the equivalent) of independent study. However, the number of independent study hours that may be counted may not exceed the *maximum* number of hours required for "less than half-time" training (i.e., 5 hours if 12 hours is required for full-time).

Example: A student is enrolled in 4 resident hours and 8 independent study hours in a school where 12 hours are required for full-time measurement. The training time will be determined by adding the 4 resident hours to 5 independent study hours (the maximum that may be counted) for a total of 9 hours or ¾ training time. The student will be paid at the ¾ time rate and entitlement will also be charged at the ¾ time rate.

(2) No general review will be made to identify cases that might receive a higher rate as the result of this change in subparagraph (1) above. However, if such cases are identified in the normal course of adjudicating claims, award adjustments will be made effective October 1, 1980.

Note.—This change should never result in a lower rate.)

(3) If the entire enrollment is by independent study, the VA will continue to measure these courses as less than half-time training as provided in VAR 14280(B) (38 CFR 21.4280(b)). Entitlement will continue to be charged at the one-quarter time rate for these cases.

m. *Courses Offered Through Open-Circuit Television.*

(1) For a course pursued in part by open-circuit television, the law no longer requires that a *major* portion of the credit hours be taken through resident training (38 U.S.C. 1673(c) and 1723(c)). However, a student will always be required to take at least one subject concurrently by resident training in order to receive payment for any open-circuit TV subjects.

(2) Amendments to 38 U.S.C. 1682 and 1732(c) provide the rate of educational assistance allowance payable for a course pursued in part by open-circuit television will be computed in the same manner as for a combined resident/independent study program. (See subparagraph 1(1) above.)

(3) Award adjustments will be handled in the same manner as for independent study. (See subparagraph 1(2) above.)

n. *Charge of Entitlement for Training Taken on a Less Than Half-Time Basis or While on Active Duty.* Title 38 U.S.C. 1682(b) is amended to state that, for institutional courses, entitlement will be charged based upon the monthly training time rates determined under 38 U.S.C. 1788. (This merely codifies the existing practice of charging entitlement based on training time.)

o. *Secondary Education Programs.* Title 38 U.S.C. 1691(a) is amended to provide entitlement-free certain secondary education training for inservice persons as well as for veterans. In addition, veterans not on active duty and eligible spouses enrolled in a program of secondary education will be reimbursed for tuition and fees or the training time rate, whichever is the lesser instead of the former rule allowing payment at the appropriate institutional rate based on training time.

(1) Effective October 1, 1980, no entitlement is charged an *inservice* person pursuing a secondary high school diploma (or equivalency certificate) program. It will continue to be charged for any other secondary program, however.

(2) The rate of educational assistance allowance payable is the lesser of the cost of tuition and fees or the single veteran's institutional rate for the particular training time.

(3) Application of the 85–15% requirement shall be in accordance with 38 U.S.C. 1673(d). Approvals for courses offering a program of secondary education under a contract with the Department of Defense which is given on or adjacent to a military base will be reviewed by regional offices for completeness and then forwarded to Central Office (223) for final approval (38 U.S.C. 1789(b)(6)).

(4) Any veterans enrolled as of October 1, 1980, will continue to receive educational assistance based on training time and number of dependents until interruption or termination of the program.

(5) Additional instructions on this change will be printed as an appendix.

p. *Repeal of Mandatory Counseling for Chapter 35 Dependents.* Title 38 U.S.C. 1720(a) is amended to eliminate mandatory counseling for an eligible child who selects a program other than a standard college degree for his or her original program under chapter 35. Accordingly, claims by eligible sons and daughters will be processed in the same

manner as claims filed by veterans under chapter 34, except that the eligible son or daughter (or parent/guardian) will still be required to furnish information on the educational plan. However, claims filed by: (1) eligible sons or daughters who are identifiable as having a mental or physical disability or handicap; and (2) applicants for a course of specialized vocational training (38 U.S.C. 1736) or for special restoration training (38 U.S.C. 1740–1743); should continue to be referred to the VR&C (Vocational Rehabilitation and Counseling) Division for review by counseling psychologist.

q. *SRT (Special Restorative Training).* Title 38 U.S.C. 1740 is amended to specify that SRT is available only to eligible chapter 35 children. Any spouse currently in training will be allowed to continue until interruption or completion.

r. *Extension of Chapter 35 Child's Period of Eligibility in Certain Cases.* Title 38 U.S.C. 1712(a) is amended to provide an 8-year delimiting date for a chapter 35 dependent child when eligibility arises after the child's 18th birthday (but before age 26) based upon the serviceperson's POW, MIA, or forcibly detained status. However, the delimiting period cannot extend beyond the child's 31st birthday.

s. *Payment of Chapter 35 Benefits.* Title 38 U.S.C. 1731(b) has been reworked to confirm existing policy on paying chapter 35 benefits in accordance with chapter 36 of title 38. No changes in current procedures are necessary.

t. *Periods of Payment.* Language is added to section 1780(a) which clarifies the proper payment period. Payment may only be made for the actual period of pursuit of one or more unit subjects even though this period is shorter than the usual enrollment period. This change confirms existing VA practice.

Example: A student completes an entire semester's work in a 6-week accelerated term which falls within the regular semester. The VA will pay for the 6-week term but not for the entire semester.

u. *Changes in Absence Accounting for NCD (Noncollege Degree) Programs*

(1) Title 38 U.S.C. 1780(a)(2) is amended to provide that, in addition to weekends and legal holidays, up to 5 days in a 12-month period will not be counted as absences if the institution is not in session on those days due to teacher conferences or teacher training sessions, and regularly scheduled classes would otherwise have been held.

(2) ELR's (Education Liaison Representatives) should promptly inform schools that offer NCD programs of this change, and should identify such days on VA Form 22–1998b, Approval Information—Accredited and Nonaccredited NCD Progams and Nonaccredited IHL Programs.

v. *Reports by Veterans, Eligible Persons, and Educational Institutions to the Veterans Administration.* The title of section 1784 of 38 U.S.C. is changed to "Reports by veterans, eligible persons, and institutions; reporting fee."

(1) Title 38 U.S.C. 1784(a) is amended to require both the veteran or eligible person and the institution to promptly report unscheduled terminations or interruptions of training.

(2) Prior to issuance of the annual reporting fee payment, an educational institution must certify that it has exercised reasonable diligence in meeting all applicable requirements of chapters 34, 35, and 36 and will promptly report to the VA any failure to meet such requirements. Compliance with this requirement will necessitate the installation of a computer bar to prevent the release of a reporting fee payment until the regional office received acceptable certification from the school.

w. *School Liability.* Section 1785 was rewritten to clarify the responsibilities and liabilities of trainees and schools. No change in current VA policies or procedures will be required.

(1) The liability of the veteran or eligible person for an overpayment is now made explicit in this section of the law.

(2) A school may be liable for an overpayment resulting from a "willful or negligent false certification." The prior language referred simply to "false certification." This distinction was already made by the VA in DVB Circular 22–79–6, appendix C.

(3) A school is not relieved of liability if the overpayment to the veteran or eligible person is waived. This change codifies the rule contained in VA Regulation 14009(F) (38 CFR 21.4009(f)).

x. *Standard Class Sessions.* Section 1788 is amended to require the VA to consider standard class sessions as well as credit hours in determining the proper training time for resident undergraduate college courses. This change confirms existing VA policy (see DVB Circular 20–77–16) but allows for monthly averaging of standard class sessions in certain cases. The following is a summary of the new language:

(1) Full-time measurement normally will require one standard class session per week for each quarter or semester hour of credit attempted.

(2) A standard class session is defined as 1 hour (or 50-minute period) of academic instruction, 2 hours of laboratory instruction, or 3 hours of workshop training.

(3) However, a course will be measured as full-time if:

(a) It is considered to be full-time for all administrative purposes; and

(b) Less than 50% of the persons enrolled in the course are receiving educational assistance under title 38; and

(c) The course meets all requirements for full-time measurement except for weekly class instruction; and

(d) The course requires that at least one standard class session be scheduled every 2 weeks for each credit hour; and that the monthly total number of standard class sessions must equal the same number that would be required if the student were training full-time on a regular weekly basis.

(4) Detailed instructions for implementing this provision will be issued as an appendix. No change in existing procedures will be attempted until the appendix is published. Cases that might be affected by this liberalization will continue to be processed under existing instructions but will be diaried for future review.

y. *Limitation on Payment of Educational Assistance Allowances to Incarcerated Veterans and Eligible Persons.* Effective October 1, 1980, the rates of educational assistance allowance payable to an *incarcerated* veteran or eligible person are changed. Any incarcerated felon pursuing a program of education on or after this date can be reimbursed for the lesser of cost of tuition, fees and necessary supplies, books and equipment, or the maximum chapter 34/35 rate payable for the particular training time (no dependents). These provisions will also apply if the person is an incarcerated felon residing in a halfway house or participating in a work-release program and has all of his or her living expenses defrayed by a Federal, State, or local government. This provision is included under 38 U.S.C. 1682. There are also restrictions to payment of benefits when any chapter 32, 34 or 35 veteran or eligible person is incarcerated and is having his or her tuition and fees paid by the local, State, or Federal Government (38 U.S.C. 1780(a)). Detailed instructions are forthcoming.

z. *Reduction in Educational Assistance Allowance for Correspondence and Flight Training.*

(1) Effective October 1, 1980, the reimbursement rates for flight and correspondence training are changed. Anyone enrolled in flight or correspondence training on September 1, 1980, will continue to be reimbursed

at the 90% rate as long as he or she is continuously enrolled in that program.

(2) Anyone entering into training between September 2 and September 30, 1980 (inclusive), will be reimbursed at the 90% rate for lessons completed that month. For lessons completed on or after October 1, 1980, the reimbursement rate will be 70% for correspondence (38 U.S.C. 1786(a)(1)) and 60% for flight (38 U.S.C. 1677(b)).

(3) Anyone entering into training October 1, 1980, or later, will be reimbursed at the 70% rate for correspondence and 60% rate for flight. Detailed instructions will be issued as an appendix.

4. Provisions Effective October 1, 1980, Chapter 32

a. *Refund of Contributions in Death Cases*

(1) Section 1624 has been revised to greatly simplify the refund procedure when there is no designated SGLI (Serviceman's Group Life Insurance) beneficiary(ies). Previously, the VA was required to pay the veteran's estate in such cases.

(2) The new wording is as follows:

"In the event of a participant's death, the amount of such participant's unused contributions to the fund shall be paid to the living person or persons first listed below:

"(1) The beneficiary or beneficiaries designated by such participant under such participant's Servicemen's Group Life Insurance policy.

"(2) The surviving spouse of the participant.

"(3) The surviving child or children of the participant, in equal shares.

"(4) The surviving parent or parents of the participant, in equal shares.

"If there is no such person living, such amount shall be paid to such participant's estate."

(3) Detailed instructions will be issued as a revision to DVB Circular 20–77–25, appendix D. In the interim, Adjudication personnel should continue to call Central Office (224B) at FTS 389–2829 for assistance in processing these cases.

b. *Entitlement—Free Pursuit of Secondary Education Programs Under Chapter 32*

(1) Title 38 U.S.C. 1631(b) has been amended to eliminate the approval of PREP courses under chapter 32. However, those courses have been replaced by the approval of pursuit of secondary level programs.

(2) This amendment provides for secondary level courses to be taken by *enlisted persons* during the last 6 months of the participant's first enlistment and at any time thereafter. Note this provision applies only to current and former enlisted members. It does not apply to officers. If the participant is a veteran, it will be necessary to review the DD Form 214 to insure that he/she was an enlisted person before approving the application for benefits. The monthly payments will be calculated as currently done in chapter 32 cases, but the banking record will not be adjusted since there is no charge to entitlement. Tuition and fees are not a factor in determining the monthly rate for these cases. For application of the 85–15% requirement see paragraph 3o(3).

c. *Limitation on Entitlement Under Two or More Programs*

(1) Title 38 U.S.C. 1631(a)(1) has been amended to include chapter 32 in the section of the law (1795) that limits the aggregate period for which a person may receive educational assistance under two or more laws to 48 months (or the part-time equivalent thereof).

(2) DOD (Department of Defense) is being requested to revise their application for chapter 32 documents to include a block requesting the participant to indicate any VA training pursued under prior laws. DOD will notify the VA if such prior training is indicated. Adjudication will then be responsible for notifying the applicable Service Department of the maximum number of months to which the participant is entitled under chapter 32. This is done so that the participant will not be contributing for a longer period than he/she will be entitled.

(3) Detailed instructions will follow as a revision to DVB Ciruclar 20–77–25, Appendix C.

d. *Counseling for Chapter 32.* Title 38 U.S.C. 1641 has been amended to include section 1663 as being applicable to chapter 32. That section provides for counseling upon the veteran's request. Previously, chapter 32 recipients were only provided counseling if it was mandatory (unsatisfactory progress, second change of program, etc.)

e. *Amendments Relating to Monthly Contributions*

(1) Title 38 U.S.C. 1622 has been amended to allow for participant contributions to chapter 32 in the amounts ranging from $25 to $100 per month. Previously, the range was from $50 to $75. Any contribution must still be divisible by five.

(2) This amendment also provides for the applicable department to be able to pay all or part of the participant's monthly contribution in order to encourage persons to enter or remain in the Armed Forces. Prior to enactment of this law, the department were allowed to make a lump-sum DOD contribution on behalf of the participant upon completion of his/her enlistment, but were not allowed to pay the monthly contibutions.

(3) This amendment also permits a participant, while on active duty, to make lump-sum contributions to the fund. In the past, only monthly contributions were permitted, except in exceptional circumstances. Any lump-sum payment is not to exceed a total contribution of $2,700 and can be made in addition to or in lieu of monthly deductions. This lump-sum payment will be considered to have been made by monthly deductions in the amount of $75 per month or in such lesser amount as may be specified by the participant.

5. Miscellaneous Provisions Effective October 1, 1980

a. *Elimination of PREP Programs.* Title 38 U.S.C. 1695 through 1698 have been deleted to omit chapter 34 and chapter 32 PREP. (Pub. L. 94–502 enacted October 15, 1976, eliminated PREP for chapter 34 students.)

b. *Advisory Committee for Veterans' Educational Assistance Programs.* Since a separate advisory committee for rehabilitation is now established under 38 U.S.C. 1521, the Advisory Committee for Veterans' Educational Assistance Programs is now only concerned with the Administration of chapters 32, 34, 35, and 36. The Committee, which includes a veteran representative of the post-Vietnam era, will remain in existence until December 31, 1989.

6. Provisions Effective January 1, 1981, Chapters 34 and 35

a. *Rates.* Chapters 34 and 35 benefit rates will be increased by 4.7% effective January 1, 1981. The charge against entitlement for correspondence training will be at the rate of $342 per month. The charge against entitlement for flight training will be at the rate of $317 per month. The January 1, 1981 rates are shown in paragraph 9a and b of this circular. The following sections of title 38, U.S.C. will be amended to reflect the new rates:

(1) Sections 1682(a), (b) and (c); and 1787(b)—chapter 34 rates.

(2) Sections 1732(b) and 1742(a)—chapter 35 rates.

(3) Section 1786(a)(2)—correspondence rates.

(4) Section 1677(b)—flight rates.

b. *Tutorial Assistance.* The rate of tutorial assistance is increased to $76 per month with a maximum of $911. Payments for tutoring provided on or after Janaury 1, 1981, will be computed at the new rate and will be subject to the new maximum.

c. *SAA Reimbursement.* Title 38 U.S.C. 1774(b) is amended to increase the allowance for administrative expenses paid to State approving agencies by 4.7%. The new allowances range from

$693 to $14,969 base. The administrative allowances for expenses incurred on or after January 1, 1981, will be computed on the basis of the following rate chart:

Total salary cost reimbursable	Allowance for administrative expenses
$5,000 or less	$693.
Over $5,000 but not exceeding $10,000.	$1,247.
Over $10,000 but not exceeding $35,000.	$1,247 for the first $10,000 plus $1,155 for each additional $5,000 or fraction thereof.
Over $35,000 but not exceeding $40,000.	$7,548.
Over $40,000 but not exceeding $75,000.	$7,548 for the first $40,000 plus $999 for each additional $5,000 or fraction thereof.
Over $75,000 but not exceeding $80,000.	$14,969.
Over $80,000	$14,969 for the first $80,000 plus $872 for each additional $5,000 or fraction thereof.

d. *Education Loans.* Title 38 U.S.C. 1798(b)(3) is amended to increase the maximum amount a veteran or eligible person may borrow for an education loan to $342 multiplied by the number of months of remaining entitlement. This change applies to loans made on or after January 1, 1981. However, the maximum loan amount for a regular academic year remains $2,500 with corresponding amounts for loans for specific enrollment periods also remaining in effect.

7. *Miscellaneous Provisions*

a. Title 38 U.S.C. 220 has been amended to expand the responsibilities of the VA Administrator to include advocacy on behalf of veterans.

b. This law also amends certain sections of other laws and amendments regarding the VA that do not pertain to the adjudication of an education claim.

BILLING CODE 8320-01-M

8. Payment Tables

a. Monthly Rates - GI Bill

EFFECTIVE OCTOBER 1, 1980

	No Deps.	1 Dep.	2 Deps.	Each Add. Dep.
Institutional:				
Full Time.....	$ 327	$ 389	$ 443	$ 27
Three-Quarter Time..	245	292	332	20
Half Time.....	164	195	222	14
Cooperative.....	264	309	351	21
Apprenticeship/OJT:				
1st 6 Months.....	237	267	291	13
2d 6 Months.....	177	207	232	13
3d 6 Months.....	119	148	172	13
4th and Any Succeeding 6 Mos.	59	88	113	13
Farm Cooperative:				
Full Time.....	264	309	351	20
Three-Quarter Time..	198	232	263	15
Half Time.....	132	155	176	10
Active Duty, Or Less Than Half Time.....	Tuition Cost, Not to Exceed Rate of $327 For Full Time, $245 For 3/4 Time, $164 For 1/2 Time Or Less But More Than 1/4 Time, $82 For 1/4 Time Or Less.			
Correspondence.....	Entitlement Charged At Rate of 1 Month For Each $327 Paid.			
Flight.....	Entitlement Charged At Rate of 1 Month For Each $302 Paid.			

b. Monthly Rates - Dependents' Educational Assistance Program.

EFFECTIVE OCTOBER 1, 1980

	Full Time	Three-Quarter	Half Time
Institutional.....	$ 327	$ 245	$ 164
Less Than Half Time	Tuition Cost, Not to Exceed Rate of $164 for 1/2 Time and $82 for 1/4 Time.		
Cooperative.....	$ 264	(Full Time Only)	
Farm Cooperative....	$ 264	$ 198	$ 132
Correspondence - Same Rates as Shown on Chart in subparagraph a.			
OJT/APP - Same as "No Deps." Rates Shown on Chart in subparagraph a.			

Special Restorative Training..... (Full Time Only)	$ 327
Accelerated Charge Cost of Tuition and Fees in Excess of.....	$ 103 per mo.
Entitlement Reduced 1 Day for Each.....	$ 10.92

9. Payment Tables

a. Monthly Rates - GI Bill

EFFECTIVE JANUARY 1, 1981

	No Deps.	1 Dep.	2 Deps.	Each Add. Dep.
Institutional:				
Full Time.....	$ 342	$ 407	$ 464	$ 29
Three-Quarter Time..	257	305	348	22
Half Time.....	171	204	232	15
Cooperative.....	276	323	367	21
Apprenticeship/OJT:				
1st 6 Months.....	249	279	305	13
2d 6 Months.....	186	217	243	13
3d 6 Months.....	124	155	180	13
4th and Any Succeeding 6 Mos.	62	92	119	13
Farm Cooperative:				
Full Time.....	276	323	367	21
Three-Quarter Time..	207	242	275	16
Half Time.....	138	162	184	11

Active Duty, Or Less Than Half Time.....	Tuition Cost, Not To Exceed Rate Of $342 For Full Time, $257 For 3/4 Time, $171 For 1/2 Time Or Less But More Than 1/4 Time, $86 For 1/4 Time Or Less.
Correspondence.....	Entitlement Charged At Rate of 1 Month For Each $342 Paid.
Flight.....	Entitlement Charged At Rate of 1 Month For Each $317 Paid.

b. Monthly Rates - Dependents' Educational Assistance Program.

EFFECTIVE JANUARY 1, 1981

	Full Time	Three-Quarter	Half Time
Institutional.....	$ 342	$ 257	$ 171
Less Than Half Time	Tuition Cost, Not To Exceed Rate of $171 For 1/2 Time and $86 For 1/4 Time.		
Cooperative.....	$ 276	(Full Time Only)	
Farm Cooperative.....	$ 276	$ 207	$ 138
Correspondence - Same Rates as Shown on Chart in subparagraph a.			
OJT/APP - Same as "No Deps." Rates Shown on Chart in subparagraph a.			

Special Restorative Training..... (Full Time Only)	$ 342
Accelerated Charge Cost of Tuition and Fees in Excess of....	$ 108 per mo.
Entitlement Reduced 1 Day for Each.....	$ 11.44

BILLING CODE 8320-01-C

10. Regional offices should insure that their State approving agency and all schools within their jurisdiction are furnished a copy of this circular.

Dorothy L. Starbuck,
Chief Benefits Director.

Appendix B—Flight and Correspondence Award Processing

[DVB Circular 22–80–39]

November 4, 1980.

1. General

a. Pub. L. 96–466 has increased the entitlement charge rate (legislative rate) and decreased the percent reimbursed to claimants (reimbursement rate) for flight and correspondence courses.

b. There are two increases to the entitlement charge rates: A 5 percent increase effective October 1, 1980, and an additional 4.7 percent increase effective January 1, 1981.

c. Paragraph 2 presents instructions for processing cases under the new entitlement charge rates. Paragraphs 3 through 7 describe how cases which receive the lower reimbursement rates will be handled.

d. Flight and correspondence awards and certifications being held in stations per previous Central Office instructions can be processed according to the following procedures.

e. These provisions apply to chapters 34–35 cases only; chapter 32 flight and correspondence awards are not affected.

2. Entitlement Charge Rates

a. *Correspondence.* Effective October 1, 1980, entitlement will be reduced at the rate of 1 month for each $327 paid for correspondence lessons serviced by schools on or after that date. Effective January 1, 1981, this amount will be increased to $342.

(1) Program modifications have been installed to charge entitlement at the old rate of 1 month for each $311 paid if the commencing date of the certification period on which payment is based is prior to October 1, 1980. If the certification period begins on or after October 1, 1980, entitlement will be charged at the rate of 1 month for each $327 paid.

(2) Since October 1, 1980 marks the beginning of a new certification quarter for correspondence courses, a proper entitlement charge will be effected as a result of routine processing of the computer-generated VA Form 22–6553b, Certification of Lessons Completed. Care must be taken, however, when processing a 35C transaction via other than a computer-generated VA Form 22–6553b to ensure that the certification period does not overlap legislative rates. If certification must be processed for lessons serviced both before and after October 1, 1980, submit two 35C transactions: The first, for those lessons completed prior to October 1; the second, for lessons serviced on or after October 1. Transmittal of these transactions must be controlled to ensure proper sequential processing.

(3) Stations are reminded that the legislative rate date now becomes October 1, 1980, and that supplemental award actions (14C) taken on correspondence awards will reject if their effective date is earlier than October 1, 1980.

b. *Flight.* Effective October 1, 1980, entitlement will be reduced at the rate of 1 month for each $302 paid for hours of flight training received on or after that date. Effective January 1, 1981, this amount will be increased to $317.

(1) Program modifications have been installed to charge entitlement at the old rate of 1 month for each $288 paid if the commencing date of the certification period on which payment is based is prior to October 1, 1980. If the certification period begins on or after October 1, 1980, entitlement will be charged at the rate of 1 month for each $302 paid.

(2) If certification must be processed for training completed both before and after October 1, 1980, submit two 35F transactions: The first, for training completed prior to October 1; the second for training completed on or after October 1. Transmittal of these transactions must be controlled to ensure proper sequence processing.

c. *January 1, 1981 Increase.* The same basic procedures outlined in subparagraphs a and b above will also be followed for the entitlement charge rate increase due January 1, 1981. This can be done by substituting the new rates and dates where appropriate.

3. Reimbursement Rates (Percent of Reimbursement)

a. *Program Begins On or Before September 1, 1980.* Any person entering into a program of education in flight or correspondence training on or before September 1, 1980, will continue to be reimbursed at the 90% rate for completed training. This 90% rate will apply to subsequent courses provided (1) that they are part of the same program of education, and (2) that enrollment is continuous. (See definitions in par. 4.)

b. *Program Begins September 2, 1980 Through September 30, 1980.* Any person entering into a program of education in flight or correspondence training between September 2, 1980 and September 30, 1980, inclusive, will be reimbursed as follows:

(1) Flight instruction completed prior to October 1, 1980, will be reimbursed at the 90% rate. Instruction completed on or after October 1, 1980, will be reimbursed at a *60%* rate.

(2) Correspondence lessons serviced by the school prior to October 1, 1980, will be reimbursed at the 90% rate. Lessons serviced by the school on or after October 1, 1980, will be reimbursed at a *70%* rate. If a certification is received which overlaps October 1, 1980, the school should be contacted to determine the actual dates the lessons were serviced.

c. *Program Begins On or After October 1, 1980*

(1) Flight instruction will be reimbursed at the 60% rate.

(2) Correspondence lessons serviced will be reimbursed at the 70% rate.

4. Concepts

a. *Protection of the 90% Rate.* Any person enrolled in a vocational program of flight or correspondence training prior to September 2, 1980, will continue to receive the 90% reimbursement rate for subsequent courses provided:

(1) A change of program is not chargeable under current regulations, and

(2) Enrollment remains continuous.

b. A person will be considered to be continuously enrolled as long as there is no period greater than 6 months between the exact date the last correspondence lesson was serviced or last flight instruction was received and the date the next correspondence lesson is serviced or flight instruction is received. A change of schools will not break the continuity of enrollment unless a change of program is also involved.

Note.—The Date Last Certified in the master record is not necessarily the date the last correspondence lesson was serviced or the date the last flight instruction was received. If this ending date is not in either the claims folder or Finance activity records then it should be requested from the school if it is needed in order to make a determination under this subparagraph.

c. *Beginning Date of Enrollment.* The effective date of a flight or correspondence award will be determined in accordance with current VA regulations and directives. However, for the purposes of determining if a program of flight or correspondence began on or before September 1, 1980, and therefore qualifies for the 90% reimbursement rate, the following rules apply:

(1) A flight training beginning date can be either the date a contract to pursue training was signed, the date training began, or the date an application to

pursue training was received in VA, whichever is earlier.

(a) If the flight school requires a formal contract to be signed by the student in order to pursue training it can be used to establish the beginning date of enrollment.

(b) To qualify under this provision, the veteran must have signed an individual, *written agreement* to pursue training. Statements merely expressing interest in the program or verbal agreements are not acceptable.

(c) A photocopy of the agreement must be submitted by the school to document these claims.

(d) Actual flight instructions must have been received within 6 months of the date of the agreement or date of receipt by VA of an application for flight training, whichever is earlier.

(2) The correspondence training beginning date will be the date the contract was signed (Item 4 on VA Form 22–1999c, Certification of Affirmation of Enrollment Agreement—Correspondence Course). It must be stressed that this date is to be used only to determine if the program began on or before September 1, 1980; it is *not* to be used as the effective date of the award.

5. Flight and Correspondence Award Processing

Until computer programing can be changed, special procedures will be required to enter flight and correspondence awards reimbursable at the lower rates. Awards which will be reimbursable at the 90 percent rate can continue to be entered normally.

a. *Correspondence—Reduced Reimbursement Cases (70 percent).* In order to have current computer programing issue the correct reimbursement rate for correspondence lessons serviced, the following procedures should be followed:

(1) Both the Total Charges and the Rate Per Lesson for the course should be multiplied by a factor of .778. The products of these calculations must be coded in on the award instead of the approved rates. When completed lessons are certified by the school and processed for payment into the computer, the actual payment issued will automatically equal the (correct) 70 percent rate. Fractional cents should be rounded to the nearest cent.

Example: The approved rates for a correspondence course are:

Total Charges	$1,000
Rate Per Lesson	10
Lessons	100

When multiplied by the (.778) factor, the new rates to be entered on the award are:

Total Charges	$778.00
Rate Per Lesson	7.78
Lessons	100

When the computer issues payment (temporarily using the old formula for a 90 percent reimbursement rate), it will pay at the correct current 70 percent reimbursement rate of $7 for each lesson for which payment is due.

(2) The award letter will be suppressed and a dictated letter patterned after the correspondence award letters shown in M22–2, part IV, chapter 11, must be sent informing the claimant of the award of benefits and the reimbursement rate(s). The reduced reimbursement rates (70 percent) will be inserted in lieu of the 90 percent figures.

(3) The folder should be "flashed" and the Target File Pull Indicator set to indicate that a lower reimbursement rate is being paid and that the Total Charges and Rate Per Lesson were reduced.

(4) A copy of the award should be routed to the Finance activity with a covering VA Form 3230 indicating that the reimbursement rate is lower.

(5) Finance should maintain these award copies for future computer adjustment actions and payment of certifications.

(b) *Flight—Reduced Reimbursement Cases (60 percent).* Flight awards which are reimbursable at the reduced rate may be entered normally except that:

(1) The award letter will be suppressed and a dictated flight letter patterned after the letters shown in M22–2, part IV, chapter 11, should be sent to the veteran informing him or her of the award of benefits and the reimbursement rate(s).

(2) The procedures outlined in subparagraph a(3), (4) and (5), will also be followed for flight cases.

(3) The actual payment of the reduced rate will be accomplished by adjusting certification processing (see par. 6b).

c. *Combination of Reimbursement Rates Cases*

(1) If a *flight* award is reimbursable at both the 90 percent rate and the reduced rate (see par. 3b), then the procedures outlined in subparagraph b should be followed.

(2) If a *correspondence* award is reimbursable at both rates then two awards should be prepared.

(a) One will show the actual (September) beginning date of the award, and will be entered normally (no reduction of Rate Per Lesson or Total Charges as required in subparagraph a above) except that the award letter will be suppressed.

(b) The second award will be coded per subparagraph a, on VA Form 22–1997S, and will show an October 1, 1980 beginning date. In addition, a "stop payment" date of October 1, 1980, will also be coded on this award. Both the original (OCR sheet) and carbon copy of this award will be forwarded to the finance activity along with a copy of the September award. A VA Form 3230 will also be sent to Finance stating that September training will be reimbursed at the 90 percent rate and all subsequent training will be reimbursed at the 70 percent rate. (See par. 6a.) The award letter will also be suppressed for this award.

(c) A dictated letter will be sent to the claimant explaining the dual reimbursement rate provisions.

6. Certification Processing

Until further notice, all flight and correspondence certifications (VA Forms 22–6553c, Monthly Certification of Flight Training, and 22–6553b) for periods on or after October 1, 1980, must be reviewed in the Finance activity before processing, to identify certifications payable at a reduced rate.

a. *Correspondence Certifications* for either the 90% reimbursement rate or the 70% reimbursement payments will have already been made to the award (see par. 5a). However, if certification is received for an award which is to be reimbursed under both rates (see par. 5c), the following additional steps should be taken:

(1) Enter a certification transaction (35C) for the lessons completed during September only.

(2) Submit the stop pay/reentrance award with the October 1, 1980 effective dates (being held in the Finance activity per par. 5c(2)) for entry into the next cycle. Any lessons completed during September must be withheld from this award (see M22–2, pt. IV, par. 4.14e(1)). When this award processes, it will terminate the previous 90% reimbursement) award and begin issuing payments at the reduced rate.

(3) Enter the remaining certifications with an effective date of October 1, 1980.

b. *Flight Certification* for awards reimbursable at the 90% rate can be entered normally. However, certifications (35 F transactions) reimbursable at the 60% rate must be entered as follows:

(1) The charges for the flight training to be certified must be multiplied by a factor of (.667). Fractional cents should be rounded to the nearest cent.

(2) The product of this calculation will be entered into the transaction in lieu of the actual charges certified by the school.

(3) When the computer issues payment for this certification (at the current 90% rate), the actual payment received by the veteran will be 60% of the charges certified by the school.

(4) Accurate records of the amount of flight instruction certified by the school must be maintained. Since the amount entered into the computer has been factored-down, there will be no automatic termination of the award when all the charges have been certified. When the school has certified the entire approved charges for the course, the award should be terminated with a "Quit Cert" or stop-payment.

7. Notice to Schools

It is very important that all schools which offer flight and correspondence awards are notified of the change to the reimbursement rates. The station Education Liaison representative should forward a letter to all affected schools, highlighting the new reimbursement rate provisions and VA policies for implementing these provisions.

8. Summary

It is very important that flight and correspondence cases which are to be reimbursement at a reduced rate are identified and controlled until programing for automatic adjustments are installed. This will require coordination between Adjudication Divisions and Finance activities. When the computer programing has been changed, additional award actions will have to be taken on these reduced reimbursement rate cases. Stations should attempt to centralize the award and certification activities involved in these types of training as much as possible.

9. Any problems or questions concerning these instructions should be referred to Central Office at FTS 389–3150.

Dorothy L. Starbuck,

Chief Benefits Director.

[FR Doc. 81–2112 Filed 1–19–81; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 13
Wednesday, January 21, 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).

CONTENTS

	Items
Civil Aeronautics Board	1, 2
Federal Deposit Insurance Corporation	3
Federal Energy Regulatory Commission	4, 5
Federal Home Loan Bank Board	6
Federal Maritime Commission	7, 8
Federal Mine Safety and Health Review Commission	9
Metric Board	10, 11, 12, 13, 14, 15
National Council on Educational Research	16
National Railroad Passenger Corporation	17
Securities and Exchange Commission	18, 19

1

[M-304, Jan. 14, 1981]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 9:30 a.m., January 21, 1981.

PLACE: Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.
2. Northwest Airlines, Inc., credit card refund practices. (Memo No. 202, BCCP, BDA)
3. Docket 37313, *Air Florida* v. *Eastern Air Lines*—petition for review of BCP dismissal of third-party complaint alleging predatory conduct. (Memo No. 203, OGC)
4. Dockets 38948, 38900, *Muse Air Corporation Fitness Investigation, Application of Muse Air Corporation.* (OGC)
5. Docket 30310, Certification of Commuter Air Carriers. (Memo No. 223, OGC)
6. Dockets 33361 and 32502, *Former Large Irregular Air Service Investigation, Application for Air Specialities Corp.* (Memo No. 211, OGC)
7. Dockets 35392, 38468, 38494, 38564, 38533, 38595, 38612, 38619, 38636, 38655, 38691, 38715, 38777—Applications for exemptions from section 401 and 403 of the Act in order to resell air transportation obtained in a barter transaction with an airline. (Memo No. 210, OGC, BDA)
8. Docket 38907, Amendment to conform the air taxi operator rules in Part 298 to the new data requirements for fitness determinations in Part 204. (Memo No. 207, OGC, BDA)
9. Docket 38022, Petition by the Performance Incentives Company for rulemaking to remove the limitation on the commission that carriers can pay to travel agents for pro rate and single entity charters. (Memo No. 208, OGC, BDA)
10. Transfer to GPO of responsibility for distribution of CAB publications. (OGC, OASO, BIA)
11. Dockets EAS-416, 417, 418, 419, 420, 422, 423, 424, 425, 426, Appeal of the Essential Air Transportation Determinations of the Cities of Dodge City, Garden City, Goodland, Great Bend, Hays, Independence/Coffeyville/Parsons, Liberal/Guymon, Manhattan/Junction City/Ft. Riley, Salina, and Topeka, Kansas. (Memo No. 204, OGC, OCCR, BDA)
12. Docket EAS-521, Applications of Air Vectors and Courtesy Air Service to provide essential air transportation, with subsidy, to Glens Falls, New York. (Memo No. 212, BDA, OCCR)
13. Dockets 37501, EAS-565, and 38224, Essential Air Service at Hazleton, PA and notice of Perkiomen Airways to terminate service at Hazleton. (Memo No. 012-C, BDA, OCCR)
14. Docket 37720, Notice of intent of Aspen Airways to terminate service at Montrose, Colorado. (Memo No. 224, BDA, OCCR)
15. Dockets 38968, 38971, 39016 and 39031—Republic Airlines' notice to suspend service at Devils Lake, North Dakota, in 18 nonstop or single-plane markets, and application for an exemption. (BDA, OCCR)
16. Dockets 37972, 38706 and 38705, Cascade's petition for reconsideration and clarification of Order 80-11-73. (Memo No. 063-A, BDA, OCCR)
17. Docket EAS-667, Appeal of Essential Air Service Determination for Erie, Pa, filed by USAir. (OGC, BDA, OCCR)
18. Procedures for Handling Section 419 Subsidy Rates at the End of the Current Subsidy Rate Periods: Request for instructions. (Memo No. 198, BDA, OCCR, OGC, OEA)
19. Docket 35035, Application and petition of Cochise Airlines to remove the subsidy limitation condition from its section 401 certificate. (Memo No. 209, 209-A, BDA, OCCR)
20. Docket 38108, Application of Part 250 to Operators of Small Aircraft. (BDA, OGC)
21. Docket 33789, Petition of Air Florida, Inc. for reconsideration of Order 79-11-103. (Memo No. 205, BDA)
22. Docket EAS-633, Renewal appeal of essential air service determination of Pago Pago filed by the Government of American Samoa. (OGC, OCCR, BDA)
23. Docket 38608, Petition of Aerolineas Nacinonales del Ecuador, S.A., (ANDES) for reconsideration of Order 80-10-179, granting Aeroservicios Ecquatorianos, C.A. (AECA) a limited exemption to operate nonscheduled cargo flights between the United States and Colombia. (Memo No. 021-A, BIA, BCP, OGC)
24. Docket 38999, Application of Guy-America Airways, Inc. for a certificate of public convenience and necessity pursuant to section 401 of the Act to engage in foreign air transportation of persons, property and mail (New York-Georgetown, Guyana) (Memo No. 213, BIA, OGC, BALJ)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-96-81 Filed 1-16-81; 3:47 pm]

BILLING CODE 6320-01-M

2

[M-304, Amdt. 1, Jan. 15, 1981]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 9:30 a.m., January 21, 1981.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

Deletion: 15. Dockets 38968, 38971, 39016, 39031—Republic Airlines' notices to suspend service at Devils Lake, North Dakota, in 18 nonstop or single-plane markets, and application for an exemption. (BDA, OCCR)

Addition: 22a. Docket 38770, *Petition of Peninsula Airways, Inc., for establishment of fair and reasonable service mail rates;* Docket 38180, *Petition of Sea Airmotive, Inc., for establishment of fair and reasonable service mail rates.* (BDA)

Addition: 22b. Docket 38983, *Petition of Munz Northern Airlines, Inc., for establishment of Service Mail Rates.* (BDA)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-97-81 Filed 1-16-81; 3:47 pm]

BILLING CODE 6320-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:10 p.m. on Thursday, January 15, 1981, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider the following matters:

Recommendation regarding the liquidation of assets acquired by the Corporation from Franklin National Bank (In Liquidation), New York, New York (Case No. 44,653-L).
Personnel matters.

In calling the meeting, the Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded

by Director William M. Isaac (Appointive), concurred in by Mr. H. Joe Selby, acting in the place and stead of Director John G. Heimann (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the meeting was exempt from the open meeting requirements of the "Government in the Sunshine Act" by Authority of subsections (c)(2), (c)(6), (c)(8), and (c)(9)(B) thereof (5 U.S.C. 522b (c)(2), (c)(6), (c)(8), and (c)(9)(B)).

Dated: January 15, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-85-81 Filed 1-16-81; 1:13 pm]

BILLING CODE 6714-01-M

4

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 2767, January 12, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., January 14, 1981.

CHANGE IN THE MEETING: The following item has been added:

Item No., Docket No., and Company

CP-7: CP81-139-000, Southern Energy Company, Southern Natural Gas Company and Boston Gas Company.

Lois D. Cashell,

Acting Secretary.

[S-100-81 Filed 1-16-81; 3:57 pm]

BILLING CODE 6450-85-M

5

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: 10 a.m., January 22, 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: Lois D. Cashell, Acting 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.

Power Agenda—477th Meeting, January 22, 1981, Regular Meeting (10 a.m.)

CAP-1. Docket No. ER81-151-000, Iowa Utilities Co.
CAP-2. Docket No. ER81-146-000, New England Power Co.
CAP-3. Docket Nos. ER77-354 and ER78-14, Missouri Utilities Co.
CAP-4. Docket Nos. ER80-116 and ER80-511, Niagara Mohawk Power Co.
CAP-5. Docket No. ER80-298, El Paso Electric Co.
CAP-6. Docket No. ER80-473, Duke Power Co.
CAP-7. Docket No. ER80-2, Consolidated Edison, Co. of New York
CAP-8. Docket No. EL81-5-000, Edison Electric Institute
CAP-9. Docket No. EF80-3041, Southeastern Power Administration—Kerr-Philpott Projects

Miscellaneous Agenda—477th Meeting, January 22, 1981, Regular Meeting

CAM-1. Docket No. QF80-25, Granite City Steel
CAM-2. (a) Docket No. RM79-76 (Wyoming—3), high-cost gas produced from tight formations; (b) Docket No. RM79-76 (Louisiana—1), high-cost gas produced from tight formations
CAM-3. Docket No. GP81- , USGS New Mexico, South Central Region, Section 108 NGPA Determination, AMOCO Production Co., L.C. Kelly No. 1 Well USGS Docket No. NM-4304-79, FERC Control No. JD80-11312
CAM-4. Docket No. RA79-24, Exxon Co., U.S.A.
CAM-5. Docket No. RA80-92, Wedge Service Station, Inc.
CAM-6. Docket No. RA80-49, Mardiros Torikian
CAM-7. Docket No. RO80-11, Vic & Lou's Union
CAM-8. Docket No. RO80-8, Bill J. Graham
CAM-9. Docket No. RO81-2-000, Sunset Boulevard Car Wash; Docket No. RO81-3-000, Weber's Chevron Service; Docket No. RO81-4-000, Alameda Chevron; Docket No. RO81-5-000, Mike's Shell Chevron; Docket No. RO81-6-000, Tenth Street Chevron; Docket No. RO81-7-000, Ed Gularte Chevron; Docket No. RO81-8-000, Ted's Arco Service; Docket No. RO81-9-000, Petaluma Standard Service; Docket No. RO81-10-000, Westlake Union Service; Docket No. RO81-11-000, Ben's Exxon Service; Docket No. RO81-12-000, Bill Wren's Shell; Docket No. RO81-13-000, Wallace Arco Service; Docket No. RO81-14-000, Lazar Super Shell; Docket No. RO81-15-000, Gallagher's Shell Service; Docket No. RO81-16-000, Regalia's Chevron; Docket No. RO81-17-000, Joe Berube Services; Docket No. RO81-18-000, Peter Marenco Exxon Service; Docket No. RO81-19-000, Vale Vista Chevron; Docket No. RO81-20-000, Bob Hutchinson, Inc.; Docket No. RO81-21-000, Ray's Civil Center Mobil; Docket No. RO81-22-000, Chuck's Auto Service; Docket No. RO81-23-000, Berryessa Chevron; Docket No. RO81-24-000, Walt's Shell Service; Docket No. RO81-25-000, Miraloma Shell; Docket No. RO81-26-000, Dhority's Union 76; Docket No. RO81-27-000, Millbrae Shell; Docket No. RO81-28-000, Steve Horner Chevron Service; Docket No. RO81-29-000, Ken's Chevron Service; Docket No. RO81-30-000, Bill Pendergast & Son Chevron; Docket No. RO81-31-000, Cutting Shell; Docket No. RO81-32-000, Grapevine Texaco; Docket No. RO81-33-000, Starr Union Service; Docket No. RO81-34-000, McDowell Exxon; Docket No. RO81-35-000, Art's Chevron Service; Docket No. RO81-36-000, Richard Thompon Chevron; Docket No. RO81-37-000, Tom's Union; Docket No. RO81-38-000, Hal Abel Chevron; Docket No. RO81-39-000, John DeLaveaga's Chevron; Docket No. RO81-40-000, Britton Chevron; Docket No. RO81-41-000, Marina Chevron; Docket No. RO81-42-000, Ralph Mitchell's Hilltop Ch.; Docket No. RO81-43-000, Smith's Chevron; Docket No. RO81-44-000, Art Gordon Chevron; Docket No. RO81-45-000, Fred Hartmann's Chevron; Docket No. RO81-46-000, Walt's Danville Chevron; Docket No. RO81-47-000, Petersen and Hill; Docket No. RO81-48-000, Elwood Chevron Service; Docket No. RO81-49-000, Doug Myers Chevron Service; Docket No. RO81-50-000, Santa Maria Chevron; Docket No. RO80-51-000, Willow Pass Chevron; Docket No. RO80-52-000, Tom's Coffee Tree Chevron

Gas Agenda—477th Meeting, January 22, 1981, Regular Meeting

CAG-1. Docket No. RP80-141, Locust Ridge Gas Co.
CAG-2. Docket No. RP78-58, Valero Interstate Transmission Co.
CAG-3. Docket No. RP80-78, Panhandle Eastern Pipe Line Co.
CAG-4. Docket No. RP76-3, Inland Gas Co.
CAG-5. Docket No. CI75-602, Roy M. Huffington, Inc.
CAG-6. Docket No. CI78-677, R. Lacy, Inc.
CAG-7. Rate Schedule No. 81, the Superior Oil Co.
CAG-8. Docket Nos. CP66-111, et al., Great Lakes Gas Transmission Co.
CAG-9. Docket Nos. CP80-548 and CP81-12-000, Texas Eastern Transmission Corp.
CAG-10. Docket No. CP80-472, Tennessee Gas Pipeline Co., Division of Tenneco Inc.
CAG-11. Docket Nos. CP79-118 and CP80-466, United Gas Pipe Line Co.
CAG-12. Docket No. CP80-211, Florida Gas Transmission Co., and Southern Natural Gas Co.
CAG-13. Docket No. CP77-411, Southwest Gas Corp.
CAG-14. Docket No. CP80-291, Northwest Pipeline Corp.
CAG-15. Docket No. CP80-500, Northern Natural Gas Co., Division of Internorth, Inc.

Power Agenda—477th Meeting, January 22, 1981, Regular Meeting

I. Licensed Project Matters

P-1. Reserved

II. Electric Rate Matters

ER-1. Docket No. ER81-144-000, Upper Peninsula Power Co.
ER-2. Docket Nos. ER77-464, ER78-337, ER79-478, ER79-479, ER80-313 and ER80-376, Public Service Co., of New Mexico

ER-3. Docket No. ER79-3021, Southeastern Power Administration Cumberland Basin Projects

Miscellaneous Agenda, 477th Meeting, January 22, 1981, Regular Meeting

M-1. Docket No. RM80-65, exemption from all or part of part I of the Federal Power Act of Small Hydroelectric Power Projects with an installed capacity of 5 megawatts or less
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. RM81- , interstate pipeline blanket certificates for routine transactions—procedural rule

Gas Agenda—477th Meeting, January 22, 1981, Regular Meeting

I. Pipeline Rate Matters

RP-1. Docket No. RP78-20, Columbia Gas Transmission Corp.

II. Producer matters

CI-1. Reserved

III. Pipeline Certificate Matters

CP1. Docket Nos. CP75-140, et al., Pacific Alaska Lng Co., et al.; Docket Nos. CP74-160, et al., Pacific Indonesia Lng Co., et al.; Docket No. CI78-453, Pacific Lighting Gas Development Co.; Docket No. CI78-452, Pacific Simpco Partnership
CP2. Docket No. CP80-335, Arkansas Louisiana Gas Co.
CP3. Docket No. TC80-91, Central Florida Gas Corp.
CP4. Docket No. CI81-22-000, Southern Union Gathering Co.

Lois D. Cashell,

Acting Secretary.

[S-101-81 Filed 1-16-81 3:57 pm]

BILLING CODE 6450-85-M

6

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 46, Issue 8, p. 3107, published Tuesday, January 13, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Friday, January 16, 1981.

PLACE: 1700 G Street NW., board room, Sixth Floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6677).

CHANGES IN THE MEETING: The Bank Board Meeting previously scheduled for Friday, January 16, 1981, has been changed from 10 a.m. to 3:30 p.m. The following items have been added to the open meeting:

Amendments relating to Officers and Directors of Federal Associations
Debt cards; Remote Service Unit Amendments

[S-88-81 Filed 1-16-81; 1:36 pm]

BILLING CODE 6720-01-M

7

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 3 p.m., January 15, 1981.

PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Closed.

MATTER TO BE CONSIDERED:

1. Implementation of "Fifty-Mile Rule" at East and Gulf Coast Ports.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523-5725.

[S-83-81 Filed 1-16-81; 12:20 pm]

BILLING CODE 6730-01-M

8

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 2246, January 8, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: [9 a.m., January 14, 1981.

CHANGE IN THE MEETING: Addition of the following item to the closed session:

2. Docket No. 80-5: Dynamic International Freight Forwarder Inc., Independent Ocean Freight Forwarder License Application and Possible Violation of Section 44, Shipping Act, 1916—Further consideration of the record.

[S-86-81 Filed 1-16-81; 1:14 pm]

BILLING CODE 6730-01-M

9

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

January 16, 1981.

TIME AND DATE: 10 a.m., Wednesday, January 21, 1981.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Eastover Mining Company, Docket No. VA 80-84. (Petition for Discretionary Review; issues include interpretation and application of 30 CFR § 75.507).
2. Climax Molybdenum Company, Docket Nos. DENV 78-553-M, DENV 78-554-M, WEST 79-340-M. (Petition for Discretionary Review; issues include interpretation and application of 30 CFR § 57.12-82).

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202-653-5632.

[S-87-81 Filed 1-16-81; 1:28 pm]

BILLING CODE 6820-12-M

10

METRIC BOARD.

TIME AND DATE: 9:30 a.m., Thursday, February 5, 1981.

PLACE: Key Bridge Marriott Hotel, Salon D, Potomac Ballroom, 1401 Lee Highway, Arlington, Virginia 22209.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

Approval of Agenda: Review/Approval of Minutes of December Board Meeting Federal Plan. A joint report by Mr. Parent, USMB staff and Mr. Ellsworth, DOD official and Chairman of the Metrication Operating Committee will serve to: Convey to the Board a final report on the portion of the USMB Federal Plan which serves to define the Board's relationships and operating protocol with the Interagency Committee on Metric Policy (ICMP) and its supporting Metrication Operating Committee (MOC), and to present the final version of the Federal Policy and Guidelines to the USMB for review and endorsement. State Program. The Board will be presented with the long-term plan for continuing the formal establishment of the National Council on State Metrication and the establishment of the relationships between the State organization and USMB. Mrs. Francis West, an official of the State of Delaware and the chairperson of the Council, will give a short presentation and will be assisted in answering questions by Mr. Larry Chisholm, Director of USMB State Programs.

Annual Report: Review of final draft and design for USMB 1980 Annual Report. Committee Reports. Report by the Chairman of the Planning and Coordination; Public Awareness & Education; Research; Ad Hoc Committee on Standards; Ad Hoc Committee on State Government, and Ad Hoc Committee on ANMC on the status of each Committee's projects and activities.

Agenda Items for March Board Meeting: Agenda items to be considered for the March 5-6, 1981 meeting to be held in Albuquerque, New Mexico.

Proposed USMB Resolution for Educators.

CONTACT PERSON FOR FURTHER INFORMATION: Ms. Lu Verne V. Hall, (703) 235-1933.

Louis F. Polk,

Chairman.

[S-90-81 Filed 1-16-81; 3:42 pm]

BILLING CODE 6820-94-M

11

METRIC BOARD.

(Executive Committee)

TIME AND DATE: 8 a.m., Thursday, February 5, 1981.

PLACE: United States Metric Board, 1600 Wilson Boulevard, fourth floor, Arlington, Virginia 22209.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: Annual Report of the United States Metric Board.

CONTACT PERSON FOR FURTHER INFORMATION: Malcolm E. O'Hagan, Executive Director (703) 235–1933.

Louis F. Polk,

Chairman.

[S–91–81 Filed 1–16–81; 3:42 pm]

BILLING CODE 6820–94–M

12

METRIC BOARD.

(Research Committee)

TIME AND DATE: 10 am., Wednesday, February 4, 1981.

PLACE: United States Metric Board, 1600 Wilson Boulevard, Suite 400, Arlington, Virginia 22209.

STATUS: The meeting will be open to the public.

MATTERS TO BE CONSIDERED: Two briefings on Research Activities: (1) A general status report of all research projects and activities; (2) Discussions on the Fiscal Year 1983 Research Call.

CONTACT PERSON FOR MORE INFORMATION: G. Edward McEvoy, Director of Research, United States Metric Board, 1600 Wilson Boulevard, Suite 400, Arlington, Virginia 22209 (703) 235–2583.

Louis F. Polk,

Chairman, United States Metric Board.

[S–92–81 Filed 1–16–81; 3:43 pm]

BILLING CODE 6820–94–M

13

METRIC BOARD.

(Ad Hoc Committee on State Government)

TIME AND DATE: 10 a.m., Wednesday, February 4, 1981.

PLACE: U.S. Metric Board, Fourth floor, 1600 Wilson Boulevard, Arlington, Virginia 22209.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. NCSM Charter.
2. Program ideas for NCSM June meeting.
3. Metric clearinghouse.

CONTACT PERSON FOR FURTHER INFORMATION: Lawrence J. Chisholm (703) 235–2583.

Louis F. Polk,

Chairman, United States Metric Board.

[S–93–81 Filed 1–16–81; 3:44 pm]

BILLING CODE 6820–94–M

14

METRIC BOARD.

(Ad Hoc Committee on Standards)

TIME AND DATE: 1 p.m., Wednesday, February 4, 1981.

PLACE: U.S. Metric Board, Fourth floor, 1600 Wilson Boulevard, Arlington, Virginia 22209.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Approval of minutes.
2. Program Planning Activity Report.
3. ANMC Ad Hoc Committee on Standards.
4. Standards Organizations Communications.
5. Metric Practice National Standard Status.
6. Rationalization Opportunities—Preferred Units.

CONTACT PERSON FOR FURTHER INFORMATION: John M. Tascher (703) 235–2583.

Louis F. Polk,

Chairman, United States Metric Board.

[S–94–81 Filed 1–16–81; 3:45 pm]

BILLING CODE 6820–94–M

15

METRIC BOARD.

Planning and Coordination Committee

TIME AND DATE: 3 p.m., Wednesday, February 4, 1981.

PLACE: U.S. Metric Board, Fourth Floor, 1600 Wilson Boulevard, Arlington, Virginia 22209.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Construction Metrication Update.
2. Fiscal year 1981 Project Activities.
3. Report on Private Sector Meetings.
4. Discussion of Planning and Coordination Committee Involvement in Fiscal year 1981 Programs.
5. New Business.

CONTACT PERSON FOR FURTHER INFORMATION: Charles Danner (703) 235–2583.

Louis F. Polk,

Chairman, United States Metric Board.

[S–95–81 Filed 1–16–81; 3:46 pm]

BILLING CODE 6820–94–M

16

NATIONAL COUNCIL ON EDUCATION RESEARCH.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: (S–2343–80, December 19, 1980.

DATE AND TIME: 9:30 a.m.–3:30 p.m., January 22, 1981.

PLACE: Room 823, National Institute of Education, 1200 19th Street NW., Washington, D.C.

The National Council on Educational Research hereby gives notice that on January 16, 1981, Certification was received from the Department of Education, Office of General Counsel, that in the opinion of that office, the NCER "would be authorized to close portions of its meeting on January 22, 1981, under 5 U.S.C. 522b(c)(9)(B) and 34 CFR 705.2(a)(9) for the purposes of reviewing and discussing with the Director of NIE, the proposed executive branch budget for (Fiscal Year 1982, in particular, the sections dealing with the budget and funding priorities of NIE." As previously reported, agenda item *#8* Fiscal Year 1982 Budget—2:30 p.m.–3:30 p.m.) will be *closed* to the public.

CONTACT PERSON FOR MORE INFORMATION: Ella L. Jones, Administrative Coordinator/NCER; telphone: 202/254–7900.

Peter H. Gerber,

Chief, Policy and Administrative Coordination, National Council on Educational Research.

[S–89–81 Filed 1–16–81; 1:44 pm]

BILLING CODE 4000–05–M

17

NATIONAL RAILROAD PASSENGER CORPORATION.

In Accordance with Rule 4a. of Appendix A of the Bylaws of the National Railroad Passenger Corporation, notice is given that the Board of Directors will meet on January 28, 1981.

A. The meeting will be held on Wednesday, January 28, 1981, at the Hotel del Coronado, 1500 Orange Avenue, Coronado, California, Beginning at 9:30 a.m.

B. The meeting will be open to the public at 10:30 a.m. beginning with agenda item No. 3, as described below.

C. The agenda items to be discussed at the meeting follow.

Agenda—National Railroad Passenger Corporation

Meeting of the Board of Directors—January 28, 1981

(9:30) Closed Session
1. Internal Personnel Matters
2. Litigation Matters
(10:30) Open Session
3. Approval of Minutes of Regular Meeting of December 17, 1980

4. Approval of FY 1981 Capital Budget
5. Approval of Policy Governing Levels of Authority for Capital Projects
6. Approval of Investment resolution
7. Commitment Approval Requests:
   81–26 New York-Sunnyside Yard—Extend 480 Volt Standby System
   81–36 Acquisition of Maintenance of Way Equipment
   81–37 through 81–40 Springfield Line—Right-of-Way Improvements
   81–41 through 81–46 Northeast Corridor—Facility and Right-of-Way Improvements
   81–47 through 81–55 Harrisburg Line—Facility and Right-of-Way Improvements
8. Board Committee Reports
   Finance
   Orgainzation and Compensation
9. President's Report
10. New Business
11. Adjournment

D. Inquiries regarding the information required to be made available pursuant to Appendix A of the Corporation's Bylaws should be directed to the Assistance Corporate Secretary at (202) 383–3991.

January 16, 1981.

Barbara J. Willman,

Assistant Corporate Secretary

[S–84–81 Filed 1–16–81; 12:20 pm]

18

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 2453, January 1, 1986.

STATUS: Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Wednesday, January 7, 1981.

CHANGES IN THE MEETING: Additional meeting. The following items were considered at a closed meeting scheduled for Thursday, January 15, 1981, at 9:15.

Regulatory matter regarding financial institutions.
Consideration of *amicus* participation.

Chairman Williams and Commissioners Loomis, Evans, and Friedman determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Paul Lowenstein at (202) 272–2092.

January 15, 1981.

[S–98–81 Filed 1–16–81; 3:47 pm]

BILLING CODE 8010–01–M

19

SECURITIES EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of January 19, 1981, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meeting will be held on Monday, January 19, 1981, at 10:00 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 522b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Chairman Williams and Commissioners Loomis, Evans, and Friedman determined to hold the aforesaid meeting in closed session.

The subject matter of the closed meeting scheduled for Monday, January 19, 1981, at 10:00 a.m., will be:

Freedom of Information Act appeal.
Freedom of Information Act appeals and Confidential treatments.
Regulatory matter bearing enforcement implications.
Consideration of *amicus* participation.
Insitution of an administrative proceeding of an enforcement nature.
Institution of injunctive actions.
Settlement of injunctive actions.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Bruce Mendelsohn at (202) 272–2091.

January 15, 1981.

[S–99–81 Filed 1–16–81; 3:48 pm]

BILLING CODE 8010–01–M

Reader Aids

Federal Register

Vol. 46, No. 13

Wednesday, January 21, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Public Inspection Desk	633-6930
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235

Privacy Act Compilation	523-3517
United States Government Manual	523-5230

SERVICES

Agency services	523-3408
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public briefings: "The Federal Register—What It Is and How To Use It"	523-5235
Public Inspection Desk	633-6930
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders and problems (GPO)	783-3238
TTY for the deaf	523-5239

FEDERAL REGISTER PAGES AND DATES, JANUARY

1-858.....2
859-1248.....5
1249-1658.....6
1659-2022.....7
2023-2312.....8
2313-2588.....9
2589-2968.....12
2969-3202.....13
3203-3488.....14
3489-3800.....15
3801-4658.....16
4659-5850.....19
5851-6862.....21

CFR PARTS AFFECTED DURING JANUARY

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Administrative Orders:

Presidential Determinations:

No. 73-10 of January 2, 1973 (Amended by Presidential Determination 81-1 of December 31, 1980).....3491

No. 81-1 of December 31, 1980.....3491

Executive Orders:

11063 (Amended by EO 12259).....1253

11145 (See EO 12258).....1251

11157 (Amended by 12274).....5855

11183 (See EO 12258).....1251

11287 (See EO 12258).....1251

11562 (See EO 12258).....1251

11776 (See EO 12258).....1251

11888 (Amended EO 12267).....1251, 4669

11922 (See EO 12258).....1251

11970 (See EO 12258).....1251

12022 (Revoked by EO 12258).....1251

12050 (See EO 12258).....1251

12054 (Revoked by EO 12258).....1251

12059 (See EO 12258.....1251

12061 (Revoked by EO 12258).....1251

12063 (Revoked by EO 12258).....1251

12064 (See EO 12258).....1251

12078 (Revoked by EO 12258).....1251

12084 (See EO 12258).....1251

12093 (Revoked by EO 12258).....1251

12103 (Revoked by EO 12258).....1251

12110 (Superseded by EO 12258).....1251

12130 (Revoked by EO 12258).....1251

12131 (See EO 12258).....1251

12135 (See EO 12271).....4667

12137 (See EO 12258).....1251

12157 (Revoked by EO 12258).....1251

12160 (Amended by EO 12265).....4665

12190 (See EO 12258).....1251

12195 (Revoked by EO 12258).....1251

12196 (See EO 12258).....1251

12216 (See EO 12258).....1251

12258.....1251

12258 (Amended by EO 12271).....4677

12259.....1253

12260.....1653

12261.....2023

12262.....2313

12263.....2315

12264.....4659

12265.....4665

12266.....4667

12267.....4669

12268.....4671

12269.....4673

12270.....4675

12271.....4677

12272.....5853

12273.....5854

12274.....5855

12275.....5857

Proclamations:

4600 (Revoked by Proc. 4812).....1249

4667 (See Proc. 4813).....3489

4707 (Amended by Proc. 4817).....5851

4750 (See Proc. 4813).....3489

4811.....1

4812.....1249

4813.....3489

4814.....3801

4815.....3803

4816.....4679

4817.....5851

5 CFR

351.....3805

531.....2317

550.....2323

738.....2582

1203.....2326

Proposed Rules:

359.....3903

715.....1278

7 CFR

Ch. XVIII....4681
Ch. XXXI....2971
Subtitle A....2328
2....2969, 3203
6....1659
27....3203
180....2328
210....3, 2329, 3812
215....3, 2329
220....2329, 3812
225....6266
226....4, 3814
230....2329
235....2329, 3812
245....3814
247....6338
250....2331
271....1421
272....1421, 2332, 4622, 6310
273....1421, 3194, 4622
274....1421, 2332, 6310
277....2336
354....1661
371....3816
722....2970
725....2971
905....5859
907....5, 2025, 3493, 5859
910....5, 6, 2336, 4681
916....1662
917....1662
982....2337
1484....5860
1486....5860
1701....6, 2971
1900....3817
1945....2589
2851....1257
2852....3824
2855....7
2856....7
2858....1257
2859....7
2870....7

Proposed Rules:

210....3903–3905
220....3905
271....4642
272....4642
273....4642
274....4642
278....4642
411....3536
420....3536
421....3221
422....3538
423....3539
425....3222
426....3223
427....3224
428....3540
431....3226
432....3229
433....3232
434....3233
435....3234
436....3235
437....3236
438....3540
907....4936
908....4936
979....2084
982....2622
987....1742
991....3541
1040....1279
1421....2630
1701....3027, 3906–3908
1901....2900
1940....2900

8 CFR

211....2590, 4856
214....4856
245....3493
248....3493
292....2025
335....5861

9 CFR

51....5861
82....859
307....1258
319....1257
331....2338
350....1258
351....1258
354....1258
355....1258
362....1258
381....1258

Proposed Rules:

318....1286
381....1286

10 CFR

73....2025, 4858
205....2956
210....4860
211....3368, 5722
212....1246, 3827, 5864
456....1616
712....2971
1020....2971

Proposed Rules:

Ch. I....1742
30....3908
31....3908
32....3908
50....3541
205....71
211....6014
212....1287
456....2522
458....4482
800....5514

12 CFR

205....2972
208....2026
211....2027
225....2026
226....1662
262....5861
265....1663, 2027, 5861–5863
341....2974
400....1132
523....2029

Proposed Rules:

8....3237
545....3909
701....920, 922
741....922

13 CFR

101....10
121....2591
305....859
309....859

Proposed Rules:

113....931
122....4937

14 CFR

1....2280
21....3494
39....14–17, 861–867, 2030, 2031, 2594, 3495–3498, 4862–4866
71....18, 402, 868, 2032, 2595, 2596, 2967, 4866
73....18, 402, 868, 2967, 3499
75....402, 868, 2596, 2967
91....19, 2280
93....3499
97....2033
107....3782
108....3782
121....2280, 3782, 5500
129....3782
135....3782, 5500
159....3499
203....1664

Proposed Rules:

Ch. I....4944
21....931, 3775
36....931
39....3543
45....3775
67....75
71....932, 2085, 2088, 2630, 3544, 4945–4948
91....76
93....932, 933
121....76, 5484, 5506
125....76
135....76, 5484, 5506
145....5484
147....5484
221....934
296....934
297....934

15 CFR

Subtitle A....2339
19....1574
368....868
370....868
371....20, 1665, 5864
372....868
373....868, 1665
374....20, 5864
376....1665
377....5865
378....1665
379....868
385....868, 1258, 1665
399....1258, 1665

16 CFR

13....2034, 2035
305....2974, 3829
1512....3203

Proposed Rules:

13....2355–2361, 3544, 6014
423....935
450....3547
1307....3034
1307....3034
1307....3034
1406....6016

17 CFR

1....21
231....3500
240....1665
241....3204
249....2339
249b....1665
250....2035, 5867
261....3500

Proposed Rules:

7....3027
210....1288
229....78
230....78, 2631, 2637
231....78
239....78, 2637
240....78, 1288
241....78
249....78

18 CFR

271....2975
282....1666, 2036, 3830, 4867
290....2596

Proposed Rules:

4....1291
35....3909
141....1743
260....1744
271....941
375....1291
430....23

19 CFR

4....4868
152....2597
353....1667
355....3500

20 CFR

404....4869
416....4869, 5870
615....2976
655....4568
656....3830

Proposed Rules:

404....2093, 3547, 4584
416....2093, 3547, 4584, 4949
653....6017
656....3910

21 CFR

145....2339
178....27, 2341, 3830
201....2977
203....28, 1259
430....2979, 2987, 3831, 3835
431....28
436....2979, 2987, 2989, 3831, 3835, 3838
442....2991, 2992, 3831
444....2979, 2987, 2994
446....3835
452....2995
453....2996, 3838
510....1260, 3834
520....1259, 1260
522....30, 2998
524....1261
558....31, 3834, 3841, 3842
601....2998

Proposed Rules:

16....3029, 3030
20....2364, 3029, 3030
101....2364
207....2456

210 ... 2456
225 ... 2456
226 ... 2456
310 ... 2365, 3030
436 ... 1298
501 ... 2456
510 ... 2456
514 ... 2456
558 ... 2456
601 ... 4634
803 ... 2364
899 ... 3029, 3030
1020 ... 111
1308 ... 943

22 CFR

1 ... 6358
2 ... 6358
3 ... 6358
4 ... 6358
18 ... 2608
51 ... 2343
306 ... 1611

Proposed Rules:

17 ... 3547
41 ... 2365

23 CFR

Ch. I ... 32
140 ... 3501
450 ... 5702
630 ... 5702
655 ... 2038
656 ... 2298
1217 ... 32

Proposed Rules:

625 ... 1228, 2020, 2093
630 ... 943
655 ... 2020, 2093
1221 ... 2097

24 CFR

200 ... 2343
201 ... 4872
241 ... 3842
300 ... 1261
510 ... 3503
885 ... 3843

Proposed Rules:

114 ... 3030

25 CFR

52 ... 1668
53 ... 1674
256 ... 4873

Proposed Rules:

115 ... 2366
251 ... 1298
256 ... 33
260 ... 944

26 CFR

1 ... 1676–1719, 3504, 3912
31 ... 3504
154 ... 2042
48 ... 2998
150 ... 4873

Proposed Rules:

1 ... 112, 114, 116, 1744, 1753, 6018, 6019
26 ... 120
48 ... 129
51 ... 1754, 3560, 4950

27 CFR

4 ... 1725
19 ... 2999
70 ... 2999
240 ... 2999
245 ... 2999
250 ... 2999
270 ... 2999
275 ... 2999

28 CFR

0 ... 3843
16 ... 3509
40 ... 3843
51 ... 870

Proposed Rules:

59 ... 1302
524 ... 2962
544 ... 2962
545 ... 2962
547 ... 2962

29 CFR

1 ... 4306
2 ... 34
4 ... 4320, 4886, 5876
5 ... 4380
6 ... 4398
541 ... 3010
1620 ... 4888
1903 ... 3852
1910 ... 4034, 4078, 6134
1952 ... 3861–3863
1990 ... 4889, 5878
2520 ... 1261, 1265, 5882
2550 ... 1266
2560 ... 5882
2604 ... 4893
2610 ... 3509
2652 ... 4894

Proposed Rules:

8 ... 4951, 6019
530 ... 3916
1603 ... 3916
1910 ... 3916, 4182, 4412
1918a ... 4182
1952 ... 3919
1955 ... 3919
2520 ... 1304

30 CFR

Ch. VII ... 2043
90 ... 5885
915 ... 5885
916 ... 5892
936 ... 4902
944 ... 5899
948 ... 5915

Proposed Rules:

901 ... 1306
913 ... 3238, 4951
914 ... 1309
915 ... 2368
917 ... 3030
918 ... 3238
936 ... 2369
942 ... 1309
944 ... 946
948 ... 1311, 3560

31 CFR

51 ... 1120

32 CFR

Ch. I ... 2344
286f ... 880
298a ... 881
372a ... 5956
706 ... 5962

Proposed Rules:

556 ... 3561

33 CFR

40 ... 4912
117 ... 2043
157 ... 3510
181 ... 3514
183 ... 3514

Proposed Rules:

1 ... 946
92 ... 946
117 ... 2120, 2652, 4953
161 ... 946

34 CFR

75 ... 3205
78 ... 881
104 ... 4912
200 ... 5136
201 ... 5136
211 ... 5372
215 ... 5372
230 ... 4536
231 ... 4536
300 ... 3865, 4912, 5460
305 ... 5372
307 ... 5372
309 ... 5372
315 ... 5372
318 ... 5372
322 ... 4913
324 ... 5372
332 ... 3206
338 ... 5372
361 ... 5522
362 ... 5416
365 ... 5522
366 ... 5410
369 ... 5416
370 ... 5416, 5522
371 ... 5416
372 ... 5416
373 ... 5416
374 ... 5416
375 ... 5416
378 ... 5416
379 ... 5416
395 ... 5416
408 ... 3207, 5372
525 ... 5372
526 ... 5372
527 ... 5372
538 ... 3378
539 ... 3387
624 ... 5372
643 ... 5372
644 ... 5372
645 ... 5372
646 ... 5372
649 ... 3394
674 ... 5238, 6322
675 ... 5238, 6322
676 ... 5238, 6322
682 ... 3866, 3871, 6322
683 ... 6322
690 ... 5320, 6322
726 ... 5372
735 ... 3873
740 ... 5372
753 ... 4606
757 ... 3877

Proposed Rules:

Subtitle A ... 3920
104 ... 4954
200 ... 5236
201 ... 5236
322 ... 4955
366 ... 4955
369 ... 5436
370 ... 5436
371 ... 5436
372 ... 5436
373 ... 5436
374 ... 5436
375 ... 5436
378 ... 5436
379 ... 5436
540 ... 4560
541 ... 4560
617 ... 4956
618 ... 4956
619 ... 4956
620 ... 4956
621 ... 4956
649 ... 3239
674 ... 5295
675 ... 5295
676 ... 5295
682 ... 3922
683 ... 4956
791 ... 4991
792 ... 4991
793 ... 4991
794 ... 4991

36 CFR

223 ... 2611
1190 ... 4270

Proposed Rules:

7 ... 1312, 1313
13 ... 5642
261 ... 1758
262 ... 1758
801 ... 5578
1215 ... 5566

37 CFR

1 ... 2611
306 ... 884
307 ... 891
308 ... 892

Proposed Rules:

1 ... 2653, 3162, 5001

38 CFR

Proposed Rules:

21 ... 2654

39 CFR

111 ... 35
232 ... 897

Proposed Rules:

111 ... 3568
3001 ... 952

40 CFR

3 ... 5962
6 ... 3364
30 ... 3017
51 ... 1267
52 ... 35, 36, 898, 2043, 3516, 3883, 4916, 4918, 5965, 5980
81 ... 899, 3883

86.....1590, 1599, 1603
87.....2044
122.....2045, 2344, 2802
123.....1727, 3207, 3517, 5616
160.....2344
162.....2008, 5696
180.....3018, 5980, 5981
205.....4918
257.....3021
261.....4614
264.....2802
265.....2802
401.....2264
762.....5981

Proposed Rules:
Ch. I.....3032, 3408
Ch. V.....2369
7.....2306
12.....2306
52.....133, 953, 1314–1316, 1760, 1761, 3569, 3923, 3924, 6021
58.....2655
60.....1102, 1136, 1317
61.....1165, 1318, 3033
86.....1910, 5001, 5838
123.....954, 2120, 3924
136.....3033
180.....5003
192.....2556
264.....2893
265.....2893
408.....2544
420.....1858
430.....1430, 2369
431.....1430, 2369
434.....3136
465.....2934
721.....6021
762.....6019
763.....3033

41 CFR

Ch. 1.....3519
Ch. 101.....1731, 3021
1–4.....1196
5–6.....908
5–14.....911
5–60.....900
5A–1.....5982
5A–2.....5982
5A–6.....908
5A–14.....911
5A–60.....900
5B–60.....900
14–2.....1730
29–70.....3891
60–1.....3892
101–20.....3523
101–26.....3024
101–35.....1213
101–36.....1213
101–38.....3023

Proposed Rules:
Ch. 16.....6022
9–15.....955
9–50.....959
60–20.....3916
101–11.....3239, 3240

42 CFR

52.....4918
110.....6354
442.....1268

Proposed Rules:
36.....1318
50.....5003
403.....6296
405.....959, 3794, 5006
435.....5008
441.....5003
481.....959
482.....959

43 CFR

Subtitle A.....2348
9.....5772
2090.....5794
2091.....1634
2200.....1634
2210.....1634
2220.....1634
2230.....1634
2240.....1634
2250.....1634
2260.....1634
2270.....1634
2300.....5794
2310.....5794
2320.....5794
2340.....5794
2350.....5794
2920.....5772
4100.....5784

Proposed Rules:
4.....3242
426.....3250

Public Land Orders:
1362 (Revoked by PLO 5799).....2047
2307 (Revoked by PLO 5798).....2046
3917 (Partially revoked by PLO 5802).....2047
4849 (Partially revoked by PLO 5799).....2047
4863 (Revoked by PLO 5806).....2348
5791.....2613
5797.....2046
5798.....2046
5799.....2047
5800.....1734
5801.....1734
5802.....2047
5803.....1734
5804.....2047
5805.....2048
5806.....2348

44 CFR

Ch. I.....1270
10.....2049
59.....1273
60.....1273
64.....1273, 3212, 3214
65.....1274, 1736
67.....1275
332.....2349

Proposed Rules:
67.....1319

45 CFR

95.....3527
233.....4919
304.....1275
1012.....5620
1067.....1234
1069.....4919
1225.....1608
1300.....4921

Proposed Rules:
Ch. XII.....960
16.....1644
74.....1644
301.....1319
302.....1321
303.....1321
1012.....5632
1062.....961

46 CFR

225.....913
284.....913
286.....913
291.....913
502.....1276

Proposed Rules:
108.....3573
381.....2370
401.....2656
503.....3250
524.....5008

47 CFR

0.....2352
1.....3896
2.....3896
15.....4923, 4925
64.....5984
73.....3530, 3531, 3897
90.....3896

Proposed Rules:
Ch. I.....3925–3939, 5008
2.....5009, 5011
22.....5011
25.....3250
63.....6025
73.....3573–3575, 3939, 5011
76.....6025
81.....3939
90.....5011

49 CFR

Subtitle A.....2352
1.....6012
171.....5298
172.....5298
173.....5298
177.....5298
201.....2613
397.....5318
512.....2049
525.....2063
537.....2063
555.....2063
571.....2064, 2618
635.....5476
639.....5480
642.....5820
660.....5808
845.....3532
1002.....2294, 2295
1003.....2294, 4926
1011.....2294, 3532
1033.....1738, 3216, 3533, 3534, 4934
1100.....2294, 4926
1136.....2295
1137.....2294
1331.....2295

Proposed Rules:
Ch. V.....5012
21.....5588
23.....969
172.....2121, 2126
173.....2121, 2126
175.....2126
178.....2126
179.....2126
192.....39
195.....39, 2130
531.....5022
571.....40, 55, 2132, 2136
604.....5394
638.....6334
641.....5832
660.....5815
1039.....134
1056.....3941
1109.....3942
1201.....1323, 2146
1206.....1323
1207.....1323
1208.....1323
1209.....1323
1210.....1323
1241.....2146
1300.....1324
1301.....1324
1303.....1324
1305.....1324

50 CFR

17.....3178, 3184, 3361, 5730
26.....913, 916, 2076
32.....6013
33.....917, 918, 2078, 2352, 3218
250.....66
285.....3025
296.....2302, 3534
611.....1738, 2079, 2081
652.....1740, 3534

Proposed Rules:
17.....3188
36.....5668
216.....1761, 2153
230.....3942
611.....2153, 2154
643.....2153
672.....2154

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
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

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

NOTE: As of September 2, 1980, documents from the Animal and Plant Health Inspection Service, Department of Agriculture, will no longer be assigned to the Tuesday/Friday publication schedule.

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Rules Going Into Effect Today

AGRICULTURE DEPARTMENT

Food Safety and Quality Service—

65515 10–3–80 / Meat grading standards; beef carcass handling

[*See also* 45 FR 51757, 8–5–80]

JUSTICE DEPARTMENT

Immigration and Naturalization Service—

84011 12–22–80 / Applications for certificates of citizenship; witness requirements

84010 12–22–80 / Petition to classify alien as immediate relative of a U.S. citizen or as a preference; passport as evidence of citizenship

Parole Commission—

84053 12–22–80 / Conditions of release, certificates of parole; clarification

84052 12–22–80 / Hearing examiner panel; delegated authority, revision

84052 12–22–80 / Hearing examiner panels; resolution of disagreements

84053 12–22–80 / Parole decision; reopening

84053 12–22–80 / Regional Commission; postponement of final decisions of hearing examiner panels, authority delegation

84054 12–22–80 / Warrant issuance, legal effect upon the naming of a sentence

Deadlines for Comments On Proposed Rules for the Week of January 25 through January 31, 1981

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service—

78699 11–26–80 / Wool, hair and bristles; import restrictions; comments by 1–26–81

Commodity Credit Corporation—

85039 12–24–80 / 1981 Peanut program; Proposed determinations regarding a loan and purchase program for the 1981 crop of peanuts; comments by 1–30–81

78622 11–26–80 / Export Credit Guarantee Program (GSM–102); guarantee against defaults by foreign banks; comments by 1–26–81

CIVIL AERONAUTICS BOARD

73087 11–4–80 / Classification and exemption of air taxi operators; dual authority; reply comments by 1–26–81

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

85769 12–30–80 / Advance notice of proposed rulemaking for improving coastal management in the United States; comments by 1–31–81

74178 11–7–78 / Shrimp fishery of Gulf of Mexico; comments by 1–31–81

[Corrected at 79126, 11–28–80]

COMMUNITY SERVICES ADMINISTRATION

85485 12–29–80 / Environmental protection; comments by 1–28–81

EDUCATION DEPARTMENT

78962 11–26–80 / Bilingual Education Training Program; comments by 1–25–81

86312 12–30–80 / Library Research and Demonstration Program (Title II–BHEA) provisions; comments by 1–29–81

ENERGY DEPARTMENT

Conservation and Solar Energy Office—

85610 12–29–80 / Grant programs for schools and hospitals and for buildings owned by units of local government and public care institutions; comments by 1–28–81

Federal Energy Regulatory Commission—

84814 12–23–80 / Gathering allowances and compression allowances under section 110 of the Natural Gas Policy Act of 1978; Inquiry; comments by 1–30–81

1743 1–7–81 / Proposed elimination of requirement of Federal entities to file reports pursuant to § 141.1; comments by 1–29–81

ENVIRONMENTAL PROTECTION AGENCY

86506 12–31–80 / Air quality, Pennsylvania; revision of State Implementation Plan; alternative emission reduction option for Minnesota Mining and Manufacturing Company (3M) in Bristol, Pa., comments by 1–30–81

78174 11–25–80 / Standards of performance for new stationary sources—perchloroethylene dry cleaners; comments by 1–26–81

FEDERAL COMMUNICATIONS COMMISSION

72719 11–3–80 / Direct broadcast satellites; satellite-to-home television transmission; comments by 1–31–81

81215 12–10–80 / FM broadcast station in Lahaina, Maui, Hawaii; changes in table of assignments; comments by 1–27–81

81080 12–9–80 / FM broadcast station in Romney, W. Va.; proposed changes in table of assignments; comments by 1–27–81

81078 12–9–80 / FM broadcast station in Millersburg, Ohio; proposed changes in table of assignments; comments by 1–27–81

71384 10–28–80 / Policies governing ownership and operation of domestic satellite earth stations in Alaska Bush communities; reply comments by 1–29–81

73979 11–7–80 / Provisions for one-way paging stations in the domestic public land mobile radio service; reply comments by 1–30–81

82283 12–15–80 / TV broadcast station in Middleton, Mass.; proposed changes in table of assignments; comments by 1–30–81

FEDERAL EMERGENCY MANAGEMENT AGENCY

79122 11–28–80 / Floodplain management and protection of wetlands; comments by 1–27–81

FEDERAL RESERVE SYSTEM

81537 12–11–80 / Nonbanking activities of foreign banking organizations; comments by 1–30–81

GENERAL SERVICES ADMINISTRATION

58122 9–2–80 / Information system for furniture, furnishings, and certain other items; comments by 1–30–81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

79002 11–28–80 / Additional standards for human blood and blood products; source plasma (human); comments by 1–27–81

111 1–2–81 / Diagnostic X-Ray systems and their mjaor components; proposed amendment to performance standard; comments by 1–29–81

79091 11–28–80 / Erythromycin enteric—coated tablets; disintegration standard; comments by 1–27–81

79089 11–28–80 / Radioactive drugs; reduction of reserve sample retention requirements; comments by 1–27–81

78162 11–25–80 / Tests and methods of assay of antibiotic and antibiotic containing drugs; revised standard response line concentrations; comments by 1–26–81

[Corrected at 46 FR 1298, 1–6–81]

Health Care Financing Administration

79453 12–1–80 / Collection of unpaid Medicare premiums; comments by 1–30–81

79658 12–1–81 / Withholding of payments for practitioners, providers, and suppliers of services; comments by 1–30–81

Human Development Services Office—

86817 12–31–81 / Foster care maintenance and adoption assistance child welfare services; Federal financial participation; fiscal requirements; comments by 1–30–81

Social Security Administration—

79501 12–1–80 / Federal old-age, Survivors, and disability insurance and supplemental security income for the aged, blind, and disabled; Representative payment; comments by 1–30–81

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Assistant Secretary for Fair Housing and Equal Opportunity—

78508 11–25–80 / Nondiscrimination in programs and activities receiving assistance under Title I of the Housing and Community Development Act of 1979; comments by 1–26–81

Assistant Secretary for Housing—Federal Housing Commission—

78164 11–25–80 / Coinsurance provision; comments by 1–26–81

INTERIOR DEPARTMENT

Fish and Wildlife Service—

72234 10–31–80 / Endangered plants; proposed endangered status and critical habitat for stephanomeria malheurensis (Malheur wire-lettuce); comments by 1–29–81

Fish and Wildlife Service—

86511 12–31–80 / Service and forfeiture procedures; increased value of seized property and posting of notices; comments by 1–30–81

Surface Mining Reclamation and Enforcement Office—

85797 12–30–80 / Surface coal mining and reclamation and enforcement; intent to prepare Federal Program and suspension of Ohio schedule for State program resubmission; comments by 1–29–81

INTERSTATE COMMERCE COMMISSION

79488 12–1–80 / Application procedures for motor carrier transportation, special intermodal authority; comments by 1–30–81

81799 12–12–80 / Cancellation of motor carrier joint rates through routes; comments by 1–26–81

86738 12–31–80 / Tariffs; intermodal carriers; authority to enter into international joint rates with nonvessel operating common carriers; comments by 1–30–81

LEGAL SERVICES CORPORATION

86511 12–31–80 / Restrictions and certain activities (legislative advocacy, etc.) by fund recipients; comments by 1–30–81

NATIONAL CREDIT UNION ADMINISTRATION

79494 12–1–80 / Adjustable rate mortgages; comments by 1–31–81

PERSONNEL MANAGEMENT OFFICE

79078 11–28–80 / Federal employees' group life insurance and health benefits; coverage for employees hired under career-related work-study programs; comments by 1–27–81

POSTAL SERVICE

86504 12–31–80 / Mailability of matter; advice to postal customers; comments by 1–29–81

SMALL BUSINESS ADMINISTRATION

79496 12–1–80 / Definition of social disadvantage; Minority group inclusion; comments by 1–30–81

[Comments date corrected at 45 FR 80117, 12–3–80]

TRANSPORTATION DEPARTMENT

Coast Guard—

81607 12–11–80 / San Juan Harbor, seaplane restricted area; comments by 1–26–81

Office of the Secretary—

83252 12–18–80 / Special air traffic rules and airport traffic patterns slot allocation at Washington National Airport; reply comments by 1–26–81

71236 10–27–80 / Washington National Airport; special air traffic rules and airport patterns; allocation of hourly number of instrument flight operations; reply comments by 1–26–81

TREASURY DEPARTMENT

Internal Revenue Service—

79094 11–28–80 / Income tax; partnerships and investments credit for used property; comments by 1–27–81

78167 11–25–80 / Treatment, for tax proposes, of expenditures for attempts to influence legislation; comments by 1–26–81

Deadlines for Comments on Proposed Rules for the Week of February 1 through February 7, 1981

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

80533 12–5–80 / Onions grown in south Texas; handling regulation; comments by 2–4–81

Animal and Plant Health Inspection Service—

80098 12–3–80 / Contagious equine metritis (CEM); specifically approved States to receive stallions imported from CEM—affected countries; Colorado; comments by 2–2–81

80267 12–4–80 / Handling of certain garbage residues; comments by 2–2–81

80813 12–8–80 / Veterinary Services policy and procedures in cooperative programs concerning the eradication of Exotic Newcastle Disease from populations of birds including poultry; comments extended to 2–6–81

[Originally published at 45 FR 67052, 10–9–80]

Federal Grain Inspection Service—

80985 12–8–80 / Delay effective date of requirement for change in mode of operation; comments by 2–6–81

Food and Nutrition Service—

80790 12–5–80 / Food Stamp Program; monthly reporting/retrospective accounting; comments by 2–3–81

CIVIL AERONAUTICS BOARD

80117 12–3–80 / Canadian charter air taxi operations; registration procedure for operating authority; comments by 2–2–81

85075 12–24–80 / Cooperative shippers associations; permission to act as agents of direct air carriers; comments by 2–2–81

COMMERCE DEPARTMENT

International Trade Administration—

80484 12–5–80 / Export licensing requirements for computer software; interim rule; comments by 2–3–81

Patent and Trademark Office—

73965 11–7–80 / Additional procedure for filing continuation and divisional applications; comments by 2–4–81

78172 11–25–80 / Patent interference proceedings; comments by 2–4–81

COMMODITY FUTURES TRADING COMMISSION

84082 12–22–80 / Contract market rules; comments by 2–2–81

73499 11–5–80 / Contract markets; dormant and low volume contracts; comments by 2–1–81

73504 11–5–80 / Economic and public interest requirements for contract market designation; comments by 2–1–81

80539 12–5–80 / Proposed registration firms and rules; comments by 2–3–81

EDUCATION DEPARTMENT

83269 12–18–80 / Emergency school aid; comments by 2–2–81

ENERGY DEPARTMENT

Economic Regulatory Administration—

81012 12–8–80 / Standby procedures for emergency purchases and emergency allocation of natural gas during a declared emergency; comments by 2–6–81

Western Area Power Administration—

80349 12–4–80 / Compliance with Title II of the Public Utility Regulatory Policies Act; comments by 2–3–81

ENVIRONMENTAL PROTECTION AGENCY

1316 1–6–81 / Alabama State Implementation Plans; comments by 2–5–81

133 1–2–81 / Approval and promulgation of implementation plans; Kentucky: Bubble action for the Kentucky Utilities Co.—Green River Station; comments by 2–2–81

78980 11–26–80 / Beverage can surface coating industry; standards of performance; comments by 2–5–81

72984 11–3–80 / Construction of treatment works; cost effective analysis of facility plans prepared under grants; comments by 2–2–81

3033 1–13–81 / Guidelines establishing test procedures for analysis of pollutants; comments by 2–2–81

80286 12–4–80 / Hazadous waste management system; identification and listing of hazardous waste; comments by 2–2–81

1314 1–6–81 / Kentucky State Implementation Plan; comments by 2–5–81

1315 1–6–81 / Maryland State Implementation Plan; comments by 2–5–81

80556 12–5–80 / Michigan State Implementation Plan; approval of revision; comments by 2–5–81

1316 1–6–81 / Mississippi State Implementation Plan; comments by 2–5–81

72948 11–3–80 / Pesticide registration hazard evaluation of use for nontarget plants and microorganism; comments by 2–2–81

1760 1–7–81 / Proposed approval of Alabama air quality surveillance plan revision; comments by 2–6–81

1761 1–7–81 / Proposed approval of Kentucky air quality surveillance plan revision; comments by 2–6–81

3021 1–3–81 / Solid waste disposal facilities and practices; criteria for classification; interim regulations; comments by 2–2–81

85360 12–24–80 / Water pollution control; disposal states for dredged or fill material; specification guidelines testing requirements; comments by 2–6–81

FEDERAL COMMUNICATIONS COMMISSION

85125 12–24–80 / Direct broadcast satellites for the period following the 1983 Regional Administration Radio Conference, development of regulatory policy (interim systems); comments by 2–2–81

79841 12–2–80 / FM Broadcast station in Ainsworth, Nebr.; proposed changes in table of assignments; reply comments by 2–2–81

78189 11–25–80 / FM broadcast station in Spirit Lake, Iowa; proposed changes in table of assignments; reply comments by 2–2–81

78190 11–25–80 / FM broadcast station in Wiggins, Miss.; proposed changes in table of assignments; reply comments by 2–2–81

85126 12–24–80 / Preparation for an International Telecommunication Union World Administration Radio Conference on the use of the geostationary-Satellite orbit and the planning of the Space Services utilizing it; comments by 2–4–81

82282 12–15–80 / TV broadcast station in East St. Louis, Ill., proposed changes in table of assignments; comments by 2–2–81

84834 12–23–80 / TV Broadcast station in Scramento, Calif.; proposed changes in table of assignments; comments by 2–2–81

FEDERAL EMERGENCY MANAGEMENT AGENCY

81215 12–10–80 / Disaster assistance, cost reimbursement policy; use of National Guard; comments by 2–1–81

FEDERAL TRADE COMMISSION

79823 12–2–80 / Advance notice of proposed rulemaking following investigation of impact of state and private restraints on practice of optometry and comments by 2–2–81

[Corrected at 45 FR 80833, 12–8–80]

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

73955 11–7–80 / Hair grower and hair loss prevention drug products for over-the-counter human use; comments by 2–5–81

[Corrected at 46 FR 3030, 1–31–81]

27 1–2–81 / Indirect food additives; Adjuvants production aids and sanitizers; Tris (2,4-Di-Tert-Butylphenyl) phosphite; comments by 2–2–81

65609 10–3–80 / Wart remover drug products (OTC); monograph establishment; reply comments by 2–2–81

[Corrected at 45 FR 80551, 12–5–80]

Public Health Service—

1318 1–6–81 / Indian health; redesignation of contract health service delivery area; comments by 2–5–81

INTERIOR DEPARTMENT

Indian Affairs Pureau—

1298 1–6–81 / Business practices on Indian reservations other than Navajo, Hopi, or Zuni Reservations; comments by 2–5–81

National Park Service—

1313 1–6–81 / Delaware Water Gap National Recreation Area; snowmobile route designations; comments by 2–5–81

Surface Mining Reclamation and Enforcement Office—

1306 1–6–81 / Alabama program; comments by 2–5–81

1309 1–6–81 / Tennessee program; comments by 2–4–81

INTERSTATE COMMERCE COMMISSION

83300 12–18–80 / Rail general exemption authority; long and short haul transportation; comments by 2–2–81

134 1–2–81 / Rail general exemption authority, miscellaneous commodities; comments by 2–2–81

JUSTICE DEPARTMENT

Attorney General—

1302 1–6–81 / Guidelines on methods of obtaining documentary materials held by third parties; comments by 2–5–81

LABOR DEPARTMENT

Mine Safety and Health Administration—

74444 11–7–80 / Criteria and procedures for proposed assessment of civil penalties; comments by 2–5–81

MANAGEMENT AND BUDGET OFFICE

Federal Procurement Policy Office—

79843 12–2–80 / Availability and request for comment on draft Federal Acquisition Regulation; comments by 2–6–81

NATIONAL CREDIT UNION ADMINISTRATION

84811 12–23–80 / Incidental Powers; advance notice of proposed rulemaking; Federal credit union Insurance and group purchasing activities; comments by 2–6–81

NUCLEAR REGULATORY COMMISSION

81602 12–11–80 / Design and other changes in nuclear power plant facilities after issuance of construction permit; comments by 2–1–81

PERSONNEL MANAGEMENT OFFICE

80472 12–5–80 / Basic Life Insurance; coverage for younger employees; interim rule; comments by 2–3–81

80467 12–5–80 / Senior Executive Service; appointment by reinstatement; former career and Presidential appointees; interim rules; comments by 2–3–81

TRANSPORTATION DEPARTMENT

Coast Guard—

83267 12–18–80 / COLREGS demarcation line, Chesapeake Bay Entrance, VA; comments by 2–2–81

84104 12–22–81 / Oceanographic research vessels; comments by 2–5–81

Federal Aviation Administration—

80450 12–4–80 / Federal Aviation Regulations (FAR); miscellaneous amendments; comments by 2–4–81

80296 12–4–80 / Medical standards and certification; issuance of airman medical certificates for certain conditions; comments by 2–4–81

Federal Highway Administration—

32 1–2–81 / Maximum width of trucks on the Interstate Highway System; notice of interpretation; comments by 2–2–81

41600 6–19–80 / National standards for traffic control: Manual on uniform traffic control devices; comments by 2–1–81

National Highway Traffic Safety Administration—

2097 1–8–81 / Performance standards for speed measuring radar devices; comments by 2–1–81

TREASURY DEPARTMENT

Internal Revenue Service—

2042 1–8–81 / Civil aircraft use tax; special rules for the period 7–1–80 through 9–30–80; deadline for filing returns, 2–2–81

80551 12–5–80 / Front-end tertiary oil under crude oil windfall profit tax of 1980; comments by 2–3–81

80309 12–4–80 / Manufacturers excise tax on tires, tubes, and tread rubber; comments by 2–2–81

Next Week's Meetings

AGRICULTURE DEPARTMENT

Farmers Home Administration—

81635 12–11–80 / Pacific Crest National Scenic Trail Advisory Council, Southern California Subcommittee; Pasadena, Cal. (open), 2–26–81

ARTS AND HUMANITIES NATIONAL FOUNDATION

3306 1–14–81 / Humanities Panel, Washington, D.C. (closed), 1–29 and 1–30–81

3097 1–13–81 / Media Arts Panel (AFI/Review), Beverly Hills, Calif. (closed), 1–29 and 1–30–81

CIVIL RIGHTS COMMISSION

2372 1–9–81 / Kentucky Advisory Committee, Louisville, Kentucky (open, 1–27–81

2372 1–9–81 / New Mexico Advisory Committee, Albuquerque, N.M. (open), 1–26–81

82687 12–16–80 / New York Advisory Committee, New York, N.Y. (open), 1–28–81

2373 1–9–81 / Ohio Advisory Committee, Cincinnati, Ohio (open), 1–28–81

2373 1–9–81 / Tennessee Advisory Committee, Memphis, Tenn. (open), 1–30–81

2373 1–9–81 / Vermont Advisory Committee, Montpelier, Vermont (open), 1–28–81

COMMERCE DEPARTMENT

National Oceanic and Atmosphere Administration—

2160 1–8–81 / New England Fishery Management Council, Danvers, Mass. (open), 1–27 and 1–28–81

84116 12–22–80 / South Atlantic Fishery Management Council, Savannah, Ga. (open), 1–27 through 1–29–81

85808 12–30–80 / Western Pacific Fishery Management Council's Pelagic Fishery Resources Subpanel, Honolulu, Hawaii (open), 1–26–81

85808 12–30–80 / Western Pacific Fishery Management Council's Scientific and Statistical Committee, Honolulu, Hawaii (open), 1–27–81

DEFENSE DEPARTMENT

Air Force Department—

2376 1–9–81 / USAF Scientific Advisory Board, Wright–Patterson Air Force Base, Ohio (closed), 1–29 and 1–30–81

Navy Department—

2376 1–9–81 / Chief of Naval Operations Executive Panel Advisory Committee, Tokyo and Yokosuka, Japan (closed), 1–26 and 1–27–81

Office of the Secretary—

78194 11–25–80 / Wage Committee, Wash., D.C. (partially open), 1–27–81

EDUCATION DEPARTMENT

61812 12–12–80 / Federal Impact Aid Program Review Commission: Arlington, Va., 1–29–81; Washington, D.C., 1–30–81 (all sessions open)

3262 1–14–81 / National Advisory Council on Ethnic Heritage Studies, Washington, D.C. (open), 1–28 through 1–30–81

2376 1–9–81 / National Advisory Council on Women's Educational Programs, Washington, D.C. (open), 1–26 and 1–27–81

ENERGY DEPARTMENT

3591 1–15–81 / National Petroleum Council, Arctic Oil and Gas Resources Committee, Resource Assessment Task Group, Palo Alto, Calif. (open), 1–27 through 1–30–81

Federal Energy Regulatory Commission—

1291 1–6–81 / Exemption from licensing requirements of category of small hydroelectric power projects with installed capacity of five megawatts or less, public scoping meetings:

Denver, Colo., 1–27–81

San Francisco, Calif., 1–29–81

1291 1–6–81 / Exemption from licensing requirements of category of small hydroelectric power projects with installed capacity of five megawatts or less, public scoping meetings:

Washington, D.C., 1–21–81

Boston, Mass., 1–23–81

ENVIRONMENTAL PROTECTION AGENCY

82616 12–15–80 / Heavy-duty engine and light-duty NO_x emissions, Ann Arbor, Mich., 1–29 and 1–30–81

3032 1–13–81 / Toxic Substances Advisory Committee, Washington, D.C. (open), 1–29 and 1–30–81

HEALTH AND HUMAN SERVICES DEPARTMENT

Alcohol, Drug Abuse, and Mental Health Administration—

84869 12–23–80 / Drug Abuse National Advisory Council, Rockville, Md. (partially open), 1–27 and 1–28–81

85159 12–24–80 / Mental health Small Grant Review Committee, Washington, D.C. (partially open), 1–29 through 1–31–81

85159 12–24–80 / Psychiatry Education Review Committee, Rockville, Md. (partially open), 1–28 through 1–30–81

Disease Control Centers—

83330 12–18–80 / Influenza immunization, Atlanta, Ga. (open), 1–27–81

Food and Drug Administration—

81887 12–12–80 / Miscellaneous Internal Drug Products Panel, Chevy Chase, Md. (open), 1–31 and 2–1–81

Health Resources Administration—

81263 12–10–80 / Nurse Training National Advisory Council, Hyattsville, Md. (partially open), 1–26 through 1–28–81

Health Services Administration—

81263 12–10–80 / National Health Service Corps National Advisory Council, Rockville, Md. (open), 1–26 and 1–27–81

Human Development Services Office—

86812 12–31–80 / Adoption assistance and child welfare service; foster care; State eligibility requirements for additional payments; New York, N.Y., 1–28–81; Seattle, Wash., 1–29–81 (both sessions open)

85124 12–24–80 / Foster care maintenance and adoption assistance; child welfare services; New York, N.Y., 1–28–81; Seattle, Wash., 1–29–81 (both sessions open)

86817 12–31–81 / Foster care maintenance and adoption assistance; child welfare services; Federal financial participation; New York, N.Y., 1–28–81; Seattle, Wash., 1–29–81 (both sessions open)

National Institutes of Health—

82358 12–15–80 / Aging National Advisory Council, Bethesda, Md. (open), 1–29 through 1–30–81

83674 12–19–80 / Allergy and Infectious Diseases National Advisory Council, Allergy and Immunology Subcommittee and Microbiology and Infectious Diseases Subcommittee, Bethesda, Md. (partially open), 1–29 through 1–30–81

83673 12–19–80 / Biometry and Epidemiology Contract Review Committee, Bethesda, Md. (partially open), 1–29–81

83673 12–19–80 / Cancer Biology and Diagnosis Division of the Board of Scientific Counselors, Frederick, Md. (partially open), 1–29 through 1–31–81

1351 1–6–81 / Dental Research National Advisory Council, Bethesda, Md. (partially open), 1–29 and 1–30–81

83673 12–19–80 / Environmental Health Sciences, National Institute, Board of Scientific Counselors, Research Triangle Park, N.C. (partially open), 1–28 and 1–29–81

83676 12–19–81 / General Medical Sciences National Advisory Council, Bethesda, Md. (partially open), 1–30–81

80356 12–4–80 / National Advisory Child Health and Human Development Council, Bethesda, Md. (open and closed), 1–26 and 1–27–81

80357 12–4–80 / National Advisory Neurological and Communicative Disorders and Stroke Council, Bethesda, Md. (open and closed), 1–29 and 1–30–81

80357 12–4–80 / National Advisory Neurological and Communicative Disorders and Stroke Council Planning Subcommittee, Bethesda, Md. (open and closed), 1–28–81

3283 1–14–81 / National Cancer Advisory Board Ad Hoc Subcommittee, Diet Nutrition and Cancer Program, Bethesda, Md. (partially open), 1–29–81

82358 12–15–80 / National Cancer Institute, Resources, Centers, and Community Activities Division, Scientific Counselors Board, Chemoprevention Subcommittee, Bethesda, Md. (open) 1–28–81

1351 1–6–81 / National Library of Medicine, Board of Regents (partially open sessions:

Full Board meeting, 1–29 and 1–30–81

Extramural Programs Subcommittee, 1–28–81

Lister Hill Center and National Medical Audiovisual Center Subcommittee, 1–28–81

83674 12–19–80 / Resources, Centers, and Community Activities Division of the Board of Scientific Counselors, Silver Spring, Md. (open), 1–29 through 1–30–81

Office of the Secretary—

83172 12–17–80 / Adoption Assistance and Child Welfare Act of 1980, implementation; demonstration project assisting those wishing to comment on proposed regulations: New York City, N.Y., 1–28–81; and Seattle, Wash., 1–29–81 (both sessions open)

INTERIOR DEPARTMENT

Geological Survey—

3073 1–13–81 / Earthquake Prediction National Evaluation Council, Golden, Colo. (open), 1–26 and 1–27–81

Land Management Bureau—

81672 12–11–80 / Cedar City District Grazing Advisory Board, Cedar City, Utah (open), 1–28–81

2197 1–8–81 / La Sal Pipeline co., environmental impact statement on proposed crude oil pipeline; tentatively Grand Junction, Craig, and Denver, Colo., and Casper and Cheyenene, Wyo. (open) week of 1–26–81

1781 1–7–81 / Proceeding on Federal coal basin target for Powder River Coal Production Region, Billings, Mont., 1–27–81

83678 12–19–80 / Richfield District Multiple Use Advisory Council, Richfield, Utah (open), 1–27–81

84879 12–23–80 / Roseburg District Advisroy Council, Roseburg, Oreg. (open), 1–28–81

National Park Service—

2392 1–9–81 / Cuyahoga Valley National Recreation Area Advisory Commission, near Pennisula, Ohio (open), 1–29–81

84159 12–22–80 / Santa Monica Mountains National Recreation Area Advisory Commission, (open), Thousand Oaks, Calif., 1–26–81; Malibu, Calif., 1–27–81; and Los Angeles, Calif., 1–29–81

86558 12–31–80 / Statue of Liberty National Monument, general management planning: Queens N.Y., 1–27–81; Newark, N.J., 1–28–81; Staten Island, N.Y., 1–29–81 (all sessions open)

JUSTICE DEPARTMENT

3305 1–14–81 / Council on the Role of the Courts, Washington, D.C. (open), 1–31–81

LABOR DEPARTMENT

Occupational Safety and Health Administration—

80078 12–2–80 / Request for comments or information on occupational exposure to pesticides during manufacture and formulation; comments and notice of intention to appear at public meetings by 1–31–81

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

86582 12–31–80 / NASA Advisory Council, Space Systems and Technology Advisory Committee, Energy Technology Informal Subcommittee (open) Pasadena, Calif., 1–28, 1–29 and 1–30–81

3097 1–13–81 / Space and Terrestrial Applications Advisory Committee, Ad Hoc Informal Advisory Committee on Agriculture Land Cover and Hydrology, Washington, D.C. (open), 1–28 and 1–29–81

NATIONAL SCIENCE FOUNDATION

85861 12–30–80 / Advisory Council Task Group 15, Washington, D.C. (open), 1–30–81

83068 12–17–80 / Behavioral and Neural Sciences Advisory Committee, Anthropology-Systematic (Museum collections) Subcommittee, Washington, D.C. (closed), 1–29 and 1–30–81

83069 12–17–80 / Environmental Biology Advisory Committee, Population Biology and Physiological Ecology Subcommittee, Washington, D.C. (closed), 1–29 and 1–30–81

NUCLEAR REGULATORY COMMISSION

85464 12–29–80 / Codes and standards, Bethesda, Md. (open), 1–30–81

3683 1–15–81 / Reactor Safeguards Advisory Committee, Extreme External Phenomena Subcommittee, Inglewood, Calif. (open), 1–29 and 1–30–81

3684 1–15–81 / Reactor Safeguards Advisory Committee, San Onofre Units 2 and 3 Subcommittee, Inglewood, Calif. (open), 1–31–81

STATE DEPARTMENT

1852 1–7–81 / Oceans and International Environmental and Scientific Affairs Advisory Committee, Washington, D.C. (partially open), 1–26–81

SYNTHETIC FUELS CORPORATION

85863 12–30–80 / Pre-proposal workshop, Denver, Colo. (open), 1–28–81

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

85540 12–29–80 / Radio Technical Commission for Aeronautics, Special Committee 136 on Installation of Emergency Locator Transmitters in Aircraft, Washington, D.C. (open), 1–29 and 1–30–81

National Highway Traffic Safety Administration—

80948 12–8–80 / Safety, bumper, and consumer information programs, Ann Arbor, Mich. (open), 1–28–81

TREASURY DEPARTMENT

Office of the Secretary—

185 1–2–81 / Debt Management Advisory Committees, Washington, D.C. (closed), 1–26, 1–27, and 1–28–81

Next Week's Public Hearings

CIVIL AERONAUTICS BOARD

84840 12–23–80 / Global International Airways Corp.; fitness investigation; Washington, D.C., 1–26–81

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

2154 1–8–81 / North Pacific Fishery Management Council, Sitka, Alaska, 1–31–81

2160 1–8–81 / Pacific Fishery Management Council and the National Marine Fisheries Service, draft Pacific Coast Groundfish Fishery Management Plan: Westport, Wash., 1–29–81; Newport, Oreg. and Eureka, Calif., 1–30–81; Santa Barbara, Calif. 1–31–81

86518 12–31–80 / South Atlantic Fishery Management Council, draft fishery management plan for Atlantic Billfish; Savannah, Ga., 1–28–81, Jacksonville Beach, Fla., 1–29–81

DEFENSE DEPARTMENT

Navy Department—

60467 9–12–80 / Naval Discharge Review Board; San Diego and San Franciso, Calif., 1–11 through 1–23–81

ENERGY DEPARTMENT

Conservation and Solar Energy Office—

2522 1–9–81 / Residential Conservation Service Program; Federal RCS Plan, Kansas City, Mo. 1–26–81, and Washington, D.C. 1–29–81

Economic Regulatory Administration—

1287 1–6–81 / Pricing regulations; proposed amendments, Washington, D.C., 1–28–81 (originally published at 45 FR 84920, 12–23–80)

84936 12–23–80 / Voluntary guideline for the master metering standard under the Public Utility Regulatory Policies Act of 1978, Washington, D.C., 1–27–81

ENVIRONMENTAL PROTECTION AGENCY

85085 12–24–80 / Air pollution, standards of performance for industrial surface coating operations within appliance assembly plants, Research Triangle Park, N.C., 1–28–81

85099 12–24–80 / Air pollution, standards of performance for industrial surface coating; appliance size; priority list; Research Triangle Park, N.C., 1–28–81

77514 11–24–80 / Ground water protection strategy; Washington, D.C., 1–29 and 1–30–81

86298 12–30–80 / Standards of performance for new stationary sources—pressure sensitive tape and label surface wasting operations, Research Triangle Park, N.C., 1–30–81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

81887 12–12–80 / Miscellaneous Internal Drug Products Panel, Chevy Chase, Md., 1–31–81

TRANSPORTATION DEPARTMENT

Coast Guard—

79258 11–28–80 / Licensing of vessel pilots, Washington, D.C., 1–27–81

TREASURY DEPARTMENT

Alcohol, Tobacco and Firearms Bureau—

82472 12–15–80 / Establishment of proposed Viticultural areas, San Pasqual Valley, Calif., 1–26–81

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.**

A complete listing for the second session of the 96th Congress is published in the Reader Aid section of the issue of January 7, 1981.

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the **Federal Register** during the previous week.

RULES GOING INTO EFFECT

3017 1–13–81 / EPA—General grant regulations; class deviation; effective 1–14–81

3527 1–15–81 / HHS/Sec'y—State claims; time limits to file for plans approved under the Social Security Act; effective 1–1–81

DEADLINES FOR COMMENTS ON PROPOSED RULES

4560 1–16–81 / ED—General Education Assistance for Cuban and Haitian Refugee Children Program; comments by 3–17–81

3400 1–14–81 / ED—Graduate and Professional Study Fellowship Program regulations; comments by 3–16–81

4562 1–16–81 / ED—Impact Assistance for Refugee Children Program; comments by 3–17–81

3527 1–15–81 / HHS/Sec'y—State claims; time limits to file for plans approved under the Social Security Act; comments by 3–16–81

APPLICATIONS DEADLINES

3951 1–16–81 / Commerce/MBDA—General Business Services Program; Financial Assistance Application Announcement; apply by 2–17–81

3952 1–16–81 / Commerce/MBDA—General Business Service Program; Financial Assistance Application Announcement (2 documents); apply by 2–13–81

3585 1–15–81 / Commerce/MBDA—General Services Business Program, projects in Maryland and Pennsylvania; apply by 2–20–81

3584 1–15–81 / Commerce/MBDA—General Services Business Program, project in Virginia; apply by 2–20–81

3714 1–15–81 / DOT/RSPA—Hazardous materials accident prevention and emergency response programs; application date extended to 2–6–81

[*See also* 46 FR 1071, 1–5–81]

3265 1–14–81 / ED—Educational Services for Cuban and Haitian Entrant Children Program; apply by 2–16–81

3263 1–14–81 / ED—Experimental program for opportunities in advanced study and research in education; apply by 4–21–81

3589 1–15–81 / ED—Law-related education program; apply by 4–24–81

3264 1–14–81 / ED/BEMLA—Transition Program for Refugee Children; apply by 2–16–81

3637 1–15–81 / HHS/Sec'y—National Cancer Institute cost sharing agreement; development and marketing of AZQ as an anti-tumor agent; apply by 3–16–81

2661 1–12–81 / USDA/SEA—Animal health and disease research; funds available; apply by 2–11–81

MEETINGS

3262 1–14–81 / ED—National Advisory Council on Ethnic Heritage Studies, Washington, D.C. (open), 1–28 through 1–30–81

3282 1–14–81 / HHS/NIH—Communicative Disorders Review Committee, Rockville, Md. (partially open), 2–27–81

3283 1–14–81 / HHS/NIH—National Heart, Lung, and Blood Advisory Council and its Manpower and Research subcommittees, Bethesda, Md. (partially open), 2–5 through 2–7–81

3284 1–14–81 / HHS/NIH—Neurological Disorders Program—Project Review B Committee, Bethesda, Md. (partially open), 2–20–81

3283 1–14–81 / HHS/NIH—Neurological Disorders Program Project Review A Committee, Marina Del Ray, Calif. (partially open), 2–14 through 2–16–81

3284 1–14–81 / HHS/NIH—Population Research Committee, Bethesta, Md. (partially open), 3–12–81

2762 1–12–81 / NFAH—Humanities Panel, Washington, D.C. (closed), 1–27–81

3306 1–14–81 / NFAH—Humanities Panel, Washington, D.C. (closed), 1–29 and 1–30–81

3097 1–13–81 / NFAH—Media Arts Panel (AFI/Review), Beverly Hills, Calif. (closed), 1–29 and 1–30–81

3098 1–13–81 / NFAH—Visual Arts Panel (Painting Fellowships), Washington, D.C. (closed), 2–2 through 2–6–81

OTHER ITEMS OF INTEREST

4606 1–16–81 / ED—Arts in Education Program

3877 1–16–81 / ED—Law-Related Education Program

3873 1–16–81 / ED/Office of Educational Research and Improvement—Minority Institutions Science Improvement Program (MISIP)

3675 1–15–81 / Justice/NIC—Concept papers on meeting court orders and special masters training proposed submissions extended through FY 1981

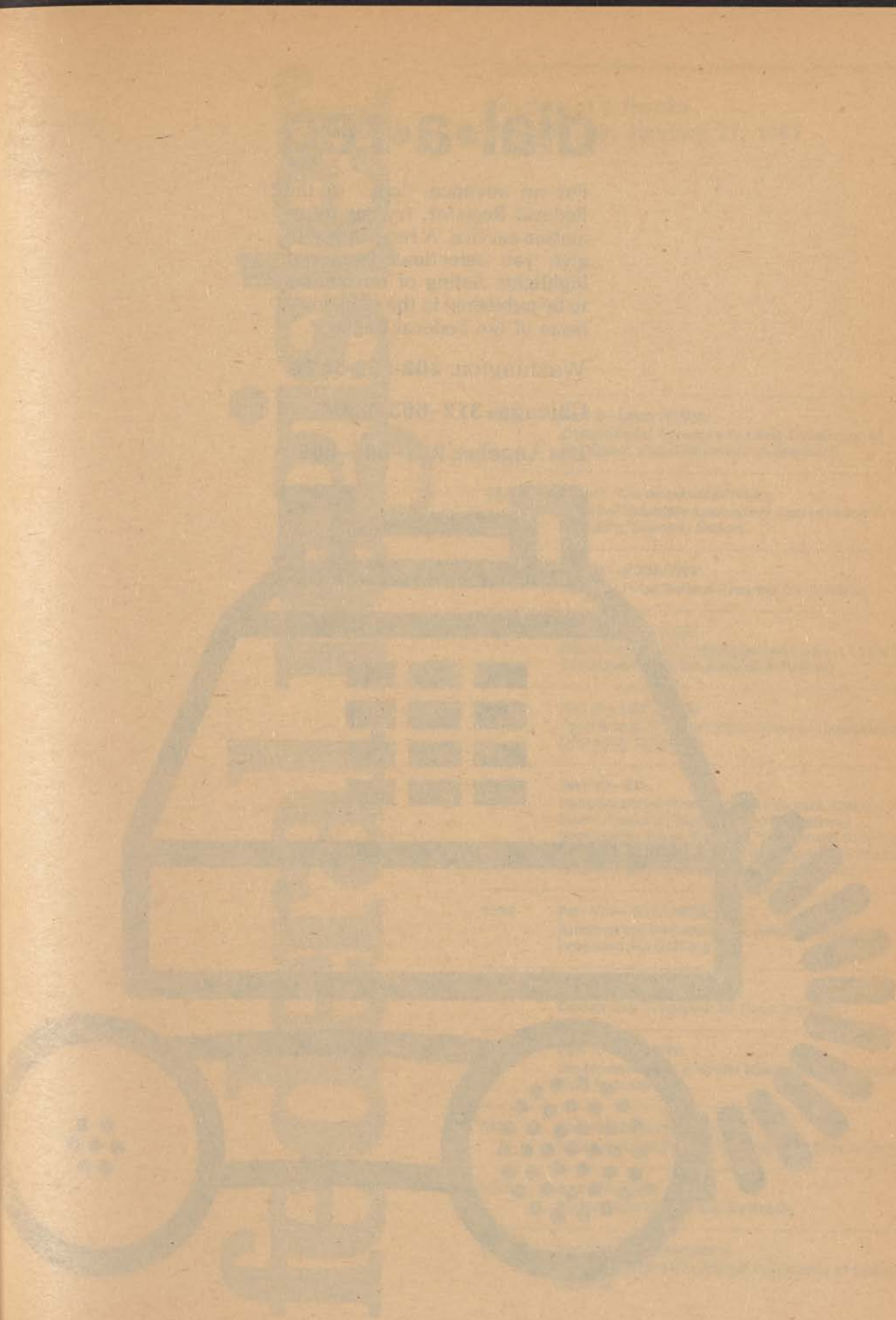
3263 1–14–81 / NFAH—Arts in Education Program; correction to application notice (deadline 2–27–81)

[*See also* 45 FR 66607, Oct. 7, 1980]

3814 1–16–81 / USDA/FNS—Child Care Food Program; matching Federal funds

3814 1–16–81 / USDA/FNS—Determining eligibility for free and reduced price meals and free milk in schools; implementation of revised income poverty guidelines

3812 1–16–81 / USDA/FNS—National School Lunch Program, School Breakfast Program and State Administrative Expense Funds; Changes to National Average Payment Factors



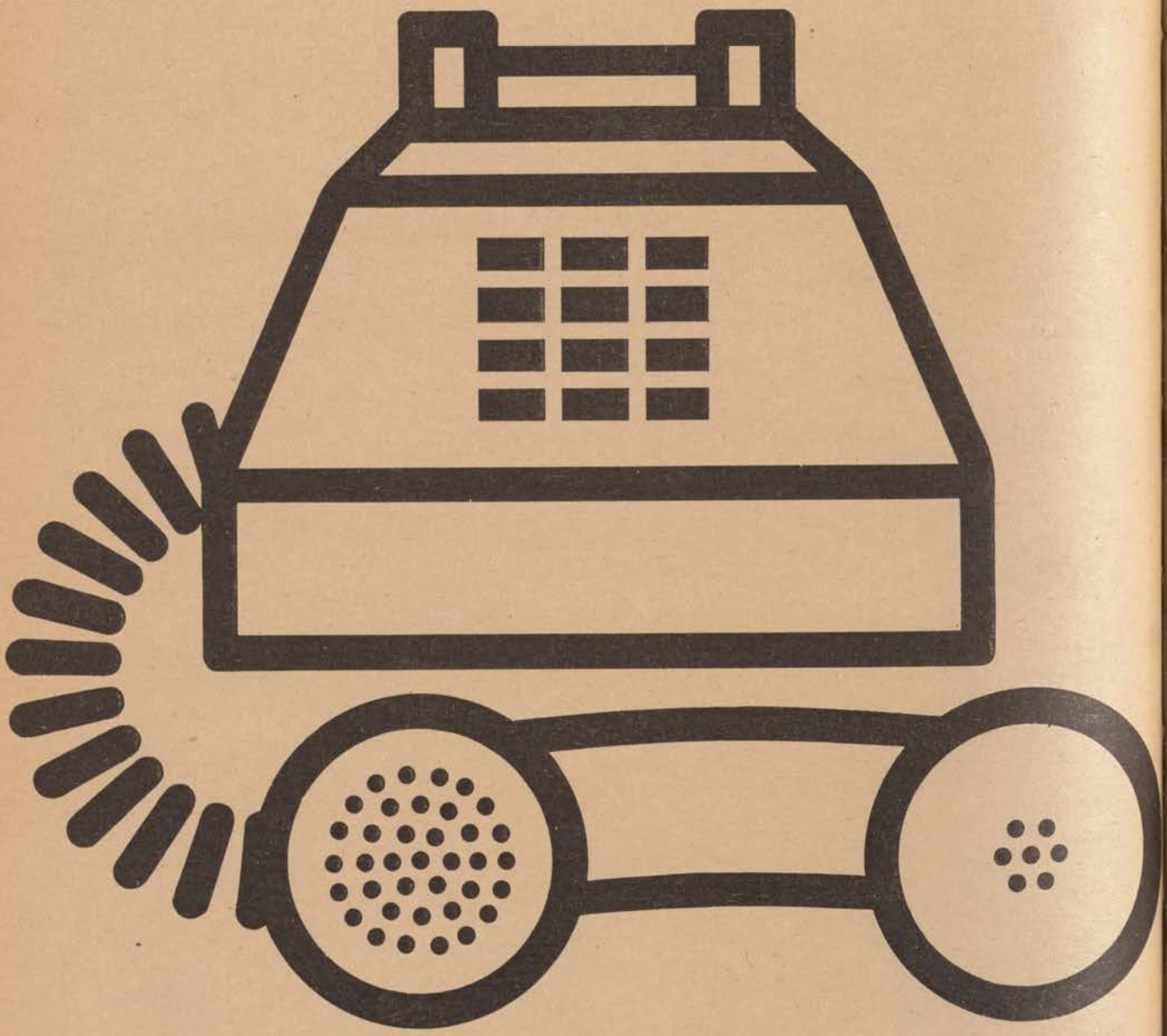
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1-21-81
Vol. 46—No. 13
BOOK 2:
Pages
6131-6542

federal register

Book 2 of 3 Books
Wednesday, January 21, 1981

6134 **Part II—Labor/OSHA:**
Occupational Exposure to Lead; Supplemental Statement and Amendment of Standard

6230 **Part III—Commerce/Secretary:**
National Voluntary Laboratory Accreditation Program (NVLAP); Quarterly Report

6266 **Part IV—USDA/FNS:**
Summer Food Service Program for Children

6296 **Part V—HHS/HCFA:**
Medicare Program; Medigap-Certification of Medicare Supplemental Health Insurance Policies

6310 **Part VI—USDA/FNS:**
Food Stamp Program: State Plans of Operation and Operating Guidelines

6322 **Part VII—ED:**
National Direct Student Loan Program, College Work-Study Program, Supplemental Educational Opportunity Grant Program, Guaranteed Student Loan Program, Parent Loans for Undergraduate Students Program, and Pell Grant Program, Final Rule

6334 **Part VIII—DOT/UMTA:**
Maintenance Requirements; Advance Notice of Proposed Rulemaking

6338 **Part IX—USDA/FNS:**
Commodity Supplemental Food Program

6354 **Part X—HHS/PHS:**
Requirements for a Health Maintenance Organization; Final Regulations

6358 **Part XI—State/Secretary:**
Hostage Relief Provisions; Proposed Rulemaking

6364 **Part XII—OMB:**
Budget Rescissions and Defferals

6427 **Part XIII—DOD/Secretary:**
Privacy Act of 1974; Annual Publication of Systems of Records

federal register

Wednesday
January 21, 1981

Part II

Department of Labor

Occupational Safety and Health Administration

Occupational Exposure to Lead; Supplemental Statement and Amendment of Standard; Final Rule

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. H-004E]

Occupational Exposure to Lead; Supplemental Statement of Reasons; and Amendment of Standard

AGENCY: Occupational Safety and Health Administration (OSHA), U.S. Department of Labor.

ACTION: Final Rule; Supplemental Statement of Reasons; and Amendment of Standard.

SUMMARY: This supplemental statement of reasons sets forth OSHA's reasoning and conclusions with regard to the technological and economic feasibility of meeting the permissible exposure limit (PEL) for lead of 50 micrograms per cubic meter ($\mu g/m^3$) as an 8-hour time weighted average for 46 specified industries or occupations. The statement is made in response to an order of the U.S. Court of Appeals for the D.C. Circuit which required OSHA to reconsider the question of feasibility for these industries. For most of the 46 categories, the supplemental record demonstrates that the standard is feasible either because exposure levels do not generally exceed the PEL, thus requiring minimal or no compliance actions, or because exposure levels above the PEL can be controlled by available and affordable engineering controls or work practices within the time periods permitted for compliance. Additionally, for a few industry categories, the record shows that feasible control measures are available, but that an extension in the compliance schedule is needed to assure the feasibility of their implementation. For some operations within certain industries, respiratory protection *may* be the only technologically feasible means of compliance.

EFFECTIVE DATE: February 20, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. Robert P. Beliles, Occupational Safety and Health Administration, Room N3718, U.S. Department of Labor, Washington, D.C. 20210, 202-523-7081.

SUPPLEMENTARY INFORMATION:

A. Regulatory and Judicial History

On October 3, 1975, OSHA proposed a standard for occupational exposure to lead (40 FR 45934) to replace the permissible exposure limit which had been adopted from a national consensus standard pursuant to § 6(a) of the Occupational Safety and Health Act (Act). A lengthy informal hearing was held in Washington, D.C. and two regional hearings were held in St. Louis, Missouri, and San Francisco, California, in the spring of 1977. In the fall of the same year, hearings were held for the receipt of additional information on certain specific issues, including medical removal protection. The hearing record was closed in January of 1978. On November 14, 1978, a final standard which limited occupational exposure to airborne concentrations of lead to 50 $\mu g/m^3$ (micrograms per cubic meter) based on an 8-hour time weighted average (TWA) was published in the **Federal Register** (43 FR 52952). Additional protective provisions included environmental monitoring, recordkeeping, employee education and training, medical surveillance, medical removal protection, hygiene facilities, and other requirements. Supplemental attachments were published November 21, 1978 (43 FR 54354).

Immediately after promulgation, the lead standard was challenged by both industry and labor in several U.S. Courts of Appeals. All cases were transferred and consolidated in the U.S. Court of Appeals for the District of Columbia Circuit. Simultaneously, various parties sought administrative reconsideration and stays of the regulation, one of which was granted. On March 1, 1979, the D.C. Circuit partially stayed the lead standard by delaying the requirement for installing engineering controls and instituting work practices. However, enforcement of the PEL and provisions for environmental monitoring, recordkeeping, employee education and training, medical surveillance, and medical removal protection was permitted to begin on March 1, 1979.

In a lengthy opinion issued on August 15, 1980, the United States Court of Appeals for the District of Columbia Circuit, per Chief Judge Wright, upheld the validity of OSHA's lead standard in most respects. However, the court found that OSHA failed to present substantial evidence or adequate reasons to support the feasibility of the standard with respect to certain industries, and remanded the standard to the Agency for reconsideration of the question of the technological and economic feasibility of the standard for those industries.

With respect to the following industries, the court found OSHA's analysis of the feasibility of the standard to be adequate and upheld the validity of the entire standard: primary smelting; secondary smelting; printing; can manufacturing; battery manufacturing; paint and coatings manufacturing; ink manufacturing; wallpaper manufacturing; electronics manufacturing; and gray-iron foundries.

The court also found that:

> OSHA failed to present substantial evidence or adequate reasons to support the feasibility of the standard for the following industries: Nonferrous foundries; pigment manufacture; shipbuilding; auto manufacture; solder manufacture; wire patenting; pottery; brick manufacture; agricultural pesticides manufacture; leather manufacture; pipe galvanizing; gasoline additives manufacture; linoleum-rubber-plastics manufacture; paint spraying; ammunition manufacture; smelting and refining of zinc, silver, gold, platinum, copper, and aluminum; machining; lead burning; glass manufacture; textile manufacture; book binding; steel alloy manufacture; terne metal manufacture; glass polishing and spinning; cutlery manufacture; diamond processing; plumbing; jewelry manufacture; pearl processing; casting; cable coating; electroplating; explosives manufacture; lamp manufacture; sheet metal manufacture; tin rolling; telecommunications; and independent collecting and processing of scrap lead (excluding collecting and processing that is part of a secondary smelting operation): (*United Steelworkers of America* v. *Marshall*, No. 79-1048 (D.C. Cir. Aug. 15, 1980), slip opinion, pg. 245).

The court did not vacate any portion of the lead standard. Rather, it stayed the enforcement of 29 CFR 1910.1025(e)(1) (requiring compliance with the PEL through engineering controls and work practices alone) for those industries for which OSHA failed to present substantial evidence or adequate reasons to support the feasibility of the standard. The court gave OSHA 6 months in which to complete its reassessment of the feasibility issue.

Accordingly, on September 24, 1980, OSHA published a **Federal Register** notice (45 FR 63476) which reopened the rulemaking record and scheduled a hearing for the limited and express purpose of soliciting and receiving additional information pertaining to the technological and economic feasibility of meeting the 50 $\mu g/m^3$ PEL solely by engineering controls and work practices. To supplement the notice, OSHA mailed nearly 200 letters urging participation in the rulemaking to representative business concerns, trade associations and unions so that the record might be more fully developed. Enclosed with the letters were copies of the notice. The notice requested information only for those industries for which the court ruled that OSHA had failed to present substantial evidence or adequate reasons to support feasibility, or for any other industry not heretofore identified as involving lead exposure. To help facilitate the formulation of comments, OSHA included in the notice a list of 30 specific questions pertaining to

feasibility. OSHA indicated that it expected to submit additional information to the record.

In attempting to meet the remand deadline set by the court, OSHA set October 27, 1980, as the date by which all comments must be received and notices of intention to appear at the hearing filed—a 33-day period. While this time period constituted legally adequate notice (see 29 U.S.C. 655(b)), the Agency recognized that it was a relatively short time period in which to conduct an OSHA rulemaking. The time allowed was nonetheless considered necessary if the rulemaking were to be completed in accordance with the court's deadlines. In the view of the Agency, the scheduled hearing together with the posthearing comment period would provide additional opportunity for input from interested parties.

To further develop the record, OSHA conducted several research efforts. Computer and other types of literature searches were conducted to find control technology studies relevant to these industries. NIOSH Health Hazard Evaluations concerning lead exposure were researched for relevant feasibility evidence. EPA environmental emission identification and control studies and other EPA data were searched for relevant evidence. In an attempt to obtain data from its own collective experience, OSHA researched several enforcement case files using MIS (Management Information System) data. Looking for relevant economic feasibility data, OSHA economists culled large amounts of publicly available economic and financial data—e.g., SEC 10–K reports and FTC quarterly financial reports. Additionally, a contractor, Radian Corporation, was employed to generate data by contacting industry sources.

During this concerted data collection effort OSHA looked for all relevant evidence and did not exclude from the record any documents relating to technological or economic feasibility. This information generated and collected by OSHA, which consists of approximately 500 entries, was compiled and presented to the OSHA Docket Office by October 27, 1980, receiving the exhibit number, 476.

In response to the notice, OSHA received 41 timely comments (Exhibit 475) and 9 late comments (Exhibit 478). Additionally, 28 interested parties filed timely notices of intention to appear at the hearing (Exhibit 477). The informal public hearing ran from the fifth to the seventh of November and was recorded by 800 pages of transcript. OSHA presented six expert witnesses who were vigorously cross examined. Although 28 parties had filed intentions to appear, only two industry presentations were made and were subject to questioning. Both unions who had filed appeared and, following their testimony, answered questions.

The record remained open for the receipt of additional comment and data until December 1, and, for posthearing argument until December 10, 1980. Thirty-four such submissions were received. Final certification of the record was completed on December 17, 1980, by Administrative Law Judge Feirtag.

In light of the above efforts to obtain all available evidence, any absence of evidence in the record cannot be due to the lack of notice or an opportunity to submit it or to any deficiencies in the agency's efforts. Where the record has factual gaps, it is because there is no additional evidence or because parties uniquely in possession of certain information have chosen not to submit it.

B. Decision by the U.S. Court of Appeals and the Remand Order

A brief review of the court's decision will assist in an understanding of these remand proceedings. By a 2–1 vote, the court rejected substantive and procedural challenges to the standard's validity, and except for the application of the engineering control provision to specified industries, affirmed the standard and lifted the partial stay in effect since March 1, 1979. In responding to a variety of arguments against the validity of the standard, the court concluded:

> 1. The rulemaking leading to the new lead standard was free of procedural error.
>
> 2. The substantive provisions of the lead standard, including the medical removal protection program, the multiple physician review program, and the rules governing access to medical records, fall within the scope of OSHA's statutory power and are reasonable exercises of that power.
>
> 3. OSHA presented substantial evidence for its decision that a Permissible Exposure Limit of 50 $\mu g/m^3$ was necessary to prevent material impairment of employees' health.
>
> 4. OSHA presented substantial evidence for the feasibility of the lead standard for the following industries: primary lead smelting, secondary lead smelting, battery manufacture, electronics, gray iron foundries, ink manufacture, paints and coatings manufacture, wallpaper manufacture, can manufacture, and printing. For these industries the standard shall go fully into effect.
>
> *Ibid.*, p. 244.

With respect to certain other industries, the court found that OSHA failed to present substantial evidence or adequate reasons to support the feasibility of the standard. These industries are listed above.

For these industries, the court remanded the rulemaking record and gave OSHA 6 months to reconsider the feasibility of the standard with instructions to "return the record * * * with sufficient evidence and fuller explanation * * *" *Ibid.*, p. 245. During this 6 month period the court stayed the effectiveness of a single provision (section (e)(1) which requires compliance with the PEL by engineering controls and work practices) for these industries. All other provisions were immediately put into effect.[1]

In deciding the feasibility issues presented in the case, the court provided detailed guidelines against which the feasibility of the standard for the industries covered by the remand order will be judged. These are briefly discussed here as a framework for the specific industry discussions which follow. For the most part, the court affirmed the guidelines OSHA had used for its initial feasibility determinations in Attachment D to the preamble (43 FR 54474–54476). The court concluded:

> First, within the limits of the best available evidence, and subject to the court's search for substantial evidence, OSHA must prove a reasonable possibility that the typical firm will be able to develop and install engineering and work practice controls that can meet the PEL in most of its operations. OSHA can do so by pointing to technology that is either already in use or has been conceived and is reasonably capable of experimental refinement and distribution within the standard's deadlines.
>
> The effect of such proof is to establish a presumption that industry can meet the PEL without relying on respirators, a presumption which firms will have to overcome to obtain relief in any secondary inquiry into feasibility in any of the proceedings we discuss below.
>
> * * * * *
>
> Second, as for economic feasibility, OSHA must construct a reasonable estimate of compliance costs and demonstrate a reasonable likelihood that these costs will not threaten the existence or competitive structure of an industry, even if it does portend disaster for some marginal firms.
>
> *Ibid.*, p. 159.

Of significant note, the court ruled that feasibility will be reviewed on an industry-by-industry basis, therefore requiring OSHA to "examine the feasibility of each industry individually" *Ibid.*, p. 223. OSHA's failure to include in the preamble separate industry-by-

[1] On December 8, 1980, the Supreme Court stayed additional provisions of the standard for all affected industries pending the filing and disposition of petitions for certiorari in the Supreme Court. The Supreme Court's stay is identical to the one originally imposed by the Court of Appeals on March 1, 1979, and supersedes the Court of Appeal's limited stay.

industry analyses of all relevant factors led the court to reject the Agency's general finding of feasibility. Of the 38 industries which the court remanded, only four (nonferrous foundries, pigment manufacture, shipbuilding, and auto manufacture) had any individual discussions of both technological and economic feasibility. The court rejected OSHA's attempt to infer that a 1-year compliance period would be feasible for a large class of diverse industries whose only common characteristics were that exposure levels were generally low and that conventional engineering controls and work practices could probably be utilized at small cost. *Ibid.*, p. 218–224.

The court however, did not require that OSHA

> always present a detailed analysis for individual operations in supporting the feasibility of the standard. In industries where lead exposures are generally very low, or where strong evidence shows the standard to be technologically practicable for the most troublesome parts of the industry, OSHA can find the standard generally feasible and allow the variance process to account for unanticipated difficulties in isolated operations. But such an operation-by-operation analysis seems crucial in an industry where the evidence clearly suggests impracticality in important stages of the industrial process.
> *Ibid.*, p. 214, n. 155.

The court also reaffirmed the often-stated view that the OSH Act is a "technology-forcing" statute, *ibid.*, p. 142, and found that in proving technological feasibility

> [the court] cannot require of OSHA anything like certainty. Since "technology-forcing" assumes the agency will make highly speculative projections about future technology, a standard is obviously not infeasible solely because OSHA has no hard evidence to show that the standard has been met. More to the point here, we cannot require OSHA to prove with any certainty that industry will be able to develop the necessary technology, or even to identify the single technological means by which it expects industry to meet the PEL. OSHA can force employers to invest all reasonable faith in their own capacity for technological innovation, *Society of Plastics Industries, Inc.* v. *OSHA, supra,* 509 F. 2d at 1309, and can thereby shift to industry some of the burden of choosing the best strategy for compliance. *OSHA's duty is to show that modern technology has at least conceived some industrial strategies or devices which are likely to be capable of meeting the PEL and which the industries are generally capable of adopting.*
> *Ibid.*, p. 145 (emphasis added).

Reliance on "technology forcing" to achieve compliance with the PEL must however recognize the need to allow an industry adequate time for technological development. In sustaining the 10-year compliance schedule for the primary smelting industry, the court affirmed OSHA's application of this principle, and it is applied again here in the analysis of, for example, the automobile industry.

In proving the economic feasibility of the standard, the court ruled that cost estimates are generally required but that exact compliance costs are not. OSHA need only provide a reasonable assessment of the likely range of costs attributable to the regulation and evaluate the effect of those costs on the industry. *Ibid.*, p. 147. The costs will e examined "in relation to the financial health and profitability of the industry and the likely effect of such costs on unit consumer prices," *ibid.*, p. 144, taking into account industries' ability to pass regulatory costs forward onto purchasers or backward onto suppliers. *Ibid.*, p. 147. However, actual cost estimates and assessments of economic impact were not provided for certain industries and yet the Agency's conclusions on economic feasibility were affirmed. For example, in the electronics industry, the court ruled that "the ease with which this industry can adapt to the standard technologically essentially moots the economic question." *Ibid.*, p., 225. Similarly, in the wallpaper manufacturing industry where the "paucity of evidence [was] likely due to the industry itself," *Ibid.*, p. 229, OSHA's adaptation of the Short Reports conclusion was found to have been based on the "best available evidence."

In the manufacture of inks, the court upheld OSHA's determination of economic feasibility based on an inference from cost estimates for the proposed 100 $\mu g/m^3$ limit "in the absence of contrary evidence or argument." *Ibid.*, p. 227. Where similar circumstances exist, OSHA has used this mode of analysis in responding to the remand order.

When estimating costs, OSHA need not blindly rely on cost estimates submitted to the record by industry or by the Agency's own consultants. Citing Judge Bazelon's opinion in the cotton dust case, the court said that where the Agency finds specific faults in cost estimates, it "can produce its 'own' estimate" by making modifications, so long as the source and magnitude of the overestimates are identified and the Agency offers a counterestimate of costs which thoroughly and precisely explains its revisions. *Ibid.*, pp. 147–148. It also concluded that "OSHA can revise any gloomy forecast that estimated costs will imperil an industry by allowing for the industry's demonstrated ability to pass costs through to consumers." *Ibid.*, p. 147. It was precisely these actions the court upheld in affirming OSHA's conclusions regarding the standard's feasibility in the primary and secondary smelting industry.

C. Remand proceedings—Legal issues

In response to the remand order, OSHA reopened the rulemaking record to obtain additional evidence. To assure optimal procedural and due process rights to individuals interested in providing information to the record, the reopening was announced in a detailed notice in the **Federal Register** and actual notice was given to nearly 200 interested persons. A 30-day period for written comments was established, and a public hearing, although not required, was held.

During the remand proceedings several questions arose concerning the procedures employed by OSHA. Specifically, several industry parties contended that OSHA denied rulemaking participants the right to effective cross-examination (*see,* for example, the LIA posthearing brief, Ex. 516) by three alleged actions: (1) the remand proceedings, particularly the hearing, were scheduled without providing participants enough time for adequate preparation of comments, testimony and cross-examination; (2) OSHA's Docket Office was unable to provide copies of documents in the record on request because of mechanical breakdowns, further hampering the participants' ability to effectively cross-examine OSHA's witnesses, and (3) OSHA's failure to produce all consultants whose feasibility studies are included in the record denied participants the right to cross-examination on "crucial issues."

OSHA believes each of these claims is without merit. First, in an effort to maximize public participation and to avoid further procedural obstacles to implementation of the standard, OSHA decided that notice and public comment on remand would be the fairest and most effective course. Accordingly, OSHA reopened the lead record, allowing 30 days for written comments, and at the same time established a timetable which afforded interested parties an opportunity to participate in the hearing (45 FR 63881). This schedule allowed an initial comment period of 30 days and a posthearing comment period of 30 days. The procedure exceeds the requirements of the OSH Act, 29 U.S.C. 655(b) and the Administrative Procedure Act, 5 U.S.C. 553, and has enabled OSHA to meet the Court's 6-month remand deadline. OSHA believes that this schedule did not hamper the ability of affected parties to participate

meaningfully in the remand proceeding. Much of the information OSHA requested from the participants was already in existence and within industry's possession; e.g., job classifications for exposed employees, air monitoring data collected pursuant to 29 CFR 1910.1025(d), and industrial assets and net worth, although few of these data were actually submitted to the record.

Second, although OSHA's Docket Office experienced certain mechancial problems during the week of the remand hearings, no participants were prejudiced as a result. As soon as OSHA's staff was advised of copying difficulties, every effort was made to provide the participants with the requested documents. (Tr. 184, 250–57, 297, 315, 322, 262–63). In fact, no one was required to question any witnesses without the benefit of first reviewing the accompanying documentary evidence.

Third, the American Iron and Steel Institute (AISI) reiterated a claim rejected by the Court of Appeals, Opinion, pp. 59–62, that unless Dr. John Short was produced as a witness and subjected to cross-examination, OSHA should not be allowed to rely on the Short Report in its assessment of technological feasibility. (Tr. 38, 90). Moreover, although during the original lead proceedings AISI was unaware of the fact that David J. Burton had actually prepared the technological assessment within the Short Report, *see Ibid.*, p. 60, it now had this information and had the opportunity to cross-examine him during the remand. OSHA produced Mr. Burton as a witness and AISI chose not to question him concerning his earlier conclusions. It is OSHA's view, confirmed by the court's decision, that it clearly was not required to produce John Short at these proceedings. Also the Lead Industries Association (LIA) contended (Ex. 516, p. 6; Tr. 17) that representatives of Charles River Associates (CRA) should have been subjected to cross-examination during the remand hearing. CRA did no work for OSHA on remand (Tr. 27, 68); no useful purpose could have been served by CRA's appearance at the hearings.

Finally, it has been suggested during these proceedings that OSHA is required to (1) make a threshold finding under Section 3(8) of the Act that a "significant risk of harm" from lead exposure exists in each of the remand industries and (2) that the benefits to be derived from application of the standard exceed its costs. The Court of Appeals has already ruled on both points. The court found that "OSHA has carried its burden under Section 3(8)," in finding that lead poses a significant risk of harm to workers, opinion, p. 112, and "that in fact cost-benefit analysis would contravene the Congressional goal of protecting worker health and safety within the limits of economic possibility." *Ibid.*, p. 140, n. 102. Furthermore, OSHA has made it clear from the beginning of these proceedings that the record was reopened for the "limited and express purpose" of soliciting information relevant to feasibility. No information on issues other than feasibility was requested. (45 FR 63476).[2]

D. Conclusions

I. *Generally.* The Court of Appeals remanded the record to OSHA to reconsider the feasibility of the standard in 38 specific industrial or occupational categories. These categories were listed in the Short report (Ex. 22) as having potential lead exposure. For the purpose of the remand, OSHA has additionally considered the standard's feasibility for industries or occupations where lead exposure is present, but which were not included in the group of 38 (e.g., stevedoring), and has in some cases modified the category to better describe the actual processes. The final list has 46 categories; each is discussed in detail below.

For most of the 46 categories, the supplemented record demonstrates that the standard is feasible either because exposure levels do not generally exceed the PEL, thus requiring minimal or no compliance actions, or because exposure levels above the PEL can be controlled by available and affordable engineering controls or work practices within the time periods permitted for compliance.

For a few industry categories, the record supports the availability of feasible control measures, but indicates that an extension in the compliance schedule is necessary to assure the feasibility of their implementation. This is true, for example, in the primary steel manufacturing and automobile manufacturing industries.

[2] Several industry participants have suggested that "significant risk" must be established for each industry where lead exposures occur. (Ex. 475–22; Ex. 499; Ex. 500; Ex. 517). OSHA disagrees with this view. The "significant risk" findings OSHA has made, and which have been upheld by the D.C. Circuit, are equally applicable to the remand industries. In any event, the evidence submitted by some parties in an effort to demonstrate the absence of significant risk in their industries is without merit and does not detract from the earlier conclusion that employees exposed to lead even in the workplace circumstances presented by these industries, face a significant risk of material impairment of health.

An interpretation of the standard, initially made by the Agency in response to a petition by Ethyl Corporation in 1979, will achieve the same result for a few other industries, thereby enhancing their capability to comply in a feasible manner. This interpretation construed the term "secondary lead production" in Table I of Section (e)(1) of the standard to apply to all operations in any industry in which new or used scrap or waste materials were smelted through a chemical reduction process and refined to produce lead metal, whether the operation was performed by a firm whose primary purpose was to produce lead metal or was a captive process in the manufacture of other products (Ex. 476–74).

Ethyl Corporation manufactures tetraethyl lead, a chemical additive used in gasoline. As part of the process, it recycles a sludge-like waste and smelts it in a reverberatory furnace to return unused lead to the process stream. Similar activities may occur, for example, in the manufacture of solder and ammunition. Where an operation can be described as secondary lead production, the appropriate compliance period is 3 years for the interim 100 $\mu g/m^3$ limit and 5 years for the PEL. This interpretation covers only those operations and equipment pertinent to the secondary lead production operation. (This interpretation has been incorporated into OSHA's compliance directive for the lead standard; see OSHA Instruction CPL 2–2.8A, page A–3.)

Another interpretation of the standard may be required in some cases. Where one process within a facility is within the zone of contamination of another process and one of the two processes has an extended compliance period, the one with the shorter time may require the longer time period to achieve full compliance. This is necessary because contamination of one process by the other would preclude effective engineering solutions.

For example, Bunker Hill's zinc fuming furnace is within the confines of its primary lead smelter: the zinc operation has one year to achieve compliance, the primary smelter 10 years. However, due to cross contamination, complete control of the zinc operation may not be possible until emissions from the primary smelter have been controlled. The entire facility, therefore, may realistically require 10 years to comply with the standard, although all feasible engineering controls and work practice are still required to be used in the interim even if

they are not capable of reaching ultimate compliance. Where similiar compliance problems arise, the affected employer should incorporate this information into its compliance plans or seek an official interpretation from OSHA.

For some limited operations within certain industries, respiratory protection *may* be the only technologically feasible means of compliance with the PEL in light of known or currently available technology. These cases, discussed in more detail in the industry-by-industry analysis below, include certain spray painting operations, activities in certain confined spaces (e.g., in some areas inside ship hulls), activities at non-fixed worksites or workstations (e.g., repair and manintenance), and excursions in exposure caused by unpredictable and uncontrollable changes in conditions (e.g., spills, equipment failure). In these specific but limited instances, the presumption in favor of the feasibility of engineering controls and work practices would not be applicable and would not support a violation of section (e)(1). However, as the court stated:

> Insufficient proof of technological feasibility for a few isolated operations within an industry, or even OSHA's concession that respirators will be necessary in a few such operations, will not undermine this general presumption in favor of feasibility (for that industry). Rather, in such operations firms will remain responsible for installing engineering and work practice controls to the extent feasible, and for using them to reduce lead exposure as far as these controls can do so. In any proceeding to obtain relief from an impractical standard for such operations, however, the insufficient proof or conceded lack of proof will *reduce* the strength of the presumption a firm will have to overcome in justifying its use of respirators.
>
> Opinion, page 159.

It should be noted that many workers in occupations or industries listed in the remand order will be excluded from coverage because of the exemption for the construction industry from the standard. 29 CFR 1910.1025(a)(2), as corrected in 44 FR 50338, August 28, 1979. This exemption would apply, for example, to welders, lead burners, painters, and plumbers employed by the construction industry. Accordingly, this preamble only addresses nonconstruction aspects of those occupations.

II. Industry-by-industry Analyses

The following is a discussion of the general principles of control of hazardous materials, the specific application of these controls to lead exposures, the cost of implementing these controls and the economic impact on the industries affected. Each of the individual industry analyses includes a section on the use of the particular industrial commodities; a description of the processes and the areas where lead exposure may occur; the control technology currently being used by the industry; the current exposure levels in the industries; the population exposed; the additional controls needed to comply with 50 $\mu g/m^3$; the summary of the technological findings; the cost of compliance with paragraph (e) of the standard; an economic profile of the affected industry; and finally a summary of the Agency's economic feasibility findings.

TABLE OF CONTENTS

A. General Feasibility

B. Specific Industries

1. Agricultural Pesticides

(a) Uses
(b) Process Description and Exposure Areas
(c) Controls Currently Used
(d) Exposure Levels
(e) Additional controls
(f) Conclusion: Technological Feasibility
(g) Cost of Compliance
(h) Industry Profile
(i) Conclusion: Economic Feasibility

2. Aluminum Smelting

(a) Uses
(b) Process Description and Exposure Areas
(c) Controls Currently Used
(d) Exposure Levels
(e) Additional controls
(f) Conclusion: Technological Feasibility
(g) Economic Feasibility

3. Ammunition Manufacturing

(a) Uses
(b) Process Description and Exposure Areas
(c) Controls Currently Used
(d) Exposure Levels
(e) Population Exposed
(f) Additional Controls
(g) Conclusion: Technological Feasibility
(h) Cost of Compliance
(i) Industry Profile

4. Artificial Pearl Processing

(a) Uses
(b) Process Description and Exposure Areas
(c) Controls Currently Used
(d) Exposure Levels
(e) Population Exposed
(f) Additional Controls
(g) Conclusion: Technological Feasibility
(h) Cost of Compliance
(i) Industry Profile

5. Auto Manufacturing/Solder Grinding

(a) Uses
(b) Process Description and Exposure Areas
(c) Controls Currently Used
(d) Exposure Levels
(e) Population Exposed
(f) Additional Controls
(g) Conclusion: Technological Feasibility

6. Book Binding

(a) Summary

7. Brick Manufacture

(a) Uses
(b) Process Description and Exposure Areas
(c) Controls Currently Used
(d) Exposure Levels
(e) Populations Exposed
(f) Additional Controls
(g) Conclusion: Technological Feasibility
(h) Conclusion: Economic Feasibility

8. Cable Coating

(a) Uses
(b) Process Description and Exposure Areas
(c) Controls Currently Used
(d) Exposure Levels
(e) Population Exposed
(f) Additional Controls
(g) Conclusion: Technological Feasibility
(h) Cost of Compliance
(i) Industry Profile
(j) Conclusion: Economic Feasibility

9. Collection and Processing of Scrap

(a) Battery Breaking
(b) Processing of Lead Scrap
(c) Conclusion: Technological Feasibility
(d) Cost of Compliance
(e) Industry Profile

10. Copper Smelting—Primary

(a) Primary Copper Smelting
  (i) Uses
  (ii) Process Description and Exposure Areas
  (iii) Controls Currently Used
  (iv) Exposure Levels
  (v) Population Exposed
  (vi) Additional Controls
  (vii) Conclusion: Technological Feasibility
(b) Secondary Copper Smelting
  (i) Uses
  (ii) Process Description and Exposure Areas
  (iii) Controls Currently Used
  (iv) Exposure Levels
  (v) Population Exposed
  (vi) Additional Controls
  (vii) Conclusion: Technological Feasibility
(c) Economic Feasibility: Primary and Secondary Copper Smelting
  (i) Cost of Compliance
  (ii) Industry Profile
  (iii) Conclusion: Economic Feasibility

11. Cutlery

(a) Process Description and Exposure Areas
(b) Controls Currently Used
(c) Exposure Levels
(d) Population Exposed
(e) Additional Controls
(f) Conclusion: Technological Feasibility
(g) Economic Feasibility

12. Diamond Processing

(a) Uses
(b) Process Description and Exposure Areas
(c) Controls Currently Used
(d) Exposure Levels
(e) Population Exposed
(f) Additional Controls
(g) Conclusion: Technological Feasibility
(h) Economic Feasibility

13. Electroplating

(a) Uses
(b) Process Description and Exposure Areas
(c) Controls Currently Used

(d) Exposure Levels
(e) Additional Controls
(f) Conclusion: Technological Feasibility
(g) Economic Feasibility

14. Explosives Manufacture

(a) Uses
(b) Process Description and Exposure Areas
(c) Controls Currently Used
(d) Exposure Levels
(e) Population Exposed
(f) Conclusion: Technological Feasibility
(g) Economic Feasibility

15. Gasoline Additive Manufacture

(a) Summary

16. Glass Manufacture

(a) Primary Glass Manufacture
(i) Uses
(ii) Process Description and Exposure Areas
(iii) Controls Currently Used
(iv) Exposure Levels
(v) Population Exposed
(vi) Additional Controls
(b) Secondary Glass Manufacture
(i) Process Description and Exposure Areas
(ii) Controls Currently Used
(iii) Exposure Levels
(iv) Population Exposed
(v) Additional Controls

17. Gold, Silver and Platinum Smelting

(a) Primary Gold Smelting and Refining
(i) Uses
(ii) Process Description and Exposure Areas
(iii) Controls Currently Used
(iv) Exposure Levels
(v) Population Exposed
(vi) Additional Controls
(vii) Conclusion: Technological Feasibility
(b) Primary Silver Smelting and Refining
(i) Uses
(ii) Process Description and Exposure Areas
(iii) Controls Currently Used
(iv) Exposure Levels
(v) Population Exposed
(vi) Additional Controls
(vii) Conclusion: Technological Feasibility
(c) Platinum Smelting
(i) Uses
(ii) Process Description and Exposure Areas
(iii) Controls Currently Used
(iv) Exposure Levels
(v) Population Exposed
(vi) Additional Controls
(vii) Conclusion: Technological Feasibility
(d) Secondary Smelting of Gold, Silver and Platinum
(i) Uses
(ii) Process Description and Exposure Areas
(iii) Exposure Levels
(iv) Population Exposed
(v) Additional Controls
(vi)
(vii) Conclusion: Technological Feasibility
(e) Gold, Silver and Platinum as By-Products of Lead and Copper Smelting Operations
(i) Uses
(ii) Process Description and Exposure Areas
(iii) Controls Currently Used
(iv) Exposure Levels
(v) Population Exposed
(vi) Conclusion: Technological Feasibility
(vii) Economic Feasibility
(f) Economic Feasibility: Precious Metals
(i) Cost of Compliance
(ii) Industry Profile
(iii) Conclusion: Economic Feasibility

18. Jewelry Manufacture

(a) Uses
(b) Process Description and Exposure Areas
(c) Controls Currently Used
(d) Exposure Levels
(e) Population Exposed
(f) Additional Controls
(g) Conclusion: Technological Feasibility
(h) Economic Feasibility

19. Lamp Manufacture

(a) Uses
(b) Process Description and Exposure Areas
(c) Controls Currently Used
(d) Exposure Levels
(e) Additional Controls
(f) Conclusion: Technological Feasibility
(g) Economic Feasibility

20. Lead Burning (Brazing/Welding)

(a) Uses
(b) Process Description and Exposure Areas
(c) Controls Currently Used
(d) Exposure Levels
(e) Additional Controls
(f) Conclusion: Technological Feasibility

21. Lead Casting

(a) Uses
(b) Process Description and Exposure Areas
(c) Controls Currently Used
(d) Exposure Levels
(e) Population Exposed
(f) Additional Controls
(g) Conclusion: Technological Feasibility
(h) Economic Feasibility

22. Lead Chemical Manufacture

(a) Uses
(b) Process Description and Exposure Areas
(c) Controls Currently Used
(d) Exposure Levels
(e) Population Exposed
(f) Additional Controls
(g) Conclusion: Technological Feasibility

23. Lead Pigments Manufacture

(a) Uses
(b) Process Description and Exposure Areas
(c) Controls Currently Used
(d) Exposure Levels
(e) Population Exposed
(f) Additional Controls
(g) Conclusion: Technological Feasibility
(h) Cost of Compliance
(i) Industry Profile
(j) Conclusion: Economic Feasibility

24. Lead Sheet Metal Manufacture

(a) Summary

25. Leather Manufacture

(a) Uses
(b) Process Description and Exposure Areas
(c) Controls Currently Used
(d) Exposure Levels
(e) Population Exposed
(f) Additional Controls
(g) Conclusion: Technological Feasibility
(h) Cost of Compliance
(i) Industry Profile

26. Machining

(a) Uses
(b) Process Description and Exposure Areas
(c) Exposure Levels
(d) Controls Currently Used
(e) Additional Controls
(f) Conclusion: Technological Feasibility
(g) Economic Feasibility

27. Miscellaneous Lead Products

(a) Uses
(b) Process Description and Exposure Areas
(c) Controls Currently Used
(d) Exposure Levels
(e) Population Exposed
(f) Additional Controls
(g) Conclusion: Technological Feasibility
(h) Economic Feasibility

28. Nickel Smelting

(a) Uses
(b) Process Description and Exposure Areas
(c) Controls Currently Used
(d) Exposure Levels
(e) Population Exposed
(f) Additional Controls
(g) Conclusion: Technological Feasibility
(h) Economic Feasibility

29. Nonferrous Foundries

(a) Uses
(b) Process Description and Exposure Areas
(c) Controls Currently Used
(d) Exposure Levels
(e) Population Exposed
(f) Additional Controls
(g) Conclusion: Technological Feasibility
(h) Cost of Compliance
(i) Industry Profile
(j) Conclusion: Economic Feasibility

30. Pipe Galvanizing

(a) Uses
(b) Process Description and Exposure Areas
(c) Controls Currently Used
(d) Exposure Levels
(e) Population Exposed
(f) Additional Controls
(g) Conclusion: Technological Feasibility
(h) Economic Feasibility

31. Plastics and Rubber Manufacture

(a) Uses
(b) Process Description and Exposure Areas
(c) Controls Currently Used
(d) Exposure Levels
(e) Additional Controls
(f) Conclusion: Technological Feasibility
(g) Cost of Compliance
(h) Industry Profile
(i) Conclusion: Economic Feasibility

32. Plumbing

(a) Uses
(b) Process Description and Exposure Areas
(c) Controls Currently Used
(d) Exposure Levels
(e) Additional Controls
(f) Conclusion: Technological Feasibility
(g) Economic Feasibility

33. Pottery and Ceramics

(a) Uses

(b) Process Description and Exposure Areas
(c) Controls Currently Used
(d) Exposure Levels
(e) Population Exposed
(f) Additional Controls
(g) Conclusion: Technological Feasibility
(h) Cost of Compliance
(i) Industry Profile
(j) Conclusion: Economic Feasibility

34. Sheet Metal Manufacture (see Industry 24)

35. Shipbuilding

(a) Uses
(b) Process Description and Exposure Areas
(c) Controls Currently Used
(d) Exposure Levels
(e) Population Exposed
(f) Additional Controls
(g) Conclusion: Technological Feasibility
(h) Cost of Compliance
(i) Industry Profile
(j) Conclusion: Economic Feasibility

36. Solder Manufacture

(a) Uses
(b) Process Description and Exposure Areas
(c) Controls Currently Used
(d) Exposure Levels
(e) Population Exposed
(f) Additional Controls
(g) Conclusion: Technological Feasibility
(h) Cost of Compliance
(i) Industry Profile
(j) Conclusion: Economic Feasibility

37. Soldering

(a) Uses
(b) Controls Currently Used
(c) Exposure Levels
(d) Additional Controls
(e) Conclusion: Technological Feasibility

38. Spray Painting

(a) Uses
(b) Process Description and Exposure Areas
(c) Controls Currently Used
(d) Specific Application
(e) Exposure Levels
(f) Additional Controls
(g) Conclusion: Technological Feasibility

39. Steel Manufacture—Primary

(a) Primary Steel Production
  (i) Process Description and Exposure Areas
  (ii) Controls Currently Used
  (iii) Exposure Levels
  (iv) Additional Controls
  (v) Conclusion: Technological Feasibility
(b) Secondary Steel Manufacture
  (i) Process Description and Exposure Areas
  (ii) Controls Currently Used
  (iii) Exposure Levels
  (iv) Population Exposed
  (v) Additional Controls
  (vi) Conclusion: Technological Feasibility
(c) Forming Steel Products
  (i) Process Description and Exposure Areas
  (ii) Controls Currently Used
  (iii) Exposure Levels
  (iv) Additional Controls
  (v) Conclusion: Technological Feasibility
(d) Steel Fabrication
(e) Economic Feasibility
  (i) Cost of Compliance
  (ii) Industry Profile
  (iii) Conclusion

40. Stevedoring

(a) Uses
(b) Process Description and Exposure Areas
(c) Controls Currently Used
(d) Exposure Levels
(e) Additional Controls
(f) Conclusion: Technological Feasibility

41. Telecommunications

(a) Uses
(b) Process Description and Exposure Areas
(c) Controls Currently Used
(d) Exposure Levels Existing in the Industry
(e) Population Exposed
(f) Additional Controls
(g) Conclusion: Technological Feasibility
(h) Economic Feasibility

42. Terne Metal

(a) Uses
(b) Process Description and Exposure Areas
(c) Controls Currently Used
(d) Exposure Levels
(e) Population Exposed
(f) Additional Controls
(g) Conclusion: Technological Feasibility
(h) Economic Feasibility

43. Textiles

(a) Uses
(b) Process Description and Exposure Areas
(c) Exposure Levels
(d) Conclusion: Technological Feasibility
(e) Economic Feasibility

44. Tin Rolling and Plating

(a) Summary

45. Wire Making

(a) Uses
(b) Process Description and Exposure Areas
(c) Controls Currently Used
(d) Exposure Levels
(e) Additional Controls
(f) Conclusion: Technological Feasibility
(g) Economic Feasibility

46. Zinc Smelting

(a) Uses
(b) Process Description and Exposure Areas
(c) Controls Currently Used
(d) Exposure Levels
(e) Population Exposed
(f) Additional Controls
(g) Conclusion: Technological Feasibility
(h) Cost of Compliance
(i) Industry Profile
(j) Conclusion: Economic Feasibility

A. General Feasibility

OSHA has determined that compliance with the standard may be generally achieved by the application of existing methods of exposure control. In this section OSHA presents the basic principles on which its conclusions regarding feasibility for each industry are based.

There are several methods available to control a worker's exposure to lead. These approaches include isolation, enclosure, the use of ventilation, and process or product changes. These principles were discussed at length in the original preamble, 43 FR 54476–54479, and will not be reiterated here. OSHA reaffirms and adopts the general principles concerning feasibility discussed therein.

Isolation consists of the construction and use of primary, secondary, or tertiary barriers or containments around the process, the operation, or the equipment for the purposes of containing material, minimizing the release of airborne contaminants to the workplace, and minimizing, limiting, or otherwise preventing access to the area near the contaminant (Ex. 487).

Enclosure includes construction of a partial barrier around the process or operation (usually with access from one side), typically represented by a paint spray booth or a laboratory fume hood, and accompanied by directed air movement to control dispersion of the contaminant. (Id.) Ventilation is the engineered application of air motion and direction to capture, contain, and convey contaminants from the source at the workplace, away from the worker into the ventilation system. (Id.) Industrial ventilation is a widely used and effective method of control of workplace airborne contamination. Local exhaust ventilation is usually more effective and less costly than general ventilation.

Product or process changes may be used for specific problems and are usually central to a structural change in the industry involving new plant and larger capital investment. Elimination is the removal or replacement of the hazardous substance or condition from the work environment. Both types of changes may result in a change in the manufacturing method or machine, or the process or operation to reduce or eliminate hazards, and both represent permanent solutions to the occupational health problem. Substitution usually involves removal (elimination) of one component and its replacement in the process by another less or non-toxic substance.

During the initial lead hearing, Dr. First discussed at length the use of these methodologies in achieving control in any industrial setting. His testimony was relied upon initially; OSHA continues to find his reasoning persuasive and applicable to the remand industries. (See 43 FR 54477; Ex. 270)

Dr. First's testimony, echoed by many engineers and industrial hygienists during the first lead rulemaking (e.g., Schneider, Tr. 2957–2100; Stewart, Tr. 2577–2619), leads to the conclusions that rigorous and innovative application of basic engineering and industrial hygiene techniques will, in almost all cases,

enable employers to comply with the standard.

When one correctly applies principles of engineering control, an operation or a machine is totally controlled. That is to say, when an operation or a machine is properly enclosed, it no longer discharges lead dust to the workroom atmosphere; when an operation or a machine is properly exhaust ventilated, it no longer is capable of discharging lead dust or fumes into the workroom; when a process has been automated, no worker is in the vicinity to be exposed to lead emissions. Therefore, as a practical matter, machines and processes are "controlled" or they are "not controlled"; there are no way-stations on the road to process control. You either do it or you don't (Ex. 270, pp. 23–24).

Schneider added:

My contention is that with proper engineering control coupled with good maintenance and good work practices; proper design of process to minimize emissions, and education of workers and good hygiene that we can today achieve levels in the atmosphere of less than 50 micrograms per cubic meter of air. (Tr. 2065–66).

Dr. Billings of the Johns Hopkins School of Public Health reaffirmed and reiterated the views of Dr. First and others concerning the use of engineering controls to achieve compliance with the lead standard, and stated:

There appears to be no technological limitation to application of engineering control technology to most manufacturing technologies and operations. There may be limiting economic constraints in certain specific applications, but these are usually structural to the industry in question. (Ex. 487, p. 13)

Dr. Billings also stressed the importance of housekeeping (e.g., to prevent the redispersion of contaminants or to eliminate personal contacts); dust suppression (e.g., wetting down dusty sources, wet drilling, use of soil, stock or waste pile stabilizers, windbreaks and the like); maintenance (e.g., continued maintenance of effective control system performance, as well as of process, operation, or manufacturing equipment to reduce or eliminate inadvertent releases of hazardous materials); sanitation (e.g., use of hygienic principles to reduce or eliminate hazardous materials from the person as with clothing changes, shower-in or shower-out, sterilization chlorination, pasteurization, and so on); work practices (e.g., specification of proper work procedures to reduce or control release, dissemination, or inadvertent exposure to hazardous substances or conditions); education (of worker and managment, and of the public, to the nature of a hazard and how properly to minimize risk and most importantly, education of engineers to discover, develop, and design products, processes and systems with minimum hazard to workers and users); and administrative control to achieve compliance.

Dr. Billings stated that the engineering controls he discussed were relevant to the industries under consideration in this proceeding. Dr. Billings further testified:

Any defined industrial health hazard can be controlled to any degree required with creative innovative ingenuity, experience, and resources adequate to develop cost-effective control measures.

Some industrial processes lend themselves more readily to applications of conventional control technology, most commonly those processes that contain continuous, repetitive, or automated operations.

Other processes are less amenable to simpler solutions and may require somewhat greater effort to solve satisfactorily, such as, e.g.; spray painting in confined spaces, shot blasting of lead-based paints on large structures, and possibly welding, lead burning maintenance tasks, or similar transient, intermittent, or mobile operations. Effective technical solutions in these instances may require some worker participation. (Ex. 487 p. 20)

Dr. First also testified that the time required for a conscientious employer to comply can vary from 9 to 12 months for the design, construction, and installation of relatively simple and conventional systems, such as exhaust ventilation hoods and associated dust systems, enclosed automatic conveyors, and central vacuum cleaning systems, to approximately 4 to 5 years for the construction of an entirely new modern plant that incorporates innovative, mechanized, and automated production and materials handling systems and processes. (Tr. 2309). DBA's estimates of the time frames were similar. David J. Burton of DBA states that as a general matter the implementation of simple controls could take as little as "several months: while a very complex system could take as much as 40 months". (Tr. 1025) Dr. First (Tr. 2310; 2328, 2382) and Knowlton Caplan of IHE (Tr. 3931–33) also noted time limitations on obtaining equipment parts, and adequate engineering assistance. These factors are incorporated into the implementation schedule provided in the standard so that many firms need not apply for a temporary variance.

Given the myriad of controls available to the industry, compliance with the standard appears readily feasible. As Dr. First testified, drastic reductions in exposure to coal dust, vinyl chloride monomer, and asbestos fibers were achieved very rapidly where the effort was made (Ex. 270, pp. 18–19). The union representatives from the URW also testified that changes in the rubber and plastics industry were made readily when OSHA citations indicated such were necessary. (Tr. 740). However, for some firms in some industries (for example in the manufacture of lead pigment, the steel industry, and the auto industry), compliance with the 50 $\mu g/m^3$ standard will require reliance upon technological change. The extended compliance deadlines granted these industries have been provided so that these changes may be implemented.

In establishing the requirements of this standard and evaluating whether compliance is feasible, OSHA has identified affected industries and investigated the available technology in those industries based on the best available evidence. It has attempted to estimate the length of time necessary to implement the technology required, taking into account firms' need to plan, construct, test and refine their efforts, as well as the economic factors involved. The result is that OSHA has incorporated into its compliance scheme an implementation schedule based on OSHA's judgment in view of the record evidence, of the time each industry, as a whole, will need to effect the technological changes necessary for compliance. Interim milestones are required for some industries where ultimate compliance will take several years and where significant protection can be accomplished in a shorter period. The time limits also take economic factors into account in that they are expected to enable firms in the industry to implement these changes without serious economic repercussions to the industry as a whole. In some cases, the implementation schedules take into account the industries' modernization plans, etc., in planning compliance activities.

The implementation schedule represents a merging of both economic and technological factors used to evaluate feasibility. Firms can choose from an array of technical solutions over a time frame sufficient for long-run economic optimization. The implementation schedule is incorporated into the "methods of compliance" parargaph of the standard, and the basis for the time limit for each industry is explained in the industry-by-industry analysis below.

After analyzing the techological feasibility of compliance with an OSHA regulation, the Agency estimates the costs of controlling the workplace hazard at issue. Given an estimate of compliance costs, OSHA then assesses the economic feasibility of compliance with the regulations. Thus, compliance

costs link the technological and economic aspects of feasibility and are fundamental to determining feasibility.

Several methods can be used to estimate compliance costs. The methods vary in reliability and are largely dependent on the type of data available. For example, in decreasing order of accuracy, there are piece or component estimates, unit cost estimates, experience estimates, and hypothetical cost estimates (Tr. 418–419).

Piece estimates are compiled by actually summing the individual costs of the components of a control system. For instance, the cost of a ventilation system can be broken down into the separate costs for fans, ductwork, hoods, other materials, labor require for installation, and routine maintenance (Ex. 482). Unit cost estimates are developed by applying publicly available costs for items or approaches that can be used to control hazardous exposures (Ex. 482); for example, dollars per cubic foot per minute of ventilation, average costs of installing hygiene facilities, or costs of personal protective equipment, such as gloves, safety shoes, or respirators, can be used to determine compliance costs. Where detailed engineering estimates or unit costs are unavailable, the professional judgment and experience of labor and industry experts in the field may be relied on to develop experience cost estimates (Ex. 482). Finally, a hypothetical model of a production process and necessary control requirements may be costed out, thereby generating hypothetical cost estimates (Tr. 419).

In the analyses of feasibility in these industries, OSHA has primarily relied on unit cost and experience estimates. These estimates constitute the best available evidence and were provided by OSHA's contractor and by industry. Industry submissions from previous rulemaking and new data submitted in response to the **Federal Register** notice of September 24, 1980, were included in OSHA's consideration of costs.

Most of the industry estimates are experience estimates that are not supported by detailed engineering studies. In these cases, OSHA has adjusted some of these estimates downward on the basis of Agency experience. Where the estimates appear to overstate compliance costs, OSHA's reasons for rejecting these estimates are explained. The sources of overestimates are summarized below.

First, many estimates include the costs associated with controls required by the Environmental Protection Agency rather than OSHA. Since these costs are frequently substantial, their inclusion greatly inflates the costs presented. Second, some estimates were calculated on the basis of replacing entire plants or pieces of equipment that are at the end of their economic lives. In these cases, the replacement costs would be incurred even in the absence of an OSHA regulation. Thus, the cost appropriately attributable to the OSHA regulation is the difference between simple replacement of plant and equipment and replacement that achieves compliance with the regulation. Third, many controls are currently in place or required by other regulations and are double-counted if attributed to the lead standard. Further, some of these controls may simultaneously reduce exposure to other toxic substances. Thus, the costs attributable to the lead regulation are actually some fraction of the total costs of the control. Fourth, OSHA notes that historically industry has overestimated compliance costs consistently in all rulemakings. Thus, the Agency concludes that it is likely that these estimates are similarly biased on the high side. While OSHA has not attempted to adjust the estimates downward by some consistent factor, the Agency cautions that past industry predictions of high costs and consequent economic disruption have proven to be unfounded. (See Ex. 475–1). The costs presented by OSHA in the following analyses are, therefore, presented on the best available evidence and accurately represent the anticipated compliance costs that potentially affected industries may incur.

Capital costs of compliance, however, are not typically incurred in any one year because firms borrow money to finance the investment. In making a determination of feasibility, OHSA concludes that the appropriate comparison is between the costs incurred in any one year and the financial condition of the affected industry in that year. Therefore, the Agency compares total industry shipments, sales, profitability or other measures of economic viability with annualized capital costs. OSHA converted the capital costs to an annual rate based on the standard captial recovery formula $i(1+i)^n/(1+i)^n-1$, retaining DBA's assumptions of a 10 year equipment lifetime and a 12% interest rate (Ex. 26).

B. *Specific Industries.* On the basis of all the evidence accumulated during the rulemaking proceeding, OHSA has determined that by the dates specified in paragraph (e)(1) of the standard, compliance with the PEL by the use of engineering controls, work practices, and, in some limited instances, respiratory protection is feasible.

These conclusions are based on the best available evidence of what each affected industry, taken as a whole, can achieve with presently available production and control technology. These conclusions are necessarily industry-wide generalizations, and since some involve projected compliance activities, they rely in part on policy judgments. OHSA recognizes that compliance problems may exist at individual plants or work areas, but concludes that these problems can be better dealt with through enforcement activities where solutions can be worked out by affected parties.

The following is a detailed discussion of the technological and economic factors in the major industries affected by the standard. In making these industry-by-industry analyses of feasibility, OHSA relies fully on the general principles expressed by Dr. First, Dr. Billings and others that were treated in this section. Throughout the following discussion, phrases such as "meeting the PEL", "achieving compliance", or "meeting 50 $\mu g/m^3$" all refer to the permissible exposure limit, which is 50 $\mu g/m^3$ as an 8-hour time-weighted average. (See 43 FR 52987).

1. Agricultural Pesticides

(a) *Uses*

There are approximately 1.5 billion pounds of pesticides produced yearly, which account for $2.5 billion in sales. Production, as measured by consumption, is growing slowly at a rate of 1.4 percent per year, with insecticide production showing the slowest rate of increase (less than 1 percent per year). Twenty-six percent of total pesticide production can be attributed to the production of insecticides (Ex. 476–50).

Exposure to lead in the insecticide industry may occur during the manufacture or formulation of the insecticide, lead arsenate (also known as acid lead arsenate, ortho arsenic acid, basic ortho arsenate, or basic lead arsenate). Acid lead arsenate has been used extensively to control fruit insects in apple and other orchards. However, synthetic organic chemicals have largely replaced acid lead arsenate (Ex. 476–50). Basic lead arsenate is only used on peach and other fruit trees grown in moist climates, where the less stable acid form causes leaf burn (Ex. 476–50). The Environmental Protection Agency restricts the use of lead arsenate as an insecticide to Florida.

Data indicating what percentage of total insecticide production lead arsenate represents were not available. Based on record evidence submitted by Woolfolk Chemical, Dupont Chemicals,

Dow Chemicals and Los Angeles Chemicals (Ex. 476–45, 49, 52, and 54), OHSA found that only one domestic firm, Landia Chemicals of Lakeland, Florida (Ex. 476–53), formulates lead arsenate. The company formulates a lead arsenate pesticide during approximately 3 months each year and only one employee is exposed to lead during this time (Ex. 476–53).

Representatives of Woolfolk Chemical Co. (Ex. 476, #54) indicated that they, along with Allied and Dow Chemical, stopped producing lead arsenate in 1972 as a result of the hazards associated with arsenic exposure and the difficulties of reducing this exposure (Ex. 476–45).

(b) *Process Description and Exposure Areas*

When lead arsenate is manufactured by batch process, the greatest potential for exposure to lead occurs during the mixing of lead oxide with arsenic acid (Ex. 476–50). The resulting precipitated slurry may either be piped to drying drums and packaged or shipped as a liquid.

Exposures may also occur during the cleanup of liquids spilled from batch mix vats, although spill pans installed below each processing unit capture most spills and then recycle the liquid back into the processing line (Ex. 476–50). Other exposures may occur during drying operations, although water vapor collected from the dryers is usually vented through the stacks (Ex. 476–50). Finally, the handling of lead arsenate for packaging and distribution is also a potential source of exposure (Ex. 476–50).

Based on the record evidence, Landia Chemical Co. appears to be a formulator rather than a manufacturer of lead arsenate. The company has stated that it receives lead arsenate, mixes it with water to form an aqueous solution, and packages the substance for distribution. Exposure to lead appears to occur primarily in the handling or processing of lead arsenate and does not appear to occur during the handling of the raw materials used in the manufacture of lead arsenate.

(c) *Controls Currently Used*

Various control technologies are available to contain dusts generated by the handling or mixing of toxic powders, including: ventilation control, process enclosure, automated weighing and handling equipment, and equipment operator booths to reduce worker exposure (Ex. 476–50). Depending upon the quantity of lead substance to be handled, the following control measures are available for reducing or eliminating exposure to lead during materials handling operations.

Portable bins (e.g. Tote Bin or Invert-a-Bin) may be used to handle dry compounds, thereby minimizing manual handling of the pesticide. Multi-wall, 50-pound paper bags (instead of single walled paper bags) may be used when transporting finely powdered ingredients. The dumping of bags, in general, is not recommended because this presents the greatest potential for dust emissions. To minimize exposures, it is recommended that unloading occur by breaking bags or cutting them open with a stationary knife over a grill equipped with proper ventilation, or by dumping bags into the boot of an elevator. The emptied bags, which still contain some powder, should be disposed of using the same hood used for emptying. Bag opening machines, which permit the operator to unload paper bags without opening them, thereby avoiding contact with the contents, may also be used. These machines may be moved from one process line to another. Drums can be opened under local exhaust ventilation to minimize dust hazards and drum dumping can be performed in enclosed booths. Pneumatic vacuum systems may also be used in unloading or loading lead compounds to vented storage bins. In charging operations, enclosed drum-dumping cabinets have been developed to mechanize this process, thereby reducing manual handling of toxic substances. Specially designed hoods which capture the dust at the source of exposure have been used, in some cases, to minimize employee exposure (Ex. 476–50, p. 84–107).

Dr. Billings suggested a control method for lead pigment formulators that OHSA believes to be applicable to pesticide manufacturers and formulators as well. He suggested the use of containers which are soluble in the particular vehicle or solvent being used (Tr. 116). Mr. Brustein, representing the United Rubber Workers, supported Dr. Billings' testimony and indicated that Goodyear produces a product called Elastifilm which can be used as a soluble container (Tr. 736).

Representatives of the Landia Chemical Company did not indicate which (if any) of the engineering control technologies discussed above were in use in their establishment, nor did they indicate which work practices were being used.

(d) *Exposure Levels*

The Landia Chemical Company did not submit data indicating the exposure levels to lead which result from the formulation of lead arsenate. The company did indicate, however, that complying with the 50 $\mu g/m^3$ standard (Ex. 476–53) was not expected to present any problems for them, and the company therefore declined to submit comments in response to the **Federal Register** notice of September 24, 1980 (Ex. 476–53).

(e) *Additional Controls*

The data presented to the Agency by the Landia Chemical Company indicate that additional engineering controls and work practices are not necessary to achieve compliance with the 50 $\mu g/m^3$ standard.

(f) *Conclusion: Technological Feasibility*

The Agency assumes, based on its knowledge of the control technology available to the pesticides industry (Ex. 476–50), its knowledge of the comparability of material handling in pesticide manufacturing and similar processes, and Landia Chemical's own statement that achieving 50 $\mu g/m^3$ poses no problem, that the company must be using tranditional control methods for materials handling. In addition, the company may be relying, in some part, on the use of good work practices, housekeeping, and worker rotation to aid in maintaining exposures below 50 $\mu g/m^3$. Furthermore, Landia Chemical, the only known processor of lead arsenate, has indicated that only one employee is exposed to lead exposure and this employee is potentially exposed for only 3 months annually (Ex. 476–53). Present engineering controls appear to be adequate to reduce this worker's 8-hour time-weighted exposure to below the PEL.

(g) *Cost of Compliance*

It appears that the technology already in use is sufficient to maintain levels below the 50 $\mu g/m^3$ limit. As a result, expenditures need not be made to retrofit existing equipment with improved ventilation systems or to invest in housekeeping equipment (such as a central vacuum system). Because these expenditures are not necessary, no costs will be incurred as a result of complying with the lead standard.

(h) *Industry Profile*

Production data on lead arsenate are classified in SIC 2879, Agricultural Chemicals, Not Elsewhere Classified. Lead arsenate is further disaggregated into SIC 2879807, however, entries for quantity and value in dollars of production and shipments were withheld by the U.S. Commerce Department to avoid disclosing operations of individual companies (Ex.

476–20). By 1972, major domestic producers of lead arsenate had withdrawn from the market (Ex. 476–45, 49, 52, 53, and 54). Landia Chemical, the only known formulator of lead arsenate in the United States, is a small, privately held firm. The company did not submit financial information indicating that the regulation would be burdensome.

(i) *Conclusion: Economic Feasibility*

The economic impact of the lead standard on the agricultural pesticides market and, specifically, on the production of lead arsenate, will be insignificant. This finding is based on the fact that no compliance costs will be incurred by this industry as a result of the lead standard.

2. Aluminum Smelting

(a) *Uses*

Aluminum is used in the manufacture of chemical vessels, kitchenware, electrical transmission lines and other products. It has architectural applications and is used extensively in the land, sea, and air transportation industries. (Ex. 476–5G)

(b) *Process Description and Exposure Areas*

Although aluminum ores are widely distributed in the earth's crust, only bauxite has proven to be economical as an ore from which the metal can be smelted (Ex. 476–5G). Bauxite is usually mined through the open-pit method, crushed, sometimes washed to remove clay, and dried. It is then refined through the Bayer process into aluminum oxide or "alumina." In this process, dried, finely ground bauxite is charged into a digester where it is treated, under elevated pressure and temperatures, with caustic NaOH solution to form sodium aluminate. (Ex. 476–5K)

After the digestion process is completed, the residue (containing impurities) is forced out of the digester through filter presses and discarded. The liquid, which contains extracted alumina in the form of sodium aluminate, is pumped to precipitator tanks where seed crystals are added to aid in separating aluminum hydroxide from the solution. The aluminum hydroxide that settles out from the liquid is filtered and then calcined in kilns which convert the alumina to a form suitable for smelting (Id.).

Metallic aluminum is produced by an electrolytic process that reduces the alumina into oxygen and aluminum. In this process, pure alumina is dissolved in a batch of molten cryolite (sodium aluminum fluoride) in large electrolytic furnaces called reduction cells or "pots." An electric current is passed through a carbon anode suspended in the bath mixture, causing metallic aluminum to be deposited on the carbon cathode at the bottom of the cell. The heat generated by passage of this electric current keeps the bath molten so that alumina can be added as necessary to make the process a continuous one. At intervals, aluminum is siphoned from the pots and the molten metal is transferred to holding furnaces either for alloying or impurity removal. It is then cast into ingots of various sizes for further fabrication. (Id.)

Exposures to lead arises from trace amounts in the ore. Exposures may occur at materials handling equipment or during pyrometallurgical processing (Ex. 481). Since most of the bauxite processed in this country comes primarily from Jamaica, Brazil, Surinam, Australia, and Ghana and contains only traces of lead (Ex. 476–56), very little exposure occurs during the handling of raw ore. In fact, the principal source of lead exposure during ore handling is not from the ore itself but rather from the acid leach (the process by which the impurities are separated from the ore) which contains traces of lead (0.004 percent lead sulfite) (Ex. 476–57)

The primary exposure problems in the pyrometallurgical process occur when ores containing lead undergo smelting, thereby releasing fugitive emissions, such as lead oxide, or from emissions resulting from impurities which rise to the top of the molten aluminum and must be periodically skimmed off as dross from the melting and holding furnaces. This dross is transferred to a floor area known as a dross pad where it is dumped and raked out to cool. After cooling, the dross is mixed with salts and charged into a rotary melting furnace, where more of the aluminum is recovered.

(c) *Controls Currently Used*

(i) Materials handling controls include: Pneumatic conveyance; elimination, by redesign or use of dead drops or long material drops; belt wipes; conveyor curtains and skirts; ventilation hoods at transfer points; complete enclosure of conveyors; liquid sprays to suppress dust; chemical dust suppressants; vacuuming (preferably wet vacuuming) instead of dry sweeping of spilled or otherwise deposited materials; and clean air pulpits (Ex. 481).

The selection of the appropriate control strategy depends upon the material being handled, the extent of the exposure problem, the process involved, and the extent to which engineering controls are already in place.

(ii) Pyrometallurgical controls include: Exhaust hoods for tapping and skimming ports; exhaust hoods for ladles, pots, and kettles; covers and hoods for launders; maintaining the unit at negative pressure; enclosure of the entire unit or pertinent parts of the unit; ventilation to capture fugitive emissions which cannot be contained otherwise; enclosed control rooms supplied with clean air; and controlled air pulpits (Ex. 481).

(d) *Exposure Levels*

During aluminum smelting, lead is present as lead sulfide in bauxite ores. Bauxite containing .04% lead would produce an air lead concentration of 4 $\mu g/m^3$ when bauxite concentrations are 10 mg/m^3. "Therefore, lead exposure would be well below existing or proposed limits." (Ex. 491)

Sampling data in a NIOSH report on the Martin Marietta Aluminum Company in Lewisport, Kentucky (Ex. 476–58) revealed nondetectable lead exposure levels, in most instances, although one sample showed 7.5 $\mu g/m^3$ of inorganic lead (Id.). These figures indicate that exposure levels are well below the OSHA permissible exposure limit of 50 $\mu g/m^3$ and the 30 $\mu g/m^3$ action level. The results of the NIOSH survey are consistent with the statements made by Kaiser and Alcoa Aluminum indicating that lead exposure is not a significant problem in aluminum smelting (Ex. 476–56, 57).

(e) *Additional Controls*

The exposure data indicate that lead levels in aluminum smelting are well below 30 $\mu g/m^3$. Control technology already in use has been effective in maintaining lead exposure levels below the PEL. Additional engineering controls, work practices, housekeeping and worker rotation are not needed. Compliance with the PEL has been achieved (481)

(f) *Conclusion: Technological Feasibility*

The record shows that bauxite ores processed in the United States contain only trace quantities of lead and that alumina (aluminum oxide), from which aluminum is reduced, contains virtually no lead (Ex. 476–56, 57; Ex. 22). Exposures to lead above the PEL are unlikely to occur, as representatives from both Kaiser and Alcoa Aluminum have acknowledged (Ex. 476–56, 57).

Control technologies already in use will be sufficient to control any exposures to lead which may occur.

(g) *Economic Feasibility*

Because the exposure levels are so low, the industry need not enhance existing ventilation systems, establish additional work practice programs, enhance housekeeping practices or rotate workers as a result of this regulation. Therefore, there will be no costs of compliance nor any economic impact incurred as a result of the lead standard.

3. Ammunition Manufacturing

(a) *Uses*

Lead continues to be the major metal used to produce sport ammunition in the form of shot and small caliber shells. Although lead ammunition is no longer used in wartime applications, it is still used in military training (Ex. 476–123). The Federal Government has enacted legislation requiring steel shot for water fowl shotgun loads in some parts of the country. If this were universally adopted, it would eliminate the manufacture of lead shot, and also the problem of lead exposure from this material (Ex. 476–26).

(b) *Process Description and Exposure Areas*

Ammunition fabrication may be done using either a hot or cold lead process (Ex. 22, p. 231). Lead used in the manufacture of ammunition may be in the form of ingots or may be processed from scrap lead. Lead processing from scrap requires smelting prior to refining and is therefore considered a secondary smelting operation. Companies that just melt lead prior to fabrication are not considered as secondary smelters.

OSHA has proven the technological feasibility of achieving compliance for secondary smelting operations and the Agency's findings have been upheld by the court Slip Op. at 181–97. The implementation dates and interim levels for secondary smelting and refining operations are applicable to ammunition manufacturers whose initial operations are, in fact, secondary smelting operations. In addition to fabrication, ammunition manufacturers also maintain ballistics ranges which are used to test the quality of the ammunition manufactured.

(i) *Fabrication.* Lead exposures occur during the melting, drossing, pouring, casting, extrusion, cut-off and assembly portions of the process of fabricating bullets from hot lead (Ex. 475–35). In the fabrication of lead shot, lead exposure occurs during the melting, drossing, dropping, polishing and loading of lead shot. (Id.)

(*a*) *Hot Lead Processes.* Lead is melted in refining kettles and treated by drossing to remove impurities. Further refining may be necessary to achieve a specific composition prior to casting lead into molds to produce bullets by extrusion or by dropping lead to form shot (Id.). Finishing processes for bullet manufacturing include extrusion, cut-off, assembly, inspection and packaging. (Id.) Finishing processes for the manufacture of lead shot include shot lubrication, screening, polishing, packaging, and loading cartridges with shot. (Id.)

(*b*) *Cold Processes.* In the cold processes, lead is used to form bullets by feeding wire into forming machines which extrude the projectiles (Ex. 476–65). Employees working at the forming machines may be exposed to lead, but such exposures appear to be very low (Ex. 476–65).

(ii) *Testing of Ammunition (Firing Ranges).* Ammunition that has been fabricated must be tested, and manufacturers use ballistics ranges for this purpose. Most firing ranges are equipped for the firing of handguns, shotguns, rifles, and machine guns. They are used by ammunition manufacturers to check ballistics, as practice ranges for firearms enthusiasts and as practicing and qualifying ranges for law enforcement officers.

It should be noted that while many persons may be exposed to lead at a firing range, only the exposures of range employees (of ammunition manufacturers or private ranges) fall within the scope of the standard: the exposures of firearms enthusiasts who use the ranges for practice are outside the scope of this standard because they are not occupationally related.

The dimensions of firing ranges vary in length from 70 to 120 feet, in width from 20 to 80 feet, and in height from 8 to 10 feet, and the range may house any number of firing booths. Ranges are installed in "available" space (Ex. 476–64) or they may be constructed as part of a manufacturing process, as is the case with some ballistics test ranges. (Ex. 475–35)

The bulletproof firing booths are approximately 4 feet wide, 6 feet long, and 9 feet high, and the distance from the firing line to the bullet trap is approximately 75 feet. Ranges are usually equipped with a steel bullet trap in which the spent lead accumulates in a trough at the bottom of the trap. The spent lead is removed from the trough when necessary, and may either be discarded or remelted and cast into small ingots for sale or reincorporation into the manufacturing process.

Lead dust and fumes are generated from the bullet primer when weapons are fired. The primer is approximately 35 percent lead styphnate and lead peroxide. The lead styphnate is used as a detonator. Lead vapors (because of cylinder and barrel misalignments and gaps from wear and manufacturing tolerances) pass through the weapon after firing and are expelled at right angles to the direction of fire. This effect is commonly known as "side blast." The side blast creates turbulence in the breathing zone of the shooter, thus increasing his exposure to lead dust and fumes (Ex. 476–64).

Another source of lead contamination occurs when the bullet is fragmented as it strikes the bullet trap. In this situation, personal exposure to lead is believed to be minimal, since the distance between the shooter and the bullet trap is normally at least 75 feet (Ex. 476–64).

(c) *Controls Currently Used*

(i) *Fabrication.* The refining operation for ammunition manufacture is comparable to refining in secondary smelting operations, and therefore some of the difficulties associated with secondary lead refining may be applicable to ammunition refining.

In fact, it may be difficult to control lead exposures in refining operations depending upon the size of the operation (43 FR 54484). Operations requiring the use of overhead cranes are difficult to control (Tr. 5695). Local exhaust ventilation, either in a stationary or portable form (43 FR 54484), is used primarily at drossing operations (Ex. 26, p. 5–32).

Submissions from Remington Industries and a NIOSH HHE of the Hoyt Plant indicate that local exhaust ventilation is being used by some facilities (Ex. 475–35; Ex. 476–309) in casting and fabrication areas.

Local exhaust ventilation used in the die casting areas, hooding of the drop shot kettles and the enclosure or separation of some processes from others are methods being used to reduce lead exposures. In the lubrication of lead shot, substitute lubricants have been used which appear to reduce lead exposures (Ex. 475–35).

(ii) *Testing of Ammunition (Firing Ranges).* The controls to reduce lead exposure require local or general ventilation to control the air flow so that the concentration of lead in the environment does not continue to increase after the number of shooters has been reduced. (Systems should be capable of preventing airborne lead "build-up.") Floors are also often painted smooth concrete surfaces which can be easily cleaned using wet vacuuming methods. Spent lead is often collected in water traps to further

minimize the lead exposure (Ex. 476–64; Ex. 475–35).

(d) *Exposure Levels*

(i) *Fabrication.* Data submitted indicate that typical exposures in ammunition manufacturing range from 10–170 $\mu g/m^3$ (Ex. 22, p. 231). Remington did not provide specific exposure data but indicated that at one plant of 465 exposed employees, 425 were exposed to less than 50 $\mu g/m^3$ of lead, with 40 employees exposed to levels in excess of 50 $\mu g/m^3$. Remington further qualified that statement by stating that this number of employees was exposed prior to the installation of certain engineering controls (Ex. 475–35). No information was submitted indicating what effect these controls had on reducing the number of workers exposed above 50 $\mu g/m^3$. In another Remington plant, 590 of 600 employees are exposed to levels below 50 $\mu g/m^3$ and 10 are exposed above 50 $\mu g/m^3$. Some of these 10 individuals worked on the firing ranges and were not directly associated with the manufacturing process (Ex. 475–35).

Exposure data (Ex. 476–309) from N.L. Industries Hoyt Plant indicate that respirable dust levels were 10 $\mu g/m^3$ for the buckshot kettle operator, 30 $\mu g/m^3$ for the lead man in the shot building and 30 $\mu g/m^3$ for the shot drop operator.

(ii) *Testing of Ammunition (Firing Ranges).* Surveys such as those taken at La Salle College (Ex. 476–66), New York State Police Facilities (Ex. 476–67), St. Bernard Police Firing Range (Ex. 476–68), and the U.S. Customs House Firing Range (Ex. 476–70), have all found lead levels in excess of the 50 $\mu g/m^3$ PEL. Remington Arms also indicated that compliance with 50 $\mu g/m^3$ on their ballistics range would be difficult (Ex. 475–35).

(e) *Population Exposed*

(i) *Fabrication.* In a previous report to OSHA (Ex. 22, p. 231) it was estimated that 500–900 workers are exposed to lead in the manufacture of ammunition (id.). The percent of these individuals exposed above and below 50 $\mu g/m^3$ is not know.

Remington submitted data that indicated that out of 1,065 employees (number of workers in the entire plant) only 50 were exposed in excess of 50 $\mu g/m^3$ (Ex. 475–35). It is also believed that 95 percent of all ammunition manufacturing is done by three large companies, one of which is Remington (Ex. 22, p. 231). Extrapolating from Remington's data, OSHA estimates that only 150 to 200 employees are exposed to lead in excess of 50 $\mu g/m^3$.

(ii) *Testing of Ammunition (Firing Ranges).* There is no way of estimating how many employees are exposed to lead in public firing ranges or in ranges operated by ammunition manufacturers (Ex. 22, p. 231).

(f) *Additional Controls*

(i) *Fabrication.* Remington discusses four difficult areas of compliance in their plants: the ballistics range (see discussion of firing ranges), shot tower (especially where lead dross is handled), the maintenance of certain exhaust systems (see discussion of maintenance) and production equipment, and primer mixing and charging (see discussion of explosive manufacture). Remington suggests that improved ventilation will be required at drossing operations and that vacuuming has already greatly reduced exposures by reducing dust levels in maintenance operations. In addition, employees should be instructed in the proper manner of handling lead materials to minimize their exposures (Ex. 487).

In finishing processes local exhaust ventilation can be used on extruding machinery, at cut-off machinery, etc., as suggested by Dr. Billings. Isolation, local ventilation and housekeeping may also be used. Workers handling extruded products and those filling and inspecting cartridges should be cautioned to use appropriate work practices to minimize dust exposures and should also be instructed to wash their hands and forearms thoroughly before eating, smoking, etc. (Ex. 487).

(ii) *Testing of Ammunition (Firing Ranges).* NIOSH recommends that to control lead fumes, dust and gaseous combustion products in the firing range, a minimum ventilation rate of 50 feet per minute (fpm) should be maintained at the firing line, with all of the air being exhausted at the bullet trap (Ex. 476–64). The firing range should be maintained at a slight negative pressure in relation to adjacent areas.

Floors should be constructed with a drain and should be made of dense, continuous-poured concrete or steel. The concrete should be finished to a smooth surface to facilitate proper clean-up, using either the wet method or the vacuum cleaner method. A routine range maintenance program is essential. NIOSH recommends that employees performing maintenance or removing lead from the trays wear an approved respirator.

In addition, worker rotation may be necessary, especially in firing range maintenance operations, to meet the 50 $\mu g/m^3$ limit.

Data have been compiled which indicate that levels have been reduced using minimal controls. For example, the Springdale firing range made improvements in the ventilation system by increasing the flow rates, which resulted in dust levels being reduced from 200 $\mu g/m^3$ to approximately 60 $\mu g/m^3$ (Ex. 476–69). Additional efforts, such as increased housekeeping and maintenance, should bring this range into full compliance.

Remington also presented data which discussed the difficulties encountered in bringing their ballistic range into compliance with the 50 $\mu g/m^3$ limit. The company felt that engineering controls, such as improved ventilation and improved water bullet traps, had been successful and that work practices such as vacuuming and wetting down shooting booths have also helped (Ex. 475–35) to reduce lead levels. However, they felt that 1 year was not a long enough period to bring the lead levels into full compliance.

A great deal of data was presented on firing range design and emission controls for firing ranges generally; however, little data were furnished by ammunition manufacturers who have ballistic ranges. While the controls peculiar to firing range use are the same whether the range is privately owned or owned by a manufacturer, the degree to which controls must be implemented depends upon the extent to which the range is used by employees and the level of exposures. Ammunition manufacturers who use their ranges constantly will have to install more sophisticated controls than a range that has one or two occasionally used booths. Therefore, Remington may, in fact, need more time to implement sophisticated engineering controls to reduce levels to 50 $\mu g/m^3$

(g) *Conclusion: Technological Feasibility*

(i) *Fabrication.* The technology to achieve 50 $\mu g/m^3$ is available and is apparently being effectively used by the Hoyt Plant in its shot operations. Remington also indicated that improvement of existing ventilation systems would be necessary to achieve compliance with 50 $\mu g/m^3$, although they admit that reducing exposures in some operations solely through the use of engineering controls might prove difficult; in addition, Remington stated that one of the most difficult operations to control would be the drossing process. Caplan (Ex. 138D) recommended that controls used in primary lead drossing plants should be used in refining operations also. Many of these controls would also be applicable to melting operations. It appears that the available engineering controls, when coupled with good work practices, effective housekeeping, and

worker rotation, will bring lead levels down to 50 $\mu g/m^3$. Exposure data from the Hoyt Plant indicate that the PEL is feasible and has been achieved.

Most of these operations involve the use of machinery to produce finished products. As Dr. Billings stated, "you can put control technology on a machine" (Tr. 146).

The technology to control finishing operations exists and may require isolation, ventilation, careful housekeeping and perhaps worker rotation to achieve compliance with the 50 $\mu g/m^3$ standard for lead.

In addition, the making of ammunition by cold lead processes presents few, if any, exposure hazards. Manufacturers may substitute this process and significantly eliminate lead exposures in projectile formation. OSHA finds that compliance with the standard in one year is feasible.

(ii) *Testing Ammunition (Firing Ranges).* While Remington anticipates difficulty in bringing its firing range into compliance in a year, other ranges have made substantial progress in reducing levels in considerably less time. The Springfield Firing Range was surveyed in September of 1977 and resurveyed in December of 1977. During this 3 month period, ventilation controls were implemented which reduced exposures from 200 $\mu g/m^3$ to approximately 60 $\mu g/m^3$ (Ex. 476–69).

Ventilation controls are not the only acceptable means of achieving compliance with the 50 $\mu g/m^3$ level. Work practices, housekeeping, and worker rotation may be used. OSHA believes that Remingon, like other owners of firing ranges, can achieve compliance with the 50 $\mu g/m^3$ level simply by enhancing existing ventilation controls with appropriate work practices and administrative controls. Respirators may be required for some operations, such as cleaning traps, where engineering controls, work practices, or rotation are not sufficient to reduce levels to the 50 $\mu g/m^3$ limit. However, the Agency believes such situtations will occur infrequently and will be of short duration. Remington does not dispute that given the appropriate time period for compliance, lead levels can be reduced to 50 $\mu g/m^3$ through the use of engineering controls (Ex. 475–35). Based on these factors, OSHA concludes that compliance with the standard in one year is technologically feasible for firing ranges.

(h) *Cost of Compliance*

None of the potentially affected manufacturers of ammunition presented cost data to OSHA. However, Remington Arms submitted a comment that described its progress in reaching the 50 $\mu g/m^3$ standard and asked for 3 to 5 years to reach this goal (Ex. 475–35). The record indicates that small arms projectile manufacturing, as typically done, is a cold process operation (Ex. 476–65). However, the production of lead shot may require hot processes, in which case controls may be necessary. Ventilation systems already in place, may require upgrading, however, the less costly use of housekeeping and worker rotation will significantly aid in achieving compliance and will also reduce arsenic exposures. Therefore, compliance costs will be minimal.

The record does not contain data on the costs of compliance with the standard for indoor firing ranges. However, a NIOSH study of the problem of excessive exposures of this nature indicates that with appropriate planning in the design and construction of indoor firing ranges, the lead hazard could be eliminated. (Ex. 476–64) OSHA contends that such planning will result in cost-effective implementation of control measures. In addition, NIOSH points out that many firing ranges have very poor housekeeping. Remington also indicated that housekeeping improvements have had a great effect on reducing exposures (Ex. 475–35). Good housekeeping is an effective and inexpensive aspect of controlling overexposure to lead dust.

(i) *Industry Profile.* There are 65 establishments employing a total of 7,700 workers in the production of small arms ammunition (SIC 3482). Shipments were valued at $436,200,000 in 1977. In addition, 81 establishments employ 13,000 production workers in the manufacture of ammunition other than that for small arms (SIC 3483). The 1977 value of these shipments are reported at $775.000,000.

In SIC 3482, two establishments with 250 to 499 employees produce shipments valued at $394,700,000. Forty establishments in this SIC employed less than five workers. In SIC 3483, $415,900,000 in shipments was produced by six establishments with 1,000 to 2,499 employees. Twenty-five establishments employed less than five workers (Ex. 476–20). Thus, there is significant market concentration in the production of small arms ammunition and less concentration in the production of other forms of ammunition.

If there are significant exposure problems in smaller companies, and if the costs of compliance with this regulation are large, smaller companies may be at a competitive disadvantage with the large producers. Some smaller companies might not be able to pass on the higher costs of production and would exit from the market, thereby increasing industry concentration. However, it appears that the current trend of increasing concentration will continue even in the absence of the lead regulation, and it is likely that the effect of OSHA on market concentration will be relatively small. Therefore, OSHA concludes the lead regulation is economically feasible for this industry.

4. Artificial Pearl Processing

(a) *Uses*

Artificial pearls serve as substitutes for natural pearls in jewelry manufacture.

(b) *Process Description and Exposure Areas*

United States plants manufacture the pearlescent coating; Japanese and Puerto Rican firms usually dip the pearls. (Ex. 22, p. 289)

Lead-based pigments, such as lead carbonate, are used as a base coat to cover the bead being coated. A pearlescent coating, quanine, is used to cover this base coat, resulting in a bead resembling a pearl.

(c) *Controls Currently Used*

The pearl coating is applied by spraying or dipping the bead into the pigment. Spraying is done in a booth with an exhaust hood system (Id.).

(d) *Exposure Levels*

No data were submitted indicating the extent to which workers may be exposed to lead as a result of the manufacture of pearlescent coating. However, data from comparable operations, such as the glazing of bricks, pottery or glass, in which lead based compounds are applied, indicate that levels in artifical pearl making may range from 0.002 (brick glazing), to 60 $\mu g/m^3$ (hand-dipping of pottery). The degree of exposure will vary depending upon many factors, including the degree of automation. The manufacture of the pigment, lead carbonate, is discussed in the lead pigment section.

(e) *Population Exposed*

The Short Report estimated that 50 people are exposed to lead as a result of this process in the United States (Id.). The number of workers exposed above and below 50 $\mu g/m^3$ is not known.

(f) *Additional Controls*

Ventilation controls appear to be effective in maintaining acceptable lead levels. The Agency believes that existing ventilation, when coupled with improved work practices and effective housekeeping, will be adequate to achieve the 50 $\mu g/m^3$ PEL. Where spontaneous high levels of exposure

occur, worker rotation may also be necessary.

Finally, nonlead based undercoats may be substituted for lead-based coatings in the pearlizer process (Id.).

(g) *Conclusion: Technological Feasibility*

None of the firms manufacturing artifical pearls submitted any exposure data or control technology data to OSHA, although the trade association for this industry was contacted. OSHA has extrapolated exposure levels from levels in comparable operations. The Agency believes exposures to be below 50 $\mu g/m^3$, in general, and that current controls will be sufficient to achieve compliance. No evidence or arguments to the contrary were offered by industry representatives who were contacted by OSHA. They did, however, indicate that compliance with the proposed standard of 100 $\mu g/m^3$ or the 50 $\mu g/m^3$ action level posed no problems for the industry.

OSHA concludes that compliance with the 50 $\mu g/m^3$ standard within 1 year is feasible for this industry.

(h) *Cost of Compliance*

None of the potentially affected firms in this industry offered any cost data to OSHA for use in this analysis of feasibility. Because exposures are presumed to be below the PEL, the industry need not enhance existing ventilation systems, establish additional work practice programs or improve housekeeping programs. Therefore, no significant costs will be attributable to the lead standard. If, however, exposures exceed the PEL, some minimal compliance costs may be incurred.

(i) *Industry Profile*

There were only six to eight firms in the United States working with pearlings or artificial pearls in 1976, each employing, at most, six workers (Ex. 22, p. 289) who were potentially exposed to lead. The greatly reduced demand for pearls over the past 10 years and the availability of less expensive imported pearls from the Orient have contributed to the reduction in the size of this industry (Id.). Sales of pearlescent pigments have dropped from an average of 200 pounds per customer order in 1960 to, at most, 3 pounds per customer order in 1976 (Id.). The economic impact of the OSHA lead regulation on this industry is expected to be negligible.

5. Automobile Manufacture/Soldering

(a) *Uses*

Soldering of welded joints with lead-tin solder may be necessary in auto body assembly. This is the major use of lead in the auto industry, although several other operations may also use lead products, e.g., spraying automotive bodies with lead-based paints or primers. Exposure to lead in these operations is covered under other industry classifications as appropriate.

(b) *Process Description and Exposure Areas*

In the assembly of an automotive body, it may be necessary to apply solder to some welded joints. Excess solder must then be removed to achieve a smooth finish of the joint. Removal of the excess solder is accomplished in solder grinding booths. These booths, which vary from about 100 to 200 feet in length, can accommodate a line of several car bodies, with about 6 feet on either side for the solder grind operators to work. These workers use grinding and finishing tools to remove excess solder and smooth the finish. The first operator in the line will use a relatively coarse abrasive, with successive employees using finer abrasives as the car body passes through the booth (Ex. 475–20). Other related operations in the automotive body shop where there may be some lead exposure are joint preparation, tinning, solder filling, door hanging, stud welding and metal finishing.

(c) *Controls Currently Used*

Industry, in general, has not found the exclusive use of engineering methods practical for controlling airborne lead produced by the use of power tools on solder. To control exposures, the automotive industry has developed exhaust-ventilation booths in which grinders must also wear air-fed helmets known as hoods. The industry has thus combined engineering controls with elaborate personal protective equipment. The Motor Vehicle Manufacturers Association asserted that "the technical state-of-the-art regarding engineering and administrative controls have (sic) been reached." (Ex. 28(36)) Refinements of the process, of course, are still possible. Two companies have reported some success with high velocity/low volume tool ventilation systems. (Ex. 26, p. 5–135)

Spokesmen for the United Auto Workers Union (UAW) suggested that not all feasible engineering controls have been installed. Dr. Mirer, for example, testified that "the essential engineering design feature of the grinding booth is that it is a negative pressure enclosure that seeks to contain the airborne lead, but the design specifications do not include measures to reduce the airborne lead by such measures as a downdraft or a specified capture velocity downwards." (Tr. 5252) Frank Nix, health and safety representative for UAW Local No. 10, stated that, in his plant, particles are thrown out of both ends of the booth and, because the car bodies do not go through a water wash after grinding, subsequent workers on the assembly line are exposed to lead. He also expressed concern about lack of a grinding booth for repair work. (Tr. 5242–47)

(d) *Exposure Levels*

Data submitted as part of variance requests by Chrysler, Ford, and General Motors indicated that lead levels in solder/grind booths were far in excess of the 50 $\mu g/m^3$ standards (Ex. 476–77, 80). Data have not been submitted by other vehicle manufacturers which indicate the levels of exposure in their operations.

Some vehicle manufacturers have been successful in controlling lead exposures during solder grind operations. One manufacturer had lead levels of 231 $\mu g/m^3$ (TWA) prior to installing a solder grind booth. After installation of engineering controls, lead levels were reduced to 17 $\mu g/m^3$ and 40 $\mu g/m^3$ (Ex. 476–16, #TO–3). In another instance, lead levels were 907, 63 and 180 $\mu g/m^3$. After substitution of epoxy resins, lead levels were non-detectable.

(e) *Population Exposed*

The Short Report estimated that between 13,000 and 15,500 employees are potentially exposed to lead in all operations in this industry. (Ex. 22, p. 214) The record does not contain data permitting an estimate to be made of the number of workers exposed to lead from the soldering process or at what levels.

(f) *Additional Controls*

Maintenance of solder grinding booths is of the utmost importance in attempting to achieve exposure levels below 50 $\mu g/m^3$. In addition, work practices must be strictly adhered to and employees must be educated with respect to safe work practices. Vacuuming of surfaces (preferably wet) and maintenance of stringent housekeeping programs will also be necessary for this industry to minimize exposure levels. Worker rotation may be necessary.

(g) *Conclusion: Technological Feasibility*

Dr. Mirer stated that "ultimately, the only solution is engineering the solder out of the car body by redesign of the body or finding a substitute material for filling out the seam." (Tr. 5249) OSHA agrees with this statement. In fact, industry has already reduced the use of solder in automobiles by substituting plastics and epoxies. One line of cars has totally eliminated the use of solder in production. (Ex. 26, p. 5–133)

General Motors and Chrysler (Ex. 476–77) have petitioned for, and received, a permanent variance from the lead and arsenic standards (45 FR 46922, 45 FR 74096). Ford's application is still pending with the Agency. (Ex. 504B) The variances permit the continued use of air-supplied respirators while the automakers engineer the solder out of the auto body. OSHA granted the variances because: (1) Each company has committed itself to eliminate the need for lead solder in the auto body assembly process by redesigning certain exterior solder joints; and (2) during the interim, employee health is being protected by the use of personal protective equipment.

In their applications, three major automobile manufacturers have admitted that it is technologically and economically feasible for them to eliminate the use of lead solder within seven years (See, e.g., Ex. 476–80; Ex. 504B; 504C). No comments have been received from the remaining automobile manufacturers, but there appears to be no reason why they should not similarly be able to eliminate lead solder within seven years. For this reason, OSHA finds that the auto industry has an economically and technologically feasible means of complying with the lead standard.

Accordingly, OSHA has decided to regulate the automobile industry in accordance with the mutually agreed upon variances and has extended the compliance time for this operation to seven years from the effective date. The table in paragraph (e)(1) of the standard has been amended to reflect this decision.

Some firms may choose not to engineer solder out of the auto body design because they can achieve compliance through the application of engineering controls to existing equipment and work practices. The record indicates that in some plants engineering controls are being used to achieve compliance with the 50 $\mu g/m^3$. (Ex. 476–16, #TO–3). In addition, emphasis should be placed on the importance of housekeeping, booth maintenance, work practices, and worker rotation in achieving compliance with the standard.

6. Book Binding

(a) *Summary*

No person could be located who had any knowledge of lead exposure in the book binding process itself. However, it appears that if lead is present, it is in the form of a bonding agent or adhesive.

Contacts were made with the Binding Industries of America, Book Manufacturer's Institute, Library Binding Institute, and the Guild of Book Workers (Ex. 22 p. 259). These organizations indicated that they were not aware of problems with lead exposure resulting from lead use in book binding. If exposures are present they are clearly below the action level.

7. Brick Manufacture

(a) *Uses*

Bricks have many uses in construction and repair work. Tiles are thin brick-like structures used for facings.

(b) *Process Description and Exposure Areas*

Red or yellow bricks or tiles are made from clay. As the clay comes from the pit or storage bins, it is ground in dry pans and carried to a pug mill, where it is tempered with water to give it a stiff, mud-like consistency. From the pug mill it is forced by an auger screw through a steel die to the shape and size desired for the finished ware. The clay issues from the die head as a continuous column. A few feet from the die head, a cutter, generally automatic and consisting of piano wires set at proper distances on a jog (movable frame), cuts the column into the correct lengths. The cut raw ware continues on a belt conveyor, from which it is transferred to a dryer car. From the dryers, the ware is taken to the kiln (usually of the downdraft type) for firing (Ex. 476–5G).

In districts without clay resources, bricks are made from sand, or crushed sandstone mixed with approximately eight percent hydrated lime. Sand and water are added to create a dough which may be shaped in presses. The new bricks are loaded on small trucks and pushed into autoclaves. This operation is called "curing" and corresponds to the firing of the red clay bricks.

Firebricks are the material used in the construction of linings for open-hearth steel furnaces, for iron and other blast furnaces and stoves, for cupolas, calciners, and many other types of chemical engineering apparatus. They are used to line fireboxes and furnaces.

Bricks may be glazed prior to being fired or autoclaved. Glazing compounds are usually applied to facing bricks and tile to provide a smooth coat or finish (Ex. 476–5G). Glazes are usually applied automatically by spraying.

Lead exposure results primarily from the application of lead-based glazes on bricks. There appears however, to be limited industrial use of these glazes (Ex. 476–81, 82, 83). Exposure may also occur at the kiln area when glazed bricks are being fired.

(c) *Controls Currently Used*

The brick manufacturing industry already uses extensive control technology, consisting of mechanical handling and mixing of clays, automated material conveyance systems, automated glazing operations, and ventilation in kiln areas, to control worker exposure to crystalline silica. These controls also reduce lead exposures. (Refractory Institutes submissions to ANPRM for crystalline silica).

(d) *Exposure Levels*

A NIOSH Health Hazard Evaluation at the Colorado Brick Company (Ex. 476–84) found that of 10 lead samples taken at the furnace area, all levels were 0.002 $\mu g/m^3$, far below the 30 $\mu g/m^3$ action level. Data supplied by one manager of a large brick manufacturing facility also indicated that "no exposure exists in the industry." (Ex. 22, p. 203)

(e) *Population Exposed*

No information regarding the number of workers exposed to lead during brick manufacturing was furnished by the industry. Because exposure levels are so low, however, OSHA assumes that only a small percentage of brick workers are exposed in this industry.

(f) *Additional Controls*

No additional controls will be needed to reduce lead levels to below 50 $\mu g/m^3$ in this industry. The data indicate that exposure levels are currently less than 50 $\mu g/m^3$ with existing controls.

(g) *Conclusion: Technological Feasibility*

Based on record information it appears that this industry is already in compliance with the 50 $\mu g/m^3$ limit. Therefore, requiring compliance with the standard within the one year period is technologically feasible.

(h) *Conclusion: Economic Feasibility*

This industry will not have to improve existing ventilation equipment, train employees in proper work practices, enhance existing housekeeping or rotate

workers, and therefore expenditures need not be made by this industry to comply with the lead standard. Therefore, no costs of compliance nor any economic impact will be incurred as a result of this standard.

8. Cable coating

(a) *Uses*

Lead-sheathed cable is used to weigh down underwater cable; eliminate air, water or corrosive substances; as a rodent control; or in tinning processes where the ends of steel wires are coated prior to being joined. Also, lead soaps may be used as lubricants during the installation of locomotive and power equipment control cables. (Ex. 22, p. 299)

Information regarding this industry was provided by several sources, some of whom requested that their identities remain confidential. One source indicated that the domestic use of lead-jacketed cables has declined. Production is now limited to three companies: Perelli at Union, N.J.; Okonite at Ramsey, N.J.; and Phelps Dodge at Yonkers, N.Y. (Ex. 476–88). Reportedly, lead is still being used to jacket cable for some underwater uses (Ex. 476–88) and for use in insulated high voltage cables (Ex. 476–87). In addition, lead is being used in the process of tinning stranded wires (Ex. 476–89), and is also used by the telecommunications industry (Ex. 475–22). Apparently, at least one company, Keyrite, is involved only in the splicing of lead-jacketed cable (Ex. 476–92).

Although lead-sheathed cable is still manufactured by certain companies, the use of led cable is declining and is being replace by aluminum, which is lighter, cheaper, easier to extrude and less toxic to the environment. Lead, as a jacketing material, is also being replaced by rubber, nylon, polyvinyl chloride, paper cloth and plastics (Ex. 22, p. 299).

(b) *Process Description and Exposure Areas*

Prior to pressing, the wire needed for coating is made by drawing a hot-rolled wire rod through one or more dies to decrease its size and enhance its prhysical properties. The wire rod is rolled from a single billet and cleaned in an acid bath to remove scale, rust or any protective coatings.

Single-draft or continuous drawing processes may be used. In single draft, a coil is placed on a reel or frame and the end of the rod pointed so that it will enter the die. The end is grasped by tongs on a drawbench and pulled through to appropriate lengths for winding around a drawing block or reel (Ex. 476–5K). In continuous drawing, wire is fed through several dies and drawn blocks are arranged in series. This permits maximum drawing in one operation before annealing is necessary (Ex. 476–5K).

Lead powders are mixed at coating blenders and conveyed to press areas where coatings are pressed into the wire by pressurized steel dies (Ex. 476–5K). The lead-sheathed cable is then passed through a water bath to cool the materials prior to winding (Ex. 22, p. 300).

Tinning is frequently used as a coating prior to bonding or soldering. This process involves the dipping of the workpiece in a molten tin-lead bath. Often, the molten metal is quenched in cold acidified water or warm soapy water so that bonding or soldering may be performed sooner (Ex. 476–4A).

Operations in the lead coating process (which presents the greatest exposure hazard) are the lead press, coating blender, pulverizing and catching operations, mixer operations, and stripping operations at wire drawing machines (Ex. 22, pp. 299–301). Reports concerning the tinning process stated that mixing of the tin-lead solution created the highest lead exposure (Ex. 476–89). No specific exposure problems were associated with lead cable splicing operations (Ex. 476–92).

(c) *Controls Currently Used*

Several companies already maintain very low exposure levels because of their excellent ventilation systems (Ex. 22, p. 301). Another source agreed with this comment, stating that lead exposures are generally well controlled (Ex. 476–92). Dr. Billings of Johns Hopkins University also indicated that simple, straightforward technology is effective to control lead exposures in cable coating. He noted, "If it is an industrial situation, and the control technology will work, (and) there is no reason why it wouldn't; if you are coating a cable, and you have a machine that is doing it, then you can put control technology on a machine" (Tr. 146).

Exposures within the cable coating industry are generally low (Ex. 22, p. 303) and most companies maintain ventilation systems. Ventilation systems on the processes were described as simple, straightforward hood and duct designs, already existing in the plant. One company involved in lead coating operations uses vacuum charge presses in batch operations processing 700-pound charges. Twelve employees are engaged in these operations, which produce 15 percent of all domestic lead-coated cable (Id.).

A second lead-cable coating processor reported that standard hooding and duct ventilation equipment had been on its machines for years. This company has 9 employees with potential lead exposure and produces approximately 33 percent of the domestically manufactured product (Ex. 476–91).

In general, local exhaust ventilation must be used at lead presses, stripping (wire drawing), compounding, and soldering operations (Ex. 22, p. 301). Handling and mixing of lead powders is the most difficult operation to control. The process should be automated and controls such as those described for similar materials handling operations in pesticides, pigments, and plastics and rubber production should be used. Therefore, even in the most difficult to control operation, mixing, feasible engineering controls are available to reduce exposure. (Ex. 476–89).

(d) *Exposure Levels*

Initially, the Short Report (Ex. 22, p. 300) reported exposure levels of 500 $\mu g/m^3$ in the blending rooms, 140 $\mu g/m^3$ in the duct, 37 $\mu g/m^3$ for the catcher, 20 $\mu g/m^3$ in the coiling department, and 30 $\mu g/m^3$ in the mixer. Most companies reported both areas of high level exposure and areas of low exposure (Id.). More recent data, however, indicate that lead levels in some operations are well below the 30 $\mu g/m^3$ action level. In fact, actual breathing zone samples furnished by one company's insurance carrier indicated that lead levels of 3, 5.5 and 13 $\mu g/m^3$ exist (Ex. 476–91). Several companies indicated that these low exposure levels are maintained because of their excellent ventilation systems (Ex. 22, p. 301).

Despite low air-lead levels, several high blood lead levels were reported. In two instances, however, industry sources attributed the few elevated blood lead levels among cable-coating employees to poor personal hygiene rather than elevated airborne concentrations (Ex. 476–89).

(e) *Population Exposed*

The Short Report estimated that 40 cable companies processed lead sheathing and assumed that 105 employees were employed by each company for a total of 4,200 persons potentially exposed to lead (Ex. 22, p. 301). However, more recent data indicate that only three companies make lead sheathing and one of these companies has estimated that only nine of its employees are exposed to lead (Ex. 476–91). Assuming that 9 is an average number, approximately 27 employees would be exposed to lead in this industry. Information is not available indicating how many

employees are exposed above or below 50 $\mu g/m^3$. Additional number of employees may be exposed in tinning operations and during the application of lead soaps as lubricants in the locomotive and power control cable operations. However, the total number of such affected employees is unknown.

(f) *Additional Controls*

Recent data submitted to OSHA indicate that additional engineering controls will not be necessary (Ex. 476–89, 90, 91). Although, improvement and maintenance of existing controls will be needed (Ex. 22, p. 300). Increased housekeeping may also be necessary (Id.). Emphasis should be placed on personal hygiene practices to reduce some elevated blood lead levels which have been attributed to poor hygiene practices rather than high airborne concentrations (Ex. 476–89).

(g) *Conclusion: Technological Feasibility*

This industry appears to be in compliance with the existing 50 $\mu g/m^3$ standard, or nearly so in most cases (Ex. 476–89, 90, 91). The industry has achieved compliance through the appropriate use of ventilation equipment (Ex. 22, p. 301, Ex. 476–91). Firms not yet in compliance can use other measures such as equipment maintenance, housekeeping and worker rotation to attain the PEL within one year. The industry realizes the importance of worker training and has indicated that poor personal hygiene has resulted in elevated blood levels (Ex. 476–89). Through proper training in appropriate work practices, the firms currently having difficulty with elevated blood lead levels should be able to eliminate this problem.

(h) *Costs of Compliance*

Manufacturers of lead-coated, sheathed or jacketed cable have not presented cost estimates for complaince with this standard. Costs of compliance may be incurred as a result of maintenance and housekeeping activities. These costs will be relatively low when compared to use of more costly engineering controls to achieve compliance.

(i) *Industry Profile*

Of all the domestic producers of cable, only three remain in the lead-sheathed or coated cable industry. The three firms, Perelli Company, Okonite, and Phelps-Dodge, are located in close proximity to each other in New York and northern New Jersey. The record also indicates that Japan produces a significant quantity of lead-sheathed cable; however, there is no evidence of domestic competition with Japanese cable or of Japanese exports of this product to the United States. (Ex. 476–88)

The public record shows that power cable, formerly insulated with paper and coated with lead, is now insulated with polyethylene and covered with plastic, other synthetic, or aluminum jackets (Ex. 22, pp. 299–301). These substitutions have occurred in most cable products. Exceptions are underwater cable and other applications requiring mechanical strength (Ex. 22, pp. 299–301) and, possibly high voltage paper-insulated cables (Ex. 476–87). In addition to some performance problems associated with lead cable, there is a strong economic incentive to substitute other coatings because of the high costs associated with repairing lead cable (Ex. 476–87).

(j) *Conclusion: Economic Feasibility*

In summary, the declining use of lead cable, the curent low exposure levels, and the minimal compliance costs have convinced OSHA that the economic impact of the lead standard will be insignificant in this industry. Moreover, in those few markets where the performance of lead cable cannot be matched by substitutes, the continued demand for these products will permit producers to pass on a significant part of these costs to the purchasers of the cable.

9. Collection and Processing of Lead Scrap:

(a) *Uses*

The lead scrap from radiators, solder, telecommunications parts, cables, sheet lead, batteries, lead bearing dross, etc., are received by waste recyclers which sort, pack and ship the scrap lead to secondary lead smelters. (Tr. 245–246) The recycler may melt the scrap prior to shipment in an effort to handle the scrap more efficiently. (Id.). However, Mr. Ness, of the National Association of Recycling Industries, indicated that waste recyclers usually do not melt scrap. (Ex. 476–103) More than half of the lead scrap recycled in secondary lead smelters consists of used lead-acid batteries (Ex. 476–319, p. 341). This section does not apply to recyclers who process scrap lead as part of a secondary smelting operation. In addition, scrap processing of gold, silver, platinum, copper, zinc, brass and bronze are discussed as secondary smelting processes, in the appropriate sections.

(a) *Battery Breaking*

(i) *Process Description and Exposure Areas.* Battery breaking is accompished by various methods. (1) Quick acting guillotine devices may be used to cut the battery in half, after which the lead-bearing contents are emptied from the case and the case discarded. (2) Batteries may be ground in a mill and the lead-bearing materials separated from the case through flotation. (3) Batteries may be run over by large tractors, after which the lead-bearing materials are separated from the case. (4) The top of the battery may be cut off, using a hand saw, or slow-moving guillotine shears may be used to separate the top of the battery case from the battery. The contents of the battery are then emptied out and the case discarded (Ex. 476–319). Battery breaking has traditionally been one of the most difficult operations in which to control exposure to lead; exposures to acid mist and lead have been high (Ex. 476–319).

In recent years, polypropylene cases have replaced hard rubber cases. Polypropylene batteries can be charged to the blast furnace in larger quantities than the rubber-cased batteries. Typically, however, these batteries must also be broken so that efficient heating and smelting can occur in the blast furnace. (Ex. 476–319)

The primary exposure hazards resulting from the battery breaking operation are lead particulate and acid mist. Further, acid mist, lead sulfate and lead oxide may become airborne during the process of shearing the battery top, emptying the battery case, and transporting lead materials from the battery breaking building. Lead becomes airborne through two basic mechanisms: (1) The mechanical action of shearing, emptying, etc., which causes leaded mists and particulates to become airborne; or (2) the drying of lead oxide on adjacent surfaces which are then redispersed into the air by the agitation of heavy equipment. (Ex. 476–319).

(ii) *Controls Currently Used.* The chief method of exposure control require that all surfaces be wet to suppress dusts; that enclosed exhausted plastic battery shredders be used; that equipment or operations which would tend to provide energy for pulverization be avoided; and that slow-moving hydraulic shears be used to remove battery tops. The shear, the batteries, the floor, the conveyor belts, and all equipment in the building may be kept wet with automatic and manually applied water sprays. This approach is intended to minimize the secondary introduction of contaminants into the air (Ex. 476–319).

With polypropylene battery shredders, lead mists may be controlled through the use of an enclosed negative-pressure exhaust system coupled with a venturi/cyclone contaminant separator. The scrubber consists of a primary venturi scrubber, a secondary venturi scrubber, and a cyclone. The polypropylene shredder costs approximately $150,000 in 1974. It is capable of processing 1,000 batteries per hour, and is designed primarily to increase the production rate rather than as an environmental control for lead exposure. (Id.)

These controls are found in some operations. However, many scrap companies do not apply the technology that the more advanced plants have. Some still do not use ventilation at battery saws, dumping stations, or at guillotine knives. (Ex. 26, pp. 5–31). Side terminal batteries and industrial batteries may also be broken manually, with no controls to protect employees.

(iii) *Exposure Levels.* Exposure levels in battery breaking operations have been estimated to average between 50 and 150 $\mu g/m^3$ of lead (Ex. 476–319, p. 347). Battery breaker levels ranged from 107 to 785 $\mu g/m^3$; control room levels were measured at 31 to 86 $\mu g/m^3$, and levels outside the building were 149 to 359 $\mu g/m^3$. (Id.). The Short Report concluded that exposures in battery breaking operations would pose no significant problem if the plates were kept damp (Ex. 22).

(iv) *Population Exposed.* Mr. Ness, of the National Association of Recycling Industries, indicated that there are approximately 7,000 to 8,000 scrap processors (Ex. 476–103), with approximately one to ten workers per plant (Ex. 476–) No data are available which indicate how many workers may be exposed to lead above or below 50 $\mu g/m^3$.

(v) *Additional Controls.* The control data available were taken from one battery breaking operation. Other battery breakers with similar capacities will be required to use a comparable degree of technology, including automated battery shredding or shearing of some sort (Ex. 476–319). In smaller operations, the wetting of all surfaces with manually applied sprays and the use of local exhaust ventilation equipment may be relied upon to reduce exposures.

Of utmost importance is maintaining working surfaces and areas as free of accumulated lead dust as practical. Scrupulous attention to immaculate housekeeping forms an important strategy for compliance regardless of the size of the operation (Ex. 480).

The control technology necessary to achieve a 50 $\mu g/m^3$ standard in battery scrap processing is available. These technologies include containment, suppression using water, use of local exhaust ventilation, and mechanized handling of materials (Tr. 248). In addition, preventive maintenance, work practices and vacuum systems for housekeeping also can be used to reduce the concentrations of airborne lead (Tr. 248). On a large scale, battery breaking, in general, may be replaced by methods discussed in the secondary smelting section of the final standard (Ex. 476–319).

The data also indicates that lead levels outside of the battery breaking plants are in excess of 50 $\mu g/m^3$ (*Id.*). Where possible, compliance with ambient air standards should also compliment control of lead in the occupational setting by prohibiting the re-entry of lead into the work environment.

Benjamin Wake, an OSHA expert witness, concluded that the 50 ug/m^3 level is achievable in most operations, most of the time, using available control options. This concludion seems appropriate (Tr. 249).

(b) *Processing of Lead Scrap from Radiators, Solder, Telecommunications Parts, Cables, Lead Sheet and Lead Bearing Dross*

(i) *Process Description and Exposure Areas.* Scrap may be merely cut, bundled and shipped to secondary smelters or may be melted, cut, bundled and shipped. Processors of scrap fall into two broad categories: melters and non-melters. (Tr. 245–246).

Non-melters may be scrap processors who handled dross and flue dust. They must ship, transfer, load, unload, weigh and store the scrap. The potential for lead exposure occurs at all handling operations and in mechanized processes at transfer points. (Ex. 22, pg. 143)

The Metal Salvage Company of Salt Lake City, Utah, is another type of non-melting scrap processor. It receives scrap lead sheets, radiators, etc., and sorts, chops or cuts, and bales or bundles the lead scrap to be sold to secondary smelters (Ex. 476–102). It does not melt lead scrap, nor does it process dross or flue dust (Ex. 476–102). Further, no battery breaking is done. Melters may be companies such as Keystone Resources, of Mars, Pennsylvania, which, in the past, remelted lead from telecommunications equipment, cables, and boxes. Part of the process involves the stripping of lead from the wires prior to melting (Ex. 476–101).

(ii) *Controls Currently Used.* The technology available and currently being used by these scrap processors includes water sprays to suppress dusts and local exhaust ventilation (Ex. 476–101). Melting pots are provided with exhaust ventilation (Ex. 476–112).

(iii) *Exposure Levels.* Little exposure data was provided to OSHA (Ex. 476–94, 96, 101, 102). Some companies, however, did indicate that controlling lead exposure presents no problem (Ex. 476–101, 102). These firms represent both melters and non-melters. One company stated that they are very close to compliance with the 50 $\mu g/m^3$ standard. (Ex. 476–112)

(iv) *Population Exposed.* No data was available on the number of workers exposed. The number of workers employed by scrap processors appears to range between 6 and 25 (Ex. 476–93–117). Since available exposure data indicates that many of these companies may be nearly in compliance with the standard, OSHA estimates that the number of exposed employees exposed above 50 $\mu g/m^3$ is probably very small.

(v) *Additional Controls.* Based on the data available, controls other than those existing and already applied in some cases, are probably not necessary (Ex. 476–101, 112). The melting scrap processor, that indicated that it was in compliance used both wet suppression and local exhaust ventilation (Ex. 476–101). The processor that used only exhaust ventilation was very nearly in compliance. (Ex. 476–112) The processor that did no melting did not indicate that any controls were necessary and mentioned no compliance problems. (Ex. 476–101). Thus the application of controls already existing within the industry seems sufficient to achieve compliance. (Ex. 476–102, 112).

(c) *Conclusion: Technological Feasibility.* The National Association of Recycling Industries argued extensively regarding the infeasibility of collectors and processors as well as secondary smelters and refiners in achieving compliance with the 50 $\mu g/m^3$ limit. Basically, the Association contends that collectors and processors should have the same 5 to 10 years compliance period as do secondary smelters and refiners. They also stated that "these small collectors and processors cannot comply within one year much less through the use of respirators alone." (Ex. 447–17, 478). In its post-hearing submission, the Association argued that is it "technologically infeasible for these additional scrap collectors and processors to comply with the OSHA lead standard—without the continued use of respirators in most of their operations." (Ex. 498, p. 37)

It appears to OSHA that the industry, apart from alleging that it cannot comply

with the standard has not provided the Agency any consistent evidence as to why compliance is not feasible. OSHA has repeatedly requested this Association to provide data on exposure, on controls being used, and on controls to be implemented. However, all the Agency has received are assertions that it is not technologically or economically feasible for the industry to comply. On the contrary, OSHA concludes that the controls discussed in the general feasibility section of this document could also be used to reduce exposures in the recycling industry.

NARI contends that most scrap handlers only handle lead scrap occasionally and also that they are small businesses that lack the resources to implement costly controls. As a result of these factors, NARI believes OSHA should designate collectors and processors of scrap as part of the construction industry and thus relieve them of the burdens of complying with the standard (Ex. 498, p. 37).

OSHA notes that while the construction industry is not covered by *this* lead standard, it is covered by a lead standard in Part 1926. The attempt to analogize the recycling industry validity in the NARI arguments for concluding that being a small business or handling various kinds of scrap (some of which contain lead, and some of which do not) warrants exemption from the standard. In fact, the intermittent nature of processing leaded scrap could, itself, serve to maintain levels below 50 $\mu g/m^3$.

Also, based on the data submitted to the record, it appears that in processing scrap, other than batteries, the simplest control technologies are being used, including wet suppression and local exhaust ventilation (Ex. 476–101), with substantial success. Many of the companies that supplied data to OSHA were small businesses (less than 10 employees) who indicated that lead exposure posed no problem (Ex. 476–101, 102). Perhaps, this is because they did not envision, nor anticipate, constructing the grossly exaggerated solutions suggested by NARI, but instead used the simplest of controls (water suppression and portable exhaust ventilation) to reduce lead levels.

Melting operations may require somewhat more effort for exposure control. However, as one commenter contended, melting pots are provided with exhaust ventilation (Ex. 476–112). Containment of fugitive emissions from melting pots is a standard operation with many different industries using general ventilation, local ventilation at emission points, negative pressures, maintenance of seals, etc., to achieve compliance with many standards, in addition to lead. These controls are "tried and true" and used by industry as a whole, as noted by Billings and First. (Ex. 487, 104).

Battery breaking operations may require that some firms use extensive controls to achieve compliance with 50 $\mu g/m^3$ if only the use of engineering controls and work practices are employed. Extra efforts may be necessary to encourage use of automated materials handling operations. However, this industry appears to be adding more automated production equipment to increase productivity and this will also achieve worker protection as a benefit. Once again, materials handling controls, are controls that are used by industry as a whole and are generally applicable to all situations (Ex. 487, 104). However, extensive use of engineering controls will only be necessary when very few controls currently exist. Also, the industry should consider the positive effects housekeeping alone would have on dust suppression. In addition, the less costly alternative of worker rotation could also be used effectively to achieve compliance with the 50 $\mu g/m^3$ limit. Those firms not in compliance should look to the implementation of a variety of control techniques and use such interchangeably to achieve compliance.

For manual battery breaking operations done by sole proprietors or small operations, compliance will not be difficult only if proper consideration is given to controls available. For example, portable ventilation units are available and can be purchased very inexpensively. In addition, the less costly alternatives of worker rotation, wet suppression, etc., may be used. It should be noted, however, that as battery breaking operations become more automated, the larger companies which adopt these processes can sell scrap lead at a lower price, which will affect the markets of the small operators.

This industry can comply with a 50 $\mu g/m^3$ standard and, in some cases as previously discussed, has already complied with the standard. The engineering controls used are readily available with the only problems in implementation, in some cases, stemming from the fact that very little in the way of controls was done in the past. Most change in this industry has come about as a result of process productivity (battery breaking) with little thought being given to safety and health related changes. However, OSHA has allowed this industry, as well as others, to use worker rotation to achieve compliance with the 50 $\mu g/m^3$ PEL and, even in the very smallest of operations, hiring one more individual may prove the least costly alternative for complying with the standard.

(d) *Cost of Compliance*

The record contains sparse and unsupported industry estimates of costs of compliance in some scrap facilities. One recycler of lead scrap reported that the installation of a water spray system (costing $6000) and the use of administrative controls were effective in achieving compliance with the standard (Ex. 476–100). Another recycler had a 20 ton remelting operation in which all pots were equipped with exhaust hoods. These hoods were installed at a cost of $15,000 and the firm was reported to be very close to compliance with the standard. With increased attention to personal hygiene, the firm expected to achieve full compliance (Ex. 476–112).

The majority of scrap recyclers are not remelters, therefore, potential compliance costs for most firms will be low. Remelters may require more significant investments in ventilation equipment. A multifaceted approach to reducing air lead levels can result in cost-effective compliance with the lead standard, while simultaneously controlling exposures to other toxic substances present in scrap.

(e) *Industry Profile*

There are an estimated 7428 establishments in SIC 5093, Scrap and Waste Materials (Ex. 476–109). These establishments are primarily engaged in collecting, cleaning, breaking, sorting, chopping, baling, and distributing all types of scrap for delivery to remelters and secondary smelters (Ex. 476–103). The public record indicates that approximately 4000 to 5000 of these establishments employ a total of 40,000 workers to handle lead scrap (Tr. 246). These scrap processors, however, do not ordinarily melt lead (Ex. 476–103) and, in fact, it is estimated that only 200 of these establishments may perform remelting operations (Tr. 246).

There is evidence to support positive prospects for the scrap industry in the future. There is a continuing national emphasis on the recovery and reuse of natural resources (Ex. 476–106). In addition, current deposits of lead-bearing ores are diminishing (Ex. 476–108).

Firms within the industry are widely distributed across the nation with concentrations in California, New York, Pennsylvania, Illinois, and Texas (Ex. 476–109). Because of the high cost of transportation, it is unlikely that

potential increases in price as a result of compliance would cause major changes in market structure or increased concentration. During ebbs in the business cycle, scrap dealers may be forced to cut prices if their customers, also complying with the lead standard, attempt to shift costs back to them. However, on balance the potential economic impact on this industry should be negligible, since the firms that enage in remelting operations are generally the larger firms that will be able to afford any required additional capital investment. The smaller firms do not ordinarily melt lead and, therefore, will face few new compliance costs.

10. Copper Smelting

(a) *Primary Copper Smelting*

(i) *Uses.* The largest use of copper is in electrical equipment and supplies. Electrical instruments and test equipment, power distribution systems including transformers, switchgears, and electrical lighting and wiring equipment require large quantities of copper. Copper also has widespread uses in the construction industry, in the production of nonelectrical industrial machinery, and in the transportation industry (Ex. 476–122).

There are 15 primary copper smelters in the U.S. Seven of them are located in Arizona. Most of the firms engaged in the smelting of copper ore also engaged in the mining, beneficiation, refining and fabrication of copper products and in the processing of other non-ferrous metals such as arsenic, lead, zinc, gold, cadmium, etc. (Ex. 476–119).

(ii) *Process Description and Exposure Area.* Pyrometallurgical smelting methods are used extensively in the United States to produce copper from sulfide ores. These ores usually contain less than one percent copper when mined and, therefore, must be concentrated before being transported to the smelter. This is accomplished by crushing, grinding, and flotation operations at the mine site. The sulfur content of the concentrate is generally 25 percent and the water content 10 percent. Some concentrates also contain boron, antimony, precious metals and other heavy metals (Ex. 476–118).

The operations for pyrometallurgical copper smelters in the United States include roasting, reverberatory or electric furnace smelting, and conversion to produce blister copper from concentrate. The remaining impurities are usually removed by fire refining and electrolytic refining. About half of the smelters in the United States do not use the roasting step, but instead feed wet or "green" charge directly to the smelting furnace. The roasted product, called calcine, serves as a dried and preheated charge for the smelting furnace. Either multiple-hearth or fluidized-bed roaster furnaces are used for roasting copper concentrate (Ex. 476–118).

After roasting, the copper concentrate is smelted. In this process, hot calcines from the roaster, or raw, unroasted concentrate are fused with limestone and siliceous flux in reverberatory or electric-arc furnaces to produce copper matte. Slag floats on top of the molten bath and is removed continuously. Copper matte remains in the furnace until poured (Ex. 476–119).

The final step in the production of blister copper is converting. Converting is normally performed in a Pierce-Smith shell. An opening in one side of the converter functions as a mouth through which molten matte, siliceous flux, and scrap copper are charged to the converter and gaseous products are vented. Air or oxygen-enriched air is blown through the metal to form a slag, which floats on the surface, and pure Cu_{2s}, which is collected on the bottom of the coverter. After removal of the slag, a renewed air blast oxidizes the sulfur into SO_2 leaving blister copper in the converter (Ex. 476–118).

Blister copper usually contains from 98.5 to 99.5 percent pure copper. Impurities may include gold, silver, antimony, arsenic, bismuth, iron, lead, nickel, selenium, sulfur, tellurium and zinc. To further purify the blister copper, fire refining and electrolytic refining are used. In fire refining, air is blown through the metal to oxidize remaining impurities.

The principal sources of lead exposure are the solid particulate materials in handling circuits and the vaporized metal oxide fumes from pyrometallurgical processes (Ex. 481). Materials handling exposures result from the handling of the ores and the calcine, matte, etc. Pyrometallurgical emissions result from roasters, reverberatory furnaces, converters, and other processes associated with the use of these furnaces.

The principal source of fugitive emissions from roasters is the process of removing hot solid calcine from the roaster. Both lead dust and residual sulfur dioxide may be released. When the process also involves dumping the calcine into cars for transfer to the reverberatory furnace, as is the case with some multiple-hearth roasters, the sudden dissipation of kinetic energy as the calcine strikes the car causes the generation of a puff of lead dust and trapped gases. Emissions may also result from leaks in the roaster (Ex. 476–118).

Reverberatory furnaces produce molten matte from either "green" charge or calcine. Charging and tapping of the furnace are carried out intermittently while melting continues. Although the furnace operates at slightly less than atmospheric pressure, the charging operation is conducted through openings in the furnace from which some lead dust or fume and sulfur dioxide may escape (Ex. 476–118).

Molten matte is removed from the furnace through tap holes which are normally plugged. During tapping, the holes are opened and the matte flows through channels called launders to ladles. Most furnaces have two or three matte tap holes on each side. Because the matte is still close to furnace temperature as it is removed, the remaining sulfur (in the form of sulfides) can continue to oxidize, outside of the furnace, for a time, forming sulfur dioxide. Oxides of volatile metals may be emitted also as materials are transported to the converters (Ex. 476–118). The less dense slag that floats on top of the matte in the reverberatory furnace is also removed periodically through slag tap holes and launders. Some emissions result from this operation but they are generally not as intense as those from the matte (Ex. 476–118).

(iii) *Controls Currently Used.* At the materials handling stage, jaw crushers are used to crush and grind the ore which is then sent to bedding bins. Typical controls include: the mechanical conveyance of ores to the jaw crusher; containment of the dust through the elimination (by redesign or use of dead drops) of long material drops; belt wipes; conveyor curtains and skirts; ventilation hoods at materials handling points; complete enclosure of conveyors; liquid sprays to suppress dusts; vacuuming (wet) of spilled materials; and the use of clean air pulpits for workers operating mechanical conveying systems (Ex. 481).

Pyrometallurgical processes may be controlled by using various ventilation control schemes, depending upon the equipment used in the process and the emission sources.

Reverberatory furnaces are constructed of refractory bricks. Because of the need to allow room for thermal expansion, it is difficult to design a leakproof furnace. Leaks in reverberatory furnaces may be sealed by the spraying of a slurried refractory (Ex. 476–118).

Fugitive emissions associated with copper converting generally result from ineffective capture of fumes and sulfur

dioxide during certain phases of the converter operation. During blowing, the exhaust hood placed over each converter generally fits rather tightly; thus, fugitive emissions are minimal. The fit is not perfect, however, as there must be a gap between the hood and the opening to prevent freezing of the hood to the converter as a consequence of molten copper splashes. A chain-curtain closure is sometimes used at the edge of the hood to minimize this gap while still providing durability and flexibility. A metal skirt is sometimes used to improve the seal and minimize deterioration of the converter. In a properly designed system it is possible to collect nearly all of the emissions during the "roll-in" and blowing phases (Ex. 476–118).

Automatic damper controls are generally used to prevent excess dilution air from being drawn into the system, while at the same time maintaining effective fume collection from most phases of converter operation. If the damper control point is improperly set, or if the charge level in the converter is higher than normal, fugitive emissions can result (Ex. 476–118).

When the converter is rolled out for the pouring of either slag or blister copper, the hood draft is usually shut off by dampers to maintain a higher concentration of sulfur dioxide in gases that are fed to the by-product acid plant (if such a plant is provided). When the dampers are closed the converter emissions are not captured and discharged directly into the atmosphere. This operation can amount to 3 to 6 hours out of every 24-hour period for each converter (Ex. 476–118).

Another minor source of fugitive lead emissions is fire refining. The residual sulfur content of blister copper is only about 2 percent and only small amounts of impurities remain. Therefore, when final blowing is conducted the potential for lead emissions is small. These furnaces are, therefore, not hooded (Ex. 476–118).

(iv) *Exposure Levels.* A great deal of exposure data has been compiled for the copper smelting industry. Industry-wide area sampling averages of airborne lead concentrations indicate: 70 $\mu g/m^3$ at reverberatory furnace charging deck areas; 60 $\mu g/m^3$ around reverberatory furnace floors; 50 $\mu g/m^3$ in converter aisles; and 10 $\mu g/m^3$ in the anode casting areas. Personal breathing zone sampling showed lead levels of: 70 $\mu g/m^3$ on the charging decks; 70 $\mu g/m^3$ on the reverberator furnace floors, 30 $\mu g/m^3$ in the converter aisles; and 10 $\mu g/m^3$ in the anode casting areas (Ex. 481).

While these data suggests that compliance with 50 $\mu g/m^3$ has almost been achieved in primary copper smelters, it should be emphasized that these figures represent averages and do not reflect conditions in any one smelter at any given time (Ex. 481). They are very useful, however, for determining the magnitude of exposures.

However, the specific industry data is consistent with these industry-wide averages. At the Tacoma smelter (Ex. 481) forty-two samples were taken on workers in the roaster area with the low value being non-detectable, the high value being 180 $\mu g/m^3$, and the average 42 $\mu g/m^3$. Twenty-nine samples were taken in the reverberatory furnace area, with the low value being non-detectable, the high value 110 $\mu g/m^3$, and the average 12 $\mu g/m^3$. Thirty-two samples were taken in the converter area (excluding flue dust pullers), with a low value of 10 $\mu g/m^3$, a high value of 290 $\mu g/m^3$, and an average of 82 $\mu g/m^3$. Exposures for flue dust pullers were quite high, four samples ranged from 280 $\mu g/m^3$ to 4060 $\mu g/m^3$, and averaged 2180 $\mu g/m^3$. In an earlier survey at the Tacoma smelter in July 1972 (Exhibit 481–10), nine area samples were taken on the charge deck of the reverberatory furnace with a low value of 10 $\mu g/m^3$, a high of 140 $\mu g/m^3$, and an average of 63 $\mu g/m^3$. The concentrate was 1.3 percent lead, which is relatively high for a copper smelter concentrate.

ASARCO's El Paso plant was surveyed by NIOSH in April 1972 (Ex. 481), at which time area and personal samples were taken in the copper smelter (which also includes a zinc fuming operation). Twenty-two areas samples were taken ranging from less than 10, to 290 $\mu g/m^3$, and averaging 99 $\mu g/m^3$. Samples were taken in cranes, on the converter skimming platform, in the reverberatory furnace area and the zinc-fuming area also. The 10 personal samples ranged from 10 to 190 $\mu g/m^3$ and averaged 61 $\mu g/m^3$. At the time, the smelter building was relatively open. This building has since been enclosed to comply with EPA standards. An OSHA survey of this facility in 1977 (Ex. 481) indicated that lead exposures, however, remained relatively low. Two beltmen in the roaster area had exposures of less than 10 $\mu g/m^3$ and 4 personal samples taken in the anode furnace area showed levels of 24, 26, 28, and 41 $\mu g/m^3$.

A survey conducted at Kennecott Copper Company's McGill, Nevada, facility in August 1972 (Ex. 481–3) consisted of one sample on the reverb furnace charge deck of 20 $\mu g/m^3$. The green feed to the reverberatory furnace contained 0.03 percent lead. Kennecott's Hayden, Arizona, plant was surveyed in March 1973 (Ex. 481–6) and 9 area samples, taken on the reverb charge floor, ranged from less than 10 to 20 $\mu g/m^3$. The concentrate contained 0.06 percent lead.

A survey of Kennecott's Hurley, New Mexico, smelter consisted of 5 area samples from the reverb charge deck which averaged 4 $\mu g/m^3$ (Ex. 481). The range was less than 2 to 10 $\mu g/m^3$. The concentrate contained 0.016 percent lead.

Kennecott has rebuilt its Garfield smelter near Salt Lake City and instead of using reverberatory furnaces, it is now using three modified Noranda continuous smelting furnaces. During a NIOSH Health Hazard Evaluation conducted in December 1979 (Ex. 481–12), 24 personal samples were taken with lead values ranging from less than 5 to 290 $\mu g/m^3$ and averaging 64 $\mu g/m^3$. Thirteen of the samples (54 percent) were below 50 $\mu g/m^3$.

Two area samples taken on the reverb charge deck at the Phelps-Dodge smelter at Ajo, Arizona, in March 1972 (Ex. 481–4), indicated that lead levels were less than 0.001 $\mu g/m^3$. The concentrate contained 0.10 percent lead. The Phelps-Dodge smelter at Douglas, Arizona, was studied a year later (Ex. 481–7) and 11 area samples taken from around the reverberatory furnace charge floor averaged 11 $\mu g/m^3$. The range of values was from less than 10 to 320 $\mu g/m^3$.

Inspiration Consolidated Copper Company's smelter at Inspiration, Arizona, was surveyed by NIOSH in 1973 (Ex. 481–11). All of the 36 area samples taken from around the reverb charge deck indicated lead levels of less than 10 $\mu g/m^3$. The concentrate contained 0.05 percent lead. The reverberatory furnace at Inspiration has recently been replaced with an electric furnace.

Extensive surveys were also conducted at White Pine, Michigan, in 1972 (Ex. 481, 8 and 9). Twenty-seven area samples from the reverb furnace, converter furnace, fire refining, casting, holding furnace, and waste heat boiler areas averaged only 3.6 $\mu g/m^3$ (the high value was 13 $\mu g/m^3$). Personal samples which obtained for the reverb furnace operator, tripper man, flue dust man, conveyor belt operator, laborer, tapper, tapper helper, brick mason, converter puncher, craneman, refining furnace operator, rappler, and research technician job titles averaged 2.8 $\mu g/m^3$. Estimated time-weighted-average exposures ranged from non-detectable to 50 $\mu g/m^3$. This upper value is inconsistent with the personal sampling data, because the concentrate contained

only 0.005 percent lead at the time of the survey. (Ex. 481).

The above data, as Dr. Wagner stated, as OSHA consultant, indicates that "there is considerable variability in airborne lead concentrations among individual smelters and among areas within individual smelters." (Ex. 481).

OSHA estimates that the number of workers potentially exposed includes all 5,000 workers who are directly involved in copper smelting activities. (Ex. 481).

(vi) *Additional Controls.* According to information contained in the public record:

> Some smelters are already substantially in compliance with the OSHA standard of 50 $\mu g/m^3$; others would only have to concentrate their engineering efforts in certain areas or on certain processes. A few smelters would have to make a major effort throughout the entire operation and even consider making major process changes. The variabilty in concentrations is a function of the amount of lead in the raw materials and feed, the type of equipment and process, the adequacy of existing controls, and the maintenance and operation of controls (Ex. 481).

The technology needed to comply with the lead standard in the smelting industry generally was discussed at length in the gold, silver, and platinum section. This technology is currently available and its application to copper smelting requires little innovation in order for existing controls to be adopted to existing equipment. (Ex. 481).

In addition, the types of controls necessary for lead are already in place in many smelters, needing only to be upgraded, modified, and/or maintained (Ex. 481). Quite often, airborne lead concentrations can be reduced by properly fitting the components of the control system or by improving enclosures so that emissions are captured more efficiently. In some instances, otherwise adequately designed systems lack sufficient capture velocity to provide proper ventilation under changing conditions. (Ex. 481).

Maintenance and proper operation of control systems is a major problem throughout the industry (Ex. 481). Housekeeping is also usually poor; certainly part of the airborne lead comes from dust and materials found lying around throughout many smelters (Ex. 481). Many of the witnesses felt that if increased emphasis should be placed on control system design, maintenance and operation, and on good housekeeping, to lower the concentrations of airborne lead (Ex. 481 and 487).

The time required for each smelter to come into compliance will vary with individual situations (Ex. 481). Some smelters are already in compliance, some have only a few areas which need additional control, and some need only to upgrade existing systems, initiate improved maintenance and housekeeping programs, and enforce their better operating procedures (Ex. 481). In general, smelters appear to be able to come substantially into compliance within one year. (See 43 FR 54477–78). A few smelters may have problems achieving compliance in all operations within a year, but can make substantial improvements in air levels and will have many areas in compliance (Ex. 481). Some smelters may have to consider expensive, long-term changes in their processes in order to come fully into compliance (Ex. 481). Where the process cannot be entirely controlled or enclosed, the worker can be provided a clean air control room in which to work or a clean air pulpit in which to stay during periods when only observation is required. Many jobs in the copper industry, such as matte tapping, slag skimming, and charge deck work, are performed intermittently and, if clean air pulpits were provided, the time-weighted-average exposures of these workers would be significantly reduced (Ex. 481).

(vii) *Conclusion: Technological Feasibility.* ASARCO submitted comments during the hearing stating that the technology for controlling lead exposure in copper smelters does not exist (Ex. 475–28). The company's position was premised on the notion that processes invoved in the primary production of copper and zinc are similar to those involved in primary lead production, and that similar technology is necessary to control exposure to lead in zinc and copper operations. The company also argued that primary lead smelters were given extended periods to comply because innovation was necessary (Ex. 475–28) and that allowing copper smelters one year to comply was inconsistent with the number of years allowed for primary lead smelting (10 years) and secondary lead smelting (5 years).

While there may be similarities in processes, the underlying problems associated with control of lead exposure depend on the percentage of lead in the ore. Dr. Wagner testified that this percentage was extremely variable and that copper smelters smelt ore ranging from less than .01 to 1.3 percent (Ex. 481). Smelters smelting ores containing a higher percentage of lead may have more difficulty in controlling lead exposures and may require additional time to come into compliance than those using ores with lead concentrations at the lower end of the range. (Tr. 353–354). However, the comparison to lead smelting is not accurate. Primary and secondary lead smelters process sulfide ores with lead content far greater than 1 percent and, therefore, have much higher lead exposures. The technology necessary to reduce these exposures is not the same in that it requires a much greater degree of control which involves application of engineering controls and major process and equipment modifications. As stated above, upgrading and modifying existing controls is all that is required for most copper smelters in the United States, and one year is an appropriate time limit for these smelters.

Many of these copper smelters must also comply with the OSHA arsenic standard (29 CFR 1910.1018). The control technology necessary to comply with that standard will also control lead concentratons to lower levels (Ex. 481).

However, in a minority of plants smelters may have peculiarities, aged plants are in need of extensive renovation, or lead in ore concentrations are particularly high, compliance with the standard within one year may be difficult. Individual firms' claims of infeasibility in one year can be considered through compliance or variance mechanisms between the company and OSHA (43 FR 52991).

(b) *Secondary Copper Smelting*

(i) *Uses.* The secondary copper industry processes scrap metals for the recovery of copper. Products include refined copper or copper alloys in forms such as ingots, wirebar, anodes, and shot. Copper alloys are combinations of copper with other materials, typically, tin, zinc and lead. For special applications, combinations may include such metals as cobalt, manganese, iron, nickel, cadmium and beryllium as well as nonmetals, such as arsenic and silicon (Ex. 476, 118).

(ii) *Process Description and Exposure Areas.* The principal processes involved in copper recovery are scrap metal pretreatment and smelting. Pretreatment includes the cleaning and concentration processes necessary to prepare the material for the smelting furnace. Smelting involves heating and treating of the scrap to achieve separation and purification of special metals (Ex. 476–118).

The feed material used in the recovery processes can be any metallic scrap containing a useful amount of copper, bronze (copper and tin), or brass (copper and zinc). Traditional forms are punchings; turnings and borings; defective or surplus goods; metallurgical residues such as slags, skimmings and drosses; and obsolete, worn out, or

damaged articles, including automobile radiators, pipe, wire, bushings and bearings (Ex. 476–118).

The type and quality of the feed material determine the processes the smelter will use. Due to the large variety of possible feed materials available, the method of operation varies greatly between plants. Generally, a secondary copper facility deals with less pure raw materials and produces a more refined product, whereas brass and bronze alloys processors take cleaner scrap and perform less purification and refining (Ex. 476–118).

Pretreatment of the feed material can be accomplished using several different procedures, either separately or in concert. Feed scrap is concentrated by manual and mechanical methods such as sorting, stripping, shredding, and magnetic separation. Feed scrap is sometimes briquetted in a hydraulic press. Pyrometallurgical pretreatment may include sweating, burning of insulation (especially from wire scrap), and drying (burning off oil and volatiles) in rotary kilns. Hydrometallurgical methods include flotation and leaching with chemical recovery (Ex. 476–118).

In smelting, low-grade scrap is melted in a cupola furnace, producing "black copper" and slag; these are often separated in a reverberatory furnace from which the melt is transferred to a converter or electric furnace to produce "blister" copper.

Blister copper may be poured to produce shot or castings, but is often further refined electrolytically or by fire refining. The fire-refining process is essentially the same as that described in the primary copper smelting industry and includes: (1) Charging; (2) melting in an oxidizing atmosphere; (3) skimming the slag; (4) blowing with air or oxygen; (5) adding fluxes; (6) "poling" or otherwise providing a reducing atmosphere; (7) reskimming and (8) pouring (Ex. 476–118).

To produce bronze or brass, rather than copper, an alloying operation is required. Clean, selected bronze and brass scrap is charged to a melting furnace with alloys to bring the resulting mixture to the desired final composition. Fluxes are added to remove impurities and to protect the melt against oxidation by air. Air or oxygen may be blown through the melt to adjust the composition by oxidizing excess zinc (Ex. 476–118).

The final step is casting of the alloy or refined metal into a desired form. This form may be shot, wirebar, anodes, cathodes, ingots, or other cast shapes. As in the case of primary smelters, exposure to lead dust can be expected from materials handling, furnace charging, and uncaptured or uncontrolled furnace emissions (Ex 476–118).

(iii) *Controls Currently Used.* The technology to control lead in the secondary copper industry is the same as that required in other smelter operations; it requires mechanized methods of handling scrap and installation of additional or improved systems for collecting emissions (see discussion in copper smelting).

The Southwire Company submitted data indicating that its anticipated scheme for achieving compliance with 50 $\mu g/m^3$ requires the use of available controls, such as hooding of the Maerz charging area and blast furnaces; adding more duct work; hooding the converter charge and blast furnace tops and adding six baghouse additions, two fans, a 60-meter stack and a sample furnace exhaust (Ex. 475–32).

(iv) *Exposure Levels.* The Lead Industries Association indicated that exposures in smelter departments, casting operations, furnace areas, sampling departments, and maintenance operations are consistently in excess of 200 $\mu g/m^3$ (Ex. 475–27). It is not clear whether these levels represent workers' time-weighted averages, however. The Southwire Co. has indicated that exposures in its plants are above the 50 $\mu g/m^3$ limit, but has also indicated that past exposures were higher before engineering controls were installed. Controls are being implemented currently which are intended to reduce levels to below 50 $\mu g/m^3$ (Ex. 475–32). NIOSH, in its report on the secondary nonferrous smelting industry (Ex. 476–133) found that secondary brass and bronze smelters have lead levels as high as 200, 320, and 380 $\mu g/m^3$ at the tapping/pouring hood and 220, 320 and 490 $\mu g/m^3$ at the reverberatory furnace charging hood (Ex. 476–133). However, exposure levels are a function of the percentage of lead in the brass or bronze, and lead concentrations were not available in this report to make comparisons. The controls at these secondary smelters discussed by NIOSH were not anywhere near the "state of art" as are those found at the Southwire Corporation's smelter.

(v) *Population Exposed.* No data has been submitted which indicate how many workers may be exposed to lead as a result of secondary copper operations.

(vi) *Additional Controls.* The engineering controls necessary to comply with lead exposure limits in secondary copper smelters have been described previously and are already commercially available. Southwire, in fact, is using many of these technologies in its plant and anticipates achieving compliance with the standard (Ex. 475–32). Improved housekeeping and worker rotation may also be necessary in some plants.

(vii) *Conclusion: Technological Feasibility.* The Lead Industries Association has indicated that engineering controls are theoretically feasible to achieve compliance with 50 ug/m^3 in this industry, but states that it does not know whether implementing such controls will, in fact, achieve compliance (Ex. 476–32). However, primary lead smelters, where the lead content of the raw material is much higher, have been shown to have the technology necessary to comply. Therefore, if primary lead smelters, with higher concentrations of lead, can comply, secondary copper smelters, using materials containing less lead, should be able to use similar, but much less extensive controls to achieve compliance. Further, one must consider that as not all scrap copper contains lead, the intermittent nature of exposure in many operations makes worker rotation a viable control alternative.

The National Association of Recycling Industries (NARI), in its post-hearing comments, discussed extensively the lead exposure problems of the Southwire Corporation. NARI has portrayed the Southwire facility as one of the most modern, technologically advanced secondary copper smelters and, despite Southwire's expectations that compliance with the PEL will be achieved, NARI has stated that there are no guarantees that implementation of the best engineering controls will meet a 100 $\mu g/m^3$, much less a 50 $\mu g/m^3$ standard (Ex. 498).

NARI, however, ignores two things. It does not consider the use of housekeeping, effective maintenance and worker rotation in complying with a 50 $\mu g/m^3$ standard as, in all cases, only the use of engineering controls is discussed as the method to achieve compliance (Ex. 498, pp. 61, 62). The use of less costly alternatives has not been considered. These work practices and administrative controls would be especially appropriate in this operation because of the varying and intermittent nature of exposure. OSHA has determined that compliance is possible (Slip op. at 159).

(c) *Economic Feasibility: Primary and Secondary Copper Smelting*

(i) *Cost of Compliance.* ASARCO has submitted data on the cost of compliance with the lead standard in primary copper smelters (Ex. 475–28). The following compliance expenditures have been estimated for ASARCO's four

facilities: Hayden, Arizona, $16,628,000; Tacoma, Washington $20,941,000; Amarillo, Texas, $667,000; and El Paso, Texas, $18,504,500. These calculations are based on the cubic feet of air per minute necessary to ventilate specific areas of the plants and on the costs of vacuum systems. Costs of associated devices designed and installed to prevent the emission of pollutants into the general atmosphere also appear to be included in these estimates. For instance, wet scrubbers and wet scrubber gas cleaning systems, costing a total of $1,540,000, have been included in three of the estimates. Thus, ASARCO claims that total expenditures of $56,740,000 would be required and also claims that this amount would not guarantee compliance with the standard.

Three secondary copper smelters—Southwire Copper, AMAX, and ASARCO—have submitted cost estimates to OSHA (Ex. 475–32, Ex. 475–31, and Ex. 475–28). In addition, Lead Industry Associates (LIA) has expressed concern as to continued viability of one unidentified secondary copper producer. LIA contends that the smelter is not currently in compliance and is confronted with technological difficulties that will require "several million dollars" to correct. However, LIA did not submit the specific data that OSHA requires to evaluate this particular situation (Ex. 475–27).

Southwire plans expenditures of $1.1 million in capital costs and $60,000 in annual operating costs to control lead emissions. These figures combine both EPA and OSHA-related expenditures. For example, six baghouse additions and a 60-meter stack are included in the estimate. The submission divides the $1.1 million figure into $902,000 for air quality and $198,000 for blast furnace charge fume control (Ex. 475–32). The Cadre Report prepared for Southwire disaggregates, in detail, the costs of ventilation approaches to fume control to be attributed to OSHA requirements. These costs total $244,084 (not including installation) (Ex. 475–32A). Southwire cautions that these expenditures even with careful planning do not guarantee full compliance with the 50 $\mu g/m^3$ standard.

AMAX submitted costs of compliance for its subsidiary, United States Metals Refinery. Cost estimates are broken out by areas in the plant. However, the types of equipment to be installed are not specified (Ex. 475–31). AMAX predicts that compliance would not be guaranteed by USMR's expenditure of $13,240,000 in capital costs and $5,034,000 in annual costs (Ex. 490). The components of annual costs include maintenance, power, and capital costs annualized at 20 percent.

ASARCO submitted costs of compliance for a secondary copper facility in Houston, Texas. The firm estimated that a vacuum system would cost $53,000 and that ventilation would cost $70,200 for a total cost of $123,200 (Ex. 475–28).

The record shows that estimates of compliance costs for secondary copper smelters vary significantly from $123,200 to over $12 million, and estimates of costs for ASARCO's primary facilities vary from $667,000 to $20,941,000. Such wide variations can be explained by differences among firms in costing methodologies, and perhaps more importantly, by differences in the initial levels of workplace exposures for primary and secondary producers. In other words, those firms attempting to reduce levels from conditions in excess of the previous lead standard of 200 $\mu g/m^3$ may be facing greater absolute expenditures than those firms that have already invested in control technology. However, based on expenditures per unit of abatement, firms with higher lead levels may, in fact, be spending less than firms that have made previous efforts to reduce lead levels.

Three major omissions in the calculation of costs by industry bias these estimates of compliance costs upward. First, industry estimates have not always reflected a cost-effective method for reducing lead levels. For example, the submissions tend to reflect only the mechanical ventilation approach to the control of lead when, in fact, housekeeping, work practices, and administrative controls in combination with ventilation would be both less expensive and more effective in achieving compliance (Ex. 481). Therefore, OSHA contends that the proper approach to reducing exposure levels is through an effective, multi-faceted approach to the problem. In this way, industry can minimize the resources spent on achieving a given level of lead in the workplace. Second, industry estimates do not reflect the value obtained by the firm from the reclamation of copper and other metals that are captured by control systems. This financial gain will to some extent offset the costs of compliance. However, industry has not presented data indicating the magnitude of the offset. Third, primary and secondary copper smelters have simultaneous legal obligations to comply with other regulations, such as the arsenic regulation. To the extent that actions taken to reduce arsenic levels also reduce lead levels, these expenditures are not attributable solely to the lead standard. In addition, costs attributable to EPA regulations are sometimes included in the estimates. Thus, doublecounting has substantially inflated many industry estimates.

Considering the above factors, OSHA concludes that Wagner's estimates of the total costs for *all* potentially affected copper smelters are reasonable counterestimates to the compliance costs as estimated by industry. Wagner has estimated that costs will not exceed $6 million and might be as low as $1.3 million (Ex. 481). However, because Wagner did not have definitive data on the compliance status of all firms in the industry, he placed caveats on this estimate. Wagner stated that he could have underestimated the costs by as much as 200 percent. Assuming an underestimate of this magnitude, the upper bound on capital costs for the primary copper producers would be only $18 million. If the costs of compliance for primary producers are the same as the costs for secondary producers, OSHA calculates an upper bound of $30 million in compliance costs for secondary copper producers. Thus, total capital costs in the copper industry will be at most $48 million. Annualized over the useful life of the equipment, primary copper producers will incur $3.2 million in total annual costs, and secondary producers will incur total annual costs of $5.3 million.

(ii) *Industry Profile.* The primary copper industry consists of establishments engaged in smelting copper from ore and in refining copper by electrolytic or other processes. Total value of shipments amounted to $3.9 billion in 1977, an increase of 41 percent from 1972 (Ex. 476–20). Historical statistics show that, since 1967, the number of companies in the industry declined from 15 firms, operating 32 establishments, to 11 firms, with 31 establishments in 1972, and 9 firms, with 27 establishments in 1977.

More recent Bureau of Mines data list the primary producers ranked in order of output as: (1) Phelps Dodge, (2) Kennecott, (3) ASARCO, (4) Magma Copper, (5) Copper Range, (6) Inspiration Consolidated Copper, and (7) Cities Services. These companies operated smelters and/or refineries. Several domestic producers, through subsidiaries or stock holdings, have interests in foreign copper-producing facilities in Australia, Canada, Peru, Mexico, South Africa, and Namibia (Ex. 476–122).

Prior to the exit of Anaconda from the market in October, 1980, the top three companies produced about 60 percent of the total industry output (Ex. 476–119).

The net profit margins in 1979 for Phelps-Dodge, Kennecott, and ASARCO were 8.7 percent, 5.4 percent, and 15 percent, respectively, with estimated net profit margins in 1982 through 1984 of 11 percent, 7.2 percent, and 15.9 percent (Ex. 476–130, 476–131, 476–132). Kennecott's lower profits were attributed to its relatively high and rising cost structure, which results from "ancient and outdated equipment" (Ex. 476–131).

Although the market shares and profitability of the top three producers indicate that the domestic market is moderately concentrated, the copper market is internationally competitive. Hence, the ability of the primary producers, regardless of individual market share, to raise prices is limited. Although it appears that the domestic market is not currently threatened by foreign copper imports, forward shifting of costs to customers is to some extent constrained. Producers largely eliminated foreign price advantages by basing domestic prices on the New York Commodity Exchange (COMEX) in 1978 (Ex. 476–26). Proximity to markets, a stable political situation, the existence of an advanced infrastructure, and scale of operations should maintain a viable domestic copper industry even in the face of a potentially worsened position vis-a-vis foreign competition (Ex. 476–122).

The ability to pass costs on is also limited by potential substitutes for copper. For instance, in electrical applications, aluminum, cryogenic power transmission techniques, microminiaturization circuitry, and use of satellites may impede the growth in demand for copper. In construction, the trend toward multiple housing units (which reduces the materials needed per unit), and the substitution of plastic pipes may curtail the demand for copper. Uses of copper in transportation vehicles is expected to continue to decline. In 1975, 34 pounds of copper per automobile were used. In 1979, this was reduced to 29 pounds. The use of only 25 pounds of copper per automobile is forecast for 1985 (Ex. 476–33). However, growth in armaments production may increase the demand for copper. On balance, total U.S. demand for copper is forecast to rise by the year 2000 to 5.1 million tons, representing an annual growth rate of 3.6 percent (Ex. 476–122). This demand is expected to strain supply sources as growth in demand for electrical equipment, computers, and underground power distribution systems rises.

Because the demand for copper parallels the demand for durable goods, the market is volatile and quite sensitive to national economic business cycles. The demand for copper also increases sharply with increased military activity because of its use in ammunition and military equipment. Typically, the industry expands to meet military demand and suffers from overcapacity during times of peace (Ex. 476–118).

In 1978, the International Trade Commission recommended that an import quota be imposed through 1982 to protect domestic copper producers. However, the petition was rejected, largely because the action carried an unacceptable risk of accelerating inflation, but also because the copper market was in the process of recovering from its depressed condition (Ex. 476–122).

At least two factors have contributed to increasing costs in the copper industry. First, fuel costs, which account for a major portion of production costs in smelting and refining, rose significantly between 1974 and 1978. The second major factor affecting production costs is the long-term declining yield of copper from ores. From 1950 to 1977, average yield has dropped from 18 pounds of copper per ton of ore to 10 pounds, with some deposits containing only 8 pounds of copper per ton of ore. (The cutoff grade is 4 pounds.) In addition, surface mines, which now account for 82 percent of domestic output, have large ratios of overburden (earth that must be removed during mining operations) to ore (Ex. 476–122).

However, a new process has been developed to recover copper from low ore concentrates (Ex. 476–124). The new hydrometallurgical process is pollution-free. Initial testing demonstrates that it is competitive with conventional smelting techniques. Diffusion of this new process throughout the industry may result in significant changes since costs of producing copper are both currently variable and highly dependent on location and physical composition of ore deposits.

Capital expenditures for new buildings, plant, and equipment in 1977 in the copper industry were withheld by the Commerce Department to avoid disclosing operations of individual companies. However, expenditures rose steadily from 1963 to 1975 from $13.1 million to $164.6 million. In 1976, the industry's investments dropped to $52.4 million, reflecting the depressed state of the market beginning in 1974 (Ex. 476–20).

Copper production is considered to be a capital intensive industry. On average, $7,000 per annual ton of new capacity for facilities is required for a totally integrated facility. Expansion of existing facilities requires about $5,000 per annual ton in capital costs (Ex. 476–122).

The primary copper industry employs about 10,000 production workers at smelters and refineries. The ratio of skilled to unskilled laborers has risen with increasing mechanization and large-scale operations have generated demand for mechanics, technicians, and machine operators. In 1971, employee hours per ton of copper averaged 20.3 hours; whereas in 1977, there were 18.2 employee hours per ton of copper (Ex. 476–122), indicating a slight increase in productivity.

Secondary copper producers are classified in SIC 3341. Total shipments in this SIC were valued at $719.2 million in 1977 (Ex. 476–20). Firms in this industry include Southwire, Cerro Copper, Chemetco, U.S. Metals Refining, Franklin Smelting and Refining, Reading Metals Refining, and Nassau Recycling (Ex. 475–32). These producers are located near their sources of scrap materials.

The low availability of scrap, a raw material for this industry, and the high cost of fuel have inhibited capital investments to increase plant capacity in the secondary production industry. The limited quantity of scrap increases the competition among secondary copper producers for sources of supply. The recent entry of Nassau Recycling into the secondary market increased the competitiveness of buyers in the scrap market by removing telephone scrap from available supplies. (Nassau Recycling is a subsidiary of Western Electric (Ex. 475–32), a major manufacturer of telephone equipment.)

While secondary producers are, at present, more energy efficient than primary producers, the threat of an oil embargo or fuel restrictions is sufficient to increase the reluctance of producers to expand operations. However, test results on a new experimental furnace designed for continuous smelting of copper-bearing scrap show that substantial energy savings and an increase in product quality can be realized (Ex. 476–124). On balance, however, the past volatility of the copper industry gives every incentive to delay expansion decisions.

The primary and secondary producers of scrap operate in the same market, because their products are generally perfect substitutes. Copper prices are set by the primary producers at the level that, in their estimation, will yield a reasonable profit without encouraging import competition or substitution. Copper demand is met first by the processing of scrap that can be done below the cost of primary production. Primary copper supplies the remaining

demand. During shortages, rather than raise prices, primary producers may ration sales. When the demand and hence the price of scrap rises, the supply of copper scrap ultimately increases. This happens as lower quality, more dispersed scrap is gathered and processed at a price that purchasers are willing to pay to fill needs not met by primary producers. Although this market activity is limited by the cost of imported copper, this price is generally significantly higher than the domestic price during shortages (Ex. 475–32). Thus, the domestic market does not appear to face major import competition now or in the future. In addition, the secondary copper industry does not appear to be at a competitive disadvantage with the primary copper producers.

(iii) *Conclusion: Economic Feasibility.* The copper market has demonstrated past volatility and remains sensitive to the demand for durable goods. Thus, the demand for copper will fluctuate with swings in the national economy. However, on balance, the demand for copper is expected to grow at an annual rate of 3.6 percent.

Copper is produced and sold in a world market. The domestic industry has a demonstrated ability to compete successfully in this world market. Foreign price advantages no longer pose a threat to the domestic industry, and the stable political situation in the U.S., the existence of an advanced infrastructure, and the domestic scale of operations are expected to contribute to the continued viability of the domestic producers.

The primary copper industry, which produced shipments valued at almost $4 billion in 1977 (Ex. 476–20), will be required to spend a maximum of $3.2 million in annualized compliance costs. OSHA estimates that annualized compliance costs for the secondary copper industry, which produced shipments valued at $719.2 million in 1977 (Ex. 476–20), will not exceed $5.3 million. Therefore, OSHA concludes that the domestic copper industry will be able to comply with the lead standard within one year, and that compliance will not adversely affect the economic viability of the industry.

11. Cutlery

(a) *Process Description Exposure Areas*

Cutlery is produced by die manufacturing and casting (Ex. 22 p. 279). Decorative handles are soldered on and the products are packaged for sale.

A small amount of lead is used in the cutlery industry when handles are soldered (lead-tin solder), when a quick mold check in the die manufacturing and casting of knives is necessary, and when heat treatment of cutlery is necessary. (Ex. 22, p. 279)

The greatest sources of exposure occur in the soldering and heat treatment operations (Ex. 22, p. 279) Soldering of handles to knives is not usually done with lead; when it is however, the appropriate controls, such as local exhaust ventilation, are used (see soldering section for a complete discussion).

Heat treatment with lead is discussed in the section entitled "Wire Patenting and Annealing." In the heat treatment of cutlery, posts measuring 13 by 18 inches, are filled with lead and layers of sand, charcoal and fine steel and heated to high temperatures. The knives or blades are placed in the pot for about 5 minutes. As the blade is pulled out, the upper layers of sand, charcoal and steel remove all trace of lead. The blade is then quenched in oil. The layers of sand and charcoal help prevent the escape of lead fumes and maintain the temperature in the pot. Due to high prices, lead's use is diminishing in heat treating and is being replaced by salt. Also, heat treatment of cutlery and razor blades is often performed in furnaces rather than with molten lead.

(b) *Controls Currently Used*

Soldering operations in cutlery are comparable to other soldering operations, and may be done at benches or in soldering furnaces. Soldering done in furnaces may also use exhaust ventilation (see Soldering section for further discussion).

Heat treating operations are usually segregated from the rest of the workplace because of smoke from the oil, the intense heat, and fire danger. Lead pots are supplied with exhaust hooding. Almost all companies are believed to have exhaust fans and ventilation over the lead pots. (Ex. 22, p. 279) Ventilation methods will be heavily relied upon to achieve compliance in the heat treating rooms and solder areas. (Ex. 22, p. 279)

(c) *Exposure Levels*

No data were submitted indicating the levels of exposure to be found in soldering or heat treatment operations within the cutlery manufacturing process. Exposure levels can be estimated from comparable processes such as soldering of small components and parts, as well as other heat treating operations.

Soldering operations involving small components generally have minimal levels of lead exposure. Some studies have found levels ranging from 3–9 $\mu g/m^3$ (Ex. 476–401). Very little ventilation, if any, was available at these sites.

In heat treatment, lead is melted and heated to a certain temperature; where lead is also melted in melt pots, the company estimated that 50 $\mu g/m^3$ is usually achieved (Ex. 476–228).

It should be noted that lead baths used for heat treatment are covered with layers of sand and charcoal to maintain heat. These layers also tend to prevent the escape of dust and fumes from the process, whereas lead casting melt pots have no such internal controls.

(d) *Population Exposed*

It is estimated that of 11,000 employees in the cutlery industry, fewer than 65 persons are exposed to lead in the heat treatment process, with an additional 50 persons exposed through housekeeping, maintenance, etc. (Ex. 22, p. 279).

(e) *Additional Controls*

Additional engineering controls are not expected to be necessary to achieve compliance in this industry. Existing ventilation methods will be heavily relied upon to meet compliance in the heat treating rooms and solder areas. (Ex. 22, p. 279) The ventilation systems may require upgrading to produce desired flow rates, etc. Housekeeping will have to be improved to achieve compliance with 50 $\mu g/m^3$, with work practices and worker rotation being relied upon when companies choose not to implement engineering control changes.

(f) *Conclusion: Technological Feasibility*

Despite the fact that OSHA provided direct notice to at least one firm (W.P. Case and Sons of Bradford, Pennsylvania), concerning these special proceedings on the issue of the feasibility of the lead standard, no cutlery manufacturers participated in the public hearings, nor did any submit exposure or feasibility data to the Agency. Based upon the Short Report and analogies to comparable processes (such as soldering and smelting of lead), OSHA believes that attaining the 50 $\mu g/m^3$ PEL in this industry is feasible using the simplest of engineering controls. Employers who do not wish to upgrade existing ventilation systems may rely upon housekeeping, work practices, and worker rotation to achieve compliance with the 50 $\mu g/m^3$ limit within one year.

(g) *Economic Feasibility*

Neither compliance costs nor economic impact data were offered by any cutlery industry representatives. Based on the record evidence, it appears

that, at most, employers may need to upgrade existing ventilation systems. Most probably, however, employers will need to rely only on the less costly, but equally effective alternatives, such as housekeeping, work practices and worker rotation, to achieve compliance. The costs of these controls are relatively small in comparison with engineering controls. The industry has stated that compliance poses no problems, therefore, no economic impact is expected as a result of the implementation of this standard (Ex. 22, p. 280).

12. Diamond Processing

(a) *Uses*

Lead is not used in the cutting, polishing or setting of diamonds (Ex. 22, p. 282). However, lapidary wheels having lead sheeting impregnated with powered diamonds are used to polish metal and rock surfaces (Ex. 22, p. 282). In 1977, it was estimated that about 100 such lapidary wheels were in use in this country. The record indicates, however, that the use of these wheels is rapidly declining because the soft lead wheels are not as durable as brass or cast iron wheels. (Ex. 22, p. 282)

(b) *Process Description and Exposure Areas*

An object, either metal or stone, is held against the lapidary wheel which turns and polishes the surface. Lead exposure results from the abrasion of the lead-diamond impregnated sheet surrounding the wheel.

(c) *Controls Currently Used*

The principal method presently used to control exposure during this operation is ventilation. A tight hood enclosure with minimum wheel-hood clearance is used to provide dust control at a minimum exhaust volume. Fixed operations may use conventional controls and portable units may require movable exhaust ventilation units. Some operations use no controls. Water may also be used to reduce dust, but does not eliminate the need for ventilation (Ex. 476–4B).

(d) *Exposure Levels*

OSHA is unaware of any available monitoring data (Ex. 22, p. 282). It is expected that little to no lead exposure results from this operation (Ex. 22, p. 282), although data were not furnished by any industry source.

(e) *Population Exposed*

It is believed that approximately 200 persons are exposed as a result of this operation (Ex. 22, p. 282). However, data were not available to indicate how many of these individuals are exposed above or below the 50 $\mu g/m^3$ PEL.

(f) *Additional Controls*

Because of the very limited nature of lead exposures in this industry, controls, other than those currently being used, are not necessary to comply with 50 $\mu g/m^3$.

(g) *Conclusion: Technological Feasibility*

The magnitude of lead exposures in this industry appears to be very slight. Thus, it appears that this industry is already in compliance with the 50 $\mu g/m^3$ limit. The controls needed to achieve the PEL are already being used effectively. In addition, the inadequacies of lead wheels have resulted in substitution of more durable wheels made of cast iron or bronze. These wheels will probably replace all lead lapidary wheels, thus eliminating the potential for lead exposure in excess of the 50 $\mu g/m^3$ standard. Based on these factors, OSHA concludes that compliance with the standard within one year is technologically feasible for this industry.

(h) *Economic Feasibility*

Since better substitutes have virtually replaced the lead lapidary wheel in this industry and, where the wheel remains in use, lead exposures are likely to be below the PEL, no costs of compliance and, thus, no significant economic impact will be incurred, and the standard will have no effect on the national economy.

13. Electroplating

(a) *Uses*

Plated lead is used primarily in battery parts and chemical construction when resistance to the corrosive effects of sulfuric acid is needed (Ex. 476–145). Lead plating is done for the electronics industry also (Ex. 476–150). The National Association of Metal Finishers indicated that electroplated lead is probably used in the electronics industry only for solder plating (lead-tin alloy plated on printed circuit boards) (Ex. 476–149). However, data from TRW indicate that copper wire plated with lead is used in electrical resistors (Ex. 476–148).

(b) *Process Description and Exposure Areas*

Electroplating consists of coating one metal with another metal by means of an electric current. The cathode, which holds the work, is negatively charged. The anode, made of the material to be coated, is positively charged. The anode and cathode are positioned in a solution and the plating is completed by anode material traveling through the solution and depositing on the cathode. (Ex. 476–145)

Many different materials can be plated using the electroplating process; lead and its alloys are among these. Lead is plated from a fluoroborate solution. At the temperatures involved, it is believed that no lead fumes or dusts are generated. Dr. Billings testified that lead exposures result primarily from lead emissions being given off from open-surface tanks during the electroplating process (Tr. 146), but that exposure to lead is insignificant (Ex. 22, p. 305).

(c) *Controls Currently Used*

The primary method of control involves the use of local exhaust ventilation. The *Industrial Ventilation Manual* recommends the use of local exhaust ventilation for this process and provides specific air-flow parameters sufficient to contain exposures in open surface tanks (Ex. 476–147). Dr. Billings also recommended total system enclosure (Tr. 146). Data indicating which controls are used in the electroplating processes were not made available by the industry, however, the industry feels that application of these control technologies as well as good housekeeping should maintain levels below the 50 $\mu g/m^3$ limit. In fact, only very low lead levels are found in the industry and industry representatives believe that airborne lead is not a significant problem (Ex. 22, p. 305).

(d) *Exposure Levels*

The only available data, collected at TRW, indicate that, in plating operations, airborne concentrations to lead were undetectable (Ex. 476–145).

(e) *Additional Controls*

The engineering controls and work practices currently being used by the industry will be sufficient to maintain levels below the 50 $\mu g/m^3$ standard. Additional controls, such as housekeeping and worker rotation, may be necessary, in some instances, to insure that compliance with the standard is achieved in all operations.

(g) *Conclusion: Technological Feasibility*

Very low exposure data and the industry's statement that lead levels are insignificant indicate that this industry is already in compliance with the standard and, thus, it is certainly feasible for this industry to achieve compliance within one year.

(h) *Economic Feasibility*

Because exposure levels are apparently well below 50 $\mu g/m^3$, no

costs for compliance are anticipated nor is any economic impact expected. Compliance with the standards is, therefore, economically feasible.

14. Explosives Manufacture

(a) *Uses*

Explosives serve two main purposes. They serve as labor saving devices in dislodging rocks, coal and other minerals (industrial uses) and as destructive devices (military uses).

Explosives may be chemical, physical or nuclear in type. Chemical explosives are the most widely used, and involve use of lead in greater quantities than other types. Chemical explosives use initiating devices to ignite the explosive. Lead azide and lead styphnate are among some of the chemical compounds used for this purpose. These lead compounds are mixed with other materials to form the initiator (blasting cap or detonator). The amount of lead compound used is small.

Some uses of lead have been discontinued. For example, the addition of lead to rocket propellants to increase thrust has been replaced by more effective metals, such as aluminum (Ex. 476–152).

(b) *Process Description and Exposure Areas*

The manufacture of lead explosives involves the handling, mixing, precipitating, and drying of various lead compounds and the storing or packaging of the lead based explosives formed. In the case of lead azide, formation results from the mixing of sodium azide with lead acetate or lead nitrate. Lead styphnate is formed from lead acetate and magnesium styphnate (Ex. 476–TG).

Lead exposure results from the handling and mixing of lead compounds used in the preparation of the explosives themselves. Lead exposure may also result from the repair of lead flooring which is used by this industry when sparking dangers are present. Lead plates used to test blasting caps may also result in lead exposure, but only if the plates are melted, poured and cast by the explosives' manufacturer (Ex. 22, p. 308). Lead exposure does not result from the use of plates as detonating devices. Exposure to lead may also occur in the soldering operations, where lead solder is used to attach wires onto the initiators.

(c) *Controls Currently Used*

The handling and mixing of lead compounds is generally well controlled since dust accumulations generated by mixing explosive chemicals are undesirable (Ex. 22, p. 308). The process is usually automated, and the operator is separated from the mixing operation by a protective barrier (Id.).

A few companies indicated that they have an ongoing repair program for their lead flooring. The defective parts are cut away and new sheets of lead flooring are burned into place (Ex. 476, 151). Most others reported that the floor was replaced every five to ten years. Lead burning operations are used quite extensively to repair or replace lead flooring.

Soldering operations are usually ventilated and automated where possible. (See Soldering-Discussion of Control Technology). Lead floor repairing uses no ventilation controls. Blasting caps are now being detonated in water rather than on lead plates, mostly as a means of controlling noise exposure.

DuPont Chemical commented that the use of mechanical engineering controls such as mechanical ventilation would be an unsafe means of reducing employee exposure to 50 $\mu g/m^3$ of lead during the manufacture of two types of explosive initiators (Ex. 475–35). DuPont argued that the two compounds, lead azide and the complex lead salt of dinitro ortho cresol (lead DNOC), are extremely sensitive to impact and that subjecting them to the friction caused by the moving parts in mechanical ventilation systems could lead to detonation. DuPont also pointed out that insertion of a filter into the system ahead of the moving parts, would permit the accumulation of lead compounds that could detonate either on removal of the filter or on impact of moving particles in the air stream against particles held by the filter. In support of these arguments, DuPont submitted impact sensitivity test data for lead azide and lead DNOC. The data showed that a 0.5 inch diameter, 8.35 gram steel ball must fall from 20 to 26 inches to detonate a 0.013 inch thick layer of lead azide. A similar steel ball must fall 5 to 10 inches to detonate lead DNOC. Based on this data, lead particles of 30 microns in diameter which might enter a ventilation system and impact on a collection filter within the duct would have to impact with a velocity of over 55,000 miles per hour to impart enough energy to detonate a layer of lead azide and a velocity of similar magnitude would be required to detonate a layer of lead DNOC. Thus, the detonation hazard allegedly created by colliding particles in a ventilation duct appears to be highly unlikely.

The detonation hazard associated with filter removal could be minimized by wetting the filter before removal. In fact, wet methods to prevent detonation are employed by DuPont in its sieve room, where the employees entering the room to remove lead azide or DNOC products and reload the sieve is required to wet mop the floor ahead of him. Also consideration could be given to employing wet filtering methods (scrubbers, water curtains, etc.) upstream of the ventilation system's moving parts.

(d) *Exposure Levels*

Exposure data were not available for the manufacturing of lead initiators and the soldering of initiator wires. However, industry representatives indicated that exposure levels were well below the 50 $\mu g/m^3$ level (Ex. 22, p. 308). Representatives of Hercules, Inc., of Wilmington, Delaware, indicated that exposures are low because the lead azide cartridge primer prepared by the company is prepared in gram quantities and the process is kept wet throughout (including during the mixing of other compounds with explosives) (Ex. 476–152).

In lead floor repair, where lead burning may be done, exposure results have indicated lead levels 10 to 20 percent below 200 $\mu g/m^3$ (Ex. 22, p. 308). This would place the industry below the 50 $\mu g/m^3$ PEL. In addition, companies like Atlas Power Co. of Dallas, Texas (Ex. 476–151), have indicated that they only encounter lead exposures twice yearly during the repair of lead floors. Exposure to lead was not considered a problem even in these repair activities because of sophisticated ventilation systems already in place to control nitroglycerine vapors.

In operations using lead plate as a detonating device the lead discs used by Hercules to test low-intensity charges would not be expected to give rise to significant lead exposures since the test explosion deforms, but does not volatilize, the lead (Ex. 476–152). The thickness of the discs are measured before and after the explosion as a quality control check of the uniformity of the explosive charges. For testing ammunition charges, blasting caps, and other high-intensity charges, Hercules uses harder copper discs. Moreover, testing of blasting caps in water, instead of on lead plates, would minimize exposure problems (Ex. 22, p. 308).

(e) *Population Exposed*

Total employment in the explosives industry is estimated to be 30,000, of which 100 employees may be potentially exposed to lead (Ex. 22, p. 309).

It appears that most exposure areas are already in compliance using existing controls. Work practices and housekeeping are invaluable tools for this industry, and in many cases are

emphasized due to the extreme explosion hazards. Also many of these lead-bead explosives are made in extremely small quantities (Hercules) and this also tends to minimize exposure hazards.

(f) *Conclusion: Technological Feasibility*

Compliance with the 50 $\mu g/m^3$ standard has been achieved in the explosives industry through a series of compliance endeavors including the use of ventilation, careful adherence to strict work practices, and good housekeeping practices. The importance of striving for a dust free environment in explosives manufacture, revolves around the fact that poor work practices and sloppy housekeeping might result in an explosion. Because exposures are already below the PEL, compliance is feasible.

(g) *Economic Feasibility*

The explosive industry is made up of five major producers with several small firms. It is estimated that 9 or 10 firms manufacture 90 percent of the explosives produced in the United States (Ex. 22, p. 309).

Since this industry appears to be well below the 50 $\mu g/m^3$ limit, there will be no cost for compliance with the lead standard, and the standard will have no effect on the national economy.

15. Gasoline Additives

(a) *Summary*

OSHA has interpreted the processes in this industry (in which lead wastes are recycled) as falling under the definition of "secondary lead production" (Ex. 476–7H). Table I of section (e)(1) of the standard gives this industry five years to comply with the 50 $\mu g/m^3$ PEL. The Agency made this determination because several of the processes that occur at secondary smelters are functionally similar to the recycling processes used in the manufacture of gasoline additives and present the same exposure control problems. Gasoline additive manufacture involves the initial handling of lead sludge, the removal of moisture from the sludge by drying, the smelting of sludge in reverberatory furnaces, the transfer of lead to hold-up pots, the drossing of the lead, the melting and drossing of pig lead additions, and the alloying of lead including weighing, drossing and sodium addition. Since the feasibility of the standard has been upheld for secondary smelting and refining, the similar processes involved in this industry warrant a conclusion of technological and economic feasibility here. Ethyl Corporation's request for this interpretation, together with the absence of objections from any other manufacturers in the industry reinforces this conclusion.

16. Glass Manufacture

(a) *Primary Glass Manufacture*

(i) *Uses.* Glass is manufactured as flat glass, container glass, pressed and blown glass and fiberglass. In subsequent operations, these basic glass types are further processed to form window glass, wire glass, figured rolled glass, plate glass, slash blocks, health glass and special glasses (stained glass and glassware).

(ii) *Process Description and Exposure Areas.* Glass is manufactured by the high temperature conversion of raw materials into a homogeneous melt capable of fabrication into useful articles (Ex. 476–174). The process can be broken down into three subprocesses: raw material handling and mixing, melting and forming and finishing (Ex. 476–174).

Raw materials are received in packages or in bulk and are unloaded by hand, vibrator gravity, drag shovels, or vacuum systems. Raw materials are then weighed and mixed (Ex. 476–174).

Raw materials are delivered to the furnace where they are transformed into glass (Ex. 476–174). Glass is produced in day pots, day tanks, or continuous operating regenerative or recuperative furnaces (Ex. 476–174). Melters are charged either manually or automatically, usually through screw or reciprocating type feeders (Ex. 476–174).

Molten glass at the yellow-orange temperature is drawn quickly from the furnace and worked in forming machines to press, blow in molds, draw, roll or cast. Annealing is done to remove internal stress (Ex. 476–174).

Lead exposure in glass manufacturing can result from the general use of a lead litharge in some melting operations (Ex. 476–195), from the production of leaded glass, or from the production of colored glasses (Ex. 476–5G). Particular process points where lead exposure may occur include materials handling and mixing, charging areas, melting areas (fugitive emissions) and finishing processes (Ex. 476–174).

(iii) *Controls Currently Used.* Controls for materials handling include automated handling of materials by tote bins (Ex. 476–190). Bins may also be mechanized to discharge lead via pinch valves (Ex. 476–190). Buckets may be mechanically interconnected with mixers and automatically dumped, thereby minimizing employee exposure to dusts (Ex. 476–190). Exposures during manual handling can be controlled through the use of exhaust ventilation (Ex. 476–193). Where bags are dumped into barrels and the barrels are fork lifted to mixers, exhaust enclosures have been used successfully to control dust exposures (Ex. 476–193). General batch house controls can include the use of hoods over the weighing hoppers, the top of the mixer, the end of the belt and the whole of the mixer; the use of a vacuum system to maintain clean surfaces; and the use of batch wagons at feeding and dumping points (Ex. 476–189). Batch house operations that result in the highest exposures, such as ingredient weighing, have also required the use of worker rotation to achieve compliance with the 50 $\mu g/m^3$ standard (Ex. 476–190).

Some companies minimize dust emissions by using an oil-base lead oxide (main constituent of glazing compound) (Ex. 476–193). Others perform the work wet (Ex. 476–195), while still others use pelletized or briquetted lead oxide (Ex. 476–190).

To maximize the effectiveness of dust collection systems, baghouses have been enclosed and exhausted to prevent the dispersal of dust into the workplace.

In melting operations, exposures have been controlled by installing continuous melters with dust collection systems (Ex. 476–193). When continuous melters are not used, exhaust ventilation has been used over day pots or tanks to control exposure (Ex. 476–174).

In finishing operations, such as hand blowing, local exhaust systems have been used (Ex. 476–190). Automated press production areas have also been exhaust ventilated (Ex. 476–190).

(iv) *Exposure Levels.* Exposure data for batch house operations were presented by Lenox Glass, Schott Glass, Fostoria Glass and Nuclear Pacific. Exposures at Lenox, Schott, and Fostoria ranged from 24 to 53 $\mu g/m^3$, however, all companies reported average levels of 30 $\mu g/m^3$ (Ex. 475–25; 476–189, 190 and 193). Nuclear Pacific indicated that exposures in its batch operations were in excess of 50 $\mu g/m^3$ (Ex. 475–41, 476–181). Prior to installing a vacuum system, Fostoria indicated that dust levels ranged from 18 to 73 $\mu g/m^3$ in this operation (Ex. 476–189).

An OSHA inspection of a glass manufacturing facility found levels of 44 $\mu g/m^3$ prior to the implementation of engineering controls. After implementation, levels were below 30 $\mu g/m^3$. Only ventilation was used. Another OSHA inspection of a company making television face plates (WB–1) found that batch attendants were exposed to levels of 740 $\mu g/m^3$, prior to

the implementation of controls, and 30 $\mu g/m^3$ after the implementation of a totally enclosed materials handling system.

Exposures in melting operations were reported to be 6 to 25 $\mu g/m^3$ by Fostoria Glass (Ex. 476–189) and less than 8 $\mu g/m^3$ by Schott Glass (Ex. 476–189). Lenox indicated that the 50 $\mu g/m^3$ PEL was achievable (Ex. 476–193). At Nuclear Pacific, exposures were reported to be in excess of 50 $\mu g/m^3$ (Ex. 475–41, 476–181).

In its glass blowing areas, Fostoria indicated that exposures ranged from 20 to 50 $\mu g/m^3$ for employees involved in the melting process and less than 10 $\mu g/m^3$ in the melting pot areas (Ex. 476–189). Nuclear Pacific reported exposures to be below 50 $\mu g/m^3$ in this area (Ex. 476–181). Lenox indicated that 50 $\mu g/m^3$ is achievable (Ex. 475–25, 475–41, 476–193).

(v) *Population Exposed.* The Short Report estimated that about 1500 glass workers are potentially exposed to lead (Ex. 22, p. 248). Exposure data presented by representative companies indicated that in only one instance were workers exposed to levels in excess of 50 $\mu g/m^3$ (three workers at the Nuclear Pacific Company) (Ex. 475–41, 476–181). No definitive estimate of the number of exposed workers can be made, but it can be reasonably assumed that only a small percentage is exposed to levels in excess of 50 $\mu g/m^3$.

(vi) *Additional Controls.* In most instances, existing engineering controls have proven effective in controlling exposures to lead in glass manufacturing (Ex. 475–25, 475–41, 476–189, 190, 193). Engineering controls and administrative controls (worker rotation) have been used to achieve compliance in even the more difficult areas (Ex. 475–25, 475–41, 476–190–193). Exposure levels are, by and large, below 30 $\mu g/m^3$, although in some operations exposures approach 50 $\mu g/m^3$ (Ex. 476–193). Consequently, controls in addition to those existing and in use by most firms are probably not needed. Improved housekeeping may be helpful in those areas where exposures are near 50 $\mu g/m^3$ (Ex. 476–189).

(b) *Secondary Glass Operations*

Secondary operations include grinding, spinning and polishing of glass to produce final products; the remelting of glass for coloring prior to product formation; and the glazing or painting of finished glass surfaces.

Commercial uses include lamp tubing, iron sealing ware, solder sealing, tungsten sealing electron tubes, radiation shielding, capacitors, and television tubes (Ex. 476–5G).

(i) *Process Description and Exposure Areas.—(a) Grinding and Polishing.* Grinding is done with sand, garnet, carborundum, silicon carbide, boron carbide or diamond (Ex. 476–5G). These materials may be used loose, as is done in plate glass grinding (Ex. 476–5G), or grinding may be done by machine. In general, the same machines used for metal grinding may be used to grind glass (Ex. 476–5G). Polishing is similar to grinding, but the polishing compound is finer (felt pads with rouge (iron oxide)) (Ex. 476–4B). Acid polishing and fire polishing are also done (Ex. 476–5G).

Exposure results from ground up lead glass emitted from the process or from lead fumes emitted during chemical or heat polishing. Mechanical grinding operations are generally performed under water mists to suppress dusts (Ex. 22, p. 271).$\mu g/m^3$

(b) Spinning. Fiberglass is produced by throwing a thread of glass pulled from a heated glass rod over a rapidly revolving drum which draws the glass out into fibers resembling wool or silk (Ex. 476–5G). The potential for lead exposure exists when leaded glass is being spun.

(c) Glazing. Glazing is used to color and to increase the strength, durability and abrasion resistance of glass. A water suspension of the glaze forming ingredients is applied through spraying, dipping or screening (Ex. 476–5G). Exposures occur when lead-based glazes are applied to surfaces.

(d) Staining. The staining process involves ion exchange and migration (Id.). When the potash-lead glass is melted down, the colorant is added. The glass is cooled and then often reheated to produce the correct color (Id.). Lead exposure may result from the melting of lead-based glass.

(e) Painting. Lead paint resembling a crayon is melted at low temperatures and poured over a screen onto the glass and then annealed for several hours in an oven. Exposure results from the use of a lead-based paint.

(f) Soldering. Solder glass is a highly leaded glass that melts easily at low temperatures. It is commonly used to seal the various components of television tubes and comes in paste or powder form. Exposure results from the use of lead solder glass.

(ii) *Controls Currently Used.—(a) Grinding and Polishing.* Water mists are used to suppress dusts generated by this process (Ex. 22, p. 271). Local exhaust ventilation has also been used successfully to contain dusts as well as to capture fumes in chemical or heat polishing operations. A detailed discussion of the appropriate design, ventilation rates, etc. is available in the *Industrial Ventilation Manual* (Ex. 487) and the NIOSH criteria document entitled, "Grinding, Buffing, and Polishing Operations" (Ex. 476–40). Companies have reported no problem with controlling exposures in the operation (Ex. 22, p. 475).

(b) Spinning. Local exhaust ventilation applied to the drawing stage of the operation and the glass pulling operations is often used to control exposures.

(c) Glazing Operations. Data were not furnished which indicated the kinds of controls used in glazing operations. However, glazing of glass can be compared to pottery glazing where automated or manual spraying in booths may be done. (See the section on pottery glazing for more details.)

(d) Staining Operations. Data were also not provided indicating the specific controls needed for staining processes. However exposure results from the melting of potash-lead glass and, thus, the controls needed for any melting operation are applicable here also (see glass manufacture).

(e) Painting Operations. Data were not provided for glass painting. However, local exhaust ventilation may apparently be used in areas where lead crayons are melted and poured over the screens. Proper ventilation can also be used in the annealing process to control lead exposures. Ovens are generally enclosed and exhausted (Ex. 476–355).

(f) Soldering. The same controls needed for any soldering operation (i.e., local exhaust ventilation) must be used here.

(iii) *Exposure Levels.—(a) Grinding/Polishing Operations.* Exposure data were not provided by any industry. However, many industry representatives indicated that lead exposure posed little problem (Ex. 22, p. 271). The plate glass industry had replaced grinding to finish the glass surfaces with a flotation process (Ex. 476–172).

(b) Spinning. There appears to be no data available on lead levels associated with fiberglass production, although there are some data indicating exposure levels for fiberglass particulates (Ex. 476–200). Dr. Konzan, of Owens-Corning, stated that in 13 years with the company he has only known of two occasions in which lead was even mixed with fiberglass (Ex. 476–195).

(c) Other Processes. Exposure data for other processes were not provided.

(iv) *Population Exposed.* There are no data indicating the number of workers who may be exposed to lead in secondary glass operations.

(v) *Additional Controls.* No additional controls are anticipated to be necessary to achieve compliance with the 50 $\mu g/m^3$ level. The use of local exhaust

ventilation, improved housekeeping and worker rotation should be sufficient.

(c) *Conclusion: Technological Feasibility (Primary and Secondary Processes)*

Primary and secondary glass operations can achieve the 50 $\mu g/m^3$ PEL. Primary operations will have to make use of engineering controls, to the extent feasible, and supplement them with worker rotation (as the industry is currently doing) to bring areas of high or intermittent peak exposures into compliance with the standard. In addition, improved housekeeping and maintenance operations will be necessary. Compliance with the lead standard will probably also bring about a significant reduction in employee exposure to silica.

Secondary glass operations appear to require minimal controls such as local exhaust ventilation (movable or stationary). Extensive control technology does not appear to be necessary and only in a few instances will worker rotation be necessary.

Representatives of the glass industry emphasized in their submissions that compliance with the 50 $\mu g/m^3$ standard was not possible through engineering controls alone. Based on the evidence submitted, OSHA agrees that the success experienced by this industry in meeting the 50 $\mu g/m^3$ limit has been based on multi-faceted control strategies that include enhancement of existing controls, automation of many processes, stringent work practice programs, improved housekeeping and maintenance and worker rotation. This approach avoids the more costly strategy of relying solely upon engineering controls to achieve compliance. OSHA believes that the use of such balanced controls strategies, rather than reliance upon a single method of control, is perfectly consistent with the lead standard since the Agency's ultimate goal in regulating worker exposure to lead is to reduce workers' exposures through the combined use of engineering controls, work practices, housekeeping, and some worker rotation. The industry did not dispute the feasibility of achieving compliance using this combination of controls.

(d) *Economic Feasibility*

(i) *Costs of Compliance.* Most of the establishments affected by this regulation are currently required to comply with OSHA's standard for silica, and some must also comply with the arsenic standard. Therefore, to the extent that compliance activities simultaneously control other toxic substances, the costs attributable to lead are overstated.

Only three firms submitted cost data to OSHA and none of them documented the derivation of their estimates. Bausch and Lomb estimated that $500,000 would be required to bring its very old optical glass operation into compliance (Ex. 476-171). Owens-Illinois stated that in excess of $1,800,000 has been spent to achieve the 200 $\mu g/m^3$ standards (Ex. 475–195). Nuclear Pacific stated, without supporting data, that it had invested $44,000 in controls for lead (Ex. 475–181).

On the basis of OSHA's assessment of additional controls necessary and the submissions of glass manufacturers, OSHA estimates that costs will range from $10.4 to $26.6 million. Annualized costs, therefore, will range from $1.9 to $4.8 million.

(ii) *Industry Profile.* There are four separate and distinct Standard Industrial Classification codes for glass products. The industries affected by the standard are primarily classified in 3229, Pressed and Blown Glass, Not Elsewhere Classified. While there are a total of 382 establishments employing 38,600 production workers in this SIC, most of these establishments are not engaged in the manufacture of lead-bearing products (Ex. 476–20). Lead-bearing products include radiation shielding glass, television glass parts, optical glass and lead crystal.

Only two domestic firms, Nuclear Pacific and Schott Glass, produce radiation shielding glass. Because of high transportation costs for this specialty product, it is unlikely that the secure market position of these firms would be threatened by foreign products as a result of regulation under the lead standard. In addition, there do not appear to be substitutes for lead in this application, with the possible exception of cadmium (Ex. 476–181). However, cadmium is much more expensive than lead and is also toxic.

Schott Glass, a relatively new facility built in 1969, has invested in control technology and produces several product lines in addition to radiation shielding glass (Ex. 476–190). Nuclear Pacific's radiation shielding glass operation comprises a small part of its business and employs only three workers. Nuclear Pacific reported that OSHA-related expenditures constitute 20 percent of the firm's total machinery and equipment investment, but did not substantiate this claim (Ex. 476–181).

Five firms (RCA, Owens-Illinois, Schott Glass, Lancaster Glass, and Corning Glass) manufacture leaded glass television parts, such as surface plates, funnels and television tube necks (Ex. 476–170). As with other luxury items, the demand for televisions is generally elastic and fluctuates with the general state of the economy. In addition, foreign imports have been a major influence on this market because television sets produced abroad are often perfect substitutes for domestic sets. In fact, Owens-Illinois Television Products Division contends that, as a result of "unrelenting pressure from foreign competition," the industry now has an overcapacity problem (Ex. 475–195). Although a 1977 agreement between the U.S. and Japan limited imports of Japanese color television sets for three years, foreign competition continues to make inroads into the domestic market (Ex. 476–26).

Nevertheless, the effect of the lead standard on the glass parts firms should be relatively small because the economics of the domestic manufacture of these sets will be largely determined by the volume of foreign imports permitted into the country. If domestic production remains viable, the demand for glass parts will be sustained because there are no direct substitutes for these parts, and they comprise only a minor portion of the value of the final product (Ex. 476–174). If foreign competition brings about a sharp decline in the domestic production of television sets, the glass parts firms could probably expand into other product lines with existing plant and equipment because these firms can also manufacture other glasswares.

Three firms produce optical glass in the U.S. They are Schott Glass, Corning Glass, and Bausch and Lomb (Ex. 476–180). Thus, a high degree of concentration exists in the domestic optical glass market. Bausch and Lomb has indicated that allocating resources to comply with the standard in its plant will present a serious dilemma for three reasons: (1) The plant is very old, (2) its output of glass is small, and (3) only seven people are involved in the glass operations (Ex. 476–171). However, the cost estimated by Bausch and Lomb is unsupported. Moreover, given the age of the plant, the firm would increase production efficiency and control lead exposures simultaneously with the advent of new equipment. In addition, there is no evidence to indicate that international competition is occurring, or would occur, in this market as a result of this regulation. Therefore, because there primary uses are considered medical necessities and because the are no suitable substitutes for the product, the demand for optical glass should remain relatively constant with most of the costs of compliance with the OSHA lead standard passed forward to consumers.

Although there are seven domestic producers of crystal (Lenox, Fostoria, Viking, Fenton Art Glass, Rainbow, Pilgrim, and Seneca), Lenox and Fostoria produce the majority of domestic crystal (Ex. 476–170). Lenox submitted a detailed statement on the problems of complying in its china operations, however, no similar material was presented with respect to the manufacture of crystal (Ex. 475–25). Therefore, OSHA assumes that exposure problems in this area are much less severe. Lenox crystal is produced exclusively by hand (Ex. 476–180) whereas Fostoria also uses automatic processes for some of its product lines (Ex. 476–189).

There has always been strong foreign competition in certain quality ranges of the crystal products market. Foreign products may enjoy the advantage of lower labor costs. However, leaded crystal products are valued by the consumer for their quality and craftsmanship. These are luxury items for which many consumers will defer purchase in times of economic uncertainty, but because of the unique aesthetic quality of these products, will generally not substitute lower cost imports, even if they are functionally equivalent.

Both the domestic wool and textile fibergalss markets are highly concentrated, with no prospects for competition from foreign producers (Ex. 476–191). Given the high demand for insulation materials, rising energy costs and the oligopolistic nature of the industry, any cost increases incurred as a result of the lead standard would likely be passed on to consumers. Since specialty orders requesting the addition of lead in these products appear to be extremely infrequent, no significant economic impact is anticipated for this industry.

The record shows that there is little potential for exposure to lead in the production of fiberglass and other insulating materials. Minimal compliance costs may be incurred by companies that intermittently accept special order jobs that might require the addition of lead to their products (Ex. 476–201).

(iii) *Conclusion: Economic Feasibility.* None of the industries or firms within the industries presented financial data to OSHA for consideration. However, the annualized costs of compliance are expected to comprise, at most, 0.8 percent of the total value of shipments ($505.6 million in 1977) (Ex. 476–20). This information and the apparent stability of the lead glass industries lead the Agency to conclude that no major economic impact will occur.

17. Gold, Silver and Platinum Smelting

(a) *Primary Gold Smelting and Refining*

(i) *Uses.* The oldest and the most important commercial use of gold is in jewelry. It is also used in dental devices such as inlays, crowns, bridges and orthodontic appliances (Ex. 476–204). The most important industrial use of gold is in electronic devices, especially printed circuit boards, connectors, keyboard contactors and miniaturized circuitry. Gold containing brazing alloys are also important to the aerospace industry, especially in jet engine assembly. Gold is used as a reflector of infrared radiation in radiant heating and drying devices and heat-insulating windows for large buildings (Id.).

In the United States, 60 percent (Id.) of the domestically produced gold is obtained by recovering natural gold from gold-bearing ores or placer deposits or as a byproduct of lead and copper smelting (Ex. 481 p. 20). The total domestic output of mined gold comes from approximately 225 mines. Three mines accounted for 63 percent, and 25 mines for about 95 percent, of domestic output in 1977 (Ex. 476–204). Eighty-five percent of the gold ore in the U.S. comes from South Dakota, Nevada, Utah, and Arizona. The leading producer, Homestake Mining Company, provides about one-third of domestic output from deep underground mines in South Dakota. The Kennecott Copper Corporation, a major copper producer that produces gold as a by-product of its extensive copper smelting operations, is the second largest gold producer (Id.). The third largest producer, the Carlin Gold Mining Company, has an open pit mine in north-central Nevada. Due to increased gold prices, other mines are now being refurbished (Id.).

(ii) *Process Description and Exposure Areas.—(a) Smelting.* Except for certain alluvial deposits, the first step in recovering gold from ore to is crush it very finely with water in a ball mill to liberate the gold. At the Homestake Mines in Lead, South Dakota, good milling practices have resulted in the recovery of 96 percent of the gold contained in the ore. The remaining gold is removed by amalgamation and cyanidation (Ex. 476–4B).

For some ores (tellurides), a preliminary roasting step may be required prior to amalgamation (Id.). Ores which are to undergo amalgamation are crushed, concentrated, and sorted before the concentrates are passed over mercury-treated (amalgamated) copper plates, to which the gold particles adhere. The discharge from the plates is then extracted with a cyanide solution. Mercury may also be added during the crushing stage to achieve direct amalgamation. The crushed ore may be treated directly with a cyanide solution, thereby making the entire process described above unnecessary.

During cyanidation, the ore is placed in large vats and treated with a dilute solution of sodium cyanide or an equivalent amount of calcium cyanide plus a little lime. Air is bubbled through the mixture to provide oxygen. Cyanide will dissolve any silver present as well as some of the base metals in the ore, further reducing impurities. The cyanide slurry is then filter pressed. This process allows gold to be extracted, without roasting, after fine grinding (Ex. 476–4B). The gold and other metals dissolved by the cyanide are recovered by treatment with zinc dust or, occasionally, with aluminum, that precipitates the gold out of the solution. Frequently, lead acetate is used to assist in the precipitation (Ex. 481).

(*b*) *Refining.* The impure gold recovered from amalgamation or cyanidation is melted under oxidizing conditions to remove most of the copper and the base metals, leaving gold and silver. A cupel, or an open-hearth furnace with a hearth of special construction, furnishes a refractory base of noncontaminating materials to absorb a portion of the fused litharge (a lead solution which is added to the precious metals to formulate the fine metal blends). The litharge is run through a trough and collected for future use. The process requires a blast of air directed at the metals in the hearth while at red heat. The process is complete when the last film of oxide is removed, and the gold flashes out brightly. This process removes all trace metals, including lead (Ex. 476–5G). However, the gold must be further refined to produce a final product.

The gold product can usually be recovered by electrolysis in a chloride solution. In this process, developed by Wohlwill, the gold in the anode is dissolved and deposited in pure form on the cathode. Any remaining silver is converted to chloride, which tends to coat the anode, however, superimposing alternating current on the system will sharply reduce this problem. The resulting cathode deposit should contain 99.95 percent pure gold after melting (Ex. 476–4B).

Electrolytic recovery of gold from impure gold may also be accomplished through the Miller process in which chlorine is bubbled through the molten metal and converts the base metals into volatile chlorides, which then can be poured off and further refined. The

remaining gold is less pure and may require additional treatment (Id.).

Lead exposure occurs in the initial stages of material handling such as crushing, grinding and conveying of the ores. Preconditioning of ores which requires pyrometallurgical treatment may also result in exposures. Cyanidation processes are another potential area for lead exposure. In refining operations, exposures can occur during furnace charging when litharge is being added, from the furnaces' fugitive emissions, and from handling litharge for reprocessing. During the electrolytic processes, very little lead exposure should occur because most impurities have been removed. In the casting areas, very little lead exposure occurs; although trace amounts of lead may remain in bars of silver, gold, or platinum, the lead is in alloy form and does not present an exposure hazard (Ex. 22, p. 236).

(iii) *Controls Currently Used.* The ores are mechanically conveyed to the grinding areas and grinding is done at a ball mill with water (Ex. 476–4B). The companies are very careful about dust collection so as not to lose the noble metals (Ex. 22, p. 235). Materials are stored in bins with chutes and are conveyed by screw conveyors. Belt wipes, dead drops, conveyor curtains or skirts and local exhaust ventilation at material transfer points can also be used to control dust. Dust suppression is accomplished by keeping the materials moist and, on many lines, liquid sprays or chemical dust suppressants are added to ores being handled. Vacuuming (preferably wet) minimizes the reentry of settled dusts into the air. In some instances, clean air pulpits are used in automated operations in very dusty handling processes (Ex. 481).

Controls in cyanidation processes may consist of enclosed materials conveying systems, exhaust ventilation of cyanidation tanks and the automated or mechanical addition of chemical precipitators.

Controls used during pyrometallurgical processes consist of maintaining negative pressure in the furnaces and providing ventilation to capture fugitive furnace emissions or enclosure of the source of contamination. In addition, materials handling systems, such as ladles, pots, kettles and launders, are provided with exhaust hooding, as are tapping and skimming pots (Ex. 481).

In refining operations, exposure control involves the application of pressure differentials to furnaces, ventilation to capture fugitive emissions from furnaces, total or partial enclosure of units and the use of materials handling systems with ventilation of tapping and skimming pots. In addition, electrolytic precipitatory processes are ventilated.

The casting areas utilize exhaust ventilation.

(iv) *Exposure Levels.* Exposure data in ore handling operations were provided. One gold processor reported that the percentage of lead present in gold ore was so low as to preclude any problems in meeting the standard (Ex. 22, p. 235). William Wagner, an expert witness on smelting, agreed that the 50 $\mu g/m^3$ limit was achievable in material handling operations (Ex. 481). Data on lead levels resulting for pre-treatment of telluride ores were not available. However, companies stated that lead exposure from this operation presented no problems (Ex. 22, p. 235). Exposure data were also unavailable for lead exposures resulting from cyanidation, although Wagner stated that he was unaware of any data indicating that lead levels exceed 50 $\mu g/m^3$ in this operation (Ex. 481, p. 20).

A NIOSH survey of the Homestake Gold Refinery (Ex. 476–210) indicated that lead exposures can range from 50 to 13,800 $\mu g/m^3$ in gold refinery operations. Wagner stated that exposures ranged from nondetectable to a few hundred $\mu g/m^3$ at plants that he had sampled (Ex. 481). The broad range of exposure levels is due to a lack of engineering controls at some facilities (Ex. 481). No exposure data were submitted by industry representatives.

(v) *Population Exposed.* The exact number of workers exposed to lead in this industry is probably less than 100. Short estimated that 100 workers in silver and gold smelting (both primary and secondary) are exposed to lead (Ex. 22, p. 237). Wagner stated that approximately 2000 workers are engaged in the gold, silver and platinum industries, but that only 200 are exposed to lead (Ex. 481). No data are available which indicate the numbers of workers exposed to lead above and below 50 $\mu g/m^3$.

(vi) *Additional Controls.* Wagner testified that "all areas associated with the processing and refining of gold, silver and platinum could be brought into compliance with the OSHA lead standard by the application of generally available controls" (Ex. 481).

The selection of the appropriate control, or combination of controls will depend on the material handled, the extent of the dust problem, the process involved, and the extent to which engineering controls are already in place.

Mr. Wagner stated that:

> Materials handling problems occur when bins and chutes become plugged, at transfer points, and when dry or hot materials must be conveyed. Standard engineering solutions for all of these problems exist, especially since materials handling is a problem common to many industries, not just the smelting and refining industries (Ex. 481).

Basically, all commenters agreed that, depending upon the particular condition of a plant, different plans for achieving compliance with the 50 $\mu g/m^3$ standard might be necessary (Ex. 481; 475–38; 479; 487). Applying exhaust hoods and fans to capture and contain fugitive emissions at tapping holes, troughs and charging areas and use of worker observation booths may be necessary in cases where exposure levels are extremely high. Where exposures are intermediate, the use of local exhaust ventilation in specified areas in conjunction with an enhanced housekeeping and worker rotation program may be sufficient. Where levels are slightly above 50 $\mu g/m^3$, employee rotation alone may suffice.

The best controls available will not be effective, however, unless they are properly designed, fabricated, installed, and conscientiously operated and maintained. Ventilation hoods and ducts permitted to deteriorate beyond use; conveyor skirtings that are remove or improperly adjusted; inspection doors that have been removed, left open or replaced by screens; and new systems that are simply tacked onto existing ones with little or no thought to proper air flow balancing will counteract any effort to achieve the 50 $\mu g/m^3$ limit (Ex. 481). Ducts that are not attached to the associated hood or that are completely detached from the ventilation system are also insufficient (Ex. 479). The necessity for enhanced maintenance cannot be stressed enough in this particular industy.

(vii) *Conclusion: Technological Feasibility.* Compliance for primary gold production and refining appears feasible through the use of the conventional control techniques discussed by William Wagner (Ex. 481), Melvin First (Ex. 270), and Charles Billings (Ex. 487). Materials handling systems, pyrometallurgical controls and controls for chemical processes all involve either containment of the source of exposure or worker isolation (Ex. 270). In all areas except for gold refining, compliance with the PEL appears to have been achieved. In refining, levels of exposure are high but, as Wagner testified, the plant he observed with the highest exposures had virtually no controls. Therefore, using the controls methods discussed herein, OSHA concludes that

compliance with 50 $\mu g/m^3$ is feasible in one year in gold smelting and refining.

(b) *Primary Silver Smelting and Refining*

(i) *Uses.* In 1977, domestic use of silver amounted to 154 million ounces. Major consuming areas were photography, silverware, and electrical equipment (Ex. 476–205). Chemicals are produced from about one-third of the silver.

Refineries normally ship silver in the form of ingots. These go largely to several principal producers or fabricators of semi-manufactured products, such as rolled and extruded bars, rods, wire, sheet, foil and powdered or pelleted silver. These semi-manufactured forms go, in turn, to about 5,000 manufacturers of silver products. New scrap, resulting from the manufacture of finished products, is reprocessed internally or returned to one of a number of refiners for reprocessing (Ex. 476–205).

(ii) *Process Description and Exposure Areas.*—(*a*) *Primary Ore Recovery.* Silver is recovered from ores almost entirely by a flotation process that recovers silver from intermediate products of lead, zinc or copper smelting. Silver is carried down with the lead in smelting and separated from it by the Parkes process. This process requires the addition of zinc to the molten silver-lead mixture. The mixture is allowed to cool, and the virtually insoluble silver-zinc alloy separates from the molten lead and rises to the surface, where it is skimmed. This first crust contains much lead, more than 2,000 ounces of silver per ton, and all of the gold in the original bullion. By use of a retort, the zinc is distilled for reuse. The retort residue is cupelled to recover the gold and silver as dore metal, and the lead as litharge (Ex. 476–205).

(*b*) *Refining.* Silver found in association with gold from gold-placer or lode-gold mining is recovered in the electrolytic refining of gold bullion and was discussed in the primary gold smelting and refining section.

Crude silver bullion, which usually contains small quantities of gold or other metals and old scrap silver, may be treated at a copper refinery. The electrolytic refining process is commonly used, that consists of an electrolyte of silver nitrate and nitric acid. Fine silver crystals are produced and remelted into commercial bullion bars. Commercial silver is guaranteed to be a minimum of 99 fine and may range from 99.4 to 99.9 fine purity, with copper or gold the usual impurity (Ex. 476–205).

(iii) *Controls Currently Used.* Materials handling control technology for silver smelting is comparable to that used in gold, lead and copper smelting, and generally requires the use of storage and mixing bins; belt, screw or mobile conveyors; pneumatic conveyance; and enclosure and hooding of conveying systems, etc. (Ex. 481). The controls for the electrolytic processes and refining are also comparable to gold smelting and include ventilation of pyrometallurgical equipment and electrolytic processes.

The areas of exposure are essentially the same as in the copper and gold smelting industries, and consist of materials handling, pyrometallurgical processes, and chemical processes (Ex. 481). The Bunker Hill Company stated that the greatest potential for exposure occurred during the handling of silver concentrates when they are transferred to holding bins via an overhead conveyor system, and when carts are used to transfer the concentrates from the bin to the refining furnace (Ex. 475–38B). Specific sources of exposure include spillage of concentrate, dust from shoveling, fuming furnaces and skimming molten metals from furnaces (*Id.*).

(iv) *Exposure Levels.* The Short Report estimated that in gold and silver smelting combined the 100 workers were exposed to low to medium concentrations of lead. Low was defined as 70 percent below 50 $\mu g/m^3$, 20 percent above 50 but below 100 $\mu g/m^3$, and 10 percent above 100 $\mu g/m^3$. In the medium category, the percentages were 40, 30, and 30 respectively (Ex. 22, pp. 239, 124). Lead exposure estimates by the Bunker Hill Company indicate that 20 percent of all employees are exposed below 30 $\mu g/m^3$ and 80 percent are above 50 $\mu g/m^3$ (*Id.*) Exposures were significantly higher than 50 $\mu g/m^3$ in certain of the areas the company labeled as high exposure areas (Ex. 475–38B, p. 2). This inconsistency with the Short estimate suggests that Bunker Hill's levels may be higher and, therefore, are not representative of the rest of the industry.

(v) *Population Exposed.* As stated for the gold smelting and refining industry, the number of workers exposed to lead in silver smelting alone is not known, but is probably below 100. William Wagner estimated that about 200 workers are exposed to lead in the silver, gold and platinum smelting industries combined (Ex. 481).

(vi) *Additional Controls.* Wagner concluded that the application of generally available controls can bring the silver industry into compliance in those areas where compliance has not yet been achieved (Ex. 481). These controls were discussed extensively in the section above. In the case of Bunker Hill, additional efforts may be required, such as upgrading existing dust collection systems. For example, Bunker Hill provided data which indicated that the handling of the concentrate presents the most difficult control situation (Ex. 475–38B). Overhead conveyor systems are used, as are carts, to transfer the concentrate to refining furnaces. A detailed description of the existing technology was not provided, thus, it is not clear whether the conveyance system is totally enclosed, whether long material drops are used, whether protective curtains or barriers can be applied, etc. However, as Wagner stated, materials handling is a problem for most industries and existing, already tested, workable controls are available. Bunker Hill must assess the controls it has in place and determine their effectiveness. The extent to which upgrading or additional controls will be required depends upon the characteristics of the ores being handled, the extent of the dust problem, the exposure levels of the workers (eight-hour time-weighted averages) and the design of existing equipment.

In areas where exposure levels are high, improvements to existing ventilation systems may be necessary and, perhaps, the addition of worker observation booths. Where exposures moderately exceed 50 $\mu g/m^3$, proper ventilation, enhanced housekeeping and worker rotation may be sufficient to achieve compliance. Where levels are only slightly above 50 $\mu g/m^3$, worker rotation may suffice (Ex. 481).

(vii) *Conclusion: Technological Feasibility.* Compliance with the 50 $\mu g/m^3$ PEL within one year appears to be feasible for the silver smelting and refining industry, in most cases, simply by upgrading existing control technologies, using effective work practices and using worker rotation. Since silver smelting is, for the most part, a by-product of primary lead and copper smelting, the controls needed to achieve compliance with a 50 $\mu g/m^3$ PEL in these operations will also control lead exposure during silver recovery processes. In the refining of silver, improvements in the areas of material handling should bring the industry into compliance with the standard.

(c) *Platinum Smelting*

(i) *Uses.* Platinum is used as a catalyst in synthetic organic chemistry, in contacts for relays and switch gears, in resistors and capacitors, electro-chemical electrodes, spacts electrodes, grids for power tubes and radar tubes, fuel cells, thermocouples, retardants, and as an ingredient in corrosion resistant substances, hardening agents,

medical or dental uses, jewelry, reflecting ornamental surfaces, and brazing alloys (Ex. 476, 4L). Of the platinum metal refined in the U.S., new metal either as a placer or by-product from gold and copper refining accounts for a very small portion of the production, whereas attainment of the precious metal from recycling accounts for the largest production (Id.).

(ii) *Process Description and Exposure Areas.* There are two principal stages in the isolation of reasonably pure platinum metals from raw materials. One is the extraction of a concentrate of precious metals from a large body of ore. The other is the refining of the precious metals, which involves the separation of the concentrates from each other and, ultimately, their purification (Id.).

In one process most of the platinum metal is separated from the bulk of the copper and nickel during slow cooling of a Bessemer matte. During this cooling, the oxidation of sulfur is regulated and produces small amounts of metallic nickel and copper. The latter serve as collectors of the precious metals from the original ore, and separation of the metallic phase is facilitated because the phase is magnetic. The separated material can be concentrated to an even richer alloy, the electrolytic refining of which yields a rich concentrate in the anodic slimes. Smaller amounts of the precious metals are also recovered during refining of nickel either electrolytically or by the Mond carbonyl process. The separation from placer gold ores is also done electrolytically.

Areas of exposure are similar to those in gold and silver smelting (Ex. 481), exposure can occur at materials handling stages, during pyrometallurgical processes, and possibly during electrolytic precipitation.

(iii) *Controls Currently Used.* The controls necessary to achieve the 50 $\mu g/m^3$ standard in gold, nickel, silver and copper smelting would be the same controls necessary to achieve 50 $\mu g/m^3$ limit for platinum, since platinum is recovered as a by-product of the smelting of gold, lead, silver, copper, and nickel.

(iv) *Exposure Levels.* No data on levels of exposure were presented by any witnesses nor as part of any written submissions. Levels are assumed to be the same as those in gold and silver operations and to depend entirely upon the percent of lead in the ore (Ex. 481).

(v) *Population Exposed.* Approximately two hundred workers are exposed to lead in gold, silver, and platinum smelting combined (Ex. 481). The number potentially exposed in platinum operations alone is not known.

(vi) *Additional Controls.* Controls are not necessary to control lead exposure occurring as a result of platinum recovery, since platinum is recovered exclusively as a by-product of a gold, silver, copper, lead or nickel smelting process.

(vii) *Conclusion: Technological Feasibility.* Since platinum is recovered almost exclusively as a byproduct of the smelting of another ore, the controls needed to achieve 50 $\mu g/m^3$ lead exposure for the recovery of primary ore will also achieve 50 $\mu g/m^3$ in the recovery of platinum.

(d) *Secondary Smelting of Gold, Silver, and Platinum*

(i) *Uses.* The uses of silver, gold and platinum obtained from secondary operations are the same as for metals produced through primary production operations.

(ii) *Process Description and Exposure Areas.*—(*a*) *Sampling of Scrap.* Sampling is done to determine the content of materials so that the correct treatment for extracting the impurities may be selected. There are three major forms in which materials are sampled; (1) Sweep, which are the residues from jewelry and dental laboratories; (2) bullion, which are materials received in pigs or bars; and (3) slimes, which are the dried residues from electro-refining or electrowinning processes (Ex. 475–31).

Materials for sweep sampling are received in 55-gallon drums. The powder is mixed in double cone blenders, repackaged in the drums, the thiefed for sampling. Bullion bars must be melted, prior to processing, for sampling. Kaplan described AMAX as having a bullion room containing with five furnaces, four oil-fired and one electric to melt bars prior to sampling (Ex. 475–31). Sampling of slimes is accomplished by dumping the materials onto the floor and quartering and coning (Id.). The operation has already been enclosed in a separate isolated room, with that room placed under suction to a dust collector, in order to localize the problem (Id.).

(*b*) *Pyrometallurgical, Wet Chemistry, or Electrowinning Processes.* Following sampling, materials are fed either to the Dore furnace for pyrometallurgical treatment, or to the wet chemistry and electrowinning sections of the precious metals process (Id.).

The dore furnace is a special type of reverberatory furnace (Id.). Pyrometallurgical treatment is comparable to treatment performed in primary operations and basically involves the melting of the materials, separation, and skimming or raking. Chemical separation is also done quite often, of pyrometallurgical separation.

Sweeps and related materials containing nonmetallic particles can be treated by adding the appropriate flux to produce a low-melting slag. Litharge (PbO) should be present in the mixture and some of this is reduced to produce metallic lead, which dissolves the fine precious-metal particles. The resulting noble metal-lead alloy, which should contain a reasonable amount of silver, is oxidized in a later step to produce litharge, which is poured off, and the residual dore is treated electrolytically (Ex. 476–5G).

(*c*) *Refining.* A number of special problems arise in the treatment of precious metal wastes of various types, such as "sweeps" and in treating scrap containing copper, nickel, zinc, and possibly some iron, tin, and lead, plus gold and silver. Dilution of the zinc can be fumed off as zinc oxide, and iron, lead, and some of the tin may be slagged off. The precious metals remain with the copper and most of the nickel. This product can be made at the anode in a sulfate solution and most of the copper and nickel removed, the precious metals remaining as an anode slime or mud, which is further recovered through electrolysis (Id.).

In refining precious metal scrap and some concentrates, the gold is converted to its chloride by treatment with aqua regia. After heating to remove nitrogen oxide, gold is precipitated from this solution by reduction with sulfur dioxide or ferrous sulfate. Any platinum metals can be recovered from this solution after the complete precipitation of the gold. (Id.)

Silver also can be removed from dore metal by treatment with hot sulfuric acid. The gold remains undissolved but is lower in purity than that resulting from most other processes. (Id.)

Dore containing moderate amounts of gold can be treated by electrolysis in a nitrate solution. The gold does not dissovle but is retained in canvas anode bags. The silver deposits are very pure. (Id.)

Exposures may occur in sampling operations, in the dore furnace areas, and in chemical processing and electrostatic precipitation processes.

(iii) *Exposure Levels.* Typical exposure levels are not known, but Short's statement that "companies anticipate no difficulties or costs involved with compliance with the proposed standard" (Ex. 22, p. 235) indicates exposure level must be below 100 $\mu g/m^3$ as a general matter. At one site for which exposre levels were obtained, exposure in sweep sampling range from 15 to 5290 $\mu g/m^3$ (Ex. 475–

31). Typically, four workers are involved per shift. No information was given which indicated if these were personal samples or area samples, or if they were peak exposures or 8-hour time-weighted averages. The bullion furnace operations create exposures ranging from 17 to 530 $\mu g/m^3$ (Id.) These numbers also have not been characterized to determine accurately what environmental conditions are at this site. No exposure data were given concerning lead concentrations in the dore furnace areas.

(iv) *Population Exposed.* The Short Report did not separate the number of employees in primary recovery of gold and silver from secondary recovery (Ex. 22, p. 237), but the number is less than the total amount of 100.

(v) *Additional Controls.* Improvement of existing technology may be necessary for some plants; use of work practices, housekeeping, and worker rotation may also be necessary to achieve compliance with 50 $\mu g/m^3$.

Materials handling operations involving the sampling of sweeps pose some problems as a result of trade customs which dictate the methods and size of shipments (Ex. 475–31). While it may be true that this particular operation may require improved ventilation to recover lost precious metals from the ambient air as a result of these customs, an economic incentive for implementing such improvements is created by rising prices for precious metals (Ex. 22). Of course, one should also consider that the recovery of these precious metals is economically advantageous to the company (Ex. 481). However, where ventilation cannot be used to reduce levels to 50 $\mu g/m^3$, worker rotation can be used as a supplement to achieve compliance with the intent of the standard, to control worker exposure.

The electric furnace is amenable greater fume control with a lesser air volume than are oil-fired furnances (Ex. 475–31), thus, Kaplan suggests converting to all electric furnaces. This certainly is the most costly alternative; however, less expensive and technologically less drastic changes such, as the use of local exhaust ventilation, containment, etc., as suggested by Wagner, could also be utilized (Ex. 481).

Current trade practice dictates that only one method of slime sampling is acceptable, and Kaplan testitied that this is the method AMAX uses and that no further mechanization is possible under present circumstances (Ex. 475–31). In this case, stringent adherence to work practices, effective maintenance and housekeeping plans and worker rotation should be sufficient to reduce levels to 50 $\mu g/m^3$.

Improved ventilation of the dore furnaces may also be necessary. In Kaplan's example, improved ventilation was applied to prevent strong air currents from disrupting the air flow of exhaust hoods and to prevent contaminated air from being carried to other portions of the precious metals department. (Id.)

The importance of plant maintenance cannot be overstated. Repairing floors, leaking pipes, etc., can reduce or eliminate exposures in many instances. One example presented by Mr. Kaplan involved lead exposure in a leach room which resulted from lead emissions from the dore furnace area. It appeared that the leach room was located above and generally downwind of the dore furnace room, and the lead concentrations in the leach room were due to contaminated air rising from the dore furnaces. Kaplan felt that repairing the leach room floor, keeping the stairway opening closed, and installing a make-up air system to pressurize the room slightly would resolve this problem. (Id.)

(vi) *Conclusion: Technological Feasibility.* The most difficult areas to control appear to be in the materials handling processes. As Bill Wagner testified, the materials handling problems are common to many industries, and standard engineering controls do exist to reduce exposures in these areas (Ex. 481).

Controls for pyrometallurgical processes are also available and used extensively in primary operations and include hooding of tapping and skimming ports, ladles, pots, kettles, launders, etc. (Ex. 481) and are also applicable to secondary processes.

Even though there may be areas for which engineering controls *alone* may not be able to reduce exposures below 50 $\mu g/m^3$ (i.e., sweep sampling and slime sampling), effective work practices, worker rotation, and housekeeping can be used to control exposures to the 50 $\mu g/m^3$ level. The industry is, therefore, capable of compliance within one year.

(e) *Gold, Silver, and Platinum as By-Products of Lead or Copper Smelting Operations*

(i) *Uses.* The uses of these precious metals are the same as those discussed in the primary smelting of gold, silver, or platinum ores.

(ii) *Process Description and Exposure Areas.* The precious metal may also be recovered from the smelting of base metals such as lead and copper by the cupellation method. Subsequent processing to remove precious metals may involve chemical treatment to precipitate one or more precious metals or an electrolytic method.

The electrolytic method is the preferred means of separating precious metals from base metals in the U.S. One process uses anodes of dore silver, with the cathode being a movable silver belt with a light coating of oil. The belt moves in a trough of redwood coated with acid-resisting paint. The bath is silver nitrate, kept slightly acidic with nitric acid. The belt moves under the cathode, is brushed off automatically at the turn, and delivers silver powder. The anode is hung in a fabric basket in which the gold slime deposits. The slimes are collected, washed with sulfuric acid, and melted to recover gold metal (Ex. 476–4B).

The composition of the anode and cathode determines which precious metals will be precipitated electrolytically.

When precious metals are recovered as a by-product of the primary smelting of a lead or copper ore, the greatest exposure to lead occurs in the initial stages of the base metal processing. The feasibility of the standard in these operations has been established. The final electrolytic processing to remove the precious metals involves very little lead exposure.

(iii) *Controls Currently Used.* The technology necessary to achieve compliance with a 50 $\mu g/m^3$ standard in primary lead smelting and copper smelting will suffice to control lead exposure in the recovery of by-products such as gold, silver and platinum, since the lead in all cases is separated from the precious metals prior to electrolytic treatment.

(iv) *Exposure Levels.* Exposure levels during primary lead refining were discussed in the initial preamble (43 FR 54481–82). Exposure levels during primary copper smelting and refining is discussed in the primary copper smelting section. Data on lead exposure in electrolytic processes were not available.

(v) *Population Exposed.* Data were not provided indicating the populations exposed to lead as a result of the recovery of precious metals as a by-product. However, one can assume that the same population exposed in primary lead and copper smelting would also be potentially exposed in these refining processes.

(vi) *Conclusion: Technological Feasibility.* Since gold, silver, and platinum are recovered electrolytically as by-products of primary lead and copper smelting operations, the controls necessary to achieve compliance in primary operations would suffice to control by-product emissions.

(f) *Economic Feasibility: Precious Metals*

(i) *Cost of Compliance (Gold and Silver).* Industry submitted no cost data relevant to the recovery of precious metals as by-products from zinc and copper smelting. Although both ASARCO and Bunker Hill presented comments that referred to precious metal recovery, they submitted no data on controlling lead exposures in these areas (Ex. 475–28 and Ex. 475–38).

OSHA estimates that the cost of compliance in these areas will be between $500,000 and $1,500,000 (Ex. 481). These estimates were entered into the record and presented during the hearings. At no time did industry submit any data which would counter this estimate.

(ii) *Industry Profile.—(a) Gold.* In 1977, production of domestic gold was 1,100,000 troy ounces. Total value of shipments was $163,197,000 (Ex. 476–206). About 60 percent of gold is obtained from predominantly gold ores, while the balance (40 percent) is a coproduct primarily of copper and partly of other base metal productions. Of this base metal production, seven percent of the total gold mined involved lead ores (Ex. 476–206).

Three major smelting and refining companies produce 65 percent of domestic primary gold. These companies are Homestake Mining Co., Kennecott Copper Corporation, and Carlin Gold Mining Corporation. Three individual mines produce 63 percent of domestic primary gold.

Major uses of gold include jewelry and arts, dental supplies, industrial uses and investment. In 1977, 55 percent of U.S. demand for gold was for jewelry and arts, 15 percent for dental supplies, 25 percent for industrial uses and 5 percent for investment. There are no major individual demanders for gold in the U.S. With respect to the elasticity of these demands for gold, the demand for gold in jewelry and arts and in dental supplies is inelastic. There are very few acceptable substitutes for gold in these industries. However, with respect to industrial demand for gold, this appears to be much more elastic. As evidence, the industrial demand for gold in troy ounces fell by one-half between 1975 and 1977. Taking the place of the industrial demand for gold has been the investment demand for gold. Traditionally, gold has been considered to be a hedge against inflation because of its limited supply and its resistance to tarnish and corrosion. Expectations of inflation lead to this increase in the demand for gold and this component of demand becomes a larger and larger component over time as inflation remains unabated. Thus, minor cost increases in the production of gold are not likely to have a significant impact upon the gold market.

As relatively little gold is produced as a by-product of other metal refining and, as 92 percent of that by-product gold is currently recovered, other metals markets will have little impact upon total gold production. Recent gold price fluctuations simply illustrate the volatile nature of investor expectations and their impact upon the price of gold. These price increases have also shown that the secondary gold supply is extremely responsive to prices.

(*b*) *Silver.* In 1977, five primary and 17 secondary producers in SICs 3339535, 3341531, and 3341571 produced 111,623,000 troy ounces of silver and silver-based alloys. Total value of shipments was $388,300,000 (Ex. 476–20). Nearly one-third of silver is obtained from predominantly silver ores, while the balance is produced as a coproduct of copper, lead, zinc, and other mineral production. Nineteen of 25 mines from which silver was obtained were copper, lead, lead-zinc, and copper-lead-zinc-gold mines (Ex. 476–205).

Four major smelting and refining companies produce the bulk of domestic primary silver. They are ASARCO, the largest, and Bunker Hill, Kennecott, and U.S. Metals Refining Company (a division of AMAX). Three silver processing and fabricating firms consume nearly two-thirds of all domestic unmanufactured silver. They are Eastman-Kodak, Handy and Harman, and Engelhard Minerals and Chemicals (Id.).

Major uses of silver include photography, silverware, and electrical and electronic equipment. In photography, demand for silver is relatively inelastic since there are no suitable substitutes. The relatively low value of silver content in electronics applications in comparison to the high unit value of the end product, leads to an inelastic demand for silver in this use as well (Id.). Thus, price increases are not expected to adversely affect the firms in this industry.

However, since production is dependent on other metals, silver output also responds to economic factors other than the price of silver. Recent silver price fluctuations have been attributed more to speculation than to the gap between supply and demand (Id.). Future increases in market price will probably result in an increase in the supply of secondary silver.

(iii) *Conclusion: Economic Feasibility.—(a) Gold.* Over the past few years, the price of gold has risen dramatically. Mines that were previously closed because it was not economically profitable to work them have been reopened. Because of the relatively low compliance costs that gold producers may incur and the high rates of profitability in the industry, OSHA concludes that the standard will clearly not be financially burdensome in this industry.

(*b*) *Silver.* There has been a pronounced increase in the profitability of producing silver and other precious metals in the past few years. Given the relatively small compliance costs in this industry, OSHA concludes that the standard will not be financially burdensome to the silver producers and will not have an adverse effect on the economy as a whole.

(*c*) *Platinum.* There are no additional costs attributable to platinum smelting beyond those required to achieve compliance in the smelting of the primary ore.

18. Jewelry Manufacture

(a) *Uses*

Jewelry manufacture does not use lead in the actual production of pieces of jewelry, but lead solder is used in the laminating of two metals or in construction of items such as service emblems. The technological discussion relates to the soldering of jewelry.

(b) *Process Description and Exposure Areas*

Manual jewelry soldering is a typical soldering operation. Workers may solder at "bench type" operations where a soldering iron is used to melt solder to individual work pieces.

One large costume jewelry company reported that most costume jewelry soldering is done in furnaces (Ex. 22, p. 287). In one company having 500 employees, a total of one pound or less of lead solder is used per year (Id.).

(c) *Controls Currently Used*

One industry contact felt that 50 percent of the companies have well ventilated facilities at present (Id.). Local exhaust ventilation (see discussion in soldering section) and housekeeping can be relied upon to maintain levels below 50 $\mu g/m^3$ (Id.). Where furnaces are used to melt solder, proper ventilation, consisting of fugitive emission capture hoodings, is used.

(d) *Exposure Levels*

Data were not furnished by jewelry manufacturers. However, in comparable soldering operations (Ex. 476–404), breathing zone samples were less than 3 $\mu g/m^3$. One operation surveyed had mostly nondetectable levels, except for

one which was .018 $\mu g/m^3$ (Ex. 476–400). All levels in manual soldering were less than the 30 $\mu g/m^3$ action level (Id.).

(e) *Population Exposed*

Data indicating the number of workers exposed to lead in jewelry manufacturing were not available.

(f) *Additional Controls*

None are needed other than those already being used.

(g) *Conclusion: Technological Feasibility*

One company stated that if there was any lead exposure, its insurance company would know about it and would have made recommendations for corrections (Ex. 22, p. 287). A trade association representative stated that lead use in jewelry soldering has been studied at length by State and local officials, and that lead exposure was not found to be a problem (Id.).

Based on the data from comparable soldering operations, it would appear that companies in this industry are correct in stating that lead exposure poses no feasibility problem. Levels are less than 30 $\mu g/m^3$, which signifies that compliance with the standard is currently being achieved (Id.).

(h) *Economic Feasibility*

Since existing control technology will be sufficient to keep levels below 50 $\mu g/m^3$, there will be no compliance costs nor economic impact as a result of this standard.

19. Lamp Manufacturing

(a) *Uses*

Lead is used in the manufacture of incandescent lamps, either in the remelting of leaded glass to form specific parts or in the soldering together of parts (Ex. 22, p. 312).

(b) *Process Description and Exposure Areas*

Operations have been described quite differently at various locations. At the Quoizel Plant, glass patterns are set, copper foil is wrapped around the edges of the glass and lead flux is poured around the glass to glass interface (Ex. 476–215). At the General Electric lamp making facility, lead compounds are used primarily in the application of solder, in some lamp types, to seal the wires to the metal bases, and in lead glass, in flares at the base of lime glass bulbs (Ex. 476–214). While the specific manufacture of a product is variable, the exposure to lead results from either the reworking of a lead glass or a soldering process.

(c) *Controls Currently Used*

The basic controls include the use of local exhaust ventilation at points of exposure, such as melting, pouring and soldering areas.

(d) *Exposure Levels*

Exposure monitoring performed at the Quoizel Plant indicates no exposure to lead (Ex. 476–215). General Electric also has indicated that air levels are below 50 $\mu g/m^3$ (Ex. 476–214).

The three major lamp producers suggested that compliance with the 50 $\mu g/m^3$ PEL was achievable (Ex. 22, p. 312). General Electric also indicated that the 50 $\mu g/m^3$ limit had been achieved in soldering processes (Ex. 476–214).

(e) *Additional Controls*

No additional ventilation controls are needed. In fact local exhaust ventilation was not being used by the Quoizel Company and compliance was being achieved (Ex. 476–215). Soldering processes are already well ventilated and automated (Ex. 22, p. 312). It appears that existing technology, when coupled with good housekeeping, will enable these companies to remain in compliance with the 50 $\mu g/m^3$ standard.

(f) *Conclusion: Technological Feasibility*

Indications are that compliance has been achieved in the manufacture of lamps either through the use of engineering controls or by housekeeping and worker rotation. Companies have indicated that the 50 $\mu g/m^3$ PEL is achievable and, where monitoring data were compiled, levels were shown to be below 50 $\mu g/m^3$ and, in fact, they were nondetectable (Ex. 476–215).

(g) *Economic Feasibility*

Since compliance with the standard apparently has been achieved, there are no estimated costs for compliance, nor is any economic impact anticipated.

20. Lead Burning, Brazing, Welding and Surface Preparation

(a) *Uses.*—(i) *Burning, Brazing, and Welding.* Welding is a term applied to various processes that join pieces of metal by heat, pressure, or both (Ex. 476–5G). There are over 80 different types of welding and allied processes in commercial use; those allied processes include brazing and thermal cutting. Welding, brazing, and thermal cutting are widely applied in all industries where metals are used in construction, repair, and manufacture (Ex. 476–39).

Brazing is a process that produces fusion by using a nonferrous filler material having a melting point above 450° C but below that of the base metals. The filler metal is distributed between the closely fitted surfaces of a joint by capillary action. Thermal cutting (commonly referred to as burning) severs or removes metals by using welding heat sources. Thermal cutting processes include gouging, burning, and scarfing.

Recent technological advances have introduced new and more efficient welding and allied processes. The magnitude of these changes is shown by the change in materials used. In 1976, for the first time, stick electrodes constituted less than 60 percent of the electrode market. Ten years earlier, stick electrodes accounted for 75 percent of the filler metal used. The decrease in stick electrode production in 1976 indicated the trend towards automatic and semiautomatic welding methods using a continuous wire instead of rods (Ex. 476–39).

Many of the recently introduced processes are finding only limited application. Electron beam welding has found application in the aerospace and automobile industry; laser welding in automobile manufacture; and plasma arc, an extremely high temperature process, in cutting processes. (Id.)

(ii) *Abrasive Blasting.* This process entails use of an abrasive media such as sand, steel shot, or grit to remove a surface coating prior to painting. The construction industry has been exempt from the lead standard, however, the industry has not been exempt from complying with the provisions in 29 CFR 1926 which regulate abrasive blasting operations. So while some of the exposure data was compiled from abrasive blasting at construction sites, the exposures are comparable to abrasive blasting exposures found elsewhere.

(b) *Process Description and Exposure Areas*

Exposure to lead can occur in a variety of situations where any of these operations are performed and lead sheet or a lead containing product is being used. Specifically lead exposure results when workers must handle and weld, lead sheets and pipes for waterproofing, chemical resistance lining (this use has declined with the increased use of either specialty coatings or plastics, although a recent increase in lead sheeting for lining pollution control ductwork has been reported (Ex. 22, p. 244), non-sparking electrical bonding (i.e., lead floors for explosives manufacturers), when workers perform lead burning or braze leaded materials, or when lead surfaces are cleaned with an abrasive.

(i) *Welding.* Welding processes differ in the way heat is created and applied to the parts being joined. In arc welding, the most frequently used process, heat is created as electricity flows across a gap between the top of the welding electrode and the metal. In gas welding, the heat from burning gas melts the metal. As part of any welding process, filler materials, including welding rods, stick electrodes, or welding wire, are melted and added to the joint to give it greater strength. Lead exposure results from the welding of lead materials (Ex. 476–56).

(ii) *Burning (Cutting).* The fabrication or burning of joints previously formed or shaped is accomplished by utilizing a small torch (oxygen-acetylene), to heat a surface to a red color. Flame size is intentionally kept small, liquefying the smallest possible area. Lead exposure at burning operations results from the melting of the lead and the accompanying emission of fumes from this process (Ex. 22, p. 244).

(iii) *Brazing.* A nonferrous alloy is introduced in the liquid state between the pieces of metal to be formed. Four methods are used to heat the metal, (1) dipping the parts in a bath of molten metal; (2) furnace brazing; (3) torch brazing; or (4) electric brazing (Ex. 476–5G).

Exposures in all cases may occur at stationary places (such as in anode manufacture) or may involve movable sites (such as in the shipbuilding industry), or may simply be part of maintenance activities (such as repairing lead flooring in explosives manufacture) (Ex. 476–5G).

(iv) *Abrasive Blasting.* An abrasive substance is used to clean a surface prior to painting, or to remove dust and scale. This is usually accomplished by using compressed air to propel the abrasive. Exposure results from lead-containing abraded materials.

(c) *Controls Currently Used*

(i) *General Controls.—(a) Welding, Burning, Brazing Operations.* The reduction of fume concentrations within the breathing zone of a welder, brazer, or cutter can be accomplished by using either of two ventilation methods. The fume can be dispersed by diluting fume-laden air with uncontaminated air, or the fume can be captured by a hood collector connected to an exhaust system (Ex. 476–39).

Dilution ventilation can be provided either naturally or mechanically. Natural ventilation relies on wind currents or vertical temperature gradients to move the air. General mechanical ventilation uses fans to exhaust contaminated air and to provide clean make-up air in order to dilute the concentration of contaminants in the workplace air.

The use of local exhaust ventilation has been shown to be a practicable means of controlling the exposure of welders, brazers, and thermal cutters from fumes (which may contain lead) produced in their work. Compared with general ventilation, local exhaust ventilation can control fumes more effectively and is the preferred means of ventilation, provided the exhaust hood can be positioned close enough to the process to capture air contaminants.

In addition to ventilation, another method of lowering total emitted fume is the use of operating procedures that minimize the fume generation rate. The techniques identified in one report (Ex. 476–39) include using lower currents than those recommended by the manufacturer, using larger diameter electrodes, and positioning the electrode for minimum arc length, minimum contact tube-to-work distance, and maximum angle from the work. Slower speeds not only decrease the fume generated per unit of time but also per unit of length, because a lower temperature may be used (Id.).

Enclosure can also be effective in limiting airborne levels of fume. Electron beam welding, brazing, and cutting performed in a partial vacuum exemplify this practice. Dust emissions can be reduced by storing and dispensing powders in closed containers, (e.g., fluxes in submerged arc welding and filler metals in furnace brazing and thermal welding). Substitution of cleaner welding processes such as dip-arc and foil seam welding or the use of redesigned equipment such as the welding torch, can lower fume production. Proper selection of consumable welding electrodes can also lower total fume emission. Because of their widespread use, covered stick electrodes have been tested and reformulated to reduce fume generation. (Id.)

In the welding, brazing, and thermal cutting of metals, control of lead exposures also requires the use of well-designed work practices. Such practices, together with engineering controls, can minimize worker exposures to airborne lead. In open work areas, exposure to lead may be controlled by ventilation, but in confined spaces, the application of safe work practices becomes essential.

However, under some circumstances, respiratory protection may be necessary to adequately protect workers. Concentrations of a lead within a worker's breathing zone may reach an unsafe level because work is being performed in an area too confined to provide adequate ventilation, or because the quantity of emissions is quite high.

(*b*) *Abrasive Blasting.* The NIOSH criteria document entitled "Abrasive Blasting Operations Control Manual", provides a detailed discussion of the controls necessary to protect workers from the hazards of abrasive blasting, including lead hazards. In addition, OSHA's general industry standard for ventilation 29 CFR 1910.94(a) establishes requirements for abrasive blasting operations, some of which include the use of supplied air respirators when using certain abrasives or when blasting under certain conditions. Currently, the operations are controlled by using local exhaust ventilation in confined or enclosed areas in addition to supplied-air respirators.

(ii) *Specific Application of Controls to Work Operations.—(a) Welding/Burning/Brazing.* Lead burning operations are used quite extensively to repair or replace lead flooring. The lead flooring is approximately ⅜ inch thick and thus a relatively small flame is required for the burning of the lead (Ex. 475–37). This results in very few lead fumes being generated and thus low exposure. Lead emissions occur where the torch melts the surface. Local exhaust ventilation at the point of emission is often used to control exposure. Respirators are also used.

Republic Lead is primarily engaged in the manufacture of lead anodes used in the electroplating industry. Each of eight lead burning stations has local exhaust ventilation and the workers wear respirators while burning (Ex. 476–222). After evaluation, NIOSH concluded that Republic's ventilation system should be revamped and recommended the installation of local exhaust for the hook coating and the specialty casting process, stressed the importance of assuring that local exhaust ventilation hoods be maintained close to the point of contaminant generation, suggested that the temperatures of the small lead pots be thermostatically controlled, and recommended improving housekeeping within the plant since it was believed that fugitive dust contributes significantly to air lead levels and employee exposures. Finally, NIOSH noted that in two instances where lead burning hoods were being operated, air movement from an open door created air turbulence sufficient to override the capture velocity of the exhaust system, thus rendering the engineering controls ineffective. (Ex. 476–222).

NIOSH also surveyed Texaco Incorporated's Casper, Wyoming welding facility (Ex. 476–223). NIOSH's measurements and calculations for this plant indicate that the new ventilation

systems had (lead burning hoods) adequate capacity, but modifications would increase air flows through the system. These modifications include (1) decreasing the amount of flexible duct since it has a high resistance, (2) keeping bends, in the flexible ducts to a minimum, and (3) using a more conventional type of hood in the place of the present hoods whose slot lengths of 2 to 4 feet are not ideal. Keeping the hoods close to the point of contaminant generation would assist in assuring a minimum capture velocity of 200 fpm, since the capture velocity at the point of contaminant generation decreases with distance from the hood. Lead exposures resulted from: (1) Lead aerosols generated from the lead burning processes, and (2) re-entrainment of lead-containing dusts into the air caused by foot traffic, air currents, fork lift usage.

In one instance, engineering controls at a lead burning operation consisted of large floor fans designed to blow fumes away from employees, but when the fans were mispositioned they blew fumes into other work areas. (Ex. 476–221)

(*b*) *Abrasive Blasting.* A 1975 NIOSH health hazard of demolition and reconstruction activities performed at seven missile silo sites in the Minot, North Dakota, area discovered that sandblast helmets were being used by workers performing sandblast operations (Ex. 476–220).

(d) *Exposure Levels*

(i) *Welding/Burning/Brazing.* One company reported that airborne lead exposure for workers performing lead floor burning is 10 percent to 25 percent of the previous T.L.V. of 200 $\mu g/m^3$ with no local ventilation (Ex. 476–37), thus exposure levels are at or below 50 $\mu g/m^3$ PEL.

Other air samples, both personal and fixed location, were taken to indicate exposures to, and general ambient levels of, lead. The personal air sample results for lead ranged from 60 $\mu g/m^3$ to 1,180 $\mu g/m^3$ with a mean of 300 $\mu g/m^3$. The fixed location samples ranged from 20 $\mu g/m^3$ to 150 $\mu g/m^3$ with a mean value of 100 $\mu g/m^3$.

Specific personal sampling results reflected the following lead exposures: lead burning of hooks to anodes, 60 $\mu g/m^3$ and 1,180 $\mu g/m^3$; lead burning involving coating of hooks, 150 $\mu g/m^3$; grinding and miscellaneous work, 170 $\mu g/m^3$; and plastisol coating and crating, 60 $\mu g/m^3$. Area samples indicated the following lead concentrations: Adjacent to burning station, 20 $\mu g/m^3$; 3 feet from lead casting pot, 150 $\mu g/m^3$ and adjacent to lunch room table, 90 $\mu g/m^3$.

Lead levels were measured in several areas of the plant. In the thermal spraying area, lead levels were reported to be less than 111 $\mu g/m^3$; in the torch brazing shop, described as a 20x20 foot enclosed room with local exhaust, 330 $\mu g/m^3$ of lead were found; and in an unenclosed but locally exhausted torch brazing area, 550 $\mu g/m^3$ of lead were found. (Ex. 476–222)

(ii) *Abrasive Blasting.* Results of data collected at four different missile sites where abrasive blasting was being done were reported by NIOSH. Ten measurements taken at one site ranged from 0.8 to 5,300 $\mu g/m^3$ with a mean of 1,470 $\mu g/m^3$. At a second site, nine measurements ranged from 8 to 620 $\mu g/m^3$ with a mean of 230 $\mu g/m^3$. For a third site, nine samples ranged from 20 to 19,000 $\mu g/m^3$, with a mean of 4,340 $\mu g/m^3$. At the fourth site, two samples indicated lead levels of 210 and 200 $\mu g/m^3$. Respirators were being used.

(e) *Additional Controls*

The controls needed to comply with a 50 $\mu g/m^3$ standard consist of simple straight forward portable or fixed local exhaust ventilation. However, some operations or locations are not amenable to engineering solutions, and respirators may also be necessary. Less reliance on respirators may, however, be accomplished by employers relying upon worker rotation. In fact, OSHA expects that employers will use existing ventilation equipment, maintain this equipment in optimum order, and rotate workers, in an effort to comply with 50 $\mu g/m^3$ in difficult compliance situations.

Fred Mabry of the United Steelworkers described one situation where engineering controls were effectively utilized in reducing lead exposures during lead burning operations (TR 533–525).

Mr. Mabry testified:

> When lead burning is done in a stationary location adequate ventilation can be used. At other times, there are other devices that perhaps could be available. One of those devices could be a welding suction device which is not that expensive; in this case it cost them less than $1,000 each for two complete units, which consisted of two 4-inch suction hoses with a magnetic pick-up head so that it would stick to the iron wherever they needed it. This was sufficient to remove all the welding fume including the lead from all four welding stations completely.

Charles Billings of Johns Hopkins University, also testified on exposure control technology (TR 140–141).

> But there is no reason why control technology that is presently developed cannot be applied to that. The problem here is an infrastructure problem, an implementation problem. For example, there are small, portable control devices which can be applied to any welding application. They simply have to buy it, instruct the welder how to use it, and make sure that the welder does use that. Now, you argue that involves participation on the part of the welder, and I think it does. But for the case where you are welding, and the material that you are welding, you have to move, your control technology has to move with it, and it isn't the same situation as a fixed location might be.

(g) *Conclusion: Technological Feasibility*

Inexpensive ventilation can be employed in most cases to effectively control fumes generated during welding, burning, and brazing operations. In some limited operations or locations engineering controls alone may not be effective in reducing exposures to below the PEL and supplemental respirators will be required.

21. Lead Casting

(a) *Uses*

Lead casting, as discussed in this section, relates to casting of finished special order or routinely manufactured products. The type of casting used to form pigs, ingots or billets by primary or secondary lead smelters and refineries is not covered here, but instead is discussed as part of primary and secondary lead processes.

The American Die Casting Institute states that only a few of its members continue to cast lead, and this is done only upon special customer request (Ex. 22, p. 291). Castings are most often made of aluminum, zinc and magnesium, since those metals are lighter, cheaper and have better mechanical properties than lead. Lead is used when greater corrosion resistance and weight are needed. In fact, lead has generally been replaced by plastics and lighter metals. One establishment reported that lead is cast only as a customer service and is not a money-making proposition. Also, in this instance, lead is cast in a separate facility to prevent contamination of the aluminum and magnesium casting processes. Lead casting is still used, to some extent, in making weights used balancing automobile wheels, in fishing weights and in industrial size expansion shields (Ex. 22, p. 291).

(b) *Process Description and Exposure Areas*

When lead is cast, it is melted to a barely fluid state and poured. One company described its process as having 17 pots, ranging from 1 to 10 tons with a 3–5 ton average, and a gas furnace melting lead for casting. Metal is either hand ladled or pumped into

molds. The hardened castings may then require further finishing prior to sale. Exposure results from the melting, pouring, casting and finishing of lead castings (Ex. 22, p. 291).

(c) *Controls Currently Used*

Melting pots are equipped with exhaust ventilation. Material conveying systems may also be hooded and ventilation hoods are often placed over the casts. Of course, any grinding, buffing or polishing would require the use of local exhaust ventilation also (Ex. 476–228).

(d) *Exposure Levels*

The company estimates that 50 $\mu g/m^3$ is usually achieved but occasionally exposures do go above 50 $\mu g/m^3$. Data were not submitted which indicate whether these were personal or area exposures (Ex. 476–228).

(e) *Population Exposed*

No data are available on the number of employees exposed above 50 $\mu g/m^3$, although based on data which indicate that lead specialty casting is being replaced by substitutes, the number is expected to be very low (Ex. 22).

(f) *Additional Controls*

Housekeeping and worker rotation may be necessary to ensure that levels remain below 50 $\mu g/m^3$.

(g) *Conclusion: Technological Feasibility*

Conclusion. The data suggest that levels are presently at or very near 50 $\mu g/m^3$ in this industry, although exposures occasionally exceed 50 $\mu g/m^3$. Existing engineering controls appear to be sufficient for maintaining levels at 50 $\mu g/m^3$, in general, with intermittent exposures being controlled by worker rotation. Housekeeping and maintenance may need upgrading since controlling general exposures to the lowest limits will allow occasional excursions to be accommodated with minimal effort.

(h) *Economic Feasibility*

Compliance costs were not furnished by the industry. However, since compliance is generally being achieved through the use of existing ventilation controls and work practices (except for occasional excursions) any additional compliance costs should be minimal and should be for the less costly controls, such as improved housekeeping or worker rotation.

22. Lead Chemical Manufacture

(a) *Uses*

Lead based chemicals may have many uses some of which are plasticizers, stabilizers, catalysts, oxidants, soaps, and colorants. Some common lead chemicals are: red lead, a rust-inhibitor and a component in positive storage battery blends and in ceramics; lead dioxide, used as a powerful oxidizing agent in the dyeing and chemical industry; lead silicates, used as a stabilizer or inhibitor; lead oxide, which has many uses as an ingredient to form other lead compounds and as a litharge in numerous chemical processes; and the lead soaps, which are used extensively in the polyvinyl chloride (PVC) industry as stabilizers, as driers in paints and varnishes, and in lubricating greases. (Ex. 476–4B).

Lead Stearates and lead 2-ethylhexoate are stabilizers for vinyl and other plastics. Lead stearate is used in the metal powder and molding industries. Other lead soaps include the following:

lead caprate
lead undecylenate
lead laurate
lead myristate
lead palmitate
lead dibasic stearate
lead resinate
lead neodecanoate
lead lignocerate
lead cerolate
lead melissate
lead hydrocarpate
lead chaulmoograte
lead linoleate
lead 2-ethylhexoate
lead tallate [7]

(b) *Process Description and Exposure Areas*

(i) *Lead Pigments (includes lead oxides).* The primary metal, lead, is fed to a smaller melting pot at approximately 900 degrees F. Following an air/stream oxidation and separation process, the oxides of lead are produced (Ex. 476–235). See Pigment section.

(ii) *Lead Soaps.* Lead soaps are produced mainly by *chemical* specialty companies in a batch process in a *partially* closed kettle. The powdered lead litharge is added to the kettle under a slight negative pressure so as to draw the lead dust into the pot. This process takes about 15 minutes, and generally is not performed more than once a day. Precautions are taken to reduce lead litharge dust and the empty shipping bag is sealed in plastic for disposal. Companies monitor employee air-lead exposures by urine and blood sampling.

Only employees involved in dumping and mixing the lead litharge could be generally exposed to inorganic lead. These employees wear respirators and protective equipment (Ex. 22, p. 316).

(c) *Controls Currently Used.*

Most exposures result from handling and mixing lead containing materials. (Id.). As discussed in lead pigment manufacture and plastics manufacture, automated or mechanized materials handling systems, hooding and enclosure of mixing operations, and worker control booths have been used successfully in some plants to control exposures. (See these sections for a complete discussion.)

Cyanamid (Ex. 475–30) submitted data on the compliance activities at their plant. This company manufactures litharge (lead oxide) and from the lead oxide produces other lead chemicals. The process here basically involves acquiring the raw lead, melting, oxygenating and separating out oxide. As a result of several OSHA inspections it was determined that lead levels were in excess of the PEL and after negotiation an abatement plan was devised. This plan would include, many changes, some of which are: Local exhausting of the screening station, dryer, and drossing door; enclosing the screw conveyor feeding the pre-oxidizer; replacement of one mill with an enclosed mill which does not require routine mill screen examination; modifying the drumming station by lengthening the feed chute to reduce dust generation and the hopper by flanging the hood to improve dust collection efficiency; enclosing four dust collector dumping stations; balancing ventilation systems; and improving maintenance by applying new seals; reducing leakage from screw conveyor seals and gaskets, etc.

Blood lead levels prior to 1971 were very high at this plant with 5 employees having levels above 100 ug/100g of blood. Recent levels average at 42 ug/100g. Cyanamid attributes this to stringent management of employee practices (work practices), improved respiratory protection, and engineering modifications.

(d) *Exposure Levels*

(i) *Lead Oxides.* Data was not submitted by the companies indicating the levels to which workers are exposed. OSHA is aware that Cyanamid (cite to 475–2 or 475–30) had levels in excess of 50 $\mu g/m^3$; however, compliance with the abatement plan should reduce levels to below 50 $\mu g/m^3$. On follow-up OSHA found that levels in some part of the process were in compliance with 50 $\mu g/m^3$. (Ex. 476–16).

(ii) *Lead Soaps.* Due to precautions now taken, exposures to inorganic lead are low. (Ex. 22)

(e) *Population Exposed*

(i) *Lead Oxides.* Data on the numbers of workers exposed to lead oxide as a result of its manufacture was not available.

(ii) *Lead Soaps.* In one establishment that produces thousands of specialty chemicals, 12 employees out of 240 production employees are potentially exposed to inorganic lead. (Ex. 22, p. 317). A total of 12 companies are reported to make lead soaps with an estimated total of 240 employees nationwide being potentially exposed to lead. (Ex. 22)

(f) *Additional Controls*

Controls already in place or soon anticipated to be in place are expected to achieve compliance with the 50 $\mu g/m^3$ standard. Clearly, in some cases, enhancement of existing controls will be necessary. In the survey done on the N.L. Industries plant, recommendations were made to improve local exhaust ventilation, isolate and enclose dusty operations, and improve housekeeping. (Ex. 476–309). Cyanamid has an abatement plan which includes many ventilation improvements. In addition, housekeeping and worker rotation will be necessary in difficult to control areas.

(g) *Conclusion: Technological Feasibility*

Although exact exposure levels were not available, the Agency knows that lead exposure may be a problem in this industry due in part to the similarity in processes between this industry and the lead pigment industry. Exposure may be high in some cases, due to the failure on the part of the industry to automate, mechanize, etc. This same failure puts the industry at a competitive disadvantage with regard to more modernized foreign competitors. Compliance is achievable even in the most difficult of situations such as that faced by Cyanamid. Controls exist for materials handling problems, and enclosure of mixing operations has been done successfully by many plastics firms. This industry may, however, need an amount of time for compliance comparable to that given the pigments industry, not because the technology is not available, but because the industry has been laggard in some cases in keeping up with control technology.

23. Lead Pigments Manufacture

(a) *Uses*

Pigments are used as the colorants for linoleum, plastics, paints, rubber, pottery, glass, and other products. They also serve as plastics stabilizers. Pigment products include lead chromate-lead molybdate (molybdate orange), red lead, lead sulfates, lead carbonates, lead silicates, lead oxides, and lead chromates. Lead chromate is by far the most commonly used.

(b) *Process Description and Exposure Areas*

The manufacture of pigments involves a number of different processes. Only pulverizing and grinding processes for reducing the particle size are common to all members in the class. Inorganic pigment manufacture is a combination of chemical-physical processes involving both wet and dry reactions and including precipitation, filtering, washing, fusing, calcining, etc. The processes may be carried out as a batch system, as continuous production, or as a combination of the two.

Pig lead is often the basic raw material in inorganic lead pigment; litharge and other lead forms, however, are sometimes used. Because litharge is a powder, it presents the potential for lead exposures at every transfer point. Filtering, drying, grinding, sizing, grading, blending, and bagging are all considered to be areas of potential exposure to lead. Cross contamination between operations also occurs.

DuPont (Ex. 476–269) manufactures, among others, yellow lead chromate, orange lead chromate (molybdate orange), and "Krolor," a silica-encapsulated lead chromate containing pigment. The pigments are made by both batch and continuous processes. In the initial stages of the batch process for the manufacture of yellow lead chromate, an aqueous sodium chromate solution is reacted with a lead nitrate solution. To make the orange pigment, some of the sodium chromate solution would be replaced by a sodium molybdate solution at this stage. From there, the pigment slurry is dewatered in a filter press, then dried, ground, blended, and packaged.

To make Krolor, bags of dried lead chromate pigment are manually dumped into tanks and slurried in water. This water pigment dispersion is then silica coated in a strike tank. All operations after the silica strike are identical to the molybdate orange batch process.

Manual handling operations of the batch process for all of these pigments involve loading wet presscake from the filter press onto dryer trays, transporting and dumping dryer cars, dumping dried material into grinders or blenders, packing pigment out of the blenders into bags, and dumping dry pigment into dispersion vats for processing Krolor. All of these operations require manual handling of dry pigment and result in exposure to lead.

Contamination between colors and even between shade grades is detrimental to product quality. Consequently equipment is dedicated to specific product groups; there are five separate tank/press units for the "Krolor" operation and three tank/press units for molybdate orange. The equipment is spread over four separate buildings.

Sodium chromate (or sodium chromate/molybdate solution) and lead nitrate are continuously reacted to produce a pigment slurry. The slurry is continuously dewatered and washed in centrifuges, then discharged to a belt dryer. The dried pigment is automatically conveyed to a grinder and the packing system where bags are manually filled.

The unit is operated on a campaign basis with cleanouts between color grades. The campaign cycle consists of the manufacture of zinc chromate, followed by a major cleanout; primrose shade lead chromate cleanout; light shade lead chromate, cleanout; medium shade lead chromate, followed by a major cleanout; and molybdate orange, followed by a major cleanout.

The most significant dust exposure sources in the continuous unit include: packing the finished product into bags; attending the dryer and grinder operations, which requires entering their enclosures; and cleaning operations for the centrifuges, belt dryers, and grinders.

Cleaning operations are performed about once every 2 weeks and take 28 to 48 hours to complete. This operation involves high pressure water cleaning of about 10 process tanks, opening of the continuous belt dryer for vacuuming and washout, opening material transfer equipment including five screw conveyors and bucket elevators for vacuum cleanout, and cleaning of storage bins, product collectors and packing equipment. Each of these cleaning operations presents a lead exposure problem for employees performing the cleaning and introduces airborne lead into surrounding work areas.

(c) Controls Currently Used

DuPont described engineering controls to reduce pigment dust exposures which are presently in place or contemplated for installation (Ex. 475–37).

In the early 1970's, enclosures were installed in the continuous unit at the dryer and grinding equipment locations. Special gaskets and seals were added to the material transfer equipment to reduce dusting. In a typical day, an employee will fill over 500 bags. To pack these products, a pressured, air flow packer is used. The packer is susceptible to dust generation if slight seal problems occur or as the filling air pressure is relieved to take the bag off the packer. In 1977, a simple exhaust hood was installed at the packer. DuPont reports that operator exposure (95 percent value) is 266 to 2,921 $\mu g/m^3$, as an 8-hour TWA. An improved exhaust hooding system was installed at the bag packing station with levels being reduced to 127–182 $\mu g/m^3$. This system included:

—Digital check weigh scale enclosed in a hood with 250 feet per minute face velocity;
—Catch pan and partial enclosure under and around the packer filling spout to catch any spills;
—High velocity exhaust from around the filling spout to control leaks during bag filling and puffs of color when the bag is removed;
—Exhausting all hoods to an existing scrubber system used primarily to service the dryer;

In 1974, DuPont installed a new system to control dust during the unloading of tray dryers into drums during batch processing. Facilities included:

—Separate building area for the unloading operation;
—Two tray dryer dumping stations with exhaust hoods pulling 250 feet per minute face velocity with a hoist system to raise or lower cars so dumping only occurs at waist to shoulder height;
—Monorail system for moving and staging dryer cars;
—Conveyor system for removing full pigment drums;
—Hooding and ventilating (H & V) system for the dump hoods and staging areas;
—Portable vacuum floor scrubber;

DuPont reports the dry room operator's (95 percent value) 8-hour time-weighted average exposure is 1,100 $\mu g/m^3$. DuPont has also indicated that they have in progress work to increase the laminar flow fresh air supply which will provide a slight reduction in dust levels.

In 1975, a completely new inorganic finishing area was constructed for dust control. The new facilities included:

—Three separate grinding lines dedicated to different product groups to reduce cleanout; and
—Two large blending lines with wet packers.

Dust control features included:

—Enclosure of grinding equipment in separate rooms;
—Isolation of equipment where possible;
—Exhaust hoods at all pigment dumping locations;
—Specially developed packers that reduce dust generation and which are equipped with exhaust hoods.
—Tote bin filling and unloading equipment; Tote bins are used in place of drums for interim storage between grinding and blending;
—Separate tote bin storage area;
—Automatic bag dumping machine. (This proved to be unsatisfactory and did not live up to the vendor's claims);
—Central vacuum clean-up system;
—Portable vacuum floor scrubber;
—Central exhaust system and dust collector (36,000 CFM);
—Central H & V system;

With completion of this project, DuPont reports that dust levels were significantly reduced. The 95-percent, 8-hour time-weighted average values for employees assigned to this area were stated to be 428–1,122 $\mu g/m^3$.

New dumping hoods were installed in the "Krolor" manufacturing process in late 1979. The new facilities included:

—Two dumping hoods with very small open areas and 250 feet/minute hood face velocity. One hood is used for yellow, and one hood for orange;
—Unit dust collectors mounted directly over the hoods which can recycle captured dust;
—Side slot inside the hood for transferring empty bags directly into a plastic bag for disposal. Before this, empty bags were placed inside a plastic bag which was kept outside the hood;

Since the installation of the new dumping hoods, 13 8-hour time-weighted average personal breathing zone samples reported by DuPont showed employee exposure when making "Krolor" to range from 1 to 119 $\mu g/m^3$ and to average 26 $\mu g/m^3$.

Engineering controls considered by DuPont to reduce exposure levels in the continuous process include replacement of grinding and packing systems, installation of flash or spray dryers and dust collection H & V systems. For the batch process DuPont is considering installing packing area air-sweep rooms, automating drumming and bag dumping operations, and utilizing ultrasonic, dryer car cleaning, and additional hoods and dust collectors.

With the installation of these controls, DuPont estimates that dust levels in lead chromate pigment manufacture could be consistently (95 percent value) controlled to 200 $\mu g/m^3$ (8-hour TWA) and optimistically as low as 100 $\mu g/m^3$, (8-hour TWA). Additionally, DuPont states that regardless of the extent of engineering controls, the need for respirators during the following operations will always be necessary:

—Equipment cleanout for color grade changes,
—Equipment malfunction repairs such as cleaning jammed mill air lock (1,830 $\mu g/m^3$, 8-hour TWA measured 5/13/80), unjamming mill chute (1,975 $\mu g/m^3$, 8-hour TWA measured 5/12/80), cleaning air ducts (3,882 $\mu g/m^3$, 8-hour TWA measured 9/4/80);
—Equipment servicing requiring work in the blender pit (640 $\mu g/m^3$, 8-hour TWA measured 8/21/80);
—Changing dust collector or product collector bags;
—Mechanical work inside grinding equipment enclosures;
—Unloading tray dryer cars. During this operation, the employee can accidentally drop the tray causing dust or the tray may get stuck in the car and have to be forced out;
—Packing pigment bags can break, usually at the seam, during bag filling.

The project to automate drum and bag dumping to reduce dust levels in the batch finishing area is underway and, according to DuPont, the use of additional technological controls that will give significant reductions at reasonable cost will be undertaken. DuPont did not specify when the additional controls would be available nor did they indicate to what extent "significant reductions" might be achieved.

Information on pigment production at the Harshaw Chemical Company was also provided to the record (Ex. 476–244). The number of employees exposed at the Harshaw plant is small, since the process is not labor intensive. At Harshaw only two or three workers are required at one time at each stage of the process, i.e., precipitation, filtering, spray drying, milling, and packaging.

This company has replaced some equipment in their plant and has eliminated some processes, such as press filtering and tray drying, which were the source of high employee exposures. The process has been modified so that pigment precipitate slurry is now pumped from batch tanks through a continuous filter, then the wet precipitate is conveyed to a spray dryer after which the dry pigment is conveyed to a mill, and then to the bagging operation. Exposures at the bagging operations are reported to be the most

difficult to control. Some exposure may also occur at the milling operation. Most Harshaw production line workers are estimated to have 8-hour TWA exposures below 100 $\mu g/m^3$ of lead and some are below 50 $\mu g/m^3$ of lead, according to a Harshaw spokesman. Enclosure and local exhaust ventilation have yielded the best results in lowering exposures.

Changes of production from one color to another at Harshaw were not reported to be a serious source of lead exposure. The company employs separate production lines for dark shades, light shades, etc., of lead chromates and a separate line for molybdate orange. Color changes are made from one shade to a slightly different shade, resulting in the need for less frequent equipment cleaning. Thus it appears that installing separate production lines for different colors and graduating slightly from shade to shade during the runs could reduce equipment breakdown and resulting release of lead into the surrounding work area.

Hercules, Inc., of Wilmington, Delaware, manufactured lead-containing pigments until recently. A company source familiar with Hercules' process when in operation provided the following information on lead chromate pigment manufacture. (Ex. 476–245).

Solubilization of the lead before reaction with a chromate solution was mentioned as a possible source of employee exposure, particularly if pig lead is the raw material used. The lead is melted and poured into a stream of rapidly moving water to "feather" and increase surface area. The feathered lead is partially dissolved in acetic acid, using a series of tanks in which there is a continuous counter current flow of the acid over the lead particles. Lead which does not dissolve in the acetic acid is then dissolved in similar tanks using nitric acid. The employee lead hazard is exposure to the acid mists containing soluble lead acetate or nitrate.

The Hercules spokesman stated that some companies now buy litharge for a raw material and dissolve it in nitric acid, so the process can more readily be enclosed.

Various shades of chrome pigments can be obtained by coprecipitating lead sulfate with lead chromate. A high proportion of lead sulfate gives a light lemon color, while very little lead sulfate gives orange to primrose colors.

The Hercules representative felt that the degree of difficulty and the available technology for controlling lead exposures is about the same for lead chromate pigments and other lead pigments (such as litharge, red lead, lead carbonate, lead sulfate, lead silicate, etc.). All involve handling a dry, fluffy powder with small particle size. Bagging is a problem for all lead pigments. The ultimate control technique in bagging involves automation of the process so that the operator can control it from within an enclosure.

The Hercules pigment facility has been purchased by the Ciba-Geigy Corporation. A company representative for Ciba-Geigy indicated that they were presently in the process of planning and implementing engineering modifications to reduce exposures during the pigment manufacturing process. Though no details were provided by Ciba-Geigy, the company source indicated that they felt they could achieve compliance with a 50 $\mu g/m^3$ exposure limit by March 1, 1984. (Ex. 476–262).

Finally, Kikuchi Color and Chemicals, Paterson, N.J., provided details on their operations. (Ex. 476–264). Kikuchi Color and Chemicals is a subsidiary of a Japanese company of the same name, headquartered in Tokyo. The Paterson, N.J., plant makes a single product, a lead chromate pigment. The color is constant, except for minor adjustments to achieve the desired hue.

Mixing of chemicals to form the lead chromate precipitate is done by a batch process where no significant lead exposures are reported. All other steps are automated and enclosed. These steps include washing, centrifuging, conveying to the oven dryer, conveying to the bagger, and bagging.

The plant is entirely new. It has been in operation for 11 months. The plant employs nine people. Pigment is produced in batch tanks, and pumped to a washer. From the washer, the pigment is pumped as a slurry to the centrifuge. From the centrifuge, a concentrated slurry is pumped to the feed tank for the oven dryer. The dry pigment is conveyed pneumatically to the bagging station. No grinding is required.

The Paterson plant produces a medium chrome yellow pigment. The hue is carefully controlled by sampling the pigment at the washer and analyzing it in the lab. Color adjustment is made as needed by pumping the contents of one batch tank into another batch tank. All blending is done by pumping slurries. No blending is done at the "dry end."

Under the present bagging system, pigment is poured into open top bags, and the bagging operator then sews the top of each bag. The new equipment being sent from Japan in November will allow Kikuchi to convert to valve-type filling. That new equipment will consist of a conveyor line which will carry an empty bag with the top already sewn, to a scale. A filling spout will introduce pigment into the bag through an opening on the side near the top of the bag. Air will be sucked from the bag as pigment enters it. The pigment feeder will be automatically stopped at 50 pounds, and the bagger will remove the filling spout and close the bag manually.

The new ventilation system for the bagging station will be mounted above the bagging station, with the bagging operator external to it. It does not involve any new technology, and according to Kikuchi, similar systems could be easily developed by other companies. The unique features are multiple points for dust pickup and dust control equipment inside the enclosure so that the unit is self-contained.

Even with their present equipment, Kikuchi stated that there is very little dust on the outside of the filled bags and they have had no problem with bags breaking. Thus, warehousing involves little lead exposure.

The New Jersey Department of Labor and Industry inspected the facility and found that the only lead exposure in excess of 50 $\mu g/m^3$ was at the bagger. Eight-hour TWA lead levels included: Bagger operator—66 $\mu g/m^3$; Centrifuge operator—45 $\mu g/m^3$. The two operators sampled spent the entire workday at their respective work stations. Following advice offered by the New Jersey Department of Labor, ventilation was improved at the centrifuge and the bagger. The exhaust system at the centrifuge was modified to vent directly to the outside. The exhaust system at the bagger was upgraded to achieve better capture of the pigment. Kikuchi is hopeful that lead exposure of the bagger operator is now below 50 $\mu g/m^3$ and that lead concentrations at the centrifuge are significantly lower. A vacuum clearner is used at the bagger for spills, and the entire plant is kept as clean as possible and is now being repainted.

In summary, Kikuchi reports that no new technology was required to achieve their present, relatively low air lead levels in the plant and that the key elements to exposure control are good enclosure of processes and good ventilation.

(d) *Exposure Levels*

Exposure levels vary greatly in this industry from highs reported at DuPont's pigment facility in maintenance operations where levels of 1,830, 1,975, 3,882, 640 $\mu g/m^3$ were reported (Ex. 475–37), to a low at Kikuchi Color and Chemicals (Ex. 476–264) at which all levels in the plant were below 50 $\mu g/m^3$. Harshaw (Ex. 476–244) reported levels of most production line workers to be

below 100 $\mu g/m^3$ with some levels being above 50 $\mu g/m^3$.

(e) *Population Exposed*

The number of production employees in lead pigment manufacturing is estimated to be 2,000. DBA's survey of several plants indicated that 90 percent of the workers were exposed to levels of lead above 100 $\mu g/m^3$. (Ex. 26, p. 5–93)

(f) *Additional Controls*

DuPont predicted that the additional, conventional controls, exposure could be controlled at least to 200 $\mu g/m^3$ and possibly to 100 $\mu g/m^3$. (Ex. 475–37). Kikuchi and Ciba-Geigy suggest that there appear to be controls available to achieve compliance with the 50 $\mu g/m^3$ standard (Ex. 476–262, 478–2). However, most pigment plants appear to be rather old structures which were originally built with no consideration given to dust control. Subsequent additions of control equipment have required great capital expenditures because of the antiquity of plant design and the difficulty of retrofitting equipment with controls. This lack of modernization is also reflected in the stiff competition experienced by American firms with more modernized foreign competitors.

Even though the technology exists, continual retrofitting of equipment in this industry poses problems and in some cases firms could be required to make major changes.

(g) *Conclusion: Technological Feasibility*

The Court of Appeals rejected OSHA's original conclusion that compliance could be achieved if employers undertook major renovations and redesign of outmoded plants and equipment. It objected not to the notion that OSHA had the authority to require major rebuilding in an industry (if it were economically feasible), but to the lack of "logic and supporting evidence" (Slip opinion, p. 210). The Court cited the absence of descriptions of the technology that could be used and rejected OSHA's reliance on a "casual" statement by DBA and Dr. First's generalizations as central evidence on feasibility (Id.).

OSHA now confirms its earlier conclusion on the feasibility of the standard in this industry, but supplements the conclusion with specific detailed discussion of a pigment plant which has, in fact, used conventional control technology to already achieve compliance with the standard. The Kikuchi plant has applied the basic control principles discussed by Dr. First, Dr. Billings, and others and stands as a concrete example of what can be achieved by other pigment manufacturing firms. The company reported that no new technology was required in achieving these low air lead levels in the plant and that the elements of exposure control are good enclosure of processes and good ventilation. There is no reason why these controls cannot be employed by other pigment manufacturers to achieve the PEL in the time allowed under the standard. As the Court of Appeals stated:

> At the very least, * * * OSHA can impose a standard which only the most technologically advanced plants in an industry have been able to achieve—even if only in some of their operations some of the time * * *. But under this view OSHA can also force industry to develop and diffuse new technology. (Slip opinion, p. 142)

For this industry, it is not a matter of the diffusion of *new* technology, but simply a matter of permitting firms sufficient time to utilize *conventional* technology already demonstrated to be technologically feasible (Kikuchi) or expected to be in four years (Ciba-Geigy). After careful reevaluation of the 5 year period for compliance with the PEL, OSHA has concluded that 5 years is adequate for firms in this industry to make the necessary changes if economic resources permit.

The interim level has, however, been deleted for this industry. Most plants are old and retrofitting may not be effective in many cases. The industry, *as a whole,* is not close to compliance with either the PEL or the interim level in most operations and will require major renovation in plant and equipment to achieve either 100 or 50 $\mu g/m^3$.

(h) *Costs of Compliance*

One producer of lead chromate pigments, the lead chromate producers' trade association, one producer of lead frit, and one producer of other lead pigments submitted written comments to OSHA on the feasibility of the 50 $\mu g/m^3$ standard. In addition, OSHA has estimated the compliance costs that may be incurred by producers in this industry.

The Dry Color Manufacturers Association (DCMA) contends that the lead standard will necessitate the expenditure of "very significant amounts of money" with no assurance that compliance can in fact be achieved (Ex. 475–23). However, the DCMA did not provide a more specific estimate of the magnitude of the costs for the industry or for any firms within the industry. Furthermore, details on the types of controls that may be necessary have not been provided.

DuPont states that expenditures of more than $5,000,000 from 1971–1979 have not guaranteed compliance with the lead standard. In the early 1970's, more than $140,000 was invested in controls, enclosures, and hoods. A new system for unloading tray dryers was installed at a total cost of $280,000 in 1974. In 1975, $4,300,000 was invested in a completely new inorganic finishing area. DuPont considers this project a failure, because design control dust levels (not specified in the company's submission) were not achieved. In 1979, $20,000 was invested in new dumping hoods in another part of the plant. Levels in most areas are still significantly greater than the previous 200 $\mu g/m^3$ lead standard (Ex. 475–37).

DuPont suggests that additional, new controls including another continuous unit at a cost of $3,740,000, air-sweep rooms, automation of dumping, ultrasonic dryer car cleaning, and additional hoods at a cost of $1,505,000, might reduce levels. DuPont estimates the total capital cost of these controls to be $5,245,000 plus $1,300,000 in increased annual operating costs. Thus, capital expenditures on controls since 1971 would total $9,945,000. DuPont estimates optimistically that levels of 100 $\mu g/m^3$ might be achieved with these controls in place (Ex. 475–37).

The large control costs that have already been expended and that DuPont estimates would still be required include the high costs of building new structures and replacing entire product lines or processes. As demonstrated by the DuPont case, this is certainly a more efficient and cost-effective method of reducing levels than retrofitting old plants and equipment. However, it is probable that an industry with relatively old plants and equipment would incur many of these expenses for modernization even in the absence of the lead standard. Therefore, OSHA regards these figures as overestimates of actual costs of controlling lead exposure, since some replacement of equipment and expansion would be occurring in response to market stimuli other than regulation. In addition, companies are able to deduct expenses incurred in coming into compliance with a regulation as costs of doing business. Therefore, the after-tax financial impact on the firm will be reduced as it deducts costs of coming into compliance.

Harshaw Chemical has reduced lead levels by modifying its processes to limit handling of pigment. The company has separate automated product lines for various colors produced. Harshaw provided neither costs of current controls nor estimates of additional costs of achieving the 50 $\mu g/m^3$ standard (Ex. 476–263). Similarly, Ciba-Geigy,

which acquired two Hercules facilties, is currently planning to install engineering controls in these plants. The company stated that expenditures would be large, but did not provide specific figures (Ex. 476–262). Anticipated controls include continuous equipment, preferably enclosed systems, product packaging modifications and increased local exhaust ventilation (Ex. 478–2).

Kikuchi Chemicals appears to be substantially in compliance now. The company is also planning to install new equipment from the parent company in Japan to reduce lead levels in the bagging area. The company stated that the unit represents a "substantial investment." However, a dollar cost for the unit was not provided (476–264).

The Ferro Corporation manufactures lead frit and has spent about $300,000 to control exposures to lead. A combination of automation, exhaust ventilation, and use of pelletized litharge have contributed to reductions in lead levels (Ex. 476–241). No costs of compliance for additional controls, which may not be necessary, were provided.

Eagle-Picher produces white lead pigments. In its submission, engineering controls such as containment, isolation, ventilation, and bagroom collectors are described as "perhaps available" and expensive (Ex. 475–13). OSHA knows that these methods of control are indeed available and have been successful in controlling dust exposures and does not dispute that controls may be expensive. However, Eagle-Picher's qualitative assessment of burden is difficult to evaluate without a supporting quantitative estimate of the cost of compliance.

Eagle-Picher also does not offer data on the controls currently in place and installed "at great cost over the past five years." This information would be of substantial use in determining the additional costs necessary to continue the reduction in levels that the company currently reports. (Ex. 475–13). Furthermore, the company states that "minor" improvements in levels owing to better ventilation and better housekeeping have yielded commercial benefits by reducing cross-contamination of products and consequently reducing the costs of rectifying contamination problems (Ex. 475–13). To the extent that these cost-savings offset control costs, they should be subtracted from the costs of compliance.

All of the pigment producers mentioned bagging operations as a particularly troublesome and expensive process to control. However, there are substitute forms in which to package and ship pigments, such as slurries and pastes. In addition, dust suppressants could be added to the dry product. This would reduce control problems at bagging operations as well as contamination of other plant areas and exposure potential for downstream users (except spray painters). The adoption of these alternatives would offset to some extent increases in cost of transporting products in wet forms, which are heavier than dry pigment.

DBA estimated the costs of compliance for three pigment producers and derived costs per ton of pigment produced and costs per employee. The estimates were based on retrofit technology in two of the plants and the cost of substantially rebuilding a third plant. Initially, DBA estimated that the upper bound on compliance costs was $109 million. This appears to assume, however, that the firm from which they received data was representative of every other firm and that each firm would rebuild at a cost of $7.1 million. Clearly, there is substantial variation in the degree of current compliance for pigment producers, hence, this upper bound estimate is excessive.

On the basis of the estimated unit cost estimates, DBA then extrapolated the compliance costs to the lead pigment industry as a whole to yield a range of potential compliance costs. The total capital cost of compliance for the pigment industry ranged from $4,451,000 to $43,817,000 using costs per ton as a basis for extrapolation. Using costs per employee, the total capital costs for the entire industry ranged from $15,820,000 to $80,226,000 (Ex. 474–26).

These upper bound estimates overstate the costs of compliance. First, as DBA states, the costs do not reflect the simultaneous reduction of other toxic substances, such as hexavalent chromium. Second, the costs associated with complete rebuilding in an industry already in need of modernization should not be attributed in their entirety to OSHA regulation. Rather, the cost attributable to the lead standard is the difference in expenditures between rebuilding to comply with the standard and rebuilding in the absence of the standard. In addition, economic benefits gained by modernization further offset these compliance costs. Examples of offsetting benefits include increases in product quality, increases in capacity, and increases in labor productivity stemming from reduced absenteeism and lower labor turnover.

OSHA concludes that the costs of compliance in this industry are best represented by an average of the extrapolated costs calculated by DBA. Averaging the costs expected for a large and small firm adjusts the costs to reflect more accurately the variation between large and small producers, and reduces the distortion created by extrapolating on the basis of either extreme. Thus, the estimated capital costs would then range between $21.5 and $41 million. Annualized over the life of the equipment, these costs range between $3.8 and $7.3 million.

(i) *Industry Profile*

There are 71 companies operating 106 establishments and employing 8,000 workers in the manufacture of inorganic pigments (SIC 2816). New capital expenditures for the industry totalled $20,800,000 in 1967 and rose to $124,300,000 in 1977. Average hourly wages of production workers in the industry rose from $3.57 in 1967 to $6.72 in 1977 (Ex. 476–20).

Within the industry, it is estimated that about 15 companies produce pigments or frit that contain lead (Ex. 476–248, Ex. 475–37, and Ex. 478–2). The product lines manufactured by these companies include chrome green (2816311), chrome yellow and orange (2816315), molybdate chrome orange (2816317), red lead (2816341), litharge (2816345), basic carbonate and sulfate white lead (2816213), and leaded zinc oxide (2816225). Quantity of litharge produced has dropped significantly since 1972, while the quantities of lead chromate pigments produced rose very slightly between 1972 and 1977. The value of product shipments of lead chromates doubled in this same period. Total value of shipments of all lead pigments in 1977 exceeded $170,000,000 (Ex. 476–20).

Twelve companies produce lead chromate pigments. They are F.D. Davis, DuPont, Harshaw, Ciba-Geigy, Reichold, National Lead, Chemetron, Bordon Chemical, Kikuchi Chemical, Nichem, Wayne Chemical, and Industrial Color (Ex. 476–250). Lead chromate pigments are considered to possess a versatility superior to all other inorganic pigments. In addition, white lead pigments are dual purpose products that can serve as vinyl stabilizers in the plastics industry. Lead pigments are used in a myriad of formulations destined for numerous end uses including paints, inks, vinyl, rubber, and paper colorants.

There are technical substitutes for the chrome yellows and oranges in most of their uses, but, most of these substitutes are not price competitive and do not offer the combination of properties that make lead chromates so attractive. One exception to this lack of substitutes is the chrome green pigments. Between 1955 and 1965, the rate of production of chrome green pigments was almost

halved as a result of two factors. First, mandatory "lead-free" legislation specifying a low lead content in interior paints has excluded chrome green from this market and restricted its use to exterior and industrial applications. Second, its market dominance has been effectively challenged by phthalocyanine green, even though it is more than five times as expensive as chrome green (Ex. 476–249). To avoid disclosure of company operations, current production figures on chrome green have not been published by the Department of Commerce (Ex. 476–20).

The industry has been characterized by a substantial degree of concentration. In 1972, the top four producers of chrome colors and other inorganic pigments manufactured 47 percent of the industry output and the top eight firms produced 64 percent of the industry output (Ex. 474–26). Current estimates indicate that the top four firms manufacture close to 80 percent of the lead chromate pigment industry output (Ex. 475–37), and that the top eight firms produce close to 95 percent of the industry output of lead chromate pigments (Ex. 475–23).

Foreign imports do not appear to be a significant source of competition at this time in the lead chromate market. (Ex. 476–26). In fact, between 1973 and 1977, imports of chrome yellows and oranges have fallen from 9,000,000 pounds to 5,700,000 pounds, and imports of molybdate orange have fallen from 1,100,000 pounds to 500,000 pounds (Ex. 476–409).

No significant export activity for lead chromate pigments exists for U.S. producers (Ex. 478–2), except for DuPont. Since 1977, DuPont's exports have risen from 2,900,000 to 4,000,000 pounds (Ex. 475–37).

Hercules has expressed concern that domestic producers may leave the market because foreign producers can produce the lead pigments products at lower cost. However, neither the foreign producers nor their competitive advantages were identified. Cost advantages for foreign producers may be maintained because transportation costs for dry pigment are not prohibitive in relation to the value of the product (Ex. 476–245). Moreover, the influence of foreign interests is evidenced by the fact that Hercules is now a subsidiary of a foreign-owned (Swiss) corporation, which has plans to revamp the production process in its newly-acquired facility and to achieve compliance with the 50 $\mu g/m^3$ standard by 1984 (Ex. 476–262). Furthermore, a Japanese firm recently built a new facility in this country because raw material costs are rising faster abroad than in the U.S. and foreign exchange rates favor production in the U.S. The company does not import lead chromates into the American market from Japan (Ex. 476–264).

One submission states that the trend in the demand for lead chromate pigments is declining. In 1979, demand was 70 percent of the pre-1974 demand for lead chromate pigments (Ex. 475–37). However, these figures are significantly influenced by demand fluctuations stemming from the general business cycle. Comparison of the demand for these two years is not an accurate indicator of the health of the market. The DCMA argues that there are no cost-effective substitutes for lead pigments and that substitution would require significant production and process changes. Hence, many customers would not be able to afford a switch to other pigments (Ex. 475–23). While there does not appear to be growth in the industry in excess of 2 percent, according to census data (Ex. 476–26), the market is not contracting.

The DCMA also forecasts "massive dislocation which threatens the competitive stability" of the industry and devastating effects including the "complete discontinuance of manufacture" of lead chromate pigments by many firms (Ex. 475–23). Given the degree of market concentration apparent among producers, the standard may indeed have differential impacts on smaller versus larger producers. However, other factors may mitigate the severity of such an effect. First, the pigment industry in general tends to be regionally oriented (Ex. 474–26). Production and distribution are closely tied to regional markets. Therefore, the geographic location of a small firm may be its largest competitive advantage.

Second, large producers have no monopoly on successful control of lead exposure. In fact, the largest producer with the best access to capital has invested in controls which it considers to be, on balance, a disappointing failure. By contrast, other large producers and at least one smaller producer appear to be having more success reducing lead exposures (Ex. 476–244 and Ex. 476–264). Third, because of the batch nature of the processes in most of the older plants, economies of scale do not appear to be significant (Ex. 474–26).

Pigment products are intermediate or industrial inputs into final products. Thus, general economic conditions will be a significant determinant of the demand for pigments. The demand for pigments is derived from the demand for paint, ink, plastics, rubber, and ceramics, demand for all of which is derived in turn from the demand for final durable goods such as construction equipment, farm equipment, trucks, school buses, and automobiles (Ex. 474–26). The market for pigments can be characterized as a bilateral monopoly with a competitive fringe of small sellers and small buyers existing in conjunction with the large sellers and large buyers (Ex. 474–26). The price of pigments, therefore, is set within a range bounded by the cost of production and the value to the user of the pigment. To the extent that the large and small sellers and buyers perceive one another as alternative sources of the product, some downward pressure exists on the prices of lead pigments (Ex. 474–26).

Large producers may pass costs of compliance with the lead standard to consumers with no effect on output (Ex. 474–26), but some contraction may occur in the output of small producers. If the small producers were identical, perfectly competitive and substitute products were unavailable, then each producer would cut output by an equal quantity. However, DBA suggests that it is more likely that there are marginal firms in the industry that will exit the market, thereby reducing total output of some of the small producers. On the basis of evidence gathered to date, however, there is no reason to believe that small producers are necessarily at a competitive disadvantage with large producers. In fact, small producers may be at a competitive advantage over large producers because of geographic location, and the inability of large producers to comply may ultimately lead to less concentration in the industry.

The market for white lead pigments is much smaller than the market for lead chromates. White lead pigments, primarily basic carbonate and sulfate and leaded zinc oxide, are expected to disappear from the market partly as a result of the 1971 Lead-Base Paint Poisoning Prevention Act (42 U.S.C. 4831) but more importantly due to the superiority of water-based titanium dioxide paints for residential and commercial applications (Ex. 474–26). One producer of white pigments, Eagle-Picher, claims that it will be forced out of business by the lead standard. Eagle-Picher is currently operating a plant that was built 105 years ago (Ex. 475–13).

One domestic firm produces pigment grade dibasic lead phosphate and basic lead silica sulfate. One domestic firm produces basic lead silicate and basic lead sulfate. Five domestic producers manufacture basic lead carbonate (Ex. 476–250). One of the five is now a subsidiary of a foreign firm (Ex. 476–247). Sales of this firm and one of the lead chromate companies to European

firms indicate the increasing cost and diminishing profits of the facilities (Ex. 476–26), which are usually quite old. On the other hand, takeovers by other producers also forecast a good market for the products.

The market for corrosion-inhibiting lead pigments refers primarily to red lead, a lead oxide. A small quantity of litharge, an input into the production of pigments and red lead, is used directly as a paint additive (Ex. 476–409). In 1972, product shipments were 26,300 short tons of red lead valued at $9,900,000 and 157,200 short tons of litharge valued at $45,000,000. In 1977, product shipments of red lead had declined to 9,300 short tons valued at $7,800,000 and litharge fell to 97,200 short tons valued at $67,300,000 (Ex. 476–20). Imports of red lead rose from 1,200,000 pounds in 1973 to 2,500,000 pounds in 1977 while litharge imports rose from 28,000,000 pounds to 36,000,000 pounds (Ex. 476–409). Exports for red lead and litharge combined fell from 4,500,000 pounds to 3,500,000 pounds between 1973 and 1977, with peaks in 1974 and 1975 of 6,800,000 pounds and 5,200,000 pounds, respectively (Ex. 476–409).

These corrosion-inhibiting lead pigments are used in resistant primers with the largest volumes in industrial maintenance and marine finishes. However, there are nunerous suitable substitutes in these applications. Lead pigments comprise only 20,300,000 out of 861,400,000 pounds (or 2 percent) of corrosion inhibitors used in industrial settings. In marine environments, 40,800,000 pounds of corrosion inhibitors were used, but only 3,000,000 pounds (or 7 percent) were lead-based (Ex. 476–409).

Production of lead frit (SIC 2899, Miscellaneous Chemical Products), colorants used in the ceramics industry may be in a temporarily depressed state with output as much as 40 percent lower than normal (Ex. 476–242). Frit is used in products such as glass bottles, glass-lined vessels and pipes, hot water heaters, household crockery, tile, and piezoelectric products (Ex. 476–241).

The number of producers of leaded frit is now known but it is estimated to be small. Some users may produce their own frit by mixing lead oxide and silicates. One producer stated that it has a plant in Mexico that is not yet capable of producing frit of acceptable quality. However, the entire operation would be shifted to Mexico if quality were not a problem (Ex. 476–241).

(j) *Conclusion: Economic Feasibility*

OSHA recognizes that the pigment industry consists of many firms that operate plant and equipment built more than 50 and even 100 years ago. For these firms, retrofit controls would be expensive and, as demonstrated by the experience of DuPont, may be ineffective in achieving compliance. While OSHA cannot require the construction of new plants, it encourages affected firms to consider this means of compliance, especially in light of the many other benefits of modernization in addition to the benefits of a healthier work force.

Given a compliance period of 5 years, pigment producers would face annualized costs ranging approximately between $3.8 and $7.3 million dollars. The costs are reasonable and feasible in an industry that produces total shipments valued at $170 million per year. Compliance costs range between .025 and .048 percent of total value of shipments. OSHA requested data on profitability of potentially affected firms. However, pigment producers did not submit financial data to the Agency for its consideration.

Market changes may occur as a result of compliance with the standard. First, there may be a slight shift in demand in favor of substitute products. Some downstream users may decide to use a different pigment rather than incur their own compliance costs. Others, responding to changes in relative prices, may switch to substitute pigments. However, given the present wide difference between the prices of lead chromates and substitutes currently characterizing the industry, a significant shift is not likely. Furthermore, lead pigments are not closely rivaled in technical properties by substitute pigments. Therefore, the stability of the market even in the face of an increase in price is enhanced. The relatively inelastic demand for lead pigments will also allow producers to pass forward the increases in costs to consumers in the long-run.

The domestic market for lead chromates is not facing competition from foreign producers. However, a recent increase in imports of litharge could signal the onset of foreign competition in this market. The industry did not raise this as an issue. Therefore, OSHA infers that domestic producers will not be placed at a competitive disadvantage relative to foreign producers as a result of the standard.

OSHA anticipates that the standard will generate changes in market structure. However, the impact of compliance with the standard on the relative market position of small firms and large firms is uncertain. Smaller firms with compliance costs which are large in relation to total costs of production may no longer be able to compete with large firms. But the regional orientation of the pigments market may mitigate to some extent the reduction of a small firm's competitive edge. But more importantly, it appears that small lead chromate producers will not necessarily be at a competitive disadvantage because of the standard. On the contrary, if some small firms are relatively close to compliance now, their costs may be proportionately smaller than a large firm's costs. In fact, if larger producers, which currently dominate the lead chromate market leave the market, then several smaller firms might enter the market thereby reducing industry concentration and enchancing competition.

24. Lead Sheet Metal Manufacture

(a) *Summary*

Lead sheet metal is used in roofing, flashing and sheeting for radiation protection (Ex. 22, p. 144). The manufacture of lead sheet metal is a secondary lead smelting operation (Ex. 22). A discussion of this process and the accompanying exposure areas can be found in the feasibility section of the final lead standard. The feasibility of the standard in secondary smelters has already been established. Slip Op., at 181–97.

The use of lead sheets may also result in exposure in that sheets must be cut, welded, brazed, or burned into place. A discussion of these operations and accompanying exposure problems can be found in the section of this document entitled Lead Burning (Brazing/Welding).

25. Leather Manufacture

(a) *Uses*

Leather is a skin permanently combined with a tanning agent so that its principal fibrous protein is rendered resistant to decay while the fibrous structure and desirable physical properties of the skin are retained.

Leather must be cured, soaked, dehaired, delimed, baited, pickled, tanned, and dyed (post-tanning operation).

Lead chemicals are no longer used in the tanning of leather so exposure to lead only occurs when lead chromate dyes are used.

(b) *Process Description and Exposure Areas*

The only data on the application of lead based dyes to leather indicates that dyes are swabbed on (Ex. 22, p. 207).

(c) *Controls Currently Used*

Local exhaust ventilation may be used in some cases, in operations involving

the swabbing of materials onto the finished hides, protective gloves may be used. Further data concerning current use of controls was not available.

(d) *Exposure Levels*

The only data available indicated that solid waste residues could contain as high as 0.3 percent lead (Ex. 22, p. 207). No data was available on ambient levels.

(e) *Population Exposed*

The actual number of exposed employees was not available. Industry contacts indicated that the number exposed is not appreciable (Ex. 22, p. 207).

(f) *Additional Controls*

Since finishes containing lead chromates are swabbed on, no fumes or dust are generated and exposures are low. Moreover, the total elimination of lead-base pigments would have no adverse impact on the industry (Id.).

(g) *Conclusion: Technological Feasibility*

The data indicates that no exposures to lead in excess of the 50 $\mu g/m^3$ level occur in this industry. Where exposures may occur they could be eliminated entirely by eliminating use of lead-based pigments.

(h) *Cost of Compliance*

It appears that potential exposures to lead in the finishing of leather have already been controlled to 50 $\mu g/m^3$. Therefore, there are no costs attributed to this regulatory action and no economic impact is anticipated.

(i) *Industry Profile*

In the past, patent leather workers were on occasion exposed to inorganic lead. However, lead-free urethanes have been substituted for the lead salt driers that caused past exposures. The only current source of exposure to lead in the industry is in the dyeing of leather with lead chromate pigments (Ex. 22, p. 207) however, use of lead chromate based dyes in declining (Ex. 476–278).

Tanneries (SIC 3111–11) employ 14,300 production workers in 315 establishments and contract tanneries employ only 4,500 production workers in 107 establishments. (1977 Census of Manufacturers Industry Services MC77–1–31A). A very small percentage of these workers are in finishing departments and no workers are directly exposed to dry lead-based pigments or to spray mist. Application of finishes occurs in specialized, mechanized operations. (Ex. 476–278)

26. Machining

(a) *Uses*

Machining and milling serve to cut away excess metals from product edges and to finish a surface by the grinding or polishing action of a machine.

(b) *Process Description and Exposure Areas*

The process may be like the one used at Schulmerich Carillons, Inc. where rough cast bronze belts are machined to achieve predetermined pitch (Ex. 476–298) or at Raybestos-Manhattan, Inc. (Ex. 476–299) where sintered metals are machined into gears and clutch plates.

Only machining or milling of lead metals or lead-based alloys poses any lead exposure problem. The points of exposure are at the machines being used.

(c) *Exposure Levels*

Exposure data from Raybestos-Manhattan (Ex. 476–299) indicated that lead exposures were below 35 $\mu g/m^3$. In fact, all sample groups except for one were below 30 $\mu g/m^3$. Exposure data from Schulmerich Carillon Inc. consisting of five samples taken at the machining operations showed no detectable levels of lead. (Ex. 476–298). Samples taken at the Western Gear Corp. were also below the limits of detection (Ex. 476–300).

(d) *Controls Currently Used*

Control technology in each of these establishments consists of local exhaust ventilation over the source exposure points (Ex. 476–299, 300), the use of a water-soluble cutting fluid (Ex. 476–300), and housekeeping (Ex. 476–298, 299, 300). At Raybestos-Manhattan, which had detectable lead levels, it was recommended that the use of compressed air for cleaning be restricted and consideration be given to the use of a vacuum cleaning system in lieu of forced air hoses (Ex. 476–299).

(e) *Additional Controls*

Controls other than those already being used are not needed since compliance is being achieved.

(f) *Conclusion: Technology Feasibility*

Exposure levels are below the 50 $\mu g/m^3$ PEL thus, compliance is being achieved.

(g) *Economic Feasibility*

There will be no cost of compliance nor any economic impact because the industry is well below the 50 $\mu g/m^3$ standard already.

27. Miscellaneous Lead Products

(a) *Uses*

There are many other products that use or contain lead. Only those for which data was submitted to the Agency are discussed here.

Collapsible tubes that are used for glue packaging, often contain lead, as does lead caulking used by plumbers and certain specialty lubricants.

The use of lead in the collapsible tube industry has dropped considerably. One explanation for this is the adoption of aluminum and plastic collapsible tubes. However, this replacement is limited by the compatibility of the product and the container. It is doubtful that lead will be totally replaced by other materials.

(b) *Process Description and Exposure Areas*

(i) *Lead Tubes.* A survey of several companies (Ex. 22, p. 315) indicated that lead tubes are made in much the same way from company to company. Lead is purchased in billets, melted and then poured or rolled into shapes for further processing. When rolled or poured, the end result is a slug (the shape of a coin). It is then impact-extruded into the tube shape. Further processes involve capping one end and possibly lining the tube with a wax or some other type of sealer.

Potential exposure exists during all processes of fabrication. The highest exposure probably exists in the melting area. All sources indicated these processes are ventilated and that lead is brought just to the melting temperature (less than 1,000°F) which decreases the probability of significant lead fumes being created.

(ii) *Petrochemical Industry.* The only data that was available involves the manufacture of specialty lubricants from crude oil. (Ex. 476–305)

Oil is filtered through bauxite to remove impurities, material is conveyed to a multi-stage burner and impurities are burned off.

Lead is the pyrolysis product from the combustion of the impurities from the oil. Air monitoring indicates that all levels are less than 5 $\mu g/m^3$.

(iii) *Lead Caulking Used by Plumbers in Forming Lead and Oakum Joints.* Much of the caulking lead is manufactured as part of secondary lead operations. (Ex. 22, p. 316). This section covers those operations that primarily take large lead ingots and melt them down and cast them into smaller ingots. Melting is accomplished in a large pot (typically, 3,000 pound capacity). Some melting pots are vented, others are not.

(d) *Exposure Levels*

(i) *Lead Tubes.* Although no data is available for any operations making collapsible lead tubes, it is felt that exposure is not excessively high. With ventilation in existence, exposure of employees in the melting areas is estimated to be 50–200 $\mu g/m^3$ (Ex. 22, p. 305).

(ii) *Petrochemical Industry.* Air monitoring indicates that all levels are less than 5 $\mu g/m^3$ (Ex. 476–305).

(iii) *Lead Caulking.* Data was not available indicating exposures in caulking operations.

(e) *Population Exposed*

Using an estimate of 5 percent to 15 percent of total employees as representing those potentially exposed, a range of 250 to 750 potentially exposed employees is derived. Assuming one person per pot and 100 pots, an estimated 100 potentially exposed employees for the small shop manufacturing of lead caulking is obtained. Data on other exposed groups was not available. (Ex. 22, p. 316–317).

(f) *Additional Controls*

Manufacturers and shops fabricating collapsible tubes and lead caulking will probably have to add to or improve their present local ventilation. Improved housekeeping will also be required. Definite compliance methods are difficult to determine without better exposure data and site visits.

(g) *Conclusion: Technological Feasibility*

Very little information was furnished by companies indicating what exposure levels were or what problems exist with achieving the 50 $\mu g/m^3$ PEL. The Short Report was the only source of information which the Agency had to rely on. (Ex. 22, p. 215). Based on the information in this report, it appears that compliance is feasible with improved ventilation and housekeeping. In addition, the companies can rely upon worker rotation to achieve compliance with a 50 $\mu g/m^3$ standard in this industry.

(h) *Economic Feasibility*

The cost of compliance is assumed to be minimal in that inexpensive ventilation controls, housekeeping, and worker rotation will be relied upon to meet the 50 $\mu g/m^3$ PEL.

28. Nickel Smelting

(a) *Uses*

Nickel and nickel alloys are used for the fabrication of equipment to resist corrosion. Nickel is also used chemically to form catalysts. It is also used extensively as a plating medium.

There are only two nickel smelting operations in the United States. One of these, the Hanna Nickel Co. located in Riddle, Oregon operates the only nickel mine in the United States (Ex. 476–212). Trace amounts of lead in ores result in worker exposures.

(b) *Process Description and Exposure Areas*

The first step in processing the ore is to screen and crush it prior to transportation either by tramway or by some other automated method to the smelter (Id.).

Ore is reclaimed from the stockpile by rubber-tired front end loaders and is conveyed to dryers, where the moisture content is reduced. After drying, the ore is conveyed to the screening, crushing, and sampling plant. The ore is properly screened and sent to a storage bin.

From the storage bins, the coarse ore is fed to two natural gas or oil fired rotary calciners, while the fines are fed to two natural gas or diesel fired multiple hearth roasters (Ex. 476–212).

After calcining, the ore discharged from both the calciners and roasters is transported by automatic skips to hot ore bins above four electric melting furnaces in the smelter building (Ex. 476–212).

The ore is charged to the melting furnaces by gravity. Molten ore is poured from the melting furnaces into ladles for the reduction process (Ex. 476–212).

Reduction of nickel and iron is accomplished by the Ugine process, which consists of adding a reducing agent containing metallic silicon to an oxide ore in the presence of molten ferrous metals and using vigorous mixing action for good contact of reductant and ore (Ex. 476–212). After the vigorous mixing cycle, the ferronickel is allowed to settle to the bottom of the ladle. The slag is skimmed off and granulated with high pressure water jets.

As the reducing reactions continue, ferronickel accumulates in the ladle. At regular intervals, a portion of this product is removed, or "thieved," and transported to one of two identical small electric steel furnaces. Here the impurities, predominantly phosphorous, are removed by suitable refining slags, after which the ferronickel is cast into pigs. (Id.).

(c) *Controls Currently Used*

Control of dust emissions from the plant was recognized as a substantial technological problem during the initial design phase prior to 1954 because of the nature of the ore to be handled (Id.). Fabric filters were considered to be the best equipment available, for dust control and were installed on the melting furnaces, crusher house and storage bins ventilations systems. Electrostatic precipitators were installed on the calciner and wet scrubbers were installed on the dryers and furnace. This equipment operated at 98.3 percent efficiency (Id.).

In 1970, new State air quality standards again made it necessary to upgrade the system's efficiency, to 99.8 percent. Large cloth dust filters on the crusher house, ore melting furnaces, and a ferrosilicon furnace, handling a total of 720,000 actual cubic feet of gas per minute, were required. Improvements to existing equipment on the calciners, roasters, dryers, and storage bins were made (Id.). The system was completed in July, 1974, and now meets State air quality standards.

(d) *Exposure Levels*

Exposure data made available from the NIOSH survey of this smelting operation indicate that lead levels are well below the 30 $\mu g/m^3$ action level. In fact, of 81 samples analyzed for lead, the highest exposure was 0.013 $\mu g/m^3$. The company presented no data at the hearings, presumably because compliance with the lead standard poses no problem. There is no reason to suspect that the other nickel smelter has appreciably different environmental conditions.

(e) *Population Exposed*

No workers are believed to be exposed above 30 $\mu g/m^3$.

(f) *Additional Controls*

No additional controls are necessary, since the industry is already in compliance.

(g) *Conclusion: Technological Feasibility*

Levels of exposure are below 30 $\mu g/m^3$ and thus compliance with the 50 $\mu g/m^3$ lead standard is already being achieved.

(h) *Economic Feasibility*

There will be no cost of compliance nor any economic impact as a result of this regulation.

29. Nonferrous Foundries

(a) *Uses*

There are currently 1,620 foundries in the United States which do some casting of brass and bronze. Copper-based alloys are the primary raw materials at approximately 900 of these foundries. Lead is used in this industry in the form

of ingots or scrap metals and may vary in amount from less than 1 percent to 20 percent of the brass or bronze casting (Ex. 26, p. 5–73; Ex. 475–33D; Ex. 479).

(b) *Process Description and Exposure Areas*

The processes found in nonferrous foundries are similar to most foundry operations, and consist of coremaking, molding, melting, pouring, shake-out, and cleaning of castings. Cores are produced by chemical reaction or by baking a resin coated mixture. (Ex. 476–331, 337, 339).

The molding process consists of compacting a prepared sand layer around a pattern; the cores are set in position within the opening left by the patterns; the two mold sections are then joined together. (Ex. 476–331, 337, 339).

Lead exposures in the molding area come either from the reuse of sand in which lead has condensed or from cross-contamination from other operations of the plant (Ex. 479; Ex. 22, p. 172). Usually this area is located near the pouring area, so that spills often contribute to the exposures. (Ex. 22, p. 172).

Solid metal is melted in an electrical induction, reverberatory, or gas or oil-fired crucible furnace (Ex. 476–317; Ex. 22, p. 172). When the metal is ready for pouring, dross is skimmed off the surface of the molten metal, increasing the amount of fumes released. (Ex. 479; Ex. 476–339, 337, 331; Ex. 475–10). Emissions at the melting operation come primarily from the furnace during charging the cupola launder leading to the forehearth; and the tapping of the ladles.

Pouring is performed at the transfer of metal from the furnace to the ladle and from the ladle to the mold. (Ex. 476–331, 339; Ex. 22, p. 172). Lead fumes may be released during each pouring (Ex. 22, p. 172; Ex. 479; Ex. 475–33C).

After a cooling period, the castings are removed and transported to the shake-out and/or the wheelabrator which rids the castings of any remaining sand. (Ex. 479; Ex. 476–331, 339). Castings are then cleaned by grinding, cutting or buffing. (Id.).

There are two important sources of lead in the finishing department: the dust generated from the finishing operation and background dust. Final processing may include plating with gold, brass or silver (Ex. 476–317). Lead exposures may also occur during baghouse operations from the melting of lead the pouring of lead into casts and shakeout and cleaning. (Ex. 22, p. 172).

(c) *Controls Currently Used*

Engineering controls in the foundry industry range from general ventilation to numerous local exhaust systems. The most frequent control in the melting department is a hood over the furnace. (Ex. 476–332). In one foundry, each furnace was equipped with a mechanical exhaust canopy hood to collect fugitive lead emissions (Ex. 479).

Another foundry had totally enclosed the furnace (Ex. 479). Some foundries have provided tightly enclosed exhaust ventilation around their furnaces, local exhaust ventilation on the ladles and side draft exhaust ventilation in the pouring stations (Id.). These additions have sufficiently reduced the lead emissions (Id.). Several of these hoods were portable, allowing better access (Ex. 476–317, 332). The American Foundrymen's Society agreed, noting that canopy hoods are generally ineffective and that using a close capture, high velocity hood performs more effectively (Ex. 476–332). Total enclosure of the furnace was also recommended as a means for reducing exposures (Ex. 479; Ex. 476–323). Enclosure allowed Allis Chalmers to reduce lead exposures from 280 $\mu g/m^3$ to 30 $\mu g/m^3$. (Id.). NIOSH observed a movable side-draft hood on an arc furnace which reduced the furnace operator's lead levels to 20 $\mu g/m^3$; on the melting deck similar background levels were found. (Ex. 476–332). One company isolated the operator from the furnace by enclosing him in a positive-pressured booth, and the charging operation was totally automated and controlled from the booth (Ex. 476–332); these controls substantially reduced lead exposures.

Other methods of control included: proper control of charge materials and furnace operations, charge bucket filling and preheating stations with local exhaust, use of a charge bucket cover during loading and unloading of charge materials into the furnace, control of charge door emissions by local exhaust, and use of a charge bucket only slightly smaller than the opening. The charging and tapping operations can be exhausted by using a hood with an air volume of 19,000 cfm (Ex. 476–319, 332). Other suggestions include keeping the furnace covered, minimizing overheating and wing deoxidizers or alloying agents while the crucible is still in the furnace shell (Ex. 476–319). By replacing a crucible furnace with an electrical induction furnace, George Butler, OSHA's expert witness reported lead levels were reduced from 325 $\mu g/m^3$ to 200 $\mu g/m^3$; coupled with isolation of the melting area with a barrier was recommended (Ex. 479). One foundry reported that installation of an induction furnace resulted in a cleaner metal.

NIOSH recommended several methods for reducing lead emissions at the slagging station. They included: a side-draft hood exhausting 25,000 cfm, a fresh air supply directed past the worker, rollers to ease the use of long slagging poles used on large ladles and "rosat slagger" used to isolate the worker during slagging on large ladles. (Ex. 476–329). DBA suggested that the dross be disposed of in barrels with a mobile ventilation system (Ex. 26, p. 5–80).

The most effective method for controlling lead in the pouring area was the use of a mobile ladle hood which exhausts the ladle at the source and is connected by flexible ducting to a traveling exhaust carriage which moves along a stationary plenum extending the entire length of the pouring area. Air volumes ranged from 2,000–7,000 cfm (Ex. 475–3; Ex. 479; Ex. 476–330, 329, 323, 339, 337, 317). Using this technology, Allis Chalmers reported a drop in lead levels from 600 to 40 $\mu g/m^3$ (Ex. 476–323). NIOSH reported levels of 100–140 $\mu g/m^3$ for the molten and 52–100 $\mu g/m^3$ for the metal pourer (Ex. 476–329).

One company visited by NIOSH had an automatic transfer system for metal from the melting area to holding furnaces through a launder, and then automatic pouring from the holding furnace (Id.). Ladle covers were also suggested as a means of reducing emissions (Id.; Ex. 317). In addition, careful work practices to reduce spills as much as possible (Ex. 22, p. 174) or pouring in a remote area would reduce lead levels. (Ex. 476–319).

Butler and Marion Bronze suggested other methods to control lead levels. Butler suggested changing the type of alloys cast to reduce the lead content (Ex. 479). Marion Bronze has developed a patented process where metal is continuously cast and then finished while cold. The idea is not new, but it has not been applied in nonferrous foundries. (Ex. 475–18). Marion Bronze has achieved compliance with these controls.

One of the most frequently used and least effective methods of reducing lead exposures is the use of roof fans. The fans have a tendency to allow air currents to bring the emissions back into the plant. This can be prevented by increasing the height of the stack (Ex. 476–317).

The molding area is generally ventilated, primarily to control silica (Ex. 479). Rigorous housekeeping in this area is mandatory. (Ex. 22, p. 173). Cast Metals Federation (CMF) found that

cooling fans, so often used in this area, can disrupt the calculated air flows.

The finishing department includes grinders, chippers, buffers, cut-off saws, torch cut-offs, and air ranging and cutting, all of which can be exhausted locally (Ex. 476–339, 331, 332, 317; Ex. 22, p. 174; Ex. 479). Low-volume, high-velocity exhaust systems were used by one company (Ex. 476–337). Down draft tables were found at the chipping, grinding and buffing operations (Ex. 476–332), and enclosures or booths have also been used. (Ex. 475–3; Ex. 22, p. 174; Ex. 479; Ex. 476–339, 332, 317). NIOSH found a company using an air-supplied booth exhausting 16,000 cfm on a torch cut-off operation. Lead levels were less than 1 $\mu g/m^3$. (Ex. 476–332). In an air operation for small castings, NIOSH also noted a backdraft hood on a bench exhausting 8,300 cfm and an air supply of 1,500 cfm. For large castings there was a ventilated booth with supplied air and a materialized turntable for positioning the castings. The air volume exhausted was 8,500 cfm; the air supplied was 3,600 cfm. Booth curtains were used to separate this area from other areas (Ex. 476–337). CMF suggested the use of kiss gating for the casting area which would reduce, if not eliminate, some cut-off operations. Cosmetic grinding might also be eliminated (Ex. 475–33).

Nearly all of the foundries utilized local exhaust ventilation for capturing lead-containing dust in the cleaning rooms when dust is generated from grinding operations. However, the high-speed rotation of the grinding wheel interferes with the effectiveness of capturing the grinding dust (Ex. 479). Grinding dust containing lead can be satisfactorily controlled with an exhausted booth (Id.).

Vacuum cleaning also must be regularly performed. (Id.; Ex. 22, p. 174). Preventive maintenance is a major part of any ventilation system and must be done regularly to maintain effective control of emissions (Ex. 476–332).

Finally, crane operations can use fresh air cabs. One company had lead levels of 300 $\mu g/m^3$ outside the cab and 30 $\mu g/m^3$ inside (Id.).

In the small foundries, rotation of employees occurs out of necessity and therefore, individual exposure is reduced. Another inherent control in the brass and bronze foundry industry is the variability of lead content in the metal. However, this exposure reduction may be offset by a lack of housekeeping, resulting in accumulations of lead from fugitive emissions from past formulations. (Ex. 479) Air filtering respirators are also sometimes used by the workers.

(d) *Exposure Levels*

The job classifications in a foundry include core maker, muller, molder, furnace operator, pourer, shake-out operator, wheelabrator operator, chippers, grinders, and other maintenance personnel (Ex. 476–317). In the very small foundries, one worker may be responsible for several of these jobs. Of these jobs, the furnace operator, pourer, and cleaner are exposed to the highest lead levels. These operations account for approximately 60 percent of the workforce (Ex. 479).

Exposure levels within foundries are quite variable. Levels at Hersey Products were: 50–222 $\mu g/m^3$ at melting operations with a mean value of 118 $\mu g/m^3$; 100–280 $\mu g/m^3$ at pouring operations with a mean value of 190 $\mu g/m^3$; 10–660 $\mu g/m^3$ at cleaning operations with a mean value of 228 $\mu g/m^3$ (Ex. 476–337). At another Hersey Products site, levels for melting were 25 $\mu g/m^3$; less than 7 $\mu g/m^3$ in pouring operations; and 242 $\mu g/m^3$ in cleaning operations. (Ex. 479). Gorsuch Foundry had levels with a mean value of 88 $\mu g/m^3$ at melting operations; 123 $\mu g/m^3$ at pouring operations; 102 at cleaning operations; and 85 at molding operations. (Ex. 476–336). Other plants had considerably lower levels in melting, less than 40 $\mu g/m^3$; in pouring less than 40 $\mu g/m^3$; and higher levels in cleaning 165 $\mu g/m^3$ mean value. (Ex. 476–317).

When all the data submitted for the record is compiled the range of exposure levels found were: molders ranged from 3–250 $\mu g/m^3$; melters and helpers from nondetectable to 2,000 $\mu g/m^3$; pourer's and helpers from nondetectable to 820 $\mu g/m^3$; shake-out from 2–300 $\mu g/m^3$; finishing department from nondetectable to 4,400 $\mu g/m^3$; miller was from 32–180 $\mu g/m^3$, wheelabrator operator was from nondetectable to 160 $\mu g/m^3$. (See, Ex. 476–337, 339, 331, 343, 328, 336, 317; Ex. 22, p. 178; Ex. 26, p. 5–78; Ex. 475–33I)

Although the exposure data varies greatly, it should be noted that many of these establishments were, in fact, in compliance with the 50 $\mu g/m^3$ lead standard in some operations. As Butler testified, 6 of the 12 foundries he surveyed were either in compliance in the melting areas or could easily be brought into compliance; 4 were in compliance in cleaning operations; and 3 foundries were in compliance in finishing operations. (Ex. 479)

OSHA compliance activities indicate that in a foundry making red brass (5% lead) workers time-weighted exposure were 20 $\mu g/m^3$ for the floor man, 10 $\mu g/m^3$ for the squeeze molder, 20 $\mu g/m^3$ for the share-out furnace tender, 10 $\mu g/m^3$ for grinders and share-out, 50 $\mu g/m^3$ for cut-off men, and 116 $\mu g/m^3$ for ferrous furnace tenders. (Ex. 476–317). This plant has a Hawley monorail traveling exhaust hooding system, an induction furnace, down draft ventilation of grinding areas, and good use of general and local exhaust ventilation.

(f) *Additional Controls*

The engineering controls and work practices to achieve compliance with a 50 $\mu g/m^3$ standard are available and have been used by some of the firms in this industry to achieve compliance. Some foundries have used isolation to separate areas of high exposure from areas of low lead exposure. Fossil fueled crucible furnaces have been replaced with electric induction furnaces. Foundries not in compliance with the standard may find it necessary to upgrade existing ventilation systems, upgrade housekeeping practices and rotate workers to meet the 50 $\mu g/m^3$ standard. Many of the facilities are not in compliance simply because of a reluctance on the part of the industry to invest in health and safety controls. Thus while current technology will enable this industry to comply with the standard, the absence of existing controls in some plants and inadequate design of controls in others indicates that compliance activities will take careful planning and time. OSHA has incorporated these considerations into its implementation schedule. The five years provided for compliance allowed the industry a sufficient planning horizon to install efficient, well designed, cost-effective ventilation systems or new processes.

Thus, while current technology will enable this industry to comply with the standard, the absence of existing controls in some plants and inadequate design of controls in others indicates that compliance activities will take careful planning and time. OSHA has incorporated these considerations into its implementation schedule. The five-years provided for compliance allows industry a sufficient planning horizon to install efficient, well designed cost-effective ventilation systems, new equipment, or other engineering control.

(g) *Conclusion: Technology Feasibility*

The Court of Appeals remanded the standard for this industry because the preamble did not explain OSHA's basis for extrapolating the feasibility of the proposed 100 $\mu g/m^3$ PEL and did not describe technological developments that might be utilized (Slip opinion, pp. 205–207). In this analysis, OSHA has presented direct evidence of the technological feasibility of the 50 $\mu g/m^3$ PEL. Exposure data for several foundries

demonstrated that foundries which have utilized state-of-the-art controls have in fact already achieved compliance.

However, in the foundry industry, the use of effective engineering controls and work practices is not uniformly applied. Some firms have achieved compliance throughout, others have achieved amazing success in controlling lead exposures in some processes but lack controls in others areas necessary to achieve compliance, and other have done virtually nothing.

Many firms believe that it is not possible to bring all operations in the foundry in compliance with the permissible exposure level of 50 $\mu g/m^3$ (Ex. 479; Ex. 475–334, 33H, 33F, 33A, 3). Billard Pattern and Brass Foundry stated that even with the latest technology in use, in the most critical areas such as melting, levels remain in the 50–100 $\mu g/m^3$ range. (Id., at 33D). Another company said that at best they could meet the 200 $\mu g/m^3$ standard (Id., at 33D). The industry contends that the lead standard is not feasible and presented the Ford Motor Company as an example of a state-of-the-art foundry which is not in compliance with 50 $\mu g/m^3$. However, this state-of-the-art foundry appears to suffer from the lack of "common sense" in achieving control. As Gary Mosher from the American Foundrymen's Society observed: "Smoke tube testing done in the foundry at the same time as the air sampling indicated that there seemed to be no unifors air flow patterns in the foundry. A significant problem in the foundry is the use of man cooling fans. These fans are doing a fine job disrupting air flow patterns around exhaust hoods." It appears that a common sense approach to design and maintenance of ventilation controls would facilitate the ability of this industry to comply with the standard. Foundries that modify their processes and adopted those used by the Marion Bronze Company could easily come into compliance. This process in which alloys are continuously cast and then cold finished greatly minimizes the lead which becomes airborne. This process is readily adaptable to the industry (Ex. 475–18).

The American Foundrymen's Society (Ex. 503) discussed problems with the data relied upon by Butler in determining feasibility. They maintain that the exposure data was not representative of foundries doing casting of brass and bronze in that either low percentages of lead were involved or casting of non-lead substances was done, but provide no documentation of this claim. OSHA has no reason to believe that the data upon which it relied was not the representative, and in fact it was the best available data. OSHA made every attempt to get the best information, but industry has failed to provide adequate data.

(h) *Costs of Compliance*

The record contains a substantial amount of cost data on reducing exposures to lead in nonferrous foundries. The cost estimates for individual foundries vary widely for at least three reasons. First, some estimates were based upon a nonlinear relationship between compliance costs and exposure levels, whereas other estimates assumed a linear relationship. However, OSHA believes that documentation is available to support a linear relationship between costs of compliance and levels of exposure above 25 $\mu g/m^3$ (Tr. p. 85–86). Further evidence has been provided to corroborate the linearity relationship (Ex. 270, p. 25). Second, different methodologies were used to estimate the cost of these controls. Third, the baseline of current exposure levels varied from foundry to foundry over a wide range. Whereas some foundries were close to or in compliance with 50 $\mu g/m^3$, others were in excess of the previous 200 $\mu g/m^3$ standard.

One foundry reported that it had purchased and installed two induction furnaces with mechanical exhaust ventilation hoods. Each furnace cost between $10,000 and $11,000, and a $40,000 control panel for the furnaces was also installed. No other ventilation was installed. This represents a major undertaking by the foundry. However, the costs of reducing workplace emissions will be partially offset by savings stemming from a cleaner metal product (Ex. 476–314).

Another foundry reported the expenditure of $15,000 for increased ventilation of 6,000 to 7,000 cfm over pouring stations, and $3,000 for an increase of 10,000 cfm to ventilate furnaces (Ex. 476–330). Since the system is not yet operational, no exposure levels were reported by the firm. However, contaminant emissions are expected to be substantially reduced, and all fumes over the pouring stations should be captured by the hoods (Ex. 476–330). Thus, these two foundries indicate that measures can be taken to control exposures to toxic substances in foundries. Furthermore, because foundry workers are exposed to a multitude of hazardous substances, these controls are simultaneously effective in affording protection to workers against other metals, silica and other toxic substances.

A number of foundries submitted provision-by-provision cost estimates through their trade association, the Cast Metals Federation (CMF). Eight firms provided cost data ranging from capital expenditures of $111,190 to $4,000,000 per foundry to reach 50 $\mu g/m^3$ lead (Ex. 475–33). Total costs for these foundries were $14,446,429, and the average cost per foundry was $1,805,804. In addition, one firm estimated the cost of constructing a new, fully-automated foundry with the latest technology at $6,275,000 (Ex. 475–33(I)). The foundry was to be located in a warm climate, thereby eliminating costs associated with heating make-up air.

These cost estimates were not supported by engineering studies and appear to be speculative in nature. For instance, one respondent wrote that the installation of a ventilation system "would probably cost about $60,000" (Ex. 475–33(c)), while another submitted that it was "led to believe that (it would) be required to spend up to $4,000,000 more if this standard is upheld, with no guarantees of success" (Ex. 475–33(E)) in achieving compliance. One foundry estimated a cost of $23,000 for "removing partial moisture from brass chips" without an explanation of the reason for this process and its relationship to the revised lead standard (Ex. 475–33(A)).

The variation among the cost estimates also indicates that not all of the costs presented are reasonable. For example, one foundry with 24 employees estimates the cost of a shower/change/locker room at $70,000 (Ex. 475–33(A)); one with 12 employees estimates a cost of $5,000 for a change room and showers (Ex. 475–33(C)), another with 600 employees estimates the cost of change rooms and showers to be $30,000 (Ex. 475–33(E)); and still another with about 100 employees claims that change rooms, showers, a lunchroom, and lavatory modifications will cost $750,000 (Ex. 475–33(H)). With respect to costs of housekeeping, most foundries estimated that costs would be in the vicinity of $20,000 per year. However, one firm estimated much larger annual housekeeping costs of $180,000 (Ex. 475–33(T)) with no apparent explanation for this deviation.

All of the foundries forecast large decreases in productivity as a result of "nonproductive" hours spent by employees in compliance activities, such as housekeeping and showering. However, the firms did not explain the derivation of the productivity loss estimates, nor did they attempt to calculate offsetting gains in productivity that may be realized through

modernization and a cleaner work environment. Furthermore, classification of work practices as "nonproductive" fails to depict accurately the purpose and effects of safety and health in the workplace. While work practices may not necessarily be perceived as contributing to the conventional product output of the firm, utilization of these resources does contribute to the health of employees and, therefore, may reduce worker turnover and absenteeism.

At least one foundry claims that it will incur large costs of training new employees because a certain percentage of its workforce would switch to other jobs as a result of "loss of personal freedom" at work (Ex. 475–33(F)). The firm claims that the calculation of the 8-hour TWA would require rescheduling shifts such that many employees would seek other employment. On the contrary, OSHA believes that providing cleaner and safer foundries would be likely to reduce worker turnover. Workers who were previously dissatisfied with the workplace, as exemplified by high rates of turnover and absenteeism, would be more likely to remain in current positions and attend with greater reliability. This would be of substantial benefit to the firm, because retraining costs associated with new workers would be reduced. In addition, overstaffing in the face of high absenteeism, to ensure an adequate workforce on any particular day, could be reduced.

In contrast to the relatively high compliance costs provided by some members of the CMF, other data indicate that compliance costs may be considerably lower. These data are estimates of the cost of complying with the 200 $\mu g/m^3$ lead standard. Bolt, Beranek, and Newman (BBN), a consulting firm that conducted a program of on-site consultations in the foundry industry as part of an OSHA National Emphasis Program, made estimates of the specific costs of controlling metal fumes in participating foundries. The reports also included separate cost estimates for controls recommended to reduce exposures to free silica, noise, binders, and safety hazards. A total of 282 firms sought BBN's consultative services. For all these foundries, including steel foundries, gray iron foundries, malleable iron foundries and nonferrous foundries, total control costs for all hazards were estimated to be $6,200,000. In other words, on average, each foundry needed to spend about $22,000. However, BBN pointed out that costs for individual foundries varied widely (Ex. 476–317).

OSHA reviewed the BBN reports pertaining to nonferrous foundries, especially those establishments in which brass and bronze were cast. The compliance costs and the estimated time necessary for implementation of control measures ranged from a minimum of $75 and one month to $95,000 and one year. Three establishments were advised that immediate actions, that bore *no* costs, such as moving a hood or a worker's position, could be taken to achieve compliance (Ex. 476–317).

BBN estimated the total costs for coming into compliance with the 200 $\mu g/m^3$ lead standard and all simultaneous exposures to metal fumes at $364,100 for the nonferrous foundries participating in the consultation program. The average cost per foundry was only $6,300. Excluding those foundries that were in compliance and that therefore incurred no costs, the average cost per firm rose slightly to $8,500. The average length of time required for implementation of controls was 4.5 months.

For their estimates, BBN used an integrated cost-effective method of solving exposure problems, that is, a combination of engineering controls, work practices, and administrative controls. This multifaceted approach to reducing levels is necessary to provide an effective, least-cost solution to the exposure problem. Because the industry estimates do not take this approach, they are probably overstated.

The study by Jacko and Overmyer similarly emphasized the multifaceted approach to lowering lead levels by utilizing housekeeping, work practices, proper layout of plant and equipment, and ventilation. Since it is important to reduce the amount of air exhausted, which is the most costly component of compliance, these other methods represent important ways of reducing costs for firms. In addition, the estimated costs of ventilation control per cfm typically include the costs of complying with EPA air pollution regulations. To the extent that this is the case, the costs attributable to OSHA should be systematically reduced (Ex. 475–3A(2)).

The Census of Manufacturers estimates that there are 489 brass, bronze, and copper foundries and 365 nonferrous foundries, not elsewhere classified (Ex. 476–26). However, according to the American Foundrymen's Society (AFS), there are 364 copper-base alloy foundries, 59 steel foundries, and 29 other nonferrous foundries in which exposure to lead may occur (Ex. 475–3A). The AFS also noted 246 gray iron foundries and 304 aluminum foundries in its estimate of the number of nonferrous foundries potentially using lead.

The two trade associations (CMF and AFS) concur that exposure to lead occurs in approximately 1,000 foundries (Ex. 475–3A and Ex. 475–33). The Census data identify 476 brass and bronze foundries but do not identify other foundries in which brass and bronze may be cast as secondary products or other alloys containing lead may be cast. Thus, OSHA accepts 1,000 firms as the best available estimate of the number of potentially affected firms.

Using this estimate of the number of affected foundries and the BBN cost estimate of $8,500 per foundry to reach 200 $\mu g/m^3$, OSHA estimates that at least $8,500,000 would be expended to achieve compliance with the 200 $\mu g/m^3$ standard. Assuming that the BBN estimates are understated by a factor of ten, that is, that there is a ten-fold difference between achieving 50 $\mu g/m^3$ and 200 $\mu g/m^3$, total cost in the foundry industry of achieving 50 $\mu g/m^3$ may reach $85,000,000. Butler's cost estimate of $107,000,000 to reach 50 $\mu g/m^3$ is based solely on controlling lead levels with ventilation (Ex. 479), which is likely to be more expensive than a multi-faceted approach. The best estimate of DBA for achieving the 100 $\mu g/m^3$ standard was $161,000,000. However, this figure was based on 1,620 foundries rather than 1,000 foundries producing bronze and brass castings. OSHA believes that the BBN data constitute the best available evidence, because they were collected more recently than the DBA data and because BBN visited a much larger sample of firms. Thus, OSHA concludes that the foundry industry may expend $85,000,000 to $107,000,000 complying with the lead regulation. On an annualized basis, these health-related expenditures range from $15.2 million to $19.2 million.

(i) *Industry Profile.* Exposure to lead in nonferrous foundries occurs primarily in the manufacture of brass and bronze castings (Ex. 478–1). According to the Department of Commerce, there are 476 companies operating 489 establishments in this industry, SIC 3362. About 10,200 production workers were employed in this industry in 1977 (Ex. 476–26). However other foundries may produce copper-base alloy castings as a secondary product, thereby increasing the number of workers potentially exposed to lead. For instance, the CMF estimates that there are about 1,000 foundries in the U.S. producing brass and bronze castings (Ex. 475–33), and the AFS estimates that 1,004 foundries in the U.S. produce nonferrous castings, including 364 which produce copper-

base alloy castings as their primary product, and 246 gray iron, 2 malleable iron, 59 steel, 304 aluminum and 29 other nonferrous foundries with copper-base alloy casting as a secondary product. Total employment may be as high as 80,000 workers, according to the AFS (Ex. 475–3A). The value of shipments for the nonferrous foundries was $813.7 million in 1977; the value of shipments for the brass, bronze, and copper foundries was $553.3 million (Ex. 476–26).

Using employment as a measure of size, most of the foundries in SIC 3362 are small with 41 percent employing less than 10 employees, and forty-six percent of the establishments employing between 10 and 50 employees. Only three establishments employed between 250 to 499 employees, the largest firm size category. In other foundries producing bronze and brass castings, the number of employees per foundry is not known. However, since 10,200 workers are employed in the bronze and brass foundry industry, and since the AFS estimates that there are 80,000 workers in the nonferrous industry at issue (Ex. 475–3A), this leaves 69,800 workers in the remaining establishments.

The CMF and some of its members predicted severe financial hardship, plant closures, increased unemployment, and productivity losses of 10 percent to 20 percent after compliance with the lead standard (Ex. 475–33). The AFS addressed the issue of technological feasibility but did not submit data on the economic feasibility of compliance nor claim that this regulation would present a hardship for affected foundries (Ex. 475–3A).

One manufacturer of bronze bearings presented data in support of the feasibility of the lead standard. The Marion Bronze Company, with the assistance of Battelle Columbus Laboratories, developed a new method of casting bronze. The research and development effort was stimulated by the incentive to lower production costs associated with rising energy costs (Ex. 475–18). A grant was awarded by the Department of Energy to supplement the work prepared to date, which has been patented by the U.S. Patent Office. The funding is designated for the completion of the research necessary to market the new technology (Ex. 475–18B).

Because substantial cost reductions can be gained by manufacturers switching to the process, it is likely to be rapidly accepted. The National Bureau of Standards (NBS) regards the process as commercially feasible. The NBS indicated that reductions in costs are based on lower capital investments required to produce a wide range of bearing sizes, significant reductions in energy usage, and significant increases in productivity compared to current processes in use (Ex. 475–18C). In addition, the new continuous casting method is a cold process and does not require melting metal (Ex. 475–18). This new process which offers significant economic benefit to producers would also virtually eliminate lead exposures in the production of some bronze castings.

The conventional processes used in foundries involve pattern making (generally customer specific), mold making, metal pouring, and finishing. Foundries usually specialize in either job contract or volume business in producing standardized products. The demand for foundry products is determined by a highly diversified group of customers purchasing a wide selection of standard and specialty castings. The dominant factor in determining the price of final products is the price of brass and bronze ingots (Ex. 476–26).

There are less than 30 firms in the brass and bronze ingot manufacturing industry, which is separate from but essential to the foundry industry. Copper-based ingots of specific alloy compositions are produced and sold primarily to nonferrous foundries, which in turn melt the ingots and cast brass and bronze products. All but one of the ingot manufacturers are small, closely held corporations. Industry commented that the capital-intensive nature of the industry, the strong competitive pressures, and the demanding government regulations result in small profit margins for ingot producers relative to other manufacturers (Ex. 475–10). The industry also contends that lack of access to capital has forestalled modernization. The industry is composed of older facilities located in urban areas (Ex. 475–10).

The submission of the Joint Government Liaison Committee of the Assocation of Brass and Bronze Ingot Manufacturers and the Brass and Bronze Ingot Institute further describes the role of the industry as essential (Ex. 475–10). They describe no domestic competitors nor foreign penetration of the brass and bronze ingot market in supplying foundries with these alloys. Most foundries will not produce their own ingots because extensive and expensive laboratory facilities are required to produce alloys of specific compositions (Ex. 474–26). Thus, it appears that any compliance costs incurred in protecting workers in the ingot manufacturing industry could be passed on to nonferrous foundries. Furthermore, since the industry is described as consisting of small, highly competitive firms operating under similar conditions and producing a homogeneous product, compliance costs should not impose a disproportionate burden on any specific firm within the industry.

In the foundry industry, however, market conditions are somewhat different. Job shop foundries are supplying a service to customers who order specialty castings. Here, the quality of the castings produced appears to be an important method of product differentiation. Thus, the reputation of the foundry may be a critical factor under consideration by the buyer. Thus, small foundries with a reputation for high quality may retain their competitive advantages even in the face of rising costs. Castings that are mass produced, on the other hand, may meet much less stringent demands on quality (Ex. 476–26). Small firms in the market may be unable to compete with larger firms because of disproportionate cost increases.

Establishments in the industry are distributed throughout the nation with a large proportion of producers in the Middle Atlantic, East North Central, and New England census regions. For standardized products, competition is less regionalized than for job-contract work. Within given geographical markets, competition for specialty orders is fairly intense (Ex. 475–10).

While the foundry industry is vulnerable to business recessions, especially in construction and consumer durables, the industry's flexibility and diversity of product lines tend to buffer the severity of such impacts. As the economy recovers, the foundry industry should share in the growth. There may be a trend to shift from brass and bronze to ferrous castings; however, the magnitude and strength of this shift is not measurable owing to a lack of data.

The structure of the industry as a whole closely resembles a monopolistically competitive market. The low concentration ratios for 1972 from the Census of Manufacturers provide evidence of the competitive nature of the industry, although this measure probably overestimates the competitive nature of regional markets. Economic and technological barriers to entry appear to be very low on the basis of available evidence (Ex. 474–26), and the size distribution of firms does not indicate that there are significant economies of scale in production (Ex. 474–26). Thus, low unit production costs can be obtained at low levels of output.

About 25 percent of the foundries classified as brass and bronze foundries are unincorporated, single plant firms.

Since these companies produce at low volumes, they have not in the past benefited from bulk discount buying of raw materials. Therefore, when the price of brass ingots rose sharply in 1972 and 1974, many of these firms were unable to compete with larger producers (Ex. 474–26).

DBA indicated that costs of production rise as a result of compliance with the lead regulation, firms would initially pass on to consumers most of the increase. Moreover, in the long run, the prices would rise to fully pass on the costs of compliance, although there might be some increase in market concentration (Ex. 474–26).

Some of the present markets for brass and bronze castings may change to reflect increasingly elastic demand if plastic castings are accepted as suitable substitutes. Aluminum and ferrous castings may also compete successfully if the relative prices of bronze and brass castings rise.

One company commented that foreign competition was much stronger than in the past and was adversely affecting its ability to export castings (Ex. 475–33I). However, foreign producers do not appear to be competing with foundries in domestic markets. On the other hand, in an effort to escape regulatory requirements, and to lower costs of labor, some foundries may consider the option of moving abroad (Ex. 476–26). For instance, if some domestic foundries relocate to Mexico, the impact on the southwest regional market for brass and bronze castings might be disrupted (Ex. 476–26). The extent of this dislocation is not measurable with the available data.

(j) *Conclusion: Economic Feasibility*

The foundry industry has been given 5 years to comply with the standard. In light of this extended compliance period and the cost evidence, OSHA concludes that the economic impact of the lead standard will not prove disruptive to the domestic foundry industry. OSHA calculates that compliance costs will comprise between 1.4 percent and 3.4 percent of total shipments, valued between $553.3 million (brass and bronze foundries) and $813.7 million (nonferrous foundries) in 1977 (Ex. 476–20). Although marginal firms may exist the market or drop lead-related product lines from their operations, causing some increase in market concentration, entry barriers are low. Therefore, new firms may enter the market if others shut down. Thus, in the long run, increases in concentration may not occur.

30. Pipe Galvanizing

(a) *Uses*

Large quantities of steel wire, pipe, hot and cold rolled strip and sheet are coated with molten zinc in a process called galvanizing. Galvanized steel is used where corrosion resistance is required, for example, in the underbody of automobiles, for air conditioning ducts, culverts and storage tanks. Often the galvanized sheet is given a paint coating to make it fit more attractively in its surroundings. Some farm silos are made of continuously painted galvanized sheet. Curtain walls in building exteriors, interior partitions, and parts of kitchen cabinets or major appliances such as refrigerators may also be manufactured from painted galvanized sheet.

(b) *Process Description and Exposure Areas*

Metal to be galvanized may require annealing to remove the effects of cold working. For galvanizing wire a continuous annealing process consisting of a lead-bath is usually employed. A pan filled with molten lead is installed in front of the cleaning and galvanizing apparatus. The lead also serves to burn off the wire-drawing lubricant. Since the rate of cooling in continuous process annealing has little effect upon the physical properties of the wire, the wires are cooled in air, or, if the space is limited, low-carbon wires will be cooled by conducting them from the annealing furnace into a vat of water. Following annealing, the materials are cleaned of scale by being drawn through a bath of hot acid at predetermined concentrations and later through hot water. The cleaned wire must be dried before galvanizing. A flux is used to prevent any oxidation or rust from forming during the drying process. The dried wires are drawn at once into the molten zinc, or spelter. This molten metal is contained in a spelter pan, which is usually made of boiler plate and is supported by a brick setting of suitable construction for firing with the most satisfactory fuel available. Pans designed for galvanizing coarse sizes of wire may reach a length of 30 feet. The depth of the pan must be sufficient to prevent the wires from coming into contact with the dross which settles and collects upon the bottom. This dross which is an alloy of iron and zinc and solid at the temperature of molten spelter, forms a pastelike mixture that is very harmful to the coating. As molten zinc oxidizes rapidly, the pan is provided with some form of covering, which rests upon the molten spelter and protects it from the air, except at the ends where the wires enter and leave the bath. Here, the surface of the metal must be kept free from oxide by frequent skimming. The mixture of zinc and zinc oxide thus obtained is known as zinc skimmings.

The wire, just after it emerges from the zinc bath, is passed through either one of two devices known as wipes or headers.

Galvanizing of cold rolled sheets and strips is performed in a similar manner, however, annealing is performed in a box furnace which eliminates the need for the lead bath preceding the zinc-bath. Pipe and hot rolled steel do not require annealing so the lead bath is likewise not necessary.

Electrogalvanizing, as the name implies, is a process which applies a coating of zinc to steel by means of an electric current. Electrogalvanizing uses a long, shallow plating vat, usually from 100 to 200 feet long. This vat is filled with a solution such as zinc sulphate which must be continuously agitated to maintain a uniform density. From the vat the steel goes to a wiping unit and is then permitted to dry in air.

Lead exposure results from processes preceding the hot galvanizing, such as annealing, which is often done in a lead bath (Ex. 476–483). Lead is sometimes added to the zinc bath because a lead layer acts to hold down other impurities which may be present in the zinc bath (Ex. 22, p. 209).

(c) *Controls Currently Used*

Suggested control technology consists of two hoods, one over the dip tank and one to exhaust the blowbox (steam ejector for removing coating metal from the inside of the pipe) (Ex. 476–344).

(d) *Exposure Levels*

Specific exposure data was unavailable, although the consensus among those expressing an opinion was that lead exposure poses no problems in this industry (Ex. 22, p. 209). AISI furnished blood lead data to the record, but furnished no exposure data (Ex. 500).

(e) *Population Exposed*

No data was available.

(f) *Additional Controls*

AISI stated that engineering controls were infeasible and that fluidized bed systems (which cannot be used in all cases) have replaced the galvanizing process. (Ex. 500, p. 9). While this may be a reliable way to eliminate lead exposures, other traditional methods such as those recommended by Short appear suitable (Ex. 22, p. 209). The submission from industry (Ex. 476–343)

also indicates that relatively standard control technologies are being used. The less costly housekeeping and worker rotation controls are also available to the industry.

(g) *Conclusion: Technological Feasibility*

The data which was available indicate the exposure to lead from galvanizing is low and poses very few compliance problems (Ex. 22, p. 209). Controls appear relatively simple and consist primarily of hooding. Additional preventive measures such as enhanced maintenance and housekeeping may also be used to insure that levels are kept below 50 $\mu g/m^3$. Compliance with the standard thus is feasible.

(h) *Economic Feasibility*

Data was not submitted by any industry source which indicated that there would be any costs of compliance associated with the use of traditional controls for complying with this standard. Exposure levels are low and the costs incurred, if any, will probably be for maintenance and housekeeping improvements, both of which require minimal expenditures. AISI did submit data in their post hearing comments which indicated that replacement of existing controls with a fluidized bath in galvanizing operations would be $650,000 (Ex. 500, p. 9). They further indicated delivery of the system would occur 1 year after the purchase order.

In view of the apparent low exposures in this industry and the relative simplicity of the controls required, compliance with the standard should not cause significant economic impact on this industry.

31. Plastics and Rubber Manufacture

(a) *Uses*

Polymerization processes result in many different kinds of bulk plastics and resins which are later molded to form plastic products or processed to form paints, solvents, varnishes, etc. Rubber has many uses, but is primarily used in the formation of tire and rubber hosing. Linoleum is no longer made in the United States (Ex. 476–286) and therefore its manufacture is not discussed.

(b) *Process Description and Exposure Areas*

The processes for the production of plastics and resins are numerous. Eighteen general processes are used to produce various plastics. Only the compounding of lead based ingredients poses an exposure problem in rubber and plastics manufacture (Ex. 22, p. 224).

Lead exposure may result from the compounding of a polymer. The term "compounding of a polymer" refers to those chemical and, especially, physical methods used to modify the polymer's properties in accordance with specific performance, appearance, or economic requirements. Most commonly, the compounding of a plastic involves the incorporation of certain additives, the compounding ingredients, into the polymer to produce a homogeneous dispersion or mixture. In this way, improvements may be made in processing characteristics (e.g., by the use of plasticizers), in resistance to degradation (e.g., by stabilizers), in strength (e.g., by modifiers or reinforcing fillers), in appearance (e.g., by antistatic agents), and in cost (e.g., by fillers or extenders). Curing agents are also important compounding ingredients, especially in the case of thermosetting resins and elastomers. The nature and proportions of the compounding ingredients; i.e., the formula or recipe to be used depends primarily on the nature of the polymer and its intended use (Ex. 476–286).

Important classes of compounding ingredients are: Antioxidants; antiozonants; antistatic agents; biocides; blowing agents; carbon; catalysts; curing agents; driers and metallic soaps; dyes; inorganic fibers; fillers; flame retardants; pigments; plasticizers; release agents; stabilizers; and ultraviolet radiation absorbers. (Id.)

Polymers are modified using a multitude of products, but most compounding methods generally consist of three steps. The premixing or preblending step involves breaking of agglomerates and gross dispersion of compounding ingredients. The compounding ingredients are heated and intensively mixed or blended in order to give the polymer particles a homogeneous dispersion on a molecular level. The last stage in compounding involves shaping the compounding material into a usable form (Id.).

General methods of compounding polymers may be divided into those of compounding thermoplastics and those for compounding thermosetting resins because the effect of heat differs greatly depending on whether the polymer is in the former or the latter group. The compounding of elastomers is a specialized technology. (Id.)

(i) *The Compounding of Thermoplastic Polymers* Premixing operations may be carried out in large batches with the aid of mixers and blenders. In mixing dry materials (e.g., in dry coloring), a less intensive type mixer, like ribbon blenders, conical mixers or sigma-blade blenders, may be used. If the material is dough or taffy-like, a more intensive mixer like the Muller-type mixer or vertical-action mixer will be required (as in the mixing of color concentrates with uncolored resin). The premixed materials are usually screened to eliminate remaining aggregates before the next operation. (Id.)

Fusion is accomplished by the external application of heat, shearing action, or both. A number of different types of equipment are available for this purpose. Extruders are widely used because they provide heating by shear and permit continous operation. The Banbury internal mixer is particularly useful for compounding plastics that are difficult to process and for compounding and reclaiming elastomers. It is usually employed in conjunction with a two-roll mill or an extruder (Id.).

The last stage in compounding a thermoplastic involves shaping of the compounded material into a usable form. For example, the Banbury mixer will produce thick, shapeless masses of several hundred pounds that must then be cut into small pieces. The compounded material is therefore placed on a two-roll mill and a sheetlike material is produced. The sheet can be reduced in size by cutting and further subdividing into granules or rounds (Id.).

The final product from an extruder can be obtained in tape, tube or strand form, or, after cooling, may be granulated. Pellets can be obtained directly by die-face cutting where the extruded polymer is cut underwater upon emerging from the extruder while still hot (Id.).

(II) *The Compounding of Thermosetting Resins.* Thermosetting resins are usually in the form of a syrup or of a finely divided powder prior to compounding. They are mixed with a variety of other solids, e.g., fillers like wood floor, asbestos, clay or mica. In addition to the usual compound ingredients, thermosetting resins are also compounded with suitable curing agents before they are fully set. Equipment used for compounding includes ball mills, sigma-blade blenders and vertical mixers. Ball milling is particularly useful for the production of powders with exact shades of color (Id.).

The sensitivity of resins to heatsetting requires that heating only be carried out at low temperatures and for short periods of time. Likewise, pH conditions must be carefully controlled. Fusion (fluxing) for brief periods can be performed on two-roll mills or a Banbury mixer. (Id.) The compounded material produced from the two-roll mills or Banbury mixer may then be

reground into a powder or granulated after extrusion. (Id.).

(iii) *The Compounding of Elastomers.* High quality natural rubber is too hard and tough to process. Therefore, the first step in its use is a preliminary breakdown or mastication. This is accomplished by the shearing action of a two-roll rubber mill or an internal mixer such as a Gordon plasticator. This breakdown causes the rubber to become smoother, more plastic and more thermoplastic in subsequent steps. Most synthetic elastomers also require some breakdown of a similar type. The amount of breakdown required varies with the type and grade of elastomer. In most cases, the breakdown of synthetic elastomers differs from and is less extensive than that of natural rubber. All rubber compounds contain some added chemicals and most contain softeners and pigments. All of these materials must be thoroughly blended with the rubber to give an essentially homogeneous mixture.

When using an internal mixer of the Banbury type, the rubber is added first and then worked; the compounding ingredients are added later. Many elastomers, such as those for tire treads, are mixed in several steps.

The first step in the process is premixing. Mixing results in elevated temperatures as a result of the mechanized agitation. In many cases, especially when mixing is in a high-speed mixer, the temperature rise in the batch is quite rapid. To prevent scorching or premature vulcanization, part or all of the curing agents may be kept out of the batch until the final mix. The batch is dumped onto a sheeting mill as soon as it reaches a definite temperature instead of being mixed for a definite period of time. The batch comes out of the Banbury mixer in chunks of various sizes which are dropped onto a two-roll mill under the mixer. On this mill, the batch is further blended, sheeted and cooled. It is cut off the mill in sheets, cooled in water, dusted or dispersed with separators to prevent sticking and stored for further processing.

There are many ways to shape rubber products. One widely used method, for either an intermediate or end product, is extrusion through a tuber or extruder. Calendering, another method, produces a smooth, uniform sheet of unvulcanized rubber by pressing between rollers. Such sheets may be cured as sheeting, cut into threads, or plied with fabric. In a friction calender, the rubber stock is pressed and smeared into the interstices of woven fabric to make raincoats, boots, etc. Another method spreads or coats properly compounded latex or cements onto fabrics. The machines required for spreading and coating are simpler and cheaper than those used for calendering but the coated fabrics must be dried. When cords are used instead of fabrics, they are usually dipped into latex and then dried.

Lead is used at the beginning of the process, in the compounding of the rubber and plastic itself, and later in the fabrication of rubber and plastic goods (Ex. 489). Lead oxide is used to accelerate the rubber vulcanizing process (Ex. 489).

Lead is used in the compounding of chlorosulfonated and isoprene-isobutene rubbers and is the common heat and light stabilizer for vinyl plastics where they often do double duty as lubricants or colorants (Ex. 489).

Lead exposures occur as a result of handling, weighing, applying and using lead bearing anti-oxidants, colorants, color concentrates, plasticizens, fillers, stabilizers, inks, paints, and internal and external lubricants (Ex. 22, p. 224). The potential for lead exposure exists in the following circumstances: (1) Whenever dry lead-bearing powder components are introduced into the system and until they become combined with liquids or reacted constituents; (2) when heating or curing operations raise temperatures sufficiently to increase vapor release; (3) during grinding, buffing, and machine operations which create airborne dust; or (4) in spray operations for coloring, painting or other purposes which disperse lead-bearing particulates into the atmosphere (Id). Specifically, the operations which are major sources of toxic dust generation are raw material handling and storage, additive weighing and batch recipe make-up, entry of additives into mixing and blending operations until the additives are fused into resin, and all hoppers and material transfer systems.

(c) *Controls Currently Used*

Numerous control technologies are available and used by the industry to control lead exposures: Total enclosure of the system; control by computer vacuumized propolymerization; local exhaust and general ventilation; mechanical stepping switches to control operations; enclosed control rooms under positive pressure; air local entry systems in charging operations; batch mix tanks with a flexible hose exhaust permanently situated at the top inside of the point; blend tanks equipped with an exhaust hood for the manway; screw conveyors under negative pressure; and small mobile blowers (Ex. 476–286).

The following controls are in use in a congoleum industry's plant (Id.). In the pigment preparation area, one employee working in a chemical kitchen area makes up all the additive solutions for addition to solution tanks of the reactors and coagulation area. The kitchen area is well ventilated and good housekeeping is emphasized. Attempts are made to receive dry materials in flake or large particle form, rather than as a fine powder. Also, material container sizes are selected to correspond with the weight requirements of the various batches, thus minimizing the need for the operator to measure shortweights (removal of part of the contents in the bag to obtain the desired weight) of dry materials, which is usually a very dusty operation. The solution tanks are open to the room and are not provided with local exhaust (Id.).

Exposure of workers to solid catalysts during normal plant operations is eliminated by the Catalyst Vacuum Loader. The solid catalyst for the solid resin facilities is unloaded from drums into a charge system via a vacuum conveying system to eliminate contact with personnel and reduce dust. The sensors and control elements interface with a computer and are automatically controlled (Id.).

While dumping dry additives, bags are positioned directly in front of the charge booth. One at a time, they are placed over a grate, slit open, turned over and dumped into the mixer. Empty bags are purged of residual particulate matter by vigorous shaking directly in front of the exhaust slot. Depending on the contents, the bag is either dropped into a polythylene-lined container, or flattened and baled inside or outside the booth. Any spillage is swept into the booth (Id.).

Partial or short weight amounts of additives are handled specially; the bags are slit into two equal sections, one is dumped and the other is carried to the scale and weighed. If short weight operations are frequent then an exhausted scale facility is probably necessary. Major spills from leaky pallet loads are vacuumed up immediately (Id.).

Good housekeeping is also essential to proper control, as is evidenced by the low measured concentrations of airborne dust. In some plants (Ex. 489) every 2 weeks, the entire plant (including rafters) is thoroughly vacuumed. This means that settled dust will never accumulate sufficiently to become a significant secondary source of contamination.

(d) *Exposure Levels*

The Kentile Floor Co. (Ex. 476–271) is a manufacturer of vinyl coating and vinyl floor covering. Dust samples were

collected in the compounding area where compounders load a compound, charging the hopper with dry chemicals. The chemicals are then transferred to the pre-mixer and finally to the Banbury mixer. Lead levels in the process area were nondetectable.

In the compounding department materials are transported by vacuum to compounders who weigh and mix pigments etc., and ultimately charge the Banbury mixer. Levels in the charging areas ranged from 43–70 $\mu g/m^3$ (three samples were taken). The survey concluded that even though the two samples exceeded OSHA limits, this did not constitute a major area of exposure. The significantly higher lead concentrations measured on one filter would indicate that a re-evaluation of the compound-charging area is necessary to determine whether this sample's filters were inadvertently contaminated or whether employee work practices here are significantly different than those of other workers. In fact, the survey recommends that compounders be instructed to empty bags of chemicals more gently in order to prevent dust generation. Representatives of Monsanto (Ex. 476–289) and Dow (Ex. 476–287) indicated that lead was not a problem in their operations.

Armstrong Cork (Ex. 476–297) also manufactures several types of floor tiles where lead is used in the pre-mix stages. Levels of exposure were approximately 0.01 $\mu g/m^3$. In 1975 this plant was re-evaluated and lead levels were nondetectable. Ventilation controls had been implemented to control asbestos exposure; these also served to reduce lead levels.

Dover Molded Products (Ex. 476–280) is a job shop producing small plastic items by injection molding. Colorants are added to the plastics by mixing white plastic with a dry colorant in 55 gallon drums. Of 9 samples taken, lead levels were nondetectable except for one which measured 0.02 $\mu g/m^3$. Even though lead levels were low, exposure to cadmium and chromates exceeded the PEL's. The survey recommended that colorants be substituted in these operations; discussions with company and supplier representatives indicate that it is technically and economically feasible to replace these colorants with nontoxic substitutes.

Lead exposure in the rubber industry occurs during vulcanization when lead oxide is added as an accelerator and during the manufacture of braided hose. The Rubber Manufacturers Association (Ex. 476–290) estimates that the amount of lead used in tire manufacture is relatively small and exposures are well controlled and pose no problem. Lead may also be used as a balance paint (a paint with a litharge to give it weight) which is painted on the side of a tire to give them balance. Monitored exposures were less than 6 $\mu g/m^3$.

The manufacture of braided hose can also result in lead exposures when the hose is vulcanized by encasing it in molten lead, and heating the encased lead in an autoclave to yield a smooth surface (Ex. 476–290). The lead is then stripped off, melted and reused.

At the Gates Rubber Co. (Ex. 476–293) 20 environmental samples were taken. Exposures ranged from 10–190 $\mu g/m^3$. The average of the samples was 87 $\mu g/m^3$. The Gates Rubber Co. (Ex. 476–288) submitted data which indicate that all employees have 8-hour time-weighted averages below the PEL and that most are below the action level. The company does have problems with intermittent exposures in dross handling (these exceed 1,000 $\mu g/m^3$) and maintenance, although the company is planning to install a new system for dross barrel handling which should reduce exposure.

B.F. Goodrich submitted sampling data from their braided rubber hose operation and found levels in 1971 with a median exposure of 34 $\mu g/m^3$ and 1980 levels with a median exposure of 5 $\mu g/m^3$. The lower exposure figures in 1980 may have resulted from an improved air filtering system which was installed primarily to comply with EPA lead regulations.

(e) *Additional Controls*

The control technology to comply with the PEL exists and in many cases has been installed by various plants. In some plants general ventilation may be inadequate to remove very small particulates and these systems may have to be upgraded. Also, some employers still use dry sweeping and compressed air blowing to remove dust; this must be replaced with vacuuming or wet sweeping. The transportation or storage of toxic materials in open containers (i.e., half bags, plastic cups) must also be replaced by contained methods.

Work practices are critical to successful dust control and many plants may have to use added efforts to change poor practices into good ones. Opening additive containers outside of the hoods provided for dust containment, sloppy handling of additive powders, poor opening procedures for bags, and generally improper use of local exhaust systems must be stopped and replaced with good work practices.

In plants with either nonexistent or poorly designed local ventilation systems, efforts must be made to insure that airflows are proper, exhaust slots are properly sized and placed, the appropriate duct transport velocities are achieved and hoods are of the proper depths. Ventilation systems should also be checked to ensure that they are not rendered useless by excessive cross drafts either from pedestal fans or open windows. Mixers, blenders, hoppers, feed chutes and conveyor belts should also be provided with local ventilation. Not enough emphasis can be placed on the importance of maintaining dust collecting systems.

Another control which may be required in some cases is the use of less dusty forms of the lead compounds. For example, Halstab offers lead stearate under the trade name, Hal-Lub-N, (described as light-tan flakes about 1 inch in diameter to keep down dusting in compounding operations) (Ex. 476–4I). Kenrich Petrochemicals, Inc. offers litharge pre-dispersed in a rubber base under the trade name, Kenlastic. Litharge is also offered pre-dispersed in process oil in the form of a paste under the trade name, Kenmix. (Ex. 489). The use of pre-dispersions may offer other benefits. Kenrich points out that the use of pre-dispersions is standard practice for some applications where it is necessary to insure even mixing of high concentrations of litharge.

The use of a returnable container and sealed materials-handling systems to prevent escape of the product into plant atmospheres may also be necessary. Plastic bags which are soluble can be added unopened to the mixer, such as a product "Elastifilm," made by Goodyear (Ex. 489).

In some cases complete elimination of existing equipment may be necessary. Both ribbon blenders and Banbury's are internal mixers, and thus may be readily equipped with ventilation. The use of open two-roll mills for the initial mixing of rubber batches has largely been eliminated in the industry. It may not be feasible to install ventilation which would reduce airborne lead to acceptable levels on such equipment. The URW believes that the complete elimination of open mill mixing of hazardous materials for production batches is both feasible and necessary. (Ex. 476–291).

Once the rubber or plastic batch is compounded and mixed, exposure to lead from the batch itself is not usually a problem. Grinding or machining operations may generate rubber or plastic dust, but these operations are not unique to the rubber and plastics industry. Workers are also exposed to lead in the mixing and application of paint and ink, casting of lead tools and fittings, machining, of bushings, battery

repair, soldering, etc. Again, these processes are not unique to the industry.

Metallic lead is used in the curing of rubber hose. While the process itself is not found in any other industry, the principles of control are the same as those for any process in which slab metallic lead is extruded, scrapped and melted to be reclaimed. Sampling data from URW Local Union No. 241 (Ex. 475–14) indicates that engineering control are feasible.

There has been widespread substitution of other materials for lead in the rubber industry. Further substitution of less toxic materials may be feasible in both rubber and plastics (Ex. 476–285) as well as in pigments for resilient flooring. Lead exposure in compounding can be controlled through the use of non-dusting forms of lead or through the use of engineering controls.

The URW (Id.) submitted exposure data for the Inland Division of GMC, using wipe samples for lead. Dust was settled on handrails and eye wash fountains, as a result of dry sweeping; some high dust levels were detected. This clearly demonstrates that the use of housekeeping will prevent secondary re-entry of dust into the workplace.

(f) *Conclusion: Technology Feasibility*

It appears that the technology exists in the compounding of plastics and rubber to achieve 50 $\mu g/m^3$. The exposure data which has been compiled indicates that levels are generally well below 50 $\mu g/m^3$ in some operations and exposures only intermittently exceed the PEL in others. The plastics industry is an extremely automated industry and controls used to increase productivity and product quality have also resulted in reductions in lead levels. Pre-measured colorants, stabilizers, etc., only insure that entire batches of plastics are not spoiled by sloppy, weighing. The URW submissions (Ex. 475–14) clearly demonstrate that compliance has been achieved in many operations by the use of controls such as automated and mechanized material handling and mixing operations, enclosed processes, and worker operating booths. The advent of pre-mixed and containerized additives has further eliminated the need for workers to handle toxic additives.

(g) *Costs of Compliance*

(i) *Plastics.* Of the four manufacturers of lead stabilizers, only American Cyanamid submitted data to OSHA. They indicated that a study performed for them by a consulting firm estimated a cost of $746,600 to install engineering controls to lower levels to 200 $\mu g/m^3$ and to modernize the plant. The company further indicated that the cost of implementing a 1979 settlement agreement between them and OSHA was estimated to be $75,000 for feasible engineering controls (Ex. 475–30). However, assuming that each of the four companies producing lead stabilizers will each need to spend $750,000, the total capital costs for this industry would be $3,000,000. American Cyanamid stated that levels would not be reduced below 200 $\mu g/m^3$ and contended that "space age" technology would be necessary to achieve a 50 $\mu g/m^3$ standard (Ex. 475–30). OCAW argued, however, that using design concepts based on existing technology, American Cyanamid has a good chance of meeting the current lead standard (Ex. 475–34).

No manufacturers of plastic products submitted any cost or other data to OSHA on the issue of feasibility. However, Monsanto Corporation indicated that it does not have any lead exposure problems (Ex. 476–289). Similarly, Dow Chemical, which infrequently uses lead in its plastics operations, does not have an exposure problem (Ex. 476–281). Congoleum Corporation, which produces resilient vinyl flooring, uses lead predominantly in a wet form, thereby virtually eliminating an exposure hazard (Ex. 476–286) Armstrong, which is also a producer of resilient vinyl flooring, has substituted other materials for lead in its pigment and stenciling operations (Ex. 476–285).

(ii) *Rubber.* In 1976, B. F. Goodrich contended that engineering controls would cost a total of $255,000 to control 600 exposures to lead (Ex. 474–3(133)). This is an average cost of $425 per exposure. No supporting data were provided to explain what controls the estimate reflects or how the estimate was calculated.

In connection with the October 1980 hearings, B. F. Goodrich provided data indicating that its lead encased hose plant is substantially in compliance with the lead standard, most likely as a result of installing an improved air filtering system to reduce emissions into the ambient air (Ex. 476–284). In a similar operation, Gates Rubber reported that while all employees were below the 50 $\mu g/m^3$ standard, brief high excursions occur in three operations. It was added that control of these operations by means of engineering controls would be prohibitively expensive, however, no cost estimate was offered (Ex. 476–288). OSHA assumes worker rotation will be used to achieve compliance, thus creating no significant costs.

No compliance costs were submitted for other users of lead compounds in the rubber industry. This is most likely because the potentially affected companies have already come into compliance by means of process changes or substitution. For example, B. F. Goodrich no longer uses lead as an accelerator in the manufacture of tires (Ex. 476–284), and in compounding, exposure can be controlled by substitution of less toxic substances or by use of nondusting forms of lead products which are supplied by a wide range of producers (Ex. 489). Significant commercial benefits in the form of increased product quality are also promoted as advantages of these control measures (Ex. 489).

(h) *Industry Profile*

(i) *Plastics.* From 1972 to 1977, total value of shipments in the plastic materials industry (SIC 2821) increased 141 percent to $10,818,000,000 and total value of shipments in the manufacture of miscellaneous plastic products (SIC 3079) rose 121 percent to $23,688,000,000. There were an estimated 397 establishments employing 36,700 production workers in SIC 2821, and 10,212 establishments employing 358,000 production workers in SIC 3079. New capital expenditures have grown from $654,000,000 to $1,154,200,000 in SIC 3079 and from $253,200,000 to $895,200,000 in SIC 2821 between 1972 and 1977. (Ex. 476–20). The plastics industry is expected to outperform the economy and grow at a rate of 4 percent to 5 percent in 1980 (Ex. 476–26).

However, only four companies—American Cyanamid, Associated Lead, Hammond Lead, and to a limited extent, Eagle-Picher—produce lead-based stabilizers (Ex. 475–30). These stabilizers are commonly used in the production of polyvinyl chloride (PVC) plastic insulation for application in commercial and residential electrical wiring. The final product contains 4 percent to 6 percent lead stabilizer which prevents degradation. There is no substitute available, that can impart the same heat stability and electrical properties (Ex. 475–30). Therefore, because no substitute products are available, any increases in costs due to the lead standard can be passed on to the consumers.

Approximately 21,000,000 pounds of lead stabilizers were produced in 1976 and the projected growth rate for the industry is 3 percent per year. The industry is characterized as mature with a flat sales growth curve. Over 100 downstream consumers of lead stabilizers produce finished products containing stabilizers. The wire and cable industry alone annually uses

about $200 million of lead stabilized PVC for insulation (Ex. 475–30).

Lead compounds are also added to plastics as colorants. The market for colorants varies with cyclic changes in color preferences or tastes and is generally characterized by a steady mass market for a few simple "wide-tolerance" colors (Ex. 476–295). The incorporation of colorants should be done in a manner that speeds production, upgrades product quality, and reduces cost. Dry coloring, which is the most hazardous operation for workers, offers the marketing advantage of almost unlimited color range and flexibility in production color changes. However, it generates dust which may contaminate other products, does not disperse as completely as other forms of colorants, and involves careful weighing, timing of batch mixing, and drying of the resin (Ex. 476–295). Other methods of adding colorants, such as using wet or paste colorants or pelletized products, avoid these disadvantages while virtually eliminating the potential exposure of workers to lead. Thus, OSHA concludes that methods for complying are readily available and that these measures will probably yield commercial benefits for producers in addition to bringing them into compliance with the lead standard.

(ii) *Rubber.* There are an estimated 56 companies operating 63 establishments that employ 7,100 production workers in the manufacture of synthetic rubber (SIC 2822). In addition, there are 127 companies employing 88,300 production workers in 200 tire manufacturing plants (SIC 3011) and 102 companies employing 23,400 production workers in 146 establishments manufacturing rubber and plastic hose and belting (SIC 3041).

One-third of the establishments in SIC 2822 (synthetic rubber manufacture) employ fewer than ten employees per plant, nine employ more than 500 employees per plant and one firm employs between 1,000 and 2,500 employees. Data on the latter are withheld to avoid disclosing operations of the company, however, the ten largest companies by employment (or one-sixth of the firms) produce $1,355,100,000 out of a total value of shipments of $1,863,300,000 (or 72.7 percent) and invested $36,200,000 in new capital expenditures in 1977. Similarly, 65 of 200 establishments in SIC 3011 (tire manufacturing) employ fewer than 10 employees and 46 establishments employ more than 1,000 employees. One-quarter of all firms produced $7,500,700,000 in value of shipments out of a total of $8,971,000,000 (or 83.6 percent). The distribution of firms by employment in SIC 3041 is much more even, however, the top five firms produced $675,100,000 in value of shipments out of total industry shipments of $1,765,700,000 (or 38.2 percent). Thus, some degree of concentration is apparent in the three industries (Ex. 476–20).

Exposures above the standard (although not necessarily as TWA's) occur only in the production of lead-encased hose. There are only 12 to 15 domestic companies out of more than 100 involved in such operations (Ex. 476–290). No evidence of a suitable substitute for lead-encased hose was apparent. Therefore, OSHA concludes that the demand for this product is inelastic and that the increased cost of production as a result of potential compliance costs, if any, can be passed on to consumers.

(i) *Conclusion: Economic Feasibility.*—(i) *Plastics.* In their submission, American Cyanamid did not provide any financial or profit data for their firm's operations upon which OSHA could evaluate the economic feasibility of these costs (Ex. 475–30). OSHA estimates that if each of the four companies producing lead stabilizers will each need to spend $750,000, the total capital costs for this industry would be $3,000,000. This represents an annualized cost of about $540,000 or about 0.3 percent of the $200 million in annual sales of lead stabilized PVC for insulation alone. OSHA therefore concludes that the standard is clearly economically feasible for this industry.

No other manufacturers of products submitted data concerning the issue of economic feasibility. However, Monsanto Corporation, Dow Chemical, Congoleum Corporation, and Armstrong have no exposure problems or have already eliminated such problems. Moreover, the control of lead exposures, in particular in its use as a colorant through the use of wet or paste colorants and pelletized products, will probably yield commercial and financial benefits to producers which will offset, at least partially, the cost of complying with the lead standard. Since the total value of shipments in the plastic materials and miscellaneous plastic products industries is over $34 billion, OSHA has concluded that the minimal increases in costs that may be necessary to comply with the lead standard are clearly economically feasible.

(ii) *Rubber.* Exposures above the standard occur in only 12 to 15 domestic companies. If each of these companies needs to spend $255,000 to install engineering controls, as B.F. Goodrich estimated, this would total, at most, $3,825,000 in capital costs or about $687,000 in annualized costs. This amounts to $45,800 for each of the 12 to 15 companies involved. The total shipments for the manufacture of rubber and plastics hose and belting is $1,765,700,000. Dividing by the number of companies in this industry (102) yields an average of $17,310,000 in shipments. The annualized cost of $45,800 represents less than 0.3 percent of the average shipments for these companies. OSHA therefore concludes that the standard is economically feasible.

32. Plumbing

(a) *Uses*

Lead is utilized in about 15 percent of the plumbing business. Lead is still used in extra heavy pipes, some drain wash and vent systems, and in roof flashing to waterproof the area where a pipe penetrates the roof. It is also used in 4-inch pipes for closet benz and ¾-inch pipe for water surfaces. Previously, lead has been used as a noncorrosive lining for shower floors, but this use is being displaced by plastics, copper and coated steel. (Ex. 22, p. 284).

The most common use of lead is for lead and oakum (jute-like fiber) joints used to repair oil lead-oakum joints. The use of lead-oakum is a time-consuming and old-fashioned method of plumbing repair, and is most prevalent in the Eastern Seaboard area. The old lead-oakum joints are being replaced by metallic clamp joints with compression gaskets. The newer materials are often easier to work with and much lighter than lead and, therefore, more desirable. (Id). Lead is also used in the soldering of copper pipe joints.

(b) *Process Description and Exposure Areas*

When used in joints, lead is melted in a small pot and typically dipped out with a 24-inch ladle. The plumber's work areas are 18–25 inches from their noses. They wear gloves, but not respirators, and the lead is barely molten, with few fumes present (Ex. 22, p. 384).

(c) *Controls Currently Used*

Plumbers may work in well ventilated open areas or in confined areas. The controls most often used in confined areas would be local exhaust ventilation or dilution, although the data submitted showed no use of ventilation. (Ex. 22, p. 384).

(d) *Exposure Levels*

The American Society of Plumbing Engineers, the Plumbing, Heating and Casting Information Bureau, and the Plumbing Manufacturers Institute

indicated that lead in plumbing is being phased out and they know of no exposure data. (Ex. 476–346, 349 and 350). The Plumbing and Mechanical Officials indicate that lead is still in the Codes of Chicago and New York (lead-oakum). (Ex. 476–353). The only exposure data available came from a report from the Heating and Plumbing Contractors of California which indicated that levels were well below the OSHA Standard, ranging from 4–10 $\mu g/m^3$. A NIOSH survey on the Denver Dry Good Company showed similar results with lead levels from 0.01—0.03 $\mu g/m^3$ (Ex. 476–351). This is a once-a-year operation with no ventilation. The levels are sufficiently low that they will rarely exceed the 30 $\mu g/m^3$ action level.

(e) *Additional Controls*

None are necessary, since compliance with the standard is already achieved.

(f) *Conclusion: Technological Feasibility*

Exposure data indicates that lead levels are below the 50 $\mu g/m^3$ standard and that this industry is in compliance with the lead standard. However, it should be noted that plumbing work which is part of construction operations is beyond the scope of the standard.

(g) *Economic Feasibility*

No cost of compliance and no economic impact are anticipated, because levels are below the 50 $\mu g/m^3$ level.

33. Pottery and Ceramics

(a) *Uses*

Pottery and ceramics manufacture includes production of ordinary building bricks and tile, sewer pipe and electrical conduit, drain tile, refractory bricks of all kinds, electrical and chemical porcelain and stoneware, whiteware such as dinnerware, china, floor and wall tile, porcelain enamels and abrasives. (Ex. 476–359).

(b) *Process Description and Exposure Areas*

The process begins with the proper amounts of clays being weighed and blended to form a slip. The slip flows to filter presses where it is pressed into cakes (aging may be done). The slip is then converted through more mixing into a casting slip or sent for jiggering or jolling. (Ex. 476–5 G).

Casting of the slip is usually done in plaster of paris molds. Castings are dried in hot air dryers prior to firing. Glaze coastings may also be applied to dry ware prior to firing.

In jiggering or jolling the clay is fed from the storage bins to a pug mill and mixed with water to form a mud. The mud is then forced by augers through a die to form a wad. The wad is fed to the jigger which consists of a rotating unit carrying a mold which will form one face and a tool which will form the other. The ware is then dried, and glazed (if necessary) prior to firing.

Exposure to lead results from the use of frits applied as a glaze (Ex. 22, p. 211; Ex. 476–357, 373). These are nonsoluble lead silicates, lead borates or bi-silicates. (Ex. 22, p. 211). Some companies also make the raw material which comprise the glazing compounds (Ex. 476–369). A discussion of the control problems in the manufacture of glazing materials is discussed in pigment manufacture. Fine china manufacturers may also use white lead (Ex. 476–363).

The preparation of frits for glazing requires that lead-based materials be mixed with other materials and ground in a ball mill. (Ex. 476–373, 363). Water is usually added (Ex. 22, p. 211, Ex. 476–373) and the glaze applied to the piece by spraying or dipping, (Exs. 22, p. 211; 476–371); 476–372; 476–373), either manually or by machine. The piece is then placed on a "setter" which is introduced into a kiln for firing (Ex. 22, p. 211).

The other processes and job titles in which lead exposures occur include the manufacture of the glaze (the slip house leader, journeyman, forklift operator); the application of the glaze to the ware (the dipper, duster, glaze cleaner, glaze sprayer, inspector, spray machine loader, unloader, operator, setter-carrier, reclaim operator, and service operator); and, the handling and firing of the glazed piece (kiln placer, setter, reworker and kiln utility). Other exposed employees include the production supervisors and technicians. (Ex. 476–373).

(c) *Controls Currently Used*

The materials handling controls used to handle glazes or glazing compound components are the same as those used by many other industrial segments. Materials may be mechanically dumped or pneumatically conveyed. Materials may be stored in bins and gravity fed or containers may be dumped in ventilated areas. Premeasured, containerized glaze components may be added to the mixers in disposable containers to reduce the potential for dust exposure. System enclosure and local exhaust ventilation at point of emission are controls which have been used successfully. Also, mixing the glazing compounds with water at the ball mill reduces the dust exposure but does not eliminate the potential for lead exposure since the mist formed may contain lead.

The glaze is usually applied to the ware either by spraying or dipping the ware. Spraying or dipping may be done manually but spray booths and mechanized dips are usually used. Local exhaust ventilation is used in both manual and mechanized operations to reduce exposure levels. Spray booths may be automated with workers controlling operations from outside the booth or may require the worker to hand spray the ware from within.

Glazes which are applied as powders to heated surfaces require extensive automation and ventilation controls to achieve exposure limits of 50 $\mu g/m^3$ (Ex. 476–369).

Once the ware has been glazed, it must be dried. Drying is done either by allowing the ware to sit in well-ventilated areas, or gas-fired or infrared dryers may be used. Local exhaust ventilation is usually employed to capture emissions from the drying ware.

(d) *Exposure Levels*

Data submitted by Employers Insurance of Wausau indicated that lead levels in the tile and ceramics industry ranged from 10–140 $\mu g/m^3$. The highest measured levels, 140 $\mu g/m^3$, were found in the batch making process. Workers in glaze making areas were exposed to levels of 210 $\mu g/m^3$ and the machine operator had an exposure of 130 $\mu g/m^3$. Weighing and mixing workers were exposed to levels of 70 $\mu g/m^3$ with hand dipping glaze workers being exposed to 60 $\mu g/m^3$ of lead. A description of the engineering controls used, if any, was not provided, also it is not clear whether these were time-weighted averages, area exposures, or peak exposures.

Exposure data collected at the Allan-Bradley Co. indicated that lead levels in their mixing and pressing departments were 0.4–0.3 $\mu g/m^3$ (Ex. 476–367). This company employed 374 persons; 246 production workers of whom 36 were monitored for lead exposure.

A survey done by NIOSH on the Lance Corporation found lead levels ranging between 10–70 $\mu g/m^3$ in the dipping operation. (Ex. 476–370). Data was not available for mixing operations. Lead levels resulting from the firing of glazed ware were nondetectable in the kiln area.

During an OSHA inspection, levels of 19–31 $\mu g/m^3$ were reported for a company using a Binks spray booth in the glaze application department (Ex. 476–377).

Other companies submitted data indicating percentages of employees above or below 50 $\mu g/m^3$, however, the exact levels above 50 $\mu g/m^3$ were not provided. For example, Piezoelectric (Ex. 475–40) which mixes and applies

glazes containing litharge and red lead estimates that 80 percent of their employees are exposed to 50 $\mu g/m^3$ or less and that 20 percent are exposed in excess of 50 $\mu g/m^3$. The company also indicated that exposure above 50 $\mu g/m^3$ occurred from "time to time" and did not indicate that levels were generally above 50 $\mu g/m^3$.

Lenox China estimated that out of 130 lead exposed workers, 50 percent are exposed to less than 50 $\mu g/m^3$. The other 50 percent are estimated to be exposed in excess of 50 $\mu g/m^3$ (Ex. 476–373).

(e) *Population Exposed*

Short estimates that the total population of potentially exposed employees in this industry ranges from 1,000 to 10,000 people. (Ex. 22, p. 211). Data presented from companies indicate that levels are closer to 1,000. (Ex. 475–25; 475–29; 476–371; 476–372; 476–373). This lower figure is consistent with the statement from the Fine Earthenware Food Utensils and Vitrcore China Food Utensils who have estimated that potentially exposed employees range from 1.5 percent to 8 percent of production workers in these industries (Ex. 22).

(f) *Additional Controls*

Some companies appear to be in compliance, some are nearly in compliance and some will be required to make changes in current controls to achieve compliance with the 50 $\mu g/m^3$ standard. The controls are available and many companies have used engineering controls to effectively reduce lead exposure levels. Others may have to apply these successfully used controls to achieve compliance with the 50 $\mu g/m^3$ standard. For example, problems in batch processing areas have been solved by installing new conveying systems including tanks, pneumatic conveying systems and local exhaust ventilation at emission sources (Ex. 476–369).

Some companies that manufacture the raw chemical ingredients used to prepare the glazes have installed reclamation systems in which the plant is blown down every two weeks and materials are collected and remelted to be used again in the process. These reclamation systems may also be effectively used by companies mixing and applying the glazes (Ex. 476–356).

In one plant, through various control strategies, several areas are kept below 50 $\mu g/m^3$. These areas were not identified but the controls which had been installed included total enclosure of certain equipment, installation of wet scrubbers with special ductwork, employee rotation and upgrading the housekeeping (Ex. 476–373).

In areas of exposure above 50 $\mu g/m^3$ the employer stated that additional scrubbers and dust collection systems can be installed, with increases in the air velocity of existing systems (Ex. 476–373).

Billings testified that exposure to lead in the spraying operation could be reduced by dipping the ware rather than spraying. However, Merwin of the USPA said that dipping is much slower and that generally, spraying is done automatically in an enclosed booth (Ex. 476–363; 476–366), although some companies must dip odd shaped ware. Airless spraying may also be used to reduce lead exposures. Although, as Mr. Merwin testified, to his knowledge there is no airless spraying done in this country. Currently, however, there is a company in the United States (U.S.P.A.) selling airless units (Ex. 476–363).

If methods such as dipping or airless spraying cannot be done, more effective spray booths such as the Binks spray booth may be used. This booth is 37 inches in height, 42 inches in width, and 46 inches in depth. It spins the ware and has a deflection screen. Face velocities ranged from 200 to 350 fpm and behind the booth there is an exhaust chamber which collects the excess glaze. This booth is very efficient and does keep levels below 50 $\mu g/m^3$ (Ex. 476–377).

Where employers are reluctant to replace existing spray booths with more efficient models, upgrading of existing ventilation controls may be necessary.

In finishing operations requiring buffing and grinding of ware, local exhaust ventilation may need upgrading. For example, in a NIOSH survey of one finishing operation, ventilation hoods had face velocities of 0–10 fpm for soldering, 200–600 fpm for the buffing, 0–960 fpm for polishing operations, 50–200 fpm for spray booths, and 60–150 fpm for the toolroom. NIOSH recommended upgrade and repair of existing systems and noted that maintenance appeared to be lacking in most cases (Ex. 476–370).

In may cases, effective maintenance, improved housekeeping, and worker rotation may be necessary to achieve compliance with the 50 $\mu g/m^3$ lead standard.

Lenox indicated that they have been unable to reduce air levels to 50 $\mu g/m^3$ through engineering controls. At present they have plans to add controls in the glaze department including modifying the hand dip dryer and installing down draft tables, purchasing a high lift truck for overhead cleaning, purchasing a high efficiency vacuum and filter system, installing a scrubber, installing a spindle wash system, modifying spray booths and tunnels, modifying dust collectors, installing infrared dryer systems, applying sealant to the floors and walls and purchasing a truck and board cleaner. Lenox is also installing a dust collection system at the ball mill loading area in the slip department and at the die making area in the mall department. These controls will be completed in 1981. Work practices currently being implemented include both daily clean up in the glaze department and quarterly cleaning (which includes all elevated equipment, piping, electrical conduits, light fixtures). This employer is continuing to share information with other manufacturers to improve work practices and expects the improvements will take another 2 to 5 years to complete. Thus they summarize their submittal by recommending a 5-year implementation schedule (Ex. 475–25).

(g) *Conclusion: Technological Feasibility*

As previously stated, some companies and some processes are in compliance with the 50 $\mu g/m^3$ standard. Others like Lenox will be required to make improvements to existing controls to achieve 50 $\mu g/m^3$. The company anticipates that these controls will achieve the PEL but notes that they are not certain that this will be the case. The company also stated that 5 years will be necessary to implement all controls—work practices and engineering (Ex. 475–25).

OSHA finds several puzzling problems with these industry compliance assessments. First, as Dr. Billings testified, careful planning and design of ventilation equipment require that companies plan controls with the premise that a margin of error is designed into the equipment. More precisely, if you are to comply with the 50 $\mu g/m^3$ PEL, controls should be designed to achieve a level equal to 10 percent of the desired PEL (5 $\mu g/m^3$) or at least some margin of error should be used (Tr. 106). Also, since OSHA was not furnished with a description of specific controls for this particular company, it is difficult to determine if the need for extensive use of ventilation equipment is a result of the inadequacy of existing controls or the complete lack of any controls. Also, the Agency wonders if some of these controls, especially those having to do with scrubbers and capture equipment, require extensive upgrade as a result of the high levels of silica found in the plant and only secondarily to reduce lead levels. As a result of these questions, the Agency is unable to determine with any certainty the extent

to which these controls will actually be necessary to achieve compliance with the lead standard and the extent to which other airborne contaminants will also be reduced. Also, the Agency is unable to determine, what, if any, controls were existing before this extensive remake was begun.

The company also indicated that 2–5 years would be necessary to implement work practices and 5 years would be necessary to implement engineering controls. Clearly, however, it does not take two years to train employees in the proper handling of toxic materials and to maintain surfaces free from dust accumulations. The most effective work practice programs have been developed by employers simply observing employee work habits. Not every employee has to be followed through his daily routine; excessively high blood lead levels often signal the employer that employee practices may be the source of the problem (See Cable Coating discussion). Regarding the issue of whether a 5-year implementation period is necessary to achieve compliance with 50 $\mu g/m^3$, it appears that this company may need this amount of time. The time indicated by this company only considers the implementation of engineering controls to achieve compliance. OSHA, however, has given all industries the option of using a variety of control strategies as opposed to specifying only the use of engineering controls. By employing this strategy, OSHA is allowing employers the maximum amount of flexibility in complying with the standard and in fashioning solutions consistent with their particular workplace situations. Therefore, OSHA finds that compliance with a 50 $\mu g/m^3$ PEL is feasible within one year for the pottery industry.

While some employers may experience difficulty achieving compliance in some operations, it is not because the technology does not exist. Also, this industry appears to rely too heavily upon engineering controls to achieve compliance and has ignored the less costly approaches of work practices, housekeeping and worker rotation.

(h) *Cost of Compliance*

Several producers in different SIC's within the pottery industry have provided cost data to OSHA for this standard. In SIC 3261, Vitreous Plumbing Fixtures, Koehler estimates that it has already spent $2.5 million to eliminate its exposure problems. Controls included an entire new structure, tanks, pneumatic conveying system, and ventilation (Ex. 476–369). The specific controls are not described in detail, nor was a derivation of the cost estimate provided. However, the costs attributable to the lead standard are properly represented by the difference between the costs for a new plant and equipment including control equipment, and the costs that the firm would have undertaken in the absence of the standard. In this case, Koehler may have changed systems primarily for commercial reasons, such as to increase productivity or capacity, rather than as a response to a regulatory action. Koehler indicated that the changes made were beneficial to production but did not indicate why this was true (Ex. 476–369).

In SIC 3262, Vitreous China Food Utensils, two producers provided cost data to OSHA. Lenox has already invested in some control technology. By 1981, Lenox will have spent $230,000 on engineering controls and $200,000 on work practices (Ex. 475–25). Lenox also indicates that it is converting to "low solubility fritted glazes", and requests that a 5-year implementation period be adopted for the schedule of compliance in pottery manufacture (Id.).

On behalf of the producers of products in SIC 3263, Fine Earthenware Food Utensils, the American Ceramic Tableware Council submitted comments indicating that the standard will require extensive and costly engineering controls and new work practices (Ex. 475–29). Neither the specific controls required nor the actual cost estimates were provided. However, the submission states that the Department of Commerce, which is currently devising strategies to increase the competitiveness of domestic earthenware producers, may recommend expenditures for new, technologically superior plant and equipment (Ex. 475–29). Expenditures of this kind, incorporating modern control technology, would be preferable to more costly and often less efficient retrofit technology. Such outlays may provide long-run savings with respect to production compliance costs by removing workers from exposure sources. A quantification of these savings, however, must be postponed until data on compliance costs become available.

Finally in SIC 3264, Porcelain Electrical Supplies, Vernitron Corporation submitted cost information for its Piezoelectric Division. Vernitron indicates that numerous engineering and work practice controls have already been implemented and asserted that the cost of achieving compliance with the 50 $\mu g/m^3$ standard, would be between $300,000 and $500,000 (Ex. 475–40).

DBA submitted the only industry-wide estimates of the costs of compliance in the pottery industry. They considered both the installation of local exhaust ventilation at stations where workers may mix and spray frit and the additional costs for maintenance and housekeeping. DBA's estimates of the total capital costs ranged from $1,000,000 to $10,400,000 and annual costs from $770,000 to $7,700,000 on the basis of a population at risk of 1,000 to 10,000 exposed workers. Their estimates of annualized capital costs ranged between $177,000 and $1,869,000. OSHA believes that these estimates are reasonable and thus the industry's total annual costs are not expected to exceed $9,569,000 and may be as low as $947,000.

(i) *Industry Profile.* There are 54 companies operating 70 establishments in SIC 3261, Vitreous Plumbing Fixtures. The firms employ 7,800 production workers whose average hourly wages were $6.23 in 1977. The four largest companies, measured by number of employees, produce about 25 percent of the total value of shipments, while the top 30 firms produce $390,900,000 out of $411,400,000 (or 95 percent) of shipments (Ex. 476–20).

Both Koehler and Eljer Plumbingware said that lead is no longer used in coating sanitary pottery, but potential exposures to lead may occur through application of glazes on product lines (such as sinks and bathtubs) in which porcelain enamels are sprayed onto cast iron base metals (Exs. 476–356, 369). While stainless steel sinks and plastic bathtubs and other plumbingware products made from relatively inexpensive materials have captured an increasingly large share of the market, Koehler, Eljer, American Standard, and a few other firms still make cast iron products (Ex. 476–350). Since these firms appear to be substantially in compliance and have not submitted contrary evidence to OSHA, compliance costs, if any, are assumed to be minimal and will not result in significant economic impact. If some consumers maintain preferences for the cast iron base plumbing fixtures, then the relatively inelastic demand for this "specialty product" would allow producers to pass on the costs of compliance with the standard to the customers.

Porcelain enamel is also applied to many durable goods, such as stoves, refrigerators, washers, and dryers (Ex. 476–360). There are no substitutes for porcelain enamels in these uses. However, the lead colorant is a very small proportion of the final price of the product. Thus, costs of compliance are

not expected to significantly increase the price of major appliances, and this minimal cost would likely be passed on to consumers.

Since 1963, the number of firms in SIC 3262, Vitreous China Food Utensils, has risen slightly from 26 to 27, with a maximum of 35 firms in the market in 1967. Employment has been relatively steady with about 6,000 production workers in the industry in 1977. Capital expenditures have risen steadily from $700,000 in 1963 to $5,400,000 in 1977. Average wages have increased from $2.22 per hour in 1963 to $4.82 per hour in 1977. Three establishments employ more than 50 percent of the production workers and produce over 50 percent of the total value of shipments in the industry, which were $170,700,000 in 1977 (Ex. 476–20).

There are only three producers in the American fine china industry today. These companies are Lenox, Gorham Division of Textron, and Pickard (Ex. 476–362). Manufacturers of fine china are the only users of white lead in the pottery industry (Ex. 476–363). Lenox alleges that competitive pressure from foreign producers has caused eight domestic firms to close down (Ex. 475–25). It contends that foreign imports now dominate 75 percent of the fine china market (Id.).

In SIC 3263, Fine Earthenware Food Utensils, the number of establishments has been relatively constant over the years (20 firms in 1963; 22 firms in 1977). However, the number of production workers has fallen from 6,600 in 1963 to 3,500 in 1977. Capital expenditures have increased from $800,000 in 1963 to $1,700,000 in 1977, while average hourly wages have risen in that period from $2.14 to $4.23. Four establishments produce $52,400,000 (or 64 percent) of the total value of shipments of $81,300,000 and employ 2,000 of 3,500 workers (Ex. 476–20).

The American Ceramic Tableware Council has submitted comments (Ex. 475–29) on behalf of several of the producers of earthenware (Anchor Hocking, Hall China, Homer Laughlin, Pfaltzgraff, Royal China, Sabin, and Scio Pottery), who use lead in their glazes (Ex. 476–362). Lenox also produces dinnerware in this market (Ex. 475–25). However, there are many small firms with limited access to capital and who use labor intensive processes in the industry (Ex. 475–27).

SIC 3269, Pottery Products, Not Elsewhere Classified, consists of 727 establishments employing 9,200 production workers. The industry has grown since 1967 when 434 establishments employed 6,700 production workers. Average hourly wages in the industry have risen from $2.05 in 1967 to $3.88 in 1977. More than half of the establishments are small (four employees or less) and 677 (or 93 percent) out of the 727 establishments employ fewer than 50 employees. Most of these small plants are centered in and around Ohio (Ex. 475–29). The top four companies, measured by number of employees, employ at most 500 workers each and produce $41,700,000 (or 18 percent) of a total value of shipments of $229,900,000 (Ex. 476–20).

Lenox and the American Ceramic Council report that the domestic earthenware industry is struggling to maintain a 20 percent share of the domestic market in the face of severe foreign competition (Ex. 475–25 and Ex. 475–29). The industry submissions cite 75 percent and 80 percent penetration of the market by foreign producers, chiefly from Japan. However, the Department of Commerce shows imports of china dropping by 7 percent and earthenware imports by 9 percent in 1979. Total market share in 1979 by foreign producers is estimated at 44 percent and 59 percent for china and earthenware, respectively (Ex. 476–26).

Industry cites lower labor costs (Ex. 475–25), more relaxed regulatory constraints (Ex. 475–29), and unfavorable tariffs (Ex. 475–25) as major reasons for domestic competitive disadvantages. The claims are made, for instance, that British regulations classify low solubility fritted glazes as nontoxic, and that wage differentials between the United States and Japan create a situation in which the Japanese worker is paid 55 percent of the average American worker's wages for comparable work (Ex. 475–25). However, it is not clear that the wage comparison reflects real wages. Furthermore, the conclusion assumes that the Japanese and other foreign producers are not enjoying cost advantages based on a more advanced technology. Finally, since the Japanese pursue stringent environmental regulations, they probably have no competitive advantage in this respect.

Lenox China, which is a wholly-owned subsidiary of Lenox, Inc., and which was the only company responding individually, did not submit financial data to OSHA on the grounds that the information is confidential (Ex. 475–25). However, OSHA is not convinced that Lenox will be forced to absorb compliance costs. Luxury items, such as fine china, are often purchased on the basis of brand reputation. Thus, increases in price may not significantly affect demand.

There are 77 companies operating 86 establishments in SIC 3264, Porcelain Electrical Supplies. The industry employs 9,100 workers whose average hourly wages were $5.55 in 1977. The six largest firms, measured by employment, produced $172,700,000 (or 47 percent) of a total value of shipments of $367,500,000 and invested $11,600,000 (or 56 percent) of the industry total of $20,900,000 in new capital expenditures (Ex. 476–20).

Vernitron Corporation, which manufactures piezoelectric ceramic parts, is aware of eleven other plants distributed nationwide that compete with it in the electrical porcelain market. Total sales in this market are estimated at $20 million with no one company holding a dominant position (Ex. 475–40). The company comments that imports are increasing steadily although it has not provided documentation or estimates of the market share controlled by imports. This company shows a negative rate of return on equity from 1975 through 1977 (an average of minus 11 percent) and a 1979 profit of 10 percent. In view of its poor performance, the company may close its facility rather than invest in additional control measures (Ex. 475–40). However, no other companies in the industry came forward with similar data. Thus, OSHA has no reason to conclude that Vernitron's financial situation is typical of the industry.

(j) *Conclusion: Economic Feasibility*

The five markets within the pottery industry that are potentially affected by the lead standard produced shipments valued at $1,260,800,000 in 1977 (Ex. 476–20). OSHA estimates, based on the calculations of DBA, that compliance costs in these industries may be as low as $947,000 annually, but are not expected to exceed $9,569,000 annually. Hence, the costs of compliance range between 0.075 and 0.76 percent of total value of shipments.

The minmial size of the estimated costs compared to shipments leads OSHA to conclude that compliance with the lead standard will not cause economic disruption in the pottery industry. The industry appears to be under increasing pressure from foreign imports, a trend that is not likely to end in the near future. This pressure may reduce future profits for American firms, but the small, additional profit reduction that these firms may incur as a result of the lead standard should not severely affect the profitability of most firms in this industry. Although it is possible that some small firms may have some difficulty competing, OSHA does not expect, and the evidence does not show, that the viability of the industry as a whole will be threatened by compliance

with this standard. OSHA therefore concludes that the standard is economically feasible for the industry. Moreover, this OSHA action may stimulate modernization in this industry, which should result in both increased protection for workers from lead exposures and an improved competitive position vis-a-vis foreign producers.

35. Shipbuilding

(a) *Uses*

The shipbuilding industry includes repair as well as construction of ships. The sizes of the shipyards and the types of vessels being repaired or built vary widely. Also, shipbuilding may involve many construction activities found in other industries. Some shipyards have their own foundries, furniture shops, restaurants, alloying departments, blacksmith shops, carpenter shops, machine shops, etc. However, the major activities of the shipbuilding industry are: (1) The building of steel frames and hulls, and (2) the outfitting of the ship with its propulsion and support equipment (Ex. 26). Both activities are very closely related and are often present in the same shipyard. This industry also includes the conversion or alteration of ships.

Although the number of establishments included in SIC code 3731 exceeds 450, the actual number of private American shipyards totals approximately 138. Ten additional shipyards are operated by the U.S. Navy. It is estimated that only three shipyards are capable of constructing nuclear powered vessels.

(b) *Process Description and Exposure Areas*

(i) *Construction.* A ship's hull is almost invariably made of sheel sheet plate of varying thickness that is often coated with a primer paint to reduce corrosion and make the work cleaner. The steel plate is treated initially by automatic shotblasting machines that shotblast both sides of the plate at once. (Small components (e.g., castings) may be shotblasted manually.) The plate is then painted, mostly by automatic spraying in booths by multi-head spray-guns. Hand-spraying and brush painting must be repeated to prevent corrosion because subsequent burning and welding removes paint. Final painting of the hull is done by airless spray painting.

The steel plate is then ready to be cut and bent to shape. It is cut by oxyacetylene, oxypropane or oxybutane flame. Larger or duplicate pieces are cut on automatic machines. Cutting by hand-burner is done mainly during hull erection since surplus material must be removed and small holes made for access or fittings. Some cutting is done by guillotine. Small parts may be formed using a punch press.

The shaping of steel pieces is accomplished by hot or cold processes which bend, roll or press. The shaped pieces of steel plate are then welded together to form units and subassemblies, a technique which has largely superseded drilling and hot riveting.

The majority of welding is performed manually, using consumable stick electric-arc electrodes, although increasing use is being made of automatic and semi-automatic electric-arc processes. These are often CO_2-shielded, and may use flux-cored or plain wire continuous electrodes. Gas welding is often used for pipe assembly.

Subassemblies are usually prepared in fabrication sheds and virtually all work is done under cover. The trend toward subassembly manufacturing techniques reportedly will continue in many shipyards. The number of launching berths has been reduced to increase the ground area available for prefabrication sheds. Thereafter, these large pieces, which will form the hull when fitted together, are moved by crane to the slipway or dock where the hull is being erected, usually in the open. They are welded together mainly by portable automatic welding machines.

Where high-quality welding is required, weld metal may be cut back to remove flaws either with compressed air chisels or by electric-arc air-gouging, where the melted weld metal is blown away with a high-pressure air jet. Further welding fills the groove and completes the joint. At this point, X-ray or ultrasonic equipment may be used for quality control. Finally, the weld bead may be trimmed flat by mechanical chisel or grinder (Ex. 476–385, p. 1303).

In recent years, more and more stainless steels have been used in shipbuilding, particularly in ships designed for nuclear propulsion or in cryogenic liquid container ships. Additionally, lead has become a prevalent material in nuclear powered vessels and submarines. A certain amount of the superstructure may be formed from aluminum alloys using argon-arc welding.

Once the hull of the ship has been erected it is launched from the slip or dock and floated to a fitting-out berth. In the fitting-out berth, pipes are fitted and insulated, electrical wiring and controls are installed, living accommodations are constructed, the super-structure is completed, and the deck equipment and rigging are installed. Fitting-out involves the skills of numerous workers such as engineers, plumbers, electricians, insulators, carpenters, joiners, boiler makers, technicians, etc.

The last step in shipbuilding is the trial of the newly completed ship at sea. The ship undergoes various tests to determine whether or not mechanical or physical defects exist. Rectification of faults may involve the removal of components, stripping of insulation, welding and the cleaning of oil tanks and lines prior to repair.

(ii) *Repair.* Major shipyards usually combine repair, overhaul, and conversion with shipbuilding capabilities. It is difficult to distinguish among these types of activities in shipbuilding yards and ship repair yards, since many engage in both types of work. However, the four activities commonly performed in ship repair yards include: unscheduled or emergency repair and casualty work, scheduled maintenance and inspection of ships, major overhauls and conversions and non-ship industrial work.

Planned maintenance or preventive maintenance is atypical. Ships generally come to be repaired due to a breakdown in machinery or equipment which cannot be repaired on board, when the ship's hull must be cleaned and painted to achieve greater fuel efficiency or when repairs are necessitated by casualties. Over the years, planned maintenance, especially that requiring drydocking, has been scheduled to coincide with required inspection activities and with the periodic application of antifouling coatings.

Conversion of ships to increase their size, change their purpose, etc., is also an activity of the repair yard. Conversion activity presently includes jamborizing—placing a new midship section between the bow and stern to allow more cargo to be carried. Other conversions involve a change in propulsion systems to a type that burns less fuel, or even a complete change of the commodity carrying characteristics of a ship. Both conversion and major overhaul work typically involve lengthy repair activities. A complex overhaul of a naval ship may take a year or more. In these major overhauls, virtually every part of the ship is removed, inspected, repaired and/or replaced.

(iii) *Operations in Construction and Repair Which May Result in Lead Exposure.* Shipyard operations in which lead exposures may arise include welding, sandblasting, painting and other lead working activities, such as tinning, torch bonding, lead caulking, casting hull shielding panels, grinding of leaded surfaces, sawing and packing

lead ballast, burning on leaded or tinned structures, burning on lead-contaminated steel, carbon-arc gouging of canning plates overlaying lead, steel gritblasting on or near leaded structures, mineral gritblasting of steel prior to point application, and sorting scrap lead for salvage. A discussion of these operations is presented below.

(a) *Abrasive Blasting.* Gritblasting with open gun-type blast systems is widely employed in ship reworking and rapaid to remove paint from lead-painted surfaces. Gritblasting is necessary to remove old, deteriorating paint and to create small indentations or etchings on the ship's surface to facilitate the bonding of new paint.

(b) *Lead Bonding/Tinning.* The first step in a lead bonding operation is "tinning" prior to the installation of a lead panel. Tinning is the operation by which a thin coat of lead-tin alloy is applied to a clean and heated steel surface. The surface is heated by an oxygen-hydrogen torch to provide a thin lead film on the steel. Tinning is essential because, without the application of such an alloy, the metallurgical bond between steel and lead would be inadequate to assure the structural integrity of a lead panel under shock.

This process requires a team, with one or two operators using oxygen-hydrogen torches in the joint while another operator ladles lead into the joint. The ladle operator transports molten lead from a small portable lead pot to the joint or seam that is being bonded.

Manual torch bonding is used in lieu of manual ladling for local repairs. In such situations, accessibility to the joint is reported to be limited in the majority of cases. Manual torch bonding is the process of depositing lead into a joint by melting prefabricated lead bars with an oxygen-hydrogen torch. The purpose is to effect fusion of the lead to the base metal. In both construction and repair, this process occurs chiefly on the hull.

Manual ladle bonding is the process of depositing molten lead in the joint or seam between steel and lead panels from a hand ladle. The bonders use oxygen-hydrogen torches to fuse the molten lead to the lead base metal and to bond the lead to tinned steel surfaces. When it is applied, the molten lead must be between 700°F and 850°F.

Although the temperature of the molten lead is such that its vapor pressure is insignificant, the ladle operator is exposed to light lead suboxide dust from drossing both the portable pot and the joint that is being bonded. The Shipbuilders Council (SBC) maintains that in bonding operations, although the portable pot may be ventilated, the ventilation serves no useful purpose once the lid of the portable pot is opened. To fill the ladle, the ladle operator must expose the molten lead. SBC noted that the use of excessive ventilation on the portable lead pot would cool the lead surface and cause excessive dross to form, requiring the operator to dross more frequently, thus, exposing the operator to greater amounts of lead dust then would otherwise be the case.

(c) *Welding/Burning.* Although welding is not a work function performed with lead, welding on lead structures can cause lead exposures. Exposure may occur when a welder strikes an arc in close proximity to lead-contaminated surfaces. The heat generated is sufficient to vaporize the lead, which then becomes airborne. Exposures to lead can occur also during burning on leaded or tinned structures. This may occur when a burner cuts off a strip of steel contaminated with lead splatter or tinning paste for fitting up to a hull. Exposure to lead occurs when the heat of the burning torch is applied to the steel and causes lead, lead dust or tinning to fume off and become airborne. The Shipbuilders Council believes that, when this occurs, the operation has created high-velocity airborne particles that are not readily captured by local exhaust ventilation because space constraints and configurations often prohibit the use, or eliminate the effectiveness, of units capable of capturing such emissions.

(d) *Milling, Chipping, and Grinding.* The fabrication and subsequent fit-up of lead panels involve milling, chipping, grinding and planing. Exposures during these operations result from mechanical working of the lead surface. Grinding on leaded structures can also generate airborne concentrations of lead. The grinder is responsible for cleaning and flushing off welds and for removal of any defects which inspection may identify. Airborne lead results from grinding on structures contaminated with lead tinning and in areas adjacent to lead shielding.

(e) *Foundry Operations.* The melting, pouring, and casting of lead is done to form lead hulls and reactor shielding.

(f) *Caulking.* Lead caulking is another operation occasionally performed on nuclear ships. This is a procedure in which lead wool rope is installed in a joint or seam and compressed to a solid mass using a flat-ended tool driven by a pneumatic hammer. Bonders may be exposed to airborne lead when the lead oxides on the surface of the lead wool become airborne as a result of repeated mechanical compression.

(c) *Current Controls*

(i) *Abrasive Blasting.* Gritblasting of lead paint generates respirable airborne lead particles. The Council indicates that blast operators are currently equipped with air-fed respirators and protective clothing. Further, whenever possible, work areas are restricted and blasting is performed during the least busy shifts.

In one category of work involving lead exposure, mineral gritblasting on unleaded surfaces, the SBC suggested the possibility of substituting steel grit for lead containing mineral grit. Mineral gritblasting removes rust, hull scale and paint and provides an anchor pattern suitable for the application of new paint. Steel grit provides a comparable anchor pattern.

Gritblasting, whether mineral or steel grit is used, creates a high volume of abrasive that rebounds at very high velocity. The SBC maintains that even if steel grit were substituted for mineral grit, the operator of the blasting mechanism would still have to wear personal protective equipment, such as full-face airline respirators, coveralls, etc. Thus, the SBC argued that substitution would not afford the worker any additional protection and would be highly costly, since the current market price of mineral grit is approximately $40 per ton, while the current market price of steel grit is approximately $378 per ton. It takes 2.5 times the weight of steel grit to achieve the same coverage achieved by mineral grit.

(ii) *Tinning/Bonding Operations.* Local exhaust ventilation hoods are necessary at tinning operations because the bonding must be performed at the job site. This is true whether the tinning is performed onboard the ship or off. When work is performed off hull, it is performed on sections of bulkheads of varying configurations. Thus, the angles at which lead bonders must approach their work vary. Even though shipyards have developed portable hoods designed to suit a variety of structural configurations, the SBC indicates that the system still requires continual placement and replacement of the hoods by employees. The Council argues that since the torches used in this process produce combustion products with an initial velocity of over 20,000 feet/minute, creating high turbulence, the capture velocity of local exhaust ventilation will be exceeded, thus, portable ventilation systems would be unable, in this instance, to achieve the 50 $\mu g/m^3$ PEL.

The SBC indicates that while most of the applications of manual torch bonding can be serviced with local

exhaust ventilation, manual torch bonding is often performed in confined spaces, in which local exhaust ventilation is ineffective, or in spaces that are too constricted to allow access by portable ventilation equipment. As described by the SBC, the breathing zone of the operator, who is often sitting or kneeling, can be within six to ten inches of the heated surface being worked. In such circumstances, the Council notes that local exhaust ventilation may be above the worker's head and, therefore, ineffectual in protecting the worker from fumes. In such cases, respirators are usually used.

(iii) *Lead Welding/Burning.* For burning operations, oxygen-acetylene torches are used to cut through coated metal. The flame velocity blows molten metal and fume on both sides of the surface. The SBC maintains that there is no hood that can provide adequate protection from the exposures this process creates. In other lead burning operations, portable exhaust ventilation is most often used.

The SBC believes that the only known means of reducing a welder's exposure to lead by engineering controls is through the use of local exhaust ventilation, but that this approach is not possible when operations are performed in areas in which accessibility is limited. In these instances, respirators are used.

(iv) *Milling, Chipping, and Grinding.* The SBC maintains that reducing exposure to lead by use of local exhaust ventilation is of questionable value in this process because grinding on lead-contaminated steel surfaces generates high velocity particulates that can not be readily captured by local exhaust ventilation. The SBC also states that configurations exist which would often prohibit access of the large-diameter local exhaust ventilation ductwork that is necessary for the capture of high velocity particulates. Therefore, OSHA assumes that ventilation is rarely employed.

(v) *Foundries.* The SBC reports that approximately two percent of lead workers in the shipbuilding industry perform foundry work. Lead hull and reactor shielding are made by pouring molten lead from a lead furnace into adjustable molds. The operation is performed under a canopy hood that, the SBC believes, significantly reduces employee exposures. Employee exposures also result from drossing the lead furnace, preheating molds, preheating the chute, tinning and drossing molds. Even with what is described as state-of-the-art ventilation, however, SBC reports that some exposures above the 50 $\mu g/m^3$ PEL continue to occur. This is especially true when specific applications require the operator to move under the hood and his breathing zone is placed between the source of emission and the point of exhaust.

The SBC states that local exhaust ventilation has been found to be effective in reducing exposures below the 50 $\mu g/m^3$ PEL in some open spaces, but that caulking must often be performed in enclosed spaces that preclude the use of local ventilation and result in exposures exceeding 50 $\mu g/m^3$.

(d) *Exposure Levels*

(i) *Abrasive Blasting/Painting.* The SBC maintains that exposure levels in excess of 50 $\mu g/m^3$ and, sometimes, in excess of 100 $\mu g/m^3$ (on an 8-hour time-weighted average), are encountered by employees in the areas where blasting of lead paint takes place. (Specifically, levels were indicated as being between 62 and 3,984 $\mu g/m^3$.)

Sandblasting is used to remove all coating materials, including those containing lead, before painting the hull of a vessel. DBA estimated that the exposure levels of sandblasters exceed the PEL (Ex. 26, p. 5–117). Painters, in contrast, are assumed to fall into the low energy category. When painting is not done in a ventilated spray booth, however, most painters now wear respirators (Ex. 26, p. 5–117). Lead-based paint is being replaced and some shipyards no longer use lead-based paint (Ex. 22, p. 321).

(ii) *Bonding/Tinning.* According to the SBC, ship construction and repair yards experience mean air-lead levels in tinning of 100 $\mu g/m^3$ to 150 $\mu g/m^3$ TWA, with excursions in excess of 150 $\mu g/m^3$ caused by the oblique angle at which the flame impinges on a flat surface.

Exposure data presented by SBC indicated that lead levels in tinning operations conducted in open areas were 120 to 1949 $\mu g/m^3$ (uses 4" to 8" ducting) and 41 to 374 $\mu g/m^3$ (uses 8" ducting). In enclosed areas, levels were 38 to 160 $\mu g/m^3$ (4") and 29 to 436 $\mu g/m^3$ (8"). These levels represent area samples rather than eight-hour TWA's. Since the fpm's per ducting were not provided, OSHA does not know what the effectiveness of the system was. Manual ladle and manual torch bonding exposures were 55–2254, 47–2072, 7–332, 11–1702, 8–526, 18–410 $\mu g/m^3$. There are obvious problems with these data, because no information was provided concerning the number of workers, the nature of the samples taken, etc.

(iii) *Welding/Burning.* Exposure during welding can originate in the base metal being welded, the coatings used on the electrodes, and the coatings on the base metal. The studies reviewed by DBA indicate that welders may be exposed to concentrations of lead well in excess of 100 $\mu g/m^3$. One 1968 study, however, reported mean lead concentrations of 40 $\mu g/m^3$ in shipyard welding. DBA estimates that the exposures of 81 percent of welders would fall above 100 $\mu g/m^3$. Especially high exposures result from work in confined spaces and on galvanized metals coated with zinc silicates (Ex. 26, pp. 5–113, 5–114). The SBC reported levels of 0 to 1,599 $\mu g/m^3$ (Ex. 505).

Lead burning occurs only in the construction of nuclear ships, when lead is welded to the hull in order to shield the ship's reactor. DBA estimated that 40 percent of these workers have exposures above 100 $\mu g/m^3$ (Ex. 26, p. 5–111). The SBC reported levels of 45 to 540 $\mu g/m^3$ in carbon arc gouging and levels of 5 to 410 $\mu g/m^3$ in burning.

(iv) *Grinding/Finishing.* Measurements for grinding, without ventilation, indicated levels of 6 to 1651 $\mu g/m^3$. Saving lead ballast found levels of 55 to 365 $\mu g/m^3$. Passing and packing of ballast, measured without ventilation, indicated levels of 0 to 558 $\mu g/m^3$.

(v) *Foundry Operations.* Measurements taken during the casting of hull shielding panels indicated levels of 16 to 224 $\mu g/m^3$. Quality control inspections found levels of 6 to 367 $\mu g/m^3$. Measurements of scrap lead sorting indicated levels of 5 to 140 $\mu g/m^3$.

(vi) *Lead Caulking.* Caulking operator's levels were reported to be 0 to 161 $\mu g/m^3$.

(e) *Population Exposed*

The number of workers exposed to lead during burning is estimated to be 1,374; during sandblasting, 264; during welding, 16,120 and during painting, 4,495. However, employees often work at a variety of assignments, and thus their work may expose them to lead only 1 or 2 days per week (Ex. 26, pp. 5–110 and 5–111).

(f) *Additional Controls*

The engineering and work practice controls applicable to the operations of welding, burning, brazing, abrasive blasting, painting and tinning have been effectively used by other industries to obtain compliance with the 50 $\mu g/m^3$ lead standard. The need for upgrading of ventilation systems, improved housekeeping and the rotation of workers varies according to the industry and its state-of-the-art with respect to the use of these controls.

Substituting less hazardous materials, equipment or processes may be the least expensive, as well as the most positive, method of controlling occupational hazards resulting from spray painting. In

order to minimize the hazards in spray finishing, coating materials should be formulated with relatively safe ingredients, and with minimum amounts of solvents.

In many instances, organic pigments can be used in place of the lead pigments currently used in industrial finishes. However, the organic pigments are less durable, have reduced corrosion resistance, and have a tendency to fade. Therefore, they are not always adequate substitutes.

Shipbuilding is not a process that uses a production line or work stations to which engineering controls can be attached. As ship construction proceeds, the work environment changes. In such operations, compliance calls for local exhaust ventilation, using portable, flexible equipment and absolute filters. Large shipyards have installed such controls. Some confined spaces, however, may not have room for portable ventilation ducts (Ex. 26 p. 5–119).

Complying with the standard may be more difficult for some small companies, especially during work on hulls painted with lead-based paints. If the proper welding practice of removing an area 3" wider than the weld is strictly followed, however, exposure above the PEL is less likely to occur (Ex. 26, p. 5–119). Also, replacement of lead-based paint by non-lead-based substitutes will reduce exposures in welding and repairing (Ex. 22, p. 323). Otherwise, operations involving exposures to lead-based paint (blasting, welding, burning, painting, chipping and needle gun) were described by the SBC as not lending themselves to engineering controls.

For ship exteriors, the SBC argues that because of the large cloud of respirable lead particles generated by abrasive blasting, there is no ventilation-extraction system that can be employed to reduce respirable lead particles to a concentration below the PEL, and further, since employees engaged in blasting of ship exteriors must constantly shift positions, any type of engineering control would have to be portable, capable of ventilating large air volumes and capable of reaching inaccesible areas, including the underside of the hull.

The SBC believes that no feasible alternatives to gritblasting are available. It stated that while needle gun vibrators are sometimes used to remove paint from small or highly inaccessible ship surface areas, this mechanism is too slow for general blasting of a ship's hull or interior. (Ship repair yards are required to blast ship hulls within a short period of time since prompt repainting is necessary to avoid rusting of exposed surfaces.)

The SBC argued that, for several reasons, self-contained robot-like abrasive blasters would not be feasible for general blasting of ship hulls. First, a hydraulic crane is required to maneuver the robot blaster around the ship and, according to the SBC, many small ship yards do not have, and could not afford, such cranes. Further, SBC maintains that robotblasters are incapable of effectively removing paint from curved surfaces, such as the undersides of hulls; that robot blasting is slower than hand blasting and would unduly delay the completion of repair jobs; and that robot blasters would only limit exposure of the worker who otherwise would do the blasting function, but would not limit exposure of other workers in the area in which the blasting is being conducted.

For blasting ship interiors, SBC states that the only potential engineering controls for lead exposure are portable ventilation systems (with flexible ductwork and filters). However, the SBC characterizes these systems as extremely cumbersome, requiring substantial time and labor (by multiple trades) to disconnect, rewire, transmit and rearrange, and in any case, inadequate to reduce exposure levels below 50 $\mu g/m^3$ in confined spaces.

Gritblasting generates lead particulate matter that collects on platforms used by workers blasting the hull, under the hull, in the bay of the dry dock and on the floor of ship interiors. Several personnel are required to collect and dispose of this material through vacuuming and shoveling. The SBC maintains that this cleanup process agitates the lead particulate residue, resulting in exposures in excess of those permitted under the standard, and that engineering controls are as infeasible for this operation as for the initial blasting operation itself.

In ship repairing, welders and burners may be required to work near lead-painted surfaces and on surfaces from which lead-based paint has been removed. Burners and welders may work in a variety of situations, including enclosed or confined spaces, and they also may operate in close proximity to other types of workers, such as machinists, pipe fitters and shipfitters. The SBC states that airborne lead concentrations greatly in excess of the PEL occur in such operations and that engineering control of lead exposures in welding is infeasible because of the numerous spaces in which portable ventilation cannot be placed or is ineffective. On the exterior of ships, the problem, as described by SBC, is that portable ventilation is suitable on elevations accessible only through use of stage work or hydraulic lifts and there is no place, in these cases, to hang portable equipment. In ships interiors, SBC indicates that numerous welding operations occur in spaces so confined that they are not accessible to ventilation equipment or so shaped that ventilation cannot be placed in positions that will effectively protect the worker.

As noted earlier, it is often necessary to remove lead paint from small or inaccessible areas of a ship's surface to prepare for welding, burning or similar repair functions. Chipping or needle-gunning operations are performed. The SBC states that airborne lead concentrations, substantially in excess of the PEL, occur during those operations, and that because chipping and needle-gunning are almost always conducted in confined areas of the ship interior and difficult to reach exterior surfaces, engineering controls are infeasible.

For the actual painting operation, SBC reports that, due to the excess amounts of paint projected into the air by spray painting, local exhaust and/or general mechanical ventilation are, in themselves, inadequate to reduce lead exposure levels below the PEL.

In addition to the engineering problems encountered by shipyards due to lead-based paints, shipyards that do construction, conversion, overhaul or repair of nuclear vessels for the United States Navy are confronted with additional circumstances in which, according to SBC, control of airborne lead to the PEL is infeasible.

The use of lead in nuclear ship construction and repair is required by the United States Navy for the purpose of shielding the reactor compartment and for ballast. As perceived by the SBC, the essential problem with the use of engineering controls in nuclear shipbuilding stems from the fact that a majority of the lead worker population is engaged in work that must be done on location, involving mobile operations in a variety of structural configurations.

The installation of lead panels is the largest source of exposure to lead in nuclear shipbuilding. Lead panels must be bonded to steel structural components. Because lead and steel resist the bond, very close work is required. Lead bonders and quality control inspectors can be expected to have daily exposures to lead during nuclear ship construction.

For welding operations the Council maintains that, even in areas where ventilation is adequate for most purposes, welders will come upon unexpected situations resulting in high lead exposures due to the fact that

shipbuilding and ship repair are not standardized operations. As an example, the SBC reports that a welder may be welding on canning plates above exposed lead or tinning and the exposure to lead will be determined by the amount of exposed tinning paste on the surface of the steel, which will vary with the thickness of the lead panel, the location of the canning plate and the technique of the person who applied the tinning paste.

Welders may also be exposed to lead concentrations in the process of carbon-arc gouging of canning plates which cover lead. Carbon-arc gouging is the process by which defective welds are removed and steel structures are cut. In carbon-arc gouging, an arc is formed between the carbon rod and a grounded steel structure. The metal surface becomes molten and is removed from the gouge path by the controlled release of compressed air. Exposure to lead occurs due to gouging on steel plates that cover lead bins or during operations that are performed on lead contaminated surfaces. The SBC reports that both repair and construction yards have had limited success in using local exhaust ventilation since the lead exposure of any worker engaged in carbon-arc gouging is dependent upon that individual's work practices. High air-lead levels are said to occur when the arc burns completely through the steel and impinges upon the lead surface beneath. When this occurs, the SBC reports air-lead levels of up to approximately 540 $\mu g/m^3$ TWA, because of the high velocity at which molten metal is ejected. Thus, according to the Council, control of lead exposure depends upon the welder's care in adjusting the arc height so that the steel is not penetrated.

The SBC reports that Navy specifications require lead ballast installation on Naval ships. (1,000,000 pounds of ballast are installed per vessel.) Carpenters may be exposed to lead oxides in sawing lead ballast, as well as in passing, packing and in overhaul work requiring the removal of ballast. Ballast is sawed in shops. Sixty-pound planks, or "pigs," are sawed into shapes for fitting into the hull as specified by design drawings. Lead oxide abrades off the surface of the pig during handling, and lead dust is generated by the sawing. The SBC indicates that this is one of the few shipyard operations that resembles stationary factory work. Thus, SBC believes that fixed ventilation systems may, in fact, control these exposures to below the 50 $\mu g/m^3$ PEL.

The SBC does not believe, however, that this is true with respect to passing and packing lead ballast. Lead packers, who are commonly the same carpenters responsible for sawing lead pigs, are responsible for installing the lead in ballast bins. The pigs are hammered, cut and shimmed to fit. Airborne lead may be generated when lead oxide is dislodged from the surface of the lead while it is being handled and during hammering. SBC argues that lead passing is a mobile activity and lead packing takes place in confined quarters and, therefore, local exhaust systems are infeasible.

A lead boot is required by Navy specifications to be installed inside the primary shield tank in the installation of nuclear instrumentation. The lead boot is designed to protect measurement instruments placed in the radioactive area. Since the precision of this instrumentation must be maintained, the lead boot must be bored to close tolerances. Work on a lead boot occurs during the construction of each ship, and boring of the boot takes about six weeks out of the multi-year schedule for construction of a ship. Thus, machinists having responsibility for boring the boot will go for long periods with only background exposures to lead, even in the busiest nuclear yards.

The lead boot is machined with a boring bar that simulates the proper configuration required in the boot. The outside machinist who performs this operation is exposed to airborne dust. SBC believes that heavy dust vacuums can collect most of the lead chips that are generated in this operation but that, even though control of exposure is dependent upon the housekeeping procedures, employee exposure to levels below 50 $\mu g/m^3$ can generally be achieved.

The SBC reports that approximately two percent of lead exposed shipyard workers do foundry work. Lead hull and reactor shielding are made by pouring molten lead from a lead furance into present adjustable molds. The operation is performed under a canopy hood that the SBC believes significantly reduces employee exposures. Employee exposure results from drossing the lead furnace, preheating molds, preheating the chute, tinning and drossing molds. Even with state-of-the-art ventilation, however, the SBC reports that some exposures above the 50 $\mu g/m^3$ PEL continue to occur where specific applications require the operator to move under the hood and place his breathing zone between the source of emission and the point of exhaust. OSHA regards these foundry operations, however, as essentially the same as all foundary operations, and will treat them accordingly.

The SBC indicates that control to the PEL has been achieved in the pouring of molten lead into missile tube ballast cans since the pouring of the missile tube resembles a fixed factory operation that is stationary and can be exhausted by one hood.

SBC believes that no engineering controls exist that can keep lead exposures to the worker consistently under even 100 $\mu g/m^3$ in tinning operations. The bonding torch must be maintained at a temperature of 4,820° F in order to create a heated structure adequate to take the bond. The alternative to such torches, oxygen-acetylene torches, cannot be used because they create carbon deposits in the structural bond unacceptable for nuclear shielding. The SBC attributes this to the nature of the work which generates large volumes of lead fumes that are difficult to capture because the high heat generated by the oxygen-hydrogen flame virtually boils off the lead.

(g) *Conclusion: Technological Feasibility*

The Court of Appeals, in finding that OSHA had not demonstrated the feasibility of the 50 $\mu g/m^3$ PEL for this industry, concluded that the original record supported the conclusion that attaining exposure levels of 100 $\mu g/m^3$ is generally feasible (Slip opinion, pp. 212–213). The first hearing record indicated that attaining exposures of 100 $\mu g/m^3$ is generally feasible in the shipbuilding industry. The SBC, as well as General Dynamics and Ingall Shipbuilding, a division of Litton Industries, described the proposed standard as "technologically possible" (Ex. 230, p. 2; Ex. 28(30), p. 3; Ex. 3(58), p. 2). Whether further reductions to 50 $\mu g/m^3$ can be achieved requires an analysis of methods of controlling each particular operation generally and under the conditions peculiar to shipyards. OSHA believes that its analysis of technological feasibility in the general sections on welding, burning, brazing, spray painting, foundries, abrasive blasting, etc. are applicable as a general matter to these operations when performed in a shipyard. In each of these, OSHA has found the 50 $\mu g/m^3$ PEL feasible in one year.

However, in shipyards, these operations may be performed under conditons where controls, otherwise effective, might not be adequate. Where this is the case, engineering controls and work practices must be used to reduce exposure to the extent feasible and must

be supplemented with respirators. No data have been presented to assess the extent of respirator usage required, but it may be prevalent in most operations. Clearly, in abrasive blasting operations respirators are already required by existing regulations when certain abrasives are being used. Spray painters are also required by the Longshoremen and Harborworkers Act to wear respirators (Ex. 505, p. 3). And as the Shipbuilders Council stated, "respirators for this reason would be worn regardless of the lead standard."

Although, the Shipbuilders Council discussed extensively the problems associated with using engineering controls and work practices in the shipbuilding and repair industry, they did not consider the alternative approach to compliance of worker rotation. Worker rotation, in some instances, could be used by the industry to replace the current, extensive reliance on respirators.

It should be noted that no industry-wide implementation schedule has been provided for shipbuilding. For example, shipyard foundry operations are controlled by the general section discussing foundries; lead burning by the lead burning section; and spray painting by the spray painting discussion.

(h) *Costs of Compliance*

DBA estimated that the average costs of compliance with the lead standard would be approximately $5.69 per worker in capital expenditures and $1000 per worker in annual operating expenditures (Ex. 474–26). These costs were derived by estimating the numbers of workers and levels of exposure of these workers, and by developing a compliance scenario for all feasible engineering controls and work practices. DBA estimated that a total of 22,253 workers in shipyards are potentially exposed to lead in welding, burning, painting, sandblasting, and lead worker (in nuclear shipbuilding yards) occupations. Thus, the total compliance cost to this industry would be about $127,000 in capital expenditures and $22,253,000 in annual operating costs.

On the basis of estimated exposure levels, DBA prepared compliance cost estimates for monitoring, personal protective equipment and clothing, housekeeping, engineering controls, maintenance, work practices, medical surveillance, training, and recordkeeping. The capital costs of compliance per worker for workers exposed in excess of 100 $\mu g/m^3$ was $90; for workers exposed between 50 $\mu g/m^3$ and 100 $\mu g/m^3$ the cost was $16.33; and for workers exposed to less than 50 $\mu g/m^3$ the cost was $.50 (Ex. 474–26). The annual operating expenditures per worker were estimated to be $2000, $1358 and $883 for workers above 100 $\mu g/m^3$, between 50 $\mu g/m^3$ and 100 $\mu g/m^3$, and under 50 $\mu g/m^3$, respectively (Ex. 474–26).

The SBC did not offer counterestimates to the DBA figures. The SBC did charge that DBA had neglected to count the costs of "reduced worker efficiency, disruption of repair operations, production upsets, and work schedule delays" that the engineering and work practice controls might cause (Ex. 475–26). However, to the contrary, the DBA estimates did incorporate the additional costs of lost production associated with housekeeping, maintaining and setting up portable engineering controls, time lost for medical exams and training, and time lost for hygiene practices. Furthermore, DBA did calculate the cost of hiring the additional labor required to prevent production delays and losses (Ex. 474–26). These costs have been included in the estimates of the total costs per worker provided above.

Therefore, OSHA believes that the DBA estimates constitute the best available evidence on costs of compliance. Neither the SBC nor any other participants in the rulemaking effectively refuted them or supplied other estimates of the actual costs in this industry.

(i) *Industry Profile*

There are approximately 537 establishments in the shipbuilding and repairing industry (SIC 3731) employing 175,365 workers. Of the 208 firms operating these establishments, about 80 are shipbuilding firms and about 128 are ship repairing firms (Ex. 475–26(b)). Only 3 shipyards are equipped to build nuclear-powered ships (Ex. 474–26). Classified by employment size, 19 percent of all establishments employ 4 or fewer workers. The distribution of establishments with 5 to 9, 10 to 19, 20 to 49, 50 to 99, and 100 to 249 employees ranges from 11 percent to 16 percent for each size category. Only 4 percent of the establishments employ 1000 or more employees (Ex. 476–25). Within the industry, a greater proportion of small establishments are in ship repairing than shipbuilding (Ex. 475–26(c)).

The industry appears to be characterized by a high degree of concentration. There are 9 conglomerate-owned, 16 independent, and 100 general yards. But a few large firms control most of the major shipyards. Tenneco owns Newport News Shipbuilding and Drydock, Congoleum owns Bath Iron Works, Sun Oil owns Sun Shipbuilding, Fruehauf owns Maryland Shipbuilding and Drydock, and Bethlehem Steel owns the Bethlehem Shipyard. Todd Shipyards is the major independent yard. Two of these large shipyards control 13 repair yards that provide 60 percent of all repairs. Assuming each yard has a fairly equal market share, this evens out to approximately 5 percent per yard. Forty three yards control 75 percent of all private repairs (Ex. 475–26(b)). Due to the highly competitive nature of ship repairing among the yards, this distribution is expected to be maintained (Ex. 475–26(c)).

Ship repairing is more profitable than shipbuilding (Ex. 475–26(c)). Approximately 75 percent of the revenue from ship repairing is generated by the federal government (Ex. 475–26(b)). The total number of repairs done in domestic shipyards is a function of world trade (the major determinant), the age of the fleet, and the rate of technological change. Proximity to ship traffic is a basic element in establishing a successful repair yard. Consequently, U.S. yards are located predominantly on the west, east and Gulf coasts and on the Great Lakes (Ex. 475–26(c)).

There are several criteria that customers consider in addition to placement of repair yards along shipping routes. Four major factors are cost of the repair, the yard's reputation for quality, turnaround time, knowledge of the ship, and other special skills.

The U.S. has a reputation for quick turnaround with fewer days both in a drydock and in completing the repair. Thus, while the U.S. is not as price competitive as foreign shipyards, the service offered is characterized by more rapid turnaround time (Ex. 475–26(c)). The U.S. is, however, becoming more price competitive with foreign shipyards. In the face of worldwide overcapacity, the gap in foreign versus domestic drydock charges is narrowing and labor costs, which are critical in an industry as labor-intensive as shipbuilding and repairing, are becoming less of a cost disadvantage to U.S. yards as wages rise abroad. Fluctuations in exchange rates have also been advantageous to the U.S. shipyards in terms of major competitive foreign countries, especially West Germany, the Netherlands, and Japan. Thus, whereas costs in West Germany in 1976 were 98 percent of the lowest U.S. cost, they were 117 percent of the lowest U.S. cost in 1978. In Japan in 1976, average repair costs were 20 percent less than in the U.S.; by contrast, in 1978, Japanese costs were only 4 percent less than U.S. costs (Ex. 475–26(c)).

The ship repairing industry faces a stable future and will prosper well into the 1980s as a result of several factors. First, more stringent environmental safety requirements for tankers in U.S. coastal waters will generate an increased market for inspections, minor repair, and retrofit overhauls of ships. Second, there are perceived needs for modifying, especially "jumboizing" existing vessels to meet shipping demands more quickly and less expensively than by constructing new ships. Third, U.S. repair services are becoming more competitive in the world market. U.S. ship repair yards already have a reputation for superior work and high productivity and are continuing to improve efficiency by investing in more modern equipment. Fourth, shipyards are diversifying into non-ship-related industrial work that utilizes shipwork skills, such as sheet metal working, welding, and blasting. Fifth, repair and overhaul of Naval vessels is expected to increase. Sixth, increased shipping activity with the expansion of world trade and transportation of Alaskan oil will generate a need for more ship repairs (Ex. 475–26(b)). The anticipated increase in world trade is especially important since the demand for ship repairs is a derived demand, that is, it cycles with the demand for both domestic and international trade (Ex. 475–26(c)).

Revenue in repair yards is expected to grow at an annual rate of nine percent for the next decade. Funding for Naval repairs, which occur almost exclusively in Naval shipyards, is expected to increase by about 6.2 percent per year. Commercial ship repair is forecast to grow at 5.5 percent annually. The largest increase of 14.3 percent per year is expected in foreign repairs. Overall, revenue for commercial repairs are projected to stabilize at a 6.5 percent rate of return per repair over the next decade (Ex. 475–26(c)).

The market outlook for shipbuilding is not as stable as the ship repairing forcast. While most shipbuilders have integrated ship repairing operations into their facilities, new construction orders and employment in shipyards will probably decline in the immediate future, reflecting the worldwide slump in shipping (Ex. 475–26(a)). However, during 1978 and the first and second quarters of 1979, an unexpectedly large number of new orders brightened the outlook for the shipbuilding industry (Ex. 476–26). Total orders in 1979 were the largest since 1973, with contracts reflecting a healthy demand for deep-draft commercial vessels (Ex. 475–26(b)). A prime source of commercial ship orders for U.S. yards stems from the severe shortage of dry bulk charter vessels. The American-flag fleet includes only 19 bulk ships, and 13 of its ships are over 30 years old. The demand for product tankers has also shown a revival that should continue through the 1980s (Ex. 476–26). Furthermore, Naval expenditures authorized by Congress for new ships are expected to continue at least at the same level (Ex. 475–26(b)), thus bolstering the demand in the shipbuilding industry.

The shipbuilding and repairing industry considers shipbuilding less profitable than repairing. Ship repairs command excellent prices because the work is typically urgent and repair yards can usually control overhead more successfully than construction yards (Ex. 476–26). However, to ease the financial situation for shipbuilders, federal construction differential subsidies are granted for ships built, owned, operated, and manned by Americans. The amount of the subsidy is calculated on the basis of the construction cost difference between U.S. and foreign shipyards (Ex. 475–26(b)).

In the long-run, that is, beyond 1985, the market for shipbuilding looks very good. The future boom in fishing, resulting from the implementation of the 200 mile limit, will require larger and more efficient vessels. Also, the prospects for mining undersea mineral nodules may contribute to a rising demand for new ships (Ex. 475–26(b)). Since the industry is cyclical and dependent on worldwide conditions in many markets, recovery can be expected as water-borne trade expands again (Ex. 476–26).

In addition to the anticipated upturn in the shipbuilding industry, there appear to be long-run trends away from the use of lead in ships. The shipbuilding industry is currently in the process of adopting substitutes for lead-based paints in ships. Existing ships that still contain lead painted surfaces will continue to be a source of potential exposure during ship repairs. However, ultimately, this source of exposure will be eliminated. Some technological improvements that increase the mechanization and automation of shipbuilding and repairing processes may also lead to reduced exposures where lead use is retained. In addition, underwater painting and underwater welding processes are being developed (Ex. 475–26(a)).

There does not appear to be a perfect substitute for lead in nuclear shielding of reactors. One possible substitute is a cement shield. However, cement shields require much more space than lead shields (Ex. 475–26(a)). Only three yards have a current capability to build nuclear ships. For these yards, it is expected that the cost of controlling lead exposure would be such a small percentage of the total cost of building a ship that the percentage increase in price of the ship would be negligible. Furthermore, the production of nuclear ships is exclusively funded by the military, and military demand for nuclear ships is relatively insensitive, even to large increases in price. Any increased costs of production would be passed on ultimately to the taxpayers by the few yards involved in nuclear shipbuilding.

(j) *Conclusion: Economic Feasibility*

OSHA concludes that the economic impact of the lead standard on the market for ship repairing and shipbuilding will not be disruptive to the industry. Since the estimated total annualized costs amount to only about 0.68 percent of the value of the industry's sales (Ex. 476–20), ship repair yards will be able to pass costs on to customers because the commercial and military demand for repairs is relatively inelastic. Small independent yards may have more limited access to capital than yards that are owned by large parent corporations. However, competitive advantages of location and individual reputation for quality work will help to offset potentially adverse impacts on small versus large owners of ship repair yards.

Similarly, the shipbuilding industry will be able to pass costs of compliance on to commercial and military customers. The cost of controlling lead exposures represents a very small percentage of the cost of building a ship. Thus, any price increases are expected to be negligible. Furthermore, the future profitability of the industry will rise as the demand for new ships increases in the 1980s. Concurrent substitution away from lead use in most new ships will significantly reduce compliance costs, and consequently the economic impact of the lead standard.

36. Solder Manufacture

(a) *Uses.* Solder is sold in the form of ingots, rods, bars, anodes, solid wire, cored wire, foil, sheet and paste (Ex. 22, p. 294). In addition to its many other uses, solder is essential for the manufacture of electronic devices. No substitutes for solder are known (Ex. 65B, p. 40–42).

(b) *Process Description and Exposure Areas*

Refined lead is used to make lead-tin and other solders. The ratio of lead to

tin, bismuth, antimony and other metals varies depending upon the type of solder desired. In the making of solder, metals are melted down at low temperature and blended in established ratios. Handling of lead is minimal, but employees do handle raw lead ingots before they are melted (Ex. 488).

Material handling includes manual material transfer or transfer by forklift. The material may be in the form of pigs, skidded materials, semi-finished products or final products exposed and/or in packages. Material handling often includes weighing, breaking up of ingots into smaller parts for accurate alloy charges, loading the solder pot with metal, transferring semi-finished or finished items from one operation to another, etc. (Ex. 488).

Alloying includes the melting of charges, mixing of molten metal, removing samples for analysis and the removal of dross from the charge.

The allowing of solder is usually performed by melting the elements at 100°F. above their melting point and stirring them to achieve homogeneity. Depending upon the composition of the solder, the temperature and the partial vapor pressure of lead, one can calculate the evolution of lead in air. In general, metallic lead fumes are unlikely to occur when the temperatures are kept below 1,000°F., as in the case with solder manufacture where the temperature is kept low to prevent excessive dross formation that reduces the yield of the charge (Ex. 488). Lead fumes are normally expected at temperatures between 1,500° and 2,700°F. (Ex. 488).[1/6] Thus, the exposure in this area is not from metallic lead fumes, but rather from the reaction of products with air (mostly lead oxide) which is called dross. This constitutes the greater potential for airborne lead since dross is a dry, powdery substance (unless special additives are used).

Finished solder is cast into blocks, ingots, rods or bars, sheets and foil, and extruded into solder wire and sheets (Ex. 22, p. 294).

Casting involves such operations as dross removal, pouring, topping of slugs and removal from the molds. Extrusion may be done directly from the melt in a continuous form or with the use of precast billets. Basically, this requires hydraulic pressing through dies to achieve final shapes. The extrusion often includes such operations as cutting, loading and unloading the presses, and transfer of the extruded material to the next operation (Ex. 488).

Hook attachment to anodes may be stainless steel or tinned copper alloys. (Tinning is often performed as an auxiliary operation to anode manufacturing. It involves the fluxing and dipping in molten alloy of the hooks in question.) The hooks are either attached mechanically (using a drill and tap operation) or by lead burning, which is a form of soldering (Id.).

Wire drawing is performed by running materials through lubricated reducing dies and includes threading the wire into the dies, reattaching the wire when it breaks, cleaning the dies, maintaining the solution, and a feed and unload operation. The lubricant (also called a drawing solution) contains fine particles of solder which may cling to the wire as it leaves at high speeds. These particles may then become airborne during spooling and handling (Id.).

Spooling of solder wire is often done manually, although semi-automatic and fully automatic equipment exists. This includes such operations as manual spooling, cutting and weighing, and reconnecting brakes.

Rolling and cladding are processes whereby solder is metallurgically or mechanically bonded to other metals, such as copper. This includes such operations as cleaning (dangerous only if it involves mechanical abrasion), feeding, measuring, and transfer of the finished product.

Stamping and wire forming (to make preforms) include such operations as setting up the dies and equipment, the physical operation of the equipment (lubrication used to prevent equipment damage eliminates particles from being generated into the air), and collecting, measuring, and cleaning the end product.

Powder blowing is an operation which, by its nature, creates airborne lead contamination. Although powder is often blown into a special environment of liquids rather than air, it requires special control. Powder blowing of molten solder is acknowledged to be the most hazardous operation, resulting in the greatest potential for lead exposure in solder manufacturing. Powder is normally blown from a molten reservoir by feeding a steady stream of liquid solder through an air nozzle. By the time the metallic droplets solidify, they settle into the bottom of the equipment where they are sized.

Powder classification or sizing is the operation where powders are separated into various sizes (referred to as mesh sizes). This is achieved either through gravity by horizontal air blowing or mechanically by a series of different sieves. Here again, there is danger of airborne lead and adequate controls are required.

Powder blending requires that powders be mixed with the fluxes to create the end product, which is either a paste or a cream.

Packaging and shipping is an operation which includes the handling, weighing, inspecting, and packaging of all final products. The exposure depends on the form of the product being handled (i.e., whether it is in powder or compressed forms).

Housekeeping includes the cleanup of all floors and surfaces to remove particulate matter containing lead. Wet sweeping and vacuum cleaning are two mechanized methods possible.

The potential for lead exposure exists for almost all operations, but the greatest potential is experienced in alloying, casting, powder blowing, housekeeping, and machine operations such as cutting and drilling.

(c) *Controls Currently Used*

Materials handling presently is done manually or with a forklift. Alloying operations have tight enclosures which use air exhausts. Casting operations use ventilation. Powder blowing operations are performed in tight enclosures with negative pressure. Ventilation is used in machine operations. (Ex. 488)

(d) *Exposure Levels*

Originally, in the Short Report, most industry sources indicated that lead levels were probably low and that problems in meeting the standard were not anticipated (Ex. 22, p. 394). OSHA inspections at two solder plants reported levels above 200 $\mu g/m^3$ in spooling operations, furnace areas, and kettle areas (Ex. 65B, p. 42). One company reported that even with excellent ventilation, lead levels in the casting area reached 200 $\mu g/m^3$. (Ex. 22, p. 294.) Levels of 220 $\mu g/m^3$ to 300 $\mu g/m^3$ were reported in the spooling and wire drawing operations (Id.). Results of OSHA inspection # CN–2 found lead levels of 140 $\mu g/m^3$, on an 8 hour TWA. The only control at this facility was ventilation consisting of two 42" ceiling fans located above the melting pot and one 30" wall fan (Ex. 476–16). In more recent exposure estimates, one large company reported that most of its direct labor force is exposed below 30 $\mu g/m^3$. In addition, in the older, smaller to medium sized plants, 20–25 percent of all employees (or 124–155 workers) are exposed above 50 $\mu g/m^3$ while in the large plants 8–12 percent (or 100–125 workers) are exposed above 50 $\mu g/m^3$ (Ex. 488)

(e) *Population Exposed*

The data presented by Howard Manko, an OSHA expert witness, indicate that approximately 250 workers

in the entire industry may be exposed in excess of 50 $\mu g/m^3$. (Ex. 488)

(f) *Additional Controls*

Data indicating additional controls needed to comply with the 50 $\mu g/m^3$ standard were not submitted by the industry. Therefore a comparison of solder manufacture to comparable processes and a discussion of the applicable controls are provided in this section.

Materials handling may be done mechanically by conveyor system or pneumatically, depending upon the size of the materials being moved. Materials to be cut to smaller size or broken into pieces should be processed under exhaust hoods or should be broken and cut using automated mechanical devices. This whole area of exposure could be eliminated by buying scrap from collectors and processors already reduced to size. Weighing can be done in automated hooded weighing areas. (Ex. 270, 48, 488)

Additional ventilation may be necessary in some areas for compliance with the PEL. In a few areas that are difficult to ventilate, such as spooling, other protective measures may also be necessary. Slowing the spool rate is one possible method for controlling lead levels in the spool and wire drawing area, although this method would decrease the production rate. (Ex. 488)

Alloying operations can use exhaust ventilation in the melting areas and mixing areas. Dross can be mechanically conveyed to discharge areas with hooding of the conveyance ducts being provided. Casting areas can have local exhaust ventilation over casts. All machine operations can be successfully exhaust ventilated at the source of exposure and cutting fluids can be used to suppress dusts.

Spooling operations can be done automatically to avoid worker contact. Powder blowing may be done in fully enclosed systems of negative pressure with workers in clear air pulpits to minimize exposure. Powder classing and signing should be done mechanically with the entire sieving area ventilated and local exhaust ventilation being supplied to each sieve. Powder blending can be done mechanically and wet. Handling and shipping operations can also be mechanized, depending upon the substance being handled. (Id.)

Housekeeping should be emphasized with frequent wet sweeping or vacuuming. Floors and wall surfaces should be finished to eliminate cracks, crevices or porousness, which will tend to hold dusts. (Ex. 488)

In areas of high pressure, worker rotation should be utilized. Also, emphasis should be placed on the importance of proper work practices. Workers should be instructed to avoid stirring up dusts by improper dumping of materials, etc.

Mr. Manko suggested that manufacturers could also reclaim lead for reprocessing, which would greatly reduce the airborne contaminants and be cost effective by recycling wastes.

(g) *Conclusion: Technological Feasibility*

Most employers protect employees from lead exposure by ventilation. Hoods, exhaust fans, vents, air ducts, and baghouses are usually used. (Ex. 22, p. 294.)

Conclusions offered on the feasibility of achieving compliance with the 50 $\mu g/m^3$ PEL are based exclusively on the use of engineering controls. The consequence of work practices and effective housekeeping for complying with a 50 $\mu g/m^3$ standard was not considered. Solder manufacturing is an extremely dusty operation and re-entry of lead into the air from moving equipment could be effectively eliminated if proper housekeeping was practiced. In addition, rather than putting respirators on workers in high exposure areas, workers could be rotated, thereby minimizing their exposure.

Considering the available controls discussed here, the significant contribution which housekeeping can make in reducing levels, and the fact that at least one company has stated that most of its direct labor force is exposed to levels below 30 $\mu g/m^3$, compliance for the industry as a whole appears feasible. OSHA concludes that compliance with the standard as a whole is feasible for the industry within one year.

(h) *Cost of Compliance*

The total cost of compliance for the solder industry would include the capital expenditures and the operating costs that would be incurred to reduce lead levels. One industry source reported capital expenditures for EPA and OSHA improvements of $325,000 for two plants over a five year period (Ex. 488). This would suggest annual capital expenditures for the entire industry of $4.1 million. Annualized capital costs, therefore, are estimated to be $740,000. The corresponding operating costs for these two plants, as provided by this source, were $95,000 a year. Extrapolating from this cost figure to the entire industry yields an estimate of $5.9 million a year. Thus, total annual costs are estimated to be $6.6 million. However, four qualifications must be attached to these extrapolated figures. First, the costs provided by the industry source include costs for both EPA and OSHA improvements. Hence, using these estimates to evaluate the costs associated with the OSHA lead standard only is inaccurate. Second, the industry representative did not indicate whether these expenditures were necessary to achieve compliance with other OSHA standards. If these expenditures do include compliance costs for all OSHA standards then again these figures would be grossly inflated measures of costs of compliance with the lead standard. Third, these two plants need not be representative of the industry; in this case these figures would not be an appropriate basis from which to extrapolate to the entire industry. Fourth, these expenditures may have yielded other benefits to the employer in addition to those attributed to the EPA and OSHA requirements. These jointly produced benefits would then offset some of the costs of compliance with the OSHA standard.

(i) *Industry Profile*

Solder manufacturers are classified in either SIC 3356, in which the product is made from virgin metal, or SIC 3341, in which it is produced from secondary metal. Between 1975 and 1979, total value of shipments of solder averaged $306.5 million per year. The end uses of solder are divided among building and construction (9,777 metric tons or 18 percent), metal cans and shipping containers (14,485 metric tons or 26 percent), electronic components and accessories (10,344 metric tons or 19 percent), other electrical machinery and equipment (2,711 metric tons or 5 percent) and motor vehicles and equipment (16,961 metric tons or 31.3 percent).

In all uses, with the possible exception of other electrical machinery and equipment, declines in the use of solder are expected. Competition with light-weight plastics in the container industry has stalled the anticipated growth of the solder market. Newly designed automobiles, which will be smaller and lighter in weight, may reduce use of solder in this application.

Furthermore, substitutes for solder in the automotive industry have been developed. DuPont first invented and began licensing the technology for adhesives known as toughened acrylics five years ago. This glue, which is capable of eating through oil and grease, eliminates the need for arduous surface cleaning of parts to be joined and is superior to solder in resisting environmental degradation caused by heat and moisture. The Japanese auto

industry already makes considerable use of adhesive chemistry to lighten the weight of cars (Ex. 476–26). Increasing miniaturization in the electronics industry will cause some contraction in demand for solder. Finally, declines in usage in construction are expected.

Production of solder from 1975 to 1979 closely tracked the general business cycle in the U.S. In 1976, the economy was in the initial stage of a recovery from the 1974–1975 recession. The demand for automobiles, machinery, and equipment was reviving. In addition, the building and construction industry was responding to a strengthened demand during this period. The production of solder paralleled this expansion. Output of solder increased from 73,987 short tons in 1975 to 105,504 short tons in 1978. Between 1977 and 1978, solder production expanded by approximately 27 percent. This rapid growth could be attributed to the upturn of the economy and perhaps to lags in the demand for durable goods during an expansion. The production surge could also be a consequence of the substantial increase in the average price of imports of solder. By the end of 1977, average solder prices for foreign producers had increased by $0.56 per pound; by contrast, average production costs for U.S. producers increased by only $0.07 per pound. One possible implication that could be drawn from these figures is that a change in relative prices between U.S. and foreign producers caused some shift in demand in favor of the U.S. industry.

The percent of lead in solder during 1975–1979 actually fell from 77.5 percent to 76.3 percent. The change in the percent of lead in solder was even more dramatic between 1977 and 1978. In 1977, the percent of lead in solder was 77.1 percent and, in 1978, it was 71.4 percent. Much of the increase in solder production appears to have been concentrated in non-lead solder.

The solder manufacturing industry can be characterized as a mature industry that has undergone few technological changes in the past 30 years. An estimated 20 percent of production equipment is less than 15 years old, while at least 60 percent of production equipment exceeds 30 years in age. Very few modern installations exist in the domestic market. This characteristic of the industry contributes significantly to the rising average cost of production.

There are an estimated 125 plants that are domestically producing solder. Twenty-seven firms, operating 30 plants and having total assets in excess of $1 million each, control 80 percent of the known solder production. Twelve companies, operating 13 plants and having total assets of at least $1 million each, and the remaining firms with fewer than $500,000 each, produce the remaining 20 percent of the solder. These smaller companies, whose raw material is predominantly scrap, generally market a limited product line of lower quality solder.

The small shops are dispersed across the U.S. This localization of operations results in some cost advantage to these producers. This advantage stems from both the proximity to scrap suppliers and the high costs of transporting solder. The latter is an especially important component of price, since solder is a heavy product.

Most of the large producers are located on the east coast. The maturity of the industry may inhibit these large producers from relocating to new areas. Hence, the small producers will probably continue to enjoy a substantial cost advantage over their larger competitors.

The cost of compliance with the standard may represent a higher proportion of total production cost for small producers than for large producers. However, in light of the immobility of large producers and the location advantages of many of the smaller plants, the competitive advantage of the small producers is not expected to be severely curtailed. This conclusion is supported by the fact that evidence of an increase in concentration in the industry, or a decline in the comparative advantage of small producers relative to large producers, has not been provided in the record.

However, foreign producers, who currently enjoy lower labor costs, may continue to increase their penetration of the domestic market, irrespective of an OSHA standard. In fact, some domestic firms have already begun some overseas operations in response to these cost advantages. Major foreign competitors are the United Kingdom and Canada, which account for 90 percent of the volume of imported solder. Other competitors include Spain, Denmark and Mexico. These latter countries present an attractive climate for business expansion and may prove to be dominant in the supply of solder for use in the electronics industry. In addition to this potential change in market concentration, foreign competition in higher grade solders, containing 37 percent to 40 percent lead, may increase since such operations typically have higher profit margins.

(j) *Conclusion: Economic Feasibility*

Annual compliance costs are not expected to exceed $6.6 million. (Shipments totalled $306.5 million averaged between 1974 and 1979.) Thus, OSHA estimates that annual compliance costs in the solder manufacturing industry will not exceed 2 percent of the total value of shipments produced in the industry.

Furthermore, the standard will not adversely affect the comparative advantage currently enjoyed by the smaller producers of solder. Hence, an increase in concentration in the industry is not expected. Foreign competitors may be encouraged to further infiltrate the domestic market. However, rising costs of energy and, consequently, of transportation will be constraining factors on foreign sales in the U.S. Evidence of this import constraint is provided by the rapid rise in the average price of imported solder between 1976 and 1977.

37. Soldering

(a) *Uses.* The application of solder, a lead-tin alloy, can be done mechanically or by hand. Operations performed by hand are usually "bench type" operations where employees are stationed individually and use soldering irons to melt solder to form a connection. Exposure occurs at the point of melting the solder (Ex. 79). Soldering in radiator shops seems to create lead exposure problems. During the repair of radiators, they are disassembled using oxygen acetylene torches. After the radiators are cleaned, they are reassembled using soldering wire. Lead fumes become airborne during the soldering and workers are also exposed to lead by handling the soldering wire and the lead contaminated radiators.

(b) *Controls Currently Used*

Local exhaust ventilation has been used to capture fumes in some cases but most stations have no ventilation. Each employee must clean his station and remove lead dross each day. Wetting down of dross is not done.

Soldering of small components or parts does not appear to cause a problem. Ventilation controls at most radiator repair shops were either non-existent or very poor. Ventilation at the Empire Radiator Company consisted of one large exhaust fan in the upper wall which moved air across the work areas at 50 linear feet per minute (Ex. 476–399). At George's Radiator Shop ventilation consisted of three roof-mounted exhaust fans with make-up air added by leaving doors open (Ex. 476–406).

(c) *Exposure Levels*

Numerous health hazard surveys have been done on hand soldering operations.

At the Monoghan Co. (Ex. 476–401), sampling was done at the hand soldering stations in the electronic assembly areas. Exposure levels were approximately 0.009 $\mu g/m^3$ of lead.

Western Electric did a study of its soldering operations and found that breathing zone samples indicated that exposures were less than 3 $\mu g/m^3$ of lead, typical of hand soldering operations. The average number of work years for employees of these operations was 16, and blood lead levels, when compared to those of a group of non-solder exposed office workers were also low. The author concluded that soldering does not present a health hazard associated with soldering does not exist (Ex. 3 (9)).

Similar surveys were done on the Hospital Medical Corporation (Ex. 476–400) and the Westinghouse Electric Corp. (Ex. 476–404). Most lead levels were non-detectable, except for one sample of 18 $\mu g/m^3$.

In some processes, automatic soldering irons may be used. Exposure levels were below the 30 $\mu g/m^3$ limit in this operation also (Ex. 476–405).

A survey at the Rock Mountain Radiator Shop found lead levels as low as 0.4 $\mu g/m^3$ and as high as 210 $\mu g/m^3$ for radiator mechanics (Ex. 476–402). At Empire Radiation Co. lead levels averaged 60 $\mu g/m^3$ (Ex. 476–399). At George's Radiator similar levels of lead were found for the repairmen. Levels ranged from 20 to 100 $\mu g/m^3$. Most levels were above 50 $\mu g/m^3$ (Ex. 476–406). Aero Radiator's levels were in excess of 50 $\mu g/m^3$ (Ex. 476–395).

(d) *Additional Controls*

NIOSH made recommendations to several companies to add local exhaust ventilation and increase general ventilation at soldering areas. Recommended controls include movable local exhaust ventilation installed at each repairman's station to capture lead fumes and acid mists. Companies were also advised to improve housekeeping. This would aid in removing dust from old solder areas, thereby reducing the amount of lead introduced as a secondary source of emission. Wet mopping and the use of water sprays to suppress lead dusts were also recommended.

(e) *Conclusion: Technological Feasibility*

Soldering operations, except for soldering of radiators, are in compliance with the 50 $\mu g/m^3$ standard. The control technology consists of simple exhaust ventilation and housekeeping. In radiator soldering, the data indicate that compliance with the 50 $\mu g/m^3$ standard has not been achieved. Soldering in these operations is done with virtually no use of ventilation equipment, even though portable units are readily available and inexpensive. Housekeeping also is virtually nonexistent in these small firms. NIOSH has recommended that implementation of ventilation, housekeeping also is virtually nonexistent in these small firms. NIOSH has recommended that implementation of ventilation, housekeeping, equipment, and wet suppression will enable radiator soldering operations to achieve compliance with a 50 $\mu g/m^3$ PEL.

(e) *Economic Feasibility*

The cost of compliance will be negligible and may consist of costs for portable ventilation systems; however, the less costly alternatives of housekeeping and worker rotation may suffice to reduce levels to the 50 $\mu g/m^3$ PEL in radiator soldering. The economic impact of the lead regulation on this industry is assumed to be negligible.

38. Spray Painting

(a) *Uses*

Spray painting is performed in two general situations: (1) Manufacturing processes where products are conveyed to a station and spray painted, and then conveyed forward for further processing, or (2) construction or repair painting requiring that the paint application workers and systems move to the location needing the coating (Ex. 228). Painting is usually done by spraying because of the excellent finish that can be obtained and the speed at which the coating materials can be applied (Ex. 476–412, p. 14).

(b) *Process Description and Exposure Areas*

There are four basic work environments in which employees may be exposed to lead. Manual spray booths require that the operator remain outside the enclosure and use various types of pressurized guns to apply the paint. Automatic spray painting booths require that the pressurized spray gun be automatically operated. Manual spray painting rooms are usually much larger than booths and may be either totally enclosed or open on one side. The objects to be painted are usually large and must be positioned in manual spray rooms, or automatically conveyed in. Open spraying consists of those paint applications undertaken outside locally ventilated spray booths or rooms. (Id.)

In any of these methods, the spray may be generated by compressed air, by hydraulic pressure, or by electrostatic forces (Id.). Compressed air spraying is the most widely used because of its versatility, low cost, and because it creates a high quality finish. In this method, compressed air provides the energy to atomize the finish. The atomization is produced by an air nozzle. Two types of nozzles are used: external mix and internal mix nozzles. In the external mix nozzle, the coating and the compressed air exit from separate orifices and are mixed outside the nozzle. The air jet atomizes and shapes the spray fan. Internal mix nozzles combine the compressed air and finishing materials in a chamber inside the nozzle. The atomized mixture is shaped by the geometry of the chamber opening. (Id.)

Airless spray equipment atomizes paint by forcing it through a very small orifice at a very high pressure. The airless spray gun simply consists of a device to hold the orifice and a value for shutting off the flow. The size and shape of the nozzle determine the volume of material sprayed and the geometry of the spray pattern. The hydraulic pressure necessary for atomization is provided by a high pressure pump that is operated by compressed air or an electric motor. (Id.)

In electrostatic spraying, an electrical charge is applied to the atomized coating particles, either by the creation of an ionized zone within the spray cone area, or by imparting a charge to the fluid stream prior to its release from the spray gun head. The charged, atomized paint particles are attracted to the conductive object being finished by the electrostatic field between the paint and the object. Atomization can be achieved by the use of air-atomizing or airless-type equipment, or solely by the use of electrostatic means. In this last method, the coating material is introduced into the center of a rapidly spinning disk or bell, which is highly charged. As the coating reaches the edge of the disk or bell, the repulsive forces of the like charges cause the coating to atomize. (Id.)

(c) *Controls Currently Used*

The use of airless atomization, heated paint, and electrostatic attraction in place of conventional, compressed air spray equipment can significantly reduce the amount of stray mist or fog produced. Compressed air spraying atomizes liquid paint by directing a high velocity air jet at the paint stream as it exits from a nozzle. The flow of air conveys the finely atomized droplets to the object being painted. This stream of air is deflected when it strikes the object. Paint particles of sufficient mass are not deflected and deposit

themselves on the object. Additional paint mist is lost when the spray pattern does not completely contact the object. Total paint losses of 50 percent are not uncommon. (Id.)

On the other hand, in airless spraying, the paint is atomized by forcing it through a small orifice under very high pressure. This method produces less fog than compressed air spraying because not as many fine droplets are produced, and thus the "bounce-back" phenomenon is largely reduced because the paint droplets are conveyed to the object being painted by their own momentum rather than by a stream of air. Other advantages of airless or high pressure spraying include higher capacity, compatibility with high-solids coating, more adequate coverage of awkward shapes, and negligible stray mist. Some disadvantages include relatively high cost, limited pattern and flow adjustment, and difficulties in overlapping. (Id.)

In electrostatic spraying, the paint can be atomized with compressed air, by hydraulic pressure as in airless spraying, or solely by electrostatic forces. The chief advantage of electrostatic spraying is the improved working environment and the paint economy that is achieved. Electrostatic systems usually permit use of substantially less exhaust and make-up air than conventional compressed air spraying for the same painted surface area. This technique also provides significant wrap around, coats sharp edges, and can be highly automated. However, null points in the electrostatic field (caused by recesses or object interiors) may not be coated. (Id)

Isolation can be achieved by the use of a physical barrier, or by the separation of the worker from the hazard by time or space.

Automation of the paint application process is another means of isolating the worker from the hazard. There are two fundamentally different methods of automating spray finishing operations. The first method involves mounting the spray guns in fixed positions or on a reciprocating assembly. The product items are painted as they pass by the assembly on a conveyor. The parts may be rotated as they are painted. This type of automation is designed and built for the requirements of a limited product line, where the size and shape of the objects finished are easily definable. Manual paint sprayers are often required for touch-up. The second method of automation involves the use of programmed robots. These machines can accommodate production runs of various sizes and shapes. Since they can duplicate virtually all of the movements of a manual spray painter, the use of robots allows for the removal of workers from potentially hazardous areas or unhealthful working conditions. (Id.)

Ventilation systems can be either local or general in nature. A general ventilation system supplies and exhausts large volumes of air in an attempt to dilute air contaminants. General ventilation can successfully control the buildup of explosive vapors in enclosed spaces. (Id.)

The practice of placing a fan in a manhole, doorway, or window is not satisfactory to reduce paint mist because the air is circulated only at the opening; the fan does not move or dilute the air in other portions of the enclosed area. Munger recommends that clean air be drawn into the enclosed space from an opening at the top by exhausting air from the lowest portion. (Id.)

Reichenbach describes a similar procedure for ventilating the spray painting of ship holds and tanks and other confined spaces and recommends that painters in enclosed areas should wear supplied-air respirators. The fan capacity required for dilution ventilation can be calculated from the lower explosive limits for the solvents employed and the paint application rate, using the formulas in *Industrial Ventilation: A Manual of Recommended Practice.* (Id.)

Excessive quantities of air need to be handled to protect the breathing zone of a spray finisher solely by the use of general ventilation. Hence, indoor spray finishing operations are usually controlled by ventilated spray booths. They function by directing relatively uncontaminated air past the worker towards the process, and into a collection point or exhaust hood. The source of the uncontaminated air may be a tempered fresh air supply or simply general workroom air. (Id.)

For practical purposes, spray booths can be classified into two basic designs based on the direction of air flow. Booths with a horizontal air flow are termed "sidedraft booths." These booths take advantage of the momentum of the spray mist and can successfully be used when painting small- to medium-sized articles. With larger articles, it may not be possible to maintain adequate air flow on all sides of the object being painted, and rotating the workpiece may not be practical. In these situations, a downdraft spray booth permits greater protection, while allowing more freedom of movement for the painter. Both sidedraft and downdraft booths will vary in size, in the degree of enclosure, in the method of air makeup, in air velocity, and in overspray control. (Id.)

Spray booths range in size from small bench-type models that are designed for spraying small objects to huge chambers that are capable of holding a large airplane. The basic consideration in determining the size of a spray paint booth is the size of the object being painted; adequate space around the top and sides of the object are needed to permit the painter easy access to these areas. The booth should be deep enough to allow the operator to work inside. If the object is transported by a conveyor, the booth must be sufficiently long to permit coating within the time the object remains inside the confines of the booth at the maximum line speed. (Id.)

Both sidedraft and downdraft booths are available in open or enclosed versions. Overspray is easier to control in a closed booth; random room air currents may upset the flow pattern designed for an open booth. In addition, an open booth is more costly to operate than an enclosed booth, because a larger volume of air is necessary in order to achieve a given air velocity at the operator's location. (Id.)

The air exhausted from the spray booth must be replaced in order to achieve optimum plant environmental control. Whether this air is supplied directly to the spray booth or to the general workroom is largely a function of how dusty the plant air is. Spray booths may be equipped with filter doors or fresh air inlet plenums to prevent plant dust from settling on freshly painted surfaces. Air should enter the booth at low velocity (200 fpm or less), and in the same direction as it is being exhausted to avoid unnecessary turbulence. Fresh air inlet plenums should be equipped with baffles or other positive means of air distribution. (Id.)

The air cleaning section of the spray booth not only removes paint mist from the exhaust air, but acts as a means of air distribution within the booth. An arrangement of metal baffles is the simplest form of air cleaner. Specific design criteria for baffle-type booths are listed in *Industrial Ventilation: A Manual of Recommended Practice.* The baffle-type booth provides a constant flow of air. Mist removal and clean-up difficulties limit its use to low production applications. Dry filter booths combine low cost with high efficiency paint mist removal, but have the disadvantage of a variable air flow. The air flow is at a maximum when the filters are clean, but continuously decreases to a point where the filters require replacement. Like baffle-type booths, the dry filter booth is best suited for low production operations. Water wash booths incorporate various

combinations of water curtains and sprays to scrub the paint mist from the exhaust air. They have the advantage of constant air flow, inherent fire protection, and high mist removal efficiency, but at a greater cost than dry-type booths. Maintenance is necessary to retain the high rate of mist removal. Cost of maintenance may equal or exceed that of the dry-type booths. (Id.)

Inadequate training and supervision in the techniques of spray finishing can result in a poor work environment as well as a faulty finish and a waste of paint. Because spray booths function by directing clean air past the worker towards the process, the operator must not position himself between the object being painted and the point of exhaust. (Id.)

When four sides of an object are sprayed in a sidedraft booth, all four sides can be painted without the operator being covered with his own overspray by incorporating a turnable. The painter's breathing zone can be removed from the area of active mist generation if an extension or pole gun is used. Airless spray equipment is useful for such cases because of its inherent low mist generation and its superior coverage of deep recesses. In a tall object in a downdraft booth, stepladders, platforms, or manlifts can be employed to avoid exposure to the spray backwash. (Id.)

(d) *Specific Applications*

(i) *Automotive Manufacture.* Automobile manufacturers utilize a booth which is designed with downdraft supplied at 1600–2000 cfm per linear foot of booth. An equal exhaust volume is provided. The supply air provided overhead is tempered, filtered and directed downward over the product, which moves through the booth at a rate of approximately 70 jobs per hour and is exhausted through a grating in the floor and scrubbed in the back section of the booth. Velocities of approximately 200–300 feet per minute exist on the skin of the product being painted. This type of ventilation system represents the current "state of the art" technology. Individual plants may have slight variations in the design; however, the basic control system has remained essentially the same in motor vehicle assembly plants over the past 30–40 years. (Ex. 476–411). Air-supplied respirators are also used.

(ii) *Automotive Refinishing.* The automobile refinishing industry is considered separately from the automobile producing industry because of the nature of the refinishing production process. Many of these shops can be characterized as small, poorly ventilated, and having few or no controls. Only modern, larger automobile paint shops use auto refinishing booths.

The surface that is to be painted is normally cleaned, sealed, and sanded before paint application. These operations are usually performed by hand. Coatings are normally applied by hand-held air atomizing equipment. The coating material is generally cured by air drying.

Alkyd enamels are used for total body repainting because, unlike the case with lacquer finishes, no hand rubbing is needed to gain a high gloss surface film. The rapid cure of lacquer finishes permits blending of spot repairs into undamaged areas, which makes this type of finish more popular in body repair shops. The air drying alkyds are more typically applied in spray booths because of their suceptibility to contamination by airborne dust. (Ex. 476–412)

(iii) *Wood Furniture.* Before coating, the wood surface is prepared and pretreated in several steps, such as sealing, glazing, sanding, and polishing. These techniques are used for both natural wood and unfinished exterior or interior grades of plywood. Some materials may require solvent wiping and sanding. Coating materials are generally applied in several layers, which require intervening steps like sanding, rubbing, daubing, and polishing. These procedures are performed by hand and, therefore, the workers are exposed not only to the liquid coating material itself, but to the wood dust that may also contain the coating material. Coating materials are predominately applied by hand. Sometimes electrostatic spray techniques are used; they require the use of a conductive primer (applied by dipping), or controlled moisture content. (Id.)

(iv) *Metal Furniture.* The metal surface to be coated is cleaned and pretreated. Most plants use automated three-stage or five-stage pretreatment processes, incorporating hot water rinses, phosphoric acid baths, and chromic acid rinses. (Id.)

Alkyd baking enamels are most used. Various acrylics (both thermosetting and emulsion), high-solid polyesters, and powders are also used in lesser quantities. Electrostatic spray guns are used in both automatic and hand-held operations. Both liquid paint and powder coating lines are highly automated, but hand-held conventional and airless spray guns are still used in reinforcement operations. It is common for defective coating to be manually reworked. (Id.)

(v) *Major Appliances.* Before coating, the metal surfaces are prepared in order to remove rust, oil and other unwanted material. Treatment generally involves eight automated stage, consisting of alkali cleaning, double water rinsing, and a zinc-phosphate bath, followed by water, chromic acid, and deionized water rinsing.

Primers are generally applied by electrocoating in a water bath that contains 8 to 10 percent paint material. As alternatives to this method, dip and flow coating techniques can be utilized. Some primers are still applied by manual or automatic spraying. (Id.)

Top coating is usually accomplished by electrostatic spraying. Both automatic and hand-held electrostatic guns are used. The automatic equipment is typically an electrostatic bell or disk. Manual spray equipment is used primarily for reinforcement on less accessible surfaces and touch-up operations. (Id.)

(vi) *Transportation (Non-automotive).* Because of the size and shapes of these products, both primers and topcoats are generally applied by hand spray equipment. Railroad cars are painted primarily for protection against corrosion; aesthetic considerations are secondary. Application techniques (primarily airless) are therefore geared to providing a high film build in a minimum amount of time. Truck finishes are also applied by hand-held spray guns and cured by baking or air drying. Alkyd-type finishes predominate in this industry. (Id.)

In the aircraft industry two component epoxy and urethanes predominate because of their ability to produce a baked quality finish without baking. Airless spray equipment is generally not accepted because of aesthetics. (Id.)

(vii) *Machinery and Equipment.* Coating application is generally by airless or electrostatic-airless spray technology; however, dipping and flow coating are also used. Despite some automation, most top coating is done by hand-spray equipment. As a curing method, air-dry and force-dry techniques are used. (Id.)

(viii) *Spray Painting in Other Industries.* Spray painting is done in many other industries, primarily those in which repair and refurbishing are performed. The shipbuilding industry is discussed under that industry category. Wherever spray painting is done the controls and method of application discussed in the general section apply. (Id.)

(e) *Exposure Levels*

(i) *General Methods For Determining Exposure Resulting From Paints.* Paint mist refers to the nonvolatile component of the coating aerosol. Its concentration in the breathing zone of spray painters can be determined gravimetrically as an index of overspray control. NIOSH reports concentrations for continuous painting operations as 8-hour time-weighted averages; results from intermittent painting operations are reported for the duration of the specific painting operations. (Id.)

The level of airborne paint mist is a more reliable indicator of the degree of control in manual spray finishing than the concentration of solvent vapors. Solvent concentrations were well below the recommended maximum even when paint mist levels exceeded the maximum concentration permitted for nuisance dusts. In no case was the reverse true. If the paint composition is known, the concentration of paint mist can also be used as a guide in estimating the potential exposure to specific nonvolatile paint components. For example, if the concentration of paint mist is 5 $\mu g/m^3$, and lead represents 1 percent by weight of the paint solids, then the airborne concentration of lead could be estimated at 50 $\mu g/m^3$. (Id.)

Continuous operations include both manual and automatic application processes where the painter remains in one location as the workpiece passes by on a conveyor. The concentration of total paint mist for the majority of continuous spray finishing operations did not exceed 5 $\mu g/m^3$, provided that spray booth ventilation rates met minimum OSHA requirements (specified in 29 CFR 1910.94) and good spray painting practices were observed. The continuous painting operations that exceeded this concentration involved either the spraying of internal cavities (case study 6) or faulty ventilation and work practices (case study 3). With the corrections suggested in these case studies, paint mist levels could be controlled to below 5 $\mu g/m^3$, and would achieve compliance with the lead standard (Id.).

Intermittent operations are non-conveyorized processes where a relatively large workpiece is positioned in a booth; after finishing operations are completed by a mobile painter, the workpiece is removed and replaced by the next unit. The concentrations of paint mist reported for intermittent painting operations range from 2.0 to 43.3 $\mu g/m^3$. Differences were due to the relative success in maintaining proper air flow orientation as the painter changes position and the degree of sophistication of the paint application equipment. The paint mist concentration for the majority of these operations could be controlled to below 10 $\mu g/m^3$ if ventilation and/or application techniques were improved. An exception would be the finishing of relatively enclosed spaces, such as vehicle interiors. (Id.)

Specific data have been compiled which indicate the levels of lead which may be in some paint mists. The amount of lead, by weight, in the dried film of paints using these pigments may reach 15 percent. In no case where the lead content approached this figure was the 50 $\mu g/m^3$ limit for lead met. Operations using alkyd resin enamels employing lead only as soaps for paint drying did not exceed the 50 $\mu g/m^3$ standard when minimum ventilation requirements were met. (Id.)

Based on the maximum paint mist concentration of 5 $\mu g/m^3$ found in well-controlled finishing operations, up to 1 percent lead could be tolerated in the dried film and the OSHA standard for airborne lead would still be met. This is not a practical concentration for the pigments typically used. However, where a variety of colors are painted, the "average" paint for the workshift may be well below this figure and the subsequent average exposure for the shift may be below 50 $\mu g/m^3$. (Id.)

The lead pigments provide durability to paint finishes and thus find greatest use on transportation and heavy equipment. Of the operations in these categories, the heavy equipment finishing operation comes closest to meeting the 50 $\mu g/m^3$ standard, with an 8-hour time-weighted average concentration of about 100 $\mu g/m^3$ during painting of equipment exteriors. (Id.)

(ii) *Specific Exposure Data.* Some data specific to lead exposures have been compiled as a result of OSHA compliance activities. Case No. PIT–3 involves spray painting in the automobile industry (Ex. 476–16). Automobiles are moved by conveyor system, electrically charged with the opposite charge of the paints being used, and then sprayed on the cars as they leave the booth. Exposures were 32.8 $\mu g/m^3$. The company indicated that in its previous sampling, levels were generally around 30 $\mu g/m^3$. All workers are exposed below 50 $\mu g/m^3$ of lead, although the company requires that MSA comfort II respirators are worn. OSHA Case No. TD–5 involved spray painting of plastic parts for automobiles. Levels measured were 157 $\mu g/m^3$, 293 $\mu g/m^3$ and 132 $\mu g/m^3$ before the company upgraded the spray paint facility. After upgrading, the levels ranged from 0 to .087 $\mu g/m^3$. Respirators also were being used. Most of the upgrading consisted of increasing the ventilation, improving or replacing filters, installation of new fans, and performing needed maintenance. Two spray booths were replaced by ones which utilize a water-wash entrapment technique to collect contaminants.

OSHA case number WB–2 involves painting of large industrial mufflers. Painting was done in an enormous spray booth. Levels of exposure were measured at 14 $\mu g/m^3$ and 24 $\mu g/m^3$. Compliance was achieved solely through the use of exhaust ventilation of the booth. However, although the company was in compliance, company policy requires that respirators be worn at all times. The company also stated that its implementation of this ventilation system in the spray booth resulted in an improved spray finish on its products.

(f) *Additional Controls*

Spray booths that meet OSHA design requirements are capable of controlling total paint mist and organic solvent vapors to within recommended maximums. Spray booths are partially effective in the control of toxic metals and other dangerous materials, insofar as they contain the hazard within the booth.

Several factors not addressed by the OSHA standard have a significant bearing on the effectiveness of a booth in protecting the health of the painter.

The distribution of air within the spray booth is at least as significant as the average air velocity. Supply and exhaust air chambers are often built without regard to accepted criteria for plenum design (Ex. 476–412). Particular problems occur where fresh air is supplied at a velocity that is too great, introduced in a direction other than the direction of exhaust, or introduced between the painter and the point of exhaust.

In order for protection to be maintained, the spray painter must not position himself between the object being painted and the point of exhaust. Where all sides of an object require painting, the operator can maintain proper position if the object is rotated, or if a downdraft booth is employed. (Ex. 476–12)

The air velocities recommended in the standard are useful guides in determining air volume requirements, but may be either too restrictive or inadequate, depending on the toxicity of the paint material, and the method and rate of paint application. Higher air flow rates should be considered for highly toxic materials in order to minimize

exposure, although even at these higher rates control may not be complete.

In spray booths equipped with dry filters, airflow must be monitored because it decreases with the build-up of overspray on the filters. Manometers are frequently used to monitor the pressure loss across the filter media. Filters are changed when resistance reaches a predetermined level. Too often these manometers are broken, low on fluid, mounted where they cannot be seen, or no change point has been determined. A more positive means to ensure that the filters are changed is the use of a pressure switch and interlock that prohibits activation of the spray gun when the filter is fully loaded.

The working environment of the spray finisher can be improved by the use of paint application methods that minimize the energy expended in the atomization process. Electrostatic discs and bells atomize paint primarily by electrostatic forces and produce very little stray paint mist. An electrostatic bell system was evaluated in case study 6 (Id.). With minimal air movement in the automated spray room (for the purpose of diluting the evaporating solvents), the mean concentration of paint mist was only 0.1 $\mu g/m^3$.

When either air-atomized or airless electrostatic methods are used with heated paint, they can produce low levels of overspray, even when relatively large and complex shapes are painted. Paint mist concentrations of 2.0 $\mu g/m^3$ were measured when these methods were used to finish the exteriors of heavy equipment. Airless techniques appear to be particularly useful in painting recesses or internal cavities. Not only do they provide a cleaner work environment, but they apply paint faster and cover inside corners better. In a similar operation using conventional spray guns, paint mist concentrations were over 10 times as high. This higher level of paint mist was found despite the fact that the total number of units requiring internal painting was significantly less.

There is some reluctance to use high technology application equipment, especially where appearance is a critical factor. This is due either to the greater versatility of conventional air-atomized spray equipment or to some inherent cost limitations with the more sophisticated techniques. However, in many operations, ventilation is impractical, and efficient application techniques are the only logical choice.

Respiratory protection may be required in those spray finishing operations that employ significant quantities of highly toxic materials, such as lead, chromium, or reactive compounds (isocyanates and epoxy curing agents). It is also necessary for protection against paint mist and organic solvents in painting enclosed spaces and other areas where ventilation is compromised. The lead standard contains respirator selection guidelines.

(g) *Conclusion: Technological Feasibility*

OSHA has determined that substitution of non-lead based paints is one feasible alternative for the industry. Lead and other toxic metal pigments should be eliminated where possible.

Spray booths can be used which maximize the enclosure of the painting operation. The choice of a downdraft or sidedraft booth depends largely on the configuration of the object that is to be painted. Air flow must be in a direction which will carry contaminated air away from the breathing zone of the painter. If necessary, work platforms, product rotators, or other means must be provided in order that the proper orientation of air flow can be maintained.

Application equipment is available which minimizes the energy expended in the atomization process, thus reducing the amount of stray mist that is generated. The recommendations of the paint formulator concerning the method of application and the atomization parameters should be strictly followed.

Several commenters discussed the problems associated with applying lead paint to surfaces. Billings noted problems encountered with "bounce back" and suggested that application be automated or be done by brush or roller in these instances where possible. However, it appears that in some cases, depending on the number of spray painters, the size of the object, and numerous other environmental factors, the PEL in spray painting can be achieved through the use of currently acceptable control technologies and without reliance on a respirator, as OSHA's compliance activities demonstrate (Ex. 476–16). Even in industries such as the automobile industry which were previously felt to be at the state-of-the-art, new techniques are being used which are achieving compliance with 50 $\mu g/m^3$. In most of these situations, even when compliance is being achieved, employers are requiring workers to wear respirators as an added safety measure, but not air-supplied respirators. Certain operations, such as painting deep recesses or confined spaces cannot be effectively controlled by ventilation. Airless application methods can be used for these operations. However, OSHA recognizes that in some of these cases, due to the conditions of application, engineering controls alone will not be adequate to achieve the PEL and respirators may be necessary in addition to currently available controls. However, the industry generally appears to have the control technology necessary to achieve compliance with 50 $\mu g/m^3$. In addition, employers may rotate workers, thereby reducing levels to an even lower extent.

39. Steel Manufacture

(a) *Primary Steel Production*

(i) *Process Description and Exposure Areas.* The basic oxygen steelmaking process uses as its principal raw material molten pig iron from a blast furnace. The other source of metal is scrap. Scrap is processed similar to the methods used in scrap processing and collection; hydraulic scrap cutters may be used. Only the processing of lead scrap poses a problem. Lime, rather than limestone, is the fluxing agent. As the name implies, heat is provided by the use of oxygen.

The basic oxygen furnace (BOF) is a steel shell lined with refractory materials which is supported on horizontal trunnions so that it can be tilted. Usually these furnaces are installed in pairs so that while one is making steel the other can be filled with raw materials.

The first step for making a heat of steel in a BOF is to tilt the furnace and charge it by larry car with steel scrap. Immediately following the scrap charge, an overhead crane presents a ladle of molten iron from a blast furnace or from a holding device called a mixer.

As soon as the furnace is charged, and set uprighted the oxygen lance is lowered and the oxygen is turned on. In a very short time the heat increases and lime, fluorspar (and sometimes scale) are added via a retractable chute to the metallic charge. From that point on, the blowing procedure is uninterrupted. Oxygen combines with carbon and other unwanted elements eliminating those impurities from the molten charge and converting it to steel. The lime and fluorspar help to carry off the impurities as a flowing layer of slag on top of the metal which is now entirely molten.

When the batch of steel is complete, the oxygen is shut off, the clamps on the lance are released, and the lance is retracted through the hood. The furnace is then tilted in the direction opposite to that in which it is charged, and molten steel flows through a tap hole that is located near the top of the furnace. A ladle receives the molten steel. The slag, which floats on top of the steel, stays

above the taphole by the progressive tilt of the furnace.

Electric arc furnaces are used for producing alloy, stainless, tool and other specialty steels. More recently operators have also learned to make larger heats of carbon steels in these furnaces. Therefore, the electric steel making process is becoming a high-tonnage producer.

Electric arc furnaces are shallow steel cylinders lined with refractory brick. They are charged in one operation from buckets or other containers brought in by overhead cranes. The roof of an electric furnace is pierced so that three carbon or graphite electrodes can be lowered into the furnace. These electrodes provide the current arcs from one electrode to the metallic charge and then from the charge to the next electrode, causing intense heat.

In each process the end product is molten steel in a ladle. In this form the steel is useless. It must be solidified into forms that are suitable for further shaping by the steel industry's rolling mills and other finishing facilities. Molten steel direct from furnaces is rarely cast into finished products.

The traditional method of handling raw steel from a furnace it to "teem" it from the ladle into ingot molds of various sizes and shapes. Alloys are added to the ladle of steel often by chutes extended from above the teeming floor. However, injection may be by gun.

The ladle into which the molten steel from the furnace has been tapped is usually mounted on a railcar which is moved to a position where an overhead crane can lift it. The overhead crane lifts the ladle of molten steel to a position where it can be poured into ingot molds, (or into a strand or continuous casting machine) for solidification.

The size and shape of an ingot is determined by the size of the roughing mill designed to handle it. Roughing mills produce semifinished forms of steel such as blooms, which are roughly square in cross section; slabs, which are rectangular in cross section; and billets which are smaller than blooms in cross section and usually much longer.

A more modern technique than the traditional ingot procedure is the use of a strand casting machine to receive molten steel and produce such semifinished solid products as slabs or billets. In so doing, they bypass ingot teeming, stripping, soaking and rolling.

There are several kinds of strand casting machines, but the principles of their operation are similar. Molten steel from a furnace is carried in a ladle to the top of the strand caster. A stopper in the bottom of the furnace ladle is lifted so that molten metal drops into the tundish (which provides an even pool of molten metal to be fed into the casting machine), which also acts as a reservoir allowing an empty ladle to be removed and a full ladle to be positioned and to start pouring without interrupting the flow of metal to the casting machine. In some strand casters the descending column of steel is cut to desired lengths while still in a vertical position. This is done by traveling cutting torches.

Molten metal is often received from conventional steelmaking furnaces and refined to remove impurities quickly before the steel solidifies. Among the vessels and other facilities used in this operation are those for vacuum stream degassing, vacuum/ladle degassing, argon-oxygen decarburization and vacuum/oxygen decarburization. Electron beam processing generally begins with carefully selected and prepared cold raw materials. However, there is nothing to prevent the electron beam facilities from being charged with molten steel from a primary smelter. These remelting processes are used mostly in the production of sophisticated alloys and specialty steels.

Sources of lead exposure in steel making include leaded heats (i.e., additions of lead either to the blast furnace as an additive to the molten iron or to the ingot molds at the time that the steel from the furnace is poured into the molds). Lead is usually added to ingot molds as lead shot in order to provide the finished steel with useful properties for machining operations (477–5G). More specifically lead exposures occur at the pouring stand of the "Pit" section where leaded steel is produced. (476–442). From the BOF, a steel ladle is transported via a crane to a stand where ingot molds are present. During each "teeming" (adding molten steel to ingots molds) 50 pounds of lead shot are added to each ingot when it is one-third to two-thirds full. Lead is added to the steel stream with a "lead" gun comprised of a rubber hose and long steel pipe with a nozzle. Workers must operate the guns, throw toppings on each ingot to keep the molds from losing their heat, and must take a steel sample.

(ii) *Controls Currently Used.* Materials handling is often done mechanically or pneumatically. Scrap is processed by using hydraulic cutters to reduce its size prior to charging furnaces (Ex. 500, p. 5). Local exhaust ventilation of furnace areas, ladles carrying molten melts, and casting areas is also used.

Companies may (Ex. 476) use a pneumatically operated "lead gun" to inject lead shot into the molten metal stream from the teeming ladle. A traveling ventilation system is attached to the teeming ladle. A hood serves the ingot mold being filled, and is connected to a 20-foot flexible duct which exhausts through a plenum to a baghouse. The traveling exhaust system is disconnected and reconnected during teeming so that it can be moved along with the teeming ladle. The duct (which ventilates the exhaust hood) is moved manually at its point of connection into the plenum.

At the molding operations, the ventilation consists of built-in local exhaust systems. Adjacent to each ingot mold there are lateral exhaust hoods. Hoods are opened in a sequence to reduce total ventilation air quantity. Lead captured is conveyed to fabric filters, shaken into polyethylene lined bags.

An OSHA inspection identified as case #PIT–2 reported that 3–4 hours per day, while the molten steel is being poured (Ex. 476–460), once or twice per shift. Also, this company invented a sliding ventilation system with telescoping duct work. The system was also connected to a baghouse which emptied the contaminant collected into a drum for disposal. The system is used exclusively for leaded steel pours. In this particular operation the crane operator was not in an enclosed cab and his exposures were in excess of 200 $\mu g/m^3$; the company is installing a positive pressure, filtered air cab on the crane to achieve compliance with 50 $\mu g/m^3$. This company also rotated workers' shifts (i.e. one crew works one month with lead and spends two months removed from lead).

(iii) *Exposure Levels.* Exposure data collected at teeming operations indicate that at the CFI Steel (Ex. 476–457) plant lead breathing zone samples ranged from 1 $\mu g/m^3$–79 $\mu g/m^3$ with 22 percent of the samples exceeding the 50 $\mu g/m^3$ standard. Other comparable data has been recorded which ranges from 10 $\mu g/m^3$–190 $\mu g/m^3$ with the mean value near 50 $\mu g/m^3$ (Ex. 476–456).

Data collected during teeming indicates that levels range from 20 $\mu g/m^3$ to 2600 $\mu g/m^3$ with the majority of data exceeding 200 $\mu g/m^3$ (Id.). OSHA inspection number PIT–2 found levels at one teeming operation of 200 $\mu g/m^3$ for the ladle preparer, 60 $\mu g/m^3$ and 70 $\mu g/m^3$ for helpers, 40 and 50 $\mu g/m^3$ for pitmen, 60 $\mu g/m^3$ for pourer's and 30 $\mu g/m^3$ for the pourer's helper and 230 $\mu g/m^3$ for the craneman (Ex. 476–460). Controls which were in place were designed to achieve compliance with a 200 $\mu g/m^3$ standard.

(iv) *Additional Controls.* The controls exist to achieve compliance in steel manufacture, more specifically in alloying, but some employers may need to upgrade existing equipment. In fact,

OSHA's recommendation in case #PIT–2 was that compliance in this operation with 50 $\mu g/m^3$ could be achieved by widening the flanges on the hood of the telescoping duct work and increasing the total ventilation system air volume flow rate.

Materials handling operations should include more local exhausting of emissions sources. Recommended controls also consist of improving the ventilation at the teeming operations. The local exhaust hoods used are only as wide as the molds. Flanges and side baffles should be used to increase the capture area. Crane operators can be placed inside enclosed cabs.

Good employee work practices can help minimize exposure. High lead concentrations are a result of workers heaving toppings into the molds instead of gently pushing to avoid splattering (Ex. 476–455). NIOSH HHE–CFI). Workers can be taught to position themselves in pouring operations, etc. in such a fashion as to minimize their lead exposure. In addition, employers may find it necessary to rotate workers on a more frequent basis than monthly to comply with 50 $\mu g/m^3$ standard.

(v) *Conclusion: Technological Feasibility.* The steel industry is presently undergoing a modernization program. To be consistent with the modernization program, OSHA recognizes the need to have control of lead exposures accomplished in conjunction with these modernization efforts. The extended compliance period of three years is consistent with these efforts and is provided despite the fact that existing controls can technologically control lead. Rather, OSHA believes lead control should not occur in a vacuum when a more cost-effective, long-term solution to a host of environmental problems can be accomplished within the framework of modernization. OSHA has concluded that compliance deadlines for the lead standard should parallel the timetable established for modernization by the Steel Tripartite Advisory Committee. The Committee envisions that modernization will be completed in 3 years; then, if retooling is not completed another two years will be provided. Accordingly, OSHA has provided a 3 year compliance deadline and may reconsider extending that period based on existing conditions at that time (Slip opinion, p. 162).

OSHA has also set an interim level of one year in which to achieve compliance with the 100 $\mu g/m^3$ level. This action is taken to assure that employers who do not plan to remodel their teeming facilities do not allow lead levels to remain unnecessarily high. Those employers who do plan to modernize their teeming facilities will be eligible to bypass the interim level. 29 CFR 1910.1025(e)(4). In the interim, these employers should maintain the effectiveness of existing systems, provide enhanced housekeeping, and rotate workers to maintain lead levels as close to the 50 $\mu g/m^3$ standard as possible.

(b) *Secondary Steel Manufacture*

(i) *Process Description and Exposure Area.* Scrap steel is received and cut using acetylene cutting to reduce the size of the scrap so that it will be suitable to feed into the furnace. Exposure to lead may occur where the scrap contains lead.

Electric induction furnaces are primarily used to remelt scrap. As the steel scrap melts, a pool of liquid metal is formed on the furnace bottom, but when the entire bath is molten, the stirring action of the inducing current moves all of the liquid steel with no dead spots.

There is little need for a slag during induction melting since the surface of the liquid metal exposed to air is small in relation to its volume.

After melting is complete, the operator makes necessary additions of alloys or deoxidizers to bring the steel to a specified chemical composition. When the analysis and temperature of a heat are completed the furnace is tilted and the molten metal runs out over the lip into a ladle or directly into a mold.

(ii) *Controls Currently Used.* Materials handling is done mechanically or pneumatically, with scrap either being processed on the site or purchased ready to use. Scrap processing in the steel industry is comparable to general scrap processing and requires sorting, chopping, and burning (cutting). Local exhaust ventilation at the ladles, molds, and other sources of emissions is also used. Generally, the ventilation controls are similar to those found in the primary steel processes.

(iii) *Exposure Levels.* Exposure data submitted by USWA (Ex. 483) indicates that lead levels in scrap processing are low. Out of 13 samples taken none were above 36 $\mu g/m^3$ and most were between 7–15 $\mu g/m^3$.

(iv) *Population Exposed.* The number of workers exposed in secondary steel operations is unknown. However, since the data indicate that lead levels in scrap processing may be low, OSHA estimates that only a small percentage of workers are exposed in excess of 50 $\mu g/m^3$.

(v) *Additional Controls.* None are required. Maintenance of existing controls and housekeeping should keep lead levels below 50 $\mu g/m^3$.

(vi) *Conclusion: Technological Feasibility.* In secondary steel manufacture it appears that 50 $\mu g/m^3$ can be met and in some operations is currently being met with existing technology. In those instances where levels are in excess of the PEL, upgraded ventilation systems coupled with worker rotation can be used to achieve compliance with 50 $\mu g/m^3$. In addition, improved housekeeping and maintenance of existing controls will permit compliance with 50 $\mu g/m^3$ in one year even in the more difficult situations.

(c) *Forming Steel Products*

(i) *Process Description and Exposure Area.*—(a) *Processes.* Forging may be defined as using compressive force in such a manner that the lines of metal-flow in a product put the greatest strength where it is needed. There are two major types of hot forgings—open-die and closed-die. In open-die forgings, large presses are used which squeeze the steel between two flat surfaces. Closed-die forging uses matching tool steel dies into which the shape of the desired finished product has been "carved." The steel is placed between the two dies which are hammered together. The hot metal inside the closed dies flows to fill both halves upon impact from a steam hammer. Forging presses may be driven hydraulically, although some exert pressure through mechanical devices.

Other operations which fall under the general category of forging include extrusion, upsetting and roll forging. All of these knead the original steel into a denser structure and bring it so close to its original finished shape that it requires minimal cutting with machine tools. Thus, very little metal is lost as scrap.

Steel may be rolled hot or cold. The cold rolling process hardens sheet steel so that it must be heated in an annealing furnace to make it more formable. The batch (or box) annealing furnace requires that coils of cold rolled sheets be stacked on a special base with huge covers that are cylindrical. Then a huge box-like annealing furnace is lowered over the covered stacks of cold reduced sheets and the temperature is increased to a specific level for the desired end product. The length of time that the sheets are heated at a given temperature, and the length of time allowed for them to cool is of extreme importance in meeting customer specifications. The heating and recooling of the cold, reduced sheets may take 5 or 6 days.

Alternatively, continuous annealing facilities may be used, depending upon the end product desired. Continuous annealing lines are imposing structures often longer than a city block and several stories high. The coils of cold rolled sheet are uncoiled and led up and down through towers in the annealer, and subjected to heat. The steel is "softened" in preparation for further processing.

If the desired end product is cold rolled sheet and the product will not be coated, the annealed cold rolled sheet will often be sent to a temper mill. The temper mill provides flatness and surface quality for many end products such as sheets for automoble bodies, or home appearance.

It is not at all uncommon to prepare steel slabs scheduled for rolling into high quality sheet and then strip these sheets by grinding or burning off surface imperfections on them with torches in a process called scarfing.

A Sendzimir mill rolls extremely thin-gage steel sheets. Most tin plate is produced by the electrolytic method.

There are three continuous tin plating processes in general use in the United States today; halogen, alkaline and acid. All three start with a product called black plate which is actually a form of cold rolled sheet that has been annealed, usually in a continuous annealing line.

Other products formed from steel are hot rolled or cold drawn bars, structural steel shapes, steel plates, clad plates, pipes, tubing, and wire. A discussion of pipe galvanizers and wire patenting is provided in separate sections.

Lead exposure only results when the steel being worked contains lead.

(ii) *Controls Currently Used.*

The initial operation in the forming of steel is the heating of metal ingots in soaking pits. These pits are charged and emptied by overhead cranes and are heated by gas. Potential contaminants from this operation include carbon monoxide from incomplete combustion of the gas, and dust from the slag that falls from the ingots and is removed from the bottom of the pits in the cinder tunnel. The soaking pitmen and bottom-makers are the most likely employees to be exposed to toxic dust when they clean and repair the pits. The crane operators who work above the soaking pits are in air conditioned crane cabs, so their exposure is expected to be low.

The hot ingots are moved by crane from the soaking pits to a transfer table which moves them to the rolling or roughing mill. The transfer table is operated from an air conditioned enclosure or "pulpit" and employees are exposed to very little dust or other contaminants. (Ex. 476–453).

The roughing mill is operated from an air conditioned pulpit and the ingot is passed back and forth between the rollers until it has been reduced to a billet or slab of desired dimensions. It is then sent to a scarfing operation, also controlled from an air conditioned pulpit, where the outer coating of impurities is removed with a combination of high pressure water and flame. The ends of the bloom, billet, or slab are then sheared off and the semi-finished shape is removed from the area. This shearing step is also controlled from an air conditioned enclosure.

While the first few passes of the ingot through the rollers creates some metal fumes and dust particles, these are generally of a large diameter and nonrespirable and the major source of toxic contamination is the scarfing. During a NIOSH investigation, a dense smoke was observed rising from the scarfer, especially during the scarfing of ingots identified as being from high sulfur heats. There is one overhead crane operator who works in this area in an open cab and his exposures can be quite high except that he does not spend his full work shift in the crane. There are also workers on the floor in the vicinity of the rolling mill and these employees are potentially exposed to many contaminants.

Other employees routinely stationed in this department are the scarfer repairmen who spend much of their time in a workroom partitioned off from the general mill area. They are exposed to the fumes and dust from the mill and also to metal dust created in grinding and cleaning operations they perform in their workroom.

(iii) *Exposure Levels.* Exposure levels averaged 10–20 $\mu g/m^3$ of lead except for one sample from a mill laborer which was 190 $\mu g/m^3$ (Ex. 476–452). Two years later lead levels were 17 $\mu g/m^3$ (Ex. 476–453). One sample in the study was as high as 35.4 $\mu g/m^3$. (Id.)

Exposure data collected at scarfing operations shows a great deal of variation; sometimes these jobs are below 50, sometimes they are not (CFI).

Lead exposure reductions in flame scarfing operations have been accomplished by staggering the workers. Conditioning may be done by grinding. In fact CFI suggests that flame scarfing is being replaced by grinding machines due in part to the fact that the cost of gas used in scarfing is prohibitive in certain locations. (Ex. 476, CFI)

(iv) *Additional Controls.* The controls needed for compliance when forming steel products consists of the use of existing technologies such as ventilation, isolation and enclosure. AISI (Ex. 500, p. 6) estimates that some companies which have not used these controls may have to isolate processes and install crane pulpits, although, AISI states that even with these engineering and administrative controls levels would not consistently be below 50 $\mu g/m^3$. AISI also maintains that ventilation of mill stands is not possible, because ventilation above the stands would be destroyed by cobbles (twisting masses of steel). Down draft ventilation in these instances could be used, although with some effort and keen awareness of engineering design, a local exhaust system for this operation could be devised. Grinding operations can be controlled by the use of local exhaust ventilation although AISI maintains that the use of air-supplied respirators is necessary to comply with 50 $\mu g/m^3$. Scarfing operations could be substituted with grinding, thereby reducing levels. However, while this may be an alternative, more traditional methods have been used in other burning operations to achieve compliance with 50 $\mu g/m^3$ (See Lead Burning section).

(v) *Conclusion: Technological Feasibility.* Although AISI maintains that it is not feasible to use existing technologies to achieve compliance with 50 $\mu g/m^3$ in steel product formation, the data suggests that compliance is achievable and existing technology need only be applied to the industry. Unlike the primary production of steel, this portion of the industry is not modernizing due to financial constraints. Easily installed, available technology can reduce lead to the PEL. Therefore, compliance with the standard is required within a one-year period. The exposure data indicates that some mills are complying. Scarfing operations (Ex. 476–455) in some cases are merely being controlled by staggering workers and the alternative of grinding is being reduced in some instances by the high costs of fuel needed to operate scarfing torches. Firms not in compliance in this industry need only try, and through the use of control strategies consisting of engineering controls, work practices, and worker rotation the 50 $\mu g/m^3$ standard can be met.

(d) *Steel Fabrication*

Sheets of steel are cut using an oxygen-acetylene cutting torch, then welded together to produce a finished product.

Lead exposure could result if the sheets being cut are lead steel. The NIOSH HHE (Ex. 476–456) done on the Grand Junction Steel Co. indicates that lead levels were nondetectable, however, excesses of iron oxide, etc.,

were found. Recommended controls include the use of local exhaust ventilation and/or electrostatic precipitators to minimize welding fumes. The same controls would reduce lead exposures if lead were present.

(e) *Economic Feasibility*

(i) *Cost of Compliance.* There are several potential sources of lead exposure in the steel industry. These include the production of leaded steel and terne metal (a lead-tin alloy), and the processes of annealing, patenting, grinding and scarfing steel products (USWA, Ex. 477–5).

The American Iron and Steel Institute states that compliance with the lead standard is "prohibitively costly" and estimates costs in the range of $500,000 to $1,000,000 per teeming facility for upgraded evacuation systems, and $3,500,000 per teeming facility when no evacuation systems are currently in place (Ex. 475–39(A)). No engineering or financial details were provided with these estimates. Similarly, an unsupported estimate of $5,800,000 for a completely redesigned hood in a teeming operation was provided by AISI (Ex. 500). With respect to operations in rolling mills, AISI received estimates from one member company of $10,000 for isolation controls, $20,000 for two crane pulpits, and $200,000 for four crane cabs to control exposures in soaking pits. Ventilation of mill stands was estimated to be "so expensive that it is not economically feasible." Downdraft ventilation, which was the only type of ventilation deemed effective, would necessitate reconstruction of complete facilities (Ex. 475–500).

Estimates for substitution of two salt baths, which have been substituted for lead baths in wire patenting processes, were $85,000 to $115,000 where existing controls were in place. Replacement of existing controls with a fluidized bed system was estimated to cost $750,000. The Stelmor process, which reduces but does not eliminate the need for patenting operations in the production of wire or rod (Ex. 475–500), requires capital investment of about $100,000,000 for new plant construction (Ex. 476–482). However, about 25 steel works in the steel industry have already switched to the Stelmor process (Ex. 474–22), and some steel plants have substituted salt baths for lead baths in annealing and patenting operations (Ex. 476–486). Bethlehem Steel has instituted a process change in wire patenting operations that enables it to achieve compliance, but neither the details or the process nor the costs were specified (Ex. 476–481). According to the International Wire Association, the use of lead in wire patenting is being phased out by replacement with other processes (Ex. 476–484).

Cost data for the substitution of grinding for scarfing operations, which reduces exposure to lead (Ex. 475–500), were estimated at $1,530,000 with a 2-year period required for design, building, and installation (Ex. 476–425). AISI stated an additional cost of $2,750,000 for a baghouse (Ex. 500) to prevent release of pollutants into the ambient air, however, this cost is not attributable to OSHA. Furthermore, there may be cost incentives spurring the move from scarfing to grinding in certain locations where the price of special gases needed for scarfing is rising. This increase in price limits the attractiveness of scarfing when compared with grinding (Ex. 476–425).

AISI did not describe the baseline of current controls in the industry nor did it attempt to show examples of current attempts at compliance in the industry. Both Copperweld and Jones and Laughlin stated that OSHA requirements were "burdensome," but they also indicated that process controls, such as stationary and traveling local exhaust ventilation systems, were in place and effective in reducing air lead levels (Ex. 476–449 and Ex. 476–431). In addition, AISI did not consider the effectiveness of housekeeping and work practices, which are relatively inexpensive methods of control, in estimating costs of compliance. Thus, OSHA believes that their costs are biased upward for each plant and, if extrapolated, would substantially overstate costs for the industry as a whole.

OSHA estimates, based on the data of DBA (Ex. 474–65B), capital costs for the wire patenting firms would range between $1.25 million and $2.5 million. In addition, firms may also need to spend $3 to $5 million in annual operating costs. For long terne metal producers the annualized capital costs are estimated to range between $63,000 and $125,000. Estimated annual operating costs range between $157,000 and $265,000 for these producers.

(ii) *Industry Profile.* Within the steel industry there are an estimated 58 companies in SIC 33122 producing steel ingot and semifinished shapes, 85 companies in SIC 33124 producing hot rolled bars, bar shapes, and plate, and 24 companies in SIC 33125 producing steel wire as part of steel mill operations. Alloy steels, including leaded steels, valued at $1,067,343,000 comprised about 25 percent of total steel ingot shipments valued at $4,028,900,000 in 1977. Steel wire, some of which is produced by lead patenting or annealing), manufactured in steel mills was valued at $606,300,000 in 1977. The quantity and value of long ternes (SIC 3312317) and short ternes (SIC 3312329) were not disaggregated from other tin mill products in the published data (Ex. 476–438), but represents a relatively small portion of steel mill production (Ex. 476–475). All processes that potentially involve exposure to lead in steel production are included in the industrial classifications above.

Several of the major steel producers, including Bethlehem Steel, U.S. Steel, Inland Steel, Copperweld, Republic Steel, and Jones and Laughlin, produce leaded steel alloys (Ex. 476–434, Ex. 476–431, Ex. 476–449). In addition, some specialty steel producers may also add lead to steel ingots for end use in free machining castings (Ex. 474–22, p. 263).

Very few companies produce terne metal products (Ex. 476–475). Long ternes (sheet steel that has been coated with a tin-lead alloy) can be produced in continuous and single-sheet coating processes. The latter is less efficient than the continuous process which eliminates some intermittent operations associated with sheet pots and produces a higher quality product since the coating is more uniform. All long terne production processes at U.S. Steel facilities are continuous, but other companies may still use single-sheet coating, which has the advantage of being more adaptable to small, varied orders, especially with respect to the size of sheets needed. Gasoline tanks for tractors, trucks, and automobiles are the major end use of long ternes (Ex. 476–475). Terne plate, occasionally known as short terne, is produced in very small quantities today. It is no longer used at all for roofing material, firedoor plates, or other former uses (476–475).

An estimated 100 plants produce wire by using lead patenting operations (Ex. 474–22). Not all patented wire is produced by steel companies, however, and those steel companies that do produce wire usually have separate facilities or distinct plants for this purpose. At least two of these producers have used substitution or other controls to comply with the lead standard. CF&I has switched to a sodium bath (Ex. 476–435), and Bethlehem Steel has controlled lead exposures by improving local exhaust ventilation and adding a surface active agent to the molten lead (Ex. 476–454).

Another producer, who produces lead patented wire only when orders are received from customers, considers the operation "marginal." Exposures, which occur intermittently, are not controlled by any ventilation at all. However,

housekeeping, including vaccuming of dust created in scale from the dragout operation, is performed (Ex. 476–431).

For this analysis, OSHA recognizes that data specific to the producers of leaded products within the steel industry would be preferable to data for the steel industry in general. However, neither the published data nor the submission of AISI are disaggreated in this manner. Therefore, the following discussion of economic conditions in the steel industry is assumed to be applicable to those firms within the steel industry that are affected by the lead standard.

The steel industry has been characterized as a laggard industry that has failed to keep up with changes in technology. The industry faces strong foreign competition and recent reduced demand for steel stemming from the decline in production of automobiles and other consumer durables, such as home appliances. Domestic industry shipments are expected to decline 5 percent in 1980 (Ex. 476–26).

In 1979, significantly increased demand for steel in the nonresidential construction market and for machinery, industrial equipment, and railroad equipment resulted in the third best volume year on record with 100 million tons in domestic shipments. However, metal production decined nearly 2 percent as steel mills reduced their inventories by more than 1 million tons. Steel imports also declined 24 percent in 1979, as a result of increased prices for foreign steel, which rose from $314 per ton to $400 per ton. Trigger prices, which are based on the production coats of the most efficient foreign producers (the Japanese) were instituted in 1978 to discourage sales of imported steel at less than fair value (Ex. 476–26). Thus, a Steel Tripartite Advisory Committee, sponsored by the Departments of Labor and Commerce, was formed in 1979 to address the problems of modernization and capital formation, labor and community adjustment assistance, technological research and development, international trade, and environmental protection (Ex. 476–26). The committee found that the current situation of individual steel companies in terms of efficiency, profitability, and competitiveness varies significantly. Differences in technology, location, sources of raw materials, and management have affected the current conditions of firms. The slow growth in consumption of steel products, the worldwide excess steelmaking capacity and the increasing market share of foreign producers in the domestic market have combined to give the industry as a whole insufficient financial capability and incentive to modernize operations. For example, the advent of continuous casting processes were adopted in 50 percent of Japanese steel mills by the late 1970's, but only 15 percent of American steel producers used the more efficient technique (Ex. 476–39F). Moreover, while some U.S. Steel producers are phasing out 40- to 50-year-old mills, major Japanese companies are shutting down 20-year-old facilities, which would be regarded as modern by U.S. standards (Ex. 476–430). Thus, the domestic industry is left with an aged capital stock, declining productivity, obsolescence and falling industry employment (Ex. 475–39F).

In 1979, U.S. Steel alone, which produces leaded steels, closed 15 plants with a loss of 12,500 jobs (Ex. 476–430). However, one of U.S. Steel's problems was its continued production of steel products in many plants that had long since failed to generate adequate returns on investment. The long overdue restructuring has helped steel product lines remain profitable, suggesting that further consolidation moves will occur (Ex. 476–440).

On the other hand, some major producers have not felt the impact of current market conditions as severely. For instance, Inland Steel's capacity is sufficient to enable it to participate fully in steel production when the market recovers, and its major diversification out of steel has kept the company profitable over the past years (Ex. 476–442). Bethlehem Steel, which retired 10 percent of its steel capacity after difficulties in 1974 and 1975, has excellent prospects for record profits in the mid-1980's owing to recent and projected extensive modernizations (Ex. 476–443). Republic Steel, in spite of recent decisions to delay major capital outlays, is in sound financial condition and can keep its plans to modernize among its first priorities (Ex. 476–441). Armco has performed impressively in view of recessionary tendencies in the economy and declining steel demand. Record high profits were reported in 1980, owing partly to successful diversification but also to Armco's up-to-date operation of steel facilities. Electric furnaces comprise 45 percent of Armco's production (Ex. 476–441). Jones and Laughlin, a subsidiary of LTV Corporation, is undergoing operating problems. However, these may be moderated by the expenditure of hundreds of millions of dollars for needed modernizations (Value Line, Ex. 476–441).

In order to survive profitably, the domestic steel industry must modernize. The Tripartite Commission has set the stage for steel modernization in the 1980's, with particular emphasis on modernizing the economic base and adopting the best possible technology (Ex. 475–39F). Since it is probable that the most advanced technology is also the cleanest technology, OSHA regards modernization as generally beneficial to the safety and health of workers. In addition, since retrofit technology is typically expensive and more likely to be ineffective than redesigned equipment, the 1980's would appear to be the rational time to invest in safe and healthful equipment and processes.

(iii) *Conclusion.* The decade of the 1980's is set for the revitalization of the domestic steel industry. AISI reports that the industry needs to spend $4.4 billion per year to modernize and replace productive capability (475–39). Modernization of the industry inherently involve the installation of cleaner and more productive technology. To the extent that modernization is accompanied by a safer and more healthful work place, OSHA its implementation. OSHA also emphasizes that effective and efficient allocation of resources occurs when controls are designed into new processes rather than applied in retrofit fashion. Thus, the Agency urges steel producers to anticipate potential sources of hazardous exposure to lead and other substances and to engineer such hazards out of existence during the planning phase of rebuilding.

Moreover, AISI indicates that steel operations involving the use of lead are generally intermittent, "occurring for short periods in a day, weekly or even monthly" (Ex. 475–39A, pp. 7, 8). Consequently, although the industry did not submit data relating to the overall importance of lead steel, it is likely that leaded steel operations constitute only a minor part of the total output for many individual firms. Therefore, some of the firms which would be required to make large capital outlays for compliance may decide to concentrate exclusively on non-leaded steel products. This tendency toward specialization would significantly limit the overall compliance costs to the industry.

Therefore, in accordance with the goals of the revitalization plan, OSHA concludes that within 3 years, it should be economically feasible for the steel producers to comply with the lead standard. (Depending on conditions in the industry, OSHA will consider granting a two-year extension). OSHA encourages firms to comply with the regulation as soon as possible and requires interim protection of exposed

workers by means of worker rotation, respirators, or other effective measures.

The steel-related operations of wire patenting and terne metal production, which are not included within the scope of the revitalization plan, will be required to comply with the lead standard within one year. OSHA is allowing the firms included within the revitalization plans 3 years to comply because one of OSHA's concerns is promoting economic efficiency in complying with its regulations. Those firms will be able to implement more effective and efficient controls if they are allowed to be implemented in conjunction with the new investments which will be made over the next few years. It would be inefficient and ineffective for OSHA to require firms to retrofit production equipment that is going to be replaced and modified in the near future. In the case of firms involved in wire patenting and terne metal production, these considerations do not apply. In these operations, compliance can be achieved through simple modifications of existing equipment redesign or extensive retrofitting is not required.

To determine the economic feasibility for wire patenting firms to comply with this standard, estimates of the capital and operating costs of compliance are needed. These were provided by DBA and presented in the cost of compliance section above. Using those estimates and assuming a 12 percent rate of interest and a life expectancy of ten years for the required capital equipment, OSHA estimates that the annualized capital costs to this industry will now range between $1.25 million and $2.5 million. The new capital expenditures for this industry in 1977 were $79.4 million (Ex. 476–20). Thus, as these annualized capital costs represent, at most, only 3.1 percent of the total new capital expenditures in this industry, the rate of return to these firms' investments will not be appreciably lowered by compliance with this standard. DBA further supplies estimates of the annual operating costs of complying with this standard which ranges between $3 million and $5 million. Total 1977 shipments in this industry were $2,258.6 million. Thus, the annual operating costs represent, only 0.4% of the total shipments. Therefore, on the basis of the available data, OSHA concludes that this standard would impose very small costs upon the wire patenting industry. That conclusion, in turn, implies that this standard will have a minimal impact upon the price of lead coated wire, the prices of goods and services produced by industries using lead coated wire, the output and employment of firms producing lead coated wire, and the profitability of wire patenting operations, and, hence, the economic viability and health of small businesses, would not be altered by the costs of complying with this standard.

In order to determine the economic feasibility of the standard for long terne metal producing firms, estimates of the capital and operating costs of compliance were derived from data provided by DBA. Using those estimates and assuming a 12 percent rate of interest and a life expectancy of 10 years for the capital equipment required to comply with the standard, capital costs to this industry are estimated to range between $63,000 and $125,000. The estimated annual operating costs of complying with this standard range between $157,000 and $265,000. The available data indicate that only 3 companies manufacture long terne metal plate and that technological and economic efficiency dictates the use of large scale production technology. Thus, these costs should be a minor component of the total cost of long terne metal output. Another point to consider is that this product has no substitute (within the feasible price range) for automobile gas tanks and in gasoline truck tanks. Thus, this industry's costs of complying with the standard are likely to be passed on to the industrial purchaser of long terne metal plate. The effect which this passed-on cost will have upon the prices of the final goods using long terne metal plate (automobiles and gasoline tanker trucks) will be very small because the cost of the long terne metal products is only a minor component of the price of the final goods. Thus, the costs of complying with this standard will not measurably affect the prices of goods produced by industries using long terne metal plate, the output and employment of firms producing long terne metal plate, and the profitability of long terne metal plate operations.

40. Stevedoring

(a) *Uses.*

Stevedoring companies are those which arrange for the manpower to load or unload cargo from seagoing vessels. Only those stevedoring activities which require the handling of lead ore are discussed below.

(b) *Process Description and Exposure Areas*

West Gulf Maritime Association (Ex. 475–17) has indicated that a number of its member companies have been engaged in handling bulk concentrate ores of lead sulfide. Operations for its member companies consist of loading or unloading these concentrate ores to or from ships or barges with gantry cranes or mobile cranes utilizing clam buckets and industrial front-end loaders. Import ores are either dicharged directly to trucks or railcars or stockpiled in dock-side warehouses for later land transit. Export ores are received at dock-side warehouses and stockpiled in the warehouses for later loading aboard ship or barge. The number of longshoremen or warehousemen involved in the handling of concentrate ores varies according to the kind of cargo, the size of the cargo, material handling equipment, vessel compartment size/configuration, etc. Lead exposure results from the handling of lead ores. Approximately, 50,000–100,000 tons of lead ore are handled each year (Ex. 475–17) in approximately 10–20 shipments (Ex. 475–28).

(c) *Controls Currently Used*

West Gulf Maritime Association (Ex. 475–17) presented data depicting the controls used in a typical operation. Discharging is performed with a clam bucket from a vessel direct to railcars and involves 1 signalman, 1–2 machine operators, 8–10 sweepers and 1 gang foreman. The signalman gives hoisting and bucket position signals to the crane operator. Machine operators operate a front end loader in hold of the vessel to position ore for pick-up by the clam bucket. Sweepers salvage and hand shovel ore from between vessel ribs (structural members) into the clam bucket for final discharge. These sweepers are usually needed only for final cleanup near the end of the job.

Discharging can be accomplished by clam bucket from a vessel to the dock. Stockpiling in a dock-side warehouse involves the same operations as above, but can also involve another machine operator for a front-end loader to move ore from the dock apron to the warehouse. From the warehouse, the ore will eventually be moved by a front-end loader to the railcar.

Loading ore with a clam bucket from warehouse stockpile into a vessel involves 2 machine operators, 1 crane operator, 1 signalman, and 2 foremen. The machine operators use front-end loaders to stockpile the ore dumped by truck at the dock-side warehouse, and to move ore from the dock-side warehouse to the dock apron. The crane operator, directed by the signalman, operates a clam bucket to move the ore from the dock apron to within the vessel. The 2 foremen supervise the warehouse and vessel gangs.

(d) *Exposure Levels.*

West Gulf reported that initial air monitoring performed during the handling of lead sulfide concentrate and zinc concentrate with lead sulfide ore, revealed employee exposures to air lead levels ranging from 26–149 $\mu g/m^3$ (Ex. 476–7R). The highest concentrations were found for workers in the warehousing operations, for machine operators, and for sweepers. One West Gulf port, where lead and zinc concentrate ores are handled, employed an average of 1,020 longshoremen and warehousemen, during 1978 and 1979, with a nucleus work force of 119. (Ex. 475–17.) Another West Gulf port averaged 920 employees with a nucleus of 76. (Id.) However, because lead concentrates ores are handled intermittently, West Gulf estimated that only several employees in each port would have lead exposures slightly above 30 days per year. In no case were any employees exposed to lead in excess of 45 days per year. (Id.) Other sources confirmed that, usually, employees would be exposed to lead concentrates in ore for only a few days per year (Ex. 475–26, 27). However, as previously mentioned, exposure for these 30–45 days could be in excess of 50 $\mu g/m^3$.

(e) *Additional Controls.*

Stevedoring operations are mechanized and engineering and work practice controls, if properly used, should be effective in keeping lead levels to the 50 $\mu g/m^3$ limit except in certain operations where workers must physically remove the ore especially in confined spaces (shoveling, trimming, etc.). Work practices are also important tools in achieving compliance with 50 $\mu g/m^3$ lead standard. Mr. Richardson from West Gulf also noted that, during his recent visit to an unloading operation, the high moisture content of the lead concentrate resulted in no visible dusting, except during trimming with payloaders in the hold, and during spillage cleanup. In addition, he offered the following recommendations to further reduce dust exposures:

—Greater care should be exercised in crane operation. Overfilling of bucket or feed hopper should be avoided.
—The ridge on the crane bucket should be machined down so that material does not adhere.
—Refinements should continue on a workable fogging system that does not overwet the material. A fixed fogging position on the nozzle should be maintained permanently, with an on-off valve installed upstream of the nozzle.
—Spillage should be occasionally wetted as precaution against blowing dust.
—The belt sock on the railcar feed chute should be used consistently to reduce visible dust.
—Better education and supervision of stevedores may reduce the number of observed incidents of poor work practices, such as shoveling dry spillage from the vessel to the dock below where others were working.

If it is possible, payloader work should be completed in the hold before trimmers begin their shovel work. This precaution will reduce dust exposures to trimmers. (Ex. 475–28 (App. C)) Trimming operations may require the use of a respirator to achieve compliance with the 50 $\mu g/m^3$ limit.

The data submitted to OSHA indicates that improved work practices, especially material handling procedures, and limited use of respirators for some jobs will enable this industry to comply with the standard.

(f) *Conclusion: Technological Feasibility*

OSHA believes, based on the data furnished by ASARCO (Ex. 475–28) and the West Gulf Maritime Association, (Ex. 475–17) that lead levels can be controlled to 50 $\mu g/m^3$ in stevedore operations by implementing simple and relatively cost free work practices, such as avoiding excessive spillage from the cranes, cleaning up spills as soon as possible, and not allowing concurrent work to be done in the holds by the cranes/payloaders/trimmers. In addition, the use of an appropriate respirator may also be necessary to achieve compliance with the 50 $\mu g/m^3$ PEL in some of these operations where engineering or work practice controls may not be feasible or at some dockside facilities which stevedoring companies do not own.

ASARCO and St. Joe did not dispute the feasibility of work practices, presently utilized engineering controls and respirators to reduce lead levels to 50 $\mu g/m^3$ in these operations. These firms requested an exemption from the standard for these operations, indicating that stevedore companies were unwilling to utilize such controls and, to avoid compliance with the standard, may refuse to load or unload lead ores. This possibility, should it arise, is unfortunate but cannot deter OSHA from exercising its responsibility, as mandated by the Act, to develop and implement safety and health regulations to adequately protect workers. In so doing, the Agency must consider the feasibility of complying with its regulations. OSHA has determined, based on record evidence, that stevedoring operations can feasibly comply with the lead standard, and, in fact, has determined that compliance can be achieved largely through the less costly implementation of work practices in addition to engineering controls presently in use. In a few limited circumstances, e.g., clean-up operations following off-loading, these controls will have to be supplemented by respirators.

OSHA has no control over stevedoring companies' decisions to handle or not handle lead ores, but there are other, more appropriate means of resolving the problem of stevedoring companies' refusal to handle certain cargoes. But denying workers protection from health and safety hazards is not a legitimate basis for granting an exemption.

41. Telecommunications

(a) *Uses*

Telecommunications has been defined as "that industry that repairs those cables above our heads, and pulls them out from under the street, and pulls them in the street." (Tr. 172) For this remand, it is limited to that segment of the telecommunications industry which repairs, replaces, or installs lead sheathed cables above and below the ground.

(b) *Process Description and Exposure Areas*

Telecommunications involves the laying of new lead sheathed cable (Ex. 476–462), although one company reported that very little laying of lead sheathed cable is being done (Ex. 476–465); the withdrawal of old cable (wrecking); and the repair of cables by forming new splice cases or sleeves (Ex. 476–462). The last process involves opening lead sheathed cable splices by torch and sealing lead sheathed cable splice closures (sleeves) by pot wiping or torch (Ex. 475, GTE). Lead exposure results only from encounters with lead cable, the use of which is declining. This work may be done above ground (stringing cable between telephone poles) or in underground facilities (manholes).

(c) *Controls Currently Used*

Most companies use a portable blower system to control the employee's exposure and do achieve the PEL most of the time by these methods. (Ex. 475–22; 476–462) Bell Telephone currently controls exposures by using a spray containing water and a wetting agent, minimizing physical manipulation of the cable and rotating job assignments (assignments are ½ day) (Ex. 476–463;

475–22). Other companies have advocated the use of lead particle entrapment creams applied prior to carding (Ex. 475–22 & 22(a)) and also the use of a wetting spray during wrecking operations (Id.).

(d) *Exposure Levels*

The General Telephone and Electronic Corporation stated that "the nature of the telecommunications industry reduces to virtually zero any potential health hazard from lead exposure. A 'potentially' exposed employee only works with lead sheathed cable on an intermittent basis at best; it may be once a week, once a month, once a year or never." (Ex. 476–465; 475–22) A NIOSH Health Hazard Evaluation was performed at the New York Telephone Company to determine whether wiping sleeves in manholes resulted in excess lead exposures. (Ex. 476–464) The average time for completing a sleeve-wiping operation was approximately 60–150 minutes. Breathing zone samples were taken for the outside helper and at several spots inside the manhole (due to the size of the space, it was not possible to hang a personal sampler on the repairman). Nine of eleven samples taken indicated nondetectable lead levels. Two samples indicated lead levels of 14.8 and 45.2 $\mu g/m^3$. One sample was taken from above the sleeve, the other from behind the worker. When computed on a time-weighted average basis, lead exposures in cable splicing are probably below the action level.

In a typical day's work, a crew will remove and replace cable at different sites: there is no lead exposure between sites; while they are preparing manholes for work; or while the old lead sheathed cable is being replaced by non-lead sheathed cable. The company also stated that work with lead sheathed cable is an infrequent occurrence.

Cable removal operations, where lead oxide is produced, create the greatest potential for lead exposure. Exposure levels have been estimated to be between 100–200 $\mu g/m^3$ for the time periods in which the work is done. (Ex. 476–7B; 478–5) These levels should then be below the PEL of 50 $\mu g/m^3$ when measured as a time-weighted average. In addition, when cable pulling occurs under water, little, if any, exposure is expected.

(e) *Populations Exposed*

Approximately 42,000 Bell System employees are potentially exposed. However, based on the exposure data, it appears that very few are exposed above 50 $\mu g/m^3$ on an 8-hour time-weighted average basis. (Ex. 476–7B)

(f) *Additional Controls*

Telecommunication companies are already using controls such as suppressing creams, wetting agents, dilution ventilation, and good work practices, that are effective in keeping exposures below 50 $\mu g/m^3$. The random nature of lead exposures and the limited amount of time required to perform lead related tasks should keep employee exposures below the 50 $\mu g/m^3$ PEL. In addition, many repair crews consist of at least two men; alternating these employees' contacts with lead would further reduce individual exposures. Employee exposures will rarely be in excess of the PEL, however, when exposures exceed the PEL, employee rotation will be more than adequate to achieve compliance.

(g) *Conclusion: Technological Feasibility*

The industry maintained that its problems with complying with the lead standard were comparable to the difficulties associated with the construction industry, and that OSHA should exempt them from the standard's coverage (Ex. 475–22 and 22(a)).

OSHA does not agree that the similarities warrant an exemption (Ex. 476–7C). While workers may be required to move from site to site, the sites themselves are stationary and the company does know the location of each work place and has been able to determine representative exposure levels. Furthermore, the work force is highly specialized and not transient in nature, as it is the construction industry. Thus, the same employees continue to have potential lead exposures. The fact that telecommunications repairmen move from site to site and that sites infrequently have leaded cable, tends to aid employer compliance by naturally eliminating continuous worker exposure to lead.

Industry has contended that compliance with the standard would also require installing "a shower in every manhole" (Tr. 203, 206) and that this requirement rendered the standard infeasible. This fear is unfounded: the standard requires hygiene facilities to be constructed only when employee exposures exceed the PEL. Since worker rotation will assure that no employee's exposure to lead exceeds the PEL, no requirement to furnish hygiene facilities will ever arise.

(h) *Economic Feasibility*

There are no significant costs of compliance or economic impact because lead levels, on a time-weighted basis, can easily be maintained below 50 $\mu g/m^3$.

42. Terne Metal

(a) *Uses*

The iron and steel industry uses numerous non-ferrous metals to coat its products. Primary among these are—other than tin, zinc and chromium—aluminum, copper, nickel and lead. An alloy of lead and tin is used to make a coating for steel sheets; the end product is called terne plate. One of the most useful applications for terne plate is in the manufacture of sheets for roofing, where it has an exceptionally long life. Its uses also include fabricated metal parts, automobile gas tanks, and radio chassis.

(b) *Process Description and Exposure Areas*

There are two methods generally used for applying terne metal to single sheets in the manufacture of long ternes.

The flux process employs a flux of molten zinc chloride, a water solution of zinc chloride, or a solution of zinc chloride in hydrochloric acid to remove any oxides of iron that may be present and also to effect a rapid drying of the sheets. The terne pot temperatures range from 620° to 680°F. The process is carried out in a "rigging" or machine which carries the sheet through the several process steps prior to passing sheets through the molten terne metal, where the coating is applied. The sheets are then moved upward through a coating machine which contains an oil (palm oil, fish oils, mineral oils, or combinations thereof) that floats on top of the metal.

The equipment and processes involved are a coil holder followed by a payoff reel which feeds the strip into a pinch-roll unit. This, in turn, is followed by a squaring shear and a welder if the process is continuous. Cleaning may also be done.

The highest lead exposures occur after the terne alloy bath, when excess lead is brushed off of the coated steel strips or sheets. (Ex. 22, p. 268.)

(c) *Controls Currently Used*

Hoods are located over baths to provide local exhaust ventilation. Some plants have ventilated control booths for the protection of workers. Flaking at the coiler requires extensive housekeeping. (Id.)

(d) *Exposure Levels*

Exposure data were not presented to OSHA, but the Short Report estimated that exposures have been kept below 200 $\mu g/m^3$ (Id.). It is not clear that this estimate represents a time-weighted

exposure. An OSHA inspection of a terne operation found levels of 210 μg/m³ prior to implementing engineering controls which included enclosing the terne pot operations and improving ventilation. After implementation of these controls, levels were reported as 48 μg/m³ and 41 μg/m³ for workers in these areas (Ex. 476–16, #TO–1).

(e) *Population Exposed*

The Short Report estimated that 100 individuals are exposed. (Ex. 22, p. 268.)

(f) *Additional Controls*

Ventilation systems may require upgrading. Ventilated booths for workers may be required. Improved housekeeping will be required. High exposure areas may require worker rotation.

(g) *Conclusion: Technological Feasibility*

Since this operation is automated, with mechanical devices moving and dipping sheets or strips, the oil which floats on top of the lead bath should help to keep lead from becoming airborne. In addition, ventilation is provided which, if properly used, will also control exposures. In fact, OSHA inspection data shows that simple engineering controls can be effectively used to achieve the PEL. (Ex. 476–16, #TO–1.) Occasionally, exposures may exceed 50 μg/m³ where only engineering controls exist and it is in these cases that worker rotation can be used to achieve compliance with 50 μg/m³. AISI also suggests the process change of using a fluidized bath, which eliminates lead exposure.

OSHA has concluded that compliance can be achieved in one year. It should be noted that the extended compliance period the Agency has provided for primary steel manufacturing is not applicable to terne metal production. Terne metal production does not require an extended compliance period for several reasons: (1) Terne metal is a steel fabrication process, rather than a steel production process; (2) steel fabrication is not included within the remodernization program established for steel producers (Ex. 475–39F); and (3) exposure levels are moderate and basic engineering controls are available to reduce these exposures.

(h) *Economic Feasibility*

See discussion in Steel Manufacturing.

43. Textiles

(a) *Uses*

Lead based dyes or finishes may be used in coloring or finishing textiles.

(b) *Process Description and Exposure Areas*

Colors with potential lead exposure include inorganic yellow pigments, comprised of lead chromates with varying amounts of lead sulfate. Chrome orange is a basic lead chromate, but it is not used in the textiles industry (Ex. 476–467). Also, chrome green is not used. Textile finishes may be lead based.

(c) *Exposure Levels*

Representatives from the American Textile Manufacturers Association, Compton and Knowles, and Monsanto stated that they knew of no problems from use of lead-based dyes in textiles (Ex. 476–471, 472, 473). The small amounts of lead which occur in trace metal effluents resulting from chromate-lead based dyes have been measured at 52 ppm.

The exposure problems the Short Report assumed to be associated with lead in textile finishing (insect protection, water proofing, fungus inhibitors) do not, in fact, exist. A NIOSH Health Hazard Evaluation performed at the A&S Tribal Industries (Ex. 476–470) found no detectable levels of lead as a result of handling camouflage netting that had been finished with an insect repellant.

(d) *Conclusion: Technological Feasibility*

Because exposure to lead appears to be negligible in this industry, it has been assumed that compliance has already been achieved or poses no problem.

(e) *Economic Feasibility*

There will be no significant compliance costs nor economic impact in the textile industry as a result of the lead standards. This is due to the fact that there are no appreciable employee lead exposures in this industry.

44. Tin Rolling and Plating

(a) *Summary*

Rolling refers to the rolling of lead-tin alloys (Metal Handbook). The plating of tin-lead alloys with copper alloys is comparable to other plating operations discussed above (see terne metal). Lead exposure in these operations results from the formation of the tin-lead alloy and not from the alloy being coated with a copper alloy. Alloying of steel is discussed in the steel section. Alloying of lead sheets has been classified as secondary lead smelting and has been discussed in the feasibility section of the final lead standard.

45. Wire Making

(a) *Uses*

Once a rod is drawn through a die it is called wire even though it may be re-drawn. It has been estimated that there are more than 100,000 applications for wire; its uses are as diverse as suspension bridge cables, musical instruments and dry cleaners' coat hangers. (Ex. 476–483).

(b) *Process Description and Exposure Areas*

(i) *Wire Making.* The simplest form of wire drawing involves coils of lime-coated wire rods which are drawn through a lubricant and then through dies which are smaller in diameter than the rods. The enormous force required to draw a rod through a die is provided by a device known as a draw block which rotates on its axis building up a continuous coil of wire. In a continuous wire drawing frame, wire (properly prepared and lubricated) is pulled through a series of dies. Between each of these dies are sheave wheels around which the wire is looped. These sheave wheels control the tension of the wire between die blocks. (Id).

(ii) *Quality Control.* The drawing of wire hardens the steel, therefore, prior to drawing, the rods must be treated to withstand the rigors of this operation. In addition, when wire of very small diameter is desired, annealing or patenting may be required after initial drawing and before final drawing. Heat treating is required to produce the precise quality, and may be done by annealing or patenting. Patenting is a heat treatment applied to rods and wire and is a term peculiar to the steel industry. The object of patenting is to obtain a structure which combines high tensile strength with high ductility. Annealing, on the other hand, refers to slow cooling of a metal from an elevated temperature and is used to soften, add toughness, remove stresses, and increase the ductility of metals. (Ex. 476–5K).

(a) *Annealing*

Controlled atmosphere annealing is the current method of annealing used by the wire industy. Both batch-type and continuous-type furnaces are employed. (Ex. 476–483).

Salt-bath annealing is used occasionally for common sizes of wire. The wire in coils is immersed for 30 minutes to one hour in gas-fired pots containing molten salt which is held at some predetermined temperature. The advantages of this process over other methods are that small amounts of wire may be quickly annealed at closely

controlled temperatures without scaling the surface of the wire. This process has a somewhat limited application in wire processing. (Id).

Continous lead annealing consists of drawing the wire through a bath of molten lead heated to the proper temperature. The molten lead is contained in a shallow rectangular steel pan, about 10 to 15 inches deep, 3 to 4 feet wide, and 15 to 25 feet long. (Sometimes two pans are used, the first known as the cold pan and the second as the hot pan, and the wire is drawn through each in succession.) In practice several strands of wire are drawn through the bath by a take-up block placed at a convenient distance from the end. To keep the wire immersed in the molten lead, devices known as sinkers are used. (Id).

The principal use of lead annealing is in connection with galvanizing plants, where it is used to anneal process wire. In these plants, layouts are provided that permit the wire to be annealed, cooled, cleaned, washed, dried and galvanized or tinned, in one continous operation. Only lead bath annealing results in workers being exposed to lead. Fluidized bed and sodium nitrate baths are possible substitute process equipment for lead-bath heat treatment. Use of either of these processes would eliminate lead exposure in annealing processes. (Id).

(b) *Patenting Heat Treatment*

Metal patenting consists of heating the material to point well above the upper critical temperature, then cooling through the critical temperature at a comparatively rapid rate to a predetermined temperature to yield the desired microstructure and mechanical properties. There are several kinds of patenting and patenting may be done to wire or rod.

(*i*) *Air Patenting.* The rod is heated by passing it through alloy-steel tubes arranged in an open muffle or in an open flame without tubes and cooled by pulling it from the furnace into the open air—"O.P." (old process or air) patenting.

(*ii*) *Lead Patenting.* The wire may be cooled by passing it into a lead bath held at a relatively low temperature; this process is known as the metallic hardening process. In another process, the wire is heated in a bath of very hot lead and cooled in another bath of lead at a lower temperatue; this is the double lead process. In this last process the temperatures of both baths can be readily controlled and accurately measured, making it possible to obtain any desired structue even in rods of high carbon content, a quality not available using "O.P." patenting. This last method also forms less scale than in the other two methods. In the wire industry, both the metallic-hardening process and the double-lead process are generally referred to as "lead patenting."

(*iii*) *Stelmor Patenting.* The Stelmor process, takes rods, on a single strand basis, heats them to their critical temperature and rapidly water cools them to a predetermined temperature. The patented rods are formed into rod rings. The prqcess compliments the higher rolling speeds of today's mills and enables heavier weight coils to be produced.

(*iv*) *Other Methods of Patenting.* Another method of patenting involves the use of electric direct-reistance heating and quenching in a molten alloy metal bath. A recent development, particularly applicable to patenting very high carbon and hypereutectoid steels, involves a double cascade quenching of the rod or wire from the austenitizing temperature.

Sources of exposures in patenting operations result from fumes escaping from inadequately ventilated baths and from dust flaking from process coils (Ex. 22, p. 260).

(c) *Controls Currently Used*

Ventilation and housekeeping controls are commonly used to control lead exposure. Vacuum cleaners are used to clean up areas where scale from dragout occurs (Ex. 476–484). Currently, U.S. Steel and Republic Steel are using the Stelmor process. This process eliminates lead from patenting. (Ex. 476–482). This process also tends to increase productivity (Ex. 476, 482).

(d) *Exposure Levels*

Exposure data indicate that lead exposure in patenting operations averages 100–200 $\mu g/m^3$ (Ex. 22 p. 260).

(e) *Additional Controls*

Improved ventilation and housekeeping will be necessary to control lead levels to 50 $\mu g/m^3$. However, like the pipe galvanizing process, the basic control is hooding of lead baths. Also, since the process is mechanized, workers may be protected by rotation or by providing clean air pulpits from which they can control equipment when necessary.

(f) *Conclusion: Technological Feasibility*

OSHA believes that lead exposure can be reduced to 50 $\mu g/m^3$ in this industry through minimal efforts consisting of improving and maintaining existing ventilation equipment, good housekeeping practices, and worker rotation within a 1 year period.

(g) *Economic Feasibility*

See discussion of Steel Manufacturing.

46. Zinc Smelting

(a) *Uses*

Zinc metal is used for galvanizing, brass and bronze products, and metal casting. In addition to metallic applications, significant quantities of zinc are consumed in pigments or other chemicals (Ex. 476–491).

(b) *Process Description and Exposure Areas*

The processing of zinc from its ore begins with the milling of the ore to prepare a concentrate that can be treated to recover zinc and its associated byproduct and coproduct metals (Id.).

The minerlogy of zinc-containing ores determines the technology and economics of the milling practice. Heavy-media separation pretreatment prior to zinc flotation has been designed into newer mills. About one-half of the mill feed can be floated at relatively coarse size with the reject fraction assaying as low as 0.04 percent zinc (Ex. 476, 491).

Flotation is the basic mineral reduction process. The general scheme for the flotation of mixed sulfide ore is: (1) Flotation of the lead copper minerals and depression of the zinc and iron minerals; (2) separation, also by flotation, of the lead-copper concentrate into separate lead and copper concentrates; (3) activation and flotation of the sphalerite from the iron and gangue minerals; and (4) flotation of the pyrite if recovery is desired (Id.).

Reduction of the zinc ores and concentrates is accomplished by electrolytic deposition from a sulfate solution or by distillation retorts or furnaces. In either method, the zinc concentrate is roasted to eliminate most of the sulfur to produce roasted concentrate or calcine (Id.).

At electrolytic zinc plants, the roasted zinc concentrate is leached with dilute sulfuric acid to form a zinc sulfate solution. The solution is then purified and piped to electrolytic cells, where the zinc is electrolytically deposited on aluminum cathodes (Ex. 476, 491). The cathodes are lifted from the tanks at intervals and stripped of the zinc, which is then melted in a furnace and cast into slabs (Ex. 476, 491).

There are three types of distillation retort plants—batch horizontal retorts, continuous vertical retorts heated by fuel, and continuous vertical retorts.

A blast furnace process for producing zinc, also known as the Imperial Smelting Process, was developed by Imperial Smelting Corporation, Ltd., of Avonmouth, England. This process is similar to the normal blast furnace practice of burning coke in intimate association with the ore to be reduced but, as in the retort process, the zinc is released as a vapor and must be condensed (Id.).

The Kivcet-CS process, developed in the U.S.S.R. and available for commercial distribution, combines the functions of sintering, blast furnacing, and slag fuming in one autogenous smelting unit. It offers the possibility of recovering, along with lead, either zinc metal or zinc oxide. The process is characterized by high metal recoveries, low environmental contamination, and low labor and capital costs compared with those of a conventional smelter (Ex. 476, 491).

Potential lead exposure occurs during the handling and storing of concentrates and charging of concentrates to the roaster. Typical operations involve the receipt of concentrates by railcar or dump truck, storage in the open or in storage buildings, moving of concentrates by front-end loader to open conveyors, drying in a rotary dryer, holding in storage bins, and charging by conveyor to the roaster. Exposures in this area are due largely to dust emissions from mechanical screens and conveying equipment, overflow from front-end loaders, and reentrainment by wind (Ex. 481).

(c) *Controls Currently Used*

Undisputed evidence suggests that the technology necessary to control lead is available. Mr. Wagner's analysis of available control technology is consistent with the practices which Bunker Hill, ASARCO, St. Joe, etc. currently employ (Ex. 481). In some cases, such as the American Chemet Co., enhanced housekeeping practices are all that would be necessary to achieve compliance with the standard (Ex. 476–501). Bunker Hill, in its statement (Ex. 475–38), agreed that improved ventilation would reduce exposures at its anode casting and welding operations. In addition, it believes that automation of the handling of zinc concentrate would reduce lead exposure levels. St. Joe's also outlined control technologies consistent with the recommendations made by Mr. Wagner and others. (Ex. 475–36)

(d) *Exposure Levels*

The level of exposure to lead is dependent on the lead content of the concentrates: Lead concentrations ore range from 0.3 percent (Ex. 481–35) to 1.5 percent (Ex. 481–19). For example, airborne lead exposures among concentrate handlers at Bunker Hill's zinc smelter averaged between 50 and 800 $\mu g/m^3$, while levels at National Zinc (Ex. 481–25) and Jersey-Miniere Zinc (Ex. 481–25) did not exceed 30 $\mu g/m^3$.

Other potential lead exposures occur in the roasting department: these exposures vary with the type of roaster. The highest exposures were found at Bunker Hill where open, multiple hearth roasters are used (Ex. 481–19). Lead levels there averaged between 481 $\mu g/m^3$ and 2057 $\mu g/m^3$. These can be compared to levels at New Jersey Zinc in the 150–200 $\mu g/m^3$ range where closed, multiple hearth roasters are employed (Ex. 481–20). At National Zinc, where a fluidized bed roaster is used, no lead levels in excess of 30 $\mu g/m^3$ were measured in the roasting department (Ex. 481–25).

In the electrolytic process, calcine and dilute sulfuric acid are introduced into a series of tanks for the leaching operation. Since the concentrates become wet and stay wet throughout the remaining processes, little potential lead exposure occurs (Ex. 481). In the recast process at Bunker Hill, lead exposure levels for the workers casting the anodes averaged 200 $\mu g/m^3$ (Ex. 481–19) and at National Zinc (Ex. 481–25) about the same average is seen with one exposure measured as high as 1200 $\mu g/m^3$. The cathode strippers in both plants have lead exposure levels that average slightly in excess of 50 $\mu g/m^3$ (Ex. 481–19 & 25).

In the pyrometallurgical process, the sintering machine represents the last significant lead exposure area. Lead levels have been seen as high as 200 $\mu g/m^3$ for the fume equipment operator at New Jersey Zinc (Ex. 481–20) and in excess of 50 $\mu g/m^3$ for the other workers in this department. Most of the lead and cadmium is fumed off at this operation, thus little potential for significant lead exposure exists in remaining processes (Ex. 481).

Zinc fuming furnaces are operated by Bunker Hill, ASARCO at El Paso, Texas, and by St. Joe at Monaca, Pa. The Bunker Hill fuming furnace is physically located within the primary lead smelter (not far from the lead blast furnace), and levels of lead in this area have been measured in the range of 269 to 11,152 $\mu g/m^3$. In fact, approximately, 65 percent of employees are exposed below 30 $\mu g/m^3$ (Ex. 476–386) and 35 percent of all employees are exposed above 50 $\mu g/m^3$ (Ex. 476–386). William Wagner, an expert witness on smelting, testified that "a significant portion of worker exposure to lead in this area is due to contamination from primary lead smelter activities and that it would be difficult, if not impossible, to bring this area into compliance with the 50 $\mu g/m^3$ standard until the remainder of the lead smelter is in compliance." OSHA agrees that Bunker Hill's lead levels are exceptionally high due to cross-contamination. Other zinc fuming processes showed that most lead levels were below 50 $\mu g/m^3$ (Ex. 481).

In a NIOSH Health Hazard Evaluation survey at the American Chemet Co., of 8 samples taken at the zinc smelter (Ex. 476, American Chemet) 6 were below 50 $\mu g/m^3$. NIOSH recommended that housekeeping be used to reduce levels significantly. An OSHA inspection of the National Zinc Co. found that 360 workers were exposed below 30 $\mu g/m^3$ and only 17 above 50 $\mu g/m^3$ (Ex. 476–503). Based on these findings OSHA believes exposure to lead is probably not a significant problem in most zinc smelting operations (Ex. 481).

(e) *Population Exposed*

There are an estimated 2,000 production workers potentially exposed to lead in the zinc smelting and refining industry, 70 percent of whom are exposed to less than 30 $\mu g/m^3$. Fifteen percent are exposed to between 30 $\mu g/m^3$ and 50 $\mu g/m^3$, and 15 percent are exposed to over 50 $\mu g/m^3$ (Ex. 481, p. 16).

(f) *Additional Controls*

To bring zinc smelters into compliance requires that some firms to retrofit existing ventilation equipment with equipment to increase capture potential. Other firms may need to automate more processes or to rotate workers, while some need only enhance their housekeeping practices to achieve compliance with 50 $\mu g/m^3$.

(g) *Conclusion: Technological Feasibility*

The record evidence indicates that most operations within most zinc smelters are in compliance, and that in those which are not fully in compliance, many of their processes are below 50 $\mu g/m^3$ and some even below 30 $\mu g/m^3$. Thus, compliance for the industry, as a whole, appears feasible within one year, except one difficult compliance situation exists. Bunker Hill, because the zinc smelter is located inside the primary lead smelter, may not be able to control lead levels in the zinc smelter until the primary lead smelter is controlled. Since the lead smelter has 10 years under the standard to be in compliance, it is necessary for OSHA to recognize that Bunker Hill's zinc operation may not be able to reach 50 $\mu g/m^3$ in one year

without respirators. But consistent with the Court's opinion, Bunker Hill would still be obligated to reduce exposure to the lowest feasible level even if ultimate compliance will take a longer time.

(h) *Cost of Compliance*

Three primary producers of zinc—ASARCO, Bunker Hill, and St. Joe Minerals—provided OSHA with written submissions on the feasibility of meeting the lead standard in their operations. Other primary producers and the secondary producers did not respond to OSHA's request for information.

Bunker Hill did not submit a cost-effective, multifaceted approach to reducing levels through a combination of engineering controls, work practices, housekeeping, and administrative controls (Ex. 475–38). Indeed, Bunker Hill did not provide actual cost estimates but it contends that compliance costs for ventilation and process automation will be required to comply with the standard. These measures, although constituting an important aspect of control technique, are typically the most expensive approaches to reducing worker exposure levels. In fact, the company was recently cited for violation of housekeeping provisions of the lead standard, which are effective in making immediate reductions in dust levels and relatively inexpensive to implement (Tr. p. 559–560). Furthermore, control of primary lead emissions, which contaminate zinc operations in the smelter, will significantly reduce the lead levels of exposure, and therefore, the amount of additional control required, and the cost of compliance attributable to zinc operations.

ASARCO provided estimates of compliance costs in its Corpus Christi, Texas, primary zinc facility and its Sand Springs, Oklahoma, secondary zinc facility. In addition, costs for the zinc department of ASARCO's El Paso, Texas, primary copper facility were provided. (Zinc dust from this operation is transported to Corpus Christi for recovery.)

ASARCO claims that the total cost of compliance will be $13,308,000 for its zinc operations. These costs include ventilation and vacuum systems and are divided between primary production ($13,002,000) and secondary production ($306,000) (Ex. 475–28). The Corpus Christi plant estimates do not consider potential changes in work practice controls, which are necessary to eliminate some of their worst exposures resulting from power sweeping (Tr. 531). ASARCO also overlooks potentially less costly solutions by omitting standby pulpits with pressurized filtered air for intermittent operations, such as sampling (Tr. 532). ASARCO did not consider the use of pressurized cabs, which are readily available for mobile equipment (Tr. 532), nor did they consider apparently simple solutions such as placing workers farther away from dusty areas by providing longer hammer handles for belt watchers, who break up concentrates by manual hammering (Tr. 532). Finally, a participant from the United Steelworkers of America suggested that a device known as a vacuum truck, which costs at most $50,000, might be able to reduce exposure levels as effectively and much less expensively than the sulfide car dumper that ASARCO costed out at $1,898,000 (Tr. p. 536).

OSHA also suggests that other methods of control could be used, such as chemical dust suppressants, traveling ventilation systems, secondary and tertiary hoods (which are currently used in Japan), and process changes, such as slag granulation in lieu of transporting molten slag (Tr. 789–791). These methods are available, effective, and economically attractive when compared with the alternatives provided by ASARCO.

St. Joe Minerals submitted a compliance cost estimate of $13 million in capital costs and $400,000 in annual operating costs (both in 1978 dollars). This estimate reflects use of "conventional control techniques" (Ex. 475–36A). St. Joe stated that this estimate originated from its prior experience in meeting safety, health, and environmental regulations, and that derivation of the figure was available in its submission to the 1977 rulemaking proceedings (Tr. p. 770). However, OSHA is wary of relying on these estimates, since they are not clearly explained and do not appear to be based on cost-effective solutions to reducing exposure.

First, there were no data presented in support of the cost estimates in the original submission. Second, these estimates were calculated on the basis of 1975 replacement costs for control systems that had been installed from 1948 through 1975. However, the economic life of the equipment was not presented. Because some of this equipment would certainly be due for relacement in the absence of the standard, the costs for newly designed controls would not fully attributable to OSHA. At most, only the difference between the controls designed to meet the 200 $\mu g/m^3$ standard and the new controls which would permit compliance with the 50 $\mu g/m^3$ standard would be attributable to OSHA. Third, the types of equipment and their functional relation to reducing in-plant lead levels are not explained. In fact, the identification of control systems is listed in abbreviated form in St. Joe's submission. Fourth, the estimate relies solely on ventilatory reductions to achieve compliance rather than a cost-effective, multifaceted approach to lower lead levels. Finally, the total costs were only $7,380,000 (Ex. 474–3(103)). The derivation of $13,000,000 from this previous estimate remains unclear. It is especially difficult to evaluate in view of the fact that the smelter will be operating at 25 percent of its capacity. However, it seems unlikely that compliance costs would nearly double with a drop in capacity of 75 percent.

OSHA estimates that the costs of compliance with the lead standard will be in the range of $3.5 to $10.5 million for the zinc industry (Ex. 481 and Tr. 345). This estimate factors in the use of a broad array of control technologies and work practices. Some of these work practices are very inexpensive or carry no costs at all (Tr. 349). Approaches such as enclosing people rather than enclosing equipment are also reflected in these estimates (Tr. 347). For instance, control rooms, especially with air-lock entry anteroom systems and boot-washing facilities could be used at St. Joe's zinc smelter (Tr. 561). The record shows that some zinc smelters are currently in compliance or near compliance with the lead standard in most of their operations. Hence, not all smelters will incur significant costs. OSHA also recognizes but does not have data to measure the value of reclamation of other metals, which will offset compliance costs for some firms in the industry (Tr. 348). Furthermore, expenditures for compliance are considered business expenses, thereby reducing the after tax burden of these firms (Tr. 349). In addition, zinc smelters are already under an obligation to control exposures to arsenic. OSHA estimated that the industry would spend $9.3 million in capital costs and $940,000 in annual costs to comply with the arsenic standard (Ex. 476–488). To the extent that resources have been allocated for this purpose, and that they will have reduced lead levels simultaneously, the costs should not be double-counted by adding them a second time. In light of these considerations, OSHA concludes that its high estimate of $10,500,000 is a reasonable assessment of the upper bound of the potential costs for the zinc industry. Annualized over the useful life of equipment, the industry is not

expected to incur costs in any one year in excess of $1.9 million.

(i) *Industry Profile*

In 1967, there were 10 companies operating 18 establishments and employing 6,400 production workers in the primary zinc industry (SIC 3333). By 1977, ge there were 8 companies operating 8 facilities and employing 3,500 production workers. Value added per production worker rose from $8.85 to $16.03 per hour while average hourly earnings of production workers rose from $3.17 to $7.17 per hour (Ex. 476–20). Investments in new capital fell from $25.8 million to a low of $5.9 million in 1969, but have risen then to $39.8 million in 1977 (Ex. 476–20). Total shipments were valued at $430.7 million in 1977 (Ex. 476–20).

Since 1969, there has been a continuous decline in the production of domestic zinc coinciding with the closure of 9 smelters (Ex. 476–490). Thus, although United States demand for zinc metal over the decade has remained relatively stable, smelting capacity has declined by almost 50 percent. Smelters closed for a variety of reasons, including obsolescence, failure to meet environmental standards, and an inability to obtain sufficient concentrate feed (Ex. 476–490).

ASARCO commented that several operations closed as a result of a downturn in demand lagging the recessionary period of 1974 to 1975 and the long-run trend in substitution away from zinc in the automotive industry (Ex. 475–28). However, the industry has made steady progress in developing and promoting the use of thin-wall zinc diecastings, which are lighter in weight. Thus, zinc has begun to recapture some of the market and currently is used in 150 automotive diecastings compared with 100 in 1978. In addition, the rising costs of substitute materials, such as plastic and aluminum, have increased the competitiveness of zinc in some markets (Ex. 476–26).

Historically, the demand for zinc correlates closely with economic activity (Ex. 476–490). The major use of zinc metal is in the construction industry, which is the major market for zinc coated or galvanized products, such as structural steel, roofing, siding, guttering and duct material in air conditioning, ventilating and heating systems. Transportation accounts for the second major use of zinc metal. The largest use within this sector is diecastings for automobile components. Zinc is also used as a nonmetallic oxide in the rubber industry, production of photocopying chemicals, and paints. Zinc is most vulnerable to substitution in these nonmetallic uses (Ex. 476–490).

There are currently five domestic producers of primary zinc AMAX, ASARCO, Bunker Hill, Jersey-Miniere, and National Zinc. (Ex. 476–489). In addition, St. Joe Minerals has reactivated at 25 percent of capacity its zinc smelting operation. This decision was made because of the discovery of a high-grade zinc deposit in New York (Tr. p. 762–763). Depletion of this deposit is expected to occur within 15 years (Tr. p. 764).

The tenor of zinc ores in the United states tends to be lower than that of foreign ores. Therefore, to ensure a continuing domestic supply and to foster development of domestic low-grade ores, incentives exist to develop and implement efficient mining and extraction processes (Ex. 476–490). However, major United States companies also have substantial interests in foreign zinc mining activities (Ex. 476–49B).

Also, foreign investment by a Belgian firm in the United States zinc industry supplied capital for a joint venture to build an electrolytic, highly automated facility in Tennessee and to develop four mines. In addition, several Japanese companies and a United States oil firm entered into a 3-year partnership to explore for zinc deposits in Tennessee (Ex. 476–49B).

Pilot research in the field of zinc recovery has shown that some ores that were previously used to a limited extent or not at all as sources of zinc can become commercial sources of the metal. Specifically, the Kivet CS shaft furnace allows simultaneous smelting of lead and zinc and is ready for industrial scale application in the Soviet Union. Advantages of the process include reduced volumes of waste gas, high metal recovery, improved environmental control of emissions and lower labor and capital costs compared with conventional smelters (Ex. 476–49B).

The construction of electrolytic plants and the development of hydrometallurgical processes, which will eliminate roasting, can also produce unintended benefits, such as reduced environmental pollution. The newest plant in the United States, a $97 million joint venture of New Jersey Zinc and Union Miniere, uses a highly automated electrolytic process. Some of the plants that closed between 1969 and the present were utilizing obsolete technology and could not meet environmental standards (Ex. 476–490).

Foreign producers with more modern technology and lower labor costs enjoy competitive advantages over domestic producers. Foreign penetration into the domestic market is approaching 50 percent (Ex. 476–493), and may reach 63 percent by 1981 (Ex. 476–38(b)). However, even absent the OSHA lead regulation, this trend is expected to continue and in fact may be accelerated. Given the current depressed condition of zinc prices in spite of an international cartel active in supporting zinc prices since 1965 (Ex. 476–493), primary producers probably will continue to defer decisions concerning reinvestment in new plant and equipment and more modern technology. Perhaps the costs of such investments will induce a rise in the number of joint ventures to cover the risks of investing in the zinc industry until the development of new markets secures the future of zinc as an industrially important metal.

(j) *Conclusion: Economic Feasibility*

OSHA estimates that the annualized compliance costs in this industry will not exceed $1.9 million, which is only 0.4 percent of the industry's total value of shipments. Therefore the convergence of many factors more significant than the OSHA lead regulation will determine the future of the zinc industry. Current market conditions have resulted in depressed prices in the industry, and the strength of foreign competition is increasing as domestic producers retire obsolete, inefficient plants and deplete domestic ores. Developments of new zinc markets and modernization of technology in the industry may contribute to a brighter outlook for producers. However, if world producers ignore demand, excess supply could force prices down, resulting in lower profits. This might impel additional capacity reductions, which would reduce available supplies in the late 1980s.

OSHA recognizes that the zinc industry is operating in a depressed world market. However, the estimated annualized compliance costs ($1.9 million) are only 0.4 percent of the industry's total value of shipments based on the most recent available data (Ex. 476–20). In addition, most zinc smelters are currently in or close to compliance in most operations.

However, two smelters may pose potential compliance problems. Bunker Hill's unique situation has been addressed in a previous section (see Technological Feasibility). St. Joe contends that it cannot afford to comply with the lead standard because of adverse conditions in the zinc market. However, St. Joe has reopened its zinc smelter at 25 percent capacity because of the discovery of an ore deposit, which will be depleted in about 15 years. The decision to reopen this smelter was

made after promulgation of the lead standard. Therefore, OSHA assumes that St. Joe concluded that the venture would be profitable within the context of a 50 $\mu g/m^3$ lead standard.

Authority

This document was prepared under the direction of Eula Bingham, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Ave., NW., Washington, D.C. 20210.

Accordingly, pursuant to sections 6(b) and 8(c) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1599, 29 U.S.C. 655, 657), Secretary of Labor's Order No. 8–76 (41 FR 25059), and 29 CFR Part 1911, Part 1910 of Title 29, Code of Federal Regulations is hereby amended, for the reasons set forth in the preamble, by revising Table I of section 1910.1025(e)(1).

Signed at Washington, D.C., this 13th day of January 1981.

Eula Bingham,

Assistant Secretary of Labor.

Part 1910 of Title 29 of the Code of Federal Regulations is hereby amended by revising Table I of § 1910.1025(e)(1) to read as follows:

§ 1910.1025 Lead.

* * * * *

(e) *Methods of Compliance*—(1) *Engineering and work practice controls.*

* * *

Table I.—*Implementation Schedule*

Industry [1]	Compliance dates [2]		
	200 $\mu g/m^3$	100 $\mu g/m^3$	50 $\mu g/m^3$
Primary lead production	([3])	3	10
Secondary lead production	([3])	3	5
Lead acid battery manufacturing	([3])	2	5
Nonferrous foundries	([3])	1	5
Lead pigment manufacturing	([3])	N/A	5
Primary steel production	([3])	1	3
Automobile manufacturing/soldering	([3])	N/A	7
All other industries	([3])	N/A	1

[1] Includes ancillary activities located on the same worksite.
[2] Expressed as the number of years from the effective date by which compliance with the given airborne exposure level, as an 8-hour TWA, must be achieved.
[3] On effective date. This continues an obligation from Table Z-2 of 29 CFR 1910.1000 which had been in effect since 1971 but which was deleted upon the effectiveness of this section.

(Secs. 6, 8, 84 Stat. 1599 (29 U.S.C. 655, 657); Secretary of Labor's Order 8–76 (41 FR 25059); 29 CFR Part 1911)

[FR Doc. 81–1667 Filed 1–15–81; 8:45 am]

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Part III

Department of Commerce

Office of the Secretary

National Voluntary Laboratory Accreditation Program (NVLAP); Quarterly Report

DEPARTMENT OF COMMERCE

National Voluntary Laboratory Accreditation Program (NVLAP); Quarterly Report

This quarterly report covers the period from October 1 to December 31, 1980, and has been prepared in accordance with section 7a.17(a), 7b.17(a), and 7c.17(a) of the National Voluntary Laboratory Accreditation Program (NVLAP) procedures (15 CFR Parts 7a, 7b, 7c). Notice of accreditation actions under NVLAP for the month of December are included in this quarterly report.

Accreditation Actions

A total of 90 laboratories were accredited or reaccredited during the last quarter of 1980.

DOC reported October accreditation actions for 71 laboratories on November 14, 1980 (45 75542–75547) and November accreditation actions for two of those laboratories on December 12, 1980 (45 FR 81804–81805). Nineteen laboratories were granted accreditation during the month of December. The terms of these accreditations are valid for one year from the date that each accreditation was granted, unless otherwise revoked due to violation of the criteria or other conditions of accreditation, or terminated at the request of the laboratories. An alphabetical listing of all accredited laboratories and the test methods for which each is accredited as of December 31, 1980 is shown in Appendix 1. The test methods available under each LAP and the laboratories accredited for each test method are listed in Appendix 2.

NVLAP accreditations shall in no way relieve the laboratories from the necessity of observing and being in compliance with any exisitng Federal, State, and local statutes, ordinances, and regulations that may be applicable to the operations of the laboratories, including consumer protection and antitrust laws.

Applications Suspended or Withdrawn

Further processing of the application submitted by Terralab Engineers, salt Lake City, Utah, has been suspended until all required fees are paid and all data from required proficiency tests are submitted. Testing Laboratories, Inc., Alamagordo, New Mexico, withdrew its application before the assessment process was initiated.

Insulation LAP

The LAP for thermal insulation materials has 56 test methods for which accreditation may be sought. A total of 37 laboratories have been accredited to perform one or more of these test methods.

In a letter of December 2, 1980, the U.S. Department of Energy requested DOC to include additional test methods for urea-formaldehyde foam insulation, under the insulation LAP. Action on this request has been suspended pending the outcome of a Consumer Product Safety Commission decision on whether to ban the use of urea-formaldehyde foam.

The charter for the National Laboratory Accreditation Criteria Committee for Thermal Insulation Materials (NLACC–1) expired on October 29, 1980.

Concrete LAP

The LAP for freshly mixed field concrete has two groups of test methods (with one method optional) for which accreditation may be sought. A total of 41 laboratories have been accredited under the concrete LAP.

The National Laboratory Accreditation Criteria Committee for Freshly Mixed Field Concrete (NLACC–2) met for the last time on November 25, 1980 to advise DOC on certain technical issues which arose during the laboratory assessment process. The NLACC–2 charter expired on December 31, 1980.

Carpet LAP

The LAP for carpet has 12 test methods for which accreditation may be sought. A total of 23 carpet testing laboratories have been accredited for one or more of these test methods.

New Policy

On December 10, 1980 (45 FR 81249–81250) the Department of Commerce (DOC) announced a new policy for accepting applications. Laboratories seeking NVLAP accreditation may now make application at any time during the year for initial entry into NVLAP, for additional laboratory accreditation programs (LAPS), and for additional test methods within existing LAPS. Applications will be reviewed and laboratory assessments will be initiated on a continual basis. Appendix 3 provides information on how to request an application.

Potential LAPs

On November 10, 1980 (45 FRF 74684–74686), DOC announced a preliminary finding of need to accredit laboratories that provide acoustical testing services. Public comments are due January 9, 1981, the same day on which a public hearing on the need for such a LAP will be held in the Department of Commerce, in Washington, D.C.

A determination of whether or not to make a final finding of need based on the comments submitted and on further analysis of the August 6, 1980 preliminary finding of need to accredit laboratories that provide electromagnetic calibration services (45 FR 52326–52329) is expected during the first quarter of 1981.

On December 10, 1980 (45 FR 80163–80164), DOC announced the declination of further action on two formal requests to find that there is a need to accredit wastewater testing laboratories under NVLAP based upon objections to the development of such a LAP by the U.S. Environmental Protection Agency.

Two formal requests for new LAPs were received during the last quarter of 1980. In a letter dated October 20, 1980, Stadium System, Inc. requested that DOC establish a LAP for athletic equipment. An analysis of this request (made under Part 7a of the NVLAP procedures) is under way. In a letter dated December 4, 1980, the U.S. Department of Housing and Urban Development requested that DOC establish a LAP for solid fuel room heaters. Analysis of this Part 7b request was not completed as of the end of 1980.

Dated: January 13, 1981.

Robert B. Ellert,

Acting Assistant Secretary for Productivity, Technology and Innovation.

BILLING CODE 3510-13-M

APPENDIX 1

LISTING OF LABORATORIES ACCREDITED BY THE UNITED STATES DEPARTMENT OF COMMERCE UNDER PROVISIONS OF THE NATIONAL VOLUNTARY LABORATORY ACCREDITATION PROGRAM AND THE TEST METHODS FOR WHICH EACH LABORATORY IS ACCREDITED TO TEST THERMAL INSULATION MATERIALS*

AGUIRRE ENGINEERS, INC.
Attn: Mr. Vukoslav E. Aguirre
14 Inverness Drive East, Unit 8H
Englewood, CO 80112
Phone: (303) 771-4446

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
02/M01	ASTM C31	Making and Curing Concrete Test Specimens in the Field
02/M03	ASTM C172	Sampling Fresh Concrete
02/P01	ASTM C143	Slump of Portland Cement Concrete
02/W01	ASTM C138	Unit Weight, Yield, and Air Content (Gravimetric) of Concrete
02/A01	ASTM C231	Air Content of Freshly Mixed Concrete by the Pressure Method
02/S01	ASTM C39	Compressive Strength of Cylindrical Concrete Specimens
02/A02	ASTM C173	Air Content of Freshly Mixed Concrete by the Volumetric Method

NOTE: Accreditation is granted on 10/20/80 and expires on 10/19/81.

* It should be noted that testing laboratories accredited by the Secretary under these procedures are in no manner immune from the necessity of being in compliance with all legal obligations and responsibilities imposed by existing Federal, State, and local laws, ordinances, and regulations, including those related to consumer protection and antitrust prohibitions.

AMERICAN ADMIXTURES CORP.
Attn: Mr. G. S. Bobrowski
5909 N. Rogers Avenue
Chicago, IL 60646
Phone: (312) 286-3737

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
02/M01	ASTM C31	Making and Curing Concrete Test Specimens in the Field
02/M03	ASTM C172	Sampling Fresh Concrete
02/P01	ASTM C143	Slump of Portland Cement Concrete
02/W01	ASTM C138	Unit Weight, Yield, and Air Content (Gravimetric) of Concrete
02/A01	ASTM C231	Air Content of Freshly Mixed Concrete by the Pressure Method
02/S01	ASTM C39	Compressive Strength of Cylindrical Concrete Specimens
02/A02	ASTM C173	Air Content of Freshly Mixed Concrete by the Volumetric Method

NOTE: Accreditation is granted on 10/20/80 and expires on 10/19/81.

AMERICAN CARPET LABORATORIES, INC.
Attn: Mr. Michael D. Connell
P. O. Box 357
111 W. Nashville Street
Ringgold, GA 30736
Phone: (404) 935-5672

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
03/C01	AATCC 16E	Colorfastness to Light (Xenon Arc)
03/C02	AATCC 8	Colorfastness to Crocking
03/D01	ASTM D418	Methods of Testing Woven and Tufted Pile Floor Coverings
		Pile Weight - Uncoated (Para. 10-19)
		Pile Weight - Coated (Para. 20-29) as modified by UM 44C
		Pile Thickness - (Para. 30-36)
		Tuft Height - (Para. 37-45) as modified by UM 44C
03/D02	DDD-C-95A	Shrinkage
03/S01	ASTM D1335	Tuft Bind of Floor Coverings
	Federal Test Method Standard 191-5100	Textile Test Method - Breaking Strength
	191-5950	Textile Test Method - Delamination
03/F03	DoC FF1-70	Methenamine Pill Test
03/B01	UM 44C Addendum 3	Attached Cushion Tests
03/B02	UM 44C Addenda 2 and 3	Attached Cushion Tests

NOTE: Accreditation is granted on 10/20/80 and expires on 10/19/81.

ARMSTRONG WORLD INDUSTRIES, INC., MARIETTA CARPET PLANT
Attn: Mr. John H. Cooper
Route 441
Marietta, PA 17547
Phone: (717) 653-2031

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
03/C01	AATCC 16E	Colorfastness to Light (Xenon Arc)
03/C02	AATCC 8	Colorfastness to Crocking
03/D01	ASTM D418	Methods of Testing Woven and Tufted Pile Floor Coverings
		Pile Weight - Uncoated (Para. 10-19)
		Pile Weight - Coated (Para. 20-29) as modified by UM 44C
		Pile Thickness - (Para. 30-36)
		Tuft Height - (Para. 37-45) as modified by UM 44C
03/D02	DDD-C-95A	Shrinkage
03/S01	ASTM D1335	Tuft Bind of Floor Coverings
	Federal Test Method Standard 191-5100	Textile Test Method - Breaking Strength
	191-5950	Textile Test Method - Delamination
03/F03	DoC FF1-70	Methenamine Pill Test

NOTE: Accreditation is granted on 10/20/80 and expires on 10/19/81.

THE ARUNDEL CORPORATION, GREENSPRING LABORATORY
Attn: Mr. John M. Glowacki
6806 Greenspring Avenue
Baltimore, MD 21209
Phone: (301) 296-6400

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
02/M01	ASTM C31	Making and Curing Concrete Test Specimens in the Field
02/M03	ASTM C172	Sampling Fresh Concrete
02/P01	ASTM C143	Slump of Portland Cement Concrete
02/W01	ASTM C138	Unit Weight, Yield, and Air Content (Gravimetric) of Concrete
02/A01	ASTM C231	Air Content of Freshly Mixed Concrete by the Pressure Method
02/S01	ASTM C39	Compressive Strength of Cylindrical Concrete Specimens
02/A02	ASTM C173	Air Content of Freshly Mixed Concrete by the Volumetric Method

NOTE: Accreditation is granted on 12/22/80 and expires on 12/21/81.

ATEC ASSOCIATES, INC., OHIO DISTRICT
Attn: Mr. Larry A. Jeffers
11306 Tamarco Drive
Cincinnati, OH 45242
Phone: (513) 793-7972

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
02/M01	ASTM C31	Making and Curing Concrete Test Specimens in the Field
02/M03	ASTM C172	Sampling Fresh Concrete
02/P01	ASTM C143	Slump of Portland Cement Concrete
02/W01	ASTM C138	Unit Weight, Yield, and Air Content (Gravimetric) of Concrete
02/A01	ASTM C231	Air Content of Freshly Mixed Concrete by the Pressure Method
02/S01	ASTM C39	Compressive Strength of Cylindrical Concrete Specimens
02/A02	ASTM C173	Air Content of Freshly Mixed Concrete by the Volumetric Method

NOTE: Accreditation is granted on 12/22/80 and expires on 12/21/81.

BIGELOW-SANFORD, INC., GEORGIA RUG MILL,
QUALITY CONTROL LABORATORY (SUMMERVILLE, GEORGIA)
Attn: Mr. Van A. Pullen
Lyerly Street
Summerville, GA 30747
Phone: (404) 857-2421

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
03/C01	AATCC 16E	Colorfastness to Light (Xenon Arc)
03/C02	AATCC 8	Colorfastness to Crocking
03/D01	ASTM D418	Methods of Testing Woven and Tufted Pile Floor Coverings
		Pile Weight - Uncoated (Para. 10-19)
		Pile Weight - Coated (Para. 20-29) as modified by UM 44C
		Pile Thickness - (Para. 30-36)
		Tuft Height - (Para. 37-45) as modified by UM 44C
03/D02	DDD-C-95A	Shrinkage
03/S01	ASTM D1335	Tuft Bind of Floor Coverings
	Federal Test Method Standard 191-5100	Textile Test Method - Breaking Strength
	191-5950	Textile Test Method - Delamination
03/F03	DoC FF1-70	Methenamine Pill Test
03/B01	UM 44C Addendum 3	Attached Cushion Tests

NOTE: Accreditation is granted on 10/20/80 and expires on 10/19/81.

BIGELOW-SANFORD, INC.
TECHNICAL SERVICES (GREENVILLE, SOUTH CAROLINA)
Attn: Mr. Ronald V. Canova
Interstate 85 & White Horse Road
Greenville, SC 29602
Phone: (803) 299-2630

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
03/C01	AATCC 16E	Colorfastness to Light (Xenon Arc)
03/C02	AATCC 8	Colorfastness to Crocking
03/D01	ASTM D418	Methods of Testing Woven and Tufted Pile Floor Coverings
		Pile Weight - Uncoated (Para. 10-19)
		Pile Weight - Coated (Para. 20-29) as modified by UM 44C
		Pile Thickness - (Para. 30-36)
		Tuft Height - (Para. 37-45) as modified by UM 44C
03/D02	DDD-C-95A	Shrinkage
03/S01	ASTM D1335	Tuft Bind of Floor Coverings
	Federal Test Method Standard 191-5100	Textile Test Method - Breaking Strength
	191-5950	Textile Test Method - Delamination
03/E01	AATCC 134/ CRI 102	Electrostatic Propensity of Carpets
03/F03	DoC FF1-70	Methenamine Pill Test
03/F04	ASTM E648	Radiant Panel (Carpet)
03/B01	UM 44C Addendum 3	Attached Cushion Tests

NOTE: Accreditation is granted on 10/20/80 and expires on 10/19/81.

BOWSER-MORNER TESTING LABS, INC., DAYTON, OHIO LABORATORY
Attn: Mr. Kenneth A. Taylor
420 Davis Avenue
P. O. Box 51
Dayton, OH 45401
Phone: (513) 253-8805

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
02/M01	ASTM C31	Making and Curing Concrete Test Specimens in the Field
02/M03	ASTM C172	Sampling Fresh Concrete
02/P01	ASTM C143	Slump of Portland Cement Concrete
02/W01	ASTM C138	Unit Weight, Yield, and Air Content (Gravimetric) of Concrete
02/A01	ASTM C231	Air Content of Freshly Mixed Concrete by the Pressure Method

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
02/S01	ASTM C39	Compressive Strength of Cylindrical Concrete Specimens
02/A02	ASTM C173	Air Content of Freshly Mixed Concrete by the Volumetric Method

NOTE: Accreditation is granted on 10/20/80 and expires on 10/19/81.

BOWSER-MORNER TESTING LABS, INC., MAYSVILLE, KENTUCKY LABORATORY
Attn: Mr. Kenneth A. Taylor
Mary Ingles Way, Route 8 West
P. O. Box 636
Maysville, KY 41056
Phone: (513) 253-8805

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
02/M01	ASTM C31	Making and Curing Concrete Test Specimens in the Field
02/M03	ASTM C172	Sampling Fresh Concrete
02/P01	ASTM C143	Slump of Portland Cement Concrete
02/W01	ASTM C138	Unit Weight, Yield, and Air Content (Gravimetric) of Concrete
02/A01	ASTM C231	Air Content of Freshly Mixed Concrete by the Pressure Method
02/S01	ASTM C39	Compressive Strength of Cylindrical Concrete Specimens
02/A02	ASTM C173	Air Content of Freshly Mixed Concrete by the Volumetric Method

NOTE: Accreditation is granted on 12/22/80 and expires on 12/21/81.

BOWSER-MORNER TESTING LABS, INC., TOLEDO, OHIO LABORATORY
Attn: Mr. Kenneth A. Taylor
122 South St. Clair Street
P. O. Box 838
Toledo, OH 43696
Phone: (513) 253-8805

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
02/M01	ASTM C31	Making and Curing Concrete Test Specimens in the Field
02/M03	ASTM C172	Sampling Fresh Concrete
02/P01	ASTM C143	Slump of Portland Cement Concrete
02/W01	ASTM C138	Unit Weight, Yield, and Air Content (Gravimetric) of Concrete
02/A01	ASTM C231	Air Content of Freshly Mixed Concrete by the Pressure Method

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
02/S01	ASTM C39	Compressive Strength of Cylindrical Concrete Specimens
02/A02	ASTM C173	Air Content of Freshly Mixed Concrete by the Volumetric Method

NOTE: Accreditation is granted on 10/20/80 and expires on 10/19/81.

BUTLER MANUFACTURING COMPANY RESEARCH CENTER
Attn: Mr. Marvin K. Snyder
135th St. and Botts Road
Grandview, MO 64030
Phone: (816) 763-3022

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/T04	ASTM C236	Thermal conductance; Guarded hot box
01/T06	ASTM C518	Thermal transmission properties; Heat flow meter

NOTE: Accreditation is granted on 10/12/80 and expires on 10/11/81.

C. H. MASLAND AND SONS
Attn: Mr. David A. Boyles
P. O. Box 40
Carlisle, PA 17013
Phone: (717) 249-1866

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
03/C01	AATCC 16E	Colorfastness to Light (Xenon Arc)
03/C02	AATCC 8	Colorfastness to Crocking
03/D01	ASTM D418	Methods of Testing Woven and Tufted Pile Floor Coverings
		Pile Weight - Uncoated (Para. 10-19)
		Pile Weight - Coated (Para. 20-29) as modified by UM 44C
		Pile Thickness - (Para. 30-36)
		Tuft Height - (Para. 37-45) as modified by UM 44C
03/D02	DDD-C-95A	Shrinkage
03/S01	ASTM D1335	Tuft Bind of Floor Coverings
	Federal Test Method Standard 191-5100	Textile Test Method - Breaking Strength
	191-5950	Textile Test Method - Delamination
03/F03	DoC FF1-70	Methenamine Pill Test

NOTE: Accreditation is granted on 10/20/80 and expires on 10/19/81.

CAPITOL CEMENT
Attn: Mr. Thomas L. Vick
P. O. Drawer 33240
11551 Nacogdouches Road
San Antonio, TX 78233
Phone: (512) 655-3010

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
02/M01	ASTM C31	Making and Curing Concrete Test Specimens in the Field
02/M03	ASTM C172	Sampling Fresh Concrete
02/P01	ASTM C143	Slump of Portland Cement Concrete
02/W01	ASTM C138	Unit Weight, Yield, and Air Content (Gravimetric) of Concrete
02/A01	ASTM C231	Air Content of Freshly Mixed Concrete by the Pressure Method
02/S01	ASTM C39	Compressive Strength of Cylindrical Concrete Specimens

NOTE: Accreditation is granted on 12/22/80 and expires on 12/21/81.

CENTRAL READY MIXED CONCRETE, RESEARCH & TECHNICAL CENTER
Attn: Mr. Frank W. Madderom
4350 S. 13th Street
Milwaukee, WI 53221
Phone: (414) 282-4200

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
02/M01	ASTM C31	Making and Curing Concrete Test Specimens in the Field
02/M03	ASTM C172	Sampling Fresh Concrete
02/P01	ASTM C143	Slump of Portland Cement Concrete
02/W01	ASTM C138	Unit Weight, Yield, and Air Content (Gravimetric) of Concrete
02/A01	ASTM C231	Air Content of Freshly Mixed Concrete by the Pressure Method
02/S01	ASTM C39	Compressive Strength of Cylindrical Concrete Specimens

NOTE: Accreditation is granted on 10/20/80 and expires on 10/19/81.

CERTAINTEED CORPORATION, RESEARCH & DEVELOPMENT LABORATORY
Attn: Mr. W. Francis Olix
1400 Union Meeting Road
Blue Bell, PA 19422
Phone: (215) 542-0500

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/C02	HH-I-515 (para. 4.8.5 in D version, Amendment 1)	Corrosiveness; Cellulosic fiber (loose-fill)
01/D01	ASTM C136	Sieve or screen analysis
01/D02	ASTM C167	Thickness and density; Blanket and batt
01/D08	ASTM C302	Density; Preformed pipe insulation
01/D09	ASTM C303	Density; Preformed block insulation
01/D13	ASTM C519	Density; Loose-fill (fibrous)
01/D25	HH-I-515 (para. 4.8.3 in D version, Amendment 1)	Moisture absorption; Cellulosic fiber (loose-fill)
01/D26	HH-I-515 (para. 4.8.1 in D version, Amendment 1)	Settled density; Cellulosic fiber (loose-fill)
01/F01	ASTM D777 (as modified by HH-B-100B)	Flammability; Paper and paperboard
01/F05	ASTM E136	Behavior of Materials in a Vertical Tube Furnace
01/F07	HH-I-515 (para. 4.8.7 in D version, Amendment 1)	Critical radiant flux; Radiant Panel (cellulosic fiber, loose-fill)
01/F08	HH-I-515 (para. 4.8.8 in D version, Amendment 1)	Smoldering combustion; Cellulosic fiber (loose-fill)
01/S01	ASTM C165	Compressive properties; Thermal insulation (proc. A)
01/S08	ASTM C446	Breaking load/modulus of rupture; Preformed pipe insulation
01/S09	ASTM D781	Puncture test; Paperboard and fiberboard
01/S10	ASTM D828	Tensile breaking strength; Paper and paperboard
01/T01	ASTM C177	Thermal transmission properties; Low-temperature guarded hot plate
01/T04	ASTM C236	Thermal conductance; Guarded hot box
01/T05	ASTM C335	Thermal conductivity; Pipe insulation
01/T06	ASTM C518	Thermal transmission properties; Heat flow meter
01/T09	ASTM C653	Thermal resistance (Rec. Practice); Blanket (mineral fiber)
01/T10	ASTM C687	Thermal resistance (Rec. Practice); Loose-fill (fibrous)
01/V04	ASTM E96	Water vapor transmission; Thin sheets (proc. A)

NOTE: Accreditation is granted on 10/12/80 and expires on 10/11/81.

CERTIFIED TESTING LABORATORIES, INC.
Attn: Mr. John H. Frank
1105 Riverbend Drive
P. O. Box 2041
Dalton, GA 30720
Phone: (404) 226-1400

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/C02	HH-I-515 (para. 4.8.5 in D version, Amendment 1)	Corrosiveness; Cellulosic fiber (loose-fill)
01/D25	HH-I-515 (para. 4.8.3 in D version, Amendment 1)	Moisture absorption; Cellulosic fiber (loose-fill)
01/D26	HH-I-515 (para. 4.8.1 in D version, Amendment 1)	Settled density; Cellulosic fiber (loose-fill)
01/F07	HH-I-515 (para. 4.8.7 in D version, Amendment 1)	Critical radiant flux; Radiant Panel (cellulosic fiber, loose-fill)
01/F08	HH-I-515 (para. 4.8.8 in D version, Amendment 1)	Smoldering combustion; Cellulosic fiber (loose-fill)
01/V06	HH-I-515 (para. 4.8.9 in D version, Amendment 1)	Starch; Cellulosic fiber (loose-fill)
03/C01	AATCC 16E	Colorfastness to Light (Xenon Arc)
03/C02	AATCC 8	Colorfastness to Crocking
03/D01	ASTM D418	Methods of Testing Woven and Tufted Pile Floor Coverings
		Pile Weight - Uncoated (Para. 10-19)
		Pile Weight - Coated (Para. 20-29) as modified by UM 44C
		Pile Thickness - (Para. 30-36)
		Tuft Height - (Para. 37-45) as modified by UM 44C
03/D02	DDD-C-95A	Shrinkage
03/S01	ASTM D1335	Tuft Bind of Floor Coverings
	Federal Test Method Standard 191-5100	Textile Test Method - Breaking Strength
	191-5950	Textile Test Method - Delamination
03/E01	AATCC 134/ CRI 102	Electrostatic Propensity of Carpets
03/F03	DoC FF1-70	Methenamine Pill Test
03/F04	ASTM E648	Radiant Panel (Carpet)
03/B02	UM 44C Addenda 2 and 3	Attached Cushion Tests

NOTE: Accreditation is granted on 10/12/80 and expires on 10/19/81.

CHISHOLM TRAIL TESTING AND ENGINEERING COMPANY, INC.
Attn: Mr. James F. Rosendahl
302 South Miller Street
Decatur, TX 76234
Phone: (817) 627-5216

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
03/C01	AATCC 16E	Colorfastness to Light (Xenon Arc)
03/C02	AATCC 8	Colorfastness to Crocking
03/D01	ASTM D418	Methods of Testing Woven and Tufted Pile Floor Coverings
		Pile Weight - Uncoated (Para. 10-19)
		Pile Weight - Coated (Para. 20-29) as modified by UM 44C
		Pile Thickness - (Para. 30-36)
		Tuft Height - (Para. 37-45) as modified by UM 44C
03/D02	DDD-C-95A	Shrinkage
03/S01	ASTM D1335	Tuft Bind of Floor Coverings
	Federal Test Method Standard 191-5100	Textile Test Method - Breaking Strength
	191-5950	Textile Test Method - Delamination
03/F03	DoC FF1-70	Methenamine Pill Test

NOTE: Accreditation is granted on 10/20/80 and expires on 10/19/81.

COMMERCIAL TESTING COMPANY, INC.
Attn: Mr. William Rindosh
1215 S. Hamilton Street.
P. O. Box 985
Dalton, GA 30720
Phone: (404) 278-3935

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/C02	HH-I-515 (para. 4.8.5 in D version, Amendment 1)	Corrosiveness; Cellulosic fiber (loose-fill)
01/D25	HH-I-515 (para. 4.8.3 in D version, Amendment 1)	Moisture absorption; Cellulosic fiber (loose-fill)
01/D26	HH-I-515 (para. 4.8.1 in D version, Amendment 1)	Settled density; Cellulosic fiber (loose-fill)
01/F02	ASTM E84	Surface burning characteristics; Building materials
01/F07	HH-I-515 (para. 4.8.7 in D version, Amendment 1)	Critical radiant flux; Radiant Panel (cellulosic fiber, loose-fill)
01/F08	HH-I-515 (para. 4.8.8 in D version, Amendment 1)	Smoldering combustion; Cellulosic fiber (loose-fill)

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/T06	ASTM C518	Thermal transmission properties; Heat flow meter
01/V06	HH-I-515 (para. 4.8.9 in D version, Amendment 1)	Starch; Cellulosic fiber (loose-fill)
03/C01	AATCC 16E	Colorfastness to Light (Xenon Arc)
03/C02	AATCC 8	Colorfastness to Crocking
03/D01	ASTM D418	Methods of Testing Woven and Tufted Pile Floor Coverings
		Pile Weight - Uncoated (Para. 10-19)
		Pile Weight - Coated (Para. 20-29) as modified by UM 44C
		Pile Thickness - (Para. 30-36)
		Tuft Height - (Para. 37-45) as modified by UM 44C
03/D02	DDD-C-95A	Shrinkage
03/S01	ASTM D1335	Tuft Bind of Floor Coverings
	Federal Test Method Standard 191-5100	Textile Test Method - Breaking Strength
	191-5950	Textile Test Method - Delamination
03/F01	ASTM E84	Surface Flammability (Carpet)
03/F03	DoC FF1-70	Methenamine Pill Test
03/F04	ASTM E648	Radiant Panel (Carpet)
03/B01	UM 44C Addendum 3	Attached Cushion Tests
03/B02	UM 44C Addenda 2 and 3	Attached Cushion Tests

NOTE: Accreditation is granted on 10/12/80 and expires on 10/19/81.

CONTRACTORS SUPPLY CORPORATION OF WEST VIRGINIA, INC.
Attn: Mr. Fontaine B. Hooff
P. O. Box 6587
24th and Water Streets
Wheeling, WV 26003
Phone: (304) 232-1048

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
02/M01	ASTM C31	Making and Curing Concrete Test Specimens in the Field
02/M03	ASTM C172	Sampling Fresh Concrete
02/P01	ASTM C143	Slump of Portland Cement Concrete
02/W01	ASTM C138	Unit Weight, Yield, and Air Content (Gravimetric) of Concrete
02/A01	ASTM C231	Air Content of Freshly Mixed Concrete by the Pressure Method
02/S01	ASTM C39	Compressive Strength of Cylindrical Concrete Specimens

NOTE: Accreditation is granted on 12/22/80 and expires on 12/21/81.

CONTROLLED CONCRETE METHODS, INC. *
Attn: Mr. Raymond A. Ayres
Foot of Main Street
Tarrytown, NY 10591
Phone: (914) 631-9000

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
02/M01	ASTM C31	Making and Curing Concrete Test Specimens in the Field
02/M03	ASTM C172	Sampling Fresh Concrete
02/P01	ASTM C143	Slump of Portland Cement Concrete
02/W01	ASTM C138	Unit Weight, Yield, and Air Content (Gravimetric) of Concrete
02/A01	ASTM C231	Air Content of Freshly Mixed Concrete by the Pressure Method
02/S01	ASTM C39	Compressive Strength of Cylindrical Concrete Specimens
02/A02	ASTM C173	Air Content of Freshly Mixed Concrete by the Volumetric Method

NOTE: Accreditation is granted on 10/20/80 and expires on 10/19/81.

* Effective January 31, 1981, Controlled Concrete Methods, Inc. will discontinue operating as a testing laboratory.

CORONET CARPETS
Attn: Mr. Winfred L. Jones
Cleveland Road
P. O. Box 1248
Dalton, GA 30720
Phone: (404) 259-4511 x272

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
03/C01	AATCC 16E	Colorfastness to Light (Xenon Arc)
03/C02	AATCC 8	Colorfastness to Crocking
03/D01	ASTM D418	Methods of Testing Woven and Tufted Pile Floor Coverings Pile Weight - Uncoated (Para. 10-19) Pile Weight - Coated (Para. 20-29) as modified by UM 44C Pile Thickness - (Para. 30-36) Tuft Height - (Para. 37-45) as modified by UM 44C
03/D02	DDD-C-95A	Shrinkage
03/S01	ASTM D1335 Federal Test Method Standard 191-5100 191-5950	Tuft Bind of Floor Coverings Textile Test Method - Breaking Strength Textile Test Method - Delamination
03/F03	DoC FF1-70	Methenamine Pill Test

NOTE: Accreditation is granted on 10/20/80 and expires on 10/19/81.

THE DOLESE COMPANY, ENGINEERING DEPARTMENT LABORATORY
Attn: Mr. A. Darrell George
20 Northwest 13th Street
P. O. Box 677
Oklahoma City, OK 73101
Phone: (405) 235-2311

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
02/M01	ASTM C31	Making and Curing Concrete Test Specimens in the Field
02/M03	ASTM C172	Sampling Fresh Concrete
02/P01	ASTM C143	Slump of Portland Cement Concrete
02/W01	ASTM C138	Unit Weight, Yield, and Air Content (Gravimetric) of Concrete
02/A01	ASTM C231	Air Content of Freshly Mixed Concrete by the Pressure Method
02/S01	ASTM C39	Compressive Strength of Cylindrical Concrete Specimens
02/A02	ASTM C173	Air Content of Freshly Mixed Concrete by the Volumetric Method

NOTE: Accreditation is granted on 12/22/80 and expires on 12/21/81.

DONALD S. GILMORE LABORATORIES, THE UPJOHN COMPANY
Attn: Mr. Herbert G. Nadeau
410 Sackett Point Road
North Haven, CT 06473
Phone: (203) 281-2762

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/D10	ASTM C355	Water vapor transmission; Thick materials; Desiccant method
01/D18	ASTM D1622	Apparent density; Rigid cellular plastics
01/D19	ASTM D2126	Response to thermal and humid; Aging (proc. B); Rigid cellular plastics
01/D20	ASTM D2126	Response to thermal and humid; Aging (proc. D); Rigid cellular plastics
01/D23	ASTM D2842	Water absorption; Rigid cellular plastics
01/S02	ASTM C203	Breaking load/flexural strength; Preformed block insulation
01/S07	ASTM C273	Shear test; Sandwich construction
01/S11	ASTM D1621	Compressive properties; Rigid cellular plastics (proc. A-Crosshead)
01/T06	ASTM C518	Thermal transmission properties; Heat flow meter
01/V04	ASTM E96	Water vapor transmission; Thin sheets (proc. A)

NOTE: Accreditation is granted on 10/14/80 and expires on 10/13/81.

DOW CHEMICAL U.S.A., GRANVILLE R & D CENTER
Attn: Mr. L. R. LaBelle
P. O. Box 515
Granville, OH 43023
Phone: (614) 587-4300

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/D07	ASTM C272	Water absorption; Core materials
01/D10	ASTM C355	Water vapor transmission; Thick materials; Desiccant method
01/D18	ASTM D1622	Apparent density; Rigid cellular plastics
01/D19	ASTM D2126	Response to thermal and humid; Aging (proc. B); Rigid cellular plastics
01/D20	ASTM D2126	Response to thermal and humid; Aging (proc. D); Rigid cellular plastics
01/D21	ASTM D2126	Response to thermal and humid; Aging (proc. E); Rigid cellular plastics
01/D22	ASTM D2126	Response to thermal and humid; Aging (proc. F); Rigid cellular plastics
01/D23	ASTM D2842	Water absorption; Rigid cellular plastics
01/S01	ASTM C165	Compressive properties; Thermal insulation (proc. A)
01/S02	ASTM C203	Breaking load/flexural strength; Preformed block insulation
01/S11	ASTM D1621	Compressive properties; Rigid cellular plastics (proc. A-Crosshead)
01/T01	ASTM C177	Thermal transmission properties; Low-temperature guarded hot plate
01/T06	ASTM C518	Thermal transmission properties; Heat flow meter

NOTE: Accreditation is granted on 10/12/80 and expires on 10/11/81.

DYNATECH R/D COMPANY
Attn: Mr. Stephen E. Smith
99 Erie Street
Cambridge, MA 02139
Phone: (617) 868-8050

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/C02	HH-I-515 (para. 4.8.5 in D version, Amendment 1)	Corrosiveness; Cellulosic fiber (loose-fill)
01/D25	HH-I-515 (para. 4.8.3 in D version, Amendment 1)	Moisture absorption; Cellulosic fiber (loose-fill)

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/D26	HH-I-515 (para. 4.8.1 in D version, Amendment 1)	Settled density; Cellulosic fiber (loose-fill)
01/T01	ASTM C177	Thermal transmission properties; Low-temperature guarded hot plate
01/T04	ASTM C236	Thermal conductance; Guarded hot box
01/T05	ASTM C335	Thermal conductivity; Pipe insulation
01/T06	ASTM C518	Thermal transmission properties; Heat flow meter
01/V06	HH-I-515 (para. 4.8.9 in D version, Amendment 1)	Starch; Cellulosic fiber (loose-fill)

NOTE: Accreditation is granted on 10/12/80 and expires on 10/11/81.

DYNATHERM ENGINEERING
Attn: Mr. James B. Funkhouser
595 Marshan Lane
Lino Lakes, MN 55014
Phone: (612) 786-1853

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/T04	ASTM C236	Thermal conductance; Guarded hot box

NOTE: Accreditation is granted on 10/12/80 and expires on 10/11/81.

ENGINEERING TESTING LABORATORY
Attn: Mr. James L. Beckett
1420 Triplett Blvd. -- Bldg. #2
Akron, OH 44306
Phone: (216) 375-2861

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
02/M01	ASTM C31	Making and Curing Concrete Test Specimens in the Field
02/M03	ASTM C172	Sampling Fresh Concrete
02/P01	ASTM C143	Slump of Portland Cement Concrete
02/W01	ASTM C138	Unit Weight, Yield, and Air Content (Gravimetric) of Concrete
02/A01	ASTM C231	Air Content of Freshly Mixed Concrete by the Pressure Method
02/S01	ASTM C39	Compressive Strength of Cylindrical Concrete Specimens

NOTE: Accreditation is granted on 10/20/80 and expires on 10/19/81.

ENGINEERS TESTING LABORATORIES, INC.
Attn: Mr. J. G. Bennitt
P. O. Box 21387
3737 East Broadway Road
Phoenix, AZ 85040
Phone: (602) 268-1381

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
02/M01	ASTM C31	Making and Curing Concrete Test Specimens in the Field
02/M03	ASTM C172	Sampling Fresh Concrete
02/P01	ASTM C143	Slump of Portland Cement Concrete
02/W01	ASTM C138	Unit Weight, Yield, and Air Content (Gravimetric) of Concrete
02/A01	ASTM C231	Air Content of Freshly Mixed Concrete by the Pressure Method
02/S01	ASTM C39	Compressive Strength of Cylindrical Concrete Specimens
02/A02	ASTM C173	Air Content of Freshly Mixed Concrete by the Volumetric Method

NOTE: Accreditation is granted on 10/20/80 and expires on 10/19/81.

EVANS AND BLACK CARPET MILLS, INC.
Attn: Mr. Robert H. Davis
1020 Riverbend Drive
Dalton, GA 30720
Phone: (404) 278-3197

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
03/C01	AATCC 16E	Colorfastness to Light (Xenon Arc)
03/C02	AATCC 8	Colorfastness to Crocking
03/D01	ASTM D418	Methods of Testing Woven and Tufted Pile Floor Coverings Pile Weight - Uncoated (Para. 10-19) Pile Weight - Coated (Para. 20-29) as modified by UM 44C Pile Thickness - (Para. 30-36) Tuft Height - (Para. 37-45) as modified by UM 44C
03/D02	DDD-C-95A	Shrinkage
03/S01	ASTM D1335 Federal Test Method Standard 191-5100 191-5950	Tuft Bind of Floor Coverings Textile Test Method - Breaking Strength Textile Test Method - Delamination
03/F03	DoC FF1-70	Methenamine Pill Test

NOTE: Accreditation is granted on 10/20/80 and expires on 10/19/81.

FACTORY MUTUAL RESEARCH CORP.
Attn: Mr. P. E. Johnson
1151 Boston-Providence Turnpike
Norwood, MA 02062
Phone: (617) 762-4300

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/C02	HH-I-515 (para. 4.8.5 in D version, Amendment 1)	Corrosiveness; Cellulosic fiber (loose-fill)
01/D25	HH-I-515 (para. 4.8.3 in D version, Amendment 1)	Moisture absorption; Cellulosic fiber (loose-fill)
01/D26	HH-I-515 (para. 4.8.1 in D version, Amendment 1)	Settled density; Cellulosic fiber (loose-fill)
01/F02	ASTM E84	Surface burning characteristics; Building materials
01/F07	HH-I-515 (para. 4.8.7 in D version, Amendment 1)	Critical radiant flux; Radiant Panel (cellulosic fiber, loose-fill)
01/F08	HH-I-515 (para. 4.8.8 in D version, Amendment 1)	Smoldering combustion; Cellulosic fiber (loose-fill)
01/V06	HH-I-515 (para. 4.8.9 in D version, Amendment 1)	Starch; Cellulosic fiber (loose-fill)
03/F01	ASTM E84	Surface Flammability (Carpet)
03/F04	ASTM E648	Radiant Panel (Carpet)

NOTE: Accreditation is granted on 10/12/80 and expires on 10/19/81.

FLINTKOTE STONE PRODUCTS CO., QUALITY CONTROL LABORATORIES
Attn: Mr. Robert L. Chester
10300 Pulaski Highway
White Marsh, MD 21162
Phone: (301) 628-4000

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
02/M01	ASTM C31	Making and Curing Concrete Test Specimens in the Field
02/M03	ASTM C172	Sampling Fresh Concrete
02/P01	ASTM C143	Slump of Portland Cement Concrete
02/W01	ASTM C138	Unit Weight, Yield, and Air Content (Gravimetric) of Concrete
02/A01	ASTM C231	Air Content of Freshly Mixed Concrete by the Pressure Method
02/S01	ASTM C39	Compressive Strength of Cylindrical Concrete Specimens
02/A02	ASTM C173	Air Content of Freshly Mixed Concrete by the Volumetric Method

NOTE: Accreditation is granted on 10/20/80 and expires on 10/19/81.

FRANKLIN RESEARCH CENTER
Attn: Mr. John R. Stover
20th and Parkway
Philadelphia, PA 19103
Phone: (215) 448-1413

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
02/M01	ASTM C31	Making and Curing Concrete Test Specimens in the Field
02/M03	ASTM C172	Sampling Fresh Concrete
02/P01	ASTM C143	Slump of Portland Cement Concrete
02/W01	ASTM C138	Unit Weight, Yield, and Air Content (Gravimetric) of Concrete
02/A01	ASTM C231	Air Content of Freshly Mixed Concrete by the Pressure Method
02/S01	ASTM C39	Compressive Strength of Cylindrical Concrete Specimens

NOTE: Accreditation is granted on 12/22/80 and expires on 12/21/81.

GALAXY CARPET MILLS, INC., TESTING LABORATORY
Attn: Mr. Lou Childers
P. O. Box 800
Industrial Blvd.
Chatsworth, GA 30705
Phone: (404) 695-9611

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
03/C01	AATCC 16E	Colorfastness to Light (Xenon Arc)
03/C02	AATCC 8	Colorfastness to Crocking
03/D01	ASTM D418	Methods of Testing Woven and Tufted Pile Floor Coverings
		Pile Weight - Uncoated (Para. 10-19)
		Pile Weight - Coated (Para. 20-29) as modified by UM 44C
		Pile Thickness - (Para. 30-36)
		Tuft Height - (Para. 37-45) as modified by UM 44C
03/D02	DDD-C-95A	Shrinkage
03/S01	ASTM D1335	Tuft Bind of Floor Coverings
	Federal Test Method Standard 191-5100	Textile Test Method - Breaking Strength
	191-5950	Textile Test Method - Delamination
03/F03	DoC FF1-70	Methenamine Pill Test
03/B02	UM 44C Addenda 2 and 3	Attached Cushion Tests

NOTE: Accreditation is granted on 10/20/80 and expires on 10/19/81.

GARCO TESTING LABORATORIES
Attn: Mr. J. Robbin Duncan
41 West Central Avenue
P. O. Box 7006
Murray, UT 84107
Phone: (801) 266-4498

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
02/M01	ASTM C31	Making and Curing Concrete Test Specimens in the Field
02/M03	ASTM C172	Sampling Fresh Concrete
02/P01	ASTM C143	Slump of Portland Cement Concrete
02/W01	ASTM C138	Unit Weight, Yield, and Air Content (Gravimetric) of Concrete
02/A01	ASTM C231	Air Content of Freshly Mixed Concrete by the Pressure Method
02/S01	ASTM C39	Compressive Strength of Cylindrical Concrete Specimens
02/A02	ASTM C173	Air Content of Freshly Mixed Concrete by the Volumetric Method

NOTE: Accreditation is granted on 10/20/80 and expires on 10/19/81.

GENERAL TESTING LABORATORIES, INC.
Attn: Mr. Ben Poisner
1517 Walnut Street
Kansas City, MO 64108
Phone: (816) 471-1205

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
02/M01	ASTM C31	Making and Curing Concrete Test Specimens in the Field
02/M03	ASTM C172	Sampling Fresh Concrete
02/P01	ASTM C143	Slump of Portland Cement Concrete
02/W01	ASTM C138	Unit Weight, Yield, and Air Content (Gravimetric) of Concrete
02/A01	ASTM C231	Air Content of Freshly Mixed Concrete by the Pressure Method
02/S01	ASTM C39	Compressive Strength of Cylindrical Concrete Specimens

NOTE: Accreditation is granted on 10/20/80 and expires on 10/19/81.

GEOSCIENCE LTD.
Attn: Mr. Heinz F. Poppendiek
410 South Cedros Avenue
Solana Beach, CA 92075
Phone: (714) 755-9396

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/T01	ASTM C177	Thermal transmission properties; Low-temperature guarded hot plate

NOTE: Accreditation is granted on 10/14/80 and expires on 10/13/81.

THE H. C. NUTTING COMPANY
Attn: Mr. G. J. Spieker
4120 Airport Road
Cincinnati, OH 45226
Phone: (513) 321-5816

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
02/M01	ASTM C31	Making and Curing Concrete Test Specimens in the Field
02/M03	ASTM C172	Sampling Fresh Concrete
02/P01	ASTM C143	Slump of Portland Cement Concrete
02/W01	ASTM C138	Unit Weight, Yield, and Air Content (Gravimetric) of Concrete
02/A01	ASTM C231	Air Content of Freshly Mixed Concrete by the Pressure Method
02/S01	ASTM C39	Compressive Strength of Cylindrical Concrete Specimens

NOTE: Accreditation is granted on 10/20/80 and expires on 10/19/81.

HALES TESTING LABORATORIES, INC.
Attn: Mr. George F. Durbin
23286 Foley Street
P. O. Box 6124
Hayward, CA 94540
Phone: (415) 887-1430

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
02/M01	ASTM C31	Making and Curing Concrete Test Specimens in the Field
02/M03	ASTM C172	Sampling Fresh Concrete
02/P01	ASTM C143	Slump of Portland Cement Concrete

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
02/W01	ASTM C138	Unit Weight, Yield, and Air Content (Gravimetric) of Concrete
02/A01	ASTM C231	Air Content of Freshly Mixed Concrete by the Pressure Method
02/S01	ASTM C39	Compressive Strength of Cylindrical Concrete Specimens
02/A02	ASTM C173	Air Content of Freshly Mixed Concrete by the Volumetric Method

NOTE: Accreditation is granted on 12/22/80 and expires on 12/21/81.

HARDWOOD PLYWOOD MANUFACTURERS ASSOCIATION
Attn: Mr. Gary D. Gramp
1825 Michael Faraday Drive
P. O. Box 2789
Reston, VA 22090
Phone: (703) 435-2900

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/F02	ASTM E84	Surface burning characteristics; Building materials
01/F07	HH-I-515 (para. 4.8.7 in D version, Amendment 1)	Critical radiant flux; Radiant Panel (cellulosic fiber, loose-fill)
03/F01	ASTM E84	Surface Flammability (Carpet)
03/F04	ASTM E648	Radiant Panel (Carpet)

NOTE: Accreditation is granted on 10/14/80 and expires on 10/19/81.

HAUSER LABORATORIES
Attn: Mr. Ray L. Hauser
5680 Central Avenue
P. O. Box G
Boulder, CO 80306
Phone: (303) 443-4662

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/C02	HH-I-515 (para. 4.8.5 in D version, Amendment 1)	Corrosiveness; Cellulosic fiber (loose-fill)
01/D12	ASTM C411	Hot-surface performance; High temperature insulation
01/D25	HH-I-515 (para. 4.8.3 in D version, Amendment 1)	Moisture absorption; Cellulosic fiber (loose-fill)

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/D26	HH-I-515 (para. 4.8.1 in D version, Amendment 1)	Settled density; Cellulosic fiber (loose-fill)
01/F05	ASTM E136	Behavior of Materials in a Vertical Tube Furnace
01/F07	HH-I-515 (para. 4.8.7 in D version, Amendment 1)	Critical radiant flux; Radiant Panel (cellulosic fiber, loose-fill)
01/F08	HH-I-515 (para. 4.8.8 in D version, Amendment 1)	Smoldering combustion; Cellulosic fiber (loose-fill)
01/T06	ASTM C518	Thermal transmission properties; Heat flow meter
01/T09	ASTM C653	Thermal resistance (Rec. Practice); Blanket (mineral fiber)
01/T10	ASTM C687	Thermal resistance (Rec. Practice); Loose-fill (fibrous)
01/V05	HH-I-515 (para. 4.8.6 in D version, Amendment 1)	Fungus; Cellulosic fiber (loose-fill)
01/V06	HH-I-515 (para. 4.8.9 in D version, Amendment 1)	Starch; Cellulosic fiber (loose-fill)

NOTE: Accreditation is granted on 10/12/80 and expires on 10/11/81.

HERRON CONSULTANTS, INC.
Attn: Mr. J. R. Sutcliffe
5555 Canal Road
Cleveland, OH 44125
Phone: (216) 447-1335

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
02/M01	ASTM C31	Making and Curing Concrete Test Specimens in the Field
02/M03	ASTM C172	Sampling Fresh Concrete
02/P01	ASTM C143	Slump of Portland Cement Concrete
02/W01	ASTM C138	Unit Weight, Yield, and Air Content (Gravimetric) of Concrete
02/A01	ASTM C231	Air Content of Freshly Mixed Concrete by the Pressure Method
02/S01	ASTM C39	Compressive Strength of Cylindrical Concrete Specimens
02/A02	ASTM C173	Air Content of Freshly Mixed Concrete by the Volumetric Method

NOTE: Accreditation is granted on 10/20/80 and expires on 10/19/81.

INDEPENDENT TEXTILE TESTING SERVICE, INC.
Attn: Mr. Cornelius C. Setter
P. O. Box 1948
1499 Murray Avenue
Dalton, GA 30720
Phone: (404) 278-3013

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
03/C01	AATCC 16E	Colorfastness to Light (Xenon Arc)
03/C02	AATCC 8	Colorfastness to Crocking
03/D01	ASTM D418	Methods of Testing Woven and Tufted Pile Floor Coverings
		Pile Weight - Uncoated (Para. 10-19)
		Pile Weight - Coated (Para. 20-29) as modified by UM 44C
		Pile Thickness - (Para. 30-36)
		Tuft Height - (Para. 37-45) as modified by UM 44C
03/D02	DDD-C-95A	Shrinkage
03/S01	ASTM D1335	Tuft Bind of Floor Coverings
	Federal Test Method Standard 191-5100	Textile Test Method - Breaking Strength
	191-5950	Textile Test Method - Delamination
03/E01	AATCC 134/ CRI 102	Electrostatic Propensity of Carpets
03/F03	DoC FF1-70	Methenamine Pill Test
03/F04	ASTM E648	Radiant Panel (Carpet)
03/B01	UM 44C Addendum 3	Attached Cushion Tests
03/B02	UM 44C Addenda 2 and 3	Attached Cushion Tests

NOTE: Accreditation is granted on 10/20/80 and expires on 10/19/81.

INTEST LABORATORIES, INC.
Attn: Mr. Donald J. Valsvik
2820 Anthony Lane South
Minneapolis, MN 55418
Phone: (612) 781-2603

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/C02	HH-I-515 (para. 4.8.5 in D version, Amendment 1)	Corrosiveness; Cellulosic fiber (loose-fill)
01/D25	HH-I-515 (para. 4.8.3 in D version, Amendment 1)	Moisture absorption; Cellulosic fiber (loose-fill)
01/D26	HH-I-515 (para. 4.8.1 in D version, Amendment 1)	Settled density; Cellulosic fiber (loose-fill)

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/F07	HH-I-515 (para. 4.8.7 in D version, Amendment 1)	Critical radiant flux; Radiant Panel (cellulosic fiber, loose-fill)
01/F08	HH-I-515 (para. 4.8.8 in D version, Amendment 1)	Smoldering combustion; Cellulosic fiber (loose-fill)
01/V06	HH-I-515 (para. 4.8.9 in D version, Amendment 1)	Starch; Cellulosic fiber (loose-fill)

NOTE: Accreditation is granted on 10/12/80 and expires on 10/11/81.

JIM WALTER RESEARCH CORPORATION
Attn: Mr. D. E. Hipchen
10301 9th Street, N.
St. Petersburg, FL 33702
Phone: (813) 576-4171

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/D03	ASTM C209 (para. 6 in 72 version)	Thickness; Board (cellulosic fiber)
01/D04	ASTM C209 (para. 13 in 72 version)	Water absorption, 2 hour; Board (cellulosic fiber)
01/D05	ASTM C209 (para. 13 in 72 version) by D1037 (para. 100-106 in 72 version)	Water absorption, 24 hour; Board (cellulosic fiber)
01/D06	ASTM C209 (para. 13 in 72 version) by D1037 (para. 107-110 in 72 version)	Linear expansion; Board (cellulosic fiber)
01/D09	ASTM C303	Density; Preformed block insulation
01/D18	ASTM D1622	Apparent density; Rigid cellular plastics
01/D19	ASTM D2126	Response to thermal and humid; Aging (proc. B); Rigid cellular plastics
01/D20	ASTM D2126	Response to thermal and humid; Aging (proc. D); Rigid cellular plastics
01/D21	ASTM D2126	Response to thermal and humid; Aging (proc. E); Rigid cellular plastics
01/D22	ASTM D2126	Response to thermal and humid; Aging (proc. F); Rigid cellular plastics
01/D23	ASTM D2842	Water absorption; Rigid cellular plastics
01/S01	ASTM C165	Compressive properties; Thermal insulation (proc. A)
01/S02	ASTM C203	Breaking load/flexural strength; Preformed block insulation

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/S03	ASTM C209 (para. 9 in 72 version)	Transverse strength; Board (cellulosic fiber)
01/S04	ASTM C209 (para. 10 in 72 version)	Deflection at specified load; Board (cellulosic fiber)
01/S05	ASTM C209 (para. 11 in 72 version)	Tensile strength; Parallel to surface; Board (cellulosic fiber)
01/S06	ASTM C209 (para. 12 in 72 version)	Tensile strength; Perpendicular to surface
01/S07	ASTM C273	Shear test; Sandwich construction
01/S11	ASTM D1621	Compressive properties; Rigid cellular plastics (proc. A-Crosshead)
01/T01	ASTM C177	Thermal transmission properties; Low-temperature guarded hot plate
01/T04	ASTM C236	Thermal conductance; Guarded hot box
01/T05	ASTM C335	Thermal conductivity; Pipe insulation
01/T06	ASTM C518	Thermal transmission properties; Heat flow meter

NOTE: Accreditation is granted on 10/12/80 and expires on 10/11/81.

JOHNS-MANVILLE SALES CORP., R & D CENTER
Attn: Mr. Robert L. Mason
10100 W. Ute Avenue
P. O. Box 5108
Denver, CO 80217
Phone: (303) 979-1000 x4553

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/D02	ASTM C167	Thickness and density; Blanket and batt
01/D03	ASTM C209 (para. 6 in 72 version)	Thickness; Board (cellulosic fiber)
01/D04	ASTM C209 (para. 13 in 72 version)	Water absorption, 2 hour; Board (cellulosic fiber)
01/D05	ASTM C209 (para. 13 in 72 version) by D1037 (para. 100-106 in 72 version)	Water absorption, 24 hour; Board (cellulosic fiber)
01/D06	ASTM C209 (para. 13 in 72 version) by D1037 (para. 107-110 in 72 version)	Linear expansion; Board (cellulosic fiber)
01/D08	ASTM C302	Density; Preformed pipe insulation
01/D09	ASTM C303	Density; Preformed block insulation

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/D10	ASTM C355	Water vapor transmission; Thick materials; Desiccant method
01/D11	ASTM C356	Linear shrinkage; Soaking heat; Preformed high temperature insulation
01/D12	ASTM C411	Hot-surface performance; High temperature insulation
01/D13	ASTM C519	Density; Loose-fill (fibrous)
01/D14	ASTM C520	Density; Granular loose-fill
01/F01	ASTM D777 (as modified by HH-B-100B)	Flammability; Paper and paperboard
01/F02	ASTM E84	Surface burning characteristics; Building materials
01/F05	ASTM E136	Behavior of Materials in a Vertical Tube Furnace
01/S01	ASTM C165	Compressive properties; Thermal insulation (proc. A)
01/S02	ASTM C203	Breaking load/flexural strength; Preformed block insulation
01/S03	ASTM C209 (para. 9 in 72 version)	Transverse strength; Board (cellulosic fiber)
01/S04	ASTM C209 (para. 10 in 72 version)	Deflection at specified load; Board (cellulosic fiber)
01/S05	ASTM C209 (para. 11 in 72 version)	Tensile strength; Parallel to surface; Board (cellulosic fiber)
01/S06	ASTM C209 (para. 12 in 72 version)	Tensile strength; Perpendicular to surface
01/S07	ASTM C273	Shear test; Sandwich construction
01/S08	ASTM C446	Breaking load/modulus of rupture; Preformed pipe insulation
01/S09	ASTM D781	Puncture test; Paperboard and fiberboard
01/S10	ASTM D828	Tensile breaking strength; Paper and paperboard
01/T04	ASTM C236	Thermal conductance; Guarded hot box
01/T05	ASTM C335	Thermal conductivity; Pipe insulation
01/T06	ASTM C518	Thermal transmission properties; Heat flow meter
01/T09	ASTM C653	Thermal resistance (Rec. Practice); Blanket (mineral fiber)
01/T10	ASTM C687	Thermal resistance (Rec. Practice); Loose-fill (fibrous)
01/V04	ASTM E96	Water vapor transmission; Thin sheets (proc. A)

NOTE: Accreditation is granted on 10/12/80 and expires on 10/11/81.

KELSO INDUSTRIES, INC.
Attn: Mr. Chris G. Slate
Building Materials Company Div.
Quality Control Laboratory
7002 Port Industrial Blvd.
P. O. Box 659
Galveston, TX 77553
Phone: (713) 744-5341

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
02/M01	ASTM C31	Making and Curing Concrete Test Specimens in the Field
02/M03	ASTM C172	Sampling Fresh Concrete
02/P01	ASTM C143	Slump of Portland Cement Concrete
02/W01	ASTM C138	Unit Weight, Yield, and Air Content (Gravimetric) of Concrete
02/A01	ASTM C231	Air Content of Freshly Mixed Concrete by the Pressure Method
02/S01	ASTM C39	Compressive Strength of Cylindrical Concrete Specimens
02/A02	ASTM C173	Air Content of Freshly Mixed Concrete by the Volumetric Method

NOTE: Accreditation is granted on 12/22/80 and expires on 12/21/81.

LANDER THERMAL CONDUCTIVITY LABORATORY
Attn: Mr. R. M. Lander
1320 West 28th Street
Minneapolis, MN 55408
Phone: (612) 872-7230

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/T01	ASTM C177	Thermal transmission properties; Low-temperature guarded hot plate
01/T05	ASTM C335	Thermal conductivity; Pipe insulation

NOTE: Accreditation is granted on 10/14/80 and expires on 10/13/81.

LOUISIANA-PACIFIC CORPORATON, PABCO R & D LABORATORY
Attn: Mr. F. B. Hutto, Jr.
1110 16th Road
Fruita, CO 81521
Phone: (303) 858-3694

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/T05	ASTM C335	Thermal conductivity; Pipe insulation

NOTE: Accreditation is granted on 10/12/80 and expires on 10/11/81.

LOWRY TESTING LABORATORIES
Attn: Mr. Thomas G. Connelly
123 Commerce Circle
P. O. Box 13340
Sacramento, CA 95813
Phone: (916) 929-9012

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
02/M01	ASTM C31	Making and Curing Concrete Test Specimens in the Field
02/M03	ASTM C172	Sampling Fresh Concrete
02/P01	ASTM C143	Slump of Portland Cement Concrete
02/W01	ASTM C138	Unit Weight, Yield, and Air Content (Gravimetric) of Concrete
02/A01	ASTM C231	Air Content of Freshly Mixed Concrete by the Pressure Method
02/S01	ASTM C39	Compressive Strength of Cylindrical Concrete Specimens
02/A02	ASTM C173	Air Content of Freshly Mixed Concrete by the Volumetric Method

NOTE: Accreditation is granted on 12/22/80 and expires on 12/21/81.

MATERIALS SERVICE CORPORATION
Attn: Mr. John M. Albinger
901 North Sangamon
Chicago, IL 60622
Phone: (312) 372-3600

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
02/M01	ASTM C31	Making and Curing Concrete Test Specimens in the Field
02/M03	ASTM C172	Sampling Fresh Concrete
02/P01	ASTM C143	Slump of Portland Cement Concrete
02/W01	ASTM C138	Unit Weight, Yield, and Air Content (Gravimetric) of Concrete
02/A01	ASTM C231	Air Content of Freshly Mixed Concrete by the Pressure Method
02/S01	ASTM C39	Compressive Strength of Cylindrical Concrete Specimens

NOTE: Accreditation is granted on 12/22/80 and expires on 12/21/81.

MATERIALS TESTING CONSULTANTS, INC.
Attn: Mr. Robert T. Billington
693 Plymouth, N.E.
Grand Rapids, MI 49505
Phone: (616) 456-5469

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
02/M01	ASTM C31	Making and Curing Concrete Test Specimens in the Field
02/M03	ASTM C172	Sampling Fresh Concrete
02/P01	ASTM C143	Slump of Portland Cement Concrete
02/W01	ASTM C138	Unit Weight, Yield, and Air Content (Gravimetric) of Concrete
02/A01	ASTM C231	Air Content of Freshly Mixed Concrete by the Pressure Method
02/S01	ASTM C39	Compressive Strength of Cylindrical Concrete Specimens
02/A02	ASTM C173	Air Content of Freshly Mixed Concrete by the Volumetric Method

NOTE: Accreditation is granted on 10/20/80 and expires on 10/19/81.

MOHASCO CORPORATION, PHYSICAL TESTING LABORATORY
Attn: Mr. Piet Bodenhorst
57 Lyon Street
Amsterdam, NY 12010
Phone: (518) 841-2172

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
03/C01	AATCC 16E	Colorfastness to Light (Xenon Arc)
03/C02	AATCC 8	Colorfastness to Crocking
03/D01	ASTM D418	Methods of Testing Woven and Tufted Pile Floor Coverings
		Pile Weight - Uncoated (Para. 10-19)
		Pile Weight - Coated (Para. 20-29) as modified by UM 44C
		Pile Thickness - (Para. 30-36)
		Tuft Height - (Para. 37-45) as modified by UM 44C
03/D02	DDD-C-95A	Shrinkage
03/S01	ASTM D1335	Tuft Bind of Floor Coverings
	Federal Test Method Standard 191-5100	Textile Test Method - Breaking Strength
	191-5950	Textile Test Method - Delamination
03/E01	AATCC 134/ CRI 102	Electrostatic Propensity of Carpets
03/F03	DoC FF1-70	Methenamine Pill Test
03/F04	ASTM E648	Radiant Panel (Carpet)

NOTE: Accreditation is granted on 10/20/80 and expires on 10/19/81.

NAHB RESEARCH FOUNDATION, INC.
Attn: Mr. Burt Wilsker
627 Southlawn Lane
P. O. Box 1627
Rockville, MD 20850
Phone: (301) 762-4200

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/D02	ASTM C167	Thickness and density; Blanket and batt
01/D13	ASTM C519	Density; Loose-fill (fibrous)
01/T06	ASTM C518	Thermal transmission properties; Heat flow meter
01/T09	ASTM C653	Thermal resistance (Rec. Practice); Blanket (mineral fiber)
01/T10	ASTM C687	Thermal resistance (Rec. Practice); Loose-fill (fibrous)

NOTE: Accreditation is granted on 10/12/80 and expires on 10/11/81.

NORTHERN TESTING LABORATORIES, INC., BILLINGS, MONTANA LABORATORY
Attn: Mr. Larry G. O'Dell
600 South 25th Street
P. O. Box 30615
Billings, MT 59107
Phone: (406) 248-9161

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
02/M01	ASTM C31	Making and Curing Concrete Test Specimens in the Field
02/M03	ASTM C172	Sampling Fresh Concrete
02/P01	ASTM C143	Slump of Portland Cement Concrete
02/W01	ASTM C138	Unit Weight, Yield, and Air Content (Gravimetric) of Concrete
02/A01	ASTM C231	Air Content of Freshly Mixed Concrete by the Pressure Method
02/S01	ASTM C39	Compressive Strength of Cylindrical Concrete Specimens
02/A02	ASTM C173	Air Content of Freshly Mixed Concrete by the Volumetric Method

NOTE: Accreditation is granted on 10/20/80 and expires on 10/19/81.

NORTHERN TESTING LABORATORIES, INC., BOISE, IDAHO LABORATORY
Attn: Mr. Roger W. Pocta
370 Benjamin Lane
P. O. Box 7867
Boise, ID 83707
Phone: (208) 377-2100

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
02/M01	ASTM C31	Making and Curing Concrete Test Specimens in the Field
02/M03	ASTM C172	Sampling Fresh Concrete
02/P01	ASTM C143	Slump of Portland Cement Concrete
02/W01	ASTM C138	Unit Weight, Yield, and Air Content (Gravimetric) of Concrete
02/A01	ASTM C231	Air Content of Freshly Mixed Concrete by the Pressure Method
02/S01	ASTM C39	Compressive Strength of Cylindrical Concrete Specimens
02/A02	ASTM C173	Air Content of Freshly Mixed Concrete by the Volumetric Method

NOTE: Accreditation is granted on 10/20/80 and expires on 10/19/81.

NORTHERN TESTING LABORATORIES, INC., GREAT FALLS, MONTANA LABORATORY
Attn: Mr. Robert W. Gillespie
528 Smelter Avenue
P. O. Box 951
Great Falls, MT 59403
Phone: (406) 453-1641

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
02/M01	ASTM C31	Making and Curing Concrete Test Specimens in the Field
02/M03	ASTM C172	Sampling Fresh Concrete
02/P01	ASTM C143	Slump of Portland Cement Concrete
02/W01	ASTM C138	Unit Weight, Yield, and Air Content (Gravimetric) of Concrete
02/A01	ASTM C231	Air Content of Freshly Mixed Concrete by the Pressure Method
02/S01	ASTM C39	Compressive Strength of Cylindrical Concrete Specimens
02/A02	ASTM C173	Air Content of Freshly Mixed Concrete by the Volumetric Method

NOTE: Accreditation is granted on 12/22/80 and expires on 12/21/81.

OLIN CORPORATION, PHYSICAL TESTING LABORATORY
Attn: Mr. D. Robert Shine
275 S. Winchester Avenue, Bldg. 117C
New Haven, CT 06511
Phone: (203) 789-5892

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/D18	ASTM D1622	Apparent density; Rigid cellular plastics
01/D19	ASTM D2126	Response to thermal and humid; Aging (proc. B); Rigid cellular plastics
01/D21	ASTM D2126	Response to thermal and humid; Aging (proc. E); Rigid cellular plastics
01/S07	ASTM C273	Shear test; Sandwich construction
01/T06	ASTM C518	Thermal transmission properties; Heat flow meter

NOTE: Accreditation is granted on 10/14/80 and expires on 10/13/81.

OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
Attn: Mr. Harland E. Fargo
Route 16, P. O. Box 415
Granville, OH 43023
Phone: (614) 587-7010

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/C01	ASTM C739 (para. 7.7 in 77 version)	Corrosiveness; Cellulosic fiber (loose-fill)
01/C02	HH-I-515 (para. 4.8.5 in D version, Amendment 1)	Corrosiveness; Cellulosic fiber (loose-fill)
01/D02	ASTM C167	Thickness and density; Blanket and batt
01/D03	ASTM C209 (para. 6 in 72 version)	Thickness; Board (cellulosic fiber)
01/D04	ASTM C209 (para. 13 in 72 version)	Water absorption, 2 hour; Board (cellulosic fiber)
01/D05	ASTM C209 (para. 13 in 72 version) by D1037 (para. 100-106 in 72 version)	Water absorption, 24 hour; Board (cellulosic fiber)
01/D06	ASTM C209 (para. 13 in 72 version) by D1037 (para. 107-110 in 72 version)	Linear expansion; Board (cellulosic fiber)
01/D07	ASTM C272	Water absorption; Core materials
01/D08	ASTM C302	Density; Preformed pipe insulation
01/D09	ASTM C303	Density; Preformed block insulation
01/D10	ASTM C355	Water vapor transmission; Thick materials; Desiccant method

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/D11	ASTM C356	Linear shrinkage; Soaking heat; Preformed high temperature insulation
01/D12	ASTM C411	Hot-surface performance; High temperature insulation
01/D13	ASTM C519	Density; Loose-fill (fibrous)
01/D15	ASTM D756	Weight and shape changes; Accelerated service (proc. A); Plastics
01/D16	ASTM D756	Weight and shape changes; Accelerated service (proc. B); Plastics
01/D17	ASTM D756	Weight and shape changes; Accelerated service (proc. E); Plastics
01/D18	ASTM D1622	Apparent density; Rigid cellular plastics
01/D19	ASTM D2126	Response to thermal and humid; Aging (proc. B); Rigid cellular plastics
01/D20	ASTM D2126	Response to thermal and humid; Aging (proc. D); Rigid cellular plastics
01/D21	ASTM D2126	Response to thermal and humid; Aging (proc. E); Rigid cellular plastics
01/D22	ASTM D2126	Response to thermal and humid; Aging (proc. F); Rigid cellular plastics
01/D23	ASTM D2842	Water absorption; Rigid cellular plastics
01/D24	ASTM C739 (para. 7.5 in 77 version)	Moisture absorption; Cellulosic fiber (loose-fill)
01/D25	HH-I-515 (para. 4.8.3 in D version, Amendment 1)	Moisture absorption; Cellulosic fiber (loose-fill)
01/D26	HH-I-515 (para. 4.8.1 in D version, Amendment 1)	Settled density; Cellulosic fiber (loose-fill)
01/F01	ASTM D777 (as modified by HH-B-100B)	Flammability; Paper and paperboard
01/F02	ASTM E84	Surface burning characteristics; Building materials
01/F05	ASTM E136	Behavior of Materials in a Vertical Tube Furnace
01/F07	HH-I-515 (para. 4.8.7 in D version, Amendment 1)	Critical radiant flux; Radiant Panel (cellulosic fiber, loose-fill)
01/F08	HH-I-515 (para. 4.8.8 in D version, Amendment 1)	Smoldering combustion; Cellulosic fiber (loose-fill)
01/S01	ASTM C165	Compressive properties; Thermal insulation (proc. A)
01/S02	ASTM C203	Breaking load/flexural strength; Preformed block insulation
01/S03	ASTM C209 (para. 9 in 72 version)	Transverse strength; Board (cellulosic fiber)
01/S04	ASTM C209 (para. 10 in 72 version)	Deflection at specified load; Board (cellulosic fiber)

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/S05	ASTM C209 (para. 11 in 72 version)	Tensile strength; Parallel to surface; Board (cellulosic fiber)
01/S06	ASTM C209 (para. 12 in 72 version)	Tensile strength; Perpendicular to surface
01/S07	ASTM C273	Shear test; Sandwich construction
01/S08	ASTM C446	Breaking load/modulus of rupture; Preformed pipe insulation
01/S09	ASTM D781	Puncture test; Paperboard and fiberboard
01/S10	ASTM D828	Tensile breaking strength; Paper and paperboard
01/S11	ASTM D1621	Compressive properties; Rigid cellular plastics (proc. A-Crosshead)
01/T01	ASTM C177	Thermal transmission properties; Low-temperature guarded hot plate
01/T04	ASTM C236	Thermal conductance; Guarded hot box
01/T05	ASTM C335	Thermal conductivity; Pipe insulation
01/T06	ASTM C518	Thermal transmission properties; Heat flow meter
01/T09	ASTM C653	Thermal resistance (Rec. ; Practice); Blanket (mineral fiber)
01/T10	ASTM C687	Thermal resistance (Rec. Practice); Loose-fill (fibrous)
01/V02	ASTM D591	Starch in paper; Qualitative test
01/V03	ASTM D2020	Mildew (fungus) resistance; Paper and paperboard
01/V04	ASTM E96	Water vapor transmission; Thin sheets (proc. A)
01/V05	HH-I-515 (para. 4.8.6 in D version, Amendment 1)	Fungus; Cellulosic fiber (loose-fill)
01/V06	HH-I-515 (para. 4.8.9 in D version, Amendment 1)	Starch; Cellulosic fiber (loose-fill)

NOTE: Accreditation is granted on 10/12/80 and expires on 10/11/81.

OWENS-CORNING FIBERGLAS CORP.
BARRINGTON, NEW JERSEY PLANT LABORATORY
Attn: Mr. Harland E. Fargo
Route 16, P. O. Box 415
Granville, OH 43023
Phone: (614) 587-7010

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/D02	ASTM C167	Thickness and density; Blanket and batt
01/D09	ASTM C303	Density; Preformed block insulation
01/T06	ASTM C518	Thermal transmission properties; Heat flow meter

NOTE: Accreditation is granted on 10/12/80 and expires on 10/11/81.

OWENS-CORNING FIBERGLAS CORP.
DELMAR, NEW YORK PLANT LABORATORY
Attn: Mr. Harland E. Fargo
Route 16, P. O. Box 415
Granville, OH 43023
Phone: (614) 587-7010

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/D02	ASTM C167	Thickness and density; Blanket and batt
01/T06	ASTM C518	Thermal transmission properties; Heat flow meter

NOTE: Accreditation is granted on 10/12/80 and expires on 10/11/81.

OWENS-CORNING FIBERGLAS CORP.
FAIRBURN, GEORGIA PLANT LABORATORY
Attn: Mr. Harland E. Fargo
Route 16, P. O. Box 415
Granville, OH 43023
Phone: (614) 587-7010

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/D02	ASTM C167	Thickness and density; Blanket and batt
01/T06	ASTM C518	Thermal transmission properties; Heat flow meter

NOTE: Accreditation is granted on 10/12/80 and expires on 10/11/81.

OWENS-CORNING FIBERGLAS CORP.
KANSAS CITY, KANSAS PLANT LABORATORY
Attn: Mr. Harland E. Fargo
Route 16, P. O. Box 415
Granville, OH 43023
Phone: (614) 587-7010

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/D02	ASTM C167	Thickness and density; Blanket and batt
01/D09	ASTM C303	Density; Preformed block insulation
01/T06	ASTM C518	Thermal transmission properties; Heat flow meter

NOTE: Accreditation is granted on 10/12/80 and expires on 10/11/81.

OWENS-CORNING FIBERGLAS CORP.
NEWARK, OHIO PLANT LABORATORY
Attn: Mr. Harland E. Fargo
Route 16, P. O. Box 415
Granville, OH 43023
Phone: (614) 587-7010

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/D02	ASTM C167	Thickness and density; Blanket and batt
01/D09	ASTM C303	Density; Preformed block insulation
01/T06	ASTM C518	Thermal transmission properties; Heat flow meter

NOTE: Accreditation is granted on 10/12/80 and expires on 10/11/81.

OWENS-CORNING FIBERGLAS CORP.
SANTA CLARA, CALIFORNIA PLANT LABORATORY
Attn: Mr. Harland E. Fargo
Route 16, P. O. Box 415
Granville, OH 43023
Phone: (614) 587-7010

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/D02	ASTM C167	Thickness and density; Blanket and batt
01/D09	ASTM C303	Density; Preformed block insulation
01/T06	ASTM C518	Thermal transmission properties; Heat flow meter

NOTE: Accreditation is granted on 10/12/80 and expires on 10/11/81.

OWENS-CORNING FIBERGLAS CORP.
WAXAHACHIE, TEXAS PLANT LABORATORY
Attn: Mr. Harland E. Fargo
Route 16, P. O. Box 415
Granville, OH 43023
Phone: (614) 587-7010

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/D02	ASTM C167	Thickness and density; Blanket and batt
01/D09	ASTM C303	Density; Preformed block insulation
01/T06	ASTM C518	Thermal transmission properties; Heat flow meter

NOTE: Accreditation is granted on 10/12/80 and expires on 10/11/81.

PORTLAND CEMENT ASSOCIATION, CONSTRUCTION TECHNOLOGY LABORATORIES
Attn: Mr. W. K. Kunze, Jr.
5420 Old Orchard Road
Skokie, IL 60077
Phone: (312) 966-6200

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
02/M01	ASTM C31	Making and Curing Concrete Test Specimens in the Field
02/M03	ASTM C172	Sampling Fresh Concrete
02/P01	ASTM C143	Slump of Portland Cement Concrete
02/W01	ASTM C138	Unit Weight, Yield, and Air Content (Gravimetric) of Concrete
02/A01	ASTM C231	Air Content of Freshly Mixed Concrete by the Pressure Method
02/S01	ASTM C39 Concrete Specimens	Compressive Strength of Cylindrical
02/A02	ASTM C173	Air Content of Freshly Mixed Concrete by the Volumetric Method

NOTE: Accreditation is granted on 10/20/80 and expires on 10/19/81.

SHAW INDUSTRIES, INC., QUALITY CONTROL LABORATORY
Attn: Mr. Carey Mitchell
P. O. Drawer 2128
Dalton, GA 30720
Phone: (404) 278-3812

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
03/C01	AATCC 16E	Colorfastness to Light (Xenon Arc)
03/C02	AATCC 8	Colorfastness to Crocking
03/F03	DoC FF1-70	Methenamine Pill Test

NOTE: Accreditation is granted on 10/20/80 and expires on 10/19/81.

SMITH-EMERY COMPANY
Attn: Mr. George E. Battey, Jr.
781 E. Washington Blvd.
Los Angeles, CA 90021
Phone: (213) 749-3411

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
02/M01	ASTM C31	Making and Curing Concrete Test Specimens in the Field
02/M03	ASTM C172	Sampling Fresh Concrete
02/P01	ASTM C143	Slump of Portland Cement Concrete

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
02/W01	ASTM C138	Unit Weight, Yield, and Air Content (Gravimetric) of Concrete
02/A01	ASTM C231	Air Content of Freshly Mixed Concrete by the Pressure Method
02/S01	ASTM C39	Compressive Strength of Cylindrical Concrete Specimens
02/A02	ASTM C173	Air Content of Freshly Mixed Concrete by the Volumetric Method

NOTE: Accreditation is granted on 12/22/80 and expires on 12/21/81.

SOIL TESTING SERVICES, INC.
Attn: Mr. Clyde N. Baker, Jr.
111 Pfingsten Road
Northbrook, IL 60062
Phone: (312) 272-6520

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
02/M01	ASTM C31	Making and Curing Concrete Test Specimens in the Field
02/M03	ASTM C172	Sampling Fresh Concrete
02/P01	ASTM C143	Slump of Portland Cement Concrete
02/W01	ASTM C138	Unit Weight, Yield, and Air Content (Gravimetric) of Concrete
02/A01	ASTM C231	Air Content of Freshly Mixed Concrete by the Pressure Method
02/S01	ASTM C39	Compressive Strength of Cylindrical Concrete Specimens
02/A02	ASTM C173	Air Content of Freshly Mixed Concrete by the Volumetric Method

NOTE: Accreditation is granted on 12/22/80 and expires on 12/21/81.

SOUTHWEST RESEARCH INSTITUTE, DEPARTMENT OF FIRE TECHNOLOGY
Attn: Mr. Gordon E. Hartzell
6220 Culebra Road
San Antonio, TX 78229
Phone: (512) 684-5111

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/C02	HH-I-515 (para. 4.8.5 in D version, Amendment 1)	Corrosiveness; Cellulosic fiber (loose-fill)
01/D25	HH-I-515 (para. 4.8.3 in D version, Amendment 1)	Moisture absorption; Cellulosic fiber (loose-fill)

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/F06	ASTM C739 (para. 10.4 in 77 version)	Flame resistance permanency cellulosic fiber (loose-fill)
01/T04	ASTM C236	Thermal conductance; Guarded hot box
01/V02	ASTM D591	Starch in paper; Qualitative test
01/V03	ASTM D2020	Mildew (fungus) resistance; Paper and paperboard
01/V05	HH-I-515 (para. 4.8.6 in D version, Amendment 1)	Fungus; Cellulosic fiber (loose-fill)
01/V06	HH-I-515 (para. 4.8.9 in D version, Amendment 1)	Starch; Cellulosic fiber (loose-fill)
03/F01	ASTM E84	Surface Flammability (Carpet)
03/F02	UL 992	Surface Flammability
03/F03	DoC FF1-70	Methenamine Pill Test
03/F04	ASTM E648	Radiant Panel (Carpet)

NOTE: Accreditation is granted on 10/12/80 and expires on 10/19/81.

SOUTHWESTERN LABORATORIES
Attn: Mr. William J. Harper
222 Cavalcade
P. O. Box 8768
Houston, TX 77009
Phone: (713) 852-2323

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
02/M01	ASTM C31	Making and Curing Concrete Test Specimens in the Field
02/M03	ASTM C172	Sampling Fresh Concrete
02/P01	ASTM C143	Slump of Portland Cement Concrete
02/W01	ASTM C138	Unit Weight, Yield, and Air Content (Gravimetric) of Concrete
02/A01	ASTM C231	Air Content of Freshly Mixed Concrete by the Pressure Method
02/S01	ASTM C39	Compressive Strength of Cylindrical Concrete Specimens
02/A02	ASTM C173	Air Content of Freshly Mixed Concrete by the Volumetric Method

NOTE: Accreditation is granted on 10/20/80 and expires on 10/19/81.

SPARRELL ENGINEERING RESEARCH CORP.
Attn: Mr. James K. Sparrell
Bristol Road
P. O. Box 130
Damariscotta, ME 04543

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/T01	ASTM C177	Thermal transmission properties; Low-temperature guarded hot plate
01/T04	ASTM C236	Thermal conductance; Guarded hot box
01/T06	ASTM C518	Thermal transmission properties; Heat flow meter

NOTE: Accreditation is granted on 10/12/80 and expires on 10/11/81.

STANDARD TESTING AND ENGINEERING COMPANY
Attn: Mr. Lawrence V. Mars
3400 Lincoln Blvd.
Oklahoma, OK 73105
Phone: (405) 528-0541

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
02/M01	ASTM C31	Making and Curing Concrete Test Specimens in the Field
02/M03	ASTM C172	Sampling Fresh Concrete
02/P01	ASTM C143	Slump of Portland Cement Concrete
02/W01	ASTM C138	Unit Weight, Yield, and Air Content (Gravimetric) of Concrete
02/A01	ASTM C231	Air Content of Freshly Mixed Concrete by the Pressure Method
02/S01	ASTM C39	Compressive Strength of Cylindrical Concrete Specimens
02/A02	ASTM C173	Air Content of Freshly Mixed Concrete by the Volumetric Method

NOTE: Accreditation is granted on 12/22/80 and expires on 12/21/81.

THE TANNER COMPANIES, UNITED METRO DIVISION LABORATORY
Attn: Mr. Richard H. Stearman
3240 South 19th Avenue
Phoenix, AZ 85036
Phone: (602) 262-1323

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
02/M01	ASTM C31	Making and Curing Concrete Test Specimens in the Field
02/M03	ASTM C172	Sampling Fresh Concrete
02/P01	ASTM C143	Slump of Portland Cement Concrete
02/W01	ASTM C138	Unit Weight, Yield, and Air Content (Gravimetric) of Concrete
02/A01	ASTM C231	Air Content of Freshly Mixed Concrete by the Pressure Method
02/S01	ASTM C39	Compressive Strength of Cylindrical Concrete Specimens
02/A02	ASTM C173	Air Content of Freshly Mixed Concrete by the Volumetric Method

NOTE: Accreditation is granted on 12/22/80 and expires on 12/21/81.

TECHNICAL MICRONICS CONTROL, INC.
Attn: Mr. Ronald K. McClendon
210 Wynn Drive
P. O. Box 1330
Huntsville, AL 35805
Phone: (205) 837-4430

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/C02	HH-I-515 (para. 4.8.5 in D version, Amendment 1)	Corrosiveness; Cellulosic fiber (loose-fill)
01/D26	HH-I-515 (para. 4.8.1 in D version, Amendment 1)	Settled density; Cellulosic fiber (loose-fill)
01/F07	HH-I-515 (para. 4.8.7 in D version, Amendment 1)	Critical radiant flux; Radiant Panel (cellulosic fiber, loose-fill)
01/F08	HH-I-515 (para. 4.8.8 in D version, Amendment 1)	Smoldering combustion; Cellulosic fiber (loose-fill)
01/T01	ASTM C177	Thermal transmission properties; Low-temperature guarded hot plate
01/T06	ASTM C518	Thermal transmission properties; Heat flow meter
01/V05	HH-I-515 (para. 4.8.6 in D version, Amendment 1)	Fungus; Cellulosic fiber (loose-fill)
03/F04	ASTM E648	Radiant Panel (Carpet)

NOTE: Accreditation is granted on 10/12/80 and expires on 10/19/81.

TESTING ENGINEERS, INC., OAKLAND, CALIFORNIA LABORATORY
Attn: Mr. Clifford N. Craig
P. O. Box 24075
Oakland, CA 94623
Phone: (415) 835-3142

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
02/M01	ASTM C31	Making and Curing Concrete Test Specimens in the Field
02/M03	ASTM C172	Sampling Fresh Concrete
02/P01	ASTM C143	Slump of Portland Cement Concrete
02/W01	ASTM C138	Unit Weight, Yield, and Air Content (Gravimetric) of Concrete
02/A01	ASTM C231	Air Content of Freshly Mixed Concrete by the Pressure Method
02/S01	ASTM C39	Compressive Strength of Cylindrical Concrete Specimens
02/A02	ASTM C173	Air Content of Freshly Mixed Concrete by the Volumetric Method

NOTE: Accreditation is granted on 10/20/80 and expires on 10/19/81.

TESTING ENGINEERS, INC., SANTA CLARA, CALIFORNIA LABORATORY
Attn: Mr. Lee W. Mattis
401 Aldo Avenue
Santa Clara, CA 95050
Phone: (408) 988-8888

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
02/M01	ASTM C31	Making and Curing Concrete Test Specimens in the Field
02/M03	ASTM C172	Sampling Fresh Concrete
02/P01	ASTM C143	Slump of Portland Cement Concrete
02/W01	ASTM C138	Unit Weight, Yield, and Air Content (Gravimetric) of Concrete
02/A01	ASTM C231	Air Content of Freshly Mixed Concrete by the Pressure Method
02/S01	ASTM C39	Compressive Strength of Cylindrical Concrete Specimens
02/A02	ASTM C173	Air Content of Freshly Mixed Concrete by the Volumetric Method

NOTE: Accreditation is granted on 10/20/80 and expires on 10/19/81.

TEXAS TESTING LABORATORIES, INC.
Attn: Mr. Robert L. Henry
1526 S. Good-Latimer Exp.
P. O. Box 2144
Dallas, TX 75221
Phone: (214) 428-7481

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
02/M01	ASTM C31	Making and Curing Concrete Test Specimens in the Field
02/M03	ASTM C172	Sampling Fresh Concrete
02/P01	ASTM C143	Slump of Portland Cement Concrete
02/W01	ASTM C138	Unit Weight, Yield, and Air Content (Gravimetric) of Concrete
02/A01	ASTM C231	Air Content of Freshly Mixed Concrete by the Pressure Method
02/S01	ASTM C39	Compressive Strength of Cylindrical Concrete Specimens
02/A02	ASTM C173	Air Content of Freshly Mixed Concrete by the Volumetric Method

NOTE: Accreditation is granted on 10/20/80 and expires on 10/19/81.

THERMTRON RESEARCH LABORATORY
Attn: Mr. Milton L. Gerber
11400 Bluffton Road
P. O. Box 9146
Fort Wayne, IN 46809
Phone: (219) 747-9183

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/C02	HH-I-515 (para. 4.8.5 in D version, Amendment 1)	Corrosiveness; Cellulosic fiber (loose-fill)
01/D26	HH-I-515 (para. 4.8.1 in D version, Amendment 1)	Settled density; Cellulosic fiber (loose-fill)
01/F07	HH-I-515 (para. 4.8.7 in D version, Amendment 1)	Critical radiant flux; Radiant Panel (cellulosic fiber, loose-fill)
01/F08	HH-I-515 (para. 4.8.8 in D version, Amendment 1)	Smoldering combustion; Cellulosic fiber (loose-fill)

NOTE: Accreditation is granted on 10/14/80 and expires on 10/13/81.

TREND/ROXBURY DIVISIONS OF WWG INDUSTRIES, INC.
Attn: Mr. Tom Blalock
P. O. Box 162
Redmond Road
Rome, GA 30161
Phone: (404) 291-5349

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
03/C01	AATCC 16E	Colorfastness to Light (Xenon Arc)
03/C02	AATCC 8	Colorfastness to Crocking
03/D01	ASTM D418	Methods of Testing Woven and Tufted Pile Floor Coverings
		Pile Weight - Uncoated (Para. 10-19)
		Pile Weight - Coated (Para. 20-29) as modified by UM 44C
		Pile Thickness - (Para. 30-36)
		Tuft Height - (Para. 37-45) as modified by UM 44C
03/D02	DDD-C-95A	Shrinkage
03/S01	ASTM D1335	Tuft Bind of Floor Coverings
	Federal Test Method Standard 191-5100	Textile Test Method - Breaking Strength
	191-5950	Textile Test Method - Delamination
03/F03	DoC FF1-70	Methenamine Pill Test
03/B02	UM 44C Addenda 2 and 3	Attached Cushion Tests

NOTE: Accreditation is granted on 10/20/80 and expires on 10/19/81.

TWIN CITY TESTING AND ENGINEERING LABORATORY, INC.
Attn: Mr. Norman E. Henning
662 Cromwell Avenue
St. Paul, MN 55114
Phone: (612) 645-3601

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/D10	ASTM C355	Water vapor transmission; Thick materials; Desiccant method
01/D18	ASTM D1622	Apparent density; Rigid cellular plastics
01/T04	ASTM C236	Thermal conductance; Guarded hot box
02/M01	ASTM C31	Making and Curing Concrete Test Specimens in the Field
02/M03	ASTM C172	Sampling Fresh Concrete
02/P01	ASTM C143	Slump of Portland Cement Concrete
02/W01	ASTM C138	Unit Weight, Yield, and Air Content (Gravimetric) of Concrete
02/A01	ASTM C231	Air Content of Freshly Mixed Concrete by the Pressure Method

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
02/S01	ASTM C39	Compressive Strength of Cylindrical Concrete Specimens
02/A02	ASTM C173	Air Content of Freshly Mixed Concrete by the Volumetric Method

NOTE: Accreditation is granted on 10/14/80 and expires on 12/21/81.

UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS
Attn: Mr. Steve Mazzoni
333 Pfingsten Road
Northbrook, IL 60062
Phone: (312) 272-8800

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/C01	ASTM C739 (para. 7.7 in 77 version)	Corrosiveness; Cellulosic fiber (loose-fill)
01/C02	HH-I-515 (para. 4.8.5 in D version, Amendment 1)	Corrosiveness; Cellulosic fiber (loose-fill)
01/D01	ASTM C136	Sieve or screen analysis
01/D02	ASTM C167	Thickness and density; Blanket and batt
01/D03	ASTM C209 (para. 6 in 72 version)	Thickness; Board (cellulosic fiber)
01/D04	ASTM C209 (para. 13 in 72 version)	Water absorption, 2 hour; Board (cellulosic fiber)
01/D05	ASTM C209 (para. 13 in 72 version) by D1037 (para. 100-106 in 72 version)	Water absorption, 24 hour; Board (cellulosic fiber)
01/D06	ASTM C209 (para. 13 in 72 version) by D1037 (para. 107-110 in 72 version)	Linear expansion; Board (cellulosic fiber)
01/D08	ASTM C302	Density; Preformed pipe insulation
01/D09	ASTM C303	Density; Preformed block insulation
01/D13	ASTM C519	Density; Loose-fill (fibrous)
01/D14	ASTM C520	Density; Granular loose-fill
01/D18	ASTM D1622	Apparent density; Rigid cellular plastics
01/D24	ASTM C739 (para. 7.5 in 77 version)	Moisture absorption; Cellulosic fiber (loose-fill)
01/D25	HH-I-515 (para. 4.8.3 in D version, Amendment 1)	Moisture absorption; Cellulosic fiber (loose-fill)
01/D26	HH-I-515 (para. 4.8.1 in D version, Amendment 1)	Settled density; Cellulosic fiber (loose-fill)

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/F02	ASTM E84	Surface burning characteristics; Building materials
01/F06	ASTM C739 (para. 10.4 in 77 version)	Flame resistance permanency; Cellulosic fiber (loose-fill)
01/F07	HH-I-515 (para. 4.8.7 in D version, Amendment 1)	Critical radiant flux; Radiant Panel (cellulosic fiber, loose-fill)
01/F08	HH-I-515 (para. 4.8.8 in D version, Amendment 1)	Smoldering combustion; Cellulosic fiber (loose-fill)
01/S02	ASTM C203	Breaking load/flexural strength; Preformed block insulation
01/S03	ASTM C209 (para. 9 in 72 version)	Transverse strength; Board (cellulosic fiber)
01/S04	ASTM C209 (para. 10 in 72 version)	Deflection at specified load; Board (cellulosic fiber)
01/S05	ASTM C209 (para. 11 in 72 version)	Tensile strength; Parallel to surface; Board (cellulosic fiber)
01/S06	ASTM C209 (para. 12 in 72 version)	Tensile strength; Perpendicular to surface
01/S08	ASTM C446	Breaking load/modulus of rupture; Preformed pipe insulation
01/S11	ASTM D1621	Compressive properties; Rigid cellular plastics (proc. A-Crosshead)
01/T06	ASTM C518	Thermal transmission properties; Heat flow meter
01/T09	ASTM C653	Thermal resistance (Rec. Practice); Blanket (mineral fiber)
01/T10	ASTM C687	Thermal resistance (Rec. Practice); Loose-fill (fibrous)
01/V02	ASTM D591	Starch in paper; Qualitative test
01/V03	ASTM D2020	Mildew (fungus) resistance; Paper and paperboard
01/V05	HH-I-515 (para. 4.8.6 in D version, Amendment 1)	Fungus; Cellulosic fiber (loose-fill)
01/V06	HH-I-515 (para. 4.8.9 in D version, Amendment 1)	Starch; Cellulosic fiber (loose-fill)
03/F01	ASTM E84	Surface Flammability (Carpet)
03/F02	UL 992	Surface Flammability
03/F03	DoC FF1-70	Methenamine Pill Test
03/F04	ASTM E648	Radiant Panel (Carpet)

NOTE: Accreditation is granted on 10/12/80 and expires on 10/19/81.

UNDERWRITERS LABORATORIES, INC., SANTA CLARA, CALIFORNIA LABORATORY
Attn: Mr. Steve Mazzoni
333 Pfingsten Road
Northbrook, IL 60062
Phone: (312) 272-8800

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/D13	ASTM C519	Density; Loose-fill (fibrous)
01/D26	HH-I-515 (para. 4.8.1 in D version, Amendment 1)	Settled density; Cellulosic fiber (loose-fill)
01/F02	ASTM E84	Surface burning characteristics; Building materials
01/F07	HH-I-515 (para. 4.8.7 in D version, Amendment 1)	Critical radiant flux; Radiant Panel (cellulosic fiber, loose-fill)

NOTE: Accreditation is granted on 10/12/80 and expires on 10/11/81.

U.S. TESTING COMPANY, INC., HOBOKEN, NEW JERSEY
Attn: Mr. Carl B. Yoder
1415 Park Avenue
Hoboken, NJ 07030
Phone: (201) 792-2400

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/C02	HH-I-515 (para. 4.8.5 in D version, Amendment 1)	Corrosiveness; Cellulosic fiber (loose-fill)
01/D10	ASTM C355	Water vapor transmission; Thick materials; Desiccant method
01/D25	HH-I-515 (para. 4.8.3 in D version, Amendment 1)	Moisture absorption; Cellulosic fiber (loose-fill)
01/D26	HH-I-515 (para. 4.8.1 in D version, Amendment 1)	Settled density; Cellulosic fiber (loose-fill)
01/F02	ASTM E84	Surface burning characteristics; Building materials
01/F05	ASTM E136	Behavior of Materials in a Vertical Tube Furnace
01/F07	HH-I-515 (para. 4.8.7 in D version, Amendment 1)	Critical radiant flux; Radiant Panel (cellulosic fiber, loose-fill)
01/F08	HH-I-515 (para. 4.8.8 in D version, Amendment 1)	Smoldering combustion; Cellulosic fiber (loose-fill)
01/T06	ASTM C518	Thermal transmission properties; Heat flow meter

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/V04	ASTM E96	Water vapor transmission; Thin sheets (proc. A)
01/V05	HH-I-515 (para. 4.8.6 in D version, Amendment 1)	Fungus; Cellulosic fiber (loose-fill)
01/V06	HH-I-515 (para. 4.8.9 in D version, Amendment 1)	Starch; Cellulosic fiber (loose-fill)
02/M01	ASTM C31	Making and Curing Concrete Test Specimens in the Field
02/M03	ASTM C172	Sampling Fresh Concrete
02/P01	ASTM C143	Slump of Portland Cement Concrete
02/W01	ASTM C138	Unit Weight, Yield, and Air Content (Gravimetric) of Concrete
02/A01	ASTM C231	Air Content of Freshly Mixed Concrete by the Pressure Method
02/S01	ASTM C39	Compressive Strength of Cylindrical Concrete Specimens
02/A02	ASTM C173	Air Content of Freshly Mixed Concrete by the Volumetric Method
03/C01	AATCC 16E	Colorfastness to Light (Xenon Arc)
03/C02	AATCC 8	Colorfastness to Crocking
03/D01	ASTM D418	Methods of Testing Woven and Tufted Pile Floor Coverings Pile Weight - Uncoated (Para. 10-19) Pile Weight - Coated (Para. 20-29) as modified by UM 44C Pile Thickness - (Para. 30-36) Tuft Height - (Para. 37-45) as modified by UM 44C
03/D02	DDD-C-95A	Shrinkage
03/S01	ASTM D1335 Federal Test Method Standard 191-5100 191-5950	Tuft Bind of Floor Coverings Textile Test Method - Breaking Strength Textile Test Method - Delamination
03/F01	ASTM E84	Surface Flammability (Carpet)
03/F03	DoC FF1-70	Methenamine Pill Test
03/F04	ASTM E648	Radiant Panel (Carpet)
03/B02	UM 44C Addenda 2 and 3	Attached Cushion Tests

NOTE: Accreditation is granted on 10/12/80 and expires on 10/19/81.

U.S. TESTING COMPANY, INC., CALIFORNIA BRANCH LABORATORY
Attn: Mr. Carl B. Yoder
1415 Park Avenue
Hoboken, NJ 07030
Phone: (201) 792-2400

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/C02	HH-I-515 (para. 4.8.5 in D version, Amendment 1)	Corrosiveness; Cellulosic fiber (loose-fill).
01/D18	ASTM D1622	Apparent density; Rigid cellular plastics
01/D21	ASTM D2126	Response to thermal and humid; Aging (proc. E); Rigid cellular plastics
01/D25	HH-I-515 (para. 4.8.3 in D version, Amendment 1)	Moisture absorption; Cellulosic fiber (loose-fill)
01/D26	HH-I-515 (para. 4.8.1 in D version, Amendment 1)	Settled density; Cellulosic fiber (loose-fill)
01/F02	ASTM E84	Surface burning characteristics; Building materials
01/F05	ASTM E136	Behavior of Materials in a Vertical Tube Furnace
01/F07	HH-I-515 (para. 4.8.7 in D version, Amendment 1)	Critical radiant flux; Radiant Panel (cellulosic fiber, loose-fill)
01/F08	HH-I-515 (para. 4.8.8 in D version, Amendment 1)	Smoldering combustion; Cellulosic fiber (loose-fill)
01/S11	ASTM D1621	Compressive properties; Rigid cellular plastics (proc. A-Crosshead)
01/V04	ASTM E96	Water vapor transmission; Thin sheets (proc. A)
01/V06	HH-I-515 (para. 4.8.9 in D version, Amendment 1)	Starch; Cellulosic fiber (loose-fill)
03/C01	AATCC 16E	Colorfastness to Light (Xenon Arc)
03/C02	AATCC 8	Colorfastness to Crocking
03/D01	ASTM D418	Methods of Testing Woven and Tufted Pile Floor Coverings Pile Weight - Uncoated (Para. 10-19) Pile Weight - Coated (Para. 20-29) as modified by UM 44C Pile Thickness - (Para. 30-36) Tuft Height - (Para. 37-45) as modified by UM 44C
03/D02	DDD-C-95A	Shrinkage
03/S01	ASTM D1335 Federal Test Method Standard 191-5100 191-5950	Tuft Bind of Floor Coverings Textile Test Method - Breaking Strength Textile Test Method - Delamination

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
03/F01	ASTM E84	Surface Flammability (Carpet)
03/F03	DoC FF1-70	Methenamine Pill Test
03/F04	ASTM E648	Radiant Panel (Carpet)
03/B01	UM 44C Addendum 3	Attached Cushion Tests

NOTE: Accreditation is granted on 10/12/80 and expires on 10/19/81.

U.S. TESTING COMPANY, INC., TULSA BRANCH LABORATORY
Attn: Mr. Carl B. Yoder
1415 Park Avenue
Hoboken, NJ 07030
Phone: (201) 792-2400

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/C02	HH-I-515 (para. 4.8.5 in D version, Amendment 1)	Corrosiveness; Cellulosic fiber (loose-fill)
01/D10	ASTM C355	Water vapor transmission; Thick materials; Desiccant method
01/D18	ASTM D1622	Apparent density; Rigid cellular plastics
01/D25	HH-I-515 (para. 4.8.3 in D version, Amendment 1)	Moisture absorption; Cellulosic fiber (loose-fill)
01/D26	HH-I-515 (para. 4.8.1 in D version, Amendment 1)	Settled density; Cellulosic fiber (loose-fill)
01/F08	HH-I-515 (para. 4.8.8 in D version, Amendment 1)	Smoldering combustion; Cellulosic fiber (loose-fill)
01/V05	HH-I-515 (para. 4.8.6 in D version, Amendment 1)	Fungus; Cellulosic fiber (loose-fill)
01/V06	HH-I-515 (para. 4.8.9 in D version, Amendment 1)	Starch; Cellulosic fiber (loose-fill)

NOTE: Accreditation is granted on 10/12/80 and expires on 10/11/81.

W. R. GRACE & COMPANY
Attn: Mr. Heyman C. Duecker
Construction Products Division
Cement and Concrete Laboratory
62 Whittemore Avenue
Cambridge, MA 02140
Phone: (617) 876-1400

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
02/M01	ASTM C31	Making and Curing Concrete Test Specimens in the Field
02/M03	ASTM C172	Sampling Fresh Concrete
02/P01	ASTM C143	Slump of Portland Cement Concrete
02/W01	ASTM C138	Unit Weight, Yield, and Air Content (Gravimetric) of Concrete
02/A01	ASTM C231	Air Content of Freshly Mixed Concrete by the Pressure Method
02/S01	ASTM C39	Compressive Strength of Cylindrical Concrete Specimens
02/A02	ASTM C173	Air Content of Freshly Mixed Concrete by the Volumetric Method

NOTE: Accreditation is granted on 12/22/80 and expires on 12/21/81.

THE WALT KEELER COMPANY, INC.
Attn: Mr. Earl F. Callison, Jr.
826 E. Lincoln
P. O. Box 197
Wichita, KN 67201
Phone: (316) 265-0615

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
02/M01	ASTM C31	Making and Curing Concrete Test Specimens in the Field
02/M03	ASTM C172	Sampling Fresh Concrete
02/P01	ASTM C143	Slump of Portland Cement Concrete
02/W01	ASTM C138	Unit Weight, Yield, and Air Content (Gravimetric) of Concrete
02/A01	ASTM C231	Air Content of Freshly Mixed Concrete by the Pressure Method

NOTE: Accreditation is granted on 12/22/80 and expires on 12/21/81.

WORLD CARPETS, INC., R & D
Attn: Mr. Charles Howell
One World Plaza
Dalton, GA 30720
Phone: (404) 278-8000

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
03/C01	AATCC 16E	Colorfastness to Light (Xenon Arc)
03/C02	AATCC 8	Colorfastness to Crocking
03/D01	ASTM D418	Methods of Testing Woven and Tufted Pile Floor Coverings
		Pile Weight - Uncoated (Para. 10-19)
		Pile Weight - Coated (Para. 20-29) as modified by UM 44C
		Pile Thickness - (Para. 30-36)
		Tuft Height - (Para. 37-45) as modified by UM 44C
03/D02	DDD-C-95A	Shrinkage
03/S01	ASTM D1335	Tuft Bind of Floor Coverings
	Federal Test Method Standard 191-5100	Textile Test Method - Breaking Strength
	191-5950	Textile Test Method - Delamination
03/F03	DoC FF1-70	Methenamine Pill Test

NOTE: Accreditation is granted on 10/20/80 and expires on 10/19/81.

APPENDIX 2

LIST OF TEST METHODS AND THE LABORATORIES ACCREDITED TO PERFORM EACH TEST METHOD

INSULATION LAP -- CORROSIVENESS TEST METHODS

01/C01 ASTM C739 Corrosiveness; cellulosic fiber (loose-fill)(para. 7.7 in 77 version)
- OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
- UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS

01/C02 HH-I-515 Corrosiveness; cellulosic fiber (loose-fill)(para. 4.8.5 in D version, Amendment 1)
- CERTAINTEED CORPORATION, RESEARCH & DEVELOPMENT LABORATORY
- CERTIFIED TESTING LABORATORIES, INC.
- COMMERCIAL TESTING COMPANY, INC.
- DYNATECH R/D COMPANY
- FACTORY MUTUAL RESEARCH CORP.
- HAUSER LABORATORIES
- INTEST LABORATORIES, INC.
- OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
- SOUTHWEST RESEARCH INSTITUTE, DEPARTMENT OF FIRE TECHNOLOGY
- TECHNICAL MICRONICS CONTROL, INC.
- THERMTRON RESEARCH LABORATORY
- UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS
- U.S. TESTING COMPANY, INC., HOBOKEN, NEW JERSEY
- U.S. TESTING COMPANY, INC., CALIFORNIA BRANCH LABORATORY
- U.S. TESTING COMPANY, INC., TULSA BRANCH LABORATORY

INSULATION LAP - DIMENSIONS, STABILITY, AND DENSITY PROPERTIES TEST METHODS

01/D01 ASTM C136 Sieve or screen analysis
- CERTAINTEED CORPORATION, RESEARCH & DEVELOPMENT LABORATORY
- UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS

01/D02 ASTM C167 Thickness and density; blanket and batt
- CERTAINTEED CORPORATION, RESEARCH & DEVELOPMENT LABORATORY
- JOHNS-MANVILLE SALES CORP., R & D CENTER
- NAHB RESEARCH FOUNDATION, INC.
- OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
- OWENS-CORNING FIBERGLAS CORP., BARRINGTON, NEW JERSEY PLANT LABORATORY
- OWENS-CORNING FIBERGLAS CORP., DELMAR, NEW YORK PLANT LABORATORY
- OWENS-CORNING FIBERGLAS CORP., FAIRBURN, GEORGIA PLANT LABORATORY
- OWENS-CORNING FIBERGLAS CORP., KANSAS CITY, KANSAS PLANT LABORATORY
- OWENS-CORNING FIBERGLAS CORP., NEWARK, OHIO PLANT LABORATORY
- OWENS-CORNING FIBERGLAS CORP., SANTA CLARA, CALIFORNIA PLANT LABORATORY
- OWENS-CORNING FIBERGLAS CORP., WAXAHACHIE, TEXAS PLANT LABORATORY
- UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS

01/D03 ASTM C209 Thickness; board (cellulosic fiber) (para. 6 in 72 version)
- JIM WALTER RESEARCH CORPORATION
- JOHNS-MANVILLE SALES CORP., R & D CENTER
- OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
- UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS

01/D04 ASTM C209 Water absorption, 2 hour; board (cellulosic fiber)(para. 13 in 72 version)
JIM WALTER RESEARCH CORPORATION
JOHNS-MANVILLE SALES CORP., R & D CENTER
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS

01/D05 ASTM C209 Water absorption, 24 hour; board (cellulosic fiber)(para. 13 in 72 version by D1037; para. 100-106 in 72 version)
JIM WALTER RESEARCH CORPORATION
JOHNS-MANVILLE SALES CORP., R & D CENTER
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS

01/D06 ASTM C209 Linear expansion; board (cellulosic fiber)(para. 13 in 72 version by D1037; para. 107-110 in 72 version)
JIM WALTER RESEARCH CORPORATION
JOHNS-MANVILLE SALES CORP., R & D CENTER
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS

01/D07 ASTM C272 Water absorption; core materials
DOW CHEMICAL U.S.A., GRANVILLE R & D CENTER
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY

01/D08 ASTM C302 Density; preformed pipe insulation
CERTAINTEED CORPORATION, RESEARCH & DEVELOPMENT LABORATORY
JOHNS-MANVILLE SALES CORP., R & D CENTER
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS

01/D09 ASTM C303 Density; preformed block insulation
CERTAINTEED CORPORATION, RESEARCH & DEVELOPMENT LABORATORY
JIM WALTER RESEARCH CORPORATION
JOHNS-MANVILLE SALES CORP., R & D CENTER
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
OWENS-CORNING FIBERGLAS CORP., BARRINGTON, NEW JERSEY PLANT LABORATORY
OWENS-CORNING FIBERGLAS CORP., KANSAS CITY, KANSAS PLANT LABORATORY
OWENS-CORNING FIBERGLAS CORP., NEWARK, OHIO PLANT LABORATORY
OWENS-CORNING FIBERGLAS CORP., SANTA CLARA, CALIFORNIA PLANT LABORATORY
OWENS-CORNING FIBERGLAS CORP., WAXAHACHIE, TEXAS PLANT LABORATORY
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS

01/D10 ASTM C355 Water vapor transmission; thick materials; desiccant method
DONALD S. GILMORE LABORATORIES, THE UPJOHN COMPANY
DOW CHEMICAL U.S.A., GRANVILLE R & D CENTER
JOHNS-MANVILLE SALES CORP., TECHNICAL CENTER LABORATORY
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
TWIN CITY TESTING & ENGINEERING LABORATORY, INC.
U.S. TESTING COMPANY, INC., HOBOKEN, NEW JERSEY
U.S. TESTING COMPANY, INC., TULSA BRANCH LABORATORY

01/D11 ASTM C356 Linear shrinkage; soaking heat; preformed high temperature insulation
JOHNS-MANVILLE SALES CORP., R & D CENTER
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY

01/D12 ASTM C411 Hot-surface performance; high temperature insulation
HAUSER LABORATORIES
JOHNS-MANVILLE SALES CORP., R & D CENTER
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY

01/D13 ASTM C519 Density; loose-fill (fibrous)
CERTAINTEED CORPORATION, RESEARCH & DEVELOPMENT LABORATORY
JOHNS-MANVILLE SALES CORP., R & D CENTER
NAHB RESEARCH FOUNDATION, INC.
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS
UNDERWRITERS LABORATORIES, INC., SANTA CLARA, CALIFORNIA

01/D14 ASTM C520 Density; granular loose-fill
JOHNS-MANVILLE SALES CORP., R & D CENTER
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS

01/D15 ASTM D756 Weight and shape changes; accelerated service (proc. A); plastics
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORTORY

01/D16 ASTM D756 Weight and shape changes; accelerated service (proc. B); plastics
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY

01/D17 ASTM D756 Weight and shape changes; accelerated service (proc. E); plastics
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY

01/D18 ASTM D1622 Apparent density; rigid cellular plastics
DONALD S. GILMORE LABORATORIES, THE UPJOHN COMPANY
DOW CHEMICAL U.S.A., GRANVILLE R & D CENTER
JIM WALTER RESEARCH CORPORATION
OLIN CORPORATION, PHYSICAL TESTING LABORATORY
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
TWIN CITY TESTING & ENGINEERING LABORATORY, INC.
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS
U.S. TESTING COMPANY, INC., CALIFORNIA BRANCH LABORATORY
U.S. TESTING COMPANY, INC., TULSA BRANCH LABORATORY

01/D19 ASTM D2126 Response to thermal and humid; aging (proc. B); rigid cellular plastics
DONALD S. GILMORE LABORATORIES, THE UPJOHN COMPANY
DOW CHEMICAL U.S.A., GRANVILLE R & D CENTER
JIM WALTER RESEARCH CORPORATION
OLIN CORPORATION, PHYSICAL TESTING LABORATORY
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY

01/D20 ASTM D2126 Response to thermal and humid; aging (proc. D); rigid cellular plastics
DONALD S. GILMORE LABORATORIES, THE UPJOHN COMPANY
DOW CHEMICAL U.S.A., GRANVILLE R & D CENTER
JIM WALTER RESEARCH CORPORATION
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY

01/D21 ASTM D2126 Response to thermal and humid; aging (proc. E); rigid cellular plastics
DOW CHEMICAL U.S.A., GRANVILLE R & D CENTER
JIM WALTER RESEARCH CORPORATION
OLIN CORPORATION, PHYSICAL TESTING LABORATORY
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
U.S. TESTING COMPANY, INC., CALIFORNIA BRANCH LABORATORY

01/D22 ASTM D2126 Response to thermal and humid; aging (proc. F); rigid cellular plastics
DOW CHEMICAL U.S.A., GRANVILLE R & D CENTER
JIM WALTER RESEARCH CORPORATION
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY

01/D23 ASTM D2842 Water absorption; rigid cellular plastics
DONALD S. GILMORE LABORATORIES, THE UPJOHN COMPANY
DOW CHEMICAL U.S.A., GRANVILLE R & D CENTER
JIM WALTER RESEARCH CORPORATION
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY

01/D24 ASTM C739 Moisture absorption; cellulosic fiber (loose-fill) (para. 7.5 in 77 version)
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS

01/D25 HH-I-515 Moisture absorption; cellulosic fiber (loose-fill) (para. 4.8.3 in D version, Amendment 1)
CERTAINTEED CORPORATION, RESEARCH & DEVELOPMENT LABORATORY
CERTIFIED TESTING LABORATORIES, INC.
COMMERCIAL TESTING COMPANY, INC.
DYNATECH R/D COMPANY
FACTORY MUTUAL RESEARCH CORP.
HAUSER LABORATORIES
INTEST LABORATORIES, INC.
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
SOUTHWEST RESEARCH INSTITUTE, DEPARTMENT OF FIRE TECHNOLOGY
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS
U.S. TESTING COMPANY, INC., HOBOKEN, NEW JERSEY
U.S. TESTING COMPANY, INC., CALIFORNIA BRANCH LABORATORY
U.S. TESTING COMPANY, INC., TULSA BRANCH LABORATORY

01/D26 HH-I-515 Settled density; cellulosic fiber (loose-fill) (para. 4.8.1 in D version, Amendment 1)
CERTAINTEED CORPORATION, RESEARCH & DEVELOPMENT LABORATORY
CERTIFIED TESTING LABORATORIES, INC.
COMMERCIAL TESTING COMPANY
DYNATECH R/D COMPANY
FACTORY MUTUAL RESEARCH CORP.
HAUSER LABORATORIES
INTEST LABORATORIES, INC.
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
TECHNICAL MICRONICS CONTROL, INC.
THERMTRON RESEARCH LABORATORY
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS
UNDERWRITERS LABORATORIES, INC., SANTA CLARA, CALIFORNIA LABORATORY
U.S. TESTING COMPANY, INC., HOBOKEN, NEW JERSEY
U.S. TESTING COMPANY, INC., CALIFORNIA BRANCH LABORATORY
U.S. TESTING COMPANY, INC., TULSA, BRANCH LABORATORY

INSULATION LAP - FIRE PROPERTIES TEST METHODS

01/F01 ASTM D777(as modified by HH-B-100B)Flammability; paper and paperboard
CERTAINTEED CORPORATION, RESEARCH & DEVELOPMENT LABORATORY
JOHNS-MANVILLE SALES CORP., R & D CENTER
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY

01/F02 ASTM E84 Surface burning characteristics; building materials
COMMERCIAL TESTING COMPANY, INC.
FACTORY MUTUAL RESEARCH CORP.
HARDWOOD PLYWOOD MANUFACTURERS ASSOCIATION
JOHNS-MANVILLE SALES CORP., R & D CENTER

OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS
UNDERWRITERS LABORATORIES, INC., SANTA CLARA, CALIFORNIA
U.S. TESTING COMPANY, INC., HOBOKEN, NEW JERSEY
U.S. TESTING COMPANY, INC., CALIFORNIA BRANCH LABORATORY

01/F05 ASTM E136 Behavior of Materials in a Vertical Tube Furnace
CERTAINTEED CORPORATION, RESEARCH & DEVELOPMENT LABORATORY
HAUSER LABORATORIES
JOHNS-MANVILLE SALES CORP., R & D CENTER
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
U.S. TESTING COMPANY, INC., HOBOKEN, NEW JERSEY
U.S. TESTING COMPANY, INC., CALIFORNIA BRANCH LABORATORY

01/F06 ASTM C739 Flame resistance permanency; cellulosic fiber (loose-fill) (para. 10.4 in 77 version)
SOUTHWEST RESEARCH INSTITUTE, DEPARTMENT OF FIRE TECHNOLOGY
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS

01/F07 HH-I-515 Critical radiant flux; radiant panel (cellulosic fiber, loose-fill)(para. 4.8.7 in D version, Amendment 1)
CERTAINTEED CORPORATION, RESEARCH & DEVELOPMENT LABORATORY
CERTIFIED TESTING LABORATORIES, INC.
COMMERCIAL TESTING COMPANY, INC.
FACTORY MUTUAL RESEARCH CORP.
HARDWOOD PLYWOOD MANUFACTURERS ASSOCIATION
HAUSER LABORATORIES
INTEST LABORATORIES, INC.
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
TECHNICAL MICRONICS CONTROL, INC.
THERMTRON RESEARCH LABORATORY
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS
UNDERWRITERS LABORATORIES, INC., SANTA CLARA, CALIFORNIA
U.S. TESTING COMPANY, INC., HOBOKEN, NEW JERSEY
U.S. TESTING COMPANY, INC., CALIFORNIA BRANCH LABORATORY

01/F08 HH-I-515 Smoldering combustion; cellulosic fiber (loose-fill) (para. 4.8.8 in D version, Amendment 1)
CERTAINTEED CORPORATION, RESEARCH & DEVELOPMENT LABORATORY
CERTIFIED TESTING LABORATORIES, INC.
COMMERCIAL TESTING COMPANY, INC.
FACTORY MUTUAL RESEARCH CORP.
HAUSER LABORATORIES
INTEST LABORATORIES, INC.
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
TECHNICAL MICRONICS CONTROL, INC.
THERMTRON RESEARCH LABORATORY
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS
U.S. TESTING COMPANY, INC., HOBOKEN, NEW JERSEY
U.S. TESTING COMPANY, INC., CALIFORNIA BRANCH LABORATORY
U.S. TESTING COMPANY, INC., TULSA BRANCH LABORATORY

INSULATION LAP - STRENGTH PROPERTIES TEST METHODS

01/S01 ASTM C165 Compressive properties; thermal insulation (proc. A)
CERTAINTEED CORPORATION, RESEARCH & DEVELOPMENT LABORATORY
DOW CHEMICAL U.S.A., GRANVILLE R & D CENTER

JIM WALTER RESEARCH CORPORATION
JOHNS-MANVILLE SALES CORP., R & D CENTER
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY

01/S02 ASTM C203 Breaking load/flexural strength; preformed block insulation
DONALD S. GILMORE LABORATORIES, THE UPJOHN COMPANY
DOW CHEMICAL U.S.A., GRANVILLE R & D CENTER
JIM WALTER RESEARCH CORPORATION
JOHNS-MANVILLE SALES CORP., R & D CENTER
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORTORY
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS

01/S03 ASTM C209 Transverse strength; board (cellulosic fiber) (para. 9 in 72 version)
JIM WALTER RESEARCH CORPORATION
JOHNS-MANVILLE SALES CORP., R & D CENTER
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS

01/S04 ASTM C209 Deflection at specified load; board (cellulosic fiber) (para. 10 in 72 version)
JIM WALTER RESEARCH CORPORATION
JOHNS-MANVILLE SALES CORP., R & D CENTER
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS

01/S05 ASTM C209 Tensile strength; parallel to surface; board (cellulosic fiber (para. 11 in 72 version)
JIM WALTER RESEARCH CORPORATION
JOHNS-MANVILLE SALES CORP., R & D CENTER
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS

01/S06 ASTM C209 Tensile strength; perpendicular to surface (para. 12 in 72 version)
JIM WALTER RESEARCH CORPORATION
JOHNS-MANVILLE SALES CORP., R & D CENTER
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS

01/S07 ASTM C273 Shear test; sandwich construction
DONALD S. GILMORE LABORATORIES, THE UPJOHN COMPANY
JIM WALTER RESEARCH CORPORATION
JOHNS-MANVILLE SALES CORP., R & D CENTER
OLIN CORPORATION, PHYSICAL TESTING LABORATORY
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY

01/S08 ASTM C446 Breaking load/modulus of rupture; preformed pipe insulation
CERTAINTEED CORPORATION, RESEARCH & DEVELOPMENT LABORATORY
JOHNS-MANVILLE SALES CORP., R & D CENTER
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER & LABORATORY
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS

01/S09 ASTM D781 Puncture test; paperboard and fiberboard
CERTAINTEED CORPORATION, RESEARCH & DEVELOPMENT LABORATORY
JOHNS-MANVILLE SALES CORP., R & D CENTER
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY

01/S10 ASTM D828 Tensile breaking strength; paper and paperboard
CERTAINTEED CORPORATION RESEASRCH & DEVELOPMENT LABORATORY
JOHNS-MANVILLE SALES CORP., R & D CENTER
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY

01/S11 ASTM D1621 Compressive properties; rigid cellular plastics (proc. A-crosshead)
DONALD S. GILMORE LABORATORIES, THE UPJOHN COMPANY
DOW CHEMICAL U.S.A, GRANVILLE R & D CENTER
JIM WALTER RESEARCH CORPORATION
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS
U.S. TESTING COMPANY, INC., CALIFORNIA BRANCH LABORATORY

INSULATION LAP - THERMAL PROPERTIES TEST METHODS

01/T01 ASTM C177 Thermal transmission properties; low-temperature guarded hot plate
CERTAINTEED CORPORATION, RESEARCH & DEVELOPMENT LABORATORY
DOW CHEMICAL U.S.A., GRANVILLE R & D CENTER
DYNATECH R/D COMPANY
GEOSCIENCE LTD.
JIM WALTER RESEARCH CORP.
LANDER THERMAL CONDUCTIVITY LABORATORY
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
SPARRELL ENGINEERING RESEARCH CORP.
TECHNICAL MICRONICS CONTROL, INC.

01/T04 ASTM C236 Thermal conductance; guarded hot box
BUTLER MANUFACTURING COMPANY RESEARCH CENTER
CERTAINTEED CORPORATION, RESEARCH & DEVELOPMENT LABORATORY
DYNATECH R/D COMPANY
DYNATHERM ENGINEERING
JIM WALTER RESEARCH CORPORATION
JOHNS-MANVILLE SALES CORP., R & D CENTER
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
SOUTHWEST RESEARCH INSTITUTE, DEPARTMENT OF FIRE TECHNOLOGY
SPARRELL ENGINEERING RESEARCH CORP.
TWIN CITY TESTING & ENGINEERING LABORATORY, INC.

01/T05 ASTM C335 Thermal conductivity; pipe insulation
CERTAINTEED CORPORATION, RESEARCH & DEVELOPMENT LABORATORY
DYNATECH R/D COMPANY
JIM WALTER RESERCH CORPORATION
JOHNS-MANVILLE SALES CORP., R & D CENTER
LANDER THERMAL CONDUCTIVITY LABORATORY
LOUISIANA-PACIFIC CORPORATION, PABCO R & D LABORATORY
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY

01/T06 ASTM C518 Thermal transmission properties; heat flow meter
BUTLER MANUFACTURING COMPANY RESEARCH CENTER
CERTAINTEED CORPORATION, RESEARCH & DEVELOPMENT LABORATORY
COMMERCIAL TESTING COMPANY, INC.
DONALD S. GILMORE LABORATORIES, THE UPJOHN COMPANY
DOW CHEMICAL U.S.A., GRANVILLE R & D CENTER
DYNATECH R/D COMPANY
HAUSER LABORATORIES
JIM WALTER RESEARCH CORP.
JOHNS-MANVILLE SALES CORP., R & D CENTER
NAHB RESEARCH FOUNDATION, INC.
OLIN CORPORATION, PHYSICAL TESTING LABORATORY
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY

OWENS-CORNING FIBERGLAS CORP., BARRINGTON, NEW JERSEY PLANT LABORATORY
OWENS-CORNING FIBERGLAS CORP., DELMAR, NEW YORK, PLANT LABORATORY
OWENS-CORNING FIBERGLAS CORP., FAIRBURN, GEORGIA PLANT LABORATORY
OWENS-CORNING FIBERGLAS CORP., KANSAS CITY, KANSAS PLANT LABORATORY
OWENS-CORNING FIBERGLAS CORP., NEWARK, OHIO PLANT LABORATORY
OWENS-CORNING FIBERGLAS CORP., SANTA CLARA, CALIFORNIA PLANT LABORATORY
OWENS-CORNING FIBERGLAS CORP., WAXAHACHIE, TEXAS PLANT LABORATORY
SPARRELL ENGINEERING RESEARCH CORP.
TECHNICAL MICRONICS CONTROL, INC.
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS
U.S. TESTING COMPANY, INC., HOBOKEN, NEW JERSEY

01/T09 ASTM C653 Thermal resistance (rec. practice); blanket (mineral fiber)
CERTAINTEED CORPORATION, RESEARCH & DEVELOPMENT LABORATORY
JOHNS-MANVILLE SALES CORP., R & D CENTER
HAUSER LABORATORIES
NAHB RESEARCH FOUNDATION, INC.
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS

01/T10 ASTM C687 Thermal resistance (rec. practice); loose-fill (fibrous)
CERTAINTEED CORPORATION, RESEARCH & DEVELOPMENT LABORATORY
HAUSER LABORATORIES
JOHNS-MANVILLE SALES CORP., R & D CENTER
NAHB RESEARCH FOUNDATION, INC.
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS

INSULATION LAP - VAPOR BARRIERS PROPERTIES TEST METHODS

01/V02 ASTM D591 Starch in paper; qualitative test
OWENS-CORNING FIBERGLASS CORP., TECHNICAL CENTER LABORATORY
SOUTHWEST RESEARCH INSTITUTE, DEPARTMENT OF FIRE TECHNOLOGY
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS

01/V03 ASTM D2020 Mildew (fungus) resistance; paper and paperboard
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
SOUTHWEST RESEARCH INSTITUTE, DEPARTMENT OF FIRE TECHNOLOGY
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS

01/V04 ASTM E96 Water vapor transmission; thin sheets (proc. A)
CERTAINTEED CORPORATION, RESEARCH & DEVELOPMENT LABORATORY
DONALD S. GILMORE LABORATORIES, THE UPJOHN COMPANY
JOHNS-MANVILLE SALES CORP., R & D CENTER
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
U.S. TESTING COMPANY, INC., HOBOKEN, NEW JERSEY
U.S. TESTING COMPANY, INC., CALIFORNIA BRANCH LABORATORY

01/V05 HH-I-515 Fungus; cellulosic fiber (loose-fill) (para. 4.8.6 in D version, Amendment 1)
HAUSER LABORATORIES
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
SOUTHWEST RESEARCH INSTITUTE, DEPARTMENT OF FIRE TECHNOLOGY
TECHNICAL MICRONICS CONTROL, INC.
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS
U.S. TESTING COMPANY, INC., HOBOKEN, NEW JERSEY
U.S. TESTING COMPANY, INC., TULSA BRANCH LABORATORY

01/V06 HH-I-515 Starch; cellulosic fiber (loose-fill) (para. 4.8.9 in D version, Amendment 1)
CERTIFIED TESTING LABORATORIES, INC.
COMMERCIAL TESTING COMPANY, INC.
DYNATECH R/D COMPANY
FACTORY MUTUAL RESEARCH CORP.
HAUSER LABORATORIES
INTEST LABORATORIES, INC.
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
SOUTHWEST RESEARCH INSTITUTE, DEPARTMENT OF FIRE TECHNOLOGY
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS
U.S. TESTING COMPANY, INC., HOBOKEN, NEW JERSEY
U.S. TESTING COMPANY, INC., CALIFORNIA BRANCH LABORATORY
U.S. TESTING COMPANY, INC., TULSA BRANCH LABORATORY

CONCRETE LAP TEST METHODS

02/M01 ASTM C31 Making and Curing Concrete Test Specimens in the Field
02/M03 ASTM C172 Sampling Fresh Concrete
02/P01 ASTM C143 Slump of Portland Cement Concrete
02/W01 ASTM C138 Unit Weight, Yield, and Air Content (Gravimetric) of Concrete
02/A01 ASTM C231 Air Content of Freshly Mixed Concrete by the Pressure Method
02/S01 ASTM C39 Compressive Strength of Cylindrical Concrete Specimens
02/A02 ASTM C173 Air Content of Freshly Mixed Concrete by the Volumetric Method

AGUIRRE ENGINEERS, INC.
AMERICAN ADMIXTURES CORP.
THE ARUNDEL CORPORATION, GREENSPRING LABORATORY
ATEC ASSOCIATES, INC., OHIO DISTRICT
BOWSER-MORNER TESTING LABS, INC., DAYTON, OHIO LABORATORY
BOWSER-MORNER TESTING LABS, INC., MAYSVILLE, KENTUCKY LABORATORY
BOWSER-MORNER TESTING LABS, INC., TOLEDO, OHIO LABORATORY
CAPITOL CEMENT [1]
CENTRAL READY MIXED CONCRETE, RESEARCH & TECHNCIAL CENTER [1]
CONTRACTORS SUPPLY CORPORATION OF WEST VIRGINIA, INC. [1]
CONTROLLED CONCRETE METHODS, INC. [3]
THE DOLESE COMPANY, ENGINEERING DEPARTMENT LABORATORY
ENGINEERING TESTING LABORATORY [1]
ENGINEERS TESTING LABORATORIES, INC.
FLINTKOTE STONE PRODUCTS CO., QUALITY CONTROL LABORATORIES
FRANKLIN RESEARCH CENTER [1]
GARCO TESTING LABORATORIES
GENERAL TESTING LABORATORIES, INC. [1]
THE H. C. NUTTING COMPANY [1]
HALES TESTING LABORATORIES, INC.
HERRON CONSULTANTS, INC.
KELSO INDUSTRIES, INC.
LOWRY TESTING LABORATORIES
MATERIALS SERVICE CORPORATION [1]
MATERIALS TESTING CONSULTANTS, INC.
NORTHERN TESTING LABORATORIES, INC., BILLINGS, MONTANA LABORATORY
NORTHERN TESTING LABORATORIES, INC., BOISE, IDAHO LABORATORY
NORTHERN TESTING LABORATORIES, INC., GREAT FALLS, MONTANA LABORATORY

PORTLAND CEMENT ASSOCIATION, CONSTRUCTION TECHNOLOGY LABORATORIES
SMITH-EMERY COMPANY
SOIL TESTING SERVICES, INC.
SOUTHWESTERN LABORATORIES
STANDARD TESTING AND ENGINEERING COMPANY
THE TANNER COMPANIES, UNITED METRO DIVISION LABORATORY
TESTING ENGINEERS, INC., OAKLAND, CALIFORNIA LABORATORY
TESTING ENGINEERS, INC., SANTA CLARA, CALIFORNIA LABORATORY
TEXAS TESTING LABORATORIES, INC.
TWIN CITY TESTING & ENGINEERING LABORATORY, INC.
U.S. TESTING COMPANY, INC., HOBOKEN, NEW JERSEY
W. R. GRACE & CO.
THE WALT KEELER COMPANY, INC. 1,2

NOTES: 1--This laboratory is not accredited for test method 02/A02, ASTM C173.
2--This laboratory is not accredited for test method 02/S01, ASTM C39.
3--Effective January 31, 1981, Controlled Concrete Methods, Inc. will discontinue operating as a testing laboratory.

CARPET LAP TEST METHODS

03/C01 AATCC 16E Colorfastness to Light (Xenon Arc)
AMERICAN CARPET LABORATORIES, INC.
ARMSTRONG WORLD INDUSTRIES, INC., MARIETTA CARPET PLANT
BIGELOW-SANFORD, INC., GEORGIA RUG MILL, QUALITY CONTROL LABORATORY
BIGELOW-SANFORD, INC., TECHNICAL SERVICES, GREENVILLE, SOUTH CAROLINA
C. H. MASLAND & SONS
CERTIFIED TESTING LABORATORIES, INC.
CHISHOLM TRAIL TESTING AND ENGINEERING COMPANY, INC.
COMMERCIAL TESTING COMPANY, INC.
CORONET CARPETS
EVANS & BLACK CARPET MILLS, INC.
GALAXY CARPET MILLS, INC., TESTING LABORATORY
INDEPENDENT TEXTILE TESTING SERVICE, INC.
MOHASCO CORPORATION, PHYSICAL TESTING LABORATORY
SHAW INDUSTRIES, INC., QUALITY CONTROL LABORATORY
TREND/ROXBURY DIVISIONS OF WWG INDUSTRIES, INC.
U.S. TESTING COMPANY, INC., HOBOKEN, NEW JERSEY
U.S. TESTING COMPANY, INC., CALIFORNIA BRANCH LABORATORY
WORLD CARPETS, INC., R & D

03/C02 AATCC 8 Colorfastness to Crocking
AMERICAN CARPET LABORATORIES, INC.
ARMSTRONG WORLD INDUSTRIES, INC., MARIETTA CARPET PLANT
BIGELOW-SANFORD, INC., GEORGIA RUG MILL, QUALITY CONTROL LABORATORY
BIGELOW-SANFORD, INC., TECHNICAL SERVICES, GREENVILLE, SOUTH CAROLINA
C. H. MASLAND & SONS
CERTIFIED TESTING LABORATORIES, INC.
CHISHOLM TRAIL TESTING AND ENGINEERING COMPANY, INC.
COMMERCIAL TESTING COMPANY, INC.
CORONET CARPETS
EVANS & BLACK CARPET MILLS, INC.
GALAXY CARPET MILLS, INC., TESTING LABORATORY
INDEPENDENT TEXTILE TESTING SERVICE, INC.

MOHASCO CORPORATION, PHYSICAL TESTING LABORATORY
SHAW INDUSTRIES, INC., QUALITY CONTROL LABORATORY
TREND/ROXBURY DIVISIONS OF WWG INDUSTRIES, INC.
U.S. TESTING COMPANY, INC., HOBOKEN, NEW JERSEY
U.S. TESTING COMPANY, INC., CALIFORNIA BRANCH LABORATORY
WORLD CARPETS, INC., R & D

03/D01 ASTM D418 Methods of Testing Woven and Tufted Pile Floor Coverings: Pile Weight - Uncoated (Para. 10-19); Pile Weight - Coated (Para. 20-29) as modified by UM 44C; Pile Thickness (Para. 30-36); Tuft Height - (Para. 37-45) as modified by UM 44C
AMERICAN CARPET LABORATORIES, INC.
ARMSTRONG WORLD INDUSTRIES, INC., MARIETTA CARPET PLANT
BIGELOW-SANFORD, INC., GEORGIA RUG MILL, QUALITY CONTROL LABORATORY
BIGELOW-SANFORD, INC., TECHNICAL SERVICES, GREENVILLE, SOUTH CAROLINA
C. H. MASLAND & SONS
CERTIFIED TESTING LABORATORIES, INC.
CHISHOLM TRAIL TESTING AND ENGINEERING COMPANY, INC.
COMMERCIAL TESTING COMPANY, INC.
CORONET CARPETS
EVANS & BLACK CARPET MILLS, INC.
GALAXY CARPET MILLS, INC., TESTING LABORATORY
INDEPENDENT TEXTILE TESTING SERVICE, INC.
MOHASCO CORPORATION, PHYSICAL TESTING LABORATORY
TREND/ROXBURY DIVISIONS OF WWG INDUSTRIES, INC.
U.S. TESTING COMPANY, INC., HOBOKEN, NEW JERSEY
U.S. TESTING COMPANY, INC., CALIFORNIA BRANCH LABORATORY
WORLD CARPETS, INC., R & D

03/D02 DDD-C-95A Shrinkage
AMERICAN CARPET LABORATORIES, INC.
ARMSTRONG WORLD INDUSTRIES, INC., MARIETTA CARPET PLANT
BIGELOW-SANFORD, INC., GEORGIA RUG MILL, QUALITY CONTROL LABORATORY
BIGELOW-SANFORD, INC., TECHNICAL SERVICES, GREENVILLE, SOUTH CAROLINA
C. H. MASLAND & SONS
CERTIFIED TESTING LABORATORIES, INC.
CHISHOLM TRAIL TESTING AND ENGINEERING COMPANY, INC.
COMMERCIAL TESTING COMPANY, INC.
CORONET CARPETS
EVANS & BLACK CARPET MILLS, INC.
GALAXY CARPET MILLS, INC., TESTING LABORATORY
INDEPENDENT TEXTILE TESTING SERVICE, INC.
MOHASCO CORPORATION, PHYSICAL TESTING LABORATORY
TREND/ROXBURY DIVISIONS OF WWG INDUSTRIES, INC.
U.S. TESTING COMPANY, INC., HOBOKEN, NEW JERSEY
U.S. TESTING COMPANY, INC., CALIFORNIA BRANCH LABORATORY
WORLD CARPETS, INC., R & D

03/S01 ASTM D1335 Tuft Bind of Floor Coverings (Federal Test Method: Standard 191-5100, Textile Test Method - Breaking Strength; Standard 191-5950, Textile Test Method - Delamination
AMERICAN CARPET LABORATORIES, INC.
ARMSTRONG WORLD INDUSTRIES, INC., MARIETTA CARPET PLANT
BIGELOW-SANFORD, INC., GEORGIA RUG MILL, QUALITY CONTROL LABORATORY
BIGELOW-SANFORD, INC., TECHNICAL SERVICES, GREENVILLE, SOUTH CAROLINA
C. H. MASLAND & SONS
CERTIFIED TESTING LABORATORIES, INC.

CHISHOLM TRAIL TESTING AND ENGINEERING COMPANY, INC.
COMMERCIAL TESTING COMPANY, INC.
CORONET CARPETS
EVANS & BLACK CARPET MILLS, INC.
GALAXY CARPET MILLS, INC., TESTING LABORATORY
INDEPENDENT TEXTILE TESTING SERVICE, INC.
MOHASCO CORPORATION, PHYSICAL TESTING LABORATORY
TREND/ROXBURY DIVISIONS OF WWG INDUSTRIES, INC.
U.S. TESTING COMPANY, INC., HOBOKEN, NEW JERSEY
U.S. TESTING COMPANY, INC., CALIFORNIA BRANCH LABORATORY
WORLD CARPETS, INC., R & D

03/E01 AATCC 134/CRI 102 Electrostatic Propensity of Carpets
BIGELOW-SANFORD, INC., TECHNICAL SERVICES, GREENVILLE, SOUTH CAROLINA
CERTIFIED TESTING LABORATORIES, INC.
INDEPENDENT TEXTILE TESTING SERVICE, INC.
MOHASCO CORPORATION, PHYSICAL TESTING LABORATORY

03/F01 ASTM E84 Surface Flammability (Carpet)
COMMERCIAL TESTING COMPANY, INC.
FACTORY MUTUAL RESEARCH CORP.
HARDWOOD PLYWOOD MANUFACTURERS ASSOCIATION
SOUTHWEST RESEARCH INSTITUTE, DEPARTMENT OF FIRE TECHNOLOGY
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS
U.S. TESTING COMPANY, INC., HOBOKEN, NEW JERSEY
U.S. TESTING COMPANY, INC., CALIFORNIA BRANCH LABORATORY

03/F02 UL 992 Surface Flammability
SOUTHWEST RESEARCH INSTITUTE, DEPARTMENT OF FIRE TECHNOLOGY
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS

03/F03 DoC FF1-70 Methenamine Pill Test
AMERICAN CARPET LABORATORIES, INC.
ARMSTRONG WORLD INDUSTRIES, INC., MARIETTA CARPET PLANT
BIGELOW-SANFORD, INC., GEORGIA RUG MILL, QUALITY CONTROL LABORATORY
BIGELOW-SANFORD, INC., TECHNICAL SERVICES, GREENVILLE, SOUTH CAROLINA
C. H. MASLAND & SONS
CERTIFIED TESTING LABORATORIES, INC.
CHISHOLM TRAIL TESTING AND ENGINEERING COMPANY, INC.
COMMERCIAL TESTING COMPANY, INC.
CORONET CARPETS
EVANS & BLACK CARPET MILLS, INC.
GALAXY CARPET MILLS, INC., TESTING LABORATORY
INDEPENDENT TEXTILE TESTING SERVICE, INC.
MOHASCO CORPORATION, PHYSICAL TESTING LABORATORY
SHAW INDUSTRIES, INC., QUALITY CONTROL LABORATORY
SOUTHWEST RESEARCH INSTITUTE, DEPARTMENT OF FIRE TECHNOLOGY
TREND/ROXBURY DIVISIONS OF WWG INDUSTRIES, INC.
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS
U.S. TESTING COMPANY, INC., HOBOKEN, NEW JERSEY
U.S. TESTING COMPANY, INC., CALIFORNIA BRANCH LABORATORY
WORLD CARPETS, INC., R & D

03/F04 ASTM E648 Radiant Panel (Carpet)
BIGELOW-SANFORD, INC., TECHNICAL SERVICES, GREENVILLE, SOUTH CAROLINA
CERTIFIED TESTING LABORATORIES, INC.
COMMERCIAL TESTING COMPANY, INC.
FACTORY MUTUAL RESEARCH CORP.
HARDWOOD PLYWOOD MANUFACTURERS ASSOCIATION

INDEPENDENT TEXTILE TESTING SERVICE, INC.
MOHASCO CORPORATION, PHYSICAL TESTING LABORATORY
SOUTHWEST RESEARCH INSTITUTE, DEPARTMENT OF FIRE TECHNOLOGY
TECHNICAL MICRONICS CONTROL, INC.
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS
U.S. TESTING COMPANY, INC., HOBOKEN, NEW JERSEY
U.S. TESTING COMPANY, INC., CALIFORNIA BRANCH LABORATORY

03/B01 UM 44C, Addendum 3 Attached Cushion Tests
AMERICAN CARPET LABORATORIES, INC.
BIGELOW-SANFORD, INC., GEORGIA RUG MILL, QUALITY CONTROL LABORATORY
BIGELOW-SANFORD, INC., TECHNICAL SERVICES, GREENVILLE, SOUTH CAROLINA
COMMERCIAL TESTING COMPANY, INC.
INDEPENDENT TEXTILE TESTING SERVICE, INC.
U.S. TESTING COMPANY, INC., CALIFORNIA BRANCH LABORATORY

03/B02 UM 44C, Addendum 2 and 3 Attached Cushion Tests
AMERICAN CARPET LABORATORIES, INC.
CERTIFIED TESTING LABORATORIES, INC.
COMMERCIAL TESTING COMPANY, INC.
GALAXY CARPET MILLS, INC., TESTING LABORATORY
INDEPENDENT TEXTILE TESTING SERVICE, INC.
TREND/ROXBURY DIVISIONS OF WWG INDUSTRIES, INC.
U.S. TESTING COMPANY, INC., HOBOKEN, NEW JERSEY

APPENDIX 3

REQUESTING AN APPLICATION

IN ORDER TO RECEIVE A NVLAP APPLICATION AND INFORMATION DETAILING THE REQUIREMENTS AND FEES FOR ACCREDITATION FOR THE TEST METHODS OF YOUR INTEREST, THE FOLLOWING INFORMATION SHOULD BE SUBMITTED TO:

NVLAP Coordinator
Room 3876
U.S. Department of Commerce
Washington, D.C. 20230

Laboratory Name _____

Street _____

City _____ State _____ Zip Code _____

Attn: (Requestor's Name) _____

Phone ( ) _____ Date _____

CHECK EACH LABORATORY ACCREDITATION PROGRAM (LAP) FOR WHICH INFORMATION IS DESIRED.

_____Insulation LAP

THE NVLAP CODES LISTED BELOW CORRESPOND TO THE AVAILABLE TEST METHODS IN THE INSULATION LAP (SEE APPENDIX 2 FOR THE TEST METHOD DESIGNATION AND TITLE CORESPONDING TO EACH NVLAP CODE). CHECK THE APPROPRIATE NVLAP CODE FOR THE TEST METHODS OF YOUR INTEREST. WE WILL SEND INFORMATION DETAILING THE REQUIREMENTS FOR EACH TEST METHOD CHECKED.

___01/C01	___01/D10	___01/D21	___01/F08	___01/S11
___01/C02	___01/D11	___01/D22	___01/S01	___01/T01
___01/D01	___01/D12	___01/D23	___01/S02	___01/T04
___01/D02	___01/D13	___01/D24	___01/S03	___01/T05
___01/D03	___01/D14	___01/D25	___01/S04	___01/T06
___01/D04	___01/D15	___01/D26	___01/S05	___01/T09
___01/D05	___01/D16	___01/F01	___01/S06	___01/T10
___01/D06	___01/D17	___01/F02	___01/S07	___01/V02
___01/D07	___01/D18	___01/F05	___01/S08	___01/V03
___01/D08	___01/D19	___01/F06	___01/S09	___01/V04
___01/D09	___01/D20	___01/F07	___01/S10	___01/V05
				___01/V06

_____Concrete LAP

_____Carpet LAP

MAKING A REQUEST FOR AN APPLICATION POSES NO OBLIGATION TO PARTICIPATE IN THE PROGRAM.

[FR Doc. 81-1724 Filed 1-19-81; 8:45 am]

BILLING CODE 3510-13-C

federal register

Wednesday
January 21, 1981

Part IV

Department of Agriculture

Food and Nutrition Service

Summer Food Service Program for Children

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 225

Summer Food Service Program for Children

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule completely reorganizes the regulations as they existed in 1980 for the Summer Food Service Program (Program) to make them easier to understand and use. The rule also makes several substantive changes to the prior regulations. It now requires State agencies to establish for each food service site serving vended meals an approved level of meal service. Program sponsors will no longer receive reimbursement for meals served in excess of the approved levels. This change is intended to reduce waste in the Program by reducing the number of excess meals claimed for reimbursement under the Program. The final rule spells out new corrective action requirements for State agencies dealing with meal service violations at the site level. These requirements will assist State agencies in reducing Program mismanagement, waste and abuse. The requirements for State agency monitoring of sponsor and site operations have been changed to reduce the burden of conducting reviews early in the summer while emphasizing the need for follow-up reviews of program operations. This change from the 1980 regulations is intended to give State agencies greater flexibility in utilizing their monitoring resources. The final rule will allow Food and Nutrition Service regional offices (FNSRO's) greater discretion in the scheduling of conducting management evaluations of State agencies.

EFFECTIVE DATE: January 1, 1981.

FOR FURTHER INFORMATION CONTACT: Jordan Benderly, Director, Child Care and Summer Programs Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, or by telephone at (202) 447–8211.

The Final Impact Statement describing the options considered in developing this final rule and the impact of implementing each option is available on request from either Mr. Benderly or Ms. Beverly Walstrom at the above address or telephone number. Copies of all written comments on the proposed rule will be available for review during normal business hours at room 644, 500 12th Street, SW., Washington, D.C. 20250.

SUPPLEMENTARY INFORMATION: This final regulation has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044 and has been classified "not significant."

The Summer Food Service Program is authorized by section 13 of the National School Lunch Act. Comprehensive Progam regulations were last published on January 2, 1979 (44 FR 8). On October 30, 1979 (44 FR 62279), and February 1, 1980 (45 FR 7227), amendments were published implementing the provisions of Public Law 96–38, which set a deadline for the submission of the final claim for reimbursement for fiscal year 1979. On January 8, 1980 (45 FR 1844), amendments to the regulations were published which implemented the changes in Program eligibility mandated by Public Law 96–108, and made several other minor changes. Section 13 of the National School Lunch Act was amended on December 15, 1980, with the enactment of Public Law 96–499, which extends the Program's authorization through Fiscal Year 1984 and limits daily meal service of food service sites. On December 15, 1980, Public Law 96–528 was enacted, prohibiting FNS from administering the Program in States in which FNS did not administer the Program in FY 1980.

Proposed regulations for the Program were published on November 7, 1980 (45 FR 74384). The proposal incorporated a comprehensive reorganization of the regulations and several changes based on Program experience and recommendations received from various sources. The preamble to the proposed rule encouraged readers to submit comments. A comment period of 30 days was allowed for interested parties to submit criticisms, favorable opinions, and information to affect the final regulations. (Justification for the shortened comment period is provided at 45 FR 74384 in the November 7, 1980, proposal.) A total of 86 comments were received from private citizens, sponsors, State agencies, Food and Nutrition Service (FNS) Regional Offices, advocacy groups, and others. All comments were studied, and were summarized and catalogued according to the section of the regulations to which they refer so that they could be considered systemically during the development of the final rule.

Comments on regulatory issues are presented by issue in the preamble. In most instances, comments which recommended changes contrary to the Program's authorizing statute or which were not accompanied with some justification or discernible rationale are not addressed in this preamble. This preamble sets forth the basis and purpose behind significant deviations from the November 7, 1980, proposed regulations. Interested parties can generally assume the reasons given in the preamble to the proposed rule are still valid for those provisions which are not changed in the final rule. A thorough understanding of the grounds for the final rule may require reference to the proposed rule.

Statutory Changes

The concluding section of the preamble to the proposed rule discussed anticipated legislative amendments and the Department's proposals for their implementation. This section was included in the preamble to facilitate implementation of the legislative changes if enacted, and to solicit public input, with the cautionary advice that some or all of the amendments might be enacted. As it turned out, Congress did not pass any of the amendments discussed in the last section of the preamble. The Department will retain the comments received on that section of the preamble for use in the event that the next Congress considers and passes similar legislation.

The 96th Congress did pass the Omnibus Reconciliation Act of 1981, which was enacted as Public Law 96–499 on December 5, 1980. Public Law 96–499 extends authorization for the Program until September 30, 1984, and limits daily meal services at sites other than camps and those which primarily serve migrant children. On December 15, an appropriations act for FY 1981 was also enacted, as Public Law 96–528, prohibiting FNS from administering the Program during FY 1981 in those States which undertook to administer the Program in FY 1980, thereby leaving administration of the program in those States to State agencies.

The provisions implementing these changes appear in the final rule, rather than in a proposed rule which would be subject to public coment, for three reasons. First, the mandatory deadline of January 1, 1981 for the publication of final regulations for the Program would be greatly exceeded if a proposal were to be published and a comment period allowed. Secondly, the provisions of the statutory amendment are nondiscretionary and public comment could not, therefore, affect their implementation. Finally, Congress passed these amendments in order to reduce Federal expenditures and to improve Program management during this Fiscal Year. The Department believes that these objectives can best be served by immediate implementation

of the changes in the final rule. Therefore, the solicitation of public comments is unnecessary. Inclusion of these provisions in the final rule is in accordance with the conditions specified in Executive Order 12044 for exclusions from the requirements for public comment in the rulemaking process. It has been determined by Bob Greenstein, Administrator, FNS, that the emergency nature of these changes warrant publication without opportunity for public comment at this time. Good cause exists both for dispensing with the solicitation of public comments and for making this rule effective earlier than 30 days after publication.

The changes from the proposed rule incorporated in the final rule are described below.

1. Definitions

a. *Areas where poor economic conditions exist.* The Department has received comments that indicate some confusion about the definition of "areas where poor economic conditions exist" as it relates to enrollment programs. Sponsors of enrollment programs may demonstrate that they serve areas where poor economic conditions exist in either of two ways. (1) They may establish, as for any other site which is not a camp, that 33⅓ percent of the children in the local area from which the site draws its attendance qualify for free or reduced price school meals, as allowed under 7 CFR 225.2(d) (1), or (2) they may document that at least 33⅓ percent of the children enrolled in the site qualify for free or reduced price school meals, as allowed under 7 CFR 225.2(d)(2). However, if the sponsors wish to establish their sites' eligibility under the second method it is necessary to collect family size and income information for enrolled children at these sites. Sponsors of enrolled or unenrolled sites other than camps are only required to submit documentation every other year that their sites serve areas where poor economic conditions exist. Sponsors of camps must, however, collect family size and income information each session at each camp. Camps cannot qualify for eligibility under subparagraph (1) above, as serving areas where poor economic conditions exist. (See also 7 CFR 225.9(a)(2).)

b. *Camps.* The proposed rule modified the definition of "camps" by requiring that nonresidential camps operate for at least six hours each day.

One commenter pointed out that six hours is not enough time to provide the minimum number of meal services for which nonresidential camps may be approved (a breakfast, lunch, and supper each day). Two other commenters argued that the six hour requirement is unnecessary. In response to these comments, the definition in the final rule has been changed to require simply that nonresidential camps offer a continuous schedule of organized cultural or recreational activities between meal services. The Department has determined that the deletion of the reference to a minimum number of hours of operation each day will not detract from the original purpose of changing the definition, which was to ensure that sites which qualify as nonresidential camps actually provide the other services associated with the term "day camp." (See 7 CFR 225.2(e).)

c. *Income accruing to the Program.* One commenter pointed out that a minor discrepancy exists between the definitions of the term "income accruing to the Program" included in the proposed rule and the regulations for the Child Care Food Program (7 CFR Part 226). The definition included in the proposed rule refers to monies "received by a sponsor for use in the Program," and the definition used in Part 226 refers to monies "used in an institution's" child care food program. Although the discrepancy may seem significant, it was unintentional, and therefore the definition is changed in this final rule to make them consistent. If it becomes necessary to pay food service bills with non-Program funds, sponsors may wish to borrow the needed funds from their other accounts, paying back such loans to the extent possible with Program reimbursement.

Money lent rather than permanently transferred to the food service program should not be reported as income accruing to the Program. (See § 225.2(n).)

2. Turn-back of administrative responsibility

FNS Regional Offices have had to assume administrative responsibility for the Program in as many as 21 States. Recognizing the increasing number of States in which the Federal government directly administers the Program, Congress has prohibited the Department from assuming administration during FY 1981 in any States which administered the Program in FY 1980. This prohibition was made a part of Public Law 96–528 which was enacted on December 15, 1980.

In order to comply with Public Law 96–528, the final rule prohibits FNS Regional Offices from assuming administrative responsibility for the Program during FY 1981 in any State where a State agency administered the Program in FY 1980. (See 7 CFR 225.3(b).)

3. Special developmental projects

The proposed rule deleted provisions for special developmental project funding under the Program. Although a majority of commenters opposed the deletion (seven out of thirteen), the Department has determined that, in the interest of effective use of Federal funds and critical administrative staff time, the Department should exercise its discretion in the best interest of the success of the Program by discontinuing funding for special developmental projects.

As the preamble to the proposed rule pointed out, the special developmental projects have proven costly and have generally yielded no useable results. One commenter argued that rather than eliminate the funding, the Department could improve the effectiveness of the projects simply by exercising more discretion in approving them. The Department maintains, however, that the potential effectiveness of the projects is severely limited by the short duration of the Program. The Program's administrative demands during the summer are such that adequate oversight of the projects frequently cannot be provided. More careful review of project proposals would not resolve these problems. Special developmental projects have greater potential to produce useful results in the programs that operate year round.

4. Priority for allocation of sites

In the proposed rule, an inadvertent error was made in identifying the priority for approval where two or more applicant sponsors propose to serve the same area or the same enrolled children. The proposed rule specified that public and nonprofit private schools which successfully operated the Program in the past would be the highest priority applicants in such situations. The final rule properly identifies the highest priority applicants as "applicants which are public or nonprofit schools, and other applicants which have demonstrated successful Program performance in a prior year." (See 7 CFR 225.8(g)(1).)

5. Approved levels of meal service

The proposed rule contained a provision requiring State agencies to establish an approved level of meal service for each site serving meals obtained from a food service management company. The approved level would constitute the maximum number of meals which the site potentially could serve at a meal service and claim for reimbursement. The proposed rule provided, in very general

terms, the bases for establishing the approved levels and for adjusting them should a site's attendance drop below or have potential to rise above its initially established approved level.

More than 50 comments were received on this proposal, and the comments were evenly divided between those supporting and those opposing the provision. While a slight majority of commenting sponsors and advocacy groups supported the proposal, a slight majority of the State agencies which commented opposed the change. The Department has decided to retain the requirement in the final rule, with minor modifications. The Department believes that establishing approved levels for vended sites will provide the mechanism needed to reduce the number of excess meals delivered to the sites. Sponsors can use approved levels to better plan their programs. Food service management companies can rely on approved levels as a system to help prevent sponsors from over-ordering, and thus not receiving enough reimbursement to cover their costs when excess meals are delivered and disallowed.

Seven commenters (three State agencies, two advocacy groups, and two sponsors) expressed reservations about the provision, with the argument that establishing and adjusting approved levels for vended sites would place too great a burden on State agencies. This concern has also been raised by some FNS Regional Offices. The Department believes, however, that the additional workload will prove manageable, especially once State agencies have established their procedures for implementing the requirement. Also, it should be noted that significant reductions in the minimum preapproval and monitoring visits to some extent counter-balance the additional workload that the requirement for approved levels will entail.

The concept of setting maximum approved levels of meal service for sites is not new to the Program. Some administering agencies have made use of approved level systems in the last few years and have found that with an approved level system they have been able to reduce Program waste by reducing the number of excess meals that are delivered to the sites. These administering agencies have developed systems which are fully consistent with the requirements of the proposed (and final) rule and which mitigate the workload which the approved level requirement would appear to entail.

The regulatory provisions for approved levels are stated in general terms in order to allow State agencies as much flexibility as possible in developing their systems, while maintaining a basic requirement that State agencies implement a site approved level system aimed at reducing the delivery of excess meals to sites. The following discussion explores some of the mechanisms which State agencies may wish to consider in developing their systems for establishing and adjusting approved levels.

In approving a sponsor's application for vended sites, the State agency should use any available and reliable information about the sites' attendance in prior years to establish an approved level. To ensure that there are enough meals to serve the children at the site, the State agency may wish to give the site an approved level somewhat higher than the exact level of attendance indicated in the records from the prior years. Such a margin will avoid the problem of having to adjust the approved level upwards when attendance at the site exceeds by only a small number the attendance levels recorded for the site in prior years. Of course, if the State has reason to believe that attendance at the site will actually decrease, it should not build such a margin into the approved level.

The proposed rule stipulated that if no reliable record of a site's probable attendance is available, the State agency would establish the approved level based upon its own best estimate of attendance for each site. In order to provide more flexibility to State agencies, the final rule modifies this provision. The final rule allows the State agency to use other procedures besides making an estimate of a site's likely attendance in those situations where an accurate record of attendance is not available and making an estimate of likely attendance would prove difficult.

For example, an acceptable procedure for sites for which no reliable record is available would be to establish a uniform, standard level of meal service that could be provided at all those sites (such as 100 meals per site), subject to adjustment based on review findings or any other information which may become available to the State agency. The standard level which a State agency chooses to employ will depend on the character and the size of the programs and sites which operate in the State. For example, a standard approved level of 50 may be appropriate in some States, while a standard level of 100 may be more appropriate in others. States may use a standard approved level for some sites and make an estimate of attendance for others. In any case, States should consider making an estimate of attendance rather than using a standard approved level for each site which has had problems with excess meals in prior years. States which choose to use a standard approved level must provide a mechanism for establishing approved levels higher than the standard level for sites of sponsors which provide evidence that they will serve more children than the standard approved level would permit. Of course, if the site information sheet submitted by the sponsor or any other information indicates estimated attendance will be significantly lower than the State's standard approved level, the State agency may consider using the lower figure in establishing the site's approved level.

When State agencies review a site and discover that attendance is significantly below the site's approved level, the State agency should consider reducing the approved level. A downward adjustment will be particularly important if it appears that the sponsor has not adjusted meal orders for the site with the objective of providing only one meal per child. The State agency may consider various options for making downward adjustments. It may want to adjust the approved level to a number equalling a reasonable percentage of the site's attendance on the day of the review to leave sufficient margin to accommodate any normal fluctuation in site attendance. For example, such a percentage might be 115 or 120 percent of the site's attendance on the day of a review. The State agency may want to make a more stringent adjustment in some cases.

When the State agency makes adjustments in the approved level, it should do so with the intention of accurately reflecting the site's probable attendance without setting the level so low that frequent readjustments will be necessary. The possible mechanisms for implementing the approved levels requirement described above do not constitute the only possibilities. State agencies are encouraged to establish systems for approved levels which best suit the programs in their States and which will make the most effective use of their staff resources in reducing waste in the Program.

Among the comments on the proposal were a few recommending that, instead of requiring approved levels for sites, a sponsor-wide approved level should be required. One commenter argued that a sponsor-wide approved level would provide sponsors with more flexibility to ensure that enough meals could be

ordered for each site to provide one meal for each attending child. This recommendation was rejected because it would not be effective in reducing the number of excess meals delivered to sites.

Several other commenters expressed concern that approved levels would prevent sites from receiving as many meals as they need to serve each attending child. Clearly this is not the intent of this change in the Program. The Department believes that State agencies will ensure that sponsors have rapid recourse whenever they find that a site's approved level is too low.

Three commenters argued that establishing an approved level of meal service would actually increase waste in the Program by encouraging sponsors to order the full approved number of meals each day without adjusting their meal orders in response to trends in site attendance. To address this concern, the final rule emphasizes the sponsor's responsiblility for rapid adjustments in meal orders downwards when site attendance is below the approved level. In no case should the approved level be used as a standing meal order. State agencies must continue to review sites and sponsors to ascertain whether the sponsors have in fact adjusted meal orders with the objective of providing only one meal per child.

A few other commenters recommended that State agencies also be required to set approved levels for sites of sponsors which prepare their own meals. This recommendation was rejected because of the additional workload it would impose on State agencies. Also, the Department believes that excess meals are not as serious a problem for self-preparation programs as for vended programs. Sponsors which prepare their own meals tend to adjust more quickly the number of meals prepared to the number of children in attendance. However, State agencies may choose, as under prior regulations, to establish approved levels of meal service for the sites of any sponsor which prepares its own meals. (See 7 CFR 225.8(j)).

6. Sponsor applications

The proposed rule required that, within two weeks of receiving notification of their approval, each sponsor submit (1) a copy of its letter advising the appropriate health department of its intention to operate a food service at its sites, and (2) if the sponsor expects to receive more than $75,000 in Program payments, a copy of its letter of engagement with an auditor. Two comments received have raised a valid concern that providing two weeks following approval for the submission of these letters may prove detrimental to the Program in situations where the sponsor plans to begin its food service program less than two weeks following approval. In such a case, the letters might not be submitted until after the sponsor's program has actually started operating. The Department has decided that it must ensure that sponsors have taken the necessary steps to involve the appropriate health department and to arrange for an audit before opening their summer food service programs. Therefore, the final rule stipulates that these letters must be submitted within two weeks of approval *and* prior to commencement of operations under the Program. State agencies may, of course, choose to require that the sponsor submit along with its application a copy of the letters the sponsors will send. (See 7 CFR 225.9 (d) and (e).)

7. Late applications

The proposed rule introduced a change in the Program requiring that the State agency not approve an application submitted after the deadline date any sooner than seven days following its submission. In response to strong disapproval of this change registered in eleven out of fourteen comments received on the subject, this change has not been included in the final rule. The Department concurs with the argument of several of the commenters that this constraint on the application approval process would unnecessarily reduce the flexibility of State agencies in dealing with late sponsor applications. The Department also agrees with commenters that such a mandatory delay in approving late applications might have the effect of denying meals to children who otherwise might be served.

8. Funding assessment

The proposed rule retained the requirement from prior regulations that FNS Regional Offices collect data on each State's administrative funding needs by August 1 of each year. The funding assessments serve as the basis for adjustments in the State's final Letter of Credit. Commenters from Regional Offices recommended that the deadline date for funding assessments be changed because State agencies often do not receive enough information from Claims for Reimbursement from sponsors prior to August 1 to conduct accurate funding assessments. In recognition of the validity of this argument, the Department has reviewed the entire process for making funding assessments and has determined that it can be changed in two ways. First, the final regulations extend to August 20 the deadline for Regional Offices to report on funding assessments. Additionally, final regulations restructure this reporting process from a complete State by State tally to exception reporting. Thus, Regions need only report, by August 20, any necessary adjustments to the information submitted in a State's Management and Administration Plan (MAP) which would impact on a State's Letter of Credit. If no new information is submitted by August 20, only the information submitted in the MAP will be considered. These changes reflect consideration of concerns expressed by commenters about the August 1 deadline and further reduces the reporting burden by instituting an exception reporting process. (See 7 CFR 225.13(d).)

9. Audit requirements

Regulations in prior years have required that sponsors which expected to earn $50,000 or more in Program reimbursement arrange for an audit of their programs every year. The proposed rule changing this level to $75,000 was supported by fifteen out of nineteen commenters. Several State agencies pointed out that this change has the effect of increasing the number of audits which State agencies must pay for out of their State administrative funds (SAF). Five State agencies indicated that their SAF would not be sufficient to cover the additional audit costs. The Department realizes that this change will put a strain on some States' administrative funds. However, 7 CFR 225.13(a)(4) allows States to appeal the requirement if they can demonstrate financial hardship. States which find that the change in the audit requirement entails unaffordable additional costs may want to initiate such appeals.

10. Tolerance system

One of the proposed changes which received numerous comments was the provision giving State agencies the option to allow a five percent tolerance on meal service violations observed during a site review. The proposal would permit State agencies to allow sponsors to claim reimbursement for meals in violation of the meal service requirements, as long as the number in violation did not exceed five percent of the total number of meals at the service.

While a majority of the commenters indicated support for the proposal, many of the commenters indicated that the five percent level would be far too low. Seventeen of the commenters recommended a ten percent tolerance. A few others stated that fifteen percent would be a more realistic level. The Department believes that many of the

eleven commenters which endorsed the proposed five percent level (most of whom are Program sponsors) did not fully realize that the change would result in a stricter and more formalized disallowance policy in some States than has been in effect in the past. Unfortunately, the comments did not reveal any consensus on what the appropriate tolerance level should be.

The Department has determined, however, that it should not provide authorization in regulations for a higher tolerance on meal service violations. A higher tolerance could cause serious Program management and accountability problems and encourage criticism of the Program.

After taking these issues into consideration, the Department has decided not to include provisions for tolerance levels in the final rule. Instead of providing tolerance through a flat percentage, the final rule provides a different mechanism to help ensure that sponsors which operate efficiently are not penalized for unavoidable losses, and that Program integrity is strengthened at the same time.

Under the final rule, all meals in violation would continue to be disallowed from the meals times rates calculation (i.e., as meals served to children) in the Claim for Reimbursement. The State agency would, however, be allowed to permit sponsors to include the cost of disallowed meals as operating costs, except that in no case shall the cost of meals in excess of a site's approved level of meal service established in accordance with 7 CFR 225.8(j) be considered allowable or be reported as an operating cost.

Sponsors receive, as reimbursement for their operating costs, the lesser of (1) the amount derived by multiplying the number of allowable meals served to children times the reimbursement rates, or (2) their allowable operating costs. If sponsors are not permitted either to include disallowed meals in the meals times rates computation or to include the cost of the disallowed meals as operating costs, then even a single disallowed meal will result in reimbursement being reduced below costs that a sponsor has actually incurred, and the sponsor will experience a financial loss. This loss would have to be borne by the sponsor out of other funding sources, or the sponsor would be left with a debt that it could not pay off. The Department recognizes that to a small extent disallowances may be unavoidable, even for sponsors which carefully manage their programs, and that State agencies may not want to impose such losses on sponsors which run good programs. If such losses are imposed, the most scrupulous sponsors may be discouraged from participating in the Program, with the result that waste in the Program may increase due to less careful sponsors taking their place.

This rulemaking addresses this issue by permitting disallowed meals to be considered as allowable operating costs. At the same time, by disallowing these meals from the meals times rates computation, and maintaining the requirement that allowable operating costs will be reimbursed only up to the meals times rates level, reimbursement for high levels of disallowed meals will be prevented.

The requirement of prior regulations that not even a single disallowed meal be included in operating costs may have discouraged some high quality sponsors from participating, and may also have influenced some sponsors who participate to report costs and meal counts incorrectly. For example, when a sponsor prepared or purchased 100 meals (incurring the cost of 100 meals), only the cost of the meals that were served to children in accordance with Program requirements could be claimed as an allowable cost. If only 90 of the 100 meals were served to children and met all of the requirements, only the cost of 90 meals was allowable. The cost of the other 10 meals was not allowable and, unless reported improperly on the claim, would have represented a loss to the sponsor.

Under the tolerance provision in this final rule, the sponsor can still only claim 90 meals as meals served to children, which can be used in the meals times rates calculation in order to determine the maximum potential reimbursement. However, unlike prior regulations, the final rule allows this sponsor to claim the cost of all 100 meals in its report of operating costs as long as none of the meals were in excess of the site's approved level of meal service. In reimbursement for operating costs, the sponsor will continue to receive the lesser of (1) allowable meals times the reimbursement rates, or (2) allowable operating costs. To the extent that the sponsor has kept its per meal costs below the reimbursement rates, the sponsor may be allowed to recover the cost of disallowed meals.

The provision included in the final rule will encourage accurate reporting and more efficient program management. While efficiency will be encouraged, the provision should not cause sponsors to keep their costs low by reducing the quality or quantity of the food served to children, as State agencies will continue to conduct reviews, examine meals, and disallow meals which do not meet the meal pattern requirements. If the State agency determines that the sponsor is reducing costs by reducing meal quality or is not taking the necessary steps to control its program, the State agency may choose to require the sponsor to reduce the costs reported on its Claim according to the number of meals disallowed.

Efforts to secure the most qualified sponsors will be facilitated by this provision. State agencies will be able to assure potential sponsors that they will not necessarily suffer financial losses for all disallowances.

The costs of meals in excess of a site's approved level of meal service are given separate treatment (i.e., they must be excluded in all cases from the Claim for Reimbursement) because such violations are easily avoidable. Ordering meals in excess of a site's approved level would constitute a willful violation, and the cost of such meals cannot be considered a necessary cost of operating the Program.

This provision is like the proposed 5 percent tolerance level system in that it can help sponsors to recover some of the costs of meals which otherwise would not be reimbursed. However, unlike the tolerance level system, this provision will provide additional incentive to sponsors to control and accurately report their costs and is, therefore, consistent with the goal of encouraging good Program management. (See 7 CFR 225.12(c)(8).)

11. Corrective action

The proposed rule contained several changes emphasizing corrective action regarding sponsors and sites which are found not to meet Program requirements. The proposal also modified the requirements for State agency reviews of sponsors and sites, emphasizing the need for State agency follow up when corrective action is necessary.

The final rule incorporates a provision meant to trigger special State agency attention to corrective action and follow-up when site violations reach a high level. In addition to requiring that sponsors take actions to ensure that any violations observed by the State agency during a site review do not recur, the final rule requires the State agency to prescribe a specific corrective action plan if it finds what it considers to be a high level of meal service violations at the site being reviewed. To ensure that the corrective action plan has been implemented, the State agency is required either to conduct a follow-up visit or in some other manner verify that the corrective action has been taken.

The Department believes that this requirement for a corrective action plan is probably not unlike systems already utilized by many State agencies, and will therefore not entail additional work. The provision will help to highlight the importance of follow-up efforts and will provide State agencies with specific regulatory support for mandating corrective action. (See 7 CFR 225.14(e)(4).)

12. Appeal procedures

In the proposed rulemaking, the Department outlined four major modifications to the appeal process: appellants must submit written documentation refuting the State agency's decision within seven days of submitting a request for review; State agencies must provide appellants with five days advance written notification of the time and place of hearings; a representative of the State agency must be allowed to attend hearings; and the time limit for review officers to render their decisions was raised from three to five work days. The Department received eight comments on these proposals, including two from administrative review officers. In general, the commenters approved of this section of the proposed regulations, although some criticisms and suggestions were made. In response to these comments the Department is modifying the proposed rulemaking in several ways.

First, the Department is including the revocation of a food service management company's registration as an appealable action. The Department never intended that vendors should be without administrative redress in such situations.

Therefore, this modification merely corrects the original oversight.

Secondly, the Department is specifiying that all appeals must clearly identify the precise State agency action being appealed and must include a photocopy of the State agency's notice of action. This stipulation is intended to enable review officers to determine immediately the reason for the appeal, thereby avoiding lost time spent by the review officer researching the nature of the appeal and permitting decisions to be rendered as expeditiously as possible.

The final regulation stipulates that the State agency, as well as the appellant, must be provided with five days advance written notice of the time and place of the hearing.

The proposed regulations also would have raised the time limit for rendering decisions from three work days to five. Some commenters, however, believe the time limit should be even longer, up to a maximum of thirty days. The Department originally proposed the two-day increase because the three-day limit was not always sufficient to allow review officers to reach decisions, particularly when appeals were complex or caseloads were large. A modest increase in the time limit is desirable, therefore, but because the SFSP operates for such a short period of time, it is imperative that all decisions be rendered as expeditiously as possible. For this reason, the Department does not believe that the time limit should be expanded beyond five working days.

Finally, in response to some queries and comments, the Department wishes at this point to clarify the intention of the provision requiring the State agency to maintain a complete record of each appeal. Such a record should provide an outside party with the opportunity to determine whether the State agency has followed the regulations in such matters as notification and time frames. The record should also make it clear why the review officer rendered the decision. It is not necessary, however, that verbatim transcripts of hearings or, for that matter, any other particular kind of documentation be included in every record. The Department has no wish to encumber review officers with an extensive list of materials which must be part of the record. Instead, the Department intends that review officers have flexibility in this area provided that the record is sufficiently complete to document the State agency's compliance with these regulations and the basis for the decision. This issue is clarified in the final rule. (See 7 CFR 225.16 (b) and (c).)

13. Daily meal services

Section 206 of Pub. L. 96–499 stipulates that sites other than camps and those which primarily serve migrant children shall only be approved to provide up to two meal services under the Program each day. If such sites provide one meal service each day, it may be either breakfast, lunch, or a supplement. If such sites provide two meal services each day, one of the meal services must be lunch, and the other may be breakfast or a supplement. These sites shall not be approved to serve both breakfast and a supplement each day. The statute permits camps and sites which primarily serve migrant children to serve up to four meals each day. Congress made this change in the Program in order to reduce Federal expenditures, Program mismanagement, and abuse associated with multiple daily meal services. The final rule incorporates this change.

As before, the regulations provide that residential camps may serve up to four meals per day. The same language is used allowing sites primarily serving migrant children to serve up to four meals. Consistent with regulations for prior years, the proposed rule stipulated that nonresidential camps, however could be approved only to serve four meals, or three meals consisting of breakfast, lunch, and supper, each day. Several commenters argued that nonresidential camps should be permitted, like residential camps, to serve any number of meals up to four each day, on the grounds that the minimum meal service stipulation is an unnecessary encumbrance. The Department has decided to accept their recommendation. State agencies can achieve the original objective of the proposed provision, which was to ensure that nonresidential camps offer the other services associated with the term "day camp," by careful scrutiny of the sponsor applications with regard to the schedule of activities which the camp will provide for enrolled children. (See 7 CFR 225.19(f), (g), and (h).)

14. Meal pattern requirements

The final rule retains the presentation of the meal component and portion requirements for the various meal types in chart, rather than narrative, form. However, the order of listing the individual components of each meal type has been adjusted in order to conform to the format presented in guidance materials developed by the Department.

A provision has been added to the final regulations that clarifies the use of enriched macaroni products with fortified protein in the Program. These products may be used to meet either part of the meat/meat alternate requirement or the bread/bread alternate requirement in a meal. However, these products cannot be counted toward meeting both component requirements in the same meal. (See 7 CFR 225.21(c)(3).)

15. Unitization of meals

Under prior regulations, all meals purchased from food service management companies were required to be unitized, with or without milk. This final rule modifies this provision by requiring that these meals be unitized, with or without milk or juice. This change responds to complaints that when juice has been included in the unitized meal, it has sometimes spilled and damaged other components in the unit. The change will help to prevent wasting of food. (See 7 CFR 225.17(a).)

16. Affirmative action to increase participation by minority food service management companies

The Department received no comments relating to the proposal to collect information during the registration process on minority food service management companies desiring to participate in the 1981 Program. Because the Department believes that increased emphasis on minority business participation is both necessary and important, this provision has been included in the final regulations. (See 7 CFR 225.17(c)(2)). If the 1981 data reveals a disproportionately low level of minority business participation in the Program, the Department intends to re-evaluate the means it has used in the past to increase the level of participation of minority owned firms in the Program.

17. Other changes

Finally, in the proposed rulemaking, the Department outlined several changes in the requirements for monitoring, meal patterns, audits and management evaluations. These changes were designed to allow for greater flexibility and more efficient and effective utilization of personnel and administrative expenditures, and public comment was overwhelmingly favorable. The Department, therefore, is incorporating the following proposals into these final regulations for the reasons discussed in the preamble to the proposed rulemaking:

a. State agencies shall make preapproval visits to all sponsors which did not participate during the previous year or which are determined to need such a visit.

b. The requirement that State agencies make preapproval visits to all new non-school sites located in cities with total elementary and secondary public school enrollment exceeding 75,000 is deleted.

c. The requirement that State agencies make preapproval visits to all new sites with proposed average daily attendances of more than 300 children is limited to non-school sites.

d. State agencies are relieved of the burden of conducting reviews during the first four weeks of operation of sponsors with 10 or more sites which had no significant problems during the previous year's Program. Such sponsors must still be reviewed, but the reviews may be conducted at any time during the period of Program operations.

e. Department has deleted the requirement that States expecting to earn $250,000 or more in State administrative funds conduct reviews of 75 percent of the non-school sites and 25 percent of the school sites operated by sponsors with 10 or more sites in cities with public school enrollments exceeding 75,000 during the first four weeks of operations.

f. The number of program reviews which State agencies are required to conduct of sponsors with fewer than 10 sites is reduced from an average of 80 percent to 70 percent of the sites of such sponsors.

g. The number of items which State agencies must include on the monitoring forms used by sponsors is expanded to include the number of meals prepared or delivered, the number of meals served to children, and any deficiencies noted.

h. Regional Offices are allowed to conduct management evaluations of State agencies either prior to or during the first six weeks of Program operations.

i. Regional Offices shall conduct a follow-up evaluation if the original management evaluation reveals serious problems in a State's administration of the program.

j. Regional Offices have authority to require a State agency to submit on 20 days notice a corrective action plan addressing serious problems revealed during management evaluations.

k. The National School Lunch Program's (NSLP) equivalencies for various foods (published at 45 FR 32502), including the number of eggs and the amount of cooked dry beans or peas needed to provide the protein equivalent of the meat/meat alternate component are adopted.

l. Meals served with lesser quantities than are established under these regulations are required to meet the quantity requirements for age groups in the Child Care Food Program. Moreover, lesser quantities may be served only to children under the age of six and must have prior approval of the State agency.

Accordingly, 7 CFR Part 225 is revised and reissued as follows:

PART 225—SUMMER FOOD SERVICE PROGRAM

Subpart A—General

Sec.

225.1 General purpose and scope.
225.2 Definitions.
225.3 Administration.

Subpart B—Assistance to States

225.4 Payments to State agencies and use of Program funds.
225.5 Commodity assistance.

Subpart C—State Agency Provisions

225.6 Program management and administration plan.
225.7 State agency personnel.
225.8 Procedures for approval of applications.
225.9 Program applications.
225.10 Program expansion, monitoring and assistance.
225.11 Records and reports.
225.12 Program payments.
225.13 Audits and management evaluations.
225.14 Corrective action procedures.
225.15 Claims against sponsors.
225.16 Appeal procedures.
225.17 Procedures for food service management companies.
225.18 Procurement standards.

Subpart D—Provisions for Sponsors

225.19 Requirements for sponsor participation.
225.20 Operational responsibilities of sponsors.
225.21 Meal service requirements.
225.22 Free meal policy.

Subpart E—Miscellaneous Provisions

225.23 Other provisions.
225.24 Program information.

Authority: Secs. 5, 7, 10, Pub. L. 95-627, 95 Stat. 3603 (42 U.S.C. 1771); sec. 2, Pub. L. 95-166, 91 Stat. 1325 (42 U.S.C. 1761); sec. 7, Pub. L. 91-248, 84 Stat. 211 (42 U.S.C. 1759a).

Subpart A—General

§ 225.1 General purpose and scope.

This part announces the policies and prescribes the regulations under which the Secretary will carry out a Summer Food Service Program to assist States through grants-in-aid to initiate, maintain, and expand non-profit food service programs for children during the summer months and at other approved times. The primary purpose of the Program is to provide food service to children as a substitute for the National School Lunch and School Breakfast Programs, during periods when area schools are closed for vacation, except that the Summer Food Service Program is directed toward children from needy areas.

§ 225.2 Definitions.

(a) "Act" means the National School Lunch Act, as amended.

(b) "Administrative costs" means costs incurred by a sponsor related to planning, organizing, and managing a food service under the program, and excluding interest costs and operating costs.

(c) "Advance payments" means financial assistance made available to a sponsor for its operating costs and/or administrative costs prior to the end of the month in which such costs will be incurred.

(d) "Areas in which poor economic conditions exists" means (1) the local areas from which a site draws its attendance in which at least 33⅓ percent of the children are eligible for free or reduced price school meals under the National School Lunch Program and the School Breakfast Program, as

determined (i) by information provided from departments of welfare, education, zoning commissions, census tracts, and organizations determined by the State agency to be migrant organizations, (ii) by the number of free and reduced price lunches or breakfasts served to children attending public and nonprofit private schools located in the areas of Program sites, or (iii) from other appropriate sources, or (2) an enrollment program in which at least 33⅓ percent of the children at the site are eligible for free or reduced price school meals as determined by statements of eligibility based on the sizes and incomes of the families of the children enrolled.

(e) "Camps" means residential summer camps and nonresidential day camps which offer a regularly scheduled food service as part of an organized program for enrolled children. Nonresidential camps shall offer a continuous schedule of organized cultural or recreational program for enrolled children between meal services.

(f) "Children" means (1) persons 18 years of age and under, and (2) persons over 18 years of age who are determined by a State educational agency or a local public educational agency of a State to be mentally or physically handicapped and who participate in a public or nonprofit private school program established for the mentally or physically handicapped.

(g) "Costs of obtaining food" means costs related to obtaining food for consumption by children. Such costs may include, in addition to the purchase price of agricultural commodities and other food, the cost of processing, distributing, transporting, storing, or handling any food purchased for, or donated to, the Program.

(h) "Continuous school calendar" means a situation in which all or part of the student body of a school are (1) on a vacation for periods of 15 continuous school days or more during the period October through April and (2) in attendance at regularly scheduled classes during most of the period May through September.

(i) "Department" means the U.S. Department of Agriculture.

(j) "Fiscal year" means the period beginning October 1 of any calendar year and ending September 30 of the following calendar year.

(k) "FNS" means the Food and Nutrition Service of the Department.

(l) "FNSRO" means the appropriate FNS Regional Office.

(m) "Food service management company" means any commercial enterprise or non-profit organization which contracts with a sponsor to manage any aspect of the food service program. Food service management companies may be (1) public agencies or entities; (2) private, nonprofit organizations; or (3) private, for-profit companies.

(n) "Income accruing to the program" means all funds used by a sponsor in its food service program, including but not limited to all monies, other than program payments, received from Federal, State and local governments, from food sales to adults, and from any other source, including cash donations or grants. Income accruing to the Program will be deducted from combined operating and administrative costs.

(o) "Meals" means food which is served to children at a food service site and which meets the nutritional requirements set out in this part.

(p) "Milk" means whole milk, lowfat milk, skim milk, and buttermilk. All milk must be fluid and pasteurized and must meet State and local standards for the appropriate type of milk. Milk served may be flavored or unflavored. In Alaska, Hawaii, American Samoa, Guam, Puerto Rico, the Trust Territory of the Pacific Islands, the Northern Mariana Islands, and the Virgin Islands of the United States, if a sufficient supply of such types of fluid milk cannot be obtained, reconstituted or recombined milk may be used. All milk should contain Vitamins A and D at the levels specified by the Food and Drug Administration and at levels consistent with State and local standards for such milk.

(q) "Needy children" means children from families whose incomes are equal to or below the Secretary's Guidelines for Determining Eligibility for Reduced Price School Meals.

(r) "OIG" means the Office of the Inspector General of the Department.

(s) "Operating costs" means the cost of operating a food service under the Program, including (1) cost of obtaining food, (2) labor directly involved in the preparation and service of food, (3) cost of nonfood supplies, (4) rental and use allowances for equipment and space and (5) costs for transporting children in rural areas to feeding sites in rural areas, but excluding (i) the cost of the purchase of land, acquisition or construction of buildings, (ii) alteration of existing buildings, (iii) interest costs, (iv) the value of in-kind donations, and (v) administrative costs.

(t) "Private nonprofit" means tax exempt under the Internal Revenue Code of 1954, as amended.

(u) "Program" means the Summer Food Service Program for Children authorized by Section 13 of the Act.

(v) "Program funds" means Federal financial assistance made available to State agencies for the purpose of making Program payments.

(w) "Program payments" means financial assistance in the form of start-up payments, advance payments or reimbursement paid to sponsors for operating and administrative costs.

(x) "Rural" means (1) any area in a county which is not a part of a Standard Metropolitan Statistical Area or (2) any "pocket" within a Standard Metropolitan Statistical Area which, at the option of the State agency and with FNSRO concurrence, is determined to be geographically isolated from urban areas.

(y) "Secretary" means the Secretary of Agriculture.

(z) "Self-preparation" means the sponsor prepares the meals which will be served at its site(s), and does not contract with a food service management company for the preparation of all or a portion of the meals.

(aa) "School Food Authority" means the governing body which is responsible for the administration of one or more schools and which has the legal authority to operate a lunch program in those schools.

(bb) "Session" means a specified period of time during which an enrolled group of children attend camp.

(cc) "Site" means a physical location at which a sponsor provides a food service for children and at which children consume meals in a supervised setting.

(dd) "Special account" means an account between a sponsor and a food service management company with a State or Federally insured bank in which checks from the State agency for operating costs are deposited by the sponsor and released only in accordance with the terms of the special account agreement.

(ee) "Sponsor" means a public or private nonprofit institution which develops a special summer or other school vacation program providing food service similar to that available to children during the school year under the National School Lunch and School Breakfast Programs and which is approved to participate in the Program. Institutions eligible to be sponsors include (1) camps and (2) nonresidential institutions which provide a year-round service to the community, or provide a food service to the children of migrant workers, or provide a food service for a significant number of needy children which would not otherwise have reasonable access to the Program.

(Sponsors are referred to in the Act as "service institutions.")

(ff) "Start-up payments" means financial assistance made available to a sponsor for administrative costs to enable it to effectively plan a summer food service, and to establish effective management procedures for such a service. These payments shall be deducted from subsequent administrative costs payments.

(gg) "State" means any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands.

(hh) "State agency" means the State educational agency or an alternate State agency that has been designated by the Governor or other appropriate executive or legislative authority of the State and which has been approved by the Department to administer the Program within the State, or in States where FNS administers the Program, FNSRO.

§ 225.3 Administration.

(a) FNS shall act on behalf of the Department in the administration of the Program.

(b) Within the States, responsibility for the administration of the Program shall be in the State agency, except that FNSRO shall administer the Program in any State where the State agency is not permitted by law or is otherwise unable to disburse Federal funds paid to it under the Program to any sponsor in the State. Notwithstanding the provisions of this paragraph, no FNSRO shall assume administration of the Program in any State during the period October 1, 1980, through September 30, 1981, unless the Program in that State was administered by FNSRO during the period October 1, 1979, through September 30, 1980. Each agency shall notify the Department by each November 1 of the fiscal year involved as to whether or not it intends to administer the Program.

(c) Each State agency desiring to take part in the Program shall enter into a written agreement with FNS for the administration of the Program in the State in accordance with the provisions of this part. The agreement shall cover the operation of the Program during the period specified therein and may be extended by written consent of both parties. The agreement shall contain an assurance that the State agency will comply with the Department's nondiscrimination regulations (7 CFR Part 15), issued under Title VI of the Civil Rights Act of 1964, and any Instructions issued by FNS pursuant to those regulations.

(d) When the Secretary determines that the State is not operating the Program in accordance with the provisions of this part, he shall, through FNSRO, assume the responsibility for administration of the Program in the State as provided for in § 225.23(b). Notwithstanding the provisions of this paragraph, no FNSRO shall assume administration of the Program in any State during the period of October 1, 1980, through September 30, 1981, unless the Program in that State was administered by FNSRO during the period October 1, 1979, through September 30, 1980.

(e) In States in which FNSRO administers the Program, it shall assume all of the responsibilities of a State agency and shall earn State administrative and Program funds as set forth in this part.

Subpart B—Assistance to States

§ 225.4 Payments to State agencies and use of Program funds.

(a) *Letter of Credit for Program payments.* (1) Not later than April 15 of each fiscal year, FNS shall make available to each participating State in a Letter of Credit an amount equal to 65 percent of the preceding fiscal year's Program payments for operating costs plus 65 percent of the preceding fiscal year's Program payments for administrative costs in the State. This amount may be adjusted to reflect changes in reimbursement rates made pursuant to § 225.12(c)(12). However, the State shall not withdraw funds from this Letter of Credit until its Program management and administration plan is approved by FNS.

(2) Not later than May 15, FNS shall make available, if necessary, additional funds in a Letter of Credit to ensure that at least 65 percent of the Program operating and administrative funds estimated to be needed for the summer in the State's approved management and administration plan has been provided to each State.

(3) Not later than July 1, FNS shall make available, if necessary, in a Letter of Credit an amount sufficient to ensure that as least 65 percent of the Program operating and administrative funds determined during the evaluation required in § 225.13(c) to be needed for the summer has been provided to the State. Funds made available in these Letters of Credit shall be used by the State agency to make Program payments to sponsors. FNS may make appropriate changes in the amounts included in these Letters of Credit based on any information available upon which determinations of actual program size may be made.

(b) *Continuous school calendar.* The Letter of Credit shall include sufficient funds to enable the State agency to make advance payments to sponsors serving areas in which schools operate under a continuous school calendar. These funds shall be made available no later than the first day of the month prior to the month during which the food service will be conducted.

(c) *Remaining funds.* FNS shall make available any remaining Program funds due within 45 days of the receipt of valid Claims for Reimbursement from sponsors by the State agency. However, no payment shall be made for claims submitted for any fiscal year if they are submitted after December 31 of the following fiscal year, except as allowed under § 225.12(c)(7).

(d) *Return of funds.* Each State agency shall release to FNS any Program funds which it determines are unobligated as of September 30 of each fiscal year. Release of funds by the State agency shall be made as soon as practicable, but in no event later than 30 calendar days following demand by FNS, and shall be accomplished by an adjustment in the State agency's Letter of Credit.

(e) *State administrative funds.* For each fiscal year, FNS shall pay to each State agency for administrative expenses incurred in the Program an amount equal to (1) 20 percent of the first $50,000 in Program funds properly payable to the State in the preceding fiscal year; (2) 10 percent of the next $100,000 in Program funds properly payable to the State in the preceding fiscal year; (3) 5 percent of the next $250,000 in Program funds properly payable to the State in the preceding fiscal year; and (4) 2½ percent of any remaining Program funds properly payable to the State in the preceding fiscal year: *Provided, however,* That FNS may make appropriate adjustments in the level of State administrative funds to reflect changes in Program size from the preceding fiscal year as evidenced by information submitted in the State Program management and administration plan and any other information available to FNS.

(f) *Use of State administrative funds.* State administrative funds paid to any State shall be used by State agencies to employ personnel, including travel and related expenses, and to supervise and give technical assistance to sponsors in their initiation, expansion, and conduct of any food service for which Program funds are made available. State agencies may also use administrative funds for such other administrative expenses as are set forth in their

approved Program management and administration plan.

(g) *State administrative funds Letter of Credit.* (1) At the beginning of each fiscal year, FNS shall make available to each participating State agency by Letter of Credit an initial allocation of State administrative funds for use in that fiscal year. This allocation shall not exceed one-third of the administrative funds provided to the State in the preceding fiscal year. For State agencies which did not receive any Program funds during the preceding fiscal year, the amount to be made available shall be determined by FNS.

(2) Additional State administrative funds shall be made available upon the receipt and approval by FNS of the State's Program management and administration plan. The amount of such funds, plus the initial allocation, shall not exceed 80 percent of the State administrative funds determined by the formula set forth in paragraph (e) of this section and based on the estimates set forth in the approved Program management and administration plan.

(3) The remaining State administrative funds shall be paid to each State agency as soon as practicable after the conduct of the funding assessment described in § 225.13(c) and (d) (but not later than September 1) and shall be in an amount equal to that determined to be needed during the funding evaluation, less the amounts paid under paragraphs (g)(1) and (2) of this section.

(h) *Funding assurance.* At the time FNS approves the State's management and administration plan, the State shall be assured of receiving State administrative funding equal to the lesser of the following amounts: 80 percent of the amount obtained by applying the formula set forth in paragraph (e) of this section to the total amount of Program payments made within the State during the prior fiscal year, or, 80 percent of the amount obtained by applying the formula to the amount of Program funds estimated to be needed in the management and administration plan.

The State agency shall be assured that it will receive no less than this level unless FNS determines that the State agency has failed or is failing to meet its responsibilities under in this part.

(i) *Limitation.* In no event may the total payment for State administrative costs in any fiscal year exceed the total amount of expenditures incurred by the State agency in administering the Program.

(j) *Adjustment of Letter of Credit.* Prior to May 15 of each fiscal year, FNS shall make any adjustments necessary in each State's Letter of Credit to reflect actual expenditures in the preceding fiscal year's Program.

(k) *Health inspection funds.* By April 15 of each fiscal year, FNS shall make available by Letter of Credit to each State agency an amount equal to one percent of Program funds expended in the preceding fiscal year in the State. Following approval of the State's management and administration plan, FNS shall make available in a Letter of Credit any additional funds necessary to ensure that 1 percent of Program funds estimated to be needed for Program payments in the State's management and administration plan is available to the State. These funds shall be used solely to enable State or Local health departments or other governmental agencies charged with health inspection functions to carry out health inspections and meal quality tests, provided that if these agencies cannot perform such inspections or tests, the State agency may use the funds to contract with an independent agency to conduct the inspection or meal quality tests. An adjustment may be made in the amount provided for in this paragraph based on the evaluation required in § 225.13(c) and (d), if such an adjustment is warranted. Funds so provided but not expended or obligated shall be returned to the Department by September 30 of the same fiscal year.

§ 225.5 Commodity assistance.

(a) Sponsors eligible to receive commodities under the Program include only those which prepare the meals to be served at their sites and those which have entered into an agreement with a school or school district for the preparation of meals. The State agency shall make available to these sponsors information on available commodities.

(b) Not later than June 1 of each year State agencies shall prepare a list of the names of sponsors which are eligible to receive commodities. The list shall indicate the average daily number of eligible meals to be served by each of these sponsors. If the State agency does not handle the distribution of commodities donated by the Department, this list shall be forwarded to the agency of the State responsible for the distribution of commodities. The State agency shall be responsible for promptly revising the information included on the list to reflect additions or terminations of sponsors and for adjusting the average daily participation data as it determines necessary.

Subpart C—State Agency Provisions

§ 225.6 Program management and administration plan.

(a) Not later than February 15 of each year, each State Agency shall submit to FNSRO a Program management and administration plan for that fiscal year.

(b) Each plan shall be acted on or approved by March 15, or if it is submitted late, within 30 calendar days of receipt of the plan. If the plan initially submitted is not approved, the State agency and FNS shall work together to ensure that changes to the plan, in the form of amendments, are submitted so that the plan can be approved within 60 calendar days following the initial submission of the plan. Upon approval of the plan, the State agency shall be notified of the level of State administrative funding which it is assured of receiving under § 225.4(h).

(c) Prior to submission, the State shall ensure that interested parties have opportunity to make comments and recommendations and that timely comments and recommendations have been given full consideration in the development of the Plan.

(d) The Plan shall have the original signature of the Chief Official (Commissioner or Superintendent) of the State agency.

(e) The State agency shall give the Governor, or his delegated agent, the opportunity to comment on the management and administration plan. A period of 45 calendar days from the date of receipt of the Plan shall be afforded to make such comments.

(f) Approval of the Plan by FNS shall be a prerequisite to the withdrawal of Program funds by the State from the Letter of Credit and to the donation by the Department of any commodities for use in the State's Program.

(g) The Plan shall include, at a minimum, the following information:

(1) The State's plan for the use of State administration funds, Program funds, and funds from within the State to reach needy areas, and a description of the means of identifying needy areas. It shall provide the procedures and timeframes for achieving the maximum participation of needy children, particularly needy children in rural areas, in Indian tribal territories, and in areas with a concentration of migrant farmworkers, by disseminating information on the availability of the Program to potential sponsors. The Plan shall provide the State's procedures for locating sponsors eligible under § 225.19(a) (1) through (5);

(2) The estimated number and types of sponsors and sites expected to participate and the estimated average

daily attendance. A description of the estimation methods used shall be included;

(3) The estimated amount of Program funds, by month, needed for operating costs payments to sponsors. The plan shall describe the State's method for calculating the amount and the procedures and timeframes for disbursing these payments to sponsors;

(4) The estimated amount of Program funds, by month, needed for administrative costs payments to sponsors. The plan shall describe the State's method for calculating the amount and the method and timeframes for disbursing these payments to sponsors;

(5) The State agency budget, by month, for the use of State administrative funds, including but not limited to staffing, salaries, travel, and per diem;

(6) The State's procedures, deadlines, timeframes, and criteria to be used in the approval process for sponsor applications, including sponsors seeking eligibility under § 225.19(a)(6);

(7) The State's procedures and timeframes for providing technical assistance and training to sponsors, including the number of such training sessions and any other types of technical assistance the State agency intends to provide;

(8) The State's procedures and timeframes for (i) monitoring sponsors and sites, including the number of pre-approval visits and Program reviews conducted in the prior fiscal year and the number of Program reviews planned for the current fiscal year, (ii) followup and corrective action to remedy Program deficiencies and violations detected during such monitoring, and (iii) additional monitoring of sponsors described in § 225.19(a)(6) and sites administered by such sponsors;

(9) The State's procedures and timeframes for (i) registering, (ii) training, and (iii) monitoring of food service management companies, (iv) ensuring that food service management companies do not enter into contracts for more than they can provide effectively and efficiently, and (v) followup and corrective action to remedy food service management company Program deficiencies and violations;

(10) The State's Plan to provide for health inspections and meal quality tests, and the State's plan for the use of funds provided under § 225.4(k);

(11) The State's plan for maximizing the use of school food service facilities and on-site meal preparation;

(12) The actions to be taken to ensure compliance with the requirements of the Department's regulations respecting nondiscrimination (7 CFR Part 15);

(13) The State's procedures and timeframes for auditing sponsors not subject to the auditing requirements prescribed by the Secretary in accordance with § 225.13(a)(1). The Plan shall also include the total number of audits performed during the prior fiscal year;

(14) The State's procedures for granting a fair hearing and prompt determination to any sponsor wishing to appeal a State's decision affecting its application for participation, its site participation, or its Program payments, and the State's procedures for granting a hearing and prompt determination to any food service management company wishing to appeal a State's denial of registration in the State. The State shall also identify the title and/or position of the hearing official responsible for hearing appeals by sponsors and food service management companies of any State decision concerning any aspect of their participation in the Program. The Plan shall provide evidence of that official's independence from the original decision-making process;

(15) The amount of non-Federal funds made available to the Program through direct State appropriations;

(16) An explanation of significant deviations in last year's actual Program operations from that proposed in the Plan for last year. This explanation shall include the State's corrective action plan for resolving any problems or deficiencies which occurred during the prior fiscal year and for reducing waste and mismanagement in the Program.

§ 225.7 State agency personnel.

(a) The State agency shall provide sufficient qualified consultative, technical, and managerial personnel to administer the Program, monitor performance, and measure progress in achieving Program goals. The State agency shall assign Program responsibilities to personnel to ensure that all applicable requirements under this part are met.

(b) All administrative personnel shall be employed and available for Program duties at least 30 days prior to the State agency's sponsor application deadline date. All field staff personnel shall be employed and available at least 15 days prior to the first day of Program operations. However, the State agency may submit to FNSRO a written request for an exception to these hiring dates. The requests shall include information in sufficient detail for FNSRO to determine that the exception is necessary and will not adversely affect Program administration and operation. The requests must be submitted prior to the first of the hiring dates.

§ 225.8 Procedures for approval of applications.

(a) Each State agency shall establish and inform all of the previous year's sponsors and all potential sponsors of the deadline date for submitting a written application for participation in the Program. The State agency shall approve the application of an otherwise eligible applicant sponsor submitted after the deadline date established by the State agency only when the failure to do so would deny the Program to an area in which poor economic conditions exist or a significant number of needy children would not otherwise have reasonable access to the Program. The State agency shall inform potential sponsors inquiring after the sponsor application deadline date of the possibility of approval if the sponsor qualifies under these terms.

(b) Within 30 days of receiving a complete and correct application, the State agency shall notify the applicant of its approval or disapproval. If an incomplete application is received, the State agency shall so notify the applicant within 15 days and shall provide technical assistance for the purpose of completing the application. Any disapproved applicant shall be notified of its right to appeal under § 225.16.

(c) The State agency shall determine the eligibility of applicant sponsors applying for participation in the Program in accordance with the applicant sponsor eligibility criteria outlined in § 225.19.

(d) The State agency shall review each applicant's administrative budget as a part of the application approval process, in order to assess the applicant's ability to operate in compliance with these regulations within its projected level of reimbursement. In approving the applicant's administrative budget, the State agency shall take into consideration the number of sites and children to be served, as well as any other relevant factors. A sponsor's administrative budget shall be subject to review for adjustments by the State agency if the sponsor's level of site participation or the number of meals served to children changes significantly.

(e) State agencies may approve the application of an otherwise eligible applicant which does not provide a year-round service to the community which it proposes to serve under the Program only if it meets one or more of the following criteria: (1) it is a residential camp, or (2) it proposes to

provide a food service for the children of migrant workers, or (3) a failure to do so would deny the Program to an area in which poor economic conditions exist, or (4) a significant number of needy children will not otherwise have reasonable access to the Program. Such an applicant may be approved to operate more than 50 sites only if it will provide a food service for the children of migrant workers and the State agency determines that the applicant has adequate capabilities and facilities and has provided services to migrant communities in prior years. When approving the applications of such applicants, the State agency shall take particular care to ensure that such applicants are timely in their Program planning and thoroughly prepared to assume and carry out all Program responsibilities.

(f) Applicants which qualify as camps shall be approved for reimbursement only for meals served free to enrolled children who meet the eligibility requirements for free and reduced price school meals.

(g) The State agency shall use the following order of priority in approving applicants eligible under § 225.19(a) (1) through (5) to operate sites which propose to serve the same area or the same enrolled children:

(1) Applicant sponsors which are public or nonprofit private schools, and other applicants which have demonstrated successful Program performance in a prior year;

(2) Applicant sponsors which propose to prepare meals at their own facilities or which operate only one site;

(3) Applicant sponsors which propose to utilize local school food service facilities for the preparation of meals;

(4) Other applicant sponsors which have demonstrated ability for successful Program operations; and

(5) Applicant sponsors which plan to integrate the Program with Federal, State, or local employment or training programs.

(h) The State agency shall not approve the application of any applicant which seeks eligibility under § 225.19(a)(6) unless the applicant fully documents that it has a consistent record of reliable and honest management and administration of community food service programs. For the purpose of determining eligibility under § 225.19(a)(6), "community food service program" means a program that provides meals on a regular schedule, and which has the stated objective of providing nutritionally balanced meals to participants. The State agency shall approve these applicants only if sponsors identified in § 225.19(a) (1) through (5) are not available to administer the Program in the same geographic area or a significant number of needy children will not otherwise have reasonable access to the Program. Upon receiving an application from a potential sponsor seeking eligibility under § 225.19(a)(6), the State agency shall make every reasonable effort to locate a sponsor eligible under § 225.19(a) (1) through (5) to serve sites in that same area. The State agency may also assist applicants seeking eligibility under § 225.19(a)(6) in making changes in their proposed programs that would make the applicants eligible under one of the other categories in § 225.19(a) (1) through (5).

(i) When evaluating a proposed food service site, the State agency shall ensure that:

(1) If not a camp, the proposed site serves an area in which poor economic conditions exist, as defined by § 225.2(d);

(2) The number of meals, by type, proposed to be served to children at the site does not exceed the number of children residing in the area to be served, or, if applicable, the number enrolled;

(3) The area which the site proposes to serve is not or will not be served in whole or in part by another site, unless it can be demonstrated to the satisfaction of the State agency that each site will serve children not served by any other site in the same area for the same meal and that the total number of meals, by type, served to children at all sites does not exceed the number of children residing in the area; and

(4) The site is approved to serve no more than the number of children for which its facilities are adequate.

(j) When approving an application, the State agency shall establish for each meal service an approved level for the maximum number of meals which may be served under the Program for each site which will serve meals prepared by a food service management company. These approved levels shall be established in accordance with the following provisions.

(1) The initial maximum approved level shall be based upon historical record of attendance at the site if such a record has been established in prior years and the State agency determines that it is accurate. The State agency shall develop a procedure for establishing initial maximum approved levels for sites when no accurate record from prior years is available.

(2) The maximum approved level shall be adjusted, if warranted, based upon information collected during site reviews. If attendance at the site on the day of the review is significantly below the site's approved level, the State agency should consider making a downward adjustment in the approved level with the objective of providing only one meal per child each day.

(3) The sponsor may seek an upward adjustment in the approved level for its sites by requesting a site review or by providing the State agency with evidence that attendance exceeds the sites' approved levels.

(4) Whenever the State agency establishes or adjusts approved levels of meal service for a site, it shall document the action in its files, and it shall provide the sponsor with immediate written confirmation of the approved level.

(5) Upon approval of its application or any adjustment of maximum approved levels, the sponsor shall inform the food service management company with which the sponsor contracts of the approved level for each meal service at each site for which the food service management company will provide meals. This notification of any adjustments in approved levels shall take place within the time frames set forth in the contract for adjusting meal orders. Whenever the sponsor notifies the food service management company of the approved levels or any adjustments to these levels for any of its sites, the sponsor shall clearly inform the food service management company that an approved level of meal service represents the maximum number of meals which may be served at a site and is not a standing level for meal orders at that site. The sponsor shall adjust meal orders with the objective of serving only one meal per child, as required under § 225.20(d), when the number of children attending is below the site's approved level.

(k) Each State agency shall inform potential sponsors of the procedure for applying for advance operating and administrative costs payments as provided for in § 225.12(b), and where applicable, each State agency shall inform sponsors of the procedure for applying for start-up payments provided for in § 225.12(a).

(l) The State agency shall not approve any applicant sponsor to operate more than 200 sites or to serve an average daily attendance of more than 50,000 children unless it can demonstrate to the satisfaction of the State agency that it has the capability of managing a program of that size.

(m) The State agency shall not approve the application of any applicant sponsor identifiable through its organization or principals as a sponsor which participated during the prior three

fiscal years and was seriously deficient in its Program operations during any one of those years, except as allowed under § 225.14(c). In the event that an applicant sponsor's application is denied, the State agency shall inform such applicant sponsor of the procedure to request a review of the denial. The official making the determination of denial must notify the applicant sponsor in writing stating all of the grounds on which the State agency based the denial. Serious deficiencies which are grounds for nonapproval are described in § 225.14(c).

(n) Pending the outcome of a review of a denial the State agency shall proceed to approve other applicants in accordance with its responsibilities under paragraph (g) of this section, without regard to the application under review.

(o) The State agency shall not approve the application of any applicant sponsor which submits fraudulent information or documentation when applying for Program participation or knowingly withholds information which may lead to the disapproval of its application. Complete information regarding such disapproval of an applicant shall be submitted by the State agency through FNSRO to OIG.

§ 225.9 Program applications.

(a) The applicant shall submit a written application to the State agency for participation in the Program as a sponsor. The State agency may use the application form developed by FNS or it may develop an application form for use in the Program. Application shall be made on a timely basis in accordance with the State agency deadline date established under § 225.8(a). At a minimum, the application shall include the items listed below:

(1) A site information sheet, as developed by the State agency, for each site where a food service operation is proposed. The site information sheet shall demonstrate or describe the following:

(i) An organized and supervised system for serving meals to attending children;

(ii) The estimated number and types of meals to be served and the times of service;

(iii) Arrangements, within standards prescribed by the State or local health authorities, for delivery and holding of meals until time of service, and arrangements for storing and refrigerating any leftover meals until the next day;

(iv) Arrangements for food service during periods of inclement weather;

(v) Access to a means of communication for making adjustments as needed in the number of meals delivered in accordance with the number of children attending daily at each site;

(vi) The geographic area to be served by the site;

(vii) The percentage of children to be served by the site who meet the eligibility requirements for free or reduced price school meals; and

(viii) Whether the site is rural, as defined by § 225.2(x), or non-rural, and whether the site's food service will be self-preparation or vended.

(2) Along with its site information sheet for a site that is not a camp, documentation supporting the eligibility of each site as serving an area in which poor economic conditions exist. For those sites at which applicants will serve children of migrant workers, the documentation requirement may be met by providing the State agency with data from an organization determined by the State agency to be a migrant organization, which supports eligibility for those children as a group. When a sponsor proposed to serve a site which it served in the previous year, documentation from the previous year may be used to support the eligibility of the site. For such sites applicants shall only be required to obtain new documentation every other year. Prior to filing their Claims for Reimbursement for each session or at such time as specified by the State agency, camps shall submit to the State agency family-size and income information which documents the number of children enrolled in each session who meet the eligibility requirements for free or reduced price school meals.

(3) Information in sufficient detail to enable the State agency to determine whether the applicant meets the criteria for participation in the Program as set forth in § 225.19, and the extent of Program payments needed, including a request for advance payments and start-up payments, if applicable, an administrative and operating budget, and a staffing and monitoring plan.

(4) A complete administrative budget for State agency review and approval. The budget shall contain the projected administrative expenses which a sponsor expects to incur during the operation of the Program, and shall include information in sufficient detail to enable the State agency to assess the sponsor's ability to operate under the Program within its estimated reimbursement. A sponsor's approved administrative budget shall be subject to subsequent review by the State agency for adjustments in projected administrative costs.

(5) A plan for and a synopsis of its invitation to bid for food service, if a bid is required under § 225.17.

(6) A free meal policy statement, as required in § 225.22.

(7) For sponsors applying after the deadline date established by the State agency under § 225.8(a), an explanation to the State of why they are applying late. The State shall maintain a record documenting all late submissions.

(8) Applicants which sponsored the Program during any of the prior three fiscal years shall not be required to submit the documentation described in this paragraph. Applicants under § 225.19(a)(6) of this part which have not sponsored the Program during the prior three fiscal years shall submit sufficient documentation with the application to demonstrate that they have been consistently reliable and honest in the management and administration of community food service programs. The following types of documentation shall be submitted by these applicants for any other community food service programs administered during the prior three years, and may be submitted for any program administered prior to that time:

(i) A description of all food service programs which the applicant has managed or administered, including lists of names of corporate officers, addresses of food service sites, and sources of funding;

(ii) Independent audit reports stemming from any audits which may have been conducted of the applicant's food service programs;

(iii) An assurance that the applicant has not been terminated or determined to have been seriously deficient in its operation of community food service programs; and

(iv) Any other relevant information which is available to the applicant concerning its record in management and administration of food service programs.

(b) Sponsors approved for participation in the Program shall enter into written agreements with the State agency. The agreements shall provide that the sponsor shall:

(1) Operate a nonprofit food service during any period from May through September for children on school vacation or at some other time or times during the year for children on school vacation under a continuous school calendar system;

(2) Serve meals which meet the requirements and provisions set forth in § 225.21 during a period designated as the meal service period by the sponsor,

and serve the same meals to all children;

(3) Serve meals without cost to all children, except that camps may charge for meals served to children who are not served meals under the Program;

(4) Issue a policy statement in accordance with § 225.22;

(5) Meet the training requirement for its administrative and site personnel, as required under § 225.20(i);

(6) Provide for an audit as outlined in § 225.13(a)(2) if it expects to receive over $75,000 in Program payments;

(7) Claim reimbursement only for the type or types of meals specified in the agreement and served without charge to children at approved sites during the approved meal service period, except that camps shall claim reimbursement only for the type or types of meals specified in the agreement and served without charge to children who are eligible for free or reduced price school meals. The agreement shall specify the approved levels of meal service for the sponsor's sites for which approved levels have been established as required under § 225.8(j). No permanent changes may be made in the time of any meal service period unless the changes are approved by the State agency;

(8) Submit Claims for Reimbursement in accordance with procedures established by the State agency, and those stated in § 225.12;

(9) In the storage, preparation and service of food, maintain proper sanitation and health standards in conformance with all applicable State and local laws and regulations;

(10) Accept and use, in quantities that may be efficiently utilized in the Program, such foods as may be offered as a donation by the Department;

(11) Have access to facilities necessary for storing, preparing, and serving food;

(12) Maintain a financial management system as prescribed by the State agency;

(13) Maintain on file documentation of site visits and reviews in accordance with § 225.20(g) and (h);

(14) Upon request, make all accounts and records pertaining to the Program available to State, Federal, or other authorized officials for audit or administrative review, at a reasonable time and place. These records shall be retained for a period of 3 years after the end of the fiscal year to which they pertain, unless audit or investigation findings have not been resolved, in which case the records shall be retained until all issues raised by the audit or investigation have been resolved;

(15) Maintain children on site while meals are consumed; and

(16) Retain final financial and administrative repsonsibility for its program.

(c) Each State agency shall require applicant sponsors submitting Program applications, site information sheets, Program agreements or Claims for Reimbursement, and sponsors requesting advance payments, to certify that the information submitted on these forms is true and correct and that the sponsor is aware that deliberate misrepresentation or withholding of information may result in prosecution under applicable State and Federal statutes.

(d) Within two weeks of receiving notification of their approval, but in any case prior to commencement of operations under the Program, sponsors shall submit to the State agency a copy of their letter advising the appropriate health department of their intention to provide a food service during a specific period at specific sites.

(e) In accordance with § 225.13 (a) and (b) within two weeks of receiving notification of its approval, but in any case prior to commencement of operations under the Program, sponsor whose total Program payments are expected to exceed $75,000 shall submit to the State agency a copy of its letter of agreement with the accounting firm or individual which is to conduct the audit of its program.

(f) In addition, the State agency may require any sponsor which contracts with a food service management company to enter into an agreement with the State agency to provide that the sponsor shall establish a special account with a State or Federally insured bank for operating costs payable to the sponsor by the State. The special account agreement shall specify that any disbursement of monies from the account must be authorized by both the sponsor and the food service management company. The special account agreement may contain other terms agreed to by both sponsor and food service management company, which are not inconsistent with the terms of the contract between the sponsor and the food service management company. A copy of the special account agreement shall be submitted to the State agency and another copy maintained on file by the sponsor. Any charges made by the bank for the account described in this section shall be considered an allowable sponsor administrative cost.

§ 225.10 Program expansion, monitoring and assistance.

(a) *Program availability.* By February 1 of each fiscal year, each State agency shall announce the purpose, eligibility criteria, an availability of the Program throughout the State, through appropriate means of communication. As part of this effort, each State agency shall compile a listing of potential sponsors which have not previously participated in the Program and shall contact them. State agencies shall identify rural areas, Indian tribal territories, and areas with a concentration of migrant farmworkers which qualify for the Program and shall actively seek eligible applicant sponsors to serve such areas. States shall identify priority outreach areas in accordance with FNS guidance and target outreach efforts in these areas. Outreach efforts shall be directed toward potential sponsors which would be eligible under § 225.19(a) (1) through (5). State agencies shall make every reasonable effort to locate high priority sponsors for sites in areas where poor economic conditions exist. The State agency shall encourage potential sponsors to use their own facilities or the facilities of public or nonprofit private schools for the preparation, delivery, and service of meals under the Program.

(b) *Training.* Each State agency shall plan for and carry out Program training for sponsors, food service management company representatives, auditors, and health inspectors which will participate in the Program in that State. Prior to Program operations, each State agency shall ensure that the sponsor's supervisory personnel responsible for the food service receive training in all necessary areas of Program administration and operations. This training shall be structured and scheduled to reflect the fact that individual sponsors or groups of sponsors required different levels and areas of Program training. State agencies are encouraged to utilize sponsors which have previously participated in the Program in such training and to train site personnel regarding their responsibilities. Training should be made available at convenient locations. Prior to the beginning of Program operations, each State agency shall make available training in all necessary areas of Program administration for representatives from all food service management companies and each health department which will participate in the Program in the current year.

(c) *Program materials.* Each State agency shall develop and make available all necessary Program materials in sufficient time to enable applicant sponsors to adequately

prepare for their participation in the Program.

(d) *Food specifications and meal quality standards.* With the assistance of the Department, each State agency shall develop and make available to all sponsors minimum food specifications and model meal quality standards which shall become part of the contracts between sponsors and food service management companies.

(e) *Program monitoring and assistance.* The State agency shall conduct monitoring and provide Program assistance according to the following provisions:

(1) *Pre-approval visits.* The State agency shall conduct pre-approval visits of sponsors and sites as specified below, to further assess the applicant sponsor's or site's potential for successful Program operations and to verify information provided in the application. The State agency shall visit prior to approval:

(i) All applicant sponsors which did not participate in the Program in the prior year;

(ii) All other applicant sponsors which, as a result of operational problems noted in the prior year, the State agency has determined need a pre-approval visit;

(iii) All proposed nonschool sites with an expected average daily attendance of 300 children or more and which did not participate in the Program in the prior year.

(2) *Sponsor and site reviews.* The State agency shall review sponsors and sites, to ensure compliance with Program regulations and with the Department's nondiscrimination regulations (Part 15 of this title) and any other applicable instructions issued by the Department. In determining which sponsors or sites to review under this paragraph, the State agency shall, at a minimum consider whether or not the sponsor or site has been used or reviewed in prior years, the performance of the sponsor or site in prior years, the performance of other sites operated by the same sponsor in prior years and the current year, and the performance of the applicable sponsor in prior years and the current year. Reviews shall be conducted as follows:

(i) For the following types of sponsors, State agencies shall conduct both a review of sponsor operations and reviews of an average of 15 percent of their sites during the first four weeks of the sponsor's operations:

(A) Sponsors which have 10 or more sites and which did not operate the Program in the prior year, and

(B) Other sponsors of 10 or more sites which are determined by the State agency to need early reviews.

(ii) The State agency shall review the following types of sponsors and sites not reviewed under subparagraph (2)(i) of this paragraph at least once during the period of program operations:

(A) All remaining sponsors of 10 or more sites and an average of at least 15 percent of their sites, and

(B) 70 percent of all sponsors of fewer than 10 sites and an average of 10 percent of their sites.

(iii) The State agency shall conduct follow-up reviews of sponsors and sites as necessary.

(3) *Monitoring system.* Each State agency shall develop and implement a monitoring system to ensure that sponsors, including site personnel, and the appropriate food service management company, if applicable, immediately receive a copy of any review reports which indicate Program violations and which would result in a Program disallowance.

(4) *Records.* Documentation of Program assistance and results of such assistance shall be maintained on file by the State agency.

(5) *Food preparation facility visit.* As a part of the review of any sponsor which contracts with a food service management company for the preparation of meals, the State agency shall inspect the facilities of the food service management company. Each State agency shall establish an order of priority for visiting facilities at which food is prepared to be served in the Program. The State agency shall respond promptly to complaints concerning facilities with potential problems. Funds provided for in § 225.4(k) may be used for this purpose.

(6) *Forms for reviews by sponsors.* Each State agency shall develop and provide monitor review forms to all approved sponsors. These forms shall be completed by sponsor monitors. The monitor review form shall include, but not be limited to, time of reviewer's arrival and departure, site supervisor's signature, certification statement to be signed by monitor, the number of meals prepared or delivered, the number of meals served to children, the deficiencies noted, and corrective actions taken by sponsor and date of such actions.

(7) *Statistical monitoring.* State agencies may use statistical monitoring procedures in lieu of the site monitoring requirements prescribed in paragraph (e)(2) of this section to accomplish the monitoring and technical assistance aspects of the Program. State agencies which use statistical monitoring procedures may use the findings in evaluating claims for reimbursement. As appropriate, FNS will develop guidance outlining statistical monitoring procedures. States should use the statistical monitoring procedures provided by FNS, or develop alternate procedures and obtain FNS approval prior to implementation. Statistical monitoring may be used for some or all of a State's sponsors. Use of statistical monitoring does not eliminate the requirements for reviewing sponsors in paragraph (e)(2) of this section.

(8) *Corrective actions.* Corrective actions which the State agency may take when Program violations are observed during the conduct of a review are discussed in § 225.14. The State agency shall conduct follow-up reviews as appropriate when corrective actions are required.

(f) *Food quality and preparation facility inspections.* The State agency shall make a positive effort to ensure that inspections of food preparation facilities and food service sites, including meal quality tests, are conducted. The procedures for carrying out the inspections and tests shall be consistent with procedures used by local health authorities. For inspections of facilities of food service management companies not conducted by State agency personnel, copies of the results of the inspections shall be provided to the State agency. The company and the sponsor shall also immediately receive a copy of the results of these inspections when corrective action is required.

(g) *Financial management.* Each State agency shall establish a financial management system in accordance with Office of Management and Budget Circular A–102 and FNS guidance to identify allowable Program costs and establish standards for sponsor recordkeeping and reporting. The system shall also be consistent with Federal Management Circular 74–4. The State agency shall provide guidance on these financial management standards to each sponsor.

(h) *Nondiscrimination.* (1) Each State agency shall comply with the requirements of title VI of the Civil Rights Act of 1964, and the Department's regulations concerning nondiscrimination issued thereunder (7 CFR Part 15), including requirements of racial and ethnic participation data collection, public notification of the nondiscrimination policy, and reviews to assure compliance with such policy, to the end that no person shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under the Program. (2) Complaints of discrimination filed by applicants or participants shall be referred to FNS or

the Secretary of Agriculture, Washington, D.C. 20250.

§ 225.11 Records and reports.

(a) Each State agency shall maintain complete and accurate current accounting records of its Program operations which will adequately identify funds authorizations, obligations, unobligated balances, assets, liabilities, income, claims against sponsors and efforts to recover overpayments, and expenditures for administrative and operating costs. These records shall be retained for a period of three years after the date of the submission of the final Program Operations and Financial Status Report (SF–269), except that, if audit findings have not been resolved, the affected records shall be retained beyond the three year period until such time as any issues raised by the audit findings have been resolved. The State agency shall also retain a complete record of each review or appeal conducted, as required under § 225.16, for a period of three years following the date of the final determination on the review or appeal. Records may be kept in their original form or on microfilm.

(b) By December 15 of each year the State agency shall provide FNS with information on the scope of Program operations within the State.

(c) Each State agency shall report information to FNS on the use of funds and on Program operations on a form provided by, and as instructed by, FNS.

(d) Not later than March 1 of each fiscal year, the State agency shall submit to FNS a final Operations and Financial Status Report for the prior fiscal year, on a form (SF–269) provided by FNS. Any requested increase in reimbursement levels for a fiscal year resulting from corrective action taken after submission of the final Program Operations and Financial Status Reports shall be submitted to FNS for approval. The request shall be accompanied by a written explanation of the basis for the adjustment and the actions taken to minimize the need for such adjustments in the future. If FNS approves of such an increase, it will make payment, subject to the availability of funds. Any reduction in reimbursement for that fiscal year resulting from corrective action taken after submission of the final fiscal year Program Operations and Financial Status Reports shall be handled in accordance with the provisions of § 225.15(d), except that amounts recovered may not be used to make Program payments.

(e) By October 15, each State agency shall submit to FNS, on a form provided by FNS, information concerning each food service management company which applied to the State agency for registration for that calendar year's Program. FNS shall allow any food service management company to review the information concerning that company which was submitted to FNS in accordance with this paragraph.

§ 225.12 Program payments.

(a) *Start-up payments.* At their discretion, State agencies may make start-up payments to sponsors which have executed Program agreements. Start-up payments shall not be made more than two months before the sponsor is scheduled to begin food service operations and shall not exceed 20 percent of the sponsor's approved administrative budget. The amount of the start-up payment shall be deducted from the first advance payment for administrative costs or, if the sponsor does not receive advance payments, from the first administrative reimbursement.

(b) *Advance payments.* At the sponsor's request, State agencies shall make advance payments to assist sponsors in meeting operating costs and administrative expenses. For sponsors operating under a continuous school calendar, all advance payments shall be forwarded on the first day of each month of operation. Advance payments shall be made by the dates specified in paragraph (b) (1) and (2) of this section for all other sponsors whose requests are received at least 30 days prior to those dates. Requests received less than 30 days prior to those dates shall be acted upon within 30 days of receipt. When making advance payments, State agencies shall observe the following criteria:

(1) *Operating costs.*

(i) State agencies shall make advance payments for operating costs by June 1, July 15, and August 15. To be eligible for the second advance payment, the sponsor must have conducted training sessions for its own personnel and site personnel covering Program duties and responsibilities. A sponsor shall not receive advance operating cost payments for any month in which it will participate in the Program for less than ten days.

(ii) To determine the amount of the advance payment to any sponsor, the State agency shall employ whichever of the following methods will result in the larger payment: (A) The total operating costs paid to the sponsor for the same calendar month in the preceding year, or (B) for sponsors contracting with a food service management company, 50 percent of the amount determined by the State agency to be needed that month for meals, and, for sponsors preparing their own meals, 65 percent of the amount determined by the State agency to be needed that month for meals.

(2) *Administrative costs.*

(i) State agencies shall make advance payments for administrative costs by June 1 and July 15 of the year in which the program will be operated. To be eligible for the second advance payment, the sponsor must certify that it is operating the number of sites for which the administrative budget was approved and that its projected administrative costs do not differ significantly from the approved budget. A sponsor shall not receive advance administrative costs payments for any month in which it will operate under the Program for less than 10 days. However, if a sponsor operates for less than 10 days in June but for at least 10 days in August, the second advance administrative costs payment shall be made by August 15.

(ii) Each payment shall equal one third of the total amount which the State agency determines the sponsor will need to administer its program. For sponsors which will operate for ten or more days only in one month and, therefore, will qualify for only one advance administrative costs payment, the payment shall be no less than one half and no more than two thirds of the total amount which the State agency determines the sponsor will need to administer its program.

(3) *Advance payment estimates.* When determining the amount of advance payments payable to the sponsor, the State agency shall make the best possible estimate based on the sponsor's request and any other available data. Under no circumstances may the amount of the advance payment for operating or administrative costs exceed the amount estimated by the State agency to be needed by the sponsor to meet operating or administrative costs, respectively.

(4) *Limit.* The sum of the advance operating and administrative costs payments to a sponsor for any one month shall not exceed $40,000 unless the State agency determines that a larger payment is necessary for the effective operation of the Program and the sponsor demonstrates sufficient administrative and managerial capability to justify a larger payment.

(5) *Deductions from advance payments.* The State agency shall deduct from either advance operating payments or advance administrative payments the amount of any previous payment which is under dispute or which is part of a demand for recovery under § 225.15.

(6) *Withholding of advance payments.* If the State agency has reason to believe that a sponsor will not be able to submit a valid Claim for Reimbursement covering the month for which advance payments have already been made, the subsequent month's advance payment shall be withheld until a valid claim is received.

(7) *Repayment of excess advance payments.* Upon demand of the State agency, sponsors shall repay any advance Program payments in excess of the amount cited on a valid Claim for Reimbursement.

(c) *Reimbursements.* Sponsors shall not be eligible for reimbursements for operating and administrative costs unless they have executed an agreement with the State agency. All reimbursements shall be in accordance with the terms of this agreement. Reimbursements shall not be paid for meals served at a site before the sponsor has received written notification that the site has been approved for participation in the Program. The State agency may make full or partial reimbursement upon receipt of a Claim for Reimbursement, but shall first make any necessary adjustments in the amount to be paid. The following requirements shall be observed in submitting and paying claims:

(1) No reimbursement may be issued until the sponsor certifies that it operated all sites for which it is approved and that there has been no significant change in its projected administrative costs since its preceding claim or, for a sponsor receiving an advance payment for only one month, that there has been no significant change in its projected administrative costs since its initial advance administrative costs payment.

(2) Claims for reimbursement shall be submitted by the 10th day of the month following the month for which the claim is made. The State agency may require that claims be submitted more frequently than once each month.

(3) Sponsors which, in the first month of operation, operate less than 10 days shall submit a combined claim for that month and the month immediately following.

(4) Sponsors which, in the final month of operations, operate less than 10 days shall submit a combined claim for the final month and the month immediately preceding within 10 days of the last day of operation.

(5) The State agency shall forward reimbursements within 45 days of receiving valid claims. If a claim is incomplete or invalid, the State agency shall return the claim to the sponsor within 30 days with an explanation of the reason for disapproval. If the sponsor submits a revised claim, final action shall be completed within 45 days of receipt.

(6) The State agency is not required to act upon any Claim for Reimbursement which is not received within 30 days of the sponsor's last day of food service operations, unless the State agency determines that the late submission is due to circumstances beyond the sponsor's control, in which case payment shall be made if the claim is valid.

(7) Claims for Reimbursement for any fiscal year shall not be considered if they are submitted later than the following December 31, with the exception of Claims submitted on or before December 31 and subsequently amended as a result of audits or investigations.

(8) Claims for Reimbursement shall include data sufficient to justify the amount claimed and to enable the State agency to provide the information required in Program reports. Sponsors shall also certify that records supporting the claim are available. The cost of meals served to adults performing necessary food service labor may be included in the claim. The State agency may choose to allow sponsors to include the cost of meals disallowed as meals served to the children, in accordance with § 225.14(e) (1) and (2) in its report of operating costs on its Claim for Reimbursement. In no case shall the cost of meals in excess of a site's approved level of meal service established under § 225.8(j) be considered allowable.

(9) The State agency shall promptly take corrective action with respect to any Claim for Reimbursement for which such action is determined necessary based upon the results of Program reviews or any other information available. The corrective action must be completed in time to be reflected in the final Program Operations and Financial Status report for each fiscal year if reimbursement for the claim is to be made available for that fiscal year through the Letter of Credit system described under § 225.4(j).

(10) Payments to a sponsor for operating costs shall equal the lesser of the following totals:

(i) The actual operating costs incurred by the sponsor, or

(ii) The sum of the amounts derived by multiplying the number of meals, by type, actually served under the sponsor's program to eligible children by 85.75 cents for each lunch or supper, 47.75 cents for each breakfast and 22.50 cents for each supplement. These are base rates of reimbursement, not current rates, and must be adjusted in accordance with paragraph (c)(12) of this section.

(11) Payments to a sponsor for administrative costs shall equal the lowest of the following totals:

(i) The amount estimated in the sponsor's approved administrative budget (taking into account any amendments);

(ii) The actual administrative costs incurred by the sponsor; or

(iii) The sum of the amounts derived by multiplying the number of meals, by type, actually served under the sponsor's program to eligible children by 6.75 cents for each lunch or supper, 3.50 cents for each breakfast and 1.75 cents for supplements, except that sponsors shall be eligible to receive an additional 1.50 cents for each lunch or supper, 1.00 cents for each breakfast, and .50 cents for each supplement served to participating children at rural or self-preparation sites. All rates in this subparagraph are base rate of reimbursement, not current rates, and must be adjusted in accordance with subparagraph (12) of this paragraph.

(12) Each January 1, FNS shall publish a notice in the Federal Register announcing any adjustment to the reimbursement rates described in paragraphs (c)(10)(ii) and (11)(iii) of this section. Adjustments shall be based upon changes in the series for food away from home of the Consumer Price Index for all Urban Consumers since the establishment of the rates.

(13) Sponsors of camps shall be reimbursed only for meals served to children in camps whose eligibility for free or reduced-price meals is documented. Any nonresidential camp reduced to fewer than four meals per day under the terms of § 225.14(d) shall receive reimbursement only for those meals served to children eligible for free or reduced-price school meals.

(14) If a State agency has reason to believe that a sponsor or food service management company has engaged in unlawful acts in connection with Program operations, evidence found in audits, reviews, or investigations shall be a basis for nonpayment of the applicable sponsor's Claims for Reimbursement.

(d) The sponsor may claim reimbursement for any meals which are examined for meal quality by the State agency, auditors, or local health authorities and found to meet the meal pattern requirements.

(e) The sponsor shall not claim reimbursement for meals served at any site in excess of the site's approved level of meal service, if one has been established under § 225.8(j). In

reviewing a sponsor's claim, the State agency may limit payments to the sponsor according to the approved level for meal service which may be claimed for reimbursement at the sponsor's sites, as provided for in § 225.8(j).

§ 225.13 Audits and management evaluations.

(a) *Audits.* (1) Upon approval of applicant sponsors whose total Claims for Reimbursement are expected to exceed $75,000, the State agency shall provide those sponsors with an audit guide to be used in the conduct of the audit required by § 225.20(k) and any other guidance necessary to enable them to comply with the audit requirements of this part. The audit guide developed by the State agency shall, at a minimum, contain the standards set forth in the audit guide issued by the Department for the program.

(2) In addition to the plan submitted under § 225.6(g)(13), the State agency shall ensure that all sponsors within the State whose total Claims for Reimbursement are expected to be more than $75,000 provide for an annual audit of their program. Any sponsor required to provide for an audit of its program shall engage an accounting firm or individual which is independent of the sponsor to conduct the audit.

(3) The State agency shall also provide for biennial audits of sponsors whose total Claims for Reimbursement are expected to be less than $75,000 with the following exceptions: (i) sponsors under $10,000, (ii) sponsors receiving other Federal funds, and subject to an organization-wide audit in accordance with OMB Circular A–102, and (iii) sponsors for which the State agency determines an audit is unnecessary based on program performance. States must justify and document all exemptions made to the biennial audit requirement. The cost of such audits shall be considered an allowable State administrative expense, and in no case may the cost of such audits be passed through to sponsors. States which can demonstrate that compliance with the requirement will impose financial hardship may initiate an appeal through FNSRO to FNS.

(4) Any audit of an organization which is conducted in accordance with the Program audit guide and includes the Program covered by this part may be included to meet a portion of the audit requirement contained in this section.

(5) Audits shall be conducted by: State agency internal auditors; State Auditors General; State Comptroller's Offices; other comparable State or local government audit groups; Certified Public Accountants; or public accountants licensed on or before December 31, 1970, and currently certified or licensed by the regulatory authority of the State or other political subdivision of the United States.

(6) Within the first two weeks of the sponsor's operation of the Program, the auditor engaged by any sponsor required to have an annual audit shall submit to the sponsor and to the State agency a copy of a letter evaluating and making recommendations for the improvement of the sponsor's accounting and recordkeeping systems.

(7) Each State agency shall coordinate its monitoring review findings under § 225.10 and the audit reports provided for under § 225.20(k). Each State agency shall ensure that monitoring is conducted to result in a representative review of the sponsor's operations under the Program.

(8) While OIG shall rely to the fullest extent feasible upon State-sponsored audits, it shall, when considered necessary, (i) make audits on a State-wide basis, (ii) perform on-site test audits, and (iii) review audit reports and related working papers of audits performed by or for State agencies.

(9) State agencies shall provide FNS and OIG with full opportunity to conduct management evaluations (including visits to sponsors) and audits of all operations of the State agency. Each State agency shall make available its records, including records of the receipts and expenditures of funds, upon a reasonable request by FNS or OIG. OIG shall also have the right to make audits of the records and operations of any sponsor.

(10) Use of Program audit guides available from OIG is encouraged. When this guide is utilized, OIG will coordinate its audits with State sponsored audits to form a network of intergovernmental audit systems.

(b) For each sponsor whose total Program payments under any Program agreement are expected to exceed $75,000, the final Claim for Reimbursement under the agreement shall not be eligible for payment until the audit has been completed and the results have been reviewed by the State agency. The cost of the audit may be considered an administrative cost. All such audits shall be subject to review by the Department.

(c) *Management evaluations.* For management purposes, FNSRO shall conduct an annual evaluation of Program operations within each State agency to determine Program needs and identify potential problem areas. Based on information obtained during this assessment, FNSRO may provide training or technical assistance to the State agency. FNSRO shall conduct management evaluations either prior to the initiation of Program operations, or during the first six weeks of Program operations, whichever time FNSRO considers best to evaluate the State. If the management evaluation discloses serious problems, a follow-up evaluation shall be made.

(d) In addition to the management evaluation, FNSRO shall collect data on the need for Program and State administrative funding within any State agency if the funding needs estimated in a State's management evaluation and administration plan are no longer accurate. Based on this data, FNS may make adjustments in the level of State administrative funding paid or payable to the State agency under § 225.4(g) to reflect changes in the size of the State's Program as compared to that estimated in its management and administration plan. The data shall be based on approved Program participation levels and collected during the period of Program operations, but no later than August 20. Immediately following this data collection, payment of State administrative funds shall be made to the State agency. The payment may reflect adjustments in the level of State administrative funding, based on the information collected. FNS shall not decrease the amount of a State's administrative funds unless the State failed to make reasonable efforts to administer the Program as proposed in its management and administration plan or the State incurred unnecessary expenses.

(e) The State agency shall fully respond to any recommendations made by FNSRO pursuant to the management evaluation. The response shall be in the form of a corrective action plan, as required under § 225.6(g)(16).

(f) FNSRO may require the State agency to submit on 20 days notice a corrective action plan regarding serious problems observed during any phase of the management evaluation.

(g) In conducting management evaluations or audits for any fiscal year, the State agency, FNS or OIG may disregard overpayment which does not exceed $100 or, in the case of State agency administered programs, does not exceed the amount established by State law, regulations or procedures as a minimum for which claims will be made for State losses generally. No overpayment shall be disregarded, however, when there are unpaid claims for the same fiscal year from which the overpayment can be deducted or when there is substantial evidence of violation of criminal law or civil fraud statutes.

§ 225.14 Corrective action procedures.

(a) *Purpose.* The provisions in this section shall be used by the State agency to improve Program performance.

(b) *Investigations.* Each State agency shall promptly investigate complaints received or irregularities noted in connection with the operation of the Program, and shall take appropriate action to correct any irregularities. State agency shall maintain on file all evidence relating to such investigations and actions. The State agency shall inform the appropriate FNSRO of any suspected fraud or criminal abuse in the Program which would result in a loss or misuse of Federal funds. The Department may make investigations at the request of the State agency, or where the Department determines investigations are appropriate.

(c) *Denial of applications and termination of sponsors.* The State agency shall not enter into an agreement with any applicant sponsor identifiable through its corporate organization, officers, employees, or otherwise, as an institution which participated in any Federal child nutrition program at any time during the previous three fiscal years, including the fiscal year of its application to the Program, and which was seriously deficient in its operation of any such program. The State agency shall terminate the Program agreement with any sponsor which it determines to be seriously deficient. Following such termination, the sponsor shall not be eligible to participate in the Program during the remainder of the fiscal year of its termination and the subsequent two fiscal years. The State agency may, before the expiration of the three fiscal years, approve the application of a sponsor which has been disapproved or terminated in accordance with this paragraph if the State agency, with FNS concurrence, determines that the sponsor has taken appropriate corrective actions to prevent recurrence of the deficiencies. However, the State agency shall afford a sponsor every reasonable opportunity to correct problems before terminating the sponsor for being seriously deficient. Serious deficiencies which are grounds for disapproval of applications and for termination include, but are not limited to, any of the following:

(1) Noncompliance with the applicable bid procedures and contract requirements of federal child nutrition program regulations;

(2) The submission of false information to the State agency;

(3) Failure to return to the State agency any start-up or advance payments which exceeded the amount earned for serving meals in accordance with this part, or failure to submit all Claims for Reimbursement in any prior year, provided that failure to return any advance payments for months for which Claims for Reimbursement are under dispute from any prior year shall not be grounds for disapproval in accordance with this paragraph.

(4) Program violations at a significant proportion of the sites which include, but are not limited to, the following:

(i) Noncompliance with the between meal time requirements;

(ii) Failure to maintain adequate records;

(iii) Failure to adjust meal orders to conform to variations in the number of participating children;

(iv) The simultaneous service of more than one meal to any child;

(v) The claiming of Program payments for meals not served to participating children;

(vi) Service of a significant number of meals which did not include required quantities of all meal components;

(vii) Excessive instances of off-site meal consumption;

(viii) Continued use of food service management companies that are in violation of health codes.

(d) *Meal service restriction.* The State agency shall restrict to one meal service per day (1) any food service site which is determined to be in violation of the time restrictions for meal service included in § 225.21(a) when corrective action is not taken within a reasonable time as determined by the State agency, and (2) all sites under a sponsor if more than 20 percent of the sponsor's sites are determined to be in violation of the time restrictions included in § 225.21(a). If this action results in children not receiving any meals under the Program, the State agency shall make every reasonable effort to locate another source of meal service for the children.

(e) *Meal Disallowances.*

(1) Meal disallowances for improper planning. If the State agency determines that a sponsor has failed to plan and prepare or order meals with the objective of providing only one meal per child at each meal service at a site, the State agency shall disallow as meals served to children the number of meals prepared or ordered in excess of the number of children served.

(2) Meal disallowances for violations of meal service requirements. If the State agency observes meal service violations during the conduct of a site review, the State agency shall disallow as meals served to children all of the meals observed to be in violation.

(3) The State agency shall also disallow any meals which are in excess of a site's approved level established under § 225.8(j).

(4) Whenever the State agency observes violations during the course of a site review, it shall require the sponsor to take corrective action. If the State agency finds a high level of meal service violations, the State agency shall require a specific immediate corrective action plan to be followed by the sponsor and shall either conduct a follow-up visit or in some other manner verify that the specified corrective action has been taken. Paragraph (f) of this section indicates actions the State agency shall undertake if corrective action has not been taken.

(f) *Termination of sites.*

(1) The State agency shall terminate the participation of a sponsor's site if the sponsor fails to take action to correct the Program violations noted in a State agency review report within the timeframes established by the State agency and specified in the review report.

(2) The State agency shall immediately terminate the participation of a sponsor's site if during a review it determines that the health or safety of the participating children is imminently threatened.

(3) Within 48 hours of terminating a site, the State agency shall, if applicable, notify the food service management company providing meals to the site of the termination.

(4) Upon terminating a sponsor's site, the State agency shall inform the sponsor of its right to appeal under § 225.16.

§ 225.15 Claims against sponsors.

(a) The State agency shall disallow any portion of a Claim for Reimbursement and recover any payment to a sponsor not properly payable under this part, except as provided for in § 225.13(g). However, the State agency shall notify the sponsor of the reasons for the disallowance or demand for repayment, and allow the sponsor full opportunity to submit evidence on appeal as provided for in § 225.16.

(b) Minimum State agency collection procedures for unearned payments shall include: (1) written demand to the sponsor for the return of improper payments; (2) if after 30 days the sponsor fails to remit full payment or agree to a satisfactory repayment schedule, a second written demand for the return of improper payments, sent by certified mail, return receipt requested; (3) if, after 60 days following the original written demand, the sponsor fails to

remit full payment or agree to a satifactory repayment schedule, a third written demand for the return of improper payments, sent by certified mail, return receipt requested; and (4) if after 90 calendar days following the original written demand, the sponsor fails to remit full payment or agree to a satisfactory repayment schedule, the State agency shall refer the claim against the sponsor to appropriate State or Federal authorities for pursuit of legal remedies.

(c) If FNS does not concur with the State agency's action in paying a sponsor or in failing to collect overpayment, FNS shall notify the State agency of its intention to assert a claim against the State agency. In all such cases, the State agency shall have full opportunity to submit evidence concerning the action taken. The State agency shall be liable to FNS for failure to collect an overpayment unless FNS determines that the State agency has conformed with this part in issuing the payment and has exerted reasonable efforts in accordance with paragraph (b) of this section to recover the improper payment.

(d) The amounts recovered by the State agency from sponsors may be utilized (1) to make Program payments to sponsors for the period for which the funds were initially available, and (2) to repay the State for any of its own funds used to make payments on Claims for Reimbursement. Any amounts recovered which are not so utilized shall be returned to FNS in accordance with the requirements of this part.

§ 225.16 Appeal procedures.

(a) Each State agency shall establish a procedure to be followed by an applicant requesting a review of a denial of an application for participation, a denial of a request by a sponsor for an advance payment, a denial of a claim by a sponsor for reimbursement, a claim against a sponsor for remittance of a payment, the termination of the sponsor or a site, a denial of a sponsor's application for a site, a denial of a food service management company's application for registration, or revocation of that registration.

(b) At a minimum, the procedures for those reviews shall provide that:

(1) The sponsor or food service management company be advised in writing of the grounds upon which the State agency based the action. The notice of action, which shall be sent by certified mail, return receipt requested, shall also include a full description of the sponsor's or food service management company's rights and responsibilities under this section;

(2) The sponsor or food service management company be advised in writing that the request for review must be made within a specified time and must meet the requirement of paragraph (b)(4) of this section. The State agency shall establish this period of time at not less than one week nor more than two weeks from the date of receipt of the notice of action;

(3) The appellant be afforded the opportunity to review any information upon which the action was based;

(4) The appellant may refute the charges contained in the notice of action either in person or by filing written documentation with the review official. To be considered, written documentation must be submitted by the appellant within seven days of submitting the request for review, must clearly identify the State agency action being appealed, and must include a photocopy of the notice of action issued by the State agency;

(5) A hearing shall be held by the review official in addition to, or in lieu of, a review of written information submitted by the appellant only if the appellant so specifies in the letter of request for review. The appellant may retain legal counsel, or may be represented by another person. Failure of the appellant's representative to appear at a scheduled hearing shall constitute the appellant's waiver of the right to a personal appearance before the review official, unless the review official agrees to reschedule the hearing. A representative of the State agency shall be allowed to attend the hearing to respond to the appellant's testimony and written information and to answer questions from the review official;

(6) If the appellant has requested a hearing, the appellant and the State agency shall be provided with at least 5 days advance written notice, sent by certified mail, return receipt requested, of the time and place of the hearing;

(7) The hearing shall be held within 14 days of the date of the receipt of the request for review, but, where applicable, not before the appellant's written documentation is received in accordance with paragraph (b)(4) of this section;

(8) The review official shall be independent of the original decision-making process;

(9) The review official shall make a determination based on information provided by the State agency and the appellant, and on Program regulations;

(10) Within 5 working days after the appellant's hearing, or within 5 working days after receipt of written documentation if no hearing is held, the reviewing official must make a determination based on a full review of the administrative record and inform the appellant of the determination of the review by certified mail, return receipt requested;

(11) The State agency's action shall remain in effect during the appeal process. However, participating sponsors and sites may continue to operate under the Program during an appeal of termination, and if the appeal results in overturning the State agency's decision, reimbursement shall be paid for meals served during the appeal process. However, such continued operation under the Program shall not be allowed if the State agency's action is based on imminent dangers to the health or welfare of children. If the sponsor or site has been terminated for this reason, the State agency shall so specify in its notice of action; and

(12) The determination by the State review official is the final administrative determination to be afforded to the appellant.

(c) A record regarding each review shall be kept by the State agency, as required under § 225.11(a). The record shall document the State agency's compliance with these regulations and shall include the basis for the decision.

§ 225.17 Procedures for food service management companies.

(a) Any sponsor may contract with a food service management company for the preparation of unitized meals with or without milk or juice. In all cases, the sponsor shall adhere to the procurement standards indicated in § 225.18. All meals prepared by a food service management company shall be unitized, with or without milk or juice, unless the sponsor submits to the State agency a request for exceptions to the unitizing requirement for certain components of a meal. These requests shall be submitted to the State agency in writing prior to advertising for bids. The State agency shall notify the sponsor in writing of its determination in a timely manner.

(b) Any sponsor which contracts with a food service management company shall be responsible for ensuring that the food service operation is in conformity with its agreement with the State agency and all the applicable provisions of this part. No sponsor may contract out for the management responsibilities of the Program such as monitoring, enforcing corrective action, or preparing Program applications.

(c) A sponsor may contract only with a food service management company which is registered with the State in which the sponsor will operate the

Program, except that a school acting as a food service management company and a food service management company which has an exclusive contract with a school for year-round service (and no contracts with other sponsors) shall not be required to register with the State. The procedures for registration of all other food service management companies are as follows:

(1) By February 1, each State agency shall notify each food service management company which participated in the Program in either of the prior two years in the State that it must register with the State agency if it wishes to participate in the current fiscal year. This notification shall include at a minimum: (i) a statement that registration with the State agency is a prerequisite to participation in the Program during the fiscal year; (ii) a list of the items which must be submitted in the application for registration as set forth in paragraph (c)(2) of this Section; (iii) a complete description of the criteria developed by the State agency for determining registrant eligibility; and (iv) any other information necessary to apply for registration. In addition, each State agency shall by the same date issue a public announcement of the registration requirement, including all the information necessary to apply for registration.

(2) With the exceptions described in the first sentence of this paragraph, each food service management company shall register with the State by March 15 of each fiscal year. At a minimum, registration shall require: (i) submission of name and mailing address and any other names under which such food service management company presently or in the past two years has marketed its services; (ii) a certification that the food service management company meets applicable State and local health, safety, and sanitation standards; (iii) disclosure of present company owners, directors, and officers, and their relationship in the past two years to any sponsor or food service management company which participated in the Program; (iv) records of contract terminations, disallowances, and health, safety, and sanitation code violations related to prior Program participation during the past two years; (v) records of any other contract terminations and health, safety, and sanitation code violations during the past two years; (vi) the address or addresses of the company's food preparation and distribution facilities which will be used in the Program and the local officials responsible for the operation of the facilities; (vii) the number of meals which can be prepared in each preparation facility in a twenty-four hour period for use in the Program; (viii) a certification that the food service management company will operate in accordance with current Program regulations; (ix) a statement that the food service management company understands that it will not be paid for meals which are delivered to non-approved sites, or for meals which are delivered to approved sites outside of the agreed upon delivery time, or meals that do not meet the meal requirements and food specifications contained in the contract between the sponsor and the food service management company; and (x) submission of a Certified Public Accountant's audit report if an audit was performed during the prior year and, (xi) a statement as to whether the organization is a minority business enterprise. A minority business enterprise is a business,

(A) in which the management and daily operations of the business are controlled by a member or members of a minority group; and

(B) at least 51 percent of which is owned by a member or members of a minority group; (*1*) if the business is a corporation, at least 51 percent of all classes of voting stock of the corporation must be owned by members of a minority group; (*2*) if the business is a partnership, at least 51 percent of the partnership must be owned by a member or members of a minority group. Minority groups are Black, Hispanics, American Indians, Alaskan Natives, Orientals and Aleuts.

(3) A State agency shall consider a food service management company's application for registration submitted after March 15 of the current year, if the State agency determines that the lack of registration could result in a significant number of needy children not having reasonable access to the Program.

(4) Prior to registration, the State agency shall provide for inspections of all food service management companies' food preparation facilities listed on the applications for registration, except those located outside the State. The State agency shall promptly notify FNSRO of the name and location of any out-of-State facility, and FNSRO shall ensure that the facility is inspected prior to registration. The purpose of the inspection is to evaluate each facility's suitability for preparation of meals for use in the Program. The State agency may waive this inspection requirement if a facility was registered last summer and operated in accordance with Program requirements.

(5) No food service management company shall be registered by the State agency if the State agency determines that the company lacks the administrative and financial capability to perform under the Program or if it is identifiable through its organization or principals as a food service management company which participated in the Program during any previous year and was seriously deficient in its Program operation. Serious deficiencies which are grounds for non-registration include, but are not limited to, any of the following:

(i) Noncompliance with the applicable bid procedures, contract requirements or Program regulations;

(ii) Submission of false information to the State agency;

(iii) Failure to conform meal deliveries to meal orders;

(iv) Delivery of a significant number of meals which do not meet contract requirements;

(v) Failure to maintain adequate records;

(vi) Significant health code violations which were not corrected upon reinspection;

(vii) Failure to deliver meals; or

(viii) The conviction of any officer, owner, partner, or manager of the company for a crime in connection with a prior Program operation.

(6) Each State agency shall require food service management companies submitting applications for registration to certify that the information submitted is true and correct and that the food service management company is aware that misrepresentation may result in prosecution under applicable State and Federal statutes.

(7) The State agency shall notify in writing each food service management company which applied for registration of its determination on the application within 30 calendar days after receipt of the complete application. The State agency shall inform any food service management company whose application for registration has been denied of the procedures to request a review of the denial as provided for in § 225.16. The official making the determination of denial must notify the food service management company in writing, stating all the grounds on which the State agency based the denial.

(8) Each State agency shall submit information to FNS regarding registration of food service management companies, as required under § 225.11(e).

(d) In the absence of any applicable State or local laws governing bid procedures and with the exceptions identified in this paragraph, each sponsor which contracts with a food service management company shall

comply with the competitive bid procedures described in this paragraph. Sponsors which are schools which have an exclusive contract with food service management companies for year-round service and sponsors whose total contracts with food service management companies will not exceed $10,000, shall not be required to comply with these procedures. These exceptions do not relieve the sponsor of the responsibility to ensure that normally accepted bidding procedures are followed in contracting with any food service management company. Each sponsor whose proposed contract is subject to competitive bidding procedure shall ensure, at a minimum, that:

(1) All proposed contracts shall be publicly announced at least once, not less than 14 calendar days prior to the opening of bids, and the announcement shall include the time and place of the bid opening;

(2) The bids shall be publicly opened; and

(3) The State agency is notified at least 14 calendar days prior to the opening of the bids, of the time and place of the bid opening.

(4) When advertising for bids, the sponsor shall adhere to the following requirements, at a minimum:

(i) The invitation to bid shall not specify a minimum price;

(ii) The invitation to bid shall contain a cycle menu approved by the State agency upon which the bid shall be based;

(iii) The invitation to bid shall contain food specifications and meal quality standards approved by the State agency upon which the bid shall be based;

(iv) The invitation to bid shall not specify special meal requirements to meet ethnic or religious needs unless such special requirements are necessary to meet the needs of the children to be served;

(v) Neither the invitation to bid nor the contract shall provide for loans or any other monetary benefit or term or condition to be made to sponsors by food service management companies;

(vi) Nonfood items shall be excluded from the invitation to bid, except where such items are essential to the conduct of the food service;

(5) A copy of the food service management company registration determination issued by the State agency shall be submitted by the food service management company with each bid;

(6) Sponsors shall submit to the State agency copies of all bids received and their reason for selecting the food service management company chosen;

(7) All bids in an amount which exceeds the lowest bid shall be submitted to the State agency for approval before acceptance. All bids totaling $100,000 or more shall be submitted to the State agency for approval before acceptance. State agencies shall respond to a request for approval of such bids within 5 working days of receipt.

(e) Each State agency shall develop a standard form of contract for use by sponsors in contracting with food service management companies. (Sponsors which are public institutions and sponsors exempt from the competitive bid procedures described in paragraph (d) of this section may use their existing or usual form of contract, if such form of contract has been submitted to and approved by the State agency.) The standard contract developed by the State agency shall expressly and without exception provide that:

(1) The sponsor shall provide to the food service management company a list of State agency approved food service sites, along with the approved level for the number of meals which may be claimed for reimbursement for each site (established under § 225.8(j)), and shall notify the food service management company of all sites which have been approved, cancelled, or terminated subsequent to the submission of the initial approved site list and of any changes in the approved level of meal service for a site. Such notification shall be provided within the time limits mutually agreed upon the contract;

(2) The food service management company shall maintain such records (supported by invoices, receipts, or other evidence) as the sponsor will need to meet its responsibilities under this part, and shall report to the sponsor promptly at the end of each month, at a minimum;

(3) The food service management company shall have State or local health certification for the facility in which it proposes to prepare meals for use in the Program, and it shall ensure that health and sanitation requirements are met at all times. In addition, the food service management company shall provide for meals which it prepares to be periodically inspected by the local health department or an independent agency to determine bacteria levels in the meals being served. These levels shall conform to the standards which are applied by the local health authority with respect to the level of bacteria which may be present in meals served by other food service establishments in the locality. Results of the inspections shall be submitted to the sponsor and to the State agency;

(4) The meals served under the contract shall conform to the cycle menus and meal quality standards and food specifications approved by the State agency and upon which the bid was based;

(5) The books and records of the food service management company pertaining to the sponsor's food service operation shall be available for inspection and audit by representatives of the State agency, the Department, and the U.S. General Accounting Office at any reasonable time and place for a period of 3 years from the date of receipt of final payment under the contract;

(6) The sponsor and the food service management company shall operate in accordance with current Program regulations;

(7) The food service management company shall be paid by the sponsor for all meals delivered in accordance with the contract and this part. However, neither the Department nor the State agency assumes any liability for payment of differences between the number of meals delivered by the food service management company and the number of meals served by the sponsor that are eligible for reimbursement;

(8) Meals shall be delivered in accordance with a delivery schedule prescribed in the contract;

(9) Increases and decreases in the number of meals ordered shall be made by the sponsor, as needed, within a prior notice period mutally agreed upon;

(10) All meals served under the Program shall meet the requirements of § 225.21;

(11) In cases of nonperformance or noncompliance on the part of the food service management company, the company shall pay the sponsor for any excess costs the sponsor incurs by obtaining meals from another source; and

(12) If the State agency requires the sponsor to establish a special account for the deposit of operating costs payments made by the State agency to the sponsor in accordance with the conditions given in § 225.9(f), the contract shall so specify.

(f) A food service management company entering into a contract with a sponsor under the Program shall not subcontract for the total meal, with or without milk, or for the assembly of the meal.

(g) Each State agency shall have a representative present at all procurement bid openings of sponsors which expect to receive more than $100,000 in Program payments.

(h) The State agency may require any sponsor which contracts with a food service management company to

establish a special account in a State or Federally insured bank for the deposit of Program payments for operating costs. The special account shall be such that any disbursement of monies from the account must be authorized by both the sponsor and the food service management company, and shall be in accordance with the other specifications included in § 225.9(f).

(i) Copies of all contracts between sponsors and food service management companies, along with a certification of independent price determination, shall be submitted to the State agency prior to the beginning of Program operations.

(j) Each food service management company which submits a bid over $100,000 shall obtain a bid bond in an amount not less than five (5) percent nor more than ten (10) percent, as determined by the sponsor, of the value of the contract for which the bid is made. A copy of the bid bond shall accompany each bid.

(k) Each food service management company which enters into a food service contract for over $100,000 with a sponsor shall obtain a performance bond in an amount not less than ten (10) percent nor more than twenty-five (25) percent of the value of the contract as determined by the State agency. Any food service management company which enters into more than one contract with any one sponsor shall obtain a performance bond covering all contracts if the aggregate amount of the contracts exceeds $100,000. Sponsors shall require the food service management company to furnish a copy of the bond within ten days of the awarding of the contract.

(l) Food service management companies shall obtain bid bonds and performance bonds only from surety companies listed in the current Department of the Treasury Circular 570.

(m) Failure by a sponsor to comply with the provisions of this section shall be sufficient grounds for the State agency to terminate participation by the sponsor in accordance with § 225.23(b). If a food service management company fails to take the actions recommended to correct violations noted by the State agency or health inspectors in the conducting of a review or inspection, the State agency shall notify the sponsor and the food service management company that reimbursement shall not be paid for meals prepared by the food service management company after a date specified in the notification. When the State agency takes such action, it shall inform the sponsor of its right to appeal under § 225.16.

§ 225.18 Procurement standards.

(a) State agencies and sponsors which are Federally recognized Indian tribal governments or entities of State or local governments (such as some school districts, elementary and secondary schools, and public park authorities) shall comply with the standards prescribed in Attachment O of Office of Management and Budget Circular A–102 in the procurement of food, supplies, goods, and other services with Program payments.

(b) All sponsors other than those identified in paragraph (a) of this section shall comply with the standards prescribed in Attachment O of Office of Management and Budget Circular A–110 in the procurement of food, supplies, goods, and other services with Program payments.

(c) The State agency shall make available to sponsors information on Office of Management and Budget Circulars A–102 and A–110, as appropriate.

(d) Sponsors may use their own procurement procedures which reflect applicable State and local laws and regulations, provided that procurements made with Program funds conform with provisions of this section, as well as with procurement requirements which may be established by the State agency, with the approval of FNS, to prevent fraud, waste, and Program abuse.

(e) The State agency shall ensure that all sponsors are aware of the following practices specifed in OMB Circular A–102, with respect to minority business enterprises:

(1) Including qualified minority business enterprises on solicitation lists,

(2) Soliciting minority business enterprises whenever they are potential sources,

(3) When economically feasible, dividing total requirements into smaller tasks or quantities so as to permit maximum participation by minority business enterprises,

(4) Establishing delivery schedules which will assist minority business enterprises to meet deadlines, and

(5) Using the services and assistance of the Small Business Administration, the Office of Minority Business Enterprise of the Department of Commerce and the Community Services Administration as required.

Subpart D—Provisions for Sponsors

§ 225.19 Requirements for sponsor participation.

(a) *Sponsor eligibility.* Applicants eligible to sponsor the Program include:

(1) Public sponsors;

(2) Private nonprofit sponsors, including residential summer camps, which prepare their own meals or obtain meals from a public facility, such as a school district, public hospital, or State university;

(3) Private nonprofit schools, including colleges and universities;

(4) Private nonprofit migrant farmworker organizations, including those that purchase meals from a food service management company, which develop programs for children of migrant families;

(5) Private nonprofit sponsors which serve not more than a total of 500 children daily at not more than three sites and which purchase meals from a food service management company; and

(6) In areas where no sponsors described in paragraph (a) (1) through (5) of this section are available to operate the Program, or where a significant number of needy children will not otherwise have access to the Program, private nonprofit service institutions which purchase meals from a food service management company, and which are determined to have a consistent record of reliable and honest management and administration of community food service programs.

(b) *Requirements.* No applicant sponsor shall be eligible to participate in the Program unless it:

(1) Demonstrates financial and administrative capability for Program operations and accepts final financial and administrative responsibility for total Program operations at all sites at which it proposes to conduct a food service;

(2) Has not been seriously deficient in operating the Program in the prior three years;

(3) Will conduct a regularly scheduled food service for children from areas in which poor economic conditions exist or qualifies as a camp;

(4) Has adequate supervisory and operational personnel for overall monitoring and management of each site including adequate personnel to conduct the visits and reviews required in § 225.20 (g) and (h);

(5) Provides an ongoing year-round service to the community which it proposes to serve under the Program, except as provided for in § 225.8(e);

(6) Certifies that all sites have been visited and have the capability and the facilities for the meal service planned for the number of children anticipated to be served;

(7) If not a camp, provides documentation that its food service will serve children from an area in which poor economic conditions exist, as defined in § 225.2(d). If a camp, certifies

that it will collect family size and income information to support its Claim for Reimbursement; and

(8) If a summer school, is open to serve children in addition to those enrolled in the accredited school program or is a school serving children outside of the summer school hours.

(c) *Applications.* Applicants shall make written application to the State agency for participation in the Program as sponsors. Such application shall be made on a timely basis in accordance with the requirements of § 225.9.

(d) *Agreements.* Each sponsor shall enter into a written agreement with the State agency upon approval of its application, as required in § 225.9(b).

(e) *Meal services.* The meals which may be served under the Program are breakfast, lunch, supper, and supplemental food. No sponsor shall be approved to provide more than two services of supplemental food per day. A sponsor shall only be reimbursed for meals served in accordance with paragraphs (f) and (g) of this section.

(f) *Camps.* Sponsors of camps shall only be reimbursed for meals served in camps to children from families which qualify for free and reduced price meals under the guidelines established for the National School Lunch Program (7 CFR Part 210). The sponsor shall maintain a copy of the family income documentation of each child receiving meals under the Program. Meal service at camps shall be subject to the following provisions:

(1) A camp may serve up to four meals each day.

(2) Residential camps are not subject to the time restrictions for meal service given in § 225.21(a)(1).

(3) A camp shall be approved to serve these meals only if it has the administrative capability and, where applicable, adequate food preparation and holding facilities, and if the service period of the different meals does not coincide or overlap.

(4) A camp may be approved to serve supplemental food and also participate in the Special Milk Program (7 CFR Part 215). Any camp which participates in both Programs shall keep separate records for each Program, and shall not claim or receive reimbursement under both Programs for the same milk.

(g) *Sites other than camps and those serving migrant children.* Food service sites other than camps shall serve children in areas where poor economic conditions exist, as defined in § 225.2(d). A sponsor which operates in accordance with this part shall receive reimbursement for all meals served to children at these sites in accordance with this part. Food service sites other than camps and those which primarily serve migrant children may serve either (1) one meal each day, a breakfast, a lunch, or a supplement, or (2) two meals each day, if one is a lunch and the other is a breakfast or a supplement. These sites shall not be approved both to serve supplemental food and also participate in the Special Milk Program (7 CFR Part 215).

(h) *Sites which serve children of migrant families.* Food service sites which primarily serve children from migrant families may be approved to serve up to four meals each day. These sites shall serve children in areas where poor economic conditions exist as defined in § 225.2(d). A sponsor which operates in accordance with this part shall receive reimbursement for all meals served to children at these sites. A site which primarily serves children from migrant families shall only be approved to serve more than one meal each day if it has the administrative capability and, where applicable, adequate food preparation and holding facilities, and if the service period of the different meals does not coincide or overlap. These sites shall not be approved both to serve supplemental food and also participate in the Special Milk Program (7 CFR Part 215).

§ 225.20 Operational responsibilities of sponsors.

(a) Sponsors shall operate the food service in accordance with the provisions of this part and any instructions and handbooks issued by FNS under this part or issued by the State agency which are not inconsistent with the provisions of this part.

(b) Each sponsor shall, to the maximum extent feasible, utilize either its own food service facilities, or obtain meals from a school food service facility. If the sponsor obtains meals from a school food service facility the applicable requirements of this part shall be embodied in a written agreement between the sponsor and the school.

(c) Upon approval of its application or any adjustment in the approved levels of meal service for its sites, established under § 225.8(j), the sponsor shall inform the food service management company with which the sponsor contracts of the approved level for each meal service at each site for which the food service management company will provide meals.

(d) Sponsors shall plan for and prepare or order meals on the basis of participation trends with the objective of providing only one meal per child at each meal service. The sponsor shall make the adjustments necessary to achieve this objective using the results from its monitoring of sites. For sites for which approved levels of meal service have been established in accordance with § 225.8(j), this means that the sponsor shall adjust the number of meals ordered or prepared with the objective of providing only one meal per child whenever the number of children attending the site is below the approved level. In no case shall the sponsor order or prepare meals for any site in excess of the site's approved level. Records of participation and of preparation or ordering of meals shall be maintained to demonstrate positive action toward this objective. In recognition of the fluctuation in participation levels which makes it difficult to precisely estimate the number of meals needed and to reduce the resultant waste, any excess meals within the approved level for the site that are prepared or ordered may be served to children and claimed for reimbursement unless the State agency determines that the sponsor has failed to plan and prepare or order meals with the objective of providing only one meal per child at each meal service. Second meals shall be served only after all participating children at the site's meal service have been served a meal. In no case shall the sponsor order or prepare meals for any site in excess of its approved level, established in accordance with § 225.8(j).

(e) Sponsors shall submit Claims for Reimbursement only for meals served to children in accordance with this part. Claims shall be submitted by the 10th day of the month following the month for which the claim is made. However, the State agency may require that claims be submitted more frequently.

(f) Sponsors shall maintain accurate records which justify all costs and meals claimed. The sponsor's records shall be available at all times for inspection and audit by representatives of the Secretary, the Comptroller General of the United States, and the State agency for a period of three years following the date of submission of the final Claim for Reimbursement for the fiscal year.

(g) Sponsors shall visit each of their sites at least once during the first week of operation under the Program and shall promptly take such actions as are necessary to correct any deficiencies.

(h) Sponsors shall review food service operations at each site at least once during the first four weeks of Program operations, and thereafter shall maintain a reasonable level of site monitoring. Sponsors shall complete a monitoring form developed by the State agency during the conduct of these reviews.

(i) Each sponsor shall hold training sessions for its administrative and site personnel with regard to Program duties and allow no site to operate until site personnel have attended at least one of these training sessions. Training of site personnel, at a minimum, shall include: the purpose of the Program, site eligibility, recordkeeping, site operations, meal pattern requirements, and duties of a monitor. Each sponsor shall ensure that its administrative personnel attend State agency training provided to sponsors, and sponsors shall provide training throughout the summer to ensure that administrative and site personnel are thoroughly knowledgeable in all requisite areas of Program administration and operation and are provided with sufficient information to enable them to carry out their Program responsibilities. Each site shall have present at each meal service at least one person who has received this training.

(j) Sponsors shall not claim reimbursement under parts 210, 215, 220, or 226 of this Chapter, or any other Federally-funded program for meals served under the Program.

(k) Each sponsor whose total Program payments under any Program agreement are expected to exceed $75,000 shall have an audit conducted of its Program claims and the supporting documentation for those claims. The audit shall be conducted in accordance with the provisions of § 225.13 (a) and (b). A report on the audit shall be submitted to the State agency.

§ 225.21 Meal service requirements.

(a) *Time restrictions for meal service.*

(1) Three hours shall elapse between the beginning of one meal service, including supplements, and the beginning of another, except that 4 hours shall elapse between the service of a lunch and supper when no supplement is served between lunch and supper. The service of supper shall begin no later than 7 p.m., unless the State agency has granted a waiver of this requirement due to extenuating circumstances. These waivers shall be granted only when the State agency and the sponsor ensure that special arrangements shall be made to monitor these sites. In no case may the service of supper extend beyond 8 p.m. The time restrictions in this subparagraph shall not apply to residential camps.

(2) The duration of the meal service shall be limited to two hours for lunch or supper and one hour for all other meals.

(3) Meals served outside of the period of approved meal service shall not be eligible for Program payments.

(4) Any permanent or planned changes in meal service periods must be approved by the State agency.

(5) Meals for each meal service which are not prepared at the food service site shall be delivered within one hour of the beginning of the appropriate meal service unless the site has adequate facilities for holding hot or cold meals within the temperatures required by State or local health regulations.

(6) The sponsor shall serve only the type(s) of meals for which it is approved under its agreement with the State agency.

(b) *Meal patterns.* The meal requirements for the Program are designed to provide nutritious and well-balanced meals to each child. Sponsors shall ensure that meals served meet all of the requirements. Except as otherwise provided in this section, the following tables present the minimum requirements for meals served to children in the Program.

BREAKFAST [1]

(1) The minimum amount of food components to be served as breakfast are as follows:

Food components	Minimum amount
Vegetables and Fruits	
Vegetable(s) and/or fruit(s)	½ cup.[2]
or	
Full-strengh vegetable or fruit juice	½ cup (4 fl. oz.).
or	
An equivalent quantity of any combination of vegetable(s), fruit(s), and juice.	
Bread and Bread Alternates [3]	
Bread	1 slice.
or	
Cornbread, biscuits, rolls, muffins, etc.[4].	1 serving.
or	
Cold dry cereal [5]	¾ cup or 1 oz.
or	
Cooked cereal or cereal grains	½ cup.
or	
Cooked pasta or noodle products	½ cup.
or	
An equivalent quantity of any combination of bread/bread alternate.	
Milk [6]	
Milk, fluid	1 cup (½ pint, 8 fl. oz.).
Meat and Meat Alternates (Optional)	
Lean meat or poultry or fish	1 oz.
or	
Cheese	1 oz.
or	
Eggs	1 large egg.
or	
Cooked dry beans or peas	½ cup.
or	
Peanut butter	2 Tbsp.
or	
An equivalent quantity of any combination of meat/meat alternate.	

[1] Children age 12 and up may be served adult-size portions based on the greater food needs of older boys and girls, but shall be served not less than the minimum quantities specified in this section.

[2] For the purposes of the requirement outlined in this subsection, a cup means a standard measuring cup.

[3] Bread, pasta or noodle products, cereals, and cereal grains (such as rice, bulgur, or corn grits) shall be whole-grain or enriched; cornbread, biscuits, rolls, muffins, etc., shall be made with whole-grain or enriched meal or flour; cereal shall be whole-grain, enriched or fortified.

[4] Serving sizes and equivalents to be published in guidance materials by FNS.

[5] Either volume (cup) or weight (oz.), whichever is less.

[6] Milk shall be served as a beverage or on cereal, or used in part for each purpose.

Lunch or Supper [1]

(2) The minimum amounts of food components to be served as lunch or supper are as follows:

Food components	Minimum amount
Meat and Meat Alternates	
Lean meat or poultry or fish	2 oz.
or	
Cheese	2 oz.
or	
Eggs	2 large eggs.
or	
Cooked dry beans or peas	1 cup [2]
or	
Peanut butter	4 tbsp.
or	
An equivalent quantity of any combination of meat/meat alternate.	
Vegetables and Fruits	
Vegetable(s) and/or fruit(s) [3]	¾ cup total.
Bread and Bread Alternates [4]	
Bread	1 slice.
or	
Cornbread, biscuits, rolls, muffins, etc.[5].	1 serving
or	
Cooked pasta or noodle products	½ cup.
Cooked cereal grains	cup.
or	
An equivalent quantity of any combination of bread/bread alternate.	
Milk	
Milk, fluid, served as a beverage	1 cup (½ pint, 8 fl. oz.).

[1] Children age 12 and up may be served adult-size portions based on the greater food needs of older boys and girls, but shall be served not less than the minimum quantities specified in this section.

[2] For purposes of the requirements outlined in this subsection, a cup means a standard measuring cup.

[3] Serve 2 or more kinds of vegetable(s) and/or fruit(s) or a combination of both. Full-strength vegetable or fruit juice may be counted to meet not more than one-half of this requirement.

[4] Bread, pasta or noodle products, and cereal grains (such as rice, bulgur, or corn grits) shall be whole-grain or enriched; cornbread, biscuits, rolls, muffins, etc., shall be made with whole-grain or enriched meal or flour; cereal shall be whole-grain or enriched or fortified.

[5] Serving sizes and equivalents to be published in guidance materials by FNS.

Supplemental Food [1]

(3) The minimum amounts of food components to be served as supplemental food are as follows. Select two of the following four components. (Juice may not be served when milk is served as the only other component.)

Food components	Minimum amount
Meat and Meat Alternates	
Lean meat or poultry or fish	1 oz.
or	
Cheese	1 oz.
or	
Eggs	1 large egg.
or	
Cooked dry beans or peas	½ cup [2]
or	
Peanut butter	2 tbsp.
or	
An equivalent quantity of any combination of meat/meat alternate.	
Vegetables and Fruits	
Vegetable(s) and/or fruit(s)	¾ cup.

Food components	Minimum amount
or	
Full-strengh vegetable or fruit juice	¾ cup (6 fl. oz.)
or	
An equivalent quantity of any combination of vegetable(s), fruit(s), and juice.	
Bread and Bread Alternates [3]	
Bread	1 slice.
or	
Cornbread, biscuits, rolls, muffins, etc[4].	1 serving.
or	
Cold dry cereal[5]	¾ cup or 1 oz.
or	
Cooked cereal	½ cup.
or	
Cooked pasta or noodle products	½ cup.
or	
Cooked cereal grains	½ cup.
or	
An equivalent quantity of any combination of bread/bread alternate.	
Milk[6]	
Milk, fluid	1 cup[5] (½ pint, 8 fl. oz.).

[1] Children age 12 and up may be served adult-size portions based on the greater food needs of older boys and girls, but shall be served not less than the minimum quantities specified in this section.
[2] For purposes of the requirements outlined in this subsection, a cup means a standard measuring cup.
[3] Bread, pasta or noodle products, and cereal grains (such as rice, bulgur, or corn grits) shall be whole-grain or enriched; cornbread, biscuits, rolls, muffins, etc., shall be made with whole-grain or enriched meal or flour; cereal shall be whole-grain or enriched or fortified.
[4] Serving sizes and equivalents to be published in guidance materials by FNS.
[5] Either volume (cup) or weight (oz.), whichever is less.
[6] Milk should be served as a beverage or on cereal, or used in part for each purpose.

(c) *Meat or meat alternate.* Meat or meat alternates served under the Program are subject to the following requirements and recommendations.

(1) The required quantity of meat or meat alternate shall be the quantity of the edible portion as served. These foods must be served in a main dish, or in a main dish and one other menu item.

(2) Cooked dry beans or peas may be used as a meat alternate or as a vegetable, but they may not be used to meet both component requirements in a meal.

(3) Textured vegetable protein products, cheese alternate products, and enriched macaroni with fortified protein may be used to meet part, but not all, of the meat/meat alternate requirement. The Department will provide guidance on the part of the meat/meat alternate requirement which these foods may be used to meet. If enriched macaroni with fortified protein is served as a meat alternate, it shall not be counted toward the bread requirement.

(4) If the sponsor believes that the recommended portion size of any meat or meat alternate is too large to be appealing to children, the sponsor may reduce the portion size of that meat or meat alternate and supplement it with another meat or meat alternate to meet the full requirement.

(d) *Varying amounts.* The State agency may authorize the sponsor to serve food in smaller quantities than are indicated in paragraph (b) of this section to children under six years of age if the State agency determines that the sponsor has the capability to ensure that variations in portion size are in accordance with the age levels of the children served. In such cases, the sponsor shall follow the age-appropriate meal pattern requirements contained in the Child Care Food Program regulations (7 CFR Part 226).

(e) *Infant meal patterns.* Sponsors approved to serve children under one year of age shall be required to comply with the applicable meal requirements contained in the Child Care Food Program regulations (7 CFR Part 226).

(f) *Additional foods.* To improve the nutrition of participating children, additional foods may be served with each meal.

(g) *Temporary unavailability of milk.* If emergency conditions prevent a sponsor normally having a supply of milk from temporarily obtaining milk deliveries, the State agency may approve the service of breakfasts, lunches or suppers without milk during the emergency period.

(h) *Continuing unavailability of milk.* The inability of a sponsor to obtain a supply of milk on a continuing basis shall not bar it from participation in the Program. In such cases, the State agency may approve service of meals without milk, provided that an equivalent amount of canned, whole dry or nonfat dry milk is used in the preparation of the components of the meal set forth in the tables included in this section. In addition, the State agency may approve the use of nonfat dry milk in meals served to children participating in activities which make the service of fluid milk impracticable, and in locations which are unable to obtain fluid milk. Such authorization shall stipulate that nonfat dry milk be reconstituted at normal dilution and under sanitary conditions consistent with State and local health regulations.

(i) *Statewide substitutions.* In American Samoa, Puerto Rico, Guam, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands, the following variations from the meal requirements are authorized: a serving of a starchy vegetable, such as ufi, tanniers, yams, plantains, or sweet potatoes may be substituted for the bread requirements.

(j) *Individual substitutions.* Substitutions may be made by sponsors in food listed in paragraph (b) of this section if individual participating children are unable, because of medical or other special dietary needs, to consume such foods. Such substitutions shall be made only when supported by a statement from a recognized medical authority which includes recommended alternate foods. Such statement shall be kept on file by the sponsor.

(k) *Special variations.* FNS may approve variations in the food components of the meals on an experimental or a continuing basis for any sponsor where there is evidence that such variations are nutritionally sound and are necessary to meet ethnic, religious, economic, or physical needs.

(l) *Donated commodities.* Institutions shall efficiently use in the Program any foods donated by the Department and accepted by the institution.

(m) *Plentiful foods.* Institutions shall, in so far as practicable, purchase and efficiently use in the Program foods designated as plentiful by the Department.

(n) *Sanitation.* Institutions shall ensure that in storing, preparing, and serving food, proper sanitation and health standards are met which conform with all applicable State and local laws and regulations. Institutions shall ensure that adequate facilities are available to store food or hold meals.

§ 225.22 Free meal policy.

(a) *Basic policy.* As part of the application, applicants shall submit a statement of their policy for serving free meals at all sites under their jurisdiction. No application may be approved unless its accompanying policy statement is approved. The policy statement shall consist of an assurance to the State agency that all children are served the same meals at no separate charge and that there is no discrimination in the course of the food service.

(b) *Camps.* In addition, the policy statement for a camp which charges separately for meals shall include the following:

(1) A statement that the camp's eligibility standards conform to the State's family size and income standards for free and reduced-price school meals;

(2) A description of the method for accepting applications;

(3) A description of the method for collecting payments from children who pay the full price of the meal while protecting the anonymity of children receiving a free meal.

(4) An assurance that the camp will establish a hearing procedure for families wishing to appeal a denial of an application for free meals which provides for the following:

(i) That a simple, publicly announced method will be used for a family to make an oral or written request for a hearing;

(ii) That the family will have the opportunity to be assisted or represented by an attorney or other person;

(iii) That the family will have an opportunity to examine the documents and records supporting the decision being appended both before and during the hearing;

(iv) That the hearing will be reasonably prompt and convenient for the family;

(v) That adequate notice will be given to the family of the time and place of the hearing;

(vi) That the family will have an opportunity to present oral or documentary evidence and arguments supporting its position;

(vii) That the family will have an opportunity to question or refute any testimony or other evidence and to confront and cross-examine any adverse witnesses;

(viii) That the hearing shall be conducted and the decision made by a hearing official who did not participate in the action being appealed;

(ix) That the decision shall be based on the oral and documentary evidence presented at the hearing and made a part of the record;

(x) That the family and any designated representative shall be notified in writing of the decision;

(xi) That a written record shall be prepared for each hearing which includes the action being appealed, any documentary evidence and a summary of oral testimony presented at the hearing, the decision and the reasons for the decision, and a copy of the notice sent to the family; and

(xii) That the written record shall be maintained for a period of three years following the conclusion of the hearing, during which it shall be available for examination by the family or its representatives at any reasonable time and place.

(5) An assurance that, if a family requests a hearing, the child shall continue to receive free meals until a decision is rendered.

(6) An assurance that there will be no overt identification of free meal recipients and no discrimination against any child on the basis of race, color, or national origin.

(c) *Public Announcements.* Each sponsor shall annually announce in the media serving the area from which it draws its attendance, the availability of free meals. Camps shall annually announce to all participants the availability of free meals for eligible children. All announcements must also state that meals are available without regard to race, color, or national origin.

Subpart E—Miscellaneous Provisions

§ 225.23 Other provisions.

(a) *Grant closeout procedures.* Grant closeout procedures for the Program shall be in accordance with Attachment K of the Office of Management and Budget Circular A–110 (41 FR 32016, July 30, 1976), or Attachment L of the Office of Management and Budget Circular A–102 (42 FR 45828, September 12, 1977), whichever is applicable.

(b) *Termination for cause.* (1) FNS may terminate a State agency's participation in the Program in whole, or in part, whenever it is determined that the State agency has failed to comply with the conditions of the Program. FNS shall promptly notify the State agency in writing of the termination and reason for the termination, together with the effective date and shall allow the State 30 calendar days to respond. In instances where the State does respond, FNS shall inform the State of its final determination no later than 30 calendar days after the State responds. (2) A State agency shall terminate a sponsor's participation in the Program by written notice whenever it is determined by the State agency that the sponsor has failed to comply with the conditions of the Program. (3) When participation in the Program has been terminated for cause, any funds paid to the State agency or a sponsor or any recoveries by FNS from the State agency or by the State agency from a sponsor shall be in accordance with the legal rights and liabilities of the parties.

(c) *Termination for convenience.* FNS and the State agency may agree to terminate the State agency's participation in the Program in whole, or in part, when both parties agree that the continuation of the Program would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated. The State agency shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Department shall allow full credit to the State agency for the Federal share of the noncancellable obligations properly incurred by the State agency prior to termination. A State agency may terminate a sponsor's participation in the manner provided for in this paragraph.

(d) *Maintenance of effort.* Expenditures of funds from State and local sources for the maintenance of food programs for children shall not be diminished as a result of funds received under the Act and a certification to this effect shall become part of the agreement provided for in § 225.3(c).

(e) *Program benefits.* The value of benefits and assistance available under the Program shall not be considered as income or resources of recipients and their families for any purpose under Federal, State or local laws, including, but not limited to, laws relating to taxation, welfare, and public assistance programs.

(f) *State requirements.* Nothing contained in this part shall prevent a State agency from imposing additional operating requirements which are not inconsistent with the provisions of this part, provided that such additional requirements shall not deny the Program to an area in which poor economic conditions exist, and shall not result in a significant number of needy children not having access to the Program. Prior to imposing any additional requirements, the State agency must receive approval from FNSRO.

(g) *Fraud penalty.* Whoever embezzles, willfully misapplies, steals, or obtains by fraud any funds, assets, or property that are the subject of a grant or other form of assistance under this part, whether received directly or indirectly from the Department or whoever receives, conceals, or retains such funds, assets, or property to his use or gain, knowing such funds, assets, or property have been embezzled, willfully misapplied, stolen, or obtained by fraud shall, if such funds, assets, or property are of the value of $100 or more, be fined not more than $100,000 or imprisoned not more than five years, or both, or, if such funds, assets, or property are of a value of less than $100, shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

§ 225.24 Program information.

(a) persons desiring information concerning the Program may write to the appropriate State agency or Regional Office of FNS as indicated below:

(1) In the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont: New England Regional Office, FNS, U.S. Department of Agriculture, 33 North Avenue, Burlington, MA 01803.

(2) In the States of Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, Virginia, Virgin Islands, and West

Virginia: Mid-Atlantic Regional Office, FNS, U.S. Department of Agriculture, One Vahlsing Center, Robbinsville, NJ 08691.

(3) In the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee: Southeast Regional Office, FNS, U.S. Department of Agriculture, 1100 Spring Street NW, Atlanta, GA 30367.

(4) In the States of Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin: Midwest Regional Office, FNS, U.S. Department of Agriculture, 536 South Clark Street, Chicago, IL 60605.

(5) In the States of Arkansas, Louisiana, New Mexico, Oklahoma and Texas: Southwest Regional Office, FNS, U.S. Department of Agriculture, 1100 Commerce Street, Room 5–C–30, Dallas, TX 75202.

(6) In the States of Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah and Wyoming: Mountain Plains Regional Office, FNS, U.S. Department of Agriculture, 2420 West 26th Avenue, Room 430, Denver, CO 80211.

(7) In the States of Alaska, American Samoa, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, Trust Territory of the Pacific Islands, the Northern Mariana Islands, and Washington: Western Regional Office, FNS, U.S. Department of Agriculture, 550 Kearny Street, Room 400, San Francisco, CA 94108.

[Catalog of Federal Domestic Assistance Program No. 10.559, Summer Food Service Program for Children.]

[The Summer Food Service Program for Children is subject to Part III of Attachment A of OMB Circular No. A–95 (revised). Part III requires that Governors or their designated Plan review agency be given the opportunity to review the State plans required by Program regulations.]

Note.—The reporting and recordkeeping requirements contained in this rule are being submitted for approval to the Office of Management and Budget in accordance with the Federal Reports Act of 1942. This regulation will become effective January 1, 1981. The reporting and recordkeeping requirements may be subject to revision prior to implementation if the requirements, as presently formulated, are not approved without change by the Office of Management and Budget.

Dated: January 14, 1981.

Sydney J. Butler,

Acting Assistant Secretary for Food and Consumer Services.

[FR Doc. 81–1814 Filed 1–19–81; 8:45 am]

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federal register

Wednesday
January 21, 1981

Part V

Department of Health and Human Services

Health Care Financing Administration

Medicare Program; Medigap—Certification of Medicare Supplemental Health Insurance Policies

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 403

Medicare program; Medigap—Certification of Medicare Supplemental Health Insurance Policies

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

ACTION: Proposed Rule.

SUMMARY: This proposal would establish a program of certification, by the Secretary, of Medicare supplemental health insurance policies (so-called Medigap policies) voluntarily submitted by insurers for review. It would implement, in part, section 507 of the Social Security Disability Amendments of 1980. HCFA will administer the certification program.

The voluntary certification program would go into effect July 1, 1982, and would apply only to policies issued in those States that do not have in effect a program for regulating Medigap policies equal to or more stringent than the one to be described in these regulations. A Supplemental Health Insurance Panel, consisting of the Secretary or a designee and four State Commissioners or Superintendents of Insurance appointed by the President, will determine the adequacy of a State's program in relation to the standards contained in the regulations.

These regulations would: (1) set standards for policies voluntarily submitted to HCFA for certification, (2) establish procedures for the certification program, and (3) promulgate the statutory requirements that the Supplemental Health Insurance Panel would use to approve State regulatory programs.

DATE: To assure consideration, comments should be received by: March 23, 1981.

ADDRESS: Address comments in writing to: Administrator, Health Care Financing Administration, Department of Health and Human Services, P.O. Box 17073, Baltimore, Maryland 21235. If you prefer, you may deliver your comments to Room 309–G Hubert H. Humphrey Building, 200 Independence Ave., S.W., Washington, D.C., or to Room 789, East High Rise Building, 6401 Security Boulevard, Baltimore, Maryland.

Please refer to BPP–91–P. Agencies and organizations are requested to submit comments in duplicate. Comments will be available for public inspection, beginning approximately two weeks after publication, in Room 309–G of the Department's office at 200 Independence Ave., S.W., Washington, D.C. 20201 on Monday through Friday of each week from 8:30 to 5:00 p.m. (202–245–7890).

FOR FURTHER INFORMATION CONTACT: Thomas Hoyer, 301–594–9690.

SUPPLEMENTARY INFORMATION: Because of the large number of comments we receive, we cannot acknowledge or respond to them individually. However, in preparing the final rule, we will consider all comments and will respond to them in the preamble to that rule.

Medicare Program

Medicare is a Federal health insurance program, provided for under title XVIII of the Social Security Act, for people 65 and older and some people under 65 who are disabled. The Medicare program consists of two parts, a Hospital Insurance Program (Part A) and s Supplementary Medical Insurance Program (Part B).

Part A, Hospital Insurance, covers hospital, skilled nursing facility (SNF) and home health care, as well as certain therapy services. It is oriented towards acute care, and its coverage provisions are based on the concept of a benefit period or "spell of illness", a period that begins when an individual receives inpatient hospital or SNF services and ends when that individual has been out of the hospital or SNF for 60 consecutive days. In each benefit period, individuals are entitled to up to 90 days of inpatient hospital care, up to 100 days of post-hospital SNF care, and up to 100 post hospital home health visits. If the full 90 days of hospital benefits are exhausted during a spell of illness, a beneficiary may draw on 60 additional lifetime reserve days.

Part B, the Supplementary Medical Insurance Program, provides coverage for physicians' services, medical and other health services (a wide range of services including diagnostic tests and X-rays, outpatient hospital services, durable medical equipment, ambulance service, prosthetic devices, physical therapy, etc.), and up to 100 home health visits per year.

Both parts of Medicare contain cost sharing provisions, that is, deductible and coinsurance. The law requires that, under Part A, the inpatient hospital deductibles and hospital and SNF coinsurance amounts be adjusted annually to reflect the rising costs of health care (Section 1813(b)(2) of the Act). Under Part A, there is currently an annual hospital deductible of $180, a daily co-payment of $45 for the 61st through the 90th day of care, and $90 a day for each lifetime reserve day. In a SNF, there is a $22.50 co-payment for care from the 21st through the 100th day.

Under Part B, medical insurance generally pays 80 percent of "reasonable charges", and the beneficiary pays 20 percent coinsurance. (Under Title XVIII, the "reasonable charge" is the amount of the actual charge of a physician or supplier that can be recognized for payment under Medicare.) Since actual charges generally exceed the "reasonable charges", beneficiaries are also responsible for the difference, unless the physician or supplier accepts "assignment" of a beneficiary's claim. In addition, the beneficiary must pay an annual $60 deductible.

There are a number of items and services that are not covered under either of Medicare's two insurance programs. These items and services include: custodial nursing home care, custodial home care, most prescription drugs, dental care, eyeglasses and eye examinations, immunizations, most foot care, and homemaker services. Beneficiaries must pay the full cost of these services out-of-pocket or obtain additional insurance protection to pay the costs.

Medicare Supplemental Health Insurance Policies—Nature and Problems

The Medicare program was never designed to cover the total cost of providing medical care for its beneficiaries. It has been estimated that Medicare paid for about 44 percent of all health care costs for its beneficiaries in 1978. The remaining 56 percent included the cost of noncovered services and cost-sharing provisions of the Medicare program. Since the enactment of the Medicare program, various insurance organizations, both profit and nonprofit, have developed and marketed health insurance policies aimed at paying health care expenses not covered by the Medicare program. In 1978, about 15 million of the 23 million Medicare beneficiaries spent $4 billion for approximately 19 million policies to supplement Medicare. These policies are commonly referred to as "Medigap" policies and principally include Medicare supplement policies, indemnity policies and specified disease policies.

Medicare supplement policies are designed to fill specific gaps in the Medicare benefit structure. These policies typically offer coverage of some or all of Medicare's deductible and coinsurance amounts and sometimes include coverage of services not covered under Medicare. There are many varieties of supplement policies with premiums and benefit structures

designed to meet the needs of people with a variety of incomes. A characteristic of most of these policies, however, is that they base their payments on Medicare's coverage and reimbursement structures. They seldom pay more than the 20 percent coinsurance amount of the "reasonable charge" recognized by Medicare. They rarely pay any of the difference between the "reasonable charge" and the actual amount that a physician or supplier of services might charge. Furthermore, they frequently do not cover a broader range of services than are covered under Medicare. The premiums for these policies are usually adjusted annually to compensate for increases in Medicare's deductible and coinsurance amounts.

Indemnity policies usually have fixed premiums and pay a predetermined amount of money when certain conditions are present or certain health care services are furnished. An indemnity policy, for example, might pay a fixed amount for each day of hospital or nursing home care, for each medical or surgical procedure required, or for a given diagnosis. The amount of benefits is usually predetermined and is not tied to the beneficiary's actual health care expenses. Indemnity benefits are usually payable without regard to other coverage.

Specified disease policies, popularly known as "dread disease policies", will pay certain specified amounts once a positive diagnosis (e.g., cancer) has been medically confirmed. As with indemnity policies, the benefits paid under specified disease policies are often fixed and are not usually tied to the beneficiary's actual expenses.

In May, 1972, the Senate Judiciary Committee, Subcommittee on Anti-Trust and Monopoly, held hearings related to the sale of Medigap policies. Since then more than a dozen other investigations and studies by congressional committees, the Federal Trade Commission, the news media, and various other individuals and agencies have revealed and onfirmed certain problems with Medigap insurance. Some of the problems relate to the nature of the policies, and some of them relate to the manner in which they are sold:

1. There is such a wide variety of Medigap policies that it is difficult, if not impossible, for a beneficiary to compare them and effectively assess their relative benefits and costs.

2. The policies themselves are often written in complicated language that obscures the extent of their coverage or the nature of their exclusions. For example, many policies contain clauses which limit or exclude payment for services received in connection with medical conditions which were known to exist at the time the policy was sold. These pre-existing condition clauses can negate coverge described in other portions of the policy.

3. Medicare beneficiaries often misunderstand the coverage available under Medicare. This, when coupled with misunderstanding of coverage of the supplemental policies, may lead individuals to purchase coverage that duplicates Medicare coverage or coverage that exists under another supplemental policy, while at the same time leaving significant gaps in coverage.

4. It is also virtually impossible for Medicare beneficiaries to determine the value of the policy's benefits in relationship to the premiums paid. This relationship, known as the loss ratio, is a way of determining how much of the aggregate premium income from a policy an insurance organization spends on aggregate benefits. Many group policies return 80 to 90 cents, or more, on the premium dollar, while some individual policies return less than 25 cents. In general, Medigap policies as a class often return less money in benefits than most other health insurance policies. ("Medigap: State Responses to Problems with Health Insurance for the Elderly", T. Van Ellet; Intergovernmental Health Policy Project, The George Washington University, Washington, D.C.; October 30, 1979 (hereafter, "Medigap" by Van Ellet), p. 16.)

5. Financial incentives, including very large sales commissions, have led some insurance agents to persuade policyholders to terminate a good policy in order to subscribe to a new one. The practice is costly to the beneficiaries and often leaves them without protection for a period of time because the new policy usually has a waiting period for pre-existing conditions. In other cases, a beneficiary is persuaded to purchase additional insurance policies to increase coverage when, in fact, the additional policy duplicates rather than supplements existing protection.

6. Elderly beneficiaries tend to rely on insurance agents for information about the Medicare program and the coverage available under the Medigap policies they are offered, and they are particularly vulnerable to misrepresentation and other abuses. Evidence of fraud, forgery, and intimidation has also been uncovered.

Regulation of Medigap Policies

The McCarran-Ferguson Act of 1945 (15 U.S.C. 1011 et seq.) permitted individual States to regulate the insurance business, and the States have been traditionally responsible for regulating Medigap policies. States have general laws which affect the entire field of insurance, and a number of States have enacted, or have final approval pending of, laws and regulations specific to Medicare supplemental insurance. Despite the current level of activity among the States, however, studies have shown that the scope of regulation varies from State to State and that enforcement of existing regulations is also uneven. (See "Medigap" by Van Ellet.)

There have been several significant initiatives in recent years to address the problems associated with Medigap policies. The National Association of Insurance Commissioners (NAIC), an association of the chief insurance regulatory officials of the 50 States, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands, has played a major role in the effort. The NAIC, in collaboration with HCFA, developed a "Guide to Health Insurance for People with Medicare". Over 6 million copies of the pamphlet have thus far been distributed through social security offices, insurance companies, State insurance departments, and senior citizen interest groups. More important, however, the NAIC also amended its model standards for individual accident and sickness insurance policies so they can be used by States specifically to regulate Medigap policies. The amended model, adopted by the NAIC on June 6, 1979, contains minimum standards that Medigap policies would be required to meet (Model Regulation to Implement the Individual Accident and Sickness Insurance Minimum Standards Act, as it applies to Medicare Supplemental policies: "NAIC Model Standards"). Standards address such issues as minimum coverage requirements, limits on exclusions of coverage because of pre-existing conditions, disclosure requirements, and refund requirements.

As a result of the abuses associated with Medigap policies, Congress enacted section 507 of Pub. L. 96–265 (the Social Security Disability Amendments of 1980). That section of the law established a voluntary certification program for Medicare supplemental health insurance policies (section 1882 of the Social Security Act (42 U.S.C. 1395ss)). The intent of the legislation is to establish a program that enables Medicare beneficiaries to identify Medigap policies for purchase that are represented accurately both by sales agents and promotional literature, do not duplicate Medicare or other health insurance coverage, and provide fairly priced minimum protection against

health care expenses that are not paid for by Medicare.

In the debate that preceded enactment of Pub. L. 96–265, and in the law itself, Congress recognized the progress already made by the States in the area of Medigap regulation. Further, it recognized and accepted the traditional role of the States in regulating insurance. Its intention in developing Medigap legislation was to provide the States and insurance companies with an incentive to speed up their activities to improve the regulation and quality of Medigap policies. At the same time, Congress established an alternative mechanism of certification that could be implemented at the national level for policies issued in States that choose not to establish minimum regulatory programs by July 1, 1982.

While the law relies on improve State and Federal regulation of Medigap policies as a major means of identifying and curbing abuses in the sale of Medigap policies, it also places strong reliance on consumer education as a force in improving the general quality of Medigap policy offerings. The presumption is that beneficiaries, assisted by information provided by HHS, the States, insurance companies and other sources, will become better informed, more aggressive purchasers of Medigap insurance and that insurance organizations will therefore improve the quality of the policies they offer for sale in order to retain their competitive position in the market.

The basic provisions of the Medigap legislation addressed in these regulations are as follows:

1. The statute mandates that the Secretary of HHS establish a program of review and certification of Medigap policies that meet or exceed requirements specified in the statute and regulations. The Secretary's program is voluntary in that it provides for review of only those policies that are voluntarily submitted by insurers (section 1882(a) of the Act). It goes into effect July 1, 1982. (The Secretary has determined that HCFA will administer the voluntary program.)

2. Medigap policies must meet the NAIC Model Standards in order to be certified in the Secretary's program. (A summary of the NAIC Model Standards applicable to Medigap policies is presented below.) However, Congress structured the voluntary program so that it would apply the NAIC Model Standards to group policies as well as individual policies and also established minimum loss ratio requirements for each category of policy (section 1882(c) of the Act).

The NAIC has standards applicable to a variety of policies, including Medicare supplement policies, indemnity policies, and specified disease policies. However, it is important to note that the NAIC Model Standards that Congress incorporated by reference into P.L. 96–265 specifically address only "Medicare supplement policies". Consequently, the focus of the voluntary certification program is on those policies and does not address the certification of, or minimum standards for, "specified disease policies" or "indemnity policies".

3. The Secretary's voluntary certification program will apply only in those States that have not implemented, under State law, a regulatory program that applies standards equal to or more stringent than the NAIC Model Standards and the loss ratio requirements as specified in the statute (section 1882 (b) and (i) of the Act). Regarding the NAIC standards and loss ratio requirements, Congress clearly did not intend to encourage States to limit their regulatory programs to the minimum level specified in the law. On the contrary, the intent of Congress was to encourage States to implement regulatory programs that they determine are appropriate to their needs and to assure States that those programs meeting or exceeding specified minimum standards would be approved by a panel, as specified below. (See Conference Committee Report on Social Security Disability Amendments of 1980, H.R. 3236, Report No. 96–944, pp. 76–77.)

4. The statute also provides for a Supplemental Health Insurance Panel that will determine whether or not State regulatory programs for Medigap policies meet the requirements of the law. The Panel will consist of the Secretary or a designee, who will serve as chairperson, and four State Commissioners or Superintendents of Insurance, to be appointed by the President (section 1882(b) of the Act).

5. The Secretary will authorize the use of an emblem by an insurer to indicate that a policy has been certified as meeting the standards of the voluntary certification program (section 1882(a) of the Act).

The statute contains provisions other than those addressed in these regulations. These include Federal criminal penalties designed to assist States and the Federal government in dealing with abuses identified in the various studies and investigations of Medigap policies (section 1882(d) of the Act). These penalties basically apply to cases in which false statements or misrepresentations are made about a policy's certification or about the extent and nature of the policy's coverage for the purpose of obtaining certification. They also apply to cases of misrepresentation by an insurance agent as an employee or agent of the Federal government (e.g., of the Medicare program) and to cases in which an individual sells a policy that is known to be duplicative of Medicare coverage or other health insurance the individual has. There is also a penalty governing the use of the mails for the delivery of advertisement of Medicare supplemental health insurance policies that have not been approved for sale in a State.

Section 1882(f) of the Act requires the Secretary to undertake a comprehensive study of the comparative effectiveness of various State regulatory approaches in (a) limiting marketing and agent abuse, (b) assuring the dissemination of information to Medicare beneficiaries (and to other consumers) that is necessary for informed purchase of Medigap policies, (c) promoting policies that provide reasonable economic benefits for the insured, (d) reducing the purchase of unnecessary duplicative coverage, (e) improving price competition, and (f) establishing effective State regulatory programs.

At the same time, the Secretary's study must address the need for standards for, or certification of, health insurance policies other than Medicare supplemental health insurance policies sold to Medicare beneficiaries. In order to carry out this study, HCFA needs to collect information concerning policy provisions, premium cost, premium volume and number of policyholders per policy on a State by State basis, loss ratio per policy, consumer knowledge of Medicare and other private health insurance coverage, and consumer purchasing behavior. This study would be used to collect baseline data for the later evaluation of the impact of the Federal voluntary certification program. Suggestions on how to obtain this information would be appreciated. Ideas on how to identify all health insurance products and the companies that sell them to Medicare beneficiaries, and ideas on comparing insurance policies, e.g., a scoring system, and establishing some method for comparing loss ratios would also be welcome.

The Secretary is also required to submit to Congress, no later than July 1, 1982, and at least every two years thereafter, a report evaluating the effectiveness of the certification procedures and the criminal penalties established under the law (section 1882(f) (2) of the Act). The report must include an analysis of the impact that

the certification program and the penalties have on the types, market share, value, and cost of policies certified by the Secretary. The report will also address whether the certification program and the criminal penalties should be continued or changed. We invite suggestions and comments regarding the potential sources of information for the report, the types of information that would be most appropriate, and the organizations or individuals that should be consulted.

Finally, section 1882(e) requires that the Secretary furnish all Medicare beneficiaries information that will enable them to make informed purchases of Medigap policies. Prior to the enactment of this provision, HCFA's Office of Beneficiary Service began distributing informational materials and conducting training classes for, and distributing training materials to, individuals who have contact with Medicare beneficiaries on the State and local levels. Those individuals will be in a position to inform beneficiaries of the problems inherent in the selection of Medigap insurance and of the certification program.

Provisions of the Regulations

State Regulation of Health Insurance Policies

Congress specifically stated that nothing in the statute should be construed so as to affect the right of any State to regulate Medicare supplemental health insurance policies that are marketed within its borders (section 1882(j) of the Act). This same provision would be contained in the regulations. In practice, for example, a policy certified in one State, either by that State or under the voluntary program, could be barred from sale in a second State, if the policy fails to meet the more stringent requirements of the second State.

Medicare Supplemental Health Insurance Policy

These regulations would define a Medicare supplemental health insurance policy, in accordance with section 1882(g) (1) of the Act, as a health insurance policy or other health benefit plan that a private entity offers to a Medicare beneficiary to supplement Medicare. Under the definition, the policy would provide payment for expenses that are not reimbursed under the Medicare program because of deductibles, coinsurance, noncoverage, or other limitations.

The term "Medicare supplemental health insurance policy" (Medigap policy) would include individual as well as group policies. In accordance with section 1882(c) of the Act, policies issued as a result of solicitation of individuals through the mail or by mass media advertising (including both print and broadcasting advertising) would be considered individual policies. The term "policy" would include a certificate issued under a policy (section 1882(g)(1) of the Act). However, in accordance with section 1882(g) of the Act, group health insurance policies of employers and labor organizations would not come under the provisions of these regulations. These policies were exempted for a number of reasons: they are usually sold without regard to age; they are not often sold specifically to supplement Medicare; and abuses commonly associated with Medigap policies have not generally been found to occur with respect to them. In fact, many of these policies have proven to be the best Medicare supplement available to retired workers.

Congress also intended that group health insurance policies of trade, professional, and occupational associations be exempted (Conference Committee Report on H.R. 3236, Report No. 96-944, p. 77). A policy would be exempt, however, only if the association—

1. Is composed of individuals all of whom are actively engaged in the same profession, trade, or occupation;

2. Has been maintained in good faith for a purpose other than the obtaining of insurance; and

3. Has been in existence at least two years before the date of its initial offering of a Medigap policy to its members.

General Requirements

In order to be certified under the voluntary or a State program, a policy must meet standards specified in section 1882(c) of the Act. It would have to meet the NAIC standards and the loss ratio standards, as provided for below. These standards would have to be met or exceeded either in a single policy or, in the case of policies of nonprofit hospital and medical service associations, in two or more policies issued in conjunction with one another.

NAIC Model Standards

Medigap policies must meet the NAIC model standards in order to be certified in either the voluntary program or an approved State program. (See section 1882(c)(1) of the Act.) These proposed regulations, however, would differ from the NAIC standards in specified instances:

1. The NAIC standards address only individual policies. However, the statute clearly addresses both individual and group policies, thereby establishing that Congress intended both individual and group policies to meet requirements prescribed by the NAIC standards (including the standards relating to minimum benefit provisions, pre-existing condition limitations, full disclosure, and cancellation clauses).

2. The NAIC standards define a Medigap policy as one offered to an individual eligible for Medicare by reason of age. The statute, however, defines a Medicare supplemental health insurance policy as one offered to an individual entitled to Medicare, without regard to age (section 1882(g) of the Act). Therefore, in these regulations, a certified Medigap policy for any Medicare beneficiary would be required to comply with the standards prescribed by the statute.

3. The NAIC standards provide optional loss ratio guidelines for individual policies only. These regulations would mandate the loss ratio standards for individual and group policies contained in the statute (section 1882(c) of the Act), as discussed below.

Loss Ratios

The proposed regulations would require that Medicare supplemental policies meet the loss ratio standards mandated in section 1882(c) of the Act. Policies would be expected to return to policyholders in the form of aggregate benefits provided under the policy at least 75 percent of the aggregate amount of premiums in the case of group policies and 60 percent in the case of individual policies. These regulations would specify the formula for determining loss ratios and the components and assumptions used in applying that formula. In addition, under the voluntary certification program insurers would be required to submit supporting information to HCFA that identifies the data incorporated into that formula. We believe that such specificity is necessary in the regulations to assure that policies meet the loss ratio standards of the law and that loss ratio calculations are done "in accordance with accepted actuarial principles and practices", as mandated in section 1882(c)(2) of the Act. Accordingly, insurers would be required to submit the following, together with the policy and the loss ratio computation:

1. The scale of premiums for the loss ratio calculation period.

2. A description of all assumptions made in the development of the loss ratio.

3. The formula used to calculate gross premiums.

4. The expected level of earned premiums in the loss ratio calculation period.

5. The expected level of incurred claims in the loss ratio calculation period.

We would also require that a qualified actuary sign an actuarial certification, a declaration that the expected loss ratio for a given policy is based on actuarial assumptions that are appropriate and reasonable, taking into account actual policy experience, if any, and reasonable expectations. For purposes of these regulations, a "qualified actuary" would mean a member in good standing of the American Academy of Actuaries, or a person who has otherwise demonstrated his or her actuarial competence to the satisfaction of the Commissioner or Superintendent of Insurance of the domiciliary State of the insurer.

Note.—These regulations address only the specifications of the loss ratio calculation and supporting information that would be required when the insurer submits a policy to HCFA in order to obtain initial certification. For a certified policy to maintain its certification, the insurer must submit material, including an updated loss ratio, at least on an annual basis to HCFA. The law clearly envisions that the Secretary's evaluation of that material would extend to the actual experience of the policy in previous years. Therefore, for purposes of those subsequent submittals, HCFA would require both a loss ratio that addresses anticipated experience and data on actual claims and premiums for that policy. We intend to publish proposed regulations, at a later date, regarding the specific data that HCFA would require.

In dealing with the issue of loss ratio specifications, HCFA has recognized that it is necessary to establish the formula for loss ratio calculations and to define carefully its direct and indirect components. The definitions have been included because of HCFA's recognition that "accepted actuarial principles and practices" permit a wide range of discretion to the actuary in selecting among the techniques and data at his or her disposal.

The loss ratio formula has been stated specifically in the regulations as a simple ratio of benefits to premiums. In the ratio, "benefits" would be computed by adding the present value, on the initial calculation date, of expected incurred benefits in the loss ratio calculation period to the present value, on the initial calculation date, of the total policy reserve at the last day of the loss ratio calculation period. The total policy reserve on the initial calculation date would then be subtracted. "Premiums" would be composed of the present value, on the initial calculation date, of expected earned premiums for the loss ratio calculation period. For purposes of the formula, "present values" could be an aggregate, computed by the insurer for a period not to exceed 12 consecutive months, of expected earned premiums and incurred benefits.

In developing definitions of the various direct and indirect loss ratio components, HCFA recognizes, as indicated above, that "accepted actuarial principles and practices" encompass a range of choices that are made by the actuary on the basis of his or her professional judgment as to appropriate data and techniques available. To avoid widely varying professional interpretations, HCFA has provided definitions for the components. These definitions specify the actuarial concepts that HCFA, on the basis of its consultations with actuaries internally and in the insurance industry, believes are appropriate for developing loss ratios for purposes of these regulations.

In addition to the formula and definitions discussed above, it will also be necessary for HCFA to specify other requirements relating to types of computations, assumptions, and data to be considered in developing loss ratios for purposes of these regulations. HCFA believes that these specifications will be necessary to assist actuaries in the development of loss ratios that are consistent will the intent of the law and regulations. These further issues are discussed in the next section of this preamble, which invites comments specifically on a number of the issues now under development.

We believe that the approach to loss ratio requirements taken in these regulations will assure that the requirements of the law are met, will provide for consistent application of the loss ratio threshold standards to all policies submitted for review, and enable comparison among policies on the basis of loss ratios. Once the system is fully articulated and in place, HCFA believes that different actuaries, considering the same Medigap policy and taking into account the principles and concepts described in these regulations, would be able independently to achieve comparable loss ratios.

Solicitation of Comments Specific to Loss Ratios

As we have noted above, some of the specifications for loss ratio determinations are not yet complete. HCFA is studying the practices of various States and is consulting insurance and actuarial groups and other professionals in the field to develop these specifications. We intend to take into consideration the data acquired in that study and through those consultations, and also the comments to this proposed rule, when we prepare the final rule. In addition, we will provide for a further comment period for the loss ratio specifications in the final regulations. We invite comments on all aspects of the loss ratio proposal; however, we are especially interested in comments on the following:

1. In determining premiums and benefits, the insurer must provide for various factors, as appropriate. Two of those are: (a) the expected future change in the distribution by age and sex of the insured group; and (b) the expected wearing off of the impact, in the early period(s) after a policy is issued, of the process the company used to select the insured and of clauses that temporarily exclude pre-existing conditions from coverage. These factors will influence claims. For example, the company that screens and selects the insured (excluding, for example, those with certain health conditions) will have fewer claims to pay in the early years of a policy than the company that guarantees acceptance to all applicants. (The insured in the former instance will most likely be healthier, at lower risk.) We believe that the insuring organization, in calculating the benefits of a policy, should provide for the impact of these factors on claims beyond the loss ratio calculation period.

2. Assumptions regarding a variety of factors, such as lapse of policies, interest, mortality, and morbidity, are integral components of a loss ratio formula. We will address them in final regulations, but we invite comments and suggestions now for our consideration.

3. These proposed regulations would require the insurer to submit supporting data for loss ratios (e.g., scale of gross premiums, a description of assumptions, formula used to calculate gross premiums, and expected level of earned premiums and incurred claims). We invite comments on that supporting data and recommendations regarding other or additional data that would be appropriate.

The Supplemental Health Insurance Panel

Establishment of the Supplemental Health Insurance Panel is authorized by section 1882(b) of the Act. The Panel will consist of the Secretary or a designee, who serves as chairperson, and four State Commissioners or Superintendents of Insurance appointed by the President. HCFA published a notice in the **Federal Register** on August 5, 1980 (45 FR 51923) inviting interested

parties to recommend, by September 4, 1980, State Commissioners and Superintendents of Insurance to serve on the Panel. The President is required by section 1882(b)(2) of the Act to make appointments to the Panel no later than December 31, 1980.

The principal function of the Panel is to assess State regulatory programs for Medigap policies and to determine if those programs meet minimum requirements. If the Panel approves a program as meeting the requirements of the law, that State has an "approved program". The decisions of the Panel are binding on HCFA; that is, HCFA can implement the voluntary program only in those States that do not have approved programs. The Secretary shall report to Congress, no later than January 1, 1982, the Panel's initial determinations as to which States cannot be expected to have implemented an approved program by July 1, 1982. (See section 1882(i)(2)(B) of the Act and Conference Committee Report on H.R. 3236, Report No. 96-944, p. 76.) Finally, the Panel could maintain oversight to assure that States satisfactorily implement their regulatory programs once the Panel has approved them.

The Panel is an independent component within HHS and will be responsible for establishing and implementing its own operating procedures. While those procedures are beyond the scope of these regulations, we are taking this opportunity to identify some of the questions and issues that will be before the Panel, and we invite comments and suggestions.

1. What criteria should the Panel use to determine whether or not a State has established and implemented a satisfactory program for the regulation of Medigap policies?

2. Determinations of the Panel are binding on States and on HCFA. Should the Panel establish procedures so that States might seek review of its determinations before they become effective? If so, what should they be?

3. How should the Panel communicate its determinations to affected parties, principally the State Commissioners and Superintendents of Insurance and the insurance industry? Should notices in the Federal Register be used for this purpose? What other means could be used?

Emblem

Section 1882(a) of the Act provides for an emblem, a graphic symbol the Secretary uses to indicate that a policy has been certified as meeting the requirements of the voluntary certification program. We would authorize the insurer to imprint the emblem on certified policies. (However, where a State prohibits the display of such symbols, insurers could not use the emblem.) We are currently in the process of designing the emblem.

We will also empower States with approved programs for regulating Medigap policies to authorize insurers to use the emblem on policies issued in their States.

As a safeguard to beneficiaries, we would require that an insurer could use the emblem only if the insurer agrees to inform the policyholder in writing within 60 days after his or her policy loses its certification.

States With Approved Regulatory Programs

HCFA would not review or certify policies issued in a State with an approved program for the regulation of Medigap policies. Those policies are presmued to meet the standards of the law and would be deemed certified. For a State to have an "approved program", the Panel must determine that the State has established, under State law, a regulatory program that applies standards equal to or more stringent than the NAIC standards and loss ratio requirements, specified in section 1882(c) of the Act, to each Medicare supplemental health insurance policy issued in that State. (See section 1882(b) of the Act.) For purposes of these regulations, "policy issued in that State" would mean—

1. A group policy, if the holder of the master policy resides in that State; and

2. An individual policy, if a holder of that policy resides in that State. (See section 1882(g)(2)(c) of the Act.)

The Voluntary Certification Program

The Secretary has determined that HCFA will administer the voluntary certification program. Under these regulations, the procedures of that program would be as follows:

1. We would review policies that insurers voluntarily submit. However, we would review and certify only those policies issued in a State that does not have approved regulatory program for all Medicare supplemental health insurance policies issued in that State.

2. The insurer would be required to submit the following material to HCFA for review:

a. A copy of the policy and an outline of the policy's coverage, in the form prescribed by the NAIC model standards.

b. A statement that the information submitted for certification is accurate and complete and does not misrepresent any material fact. We would require that the president of the insurance company, or a designee, sign this statement. We believe that this requirement is necessary to assure that the material is accurate and that it has been submitted by an authorized representative of the insuring organization.

c. An actuarial certification, as specified in the regulations.

d. A statement that the policy meets the requirements of the State in which the policy is issued and of the States in which the policy will be marketed as a certified policy.

e. A list of the States in which the insurer is authorized to market the policy.

f. A statement that the insurer agrees to inform the policyholder in writing if HCFA decertifies that policy.

3. We would certify policies that meet or exceed the NAIC standards and loss ratio requirements specified in regulations.

4. We would certify a policy only if the insurer agrees to notify the policyholder in writing within 60 days of decertification, if the policy was identified as a "certified policy" at the time of sale and later decertified.

5. We would continue to recognize the State's role in regulating insurance policies marketed within its borders. Therefore, we would not certify a policy for sale in a State unless it meets both the requirements of these regulations and requirements of the State in which it is issued and of the States in which the policy will be marketed as a certified policy.

6. A policy that continues to meet the standards would retain its certification if the insurer files with HCFA, no later than June 30 of each year, updated versions of the documents listed in item 2 above. Submittal by this date is required by the statute (Section 1882 (a)).

Insurers would be encouraged to file the above material as early as possible, between January 1 and June 30, to facilitate annual review. The first annual submission of material for a newly certified policy would be due no later than June 30 of the calendar year following HCFA's certification of that policy.

Although the statute mandates that the insurer file material annually, no later than Jyne 30, the insurer could be required in some cases to submit the material before that date. To obtain certification of a policy, the insurer must calculate a loss ratio for an identified period, called the "loss ratio calculation period". For the policy to retain its certification beyond the last date of that period, the insurer would have to submit a complete packet of material, including an updated loss ratio determination.

Accordingly, the regulations would require that the insurer submit the necessary documents no later than June 30 or the last date of the loss ratio calculation period, whichever occurs earlier.

7. We would decertify a policy if the policy fails to meet the standards specified in regulations or if the insurer fails to file material, as specified above.

8. We would authorize insurers to imprint the Secretary's emblem on certified policies. We would also monitor insurers to assure that they notify policyholders when a policy bearing the emblem loses its certification.

9. We would inform each State of all policies certified or decertified under the voluntary program.

Appeal of HCFA Determinations

These regulations would provide opportunity for an administrative review, if HCFA determines not to certify, or to decertify, a policy under the voluntary program.

1. *Notice to the insurer.* If HCFA determines not to certify, or to decertify, a policy, HCFA would send a notice informing the insurer of the following:

a. The reasons for the determination.

b. That the insurer has 30 days from the date of the notice to appeal, in writing, HCFA's determination and to submit additional information to HCFA for review.

c. That if the insurer appeals, HCFA will conduct an administrative review, as provided for below.

d. That in a case involving decertification, the decertification will go into effect in 30 days from the date of the notice, unless the insurer appeals. Should the insurer appeal, the policy would retain its certification, pending the results of the administrative review.

2. *Administrative review.*

a. A HCFA official, not involved in the original determination, would conduct an independent review of the material, including any additional information the insurer provides.

b. The administrative review would be initiated within 90 days of the date of the initial notice to the insurer of the decision to decertify, or not to certify, a policy.

c. Within 15 days of completion of the review, HCFA would inform the insurer of the results of that review, with an explanation of the final determination. In a decertification case a final decision to decertify would go into effect 15 days after the date of the notice to the insurer of the final determination.

We believe that these procedures afford a reasonable opportunity for the insurers to contest an adverse determination on certification, without undue administrative burden either on HCFA or the insurer.

Transfer of Policies From a State Program to the Voluntary Program

These regulations would provide for the orderly transfer of Medigap policies deemed certified under an approved State program to the voluntary program, if the Panel determines that the State no longer has an approved program. If the Panel determines that a State ceases to have an approved regulatory program for Medigap policies, all policies issued in that State immediately lose their deemed certification and automatically come under the aegis of the voluntary program. Policies that have certification status from the State on the day that the determination of the Panel is effective would be presumed to meet the requirements of, and would be certified under, the HCFA progam until the earlier of the following:

1. Six months after the effective date of the Panel's determination.

2. The expiration date of the certification received under the State program.

If the insurer wishes to have a policy retain its certification beyond the date specified above, the insurer would be required to submit the policy to HCFA for review and certification. The insurer is encouraged to submit the policy as soon as possible to enable HCFA to review the material and make a determination while the policy still retains its certification.

These regulations would not address the transition that would occur when policies certified under the HCFA program become subject to an approved State regulatory program. When the Panel determines the State has an approved program, all Medigap policies issued in that State come under the authority of that State's program. We anticipate that the State would provide for the orderly tranfer of policies from HCFA's certification progrm to its own regulatory program to avoid unnecessary difficulties for beneficiaries as well as insurers. We recommend that States begin to develop procedures for the transfer of policies from the HCFA program to their own programs.

Effective Dates

Final regulations would be effective 60 days after publication, except for the following:

1. The effective date of certification of a policy would be July 1, 1982 or later. That is also the first date that a certified policy could bear the emblem (section 1882(i) of the Act). The effective date for the use of the emblem is based on Congressional concern that insurers not be given an unfair competitive advantage in its use, specifically insurers with policies in force that already meet or exceed the standards specified in the statute. Congress intended to give insurers adequate lead time to review their policies and to make changes, as appropriate, in order to be certified under the voluntary program or to meet the requirements of an approved State program. In addition, States that wish to establish approved programs would have time to review and amend State laws and regulations. Finally, this also affords reasonable time for the Panel to assess State programs, so that HCFA would know those States in which the voluntary program would be operative.

2. HCFA cannot begin to certify policies until the Panel's determinations, as to which States have established programs that meet the requirements of the statute, become effective. Section 1882(i) of the Act specifies that the Panel's initial determinations must be submitted to Congress no later than January 1, 1982 and that they become effective 60 days later. In counting those 60 days, "days on which either House is not in session because of an adjournment sine die or an adjournment of more than three days to a day certain are excluded in the computation." (See section 1882(i)(2)(B) of the Act.)

In order to facilitate the start of the voluntary program and to enable companies to display the emblem on approved policies on July 1, 1982, HCFA would begin reviewing policies issued in States found not to have satisfactory programs as soon as the initial determinations of the Panel are sent to Congress. HCFA's certification of those policies, however, would not become effective before July 1, 1982. Moreover, if the Panel should reverse an earlier negative determination, by approving the State's regulatory program, any policy that HCFA reviewed, and that is issued in that State, would immediately come under the State program.

The Department is required to submit section 403.245 of the regulations to the Office of Management and Budget (OMB) for review and approval. This section deals with the submission of information by an insuring organization in order to obtain and maintain certification under the voluntary program. The Department will submit this section to OMB.

Economic Impact

The Department has analyzed the economic impact of these proposals and does not believe that they are "major" within the meaning of Executive Order

12044. For example, these proposals would not create a cost impact of $100 million or more within the next five years.

Direct administrative costs to beneficiaries, the insurance industry, States, and Federal government are unlikely to exceed several million dollars annually, compared to current costs approaching $4 billion annually for Medigap policies and approximately $122 million for State insurance regulation (covering all insurance, not just Medigap). The insurance companies would not be required to submit data to HCFA which they would not ordinarily have prepared either for internal use or State review; or both. However, some States do not now review policy content in detail; and these proposals may have consequential impact in insurance commissions in those States. Also, although we have sought to minimize administrative burdens, further improvements may be possible. We request comments on any aspect of administrative requirements in these proposals for which burden could be reduced further.

The proposed rule would create improved information for consumers. Nothing in the proposal imposes entry restrictions, licensing restrictions, or other forms of "command and control" government regulation. In addition, certification is voluntary. Accordingly, we do not believe that these proposals have direct regulatory impact on the insurance industry. Clearly, however, they will result in a market response over time as newly informed consumers purchase better policies and the insurance industry adjusts its policies to meet consumer expectations. We have no quantitative basis for projecting these responses at this time, but expect them to involve an increased proportion of the $4 billion spent to Medigap policies to be returned to consumers in the form of benefits, with offsetting reductions in administrative cost such as selling expenses. There should be no adverse impact, except insofar as companies unable or unwilling to adjust to a more competitive market lose market share. The study required by law in 1982 will address this issue, but we welcome comments at this time.

NAIC Model Standards

For the reader's information, we present here a summary of the basic requirements of the NAIC model standards, as applicable to Medigap policies. Complete copies of the text may be obtained from The National Association of Insurance Commissioners, 350 Bishops Way, Brookfield, Wisconsin 53004; Attention: Dana Horenberger, Publications Coordinator.

1. *General Provisions:*

a. "Medicare Supplement Coverage" means a policy of accident and sickness insurance (1) that is designed primarily to supplement Medicare, or is advertised, marketed or otherwise purported to be a supplement to Medicare, and (2) that meets the requirements of these standards.

b. The terms "Medicare Supplement", "Medigap", and words of similar import must not be used to characterize a policy, unless the policy is issued in compliance with these standards.

c. A policy issued as a "Medicare Supplement Coverage" must not include limitations or exclusions that are more restrictive than those of Medicare for any type of care covered under the policy.

Note.—The drafters of the NAIC Model Standards intended that nonprofit hospital and medical service associations be subject to these standards. In States where such hospital and medical service associations are prohibited from issuing single subscriber contracts that include all of the benefits required by these standards, the issuing entity must meet the following requirements: Subscriber contracts (1) must include as much of those benefits as are permitted, and (2) must be issued in conjunction with another contract that includes at least the remainder of the minimum benefits required. In that event, the combination of contracts will be considered to meet these standards.

2. *General Coverage provisions:* These are minimum standards and do not preclude policies from including additional benefits.

a. "Medicare benefit period" means the unit of time used in the Medicare program to measure use of services and availability of benefits under Part A, Medicare hospital insurance.

b. "Medicare eligible expenses" means health care expenses of the kinds covered by Medicare, to the extent that these expenses are recognized as reasonable by Medicare. Payment of benefits by insurers for Medicare eligible expenses may be conditioned upon the same or less restrictive payment conditions, including determinations of medical necessity, as are applicable to Medicare claims.

c. Except as provided for in paragraphs d and e of this section, policies must not contain waivers to exclude, limit, or reduce coverage or benefits for specifically named or described pre-existing diseases or physical conditions.

d. Pre-existing condition limitations must not exclude coverage, for more than 6 months after the effective date of coverage under the policy, of a condition for which medical advice was given by, or treatment was recommended by or received from, a physician within 6 months before the effective date of the coverage.

e. Coverage must not be subject to any exclusions, limitations, or reductions that are inconsistent with the exclusions, limitations or reductions permissible under Medicare. A policy may, however, stipulate that coverage is not provided for any expenses to the extent of any benefit available to the insured person under Medicare.

f. Coverage must not indemnify against expenses resulting from sickness on a different basis from losses resulting from accidents.

g. Coverage must provide that benefits designed to cover cost-sharing amounts under Medicare will be changed automatically to coincide with any changes in the applicable Medicare deductible amount and copayment percentage factors. Premiums may be changed to correspond with such changes.

3. *Minimum Benefit Provisions:* Medicare supplemental coverage must provide at least the following:

a. Coverage of Part A Medicare eligible expenses for hospitalization to the extent not covered by Medicare from the 81st day through the 90th day in any Medicare benefit period.

b. Coverage of Part A Medicare eligible expenses incurred as daily hospital charges during use of Medicare's lifetime inpatient reserve days.

c. Upon exhaustion of all Medicare hospital inpatient coverage, including the lifetime reserve days, coverage of 90 percent of all Medicare Part A eligible expenses for hospitalization not covered by Medicare, subject to a lifetime maximum benefit of an additional 365 days.

d. Coverage of 20 percent of Medicare eligible expenses under Part B regardless of hospital confinement, subject to a maximum calendar year out-of-pocket deductible of $200 of such expenses and to a maximum benefit of at least $5,000 per calendar year.

4. *Disclosure Provisions:*

a. All policies, except single premium nonrenewable policies and those resulting from direct response solicitation, must have a refund notice prominently printed on, or attached to, the first page of the policy. That notice must state that the policyholder has the right to return the policy within ten days of its delivery and to have the premium refunded if, after examination of the policy, the policyholder is not satisfied for any reason. With respect to policies issued as a result of a direct response

solicitation (that is, issued as result of solicitation through the news media or the mail), the policy must have a notice prominently printed on, or attached to, the first page of the policy stating in substance that the policyholder has the right to return the policy within 30 days of its delivery and to have the premium refunded if, after examination of the policy, the policyholder is not satisfied for any reason.

b. All insurers must provide an appropriate outline of coverage for a Medicare supplement policy. The insurers must deliver the outline to the applicant at the time application is made; and, except for a direct response policy, the insurer must obtain verification of receipt of that outline. The items included in the outline must appear in the sequence prescribed below. (The coverage outline that follows is taken verbatim from the NAIC Model Standards.)

(Company Name) Medicare Supplement Coverage Outline of Coverage

(1) Read Your Policy Carefully—This outline of coverage provides a very brief description of the important features of your policy. This is not the insurance contract and only the actual policy provisions will control. The policy itself sets forth in detail the rights and obligations of both you and your insurance company. It is, therefore, important that you Read Your Policy Carefully!

(2) Medicare Supplement Coverage—Policies of this category are designed to supplement Medicare by covering some hospital, medical, and surgical services which are partially covered by Medicare. Coverage is provided for hospital inpatient charges and some physician charges, subject to other limitations which may be set forth in the policy. The policy does not provide benefits for Custodial Care such as helping in walking, getting in and out of bed, eating, dressing, bathing and taking medicine (delete if such coverage is provided).

(3) (a) (for agents:) Neither (insert company's name) nor its agents are connected with Medicare.

(b) (for direct response:) (insert company's name) is not connected with Medicare.

(4) (A brief summary of the major benefit gaps in Medicare Parts A and B with a parallel description of supplemental benefits, including dollar amounts, provided by the Medicare Supplement Coverage in the following order:)

Service	Benefit	Medicare pays	This policy pays	you pay
Hospitalization:				
Semiprivate room and board general nursing and miscellaneous hospital services and supplies.	First 60 days	All but $(180)	$	$
	61st to 90th day	All but $(45) a day		
Includes meals, special care units, drugs, lab tests, diagnostic X-rays, medical supplies, operating and recovery room, anesthesia and rehabilitation services.	91st to 150 day	All but $(90) a day		
	Beyond 150 days	Nothing		
Posthospital skilled nursing care: In a facility approved by Medicare, you must have been in a hospital for at least 3 days and enter the facility within 14 days after hospital discharge.	First 20 days	100% of costs		
	Additional 80 days	All but $(22.50) a day		
	Beyond 100 days	Nothing		
Medical expense	Physican's services, inpatient and outpatient medical services and supplies at a hospital, physical and speech therapy and ambulance.	80% of reasonable charge [after $(60) deductible.		

(5) (A statement that the policy does or does not cover the following):

(a) Private duty nursing.

(b) Skilled nursing home care costs (beyond what is covered by Medicare).

(c) Custodial nursing home care costs.

(d) Intermediate nursing home care costs.

(e) Home health care (above number of visits covered by Medicare).

(f) Physician charges (above Medicare's reasonable charge).

(g) Drugs (other than prescription drugs furnished during a hospital or skilled nursing facility stay).

(h) Care received outside of U.S.A.

(i) Dental care or dentures, checkups, routine immunizations, cosmetic surgery, routine foot care, examinations for the cost of eyeglasses or hearing aids.

(6) (A description of any policy provisions which exclude, eliminate, resist, reduce, limit, delay, or in any other manner operate to qualify payment of the benefits described in (4) above, including conspicuous statements:)

(a) (That the chart summarizing Medicare benefits only briefly describes such benefits.)

(b) (That the Health Care Financing Administration or its Medicare publications should be consulted for further details and limitations.)

(7) (A description of policy provisions respecting renewability or continuation of coverage, including any reservation of right to change premium.)

(8) (The amount of premium for this policy.)

42 CFR Chapter IV, Subchapter A, is amended by adding a new Part 403 and Subpart B to read as follows:

PART 403—SPECIAL PROGRAMS AND PROJECTS

* * * * *

Subpart B—Certification of Medicare Supplemental Health Insurance Policies

Sec.

403.200 Basis and scope.

General Provisions

403.208 State regulation of insurance policies.

403.212 Medicare supplemental health insurance policy.

403.215 General standards for certified Medicare supplemental health insurance policies.

403.218 NAIC model standards.

403.221 Loss ratio standards.

403.224 Calculation of expected loss ratios: General provisions.

403.225 Calculation of expected loss ratios: Date and time frame provisions.

403.227 Actuarial certification.

403.230 Supplemental health insurance panel.

403.234 Emblem.

State Regulatory Programs

403.240 State with an approved regulatory program.

403.242 Certification of policies.

Voluntary Certification Programs

403.245 Requirements for obtaining certification.

403.248 Review and certification of policies.

403.251 Submittal of material to retain certification.

403.255 Decertification of policies.

403.258 Termination of a State program: Transfer of policies.

403.260 Administrative review of HCFA determinations.

Authority: Sections 1102, 1871, and 1882 of the Social Security Act (42 U.S.C. 1302, 1395hh, and 1395ss).

§ 403.200 Basis and scope.

This subpart implements, in part, section 1882 of the Social Security Act, which provides for voluntary certification, by the Secretary of Health and Human Services, of Medicare supplemental health insurance policies. The intent of the legislation is to establish a program that enables Medicare beneficiaries to identify Medicare supplemental health insurance policies that do not duplicate Medicare coverage and that provide adequate, fairly priced protection against health care expenses that are not covered by Medicare. This subpart sets forth the standards and procedures HCFA will use to implement the certification program.

General Provisions

§ 403.208 State regulation of insurance policies.

The provisions of this subpart do not affect the right of a State to regulate policies marketed in that State.

§ 403.212 Medicare supplemental health insurance policy.

(a) Except as specified in paragraph (c) of this section, "Medicare supplemental health insurance policy" (policy) means a health insurance policy or other health benefit plan—

(1) That a private entity offers to a Medicare beneficiary; and

(2) That provides payment for expenses incurred for services and items that are not reimbursed under the Medicare program because of deductibles, coinsurance, or other limitations under Medicare.

(b) Medicare supplemental health insurance policy includes the following:

(1) An individual policy. For purposes of this section, "individual policy" includes any policy issued as a result of solicitation of individuals—

(i) Through the mail; or

(ii) By mass media advertising.

(2) A group policy.

(3) A certificate issued under a policy.

(c) Medicare supplemental health insurance policy does not include any of the following health insurance policies or health benefit plans:

(1) A policy or plan of one or more employers for employees, former employees, or any combination thereof.

(2) A policy or plan of one or more labor organizations for members, former members, or any combination thereof.

(3) A policy or plan of the trustees of a fund established by one or more labor organizations, one or more employers, or any combination, for any one or combination of the following:

(i) Employees.

(ii) Former employees.

(iii) Members.

(iv) Former members.

(4) A policy or plan of a professional trade or occupational association, if the association—

(i) Is composed of individuals all of whom are actively engaged in the same profession, trade, or occupation;

(ii) Has been maintained in good faith for a purpose other than obtaining insurance; and

(iii) Has been in existence for at least two years before the date of its initial offering of a Medicare supplemental health insurance policy to its members.

§ 403.215 General standards for certified medicare supplemental health insurance policies.

(a) A policy that meets the requirements of this subpart will be either—

(1) Deemed certified in a State with an approved regulatory program, as provided for in § 403.242; or

(2) Certified under the voluntary certification program, as provided for in § 403.248.

(b) To be certified under paragraph (a) of this section, a policy must meet—

(1) The NAIC model standards of § 403.218;

(2) The loss ratio standards of § 403.221; and

(3) For purposes of paragraph (a)(2), any State requirements applicable to a policy—

(i) Issued in that State; or

(ii) Marketed in that State as a certified policy.

(c) The standards specified in §§ 403.218 and 403.221—

(1) May be met in two or more policies issued in conjuction with one another in the case of—

(i) A nonprofit hospital association; and

(ii) A medical service association; and

(2) Must be met in a single policy in all other cases.

§ 403.218 NAIC model standards.

(a) "NAIC model standards" means the National Association of Insurance Commissioners (NAIC) Model Regulation to Implement the Individual Accident and Sickness Insurance Minimum Standards Act, as amended and adopted by NAIC on June 6, 1979, as it applies to Medicare supplemental policies.

(b) The policy must meet or exceed the NAIC model standards, except that—

(1) The policy must meet the NAIC model standards, regardless of the Medicare beneficiary's age; and

(2) The policy must meet the loss ratio standards specified in § 403.221.

§ 403.221 Loss ratio standards.

(a) The policy must be expected to return to the policyholders, in the form of aggregate benefits provided under the policy—

(1) A least 75 percent of the aggregate amount of premiums in the case of group policies; and

(2) At least 60 percent of the aggregate amount of premiums in the case of individual policies.

(b) The insuring organization must calculate loss ratios according to the provisions of §§ 403.224 and 403.225.

§ 403.224 Calculation of expected loss ratios: General provisions.

(a) *Basic formula.*

(1) The expected loss ratio is calculated by determining the ratio of benefits to premiums.

(2) To calculate the amount of "benefits"—

(i) Add the present values on the initial calculation date of—

(A) Expected incurred benefits in the loss ratio calculation period, to—

(B) The total policy reserve at the last day of the loss ratio calculation period; and

(ii) Subtract the total policy reserve on the initial calculation date from the sum of these values.

(3) To calculate the amount of "premiums", calculate the present value on the initial calculation date of expected earned premiums for the loss ratio calculation period.

(b) *Provisions for calculating "benefits".*

(1) "Total policy reserve" means the sum of—

(i) Additional reserve; and

(ii) The reserve for future contingent benefits.

(2) "Additional reserve" means the amount calculated on a net level reserve basis, using appropriate values to account for lapse, mortality, morbidity, and interest, that on the valuation date represents—

(i) The present value of expected incurred benefits over the loss ratio calculation period; less—

(ii) The present value of expected net premiums over the loss ratio calculation period.

(3) "Net premium" means the level portion of the gross premium used in calculating the additional reserve. On the day the policy is issued, the present value of the series of those portions equals the present value of the expected

incurred claims over the period that the gross premiums are computed to provide coverage.

(4) "Reserve for future contingent benefits" means the amounts, not elsewhere included, that provide for the extension of benefits after insurance coverage terminates. These benefits—

(i) Are predicated on a health condition existing on the date coverage ends;

(ii) Accrue after the date coverage ends; and

(iii) Are payable after the valuation date.

(c) *Provisions for calculating "premiums".*

(1) "Earned premium" for a given period means—

(i) Written premiums for the period; plus—

(ii) The total premium reserve at the beginning of the period; less—

(iii) The total premium reserve at the end of the period.

(2) "Written premiums in a given period" means—

(i) Premiums collected in that period; plus—

(ii) Premiums due and uncollected at the end of that period; less—

(iii) Premiums due and uncollected at the beginning of that period.

(3) "Total premium reserve" means the sum of—

(i) The unearned premium reserve;

(ii) The advance premium reserve; and

(iii) The reserve for rate credits.

(4) "Unearned premium reserve" means the portion of gross premiums due that provide for days of insurance coverage after the valuation date.

(5) "Advance premium reserve" means premiums received by the insuring organization that are due after the valuation date.

(6) "Reserve for rate credits" means rate credits on a group policy that—

(i) Accrue by the valuation date of the policy; and

(ii) Are paid or credited after the valuation date.

§ 403.225 Calculation of expected loss ratios: Date and time frame provisions.

(a) "Application date" means the day the insuring organization sends the policy to HCFA for review.

(b) "Initial calculation date" means the first date of the period that the insuring organization uses to calculate the policy's expected loss ratio.

(1) The initial calculation date may be before, the same as, or after the application date; except—

(2) The initial calculation date must not be earlier than January 1 of the calendar year of the application date.

(c) "Loss ratio calculation period" means the period beginning with the initial calculation date and ending with the last day of the period for which the insuring organization calculates the policy's scale of premiums.

(d) To calculate "present values", the insuring organization may use approximations that aggregate, for a period not to exceed 12 months—

(1) Expected earned premiums, and

(2) Expected incurred benefits.

§ 403.227 Actuarial certification.

(a) For purposes of certification requests submitted under § 403.245(b), "actuarial certification" means a signed declaration in which a qualified actuary states that the assumptions used in calculating the expected loss ratio are appropriate and reasonable, taking into account actual policy experience, if any, and reasonable expectations.

(b) "Qualified actuary" means—

(1) A member in good standing of the American Academy of Actuaries; or

(2) A person who has otherwise demonstrated his or her actuarial competence to the satisfaction of the Commissioner or Superintendent of Insurance of the domiciliary State of the insuring organization.

§ 403.230 Supplemental health insurance panel.

(a) *Membership.* The Supplemental Health Insurance Panel (Panel) consists of—

(1) The Secretary or a designee, who serves as chairperson, and

(3) Four State Commissioners of Superintendents or Insurance appointed by the President.

(b) *Functions.*

(1) The Panel determines whether or not a State regulatory program for Medicare supplemental health insurance policies meets and continues to meet minimum requirements, as specified under § 403.240.

(2) The Secretary, as chairperson of the Panel, informs the State Commissioners and Superintendents of Insurance of all determinations made under paragraph (b)(1) of this section.

§ 403.234 Emblem.

(a) The emblem is a graphic symbol, approved by HHS, that indicates that a policy meets the certification requirements of this subpart.

(b) Unless prohibited by the State in which the policy is marketed, the insuring organization may display the emblem on policies certified under the voluntary certification program.

(c) If a policy is issued in a State with an approved regulatory program, the State in which the policy is marketed may authorize the insuring organization to display the emblem on that policy.

(d) In the case of a policy displaying the emblem, the insuring organization must notify each holder of the policy within 60 days in writing, if—

(1) HCFA decertifies the policy, as specified in §§ 403.255, 403.258(b)(3), and 403.260(b)(5) and (c)(4); or

(2) The State with an approved regulatory program determines that the policy ceases to meet State requirements.

State Regulatory Programs

§ 403.240 State with an approved regulatory program.

(a) A State has an approved regulatory program if the Panel determines that the State has in effect under State law a regulatory program that provides for the application of standards, with respect to each Medicare supplemental health insurance policy issued in that State, that are equal to or more stringent than those specified in § 403.215.

(b) "Policy issued in that State" means—

(1) A group policy, if the holder of the master policy resides in that State; and

(2) An individual policy, if a holder of that policy resides in that State.

§ 403.242 Certification of policies.

If a State has an approved regulatory program, a policy issued in that State is deemed certified.

Voluntary Certification Program

§ 403.245 Requirements for obtaining certification.

(a) A policy must meet the standards specified in § 403.215 to be certified by HCFA.

(b) An insuring organization requesting certification of a policy must submit the following to HCFA for review:

(1) A copy of the policy.

(2) A copy of the outline of coverage, in the form prescribed by the NAIC model standards.

(3) A statement that the policy meets the requirements specified in paragraph (a) of this section.

(4) A copy of the calculations for the expected loss ratio.

(5) Supporting data used in calculating the expected loss ratio. That data must include—

(i) The scale of premiums for the loss ratio calculation period;

(ii) A description of all assumptions;

(iii) The formula used to calculate gross premiums;

(iv) The expected level of earned premiums in the loss ratio calculation period; and

(v) The expected level of incurred claims in the loss ratio calculation period.

(6) An actuarial certification, as specified in § 403.227, of the loss ratio computations.

(7) A list of States in which the insuring organization is authorized to market the policy.

(8) A statement that the insuring organization will notify the policyholders in writing within 60 days of decertification, if the policy is identified as a certified policy at the time of sale and later decertified.

(9) A signed statement in which the president of the insuring organization, or a designee, attests that the information submitted to HCFA for review is accurate and complete and does not misrepresent any material fact.

§ 403.248 Review and certification of policies.

(a) HCFA will review policies that the insuring organization voluntarily submits, except that HCFA will not review a policy issued in a State with an approved regulatory program under § 403.240.

(b) If the requirements specified in § 403.245 are met, HCFA will—

(1) Certify the policy; and

(2) Authorize the insuring organization to imprint the emblem on the policy, as provided for in § 403.234.

(c) HCFA will inform all State Commissioners and Superintendents of Insurance of Policies that it certifies.

§ 403.251 Submittal of material to retain certification.

(a) HCFA certification for policies that continue to meet the standards will remain in effect, if the insuring organization files the material specified in § 403.245(b) no later than the date specified in paragraph (b) or (c) of this section.

(b) Except as specified in paragraph (c) of this section, the insuring organization must file the material with HCFA no later than June 30 of each year. The first time the insuring organization must file the material is no later than June 30 of the calendar year that follows the year in which HCFA—

(1) Certifies a new policy; or

(2) Certifies a policy that has been decertified, as provided in § 403.255.

(c) If the loss ratio calculation period, used to calculate the expected loss ratio for the last actuarial certification submitted to HCFA, ends before the June 30 date of paragraph (b) of this section, the insuring organization must file the material with HCFA no later than the last day of that rate calculation period.

§ 403.255 Decertification of policies.

(a) HCFA will decertify a policy, if—

(1) The policy fails to meet the requirements specified in § 403.245(a); or

(2) The insuring organization fails to meet the requirements for submittal of material specified in § 403.251.

(b) If HCFA decertifies a policy, HCFA will inform the insuring organization and all State Commissioners and Superintendents of Insurance of its determination.

(c) HCFA will monitor the insuring organization to assure that the insuring organization notifies each policyholder in writing when his or her policy is decertified.

§ 403.258 Termination of a State program: Transfer of policies.

(a) When the Panel determines that a State no longer has an approved regulatory program, policies issued in that State are transferred to the jurisdiction of the voluntary certification program.

(b) If the policy was certified under a State regulatory program, but is transferred to the voluntary program, the following provisions apply:

(1) HCFA will waive the requirements specified in § 403.245(b) for submittal of certain information by the insuring organization to obtain initial certification.

(2) HCFA will certify the policy. That certification will be in effect—

(i) Until the expiration date of the certification the policy received under the State program; but

(ii) Not for more than 6 months.

(3) If the insuring organization wishes certification to continue beyond the date specified in paragraph (b) (2) of this section, the insuring organization must submit the material specified lin § 403.245(b) before that date.

(i) If HCFA certifies the policy on or before the date specified in paragraph (b) (2), the new certification will become effective on the date the determination is made.

(ii) If HCFA does not certify the policy on or before the date specified in paragraph (b) (2) of this section, that policy is decertified.

§ 403.260 Administrative review of HCFA determinations.

(a) This section provides for administrative review of a HCFA determination—

(1) Not to certify a policy; or

(2) To decertify a policy.

(b) HCFA will send a notice to the insuring organization containing the following information:

(1) That HCFA has made a determination—

(i) Not to certify a policy; or

(ii) To decertify a policy.

(2) The reasons for the determination.

(3) That the insuring organization has 30 days from the date of the notice to—

(i) Request, in writing, an administrative review of the HCFA determination; and

(ii) Submit additional information to HCFA for review.

(4) That, if the insuring organization requests an administrative review, HCFA will conduct the review, as provided for in paragraph (c) of this section.

(5) That, in a case involving decertification, the decertification will go into effect 30 days from the date of the notice, unless the insuring organization requests an administrative review. If the insuring organization requests an administrative review, the policy retains its certification until HCFA makes a final determination.

(c) If the insuring organization requests an administrative review, HCFA will conduct the review as follows:

(1) A HCFA official, not involved in the initial HCFA determination, will initiate an administrative review within 90 days of the date of the notice provided for in paragraph (c) of this section.

(2) The official will consider—

(i) The original material submitted to HCFA for review, as specified in §§ 403.245(b) or 403.251; and

(ii) Any additional information, that the insuring organization submits to HCFA.

(3) Within 15 days after the administrative review is completed, HCFA will inform the insuring organization in writing of the final decision, with an explanation of the final decision.

(4) If the final decision is to decertify a policy, the decertification will go into effect 15 days after the date of HCFA's notice to inform the insuring organization of the final decision.

(Secs. 1102, 1871, and 1882 of the Social Security Act (42 U.S.C. 1302, 1395hh, and 1375ss))

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare—Hospital Insurance Program; No. 13.774, Medicare—Supplementary Medical Insurance Program)

Dated: November 5, 1980.

Howard Newman,

Administrator, Health Care Financing Administration.

Approved: January 9, 1981.

Patricia Roberts Harris,

Secretary.

[FR Doc. 81-1775 Filed 1-19-81; 8:45 am]

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Part VI

Department of Agriculture

Food and Nutrition Service

Food Stamp Program: State Plans of Operation and Operating Guidelines

DEPARTMENT OF AGRICULTURE

7 CFR Parts 272 and 274

[Amdt. No. 156]

State Plans of Operation and Operating Guidelines

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: On November 9, 1979 (44 FR 65318) a proposed rule was published concerning changes to regulations dealing with State Plans of Operation (7 CFR 272.2) and State Operating Guidelines (7 CFR 272.3) under the Food Stamp Act of 1977, as amended.

The State Plans of Operation and Operating Guidelines sections set forth procedures and requirements for State agencies to follow to administer the Food Stamp Program.

The proposed rule also included revisions to Part 274 to add a reconciliation report which provides States with a form to identify unauthorized issuances of benefits; to Part 276, dealing with Federal sanctions and State liabilities; and to Part 277, dealing with administrative funding. The proposed revisions to Parts 276 & 277 have been removed from this rulemaking and are being published as two separate final rulemakings. The proposal relating to Part 274 will be incorporated into the final rulemaking of the May 27, 1980 proposed rule (45 FR 35335) establishing a new system for reporting issuance and participation data.

DATE: Effective as of February 20, 1981.

FOR FURTHER INFORMATION CONTACT: Susan D. McAndrew, Chief, Program Standards Branch, Program Development Division, Family Nutrition programs, FNS, USDA, Washington, D.C. 20250. (202) – 447–6535. The Final Impact Statement describing the options considered in developing this final rule and the impact of implementing each option is also available on request from Susan D. McAndrew.

SUPPLEMENTARY INFORMATION:

Introduction

This final action has been reviewed under USDA procedures established in Memorandum 1955 to implement Executive Order 12044 and has been classified as not significant. These are final regulations to revise the requirements for State Plans of Operation and for Operating Guidelines, and for public comment on certain aspects of them.

The basis and purpose for all significant changes from the proposed rules which have been adopted in these final rules are set forth herein, as are the reasons why significant recommended changes were not adopted. For a full understanding of the basis and purpose of all of the final rules, reference should be made to the November 9, 1979 proposed rulemaking (44 FR 65318).

Of the 52 comment letters received on the November 9 proposal, 43 included comments on the State Plans portion of the regulations and 29 on the Operating Guidelines. A total of 20 State agencies commented. In addition, 14 public interest groups, 7 Federal agencies and 1 Local agency submitted comments.

State Plans of Operation

Introduction

As proposed, the State Plans of Operation section was divided as follows:

272.2 (a) General Purpose and Content.

(b) Federal/State Agreement.

(c) Program and Budget Summary statement.

(d) Planning Documents.

(e) Submittal Requirements.

(f) Public Comment.

(g) Revisions.

These divisions are revised in the final rule by deleting (f) in its entirety (since public comment is now covered under the portion of the regulations dealing with Operating Guidelines) and relettering (g) as (f). Major changes were made to the areas of the Federal/State Agreement, the Program and Budget Summary Statement and public comment. An implementation paragraph was added to the final rule.

272.2(a) General Purpose and Content

Comments received on § 272.2(a) from public interest groups expressed support for consolidating planning documents, and recommended that the Operating Guidelines be a formal part of each State's Plan.

Requiring that all Operating Guidelines be made part of each Plan would result in an extremely lengthy and detailed document. Instead of being—as originally intended—a general statement of administrative agreements, the Plan would become cumbersome compendiums of technical manuals, instructions, and the like, concerned largely with day-to-day matters of procedure. The size and complexity of the Plan could cause delays in its review and approval by State agency officials and tardy submission to the Department. For these reasons, the Department has decided not to make all Operating Guidelines part of the State Plan.

Comments from program administrators were more technical. Two commentors suggested that the Plan be a pre-printed checklist like the one used by the Department of Health and Human Services, but another thought the Plan should be similar to that used in the Food Distribution Program. Others suggested that the Plan should not include anything but the Federal/State Agreement. Still others recommended that the Disaster and Outreach Plans be submitted individually, and that there be a separate submission of the budget information.

After considering these comments, the Department has adopted several changes, as described in relevant sections below. The most major changes are (1) to divide the Program and Budget Summary Statement into two separate documents to be known as the Budget Projection Statement and the Program Activity Statement, and (2) to clarify that the time period for the information to be submitted should be the Federal fiscal year in all cases except with regard to the Budget Projection and Program Activity Statements, which are designed to conform to State accounting periods. The Department has decided not to delete or separate from the Plan any of its basic components, which are the Federal/State Agreement, the Budget Projection Statement, the Program Activity Statement, and a number of attachments including the Outreach Plan, Disaster Plan, and Nutrition Education Plan. In the past, the practice of submitting segmented planning documents separately led to some confusion and duplication. While the submittal dates for the Plan's different components still vary, the Department has made an effort to coordinate them to the greatest extent possible while taking into account the administrative capabilities of State agencies. It would be impossible, however, to consolidate all timeframes for submittal because of the differing expectations with regard to these various components. Timeframes for state agency planning, FNS review and approval, implementation and implementation monitoring will vary from component to component depending on the nature of the document. The new preprinted Federal/State Agreement will satisfy the statutory requirements in a simpler manner while the other components will provide necessary management information in a more systematic fashion.

272.2(b) Federal/State Agreement

A number of comments were received on this provision, largely from program administrators. The Federal/State Agreement, as proposed, is the means for FNS and States to formally agree to administer the program in accordance with certain terms and conditions. Some state agencies commented that the Agreement has no statutory basis and should be deleted. They suggested that, if the Agreement is retained, the terms should be limited to simply require adherence to the provisions of the Act. While the Federal/State Agreement is not a specific requirement in the Act, it is the mechanism by which the State agency agrees to conduct a Food Stamp Program in accordance with the points specified in Section 11(e) of the Act as part of its State Plan of Operation.

Pub. L. 96–249, 94 Stat. 357, May 26, 1980 ("the 1980 Amendments" to the Food Stamp Act) revised Sections 11(g) and 16(b) of the Act to clarify that the States are required to follow *all* regulatory provisions, not just those specified in Section 11(e), the State Plan requirements. House Report No. 96–788, 96th Cong., 2nd Sess., states that "... some States ... claim incorrectly and rather absurdly that they are and Congress intended them to be ... free to violate any regulation not otherwise specifically listed in section 11(e) and suffer no fiscal consequences whatever other than the possibility of being enjoined by the Attorney General..." (p. 140). As Pub. L. 96–249 and the House Committee report indicate, the Federal/State Agreement, as originally proposed, does not subject the State to any unauthorized sanctions. For these reasons, the Federal/State Agreement has been retained.

Other commentors recommended adding a provision to the Federal/State agreement requiring States to follow FNS instructions, directives and policies. This suggestion was not adopted. Federal instructions do not contain new substantive material and do not go through notice and comment rulemakings. Therefore, requiring State agencies to abide by Federal regulations adequately covers compliance with substantive policy matters. However, in response to the comment, the Department amended the regulations to require States to adhere to their own FNS-approved manuals and similar operating guidelines which are reiteration of the regulations for the State's method of administering the Program. As these guidelines are binding on the local offices and generated by the State agency itself, the Department considered them appropriate for inclusion.

Other changes to this section were to add a statement that the Agreement could be modified with the mutual consent of both parties and to permit the State to propose alternative language to the pre-printed Agreement, again subject to mutual consent. These two revisions will make the Agreement more open to modifications that would meet the particular concerns of an individual State. The more flexible the Agreement is, the more useful and responsive it becomes to both parties involved.

Comments were received suggesting that the clause on consultation with Indian tribal organizations on reservations be modified to accommodate States without reservations. This suggestion was adopted by making this clause applicable only where appropriate.

272.2(c) Program and Budget Summary Statement

There were 26 comments on this provision, all but three from State or local agencies and FNS Regional offices. Two State agencies suggested separating the form into two documents, one containing a detailed functional breakdown of the proposed budget, and one summarizing program activity for the past year. Six more State agencies and two Regional offices recommended reporting cost and staff in one section without referring to activity.

The Department has incorporated a number of these suggested modifications into the final regulations along with other minor refinements. As has been noted, the principal change has been to separate the Program and Budget Summary Statement into two documents—a Budget Projection Statement and the Program Acitivity Statement. A single combined document would have been more complicated and a greater burden for States, while the information submitted would have been less useful and in some cases less reliable. This is because the two types of data requested—prospective budget estimates and retrospective activity level summaries—are for needed different timeframes, and in many States are not readily available at the same time of year, given their reporting systems and fiscal year budgeting cycles. By separating the two documents, each can be more appropriately tailored to its subject matter and can be compiled at a more convenient time for the State agencies. The documents can be simpler, the burden on States will be less, and the information obtained will be more useful.

The Budget Projection Statement and the Program Activity Statement, when analyzed jointly and in conjunction with data from the Financial Status Report, FNS–269, and other sources, will assist the Department in assessing the sources of and need for State agencies' expenditures to operate the program. The results of this analysis may be used to identify issues for further examination in the Department's management evaluation reviews of the State agencies or in consultations during the State Plan approval process. The Department is concerned by increases in program administration costs and recognizes its responsibility to assure that the program is run as efficiently and effectively as possible.

The Budget Projection and Program Activity Statements will each consist of a pre-printed form to be filled out by the State agency. In addition, a narrative must be attached to the Budget Projection Statement. The forms will be similar in scope and length to the combined form proposed originally, but with several revisions. Although Federal Register policy precludes printing here the forms themselves, their contents can be summarized as follows.

The final version of the Budget Projection Statement requires the State agency to provide estimates of its total program operating costs allocated among ten categories: certification, issuance, performance reporting, fair hearings, outreach, training, ADP development, ADP operations, fraud control, and all other direct and indirect Program costs. These categories reflect a reduction from and simplification of the sixteen items included in the original proposal. A change has also been made in the time period to be reported. In the comments, several States suggested that the budget projections should be based on the State's fiscal year whether or not it coincided with the Federal fiscal year (October–September). Thirty-seven States follow a July–June fiscal year, nine States are on a biennial fiscal schedule, and only two follow the Federal fiscal year schedule. The remainder have variable fiscal schedules. The Department has decided, therefore, to adopt an approach that will accommodate the States' accounting periods and will also provide the Department with more timely and accurate budget projections. The Budget Projection Statement is to be submitted quarterly with budget projections for four quarters beginning with the quarter already in progress and including the three quarters that follow. For example, the Budget Projection Statement due on May 15 is to include budget projections

for April to June and for the next three quarters. This approach, similar to that required by Department of Health and Human Services on their OA 41 report, will provide rolling updates of expenditure projections, making them more responsive to changing conditions. The Department believes that the burden of this additional reporting requirement is minimized by the fact that the report of actual expenditures (SF–269), which generally will be a primary input to the budget projection process, is already required on a quarterly basis. The requirement for submitting the Budget Projection Statement is timed to take this into account, with the SF–269 being submitted 30 days after the report quarter and the Budget Projection Statement due 15 days later (45 days after the end of each quarter). Furthermore, it is anticipated that State agencies will not have to request budget revisions as frequently as in the past since quarterly budget estimates should be more accurate than annual projections that were submitted well in advance of the period they were intended to cover.

State agencies are expected to base their budget projections on a careful analysis of the factors that determine their costs. Although the Department is not prescribing the methods, assumptions, data, or format that State agencies use, the analysis is expected to be systematic and supported by reasonable evidence. Such an analysis normally will take into account (but not necessarily be limited to):

- The number and salary level of employees,
- Other factors affecting personnel costs, including

(1) Anticipated increases in pay rates or benefits,

(2) The distribution of pay periods across quarters, and

(3) Reallocations of staff among units or functions, insofar as these might result in cost increases or decreases.

- Costs for purchasing, leasing, and maintaining equipment and space, especially as concerns

(1) Any upcoming one-time-only purchases of new capital assets such as ADP equipment,

(2) Renegotiation of leases,

(3) Changes in depreciation rates or procedures,

(4) Relocations of offices,

(5) Maintenance and renovation work, and

(6) Inflation.

- Issuance system costs, including

(1) Renegotiation of issuing agent fees, and

(2) Plans to change issuance systems.

- Changes in caseload and factors contributing to increases or decreases in the numbers of recipients and recertifications, including the anticipated impact of economic conditions (and in particular unemployment) and seasonality,
- Cost implications of corrective action plans,
- Anticipated changes in program regulations and operating guidelines and instructions,
- Training needs,
- Travel Costs, and
- Adjustments in insurance premiums.

A narrative justification should be attached to each Budget Projection Statement, documenting and explaining the assumptions used to arrive at the figures reported. The narrative should cover as many of the items listed above, and any other items deemed relevant, as have a significant impact on costs. The State agency is not required to address every contributing factor in every submission of a Budget Projection Statement. Rather, the narrative should concentrate on items that account for increases or decreases in costs from the preceding submissions. Lengthy explanations are not necessary, but pertinent figures used in the analysis (for example, the inflation rate for salary rates and benefits) should be included. It is expected that the majority of the narratives submitted will not exceed 2 to 3 pages in length.

The Program Activity Statement, to be submitted once a year, requires State agencies to provide data on several indicators of the level of program activity that occurred during the preceding twelve months. The specific indicators requested are the numbers of eligibility determinations, issuance transactions, performance reporting system (PRS) reviews, fair hearings, and fraud control activities. Although some of this information is available from other sources, there has until now been no comprehensive summary of key activity indicators compiled for a single timeframe. The Program Activity Statement, serving this need, is designed to assist the Department and the States in analyzing current budgets and in planning future operations and objectives. State agencies should submit Program Activity Statements annually, no later than 45 days after the end of the State's fiscal year, with data covering the entire State fiscal year just ended.

In the proposed regulations, information on staff size was to be reported along with the program activity indicators. This requirement has been deleted from the final regulations in order to further minimize the reporting burden. The Department is exploring other means of obtaining this information through combined reporting with the Department of Health and Human services. Because of the overlap between food stamp and public assistance staff time within the State agency, this combined effort could provide a better overall picture of the dynamics of personnel allocations, patterns, and practices.

The Budget Projection Statement and the Program Activity Statement will be signed by the responsible Program official—usually the State Program director or the chief financial officer. A misreference has been corrected in the regulations that referred to a column on the proposed Form FNS–366 that had actually been deleted from it. Other items that needed clarification will be explained in detailed instructions that will be included with the form. One State agency requested that contracted issuance costs be provided separately. This has been done along with distinguishing mail issuance from other (non-contracted) over-the-counter issuance costs. The extensive explanatory material about the form has been deleted as the Department believes this level of detail is not needed in the regulations. Instructions will be included with the form itself.

A change is also being made in the SF–269, Financial Status Report. The headings on this form are being revised to be compatible with the modified items on the Budget Projection Statement.

Comments were also received on the Organizational Outline which was to have been on the reverse side of the Program and Budget Summary Statement. Several modifications have been made. In response to comments calling for less detailed information to be required, the proposed requirement for a description of the position of outreach coordinator in the State organizational structure has been dropped. The annual outreach plan should provide sufficient information for FNS to monitor State outreach activity. In addition, the Outline is now an attachment to the Program Activity Statement, so that States may substitute existing organizational charts rather than providing the information on the form itself. While some commentors believed that the Outline was too complex, others, including both State agencies and public interest groups supported it. The Outline is retained because the Department believes it is needed to provide the Agency with specific information about how State agency staff are organized. This

information will facilitate contact with the State agency, be helpful in preparation of Management Evaluation reviews and will enable FNS to respond to questions about how individual States administer the Program at the State-level. The instructions for what is to be included in the Organizational Outline have been expanded and clarified to simplify completion of this item as well as to ensure consistency from State to State.

Because of the timing of the final publications of these rules, the initial Budget Projection Statement will be due on May 15, 1981 with budget projections for the four quarters beginning in April, 1981 and ending in March, 1982. The initial submittal of the Program Activity Statement will be due 45 days after the end of the State's 1981 fiscal year. For example, State agencies that operate on a July-June fiscal year will submit their first Program Activity Statement on August 15, 1981. It is apparent from some of the comments received that some States will not be able to provide all of the data required on the Program Activity Statement initially. Therefore, only that information already collected by the State's data gathering systems is required on the initial reports, with the remainder being required in the FY 1982 submission.

Another revision to this section of the regulations is an additional requirement for attachment to the Program Activity Statement of any agreements between the State and the United States Postal Service on coupon issuance, between the State and the Social Security Administration for supplemental security income joint processing and for routine user status, and between the State and the State's Employment Security agency for work registration. The Work Registration and Job Search final regulations package to be published soon will more explicitly describe the Department of Labor's and Employment Security agency's role in developing a State Plan for Work Registration. The initial submission of these supporting documents is due with the Federal/State Agreement (120 days after publication of the final regulations). Subsequent submissions shall be attached to the Program Activity Statement.

272.2(d) Planning Documents

Comments received on this provision primarily concerned suggestions that certain documents should not be included as attachments, such as the Corrective Action Plan or the Outreach Plan. The reasons given were the varying due dates or the degree of complexity in negotiating these Plans which could delay submission of one Plan while others were ready for approval. The final rules do not require the Corrective Action Plan to be submitted in conjunction with other planning documents. The Corrective Action Plan is now an open-ended plan that is modified as needed, rather than submitted at regular yearly intervals. Final regulations regarding Corrective Action Plans were issued on March 11, 1980. The due dates for the Outreach Plan and other planning documents have been structured to coincide to the maximum extent possible.

A number of comments were received on the Nutrition Education Plan with the most frequented suggestions being to mandate a Nutrition Education Plan. The Department has decided not to mandate the Nutrition Education Plan since State activities in this area are optional. Federal responsibilities for nutrition education are outlined in Sections 11(e)(15) and (f) of the Act, and this Plan is designed to reflect any State efforts which result in a request for additional funding. The primary objective is to encourage States to supplement any existing nutrition education efforts.

Other comments suggested that a reference be added to encourage States to coordinate the Nutrition Education Plan with USDA's Expanded Food and Nutrition Education Program (EFNEP), rather than the proposed language which stated that the Plan's efforts not conflict with the EFNEP's. The final regulations were revised to require assurance that the efforts are not duplicative. This change was made in recognition of the expanded role of EFNEP under the 1977 Act. Because of EFNEP's involvement in nutrition education efforts, it is assumed that States agencies will be consulting with EFNEP when preparing their plans in order to best coordinate their programs.

272.2(e) Submittal Dates

Public interest groups commenting on this area expressed support of an annual Outreach Plan as opposed to the semi-annual Plan which was in effect under the 1964 Act. Other commentors suggested that the submittal dates be better coordinated. The Outreach Plan is due annually on August 15 to cover the Federal fiscal year. For most States, those with a July–June fiscal year, this will coincide with the date the Program Activity Statement is due. The August 15 deadline was necessary so that all States could be operating under approved Outreach Plans by the beginning of the Federal fiscal year. Therefore, further coordination was impracticable. The initial Nutrition Education Plan can be submitted at any time; however, the initial Plan should cover a period of months more or less than one year as appropriate, adjusted to permit cycling subsequent submissions annually on August 15th.

Commentors suggested that the time limit for submitting the Agreement be extended to allow more time for the internal reviews conducted prior to the Governor's review and signature. This suggestion was adopted, and the time period has been extened to 120 days. This change also responds to comments on whether the Governor's Review period is included. All steps in the process including the Governor's review are to be completed within the 120 day period.

Language is added to clarify that FNS will take action on Plans which it has received and for which it has sought additional information, within 30 days of receipt of that information from the State. This responds to comments received on this point, and remedies a concern of States that FNS did not place any time limits on itself beyond the first 30 days following initial submission.

272.2(f) Public Comment

The largest number of comments, 35, was received on this provision. Of these, 12 were from public interest groups, 12 from States agencies, and 6 from FNS Regional Offices. Two major concerns were raised by the public interest groups.

These were: (1) that the proposed rules limited the areas of the program subject to public comment and (2) that methods other than a State Administrative Procedures Act (APA) ought to be required to maximize public access to decisionmaking. State agencies were generally concerned about the additional burden of public comments and whether such procedures would unduly hamper their ability to manage resources and respond to problems efficiently.

The Department is committed to a Food Stamp Program which is efficiently managed and accessible to the public. Public participation regarding State's administration of the program can help identify unmet needs and provide useful information to State administrators evaluating choices in their use of State resources. Therefore, the Department reviewed the proposal on public comment on both Plans of Operation (§ 272.2(f)) and Operating Guidelines (§ 272.3.(d)) in light of the comments received to assure it achieved both goals of meaningful public access and efficient program administration.

Significant changes were made to be responsive to comments. Areas of

change include program aspects subject to public comment, the timing and scheduling of public comment, and the methods to obtain public comment.

The proposed rules specified that the Outreach and Nutrition Education Plans, those parts of the operating guidelines where a State exercised a choice or requested a waiver and the training procedures be subject to public comment.

Several commenters wanted more items of the Plan of Operation to be subject to public comment while others were concerned with the time public comment would add to a State's implementation schedule for new program changes. The Department's goal was to focus comment on program areas most meaningful to the public and to do so in a manner which enhanced rather than interfered with timely program compliance.

The Department decided to delete the requirements for public comment on the Outreach and Nutrition Education Plans and not to add Corrective Action Plans (CAP) to the comment requirements. Given the complexity of these items and the requirement for FNS approval prior to their implementation, regular public comment periods could cause significant delays in submission and implementation. If delayed, lack of approved Plans could adversely affect the quality of service delivered. Soliciting and reviewing of comments would add a significant burden, given staff and budget constraints. Also, given the technical nature of the Plans, States would be required to develop explanatory material which would further tax time and staff limitations. Plans are used primarily as management tools for the State agency and to provide FNS with means to ensure compliance with the Act and the regulations in these areas. States may solicit comment on these Plans and, in fact, many States may be already receiving comment through their State Administrative Procedures Acts (APA's). In addition, all Plans are open to public inspection under § 272.1(d). Therefore, § 272.2(f) is deleted from this final rulemaking, and all public comment requirements are discussed under § 272.3(d).

The Department also concurred with comments which brought to light the administrative difficulties of soliciting comments prior to any change in operating guidelines. Therefore, the Department deleted the public comment requirements proposed in § 272.3(d) on Operating Guidelines.

The Department is instead requiring that States provide the public with an opportunity to comment on overall program operations at least once every four years, with special emphasis on the options available to States, such as utility standards and fair hearing procedures. This will provide the public with a broader opportunity to comment on program operations than was originally proposed. At the same time, because comment is solicited every four years, the State agency has a more manageable system with which to operate. Waivers which have a major and direct impact on participants are still subject to comment prior to submission to FNS although changes have been made to allow more flexibility. Because some waivers may need prompt implementation due to an emergency situation, the State agency may request an exemption to the public comment requirements.

The requirement that comments on overall program operations be solicited at least every four years would begin no later than the State's 1982 fiscal year. This scheduling is designed to provide enough operating experience to allow for meaningful evaluation of how the Program is running in the State yet relieve the burden on States.

Comments on waivers which have a major direct impact on participants will be solicited prior to submission to FNS. However, the comment period may be dropped if an emergency situation exists. If the State requests an exception, the request must be submitted promptly and include supporting justification for granting the exemption.

One last public comment provision appears in proposed rules issued by the Department on December 5, 1980 to provide a State option for periodic reporting and retrospective accounting.

The second major concern of public interest groups was that State APA procedures were inadequate as a method for meaningful public participation. Therefore, they suggested that either media publication or public hearings be mandated in addition to APA procedures in those States subject to these provisions. The Department has decided not to adopt this suggestion. One reason is that this suggestion would significantly add to Program expenses. In addition, it would be viewed as inequitable by States with APA's who would have to pursue two methods of soliciting public comment (which could require separate efforts to review and analyze material), while those States without APA's would only be dealing with one set of comments. Finally, despite the allegations in the comments, the Department does not have sufficient evidence to conclude that APA's are any more or less effective than other means of obtaining public participation suggested in the regulations. FNS does have a commitment, however, to making public comment a significant part of developing waivers and of improving overall State operations and will monitor the effectiveness of all such methods intended to achieve this goal.

Other comments were received recommending notification of certain organizations. It was clarified that States using the media to solicit comments must notify all groups on its Outreach list when waivers will be available for comment and when the overall comment periods are scheduled. In addition, a summary of the comments received and an explanation of what was decided shall be prepared. The comment summary must be available free of charge upon written request. The media announcements must include an address where further information about commenting and explanatory material can be obtained.

272.2(g) Revisions

This section details the steps States are to follow when submitting revisions to an already approved budget. Very few comments were received on this provision. The only changes to this section were to reflect changes in a new Federal financial management directive and to reletter it as paragraph (f). The comments on adjustments to the Letter of Credit and the time limits for budget revision requests were not adopted as the Department believes these factors are best handled on an individual basis when the State submits its requests.

Operating Guidelines

Introduction

As proposed, the Operating Guidelines section was divided as follows:

272.3 (a) Coverage of Operating Guidelines.
(b) Submittal and approval.
(c) Waivers.
(d) Public comment.

These main divisions remain in the final rule.

272.3 Operating Guidelines

In general, fewer changes were made to this section, especially as the comments did not indicate the need for as much revision as in the State Plans of Operation section. Some changes were made to make this provision conform to revisions in § 272.2. A discussion on § 272.3(d), relating to "Public comment," is included under § 272.2(f) above.

272.3(a) Operating Guidelines

Operating Guidelines are defined as any manuals, instructions, directives, and the like which the State agency

issues to administer the Program. Several public interest groups suggested that a requirement be added that State agencies provide copies of the Operating Guidelines to the public upon request. § 272.1(d) already delineates the procedures for obtaining material. Therefore, the Department believes this change is not necessary in light of other regulatory provisions.

A concern of State agencies was the provision on consulting with Indian Tribal Organizations on reservations. States without reservations requested that a permanent exemption be made for them. Language has been added to state that submission of this material is only required where appropriate. Some technical changes have been made including a revision to the Performance Reporting System material on submission of quality control sampling plans. In addition, in response to a comment from the California State agency, State regulations that are used in lieu of instructions or the like are considered as Operating Guidelines. This modification has been added to avoid requiring States using this method to also prepare instructional material.

Public Law 96–249 added an income and resource exclusion for payments from Federal, State and local energy assistance programs. In order to provide both certification workers and FNS with a readily available source of information on the various programs, States are required to list the State and local funds to be excluded as energy assistance as part of the Operating Guidelines and to indicate how they identify particular payments as exempt energy assistance benefits. For example, the State would explain the formula used to separate the increase in public assistance grants for energy assistance from other increases or special grants.

This could be done either as a revision to the State manual or through other instructions, such as program directives, to eligibility staff.

272.3(b) Submittal and Approval

Language has been added to this provision to correspond to changes in § 272.2(e) regarding FNS approval. In addition, in response to comments, a revision was made clarifying that if the State agency used FNS-developed material, then only that material or portion which has been developed by the State has to be submitted for FNS approval.

272.3(c) Waivers

In response to comments, a revision was made to allow States to request permanent waivers upon submission of adequate and compelling justification. This is to avoid unnecessary annual requests for waivers in States where the reasons for the initial request have not changed.

Another area of concern was the public comment procedure for waivers. As proposed, waivers which have major direct impact on participants are subject to the public comment provisions. As discussed earlier, the public comment requirements for waivers were made more flexible. This was the only other major change to this section.

Note.—Food Stamp forms have been revised or added in accordance with the requirements of this amendment. The reporting and/or record keeping requirements anticipated in this amendment have been forwarded to the Office of Management and Budget (OMB) for approval in accordance with the Federal Reports Act of 1942. The provisions in this rulemaking concerning submission of forms will be effective contingent upon OMB approval.

Therefore, Part 272 is amended as follows:

1. In Part 272, § 272.1 is amended and § 272.2 and § 272.3 are added as follows:

New subparagraph (28) is added to paragraph 272.1(g).

§ 272.1 General terms and conditions.

* * * * *

(g) Implementation.

* * * * *

(28) Amendment 156. State agencies shall implement the program changes required by amendment 156 within 120 days after publication of these regulations, meeting the submittal deadlines outlined in § 272.2 and § 272.3.

§ 272.2 Plan of operation.

(a) *General Purpose and Content.* (1) *Purpose.* State agencies shall periodically plan and budget program operations and establish objectives. When planning and budgeting for program operations for the next year, State agencies shall consider major corrective action objectives, existing program strengths and deficiencies, and other factors anticipated to impact on the operation of the State's Food Stamp Program and on projected expenditures.

(2) *Content.* The basic components of the State Plan of Operation are the Federal/State Agreement, the Budget Projection Statement, and the Program Activity Statement. In addition, certain attachments to the Plan are specified in this Section and in § 272.3. The requirements for the basic components and attachments are specified in § 272.2(c) and § 272.2(d) respectively. The Federal/State Agreement is the legal agreement between the State and the Department of Agriculture. This Agreement is the means by which the State elects to operate the Food Stamp Program and to administer the program in accordance with the Food Stamp Act of 1977, as amended, regulations issued pursuant to the Act, the FNS-approved State Plan of Operation, and any State-developed manuals approved by FNS. The Budget Projection Statement and Program Activity Statement provide information on the number of actions and amounts budgeted for various functional areas such as certification and issuance. The Plan's attachments include the Outreach Plan, Disaster Plan (currently reserved), and the optional Nutrition Education Plan. The Corrective Action Plan is considered part of the State Plan of Operation, but is submitted separately as prescribed under § 275.22.

(b) *Federal/State Agreement.* (1) The wording of the pre-printed Federal/State Agreement is as follows:

The State of ———— and the food and Nutrition Service (FNS), U.S. Department of Agriculture (USDA), hereby agree to act in accordance with the provisions of the Food Stamp Act of 1977, as amended, implementing regulations, the FNS-approved State Plan of Operation and FNS-approved manuals. The State and FNS (USDA) further agree to fully comply with any changes in Federal law and regulations. This agreement may be modified with the mutual consent of both parties.

Provisions

The State agrees to: 1. Administer the program in accordance with the provisions contained in the Food Stamp Act of 1977, as amended, and in the manner prescribed by regulations issued pursuant to the Act; and to implement the FNS-approved State Plan of Operation and to adhere to FNS-approved State manuals, State instructions, or State directives.

2. Comply with Title VI of the Civil Rights Act of 1964 (Pub. L. 88–352), Section 11(c) of the Food Stamp Act of 1977, as amended, the Age Discrimination Act of 1975 (Pub. L. 94–135) and the Rehabilitation Act of 1973 (Pub. L. 93–112, Sec. 504) and all requirements imposed by the regulations issued pursuant to these Acts by the Department of Agriculture to the effect that, no person in the United States shall, on the grounds of sex, race, color, age, political belief, religion, handicap, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subject to discrimination under the Food Stamp Program.

3. (For States with Indian Reservations only). Implement the Program in a manner that is responsive to the special needs of American Indians on reservations and consult in good faith with tribal organizations about that portion of the State's Plan of Operation pertaining to the implementation of the Program for members of the tribe on reservations.

FNS agrees to:

1. Pay administrative costs in accordance with the Food Stamp Act, implementing regulations, FNS-approved State manuals and an approved Cost Allocation Plan.

2. Carry-out any other responsibilities delegated by the Secretary in the Food Stamp Act of 1977, as amended.

Date _____
Signature _____
(Governor or Authorized Designee)
Date _____
Signature _____
(Regional Administrator, FNS)

(2) The State agency may propose alternative language to any or all the provisions listed in paragraph (1) of this section. The alternative language is subject to approval by both parties before signature.

(c) *Budget Projection Statement and Program Activity Statement.* (1) The State agency shall submit to FNS for approval a Budget Projection Statement and Program Activity Statement in accordance with the submittal dates in § 272.2(e).

(i) The Budget Projection Statement solicits projections of the total costs for ten areas of program operations (certification, issuance, performance reporting, fair hearings, outreach, training, ADP development, ADP operations, fraud control, and other). The Budget Projection Statement is to be submitted quarterly and shall contain projections for each of four successive quarters beginning with the quarter during which the current Statement is due. The State agency shall submit with each Budget Projection Statement a narrative justification documenting and explaining the assumptions used to arrive at the projections. The narratives shall cover such subjects as: the number and salary level of employees; other factors affecting personnel costs, including anticipated increases in pay rates or benefits, the distribution of pay periods across quarters and reallocations of staff among units or functions, insofar as these might result in cost increases or decreases; costs for purchasing, leasing, and maintaining equipment and space, especially as concerns any upcoming, one-time-only purchases of new capital assets such as ADP equipment, renegotiation of leases, changes in depreciation rates or procedures, relocations of offices, maintenance and renovation work, and inflation; issuance system costs, including renegotiation of issuing agent fees and plans to change issuance systems; changes in caseload and factors contributing to increases or decreases in the numbers of recipients and recertifications, including the anticipated impact of economic conditions (and in particular unemployment) and seasonality; cost implications of corrective action plans; anticipated changes in program regulations and operating guidelines and instructions; training needs; travel costs; and adjustments in insurance premiums.

The narrative should cover as many of the items listed above, and any other items deemed relevant by the State agency, as have a significant impact on costs. The State agency is not required to discuss every item in the list in every submission of a Budget Projection Statement. The narrative should concentrate on items that account for increases or decreases in costs from the preceding submissions.

(ii) The Program Activity Statement, to be submitted annually, solicits a summary of program activity for the State agency's operations during the preceding fiscal year. The specific items required are: the number of certification approvals and denials for public assistance and non-assistance households; the number of issuance transactions under different systems; the number of performance reporting reviews; the number of fair hearing decisions; and information on fraud control activities.

(2) An organizational outline shall be submitted at least annually as an attachment to the Program Activity Statement. The outline shall contain the following information:

(i) The position of the head of the State agency responsible for administering the Food Stamp Program in relation to the overall State organizational structure, i.e., the Program Director in relation to the Commissioner of Welfare;

(ii) A description of the organizational structure through which the State agency will administer and operate the Food Stamp Program, including whether the Program is State, county, locally, or regionally-administered; whether the workers have single Food Stamp Program or multi-program functions; and the title and position of the individual or panel designated as the hearing authority and whether officials conduct both fair and fraud hearings.

(iii) A description of the funding arrangement by which State, county, and local jurisdictions will contribute to the State agency portion of administrative costs;

(iv) The position within the State organizational structure of the Performance Reporting System (PRS) coordinator, including whether the PRS coordinator is full or part-time, and is responsible for direct supervision over Quality Control or Management Evaluation or if these functions are handled separately, and whether quality control reviewers have single Food Stamp Program or multi-program review responsibilities;

(v) The position of the training coordinator and whether this is a full or part-time position; and

(vi) The organizational entity responsible for corrective action.

(3) *Additional Attachments.* The following shall be attachments or addenda to the Program Activity Statement submitted annually:

(i) The special plan required by § 277.15 when requesting Federal funding at the present 75 percent level for investigation and prosecution activities; and

(ii) For informational purposes (not subject to approval as part of the plan submission procedures), the agreements between the State agency and the United States Postal Service for coupon issuance, between the State agency and the Social Security Administration for supplemental security income/food stamp joint application processing and for routine user status, and between the State agency and the State Employment Security agency for work registration and job search.

(d) *Planning Documents.* (1) The following planning documents shall be submitted:

(i) Outreach Plan as required by § 272.6;

(ii) Disaster Plan as required by § 280.6 (currently reserved), or certification that a previously submitted Disaster Plan has been reviewed and remains current;

(iii) Nutrition Education Plan if the State agency elects to request Federal Food Stamp Program administrative matching funds to conduct nutrition education programs as discussed in paragraph (d)(2) of this section.

(2) *Nutrition Education Plan.* If submitted, the Nutrition Education Plan shall contain:

(i) The number and positions of staff that will be conducting nutrition education;

(ii) Description of activities in the nutrition education program; and

(iii) Assurance that nutrition education programs for which USDA provides Food Stamp Program administrative matching funds are conducted exclusively for the benefit of Food Stamp Program applicants and participants and do not duplicate USDA's Expanded Food and Nutrition Education Program's efforts in the State.

(e) *Submittal Requirements.* States shall submit to the appropriate FNS Regional Office for approval each of the components of the Plan of Operation for approval within the timeframes established by this paragraph. Approval or denial of the document may be withheld pending review by FNS. However, if FNS fails to either approve,

deny, or request additional information within 30 days, the document is approved. If additional information is requested, the State agency shall provide this as soon as possible, and FNS shall approve or deny the Plan within 30 days after receiving the information.

(1) The Federal/State agreement shall be signed by the Governor of the State or authorized designee and shall be submitted to FNS within 120 days after publication of these regulations in final form and shall remain in effect until terminated.

(2) The Budget Projection Statement and Program Activity Statement shall be signed by the head of the State agency or its chief financial officer and submitted as follows:

(i) The Budget Projection Statement, shall be submitted 45 days after the end of each quarter (January–March, April–June, July–September, and October–December). The first report is due May 15, 1981 for the four quarters beginning April 1981;

(ii) The Program Activity Statement shall be submitted annually, not later than 45 days after the end of the State agency's fiscal year. The first report is due 45 days after the end of the State's 1981 fiscal year. The first report is not required to contain information that is not currently captured by the State agency's information system. State agencies shall amend their data gathering systems so that all items can be completed on the second report, due for the 1982 fiscal year.

(3) The initial submission of the organizational outline described in § 272.2(c)(2) and the additional attachments outlined in § 272.2(c)(3) shall be due 120 days after publication of this final rule and thereafter as an attachment to the Program Activity Statement due 45 days after the end of the State's fiscal year.

(4) The Outreach Plan shall be signed by the head of the State agency and submitted to FNS for approval each year no later than August 15.

(5) Disaster Plan (reserved).

(6) The Nutrition Education Plan shall be signed by the head of the State agency and submitted prior to funding of nutrition education activities when the State agency elects to request Federal administrative matching funds to conduct Nutrition Education Programs. The plan shall then be submitted annually no later than August 15. The initial submission may be for a period of less than or more than a year in order to meet the August 15 deadline.

(7) Where applicable, State agencies shall consult (on an ongoing basis) with the tribal organization of an Indian reservation about those portions of the State Plan of Operation pertaining to the special needs of the members of the tribe.

(f) *Revisions.* Revisions to any of the planning documents or the Program and Budget Summary Statement shall be prepared and submitted for approval to the appropriate FNS Regional Office in the same manner as the original document. However, revisions to the budget portion of the Budget Projection Statement and Program Activity Statement shall be submitted as follows:

(1) *Program funds.* (i) For program funds, State agencies shall request prior approvals promptly from FNS for budget revisions whenever:

(A) The revision indicates the need for additional Federal funding;

(B) The program budget exceeds $100,000, and the cumulative amount of transfers among program functions exceeds or is expected to exceed five percent of the program budget. The same criteria apply to the cumulative amount of transfers among functions and activities when budgeted separately for program funds provided to a subagency, except that FNS shall permit no transfer which would cause any Federal appropriation, or part thereof, to be used for purposes other than those intended;

(C) The revisions involve the transfer of amounts budgeted for indirect costs to absorb increases in direct costs; or

(D) The revisions pertain to the addition of items requiring prior approval by FNS in accordance with the provisions of the applicable cost principles specified in Part 277 Appendix A of the regulations.

(ii) No other changes to the Program fund budget require approval from FNS. Examples of changes which do not require Federal approval are: the use of State agency funds to accomplish program objectives over and above the State agency minimum share included in the approved Program budget; and the transfer of amounts budgeted for direct costs to absorb authorized increases in indirect costs.

(iii) The requirements of paragraph (f)(1)(i)(B) of this section may be waived by FNS provided that:

(A) No different limitation or approval requirement may be imposed; and,

(B) FNS shall not permit a transfer which would cause any Federal appropriation, or part, thereof, to be used for purpose other than those intended.

(2) *Authorized Funds Exceeding State Agency Needs.* When it becomes apparent that the funds authorized by the Letter of Credit will exceed the needs of the State agency, FNS will make appropriate adjustments in the Letter of Credit in accordance with Part 277.

(3) *Method of Requesting Approvals.* When requesting approval for budget revisions, State agencies shall use the same format as the Budget Projection Statement used in the previous submission. However, State agencies may request by letter the approvals required by paragraph (f)(1)(i)(D).

(4) *Notification of Approval or Disapproval.* Within 30 days from the date of receipt of the request for budget revisions, FNS shall review the request and notify the State agency whether or not the budget revisions have been approved. If the revision is still under consideration at the end of 30 days, FNS shall inform the State agency in writing as to when the decision will be made.

§ 272.3 Operating guidelines and forms.

(a) *Coverage of Operating Guidelines.* State agencies shall prepare and provide to staff responsible for administering the Program written operating procedures. In those States which have State regulations that outline these Operating Procedures, these are equivalent to Operating Guidelines. Other examples of Operating Guidelines are manuals, instructions, directives or transmittal memos. The following categories shall be included in the Operating Guidelines:

(1) Certification of households, including but not limited to:

(i) application processing;

(ii) nonfinancial eligibility standards;

(iii) financial criteria and the eligibility determination;

(iv) actions resulting from eligibility determinations;

(v) determining eligibility of special situation households as specified in § 273.11;

(vi) additional certification functions such as processing changes during certification periods and reporting requirements for households;

(vii) lost benefits/claims against households;

(viii) fair/fraud hearings;

(ix) a list of Federal and State energy assistance programs that qualify for the resource and income exclusions discussed in § 273.8(e)(11)(viii) and § 273.9(c)(10)(v) and how these payments are identified as being eligible for the exemption.

(2) Issuance, accountability, and reconciliation;

(3) The Performance Reporting System, including instructions or directives for conducting quality control and management evaluation reviews and the quality control sample plan;

(4) A description of the training program, including a listing of the

organizational component which conducts training, to whom and how often training is provided;

(5) Procedures for obtaining public comment;

(6) The fair/fraud hearing procedures if not included in the Certification Handbook.

(7) The consultation process (where applicable) with the tribal organization of an Indian reservation about the State Plan of Operation and Operating Guidelines in terms of the special needs of members of the tribe and the method to be used for incorporating the comments from the tribal organization into the State Plan of Operations and Operating Guidelines.

(b) *Submittal and Approval.* (1) State agencies may use the forms, manuals, handbooks, instructions, and other operating guidelines provided by FNS or develop and submit to FNS for approval alternate procedures and forms.

(2) If the State agency adopts any FNS-developed material, it shall only submit State-developed material for approval.

(3) FNS shall provide each State agency with approval, denial or appropriate comments on State-developed operating guidelines within 30 days of the receipt of such guidelines. FNS may acknowledge receipt of the guidelines and withhold approval or denial of the guidelines pending further review. However, if FNS fails to either approve, deny, request additional information, or acknowledge receipt of the guideline within 30 days, the guideline is approved. If FNS requests additional information, the State agency shall provide the requested information as soon as possible and FNS shall approve or deny the guidelines within 30 days of receipt of the additional information.

(4) Amendments to any of the operating guidelines shall be submitted to FNS for approval prior to implementation by the State agency. The timeframes in (3) above also apply to submission of amendments.

(c) *Waivers.* (1) The Administrator of the Food and Nutrition Service or Deputy Administrator for Family Nutrition Programs may authorize waivers to deviate from specific regulatory provisions. Requests for waivers may be approved only in the following situations:

(i) the specific regulatory provision cannot be implemented due to extraordinary temporary situations such as a sudden increase in the caseload due to the loss of SSI cash-out status;

(ii) FNS determines that the waiver would result in a more effective and efficient administration of the program; or

(iii) unique geographic or climatic conditions within a State preclude effective implementation of the specific regulatory provision and require an alternate procedure; for example, the use of fee agents in Alaska to perform many of the duties involved in the certification of households including conducting the interviews.

(2) FNS shall not approve request for waivers when:

(i) the waiver would be inconsistent with the provisions of the Act;

(ii) the specific regulatory provision to be waived is a national eligibility criterion;

(iii) the waiver would result in a denial, reduction or delay of benefits;

(iv) the waiver would deny a participant or potential participant any due process protection afforded by either the Act or regulations; or

(v) the waiver would result in a procedure that would not be in compliance with the processing standards specified in § 273.2(g) and (i) and § 273.12(c).

(3) FNS shall approve waivers for a period not to exceed one year unless the waiver is for an on-going situation. If the waiver is requested for longer than a year, appropriate justification shall be required and FNS will determine if a longer period is warranted and if so, the duration of the waiver. Extensions may be granted provided that States submit appropriate justification as part of the State Plan of Operation.

(4) When submitting requests for waivers, State agencies shall provide compelling justification for the waiver in terms of how the waiver will improve the efficiency and effectiveness of the administration of the Program. At a minimum, requests for waivers shall include but not necessarily be limited to:

(i) reasons why the waiver is needed;

(ii) the portion of caseload or potential caseload which would be affected and the characteristics of the affected caseload such as geographic, urban, or rural concentration;

(iii) anticipated impact on service to participants or potential participants who would be affected;

(iv) anticipated time period for which the waiver is needed; and

(v) thorough explanation of the proposed alternative provision to be used in lieu of the waived regulatory provision.

(5) The provisions of this paragraph do not apply to exceptions to service standards approved by the State agency or FNS in accordance with § 272.5 or approved by FNS in accordance with § 275.5.

(6) Waivers shall be subject to the public comment requirements in paragraph (d) of this section.

(d) *Public Comment.* States shall solicit public input and comment on overall Program operations at least once every four years, beginning no later than the State's 1982 fiscal year, and shall emphasize those areas in which the State has some discretion. Certain waivers shall also be subject to public comment.

(1) Prior to the beginning of the comment period, State agencies shall publicize in the media that a waiver or overall Program operations are open to public comment. State press releases and other methods of publicity shall contain addresses for obtaining further information and shall specify the method used for soliciting public comment. The State shall use one or more of the following methods:

(i) State Administrative Procedures Act (APA) if the Act includes procedures for obtaining public comment on food stamp matters and provides at least 30 days for comment;

(ii) Publication (in addition to the notice of the available components) of a summary of the waiver or general Program operations. Also instructions on how to obtain more information shall be included. This publication shall be in sufficient media sources to ensure general coverage in all project areas. In addition, all Outreach contacts in the State's current plan shall be notified separately. Public comment shall be solicited for a minimum of 30 days.

(iii) State wide public hearing(s) at location(s) that are accessible to a significant number of interested persons.

(2) State agencies shall review, analyze, consider and prepare a summary of the comments received. The summary shall briefly outline the sources and contents of the comments and explain what was decided upon. Copies of the comments (either letters or transcripts of oral comments) and a comment summary shall be available for public inspection at the State office during its regular business hours. Copies of the comment summary shall be made available free of charge upon written request. The comment letters or transcripts and the summary shall be retained for at least one year for both public and FNS review.

(3)(i) Waivers which have a major, direct impact on participants shall be subject to public comment prior to their submission to FNS. If the State agency determines that comment period cannot be held because prompt implementation of the waiver is necessary due to an emergency situation or a need for rapid action to protect program integrity and

prevent significant program loss, it shall submit justification for an exemption to FNS with its waiver request.

(ii) Comments on waivers shall be solicited prior to submission of the request to FNS, and a summary of the comments received shall be submitted with the other information.

(4) Special emphasis shall be placed on the following areas when soliciting comments at least once every four years on overall Program operations: (i) ongoing State options such as development of utility standards, hearing and issuance systems, verification, and, if adopted, the periodic reporting and retrospective accounting system; and (ii) all current, pending and anticipated waivers. A waiver or State option need not be included in a particular comment cycle on overall program operations if it has been subject to the public comment procedures prescribed under paragraph (d)(i) of this section within the two years immediately preceding the comment cycle.

(5) State agencies are encouraged to maintain any currently used methods and may also use other methods for obtaining public comment, in addition to the minimum requirements specified above; for example, States with APA's may also hold public hearings, or welfare or food stamp advisory councils may review the material.

(91 Stat. 958 (7 U.S.C. 2011–202)

(Catalog of Federal Domestic Assistance Program No. 10.551, Food Stamp)

Dated: January 14, 1981.

Carol Tucker Foreman,

Assistant Secretary.

[FR Doc. 81-1900 Filed 1-19-81; 8:45 am]

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Wednesday
January 21, 1981

Part VII

Department of Education

National Direct Student Loan Program, College Work-Study Program, Supplemental Educational Opportunity Grant Program, Guaranteed Student Loan Program, Parent Loans for Undergraduate Students Program, and Pell Grant Program; Final Rule

DEPARTMENT OF EDUCATION

34 CFR Parts 674, 675, 676, 682, 683, and 690

National Direct Student Loan Program, College Work-Study Program, Supplemental Educational Opportunity Grant Program, Guaranteed Student Loan Program, Parent Loans for Undergraduate Students Progam, and Pell Grant Program

AGENCY: Department of Education.

ACTION: Final regulations with comments invited.

SUMMARY: The Secretary is issuing the regulations for the Pell Grant (formerly the Basic Educational Opportunity Grant Program), National Direct Student Loan, College Work-Study, Supplemental Educational Opportunity Grant, Guaranteed Student Loan and Parent Loans for Undergraduate Students Programs. These regulations are being issued to implement the statutory provisions contained in the Education Amendments of 1980, Pub. L. 96–374 concerning a student's cost of attendance at a postsecondary institution or school. The Secretary is also changing the provision in each program regulation that declares a student ineligible for that program if he or she has had a Guaranteed Student Loan, National Direct Student Loan or National Defense Student Loan discharged in bankruptcy. The provision will indicate that such a student is not ineligible for assistance.

DATES: All comments, suggestions, or objections must be received on or before March 23, 1981.

EFFECTIVE DATE: These regulations are expected to take effect 45 days after they are transmitted to the Congress. Regulations are usually transmitted to the Congress several days before they are published in the **Federal Register.** If you want to know the effective date of these regulations, call or write the Department of Education contact person.

ADDRESSES: Comments should be addressed to William L. Moran or Andrea Foley, U.S. Department of Education, Office of Student Financial Assistance, (Room 4318, ROB–3), 400 Maryland Avenue, SW., Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: William L. Moran or Andrea Foley, Office of Student Financial Assistance, Room 4318, ROB–3, 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone (202) 472–4300.

SUPPLEMENTARY INFORMATION:

I. On October 3, 1980, the Education Amendments of 1980 were enacted into law reauthorizing the title IV student financial assistance programs through the 1985–86 award year, as well as establishing the Parent Loans for Undergraduate Students Program.

One of the new provisions of the Education Amendments of 1980 involves the calculation of a student's cost of attendance at a postsecondary institution. This change will have a substantial impact on the Pell Grant Program and a lesser impact on the other title IV student programs. These programs include the National Direct Student Loan (NDSL), College Work-Study (CW–S), Supplemental Educational Opportunity Grant (SEOG), Guaranteed Student Loan (GSL), and Parent Loans for Undergraduate Students (PLUS) programs.

Under previous legislation, the cost of attendance for the Basic (Pell) Grant Program, as defined by the Commissioner of Education in regulations, was limited to three nondiscretionary components: (1) Actual tuition and fees charged to a full-time student for an academic year, (2) Actual institutional charges for room and board or a $1,100 allowance for all off-campus students, and (3) A $400 allowance for books, supplies and miscellaneous expenses. The new law alters the cost components to be used for this program by deleting the "actual cost" restriction and mandating a series of expanded discretionary allowances.

These regulations establish general rules for determining a student's cost components while maintaining the critical element of institutional discretion intended by Congress.

All cost of attendance components are determined on the basis of an academic year. However that determination must be adjusted to take into account a student's enrollment status and the period of the award and/or loan for purposes of all title IV programs except the Pell Grant Program. Because of the manner in which the Pell Grant Program is administered, all costs for that program are determined on the basis of a full-time student for a full academic year.

Reflecting the Education Amendments of 1980, these regulations include a provision which allows the financial aid administrator to adjust an individual student's need determination only for the NDSL, CW–S and SEOG Programs.

A. The following is a discussion of the major cost of attendance provisions in these regulations:

1. *Tuition and fees:* In accordance with the Education Amendments of 1980 which discuss the "tuition and fees normally assessed a full-time student," institutions may determine the tuition and fee component of a student's total cost of attendance in either of two ways. The institution may use the actual amount charged to a student for an academic year or it may use an average amount charged to full-time students for an academic year. The latter method eliminates the need for an institution to determine the exact amount charged to each student. However, this provision does not prohibit an institution which elects to calculate an average tuition and fee charge from using actual amounts for individual students whose charges vary greatly from the average.

If an institution chooses to use average charges, the institution must establish a separate average charge for undergraduate, graduate and professional students for the GSL, NDSL and CWS programs which include such students.

Also, if an institution establishes its tuition and fee charges on a residency requirement basis (for example, In and Out-of-State) and it elects to calculate an average tuition and fee charge, it must determine a separate average charge for each residency-based classification. This provision is intended to provide the most equitable treatment for students at institutions whose residency-based tuition and fee charges vary widely.

In addition, an institution may, but is not required to, determine a separate average charge for any other classification upon which it bases tuition and fees, such as separate programs or discrete schools within an institution.

2. *Room and board:* Reflecting the Education Amendments of 1980, these regulations categorize room and board allowances by four types of students.

a. For a student who has no dependents and lives with his or her parent(s), the allowance is set at the $1,100 minimum contained in the new law.

b. For a student who has no dependents and lives in institutionally owned or operated housing whether or not the student contracts with the institution for board, an institution has the option of either determining a standard allowance based on the average amount charged to most students for an academic year, as with tuition and fees, or using a student's actual room and board charges.

c. For a student who has no dependents and does not live with his or her parent(s) or in institutionally owned or operated housing, the institution determines a standard room and board allowance for an academic year. This

category includes students who contract with the institution for board but do not live in institutionally owned or operated housing.

d. For students with dependents, the institution determines an allowance for room and board for an academic year based on the expenses incurred by the student and his or her dependents.

3. *Miscellaneous allowances:* Reflecting the Education Amendments of 1980, the following series of three institutionally determined allowances are provided in these regulations. This is a significant change from the $400 allowance for books, supplies and miscellaneous expenses previously used in determining the Basic (Pell) Grant cost of attendance.

a. A reasonable allowance for books and supplies for an academic year.

b. A reasonable allowance for transportation for an academic year. This allowance may include the cost of travel between the student's residence and the institution and that of travel required for the completion of a course of study.

c. An allowance for miscellaneous personal expenses.

4. *Allowances for special circumstances:* The Education Amendments of 1980 establish several components for use in determining the cost of attendance when certain circumstances exist.

a. If a student is enrolled in a formal program of study outside the United States which is normally included in his or her academic program, a reasonable allowance determined by the institution is included for expenses related to study abroad (for example, travel costs to and from the foreign place of study).

b. For those students with dependent children, a reasonable allowance determined by the institution is included for expenses related to child care.

c. A reasonable allowance determined by the institution on an individual basis is included for expenses related to a student's handicap. However, as mandated by the new law, any expenses provided for by any other assisting agency or program must be excluded from this allowance. These regulations also provide that documentation of any such assistance be made a part of the student's financial aid records. On July 22, 1979, a memorandum was issued jointly by the Commissioner of Education and the Commissioner of Rehabilitation Services which established guidelines for use by State Vocational Rehabilitation Agencies and State Associations of Student Financial Aid Administrators in developing an agreement within each State for the improved coordination of financial assistance for handicapped students. In the light of the Education Amendments of 1980 and these regulations, that memorandum is being revised to emphasize that the State-level agreements should contain policies which reflect coordination of financial aid administrators and Vocational Rehabilitation agencies at the time a handicapped student's budget is being developed, before the making of title IV awards.

The definition of "handicapped" used in connection with the cost of attendance is taken from the definition set out in section 602(1) of the Education of the Handicapped Act.

5. *Correspondence study programs:* As under current regulations, the cost of attendance component for a student enrolled in a correspondence study program includes actual tuition and fees for an academic year. It further includes a room and board allowance for the period of required residential training which is to be determined in the same manner as for students who are not enrolled in a correspondence study program. In addition to those components, this section provides for two other allowances mandated in the new law for students in such programs: if required for completion of the course, a reasonable allowance determined by the institution for books and supplies for an academic year, and a reasonable allowance determined by the institution for travel between the student's residence and the institution while fulfilling a required period of residential training.

6. *Attendance costs in unusal circumstances:* Concerning title IV attendance costs for students whose program length exceeds an academic year at institutions using clock hours, these regulations provide that tuition and fee charges be prorated for the length of the academic year, as under the current Pell Grant program regulations, and added to all other general attendance costs.

B. The following three sections are to be used only in determining the cost of attendance for the Pell Grant Program in unusual circumstances:

1. A new section is included in these regulations concerning attendance costs for students whose program length is less than an academic year at institutions using clock hours. Under this provision, the tuition and fee charges are projected to the length of an academic year. This is done by multiplying the tuition and fee charge for the program by the following fraction:

Clock hours in the academic year ÷ clock hours in the program

The purpose of this section is to provide consistency in the determination of tuition and fee charges for the Pell Grant Program. Currently, students enrolled in programs whose length is less than an academic year are the only group whose tuition and fees cost component is based on less than an academic year's charges which creates an inequitable cost of attendance determination for those students.

2. For students who are incarcerated and for whom at least one-half room and board expenses are provided, the cost components include tuition and fees, an allowance for books and supplies and if applicable, an allowance for transportation and handicap expenses (all determined in the same manner as for non-incarcerated students).

The cost components for students who are incarcerated and for whom less than one-half room and board expenses are provided parallel general attendance costs.

c. As under current regulations, students enrolled at the U.S. Armed Forces academies are considered to have no cost of attendance.

II. The Department of Education currently has in effect regulations which provide that a Guaranteed Student Loan, National Direct Student Loan or National Defense Student Loan which is discharged in bankruptcy is considered in default for purposes of student eligibility for additional assistance (Pell Grant, 34 CFR 690.75(g)(3); NDSL, 34 CFR 674.2 and 674.9(h); CWS, 34 CFR 675.9(h); SEOG, 34 CFR 676.9(h); and GSL, 677.201(c)(3)). A person who is in default on such a loan is not eligible for additional student assistance at the same school which the student was attending with the proceeds of the discharged loan.

However, under the new Bankruptcy Code student loans are nondischargeable within the initial five years of actual repayment, except in cases of undue hardship (11 U.S.C. 523(a)(8)). Therefore, the need for an additional regulatory prohibition has decreased, and its retention may give the appearance of being punitive and contrary to the spirit if not the letter of the Bankruptcy Code.

Consequently, these regulations eliminate the eligibility restriction of title IV assistance for those students who have previously discharged their title IV loan indebtedness in bankruptcy.

This change applies to the Pell Grant Program, the National Direct Student Loan Program, the College Work-Study, the Supplemental Educational

Opportunity Grant Program, and the Guaranteed Student Loan Program.

Waiver of Notice of Proposed Rulemaking

The regulatory changes reflect the provision of the Education Amendments of 1980 which mandates the cost of attendance components to be used for all title IV student financial assistance programs. The Secretary wishes to give the program community as much advance notice as possible of these provisions so that student financial assistance awards may be packaged timely in preparation of the 1981–82 award year.

Accordingly, the Secretary finds that publication of a proposed rule in this instance would be unnecessary, impracticable and contrary to the public interest within the meaning of 5 U.S.C. 533(b), and is publishing these rules as final regulations.

Invitation To Comment

The public is particularly invited to comment on the following:

(1) The advisability of setting a specific dollar limitation on the cost of attendance allowance for miscellaneous personal expenses and on what dollar amount is a reasonable maximum, as well as the types of expenses which may be included in this allowance.

(2) The types of expenses to be included in the cost of attendance allowance for expenses related to dependent child care and the advisability of limiting the allowance to those expenses.

(3) Ways of reducing any regulatory burdens imposed by these regulations.

Interested persons are invited to submit comments and recommendations regarding these regulations. Written comments and recommendations may be sent to the address given at the beginning of this preamble. All comments must be received on or before the 60th day after publication of this document.

All comments submitted in response to these regulations will be available for public inspection, during and after the comment period, in Room 4318, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C., between the hours of 8:30 a.m. and 4:00 p.m. Monday through Friday of each week except Federal holidays.

Regulatory Flexibility Act Analysis

The Regulatory Flexibility Act (Pub. L. 96–354, enacted September 19, 1980) requires each Federal agency to prepare an initial regulatory flexibility analysis and a final regulatory flexibility analysis for each regulation that—

(1) Is published as a notice of proposed rulemaking after January 1, 1981, and

(2) Has a significant economic impact on a substantial number of small entities (small businesses, small organizations, or small governmental jurisdictions).

Because the Department has not yet established its own definitions of "small organization" and "small governmental jurisdiction", as contemplated by the Act, it is not possible to prepare a full initial regulatory flexibility analysis at this time. Further, since the regulations in this document are required by statute to be published in final no later than May 31, 1981, it is impracticable to delay publication while the necessary definitions are being developed. As noted elsewhere in this preamble, it was impracticable to take public comments before publishing these regulations as final. For the same reasons, it was impracticable to delay the regulations while an initial regulatory flexibility analysis was prepared. In these circumstances, the Regulatory Flexibility Act permits a waiver or delay of the initial regulatory flexibility analysis. If it is determined that these regulations are subject to that Act, the Secretary will prepare the necessary analyses at a later date.

As an interim measure, this document, to the maxium extent possible, includes information of the kind comtemplated by the Regulatory Flexibility Act, including the reasons for the regulations, the objectives and legal basis for the regulations, and any significant issues and alternatives for consideration by the public. To assist the Department in determining whether the Regulatory Flexibility Act applies to these regulations, and in complying with Act's requirements, public comment is especially invited on the following matters:

(1) The number and kind of small entities (small businesses, small organizations, or small governmental jurisdictions) affected by the regulations;

(2) The reporting, recordkeeping, and compliance burdens imposed by the regulations on small entities;

(3) The type of professional skills necessary for preparation of any reports or records required by the regulations;

(4) Any Federal rules that may duplicate, overlap, or conflict with the regulations;

(5) Any significant alternatives that would accomplish the purposes of the applicable statute but would minimize any significant economic impact of the regulations on small entities. The Secretary is particularly interested in suggestions on alternatives such as the following:

- The establishment of differing reporting or compliance requirements or timetables that take into account the resources available to small entities.
- The clarification, consolidation, or simplification of compliance and reporting requirements for small entities.
- The use of performance rather than design standards.
- An exemption for small entities from coverage of part of all of the regulations.

Assessment of Educational Impact

The Department particularly requests comments on whether the regulations in this document would require transmission of information that is already being gathered by or is available from any other agency or authority of the United States.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these proposed regulations.

Dated: January 13, 1981.

Shirley M. Hufstedler,

Secretary of Education.

(Catalogue of Federal Domestic Assistance Numbers: Pell Grant Program 84.063, National Direct Student Loan Program, 84.038, College Work-Study Program, 84.033, Supplemental Educational Opportunity Grant Program, 84.007, Guaranteed Student Loan Program, 84.032, Parent Loans for Undergraduate Students Program, 84.032)

PART 674—NATIONAL DIRECT STUDENT LOAN PROGRAM

34 CFR Part 674 National Direct Student Loan Program is amended as follows:

§ 674.2 [Amended]

1. Section 674.2 is amended as follows:

In § 674.2, the definition for *default or in default* is revised in (c) by deleting "Except as provided in § 674.9" and capitalizing the next word so that (c) reads as follows: "The Secretary considers a loan discharged in bankruptcy not to be in default."

§ 674.9 [Amended]

2. Section 674.9 is amended as follows:

In § 674.9(g) the sentence is revised to read as follows:

* * * * *

*(g) *Bankruptcy.* The Secretary does not consider a loan made under the National Defense Student Loan, National Direct Student Loan, Guaranteed Student Loan, or Parent Loans for Undergraduate Students Program that is discharged in

bankruptcy to be in default for purposes of this section.

3. Section 674.11 is revised to read as follows:

§ 674.11 Allowable Costs of Attendance

(a) *General.* (1) Except as provided in paragraphs (d) and (e) of this section, a student's cost of attendance means—

(i) The tuition and fees charged to a full-time student for an academic year by the institution he or she is attending as determined under paragraph (b) of this section;

(ii) An allowance for room and board expenses for an academic year, as determined under paragraph (c) of this section;

(iii) A reasonable allowance determined by the institution for books and supplies for an academic year;

(iv) A reasonable allowance determined by the institution for transportation for an academic year. This allowance may include—

(A) The cost of travel between the student's residence and the institution; and

(B) The cost of travel required for completion of a course of study;

(v) A reasonable allowance determined by the institution for miscellaneous personal expenses for an academic year;

(vi) A reasonable allowance determined by the institution for an academic year for expenses related to study abroad for students enrolled in an academic program which normally includes a formal program of study outside the United States;

(vii) A reasonable allowance determined by the institution for expenses for an academic year related to child care for a student's dependent children; and

(viii) A reasonable allowance determined by the institution for a handicapped student's expenses for an academic year related to his or her handicap, if these expenses are not provided for by any other assisting agency or program. This allowance may include expenses related to special services, transportation, equipment and supplies.

(2) If another agency or program provides assistance for any expenses related to a student's handicap, thereby reducing the student's costs, the institution shall document such assistance as part of the student's financial aid record.

(3) For purposes of this section, a handicapped student is a student who meets the definition contained in section 602(1) of the Education of the Handicapped Act. Accordingly, a handicapped student is a student who is mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, or orthopedically impaired, or is otherwise health impaired or has specific learning disabilities which require special education and related services.

(4) The institution shall take into account when determining a student's cost of attendance—

(i) The period for which financial assistance is awarded; and

(ii) Whether the student is enrolled on a full-time or less than full-time basis.

(20 U.S.C. 1089)

(b) *Tuition and fees.* (1) An institution shall determine the tuition and fees charged a full-time student by calculating—

(i) The actual amount charged the full-time student for tuition and fees for an academic year; or

(ii) The average amount it charges full-time students for tuition and fees for an academic year. If the institution selects this option, it must determine an average cost for each of the following categories of students:

(A) Undergraduate students;

(B) Graduate students; and

(C) Professional students.

(2) If an institution establishes its tuition and fee charges on a residency requirement basis (e.g. In-State and Out-of-State) and elects to calculated an average tuition and fee charge, it shall establish a separate average charge for each different residency based classification.

(3) An institution may determine a separate average charge for any other distinct classification upon which it bases tuition and fee charges.

(4) An institution shall determine the tuition and fees charged a less than full-time student by—

(i) Calculating the actual amount it charges the student for tuition and fees for an academic year; or

(ii) Reducing the amount it calculated under paragraphs (b) (1), (2), or (3) of this section to reflect the less than full-time enrollment of that student.

(20 U.S.C. 1089)

(c) *Room and board.* (1) The institution shall calculate a student's room and board allowance as follows—

(i) For a student who has no dependents and lives with his or her parent(s), an allowance of $1,100;

(ii) For a student who has no dependents and lives in institutionally owned or operated housing—

(A) The actual amount charged the student for room and board for an academic year; or

(B) A standard allowance based on the average amount it charges most of its student residents for room and board for an academic year;

(iii) For a student who has no dependents and does not live with his or her parent(s) or in institutionally owned or operated housing, a standard allowance determined by the institution for room and board for an academic year; or

(iv) For a student who has dependents, an allowance determined by the institution for room and board for an academic year based upon expenses incurred by the student and his or her dependent(s).

(2) For purposes of this section, a spouse is considered a dependent.

(20 U.S.C. 1089)

(d) *Attendance costs for students in correspondence study programs.* The cost of attendance for a student enrolled in a correspondence study program means—

(1) Actual tuition and fees charged to the student for an academic year;

(2) A reasonable allowance determined by the institution for books and supplies for an academic year, if required for the completion of the program; and

(3) If incurred in fulfilling a required period of residential training, expenses for—

(i) Room and board; and

(ii) Travel between the student's residence and the institution.

(20 U.S.C. 1089)

(e) *Attendance costs for students whose program length exceeds the academic year at institutions using clock hours.* The cost of attendance for a student enrolled in an institution measuring progress in clock hours who is charged tuition and fees for a program whose length exceeds the length of the academic year at the institution, is determined by adding—

(1) Tuition and fees × clock hours in the academic year ÷ clock hours in the program plus

(2) Room and board and other applicable allowances determined under paragraphs (a) and (c) of this section.

(f) *Adjustments.* The institution may, in individual cases, adjust a student's cost of attendance if the cost of attendance calculated under paragraphs (a) through (e) of this section is not a reasonable approximation of the student's actual costs.

(20 U.S.C. 1089(e))

(g) *Required documentation.* An institution must be able to justify and document the cost of attendance figures established under this section.

(20 U.S.C. 1089)

PART 675—COLLEGE WORK-STUDY AND JOB LOCATION AND DEVELOPMENT PROGRAM

34 CFR Part 675 College Work Study Program is amended as follows:

* * * * *

§ 675.9 [Amended]

1. Section 675.9 is amended as follows:

In § 675.9(g) the sentence is revised to read as follows:

"(g) *Bankruptcy.* The Secretary does not consider a loan made under the National Defense Student Loan, National Direct Student Loan, Guaranteed Student Loan, or Parent Loans for Undergraduate Students Program that is discharged in bankruptcy to be in default for purposes of this section.

2. Section 675.11 is revised to read as follows:

§ 675.11 Allowable costs of attendance.

(a) *General.* (1) Except as provided in paragraphs (d) and (e) of this section, a student's cost of attendance means—

(i) The tuition and fees charged to a full-time student for an academic year by the institution he or she is attending as determined under paragraph (b) of this section;

(ii) An allowance for room and board expenses for an academic year, as determined under paragraph (c) of this section;

(iii) A reasonable allowance determined by the institution for books and supplies for an academic year;

(iv) A reasonable allowance determined by the institution for transportation for an academic year. This allowance may include—

(A) The cost of travel between the student's residence and the institution; and

(B) The cost of travel required for completion of a course of study;

(v) A reasonable allowance determined by the institution for miscellaneous personal expenses for an academic year;

(vi) A reasonable allowance determined by the institution for an academic year for expenses related to study abroad for students enrolled in an academic program which normally includes a formal program of study outside the United States;

(vii) A reasonable allowance determined by the institution for expenses for an academic year related to child care for a student's dependent children; and

(viii) A reasonable allowance determined by the institution for a handicapped student's expenses for an academic year related to his or her handicap, if these expenses are not provided for by any other assisting agency or program. This allowance may include expenses related to special services, transportation, equipment and supplies.

(2) If another agency or program provides assistance for any expenses related to a student's handicap, thereby reducing the student's costs, the institution shall document such assistance as part of the student's financial aid record.

(3) For purposes of this section, a handicapped student is a student who meets the definition contained in section 602(1) of the Education of the Handicapped Act. Accordingly, a handicapped student is a student who is mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, or orthopedically impaired, or is otherwise health impaired or has specific learning disabilities which require special education and related services.

(4) The institution shall take into account when determining a student's cost of attendance—

(i) The period for which financial assistance is awarded; and

(ii) Whether the student is enrolled on a full-time or less than full-time basis.

(20 U.S.C. 1089)

(b) *Tuition and fees.* (1) An institution shall determine the tuition and fees charged a full-time student by calculating—

(i) The actual amount charged the full-time student for tuition and fees for an academic year; or

(ii) The average amount it charges full-time students for tuition and fees for an academic year. If the institution selects this option, it must determine an average cost for each of the following categories of students:

(A) Undergraduate students;

(B) Graduate student; and

(C) Professional students.

(2) If an institution establishes its tuition and fee charges on a residency requirement basis (e.g. In-State and Out-of-State) and elects to calculate an average tuition and fee charge, it shall establish a separate average charge for each different residency based classification.

(3) An institution may determine a separate average charge for any other distinct classification upon which it bases tuition and fee charges.

(4)An institution shall determine the tuition and fees charged a less than full-time student by—

(i) Calculating the actual amount it charges the student for tuition and fees for an academic year; or

(ii) Reducing the amount it calculated under paragraphs (b)(1), (2), or (3) of this section to reflect the less than full-time enrollment of that student.

(20 U.S.C. 1089)

(c) *Room and board.* (1) The institution shall calculate a student's room and board allowance as follows—

(i) For a student who has no dependents and lives with his or her parent(s), an allowance of $1,100;

(ii) For a student who has no dependents and lives in institutionally owned or operated housing—

(A) The actual amount charged the student for room and board for an academic year; or

(B) A standard allowance based on the average amount it charges most of its student residents for room and board for an academic year;

(iii) For a student who has no dependents and does not live with his or her parent(s) or in institutionally owned or operated housing, a standard allowance determined by the institution for room and board for an academic year; or

(iv) For a student who has dependents, an allowance determined by the institution for room and board for an academic year based upon expenses incurred by the student and his or her dependent(s).

(2) For purposes of this section, a spouse is considered a dependent.

(20 U.S.C. 1089)

(d) *Attendance costs for students in correspondence study programs.* The cost of attendance for a student enrolled in a correspondence study program means—

(1) Actual tuition and fees charged to the student for an academic year;

(2) A reasonable allowance determined by the institution for books and supplies for an academic year, if required for the completion of the program; and

(3) If incurred in fulfilling a required period of residential training, expenses for—

(i) Room and board; and

(ii) Travel between the student's residence and the institution.

(20 U.S.C. 1089)

(e) *Attendance costs for students whose program length exceeds the academic year at institutions using clock hours.* The cost of attendance for a student enrolled in an institution measuring progress in clock hours who is charged tuition and fees for a program whose length exceeds the length of the academic year at the institution, is determined by adding—

(1) Tuition and fees × clock hours in the academic year ÷ clock hours in the program plus

(2) Room and board and other applicable allowances determined under paragraphs (a) and (c) of this section.

(f) *Adjustments.* The institution may, in individual cases, adjust a student's cost of attendance if the cost of attendance calculated under paragraphs (a) through (e) of this section is not a reasonable approximation of the student's actual costs.

(20 U.S.C. 1089(e))

(g) *Required documentation.* An institution must be able to justify and document the cost of attendance figures established under this section.

(20 U.S.C. 1089)

PART 676—SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANT PROGRAM

34 CFR Part 676 Supplemental Educational Opportunity Grant Program is amended as follows:

§ 676.9 [Amended]

1. Section 676.9 is amended as follows:

In § 676.9(g) the sentence is revised to read as follows:

* * * * *

*(g) *Bankruptcy.* The Secretary does not consider a loan made under the National Defense Student Loan, National Direct Student Loan, Guaranteed Student Loan, or Parent Loans for Undergraduate Student Program that is discharged in bankruptcy to be in default for purposes of this section.

2. Section 676.11 is revised to read as follows:

§ 676.11 Allowable cost of attendance.

(a) *General.* (1) Except as provided in paragraphs (d) and (e) of this section, a student's cost of attendance means—

(i) The tuition and fees charged to a full-time student for an academic year by the institution he or she is attending as determined under paragraph (b) of this section;

(ii) An allowance for room and board expenses for an academic year, as determined under paragraph (c) of this section;

(iii) A reasonable allowance determined by the institution for books and supplies for an academic year;

(iv) A reasonable allowance determined by the institution for transportation for an academic year. This allowance may include—

(A) The cost of travel between the student's residence and the institution; and

(B) The cost of travel required for completion of a course of study;

(v) A reasonable allowance determined by the institution for miscellaneous personal expenses for an academic year;

(vi) A reasonable allowance determined by the institution for an academic year for expenses related to study abroad for students enrolled in an academic program which normally includes a formal program of study outside the United States;

(vii) A reasonable allowance determined by the institution for expenses for an academic year related to child care for a student's dependent children; and

(viii) A reasonable allowance determined by the institution for a handicapped student's expenses for an academic year related to his or her handicap, if these expenses are not provided for by any other assisting agency or program. This allowance may include expenses related to special services, transportation, equipment and supplies.

(2) If another agency or program provides assistance for any expenses related to a student's handicap, thereby reducing the student's costs, the institution shall document such assistance as part of the student's financial aid record.

(3) For purposes of this section, a handicapped student is a student who meets the definition contained in section 602(1) of the Education of the Handicapped Act. Accordingly, a handicapped student is a student who is mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, or orthopedically impaired, or is otherwise health impaired or has specific learning disabilities which require special education and related services.

(4) The institution shall take into account when determining a student's cost of attendance—

(i) The period for which financial assistance is awarded; and

(ii) Whether the student is enrolled on a full-time or less than full-time basis.

(20 U.S.C. 1089)

(b) *Tuition and fees.* (1) An institution shall determine the tuition and fees charged a full-time student by calculating—

(i) The actual amount charged the full-time student for tuition and fees for an academic year; or

(ii) The average amount it charges full-time students for tuition and fees for an academic year.

(2) If an institution establishes its tuition and fee charges on a residency requirement basis (e.g. In-State and Out-of-State) and elects to calculate an average tuition and fee charge, it shall establish a separate average charge for each different residency based classification.

(3) An institution may determine a separate average charge for any other distinct classification upon which it bases tuition and fee charges.

(4) An institution shall determine the tuition and fees charged a less than full-time student by—

(i) Calculating the actual amount it charges the student for tuition and fees for an academic year; or

(ii) Reducing the amount it calculated under paragraphs (b) (1), (2), or (3) of this section to reflect the less than full-time enrollment of that student.

(20 U.S.C. 1089)

(c) *Room and board.* (1) The institution shall calculate a student's room and board allowance as follows—

(i) For a student who has no dependents and lives with his or her parent(s), an allowance of $1,100;

(ii) For a student who has no dependents and lives in institutionally owned or operated housing—

(A) The actual amount charged the student for room and board for an academic year; or

(B) A standard allowance based on the average amount it charges most of its student residents for room and board for an academic year;

(iii) For a student who has no dependents and does not live with his or her parent(s) or in institutionally owned or operated housing, a standard allowance determined by the institution for room and board for an academic year; or

(iv) For a student who has dependents, an allowance determined by the institution for room and board for an academic year based upon expenses incurred by the student and his or her dependent(s).

(2) For purposes of this section, a spouse is considered a dependent.

(20 U.S.C. 1089)

(d) *Attendance costs for students in correspondence study programs.* The cost of attendance for a student enrolled in a correspondence study program means—

(1) Actual tuition and fees charged to the student for an academic year;

(2) A reasonable allowance determined by the institution for books and supplies for an academic year, if required for the completion of the program; and

(3) If incurred in fulfilling a required period of residential training, expenses for—

(i) Room and board; and

(ii) Travel between the student's residence and the institution.

(20 U.S.C. 1089)

(e) *Attendance costs for students whose program length exceeds the academic year at institutions using clock hours.* The cost of attendance for a student enrolled in an institution measuring progress in clock hours who is charged tuition and fees for a program whose length exceeds the length of the academic year at the institution, is determined by adding—

(1) Tuition and fees × clock hours in the academic year ÷ clock hours in the program plus

(2) Room and board and other applicable allowances determined under paragraphs (a) and (c) of this section.

(f) *Adjustments.* The institution may, in individual cases, adjust a student's cost of attendance if the cost of attendance calculated under paragraphs (a) through (e) of this section is not a reasonable approximation of the student's actual costs.

(20 U.S.C. 1089(e))

(g) *Required documentation.* An institution must be able to justify and document the cost of attendance figures established under this section.

(20 U.S.C. 1089)

PART 682—GUARANTEED STUDENT LOAN PROGRAM

34 CFR Part 682 Guaranteed Student Loan Program is amended as follows:

1. In § 682.200, the definition of the term "Estimated cost of attendance" is revised and inserted in correct alphabetical order as follows:

§ 682.200 General definitions.

* * * * *

Allowable Costs of Attendance

(a) *General.* (1) Except as provided in paragraphs (d) and (e), a student's cost of attendance means—

(i) The tuition and fees charged to a full-time student for an academic year by the institution he or she is attending as determined under paragraph (b);

(ii) An allowance for room and board expenses for an academic year, as determined under paragraph (c);

(iii) A reasonable allowance determined by the institution for books and supplies for an academic year;

(iv) A reasonable allowance determined by the institution for transportation for an academic year. This allowance may include—

(A) The cost of travel between the student's residence and the institution; and

(B) The cost of travel required for completion of a course of study;

(v) A reasonable allowance determined by the institution for miscellaneous personal expenses for an academic year;

(vi) A reasonable allowance determined by the institution for an academic year for expenses related to study abroad for students enrolled in an academic program which normally includes a formal program of study outside the United States;

(vii) A reasonable allowance determined by the institution for expenses for an academic year related to child care for a student's dependent children; and

(viii) A reasonable allowance determined by the institution for a handicapped student's expenses for an academic year related to his or her handicap, if these expenses are not provided for by any other assisting agency or program. This allowance may include expenses related to special services, transportation, equipment and supplies.

(2) If another agency or program provides assistance for any expenses related to a student's handicap, thereby reducing the student's costs, the institution shall document such assistance as part of the student's financial aid record.

(3) For purposes of this section, a handicapped student is a student who meets the definition contained in section 602(1) of the Education of the Handicapped Act. Accordingly, a handicapped student is a student who is mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, or orthopedically impaired, or is otherwise health impaired or has specific learning disabilities which require special education and related services.

(4) The institution shall take into account when determining a student's cost of attendance—

(i) The period for which the loan is intended; and

(ii) Whether the student is enrolled on a full-time or less than full-time basis.

(20 U.S.C. 1089)

(b) *Tuition and fees.* (1) An institution shall determine the tuition and fees charged a full-time student by calculating—

(i) The actual amount charged the full-time student for tuition and fees for an academic year; or

(ii) The average amount it charges full-time students for tuition and fees for an academic year. If the institution selects this option, it must determine an average cost for each of the following categories of students:

(A) Undergraduate students;

(B) Graduate students; and

(C) Professional students.

(2) If an institution establishes its tuition and fee charges on a residency requirement basis (e.g. In-State and Out-of-State) and elects to calculate an average tuition and fee charge, it shall establish a separate average charge for each different residency based classification.

(3) An institution may determine a separate average charge for any other distinct classification upon which it bases tuition and fee charges.

(4) An institution shall determine the tuition and fees charged a less than full-time student by—

(i) Calculating the actual amount it charges the student for tuition and fees for an academic year; or

(ii) Reducing the amount it calculated under paragraphs (b) (1), (2), or (3) of this section to reflect the less than full-time enrollment of that student.

(20 U.S.C. 1089)

(c) *Room and board.* (1) The institution shall calculate a student's room and board allowance as follows—

(i) For a student who has no dependents and lives with his or her parent(s), an allowance of $1,100;

(ii) For a student who has no dependents and lives in institutionally owned or operated housing—

(A) The actual amount charged the student for room and board for an academic year; or

(B) A standard allowance based on the average amount it charges most of its student residents for room and board for an academic year;

(iii) For a student who has no dependents and does not live with his or her parent(s) or in institutionally owned or operated housing, a standard allowance determined by the institution for room and board for an academic year; or

(iv) For a student who has dependents, an allowance determined by the institution for room and board for an academic year based upon expenses incurred by the student and his or her dependent(s).

(2) For purposes of this section, a spouse is considered a dependent.

(d) *Attendance costs for students in correspondence study programs.* The cost of attendance for a student enrolled in a correspondence study program means—

(1) Actual tuition and fees charged to the student for an academic year;

(2) A reasonable allowance determined by the institution for books and supplies for an academic year, if required for the completion of the program; and

(3) If incurred in fulfilling a required period of residential training, expenses for—

(i) Room and board; and

(ii) Travel between the student's residence and the institution.

(20 U.S.C. 1089)

(e) *Attendance costs for students whose program length exceeds the academic year at institutions using clock hours.* The cost of attendance for a student enrolled in an institution measuring progress in clock hours who is charged tuition and fees for a program whose length exceeds the length of the academic year at the institution, is determined by adding—

(1) Tuition and fees × clock hours in the academic year ÷ clock hours in the program plus

(2) Room and board and other applicable allowances determined under paragraphs (a) and (c).

(f) *Required documentation.* An institution must be able to justify and document the cost of attendance figures established under this section.

(20 U.S.C. 1089)

2. In § 682.201, paragraph (c)(3) is revised to read as follows:

§ 682.201 Eligible student.

* * * * *

(c) * * *

(3) The Commissioner does not consider a loan made under the National Defense Student Loan, National Direct Student Loan, Guaranteed Student Loan, or Parent Loans for Undergraduate Students Program that is discharged in bankruptcy to be in default for purposes of this section.

* * * * *

PART 683—PARENT LOANS FOR UNDERGRADUATE STUDENT PROGRAM

34 CFR Part 683 Parent Loans for Undergraduate Students Program is amended as follows:

1. In § 683.10, the definition of the term "Estimated cost of attendance" is revised and inserted in correct alphabetical order as follows:

§ 683.10 General definitions.

* * * * *

Allowable Cost of Attendance

(a) *General.* (1) Except as provided in paragraphs (d) and (e), a student's cost of attendance means—

(i) The tuition and fees charged to a full-time student for an academic year by the institution he or she is attending as determined under paragraph (b);

(ii) An allowance for room and board expenses for an academic year, as determined under paragraph (c);

(iii) A reasonable allowance determined by the institution for books and supplies for an academic year;

(iv) A reasonable allowance determined by the institution for transportation for an academic year. This allowance may include—

(A) The cost of travel between the student's residence and the institution; and

(B) The cost of travel required for completion of a course of study;

(v) A reasonable allowance determined by the institution for miscellaneous personal expenses for an academic year;

(vi) A reasonable allowance determined by the institution for an academic year for expenses related to study abroad for students enrolled in an academic program which normally includes a formal program of study outside the United States;

(vii) A reasonable allowance determined by the institution for expenses for an academic year related to child care for a student's dependent children; and

(viii) A reasonable allowance determined by the institution for a handicapped student's expenses for an academic year related to his or her handicap, if these expenses are not provided for by any other assisting agency or program. This allowance may include expenses related to special services, transportation, equipment and supplies.

(2) If another agency or program provides assistance for any expenses related to a student's handicap, thereby reducing the student's costs, the institution shall document such assistance as part of the student's financial aid record.

(3) For purposes of this section, a handicapped student is a student who meets the definition contained in section 602(1) of the Education of the Handicapped Act. Accordingly, a handicapped student is a student who is mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, or orthopedically impaired, or is otherwise health impaired or has specific learning disabilities which require special education and related services.

(4) The institution shall take into account when determining a student's cost of attendance—

(i) The period for which the loan is intended; and

(ii) Whether the student is enrolled on a full-time or less than full-time basis.

(20 U.S.C. 1089)

(b) *Tuition and fees.* (1) An institution shall determine the tuition and fees charged a full-time student by calculating—

(i) The actual amount charged the full-time student for tuition and fees for an academic year; or

(ii) The average amount it charges full-time students for tuition and fees for an academic year.

(2) If an institution establishes its tuition and fee charges on a residency requirement basis (e.g., In-State and Out-of-State) and elects to calculate an average tuition and fee charge, it shall establish a separate average charge for each different residency based classification.

(3) An institution may determine a separate average charge for any other distinct classification upon which it bases tuition and fee charges.

(4) An institution shall determine the tuition and fees charged a less than full-time student by—

(i) Calculating the actual amount it charges the student for tuition and fees for an academic year; or

(ii) Reducing the amount it calculated under paragraphs (b)(1), (2) or (3) of this section to reflect the less than full-time enrollment of that student.

(20 U.S.C. 1089)

(c) *Room and board.* (1) The institution shall calculate a student's room and board allowance as follows—

(i) For a student who has no dependents and lives with his or her parent(s), an allowance of $1,100;

(ii) For a student who has no dependents and lives in institutionally owned or operated housing—

(A) The acutal amount charged the student for room and board for an academic year; or

(B) A standard allowance based on the average amount it charges most of its student residents for room and board for an academic year;

(iii) For a student who has no dependents and does not live with his or her parent(s) or in institutionally owned or operated housing, a standard allowance determined by the institution for room and board for an academic year; or

(iv) For a student who has dependents, an allowance determined by the institution for room and board for an academic year based upon expenses incurred by the student and his or her dependent(s).

(2) For purposes of this section, a spouse is considered a dependent.

(20 U.S.C. 1089)

(d) *Attendance costs for students in correspondence study programs.* The cost of attendance for a student enrolled in a correspondence study program means—

(1) Actual tuition and fees charged to the student for an academic year;

(2) A reasonable allowance determined by the institution for books and supplies for an academic year, if required for the completion of the program; and

(3) If incurred in fulfilling a required period of residential training, expenses for—

(i) Room and board; and

(ii) Travel between the student's residence and the institution.

(20 U.S.C. 1089)

(e) *Attendance costs for students whose program length exceeds the academic year at institutions using clock hours.* The cost of attendance for a student enrolled in an institution measuring progress in clock hours who is charged tuition and fees for a program whose length exceeds the length of the academic year at the institution, is determined by adding—

(1) Tuition and fees × clock hours in the academic year ÷ clock hours in the program plus

(2) Room and board and other applicable allowances determined under paragraphs (a) and (c).

(f) *Required documentation.* An institution must be able to justify and document the cost of attendance figures established under this section.

(20 U.S.C. 1089)

PART 690—PELL GRANT PROGRAM

34 CFR Part 690 Pell Grant Program is amended as follows:

Subpart E—Cost of Attendance

Sec.

690.51 Allowable costs of attendance—general.
690.52 Tuition and fees.
690.53 Room and board.
690.54 Attendance costs for students in correspondence study programs.
690.55 Attendance costs for students whose program length exceeds the academic year at institutions using clock hours.
690.56 Attendance costs for students whose program length is less than the academic year at institutions using clock hours.
690.57 Attendance costs for incarcerated students.
690.58 Attendance cost for students at U.S. Armed Forces Academies.

1. Subpart E is revised to read as follows:

Subpart E—Cost of Attendance

§ 690.51 Allowable costs of attendance—general.

(a) Except as provided in §§ 690.54–690.58, a student's cost of attendance means—

(1) The tuition and fees charged to a full-time student for an academic year by the institution he or she is attending as determined under § 690.52;

(2) An allowance for room and board expenses for an academic year, as determined under § 690.53;

(3) A reasonable allowance determined by the institution for books and supplies for an academic year;

(4) A reasonable allowance determined by the institution for transportation for an academic year. This allowance may include—

(i) The cost of travel between the student's residence and the institution; and

(ii) The cost of travel required for completion of a course of study;

(5) A reasonable allowance determined by the institution for miscellaneous personal expenses for an academic year;

(6) A reasonable allowance determined by the institution for an academic year for expenses related to study abroad for students enrolled in an academic program which normally includes a formal program of study outside the United States;

(7) A reasonable allowance determined by the institution for expenses for an academic year related to child care for a student's dependent children; and

(8) A reasonable allowance determined by the institution for a handicapped student's expenses for an academic year related to his or her handicap, if these expenses are not provided for by any other assisting agency or program. This allowance may include expenses related to special services, transportation, equipment and supplies.

(b) If another agency or program provides assistance for any expenses related to a student's handicap, thereby reducing the student's costs, the institution shall document such assistance as part of the student's financial aid record.

(c) For purposes of this section, a handicapped student is a student who meets the definition contained in section 602(1) of the Education of the Handicapped Act. Accordingly, a handicapped student is a student who is mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, or orthopedically impaired, or is otherwise health impaired or has specific learning disabilities which require special education and related services.

(d) An institution must be able to justify and document the cost of attendance figures established under this subpart.

(20 U.S.C. 1089)

§ 690.52 Tuition and fees.

(a) An institution shall determine the tuition and fees charged a full-time student by calculating—

(1) The actual amount charged the full-time undergraduate student for tuition and fees for an academic year; or

(2) The average amount it charges full-time undergraduate students for tuition and fees for an academic year.

(b) If an institution establishes its tuition and fee charges on a residency requirement basis (e.g. In-State and Out-of-State) and elects to calculate an average tuition and fee charge, it shall establish a separate average charge for each different residency based classification.

(c) An institution may determine a separate average charge for any other distinct classification upon which it bases tuition and fee charges.

(20 U.S.C. 1089)

§ 690.53 Room and board.

(a) The institution shall calculate a student's room and board allowance as follows—

(1) For a student who has no dependents and lives with his or her parent(s), an allowance of $1,100;

(2) For a student who has no dependents and lives in institutionally owned or operated housing—

(i) The actual amount charged the student for room and board for an academic year, or

(ii) A standard allowance based on the average amount it charges most of its student residents for room and board for an academic year;

(3) For a student who has no dependents and does not live with his or her parent(s) or in institutionally owned or operated housing, a standard allowance determined by the institution for room and board for an academic year; or

(4) For a student who has dependents, an allowance determined by the institution for room and board for an academic year based upon expenses incurred by the student and his or her dependent(s).

(b) For purposes of this section, a spouse is considered a dependent.

(20 U.S.C. 1089)

§ 690.54 Attendance costs for students in correspondence study programs.

The cost of attendance for a student enrolled in a correspondence study program means—

(a) Actual tuition and fees charged to the student for an academic year;

(b) A reasonable allowance determined by the institution for books and supplies for an academic year, if required for the completion of the program; and

(c) If incurred in fulfilling a required period of residential training, expenses for—

(1) Room and board; and

(2) Travel between the student's residence and the institution.

(20 U.S.C. 1089)

§ 690.55 Attendance costs for students whose program length exceeds the academic year at institutions using clock hours.

The cost of attendance for a student enrolled in an institution measuring progress in clock hours who is charged tuition and fees for a program whose length exceeds the length of the academic year at the institution, is determined by adding—

$$\text{(a) Tuition and fees} \times \frac{\text{clock hours in the academic year}}{\text{clock hours in the program}}$$

and

(b) Room and board and other applicable allowances determined under §§ 690.51 and 690.53.

(20 U.S.C. 1089)

§ 690.56 Attendance costs for students whose program length is less than the academic year at institutions using clock hours.

The cost of attendance for a student enrolled in an institution measuring progress in clock hours who is charged tuition and fees for a program whose length is less than the length of the academic year at the institution is determined by adding—

(a) Tuition and fees × clock hours in the academic year ÷ clock hours in the program

and

(b) Room and board and other applicable allowances determined under §§ 690.51 and 690.53.

(20 U.S.C. 1070a and 1089)

§ 690.57 Attendance costs for incarcerated students.

(a) The cost of attendance for a student who is incarcerated and for whom at least one-half of his or her room and board expenses is provided includes—

(1) Tuition and fees as determined under § 690.52; and

(2) All applicable allowances as determined under § 690.51(a) (3), (4), and (8).

(b) The cost of attendance for a student who is incarcerated and for whom less than one-half of his or her room and board expenses is provided is the same as that allowed for a student who is not incarcerated.

(20 U.S.C. 1070a and 1089)

§ 690.58 Attendance cost for students at U.S. Armed Forces academies.

A student enrolled at the U.S. Military Academy at West Point, the U.S. Naval Academy, the U.S.C. Air Force Academy or the U.S. Coast Guard Academy is considered to have no cost of attendance.

(20 U.S.C. 1070a and 1089)

2. In Subpart G. § 690.75, paragraph (g)(3) is revised to read as follows:

§ 690.75 Determination of eligibility for payment.

* * * * *

(g) * * *

(3) The Secretary does not consider a loan made under the National Defense Student Loan, National Direct Student Loan, Guaranteed Student Loan, or Parent Loans for Undergraduate Students Program which is discharged in bankruptcy to be in default for purposes of this section.

* * * * *

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Wednesday
January 21, 1981

Part VIII

Department of Transportation

Urban Mass Transportation Administration

Maintenance Requirements; Advance Notice of Proposed Rulemaking

DEPARTMENT OF TRANSPORTATION

Urban Mass Transportation Administration

49 CFR Part 638

[Docket No. 80–N]

Maintenance Requirements

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Urban Mass Transportation Administration (UMTA) is proposing a policy that will insure that each mass transit operator maintains facilities and equipment purchased with UMTA funds consistent with practices necessary to provide adequately for safety, comfort and preservation and expansion of transit service. UMTA is seeking public comment to assist in the development of maintenance guidelines and procedures.

DATE: Comments must be received by May 22, 1981.

ADDRESS: Comments must be submitted to UMTA Docket No. 80–N, 400 7th Street, SW., Washington, D.C. 20590. All comments and suggestions received will be available for examination in room 9320 at the above address between 8:30 a.m. and 5:00 p.m., Monday through Friday. Receipt of comments will be acknowledged by UMTA if a self-addressed, stamped postcard is included with the comment.

FOR FURTHER INFORMATION CONTACT: Charlotte Adams, Office of Program Analysis, (202) 472–6997.

SUPPLEMENTARY INFORMATION: All comments received before the expiration of the comment period will be considered in the development of guidelines and procedures. Comments received after the expiration of the comment period will be considered to the extent feasible.

The Administrator has determined that the proposed action is significant under the criteria in the DOT Order for Improving Government Regulations (44 FR 11042, February 26, 1979) since it concerns a matter on which there may be substantial controversy and since it initiates a substantial change in policy.

A draft Regulatory Evaluation has been prepared and has been placed in the public docket, and is available at the address above.

Discussion

The Urban Mass Transportation Administration is proposing a policy that will insure that each mass transit operator maintains facilities and equipment purchased with UMTA funds consistent with practices necessary to provide adequately for safety, comfort, and preservation and expansion of transit sevice. This policy will be applicable to all funds administered for the maintenance and expanison of mass transportation systems by UMTA discretionary Grant funds (Section 3 (49 U.S.C. 1602)); Formula Grant funds (Section 5 (49 U.S.C. 1604)); Section 16(b)(2) funds (49 U.S.C. 1612(b)(2)); Interstate Transfer funds (23 U.S.C. 103) and Urban System funds (23 U.S.C. 142).

Federal investments in the capital and operating cost of transit equipment and facilities are substantial, totalling several billion dollars annually. The use of public transit depends largely upon its ability to provide efficient and reliable service. Efficiency and reliability are functions of the type and level of maintenance performed. Systematic maintenance practices by transit operators have proven effective in reducing service interruptions and in ensuring the useful life and operating expectancy of vehicles and equipment.

Although maintenance procedures impose time and cost burdens on transit operations, UMTA believes such an investment in preventive maintenance practices reduces the likelihood of costly replacement of facilities or equipment before they have reached the end of their useful life or costly repairs that could have been prevented if maintenance practices had been employed. UMTA recognizes the importance of the interrelationship of maintenance, transit reliability and the expense of maintaining vehicle and equipment. Proper maintenance demands a commitment by transit operators to secure the necessary financial and manpower resources often not sought because of immediate operating needs, and limited budgets. UMTA recognizes the difficulties faced by transit operators in establishing maintenance as a local priority and wishes to provide assistance to transit operators in this important area. Because we do not have the benefit, as yet, of systematic analyses of the relationship between maintenance practices and vehicles performance, no simple standard procedure will guarantee improvement in maintenance practices. The Federal government does, however, have a strong interest in ensuring that federal funds available for mass transportation assistance are used prudently and with maximum effectiveness. Therefore UMTA will begin to emphasize the importance of maintenance through this ANPRM, and its intent to identify and evaluate opportunities for improvement in maintenance practices and to initiate needed actions.

Section 116 of the Surface Transportation Assistance Act of 1978, Pub. L. 95–599, 92 Stat. 2698, requires State cerification and Federal oversight for maintenance of Interstate highways. Although there is no similar statutory requirement for Federal oversight of maintenance of transit facilities and equipment, both Section 3(A)(1)(D) and Section 5(d)(1) of the Urban Mass Transportation Act, as amended, provide the Secretary with the authority to subject grants and loans "to such terms, conditions, requirements and provisions as the Secretary determines necessary or appropriate." In addition, Section 5(d)(2) provides the Secretary with the authority to "issue such regulations as he deems necessary to administer this subsection * * * including requirements for improving the efficiency of transit services." These sections provide UMTA with the authority to require adequate maintenance for rail rolling stock, buses, and related transit equipment and facilities. As further support of bus maintenance in particular, the House Committee on Public Works and Transportation indicated in the legislative history to the 1978 Act, House Report No. 1485, dated August 11, 1978, that fourth tier formula funds may "be used to purchase bus equipment needed to maintain the usefulness of the buses pruchase." In addition, OMB Circular A–102, Attanchment N, Prescribes uniform property management standards for grantees of Federal agencies requiring in Section (d)(5) that "adequate maintenance procedures shall be implemented to keep the property in good condition."

The pressure for transit capacity, and the Federal Government's interest in ensuring that federal funds available for mass transportation assistance be used prudently and in a productive manner all necessitate increased attention to transit maintenance practices. UMTA wishes, however, to proceed thoughtfully in the development of alternative strategies for improved maintenance practices. Public comments are requested to assist in the development of future maintenance guidelines and procedures.

Vehicle reliability, therefore total system reliability, varies greatly because of the disparity in operator maintenance practices throughout the country and the many inherent variables in local situations. Manufacturers,

however, do provide either maintenance manuals or standards for the warranty period and/or useful life of vehicles, equipment, and facilities.

Assumptions

Because a systematic evaluation of the tradeoffs between reliability, vehicle availability and maintenance costs as a basis of proof of benefit to operators in terms of reduction in overall operating costs has not been established, it is necessary that assumptions be made regarding maintenance practices at all levels. These assumptions are:

1. There is a perceived cost savings resulting from adequate maintenance practices since service life, reliability and availability of equipment and facilities are increased.

2. Proper maintenance practices postpone and perhaps reduce the need for costly capital investments in new equipment.

3. The actual tradeoffs between reliability and maintenance costs vary from property to property. There is no standard definition of "adequate" maintenance as variables such as climate and road conditions necessitate the need for flexible maintenance practices.

4. A Federal policy which would require transit operators to institute routine maintenance practices would:

a. Provide the motivation for increased attention and allocation of local dollars for maintenance activities;

b. Increase performance and useful life of equipment and facilities;

c. Minimize replacement costs;

d. Result in cost savings for both Federal and local interests;

e. Require enforcement.

In the interest of making all transit operators and the general public aware of the issues to be considered by UMTA in developing a long term policy on maintenance, we specifically request comments on the following alternative requirements, the discussion of compliance, and the discussion of sanctions:

Alternative Maintenance Requirements

The alternatives outlined below are not mutually exclusive. Many could be combined depending upon the direction that evolves. It should be noted that the alternatives encompass various "innovative regulatory techniques" such as use of performance standards; use of voluntary standards; and tailoring of the standards to suit the particular characteristics of the grantee (size of the transit property, geographic location, and weather conditions). These techniques should be considered in commenting on the alternatives. The advantages and disadvantages listed for each alternative represent only our initial analysis. We invite commentors to provide additional advantages and disadvantages.

1. Reinforce UMTA's current authority by specifically requiring maintenance as a condition for UMTA assistance.

Advantages

a. Easy to implement.

b. Allows flexibility in implementation.

c. Accomodates local variables regarding maintenance needs and capabilities.

Disadvantages

a. Provides no uniform or consistent application of the policy because of the wide variety of interpretations of "adequate maintenance."

b. Provides no method of evaluation or monitoring.

c. Compliance is not defined, leading to possible confusion as to when sanctions might be applied.

2. Require grantees to develop and implement a maintenance plan for all vehicles, equipment, and fixed facilities. This plan would be based upon published manufacturers' equipment standards, or these standards and practices combined with an operator's judgment and experience which would result in maintenance practices designed for a specific operation. This plan would cover the warranty period and the stated service life of the equipment and facilities. UMTA would review and approve the plan and ensure compliance through on-site inspections or other means. UMTA also would require that maintenance records be kept.

Advantages

a. Through systematic reviews of the plans, UMTA could ensure some level of uniformity and consistency in maintenance practices among similar properties by comparing various maintenance plans with performance.

b. Provide flexibility in maintenance practices by allowing operators to develop individual maintenance plans.

Disadvantages

a. UMTA would need additional staff and perhaps different expertise to review maintenance plans or conduct inspections.

b. Development of such plans or recordkeeping may be perceived as costly and a paperwork burden.

c. Would not ensure any uniformity or consistency in application of maintenance practices.

3. Require grantees to develop and implement a maintenance plan for all vehicles, equipment, and fixed facilities. This plan would cover the warranty period and the stated service life of the equipment and facilities. UMTA would evaluate the adequacy of the plan by comparing it to the published minimum maintenance standards established by UMTA, on-site inspections, etc. UMTA also would require that maintenance records be kept.

Advantages

a. UMTA would have a standard or criterion against which to evaluate maintenance plans for each property and grantees would have guidelines for the development of such plans.

b. UMTA would be able to ensure consistency and uniformity among maintenance plans developed and maintenance practices.

c. Would provide UMTA with more direct involvement in operators' maintenance practices.

d. Would ensure protection of Federal investment.

Disadvantages

a. Would require additional expertise and staff resources to develop standards and monitor compliance.

b. May be perceived as unwarranted and improper Federal intervention in industry practices.

c. Could encourage adherence to a lower level of maintenance activity.

d. Does not account for variables in local conditions.

e. Could result in Federal Government assuming responsibility for equipment failures.

4. Require grantees to develop and implement a maintenance plan for all vehicles, equipment and fixed facilities. UMTA would require that the plan be made available for review upon request only.

Advantages

a. Provide flexibility in maintenance practices by allowing operators to develop individual maintenance plans.

b. Would not require additional UMTA staff or expertise to ensure compliance.

Disadvantages

a. UMTA would have no standard or criterion against which to evaluate the maintenance plans.

b. Would not ensure national consistency and uniformity in development of plans or application of maintenance practices.

c. Would not necessarily ensure protection of Federal investment.

d. Would not necessarily result in improved maintenance practices.

5. As part of the bid specification, require manufacturers to provide maintenance schedules to grantees for all facilities and equipment for their entire useful life, as do bus manufacturers, and require that these schedules be implemented.

Advantages

a. Minimum amount of involvement by UMTA.

b. Places responsibility for maintenance on grantee and manufacturers.

c. Easy to implement.

d. If a cost is attached to various maintenance activities, it could be used as part of life cycle costing procurement.

Disadvantages

a. Because the manufacturers' primary goal is to produce, the impact and usefulness of manufacturers' maintenance recommendations may be questionable.

b. UMTA would have no way of assessing the usefulness of such schedules except over time by comparing them with performance.

c. May impose a burden on manufacturers who do not recommend maintenance practices to develop such.

d. Manufacturers who do not or choose not to issue maintenance schedules may lose business.

6. Set aside a percentage of Section 5 funds to be used for maintenance activities and/or maintenance training and require that grantees use a percentage of each fiscal year's Section 5 apportionment for these activities.

Advantages

a. Would be easy to track.

b. Would provide visibility for such an emphasis.

c. Such funds also could be used to develop training or information-sharing workshops or courses for transit operators.

Disadvantages

a. Might not result in a satisfactory level of maintenance.

b. Would be difficult, if not impossible, to develop a basis for earmarking Section 5 funds or ensuring equitable distribution of funds among grantees.

c. Would not reflect grantees needs therefore might not have the desired effect.

d. UMTA would have no way of assessing the appropriateness of impact of the training provided or maintenance practices.

e. Earmarking funds by grantee or area may result in a reduction in amount expended on that activity. Could become a ceiling, rather than a floor.

f. Would open the way for earmarking funds for other "priority" activities, a policy discouraged in the past.

7. Establish a formal policy stating that UMTA will not replace vehicles or equipment prior to the end of the manufacturer's specified useful life unless extraordinary conditions warrant replacement before such time.

Advantages

a. Avoids UMTA involvement in specific maintenance requirements.

b. Provides grantees maximum flexibility to maintain vehicles and equipment as they deem appropriate.

c. May provide incentive to manufacturers to produce better quality products or provide improved guidance on maintenance practices.

Disavantages

a. May result in manufacturers recommending a reduced useful life.

b. May result in products of lesser quality or reduced attention by manufacturers to recommended maintenance practices.

c. May not be possible for manufacturer to determine "useful life" for all facilities and equipment.

d. Would put UMTA in position of refusing to replace failed equipment, thereby causing disruption of transit service.

e. Does not account for local variations in climate, terrain, service use, which affect useful life.

8. Initiate maintenance studies in the areas of maintenance planning, manuals, recordkeeping and actual maintenance practices.

Advantages

a. Would provide the cost data to support various levels of bus maintenance practices and resultant performance levels.

b. Would provide additional basis for developing guidance.

Disadvantages

a. May be difficult to obtain appropriate data with which to analyze cost effectiveness of various levels of maintenance.

Compliance

UMTA could impose one or more methods for ensuring grantee compliance with a maintenance requirement.

1. Do the minimum, essentially alternative No. 1.

2. Annual grantee certification to UMTA stating that grantee is in compliance with the chosen maintenance requirement.

3. Review of grantee maintenance records.

4. On-site inspections of grantee maintenance practices. These methods have associated impacts which should be considered in assessing the practicality of their implementation. For instance, on-site inspections and review of grantee maintenance records by UMTA may require additional UMTA staff and such involvement may be perceived as unwarranted Federal involvement in daily transit operations; depending upon the level required, recordkeeping may be considered a costly, time-consuming, paperwork burden.

Sanctions

UMTA could impose a variety of sanctions fro non-complicance with the chosen maintenance requirement depending upon the content of that requirement. Types and time limits for sanctions could vary depending upon the specifics of individual cases in question. Sanctions could include:

1. Submission of a corrective action plan if maintenance practices are found deficient.

2. A requirement that funds be used for the express purpose of correcting deficiencies within a specified time period.

3. Denial or suspension of operating assistance or capital assistance for replacement facilities or equipment or fleet expansion.

The applicability of each sanction to a specific operator's problem should be considered carefully in order to ensure its usefulness and practicality in achieving the desired goal of the chosen maintenance requirement. Withholding Section 5 operating assistance would have the desired immediate impact but also would deny the very funds needed to correct the maintenance deficiency cited. Witholding capital assistance would have a less immediate and perhaps less harmful impact but is an equally undesirable sanction. Regardless of the sanction chosen, UMTA would ensure a clear understanding of the intent of the policy and a clearly defined procedure for due process through which this policy would be implemented.

Dated: January 15, 1981.

Theodore C. Lutz

Administrator.

[FR Doc. 81-2062 Filed 1-15-81; 4:10 pm]

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federal register

Wednesday
January 21, 1981

Part IX

Department of Agriculture

Food and Nutrition Service

Commodity Supplemental Food Program

DEPARTMENT OF AGRICULTURE

7 CFR Part 247

Commodity Supplemental Food Program

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: These final regulations set forth several changes in the requirements for the Commodity Supplemental Food Program (CSFP). The major changes include: revision of § 247.4 on Donation of Supplemental Foods to conform with Part 250 language on claims and losses; new requirements for the State Plan, local agency selections, and certification procedures; permitting medical equipment for nutrition assessments to be an allowable administrative cost; and standards for administrative appeal of State agency decisions. These changes, revisions and additions are intended to improve program effectiveness and will improve service to needy individuals applying for and receiving commodity supplemental foods.

EFFECTIVE DATE: Except for the provisions of § 247.10(b), which prescribe the State agency administrative funding formula, the regulations are effective February 20, 1981. State and local agencies must implement all provisions, except the provision of § 247.10(b) no later than June 1, 1981. (The provisions of § 247.7(g), limiting certification periods for eligible postpartum and breastfeeding women and infants and children to a six months duration, shall be implemented for all new certifications starting no later than the first day of the first month beginning 120 days after publication. Participants who are already certified for longer than six months at that time need not have their current certification periods shortened). The provisions of § 247.10(b) relating to the State agency administrative funding formula shall be effective beginning in fiscal year 1982.

FOR FURTHER INFORMATION CONTACT: Barbara Sandoval, Director, Supplemental Food Programs Division, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447–8206. The final impact statement describing the options considered in developing this final rule and the impact of implementing each option is available on request from the above named individual.

SUPPLEMENTAL INFORMATION: On March 7, 1980, a set of interim regulations for the Commodity Supplemental Food Program were published in the **Federal Register** (45 FR 15062). The provisions of the regulations concerning administrative funds were made effective April 1, 1980. The other provisions of the regulations were made effective June 5, 1980, to allow an adequate period to meet the new requirements. The major changes: (1) modified the health services definition to require that local agencies maintain the same level of health services as were provided prior to March 3, 1978, while any remaining local agencies were encouraged to develop health service linkages and, at a minimum, advise participants of the importance of health care and where to obtain such services; (2) revised the administrative funding formula to base the administrative grant on 15 percent of total funds appropriated for commodities in order to provide States with a more stable allocation; (3) allowed State agencies to charge transportation costs to local agencies; and (4) clarified the certification procedure.

In response to the March 7, 1980, interim rules the Department received 24 comment letters from Regional offices, State agencies, local agencies, the general public and interested groups. The comments received and the actions taken by the Department are discussed below.

§ 247.1 General Purpose and Scope

No comments were received on this section and the interim rule has been published as final regulations.

§ 247.2 Definitions

Seven commenters opposed the new definition of a local agency which required local agencies who had arrangements with health service institutions prior to March 3, 1978, to maintain them at the same level effective prior to that date, while the few other local agencies were encouraged to develop health service linkages and required to advise participants of the importance of health care and where to obtain such services. The commenters stated that all agencies should have to provide health services. The Department strongly supports the maintenance of existing health service linkages for the benefit of participants. As explained in the March 7, 1980 rulemaking, a requirement that every local agency itself be able to make health services available is not possible, however, without causing severe disruption (and even possible termination) of the program in a few areas. The definition in the interim rulemaking required that all agencies providing health services maintain these services, while mandating that others must, at a minimum, educate particpants on the importance of health care and direct them to health care providers. This approach provides a link with health care to the maximum extent feasible, and is therefore maintained in the final rule.

§ 247.3 Administration

No comments were received on this section and the provisions are unchanged from those in the previous regulations.

§ 247.4 Donation of Supplemental Foods

A revision has been made to this section to clarify the State agency's liability to FNS for supplemental foods that are lost or destroyed. In addition, relative to this section, several comments were received concerning the food package although it was not a part of the interim regulations. Fourteen commenters requested that the food package be included in the regulations. The Department feels that including the food package in the regulations would not be feasible because the purchase of commodities are subject to market fluctuation. On occasion, the Department may not be able to get every food item if the purchase price is prohibitive or available quantities are low. In this case, FNS notifies the State agency to substitute equivalent items. This issue will, however, be addressed further under a separate instruction.

§ 247.5 State Plan

Four new requirements have been added to this section to increase the efficiency and effectiveness of Program operations. Approximately twelve commenters recommended that the State plan should include plans for program expansion; a section on outreach; a detailed description of the manner in which foods are distributed to each local agency and from the local agency to participants; provisions for public hearings; and procedures to local agencies for reporting, processing and resolving complaints about supplemental foods. The Department will require States to incude in their State plan:

(a) Any plans for requesting Program expansion or major redistribution of caseloads within the State and any plans for conducting outreach in order to reach maximum caseload. (This does not mean, of course, that any local agency must expand, but only that it must include any plans it may have to request an expansion.) The Department feels that including this information in

the State plan will provide an indication of each State's plans for Program operation for the year. This information will be in keeping with the Department's intent to tighten monitoring of caseload assignments and participation to assure the most efficient utilization of available Program funds.

(b) A detailed description of the manner in which foods are distributed to each local agency and to participants by the local agency. Since the ultimate purpose of CSFP is to provide supplemental foods to the participants, the Department feels an efficient food distribution system is essential. It is desirable to include in the Plan a description of the systems to be used to distribute supplemental foods within the State, to the local agencies, and from local agencies to participants. A flow chart showing movement of the foods from entry into the State until issuance to participants would be a desirable addition to the State Plan. A description of the flow chart will help provide a useful, overall picture of Program administration in the State.

(c) A list of plans to involve local agencies, participants and other interested parties in the development of the State plan for the next fiscal year. The Department agrees with commenters that local agency and public participation in developing State plans is essential to the success of the Program and would allow for the sharing of Program development responsibility.

(d) A description of procedures required of local agencies for reporting, processing and resolving complaints about supplemental foods.

§ 247.6 Selection of Local Agency

Seven commenters responded to this section. One commenter specifically suggested that the entire section be revised because it did not have any provisions for a deadline for decisions by the State agency regarding action on an application. This section has been revised to expand the rights of local agency applicants. States will be required to evaluate local agency applications within 30 days after receipt of the application and provide written approval or denial of the application. In addition, if an application is denied the State agency will advise the agency of the reason for the denial in writing and the right to appeal. A requirement has also been added that the State agency must maintain a record of the name and address of all agencies who submit an application for program operation when there are no funds available to serve the area. These applicants also must be notified by the State agency when funds become available.

§ 247.7 Certification

Four commenters opposed the provision of the interim regulations that allowed local agencies to utilize nutritional need as an eligibility requirement, but did not require them to do so. These four commenters thought it should be required. Three commenters supported the interim regulations, stating that many community based organizations would be unable to provide nutritional examinations. The Department believes that in addition to receiving the supplemental foods, ongoing health care is vital in further ensuring good health for Program participants. Furthermore, since some local agencies have always used nutritional need as an eligibility requirement, the regulations will allow, but not require, State agencies to require a nutritional need determination for potential participants. All local agencies will be required to advise each participant of the importance of participating in ongoing routine health care and of where health service facilities providing such health care for low-income persons are located.

One commenter recommended that there be an area or county residency requirement. The Department agrees that a residency requirement is desirable. The State agency may determine a service area for any local agency and may require that an applicant be residing within the service area at the time of application. However, the State agency may not impose any durational or fixed residency requirements, i.e., participants who frequently move may participate so long as they reside within the service area at the time that they apply. For example, migrants entering a CSFP service area will be considered as meeting the residency requirement. The Department believes that States should be allowed flexibility in setting service areas to ensure uniformity with service areas for other Federal, State and local public health or welfare programs.

Three commenters requested that the regulations specify what should be done when maximum caseload has been reached. They suggested that a waiting list be established to determine the number of potential participants not being served and to be used to notify applicants if slots become available. Procedures to use in certifying applicants when agencies reach maximum participation level have been added to the final regulations. Local agencies will be required to establish a priority system based on categorical eligibility. Pregnant and breastfeeding women and infants will be served first, then children ages 1–3 second, children ages 4–5 third and postpartum women last. Local agencies who perform nutritional risk screening may modify the priority system to include nutritional risk criteria with FNS approval. The Department believes that a priority system is desirable to ensure that when vacancies occur after a local agency has reached its maximum participation level, those persons in greatest need are served first.

Two commenters asked that we stipulate qualifications for persons who determine applicant eligibility. It was recommended that such persons be limited to health professionals or persons designated by a health professional. It was further suggested that we clarify the meaning of "such other personnel the local agency may designate" to issue prescriptions for food. The Department feels that State and local agency flexibility should be maintained in this area, and that a restrictive federal regulatory requirement is not necessary. Therefore, personnel who issue prescriptions for supplemental foods will remain at the discretion of the State or local agency.

The notification portion of this section has been revised to improve program management. Local agencies will be required to inform applicants during the certification procedure of the right to a fair hearing. Persons found ineligible for the Program during the certification visit will be advised in writing of their ineligibility and of the right to a fair hearing, and the reasons for ineligibility will be documented and retained at the local agency. A person found ineligible for the Program at any time during the certification period will be advised in writing 15 days before termination of eligibility of the reasons for ineligibility and of the right to a fair hearing. Each participant will be notified at least 15 days before the expiration of the certification period that eligibility for the Program is about to expire. Each participant will be given an explanation of how the food delivery system in the local agency operates. Finally, each participant will be advised of the types of health services available, where they are located, how they may be obtained and why they may be useful. The Department believes that the State or local agency has the obligation to ensure that all applicants are given adequate information concerning their program rights and responsibilities.

Six commenters opposed the allowance of yearly certifications. They believed that 12 month certification

periods would de-emphasize health care, and that certification periods should not exceed 6 months in order to conduct frequent nutrition education contacts and to better monitor participants' dietary and health habits so appropriate changes can be made on a timely basis. The Department agrees with commenters that 6 month certification periods will ensure that efficient and effective services are provided to all participants as well as ensure that participants gain maximum benefits from the Program. Therefore, this section will be modified to require that certification periods do not exceed 6 months in length. Most local agencies already assign certification periods of no more than 6 months.

Regarding dual participation and disqualification, one commenter felt that the participant should have the choice of which Program she will remain in. The Department feels that this decision should remain at the State or local agency's discretion. Therefore, this section will remain as it is.

Two commenters felt infants and children should be exempt from disqualification because they are not responsible for parents' fraud. The Department feels that although there is merit in keeping infants and children in the Program, there is no way to ensure that Program abusers are providing the supplemental foods to the child. In addition, as areas reach maximum caseload and have eligible individuals waiting to participate, if dependents of Program abusers are not disqualified, they will continue to occupy caseload slots while eligible infants and children are kept on waiting lists. The Department feels it is inequitable to allow this. Therefore, the provision for disqualification of participants regardless of age will be retained.

§ 247.8 Nutrition Education

Four commenters felt the term "nutrition information" was more appropriate than nutrition education since administrative funds are too limited to provide nutrition education. They felt that information on basic food groups and shopping tips as well as recipes could easily be made available through leaflets, pamphlets, etc., at food distribution sites. However, the Department believes one of the main objectives of the CSFP is to provide nutrition education to improve the nutrition and dietary habits of the target population. These objectives can be met through emphasizing the relationship of proper nutrition to the total concept of good health, with special emphasis on the nutritional needs of the participants and by assisting participants in obtaining a positive change in food habits so that improved nutritional status can be assured. In addition, Pub. L. 95–113 specifically authorizes administrative funds for nutrition education for program participants. Therefore, the term "nutrition education" remains in the final rules.

In addition, a provision in this section has been changed to allow food demonstrations for nutrition education purposes where food recipients are not all program participants, parents or caretakers of participants, provided the majority of people receiving food as part of the food demonstration are program participants.

§ 247.9 Financial Management Systems

There were no comments received on this section and the provisions are unchanged from those in the previous regulations.

§ 247.10 Administrative Funding

Twelve commenters expressed their views on the new funding formula which bases the administrative funds grant on 15 percent of the total monies appropriated for the Program. Two commenters supported the new formula and ten were opposed to it. Some of the objections were: it does not allow for expansion; FNS should not set a limit on the percentage of administrative funds to be used by the State agency; the formula does not consider economies of scale; and States are provided insufficient funds to carry out all program requirements. Based on the comments and the Department's experience with the formula, the Department has made two modifications in the formula. First in order to more accurately reflect current participation levels and administrative funding needs, the formula will be based on the State agency's average participation for the most recent three months for which data are available, rather than on the past twelve months. By using 12 months' data, those States where growth has taken place can get insufficient funds, while those States where programs have declined can receive excess funds. The final rules retain the provision of the interim rules that allows FNS to adjust the participation figures used in the computations if the Department believes the participation data for the last three months does not accurately reflect a State's operations for the coming fiscal year, such as when a State agency plans to start or terminate a program during the coming year.

The second change in the final rules is an increase in the maximum amount of the annual administrative grant that States are allowed to retain at the Sta level. The interim rules retained the provision originally issued in an earlie interim rule on March 3, 1978, that allowed State agencies to retain up to percent of the first $50,000 of the State' total administrative grant, plus 10 percent of the next $100,000 and 5 percent of the next $100,000 after that. This produced a maximum grant at the State level of $22,500. The Department believes that the maximum amount which State agencies should be allowe to retain needs to be increased to take account of inflation since 1978. Therefore, the final rules allow State agencies to retain $30,000 rather than $22,500. The new formula permits State agencies to retain 15 percent of the firs $50,000 in the overall State grant, 10 percent of the next $100,000 and 5 percent of the next $250,000 after that.

This new formula is not inequitable t local agencies. Their administrative grant levels have been rising with inflation each year, since overall administrative grants are tied to the co of the commodities distributed in the program.

The Department would like to note that the March 7, 1980, interim rules earlier provided some relief to State agencies by allowing them to retain a larger proportion of the State grant, witl FNS approval, when the State provides warehousing services and by allowing State agencies to charge local agencies for reasonable transportation costs.

Other than these changes, the administrative funding formula remains the same as the March 7, 1980, interim rules. This formula has the advantage o ensuring that all available administrative funds are actually distributed to States, and that State and local agencies know the amount of administrative funds they will receive a the beginning of the fiscal year, so that they can plan in advance.

Since administrative grants for fiscal year 1981 were allocated at the start of the current fiscal year and State and local agencies have planned accordingly, the new provisions of this final rule relating to State administrative grants will become effective on October 1, 1981, at the beginning of the 1982 fiscal year.

§ 247.11 Administrative Costs

Part of this section has been revised to allow medical equipment to be purchased with administrative funds. The Department feels that medical equipment used for nutritional assessments should be an allowable administrative cost. The medical equipment would include centrifuges, measuring boards, skin fold calipers,

spectrophotometers, hemoglobinometers, hematofluorometers, scales and expendable medical supplies used in nutritional assessments. FNS specifications for allowable limits for the costs of these items are available. These specifications were developed with the aid of the Center for Disease Control.

§§ 247.12–247.19

No comments were received on these sections which include Program income, Records and reports, Procurement and property management standards, Audits, Investigations, Claims, Closeout procedures, and Nondiscrimination.

§ 247.20 Fair Hearing Procedures for Participants

It has been brought to the Department's attention that some State agencies have a standard hearing procedure that is used in cases of appeal for all programs administered by the State agency. In such cases, the Department feels it would be appropriate for those agencies to use their standard hearing procedure in instances of appeal of State or local agency actions with FNS approval. The final regulations so provide.

§ 247.21 Management Evaluation and Reviews

No comments were received on this section. However, the Department feels that States should have the capability of reconciling prescription redemptions to the issuance and certification records. This is an item which States may want to check during monitoring visits.

§ 247.22 Administrative Appeal of State Agency Decisions

Two commenters felt that local agencies should be able to appeal State agency actions affecting them adversely. The Department agreed with commenters and has added a new section to the regulations to provide a hearing procedure whereby a local agency adversely affected by a State agency action may appeal the action. The right to appeal shall be granted when the local agency's application to participate is denied, when participation is terminated, when a contract is not renewed by the State agency or when any other adverse action is taken which affects local agency participation. The adverse action shall be postponed until a hearing decision is reached. In conjunction with promoting equal and fair rights, the Department firmly believes local agencies should be afforded the right to appeal a decision with which they disagree.

§ 247.23 Miscellaneous Provisions

No comments were received on this section and the provisions are unchanged from those in the previous regulations.

Implementation

Because of changes made in such areas as notification requirements, appeal rights, use of a priority system, and the requirement for limiting certification periods (for participants other than pregnant women) to six months, the final rules allow State agencies 120 days to implement their provisions. The provisions affecting the State administrative funding formula take effect on October 1, 1981.

This final action has been reviewed under USDA procedures established in the Secretary's memorandum 1955 to implement Executive Order 12044, and has been classified as "not significant."

7 CFR Part 247 is revised to read as follows:

PART 247—COMMODITY SUPPLEMENTAL FOOD PROGRAM

Sec.

247.1 General purpose and scope.
247.2 Definitions.
247.3 Administration.
247.4 Donation of supplemental foods.
247.5 State agency plan of program operation and administration.
247.6 Selection of local agencies.
247.7 Certification.
247.8 Nutrition education.
247.9 Financial management systems.
247.10 Administrative funding.
247.11 Administrative costs.
247.12 Program income.
247.13 Records and reports.
247.14 Procurement and property management standards.
247.15 Audits.
247.16 Investigations.
247.17 Claims.
247.18 Closeout procedures.
247.19 Nondiscrimination.
247.20 Fair hearing procedure.
247.21 Management evaluation and review.
247.22 Administrative appeal of State agency decisions.
247.23 Miscellaneous provisions.

Authority: Food and Agriculture Act of 1977, Public Law 95–113, Section 5, 91 Stat. 980 et seq.

§ 247.1 General purpose and scope.

This part specifies the policies and prescribes the regulations for the Commodity Supplemental Food Program (CSFP) under which women, infants and children in low-income groups, vulnerable to malnutrition, may obtain supplemental nutritious foods donated by the U.S. Department of Agriculture. The purpose of the Program is to provide supplemental foods and nutrition education to eligible persons through State or local agencies.

§ 247.2 Definitions.

For the purpose of this part and of all contracts, guidelines, instructions, forms, and other related documents, the term:

"Administrative costs" means those direct and indirect costs, identified under FMC 74–4, which State and local agencies determine to be necessary to support Program operations. Such costs are further addressed in § 247.11.

"A–90" means Office of Management and Budget Circular A–90 which provides guidance for the coordinated development and operation of information systems.

"A–95" means Office of Management and Budget Circular A–95 which sets forth procedures for evaluation, review and coordination of Federal and federally assisted programs and projects.

"A–102" means Office of Management and Budget Circular A–102 which sets forth uniform administrative requirements for grants-in-aid to State and local governments and federally recognized Indian tribal governments.

"A–110" means Office of Management and Budget Circular A–110 which sets forth uniform administrative requirements for grants to, and other agreements with, institutions of higher education, hospitals, and other quasi-public and private non-profit organizations.

"Breastfeeding women" means women up to one year postpartum who are breastfeeding their infants.

"Categorical ineligibility" means persons who do not meet the definition of pregnant women, breastfeeding women, postpartum women, or infants or children.

"Certification" means the use of criteria and procedures to assess and document each applicant's eligibility for the Program.

"Children" means persons who are at least one year of age but have not reached their sixth birthday.

"Department" means the U.S. Department of Agriculture.

"Distributing agency" means an agency which has entered into an agreement with a State agency and with the Department for the distribution of commodities under 7 CFR Part 250, Subchapter B—Food Distribution Regulations.

"Dual participation" means simultaneous participation by an individual in the CSFP in more than one local agency or clinic, or simultaneous participation in the CSFP and in the Special Supplemental Food Program for

Women, Infants and Children (WIC) 7 CFR Part 246.

"Fiscal year" means the Federal fiscal year covering the period of 12 calendar months beginning October 1 of any calendar year and ending September 30 of the following year.

"FMC 74–4" means Federal Management Circular 74–4, which sets forth principles for determining costs applicable to grants and contracts with State and local governments.

"FNS" means the Food and Nutrition Service of the U.S. Department of Agriculture.

"Infants" means persons under one year of age.

"Local agency" means a public or private nonprofit agency which enters into an agreement with the State agency to administer the Program at the local level. A local agency determines the eligibility of applicants, distributes supplemental foods and provides nutrition education to low-income persons, either directly or through another agency with which it has entered into a written agreement in accordance with § 247.6. In addition, existing local agencies are required to maintain the health-ties at the same level that were effective prior to March 3, 1978.

All other local agencies are encouraged to develop health services linkages and, at a minimum, are required to advise participants of the importance of health care and where low-income persons can obtain such services. The term local agency includes an IHS service unit, an Indian tribe, band or group recognized by the Department of the Interior, or an intertribal council or group that is an authorized representative of Indian tribes, bands or groups recognized by the Department of the Interior.

"Nonprofit agency" means a private agency which is exempt from income tax under the Internal Revenue Code of 1954, as amended.

"Participants" means pregnant women, breastfeeding women, postpartum women, infants and children who are receiving supplemental foods under the Program.

"Participation" means the number of persons who have received supplemental foods through the Program in the reporting period.

"Postpartum women" means women up to 12 months after termination of pregnancy.

"Pregnant women" means women determined to have one or more embryos or fetuses in utero.

"Program" means the Commodity Supplemental Food Program (CSFP) of the Food and Nutrition Service of the U.S. Department of Agriculture.

"Secretary" means the Secretary of the U.S. Department of Agriculture.

"SFPD" means the Supplemental Food Programs Division of the Food and Nutrition Service of the U.S. Department of Agriculture.

"State" means any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands and the Northern Mariana Islands.

"State agency" means the agency of a State designated by the State to administer the Program; or an Indian tribe, band or group recognized by the Department of the Interior; or an Intertribal council or group recognized by the Department of the Interior and which has an ongoing relationship with Indian tribes, bands or groups for other purposes and has contracted with them to administer the Program; or the appropriate area office of the Indian Health Service of the Department of Health and Human Services.

"State Agency Plan of Program Operation and Administration (State Plan)" means the document which, as required by § 247.5 describes the manner in which the State agency intends to implement and operate all aspects of Program administration within its jurisdiction.

"Supplemental foods" means foods donated by the Department for use by eligible persons in low-income groups who are vulnerable to malnutrition.

"WIC Program" means the Special Supplemental Food Program for Women, Infants and Children (7 CFR Part 246).

§ 247.3 Administration.

(a) *Delegation of Authority to FNS.* Within the Department, FNS shall act on behalf of the Department in the administration of the Program. Within FNS, SFPD and the Regional Offices are responsible for Program administration. FNS will provide assistance to State and local agencies and evaluate all levels of Program operations to assure that the goals of the Program are achieved in the most effective and efficient manner possible.

(b) *Delegation of authority to State agency.* The State agency is responsible for all operations under the Program within its jurisdiction and shall administer the Program in accordance with the requirements of this part, FMC 74–4, A–90, A–95, A–102, A–110, and 7 CFR Part 250 Subchapter B where applicable. The State agency shall provide guidance to local agencies on all aspects of Program operations. If distribution of supplemental foods or other Program operations at the State level are performed by an agency of the State other than the State agency, the State agency shall enter into a written agreement with the other agency. The agreement shall outline the responsbilities of each agency under the Program and shall be included in the State Plan. In addition, when a State agency enters into an agreement with a distributing agency, the distributing agency still must enter into a separate agreement with the Department as required by 7 CFR Part 250 Subchapter B, Food Distribution.

(c) *Agreement and State Plan.* Each State agency desiring to administer the Program shall annually submit a State Plan and enter into a written agreement with the Department for the administration of the Program in the jurisdiction of the State agency in accordance with the provisions of this part.

(d) *Delegation of authority to local agency.* The local agency shall provide Program benefits to participants in the most effective and efficient manner, and shall comply with this part and the Satte Plan.

§ 247.4 Donation of supplemental foods.

The Department shall donate supplemental foods for use in the Program in accordance with the terms and conditions of this part and with the terms and conditions applicable to distributing agencies under 7 CFR Part 250 Subchapter B, Food Distribution Regulations, as long as these provisions are not inconsistent with this part. The State agency is strictly liable to FNS for losses of supplemental foods donated by the Department and shall safeguard items from theft, spoilage, other damage or destruction or other loss. If supplemental foods donated by the Department are lost through any cause, prior to issuance to the participant, the State agency shall provide replacement in kind or submit payment to FNS in accordance with Section 250.6(m) under 7 CFR Part 250 Subchapter B, Food Distribution regulations.

§ 247.5 State agency plan of program operation and administration.

(a) *Requirements.* By August 15 each year the State agency shall submit to FNS for approval a State Plan for the following fiscal year. FNS shall provide written approval or denial of a completed State Plan or amendment within 30 days of receipt. Within 15 days after FNS receives an incomplete submission, FNS shall notify the State agency that additional information is needed to complete the Plan. Any disapproval shall be accompanied by a

statement of the reasons for the disapproval. Approval of the Plan by FNS is a prerequisite to the payment of funds to the State agency for Program administration and the delivery of commodities. The Plan and all amendments shall be signed by the Chief Officer of the State agency or equivalent. Portions of the State Plan which do not change from year to year need not be resubmitted. However, the State agency shall provide the title of the section(s) that remain unchanged as well as the year of the last Plan in which the section was submitted. The State Plan shall provide the following:

(1) The names and addresses of each local agency (i) which have an agreement with the State agency for Program administration; and (ii) the name and address of each certification, food distribution and storage site under the jurisdiction of the local agency.

(2) The specific income criteria and nutritional risk criteria (if used) to be used in certifying persons as being in need of supplemental foods and the period of time covered by certifications in each local agency.

(3) A description of any plans for requesting program expansion or major redistribution of caseloads within the State during the fiscal year.

(4) A description of any plans for conducting outreach to reach maximum caseload.

(5) The plan for nutrition education services for the fiscal year. The nutrition education portion of the State Plan shall include an evaluation component which includes a systematic procedure for participants' input.

(6) A detailed description of the manner in which foods are distributed to each local agency and to participants by the local agency.

(7) A description of the manner in which the State agency plans to monitor each local agency.

(8) A description of plans to involve local agencies, participants and other interested parties in the development of the State Plan for the next fiscal year.

(9) A description of how the financial management system will provide an accurate, current and complete disclosure of the financial status of the State's Program including an accurate accounting of all administrative funds received and expended.

A plan for the detection of dual participation within the jurisdiction of the State agency. In States where the CSFP and either an Indian State agency for CSFP or a WIC Program State agency operate in the same area, a copy of the written agreement between the State agencies for the detection and prevention of dual participation must be submitted.

(11) Procedures developed in accordance with Section 250.6(u) and provided to local agencies for reporting, processing and resolving complaints about supplemental foods.

(12) A description of the audit procedures, including: (i) A description of the scope and frequency of audits of the State agency and local agencies and a delineation of the procedures used that assure audit examinations of the CSF Program at reasonable frequency. Audit agency guidelines for selecting a sample of grant programs for audits should be addressed; (ii) A description of the audit organization in sufficient detail to demonstrate the independence of the audit organization; and (iii) The number of local agencies in which the CSF Program was included in the audit in the last four full quarters, and the number of local agency audits planned for the coming fiscal year which include examinations of the CSF Program.

(13) A description of the procedures used to comply with the nondiscrimination requirements of Title VI of the Civil Rights Act of 1964, the FNS Civil Rights Instruction 113–2 and with 7 CFR Part 15, including racial and ethnic participation data collection, public notification procedures and the annual civil rights compliance review process.

(14) A description of the fair hearing procedures for participants.

(b) *Submission of local agency information.* Local agencies under the State agency's jurisdiction may be required to submit information, similar to the preceding requirements, to the State agency for its use in assuring compliance with this section.

(c) *Submission to Governor.* Annually, by June 30, all State agencies, except Indian State agencies, shall submit the State Plan to the Governor, or a delegated authority, for comment as required by Circular A–95 (38 FR 32874) issued by the Office of Management and Budget, September 13, 1973. A period of 45 days from the date the Governor receives the State Plan shall be afforded for comment. The Governor's comments shall be submitted to FNS with the State Plan. If the Governor makes no comment, a statement to that effect shall be attached to the State Plan. Amendments to the State Plan need not be submitted to the Governor unless there is a significant change. Indian State agencies are encouraged to consult areawide Federal planning offices in the development of their State Plan.

(d) *Amendments.* At any time the State agency may amend the State Plan. The State agency shall submit the amendments to FNS for approval.

(e) *Retention of copy.* A copy of the approved State Plan shall be kept on file at the State agency for public inspection.

§ 247.6 Selection of local agencies.

(a) *Application of local agencies.* The State agency shall require each agency which desires approval as a local agency to submit a written application which contains sufficient information to enable the State agency to make a determination as to the eligibility of that agency. If the State agency and the local agency are the same, this requirement does not apply. The State agency shall notify the agency of the approval or disapproval of its application within 30 days of receipt of the agency's application. If the application is denied the State agency shall advise the agency of the reasons for the denial in writing and the right to appeal as set forth in Section 247.22 of this part. When an agency submits an application and there are no funds to serve the area, the applicant agency shall be notified within 30 days of receipt of the application that there are currently no funds available for Program initiation or expansion. The State agency shall return the application and maintain a record of the name and address of the applicant agency. The potential agency whose application was returned shall be notified by the State agency when funds become available. The State agency may approve the application of a local agency in an area already served by the Program or a WIC program only if a new local agency is necessary to serve the full extent of need in that area or population. If the State agency approves the operation of a new local agency in an area already served by an existing Program or a WIC Program, documentation which indicates the need for both local agencies in that area shall be maintained on file at the State agency for FNS review and evaluation.

(b) *Agreements between State and local agencies.* (1) State agencies shall enter into agreements with local agencies which are approved to participate in the Program. If the State agency and the local agency are the same, this requirement does not apply. Copies of the agreement shall be kept on file at both the State and local agency for purposes of review and audit. Such agreements shall be in writing and shall contain the following: (i) An assurance that local agencies will comply with all the fiscal and operational requirements prescribed by the State agency as required by this part; (ii) An assurance that local agencies will provide nutrition education as required by this part; (iii)

For those local agencies in existence prior to March 3, 1978, an assurance that they will continue arrangements with health service providers for the provision of services to Program participants at least at the level that existed on March 2, 1978, and for other local agencies, an assurance that they will advise participants of the importance of health care and where low-income persons can obtain such care; (iv) An assurance that issuance of supplemental food is in accordance with this part and FNS food package instructions; (v) A statement that local agencies are responsible to the State agency for any loss resulting from improper or negligent issuance by them of prescriptions for supplemental foods; (vi) A statement that local agencies are responsible to the State agency for any Program losses caused by other agencies which have entered into agreements with the local agency; (vii) The names and address of each certification, food distribution and storage site under the jurisdiction of the local agency; and (viii) An assurance that the local agencies will maintain accurate and complete records with respect to their activities under the Program and retain such records for a period of 3 years following the date of submission of the final expenditure report for the period to which the report pertains.

(c) *Agreements between local agencies and other agencies.* A local agency which cannot fulfill one or more of these requirements shall enter into written agreement with another agency(s) in order to comply with these requirements. The written agreement shall state the Program responsibilities of the other agency, shall be approved by the State agency, and shall be on file at both the State agency and local agency. State agency approval of agreements with applicant agencies shall be accomplished during the application process.

§ 247.7 Certification.

(a) *Eligibility requirements.* To be certified as eligible to receive supplemental foods under the Program, each applicant shall meet the following requirements:

(1) Categorical eligibility as an infant, child, or pregnant, postpartum or breastfeeding woman;

(2) Eligibility for local benefits under existing Federal, State or local food, health or welfare programs for low-income persons;

(3) At the State agency's discretion, be determined by a physician, a staff member of the local agency or his or her designee to be at nutritional risk; and

(4) Meet a residency requirement if one is established by the State agency. The State agency may determine a service area for any local agency, and may require that an applicant be residing within the service area at the time of application to be eligible for the Program. However, the State agency may not impose any durational or fixed residency requirements. For example, migrant and seasonal farmworkers entering a CSFP service area shall be considered as meeting the residency requirement.

(b) *Processing standards.* (1) When there are no funds available to provide program benefits, the local agency shall maintain waiting lists of individuals who visit the local agency to apply for the Program. To enable the local agency to contact the individuals when caseload space becomes available, these waiting lists shall include the name of the applicant, the date placed on the waiting list, an address or phone number of the applicant and the applicant's status, i.e., pregnant, breastfeeding, child's age. Individuals shall be notified of their placement on a waiting list within 20 days after they visit the local agency during clinic office hours to request Program benefits.

(2) The following priorities based on categorical eligibility shall be applied when vacancies occur to ensure that persons in greatest need are served first. (i) Pregnant and breastfeeding women and infants will be served first; (ii) Children ages 1–3 second; (iii) Children ages 4–5 third; and (iv) Postpartum women last. Local agencies may elect to use income as a subcategory within the priority system. Local agencies who perform nutritional screening may adapt the priority system to meet their needs with FNS approval. When maximum caseload has not been reached, the local agency shall either certify the applicant or notify the applicant of ineligibility for the Program within 20 days of the applicant's first visit to the local agency to apply for participation in the Program. A person who is determined to be eligible shall receive supplemental foods within 10 days of notification of eligibility.

(c) *Issuance of supplemental foods.* Participants shall be issued prescriptions for supplemental foods by personnel of the local agency or by such other personnel as the local agency may designate. The local agency may choose to issue either a one month supply of supplemental foods each month or a two month supply of supplemental foods every other month. However, local agencies which choose to issue a two month supply every other month shall inform participants that they may still receive one month's supply if they so request.

(d) *Certification forms.* All certification data for each applicant shall be recorded on a certification form. At a minimum the information on the form shall include the following:

(1) The person's name and address.

(2) The date of initial visit to apply for participation and the date of the certification or denial.

(3) The criteria used to determine the person's eligibility or ineligibility and the signature and title of the persons making the eligibility determination.

(4) The following statement shall be located directly above the applicant's signature line and shall be read by or to the applicant, or the applicant's parent or caretaker, before the application is signed:

"This certification form is being completed in connection with the receipt of Federal assistance. Program officials may verify information on this form. I am aware that deliberate misrepresentation may subject me to prosecution under applicable State and Federal statutes. I have been advised of my rights and obligations under the Program. I certify that the information I have provided for my eligibility determination is correct to the best of my knowledge."

(e) *Applicant's rights.* The following sentences shall be read by, or read to, the applicant or the applicant's parent or caretaker at the time of certification. When a significant proportion of the population served by a local agency is composed of non-English or limited English speaking persons who speak the same language, the sentences shall be stated to such persons in a language they understand:

(1) Standards for participation in the Program are the same for everyone regardless of race, color, or national origin.

(2) You may appeal any decision made by the local agency regarding your denial or termination from the Program.

(3) If your application is approved, the local agency will make nutrition education available to you and you are encouraged to participate.

(f) *Notification requirements.* The following responsibilities shall be performed by the State or local agency:

(1) Each applicant shall be informed during the certification procedure of the right to a fair hearing and of the illegality of participation in the Commodity Supplemental Food Program in more than one local agency, or simultaneous participation in the Commodity Supplemental Food Program and in the WIC Program.

(2) A person found ineligible for the Program during a certification visit shall

be advised in writing of the ineligibility and of the right to a fair hearing in accordance with the provisions in § 247.20. The reasons for ineligibility shall be properly documented and shall be retained on file at the local agency.

(3) A person found ineligible for the Program at any time during the certification period shall be advised in writing 15 days before termination of eligibility of the reasons for ineligibility and of the right to a fair hearing.

(4) Each participant shall be notified at least 15 days before the expiration of each certification period that eligibility for the Program is about to expire.

(5) Each participant shall receive an explanation of how the food delivery system in the local agency operates.

(6) Each participant shall be advised of the importance of participating in ongoing routine health care, the types of health services available, where they are located and how they may be obtained.

(g) *Certification periods.* Eligible pregnant women shall be certified for the duration of their pregnancy and for 6 weeks postpartum. Eligible postpartum or breastfeeding women and eligible infants and children shall be certified at the time of their entrance into the Program and at intervals prescribed by the State agency, provided such intervals do not exceed 6 months in length. Program benefits may be continued until the end of the month in which categorical ineligibility begins, for example, until the end of the month in which a child reaches the sixth birthday.

(h) *Restrictions.* The following restrictions shall be observed by State agencies:

(1) Participants shall not be required to make any payments in money, materials or services for, or in connection with, the receipt of supplemental foods. Also, they shall not be solicited in connection with the receipt of supplemental foods for voluntary cash contributions for any purpose.

(2) Distribution of supplemental foods shall not be used as a means for furthering the political interest of any person or party.

(i) *Transfer of certification.* Each State agency shall ensure issuance of a verification of certification form to every participant who intends to relocate during the certification period. The State agency shall require the local agencies under its jurisdiction to accept verification of certification forms from participants who have been participating in the Program or the WIC Program in another local agency within or outside of the jurisdiction of the State agency. The verification of certification is valid until the certification period expires, and shall be accepted as proof of eligibility for Program benefits. However, if the receiving local agency has waiting lists for participation, the transferring participant shall be placed on the list ahead of all waiting applicants. The verification of certification shall include the name of the participant, the date the certification was performed, the date the certification period expires, the signature and printed or typed name of the local agency official in the originating jurisdiction, the name and address of the certifying local agency and an identification number or some other means of accountability. The verification of certification form shall be uniform throughout the jurisdiction of the State agency.

(j) *Dual participation.* The State agency shall be responsible for the following:

(1) In conjunction with the local agency, the detection and prevention of dual participation within each local agency and between local agencies. As part of the certification process, applicants shall be informed of the illegality of simultaneous participation in the WIC Program and this Program or of simultaneous participation in more than one CSFP.

(2) In areas where a local agency serves the same area as an Indian State agency or WIC Program, the CSFP State agency for the Program or the WIC State agency shall agree to a plan for the detection and prevention of dual participation. The agreement must be in writing and must be made prior to operation within the same area.

(3) Participants found committing dual participation shall be terminated from one of the Programs immediately and shall be notified of termination from the other program as specified in § 247.7.

(4) At certification the local agency shall check the identification of each participant. For a child participant, an immunization record, birth certificate, or other records that local agency personnel consider adequate identification shall be acceptable. Also, when issuing supplemental foods, the local agency shall check the identification of each participant or the indentity of the adult responsible for picking up the food for a child participant.

(k) *Disqualification.* (1) The State agency may disqualify applicants and participants from Program participation for a period not to exceed 3 months if it is established by the State or local agency that the applicant, participant, parent, or caretaker fraudulently applied for and/or obtained Program benefits. However, if the person who determined the participant's eligibility determines that a serious health risk will result from disqualification from the Program and the participant is currently eligible, the disqualification shall be waived. In addition, participants may request a fair hearing, as specified in § 247.20, to contest a disqualification.

(2) For Program purposes, fraud includes, but is not limited to, the following actions if they are taken knowingly, willfully and deceitfully:

(i) Making false statements orally or in writing in order to obtain benefits to which the individual would not otherwise be eligible;

(ii) Concealing information in order to obtain benefits to which the individual is not eligible;

(iii) Altering Program documents for the purpose of receiving increased benefits to which the individual is not eligible or for the purpose of transferring benefits to an unauthorized individual;

(iv) Using supplemental foods in an unauthorized manner, such as trading or selling the foods; or

(v) Committing dual participation.

§ 247.8 Nutrition education.

(a) *General.* Nutrition education shall be thoroughly integrated into Program operations. Nutrition education shall be designed to be easily understood by individual participants and shall bear a practical relationship to their nutritional needs and household situations.

(b) *Goals.* Nutrition education shall be based on the following two broad goals:

(1) To emphasize the relationship of proper nutrition to the total concept of good health, with special emphasis on the nutritional needs of pregnant, postpartum, and breastfeeding women, infants and children under 6 years of age; and

(2) To assistant participants in obtaining a positive change in food habits, resulting in improved nutritional status and in the prevention of nutrition related problems through maximum use of the supplemental and other nutritious foods. This use is to be within the context of ethnic, cultural and geographic preferences. Consideration should also be given to tailoring nutrition education to meet any limitations experienced by groups of participants, such as lack of running water, lack of electricity, and limited cooking or refrigeration facilities.

(c) *State agency responsibilities.* The State agency shall ensure that the local agency fully performs its responsibilities as set forth in paragraph (d) of this section. The State agency shall also ensure that an evaluation procedure is maintained to determine the effectiveness of the nutrition education.

Such evaluation procedure shall include a systematic procedure for participant input and may be conducted directly by State and local agencies or by contract for such services, so long as the evaluation is directed by a nutritionist or other professional determined by the State agency to be qualified to perform the evaluation procedure.

(d) *Local agency responsibilities.* (1) The local agency shall make nutrition education available to all adult participants and to parents or guardians of infant and child participants. Where appropriate, nutrition education for child participants is encouraged.

(2) The local agency shall direct Program funds for nutrition education to the benefit of participants and local agency staff members involved in nutrition education, in accordance with this part.

(3) The local agency shall conduct or arrange for nutrition education in a manner consistent with the nutrition education portion of the State Plan.

(4) The local agency shall include the following subject matter in the instruction given to participants:

(i) An explanation of the importance of the consumption of the supplemental foods by the participant for whom they are prescribed rather than by other family members;

(ii) Reference to any special nutritional needs of participants and ways to provide adequate diets;

(iii) An explanation of the Program as a supplemental rather than a total food program;

(iv) Information on the use of the supplemental foods and on the nutritional value of these foods;

(v) Information on the benefits of breastfeeding; and

(vi) An explanation of the importance of health care.

(e) *Food demonstrations.* Any food demonstrations using supplemental foods shall be conducted by the State or local agency solely in conjunction with nutrition education and primarily for participants under the Program. Supplemental foods may not be used for outreach, refreshments for participants, or any other such purpose. Supplemental foods may not be provided to any other community agency or facility for any purpose whatsoever, unless such agency has entered into a signed written agreement with the State or local agency to provide nutrition education services under the Program.

§ 247.9 Financial management systems.

(a) *Disclosure of expenditures.* The State agency shall maintain a financial management system which provides accurate, current and complete disclosure of the financial status of the Program. This shall include an accounting for all property and other assets and all Program funds received and expended each fiscal year.

(b) *Reports.* The State agency shall maintain its financial and donated food accounts in a manner sufficient to permit the preparation of the reports required in § 247.13.

(c) *Record of expenditures.* The State agency shall maintain records which adequately identify the source and use of funds expended for Program activities. These records shall contain, but are not limited to, information pertaining to authorization, receipt of funds, obligations, unobligated balances, assets, liabilities, outlays and income.

(d) *Payment of costs.* The State agency shall implement procedures which ensure prompt and accurate payment of allowable costs, and ensure the allowability and allocation of costs in accordance with the cost principles and standard provisions of this part, and FMC 74–4.

(e) *Identification of obligated funds.* The State agency shall implement procedures which accurately identify obligated Program funds at the time obligations are made.

(f) *Resolutions of audit findings.* The State agency shall implement procedures which ensure timely and appropriate resolution of claims and other matters resulting from audit findings and recommendations.

(g) *Letters of Credit.* All administrative funds made available under this section shall be provided to participating State agencies by means of issuance of Letters of Credit unless other funding arrangements are made with FNS. If at the end of the fiscal year, funds authorized by a Letter of Credit issued to any State agency exceed obligations, FNS shall reduce the amount of the Letter of Credit by the unobligated portion.

(h) *Payments.* Letters of Credit shall be issued to the appropriate Regional Disbursing Office in favor of the State agency. The State agency shall obtain funds needed through presentation by designated officials of a payment voucher on the Letter of Credit in accordance with procedures prescribed by FNS and consistent with the U.S. Treasury Department Circular 1075.

(i) *Transfer of cash.* The State agency shall have controls to minimize the time elapsing between receipt of Federal funds from the U.S. Department of Treasury and the disbursement of these funds for Program costs. In the Letter of Credit system, the State agency shall make drawdowns from the U.S. Department of Treasury's Regional Disbursing Office as close as possible to the time of the actual disbursement of funds. Advances made by the State agency to local agencies shall also conform to these same standards.

(j) *Local agency financial management.* The State agency shall ensure that all local agencies develop and implement a financial management system consistent with the requirements prescribed by the State agency pursuant to the requirements of this section.

§ 247.10 Administrative funding.

(a) *General.* This section prescribes the policies and procedures for payment by FNS of funds for administrative costs to participating State agencies and disbursements by State agencies to local agencies. The funds shall be paid to State agencies as specified in Section 247.9, Financial Management Systems. As a prerequisite to the receipt of such funds each fiscal year, the State agency shall have executed a written agreement with the Department and shall have received FNS approval of its State Plan.

(b) *State agency funding.* Funds for total State administrative costs for each year shall be allocated by FNS based on 15 percent of the annual appropriation available for the purchase of commodities. Each State agency shall receive its proportionate share of the administrative funds based on its percentage of the total average participation reported (up to the authorized caseload level) for the latest 3 months for which data is available prior to the beginning of a fiscal year. FNS shall determine the specific amount due each State agency by: (1) Dividing each State's average participation by the total average participation; and (2) multiplying the result by the administrative funds appropriated to derive an annual grant level which will be distributed to each State on a quarterly basis. FNS shall reserve the right to adjust participation figures used in the computation process upward or downward to ensure adequate funds are allocated when the Department believes that the participation level reported will not reflect future plans for operation, such as when a State agency plans to start or terminate the Program during the year, or when a State agency's participation has increased or decreased significantly in recent months. Participation of new State agencies during the course of the fiscal year will depend on the availability of funds. FNS shall use caseload assignments to ensure that funds appropriated are not exceeded. FNS reserves the right to periodically recover and redistribute unspent administrative funds. To ensure that State agencies can properly budget

for program operations, FNS guarantees that 75 percent of each State agency's total annual grant level will be protected from further recoveries during the current fiscal year. The State agency may retain a percentage of the grant for State level use, based on the following formula: 15 percent of the first $50,000; plus 10 percent of the next $100,000; plus 5 percent of the next $250,000. The State agency may retain a maximum amount of $30,000 annually for its administrative expenditures. However, if the State agency provides warehousing services, FNS approval may be requested at the beginning of the applicable fiscal year for funds greater than those allowed under the formula; provided, the State agency can document the need and ensure that the increase will not impose undue hardship on local agencies. The remaining funds and any unused funds at the State level shall be distributed to the local agencies.

(c) *Local agency funding.* The State agency, in providing administrative funds to local agencies, shall apportion such funds among the local agencies on the basis of their respective needs so as to ensure that those local agencies evidencing higher administrative costs, while demonstrating prudent management and fiscal controls, receive a greater portion of the administrative funds.

§ 247.11 Administrative costs.

(a) *General.* Funds provided to State and local agencies may be used to cover administrative costs identified under FMC 74–4 which State agencies determine to be necessary to carry out the Program within their jurisdiction.

(b) *Allowable costs.* The following costs are specifically identified as illustrative of costs allowable under the Program:

(1) The cost of certification procedures including:

(i) Laboratory fees incurred for tests conducted to determine the eligibility of persons to participate in the Program;

(ii) Expendable medical supplies necessary to determine the eligibility of persons to participate in the Program; and

(iii) Centrifuges, measuring boards, skin fold calipers, spectrophotometers, hematofluorometers, hemoglobinometers, and scales used for determining the eligibility of persons, provided that expenditure limits will be set by FNS for each piece of equipment and expenditures which exceed the limits shall receive prior approval by the FNS Regional Office.

(2) The cost of nutrition education services provided to participants and parents and guardians of participants, and used for training local agency staff members;

(3) The cost of transporting food and of administering the food distribution system;

(4) The cost of interpreters and translators for Program materials;

(5) The cost of outreach services;

(6) The cost of audits and fair hearings;

(7) General administration of the State and local agencies including, but not limited to, personnel, warehousing, and insurance;

(8) The cost of monitoring and reviewing Program operations; and

(9) The cost of transportation for participants to and from the local agency when the local agency has determined and documented the need for such assistance.

(c) *Restrictions on Allowable Costs.* The following costs are allowable only with the prior approval of FNS.

(1) Automatic Data Processing equipment and system purchases whether by outright purchase, rental-purchase agreement or other method of purchase;

(2) Capital expenditures over $2,500.00 such as the cost of facilities, equipment, other capital assets and any repairs that materially increase the value or useful life of capital assets, provided that any subsequent sale of real or personal properties, purchased in whole or in part with Program funds, shall be used to reimburse FNS in an amount computed by applying to the sale proceeds the percentage of FNS participation in the original acquisition costs;

(3) Occupancy of space under rental-purchase or a lease with option to purchase agreements;

(4) Equipment rental costs where the agreement provides for rental-purchase or a lease with option to purchase; and

(5) Management studies performed by agencies or departments other than the State or local agency or those performed by outside consultants under contract with the State or local agency.

(d) *Unallowable costs.* Expenditures by a State agency or local agencies which result in costs that may not be applicable to the Program objectives are "unallowable costs." A State agency's system for financial management shall identify such unallowable costs. In addition to unallowable costs identified in FMC 74–4 the following are specifically unallowable costs for reimbursement by FNS:

(1) Costs incurred for rearrangement and alteration of facilities not required specifically for the program;

(2) Actual losses which could have been covered by permissible insurance (through an approved self-insurance program or otherwise).

§ 247.12 Program income.

Program income means gross income the State agency or local agencies earn from grant supported activities, with the exception of income from the sale of property as specified in Section 247.11(c)(2). Program income earned during the agreement period shall be retained by the State agency in accordance with the provisions of A–102, Attachment E and used to further Program objectives; except that interest earned on Program funds at the State or local levels shall be used in accordance with the provisions of A–102, Attachment E. A State agency's financial management system shall provide guidelines to assure that: income earned is recorded as individual transactions within the accounting records in conformance with generally accepted accounting principles for recording expenditures and revenues; and specifically earmarked Program income is used for the purpose(s) intended.

§ 247.13 Records and reports.

(a) *Recordkeeping requirements.* Each State agency shall, in accordance with Section 250.6(r), maintain accurate and complete records with respect to the receipt, disposal, and inventory of supplemental foods, including the determination made as to liability for any improper distribution or use of, or loss of, or damage to, such foods and the result obtained from the pursuit of claims arising in favor of the State agency. Accurate and complete records shall also be maintained with respect to the receipt and disbursement of administrative funds. State agencies shall require all local agencies to maintain accurate and complete records with respect to the receipt, disposal and inventory of supplemental foods and with respect to receipt and disbursement of administrative funds. All records required by this section shall be retained for a period of 3 years following the date of submission of the annual expenditure report for the period to which the reports pertain. All records, except medical case records of participants (unless they are the only source of certification data), shall be available during normal business hours for representatives of the Department and the General Accounting Office of the United States to inspect, audit, and copy. Any reports resulting from such examinations shall not divulge names of individuals.

(b) *Financial reports.* All financial data shall be submitted quarterly on the

S.F. 269(WIC/CSFP) and/or the S.F. 272 for State agencies on the check payment system.

(c) *Participation and Food Distribution reports.* Participation and Food Distribution reports FNS–153 and FNS–155 shall be submitted as required by FNS, at a frequency prescribed by FNS. Annually, a physical inventory of all foods at each storage and distribution site is required to be submitted to FNS at a date specified by FNS.

(d) *Civil rights.* Each local agency participating under the Program shall submit a report of racial and ethnic participation data FNS–191, at a frequency prescribed by FNS.

(e) *Audit acceptability of reports.* To be acceptable for audit purposes, all financial and Program performance reports shall be traceable to source documentation.

(f) *Certification of reports.* Financial and Program reports shall be certified as to their completeness and accuracy by the person given that responsibility by the State agency.

(g) *Use of reports.* FNS shall use State agency reports to measure progress in achieving objectives set forth in the State Plan. If it is determined, through review of State agency reports, Program or financial analysis, or an audit, that a State agency is not operating according to its State Plan, FNS may request additional information and take other appropriate actions.

§ 247.14 Procurement and property management standards.

(a) *requirements.* State and local agencies shall comply with the requirements of Circular A–102, Attachment 0 for procurement of equipment and other services with Program funds. These requirements are adopted by FNS to ensure that such materials and services are obtained for the Program in an effective manner and in compliance with the provisions of applicable law and executive orders.

(b) *Contractual responsibilities.* The standards contained in Circulars A–90, A–102 and A–110, where applicable, do not relieve the State or local agency of the responsibilities arising under its contracts. The State agency is the responsible authority, without recourse to FNS, regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into in connection with the Program. This includes, but is not limited to: disputes, claims, protests of awards, source evaluation, or other matters of a contractual nature. Matters concerning violaltion of law are to be referred to such local, State or Federal authority as may have proper jurisdiction.

(c) *State regulations.* The State or local agency may use its own procurement regulations which reflect applicable State and local regulations, provided that procurements made with Program funds adhere to the standards set forth in Circulars A–90, A–102 and Circular A–110, where applicable.

(d) *Property acquired with Program funds.* State and local agencies shall observe the standards prescribed in A–102, Attachment N, and A–110, Attachment N, where applicable, in their utilization and disposition of property acquired in whole or in part with Program funds.

§ 247.15 Audits.

(a) *Federal access to information.* The Secretary, the Comptroller General of the United States, or any of their duly authorized representatives, or State auditors shall have access to any books, documents, papers, and records of the State and local agencies and their contractors, for the purpose of making surveys, audits, examinations, excerpts, and transcripts.

(b) *State agency response.* The State agency may take exception to particular audit findings and recommendations. The State agency shall submit a response or statement to FNS as to the action taken or planned regarding the findings. A proposed corrective action plan developed and submitted by the State agency shall include specific time frames for its implementation and for completion of the correction of deficiencies and problems leading to the deficiencies.

(c) *Corrective action.* FNS shall determine whether Program deficiencies have been adequately corrected. If additional corrective action is necessary, FNS shall schedule a folloup review, allowing a reasonable time for such corrective action to be taken.

(d) *State sponsored audits.* (1) Each State agency shall provide for an independent audit of the financial operations of the State agency and local agencies. Audits may be conducted by State and local government audit staffs, State licensed public accountants who were licensed on or before December 31, 1970, or by Certified Public Accountants and audit firms under contract to the State or local agencies. Audits shall conform to: "The Standards of Audit of Governmental Organizations, Program Activities and Functions," issued by the Comptroller General of the United States (Reprint 1974, for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402); the "Guidelines for Financial and Compliance Audits of Federally Assisted Programs," issued by the U.S. General Accounting Office, October 1978 (for sale by the U.S. General Accounting Office, Distribution Section, Room 1518, 441 G Street, N.W., Washington, D.C. 20013); any compliance supplements approved by OMB; and generally accepted auditing standards established by the American Institute of Certified Public Accountants. An audit shall be used to determine whether:

(i) Financial operations are properly conducted;

(ii) The financial reports are fairly presented;

(iii) The State or local agency has complied with applicable laws, regulations, and administrative requirements pertaining to financial management; and

(iv) Proper inventory controls (physical and paper) are being maintained.

(2) The State agency shall conduct audits in accordance with the provisions of A–102, Attachment P. Audits of the State agency and the local agencies under the State agency's jurisdiction shall be performed in a representative sample of grant program audit examinations during each audit cycle which occurs, not less frequency than once every two years. In some audit cycles, a grant program or programs other than this Program may be audited. However, audits of the Program shall be performed at intervals frequent enough to ensure consistency with good Program management. Also, at any time, the Department, FNS or the State agency may at its discretion audit a Program if an audit appears to be warranted. If FNS in the course of Program reviews of State agency operations finds that the efficiency and effectiveness of the State agency's financial management system is in question, FNS may request the State agency to include the Program in the sample for the next audit examination.

(3) Each State agency shall make all State or local agency sponsored audit reports of Program operations under its jurisdiction available for the Department's review upon request. The cost of these audits shall be considered a part of administrative costs and funded from either State or local agency administrative funds.

§ 247.16 Investigations.

(a) *Authority.* The Department may make an investigation of any allegation of noncompliance with this part. The investigation may include, where appropriate, a review of pertinent

practices and policies of any State or local agency, the circumstances under which the possible noncompliance with this part occurred, and other factors relevant to a determination as to whether the State or local agency has failed to comply with the requirements of this part.

(b) *Confidentiality.* No State or local agency, participant, or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege under this part because the individual has made a complaint or formal allegation, or testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. The identity of every complainant shall be kept confidential except to the extent necessary to carry out the purpose of this part, including the conduct of any investigation, hearing, or judicial proceeding.

§ 247.17 Claims.

If FNS determines through a review of the State agency's reports, program or financial analysis, monitoring, audit, or otherwise, that any Program funds provided to a State agency for administrative purposes were, through State agency or local agency negligence or fraud, misused or otherwise diverted from Program purposes, a claim shall be made by FNS against the State agency, and the State agency shall pay promptly to FNS a sum equal to the amount of the administrative funds so misused or diverted. Further, if FNS determines that any part of the money received by a State agency was lost as a result of thefts, embezzlements, or unexplained causes, the State agency shall, on demand by FNS, pay to FNS a sum equal to the amount of the money so lost. Claims for losses or misuse of supplemental foods shall be handled in accordance with Section 250.6(m) 7 CFR Part 250—Subchapter B—Food Distribution. The State agency shall have full opportunity to submit evidence, explanations or information concerning alleged instances of noncompliance or diversion before a final determination is made in such cases.

§ 247.18 Closeout procedures.

(a) *Fiscal year closeout reports.* State agencies shall submit preliminary and final closeout reports for each fiscal year or part thereof. All obligations shall be liquidated before final closure of a fiscal year grant. Obligations shall be reported for the fiscal year in which they occur State agencies shall:

(1) Submit to FNS, within 30 days after the end of the fiscal year, preliminary financial reports which show cumulative actual expenditures and obligations for the fiscal year, or part thereof, for which Program funds were made available; and

(2) Submit to FNS, within 90 days after the end of the fiscal year, final fiscal year closeout reports.

(b) *Revised closeout reports.* Revised closeout reports may be submitted at any time. However, FNS shall not be responsible for reimbursing unpaid obligations later than one year after the close of the fiscal year in which they were incurred.

(c) *Grant closeout procedures.* When grants to State agencies are terminated, the following closeout procedures for the Program shall be performed in accordance with OMB Circular A–102.

(1) *Termination for cause.* FNS may terminate a State agency's participation under the Program, in whole or in part, whenever FNS determines that the State agency has failed to comply with the conditions prescribed in this part. FNS shall promptly notify the State agency in writing of the termination and the reasons for the termination, including the effective date. A State agency shall terminate a local agency's participation under the Program by written notice whenever it is determined by FNS or the State agency that the local agency has failed to comply with the requirements of the Program. When a State agency's participation under the Program is terminated for cause, any payments made to the State agency, or any recoveries by FNS from the State agency, shall be in conformance with the legal rights and liabilities of the parties.

(2) *Termination for convenience.* FNS or the State agency may terminate the State agency's participation under the Program, in whole or in part, when both parties agree that continuation under the Program would not produce beneficial results commensurate with the further expenditure of funds. The State agency or the local agency may terminate the local agency's participation, in whole or in part, under the same conditions. The two parties shall agree upon the termination conditions, including the effective date thereof and, in the case of partial termination, the portion to be terminated. The State agency shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. FNS shall allow full credit to the State agency for the Federal share of the noncancellable obligations, properly incurred by the State agency prior to termination.

§ 247.19 Nondiscrimination.

(a) *Requirement.* The State agency shall comply with the requirements of Title VI of the Civil Rights Act of 1964, the FNS Civil Rights Instruction 113–2 and the Department's regulations concerning nondiscrimination (7 CFR Part 15), including requirements of racial and ethnic participation data collection, public notification of the nondiscrimination policy, and annual reviews of each local agency to assure compliance with such policy, to the end that no person shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under the Program.

(b) *Non-English materials and staff.* Where a significant proportion of the population of the area served by a local agency is composed of non-English or limited English speaking persons who speak the same language, the State agency shall take action to ensure that Program information, except certification forms, is provided to such persons in the appropriate language orally and in writing. The State agency shall ensure that there are bilingual staff members or interpreters available to serve these persons.

(c) *Complaints.* Complaints of discrimination filed by applicants or participants shall be referred to the Director, Supplemental Food Programs Division, Food and Nutrition Service, U.S.D.A., Washington, D.C. 20250.

§ 247.20 Fair hearing procedures.

(a) *Availability of hearings.* The State agency shall provide a hearing procedure through which any individual may appeal a State or local agency action which results in the denial or termination of benefits to the individual. The State agency shall conform to Program hearing procedures as outlined in this section at all times unless the State has an alternate hearing procedure whereby participants can appeal State or local agency actions. This alternate procedure may be used with FNS approval.

(b) *Notification of appeal rights.* At the time of application each applicant shall be informed of the right to a fair hearing.

At the time of denial or termination of benefits, each individual shall be informed in writing of the right to a fair hearing, of the method by which a hearing may be requested, and that any positions or arguments on behalf of the individual may be presented personally or by a representative such as a relative, friend, legal counsel or other spokesperson. Such notification is not

required at the expiration of a certification period.

(c) *Request for hearing.* A request for a hearing is defined as any clear expression by the individual or the individual's parent, guardian or other representative, that an opportunity to present its case to a higher authority is desired. The State or local agency shall not limit or interfere with the individual's freedom to request a hearing.

(d) *Time limit for request.* The State or local agency shall provide individuals a reasonable period of time to request fair hearings. Such time limit shall not be less than 60 days from the date the agency mails or gives the applicant or participant the notice of adverse action to deny or terminate benefits, as required in § 247.7(f)(2).

(e) *Denial or dismissal of request.* A request for a hearing shall not be denied or dismissed unless:

(1) The request is not received within the time limit set by the State agency in accordance with paragraph (d) of this section.

(2) The request is withdrawn in writing by the applicant or a writing by the applicant or a representative.

(3) The applicant or representative fails, without good cause, to appear at the scheduled hearing.

(f) *Continuation of benefits.* Participants who appeal the termination of benefits within the 15 day advance adverse notice period provided by § 247.7(f)(2) shall continue to receive Program benefits until the hearing official reaches a decision. Applicants who are denied benefits at initial certification or at subsequent certifications may appeal the denial but shall not receive benefits while awaiting the hearing.

(g) *Rules of procedure.* The State and local agency shall process each request for a hearing under uniform rules of procedure. The uniform rules of procedure shall be available for public inspection and copying. At a minimum, the uniform rules of procedure shall include: the time limits for requesting and conducting a hearing; all advance notice requirements; the rules of conduct at the hearing; and the rights and responsibilities of the applicant. The procedures shall not be unduly complex or legalistic and the applicant's background shall be taken into consideration.

(h) *Hearing official.* Hearings shall be conducted by an impartial official who does not have any personal stake or involvement in the decision and who was not directly involved in the initial determination of the action being contested. The hearing official shall:

(1) Administer oaths or affirmations if required by the State;

(2) Ensure that all relevant issues are considered;

(3) Request, receive and make part of the hearing record all evidence determined necessary to decide the issues being raised;

(4) Regulate the conduct and course of the hearing consistent with due process to ensure an orderly hearing;

(5) Render a hearing decision which will resolve the dispute.

(i) *Conduct of the hearing.* The hearing shall be accessible to the applicant. The State or local agency shall provide the applicant with a minimum of 10 days advance written notice of time and place of the hearing and shall enclose the rules of procedure. The State and local agency shall also provide the applicant or representative an opportunity to:

(1) Examine, prior to and during hearing, the documents and records presented to support the decision under appeal;

(2) Be assisted or represented by an attorney or other persons;

(3) Bring witnesses;

(4) Advance arguments without undue interference;

(5) Question or refute any testimony or evidence, including an opportunity to confront and cross-examine adverse witnesses; and

(6) Submit evidence to establish all pertinent facts and circumstances in the case.

(j) *Hearing decisions.* (1) Decisions of the hearing official shall comply with Federal law or regulations and shall be based on facts in the hearing record. The verbatim transcript or recording of testimony and exhibits, or an official report containing the substance of what transpired at the hearing, together with all papers and requests filed in the proceeding shall constitute the exclusive record for a final decision by the hearing official. This record shall be retained in accordance with § 247.13. This record shall also be available, for copying and inspection, to the appellant or representative at any reasonable time.

(2) A decision by the hearing official shall be binding on the local agency and shall summarize the facts of the case, specify the reasons for the decision, and identify the supporting evidence and the pertinent regulations. The decision shall become a part of the record.

(3) Within 45 days of the request for the hearing, the applicant or representative shall be notified in writing of the decision and the reasons for the decision in accordance with paragraph (j)(2) of this section. Also, if the decision is in the favor of the applicant and benefits were denied, benefits shall begin within this 45-day time period. If the decision is in favor of the agency, as soon as administratively feasible any continued benefits shall be terminated as decided by the hearing official.

(4) All State and local agency hearing records and decisions shall be available for public inspection and copying, subject to the disclosure safeguards provided in § 247.22(d), and provided the names and addresses of participants and other members of the public are kept confidential.

(k) *Judicial review.* If a State level decision upholds the agency action, the State agency shall explain any available State review of the decision and any State rehearing process. If neither are available or have been exhausted, the State agency shall explain the right to pursue judicial review of the decision.

§ 247.21 Management evaluation and reviews.

(a) *General.* FNS and each State agency shall establish a management evaluation system in order to assess the accomplishment of Program objectives as provided under these regulations, the State Plan, and the written agreement with the Department. FNS will provide assistance to States in discharging this responsibility, and will establish standards and procedures to determine how well the objectives of this part are being accomplished.

(b) *Responsibilities of FNS.* FNS shall establish evaluation procedures to determine whether State agencies carry out the purposes and provisions of this part, the State Plan, and the written agreement with the Department. As a part of the evaluation procedure, FNS shall review audits performed by the State agency to ensure that the Program at both the State and local levels has been included in audit examinations at a reasonable frequency. These evaluations shall include a review of each State agency, including on-site reviews of selected local agencies. These evaluations will measure the State agency's progress toward meeting the objective outlined in its State Plan and compliance with these regulations.

(c) *Responsibilities of State agencies.* The State agency is responsible for meeting the following requirements:

(1) The State agency shall establish evaluation and review procedures and document the results of such procedures. The procedures shall include, but not be limited to:

(i) Annual monitoring of the operation of all local agencies to evaluate certification procedures, management, nutrition education, civil rights

compliance, food storage, inventory accountability, and financial management systems. However, more frequent reviews may be performed as the State agency deems necessary. The State agency shall provide a continuing evaluation of each local agency through on-site reviews of the local agency, reviews of local agency reports including inventory reports, reviews of storage facilities and safeguards for supplemental foods.

(ii) Instituting the necessary followup procedures to correct identified problem areas.

(2) On its own initiative or when required by FNS, the State agency shall provide special reports on Program activities, and take positive action to correct deficiencies in Program operations.

(3) The State agency shall require that local agencies establish Program review procedures to be used in reviewing their own operations and those of subsidiaries or contractors.

§ 247.22 Administrative Appeal of State Agency Decisions

(a) *Requirements.* The State agency shall provide a hearing procedure whereby a local agency adversely affected by a State action may appeal the action. The right to appeal shall be granted when the local agency's application to participate is denied, when participation is terminated, when a contract is not renewed by the State agency or when any other adverse action which affects participation is taken. The adverse action shall be postponed until a hearing decision is reached.

(b) *Procedure.* The State agency hearing procedure shall at a minimum provide the local agency:

(1) Adequate advance notice of the time and place of the hearing to provide all parties involved sufficient time to prepare for the hearing;

(2) The opportunity to present its case;

(3) The opportunity to confront and cross-examine adverse witnesses;

(4) The opportunity to be represented by counsel, if desired;

(5) The opportunity to review the case record prior to the hearing;

(6) An impartial decision maker, whose decision as to the validity of the State or local agency's action shall rest solely on the evidence presented at the hearing and the statutory and regulatory provisions governing the Program. The basis for the decision shall be stated in writing, although it need not amount to a full opinion or contain formal finding of fact and conclusions of law; and

(7) Written notification of the decision concerning the appeal, within 60 days from the date of the request for a hearing.

§ 247.23 Miscellaneous provisions.

(a) *No aid reduction.* The value of benefits or assistance available under the Program shall not be considered as income to or resources of participants or their families for any purpose under Federal, State or local laws, including, but not limited to, laws relating to taxation, welfare and public assistance programs.

(b) *Statistical information.* FNS reserves the right to use information obtained under the Program in a summary, statistical or other form which does not identify particular individuals. FNS may require the State or local agencies to supply data and other information collected under the Program in a form that does not identify particular individuals, to enable the Secretary or the State agencies to evaluate the effect of food intervention upon low-income individuals determined to be eligible for Program benefits.

(c) *Confidentiality.* Each State agency shall restrict the use or disclosure of information obtained from Program applicants or participants to persons directly connected with the administration or enforcement of the Program.

(d) *Public information.* Any person who wishes information, assistance, records or other public material shall request such information from the State agency, or from the FNS Regional Office serving the appropriate State as listed below:

(1) Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont: U.S. Department of Agriculture, FNS, New England Region, 33 North Avenue, Burlington, Massachusetts 01803.

(2) Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, Virginia, Virgin Islands, West Virginia: U.S. Department of Agriculture, FNS, Mid-Atlantic Region, One Vahlsing Center, Robbinsville, New Jersey 08691.

(3) Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee: U.S. Department of Agriculture, FNS, Southeast Region, 1100 Spring Street, NW, Atlanta, Georgia 30309.

(4) Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin: U.S. Department of Agriculture, FNS, Midwest Region, 536 South Clark Street, Chicago, Illinois 60605.

(5) Arkansas, Louisiana, New Mexico, Oklahoma, Texas: U.S. Department of Agriculture, FNS, Southwest Region, 1100 Commerce Street, Room 5–C–30, Dallas, Texas 75242.

(6) Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, Wyoming: U.S. Department of Agriculture, FNS, Mountain Plains Region, 2420 West 26th Avenue, Room 430–D, Denver, Colorado 80211.

(7) Alaska, American Samoa, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, Trust Territory of the Pacific Islands, Washington: U.S. Department of Agriculture, FNS, Western Region, 550 Kearney Street, Room 400, San Francisco, California 94108.

Note.—The reporting and/or recordkeeping requirements contained herein have been cleared by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

(Catalog of Federal Domestic Assistance, Program No. 10.565, National Archive Reference Service.)

Dated: January 15, 1981.

Carol Tucker Foreman,

Assistant Secretary for Food and Consumer Services.

[FR Doc. 81–2097 Filed 1–19–81; 8:45 am]

BILLING CODE 3410–30–M

federal register

Wednesday
January 21, 1981

Part X

Department of Health and Human Services

Public Health Service

Requirements for a Health Maintenance Organization; Final Regulations

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 110

Requirements for a Health Maintenance Organization

AGENCY: Public Health Service, HHS.

ACTION: Final regulations.

SUMMARY: These regulations amend the requirements for the operation of federally qualified health maintenance organizations (HMOs) regarding the disclosure of information by HMOs to members, potential members, and employers. These amendments are made to coordinate the requirements of the Employee Retirement Income Security Act of 1974 (ERISA) and Title XIII of the Public Health Service Act (the Act) so as to avoid any duplicative or otherwise unnecessary requirements that might result from the interaction of these laws.

EFFECTIVE DATE: These regulations are effective on February 20, 1981.

FOR FURTHER INFORMATION CONTACT: Howard R. Veit, Director, Office of Health Maintenance Organizations, Park Building—3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443–4106.

SUPPLEMENTARY INFORMATION: On June 22, 1979, a Notice of Proposed Rulemaking was published in the **Federal Register** (44 FR 36864–5) proposing to amend the Department's existing rules regarding the organization and operation of federally qualified HMOs. That document proposed to add new provisions to 42 CFR 110.108(c) which would require federally qualified HMOs to disclose clearly (1) certain information similar to that required by the Department of Labor's (DOL) ERISA regulations, 29 CFR Parts 2520, 2560, and (2) information about the financial condition of the HMO. Specifically, proposed § 110.108(c)(1) required a written description of an HMO's benefits, coverage, procedures for obtaining benefits, circumstances under which benefits may be denied, rates, grievance procedures, service area, location, hours of service, and general description of participating providers.

The NPRM also proposed to amend § 110.108 by adding a new paragraph (s) that would require HMOs to provide each employer (or designee or plan administrator) offering the option of enrolling in an HMO the information which is necessary to satisfy its reporting and disclosure obligations under ERISA as they apply to those HMOs.

The Notice invited interested persons to submit written comments, suggestions, or objections on or before August 21, 1979. Nine organizations submitted timely comments, and five comments were received shortly after the end of the comment period. All comments were considered in developing these final regulations. Those comments received which (1) related to matters outside the jurisdiction of the Department or (2) requested clarification of matters that the Secretary has determined can be explained in this preamble to the final regulations were not incorporated in the final regulations. The following is a summary of the comments received:

Seven commenters requested that qualified HMOs not be considered either as an employee benefit plan or as a benefit under the employer's plan for ERISA purposes. Because this matter falls within the jurisdiction of DOL, which administers ERISA, the Secretary sent copies of the letters containing comments received on this NPRM to that Department. The Secretary notes that DOL has responded to this issue elsewhere in this edition of the **Federal Register.**

Two commenters objected to the requirement that HMOs disclose rates. One objected to the required disclosure of grievance procedures. The Secretary notes that these requirements have been in effect since October 18, 1974, and HMOs have not reported any difficulty in complying with them; therefore, they have not been changed in the final regulation.

One commenter questioned what was meant by "a general description of providers" in the proposed regulation at § 110.108(c)(1). The Department has revised the regulation to specify that the type of information which must be disclosed about the providers associated with the HMO is as follows: If the HMO provides health services through an individual practice association(s): The number of member physicians by specialty, and a listing of the hospitals where HMO members will receive basic and supplemental health services; if the HMO provides health services other than through an individual practice association, the HMO must provide for each ambulatory care facility, the facility's address, days and hours of operation, the number of physicians by specialty, and a listing of the hospitals where HMO members will receive basic and supplemental health services.

In response to five commenters requesting clarification as to what an HMO must disclose with respect to its financial condition under § 110.108(c), the Secretary has revised § 110.108(c) to specify that the HMO must provide at least the following most recently audited information about its financial condition: current assets, other assets, total assets; current liabilities, long term liabilities, and net worth.

Two commenters felt the disclosure of eligibility requirements for members was burdensome. The Secretary does not agree with this view. While an employer ordinarily determines the eligibility of its employees, and their dependents for health benefits, in order for the subscriber to make an informed choice, it is necessary for an HMO to disclose any restrictions the HMO (as opposed to the employer) has on eligibility (e.g., maximum age for unmarried dependents). On the other hand, one commenter felt that the entire contract for benefits should be disclosed. The Secretary believes that to require this would be burdensome to the HMO (given that the contract would be available upon request to the plan administrator—see the explanatory statement accompanying the DOL regulation in this edition of the **Federal Register**) and of minimal value in explaining the coverage to be provided by the HMO. Therefore, the proposed regulation has not been changed in this regard.

Two commenters suggested that State licensed HMOs, as well as federally qualified HMOs, should be required to follow the disclosure provisions of this section of the regulations. The Secretary cannot accept this suggestion because the jurisdiction of the Department under Title XIII of the Act and these regulations extends only to federally qualified HMOs.

The Assistant Secretary for Health of the Department of Health and Human Services, with the approval of the Secretary of Health and Human Services, amends 42 CFR 110.108 as set forth below.

(Sec. 215, 58 Stat. 980 (42 U.S.C. 218); sec. 1301–1318, as amended, 92 Stat. 2131–2141 (42 U.S.C. 300e–300e–17))

Dated: January 5, 1981.

Julius B. Richmond,

Assistant Secretary for Health.

Approved: January 14, 1981.

Patricia Roberts Harris,

Secretary.

Subpart A—Requirements for a Health Maintenance Organization

§ 110.108 [Amended]

1. In § 110.108, paragraph (c) is revised to read as follows:

* * * * *

(c)(1) *Full and fair disclosure.* Each HMO shall prepare a written description of the items listed below. This description shall be written so that it can be easily understood by the average person who might enroll in the HMO. The description of benefits and coverage (items in paragraph (c)(1) (i) and (ii) of this section, respectively, below) may be in general terms if reference is made to a detailed statement of benefits and coverage which is available without cost to any person to whom the opportunity for enrollment in the HMO is offered or who has enrolled in the HMO. Upon request made directly to the HMO or the plan administrator (as that term is defined under the Employee Retirement Income Security Act of 1974, "ERISA") of a health benefits plan which includes the HMO option, the HMO shall provide the description to any person who is a participant or beneficiary of the plan and who is eligible to elect the HMO option. The items to be included in the written description are the HMO's:

(i) Benefits (including limitations and exclusions);

(ii) Coverage (including a statement of conditions on eligibility for benefits);

(iii) Procedures to be followed in obtaining benefits and a description of circumstances under which benefits may be denied;

(iv) Rates;

(v) Grievance procedures;

(vi) Service area;

(vii) Participating providers:

(A) If the HMO provides health services through an individual practice association(s), the HMO shall provide the number of member physicians by specialty, and a listing of the hospitals where HMO members will receive basic and supplemental health services; and

(B) If the HMO provides health services other than through an individual practice association, the HMO shall provide for each ambulatory care facility, the facility's address, days and hours of operation, and the number of physicians by specialty, and a listing of the hospitals where HMO members will receive basic and supplemental health services; and

(viii) Financial condition to include at least the following most recently audited information: Current assets, other assets, total assets; current liabilities, long term liabilities; and net worth.

(2) *Broadly representative enrollment.* After providing the written description referred to in paragraph (c)(1) of this section, each HMO shall offer enrollment to persons who are broadly representative of the various age, social, and income groups within its service area. In the case of an HMO which has a medically underserved population located in its service area, not more than 75 percent of the HMO members may be enrolled from the medically underserved population unless the area in which that population resides is also a rural area.

* * * * *

§ 110.108 [Amended]

2. In § 110.108, a new paragraph (s) is added as follows:

* * * * *

(s) *Reporting and Disclosure under ERISA.* Each HMO shall provide each employer or designee (as those terms are defined in § 110.801 of this part) or plan administrator (as that term is defined under the Employee Retirement Income Security Act of 1974, "ERISA") including the HMO option in its employees' health benefits plan, upon request, the information which is necessary to satisfy its reporting and disclosure obligations under ERISA insofar as that HMO is involved.

[FR Doc. 81-2099 Filed 1-19-81; 8:45 am]

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Federal Register

Wednesday
January 21, 1981

Part XI

Department of State

Office of the Secretary

Hostage Relief

DEPARTMENT OF STATE

Office of the Secretary

[SD-167]

22 CFR Parts 1, 2, 3, and 4

Hostage Relief

AGENCY: Department of State.

ACTION: Proposed rule.

SUMMARY: The Department of State, upon authorization by the President, proposes to issue regulations providing for assistance to American hostages and members of their families and households. The authority for this assistance is the Hostage Relief Act of 1980 (Public Law 96-449, 94 Stat. 1967). This Act requires that the Secretary of State determine who are hostages, and members of the family and households of hostages, for various purposes of Title I and II of the Act.

Part 1 of the proposed regulations describes the process for such determinations. Part 2 deals with the extension of certain provisions of the Soldiers' and Sailors' Civil Relief Act (50 U.S.C. App. 501, et seq.) to American Hostages in Iran and elsewhere. Part 3 deals with medical benefits, and Part 4 with educational assistance.

While the Act also contains in Title II various tax relief provisions, the Treasury Department considers these provisions self-executing and therefore no additional regulatory material is necessary at this time with regard to the tax provisions.

DATE: Comments must be received on or before March 23, 1981.

ADDRESS: Send written comments to: the Assistant Secretary for Administration, Department of State, Washington, D.C. 20520 (202) 632-1728.

FOR FURTHER INFORMATION CONTACT: Walter F. Weiss (202) 632-1492.

SUPPLEMENTARY INFORMATION: Under the Hostage Relief Act, the Secretary of State identifies in the **Federal Register**, from time to time, any hostile action which results in captive status under sections 101(4) and 205(c)(1) of the Act. The Secretary of State also determines, under sections 101(1)(B), 205(c)(2) and 205(f) of the Act, whether citizens or resident aliens of the U.S. who are in captive status are eligible for benefits under the Act.

Benefits under the Act are available to Government civil service and uniformed service personnel, and to others determined to have been rendering service to the United States similar to Government personnel. Benefits are also available to members of the family and households of hostages. Determinations will be made on a case-by-case basis as provided in the regulations.

Any person may apply for such a determination to be made on their own behalf or on behalf of a person believed to be in captive status as defined by the Act, or to be otherwise entitled to benefits under this Act. Information on how to apply is set forth in § 1.2 of the proposed regulation.

The present Soldiers' and Sailors' Civil Relief Act was enacted in 1940 (Title 50 United States Code, Appendix, sections 501 et seq.). The purpose of the Act is to protect certain rights of persons during their term of military service, when they are not in a position to effectively deal with their rights. Generally, the method of the Civil Relief Act is to authorize a court to postpone certain proceedings and transactions, or to avoid the application of certain penalties or damage claims, until a person returns from military service, or when the court determines that a person is in a position to reasonably respond to protect their rights and interests, and where deemed necessary, to provide for adequate representation of such persons during their absence.

The majority of the benefit provisions of the Soldiers' and Sailors' Civil Relief Act have been extended under this Act to hostages. Certain of those provisions have been excluded under Sec. 105 of the Hostage Relief Act as inapplicable, or in some cases in order to allow further consideration.

There is nothing in the Soldiers' and Sailors' Relief Act which relieves a person from the payment of debts or other obligations which may have been incurred. It is only when a person's ability to meet obligations has been impaired becaused of military service, or circumstances covered by the Hostage Relief Act, that relief may be afforded. The extent to which relief is afforded generally is left to the discretion of the appropriate court in the United States.

The intention in drafting the regulations in Parts 3 and 4 is to provide the maximum benefits provided by the Hostage Relief Act and at the same time to avoid duplication of benefits available under other programs. For example, a person eligible for educational benefits under chapters 35 and 31 of Title 38 of the United States Code (Veteran's Administration programs) would have to utilize those programs, and would be able to apply to the Hostage Relief program only for benefits different in amount or duration, if authorized under the latter law.

The medical benefits provided for in Part 3 are medical and health care at U.S. Government expense, and payment of other expenses related to such care, for any illness or injury determined to be caused or materially aggravated by the hostage situation. Applications for benefits are to be submitted to the Office of Medical Services of the Department of State which will determine eligibility and extent of benefits.

The education benefits provided for in Part 4 for hostages or certain family members are modeled after those available under programs administered by the Veteran's Administration. Since the Hostage Relief Act permits more extended benefits in special circumstances, the regulations provide a process for determining when such extended assistance will be authorized.

Accordingly, it is hereby proposed, under the authority of the Hostage Relief Act of 1980 (Public Law 96-449) and section 4 of the Act of May 26, 1949 (22 United States Code, Sec. 2658) to add the following new Subchapter P, Parts 1 through 4, to title 22 of the Code of Federal Regulations.

Ben H. Read,

Under Secretary of State for Management.

January 16, 1981.

SUBCHAPTER P—HOSTAGE RELIEF

Parts

1 General.

Sec.
2 Application of Soldiers' and Sailors' Civil Relief Act.
3 Medical benefits.
4 Educational benefits.

PART 1—GENERAL

Sec.
1.1 Declaration of hostile action.
1.2 Application for determination of eligibility.
1.3 Definitions.
1.4 Notification of eligible persons.
1.5 Relationships among agencies.
1.6 Effective date.

Authority: Hostage Relief Act of 1980 (Pub. L. 96–449) and Sec. 4 of Act of 1949 (22 U.S.C. 2658).

§ 1.1 Declaration of hostile action.

(a) The Secretary of State from time to time shall declare when and where individuals in the civil or uniformed services of the United States, or a citizen or resident alien of the United States rendering personal services to the United States abroad similar to the service of a civil officer or employee of the United States, have been placed in captive status because of hostile action abroad directed against the United States and occurring or continuing between November 4, 1979, and such date as may be delcared by the President under section 101(2)(A) of the Hostage Relief Act of 1980 (Public Law 96–449, hereafter "the Act") or January 1, 1983, whichever is later. Each such declaration shall be published in the Federal Register.

(b) The Secretary of State upon his or her own initiative, or upon application under § 1.2, shall determine which individuals in captive status as so declared shall be considered hostages eligible for benefits under the Act. The Secretary shall also determine who is eligible under the Act for benefits as a member of a family or household of a hostage. The determination of the Secretary shall be final, but any interested person may request reconsideration on the basis of information not considered at the time of original determination. The criteria for determination are set forth in sections 101 and 205 of the Act, and in these regulations.

§ 1.2 Application for determination of eligibility.

(a) Any person who believes that they or other persons known to them are either hostages as defined in the Act, or members of the family or household of hostages as defined in § 1.3(1), or a child eligible for benefits under Part 4, may apply for benefits under this subchapter for themselves, or on behalf of others entitled thereto.

(b) The application shall be in writing, should contain all identifying and other pertinent data available to the person applying about the person or persons claimed to be eligible, and should be addressed to the Assistant Secretary of State for Administration, Department of State, Washington, D.C. 20520. Applications may be filed at any time after publication of a declaration under § 1.1(a) in the Federal Register, and during the period of its validity, or within 60 days after release from captivity. Later filing may be considered when in the opinion of the Secretary of State there is good cause for the late filing.

§ 1.3 Definitions.

When used in this subchapter, unless otherwise specified, the terms—

(a) "Family Member" means (1) a spouse, (2) an unmarried dependent child including a step-child or adopted child, (3) a person designated in official records or determined by the agency head or designee thereof to be a dependent, or (4) other persons such as parents, parents-in-law, persons who stand in the place of a spouse or parents, or other members of a household when fully justified by the circumstances of the hostage situation, as determined by the Secretary of State.

(b) "Agency head" means the head of an agency as defined in the Act (or successor agency) employing an individual determined to be an American hostage. The Secretary of State is the agency head with respect to any hostage not employed by an agency.

(c) "Principal" means the hostage whose captivity forms the basis for benefits under this subchapter for a family member.

§ 1.4 Notification of eligible persons.

The Assistant Secretary of State for Administration shall be responsible for notifying each individual determined to be eligible for benefits under the Act or, if that person is not available, a representative or Family Member of the hostage.

§ 1.5 Relationships among agencies.

(a) The Assistant Secretary of State for Administration shall promptly inform the head of any agency whenever and employee (including a member of the Armed Forces) in that agency, or Family Member of such employee, is determined to be eligible for benefits under this subchapter.

(b) In accordance with inter-agency agreements between the Department of State and relevant agencies—

(1) The Veterans Administration will periodically bill the Department of State for expenses it pays for each eligible person under Part 4 of this subchapter plus the administrative costs of carrying out its reponsibilities under this part.

(2) The Department of State will, on a periodic basis, determine the cost fo services and benefits it provides to all eligible persons under this subchapter and bill each agency for the costs attributable to Principals (and Family Members) in or acting on behalf of the agency plus a proportionate share of related administrative expenses.

§ 1.6 Effective date.

This subchapter is effective as of November 4, 1979. Reimbursement may be made for expenses approved under this subchapter for services rendered on or after such date.

PART 2—APPLICATION OF SOLDIERS' AND SAILORS' CIVIL RELIEF ACT

Sec.
2.1 Eligibility for benefits.
2.2 Applicable benefits.
2.3 Description of benefits.
2.4 Administration of benefits.

Authority: Hostage Relief Act of 1980 (Pub. L. 96–449) and Sec. 4 of Act of 1949 (22 U.S.C. 2658).

§ 2.1 Eligibility for benefits.

A person designated as a hostage under Part 1 of this subchapter, other than a member of the Armed Forces covered by the provisions of the Soldiers' and Sailors' Civil Relief Act of 1940, shall be eligible for benefits under this Part.

§ 2.2 Applicable benefits.

(a) Eligible persons are entitled to the benefits provided by the Soliders' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 501, et seq.), including the benefits provided by section 701 (50 U.S.C. App. 591) notwithstanding paragraph (c) thereof, but excluding the benefits provided by sections 104, 105, 106, 400 through 408, 501 through 512, and 514 (50 U.S.C. App. 514, 515, 516, 540 through 548, 561 through 572, and 574).

(b) In applying such Act for purposes of this section—

(1) The term "person in the military service" is deemed to include any such American hostage;

(2) The term "period of military service" is deemed to include the period during which such American hostage is in a captive status;

(3) References therein to the Secretary of the Army, the Secretary of the Navy, the Adjustant General of the Army, the Chief of Naval Personnel, and the Commandant, United States Marine Corps, or other officials of government are deemed to be references to the Secretary of State; and

(4) The term "dependents" shall, to the extent permissible by law, be construed to include "Family Members" as defined in section 101 of the Hostage Relief Act.

§ 2.3 Description of benefits.

The following material is included to assist persons affected, by providing a brief description of some of the provisions of the Civil Relief Act. Note that not all of the sections applicable to hostage have been included here. References to sections herein are references to the Civil Relief Act of 1940, as amended, followed by references in parenthese to the same section in the United States Code.

(a) *Guarantors, endorsers.* Section 103 (50 U.S.C. App. 513) provides that whenever a hostage is granted relief from the enforcement of an obligation, a court, in its discretion, may grant the same relief to guarantors and endorsers of the obligaiton. Amendments extend relief to accoummodation makers and others primarily or secondarily liable on an obligation, and to sureties on a criminal bail bond. They provide, on certain conditions, that the benefits of the section with reference to persons primarily or secondarily liable on an obligation may be waived in writing.

(b) *Written Agreements.* Section 107 (50 U.S.C. App. 517) provides that nothing contained in the Act shall prevent hostages from making certain arrangements with respect to their contracts and obligations, but requires that such arrangements be in writing.

(c) *Protection in Court.* Section 200 (50 U.S.C. App. 520) provides that if a hostage is made defendant in a court action and is unable to appear in court, the court shall appoint an attorney to represent the hostage and protect the hostage's interests. Further, if a judgment is rendered against the hostage, an opportunity to reopen the case and present a defense, if meritorious, may be permitted within 90 days after release.

(d) *Court Postponement.* Section 201 (50 U.S.C. App. 521) authorizes a court to postpone any court proceedings if a hostage is a party thereto and is unable to participate by reason of being a captive.

(e) *Relief Against Penalties.* Section 202 (50 U.S.C. App. 522) provides for relief against fines or penalties when a court proceeding involving a hostage is postponed, or when the fine or penalties are incurred for failure to perform any obligation. In the latter case, relief depends upon whether the hostage's ability to pay or perform is materially affected by being held captive.

(f) *Postponement of Action.* Section 203 (50 U.S.C. App. 523) authorizes a court to postpone or vacate the execution of any judgment, attachment or garnishment.

(g) *Period of Postponement.* Section 204 (50 U.S.C. App. 524) authorizes a court to postpone proceedings for the period of capitivity, and for 3 months thereafter, or any part thereof.

(h) *Extended Time Limits.* Section 205 (50 U.S.C. App. 525) excludes the period of captivity fom computing time under existing or future statutes of limitation. Amendments extend relief to include actions before administrative agencies, and provide that the period of captivity shall not be included in the period for redemption of real property sold to enforce any obligation, tax, or assessment. Section 207 excludes application of section 205 to any period of limitation prescribed by or under the internal revenue laws of the United States.

(i) *Interest Rates.* Section 206 (50 U.S.C. App. 526) provides that interest on the obligations of hostages shall not exceed a specified per centurm per annum, unless the court determines that ability to pay greater interest is not affected by being held captive.

(j) *Misuse of Benefits.* Section 600 (50 U.S.C. App. 580) provides against transfers made with intent to delay the just enforcement of a civil right by taking advantage of the Act.

(k) *Further Relief.* Section 700 (50 U.S.C. App. 590) provides that a person, during a period of captivity or 6 months thereafter, may apply to a court for relief with respect to obligations incurred prior to captivity, or any tax or assessment whether falling due prior to or during the period of captivity. The court may, on certain conditions, stay the enforcement of such obligations.

(l) *Stay of Eviction.* Section 300 (50 U.S.C. App. 530) provides that a hostage's dependents shall not be evicted from their dwelling if the rental is $150 or less per month, except upon leave of a court. If it is proved that inability to pay rent is a result of being in captivity, the court is authorized to stay eviction proceedings for not longer than 3 months. An amendment extends relief to owners of the premises with respect to payments on mortgage and taxes.

(m) *Contract and Mortgage Obligations.* As provided by sections 301 and 302 of the Act (50 U.S.C. App. 531 and 532), as amended, contracts for the purchase of real and personal property, which originated prior to the period of captivity, may not be rescinded, terminated, or foreclosed, or the property repossessed, except as provided in section 107 (50 U.S.C. App. 517), unless by an order of a court. The mentioned sections give the court wide discretionary powers to make such disposition of the particular case as may be equitable in order to conserve the interests of both the hostage and the creditor. The cited sections further provide that the court may stay the proceedings for the period of captivity and 3 months thereafter, if in its opinion the ability of the hostage to perform the obligation is materially affected by reason of captivity. Section 303 (50 U.S.C. App. 533) provides that the court may appoint appraisers and, based upon their report, order such sum as may be just, if any, paid to hostages or their dependents, as a condition to foreclosing a mortgage, resuming possession of property, and rescinding or terminating a contract.

(n) *Termination of a Lease.* Section 304 (50 U.S.C. App. 534) provides, in general, that a lease covering premises occupied for dwelling, business, or agricultural purpose, executed by persons who subsequently become hostages, may be terminated by a notice in writing given to the lessor, subject to such action as may be taken by a court on application of the lessor. Termination of a lease providing for monthly payment of rent shall not be effective until 30 days after the first date on which the next rental payment is due, and, in the case of other leases, on the last day of the month following the month when the notice is served.

(o) *Assignment of Life Insurance Policy.* Section 305 (50 U.S.C. App. 535) provides that the assignee of a life insurance policy assigned as security, other than the insurer in connection with a policy loan, except upon certain conditions, shall not exercise any right with respect to the assignment during the period of captivity of the insured and one year thereafter, unless upon order of a court.

(p) *Storage Lien.* Section 305 (50 U.S.C. App. 535) provides that a lien for storage of personal property may not be foreclosed except upon court order. The court may stay proceedings or make other just disposition.

(q) *Extension of Benefits to Dependents,* Section 306 (50 U.S.C. App. 536) extends the benefits to section 300 through 305 to dependents of a hostage.

(r) *Real and Personal Property Taxes.* Section 500 (50 U.S.C. App. 560) forbids sale of property, except upon court leave, to enforce collection of taxes or assessments (other than taxes on income) on personal property or real property owned and occupied by the hostage or dependents thereof at the commencement of captivity and still

occupied by the hostage's dependents or employees. The court may stay proceedings for a period not more than 6 months after termination of captivity. When by law such property may be sold to enforce collection, the hostage will have the right to redeem it within 6 months after termination of captivity. Unpaid taxes or assessments bear interest at 6 percent.

(s) *Income Taxes.* Section 513 provides for deferment of payment of income taxes. However, section 204 of the Hostage Relief Act of 1980 provides for deferment and certain other relief, and should be referred to in order to determine statutory tax benefits in addition to those in section 513 of the Civil Relief Act.

(t) *Certification of Hostage.* Section 601 provides that a certificate signed by the agency head shall be prima facie evidence that the person named has been a hostage during the period specified in the certification.

(u) *Interlocutory Orders.* Section 602 (50 U.S.C. App. 582) provides that a court may revoke an interlocutory order it has issued pursuant to any provision of the Soldiers' and Sailors' Civil Relief Act of 1940.

(v) *Power of Attorney.* Section 701 (50 U.S.C. App. 591) provides that certain powers of attorney executed by a hostage which expire by their terms after the person was captured shall be automatically extended for the period of captivity. Exceptions are made with respect to powers of attorney which by their terms clearly indicate they are to expire on the date specified irrespective of hostage status. (Section 701 applies to American hostages notwithstanding paragraph (c) thereof which states that it applies only to powers of attorney issued during the "Vietnam era".)

§ 2.4 Administration of benefits.

(a) The Assistant Secretary of State for Administration will issue certifications or other documents when required for purposes of the Civil Relief Act.

(b) The Assistant Secretary of State shall whenever possible promptly inform the chief legal officer of each State in which hostages maintain residence of all persons determined to be hostages eligible for assistance under this subpart.

PART 3—MEDICAL BENEFITS

Sec.

3.1 Eligibility for benefits.
3.2 Applicable benefits.
3.3 Administration of benefits.
3.4 Disputes.

Authority: Hostage Relief Act of 1980 (Pub. L. 96–449) and Sec. 4 of the Act of 1949 (22 U.S.C. 2658).

§ 3.1 Eligibility for benefits.

A person designated as a hostage or Family Member of a hostage under Part 1 of this subchapter shall be eligible for benefits under this Part.

§ 3.2 Applicable benefits.

A person eligible for benefits under this Part shall be eligible for authorized medical and health care at U.S. Government expense, and for payment of other authorized expenses related to such care or for obtaining such care for any illness or injury which is determined by the Secretary of State to be caused or materially aggravated by the hostage situation, to the extent that such care may not—

(a) Be provided or paid for under any other Government health or medical program, including, but not limited to, the programs administered by the Secretary of Defense, the Secretary of Labor and the Administrator of Veterans Affairs; or

(b) Be entitled to reimbursement by any private or Government health insurance or comparable plan.

§ 3.3 Administration of benefits.

(a) An eligible person, who desires medical or health care under this Part or any person acting on behalf thereof, shall submit an application to the Office of Medical Services, Department of State, Washington, D.C. 20520 (hereafter in this Part referred to as the "Office"). The applicant shall supply all relevant information, including insurance information, requested by the Director of the Office. An eligible person may also submit claims to the Office for payment for emergency care when there is not time to obtain prior authorization as prescribed by this paragraph, and for payment for care received prior to or ongoing on the effective date of these regulations.

(b) The Office shall evaluate all requests for care and claims for reimbursement and determine, on behalf of the Secretary of State, whether the care in question is authorized under section 3.2 of this Part. The Office will authorize care, or payment for care when it determines the criteria of such section are met. Authorization shall include a determination as to the necessity and reasonableness of medical or health care.

(c) The Office will refer applicants eligible for benefits under other Government health programs to the Government agency administering those programs. Any portion of authorized care not provided or paid for under another Government program will be reimbursed under this Part.

(d) Eligible persons may obtain authorized care from any licensed facility or health care provider of their choice approved by the Office. To the extent possible, the Office will attempt to arrange for authorized care to be provided in a Government facility at no cost to the patient.

(e) Authorized care provided by a private facility or helth care provider will be paid or reimbursed under this Part to the extent that the Office determines that costs do not exceed reasonable and customary charges for similar care in the locality.

(f) All bills for authorized medical or health care covered by insurance shall be submitted to the patient's insurance carrier for payment prior to submission to the Office for payment of the balance authorized by this Part. The Office will request the health care providers to bill the insurance carrier and the Department of State for authorized care, rather than the patient.

(g) Eligible persons will be reimbursed by the Office for authorized travel to obtain an evaluation of their claim under paragraph (b) and for other authorized travel to obtain medical or health care authorized by this Part.

§ 3.4 Disputes.

Any dispute between the Office and eligible persons concerning (a) whether medical or health care is required in a given case, (b) whether required care is incident to the hostage taking, or (c) whether the cost for any authorized care is reasonable and customary, shall be referred to the Medical Director, Department of State and the Foreign Service for a determination. If the person bringing the claim is not satisfied with the decision of the Medical Director, the dispute shall be referred to a medical board composed of three physicians, one appointed by the Medical Director, one by the eligible person and the third by the first two members. A majority decision by the board shall be binding on all parties.

PART 4—EDUCATIONAL BENEFITS

Sec.

4.1 Eligibility for benefits.
4.2 Applicable family benefits.
4.3 Applicable benefits for hostages.
4.4 Administration of benefits.
4.5 Maximum limitation on benefits.

Authority: Hostage Relief Act of 1980 (Pub. L. 96–449) and Sec. 4 of Act of 1949 (22 U.S.C. 2658).

§ 4.1 Eligibility for benefits.

(a) A spouse or unmarried dependent child aged 18 or above of a hostage as

determined under Part 1 of this subchapter shall be eligible for benefits under § 4.2 of this Part. (certain limitations apply however to persons eligible for direct assistance through other programs of the Veterans Administration under chapter 35 of title 38, United States Code).

(b) A Principal (see definition in § 1.3) designated as a hostage under Part 1 of this subchapter, who intends to change jobs or careers because of the hostage experience and who desires additional training for this purpose, shall be eligible for benefits under § 4.3 of this Part unless such person is eligible for comparable benefits under title 38 of the United States Code as determined by the Administrator of the Veterans Administration.

§ 4.2 Applicable family benefits.

(a) An eligible spouse or child shall be paid (by advancement or reimbursement) for expenses incurred for subsistence, tuition, fees, supplies, books, and equipment, and other educational expenses, while attending an educational or training institution approved in accordance with procedures established by the Veteranss Administration, which shall be comparable to procedures established pursuant to chapters 35 and 36 of title 38 U.S.C.

(b) Except as provided in paragraph (c) or (d herein), payments shall be available under this subsection for an eligible spouse or child for education or training which occurs—

(1) 90 days after the Principal is placed in a captive status, and

(i) Through the end of any semester or quarter which begins before the date on which the Principal ceases to be in a captive status, or

(ii) If the educational or training institution is not operated on a semester or quarter system, the earlier of the end of any cours which began before such date or the end of the twelve-week period following that date.

(c) In special circumstances and within the limitation of § 4.5, the Secretary of State may, under the criteria and procedures set forth in § 4.4, approve payments for education or training under this subsection which occurs after the date determined under paragraph (b) above.

(d) In the event a Principal dies and the death is determined by the Secretary of State to be incident to that individual being a hostage, payments shall be available under this subsection for education or training of a spouse or child of the Principal which occurs after the date of death, up to the maximum that may be authorized under § 4.5.

§ 4.3 Applicable benefits for hostages.

(a) When authorized by the Secretary of State a Principal, following released from captivity, shall be paid (by advancement or reimbursement) for expenses incurred for subsistence, tuition, fees, supplies, books and equipment, and other educational expenses, while attending an educational or training institution approved in accordance with procedures established by the Veterans Administration comparable to procedures established pursuant to chapters 35 and 36 of title 38 U.S.C. Payments shall be available under this subsection for education or training which occurs on or before—

(1) The end of any semester or quarter (as appropriate) which begins before the date which is 10 years after the day on which the Principal ceases to be in a captive status, or

(2) If the educational or training institution is not operated on a semester or quarter system, the earlier of the end of any course which began before such date or the end of the twelve-week period following that date.

(b) A person eligible for benefits under this subsection shall not be required to separate from Government service in order to undertake the training or education, but while in Government service, may only receive such training or education during off-duty hours or during periods of approved leave.

§ 4.4 Administration of benefits.

(a) Any person desiring benefits under this Part shall apply in writing to the Assistant Secretary of State for Administration, Department of State, Washington, D.C. 20520. The application shall specify the benefits desired and the basis of eligiblity for those benefits. The Secretary of State shall make determinations of eligibility for benefits under this Part, and shall forward approved applications to the Veterans Administration and advise the applicant of the name and address of the office in the Veterans Administration that will counsel the eligible persons on how to obtain the benefits that have been approved. Persons whose applications are disapproved shall be advised of the reasons for the disapproval.

(b) The Veterans Administration shall provide the same level and kind of assistance, including payments (by advancement or reimbursement) for authorized expenses up to the same maximium amounts, to spouses and children of hostages, and to Principals following their release from captivity as it does to eligible spouses and children of veterans and to eligible veterans, respectively, under chapters 35 and 36 of title 38, United States Code. The Veterans Administration shall, following consultation with the Secretary of State and under procedures it has established to administer section 1724 of title 38, United States Code, discontinue assistance for any individual whose conduct or progress is unsatisfactory under standards consistent with those established pursuant to such section 1724.

(c) An Advisory Board shall be established to advise on eligibility for benefits under paragraphs (c) and (d) of § 4.2 and under § 4.3. The Board shall be composed of the Assistant Secretary of State for Administration as Chairperson, the Director of the Office of Medical Services of the Department of State, the Executive Director of the regional bureau of the Department of State in whose region the relevant hostile action occurred, the Director of Personnel or other designee of the applicable employing agency, and a representative of the Veterans Administration designated by the Administrator.

(d) If an application is received from a spouse or child for extended training under § 4.2(c), the Secretary of the ——— shall determine with the advice of the Advisory Board whether the Principal, following release from captivity, is incapacitated by the hostage experience to the extent that (1) he or she has not returned to full-time active duty and is unlikely to be able to resume tha normal duties of his or her position or career, or (2) in the event of a separation from Government service, a comparable position or career, for at least six months from the date the Principal is released from captivity. If the Secretary makes such a determination, he or she may approve, within the limits of § 4.5, an application under § 4.2(c) for up to one year of education or training. If the Principal remains incapacitated, the Secretary may approve additional training or education up to the maximum authorized under § 4.5.

§ 4.5 Maximum limitation on benefits.

(a) In no event may assistance be provided under this Part for any individual for a period in excess of 45 months, or the equivalent thereof in part-time education or training.

(b) The eligibility of a spouse for benefits under paragraph (c) or (d) of § 4.2 shall expire on a date which is 10 years after the date of the release of the hostage, or the death of the hostage, respective. The eligibility of a dependent child for benefits under such paragraphs (c) and (d) shall expire on the twenty-sixth birthday of such child or on such later date as determined by the Administrator of the Veterans Administration, as would be applicable if section 1712 of title 38, United States Code, were applicable.

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federal register

Wednesday
January 21, 1981

Part XII

Office of Management and Budget

Budget Rescissions and Deferrals

OFFICE OF MANAGEMENT AND BUDGET

Budget Rescission and Deferrals

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith propose 33 new rescissions of budget authority previously provided by the Congress, totalling $1,142.4 million. In addition, I am reporting 15 new deferrals totalling $1,429.9 million and revisions to three previously-reported deferrals totalling $4.4 million.

The rescission proposals affect programs of the Department of Commerce, Education, Energy, Health and Human Services, and Housing and Urban Development as well as the Community Services Administration, the Federal Mine Safety and Health Services Administration, the Federal Mine Safety and Health Review Commission, the Federal payment to the Postal Service Fund, and the Tennessee Valley Authority. The deferrals affect programs of the Departments of Commerce, Defense, Energy, Interior, Justice, Labor, and State, as well as the intelligence community staff, the National Consumer Cooperative Bank, the Pennsylvania Avenue Development Corporation, and the Small Business Administration.

The details of each rescission proposal and deferral are contained in the attached reports.

Jimmy Carter

The White House,

January 15, 1981.

BILLING CODE 3110-01-M

CONTENTS OF SPECIAL MESSAGE
(In thousands of dollars)

Rescission #	Item	Budget Authority
	Department of Commerce	
	National Oceanic and Atmospheric Administration	
R81-1	Operations, research, and facilities	30,433
	National Telecommunications and Information Admin.	
R81-2	Public telecommunications facilities, planning and construction	4,000
	Department of Education	
	Office of Elementary and Secondary Education	
R81-3	School assistance in federally affected areas	148,000
R81-4	Elementary and secondary education	52,150
	Office of Vocational and Adult Education	
R81-5	Vocational and adult education	11,862
	Office of Postsecondary Education	
R81-6	Student loan insurance	78,728
R81-7	Higher and continuing education	30,984
	Department of Energy	
	Energy programs	
R81-8	Energy supply, research and development - operating expenses	25,026
R81-9	Energy supply, research and development - plant and capital equipment	3,650
R81-10	Fossil energy research and development	25,450
R81-11	Energy conservation	47,800
	Department of Health and Human Services	
	Health Services Administration	
R81-12	Health services	8,057
	Centers for Disease Control	
R81-13	Preventive health services	27,000
	National Institutes of Health	
R81-14	National Cancer Institute	13,565
R81-15	National Heart, Lung, and Blood Institute	10,324
R81-16	National Institute of Dental Research	302
R81-17	National Institute of Arthritis, Metabolism, and Digestive Diseases	3,232
R81-18	National Institute of Neurological and Communicative Disorders and Stroke	2,031
R81-19	National Institute of Child Health and Human Development	3,295
R81-20	National Eye Institute	2,353
R81-21	National Institute of Environmental Health Sciences	3,258
R81-22	National Institute of Aging	588
R81-23	Research Resources	10,561
R81-24	National Library of Medicine	341
R81-25	Office of the Director	360

Rescission #	Item	Budget Authority
	Alcohol, Drug Abuse and Mental Health Administration	
R81-26	Alcohol, drug abuse, and mental health	67,140
	Health Resources Administration	
R81-27	Health resources	78,683
	Human Development Services	
R81-28	Human development services	10,000
	Department of Housing and Urban Development	
	Housing Programs	
R81-29	Congregate services program	10,000
	Other Independent Agencies	
	Community Services Administration	
R81-30	Community services program	6,000
	Federal Mine Safety and Health Review Commission	
R81-31	Salaries and expenses	163
	Postal Service	
R81-32	Payment to the Postal Service Fund	250,000
	Tennessee Valley Authority	
R81-33	Tennessee Valley Authority Fund	177,000
	Subtotal, rescission proposals	1,142,391

Deferral #	Item	Budget Authority
	Department of Commerce	
	General Administration	
D81-3A	Participation in United States Expositions	3,051
D81-27	Department of Defense - Military	
	Shipbuilding and Conversion, Navy	1,125,000
D81-28	Family Housing, Defense	1,992
	Department of Defense - Civil	
D81-9A	Wildlife Conservation, all services	814
	Department of Energy	
	Atomic Energy Defense Activities	
D81-29	Atomic energy defense activities, operating expenses	5,000
D81-30	Atomic energy defense activities, plant and capital equipment	12,000
	Energy Programs	
D81-31	Energy supply, research and development - operating expenses	23,860
D81-32	Energy supply, research and development - plant and capital equipment	3,690
D81-33	Fossil energy construction	42,000
D81-34	Energy Conservation	10,450
	Department of the Interior	
	U.S. Geological survey	
D81-35	Exploration of national petroluem reserve in Alaska	10,710

Deferral #	Item	Budget Authority
	Department of Justice	
	Federal Prison System	
D81-16A	Buildings and facilities	19,800
	Department of Labor	
	Employment and Training Administration	
D81-35	Employment and training assistance	76,699
	Department of State	
D81-37	United States Emergency Refugee and Migration Assistance Fund	15,000
	Other Independent Agencies	
D81-38	Intelligence Community Staff	2,000
	National Consumer Cooperative Bank	
D81-39	Self-help development fund	13,133
	Pennsylvania Avenue Development Corporation	
D81-40	Land acquisition and development	30,895
	Small Business Administration	
D81-41	Business loan and investment fund	57,500
	Subtotal, deferrals	1,453,595
	Total, rescission proposals and deferrals	2,593,986

SUMMARY OF SPECIAL MESSAGES
FOR FY 1981
(in thousands of dollars)

	Rescissions	Deferrals
Third special message:		
New items	1,142,391	1,429,930
Change to amounts previously submitted	-----	4,386
Effect of third special message	1,142,391	1,434,316
Previous special messages	-----	4,236,134a
Total amount proposed in special messages	1,142,391	5,670,450 a/

a/ This amount represents budget authority except for $10,694 thousand involving the deferral of outlays only (D81-19A).

Rescission Proposal No: R81-1

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Commerce	New budget authority (P.L. 96-536) $ 774,367,000
Bureau National Oceanic and Atmospheric Administration	Other budgetary resources 11,850,061
Appropriation title & symbol	Total budgetary resources 786,217,061
Operations, Research, and Facilities 13X1450	Amount proposed for rescission $ 30,493,000
OMB identification code: 13-1450-5-1-306	Legal authority (in addition to sec. 1012): [X] Antideficiency Act
Grant program [ ] Yes [X] No	[ ] Other
Type of account or fund: [ ] Annual	Type of budget authority: [X] Appropriation
[ ] Multiple-year (expiration date)	[ ] Contract authority
[X] No-year	[ ] Other

Justification: In accordance with the President's policy of fiscal restraint, a rescission is proposed to reduce or eliminate spending for various low priority programs in the National Oceanic and Atmospheric Administration (NOAA). These programs proposed for rescission were added to the NOAA budget above the amounts requested by the President. The programs and amounts involved are as follows:

Salmon tagging with Japan - Studies to determine the continent of origin of selected species of salmon. The study is not considered essential to the fishery data analysis program. ($800,000)

Conversion of Pacific Region Headquarters, NWS to an administrative office - The proposed action involves the consolidation of managerial and administrative functions. The proposed consolidation would have no impact on the provisions of weather services to the public and will save the Federal Government both personnel and funding. ($348,000)

Oceanographic instrumentation - Statements made in the Conference Report on the Department's 1981 appropriation bill indicated that these funds were to be used to lay up the NOAA underwater habitat, Hydrolab. However, funds to operate the Hydrolab in 1981 were restored by Conference action. Consequently, funds provided for lay up are unnecessary. ($100,000)

Pascagoula fisheries laboratory renovation and expansion - These funds would improve the laboratory facilities and provide additional space. Improvements made to the facility through reprogramming in 1980 are felt to be adequate. ($650,000)

a/

Flood program - These funds would provide for installation, testing, and evaluation of a prototype flash flood warning system of Appalachian counties, which includes the Big Sandy River Basin. Proceeding with installation of equipment in the Big Sandy River Basin is inconsistent with existing National Weather Service plans. The effects of the ongoing program should be evaluated before expanding the effort. Adequate funds are available currently for this. ($325,000)

Purchase of local warning radars - The proposed action includes deletion of funds to purchase radars for Tupelo, Arizona; and Savannah, Georgia. The purchase of these radars is unnecessary since each of these areas is adequately covered by other network radars. ($1,845,000)

NOAA Undersea Research Program - The proposed action reduces funds for three new regional undersea research programs. The effect of reducing these regional programs in 1981 would not be significant. ($500,000)

Anadromous grants - The reduction of $2,000,000 will maintain the program at its 1980 level in 1981. A significant impact on anadromous fish resources is not expected through deletion of these funds. ($2,000,000)

Campeche Oil Spill - The proposed action would reduce the level of funding for the assessment of the social, environmental, and economic damadge resulting from the IXTOC-I oil spill. The impact of the reduced level of funding is minimal due to the length of elapsed time since the spill occurred. ($500,000)

Striped bass - The proposed action would reduce the scope of the studies regarding the causes of the decline in striped bass stocks. The effect of this reduction would result in the termination of these studies as FY 1980 funds are used up. ($750,000)

Vessel Buy-Back Program - This program will assist in aleviating some of the intense fishing pressure on salmon resources in the northwest by reducing the number of available vessels/licences. Implementation of the buy-back programs at a reduced level will not have an adverse effect on the overall program due to the likely time required to initiate the program. Additionally, states are expected to provide a 50% matching share, reducing the need for Federal funds. ($10,000,000)

Additonal programs are recommended for rescission from the funding transferred from the Promote and Develop Fishery Products and Research Pertaining to American Fisheries appropriation. This proposed action would delete funds above the President's request for the following programs: Marine resources monitoring, assessment and prediction $3,175,000; Commercial fisheries grants to states $2,500,000; Regional Fishery Management Councils of $500,000; Restore and enhance fisheries in the Columbia River $1,100,000; additional base fisheries programs $2,400,000; and Sea Grant increase for marine education $3,000,000. Since these funds are part of the uncommitted balance in the Promote and Develop appropriation, the rescission of the funding would not affect the funding of continuing fishery programs. Additional funds in these areas are not required to carry out effective programs in 1981.

Estimated Effects: The rescission of these funds would reduce Federal spending for fiscal years 1981 and 1982, without hampering the carrying out of NOAA's overall mission.

R81-1

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1980	1981	1982	1983
775.1	757.8	17.3	13.2	---	---

R81-1

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Operations, Research, and Facilities

Of the funds provided for "National Oceanic and Atmospheric Administration, Operations, research, and facilities" by P.L. 96-536, $30,493,000 are rescinded

Rescission Proposal No: R81-2

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Commerce	New budget authority (P.L. 95-567) $ 25,705,000
Bureau National Telecommunications and Information Administration	Other budgetary resources 11,510
Appropriation title & symbol: Public Telecommunications Facilities, Planning and Construction 13X0551	Total budgetary resources 25,716,510
	Amount proposed for rescission $ 4,000,000
OMB identification code: 13-0551-5-1-503	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☐ Yes ☐ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The public telecommunications facilities program provides grants for planning and construction of noncommercial telecommunications facilities to help extend and improve the delivery of public telecommunications services. In support of the President's policy of fiscal restraint, a rescission of $4 million is proposed to return the Public Telecommunications facilities program to the level requested by the President in the 1981 Budget.

Estimated Effects: Although the specific demand by States for these funds in 1981 is not known, it is anticipated that this rescission will have no significant impact on the NTIA's ability to meet the "start-up and extension" requirements of the Telecommunications Financing Act of 1978.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
21.8	21.4	0.4	2.0	1.6	---

R81-2

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Public Telecommunications Facilities, Planning & Construction

Of the funds provided for "National Telecommunications and Information Administration, Public telecommunications facilities, planning and construction" by P.L. 96-536, $4,000,000 are rescinded.

Rescission Proposal No: R81-3

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Education	New budget authority (P.L. 96-536) $ 740,000,000
Bureau Office of Elementary & Secondary Education	Other budgetary resources -0-
Appropriation title & symbol: School Assistance in Federally Affected Areas 9110102	Total budgetary resources 740,000,000
	Amount proposed for rescission $ 148,000,000
OMB identification code: 91-0102- -1-501	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

The Impact Aid Maintenance and Operations program provides assistance to local educational agencies that have been adversely affected by the loss of revenues due to nontaxable lands defined as Federal property within their boundaries. Section 2 of Title I of the Act of September 30, 1950, as amended, provides assistance to school districts that have suffered a partial loss of tax base due to certain U.S. acquisitions of real property. Section 3 of the Act provides payments to assist school districts to finance the cost of educating children who reside and/or whose parents work on Federal property or are in the uniformed services.

Since school districts receiving aid under this program have been overcompensated for the effects of the Federal burden, a rescission is proposed that will limit payments to school districts under sections 2 and 3 to 75 percent of the amounts paid in 1980.

Estimated Effects:

The proposed rescission will provide payments for all eligible applicants (estimated at 4059 for 1981) for all eligible children (estimated to be 2,234,000 in 1980). By making payments at 75 percent of the amount appropriated for 1980, a savings of $148 million from the Continuing Resolution level of $740 million for the Maintenance and Operations program will be realized.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate

Without Rescission	With Rescission	Outlay Savings 1981	1982	1983	1984
903.9	770.7	133.2	14.1	.7	--

R81-3

DEPARTMENT OF EDUCATION

Office of Elementary and Secondary Education

School Assistance in Federally Affected Areas

Of the funds provided for "School Assistance in Federally Affected Areas" for fiscal year 1981 in Public Law 96-536, $148,000,000 are rescinded: Provided that the payments under sections 2 and 3 shall not exceed 75 per centum of the amounts paid to local education agencies under those sections for fiscal year 1980: Provided further, That the last two sentences of section 5(c) of the Act of September 30, 1950, shall not apply to the allocations and payments provided for in this Act.

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Education	New budget authority (P.L. 96-536): $ 3,838,098,000
Bureau: Office of Elementary and Secondary Education	Other budgetary resources:
Appropriation title & symbol: Elementary and Secondary Education 9110100	Total budgetary resources: 3,838,098,000
	Amount proposed for rescission: $ 52,150,000
OMB identification code: 91-0100-5-1-501	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program: ☒ Yes ☐ No	
Type of account or fund: ☒ Annual ☒ Multiple-year September 30, 1982 (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

Improving Local Education Practice (Title IV-C) provides grants to State educational agencies to support local educational agencies' efforts at developing and implementing innovative solutions to a variety of educational problems.

Strengthening State Educational Agency Management (Title V-B) provides grants to State educational agencies to apply effective management practices to a variety of educational issues and to improve State leadership and services for elementary and secondary education programs, including the coordination of Federal programs, in each of the States.

Rescissions of $41,400,000 of the funds appropriated for Improving Local Educational Practice and $5,000,000 of the funds appropriated for Strengthening State Educational Agency Management are proposed because neither is, in a time of fiscal restraint, a high priority program. The projects supported by Title V-B are not necessarily targeted to national needs or national priority populations; Title V-B grants represent additional Federal funds devoted to administration.

Territorial Assistance provides general aid to education in the Virgin Islands and assists teacher training in Guam, American Samoa, the Northern Mariana Islands and the Trust Territory of the Pacific Islands.

A rescission of the $5,000,000 appropriated is proposed because sufficient funds are available from statutory set-asides in programs such as ESEA Title I, Title IV-C and Education for the Handicapped and from a variety of discretionary programs to meet the general needs addressed by these programs. Also under the consolidated grant program established by P.L. 95-134, the Insular Areas have enhanced opportunities to target currently available Federal funds on their most urgent needs.

Ellender Fellowships provides a grant to the Close-Up Foundation to fund fellowships for economically disadvantaged secondary school youth and their teachers. These students and teachers spend one week in Washington attending seminars on current issues and meeting with leaders from the three branches of government.

A rescission of $750,000 is proposed because local organizations have demonstrated their capacity to support the Foundation's activities independent of federal funding.

Estimated Effects:

Title IV-C and Title V-B. Rescinding $41,400,000 from Title IV-C will reduce the number of local education agency projects by 1,600 leaving a total of 2,600. The proposed rescission of $5,000,000 from Title V-B will cut the number of State education activities supported by 61. A total of 444 will remain.

Territorial assistance and Ellender Fellowships. Rescinding $750,000 of the funds appropriated for Ellender Fellowships would eliminate approximately 1500 fellowships. Rescinding the funds appropriated for Territorial Assistance would eliminate $5,000,000 of what is essentially general aid.

Outlay Effect: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
3,374.2	3,370.2	4.0	39.4	8.8	---

R81-4

DEPARTMENT OF EDUCATION

Office of Elementary and Secondary Education

Elementary and Secondary Education

Of the funds appropriated for "Elementary and Secondary Education" in Public Law 96-536 for fiscal year 1981, $41,400,000 of the amount appropriated for title IV, part C and $5,000,000 of the amount appropriated for title V, part B of the Elementary and Secondary Education Act; and $5,000,000 appropriated for sections 1524 and 1525 of the Education Amendments of 1978; and $750,000 of the amount appropriated for Public Law 92-506 are rescinded. Provided, That notwithstanding the provision of Sections 404(a)(9) and 523(c), none of the funds appropriated for title IV, part C of the Elementary and Secondary Education Act may be expended for the purpose of title V, part B of the Elementary and Secondary Education Act.

Rescission Proposal No: R81-5

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Education	New budget authority (P.L. 96-536) $ 28,617,000
Bureau Office of Vocational and Adult Education	Other budgetary resources -0-
Appropriation title & symbol Vocational and Adult Education 1910400	Total budgetary resources 28,617,000
	Amount proposed for rescission $ 11,862,000
OMB identification code: 91-0400-5-1-501	Legal authority (in addition to sec. 1012): [X] Antideficiency Act [ ] Other
Grant program [X] Yes [ ] No	
Type of account or fund: [X] Annual [ ] Multiple-year _____ (expiration date) [ ] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other

Justification:

The Career Education Incentive program provides primarily formula based matching funds to State education agencies for developing career awareness and career education within existing education programs and curricula. There is a seven and one-half percent funds set-aside for aid to outlying areas and discretionary activities including information-dissemination, model projects and evaluations. The rescission request will reduce the program from $15 million to $10 million and is requested because it is expected that States will utilize more of their own resources in continuing career education programs.

The Community Schools program authorizes grants, both discretionary and State formula, to support the use of public schools as centers operated jointly by a local education agency and a community service for the coordinated delivery of educational and social services to the community. The 1981 Continuing Resolution provides $10 million to make formula grants to State education agencies to pay the Federal share of the cost of planning, establishing, expanding and operating community education programs.

A rescission is proposed in order to fund the discretionary grants portion of the program at the level of $3,138,000. Funding the discretionary programs rather than the formula program targets scarce budgetary resources to areas that have, or are prepared to start, community schools programs.

Estimated Effects:

The effect of the Federal decrease of $5 million in the Career Education Incentive program will be to reduce formula grants to States and outlying areas from $14,025,000 from which 17 States would receive the statutory minimum grant of $125,000 to $9,350,000, from which 30 States would receive the minimum grant of $125,000. Funding for discretionary activities would be reduced from $975,000 to $650,000. The number of discretionary activities would not decrease but the average cost would.

The proposed Community Schools rescission will change the $10 million formula grant program to State education agencies in all the States, the District of Columbia, Puerto Rico and the Outlying Areas to a discretionary grant program. These discretionary grants will be made to local education agencies (approximately 25), to nonprofit agencies (approximately 6), State education agencies (approximately 25), and institutions of higher education (approximately 6).

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
35.1	33.6	1.5	7.2	2.0	1.1

R81-5

DEPARTMENT OF EDUCATION

Office of Vocational and Adult Education

Vocational and Adult Education

Of the funds appropriated for "Vocational and Adult Education" by Public Law 96-536 for fiscal year 1981, $5,000,000 of the amount appropriated for the purpose of carrying out the Career Education Incentive Act and $6,862,000 of the amount appropriated for the purpose of carrying out title VIII, section 804, of the Elementary and Secondary Education Act are rescinded. Provided, that the $3,138,000 remaining for title VIII of the Elementary Education Act shall be used for the purpose of carrying out sections 809, 810, and 812 of the Act.

Rescission Proposal No: R81-6

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Education	New budget authority (P.L. 96-536): $2,312,479,000 *
Bureau: Office of Postsecondary Education	Other budgetary resources: 210,816,000
Appropriation title & symbol: Student Loan Insurance Fund 91X0230	Total budgetary resources: 2,523,295,000
	Amount proposed for rescission: $78,728,000
OMB identification code: 91-0230-5-1-502	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year _____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: This program insures and subsidizes student and parent borrowing for postsecondary educational costs from commercial and other lenders. Since enactment of the Middle Income Student Assistance Act loan volumes and program costs have increased annually to the point where associated Federal costs would now consume a major percentage of the education budget.

This rescission is being sought in order to better target Federal subsidies and to emphasize the traditional role of the family in meeting postsecondary educational costs. The rescission is accompanied by appropriation language which changes the benefits for new loans thereby reducing program costs. These changes would: (a) limit student loan amounts to "remaining need": (educational costs minus other aid and expected family contribution); (b) eliminate the in-school interest subsidy on student loans (allowing lenders to add the accruing interest to the student's loan obligation); (c) extend eligibility for parent loans to parents of dependent graduate students and spouses of independent students; (d) eliminate the Federal special allowance payment to lenders on parent loans; (e) allow lenders to set the parent loan interest rate (up to the Treasury Bill rate for 91 day notes plus 3.5 percent); and, (f) allow an up to 20 year repayment period on parent loans. These changes are also contained in the 1982 budget.

* Represents an estimate of funds expected to be required for this program under an indefinite appropriation provided by P.L. 96-536.

The proposed program changes are estimated to reduce full program costs by $157 million and continuing resolution costs by $79 million in 1981. Enactment of the rescission appropriation language provides $58 million for activities not authorized under the continuing resolution. Savings to the Federal Government accrue over the life of the loans made under these changes and much of the reduction in cost occurs in later years. The requested rescission assumes that these program changes will be effective only for the last quarter of fiscal year 1981. Earlier enactment would result in greater savings.

The chart below shows the fiscal impact of the rescission request:

Guaranteed Student Loan Subsidies
(dollars in thousands)

	Continuing Resolution	Full Program Costs	With Proposed Program Changes	Change from Continuing Resolution Levels
Federal Insurance claims	107,783	107,783	107,783	--
Federal reinsurance claims	232,509	232,509	234,509	+2,000
Interest benefits	654,751	654,751	546,751	-108,000
Special Allowance	1,460,228	1,460,228	1,437,228	-23,000
Death and Disability	14,850	14,850	16,850	+2,000
Bankruptcy	14,132	14,132	13,132	-1,000
Primary guarantee agency allowance	--	30,321	27,321	+27,321
Supplemental guarantee agency allowance	--	27,951	24,951	+24,951
Institutional allowance	36,542	36,542	33,542	-3,000
Allowances to agency reserves	2,500	2,500	2,500	--
Total Obligations	2,523,295	2,581,567	2,444,567	-78,728
Collections and other adjustments			-210,816	
Appropriation needed			2,233,751	

Estimated Effect: This rescission proposal will better target Federal subsidies and emphasize the traditional role of the family in meeting postsecondary educational costs. If this proposal were not made, loan volume in 1981 would be an estimated $7,185 million. This rescission would reduce estimated 1981 loan volume by $2,085 million to $5,100 million. Even with the rescission, 1981 loan volume is estimated to be $350 million over the $4,750 million loan volume of fiscal year 1980.

Outlay Effect:

(in millions)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	Rescission	1981	1982	1983	1984
2,066.8	2,007.8	59.0	19.7	--	--

DEPARTMENT OF EDUCATION

Office of Postsecondary Education

Student Loan Insurance Fund

Notwithstanding any other provision of law, $2,233,751,000 shall be available during 1981 for program activities under this head: Provided that, notwithstanding provisions of the Higher Education Act, new loans to students under the Guaranteed Student Loan program shall be limited to estimated educational costs minus other financial assistance for the loan period and expected family contribution (as determined using a need analysis method approved by the Secretary of Education); the parents of dependent graduate students and the spouses of independent students shall be eligible to borrow funds under the same terms as the parents of dependent undergraduate students and the interest on loans to parents or spouses shall be set by the lender and shall not exceed the average of the bond equivalent rates of the ninety-one day Treasury bills auctioned during the last fiscal quarter completed prior to the making of a loan plus 3.5 percentum, and the repayment period on these loans may be extended by the lender up to a total of 20 years; no Federal interest benefits shall be paid on behalf of borrowers of new loans made under the Guaranteed Student Loan program; no Federal special allowance shall be paid to lenders on loans to parents or spouses under this program.

Rescission Proposal No: R81-7

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Education	New budget authority (P.L. 96-536): $ 410,863,315
Bureau: Office of Postsecondary Education	Other budgetary resources: 16,941,872
Appropriation title & symbol: Higher and Continuing Education 9110201	Total budgetary resources: 427,805,187
	Amount proposed for rescission: $ 30,989,000
OMB identification code: 91-0201-5-1-502	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program: ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

	Amount Proposed for Rescission
Educational Outreach Title I, Part B of the Higher Education Act, is a new authority designed to increase access to postsecondary education for adults and non-traditional learners. This new authority includes a ten percent set aside for Federal discretionary grants. The remainder of the funds are distributed to the States on a formula basis for Comprehensive Statewide Planning, Information Services, and Continuing Education. Funds are also provided to the States for administration of the programs. All funds, except the State administration funds, are proposed for rescission because postsecondary planning, information services and continuing education are viewed as areas of State and institutional responsibility. State administration funds will be used to close out the old University Community Service and Continuing Education program.	$12,800,000
Veterans Cost of Instruction program provides grants to postsecondary institutions to encourage recruitment of, and special service to, eligible veterans. The number of veterans enrolled in postsecondary education has been declining in recent years. The institutions should now be able to provide services to the smaller number of veterans through their traditional counseling, tutoring and other service programs on campus.	$12,039,000
Public Service and Mining Fellowships programs support grants to institutions of higher education to provide fellowship assistance for students obtaining advanced training for a career in public service and for students of exceptional ability who are undertaking advanced training in domestic mining and mineral fuel conservation. Funds are proposed for rescission because there already is a substantial number of qualified persons to fill public service jobs and the attractive financial rewards associated with jobs in mining-related fields have served as a significant incentive in encouraging students to enter this field of study.	$3,150,000
Law School Clinical Experience programs support demonstrations of training programs in clinical legal experience. Funds are proposed for rescission because the Federal objective of demonstrating the value of clinical experience in the education and training of law students has been met.	$3,000,000
Total proposed for rescission	$30,989,000

Estimated Effects: The rescission of $12,800,000 in funds appropriated for the Educational Outreach programs will eliminate approximately 25 Federal discretionary grants for continuing education as well as formula grants to the 57 States and territories for comprehensive planning, information services, and continuing education.

The rescission of $12,039,000 appropriated for Veterans Cost of Instruction will eliminate grants to approximately 1,025 institutions of higher education that provide services to an estimated 326,000 enrolled veterans.

The rescission of $3,150,000 appropriated for Public Service and Mining Fellowships will eliminate approximately 238 Public Service fellowships and 137 Mining fellowships.

The rescission of $3,000,000 appropriated for Law School Clinical Experience will eliminate approximately 60 demonstration project awards, some of which would go to schools where the concept of clinical legal education has already been demonstrated with Federal funds in 1978, 1979, and/or 1980.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
389.1	384.7	4.4	25.3	0.3	---

R81-7

DEPARTMENT OF EDUCATION

Office of Postsecondary Education

Higher and Continuing Education

Of the funds provided for "Higher and Continuing Education" by Public Law 96-536 for fiscal year 1981, $12,800,000 of the amount appropriated for title I, part B, $12,039,000 appropriated for section 420, $3,150,000 of the amount appropriated for title IX part B, and $3,000,000 appropriated for title IX, part E of the Higher Education Act are rescinded, not withstanding the provisions of sections 922(a)(2) and 922(e): Provided, that $2,200,000 of the amount appropriated for title I, part B be for section 115(d).

Rescission Proposal No: R81-8

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Energy	New budget authority (P.L. 96-367 / 96-369) 96-536) $2,298,754,000
Bureau Energy Programs	Other budgetary resources 131,525,000
Appropriation title & symbol 89x0224 Energy Supply Research and Development-Operating Expenses	Total budgetary resources 2,430,279,000
	Amount proposed for rescission $25,026,000
OMB identification code: 89-0224-3-1-271	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification

The high temperature gas reactor (HTGR) program is a developed technology. A consortium of utilities has been interested in continuing development of this technology. However, since 1978, the consortium has been unable to obtain a commitment for major cost-sharing for a large plant. Latest indications are that it will take Federal support of $350 million over seven years before the utilities would be ready to decide to order the HTGR. This risk of Federal dollars is too great when compared to an essentially zero risk on the part of the private sector. Therefore, a rescission is proposed to withdraw Federal support from this program in 1981.

Estimated Effects

This rescission will terminate the high temperature reactor program immediately.

Outlay Effect: (in millions of dollars)

1981 Outlay Estimate Without Rescission	1981 Outlay Estimate With Rescission	Outlay Savings 1981	1982	1983	1984
2,277.1	2,253.1	24.0	1.0	---	---

R81-8

DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

Operating Expenses

Of the funds appropriated under this head in P.L. 96-367, making appropriations for energy and water development, $25,026,000 are rescinded.

Rescission Proposal No: R81-9

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Energy	New budget authority (P.L. 96-367) $383,287,000
Bureau Energy Programs	Other budgetary resources 22,282,000
Appropriation title & symbol Energy Supply, Research and Development Plant and Capital Equipment 89X0225.40	Total budgetary resources 405,569,000
	Amount proposed for rescission $3,650,000
OMB identification code: 89-0225-3-1-271	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification

Funds totalling $2.5 million provided for the construction of a facility to produce ethanol from biomass are proposed for rescission. In light of the loan guarantee program for ethanol-producing facilities, the construction of this facility with Government funds is no longer necessary.

In addition, supporting capital equipment funds totalling $1,150,000 for the High Temperature Gas Reactor (HTGR) are proposed for rescission in conjunction with the proposal to terminate activities in the operating account.

Estimated Effect

In light of the availability of loan guarantee awards for construction of ethanol facilities in excess of $1 billion, the effect of rescinding funds for the alcohol fuel facility will be minimal.

The HTGR rescission will stop purchases of capital equipment consistent with the immediate termination of the program.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate Without Rescission	1981 Outlay Estimate With Rescission	Outlay Savings 1981	1982	1983	1984
427.5	423.9	3.6	0	0	0

R81-9

DEPARTMENT OF ENERGY

Energy Supply, Research and Development

Plant and Capital Equipment

Of the funds appropriated under this head in P.L. 96-367, making appropriations for energy and water development, $3,650,000 are rescinded.

Rescission Proposal No: R81-10

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Energy	New budget authority (P.L. 96-514) $711,435,000
Bureau Energy Programs	Other budgetary resources 31,019,111
Appropriation title & symbol: Fossil Energy Research and Development 89X0213	Total budgetary resources 742,454,111
	Amount proposed for rescission $25,450,000
OMB identification code: 89-0213-5-1-271	Legal authority (in addition to sec. 1012): [X] Antideficiency Act
Grant program [ ] Yes [X] No	[ ] Other
Type of account or fund: [ ] Annual [ ] Multiple-year (expiration date) [X] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other

Justification

Coal Gasification. Funds are proposed for rescission that were intended to finance an unsolicited proposal submitted by the Texas Gas Transmission Corporation and the Commonwealth of Kentucky for a phase zero design study relative to the Hygas demonstration project. The department is currently pursuing an aggressive program to demonstrate the production of high-Btu pipeline gas from coal with two competing designs (CONOCO and ICGG).

Atmospheric Fluidized Bed. Funds are proposed for rescission that were intended to finance operation of the Rivesville 30Mw atmospheric fluidized bed (AFB) boiler, since it has served its purpose in identifying problem areas in fluidized bed technology. Based on the successful performance of this first 30 Mw unit and a subsequent demonstration plant, it is expected that several utilities will be ready to commit to installation of AFB boilers. TVA efforts reflect more modern designs and thus obviate the need for further data from the Rivesville facility.

Coal oil mixtures. Funds are proposed for rescission in the area of Coal Oil Mixtures. The successful application of Coal Oil Mixture Technology has already been demonstrated in past and current DOE and industry projects. Applications for additional demonstrations should be made under the alternate fuels programs and the Synthetic Fuels Corporation.

Estimated Effects

Coal Gasification. Since the Department already is vigorously pursuing a high-Btu demonstration program via the pipeline gas competition and the completion of a Hygas design, the effects of the proposed rescission would be minimal to overall program objectives.

Atmospheric Fluidized Bed (AFB). The proposed rescission will have a minimal effect on the overall AFB combustion program. It is proposed that funds required under contractual terms for eventual dismantling of the facility ($1.2M) be redirected from within the AFB program.

Coal Oil Mixtures. The effect of the proposed rescission is that additional Coal Oil Mixture demonstration projects would not be initiated during FY 1981. The additional data to be gained through DOE efforts, that of providing specific conversion and operating data to the general public for encouraging and supporting ERA mandated near-term technology, would have minimal value. This is because only marginal areas of technical risk remain for Coal Oil Mixtures.

Outlay Effects (in millions and tenths):

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
17.75	-0-	17.75	7.7	-0-	-0-

R81-10

DEPARTMENT OF ENERGY
FOSSIL ENERGY RESEARCH AND DEVELOPMENT

Of the funds provided under this head for fiscal year 1981 in Public Law 96-514, $25,450,00 are rescinded.

Rescission Proposal No: R81-11

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Energy	New budget authority (P.L. 96-514 & 96-126) $ 862,107,000
Bureau Energy Programs	Other budgetary resources 83,405,000
Appropriation title & symbol: Energy Conservation 89x0215	Total budgetary resources 945,512,000
	Amount proposed for rescission $ 47,800,000
OMB identification code: 89-0215-5-1-999	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

Funding is proposed for rescission in the Transportation Energy Conservation Program ($12 million) and the Industrial Energy Conservation Program ($35.8 million).

One rescission in the Transportation Energy Conservation Program is proposed to eliminate contract funding for development of a third automotive gas turbine engine ($7 million). Two separate engine development efforts are already underway, and it is unlikely that a third contractor team could ultimately become competitive due to the time lag from which a third team would be starting. The proposed rescission would have no impact on the development of the two on-going project teams. A second rescission in the Transportation Energy Conservation Program is proposed to eliminate funding of a second Stirling engine contractor ($5 million). The Department of Energy has been supporting an automotive Stirling contractor for several years and their on-going engine program is well established. Funds in the FY 1981 budget were to have initiated a second Stirling engine contractor focusing on component development. However, Stirling engine component development is currently being pursued by DOE's Energy Conversion and Utilitization Technologies Program. Therefore, an additional Stirling contractor appears unnecessary.

The rescission in the Industrial Energy Conservation Program is proposed for formcoke and coke pelletizing projects ($17.8 million) and projects ($18 million) in the waste energy reduction, process efficiency, cogeneration, and implementation and deployment programs. The proposed rescission of the formcoke and coke pelletizing projects will have no major impact on energy conservation since these projects involve questionable energy savings. The other projects in the areas of waste energy reduction, process efficiency, cogeneration, and implementation and deployment would have accomplished lesser energy savings per Federal dollar invested than those projects which will be undertaken in FY 1981 with the remaining $53.9 million in the Industrial Conservation program.

These proposed rescissions in FY 1981 are consistent with the FY 1982 budget request, which includes no funds for these projects.

Estimated Effects:

These rescissions will achieve a savings of $47.8 million by eliminating projects in the Transportation Energy and Industrial Energy Conservation Programs.

Outlays Effects: (In millions of dollars)

1981 Outlay Estimate		Outlays Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
752.2	734.4	17.8	18.0	12.0	0

R81-11

Department of Energy
Energy Conservation

Of the funds appropriated under this head in P.L. 96-514, making appropriations for the Department of the Interior and Related Agencies, 1981, and in P.L. 96-126, making appropriations for the Department of the Interior and Related Agencies, 1980, $47,800,000 are rescinded.

Rescission Proposal No: R 81-12

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Health and Human Services	New budget authority (P.L. 96-536) $ 1,058,277,000
Bureau Health Services Administration	Other budgetary resources 56,778,000
Appropriation title & symbol Health Services - 7510350	Total budgetary resources 1,115,055,000
	Amount proposed for rescission $ 8,057,000 1/
OMB identification code: 75-0350-5-1-551	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other _____
Type of account or fund: ☒ Annual ☐ Multiple-year _____ (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

Justification:

The programs covered by this rescission proposal are the home health services grant program, the Maternal and Child Health (MCH) training program, and the MCH research program.

The Administration is proposing to accelerate the phase-out of the $4 million home health agency start-up grant program. This phase-out was first proposed in the President's 1981 budget. There are already over 3,000 home health agencies operating in the U.S. today so that continued support of the small, marginal program is no longer justified. Moreover, Medicare and Medicaid home health reimbursement--$947 million in 1980--is much more important to the maintenance of home health agencies than this small grant program.

The MCH training and research programs rescission of $4.057 million represents the first phase of a transfer of these responsibilities to the Health Resources Administration and the National Center for Health Services Research respectively where they can be more effectively performed.

1/ An additional $1.9 million for MCH training and research and $4 million for PHS Act Title X family planning are planned to be proposed for rescission if additional 1981 funding is provided for these programs after the present continuing resolution expires on June 5, 1981.

Estimated effects:

The phase-out of the $4 million home health agency grant program will eliminate support for 45 service grants and 21 training grants. These grants were designed strictly for start-up costs with the bulk of Federal support for operating costs scheduled to come from Medicare and Medicaid so that the small amount lost per project--$60,000--should be easily recouped from other sources.

The partial rescission of the MCH training and research programs--$4 million out of the $25.5 million available for these programs under the continuing resolution--will reduce training slots from 6,956 to 6,250 and research grants from 50 to 33.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
1,270.6	1,267.9	2.7	5.4	--	--

R 81-12

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Services Administration
Health Services

Of the funds provided for "Health Services" for fiscal year 1981 in P.L. 96-536, $8,057,000 are rescinded.

Rescission Proposal No: R81-13

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Health and Human Services	New budget authority (P.L. 96-536) $ 259,427,000
Bureau Centers for Disease Control	Other budgetary resources 20,000,000
Appropriation title & symbol Preventive Health Services 7510943	Total budgetary resources 279,427,000
	Amount proposed for rescission $ 27,000,000
OMB identification code: 75-0943-5-1-550	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification

The proposed rescission affects health incentive 314(d) grants provided to State health authorities for public health services. These grants constitute a relatively small share of the total State and local expenditures for public health. Their use is flexible enough to include support services such as public health laboratories in addition to the provision of direct preventive health services. The increased availability of other funding mechanisms has diminished the role of health incentive grants to States as a means of supporting public health activities.

The health incentive grant funds are not essential to accomplishment of public health goals. Taken together with other rescissions being proposed by the President, this action will contribute substantially to reducing Federal outlays and helping to minimize Federal borrowing and its impact on the rate of inflation.

Estimated Effects:

The effect of this rescission is to eliminate a Federal share in the cost of public health programs for which State and local health agencies have the primary authority.

The proposed rescission would eliminate funding for health incentive grants used primarily for non-institutional personal health services. In FY 1979, grant recipients used only 40.5 percent of the total funds available which represents 1.5 percent of their total public health expenditures. Other funding mechanisms such as Maternal and Child Health, Family Planning and High Blood Pressure Control provide grant assistance to State and local health authorities.

This proposal also affects programs in tuberculosis control, laboratory support for epidemiologic investigation of outbreaks, radiological health and local health departments. Technical assistance will continue to be provided in these areas.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate 1/		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
299.3	287.1	12.2	10.2	4.6	--

1/ Assumes extension of the level of funding provided by P.L. 96-536 for the entire fiscal year.

R81-13

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Preventive Health Services

Of the funds provided for "Preventive Health Services" for fiscal year 1981 in P.L. 96-536, $27,000,000 are rescinded.

Rescission Proposal No: R81-14

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Health and Human Services	New budget authority (P.L. 96-536) $ 724,755,000
Bureau National Institutes of Health	Other budgetary resources 100,000
Appropriation title & symbol: National Cancer Institute 7510849	Total budgetary resources 724,855,000
	Amount proposed for rescission $ 13,565,000
OMB identification code: 75-0849-5-1-550	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program ☒ Yes ☐ No	
Type of account or fund: ☒ Annual ☐ Multiple-year _____ (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: Of the funds provided by the Congress in excess of the President's request, a rescission of $13,565,000 is proposed. This proposal is intended to help control funding for health research, while allowing growth in selected mechanisms of support for the activities of this agency. The rescission will not affect continuation of the Administration's policy of support for 5,000 new and competing research project grants annually.

Estimated Effects:

Task Forces and Clinical Trials.--Reductions include decreases in Cancer Task Forces, and Clinical Cooperative Groups totalling $1,388,000. The Cancer Task Forces, which fund the organ site program, will be reduced by four awards. The revised funding level for both Clinical Cooperative research and the Task Forces would be $50,759,000. The Clinical Cooperative Group Program will be reduced by nineteen awards. Cancer Task Forces support a planned and integrated research effort oriented toward cancer at a specific site. These site-specific projects are established if cancer in a particular organ site poses a substantial problem in terms of incidence and mortality. Clinical Cooperative Groups support clinical trials and evaluations of the efficacy of the various forms of cancer therapy, and constitute a major national resource for safe controlled research involving patients.

Cancer Centers.--Support for Cancer Centers will be reduced by $1,595,000 or 2% to a revised level of $70,035,000. At this level, all existing 58 centers will continue to receive support. These centers serve as focal points for basic and clinical research activities, and for education, training and community outreach.

Training.--National Research Service Awards will be reduced by $2,559,000. This will result in a reduction of 25 individual awards and 13 institutional awards, resulting in 114 fewer trainees or their annual equivalent being supported. The rescission amount represents a 9% reduction in research training support. The revised level for training support would be $26.6 million.

Research and Development Contracts.--Contracts will be reduced by $3,522,000 or 12 contracts. This reduction includes a decrease in support available for chemo-prevention activities, involving studies of retinoids, analogues of vitamin A, which appear to have the ability to prevent the development of certain forms of invasive cancer. Also affected are certain epidemiological studies to identify specific carcinogens responsible for certain cancers. It will be necessary to curtail research efforts to characterize and evaluate new biological response modifiers as they are identified. The revised funding level would be $205.1 million.

Intramural Research.--The intramural research program which gives research scientists the opportunity for basic and applied research and clinical investigation to solve major health problems, will be reduced by $1,000,000 through reduced purchases of equipment and biological and chemical resources for research. The revised level for intramural activities would be $162.9 million.

Cancer Control.--The Cancer Control Program will be reduced by $2,000,000 precluding new project starts and reducing some ongoing projects. The revised funding level for the program would be $54.3 million. This program is concerned with the entire health care continuum, and includes prevention, screening, diagnosis, pretreatment evaluation, treatment, rehabilitation and continuing care activities.

Construction.--Funds for construction will be reduced by $1,500,000 which will entail some delay in completion of modernization and upgrading of existing facilities. With the rescission the revised funding level would be $3.5 million.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
995.2	990.0	5.2	7.3	---	---

R81-14

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Cancer Institute

Of the funds provided for "National Cancer Institute" for fiscal year 1981 in P.L. 96-536, $13,565,000 are rescinded.

Rescission Proposal No: R81-15

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Health and Human Services	New budget authority (P.L. 96-536) $ 406,281,000
Bureau National Institutes of Health	Other budgetary resources 100,000
Appropriation title & symbol: National Heart, Lung, & Blood Institute 7510872	Total budgetary resources 406,281,000
	Amount proposed for rescission $ 10,324,000
OMB identification code: 75-0872-5-1-550	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: Of the funds provided by the Congress in excess of the President's request, a rescission of $10,324,000 is proposed. This proposal is intended to help control funding for health research, while allowing growth in selected mechanisms of support for the activities of this agency. The rescission will not affect continuation of the Administration's policy of support for 5,000 new and competing research project grants annually.

ESTIMATED EFFECTS: The proposed rescission is $10,324,000 and would affect the following:

Research Centers: Research centers would be individually negotiated downward to achieve an overall centers' reduction of 5 percent, or a savings of $3,272,000. The revised funding level would be $62.2 million.

Research Career Awards: This program would be scaled down from supporting an estimated 335 investigators to supporting an estimated 321, a savings of $800,000. The revised program level would be $13 million.

Research Evaluation - Research evaluation grants would be reduced by $100,000.

Training: Training programs would be reduced to support a projected 1,612 trainees, a reduction of 35. The reduction would total $716,000 with the revised level being $34.2 million.

R&D Contracts: Existing research and development contracts would be renegotiated to achieve a 7 percent reduction. The Multicenter Investigation of Limitation of Infarct Size (MILIS), a clinical trial now in its recruitment and intervention phase, would be incrementally funded for six months, rather than the normal twelve month award period. The reduction in contracts would total $2,836,000, with the revised program level being $66.7 million.

Intramural Research - A reduction of $2,300,000 or 5 percent, would result in reducing the purchase of scientific equipment. The revised funding level would be $43.6 million.

Direct Operations - A reduction of $300,000 is proposed. The revised funding level would be $27.6 million.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
317.4	313.5	3.9	6.4	---	---

R81-15

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Heart, Lung, and Blood Institute

Of the funds provided for "National Heart, Lung, and Blood Institute" for fiscal year 1981 in P.L. 96-536, $10,324,000 are rescinded.

Rescission Proposal No: R81-16

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Health and Human Services	New budget authority (P.L. 96-536): $51,353,000
Bureau: National Institutes of Health	Other budgetary resources: 125,000
Appropriation title & symbol: National Institute of Dental Research 7510873	Total budgetary resources: 51,478,000
	Amount proposed for rescission: $ 302,000
OMB identification code: 75-0873-5-1-550	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program: ☒ Yes ☐ No	☐ Other _____
Type of account or fund: ☒ Annual ☐ Multiple-year _____ (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

Justification: Of the funds provided by the Congress in excess of the President's request, a rescission of $302,000 is proposed. This proposal is intended to help control funding for health research, while allowing growth in selected mechanisms of support for the activities of this agency. The rescission will not affect continuation of the Administration's policy of support for 5,000 new and competing research project grants annually.

ESTIMATED EFFECTS:

Training Program. A reduction of $302,000 in the National Research Service Awards program will result in the decrease of three competing institutional awards. The revised funding level would be $4,371,000.

OUTLAY EFFECTS: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
64.5	64.3	.2	.1	—	—

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institute of Dental Research

Of the funds provided for "National Institute of Dental Research" for fiscal year 1981 in P.L. 96-536, $302,000 are rescinded.

Rescission Proposal No: R81-17

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Health and Human Services	New budget authority (P.L. 96-536): $268,740,000
Bureau: National Institutes of Health	Other budgetary resources:
Appropriation title & symbol: National Institute of Arthritis, Metabolism and Digestive Diseases 7510884	Total budgetary resources: 268,740,000
	Amount proposed for rescission: $3,232,000
OMB identification code: 75-0884-5-1-550	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program: ☒ Yes ☐ No	
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: Of the funds provided by the Congress in excess of the President's request, a rescission of $3,232,000 is proposed. This proposal is intended to help control funding for health research, while allowing growth in selected mechanisms of support for the activities of this agency. The rescission will not affect continuation of the Administration's policy of support for 5,000 new and competing research project grants annually.

Estimated Effects:

Research Centers. A reduction of $430,000 is proposed which would result in the funding of one less clinical nutrition research center. The revised funding level for the research centers program would be $20.5 million.

Research Careers. The rescission would reduce by $1,441,000 the research careers program with a resulting decrease of 35 career researcher awards. The revised funding level for this program would be $9.3 million.

Training. Research training support would be decreased by $1,361,000 with 56 fewer individual training awards being supported. Total revised funding for training activities would be $9.2 million.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
334.5	333.7	0.8	2.4	—	—

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institute of Arthritis, Metabolism, and Digestive Diseases

Of the funds provided for "National Institute of Arthritis, Metabolism, and Digestive Diseases" for fiscal year 1981 in P.L. 96-536, $3,232,000 are rescinded.

Rescission Proposal No: R81-18

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Health and Human Services	New budget authority (P.L. 96-536): $ 195,564,000
Bureau: National Institutes of Health	Other budgetary resources: 69,000
Appropriation title & symbol: National Institute of Neurological and Communicative Disorders and Stroke 7510886	Total budgetary resources: 195,633,000
	Amount proposed for rescission: $ 2,031,000
OMB identification code: 75-0886-5-1-550	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program: ☒ Yes ☐ No	
Type of account or fund: ☒ Annual ☐ Multiple-year _____ (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: Of the funds provided by the Congress in excess of the President's request, a rescission of $2,031,000 is proposed. This proposal is intended to help control funding for health research, while allowing growth in selected mechanisms of support for the activities of this agency. The rescission will not affect continuation of the Administration's policy of support for 5,000 new and competing research project grants annually.

Estimated Effects:

Intramural Research. The reduction of $944,000 will delay the full implementation of the Positron Emission Tomography (PETT) initiative including purchase of peripheral equipment. Development of the planned communicative disorders clinical branch will be delayed or postponed. Further development of brain tumor research would be delayed, including development of tumor models and the evaluation of long-term effects of brain tumors and rehabilitation of patients. The revised funding level would be $34.3 million.

Direct Operations. The reduction of $200,000 will defer completion of the microfilming of case records for the collaborative perinatal study. Support of workshops and conferences on hearing, speech, and language disorders would be delayed or postponed. The revised funding level would be $12.9 million.

Program Management. The reduction of $125,000 would delay the final phase of computer programming and data entry for the Institute's newly developed program information system. This system would provide data for budget and program planning, and for inquiries regarding support of the Institute's research programs. The revised funding level would be $2.2 millio

Research and Development Contracts. The reduction of $762,000 would eliminate a stud of the endocrinological parameters (hormone production) in experimental anticonvulsant drugs. A new stroke clinical research program would not be initiated. This contract would determine the availability and efficacy of advanced care and treatment of stroke patients through controlled clinical trials and relevant clinical research. A clinical trial on the pharmacologic prevention of post-traumatic epilepsy would be reduced to one-third of the requirements or not funded at all. The revised funding level for research and development contracts would be $15.8 million.

OUTLAY EFFECTS: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
$235.5	$234.2	$1.3	$.7	—	—

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institute of Neurological and Communicative Disorders and Stroke

Of the funds provided for "National Institute of Neurological and Communicative Disorders and Stroke" for fiscal year 1981 in P.L. 96-536, $2,031,000 are rescinded.

Rescission Proposal No: R81-19

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Health and Human Services	New budget authority (P.L. 96-536) $ 161,887,000
Bureau: National Institutes of Health	Other budgetary resources 10,000
Appropriation title & symbol	Total budgetary resources 161,897,000
National Institute of Child Health and Human Development - 7510844	Amount proposed for rescission $ 3,285,000
OMB identification code: 75-0844-5-1-550	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other _____
Type of account or fund: ☒ Annual ☐ Multiple-year _____ (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

Justification: Of the funds provided by the Congress in excess of the President's request, a rescission of $3,285,000 is proposed. This proposal is intended to help control funding for health research, while allowing growth in selected mechanisms of support for the activities of this agency. The rescission will not affect continuation of the Administration's policy of support for 5,000 new and competing research project grants annually.

Estimated Effects:

Research Centers. A reduction of $750,000 is proposed which would decrease the level of support for several centers. Total revised budget for the centers program would be $24.7 million. Even with the funding reduction, the Institute would not reduce the number of center grants planned of 46. This would be an increase of 5 grants from 1980.

Other Research. A reduction of $259,000 will result in a decrease of seven research career development awards in FY 1981. The revised funding level would be $2.7 million.

Research and Development Contracts. There will be a reduction of 20 contracts and $1,752,000. The reductions would occur in population research studies concerning new contraceptives, contraceptive safety, and behaviorial examinations of the high adolescent pregnancy rates. Also studies in maternal and infant nutrition, management of diabetic pregnancies and mental retardation and developmental disabilities would be affected. The revised funding level for contract studies would be $21.6 million.

Intramural Research. A reduction of $524,000 will result in deferring or elimination of purchases for equipment and other services, resulting in a revised program level of $23.3 million.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
234.2	232.8	1.3	1.9	---	---

R81-19

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institute of Child Health and Human Development

Of the funds provided for "National Institute of Child Health and Human Development" for fiscal year 1981 in P.L. 96-536, $3,285,000 are rescinded.

Rescission Proposal No: R81-20

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Health and Human Services	New budget authority (P.L. 96-536) $ 87,242,000
Bureau National Institutes of Health	Other budgetary resources 60,000
Appropriation title & symbol National Eye Institute - 7510887	Total budgetary resources 87,302,000
	Amount proposed for rescission $ 2,353,000
OMB identification code: 75-0887-3-1-550	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: Of the funds provided by the Congress in excess of the President's request, a rescission of $2,353,000 is proposed. This proposal is intended to help control funding for health research, while allowing growth in selected mechanisms of support for the activities of this agency. The rescission will not affect continuation of the Administration's policy of support for 5,000 new and competing research project grants annually.

Estimated Effects:

R&D Contracts. A reduction of $1,500,000 in contract studies is proposed. This would result in delaying the Visual Activity Impairment Study. Total revised funding for contract activities would be $4.3 million.

Direct Operations. Reductions of $205,000 are proposed which would be used to initiate efforts to coordinate the dissemination of clinical research findings in the community. Total revised funding for the direct operations activity would be $3.2 million.

Intramural. A decrease of $648,000 is proposed. The purchase of some equipment for the Ambulatory Care Research Facility will be delayed. Total revised funding for intramural research support would be $11.4 million.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
104.1	103.1	1.0	1.3	—	—

R81-20

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Eye Institute

Of the funds provided for "National Eye Institute" for fiscal year 1981 in P.L. 96-536, $2,353,000 are rescinded.

Rescission Proposal No: R81-21

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Health and Human Services	New budget authority (P.L. 96-536) $ 70,946,000
Bureau National Institutes of Health	Other budgetary resources 5,613,000
Appropriation title & symbol: National Institute of Environmental Health Sciences - 7510862	Total budgetary resources 76,559,000
	Amount proposed for rescission $ 3,258,000
CMB identification code: 75-0862-5-1-550	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: Of the funds provided by the Congress in excess of the President's request, a rescission of $3,258,000 is proposed. This proposal is intended to help control funding for health research, while allowing growth in selected mechanisms of support for the activities of this agency. The rescission will not affect continuation of the Administration's policy of support for 5,000 new and competing research project grants annually.

Estimated Effects:

Research Centers: A reduction of $548,000 is proposed for the support of Environmental Health Sciences Centers and Marine and Freshwater Biomedical Research Centers. The revised funding level for the centers program would be $9.9 million. There would be no reduction in the number of centers supported (15) with decreases being negotiated downward among ongoing Centers to achieve the savings.

Research Evaluation. A reduction of $100,000 is proposed for research evaluation grants.

Research & Development Contracts. A decrease of $1,424,000 will effect the number of new contract-supported testing procedures awarded for the National Toxicology Program (NTP). The revised funding level for NTP would be $6.9 million.

Intramural. A decrease of $1,186,000, the entire amount added by Congress over the President's budget request for this activity, is proposed. The reduction would result in the delay or elimination of purchases for laboratory supplies, materials and large scientific equipment. The revised funding level for intramural research would be $13.9 million.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
89.8	88.1	1.7	1.6	—	—

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institute of Environmental Health Sciences

Of the funds provided for "National Institute of Environmental Health Sciences" for fiscal year 1981 in P.L. 96-536, $3,258,000 are rescinded.

Rescission Proposal No: R81-22

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Health and Human Services	New budget authority (P.L. 96-536): $ 54,950,000
Bureau: National Institutes of Health	Other budgetary resources: 100,000
Appropriation title & symbol: National Institute on Aging 7510843	Total budgetary resources: 55,050,000
	Amount proposed for rescission: $ 588,000
OMB identification code: 75-0843-3-1-550	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program: ☒ Yes ☐ No	
Type of account or fund: ☒ Annual ☐ Multiple-year _____ (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: Of the funds provided by the Congress in excess of the President's request, a rescission of $588,000 is proposed. This proposal is intended to help control funding for health research, while allowing growth in selected mechanisms of support for the activities of this agency. The rescission will not affect continuation of the Administration's policy of support for 5,000 new and competing research project grants annually.

Estimated Effects:

Research Projects. A reduction of $284,000 is proposed in the Geriatric Medicine and Dentistry Academic Awards program. The revised funding for research projects, other than the investigator initiated grants, is $1.3 million.

Intramural/Direct Operations/Program Management. A total of $304,000 is proposed for rescission. This would result in the elimination of at least one scientific conference or workshop ($25,000) and reduce the rate at which women are added to the research cohort in the Baltimore Longitudinal Study ($279,000). The revised funding level in these three activities would be $19.7 million.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
69.0	68.8	.2	.4	—	—

R81-22

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institute on Aging

Of the funds provided for "National Institute on Aging" for fiscal year 1981 in P.L. 96-536, $588,000 are rescinded.

Rescission Proposal No: R81-23

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Health and Human Services	New budget authority (P.L. 96-536): $170,779,000
Bureau: National Institutes of Health	Other budgetary resources: 7,390,000
Appropriation title & symbol: Research Resources - 7510848	Total budgetary resources: 178,169,000
	Amount proposed for rescission: $ 10,561,000
CMB identification code: 75-0848-5-1-550	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program: ☒ Yes ☐ No	☐ Other _____
Type of account or fund: ☒ Annual ☐ Multiple-year _____ (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

Justification: Of the funds provided by the Congress in excess of the President's request, a rescission of $10,561,000 is proposed. This proposal is intended to help control funding for health research, while allowing growth in selected mechanisms of support for the activities of this agency. The rescission will not affect continuation of the Administration's policy of support for 5,000 new and competing research project grants annually.

Estimated Effects:

Research Centers. A reduction of $4,225,000 is proposed for support of research centers. Included in this decrease is $1,740,000 for general clinical research centers resulting in 4 fewer centers receiving awards. Biotechnology research centers would be decreased by $2,044,000, with a reduction of seven awards. Animal resource grants would be decreased by $441,000 eliminating three awards. Total revised funding for the centers program activity would be $99.9 million.

Biotechnology Research Grants. A reduction of $1,811,000 is proposed resulting in a decrease of three grants.

Minority Biomedical Support. A reduction of $2,035,000 is proposed which would result in the award of ten fewer grants. Total revised funding would be $16.8 million.

Biomedical Research Support. A reduction of $1,694,000 is proposed. Since the funds are distributed to all eligible institutions on a formula basis, the decrease would result in slight reductions among all recipients. Total revised funding level is $47.1 million.

R&D Contracts. Contract supported activities would decrease by $796,000 with seven fewer awards. The revised funding level for the contract program would be $2.9 million.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
158.8	154.3	4.5	6.1	—	—

R81-23

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Research Resources

Of the funds provided for "Research Resources" for fiscal year 1981 in P.L. 96-536, $10,561,000 are rescinded.

Rescission Proposal No: R81-24

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Health and Human Services	New budget authority (P.L. 96-536) $32,301,000
Bureau National Institutes of Health	Other budgetary resources 2,400,000
Appropriation title & symbol	Total budgetary resources 34,701,000
National Library of Medicine 7510807	Amount proposed for rescission $ 341,000
OMB identification code: 75-0807-5-1-550	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program ☒ Yes ☐ No	
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: Of the funds provided by the Congress in excess of the President's request, a rescission of $341,000 is proposed. This proposal is intended to help control funding for health research, while allowing growth in selected mechanisms of support for the activities of this agency. The rescission will not affect continuation of the Administration's policy of support for 5,000 new and competing research project grants annually.

Estimated Effects:

Intramural Program. A reduction of $341,000 in the intramural program will result in a decrease in funds available for the Toxicology Information Program, delaying further development of the Chemical Data Bases Directory and the Chemical Structure and Nomenclature System.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
47.0	46.8	0.2	0.1	---	---

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Library of Medicine

Of the funds provided for "National Library of Medicine" for fiscal year 1981 in P.L. 96-536, $341,000 are rescinded.

Rescission Proposal No: R81-25

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Health and Human Services	New budget authority (P.L. 96-536) $ 16,336,000
Bureau National Institute of Health	Other budgetary resources 8,169,000
Appropriation title & symbol Office of the Director - 7510846	Total budgetary resources 24,505,000
	Amount proposed for rescission $ 360,000
OMB identification code: 75-0846-5-1-550	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

Of the funds provided by the Congress in excess of the President's request, a rescission of $360,000 is proposed. This proposal is intended to help control funding for health research, while allowing growth in selected mechanisms of support for the activities of this agency. The rescission will not affect continuation of the Administration's policy of support for 5,000 new and competing research project grants annually.

Estimated Effects:

The proposed rescission will affect the funds available to the organizational components of the Office of the Director for personnel services. Fewer temporaries will be hired and there will be a reduction in overtime. In addition, there will be a $45,000 reduction in contract funds.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
20.8	20.5	.4	--	--	--

R81-25

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Director

Of the funds provided for "Office of the Director" for fiscal year 1981 in P.L. 96-536, $360,000 are rescinded.

Rescission Proposal No: R81-26

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Health and Human Services	New budget authority (P.L. 96-536) $766,957,000
Bureau Alcohol, Drug Abuse and Mental Health Admin.	Other budgetary resources —
Appropriation title & symbol Alcohol, Drug Abuse, and Mental Health 7511361	Total budgetary resources 766,957,000
	Amount proposed for rescission $ 67,140,000
OMB identification code: 75-1361-5-1-550	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

JUSTIFICATION:

The figure of $67,140,000 includes $21,262,000 for the Drug Abuse Formula Grants to States Program and $45,878,000 for he Alcoholism Formula Grants to States Program. This rescission reflects the Administration policy that the States support a larger share of their alcoholism and drug abuse programs.

Estimated Effects:

In both areas, the States have recently been successful in providing more support for overall management, training, prevention, and some services programs. It is expected that the States will continue to maintain support for all projects formerly funded under the formula programs which are of high State priority.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate 1/		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
1,046.5	1,038.9	7.6	62.0	—	—

1/ Outlay estimates are for the entire year and include the effect of a follow-on rescission proposal of $9.4 million planned if the funding level provided by P.L.96-536 is extended for the remainder of FY 1981.

R81-26

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse and Mental Health

Of the funds provided for "Alcohol, Drug Abuse and Mental Health" for fiscal year 1981 in P.L. 96-536, making further continuing appropriations for the fiscal year 1981, $67,140,000 are rescinded.

Rescission Proposal No: R 81-27

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Health and Human Services	New budget authority (P.L. 96-536) $ 491,634,000
Bureau Health Resources Administration	Other budgetary resources 2,741,000
Appropriation title & symbol Health Resources 7510712	Total budgetary resources 494,375,000
	Amount proposed for rescission $ 78,683,000 1/
OMB identification code: 75-0712-5-1-550	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other _____
Type of account or fund: ☒ Annual ☐ Multiple-year _____ (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

Justification:

The programs funded by this appropriation seek to maintain and expand the supply of health professionals in the United States.

During the 1960's and 1970's, the supply of health professionals has increased dramatically, primarily as a result of Federal subsidies to expanded numbers of health professions students and training programs. The current supply of health professionals is adequate and an oversupply for most specialties is now predicted prior to 1990. In recognition of these trends, a rescission of $78.7 million is proposed for 1981 for funds provided under the continuing resolution. This rescission proposal also reflects the policy of placing Federal emphasis on service-connected loan and scholarship programs such as: National Health Service Corps Scholarships and Health Professions Loan Repayment, and relying on Department of Education programs for general student assistance.

Estimated Effects:

Health Professions Education--Start Up (-$1,790,000)

A rescission of $1.8 million is proposed for the Start-up program. The purpose of Start-up grants is to provide support to new schools of medicine, osteopathy, dentistry, public health, veterinary medicine, optometry, pharmacy or podiatry so that they may accelerate the beginning date of instruction or substantially increase enrollments. Because of a current and growing oversupply of physicians and other health professionals, increasing the capacity of health professions institutions is no longer a desirable objective.

The remaining $.9 million has been approved for reprogramming to the financial distress program to provide additional support to Meharry Medical College. The rescission would result in the elimination of support for 4 projects which would have received continuation grants in 1981.

Allied Health--Special Projects Grants and Contracts (-$4,200,000)

A rescission of $4.2 million is proposed. This program provides grants and contracts to assist eligible entities in meeting costs of projects to establish regional or State systems for improved coordination, training and credentialling of allied health personnel.

The revised funding level of $1.0 million would support 13 continuation awards, 1 contract and 12 cooperative agreements (MEDHIC) at a reduced rate. This represents a reduction of 9 continuation projects and 47 new awards from the number which could be supported by the amount currently available in 1981.

Allied Health--Advanced Traineeships (-$1,500,000)

A rescission of $1.5 million is proposed in training grants for allied health professionals. This program provides grants to public or nonprofit institutions, organizations, or agencies for the support of both long and short-term advanced traineeship programs at the post professional level. Support for 42 projects and 175 long-term and 1,513 short-term training slots would be eliminated as a result of the rescission.

Health Professions Education--Nurse Traineeships (-$13,000,000)

A rescission of $13 million is proposed for Nurse Traineeships. The purpose of this program is to provide support to eligible public or non-profit institutions who then make traineeship awards to individual professional nurses who are pursuing advanced educational preparation. The rescission would eliminate support for 125 grants.

Student Assistance-Health Professions Student Loans (-$12,500,000)

A rescission of $12.5 million is proposed for the Health Professions Student Loans Program. The remaining $4 million is proposed for reprogramming to the Health Professions Loan Repayment program. The purpose of this program is to provide long-term, seven percent interest loans up to $2,500 per year, plus tuition, to health professions students (MOD/VOPP). These loan funds are given to schools who then make awards to students. The total reduction of $16.5 million from the Health Professions Student Loan program would eliminate support to 311 schools which would have provided loans to 11,000 additional students.

Special Educational Programs--Health Professions Educational Improvement and Development Projects (-$4,500,000)

A rescission of $4.5 million is proposed. This program provides funds for the planning, development, demonstration, and evaluation of targeted health manpower activities such as those emphasizing humanistic medicine, environmental and occupational health, health manpower development, special problems of aging, human nutrition, and development of regional systems of continuing education and preventive medicine. Support for 35 projects in these areas would be eliminated.

Special Educational Programs--Emergency Medical Training (-$3,000,000)

A rescission of $3.0 million is proposed for this program. The program provides grants and contracts for the training of physicians and other health professionals in life-saving techniques under emergency situations.

The rescission assumes State, local and private resources will finance the training of emergency medical personnel. The training is of short duration and is provided essentially to meet local needs. Support for 22 projects, 2 contracts and training for 6,468 emergency medical services personnel would be eliminated as a result of the proposed rescission.

Health Professions Education Nursing Capitation Grants (-$24,000,000) and Advanced Nurse Training (-$8,243,000)

A rescission of $32.2 million is proposed for institutional support for nursing schools.

Nursing supply problems that may exist in certain geographic and specialty areas are not directly related to the existing capacity of nursing schools, which is adequate to meet overall needs. Consequently, these funds are not necessary for addressing national priorities with respect to nursing. This reduction would result in 1,130 schools not receiving support through formula funding (406 Baccalaureate, 582 Associate Degree and 142 Diploma) and would eliminate 21 current Advanced Nurse Training awards.

General Dentistry Residencies and Training (-$4,050,000)

A rescission of $4.1 million is proposed for general dentistry residencies and training. This program provides grants to plan, develop, and implement programs to provide dental residents with advanced skills in the general practice of dentistry. The rescission would eliminate funding in 1981 for 14 continuation and 28 new projects assisting 240 students. Both this and the following rescission proposal specifically reflect the Administration's assessment that the current supply of dental health professionals is adequate.

Dental Extenders (-$1,900,000)

A rescission of $1.9 million is proposed for the Expanded Function Dental Auxiliary (EFDA) program. This program provides additional training to dental hygenists and dental assistants to qualify them to perform newly-delegated functions formerly performed by dentists. The amount proposed for rescission would have supported 7 continuation and 17 new projects assisting approximately 1,121 students and faculty.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate 2/		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
641.8	634.4	7.4	36.0	21.1	8.4

1/ An additional amount is planned to be proposed for rescission if additional 1981 funding is provided for Health Resources after the present continuing resolution expires on June 5, 1981 as follows:

Interdisciplinary training	--	$ 4,000,000
Advanced nurse training	--	3,000,000
Nursing scholarships	--	9,000,000
Health professions capitation	--	71,878,000
Total		$87,878,000

2/ Assumes extension of the level of funding provided by P.L. 96-536 For the entire fiscal year.

R81-27

DEPARTMENT OF HEALTH AND HUMAN SERVICES
Health Resources Administration
Health Resources

Of the funds provided for Health Resources for fiscal year 1981 in P.L. 96-536, $78,683,000 are rescinded: Provided, that the funds appropriated under this head in P.L. 96-536 for carrying out Title VII of the Public Health Service Act shall be available notwithstanding the limitations of section 786(c).

Rescission Proposal No: R81-28

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Health and Human Services	New budget authority (through (P.L. 96-536) $ 185,250,000
Bureau Human Development Services	Other budgetary resources ____
Appropriation title & symbol	Total budgetary resources 185,250,000
Human Development Services (Administration on Aging - Social Services & Centers) 7511636	Amount proposed for rescission $ 10,000,000
OMB identification code: 75-1636-5-1-999	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other ____
Type of account or fund: ☒ Annual ☐ Multiple-year ____ (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification: The Human Development appropriation includes programs for the Aging which have as their primary purpose the improvement of the quality of services to the elderly population. Within the aging programs, a rescission of $10 million is proposed in FY 1981 for social services and senior centers consistent with the President's 1981 budget request.

Estimated Effects: The amount appropriated under the continuing resolution (P.L. 96-536) includes $10,000,000 in excess of the President's 1981 budget request. Under the Older Americans Act Amendments of 1978, States were required to complete a transfer of social service activities previously funded under the Act's nutrition title to the social services title. Additional funds were provided in fiscal year 1980 so effect this transfer. Because there is no current programmatic need for additional funds in 1981, no adverse programmatic effects are anticipated from this action.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings		
Without Rescission	With Rescission	1981	1982	1983
219.3	213.8	5.5	4.5	---

R81-28

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services
Human Development Services

Of the funds provided for "Human Development Services" for fiscal year 1981 in P.L. 96-536, making further continuing appropriations for the fiscal year 1981, $10,000,000 are rescinded.

Rescission Proposal No: R81-29

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Housing & Urban Development	New budget authority (P.L. 96-526) $ 10,000,000
Bureau Housing Programs	Other budgetary resources ____
Appropriation title & symbol	Total budgetary resources ____
Congregate Services Program 869/40178, 860/40178 and 861/40178	Amount proposed for rescission $ 10,000,000
OMB identification code: 86-0178-5-1-604	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other ____
Type of account or fund: ☐ Annual ☒ Multiple-year 9/30/84 (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification

This program is currently being operated as a demonstration program out of funds appropriated for fiscal years 1979 and 1980. Funds appropriated for 1981 are not required to carry out the evaluation of this program now being conducted.

Estimated Effects

The 1981 appropriation now proposed for rescission would have provided meal services and some supportive services to an estimated 700 elderly residents of public housing and housing for the elderly or handicapped. However, such services may also be available through other Federal social service programs as well as social service agencies of State and local governments. The proposed rescission will have no effect on the evaluation of this program now being conducted by the Office of Policy Development and Research of the Department of Housing and Urban Development.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
5.0	5.0	---	1.8	1.9	2.0

R81-29

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Congregate Services Program

Of the funds appropriated under this head in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1981, $10,000,000 are rescinded.

Rescission Proposal No: R81-30

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Community Services Administration	New budget authority (P.L. 96-536) $ 6,000,000
Bureau Community Services Program	Other budgetary resources ---
Appropriation title & symbol	Total budgetary resources 6,000,000
Community Services Program 8110500	Amount proposed for rescission $ 6,000,000
OMB identification code: 81-0500-5-1-999	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program ☒ Yes ☐ No	
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The National Youth Sports Program duplicates activities and programs sponsored by other Federal agencies and State and local governments. Further, the program does not contribute to CSA's primary objective of assisting low income families to achieve economic self-sufficiency. Therefore, the program is not recommended for continuation in 1981.

Estimated Effects: This rescission proposal would result in cancellation of this program in 1981.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
558.8	554.8	4.0	2.0	---	---

R81-30

COMMUNITY SERVICES ADMINISTRATION

Community Services Program

Of the funds provided for the "National Youth Sports Program" for fiscal year 1981 in P.L. 96-536, making further continuing appropriations for the fiscal year 1981, $6,000,000 are rescinded.

Rescission Proposal No: R81-31

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Federal Mine Safety and Health Review Commission	New budget authority (P.L. 96-536) $ 3,140,000
Bureau	Other budgetary resources ---
Appropriation title & symbol	Total budgetary resources 3,140,000
Salaries and Expenses 9512800	Amount proposed for rescission $ 163,000
OMB identification code: 95-2800-5-1-554	Legal authority (in addition to sec. 1012): ☒ Antideficiency Act ☐ Other
Grant program ☐ Yes ☒ No	
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

This appropriation provides for adjudication of contested Labor Department enforcement actions under the Federal Mine Safety and Health Amendments Act of 1977.

The Commission's workload depends on the number of citations issued by the Mine Safety and Health Administration (MSHA). Since the number of MSHA citations is expected to decline in 1981, a reduction in the Commission's workload is expected. Therefore, the Commission requires a lower employment level to accomplish this workload within its acceptable time limits. This rescission is proposed as a reserve for savings in accordance with the Antideficiency Act (31 USC 665).

Estimated Effects:

Should these funds not be rescinded, they will lapse at the end of fiscal 1981, and this reduction would not adversely affect program requirements.

Outlay Effects:

No outlay savings will result from this proposal since the funds will lapse if they are not rescinded.

R81-31

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Salaries and Expenses

Of the amount provided for "Federal Mine Safety and Health Review Commission, Salaries and Expenses" for fiscal year 1981 in P.L. 96-536 making further continuing appropriations for fiscal year 1981, $163,000 are rescinded.

Rescission Proposal No: R81-32

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency United States Postal Service	New budget authority (P.L. 96-536) $ 1,593,217,000
Bureau	Other budgetary resources
Appropriation title & symbol	Total budgetary resources 1,593,217,000
Payment to Postal Service Fund 18X1001	Amount proposed for rescission $ 250,000,000
OMB identification code: 18-1001-5-1-372	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: This rescission represents a $250,000,000 reduction in the public service subsidy. The reduction was recommended by the President in the March,1980 Budget Revisions.

Estimated Effects: Prior to the President's $250,000,000 reduction recommendation, the Postmaster General, in testimony before the Committee on the Post Office, (March 26, 1980) stated that it would be possible for the Postal Service to withstand a $250,000,000 reduction in the Postal Service subsidy. In effecting this cut, the Postal Service would realize increased productivity and operational efficiencies. In accordance with the Postal Reorganization Act of 1970 (P.L. 93-328) no funds are being withheld pending congressional action on this rescission proposal.

Outlay Effects: Since the appropriation is made to the fund the rescission would result in a corresponding decrease in the total fund amount by the Department of the Treasury.

(in millions of dollars)

1981 Outlay Estimate Without Rescission	1981 Outlay Estimate With Rescission	Outlay Savings 1981	1982	1983	1984
1,593	1,343	250	---	---	---

R81-32

POSTAL SERVICE

Payment to the Postal Service Fund

Of the funds made available for the Federal payment to the Postal Service Fund by P.L. 96-536, making further continuing appropriations for the fiscal year 1981, $250,000,000 are rescinded.

Rescission Proposal No: R81-33

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Tennessee Valley Authority	New budget authority (P.L. 96-367) $287,563,000
Bureau	Other budgetary resources 87,394,000
Appropriation title & symbol	Total budgetary resources 374,957,000
Payment to the Tennessee Valley Authority Fund 64 x 4110	Amount proposed for rescission $177,000,000
OMB identification code: 64-4110-5-3-999	Legal authority (in addition to sec. 1012): ☒ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: An estimate of $177,000,000 of the total appropriations for fiscal years 1980-1981 of $210,000,000 provided for the Coal Gasification Demonstration Project is proposed for rescission. The amount is proposed for rescission primarily because of its limited technological benefit and high cost as follows:

- The project, from a technology standpoint, is unnecessary, i.e., current plans are to utilize a proven technology which is already in use in 25 sites throughout the world;
- The plant and estimated operational costs, including environmental requirements, are quit high (estimates are now up to $4 billion for construction alone) and appear to be uneconomic from the viewpoint of product marketability;
- Operation of the plant is predicated on construction of a pipeline to connect with an existing gas system. This cost has not been factored into the project nor has TVA sponsored any planning for this aspect of the project;
- The project overlaps Department of Energy responsibilities and projects which are not only underway but also utilize a more advanced and probably more economic technology that that proposed by TVA.

Estimated Effects: The effect of this rescission would be to terminate this project. Preliminary work on the project would be halted. The effect on the delivery date for a coal gasification demonstration project would not be adversely affected because of the Department of Energy's activities in this area that include the Memphis project and the Great Plains Coal Gasification Project, both projects utilizing a more advanced and probably more economic technology.

R81-33

Outlay Effects: (in millions of dollars)

1981 Outlay Estimates Without Rescission	1981 Outlay Estimates With Rescission	Outlay Savings 1981	1982	1983	1984
2,227.0	2,178.5	48.5	50.0	50.0	28.5

TENNESSEE VALLEY AUTHORITY

Tennessee Valley Authority Fund

Of the funds appropriated under this head in P.L. 96-367 making appropriations for Energy and Water Development and in P.L. 96-304 making supplemental appropriations for Energy and Water Development, $177,000,000 are rescinded.

D81-3A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Deferral No. D81-3 transmitted to the Congress on October 1, 1980 and printed as House Document No. 96-373.

This revision to a deferral of Department of Commerce Knoxville Exposition funds increases the amount previously reported as deferred from $2,867,000 to $3,050,775. This increase of $183,775 is attributable to an adjustment in unobligated balances brought forward on October 1, 1980. The adjustment was necessary because the actual amount of unobligated balances brought forward was $1,044,000 higher than had been originally estimated. The remaining $860,225 has been made available for obligation.

Deferral No: D81-3A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Commerce	New budget authority (P.L. ____): $ ____
Bureau: General Administration	Other budgetary resources: 19,658,000*
Appropriation title & symbol: Participation in United States Expositions 1/ 130/41805	Total budgetary resources: 19,658,000*
	Amount to be deferred: Part of year: $ -0-
	Entire year: $ 3,050,775*
OMB identification code: 13-1805-0-1-376	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other ____
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☒ Multiple-year September 30, 1984 (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification: * The Supplemental Appropriations and Rescission Act, 1980 (P.L. 96-304) provided $20,800,000 in funds for necessary expenses for designing, constructing, and operating a Federal Pavilion at the Knoxville International Energy Exposition. The funds were designated to remain available through fiscal year 1984. Of the $19,658,000 remaining available, $17,749,225 is intended for obligation in FY 1981, and $3,050,775 is deferred for use in fiscal years 1982-1984.

This deferral action is consistent with the congressional intent to provide multi-year funding for the total cost of this program and is taken under the provisions of the Antideficiency Act (31 U.S.C. 665).

Estimated Effect: This deferral has no programmatic or budgetary effects because the funds would not be used if made available.

Outlay Effect: This deferral has no effect on outlays.

1/ This account was the subject of a similar deferral in FY 1980 (D80-73).

* Revised from previous report.

Deferral No: D81-27

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Defense-Military	New budget authority (P.L. 96-527) $7,483,600,000
Bureau	Other budgetary resources 2,000,000
Appropriation title & symbol Shipbuilding and Conversion, Navy 1/ 171/51611	Total budgetary resources 7,485,600,000
	Amount to be deferred: Part of year $ — Entire year 1,125,000,000
OMB identification code: 17-1611-0-1-051	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other
Grant program ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☒ Multiple-year September 30, 1985 (expiration date) ☐ No-year	Type of budget authority: ☐ Appropriation ☐ Contract authority ☐ Other

Justification: These funds are planned to be deferred through September 30, 1981. Due to the long period of time required to build ships, the Congress makes appropriations available for five-year periods.

Since these funds are, by law, made available beyond the current year, they are not fully apportioned in the current year. The unapportioned amount is withheld and released as the program develops and additional funds are required. The amounts deferred are to be released contingent upon the development of program needs that arise in current and future years.

Prudent financial management requires the deferral of those funds that could not be used effectively during the current year even if made available for obligation.

The above multiple-year funds are currently being deferred under provisions of the Antideficiency Act (31 U.S.C. 665) which authorizes the establishment of reserves for contingencies.

Estimated Effects: Deferral of $1,125,000,000 will have no programmatic or budgetary effect since the funds could not be obligated at this time if made available.

Outlay Effects: This deferral action has no effect on outlays.

1/ This account was the subject of two deferrals during 1930, D80-41 and D80-50.18A.

Deferral No: D81-28

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Defense - Military	New budget authority (P.L. ——) $ —
Bureau	Other budgetary resources 8,065,725
Appropriation title & symbol Family Housing, Defense 970/40701*	Total budgetary resources 8,065,725
	Amount to be deferred: Part of year $ — Entire year 1,992,000
OMB identification code: 97-0701-0-1-051	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other
Grant program ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☒ Multiple-year September 30, 1984 (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification

These funds were appropriated in 1980 for debt payment in the family housing program. Proceeds from the sales of surplus family housing facilities have resulted in unprogrammed balances in the Family Housing account. The 1982 Budget proposes the reappropriation of these currently excess funds in 1982 in the amount of $1,992,000. These funds are deferred pending completion of congressional action on the 1982 Budget request.

Estimated Effect

Deferral of these funds will have no programmatic or budgetary effect on the debt payment program since sufficient funds are available to pay the principal and interest on outstanding loans.

Outlay Effect

This deferral action has no effect on outlays.

* This account was the subject of a similar deferral in fiscal year 1980 (D80-42) and in fiscal year 1981 (D81-8).

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Deferral No. D81-9 transmitted to the Congress on October 1, 1980, and printed as House Document No. 96-373.

This revision to a deferral of Department of Defense wildlife conversation funds increases the amount originally reported as deferred from $666,615 to $813,618. This increase of $147,003 is attributable to an adjustment in unobligated balances brought forward on October 1, 1980. The adjustment was necessary because the actual amount of unobligated balances brought forward was $147,003 higher than previously estimated.

Deferral No: D81-9A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Defense - Civil	New budget authority (16 U.S.C. 670 f (a)) $ 912,000*
Bureau	Other budgetary resources 813,618*
Appropriation title & symbol	Total budgetary resources 1,725,618*
See coverage section below	Amount to be deferred: Part of year $ ____ Entire year 813,618*
OMB identification code: See coverage section below	Legal authority (*in addition to sec. 1013*): [X] Antideficiency Act
Grant program [ ] Yes [X] No	[ ] Other ____
Type of account or fund: [ ] Annual [ ] Multiple-year ____ (*expiration date*) [X] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other ____

Coverage * 1/

Appropriation Title	Symbol	OMB Identification Code	Amount Deferred
Wildlife Conservation, Army	21x5095,	21-1500-0-1-303	$608,053
Wildlife Conservation, Navy	17x5095,	17-1501-0-1-303	122,713
Wildlife Conservation, Air Force	57x5095,	57-1502-0-1-303	82,852
			$813,618

Justification*

These are permanent appropriations. The budgetary resources consist of anticipated receipts and unobligated balances generated from hunting and fishing fees collected on military reservations, pursuant to 16 U.S.C. 670. They may be used only in accordance with the purpose of the law--to carry out a program of natural resource conservation.

Since apportionments have been made for all known program requirements, prudent financial management requires the deferral of the balance of the funds, which could not be used effectively during the current year even if made available for obligation. These funds are being deferred under the provisions of the Antideficiency Act (31 U.S.C. 665). Full apportionment is not requested by the Services because (1) installations may be accumulating funds over a period of time to fund a major project, and (2) there is a seasonal relationship between the collection of fees and their subsequent expenditure. Most of the fees are collected during the winter and spring months, while most of the program work is performed during the summer and fall months. This necessitates that funds collected in a prior year be deferred in order to be available to finance the program during the summer and fall months. Additional amounts will be apportioned if program requirements are identified.

D81-9A

Estimated Effect

This deferral has no programmatic or budgetary effect because the funds could not be obligated if made available.

Outlay Effect

This deferral action has no effect on outlays.

* Revised from previous report.
1/ These accounts were the subject of a similar deferral during fiscal year 1980 (D80-10A).

Deferral No: D81-29

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Energy Bureau	New budget authority (P.L. 96-367 & P.L. 96-369): $2,937,323,000 Other budgetary resources: 705,792,260 Total budgetary resources: 3,643,115,260
Appropriation title & symbol: Atomic Energy Defense Activities, Operating Expenses 89X0220	Amount to be deferred: Part of year: $ — Entire year: 5,000,000
OMB identification code: 89-0220-0-1-053 Grant program: ☐ Yes ☒ No	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification

An Administration decision to place an emphasis on a long term approach towards the resolution of existing technical issues pertaining to the disposal of defense nuclear wastes, and to accomplish these objectives within available budgetary resources.

Estimated Effect

A deferral of $4,000,000 will occur in Defense Nuclear Waste/Long Term Waste Management Technology activities, and a deferral of $1,000,000 will occur in Defense Nuclear Waste/Terminal Storage activities, for a total of $5,000,000. This will result in a deferral of long-term waste management technology program activities including processes for the immobilization of transuranic wastes, and technology development in support of low level wastes. Some technical support for the Waste Isolation Pilot Plant (WIPP) terminal storage activities in New Mexico would be deferred.

Estimated Outlay Effects

This deferral will shift an estimated $5.0 million in outlays from fiscal year 1981 to fiscal year 1982.

Deferral No: D81-30

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Energy Bureau	New budget authority (P.L. 96-367 & P.L. 96-369): $665,305,000 Other budgetary resources: 109,783,000 Total budgetary resources: 775,088,000
Appropriation title & symbol: Atomic Energy Defense Activities, Plant and Capital Equipment 89X0221	Amount to be deferred: Part of year: $ — Entire year: 12,000,000
OMB identification code: 89-0221-0-1-053 Grant program: ☐ Yes ☒ No	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification

An Administration decision not to proceed with the Waste Isolation Pilot Plant (WIPP) construction project in New Mexico and to reserve the New Mexico site as a potential site for a future waste repository.

Estimated Effect

Defers $12M of FY 1981 plant and capital equipment funding for the WIPP project into FY 1982. Unobligated FY 1980 funds for the WIPP project will be available for site protection and characterization in FY 1981. The requested FY 1981 deferral will be available in FY 1982 for these same purposes.

Estimated Outlay Effects

This deferral will shift an estimated $12.0 million in outlays from fiscal year 1981 to fiscal year 1982.

Deferral No: D81-31

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Energy	New budget authority (P.L. 96-367;369;536): $ 2,268,754,000
Bureau: Energy Programs	Other budgetary resources: 476,502,000
Appropriation title & symbol: Energy Supply Research and Development Activities, Operating Expenses 89X0224	Total budgetary resources: 2,475,256,000
	Amount to be deferred: Part of year: $ -0-
	Entire year: 23,860,000
OMB identification code: 89-0224-0-1-271	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

$16.1 million is deferred in the Nuclear Fission program, reflecting a Presidential decision to place an emphasis on a long term approach towards the resolution of existing technical issues pertaining to disposal of commercial nuclear wastes, and to accomplish these objectives within available budgetary resources. A deferral of $15,000,000 would occur in Commercial Nuclear Waste Terminal Isolation Research and Development activities, and a deferral of $1,100,000 would occur in Commercial Nuclear Waste/Waste Treatment Technology activities.

Also, in order to help limit Federal spending in accordance with the President's policy of fiscal restraint, $1.8 million in funds for the Energy Storage program and $6.0 million in funds for the Solar Energy program are deferred for the remainder of this fiscal year.

Estimated Effects:

The deferral in the Nuclear Fission program primarily reduces the recent rate of growth in R&D pertaining to commercial waste disposal, and also stretches out some disposal site investigation activities, to a modest extent.

Because of the magnitude of the funds involved, the Energy Storage and Solar Energy deferral actions are not expected to have any significant effect on program objectives.

Outlay Effects:

This deferral action will have the effect of shifting $23.9 million in FY 1981 outlays into FY 1982.

Deferral No: D81-32

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Energy	New budget authority (P.L. 96-367): $383,287,000
Bureau: Energy Programs	Other budgetary resources: 44,672,000
Appropriation title & symbol: Energy Supply, Research and Development Activities, Plant and Capital Equipment 89X0225	Total budgetary resources: 427,959,000
	Amount to be deferred: Part of year: $ -0-
	Entire year: 3,690,000
OMB identification code: 89-0225-0-1-271	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

A decision to reduce the level of support for the Commercial Nuclear Waste Terminal Repository activities funded through the Energy Supply Research and Development Activities Operating Expenses account decreases requirements for supporting capital equipment that is funded through this account. Therefore, $1.9 million is deferred in the Nuclear Fission program.

Also, in order to help limit Federal spending in accordance with the President's policy of fiscal restraint, additional funds totaling $1.8 million are deferred for the remainder of this fiscal year out of this account. This amount includes $1.7 million for solar energy capital equipment purchases and $0.1 million for construction of the Solar Energy Research Institute.

Estimated Effects:

In the Nuclear Fission program, this reduction in requirements for supporting capital equipment will not adversely impact other plant and capital equipment activities.

Because of the magnitude of the funds involved, the solar deferral action is not expected to have any significant effect on program objectives.

Outlay Effects:

This deferral action will have the effect of shifting $3.7 million in FY 1981 outlays into FY 1982.

Deferral No: D81-33

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Energy	New budget authority (P.L. 96-514 ___): $423,300,000
Bureau: Energy Programs	Other budgetary resources: 162,645,823
Appropriation title & symbol: Fossil Energy Construction 89X0214	Total budgetary resources: 585,945,823
	Amount to be deferred: Part of year: $ ___ Entire year: 42,000,000
OMB identification code: 89-0214-5-1-271	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other ___
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ___ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ___

Justification

Funds are proposed for deferral on the grounds that proceeding with the second High-Btu demonstration project (77-1-b) will eliminate project competition between CONOCO and ICGG on the first High-Btu demonstration and reduce Government's ability to obtain satisfactory cost sharing and other business arrangements with the industrial partners.

Estimated Effects

It is planned to release these funds at the time the project proposals are reviewed and a project selected. If this occurs in FY 1981 there will be little impact on the work by the contractors. Should additional funds be required prior to this selection to maintain design terms, the required amounts would be proposed for release.

Outlay Effects

This deferral will shift $42.0 million in outlays from fiscal year 1981 to fiscal year 1982.

Deferral No: D81-34

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Energy	New budget authority (P.L. 96-514 ___): $862,107,000
Bureau: Energy Programs	Other budgetary resources: 83,405,000
Appropriation title & symbol: Energy Conservation 89X0215	Total budgetary resources: 945,512,000
	Amount to be deferred: Part of year: $ ___ Entire year: 10,450,000
OMB identification code: 89-0215-0-1-999	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other ___
Grant program: ☒ Yes ☐ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ___ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ___

Justification:

In order to help limit Federal spending in accordance with the President's policy of fiscal restraint, funds totalling $10.4 million for various energy conservation programs are deferred for the remainder of this fiscal year. FY 1981 obligations will be delayed until early FY 1982 for the Buildings and Community Systems Program ($1.6 million), Transportation Energy Conservation ($1.5 million), Multi-Sector ($0.3 million), and Energy Impact Assistance ($7.0 million).

Estimated Effects:

This deferral is slightly more than a 1% delay in program activity. It will have no significant impact on major program objectives of conserving energy.

Outlay Effects:

This deferral will have the effect of shifting $10.4 million in outlays from FY 1981 into FY 1982.

Deferral No: D81-35

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of the Interior	New budget authority (P.L. ____): $107,001,000
Bureau: U.S. Geological Survey	Other budgetary resources: 26,887,207
Appropriation title & symbol: Exploration of National Petroleum Reserve in Alaska 14X0805	Total budgetary resources: 133,888,207
	Amount to be deferred: Part of year: $7,960,000
	Entire year: 2,750,000
OMB identification code: 14-0805-0-1-271	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other ____
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification: Public Law 96-985, making appropriations for the Department of the Interior and related agencies, 1981, provided $105.5 million for petroleum exploration activities of the Geological Survey in the National Petroleum Reserve in Alaska (NPRA). Of the $105.5 million appropriated, $10.7 million was provided to prepare for a FY 1982 drilling program. Of this amount, $7,960,000 is deferred until April 30, 1981 and $2,750,000 is deferred for the remainder of this fiscal year. The deferred funds are needed to cover the costs of terminating the exploration program as the two wells begun in FY 1980, and the four wells to be drilled in FY 1981, are finished.

After the FY 1981 exploration season is complete, 28 exploratory wells will have been drilled and over 13,000 line miles of seismic surveys will have been collected and interpreted under the exploration program. The entire Reserve is now covered with a reconnaissance seismic grid and all of the 16 indicated petroleum plays have been penetrated by at least one test well. The drilling and seismic data collected by this program are available for public distribution.

Congress clearly expressed its intent to expedite leasing in NPRA by including in the FY 1981 Interior and related agencies appropriations bill language authorizing private exploration and drilling in NPRA. It is estimated that the first lease sale can perhaps be held as early as December 1981. In addition, several private industry firms have applied for a total of six permits to collect seismic data on the Reserve in FY 1981. Some permits have been issued and the remaining permits should be issued shortly. The Department is actively soliciting additional applications for geophysical exploration and has issued a call for nominations.

In light of industry's demonstrated interest and the accelerated leasing schedule, the Administration anticipates that early exploration and development will take place in NPR-A by private industry. Private exploration activities will start in January 1981 with the issuing of geophysical permits. This will provide for an overlap in FY 1981 between the government funded exploration program and the private exploration program. This shifting of responsibility for oil and gas exploration and development to private industry is good public policy, fiscally prudent in that it could result in savings to the public of up to $125 million in fiscal 1982 alone.

Estimated Effects: This deferral action will permit the orderly termination of the government drilling program in FY 1981 with funds currently appropriated. It will preclude drilling any additional wells in FY 1982. Total obligations will not be affected. Terminating the program in FY 1981, rather than terminating after a FY 1982 drilling program, will avoid 1982 expenditures of up to approximately $125.0 million.

Outlay Effect: This deferral action will have the effect of shifting $2,750,000 in outlays from FY 1981 into 1982.

D81-16A

SUPPLEMENTARY REPORT

Report pursuant to Section 1014(c) of Public Law 93-344.

This report revises Deferral No. D81-16 transmitted to the Congress on October 1, 1980, and printed as House Document No. 96-373.

The amount deferred for the Federal Prison System's Buildings and Facilities account is $9,800,000, an increase of $4,055,000 over the amount previously deferred. This increase is attributable to (a) changes in obligational plans for the Phoenix Federal Correctional Institution which is now being cancelled, and (b) unobligated balances actually carried forward from 1980 which were $543,814, higher than previously estimated.

Deferral No: D81-16A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Justice	New budget authority (P.L. 96-526) $ 2,842,000
Bureau Federal Prison System	Other budgetary resources 40,237,419
Appropriation title & symbol	Total budgetary resources 43,079,419
Buildings and Facilities 15X1003 1/	Amount to be deferred: Part of year $19,800,000
	Entire year
OMB identification code: 15-1003-0-1-753	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: This appropriation finances planning, acquisition of sites, and construction of new penal and correctional facilities as well as construction, remodeling and equipping of buildings and facilities at existing penal and correctional institutions. Projects are undertaken to reduce overcrowding, close old and antiquated penitentiaries and provide a safe and humane environment for staff and inmates. These funds were appropriated in the Departments of State, Justice and Commerce, the Judiciary and Related Agencies Appropriation Act of 1980 and previous years.

A decision has been made to cancel construction of the Phoenix Federal Correctional institution. Funds intended for this purpose ($18.5 million) as well as funds remaining from previous cancellations ($1.3 million) are deferred pending congressional approval and enactment of a transfer of these funds to help offset supplemental program requirements and increased pay costs in various other Department of Justice accounts.

Estimated Effects: The effect of this deferral is to preserve these funds pending congressional action on the transfer proposal.

Outlay Effect: This deferral action has no effect on outlays.

1/ This account was also the subject of a deferral in FY 1980 (D80-178).

Deferral No: D81-36

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Labor	New budget authority (P.L. 96-536) $6,987,244,000
Bureau Employment and Training Administration	Other budgetary resources 196,360,244
Appropriation title & symbol	Total budgetary resources 7,183,604,244
Employment and Training Assistance 161/20174 1/	Amount to be deferred: Part of year $
	Entire year $76,699,000
OMB identification code: 16-0174-0-1-504	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☐ Annual ☒ Multiple-year 9/30/82 (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Note: If the financing levels provided by the Continuing Resolution (PL 96-536) were to be continued beyond June 5, 1981, an additional $26,903,000 would be deferred.

Justification

As part of the effort to minimize budget deficits in fiscal years 1981 and 1982, it has been decided to phase out the Young Adult Conservation Corps program by the end of 1982, starting now, and to reduce the 1981 Summer Youth Employment Program to a participant level closer to that actually achieved in 1979 and 1980. The Young Adult Conservation Corps program is being phased out because it is extremely costly per year of service and because it does not primarily serve disadvantaged youth most in need. The phase-out will be accomplished by not enrolling any new participants. The summer program funding is being reduced because the 1979 and 1980 programs appear to have substantially met the seasonal need of disadvantaged youth for summer part-time jobs.

Estimated effects

In the Young Adult Conservation Corps program, 1981 enrollment would average 15,400, compared to the 19,700 financed by the continuing resolution. Enrollment at the end of 1981 would be 11,200 instead of 19,900. In the summer program, the estimated range of part-time work opportunities would be 800,000 to 900,000, compared to the 850,000-950,000 range financed by the continuing resolution. The actual number of 1979 enrollees was 805,000; 1980 enrollment is estimated at 839,000.

Outlay effects (in thousands of dollars)

Current outlay estimate for 1981:

Without deferrral	7,488,370
With deferral	7,400,000
1981 outlay savings	88,370 2/

1/ This account was the subject of a deferral in FY 1980 (D80-57).

2/ This amount relates to the outlay savings expected for all of FY 1981 if the Congress maintains the funding level provided in P.L.96-536 for the entire fiscal year.

Deferral No: ___.____ ___

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of State	New budget authority (P.L. 96-536) $15,000,000
Bureau	Other budgetary resources 8,807,456
Appropriation title & symbol	Total budgetary resources 23,807,456
United States Emergency Refugee and Migration Assistance Fund, Executive 1/ 11X0040	Amount to be deferred: Part of year $15,000,000
	Entire year ____
OMB identification code: 11-0040-0-1-151	Legal authority (in addition to sec. 1013): [X] Antideficiency Act
Grant program [ ] Yes [ ] No	[ ] Other ____
Type of account or fund: [ ] Annual	Type of budget authority: [X] Appropriation
[ ] Multiple-year ____ (expiration date)	[ ] Contract authority
[X] No-year	[ ] Other ____

Justification: Seciton 501(a) of the Foreign Relations Authorization Act, 1976, (Public Law 94-141) and Section 414 (b)(1) of the Refugee Act of 1980 (Public Law 96-212) amended section 2(c) of the Refugee and Migration Assistance Act of 1962 (22 U.S.C. 2601) by authorizing a fund not to exceed $50 million to enable the President to provide emergency assistance for unexpected urgent refugee and migration needs.

By Executive Order No. 11922 of June 16, 1976, the President allocated all funds appropriated to him for the Emergency Fund to the Secretary of State but reserved to himself the determination of assistance to be furnished and the designation of regugees to be assisted by the Fund.

Funds totalling $15 million were made available pursuant to the Continuing Resolution (P.L. 96-536) These funds have been deferred consonant with the President's authority set out in Executive Order No. 11922 and to achieve the most economical use of appropriations. It is anticipated that reapportionments may be made case-by-case as the President determines assistance to be furnished and designates refugees to be assisted by the Fund.

This deferral action is taken in accordance with the Antideficiency Act (31 U.S.C. 665).

Estimated Effect: There are no programmatic or budgetary effects resulting from this deferral.

Outlay Effect: No effect on outlays results from this deferral action.

1/ This account was the subject of a similar deferral during FY 1980. (D80-18A).

Deferral No: D81-38

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Intelligence Community Staff	New budget authority (P.L. 96-527) $17,824,000
Bureau	Other budgetary resources ---
Appropriation title & symbol	Total budgetary resources 17,824,000
Intelligence Community Staff 9510400	Amount to be deferred: Part of year $2,000,000
	Entire year
OMB identification code: 95-0400-0-1-054	Legal authority (in addition to sec. 1013): [X] Antideficiency Act
Grant program [ ] Yes [X] No	[ ] Other
Type of account or fund: [X] Annual	Type of budget authority: [X] Appropriation
[ ] Multiple-year (expiration date)	[ ] Contract authority
[ ] No-year	[ ] Other

Justification:

These funds were appropriated to the Intelligence Community Staff with specific congressional guidance that they may not be obligated for the purpose for which they were requested, but may be used as a source for reprogramming for other needs. The funds are deferred in line with congressional intent until alternative uses for these funds are identified.

Estimated Effects:

Since it is anticipated that these funds will be reprogrammed for other uses, this deferral action will have no programmatic effect.

Outlay Effects:

This deferral action has no effect on outlays.

Deferral No: D81-39

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency National Consumer Cooperative Bank	New budget authority (P.L. 96-526) $26,190,000
Bureau	Other budgetary resources 10,500,000
Appropriation title & symbol	Total budgetary resources 36,690,000
Self-help Development Fund 280/10201 281/20201	Amount to be deferred: Part of year $
	Entire year 13,133,000
OMB identification code: 28-0201-0-1-376	Legal authority (in addition to sec. 1013): [X] Antideficiency Act
Grant program [ ] Yes [X] No	[ ] Other
Type of account or fund: [ ] Annual	Type of budget authority: [X] Appropriation
[X] Multiple-year 9/30/81 1/ and 9/30/82 (expiration date)	[ ] Contract authority
[ ] No-year	[ ] Other

Justification: These funds were provided by the Department of Housing and Urban Development - Independent Agencies Appropriation Act, 1980 (P.L. 96-526) for capitalization of the Self-Help Development Fund. Because the Fund is beginning operations later than expected, a reduced level of lending is expected during 1981. The deferral of $13.1 million to fiscal year 1981 reflects this later-than-expected start.

This deferral action is taken in accordance with the Antideficiency Act (31 U.S. C. 665).

Estimated Effect: This deferral has no programmatic or budgetary effect because the funds would not be obligated if made available.

Outlay Effect: This deferral action has no effect on outlays.

1/ None of these funds is deferred.

Deferral No: D81-40

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Pennsylvania Avenue Development Corporation	New budget authority (P.L. 95-514): $15,000,000
Bureau:	Other budgetary resources: 43,895,523
Appropriation title & symbol: Land Acquisition and Development Fund 42X4084	Total budgetary resources: 58,895,523
	Amount to be deferred: Part of year: $30,895,523
	Entire year:
OMB identification code: 42-4084-0-3-451	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☐ Appropriation ☐ Contract authority ☒ Other Borrowing

Justification: The land acquisition and development project for the eastern sector of the Pennsylvania Avenue Development plan (east of the FBI headquarters building) is being reevaluated. The study is designed to determine if it is feasible to construct residential housing within the Pennsylvania Avenue Development area in downtown Washington, D.C. The change in property values and demand for space that has occurred since the development of the 1974 plan makes this study desirable.

Estimated Effects: The Corporation presently is refraining from all actions that would unduly restrict options during the preliminary stages of the study. This deferral action will postpone new design and construction activity for the eastern sector of the Pennsylvania Avenue Development Project.

Outlay Effects: This deferral has the effect of shifting $20.0 million in FY 1981 outlays into FY 1982 and $10.8 million in outlays from FY 1982 into 1983.

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BILLING CODE 3110-01-C

Deferral No: D81-41

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Small Business Administration	New budget authority (P.L. 96-536): $609,000,000
Bureau:	Other budgetary resources: 532,228,898
Appropriation title & symbol: Business Loan and Investment Fund 73X4154	Total budgetary resources: 1,141,228,898
	Amount to be deferred: Part of year: ---
	Entire year: 57,500,000
OMB identification code: 73-4154-0-3-376	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The resolution providing further continuing appropriations for fiscal year 1981 (P.L. 96-536) provided $609 million 1981 as a capital appropriation for the Business and Investment Fund. This amount would fund the direct loan program at a level that is $57.5 million higher than the level proposed by the President. Since these additional funds are not needed to provide an adequate program level in FY 1981, they are deferred for the remainder of this fiscal year and will be used for program requirements in FY 1982.

Estimated Effects: The effect of this deferral will be to reduce SBA's 1981 direct business loan activity by approximately 14 percent. The effects of this reduction should be mitigated, however, since guaranteed loan levels will increase by 14 percent.

Outlay Effect (in millions of dollars):

1981 Outlay Estimate		Outlay Savings			
Without deferral	With deferral	1981	1982	1983	1984
600.0	559.7	-40.3	-17.2	---	---

federal register

Wednesday
January 21, 1981

Part XIII

Department of Defense

Office of the Secretary

Privacy Act of 1974; Annual Publication of Systems of Records

Public Papers of the Presidents of the United States

Harry S. Truman

1952–53

Part XIII

Department of Defense

Office of The Secretary

Report for 1952 Annual Performance of Functions of Bureaus

DEPARTMENT OF DEFENSE

Privacy Act Issuances; Annual Recompilation of System Notices

AGENCY: Department of Defense (DoD).

SUMMARY: Section 5 U.S.C. 552a(e)(4) of the Privacy Act of 1974 (Pub. L. 93–579) requires each Federal Agency to annually publish notice of the existence and character of certain records they maintain. The DoD notices were published last year in the **Federal Register** at FR Doc. 79–37052 (44 FR 73702), December 17, 1979 and were incorporated by the Office of the Federal Register into "Privacy Act Issuances—1979 Compilation." The purpose of this document is to update the notices published on December 17, 1979 and to publish in full those record systems that have been added or amended since then. The following Components have either opted to completely republish or are required to completely republish as they amended all of their records systems during the year:

U.S. Navy
U.S. Marine Corps
Defense Investigative Service
Defense Mapping Agency
Defense Intelligence Agency
National Security Agency
Defense Nuclear Agency

All other Components are publishing complete systems notices only for all new and amended systems and lists reflecting the identities of systems deleted since the December 17, 1979 publication as well as lists of the identities of all unchanged systems.

DATES: This document fulfills the annual notice requirement of the Privacy Act of 1974; (5 U.S.C. 552a(e)(4)).

FOR FURTHER INFORMATION CONTACT: Lt. Col. William C. Goforth, USAF; Staff Executive, Defense Privacy Board, Room 818, Pomponio Plaza Building, 1735 N. Lynn Street, Arlington, VA 22209 telephone (202) 694–3027.

SUPPLEMENTARY INFORMATION: The Department of Defense published its annual recompilation of system notices at FR Doc. 79–37052 (44 FR 73702) December 17, 1979. Notices concerning systems of records within the Department which deleted, added or amended system notices appearing in that document have been published in the **Federal Register** at:

FR Doc. 79–36400 (44 FR 67703) November 27, 1979
FR Doc. 79–36964 (44 FR 68946) November 30, 1979
FR Doc. 79–36796 (44 FR 68947) November 30, 1979
FR Doc. 79–38912 (44 FR 75446) December 20, 1979
FR Doc. 80–594 (45 FR 1658) January 8, 1980
FR Doc. 80–596 (45 FR 1660) January 8, 1980
FR Doc. 80–595 (45 FR 1662) January 8, 1980
FR Doc. 80–2008 (45 FR 5514) January 23, 1980
FR Doc. 80–4470 (45 FR 9316) February 12, 1980
FR Doc. 80–5182 (45 FR 10840) February 19, 1980
FR Doc. 80–5420 (45 FR 11523) February 21, 1980
FR Doc. 80–6232 (45 FR 13181) February 28, 1980
FR Doc. 80–6233 (45 FR 13182) February 28, 1980
FR Doc. 80–6599 (45 FR 13794) March 3, 1980
FR Doc. 80–7517 (45 FR 15604) March 11, 1980
FR Doc. 80–8135 (45 FR 17056) March 17, 1980
FR Doc. 80–8307 (45 FR 17627) March 19, 1980
FR Doc. 80–9633 (45 FR 20992) March 31, 1980
FR Doc. 80–10014 (45 FR 21673) April 2, 1980
FR Doc. 80–13709 (45 FR 29385) May 2, 1980
FR Doc. 80–14965 (45 FR 32037) May 15, 1980
FR Doc. 80–15428 (45 FR 33677) May 20, 1980
FR Doc. 80–15427 (45 FR 33679) May 20, 1980
FR Doc. 80–15479 (45 FR 34034) May 21, 1980
FR Doc. 80–15774 (45 FR 34951) May 23, 1980
FR Doc. 80–15775 (45 FR 34956) May 23, 1980
FR Doc. 80–16549 (45 FR 37254) June 2, 1980
FR Doc. 80–17286 (45 FR 38098) June 6, 1980
FR Doc. 80–18213 (45 FR 41049) June 17, 1980
FR Doc. 80–18501 (45 FR 41478) June 19, 1980
FR Doc. 80–19603 (45 FR 43841) June 30, 1980
FR Doc. 80–20130 (45 FR 54613) July 7, 1980
FR Doc. 80–20317 (45 FR 45938) July 8, 1980
FR Doc. 80–20779 (45 FR 46842) July 11, 1980
FR Doc. 80–21847 (45 FR 48936) July 22, 1980
FR Doc. 80–23111 (45 FR 50851) July 31, 1980
FR Doc. 80–22755 (45 FR 51124) July 31, 1980
FR Doc. 80–23574 (45 FR 51874) August 5, 1980
FR Doc. 80–23575 (45 FR 51880) August 5, 1980
FR Doc. 80–24237 (45 FR 53508) August 12, 1980
FR Doc. 80–24763 (45 FR 54396) August 15, 1980
FR Doc. 80–25327 (45 FR 55506) August 20, 1980
FR Doc. 80–25326 (45 FR 55508) August 20, 1980
FR Doc. 80–25325 (45 FR 55516) August 20, 1980
FR Doc. 80–26397 (45 FR 57514) August 28, 1980
FR Doc. 80–26398 (45 FR 57515) August 28, 1980
FR Doc. 80–26399 (45 FR 57518) August 28, 1980
FR Doc. 80–26959 (45 FR 58646) September 4, 1980
FR Doc. 80–26960 (45 FR 58651) September 4, 1980
FR Doc. 80–27242 (45 FR 58933) September 5, 1980
FR Doc. 80–27978 (45 FR 59938) September 11, 1980
FR Doc. 80–29171 (45 FR 62871) September 22, 1980
FR Doc. 80–29170 (45 FR 62874) September 22, 1980
FR Doc. 80–29172 (45 FR 62876) September 22, 1980
FR Doc. 80–29169 (45 FR 62879) September 22, 1980
FR Doc. 80–29774 (45 FR 57514) September 26, 1980
FR Doc. 80–30761 (45 FR 65648) October 3, 1980
FR Doc. 80–32460 (45 FR 68996) October 17, 1980
FR Doc. 80–32462 (45 FR 69282) October 20, 1980
FR Doc. 80–32461 (45 FR 69280) October 20, 1980
FR Doc. 80–32715 (45 FR 69537) October 21, 1980
FR Doc. 80–33133 (45 FR 70298) October 23, 1980
FR Doc. 80–33134 (45 FR 70301) October 23, 1980
FR Doc. 80–33633 (45 FR 71412) October 28, 1980
FR Doc. 80–34705 (45 FR 73728) November 6, 1980
FR Doc. 80–35625 (45 FR 75734) November 17, 1980
FR Doc. 80–35626 (45 FR 75737) November 17, 1980
FR Doc. 80–36278 (45 FR 76730) November 20, 1980
FR Doc. 80–36077 (45 FR 76713) November 20, 1980
FR Doc. 80–36774 (45 FR 78749) November 26, 1980
FR Doc. 80–36773 (45 FR 78748) November 26, 1980
FR Doc. 80–36775 (45 FR 78747) November 26, 1980
FR Doc. 80–37122 (45 FR 79527) December 1, 1980
FR Doc. 80–37289 (45 FR 79877) December 2, 1980
FR Doc. 80–37241 (45 FR 79875) December 2, 1980
FR Doc. 80–37416 (45 FR 80165) December 3, 1980
FR Doc. 80–37980 (45 FR 80866) December 8, 1980
FR Doc. 80–37982 (45 FR 80863) December 8, 1980

AVAILABILITY OF 1979 COMPILATION: "Privacy Act Issuances—1979 Compilation" is available from Regional Depository Libraries at 50 locations around the country and can be examined at these libraries free of charge. The 1979 Compilation is also available at the General Services Administration Federal Information Centers, which are located at 30 central points around the country and may be examined at the central headquarters of the Department of Defense Components. It is also available for purchase from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Upon request, the Office of the Federal Register will furnish a photocopy of the full text of a particular records system published in the 1979 Compilation for a nomal fee.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington, Headquarters Services, Department of Defense.

January 6, 1981.

BILLING CODE 3810-70-M

DEPARTMENT OF THE ARMY

Deleted Systems

AFAI–1

System Name:

Federal Acquisition Personnel Information System

AFAI–2

System Name:

Individual Credentialing Services Program

A0007.02aDAPC

System Name:

Information Personnel Files

A0102.02aDARCOM

System Name:

Office Personnel Register Files

A0102.04bNGB

System Name:

Supervisor's Record of Technician Employment (NGB)

A0225.06aTRADOC

System Name:

Resource Accounting System

A0225.06cDACS

System Name:

Management of Army ADP

A0314.17aDAAG

System Name:

Individual Transaction Files (Customer Orders)

A0316.10DAIG

System Name:

Program Management and Review System (PROMARS)

A0508.09DAPE

System Name:

FBI Criminal-Type Reporting Files

A0708.03bDAPC

System Name:

Office General Reference/ Information/Personnel File

A0708.21bDACA

System Name:

Statement of Employment Files

A0711.02aDAPE

System Name:

Personnel Research Survey Questionnaire and Test Records

A0719.01aDAPE

System Name:

BOQ (Background Opinion Questionnaire)

A0719.01bDAPE

System Name:

Attitude Surveys

A0720.04bDAPE

System Name:

Individual Correctional Treatment Files

A0723.02aUSAREUR

System Name:

AYA Registration Files

A0807.09aDAPE

System Name:

Grievances and Appeals Under Negotiated Grievance Procedure

A0810.10aDAEN

System Name:

Military Construction Training Files

A0810.15AMC

System Name:

Training Summary

A0812.04DAPE

System Name:

NAF Complaint Appeal and Grievance Case Files

A0915.03DASG

System Name:

Temperature, Pulse, and Respiration Files

A0916.06DASG

System Name:

Installation X-ray Index Files

A0917.07DASG

System Name:

Clinical Psychology Individual Case Files

A0917.08DASG

System Name:

Social Work Individual Case Files

A0902.02aDASG

System Name:

Civilian Consultation Service Case Files

A0920.02bDASG

System Name:

Military Consultation Service Case Files

A0920.04DASG

System Name:

American Red Cross Consultation Service Case Files

A0921.01aDASG

System Name:

Army Medical X-ray Film Files

A0921.06DASG

System Name:

Patient Treatment X-ray Films

A0926.01DASG

System Name:

Dental Health Record Files

A0926.02DASG

System Name:

Military Dental Files

A0926.03DASG

System Name:

Civilian Dental Files

A0926.05DASG

System Name:

American Red Cross Dental Files

A0927.01DASG

System Name:

Extra Oral Dental X-ray Files

A0929.04aDASG

System Name:

Animal Death Certificate Files

A1001.07bDAPE

System Name:

Training Performance Rating (TPR)

A1001.07dUSAREUR

System Name:

Training Management System

A1001.08aMTMC

System Name:

Computer Directed Training System (CDTS)

A1008.05aUSAMSSA

System Name:

SMART (System to Manage AMSSA Required Training)

A1011.04bDAMO

System Name:

Delphi Evaluation

A1012.01dAMC

System Name:

Student Selection Files

A1012.03rUSACSC

System Name:

Training/Development records USACSC Military Personnel

A1012.04bTRADOC

System Name:

Resident Student Record System (RSR)

A1012.04cDAPE

System Name:

Correspondence School Academic Data File

A1012.04dDAPE

System Name:

Resident Student Electives Assignment File

A1012.04eDAPE

System Name:

Resident Student Evaluation System File

A1012.04fDAPE

System Name:

Resident Student Biographical Data Base

A1012.04gDAPE

System Name:

Resident Section Assignment File

A1012.10aDASG

System Name:

AMEDD Training Application Status Record

A1014.07bDAPE

System Name:

Correspondence School Basic Data File

A1417.02DALO

System Name:

Authorized Supply Representative Card Files

A1417.03DALO

System Name:

Authorized Supply Representatives Card Register Files

Unchanged Systems

AAFES0207.02

System Name:

Customer Comments, Complaints, & Direct Line Files

AAFES0306.03

System Name:

Debriefing Acknowledgment Files

AAFES0306.04

System Name:

Classified Material Access Files

AAFES0306.12

System Name:

Personnel Security Case Files

AAFES0306.13

System Name:

Personnel Security Status Files

AAFES0307.01

System Name:

Carpooling Program

AAFES0401.04

System Name:

Official Personnel Folders (OPF)

AAFES0401.05

System Name:

Employee Service Record Card Files

AAFES0401.11

System Name:

Personnel Records Maintained at Supervisory Level

AAFES0403.01

System Name:

Application for Employment Files

AAFES0403.04

System Name:

College Recruitment Files

AAFES0403.05

System Name:

Employee Examination Records

AAFES0403.08

System Name:

Reference and Pre-employment Credit Files

AAFES0403.11

System Name:

Personnel Clearance Records

AAFES0403.12

System Name:

Oversea Processing Records

AAFES0404.01

System Name:

Incentive Awards Case Files

AAFES0404.03

System Name:

Award Control Files

AAFES0404.04

System Name:

Award Ceremony Files

AAFES0405.03

System Name:

Personnel Appeals and Grievances

AAFES0405.05

System Name:

Statement of Employment and Financial Interests

AAFES0405.07

System Name:

Retirement Assistance Files

AAFES0405.11

System Name:

Individual Health Records

AAFES0405.15

System Name:

Retirement Extension Files

AAFES0406.12a

System Name:

Skills Bank File (Employee Skills Survey)

AAFES0406.12b

System Name:

Employee Career Development Plan File

AAFES0408.05

System Name:

Individual Trainee Files

AAFES0408.06

System Name:

Trainee Card Index

AAFES0408.14

System Name:

Tuition Assistance Case Files

AAFES0408.15

System Name:

Correspondence Course Files

AAFES0409.01

System Name:

AAFES Accident Report

AAFES0410.01

System Name:

Employee Travel Files

AAFES0410.04

System Name:

Passport Files

AAFES0501.01

System Name:

AAFES No-Notice Evaluation Report File

AAFES0501.04

System Name:

Universal Annual Photograph Files

AAFES0505.02

System Name:

IO Biographical Files

AAFES0602.01

System Name:

Claims v. AAFES

AAFES0602.04a

System Name:

Litigation Initiated by AAFES

AAFES0602.04b

System Name:

Litigation Against AAFES Employees and/or AAFES

AAFES0604.02

System Name:

Unfair Labor Practice Claim/Charges Files

AAFES0702.01

System Name:

Paid Disbursement Files

AAFES0702.22

System Name:

Check-Cashing Privilege Suspense Files

AAFES0702.23

System Name:

Check-Cashing Privilege Files

AAFES0702.23b

System Name:

Dishonored Check Files

AAFES0702.34

System Name:

Accounts Receivable Files

AAFES0702.43

System Name:

Travel Advance Register Files

AAFES0702.44

System Name:

Travel Advance—Trial Balance Files

AAFES0703.01

System Name:

AAFES Time Sheets

AAFES0703.02

System Name:

Payroll Allotment Files

AAFES0703.03

System Name:

United States Savings Bond Register Files

AAFES0703.05

System Name:

Personnel Action/Discrepancy Notice Files

AAFES0703.07

System Name:

Payroll Register Files

AAFES0703.09

System Name:

Employer's Copy of Income Tax Withheld

AAFES0703.10

System Name:

Employer's Quarterly Federal Tax Return Files

AAFES0703.11

System Name:

Wage and Separation Information Report Files

AAFES0703.12

System Name:

Payroll Adjustment Files

AAFES0703.13

System Name:

Levy and Garnishment Files

AAFES0703.14

System Name:

Payroll Report Files

AAFES0704.04

System Name:

Group Insurance Card Files

AAFES0704.05

System Name:

Retirement Card Files

AAFES0704.06

System Name:

Group Insurance Printout Files

AAFES0704.07

System Name:

Fidelity Bond Files

AAFES0704.08

System Name:

Accidental Death & Dismemberment Administrative Files

AAFES0704.09

System Name:

Personal Property Claim Files

AAFES0704.10

System Name:

Insurance Claims Files—Workmen's Compensation

AAFES0704.11

System Name:

Short/Long Term Disability Files

AAFES0704.12

System Name:

Miscellaneous Employee Claim Files

AAFES0704.13

System Name:

Annuity Eligibility Files

AAFES0704.14

System Name:

Waiver of Premium Files

AAFES0704.15

System Name:

Individual Retirement Files

AAFES0704.18

System Name:

Paid Death Claim Files

AAFES0803.01

System Name:

AAFES Incident Record

AAFES0903.06a

System Name:

Systems Magnetic Tape Files

AAFES0903.06c

System Name:

Systems Magnetic Tape Files

AAFES0903.06d

System Name:

Personal Property Transfer System

AAFES0903.06e

System Name:

Personal Profile

AAFES0903.06f

System Name:

Personnel Management Information System (PMIS)

AAFES1100.31

System Name:

Personal Data Card

AAFES1203.03

System Name:

Appointment of Contracting Officers

AAFES1204.07

System Name:

Customers' Merchandise Returned for Repair or Replacement

AAFES1300.01

System Name:

Progression Analysis Report (PAR)

AAFES1504.02

System Name:

Personal Property Shipment Files

AAFES1504.03

System Name:

Personal Property Storage Files

AAFES1504.04

System Name:

Carrier/Contractor Management Files

AAFES1609.03

System Name:

AAFES Catalog System (ACS)

A0101.20aAMC

System Name:

Classified Matter Inventory Reporting Files

A0102.03aDAAG

System Name:

Office Personnel Locator/ Organizational Rosters

A0102.08aDAAG

System Name:

Army Community Service (ACS) Volunteer Record

A0102.08bMTMC

System Name:

Casualty Control Card

A0124.06aUSAREC

System Name:

Recruiter Assignment Report

A0201.08aDACS

System Name:

Central Files, Office of the Chief of Staff

A0201.08cOSA

System Name:

Central Files, Office, Secretary of the Army (SAAA)

A022101aOSA

System Name:

Committee Management Files

A0224.04DAIG

System Name:

Inspector General Investigative Files

A0224.05aDAIG

System Name:

Inspector General Complaint Files

A0225.01aDAPE

System Name:

Military Police Management Information System (MPMIS)—Correctional Reporting System (CRS)

A0225.01bDAPE

System Name:

Carpool Information/Registration System

A0225.06bDACS

System Name:

MISO Management (TWV)

A0225.06cDACS

System Name:

Management of Army ADP

A0225.07aDACS

System Name:

Teleprocessing Customer Identification System

A0225.09aAMC

System Name:

Computer Technology Files

A0225.09bDARCOM

System Name:

Visual Information System (VIS) Utilization

A0225.11aDAAG

System Name:

Master Index (NMI)

A0225.11eDAPC

System Name:

Enlisted Master File (EMF)

A0225.11gDAPC

System Name:

Recruit Quota System (Request)

A0225.11iDAPC

System Name:

Enlisted Evaluation System

A0225.11kDACS

System Name:

Computer Users Information System

A0225.11lDACS

System Name:

Consultant Reference System

A0225.12aDACS

System Name:

Data Processing Installation Control System

A0228.01DAMH

System Name:

Historian's Background Material

A0228.03DAMH

System Name:

Historical Inquiry Files

A0228.04aDAMH

System Name:

Historical Photographic Files

A0228.11DAAG

System Name:

Memorialization Board Files

A0301.07aDAAG

System Name:

Army Club Membership Registration System

A0301.08aDACA

System Name:

Military and Civilian Waiver Files

A0301.08bDACA

System Name:

Contractor Indebtedness Files

A0302.03aDACA

System Name:

Subsidiary Ledger Files (Accounts Receivable)

A0302.06aDAIG

System Name:

Travel Advance Accounting System (TAAS)

A0302.06bDACA

System Name:

Absentee Apprehension/Reward/ Expenses Payment System

A0305.05aDACA

System Name:

Travel Payment System

A0305.08aDACA

System Name:

Military Pay System-Active Army (Manual)

A0305.10aDACA

System Name:

Joint Uniform Military Pay System-Active Army (JUMPS–AA)

A0305.10bDACA

System Name:

Joint Uniform Military Pay System-Reserve Components-Army

A0305.10cDACA

System Name:

Joint Uniform Military Pay System-Retired Pay

A0305.10dDACA

System Name:

Health Program Pay and Reimbursement System

A0305.11aDAPE

System Name:

USMA Cadet Pay and Accounts System

A0306.01aDACA

System Name:

Civilian Employee Pay System

A0306.02aDACA

System Name:

Nonappropriated Fund Employee Pay System

A0309.05aDAAG

System Name:

Resource Management and Cost Accounting Files

A0314.08aDAAG

System Name:

Check Cashing Privilege Files

A0314.09aDACA

System Name:

Nonappropriated Fund Accounts Receivable System

A0314.24DAAG

System Name:

Nonappropriated Fund Employee Insurance Files

A0314.03aDAAG

System Name:

Nonappropriated Fund Instrumentality Membership Files

A0319.04DACA

System Name:

Validation Files

A0319.06DACA

System Name:

Household Goods Shipment Excess Cost Collection Files

A0319.07DACA

System Name:

Federal Housing Administration (FHA) Mortgage Payment Insurance Files

A0319.10DACA

System Name:

Conversion Files

A0319.11DACA

System Name:

Disbursing Office Establishment and Appointment Files

A0319.13DACA

System Name:

Bankruptcy Processing Files

A0319.14DACA

System Name:

Pecuniary Charge Appeal Files

A0320.01aDAEN

System Name:

Corps of Engineers Management Information Sytem Files

A0401.02bDAAG

System Name:

Mailing List for Army Newspapers/ Periodicals

A0401.07aOSA

System Name:

Media Contact Files

A0401.07bOSA

System Name:

Medal of Honor Recipient Files (Vietnam Era)

A0401.08DAJA

System Name:

Prosecutorial Files

A0402.01aDAJA

System Name:

General Legal Files

A0402.05aDAPE

System Name:

Employment and Financial Interest Statement Files

A0402.06DAJA

System Name:

Legal Assistance Case Files

A0402.07DAJA

System Name:

Legal Assistance Interview Record Files

A0403.01aDAJA

System Name:

U.S. Army Claims Service Management Information System (USARCS MISO)

A0403.06DAJA

System Name:

Tort Claim Files

A0403.16DAJA

System Name:

Army Property Claim Files

A0403.17DAJA

System Name:

Medical Expense Claim Files

A0403.18DAAG

System Name:

Claims Back-up File

A0404.08aDAPE

System Name:

USMA Legal Files on Military and Civilian Personnel

A0405.02DAJA

System Name:

Foreign Jurisdiction Case Files

A405.04DAJA

System Name:

Foreign Jurisdiction Reporting Files

A0406.01aDAJA

System Name:

Patent, Copyright, Trademark, and Proprietary Data Files

A0406.01bUSAREUR

System Name:

Civil Process Case Files and Reference Files

A0407.01aDAJA

System Name:

Patent, Copyright, and Trademark Soliciting Files

A0408.01aDAJA

System Name:

Patent, Copyright, and Data License Proffers, Infringement Claims, and Litigation Files

A0410.01DAJA

System Name:

Litigation Case Files

A0410.04DAJA

System Name:

Judicial Information Release File

A0411.03bDAAG

System Name:

Congressional Correspondence Files

A0411.03cOSA

System Name:

Congressional Inquiry File

A0411.08aOSA

System Name:

Biographical Files of Members of Congress

A0412.01aDAAG

System Name:

Funeral Plans

A0412.05aOSA

System Name:

Press Interest Reference Files

A0412.07DAJA

System Name:

Witness Appearance Files

A0412.14aOSA

System Name:

Biography Files

A042.18aOSA

System Name:

Correspondence (Civilian Aides to the Secretary of the Army)

A0501.02aDAMO

System Name:

Security Issues Symposium

A0501.08eUSACIDC

System Name:

Informant Register

A0501.10DAMI

System Name:

Counterintelligence Research File System (CIRFS)

A0502.03aDAMI

System Name:

Intelligence Collection Files

A0502.03bDAMI

System Name:

Technical Surveillance Index

A0502.08aDAMI

System Name:

Badge and Credential Files

A0502.10aDAMI

System Name:

USAINSCOM Investigative Files System

A0503.03aDAMI

System Name:

Department of the Army Operational Support Activities Files

A0503.06aDAMI

System Name:

Counterintelligence Operations Files

A0506.01fDAMI

System Name:

Personnel Security Clearance Information Files

A0506.01jUSAREUR

System Name:

Employee Screening Program/ Installation Access Files

A0508.04USACIDC

System Name:

US Army Criminal Investigation Fund Vouchers

A0508.07aUSACIDC

System Name:

Criminal Investigation Accreditation Files

A0508.11aUSACIDC

System Name:

Criminal Investigation and Crime Laboratory Files

A0508.11bUSACIDC

System Name:

Criminal Information Reports and Cross Index Card Files

A0508.11cUSACIDC

System Name:

Special Agent Evaluation Files

A0508.16aDAPE

System Name:

Absentee Case Files

A0508.17aDAPE

System Name:

Military Policy (MP) Reporting Files

A0508.17bUSARJ

System Name:

Blackmarket Monitoring Files

A0508.17cUSARJ

System Name:

Transfer of POV Files

A0508.24aDAPE

System Name:

Serious Incident Reporting Files

A0508.25aUSACIDC

System Name:

Index to Criminal Investigative Case Files

A0509.02aDAAG

System Name:

Security Badge/Identification Card Files

A0509.03aDAPE

System Name:

Trophy Firearm Registration

A0509.04aDAAG

System Name:

Rod and Gun Clubs, Posts, Camps and Stations

A0509.05aTRADOC

System Name:

Camper Trailer Registration Card File

A0509.08aDAPE

System Name:

Registration and Permit Files

A0509.09aDAPE

System Name:

Traffic Law Enforcement Files

A0509.18aDAAG

System Name:

Solicitation Ban List Files

A0509.18bDAPE

System Name:

Expelled or Barred Person Files

A0509.19aDAPE

System Name:

Military Police Investigator Certification Files

A0509.19bUSAREUR

System Name:

US Army, Europe (USAREUR) Motor Vehicle Registry Files

A0509.21aDAPE

System Name:

Local Criminal Information Files

A0601.08aDAAG

System Name:

Club Management Personnel Files

A0603.05aDALO

System Name:

Manpower Utilization Reporting System

A0606.07aDAPE

System Name:

Safety Award Files

A0607.01bDAPE

System Name:

Accident and Incident Case Files; Army Safety Management Information System

A0608.04aDASG

System Name:

Radiation Incident Case Files

A0609.01aDASG

System Name:

Individual Radiation Protection Files

A0611.05aDAAG

System Name:

Individual Gravesite Reservation Files

A0614.01aNGB

System Name:

Equal Opportunity Investigative Files

A0614.03aDAPE

System Name:

Race Relations/Equal Opportunity & Complaint Files

A0701.01aDAPC

System Name:

Classification, Reclassification, Utilization of Soldiers

A0701.02aDAPC

System Name:

Qualitative Management Program (QMP) Appeal File

A0701.02cDAPC

System Name:

Separation Transaction Control/ Records Transfer System

A0701.02eDAPC

System Name:

Military Personnel Management Reports

A0701.02fDAPC

System Name:

Selective/Variable Reenlistment Bonuses

A0701.02gDAPC

System Name:

Dependents of Military Personnel/US Citizen Employees

A0701.07bAMC

System Name:

Retirement Services Control Reference Paper Files

A0701.07cDAPC

System Name:

Enlisted Evaluation System/Report

A0701.07dUSAREC

System Name:

High School Folder (Lead List)

A0701.08DAAG

System Name:

Clemency Project

A0702.03aUSAREC

System Name:

Enlistment Eligibility Files

A0702.04aDAAR

System Name:

OCS Waiver Requests

A0702.04bDAPC

System Name:

Eligibility Determination Files

A0702.08aDASG

System Name:

Army Medical Procurement Applicant Files

A0703.01DAPC

System Name:

Military Personnel Action File

A0703.02aDAPE

System Name:

United States (US) Military Academy Entrance Examination Result Files

A0703.04aDAPC

System Name:

ROTC Member File.

A0703.05aDAPC

System Name:

ROTC Cadet Application Files

A0703.06bDAPC

System Name:

Officer Candidate School (OCS) Application File

A0703.07aDAPE

System Name:

Officer Availability and Civil School Management System

A0703.08aDAPE

System Name:

Officer Personnel Information Files

A0703.09aDAPE

System Name:

Evaluation Files on Cadets and Potential Instructors

A0704.03aDAPE

System Name:

Accelerated Promotion/Early Discharge Report

A0704.04DASG

System Name:

Medical and Dental Registrant Case Files

A0704.06aUSAREC

System Name:

Recruiting Prospect Card Files

A0704.06bTRADOC

System Name:

Army Reserve Officers' Training Corps (ROTC) LEADS Referral Card System

A0704.09aUSAREC

System Name:

Center of Influence Card Files (USAREC Form 125)

A0704.09bDAPE

System Name:

University of Hawaii Army ROTC Alumni

A0704.10aUSAREC

System Name:

Recruiter Malpractice Files

A0704.10bMEPCOM

System Name:

ASVAB Institutional Test Scoring and Reporting System

A0704.11aUSAREC

System Name:

Recruiter Identification Report

A0706.02DAAG

System Name:

Departure Clearance Files

A0706.06aUSAREC

System Name:

Armed Forces Examining and Entrance Station (AFEES) Reporting System

A0707.05DAAG

System Name:

Privilege Card Application Files

A0708.02cDAPC

System Name:

Officer Personnel Management Information System (OPMIS)

A0708.03aDAPE

System Name:

Special Review Board (SRB) Appeal Case Summary File

A0708.05DAAG

System Name:

Emergency Data Files

A0708.06aDAPC

System Name:

Project Managers Development Program (PMDP)

A0708.07DAPE

System Name:

Unfavorable Information Files

A0708.08aDAPC

System Name:

Career Management Individual Files

A0708.08bUSAREC

System Name:

Rapid Electric Ad Coupon Transmission (REACT)

A0708.13aDAIG

System Name:

Inspector General Management Information System

A0708.13cDAPC

System Name:

Foreign Area Officer (FAO) Training

A0708.013dDAPC

System Name:

Enlisted Linguist Data Base (ELDB)

A0708.16aUSREDCOM

System Name:

Military Personnel Data File, USREDCOM

A0708.17bDASG

System Name:

Contract Surgeon Personnel Files

A0708.18aDAAG

System Name:

Line of Duty Investigations

A0708.19aOSA

System Name:

Correction Case Folders

A0708.20DAAG

System Name:

Philippine Army Files

A0709.01aDAPE

System Name:

United States Military Academy Candidate Files

A0709.03aDAPE

System Name:

United States Military Academy Cadet Files

A0709.03bDAPE

System Name:

United States Corps of Cadets Personnel Records

A0709.03cDAPE

System Name:

Admission and Registrar Mailback Card

A0709.05aDAPE

System Name:

Physical Profile

A0709.06aDAPE

System Name:

Alumni Affairs & Gifts Program Division Donor Date System

A0709.07aDAPE

System Name:

Cadet Academic Management Information System

A0709.08aDAPE

System Name:

Cadet Counseling File

A0709.09aDAPE

System Name:

Biographical Card File

A0709.10aDAPE

System Name:

Athletic Pointer File

A0709.11aDAPE

System Name:

United States Military Academy Cadet Record Card

A0709.12aDAPE

System Name:

USMA Admissions Participant Roster and File

A0710.02DAJA

System Name:

JAGC Reserve Components Officer Personnel Records

A0710.08DAAG

System Name:

Career Management Files of Dual Component Personnel

A0710.09DAAG

System Name:

Personnel Management/Action Working Files

A0713.09aTRADOC

System Name:

Skill Qualification Test (SQT)

A0714.02aDAPC

System Name:

Military Personnel Assignment Files

A0714.02dDAPC

System Name:

Central Transient Account System (CTAS)

A0714.02fDAPC

System Name:

Army Military Central Registry System

A0714.04aDAPC

System Name:

Branch Transfer/Detail Files

A0714.06aHSC

System Name:

Army Medical Department Personnel Management and Manpower Control System

A0714.06cDASG

System Name:

AMEDD Personnel Management System

A0715.01aDAPC

System Name:

Personnel Data Card

A0715.06aDAPC

System Name:

Field Military Personnel Information System—SIDPERS

A0715.07bAMC

System Name:

Computerized Time Accounting System (STAS)

A0715.07cUSFK

System Name:

Command Unique Personnel Information Data System (CUPIDS)

A0716.04aDAAG

System Name:

Military Personnel Register Files

A0718.08DAAG

System Name:

World War I Awards and Decorations Card File

A0721.11aDAPE

System Name:

Individual Correctional Treatment Files

A0722.05aDACH

System Name:

Chaplain Counseling/Interview Files

A0722.06aDACH

System Name:

Religious Census, Education & Registration Files

A0722.07aDACH

System Name:

Religious Education Directors

A0723.01DAAG

System Name:

Entertainment Case Files

A0723.03aDAPE

System Name:

Civilian Season Ticket Holders File

A0723.08bDAPE

System Name:

Army Athletic Association Membership File

A0723.08cDACS

System Name:

Pentagon Officers' Athletic Center Membership File

A0723.09aDAAG

System Name:

Recreation Services Program Files

A0725.01aDAAG

System Name:

Child Care Centers—Registration Files

A0725.01bDAAG

System Name:

Financial Management Planning and Counseling

A0725.01cDAPC

System Name:

Personnel Actions—Personal Affairs

A0725.01dDAAG

System Name:

Personal Affairs Army Community Service Assistance File

A0725.06aDAAG

System Name:

Army Emergency Relief Transaction File

A0725.07aDAAG

System Name:

Commercial Business Solicitation Files

A0726.04aDAAG

System Name:

Casualty Case Files

A0726.04bDAAG

System Name:

Report of Casualty, Department of Defense (DD) Form 1300

A0726.06DAAG

System Name:

Casualty Information System (CIS)

A0727.01DAPC

System Name:

Misconduct/Unfitness/Unsuitability Discharge Board Proceedings File

A0727.05aOSA

System Name:

Army Council of Review Boards Files

A0727.05bDAPE

System Name:

DOD Discharge Review Program (Special)

A0727.08aDAPC

System Name:

Temporary Disability Retirement Master List (TDRL)

A0728.01DAAG

System Name:

Retired Personnel Data File

A0802.01aNGB

System Name:

Technician Personnel Management Information System

A0807.05aDPE

System Name:

NAF Personnel Records

A0807.14aDAPE

System Name:

Department of the Army Civilian Personnel Systems

A0808.01aAMC

System Name:

Hazardous Devices Course Graduates

A0810.01aAMC

System Name:

Educational Development/Contractor Personnel

A0810.09DAEN

System Name:

Contract Training File

A0811.05aAMC

System Name:

Civilian Attorney/Patent Adviser Career Files

A0811.05bDAEN

System Name:

Occupational Inventory Files

A0811.06DAPE

System Name:

Referral Program for NAF Employees

A0814.02aDAPE

System Name:

Labor Management Relations Records System

A0903.07DASG

System Name:

Entrance Medical Examination Files

A0904.01aHSC

System Name:

Medical Care Inquiry Files

A0905.03USAREUR

System Name:

Claims Inventory of Active Claims for Medical Care Under CHAMPUS

A0905.04USAREUR

System Name:

Cross Reference List Report of Claims for CHAMPUS

A0906.01DASG

System Name:

Medical Review Files

A0906.02DASG

System Name:

Mental Competency Review Files

A0906.03DASG

System Name:

Medical Classification Files

A0907.02DASG

System Name:

USA Reserve Officer Training Corps (ROTC) Medical Examination Files

A0907.04DASG

System Name:

United States Military Academy (USMA) Medical Qualifications Files

A0909.01DASG

System Name:

Patient Accountability Files

A0909.05DASG

System Name:

Control Card Files

A0910.02DASG

System Name:

Patient Trust Fund and Baggage Files

A0910.06DASG

System Name:

Medical Services Account Files

A0911.05DASG

System Name:

Individual Patient Diet Files (DA Form 2924)

A0912.01aDASG

System Name:

Medical Staff Credentials File

A0912.01bDASG

System Name:

Professional Consultant Control Files

A0912.01cDASG

System Name:

Professional Personnel Information File

A0913.02aDASG

System Name:

Medical Prescription Files

A0914.02aDASG

System Name:

Pathology Consultation Record Files

A0914.04.aDASG

System Name:

Clinical Investigation Record System

A0914.05DASG

System Name:

Blood Donor Files

A0915.01aDASG

System Name:

Nursing Service Schedule Files

A0915.01bDASG

System Name:

Nursing Service Personnel Data and Schedule Files

A0915.02DASG

System Name:

Patient Condition Reporting File

A0915.07DASG

System Name:

Medical Facility Individual Reporting Files

A0916.02aDASG

System Name:

Medical Treatment Indices

A0917.05DASG

System Name:

Spectacle Issue and Receipt Files

A0917.10aDAAG

System Name:

Child Protection Case Management Files

A0918.05DASG

System Name:

Tuberculosis Registry

A0922.01aDASG

System Name:

Occupational Health and Tuberculosis Control System

A0923.01aDASG

System Name:

Individual Safety and Health System

A0924.01DASG

System Name:

Health Nursing Case Files

A0924.02DASG

System Name:

Family Index Files

A0924.04DASG

System Name:

School Health Files

A0925.04aDASG

System Name:

Prosthetic Case Files

A1001.02aTRADOC

System Name:

MASSTER OSUT Individual Basic Training Survey

A1001.07aDAMO

System Name:

Student Research Report Index

A1001.08bDAMO

System Name:

Student Reference Files

A1002.02aTRADOC

System Name:

Assessment of Tank Crew Training

A1002.05aDAPC

System Name:

Enlisted Training Base (ACT)

A1004.06aTRADOC

System Name:

ROTC Financial Assistance (Scholarship) Application File

A1010.03aDAMO

System Name:

National Security Seminar (NSS) Guest Reference File

A1010.07aTRADOC

System Name:

Army School Files

A1010.07bAMC

System Name:

AMC School Files

A1010.07cDAMO

System Name:

Representative of Carlisle and Vicinity

A1010.07dDAMO

System Name:

Biographic Files

A1011.04aDAPE

System Name:

USMA Institutional Research Survey File

A1012.01bDAPE

System Name:

USMAPS Admissions File

A1012.02aDAPC

System Name:

Language School Files

A1012.03aTRADOC

System Name:

Army School Student Files

A1012.03dAMC

System Name:

AMC School Student Files

A1012.03cDAPE

System Name:

USMAPS Academic Files

A1012.03dTRADOC

System Name:

TRADOC Educational Data System (TREDS–ARS)

A1012.03eTRADOC

System Name:

TRADOC Educational Data System (TREDS–NRI)

A1012.03fDASG

System Name:

Army School Student Files, Physicial Therapy Program

A1012.03gDASG

System Name:

Academy of Health Sciences, Student Affiliated Academic Records

A1012.03hDASG

System Name:

Academy of Health Sciences-Nonresident Instruction Files

A1012.03iDLI

System Name:

Standardized Student Records System

A1012.03jHSC

System Name:

Army School Student Files

A1012.03kUSAREUR

System Name:

Individual Academic Record Files

A1012.03lDAAG

System Name:

Reserve Officer Training Corps-Active Duty Training

A1012.03mDAMO

System Name:

United States Army War College Graduate Directory File

A1012.03nTRADOC

System Name:

Nonresident Instruction Automated System (NRIAS)

A1012.03oDAMO

System Name:

US Army War College Cooperative Degree Program Files

A1012.03pDAMO

System Name:

USAWC Individual Student Counseling Records

A1012.03qHSC

System Name:

Resident Instruction & Support Files

A1012.04aDAPE

System Name:

USMAPS Training Files

A1012.04hTRADOC

System Name:

Grade Calculator System

A1012.09aDASG

System Name:

House Staff Evaluation Report File

A1012.11aDASG

System Name:

Continuing Medical Education Course Attendance Files

A1013.01DAPC

System Name:

Civilian School Files

A1013.02aDASG

System Name:

Long Term Civilian Training Student Contract Files

A1013.04aDASG

System Name:

Residency, Subspecialty and Fellowship Training

A1013.05aDASG

System Name:

US Army Graduate Medical Education Trainee Card File

A1014.06aDAAG

System Name:

College Equivalency Evaluation

A1014.07aDAAG

System Name:

Enrollment Application Files

A1014.08aDAAG

System Name:

General Educational Development (GED) Individual Record

A1014.08bDAAG

System Name:

GED Reference Papers/Participation Education Program

A1014.08cDAAG

System Name:

College Transcript Registry System

A1014.10aDAAG

System Name:

Army Apprenticeship Program Participation Files

A1015.01aDAAG

System Name:

Dependent Children School Program Files

A1015.06DAAG

System Name:

School Employee File

A1019.03FORSCOM

System Name:

US Army Marksmanship Unit Data System (AMUDS)

A1101.07aDAMO

System Name:

Telephone Directories

A1101.08aUSACC

System Name:

Operation of Private Radio Station/ Citizen Band Radio

A1106.04USACC

System Name:

MARS Member Files

A1107.17DAMO

System Name:

Photographer Identification Files

A1107.20aDAMO

System Name:

Photographic Caption Files

A1107.21aDAMO

System Name:

Still Picture Files (Personalities/ Categories)

A1108.05aDAAG

System Name:

Postal Personnel Designation Files

A1108.16aDAAG

System Name:

Postal Directory Files

A1108.18DAAG

System Name:

Standing Delivery Order Files

A1111.01aDAPC

System Name:

Individual Flight Record File

A1111.02DAMO

System Name:

Flight Examination Files

A1111.14aUSACC

System Name:

Flight Regulation Violation Files

A1111.16aUSACC

System Name:

Controller Training and Proficiency Record Files

A1201.02aMTMC

System Name:

Transportation Administrative Files

A1201.02bMTMC

System Name:

Discrepancy in Shipment Report (DISREP)

A1201.07aUSAREUR

System Name:

Passenger Reservation Reference Paper Files

A1201.07bMTMC

System Name:

Transportation Reference Paper Files

A1201.07cMTMC

System Name:

Surface Cargo Export System (SURS)

A1201.07sMTMC

System Name:

Surface Retrograde Cargo Accountability/Control System

A1201.07eMTMC

System Name:

Terminal Management System-TOLS, CARDPAC, PRELODGE

A1201.07fMTMC

System Name:

Mechanized Export Traffic System (METS)

A1201.08aTRADOC

System Name:

Marine Personnel Qualifications/ Record of Service Files

A1202.15aUSAREUR

System Name:

Statistical Files-Household Goods and Baggage System

A1203.14aMTMC

System Name:

Bill of Lading Files

A1203.14aMTMC

System Name:

Prepaid Inbound Bill of Lading Files

A1203.18aMTMC

System Name:

Household Shipment Bill of Lading Files

A1203.19aAMC

System Name:

Household Shipment Contract Files

A1203.19cMTMC

System Name:

Household Shipment Contract Files

A1203.19dMTMC

System Name:

Household Shipment Contract/ Nontemporary Storage Files

A1203.20aMTMC

System Name:

Household Shipment Reimbursement Files

A1203.27aMTMC

System Name:

Privately Owned Vehicle Shipment Files

A1205.16aDAAG

System Name:

Passport Files

A1205.17aDALO

System Name:

Passenger Warrant Files

A1205.19aDALO

System Name:

Baggage Inspection and Clearance Files

A1205.26aDALO

System Name:

Local Transportation Authorization Files

A1205.27aDALO

System Name:

Bus Pass File

A1205.30aDAAG

System Name:

Individual Travel Files

A1205.30bMTMC

System Name:

Individual Travel Files

A1207.08aDAPE

System Name:

Operator's Examination & Qualification Record Files

A1207.08bUSAREUR

System Name:

Government Equipment Operator Permit Files

A1207.09aUSAREUR

System Name:

School Bus System (SBS)

A1301.07aAMC

System Name:

Alphabetical Listing of Scientists

A1301.07bAMC

System Name:

Food Taste Test Panel Reference Files

A1301.07cAMC

System Name:

Visiting Scientist Research Associates Reference Files

A1302.15aDAJA

System Name:

Unsolicited Proposal Files

A1304.08aDASG

System Name:

Immunity Booster Files

A1304.21aDASG

System Name:

Sandfly Fever Files

A1401.07aAMC

System Name:

Resumes for Non-Government Technical Personnel

A1401.08aDAAG

System Name:

Alphabetical Library Borrowers' File

A1402.18DAJA

System Name:

Procurement Misconduct Files (Fraud Cases)

A1402.20aUSAREUR

System Name:

Procurement Management Information System Europe

A1403.30aDAAG

System Name:

Commercial Entertainment Transaction Records

A1405.01AMC

System Name:

Contractor Personnel Files

A1416.05DALO

System Name:

Property Officer Designation Files

A1416.16DALO

System Name:

Hand Receipt Files

A1416.20DALO

System Name:

Personal Property Accounting Files

A1416.34DALO

System Name:

Personal Clothing Record Files

A1420.08aAMC

System Name:

Equipment Operator Permit Files

A1420.09AMC

System Name:

Equipment Operator Permit Register Files

A1427.01aDALO

System Name:

Laundry and Dry Cleaning Accounting Files

A1434.10AMC

System Name:

Small Arms Sales Record Files

A1501.07aDAEN

System Name:

Users' Profile System

A1503.08aDAEN

System Name:

Resettlement Files

A1504.08aDAEN

System Name:

Real Estate Outgrants

A1506.02aDAEN

System Name:

Homeowners Assistance Case Files

A1509.11aDAEN

System Name:

Integrated Facilities System (IFS)

A1511.01aDAEN

System Name:

Army Housing Information Management System (HIMS)

A1522.10aDAEN

System Name:

Reservoir Permit Files

A1522.15aDAEN

System Name:

General Permit Files

A1524.11DAEN

System Name:

Violation Warning Files

New and Altered Systems

See System Notices Below.

BILLING CODE 3710-08-M

Defense Mapping Agency

The Defense Mapping Agency is republishing all of their system notices. See System Notices below.

Defense Civil Preparedness Agency

This agency has been discontinued and its functions and mission transferred to the Federal Emergency Management Agency. All Defense Civil Preparedness systems of records have been discontinued and the records transferred to the Federal Emergency Management Agency.

OFFICE OF THE SECRETARY

Deleted Systems

DCOMP SP02

System Name:

Industrial Personnel Security Clearance Case Files

DCOMP SP03

System Name:

Adiministrative Files on Active Psychiatric Consultants to DoD

DCOMP SP04

System Name:

Motions for Discovery of Electronic Surveillance Files

DOCHA 08

System Name:

DoD Health Services Enrollment/ Eligibility System

DMRA&L 16.0

System Name:

Retired Personnel Master File

DMRA&L 12.0

System Name:

Reserve Components Common Personnel Data System (RCCPDS)

DISA 01

System Name:

ISA Telephone Directory

DISA 02

System Name:

ISA Locator File

DISA 03

System Name:

Organizational Personnel Files and 201 Files

Unchanged Systems

DAE 01

System Name:

Office Social Roaster and Locator Card

DAE 02

System Name:

03–3 and 03–4 Individual Personnel Files. 03–1b Consultants Files

DAS 01

System Name:

Defense Audit Management Information System (DAS/MIS)

DATSD 01

System Name:

Files of Personnel Evaluated for Presidential Support Duties

DATSD 02

System Name:

Files of Periodic Management Assessments of Certain Key Management Personnel and in OSD

DATSD 03

System Name:

Files of Personnel Evaluated for Non-career Employment in DoD

DCOMP 01

System Name:

Personnel Roster

DCOMP MS01

System Name:

Training Records

DCOMP MS03

System Name:

Personnel Records

DCOMP MS04

System Name:

Civilian Pay Time and Attendance Report

DCOMP MS05

System Name:

Request for Overtime Authorization

DCOMP MS06

System Name:

Time and Attendance Report

DCOMP MS07

System Name:

Classified Container Custodian Data SD 411

DCOMP MS08

System Name:

List of Personnel and Security Clearances

DCOMP PB01

System Name:

Personnel File/Biography

DCOMP PB02

System Name:

Personnel Roster

DCOMP PB03

System Name:

Personnel Roster

DCOMP PB04

System Name:

Personnel Roster

DGC 02

System Name:

Private Relief Legislation File

DGC 03

System Name:

General Administrative File

DHA 04

System Name:

Variable Incentive Pay for Medical Officers—Data Management System

DLA 01

System Name:

Security Clearance File

DLA 02

System Name:

Biographic Data File

DMRA&L 01.0

System Name:

Teacher Correspondence Files

DMRA&L 02.0

System Name:

Teacher Application Files

DMRA&L 06.0

System Name:

Department of Defense Priority Placement Program (STOPPER LIST)

DMRA&L 07.0

System Name:

Department of Defense Overseas Employment Program

DMRA&L 09.0

System Name:

Defense Race Relations Institute (DRRI) Student File

DMRA&L 10.0

System Name:

Equal Opportunity Complaint File

DMRA&L 15.0

System Name:

Reports of Defense-Related Employment

DMRA&L 18.0

System Name:

Administrative Files (MRA&L)

DOCHA 01

System Name:

Health Benefits File

DOCHA 02

System Name:

AR 340–18–9 Medical Care Inquiry Files

DOCHA 03

System Name:

Health Benefits Preapproval Files

DOCHA 04

System Name:

AR 340–18–4 Legal Opinion Files

DOCHA 05

System Name:

Health Facilities File

DOCHA 06

System Name:

AR 340–18–9 Policy and Precedent Files

DOCHA 07

System Name:

Medical Claim History Files

DPA DCR.A01

System Name:

Joint Civilian Orientation Conference Files

DPA DDI.A02

System Name:

Biography File

DPA DDI.B03

System Name:

Portrait-Photograph File

DPA DDLC04

System Name:

Case Files

DPA DFOI.A05

System Name:

Freedom of Information Program Case Files

DPA DSR.A06

System Name:

Security Review Index File

DPA DXA.A07

System Name:

Personnel Files

DPA DXA.B08

System Name:

Contact Files

DPA DXA.C09

System Name:

Public Correspondence Files

DPA DXA.D10

System Name:

Privacy Act Request for Access Files

DSMC–01

System Name:

Defense Systems Management College (DSMC) Personnel Information Files

DSMC–02

System Name:

Defense Systems Management College (DSMC) Student Files

DSMC–03

System Name:

Defense Systems Management College (DSMC) Track Record System

DSMC–04

System Name:

Defense Systems Management College (DSMC) Academic Analysis System

DSMC–05

System Name:

Biographical Record System

DSMC–06

System Name:

Defense Systems Management College (DSMC) Mailing List

DUSDRE 02

System Name:

OUSDRE Personnel Administration Files

DWHS BF01

System Name:

Travel Files

DWHS CD01

System Name:

OSD General Correspondence Files

DWHS CD02

System Name:

Cable Division Personnel Administration Files

DWHS P02

System Name:

Job Opportunity Announcements

DWHS P03

System Name:

DoD Program for Stability of Civilian Employment

DWHS P04

System Name:

Reduction-in-Force Case Files

DWHS P05

System Name:

Roster of When Actually Employed Employees

DWHS P06

System Name:

DoD-Wide Civilian Career Program for Comptroller/Financial Management Personnel

DWHS P07

System Name:

Incentive Awards Records

DWHS P08

System Name:

Worker's Compensation-on-the-Job Injuries Report File

DWHS P09

System Name:

Computer Data Base

DWHS P10

System Name:

Training File

DWHS P12

System Name:

Executive Development Programs File

DWHS P13

System Name:

Management Intern File

DWHS P14

System Name:

Blood Donor Files

DWHS P17

System Name:

Assignments Folders

DWHS P18

System Name:

The Office of the Secretary of Defense Identification Badge Suspense Card System

DWHS P19

System Name:

General/Flag Officer Files

DWHS P20

System Name:

Report of Personnel Assigned Outside Department of Defense

DWHS P21

System Name:

Duty Status Cards

DWHS P22

System Name:

General/Flag Officer Roster

DWHS P23

System Name:

Roster of Military Personnel

DWHS P25

System Name:

Overseas Staffing Files

DWHS P26

System Name:

Protective Services Files

DWHS P27

System Name:

Pentagon Building Pass Application File

DWHS P28

System Name:

The Office of the Secretary of Defense Clearance File

DWHS P29

System Name:

Employee Assistance Program Case Record Systems

DWHS P30

System Name:

Labor Management Relations Records Systems

DWHS P32

System Name:

Standard of Conduct Inquiry File

DWHS P33

System Name:

Statements of Affiliations and Financial Interests File

DWHS P34

System Name:

Non-career Personnel Job Files

DWHS P36

System Name:

Award Records for Military-Office of the Secretary of Defense (OSD) Personnel

New and Altered Systems

See System Notices below.

Defense Advanced Research Projects Agency

The Defense Advanced Research Agency must republish all of their system notices. See System Notices below.

BILLING CODE 3810-70-M

DEPARTMENT OF THE AIR FORCE

Deleted Systems

F01001 OQFJXTA

System Name:

Office Projects/Studies (Behavioral Service Program)

F01001 OQKRSMA

System Name:

Academic Completion Record

F01101 OKPNQSC

System Name:

Individual Weight Loss Record

F01101 OUJCGJA

System Name:

Career Development Graduates Historical Roster/Course Enrollees

F01102 OBXQPCA

System Name:

Student Information Cards

F01102 OIACYVB

System Name:

Locator Personnel Data

F01102 OMUHHZA

System Name:

Air Force Office of Information/OI Personnel Background Record

F01102 OUMCBVB

System Name:

Visual Aid

F03004 OSGHLNA

System Name:

Group Scheduling Listing

F03501 DPMVO 1

System Name:

Effectiveness/Performance Reporting System

F03501 06SCEYA

System Name:

Air Force Audit Agency (AFAA) Personnel Electronic Evaluation, Reporting System (PEERS)

F03501 06SCEYC

System Name:

AFAA Management Information System—Career File

F03501 OCGBUZB

System Name:

Informational Personnel Records

F03501 OJ DP A

System Name:

Officer Status File

F03504 OYUEBLC

System Name:

Air Traffic Control (ATC) Personnel Reporting

F03504 OKPNQSB

System Name:

Air University (AU) Advanced Degree Application

F03504 OKPNQSC

System Name:

Officer Assignment Files

F03504 BOSSGBPB

System Name:

Palace Chase Assignment Applications

F03506 DPMYA

System Name:

Military Service Inventory Research Program

F04002 OBXQPCB

System Name:

Temporary Quarters Subsistence Expense

F04501 OIACYVA

System Name:

Air Force Reserve Applications

F05001 AFSS A

System Name:

Training Summaries Graduation Roster/Course Enrollees

F05001 OMUHHZB

System Name:

Air Force Reserve Medical School Tour Allocations

F05001 OSGHLNE

System Name:

Combat Intelligence Crew Training Record

F05002 OSGHLNA

System Name:

Training Work Sheet (GRF Form 36)

F05002 OYUEBLB

System Name:

Air Traffic Control (ATC) Certification Documentation

F05002 OUJCGJB

System Name:

Training Progress Student Data Records

F05101 OQKRSMA

System Name:

Aircrew Instruction Records (Flying Training Records)

F05101 OQKRSMB

System Name:

Training Aids Usage (Simulator Student Training Records)

F08002 OJMPLSA

System Name:

Research and Development (R&D) Projects Records

F11101 OUMCBVA

System Name:

Military Justice Administration

F16803 SGH A

System Name:

OASIS (Outpatient Appointment Scheduling Information System)

F16803 SGHB B

System Name:

Admission and Disposition System

F17101 SGHB B

System Name:

Medical Recommendation for Flying Duty

F17721 DPMSN B

System Name:

Employee's Quarterly Federal Tax Return

F21101 OUMCBVA

System Name:

Family Services Volunteer of the Year

F21301 OJ DP D

System Name:

Predischarge Education Program Certifying Officers

Unchanged Systems

F00401 O5HCHLA

System Name:

For Cause Separations of Personnel with Duty and Travel Restrictions (FCS/DTR)

F01001 AFA A

System Name:

Cadet Administrative Records

F01001 CVAE A

System Name:

Secretary of the Air Force Historical Records

F01001 DAYYT A

System Name:

Unusual and Incoherent Translation Material

F01001 OBXQPCF

System Name:

Planning and Resource Management Information System

F01001 REPX A

System Name:

Inquiries (Presidential, Congressional)

F01001 SAFPC A

System Name:

Air Force Discharge Review Board Retain Files

F01001 OCGBUZA

System Name:

Individual Weight Control File

F01001 OJ DP F

System Name:

Drug Abuse Ledger

F01001 OJDJDBB

System Name:

Administrative Discharge Information Summary

F01001 OJMPLSA

System Name:

Instructor of the Month Records

F01001 OKPNQSA

System Name:

Potential Faculty Rating System

F01001 OQVDYDA

System Name:

Correspondence, Message and Project Files (Civil Reserve Air Fleet Personnel)

F01001 05HCHLC

System Name:

Air Force Attache Record System

F01001 05HCHLD

System Name:

USAF Prisoner of War (PW) Debriefing Files

F01002 OQVDYDA

System Name:

Military Airlift Command (MAC) Dishonored Check Program

F01101 DAYYT A

System Name:

Operational Reference File

F01101 DPXJ B

System Name:

Record of Air Force Personnel Assigned Outside the Department of Defense

F01101 DPXJC C

System Name:

USAF Reconstitution Requirements for Office of JCS and SHQ USAF

F01101 PRES A

System Name:

Check Cashing Privilege Files

F01101 OJ TTSB

System Name:

Graduate Evaluation Master File

F01101 OKPNQSA

System Name:

Air Force Reserve Officer Training Corps (AFROTC) Membership System

F01101 OKPNQSB

System Name:

Four Year Reserve Officer Training Corps (AFROTC) Scholarship Program Files

F01101 OKPNQSD

System Name:

Air Force Reserve Officer Training Corps (AFROTC) Guest Lecture Files

F01101 OSAWUBB

System Name:

Source Support—Control Data

F01101 02 ALSB

System Name:

Complaints and Inquiries

F01102 DAYX A

System Name:

Base, Unit, and Organizational Military and Civilian Personnel Locator Files

F01102 LLI A

System Name:

Microfilm Records Congressional/Executive Inquiries

F01102 SGA B

System Name:

Medical Service Corps Personnel Files

F01102 SGPC C

System Name:

Professional Inquiry Records System

F01102 SGPS D

System Name:

Files of Waiver From Flying Duty (WAVR FILE)

F01102 SGPS F

System Name:

High Level Inquiry File

F01102 SGV A

System Name:

Veterinary Personnel Files

F01102 OMUHHZB

System Name:

General/Colonel Status Board

F01102 ORKNMDA

System Name:

General Colonel Personnel Data Action Report

F01102 02 ALSB

System Name:

File Designation, Drug Abuse, Waiver Requests

F01103 OBXQPCC

System Name:

Faculty Biographical Sketch

F01103XOBXQPCD

System Name:

Class Committee Products

F01201 DAD A

System Name:

Privacy Act Request File

F016301SGV A

System Name:

Veterinary Records

F02503 DPCXP A

System Name:

Committee Management Records

F02503 NB A

System Name:

Biographical Information File

F02503 OJ DP A

System Name:

Commander Selection File

F02503 OJ DP B

System Name:

Brigadier General Screening Board Results

F03001 JALA A

System Name:

Confidential Statement of Employment and Financial Interest

F03001 SPI A

System Name:

Duty and Travel Restriction Notification Letters

F03001 OCGBUZA

System Name:

Drug/Alcohol Abuse Control Case Files

F03001 OJMPLSC

System Name:

Drug Abuse Control Case Files

F03002 SPO A

System Name:

Documentation for Identification and Entry Authority

F03003 DPMSACB

System Name:

Deceased Service Member's Dependent File

F03003 DPMSACC

System Name:

Indebtedness, Nonsupport, Paternity

F03003 DPMSC A

System Name:

Casualty Files

F03003 XOXXX

System Name:

Next of Kin Inquiries Civilian MIA/PWs

F03004 AFDPMDA

System Name:

Contingency Planning Support Capability (CPSC)-Data Systems Designator (DSD) A349

F03004 SGPA A

System Name:

USAF Aerospace Medicine Personnel Career Information System

F03004 SGPA B

System Name:

Bioenvironmental Engineer Personnel Career Informatioon System

F03004 SGPA C

System Name:

Aerospace Physiology Personnel Career Information System

F03004 OEACYVA

System Name:

Military Personnel Expense Distribution Listing

F03004 OJ RSSA

System Name:

Processing and Classification of Enlistees (PACE)

F03004 OJ RSSB

System Name:

Enlistee Quality Control Monitoring System E818

F03004 OQVDYDA

System Name:

Military Airlift Command (MAC) Special Executive Development

F03004 OTMUHJK

System Name:

Base Automated Mobility System (BAMS) Personnel Extract Tape

F03004 OBXQPCAB

System Name:

Military Personnel Administrative Records

F030041 OHAJXFA

System Name:

Air force Systems Command (AFSC) Personnel Resource Management System

F030041 OHAJXFB

System Name:

Potential Program Managers Tracking System (PPMTS)

F030041 OHAJXFC

System Name:

Air Force System Command Personnel Data Retrieval System

F03005 PRENC A

System Name:

Equal Opportunity in Off-Base Housing

F03005 PRENC B

System Name:

Off-Base Housing Referral Service

F03007 OQPTFLB

System Name:

Visiting Officer Quarters-Transient Airman Quarters Reservation

F03403 DPMSP A

System Name:

Nonappropriated Fund (AF NAF) Employee Insurance and Benefits System File

F03403 OJ SSFK

System Name:

Kindergarten Student File

F03501 AFDPO U

System Name:

Office File

F03501 AFREP T

System Name:

Personnel Files on General Officers and Colonels Assigned to General Officer Position

F03501 ASGPS R

System Name:

Medical Opinions on Board for Correction of Air Force Military Records Cases (BCMR)

F03501 DPMAKEI

System Name:

Absentee and Deserter Information Files

F03501 DPMAO K

System Name:

Officer Effectiveness Report (OER)/ Airman Performance Report (APR) Appeal Case Files

F03501 DPMAR

System Name:

Disability/Non-Disability Retirements Records

F03501 DPMDRAB

System Name:

Correction of Military Record Card

F03501 DPMHC L

System Name:

Chaplain Applicant Processing Folder

F03501 DPMSG M

System Name:

Health Education Records

F03501 DPMSG N

System Name:

Application for Appointment and Extended Active Duty Files

F03501 DPMSG O

System Name:

Medical Officer Personnel Utilization Records

F03501 DPMYR R

System Name:

Statutory Tour Program

F03501 DPPPS S

System Name:

United States Air Force (USAF) Airman Retraining Program

F03501 HC A

System Name:

Chaplain Personnel Record

F03501 HC B

System Name:

Chaplin Information Sheet

F03501 MPC A

System Name:

Civilian/Military Service Review Board Card

F03501 REP A

System Name:

Personnel Files on Statutory Tour Officers

F03501 REP B

System Name:

Files on AF Reserve General Officers; Colonels Assigned to General Officer Positions

F03501 SAFCB A

System Name:

Military Records Processed by the Air Force Correction Board

F03501 SAFOI B

System Name:

Mobilization Augmentee Training Folders

F03501 SAM A

System Name:

USAFAM Personnel Information File

F03501 SGPC M

System Name:

Physician Personnel Files

F03501 OCGBUZA

System Name:

Informational Personnel Training Records

F03501 OJ DP B

System Name:

Status of Ineffective Recruiter

F03501 OKPNQSC

System Name:

AFJROTC Instructor Records System

F03501 OMUHHZB

System Name:

Curriculum Vitae

F03501 OQAGGNA

System Name:

Informational Personnel Records

F03501 OTKWRDC

System Name:

Informational Personnel Records

F03501 OTMUHJA

System Name:

Informational Personnel Records (OI Personnel Background)

F03501 OUMCBVA

System Name:

Geographically Separated Unit Copy Officer Effectiveness & Airman Performance Report

F03501 05HCHLH

System Name:

Reserve Management and Mobilization System (RMAMS)

F03501 06SCEYB

System Name:

Informal Airman/Reserve Information Record

F03501 06SCEYD

System Name:

Air Force Audit Agency Office Personnel File

F03501 06SCEYE

System Name:

Air Force Audit Agency Office File

F03501 07YLNGA

System Name:

Informational Personnel Records

F03501 07YLNGB

System Name:

Internal Personnel Data System

F03501AOSSGBP

System Name:

Education and Training Fact Sheets

F03501BOSBAYEYA

System Name:

Request for Clinical Privilege at USAF Hospital Beale

F03501BOSPCZPB

System Name:

Navigator Background Information

F03501FSFPC A

System Name:

Air Force Discharge Review Board Original Case Files

F03501XOBXQPCB

System Name:

Prospective Instructor Files

F03501XOOTAYZA

System Name:

Management Control System (MCS)

F03501OBXQPCAB

System Name:

Admissions and Registrar Records

F035012OSSGBPA

System Name:

Information Officer Background Record

F03502 AFA A

System Name:

Cadet Management System

F03502 DPMMB A

System Name:

Selective Reenlistment Consideration

F03502 DPMMB B

System Name:

Request for Variable Reenlistment Bonus (VRB) and/or Advance Payment of VRB

F03502 OBXQPCB

System Name:

Cadet Personnel Records System

F03502 OBXQPCC

System Name:

Cadet Personnel Records System

F03502 OBXQPCD

System Name:

Master Cadet Personnel Record (RR)/ Historical

F03502 OBXQPCE

System Name:

Master Cadet Personnel Record (RR)/ Active, Directorate of Cadet Records

F03502 OMUHHZA

System Name:

Manning Specialist Evaluation

F03502 O7YLNGA

System Name:

Career Development Folder

F03503 ATC A

System Name:

Recruiting Research and Analysis System

F03503 ATC RSL

System Name:

Basic Trainee Interview Record

F03503 ATC RSM

System Name:

Recruiting Activities Management Support System (RAMSS)

F03504 AA A

System Name:

Secretary of the Air Force Military Personnel Administration

F03504 DPM A

System Name:

Relocation Preparation Project Folders

F03504 DPMHC B

System Name:

Assignment Action File

F03504 DPMRA C

System Name:

Airmen Utilization Records System

F03504 DPMRO D

System Name:

Officer Utilization Records System

F03504 DPMYCOF

System Name:

Incoming Clearance Record

F03504 XOXXE A

System Name:

Air Force Advisory Personnel in Latin America

F03504 OJMPLSB

System Name:

Classification Screening Records

F03504 OJMPLSC

System Name:

Assessments Screening Records

F03504 OJMPLSD

System Name:

Redline Control Report

F03504 OSPCZPA

System Name:

Bomber Mobilization Recovery Roster

F03504 OTMUNJD

System Name:

PCS Funds Control Log

F03504AAFSS S

System Name:

Office Personnel Data Information Files

F03504XOXOXASA

System Name:

Officer Effectiveness Report Data Card

F03505 DPMAO A

System Name:

Unfavorable Information Files (UIFs)

F03506 DPMAW A

System Name:

Air Force Personnel Test 851, Test Answer Cards

F03507 DPMAJDA

System Name:

Flying Status Branch File

F03507 SGPA A

System Name:

Application for Advanced Aeronautical Rating File (Senior and Chief Flight Surgeon)

F03507 OJ DP A

System Name:

Flying Evaluation Board (FEB) File

F03508 DPMAW M

System Name:

Historical Airman Promotion Master Test File (MTF)

F03508DPMAW

System Name:

Airman Promotion Historical Records

F03509AOSSGBPA

System Name:

Administrative Discharge File

F04001 DPCX A

System Name:

Non-Appropriated Fund (NAF) Civilian Personnel Records

F04001 06SCEYA

System Name:

Merit Promotion File

F04001 1PTAYZC

System Name:

Civilian Pay-Personnel-Manpower (Paperman)–E205

F04002 DPCMS A

System Name:

Civilian Personnel Applicant Supply Files

F04002 DPCMS B

System Name:

Civilian Personnel Test Score Record

F04002 DPCMS C

System Name:

Job Element Questionnaires for Civilian Trades and Labor Occupations

F04002 DPCMS D

System Name:

Civilian Personnel Occupational and Suitability Employment Examinations

F04002 OMUHHZA

System Name:

Air Reserve Technician (ART) Officer Selection Folders

F04002 OMUHHZB

System Name:

Air Reserve Technician Data System

F04003 DPCMT A

System Name:

Training and Employee Development Record Systems

F04003 06SCEYB

System Name:

Long-Term Full-Time Training File

F04004 DPCE B

System Name:

Civilian Personnel Performance Awards and Outstanding Performance Ratings

F04004 DPCE C

System Name:

Labor Management Relations Records Systems

F04004 DPCMS A

System Name:

Employee Assistance Program Case Record Systems

F04008 AA A

System Name:

Civilian Personnel Files

F04008 DPCE A

System Name:

Supervisor's Record of Civilian Employees

F04501 DPMMP A

System Name:

Educational Delay Board Findings

F04501 OI A

System Name:

Air National Guard Information Personnel Background File

F04501 OKPNQSA

System Name:

Cadet Records

F04501 OKPNQSB

System Name:

Air Force ROTC Field Training Administration System

F04501 OKPNQSC

System Name:

AFROTC Field Training Assignment System

F04501 OKPNQSD

System Name:

Flight Instruction Program (FIP)

F04501 XOMUHHZA

System Name:

Reserve Medical Service Corps Officer Appointments

F05001 AFA A

System Name:

Faculty Academic Records

F05001 SAFOI B

System Name:

Information Officer Short Course Eligibility File

F05001 OBXQPBB

System Name:

USAF Academy Cadet/Nominee/ Applicants Athletic Records

F05001 OJ DP A

System Name:

Faculty Board Ledger

F05001 OMUHHZA

System Name:

Undergraduate Pilot and Navigator Training

F05001 OQKRSMA

System Name:

Training Instructors (Academic Instructor Improvement/Evaluation)

F05001 OSGHLNG

System Name:

Officers Electronic Warfare Officer (EWO) Training Record

F05001 OSGHLNH

System Name:

Missile Procedures Training (MPT) Accomplishment

F05001 OSSZDTA

System Name:

Nursing Skill Inventory

F05001 O6SCEYA

System Name:

Advanced Degree File

F05001 O6SCEYB

System Name:

Air Force Audit Agency Office Training File

F05001 AOGHLNB

System Name:

Upgrade Training Missile Procedures Training (MPT) Critique Form

F05002 ATC A

System Name:

Maintenance Management Automated Training System NMATS

F05002 DPPE A

System Name:

Education Services Program Records (Individual)

F05002 OI A

System Name:

Graduates of Air Force Short Course in Communication (Oklahoma University)

F05002 OJ DOZB

System Name:

Individual Academic Records—Survival Training Students

F05002 OJ TTPA

System Name:

Technical Training Course Management Information System

F05002 OKPNQSA

System Name:

Air University Academic Records

F05002 OKPNQSB

System Name:

Student Record Folder

F05002 OOJUBJB

System Name:

Maintenance Management Information and Control System (MMICS)

F05002 OQSCEYA

System Name:

Training Progress (Permanent Student Record)

F05002 OQVDYDA

System Name:

Unit Training Program

F05002 OTMUHJA

System Name:

Student Record File

F05002 OUJCGJA

System Name:

Training Progress

F05002 OUMCBVA

System Name:

Defense Language Institute Student History

F05002 07YLNGA

System Name:

United States Air Force Special Investigations School Individual Academic Records

F05004 OQKRSMA

System Name:

Training Systems Research and Development Materials

F05101 ADC A

System Name:

Aircrew Training Records, Aerospace Defense Command (ADCOM)

F05101 OJMPLSA

System Name:

Flying Training Records

F05101 OTMUHJA

System Name:

Tactical Air Command Automated Flying Training Management System

F05101AOSSGBPA

System Name:

Aircrew Resource Management System (SACARMS)/Aircrew Qualification Report

F05301 DPP A

System Name:

Air Force Academy Appointment and Separation Records

F05302 OBXQPCB

System Name:

Air Force Academy Candidate System

F05303 OBXQPCAB

System Name:

Preparatory School Records

F06003 ANGBXOB

System Name:

Progress Report, Undergraduate Pilot Training

F06005 XOOFF A

System Name:

Air Force Operations Resource Management Systems (AFORMS)

F06604 AFLC A

System Name:

Maintenance Labor Distribution and Cost System

F06608 SAC A

System Name:

ICBM Maintenance Standardization and Evaluation Program

F06608 OOJUBJB

System Name:

Maintenance Management Information and Control System MMICS

F06608 OOJUBJC

System Name:

Exception Time Accounting (ETA) System (GOO1A)

F06711 AFSC A

System Name:

Equipment Maintenance Management Program (EMMP)

F06711 LGYPS A

System Name:

Personal Clothing and Equipment Record

F06711 OOJUBJA

System Name:

Tool Kit Control Card

F07001 OEACYVA

System Name:

Accounts Payable Records

F07503 AA A

System Name:

Office, Secretary of Air Force Travel Files

F075031 LGTT A

System Name:

Personal Property Movement Records

F075031 OOJUBJH

System Name:

Household Goods Nontemporary Storage Accounts System (NOTEMPS)

F07601 MAC A

System Name:

Passenger Reservation and Movement System

F07702 LGTN A

System Name:

Motor Vehicle Operators' Records

F08001 OHMASIS

System Name:

Research and Development Planning and Programming Records

F8002 OJMPLSA

System Name:

Research and Development (R&D) Projects Records

F08003 OBXQPCA

System Name:

Minnesota Multiphase Personality Inventory Research Program

F08003 OHCNBCA

System Name:

Aeromedical Reseach DATA

F08003 OHMPLSA

System Name:

Personnel Research Laboratory Historical Data Base File

F09503 OJMPLSA

System Name:

Sound Recordings

F10010 AFCS A

System Name:

Military Affiliate Radio System (MARS) Member Records

F11001 AJA

System Name:

Judge Advocate Personnel Records

F11001 IGQ A

System Name:

Inspector General Records Freedom of Information Act

F11001 JACA H

System Name:

Legal Assistance Administration

F11001 JACL F

System Name:

Freedom of Information Act Appeals

F11001 JAG A

System Name:

Litigation Records (Except Patents)

F11001 SAFPC B

System Name:

Air Force Discharge Review Board Case Control/Locator Cards

F11001 OEACYVA

System Name:

Legal Administration Records of the Staff Judge Advocate

F11001AJACI A

System Name:

USAF Foreign Criminal Jurisdiction Cases

F11001XOMUHHZA

System Name:

Reserve Judge Advocate Training Report

F11002 AJACP

System Name:

Invention, Patent Application and Patent Application Security, and Patent Files

F11002 JACP C

System Name:

Patent Infringement and Litigation Records

F11101 AJAJM

System Name:

Court-Martial and Article 15 Records

F11101 OSPCZPA

System Name:

Military Justice Administration

F11101XJAJM C

System Name:

Automated Military Justice Analysis and Management System (AMJAMS)

F11201 JACC A

System Name:

Claims Administrative Management Program (CAMP) E064

F11201 JACC B

System Name:

Claims Records

F12001 DPX B

System Name:

Investigation/Complaint Files

F12001 IGQ A

System Name:

Inspector General Records

F12301 02SCEYA

System Name:

United States Air Force (USAF) Inspection Scheduling System

F12401 07YLNGA

System Name:

Badge and Credentials

F12401 07YLNGB

System Name:

Investigative Applicant Processing Records

F12404 07YLNGA

System Name:

Investigative Support Records

F12406 07YLNGA

System Name:

Security and Related Investigative Records

F12408 07YLGNA

System Name:

Counterintelligence Operations and Collection Records

F12410 07YLNGA

System Name:

Criminal Records

F12501 ASPP

System Name:

Firearms Authorization and Safety Records

F12501 SPO D

System Name:

Provisional Pass

F12501 SPO E

System Name:

Registration Records (Excluding Private Vehicle Records)

F12501 SPO F

System Name:

Notification Letters to Persons Barred From Entry to Air Force Installations

F12501 SPO G

System Name:

Complaint/Incident Reports

F12501 SPO H

System Name:

Serious Incident Reports

F12501 SPO I

System Name:

Incident Investigation Files

F12501 SPO J

System Name:

Traffic Accident and Violation Reports

F12501 OQVDYDC

System Name:

Field Interview Card

F12501 02 ALSB

System Name:

Temporary Private Vehicle Impoundment Record

F12501XSPP B

System Name:

Pickup or Restriction Order

F12503 SPO A

System Name:

Vehicle Administration Records

F12503 02 ALSB

System Name:

Bicycle Registration File

F12503 02 ALSC

System Name:

Storage and Special Permits for Recreational and Utility Trailers

F12701 OJ IGYA

System Name:

Air Training Command Aircraft Accident Board Resources List

F12701 02SCEYA

System Name:

Safety Education File

F12702 02SCEYA

System Name:

Aircraft Accidents and Incidents Computer File

F12702 02SCEYB

System Name:

Human Factors in Aircraft Accident/Incident Computer File

F12702 02SCEYC

System Name:

United States Air Force (USAF) Ground Accident Fatality File

F14001 OSGHLNA

System Name:

Bachelor Airmen's Quarters (BAQ) Temporary Issue Receipt

F16001 SGPC A

System Name:

Medical Professional Staffing Records

F16001 SGPS A

System Name:

Aircrew Standards Case File

F16002 SGPS B

System Name:

Retirements/Separations Records System

F16003 ASGH R

System Name:

Air Force Clinical Laboratory Automation Systems (AFCLAS)

F16003 OSPCZPA

System Name:

Laboratory Course Phase II

F16003 02 ALSA

System Name:

Chain of Custody Receipt

F16006 ASGPA R

System Name:

USAF Hearing Conservation Record System

F16006 SGPC A

System Name:

Central Medical Registry Files

F16007 SGPA A

System Name:

Drug Abuse Rehabilitation Report System

F16101 SGPA A

System Name:

Medical Recommendation for Flying Duty

F16101 OSSGBPA

System Name:

Aerospace Medicine Program Medical Recommendation Missile Duty

F16102 SGPA A

System Name:

Air Force Aerospace Physiology Training Programs

F16102 SGPA B

System Name:

USAF Compression Chamber Operation

F16104 SGPA A

System Name:

USAF Master Radiation Exposure Registry

F16201 SGD A

System Name:

Dental Health Records

F16202 SGD A

System Name:

Dental Personnel Actions

F16202 SGD B

System Name:

Dental Professional Activities

F16401 GHXO S

System Name:

Patient Evacuation Manifest

F16802 CSGH R

System Name:

MAMS–R (Medical Administrative Management System—Revision)

F16802 SGHB B

System Name:

Casualties in Southeast Asia

F16802 SGPC A

System Name:

Child Advocacy Case Files

F16802 ORKNMDA

System Name:

Civilian Health/Medical Program of Uniformed Services (CHAMPUS) Case Claim Files

F16803 ASGHB R

System Name:

Patient Index and Locator System

F16803 SGH A

System Name:

OASIS (Outpatient Appointment Scheduling Information System)

F16803 RSGHXO B

System Name:

Air Force Blood Program

F16804 SGHB A

System Name:

Clinical Records and Related Documents

F16806 SGHB A

System Name:

Inpatient Data System

F16808 SGHC A

System Name:

Medical Service Accounts

F16810 SGN A

System Name:

Nursing Service Records

F17101 SGHB A

System Name:

Automated Inpatient Data System

F17101 SGHB B

System Name:

Medical Recommendation for Flying Duty

F17101 OHZHTVA

System Name:

Manhour Accounting System (MAS)

F17101 OHZHTVD

System Name:

Management Oriented Personnel System (MOP)

F17101 OJNTMUA

System Name:

Behavioral Automated Research System (BARS) (B–3500)

F17101 OOJUBJA

System Name:

Planning and Resources Management Information System

F17101 OUMCBVA

System Name:

Military Personnel Management System

F17101 OOHAJXFA

System Name:

Personnel Data Used for Management Engineering (ME) Program Manning Purposes

F17501 06SCEYA

System Name:

Air Force Audit Agency Management Information System—Report File

F17501 O6SCEYB

System Name:

Internal Audit and Control Records

F17602 OEACYVA

System Name:

Nonappropriated Funds Standard Payroll System

F17603 AA A

System Name:

Accounts Receivable

F17603 HC

System Name:

Chaplain Fund Service Contract File

F17603 OYUEBLA

System Name:

Individual Earning Data

F17607 DPMS

System Name:

Nonappropriated Fund Instrumentalities (NAFIs) Financial System

F17701 NGBJA A

System Name:

Confidential Statement of Employment and Financial Interest

F17701 OBXQPCA

System Name:

Cadet Accounting and Finance System

F17705 OEACYVA

System Name:

Accounting and Finance Officer Accounts and Substantiating Documents

F17707 OEACYVA

System Name:

Loss of Funds Case Files

F17708 OEACYVA

System Name:

Claims Case File—Corrected Military Pay and Allowances

F17708 OEACYVB

System Name:

Claims Case File—Missing in Action Data

F17708 OEACYVC

System Name:

Claims Case File—Death Gratuity Records

F17709 OEACYVA

System Name:

Reports of Survey

F17718 OEACYVA

System Name:

Account Receivable Records Maintained by Accounting & Finance

F17720 SGHC A

System Name:

Control Logs

F17720 OCGBUZA

System Name:

Control Log for Civilian Medical Care

F17721 ADPMSNA

System Name:

Employee Group Life and Health Insurance Plan

F17721 02 ALSA

System Name:

Civilian Pay—Control Data

F17722 OEACYVA

System Name:

Accrued Military Pay System, Discontinued (AMPS 360/390)

F17722 OEACYVC

System Name:

Military Pay Records

F17722 OEACYVD

System Name:

Uniformed Services Savings Deposit Program (USSDP)

F17724 OKPNQSA

System Name:

Air Force ROTC Cadet Pay System

F17726 OEACYVA

System Name:

Pay and Allotment Records

F17730 OEACYVA

System Name:

Joint Uniform Military Pay System (JUMPS)

F17734 OEACYVA

System Name:

United States Air Force Retired Pay System

F17801 OHFREZA

System Name:

Rome Air Development Center (RADC) Manpower Resources Expenditure System

F17801 OHZHTVA

System Name:

Integrated Management Information and Control System (IMICS)

F17801OKPNQSA

System Name:

Student Questionnaire

F17802XOOTAYZM

System Name:

Personnel Cost Accounting System (PCAS)

F18201 DAC A

System Name:

Air Force Postal Directory File

F18202 HC A

System Name:

Current Official Active Duty Chaplains Mailing List

F19001 AA AB

System Name:

Public Affairs References

F19001 OI A

System Name:

Official Biographies

F19001 OI B

System Name:

Biographies of Officers and Key Civilians Assigned to SAF/OI

F19001 OI AB

System Name:

Official Biographies

F19001 SAFOI

System Name:

Special Events Planning-Protocol

F19001 OSLWRCA

System Name:

Special Events Planning-Protocol Roster

F20002 05HCHLA

System Name:

Operations Security File for Foreign Intelligence Collection Activities

F20002 05HCHLB

System Mame:

DIA Source Administration Program for Foreign Intelligence Collection Activities

F20002 05HCHLC

System Name:

Events and Installation File

F20002 05HCHLD

System Name:

Master Alpha Resource List (MARLA)

F20501 SPI A

System Name:

Request for Access to Classified Information by Historical Researchers

F20501 OUMCBVA

System Name:

Compartmented Intelligence Access Roster

F20503 DAI A

System Name:

Personnel Security Case Files

F20503 DAI C

System Name:

Presidential Support Files

F20505 AFIS A

System Name:

Sensitive Compartmented Information Personnel Security Records

F20505 SPI A

System Name:

Personnel Security Clearance Investigation Records

F20505 SPI B

System Name:

Personnel Security Access Records

F20505 SPI C

System Name:

Special Security Files

F20505 PQVDYA

System Name:

Clearance Certificate Records

F20505 OUMCBVA

System Name:

Security Records Behavioral Data Reports

F21001 ESC A

System Name:

Historical Research and Retrieval System (HORRS)

F21101 OUMCBVA

System Name:

Family Services Volunteer of Year

F21201OBXQPCAB

System Name:

Library/Special Collections Records

F21208XOBXQPCE

System Name:

Library Authorized Patron File

F21301 DPMSS A

System Name:

Air Force Educational Assistance Loans

F21301 OJ DP A

System Name:

Completion of Courses/Degrees Under Operation Bootstrap

F21301 OJ DP C

System Name:

Education Service Test Control Officers

F21306 OSPCZPA

System Name:

Individual Class Record Form

F21401 OKPNQSA

System Name:

Pupil Registration and Cumulative Record Cards

F21401 ORKNMDA

System Name:

Personnel Movement Program

F26501 AFA A

System Name:

Cadet Chaplain Records

F26501 HC A

System Name:

Non-Chaplain Ecclesiastical Endorsement Files

F26501 HC B

System Name:

Chaplain Personnel Roster

F26501 HC C

System Name:

Directory of Active Duty and Retired Chaplains

F26501 02 ALSA

System Name:

Religious Education Registration and Attendance Records

F26501XHC A

System Name:

Records on Baptisms, Marriages and Funerals by Air Force Chaplains

F40 17 FZHTVA

System Name:

Air Force Logistics Command (AFLC) Supergrade Information File

F90001 DAYY A

System Name:

Annual Outstanding Air Force Administration and Executive Support Awards

F90001 DPMSAAB

System Name:

Military Decorations

F90001 OKPNQSA

System Name:

Air University Outstanding Junior Officer of the Year

F90001 OTMUHJA

System Name:

Special Awards File

F90001 OUMCBVA

System Name:

Outstanding Airman of Year

F90001XOBXQPCA

System Name:

Cadet Awards Files

F90001XRDE A

System Name:

Harold Brown Award

F90001XRDE B

System Name:

USAF Research and Development Award

F900012 MPC A

System Name:

Suggestions, Inventions, Scientific Achievements

New or Altered systems

See System Notices below.

BILLING CODE 3910-01-M

NATIONAL SECURITY AGENCY

The National Security Agency must republish in their entirety all of their system notices. See System Notices below.

DEFENSE NUCLEAR AGENCY

The Defense Nuclear Agency is republishing all of their system notices. See System Notices below.

ORGANIZATION OF THE JOINT CHIEFS OF STAFF

Deleted Systems

None

Unchanged Systems

JOJCS002MILPERS

System Name:

OJCS Medals and Awards Files and Reports System; Microfilmed Historical Awards.

JOJCS001MILPERS

System Name:

Military Personnel Files

JOJCS003SMP

System Name:

Directorate Administrative Services Management Information System (DASMIS).

JOJCS004SECDIV

System Name:

Personnel Security File, Security Division, DAS.

NEW OR ALTERED SYSTEMS

None

BILLING CODE 3810-70-M

DEFENSE COMMUNICATIONS AGENCY

Deleted Systems

None

Unchanged Systems

KCIV.01

System Name:

Records Relating to DCA Transactions under the Privacy Act of 1974

KDCE.01

System Name:

Visit Notification/Clearance Verification Records NR501–11

KDCE.02

System Name:

Parking Permit Control Files 501–07

KDCE.03

System Name:

DA Form 727 Classified Container Information File 503–02

KDEC.01

System Name:

Vehicle Registration

KDEC.02

System Name:

Authorization To Sign for Classified Material List

KDEC.03

System Name:

Classified Material Receipt Authorization List

KDEC.04

System Name:

Authority To Review/Sign for Classified Messages at 1918 Communications Center

KDEC.05

System Name:

Access Listing to Classified Material (NATO)

KDEC.06

System Name:

Nominations/Enrollments for Training Courses

KDEC.07

System Name:

601–11 Duty Rosters

KDEC.08

System Name:

101–06 Request and Authorization for Temporary Duty Travel

KEUR.02

System Name:

DCA Form 605, Personnel Data Sheet

KEUR.03

System Name:

Incident Report File

KEUR.04

System Name:

Security Clearance File

KEUR.05

System Name:

Classified Container Information Forms

KEUR.08

System Name:

Travel Order and Voucher File

KEUR.09

System Name:

NONCOMBATANT Information Card, AEZ Form 6–106

KEUR.10

System Name:

Personnel File

KMIN.01

System Name:

Minority Identification File List

KNCS.01

System Name:

National Communications Systems Continuity of Operations Plan (NCS COOP)

KNCS.02

System Name:

National Communications System (NCS) Plan for Emergencies and Major Disasters

KNCS.03

System Name:

National Communications System Emergency Action Group (NEAG)

KPAC.01

System Name:

Classified Container Information Form DA 727

KPAC.02

System Name:

Authorization to Sign for Classified Material Lists

KPAC.03

System Name:

420–20 Permanent Change of Station and Temporary Duty Travel Order File

KPAC.04

System Name:

Time and Attendance Cards and Labor Distribution Cards

KPAC.05

System Name:

403–03 Injury Records

KSPT.01

System Name:

Military Personnel Management/ Assignment Files

KSPT.02

System Name:

Vehicle Parking Registration Card

KWHC.01

System Name:

Agency Training File System

KWHC.02

System Name:

Military Personnel Files System

KWHC.03

System Name:

Personnel Locator File System

KWHC.04

System Name:

Military Financial File System

KWHC.05

System Name:

Personnel Information System

KWHC.06

System Name:

Personnel Security Files

KWHC.07

System Name:

Agency Access/Pass File System

K105.01

System Name:

208.10 Confidential Statement of Employment and Financial Interest

K107.01

System Name:

Investigation of Complaint of Discrimination

K232.01

System Name:

Travel Orders Records System

K232.02

System Name:

Injury Record File

K240.01

System Name:

Personnel Security Investigative Dossier File (PSIDF)

K240.02

System Name:

Sensitive Compartmented Info (SCI) Posn/Pers Accountability System

K240.03

System Name:

Clearance Card File for Defense Communications Agency (DCA) Personnel

K240.04

System Name:

Identification Badge System

K240.05

System Name:

Visitor Clearance File

K240.06

System Name:

Classified Container Information on Form (DA 727)

K240.07

System Name:

Vehicle and Parking Registration Card

K240.08

System Name:

Security Violation Case File

K660.01

System Name:

303–41–42 Claims Files, Requests for Waiver of Pay and Allowances

K700.01

System Name:

Employee-Management Relations and Services Files

K700.02

System Name:

Civilian Awards Program File

K700.03

System Name:

Personnel Management Information System (PERMIS)

K700.035

System Name:

602–11 Active Application Files (Applicant Supply Files)

K700.04

System Name:

Priority Reassignment Eligibles File

K700.05

System Name:

Executive Level Position Files

K700.06

System Name:

Report of Defense-Related Employment

K700.07

System Name:

Employee Record File

K700.08

System Name:

USAF Career Motivation Program

K700.09

System Name:

603–02 Service Record Card Files

K700.10

System Name:

603–08 Annual Classification Maintenance Review File

K700.11

System Name:

602–18 Promotion Register and Record Files

K700.12

System Name:

602–10 Civil Service Certificate Files

K700.13

System Name:

602–26 Retention Register Files (Reduction-in-Force)

K700.15

System Name:

603–05 Chronological Journal Files

K700.16

System Name:

Classification Appeals File

K700.17

System Name:

603–01 Official Personnel Folder Files (Standard Form 66)

K890.01

System Name:

Freedom of Information Act File (FOIA)

K890.02

System Name:

Navy Officers Service Record

K890.03

System Name:

Awards Case History File

K890.04

System Name:

Military Personnel Management/ Assignment Files

K890.05

System Name:

Overseas Rotation Program Files

K890.06

System Name:

Card File for Forwarding Mail of Departed Personnel

K890.07

System Name:

Education, Training, and Career Development Data System

KEUR.07

System Name:

Postal Directory File

New or Altered Systems

None

BILLING CODE 3710-04—M

DEFENSE INTELLIGENCE AGENCY

The Defense Intelligency Agency must republish all of their system notices. See System Notices below.

BILLING CODE 3810-70-M

UNITED STATES MARINE CORPS

The United States Marine Corps is republishing all of their system notices. See System Notices below.

DEPARTMENT OF THE NAVY

The Department of Navy is republishing all of their system notices. See System Notices below.

BILLING CODE 3810-71-M

DEFENSE CONTRACT AUDIT AGENCY

Deleted Systems

None

Unchanged Systems

RDCAA 152.13

System Name:

Notifications of Visits

RDCAA 152.17

System Name:

Security Status Master List

RDCAA 152.2

System Name:

Personnel Security Data Files

RDCAA 152.3

System Name:

Reports of Personnel Security Investigations

RDCAA 152.4

System Name:

Personnel Security Adjudication File

RDCAA 152.5

System Name:

Notification of Security Determinations

RDCAA 152.6

System Name:

Regional Security Clearance Request Files

RDCAA 152.7

System Name:

Clearance Certification

RDCAA 160.5

System Name:

Travel Orders

RDCAA 240.1

System Name:

Cross Reference Index to Legal Opinions

RDCAA 240.2

System Name:

Statements of Employment and Financial Interest

RDCAA 240.3

System Name:

Legal Opinions

RDCAA 240.5

System Name:

Standards of Conduct, Conflict of Interest

RDCAA 260.4

System Name:

White House Correspondence

RDCAA 260.5

System Name:

Congressional Committee Correspondence

RDCAA 260.6

System Name:

Congressional Correspondence

RDCAA 311.3

System Name:

Applicant Supply File Index

RDCAA 311.4

System Name:

Applicant Correspondence

RDCAA 315.10

System Name:

Executive Development Program

RDCAA 315.11

System Name:

Career Files

RDCAA 322.7

System Name:

Students and Instructors

RDCAA 347.2

System Name:

Labor Management Relations Case Files

RDCAA 358.1

System Name:

General EEO Files

RDCAA 358.21

System Name:

EEO Complaints Resolved by DCAA

RDCAA 358.22

System Name:

EEO Cases Resolved by CSC

RDCAA 358.23

System Name:

Other Copies of EEO Complaint Case Files

RDCAA 358.24

System Name:

EEO Background Documents Not Included in Case Files

RDCAA 358.3

System Name:

Grievance & Appeal Files

RDCAA 371.1

System Name:

Name Files

RDCAA 371.13

System Name:

Official Personnel Folders

RDCAA 371.2

System Name:

Supervisor Personnel Records

RDCAA 371.5

System Name:

Locator Records

RDCAA 371.7

System Name:

Service Record File

RDCAA 371.8

System Name:

Inactive Service Records

RDCAA 440.2

System Name:

Time and Attendance Reports

RDCAA 502.6

System Name:

Freedom of Information Administrative Appeals

RDCAA 503.5

System Name:

Privacy Act Administrative Appeals

RDCAA 575.4

System Name:

Postal Directory

RDCAA 590.8

System Name:

DCAA Management Information System (MIS)

RDCAA 590.9

System Name:

DCAA Automated Personnel Inventory System (APIS)

New or Altered Systems

None

BILLING CODE 3810-70-M

DEFENSE LOGISTICS AGENCY

Deleted Systems

S334.05DLA–K

System Name:

Civilian Personnel Administration Career Program

S334.10DLA–KT1

System Name:

Central Inventory, Comptroller/ Financial Management Career Program

S339.10DLA–C

System Name:

Auditor Profile

Unchanged Systems

S111.11DCRA–AA

System Name:

Atlanta Personnel Data Bank System

S111.11DCRT–E

System Name:

Defense Contract Administration Services Region (DCASR) Dallas Personnel Data Bank

S111.11DDTC–R

System Name:

Civilian Personnel Data Bank

S111.11DESC–KER

System Name:

Civilian Personnel and Manpower Control System

S111.11DLA–K

System Name:

Rotation of Employees From Foreign Areas and the Canal Zone

S111.11DLA–KP

System Name:

Bye-Bye Retirement System

S111.11DLA–KS

System Name:

Official Records for Host Enrollee Programs

S111.11DLA–XA

System Name:

Personnel/Roster/Locator Files

S120.05DLA–K

System Name:

Schedule and Record of Overtime Assignment and Request

S120.05DLA–KP

System Name:

Supervisors' Records and Reports of Employee Attendance and Leave

S150.20DLA–T

System Name:

Security Violations Files

S153.01DLA–T

System Name:

Personnel Security Files

S153.20DLA–T

System Name:

Personnel Security Clearance Status CAPSTONE

S155.05 1DLA–NS

System Name:

Enrollment, Registration and Course Completion Record

S155.05 2DLA–NS

System Name:

Guest Instructor Introduction Card

S155.53DLA–NS

System Name:

Industrial Personnel Security Clearance File

*S160.50DLA–T

System Name:

Criminal Incidents/Investigations File

S161.20DLA–T

System Name:

Vistors and Vehicle Temporary Passes and Permits File

S161.25DLA–T

System Name:

Individual Access Files

S161.30DLA–T

System Name:

Motor Vehicle Registration Files

S161.40DLA–T

System Name:

Vehicle Accident Investigation Files

S161.50DLA–T

System Name:

Traffic Violations File

S161.60DLA–T

System Name:

Seizure and Disposition of Property Records

S161.70DLA–T

System Name:

Firearms Registration Records

S162.60DLA–T

System Name:

Police Force Records

S214.10DCRN–MA

System Name:

Emergency Transportation of Essential Personnel

S214.20DLA–L

System Name:

Emergency Assignment and Training Records

S233.10DLA–K

System Name:

Work Assignment, Performance, and Productivity Records and Reporting Systems

S233.20DLA–L

System Name:

Data Processing Project Control Assignment and Machine Utilization

S243.30DLA–K

System Name:

Complaints

S252.50DLA–G

System Name:

Claims & Litigation, Other Than Contractual

S253.10DLA–G

System Name:

Invention Disclosures

S253.30DLA–G 1

System Name:

Royalties

S253.30DLA–G 2

System Name:

Patent Licenses and Assignments

S253.40DLA–G

System Name:

Patent Infringement

S255.01DLA–G

System Name:

Fraud & Irregularities

S257.10DLA–G

System Name:

Standards of Conduct

S259.05DLA–G

System Name:

Legal Assistance

S270.10DLA–K

System Name:

Request for Assistance and Information

S270.30DLA–B

System Name:

Biography File

S322.15DLA–M

System Name:

Information Military Personnel Records

S322.35DLA–M

System Name:

Officer/Enlisted Evaluation Report File and File Summary

S322.45DLA–M

System Name:

Military Personnel Data Bank System

S322.70DLA–M

System Name:

Reserve Affairs

S330.15DPSC–G

System Name:

Authorization File

S330.50DPSC

System Name:

Defense Personnel Support Center (DPSC) Civilian Personnel File

S330.60DCRT–E–Z

System Name:

Dallas Internal Personnel Management Information System (DIPMIS)

S332.01DLA–KS

System Name:

Employment Inquiries

S333.10DLA–G

System Name:

Attorney Personal Information and Applicant Files

S335.01DLA–K

System Name:

Training and Employee Development Record System

S335.80DLA–Q

System Name:

Quality Assurance Staff Development Program

S336.10DCRS–F

System Name:

336.10 Personnel Cost Forecast System

S336.60DLA–KM

System Name:

Position Classification Appeals

S337.01DLA–K

System Name:

Labor Management Relations Records Systems

S337.25DLA–K

System Name:

Employee Relations Under Negotiated Grievance Procedures

S339.10DLA–K

System Name:

Headquarters Defense Logistics Agency (HQ DLA) Automated Civilian Personnel Data Bank System

S339.50DLA–K

System Name:

Supervisors' Personnel Records

S339.50DSAO–S

System Name:

DSAO Staff Information File

S352.10DLA–K

System Name:

Nominations for Awards

S370.20DLA–KH

System Name:

Individual Accident Case Files

S380.01DLA–K

System Name:

Employee Assistance Program Case Record Systems

S380.20DLA–K

System Name:

Civilian Medical Case Files

S390.01DLA–KS

System Name:

Grievance Examiners and Equal Employment Opportunity Investigators Program

S390.05DCRB–M

System Name:

Boston Equal Employment Opportunity (EEO) Skills Bank

S431.15DLA–C

System Name:

Travel Record

S434.15DLA–C

System Name:

Automated Payroll Cost and Personnel System (APCAPS)

S434.15DLA–KP

System Name:

Automated Payroll, Cost and Personnel System (APCAPS) Personnel Subsystem

S434.20DLA–C

System Name:

Mechanization of Contract Administration Services—1B Payroll (MOCAS 1B)

S434.87DLA–C

System Name:

Debt Records for Individuals

S491.10DLA–M

System Name:

Nonappropriated Fund (NAF) Membership Records

S493.10DLA–K

System Name:

Official Personnel Folders for Non-Appropriated Fund Employees

S672.70DLA–X

System Name:

Dependents Travel

S690.10DLA–W

System Name:

Individual Vehicle Operators File

S810.50DLA–P–1

System Name:

Contracting Officer Files

S850.10DLA–Q–1

System Name:

Quality Assurance Activity Certification Report

S850.10DLA–Q–2

System Name:

Monthly Quality Assurance Activity Report by Person

S866.15 DPSC

System Name:

Manufacturing Payroll System; Weekly Piece Work

New or Altered Systems

See System Notices below.

BILLING CODE 3620-01-M

Defense Investigative Services

The Defense Investigative Service must republish all of their system notices. See System notices below.

UNIFORM SERVICES UNIVERSITY OF THE HEALTH SCIENCES

Deleted Systems

None

Unchanged Systems

WUSU02

System Name:

Uniformed Services University of the Health Sciences (USUHS) Payroll System

WUSU04

System Name:

Uniformed Services University of the Health Sciences (USUHS) Applicant Record System

New or Altered Systems

See System Notices below.

BILLING CODE 3810-70-M

UNITED STATES ARMY

REQUESTING RECORDS

Records are retrieved by name or by some other personal identifier. It is therefore especially important for expeditious service when requesting a record that particular attention be provided to the Notification and/or Access Procedures of the particular record system involved so as to furnish the required personal identifiers, or any other pertinent personal information as may be required, to locate and retrieve the record.

BLANKET ROUTINE USES

Certain blanket 'routine uses' of the records have been established, that are applicable to every record system maintained within the Department of Defense, unless specifically stated otherwise within a particular record system. These additional blanket routine uses of the records are published below, only once in the interest of simplicity, economy and to avoid redundancy, before the individual record system notices begin rather than repeating them in every individual record system.

ROUTINE USE - LAW ENFORCEMENT

In the event that a system of records maintained by this component 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 by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

ROUTINE USE - DISCLOSURE WHEN REQUESTING INFORMATION

A record from a system of records maintained by this component 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 component 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.

ROUTINE USE - DISCLOSURE OF REQUESTED INFORMATION

A record from a system of records maintained by this component may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

ROUTINE USE - CONGRESSIONAL INQUIRIES

Disclosure from a system of records maintained by this component may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

ROUTINE USE WITHIN THE DEPARTMENT OF DEFENSE

A record from a system of records maintained by this component may be disclosed as a routine use to other components of the Department of Defense if necessary and relevant for the performance of a lawful function such as, but not limited to, personnel actions, personnel security actions and criminal investigations of the Component requesting the record.

ROUTINE USE - PRIVATE RELIEF LEGISLATION

Relevant information contained in all systems of records of the Department of Defense published on or before August 22, 1975, 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 A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

ROUTINE USE - DISCLOSURES REQUIRED BY INTERNATIONAL AGREEMENTS

A record from a system of records maintained by this Component may be disclosed to foreign law enforcement, security, investigatory, or administrative authorities in order to comply with requirements imposed by, or to claim rights conferred in international agreements and arrangements including those regulating the stationing and status in foreign countries of Department of Defense military and civilian personnel.

ROUTINE USE - DISCLOSURE TO STATE AND LOCAL TAXING AUTHORITIES

Any information normally contained in IRS Form W-2 which is maintained in a record from a system of records maintained by this Component may be disclosed to State and local taxing authorities with which the Secretary of the Treasury has entered into agreements pursuant to Title 5, U.S.Code, Sections 5516, 5517, 5520, and only to those State and local taxing authorities for which an employee or military member is or was subject to tax regardless of whether tax is or was withheld. This routine use is in accordance with Treasury Fiscal Requirements Manual Bulletin Nr. 76-07.

ROUTINE USE - DISCLOSURE TO THE OFFICE OF PERSONNEL MANAGEMENT

A record from a system of records subject to the Privacy Act and maintained by this component may be disclosed to the Office of Personnel Management concerning information on pay and leave, benefits, retirement deductions, and any other information necessary for the Office of Personnel Management to carry out its legally authorized Government-wide personnel management functions and studies.

ROUTINE USE - DISCLOSURE OF INFORMATION TO NARS (GSA)

A record from a system of records maintained by this component may be disclosed as a routine use to the National Archives and Records Service of the General Services Administration in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

ROUTINE USE - DISCLOSURE TO DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

All systems of records relating to compensation, employment or retirement, or extracts therefrom, maintained by this Component may be disclosed as a routine use to the Department of Health, Education, and Welfare for the purpose of comparing such record with records of programs administered by and in the possession of the Department of Health, Education, and Welfare in order to verify information where such verification is required by law or regulation or to identify violations or potential violations of law, whether criminal, civil, or regulatory, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto.

AAFES1609.02

System name:

1609.02 AAFES Customer Service

System location:

Headquarters, Army and Air Force Exchange Service (AAFES), Dallas, TX; Headquarters, AAFES-Pacific; Headquarters, AAFES-Europe, and all continental United States and oversea Exchange regions, area exchanges, post and base exchanges, and satellites within the AAFES system. Addresses are listed in the Directory of the Department of the Army, appearing in the Annual Compilation of System Notices, published in the Federal Register.

Categories of individuals covered by the system:

All AAFES customers who elect to purchase merchandise on a time payment, layaway, or special order basis, or who need purchase adjustments or refunds.

Categories of records in the system:

File contains copies of active layaway tickets, requests for refunds, special order forms, requests for special order procurement, special order logs, cash receipts vouchers, and repair vouchers.

Authority for maintenance of the system:

Title 10 U.S.C., Sections 3012 and 8012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To record customer transactions/payments for layaways and special orders; to determine payment status before finalizing these transactions; to identify layaway account delinquencies and prepare customer reminder notices; to prepare and mail refunds to customers on cancelled layaways or special orders; and to process purchase refunds and repair orders.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file boxes/cabinets.

Retrievability:

By last name of customer, document control number, and/or due date.

Safeguards:

Records are maintained in areas accessible to authorized personnel only. Layaway, special order, cash receipts, and refund vouchers are prenumbered and logged as used or retired.

Retention and disposal:

Cancelled or completed layaway tickets: Held in file for 6 months after cancellation or delivery of merchandise, then destroyed.
Purchase orders: Retained for 2 years, then destroyed.
Refund vouchers: Retained for 6 years, then destroyed.
Returned merchandise slips: Retained for 6 years, then destroyed.
Cash receipts vouchers: Retained for 3 years, then destroyed.

System manager(s) and address:

Director, Merchandising Division Headquarters, Army and Air Force Exchange Service, Dallas, TX 75222.

Notification procedure:

Information may be obtained from:
Commander
Headquarters, Army and Air Force Exchange Service
ATTN: MR-O
Dallas, TX 75222
Telephone: Area Code 214/330-2653.

Record access procedures:

Requests from individuals should be addressed to: Commander, Headquarters, Army and Air Force Exchange Service, ATTN: MR-O, Dallas, TX 75222, and should contain customer's full name, current address and telephone number, Army and Air Force Exchange Service activity at which transaction was initiated, date of transaction, and control number of document involved.

Neither instructions nor provisions for personal visits are provided at this time.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

Record source categories:

Information is furnished by the customer.

Systems exempted from certain provisions of the act:

None.

A0102.02aDAAG

System name:

102.02 Office Business Visitor Files

System location:

Segments may be maintained at Headquarters, Department of the Army, staff and field operating agencies, commands, installation and supporting activities.

Categories of individuals covered by the system:

Any visitor who represents a person, firm, corporation, academic institution or other enterprise involved in business transactions with the Army.

Categories of records in the system:

Files contain forms which reflect the individual's name, name and address of firm represented, person/office visited, purpose of visit, and the status of individual as regards past or present affiliation with the Department of Defense.

Authority for maintenance of the system:

Title 10 U.S.C., Section 3012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To provide information to those officials of the Army responsible for monitoring/controlling visitor's status and determining purpose of visit so as to preclude conflict of interest.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

By name of visitor.

Safeguards:

Records are maintained in file cabinets with access limited to Division and Branch Chiefs having primary interest.

Retention and disposal:

Retained for 1 year after which records are destroyed.

System manager(s) and address:

The Adjutant General, Headquarters, Department of the Army, Washington, DC 20314.

Notification procedure:

Information may be obtained from the commander/supervisor maintaining the information.

Record access procedures:

Requests should be addressed to appropriate commander or supervisor. Official mailing addresses are in the Directory of United States Army Addresses following the annual compilation of Army system notices published in the Federal Register.

Contesting record procedures:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

Record source categories:

Information is obtained from the individual.

Systems exempted from certain provisions of the act:

None.

A0102.04aDAPE

System name:

102.04 Supervisor/Manager Employee Records

System location:

Department of the Army: Offices of supervisors/managers of the functional elements of an Army activity, installation, or agency.

National Guard Bureau: Office of the State Adjutant General, ATTN: Technician Personnel Office, of each State, Puerto Rico, Virgin Islands, and the District of Columbia.

Categories of individuals covered by the system:

Any civilian employee/NG technician (both appropriated and nonappropriated fund) who is employed within the specific organizational element.

Categories of records in the system:

Files contain copies of documents pertaining to the administration of individual civilian/NG technician employees which are duplicated in, or are generated in support of actions recorded in, the Official Personnel Folder, or related personnel files maintained in the civilian/NG technician personnel office. The records in this file contain information about an individual relating to birth date; social security number; veteran's preference; tenure; past and present salaries grades, and position titles; letters of commendation, reprimand, charges, and decision on charges; personnel action; including but not limited to, appointment, reassignment, demotion, detail, promotion, transfer, and separation; training; performance ratings, data documenting the reasons for personnel actions or decisions made about an individual; and awards.

Authority for maintenance of the system:

Title 5 U.S.C., Sections 301, 1302, 2951, 4118, 4308, and 4506; EO 1056, September 13, 1954; and Title 32 U.S.C., Section 709.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information in these records is used for reference or to support supervisory/managerial actions required in the conduct of official civilian personnel management business; by the Office of Personnel Management in the conduct of its responsibilities; to Justice Department, Department of Labor, or other Federal agencies or judiciary bodies in the conduct of official business.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in folders, Kardex files.

Retrievability:

Alphabetically, by surname.

Safeguards:

Filed in either locked files or in secured locations. Access limited to management/supervisory officials of the assigned employees, clerical personnel maintaining the files, and to persons to whom the subject individual has given written permission.

Retention and disposal:

When an employee leaves the activity through transfer or other separation, the Supervisior/Manager Employee Records File will immediately be forwarded to the civilian/technician personnel office maintaining the Official Personnel Folder (OPF). There it will be screened to insure that it contains no documents that should be permanently filed in the OPF other than exact duplicates of papers already so filed. The Supervisor/Manager Employee Folder and its contents will then be destroyed. National Guard technicians' records are destroyed 60 days after separation date.

System manager(s) and address:

The Deputy Chief of Staff for Pesonnel, Department of the Army, The Pentagon, Washington, DC 20310.

Notification procedure:

Information may be obtained from the individual's supervisor/manager.

Record access procedures:

Requests, verbal or written, should be addressed to the individual's supervisor or manager.

Contesting record procedures:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from Headquarters, Department of the Army (DAPE-HRE), Washington, DC 20310.

Record source categories:

From the supervisor/manager by documenting facts or statements of judgments; copies of records maintained in the civilian/technician personnel office or information obtained from same records.

Systems exempted from certain provisions of the act:

None.

A0102.13DAPC

System name:

102.13 Office Military Personnel Files

System location:

Decentralized segments of this file exist wherever unit and staff office administration of military personnel is authorized, whether active Army, Army Reserves, or National Guard; e.g., company, battery, troop detachment, branch, division, subordinate/major command, Headquarters, Department of the Army/National Guard Bureau.

Categories of individuals covered by the system:

Military personnel and, in some instances, their dependents, who are supervised and/or administered within the respective organizational element enumerated in System Location above.

Categories of records in the system:

Records include documents/papers pertaining to the individual relating to day-to-day administration/supervision. Files may include matters pertaining to appointment, promotion, reduction, reassignment, transfer, special duty, reclassification, orders, sponsors, indebtedness, leave, enlistment waivers, statement of service, bonus, evaluations, insurance, applications for outside employment, line of duty determinations, academic transcripts and individual training reports and instructor evaluations, retirement papers, voting, survivor benefits options, applications to boards and follow-on actions, and related administrative matters.

Authority for maintenance of the system:

Title 5 U.S.C., Section 301; Title 10 U.S.C., Section 3012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To provide commanders a general reference file of information supporting day-to-day operations and administration as pertains to the assigned/attached service member.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders, index cards, microfiche.

Retrievability:

Alphabetical, by name.

Safeguards:

Records are retained in file containers, locked desks, cabinets, or rooms accessible only to authorized personnel.

Retention and disposal:

Records are destroyed 1 year after transfer/separation of the member.

System manager(s) and address:

Head of Army/National Guard office or organizational element where member is assigned.

Notification procedure:

Information may be obtained from the commander of unit to which individual is assigned.

Record access procedures:

Requests should be addressed to the SYSMANAGER. Written requests should include individual's full name, social security number, and rank/grade. For personal visits, individual must provide military identification card.

Contesting record procedures:

The Army's rules for access to records and contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

Record source categories:

Copies of records/documents contained in the Military Personnel Records Jacket, Official Military Personnel File, and correspondence originated by member or from sources relating to subjects in which member may be involved.

Systems exempted from certain provisions of the act:

None.

A0225.11bDAAG

System name:

225.11 The USA Individual Ready, Standby and Retired Reserve Personnel Information System.

System location:

Automated Equipment Division, Systems Support Directorate, United States (US) Army Reserve Components Personnel and Administration Center (USARCPAC), ATTN: AGUZ-SSD, 9700 Page Boulevard, St Louis, MO 63132.

Categories of individuals covered by the system:

All members of the US Army Reserve who are not assigned to a Reserve unit and not serving on extended active duty in an enlisted reserve status.

Categories of records in the system:

Record contains personal and military status and qualifications data.

Authority for maintenance of the system:

Title 10 U.S.C., Section 275.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

US Army Reserve Components Personnel Center, Department of the Army staff and command agencies, and Department of Defense and components thereof: The data records are primarily used to select qualified members for assignment to active Army units and mobilized reserve component units in the event of mobilization during a national emergency. Record is also used to support day-to-day personnel management and administration. Specifically, these uses include: selecting qualified personnel for potential assignment to reserve units based on military occupational specialty, grade, and geographical location; selecting and ordering individuals to military active duty training; identifying personnel for promotion consideration; identifying individuals not qualified for retention in the reserve; issuing annual statements of retirement credits; printing statements of total retirement credits; and publishing orders directing personnel actions and training.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Computer magnetic tapes and disks.

Retrievability:

Filed numerically, social security number (SSN) ascending.

Safeguards:

Computer located in building which has entrance controlled by Federal Protective Officers. An ID badge is required to enter building and a different floor badge is required to enter the floor. The tape and disk library is a fireproof vault with a safe combination door

plus a steel bar key-locked door. The functional and systems directors approve production requests for both one-time and recurring information.

Retention and disposal:

Records are maintained for six years after completion of statutory or contractual reserve commitment.

System manager(s) and address:

Commander, US Army Reserve Components Personnel and Administration Center, 9700 Page Boulevard, St Louis, MO 63132.

Notification procedure:

Information may be obtained from:
Commander, USARCPAC
9700 Page Boulevard, St Louis, MO 63132
Telephone: Area Code 314/263-7763

Record access procedures:

Requests from individuals should be addressed to: Commander, US Army Reserve Components Personnel and Administration Center, 9700 Page Boulevard, St Louis, MO 63132

Written requests from individuals should contain full name, SSN and address.

For personal visits the individual should provide some acceptable identification such as a driver's license.

Contesting record procedures:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

Record source categories:

Official Military Personnel File and Military Personnel Records Jacket.

Systems exempted from certain provisions of the act:

None

A0225.11fDAPC

System name:

225.11 Enlisted Year Group Management File/RETAIN

System location:

Department of the Army (DA), United States Army Military Personnel Center (DAPC-EP), Hoffman Building I, 2461 Eisenhower Avenue, Alexandria, VA 22331.

Categories of individuals covered by the system:

Active duty members of the US Army in enlisted grades of E1 through E9 and former military personnel who are applicants for enlistment.

Categories of records in the system:

AUTOMATED: File contains control number, reclassification/ enlistment action, type of enlistment, social security number (SSN), pay grade, race, sex, basic active service date, estimated termination of service, reenlistment date, civilian education, career management field, primary military occupational specialty (PMOS), PMOS evaluation score, new career management file (CMF), new PMOS, date of award of new PMOS, source of new PMOS, personnel charged to school code, status of application, assignment code, date of last status change, current location, year group; name, Security Investigation Status (SIS), terms reenlisted, basic pay entry date, promotional status (MOS), special skill identifier, additional skill identifier.

MANUAL: File contains name, control number, reclassification/ enlistment action, type of enlistment, SSN, pay grade, race, sex, basic active service date, estimated termination of service, Armed Forces Qualification Test Score, civilian education, promotion list status, reenlistment bonus status, security clearance, marital status, reenlistment date, physical profile status with code, career counselor with location, pay entry basic date, current/last overseas area, date eligible to return from overseas, date departed United States, waiver required, citizenship status, aptitude area scores, school/assignments requested, assignment confirmation, orders information.

Authority for maintenance of the system:

Title 5 U.S.C., Section 301.
Title 10 U.S.C.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

DA: Records are used for personnel management, year group management, and manpower management.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are stored on computer magnetic tapes and disk and as paper records in file folders.

Retrievability:

Normal access is by name, SSN, control number or other individual characteristics.

Safeguards:

Physical security devices, guards, computer hardware and software safeguard features and personnel clearances for individuals working with the system.

Retention and disposal:

Computer tapes are cut off annually, and are retained up to 5 years; hard copy files are cut off annually and retained up to 2 years.

System manager(s) and address:

Commander, United States Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332.

Notification procedure:

Information may be obtained from: Headquarters, Department of the Army, US Army Military Personnel Center (DAPC-EP), Hoffman Bldg. I, 2461 Eisenhower Avenue, Alexandria, VA 22331.

Record access procedures:

Written requests for information should contain the full name of the requester, SSN, current or former military status and appropriate return address.

Personal visits may be made to the United States Army Military Personnel Center; individuals should be able to provide their military service identification and DD Form 2A for active duty personnel, or other commonly acceptable means of identification used in normal transaction of business.

Contesting record procedures:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from SYSMANAGER, ATTN: DAPC-MSO.

Record source categories:

Information is obtained from the applicant, DA personnel records, computer reports, and from other DA organizations and stations.

Systems exempted from certain provisions of the act:

None

A0239.01DAAG

System name:

202.08 Request for Information Files

System location:

These records exist at Headquarters, Department of the Army, staff and field operating agencies, major commands, installations and activities receiving requests to access records pursuant to the Freedom of Information Act or to declassify documents pursuant to Executive Order 12065. They also exist in offices of Initial Denial Authorities (enumerated in Army Regulation 340-17) when an individual's request is denied; upon appeal of that denial, record is maintained in the Secretary of the Army's Office of General Counsel. Official mailing addresses are in the DOD Directory following the Annual Compilation of system notices appearing at 44 FR 74011 on December 17, 1979.

Categories of individuals covered by the system:

Any individual who requests an Army record under the Freedom of Information Act or requests mandatory review of a classified document pursuant to Executive Order 12065.

Categories of records in the system:

File contains individual's request: related processing papers; correspondence between the office of receipt, records custodians, Army staff offices and other government agencies: retained copies of classified or other exempt materials; and other selective documents.

Authority for maintenance of the system:

Title 5 U.S.C., Section 552: Freedom of Information Act as amended by Pub. L. 93-502; Executive Order 12065.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To control administrative processing of requests for information either pursuant to the Freedom of Information Act or to Executive Order 12065, including appeals from denials.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders

Retrievability:

Files alphabetically by last name of requestor.

Safeguards:

Records are maintained in areas accessible only to authorized personnel that are properly trained.

Retention and disposal:

Records reflecting granted requests are destroyed after 2 years. When requests have been denied, records are retained for 5 years except that if appeals result, records are retained until 4 years after final denial by the Army or 3 years after final adjudication by the courts, whichever is later.

System manager(s) and address:

The Adjutant General, Headquarters, Department of the Army, Washington DC 20310

Notification procedure:

Requests should be addressed to the custodian of the record sought; if unknown, write to: HQDA (DAAG-AMR-S), Room GA-082, Forrestal Building, Washington DC 20310, telephone: 202/693-1847.

Record access procedures:

Written requests should be addressed to the office that processed the initial inquiry or access request. Individual may obtain assistance from the System Manager.

Personal visits may be made to the office maintaining the records upon presentation of acceptable identification such as driver's license, and furnishing verbal information that can be verified.

Contesting record procedures:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21(32 CFR Part 505).

Record source categories:

From the individual requestor, Department of Army organizations, other Department of Defense components, and other Federal, state, and local government agencies.

Systems exempted from certain provisions of the act:

The majority of records in this system are not exempt. Copies of documents residing in the office of an Initial Denial Authority having a law enforcement mission which fall within (j)(2) are exempt from the following provisions of Title 5 U.S.C., section 552a: (c)(3), (d), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(5), (e)(8), (f), and (g). Copies of documents maintained by other Initial Denial Authorities not having a law enforcement mission which fall within 5 U.S.C., section 552a (k)(1) through (k)(7) are exempt from the following provisions of Title 5 U.S.C., section 552a: (c) (3), (d), (e)(1), (e)(4)(G), (e)(4)(H), and (f).

A0240.01DAAG

System name:

201.08 Privacy Case Files

System location:

These records exist at Headquarters, Department of the Army, staff and field operating agencies, major commands, installations and activities receiving Privacy Act requests. They also exist in offices of Access and Amendment Refusal Authorities (enumerated in Army Regulation 340-21) when an individual's request to access and/or amend his/her record is denied; upon appeal of that denial, record is maintained by the DA Privacy Review Board. Official mailing addresses are in the DOD Directory following the Annual Compilation of system notices appearing at 44 FR 74011 on December 17, 1979.

Categories of individuals covered by the system:

Individuals who request information concerning themselves which is in the custody of the Department of the Army, including requests to amend such records pursuant to Title 5, U.S.C. section 552a(d) (Privacy Act of 1974).

Categories of records in the system:

Documents which notify requestors of the existence of records on them, providing or refusing access to or amendment of records, acting on appeals or refusals to provide access to or amend records, and providing or developing information for use in litigation. Included are requests; approval and refusal actions; appeals and actions on appeals, including DA Privacy Review Board minutes and actions; coordination actions; copies of the requested and amended/unamended records; statements of disagreement; and related documents.

Authority for maintenance of the system:

Title 10 U.S.C., Section 3012; Title 5 U.S.C., Section 552a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Files are used to process and coordinate individual requests for access, and amendment of personal records; to process and record appeals on denials of requests for access or amendment to personal records by the individual against agency rulings; and to ensure timely response to requestors.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file holders.

Retrievability:

By name of requestor on whom the records pertain.

Safeguards:

Records are accessed by custodian of the record system and by persons responsible for servicing the record system in performance of their official duties who are properly screened and cleared. Records are stored in locked cabinets or rooms.

Retention and disposal:

Offices of Access and Amendment Refusal Authorities: Approved requests, unappealed refusals and refusals fully overruled by appellate authorities: Destroy after 4 years; refusals upheld in whole or in part by appellate authorities: destroyed after 10 years, provided legal proceedings are completed.

Offices of appellate authorities: Appeals adjudicated fully in favor of requestor: destroyed after 4 years. Appeals refused in full or in part: destroyed after 10 years provided legal proceedings are completed.

Other offices: Destroyed after 4 years.

System manager(s) and address:

The Adjutant General, Headquarters, Department of the Army, ATTN: DAAG-AMR-R, Washington, DC 20310.

Notification procedure:

Requests should be addressed to the custodian of the record sought; if unknown, write to: HQDA (DAAG-AMR-R), 1000 Independence Avenue, SW, Washington, DC 20310, telephone: 202/693-0973.

Record access procedures:

Written requests should be addressed to the office that processed the initial inquiry, access request, or amendment request. Individual may obtain assistance from the System Manager.

Personal visits may be made to the office maintaining the records upon presentation of acceptable identification such as driver's license, employee identification card, and furnishing verbal information that can be verified from individual's case file.

Contesting record procedures:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21(32 CFR Part 505).

Record source categories:

From the individual requestor, Department of Army organizations, other Department of Defense components, and other Federal, state, and local government agencies.

Systems exempted from certain provisions of the act:

The majority of records in this system are not exempt. Copies of documents residing in the office of an Access and Amendment Refusal Authority having a law enforcement mission which fall within (j)(2) are exempt from the following provisions of Title 5 U.S.C., section 552a: (c)(3), (d), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(5), (e)(8), (f) and (g). Copies of documents maintained by the DA Privacy Review Board and by those Access and Amendment Refusal Authorities not having a law enforcement mission which fall within 5 U.S.C., section 552a (k)(1) through (k)(7) are exempt from the following provisions of Title 5 U.S.C., section 552a: (c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), and (f).

A0506.05DAAG

System name:

506.05 Diplomatic Immunity Roster

System location:

Washington National Records Center, General Services Administration, Suitland, MD 20409.

Categories of individuals covered by the system:

Any member who was assigned to any of the following units which were stationed in Thailand: 7th Radio Relay Field Station; 6924 Security Squadron; Navy Detachment, Radio Relay Field Station; 4802 Joint Liaison Detachment; 17th DAR Squadron; Postal Courier Region, AI16, Det 1, 1985th Communications Squadron;

6201 Aerospace Support Squadron; Department of Defense (DOD) Special Representative, Thailand; General Electric, Kokha.

Categories of records in the system:

File contains individual's name, social security number (SSN) and organization.

Authority for maintenance of the system:

Title 10 U.S.C., Section 3012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records are used only to answer inquiries.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

IBM card stock and rosters in file folders.

Retrievability:

Filed alphabetically by last name of individual.

Safeguards:

Building employs security guards. Records are maintained in storage areas accessible only to authorized personnel.

Retention and disposal:

Normal disposition procedures were preempted by imposition of a DOD moratorium. At the present time, these records will be retained indefinitely.

System manager(s) and address:

The Adjutant General, Headquarters, Department of the Army, Washington, DC 20314.

Notification procedure:

Information may be obtained from HQDA (DAAG-AMR-S), Room GA-080, Forrestal Building, Washington, DC 20314, telephone: Area Code 202/693-1845.

Record access procedures:

Requests should be submitted to The Adjutant General, HQDA (DAAG-AMR-S), Washington, DC 20314. Requesters should furnish their full name and any information that would readily identify the record sought. Personal visits are not permitted.

Contesting record procedures:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

Record source categories:

Messages and other written communications from the individual units requesting members' addition or deletion from the roster.

Systems exempted from certain provisions of the act:

None

A0509.19cDAAG

System name:

509.19 Vehicle Registration File

System location:

Washington National Records Center, General Services Administration, Suitland, MD 20409.

Categories of individuals covered by the system:

Any US Government Personnel who resided in Thailand and who was required to register vehicles under USMACTHAI Regulation 1-13.

Categories of records in the system:

The file contains information related to importing, local purchase, and vehicle registration with the Royal Thai Government.

Authority for maintenance of the system:

Title 10 U.S.C., Section 3012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records are used only to answer inquiries.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Vehicle Registration File is a card file. Privately Owned Vehicle(s) (POV) records are in file folders. Files of the various categories of POV are on computer printouts.

Retrievability:

All records are filed alphabetically. In addition, the files on the categories of POV are also retrieved by license plate number.

Safeguards:

Building employs security guards. Records are maintained in storage areas accessible only to authorized personnel.

Retention and disposal:

Normal disposition procedures were preempted by imposition of a Department of Defense moratorium. At the present time, these records will be retained indefinitely.

System manager(s) and address:

The Adjutant General, Headquarters, Department of the Army, Washington, DC 20314.

Notification procedure:

Information may be obtained from HQDA (DAAG-AMR-S), Room GA-080, Forrestal Building, Washington, DC 20314; telphone: Area Code 202/693-1845.

Record access procedures:

Requests should be submitted to The Adjutant General, HQDA (DAAG-AMR-S), Washington, DC 20314. Requesters should furnish their full name and any information that would readily identify the record sought. Personal visits are not permitted.

Contesting record procedures:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21(32 CFR Part 505).

Record source categories:

Information is obtained from individuals and messages.

Systems exempted from certain provisions of the act:

None

A0509.20aDAAG

System name:

509.20 Ration Control/Commissary/Cosmetic Purchase File

System location:

Washington National Records Center, General Services Administration, Suitland, MD 20409.

Categories of individuals covered by the system:

Individuals who made purchases in Thailand Regional Exhcange (TRE) facilities.

Categories of records in the system:

Major Item Ration Control Printout: The master file was used to produce listing on an 'as required' basis of all major TRE purchases made by an individual.

Commissary Printout: Used to produce a listing of individuals who overspent their monthly dollar amount in the commissary.

PX, Commissary, Class VI Questionnaire File: Used to issue ration control cards on a semiannual basis; record all requests for supplemental purchases, items under control of the MACT Form 120, and major household applicance purchases.

PACEX Catalog Purchase File: Used to produce a listing of all items purchased by an individual from PACEX on an 'as required' basis.

Ration Control Registers: Used for control of MACT Forms 36S, 36D, 36U, 81 and 57.

Duty-Free Inspection File: Used to provide information on proper disposition of duty-free merchandise.

Authority for maintenance of the system:

Title 10 U.S.C., Section 3012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records are used only to answer inquiries.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are in file folders and on computer printouts in file cabinets within a Government secured building.

Retrievability:

Information on the printouts is retrived by social secuirty number (SSN), and by Ration Control Unit Number. Information on PX, Commissary, Class VI file is retrived by name and unit. Information on Duty-Free Inspection File is retrived by name.

Safeguards:

Building employs security guards. Records are maintained in storage areas accessible only to authorized personnel.

Retention and disposal:

Normal disposition procedures were preempted by imposition of a Department of Defense moratorium. At the present time, these records will be retained indefinitely.

System manager(s) and address:

The Adjutant General, Headquarters, Department of the Army, Washington, DC 20314.

Notification procedure:

Information may be obtained from HQDA (DAAG-AMR-S), Room GA-080, Forrestal Building, Washington, DC 20314; telephone: Area Code 202/693-1845.

Record access procedures:

Requests should be sumbitted to The Adjutant General, HQDA (DAAG-AMR-S), Washington, DC 20314. Requesters should furnish their full name and any information that would readily identify the record sought. Personal visits are not permitted.

Contesting record procedures:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

Record source categories:

Applications and related forms from individuals who requested ration control privileges in Thailand.

Systems exempted from certain provisions of the act:

None

A0509.20bDAAG

System name:

509.20 Alphabetical Roster (Thailand)

System location:

Washington National Records Center, General Services Administration, Suitland, MD 20409.

Categories of individuals covered by the system:

Military and civilian US National personnel who were assigned to USMACTHAI/JUSMAGTHAI and the US Embassy, Thailand, who were authorized duty-free privileges by the Thai Government.

Categories of records in the system:

File consists of punched cards prepared from paper forms. Multiple copies of the entire system are produced by photo-offset process. The information stored includes: name, rank or grade, social security number (SSN), branch of service, duty section, date of rank (if military), number of dependents in Thailand, date eligible to return from overseas, duty phone number, quarters phone number, wife's first name (if in Thailand), individual's date of birth, and local address.

Authority for maintenance of the system:

Title 5 U.S.C., Section 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records are used only to answer inquiries.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Punch cards in card files; printed paper rosters in booklet form.

Retrievability:

Category (military or civilian), then alphabetically by last name of individual.

Safeguards:

Building employs security guards. Records are maintained in storage areas accessible only to authorized personnel.

Retention and disposal:

Normal disposition procedures were preempted by imposition of a Department of Defense moratorium. At the present time, these records will be retained indefinitely.

System manager(s) and address:

The Adjutant General, Headquarters, Department of the Army, Washington, DC 20314.

Notification procedure:

Information may be obtained from HQDA (DAAG-AMR-S), Room GA-080, Forrestal Building, Washington, DC 20314; telephone: Area Code 202/693-1845.

Record access procedures:

Requests should be submitted to The Adjutant General, HQDA (DAAG-AMR-S), Washington, DC 20314. Requesters should furnish their full name and any information that would readily identify the record sought. Personal visits are not permitted.

Contesting record procedures:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

Record source categories:

Individual concerned and official records of the individual.

Systems exempted from certain provisions of the act:

None

A0708.01aDAPC

System name:

708.01 Military Personnel Records Jacket Files (MPRJ)

System location:

United States Army Reserve Components Personnel and Administration Center (RCPAC), each Army command/organization/detachment, and each Army Reserve command/organization/detachment.

Categories of individuals covered by the system:

Enlisted, warrant officers, and commissioned officers on active duty in the United States (US) Army; enlisted, warrant officers, commissioned officers of the US Army Reserve in active reserve (non-unit or unit) status; all living retired persons; commissioned/ warrant officers separated after 30 June 1917 and enlisted personnel separated after 31 October 1912.

Categories of records in the system:

Files contain qualification record; emergency data record; enlistment record and related service agreement/extension/active duty orders; military occupational specialty (MOS) evaluation data report; group life insurance election; record of induction; security questionnaire; transfer/discharge report; license application; language proficiency questionnaire; police record check; current declaration of parent/guardian; statement of personal history; identification card application; Veterans Administration (VA) compensation forms and related papers; security clearance; certificate/determination; airborne jump record; dependent medical care statement and related forms; training and experience records; Department of Defense (DOD) summary sheet for review of conscientious objector; oath of extension of enlistment; survivor benefit plan election certificate; efficiency report; application/ nomination for assignment; achievement certificates; summarized record of proceeding, record of proceeding and appellate or other supplementary actions, Article 15 (Title 10 U.S.C., Section 815); weight control record; personnel screening and evaluation record; individual statement relating to removal from temporary disability retired list; change of name statements; enlistment statement application/approval/disapproval/ classification/removal for discharge/identification as conscientious objector; requests for appointment; affidavits relating retention beyond expiration of term of service; prior service enlistment documents; certificate barring reenlistment; waivers for enlistment; physical evaluation board letters/election/summaries/status of conditions; authority to change name/birth date; statement of military service; record brief (SIDPERS); letters of failure to complete Army school; certificate of completion of Army school; MOS classification board proceedings; award of MOS; waiver of right to deferment; agreement for noncombatant duty; citation of award; correspondence relating to badges, medals, and unit awards; correspondence/ authorizations/orders regarding foreign decorations; correspondence regarding Medal of Honor and certification to VA; letters of appreciation/commendation; recommendations/approvals/declinations/ board proceedings/announcement relating to promotion/reduction; correspondence/letters/administrative reprimands/censures/admonitions relating to apprehensions/ confinement/discipline; letters of sympathy relating to a deceased member; dependent travel and movement of household goods and acknowledgement of restriction; document and orders relating to National Guard status; adverse suitability information; personal indebtedness correspondence and related papers; statement of involuntary retirement; orders/revocations/amendments/indorsements/ extracts relating to active duty/awards/change data/court martial/ discharge/enlistment/reenlistment/MOS award/proficiency pay/promotion/ reduction/release/retirement/temporary duty; individual flight records/ physical examination records/aviator flight record/instrument certification papers/application for identification cards/other training/ proficiency/evaluation forms, records, and papers; other correspondence/ letters/documents/papers relating to duty status/ leave/pass/organizational entitlements. Correspondence among the (1) United States Army Military Personnel Center (MILPERCEN), (2) service member, (3) Army Staff offices, (4) Army commands, (5) other Federal agencies, and (6) general public to commander or service member.

Authority for maintenance of the system:

Title 5 U.S.C., Section 301; Title 10 U.S.C.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Army command or US Army Reserve command of assignment/ station/ location of the Army or Army Reserve service member: To provide day-to-day administration, training, qualification, reenlistment, discharge, and related matters pertaining to individual's military service; to publish officer registers/rosters as authorized by Title 10 U.S.C., Section 122.

Inquiries are received for information, documents, papers, and records which are provided to the requester to enable the agency to adjudicate claims, perform investigative actions, support criminal cases, state determinations, research, security clearance, citizenship, location and other related uses consistent with the functional and statutory responsibility of the agency.

Agencies using files are: Central Intelligence Agency; Department of Agriculture; Department of Commerce; Department of Health, Education and Welfare; Department of Housing and Urban Development; Department of Interior; Department of Labor; Department of State; Department of Transportation; Department of Treasury; American Battle Monuments Commission; Atomic Energy Commission; Civil Aeronautics Board; Federal Communications Commission; Federal Aviation Administration; VA; US Postal Service; Office of Personnel Management; Selective Service System; DOD agencies, elements and military departments; Social Security Administration; Defense agencies of the North Atlantic Treaty Organization, and military commands thereof (i.e., Supreme Headquarters Allied Powers Europe (SHAPE) and its subordinate commands of Allied Forces, Northern (AFNORTH), Central (AFCENT), Central Army Group (CENTAG), Southern (AFSOUTH), and Allied Land Forces Southeast Europe (LANDSOUTHEAST); State, county and city welfare organizations when information is required to conduct business of the agency concerned; penal institutions when the individual is a patient or an inmate; and State, county and city probation/parole and pardon officers for use in presentencing or parole investigations; correspondence with next-of-kin in accordance with Army Regulation 630-10; and other elements of the Federal Government in accordance with their respective authority and responsibility.

Patriotic societies incorporated under the provisions of Title 36 U.S.C. in consonance with their respective corporate mission when their use of records or information is in furtherance of the welfare, morale, or mission of the service members of the Army.

Record of the identity, diagnosis, prognosis, or treatment of any client/patient, irrespective of whether or when he/she ceases to be a client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided therein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in Title 21 U.S.C., Section 1175 and Title 42 U.S.C., Section 4582. These statutes take precedence over the Privacy Act of 1974 in regard to accessibility of such records except to the individual to whom the record pertains. Blanket 'routine uses' identified in 44 FR 73728 do not apply to these records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in record jacket folder.

Retrievability:

Records accessed by name.

Safeguards:

Records maintained in areas accessible only to authorized personnel; transferred from station to station in personal possession of individual concerned or by US mail.

Retention and disposal:

Permanent

System manager(s) and address:

Commander, United States Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332.

Notification procedure:

Information may be obtained from the commander of the organization to which the service member is assigned; for retired and non-unit reserve personnel, information may be obtained from the United States Army Reserve Components Personnel and Administration Center, 9700 Page Avenue St Louis, MO 63132; for separated and deceased personnel, notify the National Personnel Records Center, General Services Administration, 9700 Page Avenue St Louis, MO 63132.

Record access procedures:

Written requests for information should include the full name, service identification number, branch of service of an officer, and current address. Visits should be made to the Consolidated Military Personnel Activity (COMPACT) or the Military Personnel Office (MILPO) of the organization/station of the service member concerned or the United States Army Reserve Components Personnel and Administration Center.

For personal visits, the requester should provide acceptable identification, i.e., military identification card or other identification normally acceptable in the transaction of business.

Contesting record procedures:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from Headquarters, Department of the Army (DAPC-MSO), 200 Stovall Street, Alexandria, VA 22332.

Record source categories:

Letters, statements, forms, records and related papers originating with the service member; generated by Army Staff offices, Army commands, other Federal agencies in accordance with their respective functional or statutory requirements; and by the general public or the commander of service member when such papers relate to the service status of the individual.

Systems exempted from certain provisions of the act:

None

A0708.01bNGB

System name:

708.01 Army National Guard Automated Personnel Reporting System

System location:

Primary System: National Guard Computer Center, National Guard Bureau, Columbia Building, 5611 Columbia Pike, Falls Church, VA 22041.

Decentralized Segments: Offices of the Adjutants General of all States, Puerto Rico, the Virgin Islands, and the District of Columbia and units of the Army National Guard (ANG) not on active duty.

Categories of individuals covered by the system:

Each individual who is a member of the ANG in a commissioned officer, warrant officer or enlisted status.

Categories of records in the system:

File contains items of data relating to individual's service which have been extracted from his/her military records or computed from the information contained therein. The records from which the data are extracted are: military personnel records jacket; financial records data folder; health records; statement of service; qualification record; group life insurance election; application for appointment; enlistment records; medical examination; active duty report; record of retirement points; notification of eligibility for retired pay at age 60; voluntary reduction; academic report; officer evaluation report; transcript of military record; oath of enlistment extension; temporary disability record; change of name; statement for enlistment; acknowledgement of service requirements; report of proceedings of physical fitness board; report of proceedings of physical review board; birth certificate; citizenship statement and status; record of security clearance; educational constructive credit; educational transcript; flight record; Federal recognition orders; special orders; recommendation for promotion; notification of non-selection for promotion; miscellaneous correspondence documents and other military orders relating to military service including information pertaining to dependents, interservice actions, intraservice actions, assignments, details, military qualifications, determinations, reliefs, component, branch of service, military awards, pay entitlements, releases, transfers, and other military service data.

Authority for maintenance of the system:

Title 10 U.S.C., Section 275; Title 32 U.S.C.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Department of Defense and Department of the Army (DA) (to include United States Army Forces Command (FORSCOM) and United States Army Reserve Components Personnel and Administration Center (RCPAC)): To provide feeder information necessary to enable computation of the monthly pay for each member of the ANG who is paid by the Joint Military Pay System for Reserve Components of the Army; to provide suspense information to assure completion of individual personnel actions required by Federal stat-

ute at the expiration of specified periods of time. These actions are: removal from an active status upon completion of maximum periods of service or attainment of maximum ages; to provide lists of female personnel to facilitate selection of individuals for specialized assignments in connection with ANG activities; to provide lists of military chaplains and chaplains' assistants to facilitate the selection of individuals for specialized duties or training.

Record of the identity, diagnosis, prognosis, or treatment of any client/patient, irrespective of whether or when he/she ceases to be a client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided therein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in Title 21 U.S.C., Section 1175 and Title 42 U.S.C., Section 4582. These statutes take precedence over the Privacy Act of 1974 in regard to accessibility of such records except to the individual to whom the record pertains. Blanket 'routine uses' identified in 44 FR 73728 do not apply to these records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Magnetic computer tape.

Retrievability:

By name, social security number or automatic data processing parameter.

Safeguards:

Access to data storage area and distribution of printouts are controlled. Approval of functional manager must be obtained before data may be retrieved or distributed.

Retention and disposal:

Data retained in file until updated or service of individual is terminated. In case of enlisted personnel the data are destroyed 1 month after individual is separated from the ANG. In the case of commissioned officers and warrant officers, the data are retained indefinitely in separate file.

System manager(s) and address:

Chief, National Guard Bureau, The Pentagon, Washington, DC 20310.

Notification procedure:

Information may be obtained from: Chief, Army Personnel Division, National Guard Bureau, The Pentagon, Washington DC 20310.

Record access procedures:

Written requests for information should contain full name of individual, service identification number, current military status and appropriate return address.

Contesting record procedures:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYS-MANAGER.

Record source categories:

Enlistment, appointment, or commission related forms pertaining to the individual having a current or former military status; academic, training, or qualification records acquired prior to or during military service; correspondence, forms, records, documents and other related papers originating in or collected by Department of the Army Staff agencies and commands; other Federal departmental agencies, administrations, Federal separate agencies, commissions, boards, service, or authority; State and local governmental entities; civilian education and training institutions; and members of the public when such information directly concerns the military service member.

Systems exempted from certain provisions of the act:

None

A0708.01cNGB

System name:

708.01 Military Personnel Records Jacket (MPRJ) (NGB)

System location:

Each National Guard Armory in all states, Puerto Rico, the Virgin Islands, and the District of Columbia.

Categories of individuals covered by the system:

Enlisted personnel, warrant officers, and commissioned officers who are members of the Army National Guard (ANG) not on active duty.

Categories of records in the system:

Files contain qualification record; emergency data record; enlistment record and related service agreement/extension/active duty orders; military occupational specialty (MOS) evaluation data report; group life insurance election; record of induction; security questionnaire; transfer/discharge report; license application; language proficiency questionnaire; police record check; current declaration of parent/guardian; statement of personal history; identification card application; Veterans Administration (VA) compensation forms and related papers; security clearance; certificate/determination; airborne jump record; dependent medical care statement and related forms; training and experience records; Department of Defense (DOD) summary sheet for review of conscientious objector; oath of extension of enlistment; survivor benefit plan election certificate; efficiency report; application/nomination for assignment; achievement certificates; summarized record of proceeding, record of proceeding and appellate or other supplementary actions, Article 15 (Title 10 U.S.C., Section 815); weight control record; personnel screening and evaluation record; individual statement relating to removal from temporary disability retired list; change of name statements; enlistment statement application/approval/ disapproval/classification/removal for discharge/identification as conscientious objector; requests for appointment; affidavits relating retention beyond expiration of term of service; prior service enlistment documents; certificate barring reenlistment; waivers for enlistment; physical evaluation board letters/election/summaries/status of conditions; authority to change name/birth date; statement of military service; record brief; letters of failure to complete Army school; certificate of completion of Army school; MOS classification board proceedings; award of MOS; waiver of right to deferment; agreement for noncombatant duty; citation of award; correspondence relating to badges, medals, and unit awards; correspondence/authorizations/orders regarding foreign decorations; correspondence regarding Medal of Honor and certification to VA; letters of appreciation/ commendation; recommendations/approvals/ declinations/board proceedings/announcements relating to promotion/reduction; correspondence/letters/administrative reprimands/ censures/ admonitions relating to apprehensions/confinement/discipline; letters of sympathy relating to a deceased member; dependent travel and movement of household goods and acknowledgment of restriction; document and orders relating to National Guard status; adverse suitability information; personal indebtedness correspondence and related papers; statement of involuntary retirement; orders/revocations/amendments/ extracts relating to active duty/awards/change data/court martial/discharge/enlistment-reenlistment/MOS award/ proficiency pay/promotion/reduction/release/retirement/temporary duty; individual flight records/physical examination records/aviator flight record/instrument certification papers/application for identification cards, other training/proficiency/evaluation forms, records, and papers; other correspondence/letters/ documents/papers relating to duty status/leave/pass/organizational entitlements. Correspondence between the (1) United States Army Military Personnel Center (MILPERCEN), (2) service member, (3) Army staff offices, (4) Army commands, (5) other Federal agencies, and (6) general public to commander or service member.

Authority for maintenance of the system:

Title 5 U.S.C., Section 301; Title 10 U.S.C., Sections 275 and 3012; and Title 32 U.S.C.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Army command, United States Army Reserve Command or ANG Command of assignment/station/location of the Army, Army Reserve or ANG service member: To provide day-to-day administration, training, qualification, reenlistment, discharge, and related matters pertaining to individual's military service; to publish officer registers/rosters as authorized by Title 10 U.S.C., Section 122.

Inquiries are received for information, documents, papers, and records which are provided to the requester to enable the agency to adjudicate claims, perform investigative actions, support criminal cases, state determinations, research, security clearance, citizenship, location and other related uses consistent with the functional and statutory responsibility of the agency. Agencies using files are: Central Intelligence Agency; Department of Agriculture; Department of Commerce; Department of Health, Education and Welfare; Department of Housing and Urban Development; Department of Interior; Department of Labor; Department of State; Department of Transportation; Department of Treasury; American Battle Monuments Commission; Atomic Energy Commission; Civil Aeronautics Board; Federal Communications Commission: Federal Aviation Administration; VA; US Postal Service; Office of Personnel Management; Selective Service System; DOD agencies, elements and military departments; Social Security Administration; Other elements of the Federal Government in accordance with their respective authority and responsibility.

Record of the identity, diagnosis, prognosis, or treatment of any client/patient, irrespective of whether or when he/she ceases to be a client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided therein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in Title 21 U.S.C., Section 1175 and Title 42 U.S.C., Section 4582. These statutes take precedence over the Privacy Act of 1974 in regard to accessibility of such records except to the individual to whom the record pertains. Blanket 'routine uses' identified in 44 FR 73728 do not apply to these records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in record jacket folder.

Retrievability:

Records accessed by name.

Safeguards:

Records maintained in areas accessible only to authorized personnel; transferred from station to station in personal possession of individual concerned or by US mail.

Retention and disposal:

Data retained in file until updated or service of individual is terminated. Following separation, record reverts to State status, not subject to the Privacy Act, and is retained indefinitely in appropriate State depository.

System manager(s) and address:

Chief, National Guard Bureau, The Pentagon, Washington, DC 20310.

Notification procedure:

Information may be obtained from the Commander of the unit to which the ANG member is assigned; for retired and separated personnel information may be obtained from the Office of the Adjutant General of each State, Puerto Rico, the Virgin Islands, or the District of Columbia as appropriate.

Record access procedures:

Written requests for information should include the full name, service identification number, current military status, and current return address. For personal visits the requester should provide acceptable identification, i.e., military identification card or other identification normally acceptable in the transaction of business.

Contesting record procedures:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from Chief, National Guard Bureau, The Pentagon, Washington, DC 20310.

Record source categories:

Letters, statements, forms, records, and related papers originating with the service member; generated by Army staff offices, Army commands, other Federal agencies in accordance with their respective functional or statutory requirements; and by the general public or the commander of service member when such papers relate to the service status of the individual.

Systems exempted from certain provisions of the act:

None

A0708.02aDAPC

System name:

708.02 Official Military Personnel File

System location:

Primary System: Personnel Information Systems Directorate, United States Army Military Personnel Center (MILPERCEN).

Decentralized Segments: United States Army Enlisted Records and Evaluation Center; United States Army Reserve Components Personnel and Administration Center (RCPAC); and National Personnel Records Center (NPRC), General Services Administration (GSA).

Categories of individuals covered by the system:

Each individual on active duty in the United States Army in enlisted, appointed or commissioned status; or in a United States Army or Army of the United States (AUS) retired status; each individual not on active duty who has a reserve status in an enlisted, appointed or commissioned status, or in a retired reserve status; and each individual who was an enlisted, appointed, or commissioned member of the United States Army and who was completely separated by discharge, death, or other termination of his/her military status.

Categories of records in the system:

File contains individual records including enlistment contract; Veterans Administration (VA) laws; physical evaluation board proceedings; military occupational specialty data report; statement of service; qualification record; group life insurance election; emergency data form; application for appointment; qualification/evaluation report; oath of office; medical examination; security questionnaire; application for retired pay; application for correction of military records; application for active duty; transfer or discharge report; active duty report; voluntary reduction; line of duty and misconduct determinations; discharge or separation reviews; police record checks; consent/declaration of parent/guardian; Army Reserve Officers Training Corps (ROTC) supplemental agreement; award recommendations; academic reports; casualty reports; United States field medical card; retirement points, deferment; preinduction processing and commissioning data; transcripts of military records; summary sheets review of conscientious objector; election of options; oath of enlistment extensions; survivor benefit plans; efficiency reports; records of proceeding, Title 10 U.S.C., Section 815 appellate actions; determination of moral eligibility; waiver of disqualifications; temporary disability record; change of name; statements for enlistment; acknowledgements of service requirements; retired benefits; application for review of physical evaluation board and disability board; appointments; designations; evaluations; extensions; birth certificates; photographs; citizenship statements and status; educational constructive credit; educational transcripts; flight status board reviews; assignment agreements/limitations/waivers/election/and travel; efficiency appeals; promotion/reduction recommendations/approvals/ declinations/announcements/notifications/reconsiderations/worksheets/ elections/letters of notification to deferred officers/and promotion passover notifications; absence without leave and desertion records; Federal Bureau of Investigation reports; Social Security Administration (SSA) correspondence; miscellaneous correspondence, documents, and military orders relating to military service including information pertaining to dependents, interservice action, inservice details, determinations, reliefs, componeit; awards, pay entitlements, releases, transfers, and other military service data.

Authority for maintenance of the system:

Title 5 U.S.C., Section 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Department of the Army (DA): To maintain, use, collect, and disseminate information with respect to an individual holding a military status or former military status, including regular reserve, retired, former member separated, or deceased. Information pertains to individual's former, current, and subsequent to active duty status relating to birth; citizenship; parentage; home of record; education; training; dependents; travel; language proficiency; former and current association; brotherhood, memberships and related affiliations with organizations and like collective elements which service member divulges as having meaning, substance, or significance to his/her military service status; assignment history; and other related military experiences, qualification, training, preferences, restriction, and status actions.

Department of State: To issue passport/visa; to document persona-non-grata status, attache assignments, and related administration of personnel assigned and performing duty with the State Department.

Department of Treasury: To issue bonds; to collect and record incoming taxes.

Department of Defense (DOD): To authorize and consummate interdepartmental actions relating to interservice requirements pertaining to the Army, Navy, Air Force, and Coast Guard when the Coast Guard is operational under DOD.

Department of Justice: To file fingerprints; to perform intelligence function.

Department of Agriculture: To coordinate interdepartmental functions related to education conducted by the Department of Agriculture's advanced education element.

Department of Labor: To accomplish actions required under Federal Employees Compensation Act.

Department of Health, Education and Welfare: To provide services authorized by medical, health, and related functions authorzied by Title 10 U.S.C., Sections 1074 thru 1079.

Atomic Energy Commission: To accomplish requirements incident to Nuclear Accident/Incident Control Officer functions.

American Red Cross: To accomplish coordination and complete service functions including blood donor programs and emergency investigative support and notifications.

Civil Aeronautics Board: Flight qualifications, certification and license actions relating to inservice pilots.

Federal Aviation Agency: To accomplish aviation and air service actions involving inservice aviators.

GSA: For records storage and archival services and for printing of directories and related material which includes personal data.

US Postal Service: To accomplish postal service authorization involving postal officers and mail clerk authorizations.

VA: To provide information relating to benefits, pensions, inservice loans, insurance, and appropriate hospital support.

Bureau of Immigration and Naturalization: To comply with statutes relating to inservice alien registration, and annual residence/location.

Office of the President of the United States of America: To exchange required information relating to White House Fellows, regular Army promotions, aides, and related support functions staffed by Army members.

Federal Maritime Commission: To obtain licenses for military members accredited as captain, mate, and harbor master for duty as Transportation Corps warrant officer.

Each of the several States, and United States possessions: To support state bonus applications; to fulfill income tax requirements appropriate to the service member's home of record; to record name changes in state bureaus of vital statistics; and for National Guard affairs.

Civilian educational and training institutions: To accomplish student registration, tuition support, Graduate Record Examination (GRE) tests requirement, and related school requirements incident to inservice education programs in compliance with Title 10 U.S.C., Chapters 102 and 103.

SSA: To obtain or verify social security number (SSN); to transmit Federal Insurance Compensation Act deductions made from inservice members' wages.

Department of Transportation: To coordinate and exchange necessary information pertaining to interservice relationships between United States Coast Guard (USCG) and United States Army when service members perform duty with the USCG elements or training activities.

Civil authorities: For compliance with Title 10 U.S.C., Section 814.

Department of the Air Force: To administer personnel support for individual Army members assigned for duty with the Air Force.

Department of the Navy: To administer personnel support for individual Army members assigned for duty with the Navy or Marine Corps.

United States International Communication Agency: To receive military and medical record information in conjunction with investigations of applicants for sensitive positions under the provisions of Executive Order 10450.

Record of the identity, diagnosis, prognosis, or treatment of any client/patient, irrespective of whether or when he/she ceases to be a client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided therein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in Title 21 U.S.C., Section 1175 and Title 42 U.S.C., Section 4582. These statutes take precedence over the Privacy Act of 1974, in regard to accessibility of such records except to the individual to whom the record pertains. Blanket 'routine uses' identified in 44 FR 72728 do not apply to these records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Microfiche in plastic carriers stored randomly in electro-mechanical storage/retrieval devices. Temporary files consist of paper records in file folder/jacket; selected data automated for management facility in a perishable manner on tapes, disks, cards, and other computer media.

Retrievability:

Filed alphabetically by last name; automated data retrievable by name, SSN, or automatic data processing (ADP) parameter; reserve component, retired, and deceased persons' records accessed by SSN terminal digit sequence.

Safeguards:

Records maintained in areas accessible only to authorized personnel; automated media protected by authorized password system for access terminals, controlled access to operation rooms, and controlled output distribution.

Retention and disposal:

Microfiche and paper records are permanent. They are retained in active file until termination of service, held in inactive file in accordance with retention and retirement schedule and subsequently retired to NPRC.

System manager(s) and address:

Commander, United States Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332.

Notification procedure:

Information may be obtained from:

Following address should be used for inquiries on records of commissioned or warrant officers (including members of Reserve Components) serving on active duty:

Commander
United States Army Military Personnel Center
ATTN: Personnel Information Systems Directorate
Hoffman Building II
200 Stovall Street
Alexandria, VA 22332
Telephone: Area Code 202/325-9606

Following address should be used for inquiries on records of enlisted members (including members of Reserve Components) serving on active duty:

Commander
United States Army Enlisted Records and Evaluation Center
Ft. Benjamin Harrison, IN 46249
Telephone: Area Code 317/542-3361

Following address should be used for inquiries on records of Commissioned officers or warrant officers in a reserve status not on active duty; or Army enlisted reservists not on active duty; or members of the National Guard who performed active duty, or commissioned officers, warrant officers, or enlisted members in a retired status:

Commander
United States Army Reserve Components
Personnel and Administration Center
9700 Page Avenue
St. Louis, MO 63132
Telephone: Area Code 314/268-7770

Following address should be used for inquiries on records of commissioned officers and warrant officers who were completely separated from the service after 30 June 1917 or enlisted members who were completely separated after 31 October 1912:

Commander
National Personnel Records Center
General Services Administration
9700 Page Avenue
St. Louis, MO 63132
Telephone: Area Code 314/268-7262.

Record access procedures:

Written requests for information should contain full name of individual, service identification number, current or former military status, and appropriate return address.

Personal visits may be made to the appropriate location based on the individual's status; individual should be able to provide commonly acceptable identification, such as driver's license, employment identification card, and give some verbal information relative to his/her current or former military status.

Contesting record procedures:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from Headquarters, Department of the Army (DAPC-MSO), 200 Stovall Street, Alexandria, VA 22332.

Record source categories:

Enlistment, appointment, or commission related forms pertaining to the individual having a current or former military status; academic, training or qualification records acquired prior to or during military service; correspondence, forms, records, documents and other related papers originating in or collected by DA staff agencies and commands; other Federal departmental agencies, administrations, Federal separate agencies, commissions, boards, service, or authority; state and local governmental entities; civilian education and training institutions; and members of the public when such information obtained directly concerns the military service member.

Systems exempted from certain provisions of the act:

None

A0708.02bNGB

System name:

708.02 Official Military Personnel File (Army National Guard)

System location:

Army National Guard Personnel Center, National Guard Bureau, Columbia Pike Office Building, 5600 Columbia Pike, Falls Church, VA 22041.

Categories of individuals covered by the system:

Each commissioned officer or warrant officer in the Army National Guard not on active duty.

Categories of records in the system:

File contains individual records including enlistment contract; Veterans Administration (VA) laws; physical evaluation board proceedings; military occupational specialty report; statement of service; qualification record; group life insurance election; emergency data form; application for appointment; qualification/evaluation report; oath of office; medical examination; security questionnaire; application for retired pay; application for correction of military records; application for active duty; transfer or discharge report; active duty report; voluntary reduction; line of duty and misconduct determinations; discharge or separation reviews; police record checks; consent/declaration of parent/guardian; Army Reserve Officers Training Corps (ROTC) supplemental agreement; award recommendations; academic reports; casualty reports; United States (US) field medical card; retirement points; deferment; preinduction processing and commissioning data transcripts of military records; summary sheets of conscientious objector; election of options; oath of enlistment extensions; survivor benefit plans; efficiency reports; records of proceeding, Title 10 U.S.C., Section 815 and appellate actions; determination of moral eligibility; waiver of disqualifications; temporary disability record; change of name; statements for enlistment; acknowledgments of service requirements; retired benefits; application for review of physical evaluation board and disability board; appointments; designations; evaluations; birth certificates; photographs; citizenship statements and status; educational constructive credit; educational transcripts; flight status board reviews; assignment agreements/limitations/ waivers/election and travel; efficiency appeals; promotion/reduction recommendations/approvals/declinations/announcements/notifications/reconsiderations/worksheets; elections/letters of notification to deferred officers and promotion passover notifications; absence without leave and desertion records; Federal Bureau of Investigation reports; Social Security Administration (SSA) correspondence; miscellaneous correspondence, documents, and military orders relating to military service including information pertaining to dependents, interservice actions, inservice details, determinations, reliefs, component; awards, pay entitlements, releases, transfers, and other military service data.

Authority for maintenance of the system: Title 5 U.S.C., Section 301; Title 10, U.S.C., Sections 275 and 3012; and Title 32 U.S.C.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Department of the Army (DA): To maintain, use, collect, and disseminate information with respect to an individual holding a military status or former military status, including regular reserve, retired, and former member separated. Information pertains to individual's former, current, and subsequent to active duty status relating to birth; citizenship; parentage; home of record; education; training; dependents; travel; language proficiency; former and current association; brotherhood, memberships, and related affiliations with organizations and like collective elements which service member divulges as having meaning, substance, or significance to his/her military service status; assignment history, and other related military experiences, qualifications, training, preferences, restriction, and status actions.

Department of State: To issue passport/visa; to document persona-non-grata status, attache assignments, and related administration of personnel assigned and performing duty with the State Department.

Department of Defense (DOD): To authorize and consummate interdepartmental actions relating to interservice requirements pertaining to the Army, Navy, Air Force, and Coast Guard when the Coast Guard is operational under DOD.

Department of Justice: To file fingerprint cards; to perform intelligence function.

Department of Labor: To accomplish actions required under Federal Employees Compensation Act.

Department of Health, Education and Welfare: To provide services authorized by medical, health, and related functions authorized by Title 10 U.S.C., Sections 1074-1079.

Atomic Energy Commission: To accomplish requirements incident to Nuclear Accident/Incident Control Officer functions.

American Red Cross: To accomplish coordination and complete service functions including blood donor programs and emergency investigative support and notifications.

Civil Aeronautics Board: Flight qualifications, certification and license actions relating to inservice pilots.

Federal Aviation Agency: To accomplish aviation and air service actions involving inservice aviators.

General Services Administration: For records storage, archival services, and for printing of directories and related material which includes personal data.

US Postal Service: To accomplish postal service authorization involving postal officers and mail clerk authorizations.

VA: To provide information relating to benefits, pensions, inservice loans, insurance, and appropriate hospital support.

Bureau of Immigration and Naturalization: To comply with statutes relating to inservice alien registration, and annual residence/locations.

Office of the President of the United States of America: To exchange required information relating to White House Fellows, regular Army promotions, aides, and related support functions staffed by Army members.

Federal Maritime Commission: To obtain licenses for military members accredited as captain, mate, and harbor master for duty as Transportation Corps warrant officer.

Each State and US possessions: To support state bonus applications; to fulfill income tax requirements appropriate to the service member's home of record; to record name changes in state bureaus of vital statistics; and for National Guard affairs.

Civilian educational and training institutions: To accomplish student registration, tuition support, Graduate Record Examination (GRE) tests requirement, and related school requirements incident to inservice education programs in compliance with Title 10 U.S.C., Chapters 102 and 103.

SSA: To obtain or verify social security numbers (SSN); to transmit Federal Insurance Compensation Act deductions made from inservice members' wages.

Department of Transportation: To coordinate and exchange necessary information pertaining to interservice relationships between US Coast Guard and US Army when service members perform duty with the US Coast Guard elements or training activities.

Civil Authorities: For compliance with Title 10 U.S.C., Section 814.

Department of the Air Force: To administer personnel support for individual Army members assigned for duty with the Air Force.

Department of the Navy: To administer personnel support for individual Army members assigned for duty with the Navy or Marine Corps.

Record of the identity, diagnosis, prognosis, or treatment of any client/patient, irrespective of whe/shether or when he ceases to be a client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided therein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in Title 21 U.S.C., Section 1175 and Title 42 U.S.C., Section 4582. These statutes take precedence over the Privacy Act of 1974, in regard to accessibility of such records except to the individual to whom the record pertains. Blanket 'routine-uses' identified in 44FR73728 do not apply to these records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folder/jacket; selected data automated for management facility in a perishable manner on tapes, disks, cards, and other computer media.

Retrievability:

Filed alphabetically by last name; automated data retrievable by name, SSN, or automatic data processing (ADP) parameter.

Safeguards:

Records maintained in areas accessible only to authorized personnel; automated media protected by authorized password system for access terminals, controlled access to operation rooms, and controlled output distribution.

Retention and disposal:

Paper records are permanent. They are retained in active file until termination of service or transfer to the US Army Reserve, at which time records are transferred to the custody of the Commander, US Army Reserve Components Personnel and Administration Center.

System manager(s) and address:

Chief, National Guard Bureau, The Pentagon, Washington, DC 20310

Notification procedure:

Information may be obtained from:

Army National Guard Personnel Center,
Columbia Pike Office Building
Falls Church, VA 22041
Telephone: Area Code 202/756-1210.

Record access procedures:

Written requests for information should contain full name of individual, service identification number, current or former military status and appropriate return address.

Personal visits may be made to the appropriate location based on the individual's status; individual should be able to provide commonly acceptable identification, such as driver's license, employment identification card, and give some verbal information relative to his/her current or former military status.

Contesting record procedures:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from Chief, National Guard Bureau, The Pentagon, Washington, DC 20310.

Record source categories:

Enlistment, appointment, or commission related forms pertaining to the individual having a current or former military status; academic, training or qualification records acquired prior to or during military service; correspondence, forms, documents and other related papers originating in or collected by DA Staff agencies and commands; other Federal departmental agencies, administrations, Federal separate agencies, commissions, boards, service, or authority; state and local governmental entities; civilian education and training institutions; and members of the public when such information obtained directly concerns the military service member.

Systems exempted from certain provisions of the act:

None

A0708.21aTRADOC

System name:

708.21 TCATA Personnel Information System

System location:

Office of the Deputy Chief of Staff, Personnel and Administration, Personnel Branch, Headquarters (HQ) TRADOC Combined Arms Test Activity (TCATA), ATCAT-SPT-AGA, Ft Hood, TX 76544.

Categories of individuals covered by the system:

Officers, warrant Officers, enlisted personnel, and Department of the Army civilians currently assigned or attached to HQ TCATA

Categories of records in the system:

Files contain automated records on individuals to include first and last name, middle initial, social security number; rank or grade and step; control specialty; date of rank; basic pay entry date; component; branch; date assigned to TCATA; flight status; Primary Military Occupational Specialty/General Schedule Series; organization location by paragraph and line number; office phone; liaison office; marital status; spouse; home phone; present address; city code; legal residence; loss code and date; special qualifications; highest military schooling; latest evaluation date; source of commission; civilian education level and major; background experience; language code; additionally awarded military occupational specialties.

Authority for maintenance of the system:

Title 44 U.S.C., Section 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To provide Commander, TCATA with the ability to effectively manage personnel resources by furnishing real time information pertaining to individuals' qualifications and status through use of the following rosters: alphabetical qualification, officers by branch, majors and higher, all personnel by grade and birthdate, military occupational specialty, military personnel by the city in which they live, slotting and departing personnel; organizational directory, and telephone directory of GS-7's and above. Data provides bases for reports generated on an 'as required' basis in response to specific management queries.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Magnetic disk.

Retrievability:

SSN and name.

Safeguards:

Automated media protected by authorized password system for access terminals, controlled access to operation rooms, and restricted output distribution.

Retention and disposal:

Records destroyed upon departure of person.

System manager(s) and address:

Chief, Personnel Branch, ATCAT-SPT-AGA, Headquarters TRADOC Combined Arms Test Activity, Ft Hood, TX 76544.

Notification procedure:

Information may be obtained from the SYSMANAGER.

Record access procedures:

Information may be obtained from the SYSMANAGER.

Contesting record procedures:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in AR 340-21 (32 CFR Part 505).

Record source categories:

Individual interviewed, Military Personnel Records, Employee Record Cards, TDY Orders and TDY Vouchers.

Systems exempted from certain provisions of the act:

None

A0710.10DAAG

System name:

710.10 Reserve Personnel Information Reporting System

System location:

Decentralized Segments: Commander, First United States Army, Ft George G. Meade, MD 20755; Commander, Fifth United States Army, Ft Sam Houston, TX 78234; Commander, Sixth United States Army, Presidio of San Francisco, CA 94129; Commander, United States Army Western Command. (WESTCOM), Ft. Shafter, HI96858; Ft. Richardson, AK 99505; Chief, United States Army Reserve (USAR) Affairs, Europe, APO New York 09245. Commander, 172d Infantry Brigade Alaska, Each Army Headquarters (HQ) maintains the records pertaining to its geographical area.

Centralized User: Systems Support Directorate, United States Army Reserve Components Personnel and Administration Center (RCPAC), 9700 Page Boulevard, St. Louis, MO 63132.

Categories of individuals covered by the system:

All individuals currently assigned to a USAR unit.

Categories of records in the system:

File contains identification data, including name, social security number (SSN); current assignment data, including unit identification code grade, and occupational specialty; retirement data, including number of retirement points and years of satisfactory military service; and other selected data which serve in the administration and reporting of the individual, including security clearance, date entered military service, date of last promotion, date military obligation expires, sex, race and civilian occupation.

Authority for maintenance of the system:

Title 10 U.S.C., Section 275.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

File is maintained at each Army Command HQ for the administration of USAR unit personnel. Administration includes control of promotions, transfers, and other day-to-day actions in addition to maintaining unit readiness which includes identifying training needs and assuring that needs are filled on a continuing basis.

A copy of each Army file is sent to RCPAC on a monthly basis for reporting purposes. Statistical reports are prepared at RCPAC for use by various Department of the Army (DA) and Department of Defense Staff agencies. The main users of this report are: Office of Chief, Army Reserve; HQ, United States Army Forces Command; HQ, Continental United States (CONUS) Armies, Office of the Chief of Chaplains, and Office of the Deputy Chief of Staff for Personnel (DCSPER). Uses include: strength accounting, budgeting, readiness in case of mobilization of reserve units, and forecasting of future needs based upon expected attrition. In addition, the Command Involvement Program (CIP) computer system inspects the personal data contained in each record and reports percentage of accuracy and completeness to the unit commander and his/her superiors.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File is stored on computer magnetic tapes and in air- conditioned libraries.

Retrievability:

File is sequenced by SSN within unit identification code. To retrieve an individual's record, an authorized requester must enter

SSN, five characters of last name, unit identification code, military personnel class (indicates individual is an officer, warrant officer or enlisted), and a particular code identifying the transaction as a record request.

Safeguards:

Tape files are stored on tape racks in reel number sequence in a restricted library within the computer room complex which is a restricted area. In addition, the building housing the computer room is restricted to authorized personnel.

Retention and disposal:

A record is retained for the duration of the reservist's unit assignment.

CONUS: The current tape file and the two previous tape files are retained at any given time.

OVERSEAS: Record files are retained for historical data reporting as follows: 4 years for reports for months of March, June, and December; 6 years for the report month of September; and 2 years for all other report months.

System manager(s) and address:

Deputy Chief of Staff for Personnel, The Pentagon, Washington, DC 20310.

Notification procedure:

To ascertain if the tape file contains data on a particular individual, the individual should write or visit the Headquarters of the Continental United States Army area in which his/her unit is located.

Record access procedures:

To request access to the information contained on this tape file, the individual should write or visit the Headquarters of the Continental United States Army in which his/her unit is located.

Contesting record procedures:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER, ATTN: DAPE-PBP.

Record source categories:

Data are extracted from the following sources:

Correspondence from Reservist; National ZIP Code Directory; DA Form 1383, Statement of Retirement Points; Release From Active Duty Orders; DA Form 873, Certificate of Clearance and/or Security Determination; DA Form 1379, USAR Unit Record of Reserve Training; Promotion Orders; Assignment Orders; Language Proficiency Questionnaire; DA Form 268, Report for Suspension of Favorable Personnel Actions; DA Form 67-7, US Army Officer Efficiency Report; DA Form 1506, Statement of Service; National Guard Bureau Form 23, Retirement Credits Record; Department of Defense (DD) Form 4, Enlistment Contract Armed Forces of the US; DD Form 47, Record of Induction; DA Form 61, Application for Appointment; DA Form 2, 2-1, Qualification Record; DA Form 3725, Army Reserve Status and Address Verification Questionnaire; Dictionary of Occupational Titles; DA Form 3726, 3726-1, Ready Reserve Service Agreement; DD Form 214, Armed Forces of the US Report of Transfer or Discharge; Standard Form 88, Report of Medical Examination.

Systems exempted from certain provisions of the act:

None.

A0718.01DAPC

System name:

718.01 Military Award Case File

System location:

Primary System: United States Army Military Personnel Center (MILPERCEN), 200 Stovall Street, Alexandria, VA 22332.

Decentralized Segments: Each Army command delegated authority for approval of an award.

Categories of individuals covered by the system:

Military personnel on active duty, members of reserve components, United States (US) civilians serving with US Army in a combat zone, and deceased former members of the US Army.

Categories of records in the system:

Files contain recommendation for award; endorsements; transmittals; letters; memoranda; award board approvals/disapprovals; citation texts pertaining to the specific individual and award; Department of the Army (DA) letter orders/general orders; related papers supporting the recommendation; correspondence among (1) MILPERCEN, (2) service member, (3) Army Staff offices, (4) Army commands, (5) and individuals having knowledge/information relative to the service member concerned or the act or achievement stated in the recommendation.

Authority for maintenance of the system:

Title 10 U.S.C., Chapters 57 and 357; Title 5 U.S.C., Section 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Each Army command having authority for action for a specific award: To accomplish review; to authorize the award; to maintain the award case file of approved and disapproved recommendations.

MILPERCEN: To act as the Army element for Headquarters, Department of the Army (HQDA); to accomplish the review and to authorize the award of those awards/decorations which are not delegated or within the scope of authority of a subordinate element of the Army; to maintain the award case file of approved and disapproved recommendations.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folder.

Retrievability:

Records accessed by name.

Safeguards:

Records maintained in areas accessible only to authorized individuals.

Retention and disposal:

Approved wartime or combat activities military award case files are retained permanently; approved case files for all other periods are destroyed after one year.

Disapproved military award case files are destroyed after six years.

System manager(s) and address:

Commander, United States Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332.

Notification procedure:

Information may be obtained from United States Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332.

Record access procedures:

Written requests for information should include the full name, service identification number, grade and branch of service, name of award, and current address. Visits should be made to the organization/station of the service member or to the United States Army Military Personnel Center.

For personal visits, the visitor should be able to provide acceptable identification, i.e., military identification normally acceptable in the transaction of business.

Contesting record procedures:

The Army's rules for contesting contents and appealing initial determination may be obtained from HQDA (DAPC-MSS), 200 Stovall Street, Alexandria, VA 22332.

Record source categories:

Recommendation for award (DA Form 638) with supporting records, forms, statements, letters, and related papers originated by persons other than the awardee and other individuals having information useful in making an award determination.

Systems exempted from certain provisions of the act:

None

A0720.04aDAPE

System name:

720.04 Individual Correctional Treatment Files

System location:

Records are located at installation detention/Army confinement and correctional facilities, to include the US Army Retraining Brigade, Ft Riley, Kansas. Major commands, whose addresses are in the appendix to Army systems of records, will provide location assistance.

Categories of individuals covered by the system:

Any military member confined at an Army confinement or correctional facility as a result of, or pending, trial by courts-martial.

Categories of records in the system:

Documents and items of information relating to the administration of individual military prisoners in US Army confinement or correctional facilities; court-martial/confinement/release orders; records of disciplinary actions of a judicial or nonjudicial nature; military police reports; prisoner identification records; medical examination reports; requests/receipts for health and comfort supplies; clothing and equipment issue records; mail records and forms authorizing correspondence; individual prisoner utilization records; interview requests/coun-

seling records; fingerprint cards; parolee agreements; inspection records on prisoners in segregation; documents reflecting custodianship of prisoner's personal funds and property; correspondence/orders concerning individual's past, present, or future duty assignments; documents concerning progress and training of confinees; and personal history data to include name, sex, social security number, date of birth, race, marital status, educational level, military rank levels and qualifications, skills test scores, and data relating to separation from service.

Authority for maintenance of the system:

Title 10 U.S.C., Sections 951 - 953.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

By Confinement/Correctional Facility Commander: To determine: initial custody classifications, when custody elevation is appropriate, work assignments, educational needs; to gauge prisoner's adjustment to confinement; to identify areas of particular concern to individual prisoners, and to determine individual's potential for future duty performance. Records may provide statistical data for research projects and managerial studies/reports concerning effectiveness of confinement/correctional programs.

Portions disclosed to Departments of Justice, Defense, and Army Staff agencies and commands; state and local criminal justice agencies established by law. Disclosure to law enforcement and investigatory agencies is for investigation and possible criminal prosecution, civil court actions or regulatory order. Disclosure to confinement/correctional system agencies is for use in the administration of correctional programs to include custody classification; employment, training and educational assignments; treatment programs; clemency, restoration to duty and parole actions; verifications of military offenders' criminal records, employment records and social histories.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders, punch cards, magnetic tapes and disks.

Retrievability:

Alphabetically by prisoner's surname.

Safeguards:

Confinement facilities are secured. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared and trained. Automated segments are further protected by controlled system procedures and code numbers.

Retention and disposal:

Manual records on individual prisoners are destroyed 4 years after release of prisoner from confinement. Automated records used to provide statistical or managerial purposes are retained indefinitely; however, individually identifiable data are purged within 4 years of prisoner's release. (NOTE: Transfer of a prisoner from one confinement/correctional facility to another is not construed as release from confinement; upon transfer to another such facility, individual's record accompanies him.)

System manager(s) and address:

The Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, Washington, DC 20310.

Notification procedure:

Information may be obtained by writing to the commander of the confinement/correctional facility, or to the System Manager.

Record access procedures:

Individuals desiring access to their records may write to the Commander of the confinement/correctional facility where a prisoner, furnishing full name, SSN, present home address and approximate dates of confinement. Request must bear signature of the individual whose record it is.

Contesting record procedures:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

Record source categories:

Subjects, witnesses, victims, Military Police and US Army Criminal Investigation Command personnel and special agents, informants, various Department of Defense, Federal, state and local investigative and law enforcement agencies, departments or agencies of foreign governments; and any other individuals or organizations which may supply pertinent information.

Systems exempted from certain provisions of the act:

Portions of this system which fall within 5 U.S.C. 552a(j)(2) are exempt from the following provisions of Title 5 U.S.C., Section 552a: (c)(3), (c)(4), (d), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(5), (e)(8), (f), and (g).

A0722.02DACH

System name:

722.02 Baptism, Marriage, and Funeral Files

System location:

Primary System: Office, Chief of Chaplains, Department of the Army, ATTN: DACH-AMW, Washington, DC 20310. Records from 1917 - 1952 are in the National Archives; records from 1953 - 1977 are in the Washington National Records Center (WNRC), Washington, DC 20409, and the Office, Chief of Chaplains.

Categories of individuals covered by the system:

Any service member, dependent of service member, authorized civilian personnel, and retired service member for whom an Army chaplain has performed a baptism, marriage, or funeral at an Army installation.

Categories of records in the system:

Files contain individual records of baptism, marriage, and funeral as submitted by the officiating Army chaplain. Records of baptism, marriage, and funeral for the period 1917 - 1955 are reported by the officiating chaplain on a Chaplains Monthly Report. Information may also be provided by religious denominational headquarters offices.

Authority for maintenance of the system:

Title 10 U.S.C., Section 3547.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

For personal use of service members, their dependents, and authorized civilain personnel.

Army Mutual Aid Association: To provide proof of marriage for insurance purposes.

Baptism records provide age proof when birth records are unavailable.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Chaplains Monthly Reports for period 1917 - 1952 are on file in paper record form at WNRC. Records of baptism, marriage, and funeral for period 1952 - 1975 are retained in the Office, Chief of Chaplains and are reproduced from roll microfilm. Paper records are on file in Office, Chief of Chaplains for period January 1976 - October 1977 pending microfilming.

Retrievability:

Filed aphabetically by last name. Records of marriage are filed alphabetically by last name of groom. Records of funeral are filed alphabetically by last name of deceased person.

Safeguards:

Building employs security guards at all times.

Retention and disposal:

Records dated 1953 - 1977 are retained for 50 years. System of maintenance of these records was discontined 1 October 1977.

System manager(s) and address:

The Office, Chief of Chaplains, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

Notification procedure:

Information may be obtained from:
Headquarters, Department of the Army (DACH-AMW)
Room 1E-417
The Pentagon
Washington, DC 20310
Telephone: Area Code 202/695-1107.

Record access procedures:

Requests from individuals should be addressed to: Headquarters, Department of the Army (DACH-AMW), Room 1E-417, The Pentagon, Washington, DC 20310.

Written requests for information should specify type of record requested.

Baptism: Full name of person baptized; approximate date; names of parents (maiden name of mother); name of chaplain, if known; and place of baptism.

Marriage: Full name of groom and maiden name of bride; approximate date; name of installation at which marriage was performed; and name of chaplain, if known.

Funeral: Name of deceased person, year of death, and name of next-of-kin.

Requester may visit Office, Chief of Chaplains, Room 1E-417, The Pentagon, Washington, DC 20310 with proof of identity for his/her own record or that of his/her dependent, and sign a receipt for same.

Contesting record procedures:

The Army's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Records created by Army chaplains and authorized civilian clergy-persons who perform pastoral duties for service personnel and their dependents, and authorized civilian personnel, and submit the same to the Office, Chief of Chaplains.

Systems exempted from certain provisions of the act:

None.

A0807.01DAAG

System name:

807.01 MCT USAR Technician System

System location:

Primary System: Systems Support Directorate, United States Army Reserve Components Personnel and Administration Center (RCPAC) (Field Operating Agency of The Adjutant General's Office, Department of the Army (DA)), 9700 Page Boulevard, St Louis, MO 63132.

Decentralized Segments: Deputy Chief of Staff for Personnel (DCSPER) and DA Staff Agencies and commands.

Categories of individuals covered by the system:

Any person who is currently employed as a United States Army Reserve (USAR) Technician.

Categories of records in the system:

File contains personnel identification data to include name and social security number (SSN) and work status data concerning job category, grade, assigned work station and location. If personnel are members of the USAR, data on reserve assignment and reserve grade are also carried.

Authority for maintenance of the system:

Title 10 U.S.C., Section 275.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

RCPAC: Receive raw input data from USAR Commands, maintain the centralized data processing system and produces and distributes reports to the users. Is the computer processing agency; does not utilize or dispense data to other than officially designated agencies.

USAR Commands: To obtain current management data to administer to technicians assigned within their command.

DCSPER: To monitor and provide policy guidance and budget planning for the program.

Other DA Staff agencies and commands: To provide data for inclusion in training and mobilization plans.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Stored as computer tape and paper printout.

Retrievability:

Sequenced numerically by SSN.

Safeguards:

Security guards limit access to the RCPAC. Magnetic tape files are maintained in a library by reel numbers; access to a specific file must be determined by responsible scheduling personnel. In addition, basic file characteristics must be programmed into access programs before individual data records can be referenced.

Access to hard copy listings is limited to employed personnel with a job related need-to-know requirement at the DCSPER, USAR Commands, and other DA Staff agencies and commands.

Retention and disposal:

The automatic data processing system at the RCPAC requires records to be maintained on an evolutionary schedule; a record is created upon hiring and is eliminated when employment is terminated. Tape files are retained for 60 days; tape files are retained in a tape library through 3 processing cycles, a creation cycle, for use as the current file in the next creation cycle and then as the emergency back-up file.

Printed reports/listings are maintained at the DCSPER, USAR Commands, and other DA Staff agencies and commands until superseded by the next edition.

System manager(s) and address:

Deputy Chief of Staff for Personnel (DAPE-MPO), Headquarters Department of the Army, The Pentagon, Washington, DC 20310.

Notification procedure:

Information may be obtained from:
Deputy Chief of Staff for Personnel (DAPE-MPO),
Room 2B-718,
The Pentagon
Washington, DC 20310;
Telephone: Area Code 202/695-3837.

Record access procedures:

Requests from individuals should be addressed to: Headquarters, Department of the Army, Deputy Chief of Staff for Personnel, ATTN: DAPE-MPO, Washington, DC 20310.

Requests should contain the full name and SSN of the individual; current address and telephone number; and a clear, concise request statement.

Personal visits are limited to the USAR Command having jurisdiction over the unit by whom the technician is employed. Acceptable identifying documents, such as driver's license, Reserve identification card, or other document that can be verified against record, are required.

Contesting record procedures:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER, ATTN: DAPE-MPO.

Record source categories:

Data coded on DA Forms 3615-R, Strength and Utilization of USAR Technicians, are transmitted by DA Form 200 from the employing USAR command to RCPAC via the United States Postal Service. Processed data are returned to authorized agencies by reports.

Systems exempted from certain provisions of the act:

None

A0812.03DAPE

System name:

812.03 Grievance Records

System location:

Records are located in the servicing civilian personnel offices for each Army activity or installation.

Categories of individuals covered by the system:

Current or former employees of the Department of the Army who have submitted grievances in accordance with part 771 of the regulations of the Office of Personnel Management (5 CFR 771) or through a negotiated grievance procedure.

Categories of records in the system:

Records relating to grievances filed by Army employees under part 771 of regulations issued by the Office of Personnel Management. The case file contains all documents related to the grievance, including statements of witnesses, reports of interviews and hearings, examiner's findings and recommendations, a copy of the original and final decisions, and related correspondence and exhibits. The system includes files and records of internal grievance and arbitration systems established through negotiations with recognized labor organizations.

Authority for maintenance of the system:

5 U.S.C., 1302, 3301, 3302, E.O. 10577, 3 CFR 1954-1958 Comp., p. 218, E.O. 10987, 3 CFR 1959-1963 Comp., p. 519, agency employees, for personal relief in a matter of concern or dissatisfaction which is subject to the control of agency management.

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 agency becomes aware of an indication of a violation or potential violation of civil or criminal 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 individual, inform the source of 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 issuing of a security clearance, the conducting 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

benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

To provide 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 the authority of 44 U.S.C. 2904 and 2906.

By the Department of the Army or by the Office of Personnel Management in the production of summary descriptive statistics and analytical 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 inference.

To disclose information to officials of the Merit Systems Protection Board, including the Office of the Special Counsel; the Federal Labor Relations Authority 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 apending judicial or administrative proceeding.

To provide information to officials of labor organizations reorganized 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:

Maintained in file folders.

Retrievability:

By the names of the individuals on whom the records are maintained. (Records may also be filed by bargaining unit.)

Safeguards:

Records are maintained in lockable metal filing cabinets to which only authorized personnel have access.

Retention and disposal:

These records are destroyed 7 years after closing of the case. Disposal is by shredding or burning.

System manager(s) and address:

Director of Civilian Personnel, Office of the Deputy Chief of Staff for Personnel, Room 2C-681, The Pentagon, Washington, DC 20310.

Notification procedure:

It is required that individuals submitting grievances be provided a copy of the record under the grievance process. They may, however, contact the Army personnel or designated 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 the case and kind of action taken, organization and activity where employed at time grievance was initiated.

Record access procedures:

It is required that individuals submitting grievances be provided 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 filed by contacting the 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 and activity where employed at time grievance was initiated.

Individuals requesting access must also follow the Privacy Act regulations of the Office of Personnel Management regarding access to records and verification of identity (5 CFR 297.203 or 297.201).

Contesting record procedures:

Review 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 amendment requests of these records will be restricted to determining if the record accurately documents the action of the Army's 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 their servicing civilian personnel office. 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, organization and activity where employed at time grievance was initiated.

Individuals requesting amendment must also follow the Privacy Act regulations of the Office of Personnel Management regarding amendment to the records and verfication of identity (5 CFR 297.208 and 297.201).

Record source categories:

Information in this system of records is provided: by the individual on whom the record is maintained, by testimony of witnesses, by officials of the Department of the Army, from related correspondence, from organizations, or persons.

Systems exempted from certain provisions of the act:

None.

A0902.07aDASG

System name:

902.07 Medical Regulating Files

System location:

Primary System: Armed Services Medical Regulating Office (ASMRO), Office of the Surgeon General, Department of the Army (DA), Washington, DC, 20310.

Decentralized Segments: United States (US) Government medical treatment facilities, evacuation units and medical regulating offices.

Categories of individuals covered by the system:

Any patient requiring transfer to another medical treatment facility who is reported to ASMRO by US Government medical treatment facilities for designation of the receiving medical facility.

Categories of records in the system:

File contains information reported by the transferring medical treatment facility and includes, but is not limited to, patient identity, service affiliation and grade or status, sex, medical diagnoses, medical condition, special procedures or requirements needed, medical specialties required, administrative considerations, personal considerations, the patient's home town and/or duty station and other information having an effect on the transfer.

Authority for maintenance of the system:

Title 5 U.S.C., Section 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

ASMRO: To properly determine the appropriate medical treatment facility to which the reported patient will be transferred; to notify the reporting US Government medical treatment facility of the transfer destination; to notify the receiving medical treatment facility of the transfer; to notify evacuation units, medical regulating offices and other government offices for official reasons; to evaluate the effectiveness of reported information; to establish further the specific needs of the reported patient; for statistical purposes; and when required by law and official purposes.

US Government medical treatment facilities, evacuation units and medical regulating offices for official purposes concerned with, but not limited to, the transfer of the patient.

Record of the identity, diagnosis, prognosis, or treatment of any client/patient, irrespective of whether or when he ceases to be a client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided therein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in Title 21 U.S.C., Section 1175 and Title 42 U.S.C., Section 4582. These statutes take precedence over the Privacy Act of 1974, in regard to accessibility of such records except to the individual to whom the record pertains. Blanket 'routine uses' identified in 44 FR 73728 do not apply to these records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders and on index cards.

Retrievability:

File alphabetically and by ASMRO control number.

Safeguards:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened and trained.

Retention and disposal:

Destroyed 1 year following the end of the calendar year in which the patient was reported to ASMRO.

System manager(s) and address:

Director, ASMRO, Office of the Surgeon General, DA, Room 1E641, The Pentagon, Washington DC 20310; Commanders of US Government medical treatment facilities, evacuation units and medical regulating offices.

Notification procedure:

Information may be obtained from SYSMANAGER or from the patient administrator of US Government medical treatment facilities reporting patient to ASMRO.

Written requests should include full name of patient, rank or status and parent service, approximate date of transfer, medical treatment facility from which transferred and current address of the individual making request.

For personal visits, requester must provide acceptable identification such as military identification card, social security card or driver's license.

Record access procedures:

Requests from individuals should be addressed to Director, ASMRO, Office of The Surgeon General, DA, Room 1E641, The Pentagon, Washington DC 20310, telephone: Area Code 202/695-9118, or to Patient Administrator at US Government medical treatment facilities reporting patients to ASMRO. The official mailing addresses are in the Department of Defense directory in the appendix to Army system notices.

Contesting record procedures:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

Record source categories:

Information provided by transferring and receiving medical treatment facilities, medical regulating offices, evacuation offices, and other US Government offices, agencies and commands having information bearing on a patient transfer.

Systems exempted from certain provisions of the act:

None

A0905.05DAAG

System name:

905.05 Active Claims for Medical Care Provided under CHAMPUS File

System location:

Washington National Records Center, General Services Administration, Suitland, MD 20409.

Categories of individuals covered by the system:

All eligible CHAMPUS beneficiaries, i.e., retired members of the Uniformed Services who are not entitled to hospital insurance benefits under social security, spouses and children of retired or deceased service members, and spouses and children of active duty members residing both with and apart from duty member.

Categories of records in the system:

File contains documents relating to medical care obtained by CHAMPUS beneficiaries from civilian sources at US government expense. Included are forms completed by military and civilian medical treatment facilities and practitioners, billings received from civilian sources, forms completed by the patient or sponsor, and related documents.

Authority for maintenance of the system:

Dependents Medical Act, Title 10, U.S.C., Sections 1079-1087, as amended by the Military Benefits Amendments of 1966 (Public Law 89-614).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records are used only to answer inquiries.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

Filed alphabetically by CHAMPUS case number and year.

Safeguards:

Building employs security guards. Records are maintained in storage areas accessible only to authorized personnel.

Retention and disposal:

Normal disposition procedures were preempted by imposition of a Department of Defense moratorium. At the present time, these records will be retained indefinitely.

System manager(s) and address:

The Adjutant General, Headquarters, Department of the Army, Washington, DC 20314.

Notification procedure:

Information may be obtained from HQDA (DAAG-AMR-S), Room GA-080, Forrestal Building, Washington, DC 20314; telephone: Area Code 202/693-1845.

Record access procedures:

Requests should be submitted to The Adjutant General, HQDA (DAAG-AMR-S), Washington, DC 20314. Requesters should furnish their full name and any information that would readily identify the record sought. Personal visits are not permitted.

Contesting record procedures:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

Record source categories:

Applications by beneficiaries of CHAMPUS and information from medical facilities or physicians that have provided prior medical care.

Systems exempted from certain provisions of the act:

None

A0906.04aDASG

System name:

906.04 Medical Evaluation Files

System location:

Primary System: Army Medical Department (AMEDD) medical facilities convening a medical board.

Decentralized Segments: United States Army Physical Evaluation Boards and United States Army Physical Disability Agency (USAPDA).

Categories of individuals covered by the system:

Army members whose medical fitness for continued service has been questioned either by the member or his/her commander.

Categories of records in the system:

File contains documents reflecting determination by a board of medical fitness for continued Army active service. Includes medical board proceedings and related documents.

Authority for maintenance of the system:

Title 5 U.S.C., Section 301; Title 10 U.S.C., Section 1071; and Title 10 U.S.C., Section 1201, Chapter 61.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Medical Board: To determine medical fitness for continued Army active service.

Physical Evaluation Board (PEB): To review medical board findings when required and to determine if the individual should be discharged, temporarily or permanently retired for disability, or retained for active service.

USAPDA: Record of cases considered, adjudications, reviews determinations, and dispositions. To respond to inquiries received from a member, other Government agency, or other authorized recipient of requested information. Information in computer form consists of profile data, resume of board action and results, maintained primarily for statistical reports. No decisions about members are made from automated data.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

USAPDA: Paper records in file folders and magnetic diskettes. Magnetic diskettes contain personal information on members, certain codes of specific type of injuries for research study purposes, and Veterans Administration Schedule for Rating Disability Diagnostic Codes only. Paper files are the PEB proceedings describing the medical problem, and findings, recommendations, and adjudicative decision.

Retrievability:

Filed chronologically by name.

USAPDA: Paper files, filed chronologically by name and fiscal year on 5' x 8' file cards. Retrieval from magnetic diskettes files can be accomplished by PRG program or a DFU load program.

Safeguards:

Rooms are secured by locked doors when not in use. Records are maintained in areas accessible only to authorized personnel who are properly screened and trained.

USAPDA: In addition to the preceding, operation of data processing equipment and magnetic tapes are limited strictly to authorized personnel. Computer has key lock and key is controlled. Magnetic diskettes are stored and controlled to ensure that they do not result in unauthorized disclosure of personal information.

Retention and disposal:

Medical Boards: Retained for 5 years and destroyed.

PEBs: Retained for 2 years or until discontinued, whichever occurs first.

USAPDA: Retained for 5 years and destroyed.

System manager(s) and address:

The Surgeon General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

Notification procedure:

Information may be obtained by written request to:

HQDA (DASG-AOM)
Room 2D453
The Pentagon
Washington, DC 20310

Record access procedures:

Requests should be addressed to: Office of The Surgeon General, Headquarters, Department of the Army, (DASG-AOM), Room 2D453, The Pentagon, Washington, DC 20310.

All requests should be written, since files are not stored in Headquarters, Department of the Army. If telephone conversation is desired, at the expense of the inquirer, area code and telephone number should be furnished.

Personal visits by the individual requesting access may be arranged only with the official assigned to respond to a written request.

Contesting record procedures:

The Army's rules for access to records and for contesting contents and appealing initial determination may be obtained from the official responding to a written request.

Record source categories:

Interview with the individual; medical records on the individual; and reports of medical boards and PEBs.

Systems exempted from certain provisions of the act:

None

A0917.01aDASG

System name:

917.01 Health Care and Medical Treatment Record System

System location:

Army Medical Department facilities/activities at addresses listed in the Directory of United States Army Addresses following the annual compilation of Army system notices published in the Federal Register.

Categories of individuals covered by the system:

Military members of the Armed Forces (both active and inactive); dependents; civilian employees of the Department of Defense; members of the United States Coast Guard, Public Health Service, and Coast and Geodetic Survey; cadets and midshipmen of the military academies; employees of the American National Red Cross; and other categories of individuals who receive medical treatment at Army Medical Department facilities/activities.

Categories of records in the system:

Medical records (of a permanent nature) used to document health; psychological and mental hygiene consultation and evaluation; medical/dental care and treatment for any health or medical condition provided an eligible individual on an inpatient and/or outpatient status to include but not limited to: health; clinical (inpatient); outpatient; dental; consultation; and procurement and separation x-ray record files. Subsidiary medical records (of a temporary nature) are also maintained to support records relating to treatment/observation of individuals. Such records include but are not limited to: social work case files and patient treatment x-ray and index files.

Authority for maintenance of the system:

Title 5 U.S.C., Section 301; Title 10 U.S.C., Sections 1071-1085; Title 44 U.S.C., Section 3101; and Title 50 U.S.C., Supplement IV, Appendix 454, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Department of the Army: To provide health care and medical treatment of individuals identified in the Individual-Category of this system of records. Information may also be used for research studies; compilation of statistical data and management reports; implementing preventive medicine, dentistry, and communicable disease control programs; adjudicating claims and determining benefits; evaluating care rendered; determining professional certification and hospital accreditation; and determining suitability of persons for service or assignment.

Department of Defense: To provide medical care to those categories of individuals covered by this record system; and to conduct analyses and research studies.

Veterans Administration: To adjudicate veterans' claims and provide medical care to Army members.

National Research Council, National Academy of Sciences, National Institute of Health, and similar institutions for authorized health research in the interest of the Federal Government and the public. When not essential for longitudinal studies, patient identification data shall be eliminated from records used for research studies. Facilities/activities releasing such records shall maintain a list of all such reasearch organizations and an accounting disclosure of records released thereto.

Local and state government and agencies for compliance with local laws and regulations governing control of communicable diseases, preventive medicine and safety, child abuse, and other public health and welfare programs.

Records of identity, diagnosis, prognosis, or treatment of any client/patient, irrespective of whether or when he/she ceases to be a client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided therein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in Title 21 U.S.C., Section 1175 and Title 42 U.S.C., Section 4582. These statutes take precedence over the Privacy Act of 1974 in regard to accessibility of such records except to the individual to whom the record pertains. Blanket 'routine uses' identified in 44 FR 73728 do not apply to these records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders; visible card files; microfiche; cassettes; punched cards; computer printouts and magnetic tapes and disks; and x-ray film preservers.

Retrievability:

By last name or social security number (SSN) of patient or sponsor.

Safeguards:

Records are maintained in buildings which employ security guards and are accessed only by authorized personnel having an official need-to-know. Automated segments are protectd by controlled system passwords governing access to data.

Retention and disposal:

Medical records of a permanent nature (as defined in Record-Category) are retained as follows:

Military Health/Dental and Procurement/Separation X-ray Records: Permanent; Clinical (inpatient), Outpatient, Dental, and Consultation Record Files - Military members: Destroyed after 50 years (Records pertaining to United States Military Academy (USMA) cadets are withdrawn and retired to the Surgeon, USMA, West Point, NY 10996.); Civilians and Foreign Nationals: Destroyed after 25 years; American Red Cross personnel: Withdrawn and forwaded to the American National Red Cross.

All medical records (except the Military Health/Dental Records which are active while individual is on active duty then retired with individual's Military Personnel Records Jacket and the Procurement/Separation X-ray Records which are forwarded to the National Personnel Records Center (NPRC) on an accumulation basis) are retained in an active file while treatment is provided and subsequently held for a period of one to five years following treatment before being retired to the NPRC.

Subsidiary medical records, of a temporary nature (as defined in Record-Category), are normally not retained long beyond termination of treatment; however, supporting documents determined to

have significant documentation value to patient care and treatment are incorporated into the appropriate permanent record file.

System manager(s) and address:

The Surgeon General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

Notification procedure:

Information may be obtained from the medical facility where treatment was proveded (for military and civilian records); Medical Officer, American National Red Cross, 18th and D Streets, NW, Washington, DC 20006 (for American National Red Cross employees).

Record access procedures:

Written requests should contain requester's full name, SSN, and current address/telephone number. Requests for information concerning inpatient treatment, furnish the name of the hospital and year of treatment.

Personal visits may be made to the medical facility where treatment was provided or to the American National Red Cross (whichever is appropriate). Individuals must provide personal identification such as a valid driver's license or military/civilian identification card.

Contesting record procedures:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

Record source categories:

Personal interviews and history statements from the individuals; abstracts or copies of pertinent medical records; examination records of intelligence, personality, achievement, and aptitude; reports from attending and previous physicians and other medical personnel regarding the results of physical, dental, and mental examinations, treatment, evaluation, consultation, laboratory, x-ray and special studies and research conducted to provide health care and medical treatment, and similar or related documents.

Systems exempted from certain provisions of the act:

None

A0917.09aDASG

System name:

917.09 Alcohol and Drug Abuse Rehabilitation Files

System location:

Alcohol and Drug Abuse Prevention and Control Program (ADAPCP) rehabilitation/counseling facilities (e.g., halfway houses, rap centers) at installation level.

Categories of individuals covered by the system:

Any individual who is diagnosed as an alcohol drug abuser by a physician and subsequently enrolled in the ADAPCP.

Categories of records in the system:

File contains client intake and follow-up records, initial interview forms, psychosocial histories, counselor observations and impressions of client's behavior and rehabilitation progress, copies of medical consultation and laboratory procedures performed, results of biochemical urinalysis for drug abuse, and similar or related documents.

Authority for maintenance of the system:

Title V, Public Law 92-129; Section 413, Public Law 92-255.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Blanket 'routine uses' identified in 44 FR 73728 do not apply to this system of records.

Records of identity, diagnosis, prognosis, or treatment of any client/patient, irrespective of whether or when he/she ceases to be a client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided therein be confidential and be disclosed only for the purposes and under the circumstances expressely authorized in Title 21 U.S.C., Section 1175, as amended by 88 Stat. 137, and Title 42 U.S.C., Section 4582, as amended by 88 Stat. 131. These statutes take precedence over the Privacy Act of 1974, in regard to accessibility of such records except to the individual to whom the record pertains.

Within the Armed Forces or within those components of the Veterans Administration furnishing health care to veterans or between such components and the Armed Forces.

To medical personnel outside the Armed Forces to the extent necessary to meet a bona fide medical emergency.

To Government personnel for the purpose of obtaining benefits to which the patient is entitled.

To qualified personnel for the purpose of conducting scientific research, management or financial audits, or program evaluation, but such personnel may not identify, directly or indirectly, any individual patient in any report of such research, audit or evaluation, or otherwise disclose identities in any manner.

To a court of competent jurisdiction upon authorization by an appropriate order after showing good cause therefor. In assessing good cause, the court shall weigh the public interest and the need for disclosure against the injury to the patient, to the physician-patient relationship, and to the treatment services. Upon the granting of such order, the court, in determining the extent to which any disclosure of all or any part of any record is necessary, shall impose appropriate safeguards against unauthorized disclosure.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records maintained in file folders.

Retrievability:

Filed alphabetically by last name and maintained in ADAPCP facilities for 1 year following termination of treatment. Selected forms are transferred to the service member's health record.

Safeguards:

Files and records are maintained in central storage areas in locked file cabinets. Access is limited only to authorized individuals.

Retention and disposal:

Records maintained in ADAPCP facilities are destroyed 1 year after termination of the case.

System manager(s) and address:

The Surgeon General, Department of the Army, The Pentagon, Washington, DC 20310; Commanders of medical department activities.

Notification procedure:

Information may be obtained from Commander of medical center or medical department activity at installation where treatment for alcohol/drug abuse was obtained.

Record access procedures:

Requests from individuals should be addressed to: Commander, medical center or medical department activity at installation where treatment was received; or Headquarters, Department of the Army (DASG-HCA), Room 2C468, The Pentagon, Washington, DC 20310.

Written requests for information should contain the full name of the individual, social security number, year of birth, current address, and telephone number. Visits are limited to Alcohol and Drug Abuse Prevention and Control Program facilities, medical center or medical department activity; and Alcohol and Drug Policy Office (DASG-HCA), The Pentagon, Washington, DC 20310.

For personal visits, the individual should be able to give sufficient identification and provide some verbal information that can be verified from his/her file.

Contesting record procedures:

The Army's policy for gaining access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

Record source categories:

Interviews, personal history statements, abstracts or copies of pertinent medical records, abstracts from personnel records, results of tests, physician's notes, observations of client's behavior, related notes, papers, and forms from counselor and/or clinical director.

Systems exempted from certain provisions of the act:

None

A0929.02aDASG

System name:

929.02 Privately Owned Animal Record Files

System location:

Veterinarian service at medical facilities on Army installations and activities. Official mailing addresses are in the Directory of United States Army addresses following the annual compilation of Army system notices published in the Federal Register.

Categories of individuals covered by the system:

Persons whose privately owned animals receive veterinary care.

Categories of records in the system:

Record contains name, home address, and telephone number of animal's owner; treatment of animal; and related information.

Authority for maintenance of the system:

Title 10 U.S.C., Sections 133, 1071 thru 1087, 5031 and 8012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To record registration, vaccination, and/or treatment of animals; to compile statistical data; and to identify animals registered with the Veterinary Animal Disease Prevention and Control Facility in connection with the Veterinary Prevention Medicine and Zoonotic Disease Control Program.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records.

Retrievability:

Alphabetically by the animal owner's last name.

Safeguards:

Records are maintained in buildings which are locked when unattended, and are accessed only by authorized personnel having an official need-to-know.

Retention and disposal:

Destroyed within 6 months of death of the animal, expiration of rabies vaccination, or transfer of owner.

System manager(s) and address:

The Surgeon General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

Notification procedure:

Information may be obtained from the veterinary facility where the animal was treated or euthanized.

Record access procedures:

Written requests should contain the animal owner's full name, home address, and telephone number; and the animal's rabies vaccination number. Personal visits may be made to the veterinary facility where animal was treated. Owner must provide personal identification such as a valid military identification card or driver's license.

Contesting record procedures:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

Record source categories:

Animal owner, veterinarian reports, and similar or related documents.

Systems exempted from certain provisions of the act:

None

A1001.08aDAAG

System name:

1001.08 Office Personnel Training Files

System location:

Maintained by officials designated to administer agency training programs at Headquarters, Department of the Army staff, field operating agencies, major commands, installations, and activities. Official mailing addresses are in the Directory of United States Army Addresses following the annual compilation of Army system notices published in the Federal Register.

Categories of individuals covered by the system:

Military and civilan personnel employed by the Army who have been selected or scheduled for, or have recently completed training related to functional responsibilities of the office to which assigned or are in furtherance of individual's career development.

Categories of records in the system:

Records pertain to the scheduling and follow-up of military and civilian training courses. Documents include (a) annual projection of individual training necessary to maximize personal career development goals and mission accomplishment; (b) tuition, personnel and travel costs; (c) course name and training facility at which offered; and (d) personal data including name, rank/grade, social security number (SSN), security clearance, resume of educational background to include academic achievements, on-the-job and formal classroom training, and related management reports.

Authority for maintenance of the system:

Title 10 U.S.C., Section 3012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To provide management and individuals with reports of training completion, courses scheduled to be taken, and related required actions.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders; computer magnetic tapes and disks.

Retrievability:

By name and/or SSN.

Safeguards:

All records are maintained in secured buildings, in either file cabinets or areas accessible only to authorized persons having a need-to-know. Computer rooms are accessible only by authorized personnel through controlled access. Computer software precludes unauthorized access to the file by use of a system password and system lockout procedures.

Retention and disposal:

Records are destroyed after 1 year or when no longer required.

System manager(s) and address:

Commander of organization/activity maintaining the record.

Notification procedure:

Information may be obtained from the SYSMANAGER

Record access procedures:

Requests should be addressed to appropriate commander/training officer/supervisor. Written requests should include full name of individual and SSN. For personal visits, individual must provide acceptable identification, such as driver's license, military or civilian identification card.

Contesting record procedures:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

Record source categories:

Individual applying for training, his/her supervisor, agency training officer, or from office personnel files.

Systems exempted from certain provisions of the act:

None.

A1012.04hDAMO

System name:

1012.04 NDU Student Data Files

System location:

National Defense University (NDU), Ft. Leslie J. McNair, Washington, DC 20319.

Categories of individuals covered by the system:

Resident/non-resident students enrolled at courses of instruction at NDU including the Industrial College of the Armed Forces (ICAF) and the National War College (NWC).

Categories of records in the system:

Records contain name, date of birth, social security number (SSN), student number, grade/rank, branch of service or civilian agency, years of Federal service, biographical data, course/section assignment, prior eduction, and academic and other related management data.

Authority for maintenance of the system:

Title 10 U.S.C., Section 3012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

NDU officials: To confirm attendance eligibility; to monitor student progress; to produce record of grades and achievements; to prepare assignment rosters; to provide management and statistical summaries and reports; and to compile class yearbooks.

Student transcripts may be disclosed to other educational institutions.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders; computer magnetic tapes, disks, and printouts.

Retrievability:

By SSN or student identification number.

Safeguards:

Records are maintained in buildings which employ security guards and are accessed only by authorized personnel having an official need-to-know. Automated records employ software passwords; magnetic tapes are protected by user identification and manual controls.

Computer room is controlled by card key system requiring positive identification and authorization.

Retention and disposal:

Individual and class academic records are destroyed after 40 years. Records pertaining to extension courses are held indefinitely before being retired to the National Personnel Records Center, St. Louis, MO. Individual training records are destroyed annually; management reports are destroyed when no longer needed.

System manager(s) and address:

President, National Defense University, Ft. Leslie J. McNair, Washington, DC 20319.

Notification procedure:

Students may apply to the National Defense University, Ft. Leslie J. McNair, Washington, DC 20319; telephone: Area Code 202/693-8475.

Record access procedures:

Written requests should contain requester's full name, current address, social security number, and date of enrollment and/or completion/graduation.

Personal visits may be made to the National Defense University at Ft. Leslie J. McNair. Individuals must provide personal identification such as a valid driver's license or military or civilian identification card.

Contesting record procedures:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

Record source categories:

Applications for enrollment and biographical resumes from applicants, faculty evaluations and reports, and transcripts from educational institutions.

Systems exempted from certain provisions of the act:

None.

A1012.04hTRADOC

System name:

1012.04 Grade Calculator System

System location:

Director of Automation (ATZLSW-DOA), United States Army Command and General Staff College (USACGSC), Ft Leavenworth, KS 66027.

Categories of individuals covered by the system:

Any officer, United States or Allied, enrolled in the USACGSC resident program.

Categories of records in the system:

System contains personal data on resident students (i.e., name, rank, social security number (SSN); administrative data (i.e., counselor, class section); and academic data (i.e., courses, course grades).

Authority for maintenance of the system:

Title 10 U.S.C., Section 3012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records are used to schedule resident students for courses in the USACGSC curriculum; to process grades and other academic related information; to record and translate tests, subcourse and course grades; and, at year end, to prepare school transcripts. Records are used also to prepare rosters and labels for use by the USACGSC departments and other Ft Leavenworth activities. Records serve to track resident student progress throughout the academic year by preparation of various reports and by interactive terminal query.

The automated grading examination system (GRADEX) constitutes a subsystem of this file in that it provides the capability to grade and perform item analysis on various tests given to resident students on MARK SENSE forms.

The student information system constitutes a second subsystem of the file providing the ability to identify students who possess certain skills. This assists in the assignment of students to projects and as assistant instructors. Information collected is printed on reports and is also retrievable by interactive terminal query.

The models and simulation system and the geography of Asia system constitutes a third subsystem of the file providing the capability to administer tests interactively using computer terminals.

The automated student housing assignment system constitutes a fourth subsystem of the file providing the ability to assign students to quarters prior to their arrival.

The user name password system constitutes a fifth subsystem of the file providing the ability to assign computer passwords to students for their use throughout the academic year.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Computer disks.

Retrievability:

By SSN, student exam code or computer user name.

Safeguards:

Computer programs are kept in locked cabinets and, after normal duty hours, the building is secured by guards. Computer access is controlled by passwords which are periodically changed. Access to the computer programs is further restricted by additional passwords which are also changed periodically. Data files are maintained in a secure environment restricted to authorized employees.

Retention and disposal:

Records are destroyed at the completion of an academic year except that educational transcripts become part of an individual's Official Military Personnel File.

System manager(s) and address:

Directory of Automation, United States Army Command and General Staff College, Ft Leavenworth, KS 66027.

Notification procedure:

Information may be obtained from: Commandant, United States Army Command and General Staff College, ATTN: Directory of Automation, Bell Hall, Ft Leavenworth, KS 66027; telephone: Area Code 913/684-2498.

Record access procedures:

Requests should be addressed to: Commandant, United States Army Command and General Staff College, ATTN: ATZLSW-DOA, Ft Leavenworth, KS 66027.

Contesting record procedures:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

Record source categories:

Personal data and enrollment information are obtained from the students at the time they complete enrollment and from Department of the Army orders. Grades, class section number, and academic information are obtained from the USACGSC academic departments. Data for the GRADEX system are obtained from the MARK SENSE cards completed by the students and information extracted from the Grade Calculator System.

Systems exempted from certain provisions of the act:

None.

A1306.01DAPE

System name:

1306.01 Behavioral and Social Sciences Research Project Files

System location:

Army Research Institute (ARI) for the Behavioral and Social Sciences, ATTN: PERI-ZA, Room 6E22, 5001 Eisenhower Avenue, Alexandria, VA 22333.

Decentralized locations: ARI Field Units located at: Ft Sill, OK 73503; Ft Benjamin Harrison, IN 46216; HQ USAREUR, c/o ODCSPER, APO NY 09403; Ft Benning, GA 31905; Ft Bliss, TX 79916; Ft Hood, TX 76544; Ft Knox, KY 40121; Ft Leavenworth, KS 66027; Presidio of Monterey, CA 93940; Ft Rucker, AL 36360; and/or Scientific Coordination Offices located at: US Army R&S Group (Europe), APO NY 09510; Ft Monroe, VA 23651; and Ft McPherson, GA 30330.

Categories of individuals covered by the system:

All officer, warrant officer, and enlisted military personnel, including Army Reserves and National Guard.

Categories of records in the system:

Records include questionnaire type data relating to service member's preservice education, work experience and social environment/culture, learning ability, physical performance, combat readiness, discipline, motivation, attitude about Army life, and measures of individual and organizational adjustments. May also include test results from Armed Services Vocational Aptitude Battery and Skill Qualification Tests.

Authority for maintenance of the system:

Title 10 U.S.C., Section 4503.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information in this system is used by the Army Research Institute for the Behavioral and Social Sciences to research human factors inherent in the recruitment, selection, classification, assignment, evaluation, and training of military personnel. Information derived from individually identifiable records is used also to enhance readiness effectiveness of the Army in that it provides a basis for developing personnel management methods, training devices, and testing of weapons methods and systems aimed at improved group performance. No decisions affecting an indivudal's rights or benefits are made using these research records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders, punch cards, and magnetic tape.

Retrievability:

By name and/or social security number.

Safeguards:

Buildings employ security guards. Access to records is limited to authorized personnel having an official need-to-know. Automated segments are protected by controlled system procedures and code numbers governing access.

Retention and disposal:

Records are retained at the appropriate research office identified under 'System location' until completion of final report, after which they are destroyed.

System manager(s) and address:

Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, Washington, DC 20310.

Notification procedure:

Individuals wishing to inquire if this system contains information about them should contact the SYSMANAGER indicated above.

Record access procedures:

Written requests from individuals should be addressed to Commander, Army Research Institute for Behavioral and Social Sciences if testing has been concluded; otherwise to appropriate field unit or Scientific Coordination Office. Individuals must furnish the following information: full name, social security number, current address, and subject area and year of testing.

Contesting record procedures:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

Record source categories:

From the individual, his/her peers, or, in the case of ratings and evaluations, from supervisors.

Systems exempted from certain provisions of the act:

None.

BILLING CODE 3710-08-M

DEFENSE MAPPING AGENCY

REQUESTING RECORDS

Records are retrieved by name or by some other personal identifier. It is therefore especially important for expeditious service when requesting a record that particular attention be provided to the Notification and/or Access Procedures of the particular record system involved so as to furnish the required personal identifiers, or any other pertinent personal information as may be required, to locate and retrieve the record.

BLANKET ROUTINE USES

Certain blanket 'routine uses' of the records have been established, that are applicable to every record system maintained within the Department of Defense, unless specifically stated otherwise within a particular record system. These additional blanket routine uses of the records are published below, only once in the interest of simplicity, economy and to avoid redundancy, before the individual record system notices begin rather than repeating them in every individual record system.

ROUTINE USE - LAW ENFORCEMENT

In the event that a system of records maintained by this component 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 by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

ROUTINE USE - DISCLOSURE WHEN REQUESTING INFORMATION

A record from a system of records maintained by this component 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 component 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.

ROUTINE USE - DISCLOSURE OF REQUESTED INFORMATION

A record from a system of records maintained by this component may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

ROUTINE USE - CONGRESSIONAL INQUIRIES

Disclosure from a system of records maintained by this component may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

ROUTINE USE WITHIN THE DEPARTMENT OF DEFENSE

A record from a system of records maintained by this component may be disclosed as a routine use to other components of the Department of Defense if necessary and relevant for the performance of a lawful function such as, but not limited to, personnel actions, personnel security actions and criminal investigations of the Component requesting the record.

ROUTINE USE - PRIVATE RELIEF LEGISLATION

Relevant information contained in all systems of records of the Department of Defense published on or before August 22, 1975, 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 A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

ROUTINE USE - DISCLOSURES REQUIRED BY INTERNATIONAL AGREEMENTS

A record from a system of records maintained by this Component may be disclosed to foreign law enforcement, security, investigatory, or administrative authorities in order to comply with requirements imposed by, or to claim rights conferred in international agreements and arrangements including those regulating the stationing and status in foreign countries of Department of Defense military and civilian personnel.

ROUTINE USE - DISCLOSURE TO STATE AND LOCAL TAXING AUTHORITIES

Any information normally contained in IRS Form W-2 which is maintained in a record from a system of records maintained by this Component may be disclosed to State and local taxing authorities with which the Secretary of the Treasury has entered into agreements pursuant to Title 5, U.S.Code, Sections 5516, 5517, 5520, and only to those State and local taxing authorities for which an employee or military member is or was subject to tax regardless of whether tax is or was withheld. This routine use is in accordance with Treasury Fiscal Requirements Manual Bulletin Nr. 76-07.

ROUTINE USE - DISCLOSURE TO THE OFFICE OF PERSONNEL MANAGEMENT

A record from a system of records subject to the Privacy Act and maintained by this component may be disclosed to the Office of Personnel Management concerning information on pay and leave, benefits, retirement deductions, and any other information necessary for the Office of Personnel Management to carry out its legally authorized Government-wide personnel management functions and studies.

ROUTINE USE - DISCLOSURE OF INFORMATION TO NARS (GSA)

A record from a system of records maintained by this component may be disclosed as a routine use to the National Archives and Records Service of the General Services Administration in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

ROUTINE USE - DISCLOSURE TO DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

All systems of records relating to compensation, employment or retirement, or extracts therefrom, maintained by this Component may be disclosed as a routine use to the Department of Health, Education, and Welfare for the purpose of comparing such record with records of programs administered by and in the possession of the Department of Health, Education, and Welfare in order to verify information where such verification is required by law or regulation or to identify violations or potential violations of law, whether criminal, civil, or regulatory, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto.

B0102-01 HQHTASID

System name:

102-01 Office General Personnel Files

System location:

DMA Headquarters (HQ), DMA Hydrographic/Topographic Center (HT), DMA Aerospace Center(A), Defense Mapping School(S), Inter American Geodetic Survey(I), Office of Distribution Services (D). Staff Offices, Departments, Division and Branch Offices, all Components. See DMA Directory for complete address listing.

Categories of individuals covered by the system:

Employees of DMA Civilian and Military

Categories of records in the system:

Consist of copies of and papers relating to time and attendance reports, leave reports, overtime work, work attendance, holidays, athletic events, employee unions, medical services, training, duty assignments, emergency information and similar data on related subjects. List of individuals authorized to receive these services will also be included.

Authority for maintenance of the system:

Executive Order 10561, 9/15/54; Designating Official Personnel Folders in Government Agencies as Records of the Office of Personnel Management (OPM) and Prescribing Regulations Relating to the Establishment, Maintenance and Transfer thereof.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Supervisory personnel in their day-to-day personnel actions for; promotion, adverse actions, training and other related actions. File subject to civil service review.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper record in file folders and/or Kardex book.

Retrievability:

Filed alphabetically by last name of employee

Safeguards:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

Retention and disposal:

Temporary records. Destroy after 1 year or on discontinuance, whichever is first.

System manager(s) and address:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305, TELEPHONE: Area Code 202/254-4066

Notification procedure:

Information may be obtained from DMA Directory

Record access procedures:

Requests from individuals should be addressed to appropriate organization of address list.

Written requests for information should contain the full name of the individual current address and telephone number, social security number. Visits are limited to normal working hours.

For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

Contesting record procedures:

The Agencys rules for contesting contents and appealing initial determination may be obtained from: System Manager.

Record source categories:

Copies of papers relative to time and attendance reports, overtime work, work attendance, leave reports, holidays, athletic events, employee unions, medical services, training and related subjects.

Systems exempted from certain provisions of the act:

NONE

B0102-03 HQHTASI

System name:

102-03 Office Personnel Locator Files

System location:

DMA Headquarters (HQ), DMA Hydrographic/Topographic Center (HT), DMA Aerospace Center(A), Defense Mapping School(S), Inter American Geodetic Survey(I). Staff Offices, Departments, Division and Branch Offices, all Components. See DMA Directory for complete address listing.

Categories of individuals covered by the system:

Personnel currently employed or assigned at DMA

Categories of records in the system:

Documents reflecting the name, address, telephone number, and similar data for each person.

Authority for maintenance of the system:

E.O. 10561 9/15/57; Designating Official Personnel Folders in Government Agencies as Records of the Office of Personnel Management (OPM) and Prescribing Regulations Relating to the Establishment, Maintenance and Transfer thereof.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Supervisory Personnel - Used to record personal information and Military Career Progression and maintained on file to notify appropriate agencies and officials in case of emergencies.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper record in file folders and/or Kardex book.

Retrievability:

Filed alphabetically by last name of employee

Safeguards:

Buildings or facilities employs security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

Retention and disposal:

Temporary records. Destroy on separation or transfer of the individual or preparation of a new list.

System manager(s) and address:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305, TELEPHONE: Area Code 202/254-4066

Notification procedure:

Information may be obtained from Above.

Record access procedures:

Requests from individuals should be addressed to system manager.

Written requests for information should contain the full name of the individual current address and telephone number, social security number. Visits are limited to normal working hours.

For personal visits, the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

Contesting record procedures:

The Agencys rules for contesting contents and appealing initial determination may be obtained from System Manager

Record source categories:

Information received from employee and other personnel records.

Systems exempted from certain provisions of the act:

NONE

B0102-08 HQHTASID

System name:

102-08 Office Personnel Information Files

System location:

DMA Headquarters (HQ), DMA Hydrographic/Topographic Center (HT), DMA Aerospace Center(A), Defense Mapping School(S), Inter American Geodetic Survey(I), Office of Distribution Services (D). Staff Offices, Departments, Division and Branch Offices, all Components. See DMA Directory for complete address listing.

Categories of individuals covered by the system:

Employees of DMA Civilian and Military

Categories of records in the system:

Supervisory copies of personnel matters that are duplicated in or which are not appropriate for inclusion in the Official Personnel Folder: for example, copies of papers relating to injuries, appreciation and commendation, training received, performance appraisals and assigned responsibilities or off-duty information.

Authority for maintenance of the system:

EO 10561 - 9/15/54, Designating Official Personnel Folders in Government Agencies as Records of the CSC and Prescribing Regulations Relating to the Establishment, Maintenance, and Transfer Thereof. 44 U.S.C. 3101

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Supervisory personnel record used for performance ratings and similar uses, appreciation, commendation, career development and responsibilities of employees. Record may be subject to CSC inspection.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper record in file folders and/or Kardex book.

Retrievability:

Filed alphabetically by last name of employee

Safeguards:

Buildings and Facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

Retention and disposal:

Records are temporary, review at end of calendar year and destroy documents which have been superseded or are no longer applicable.

System manager(s) and address:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305, TELEPHONE: Area Code 202/254-4066

Notification procedure:

Information may be obtained from Above.

Record access procedures:

Requests from individuals should be addressed to system manager.

Written requests for information should contain the full name of the individual, current address and telephone number, social security number, and organizational element where employed. Visits are limited to normal working hours.

For personal visits, the individual should be able to provide some acceptable identification, that is drivers license, employing office's identification card, and give some verbal information that could be verified.

Contesting record procedures:

The Agencys rules for contesting contents and appealing initial determination may be obtained from System Manager.

Record source categories:

Information summarized from existing records and current entries by supervisors.

Systems exempted from certain provisions of the act:

NONE

B0210-06 HQHTASI

System name:

210-06 Inspector General Investigative Files

System location:

Office of the Inspector General - DMA Headquarters (HQ), DMA Hydrographic/Topographic Center (HT), DMA Aerospace Center (A), Defense Mapping School (S), Inter American Geodetic Survey (I). - See DMA Directory for complete address listing.

Categories of individuals covered by the system:

Any individual, military or civilian assigned to, employed by or having reason to do official business with the Defense Mapping Agency or one of its employees.

Categories of records in the system:

Investigative Files consist of written inquiries or investigative reports pertaining to complaints, possible violations or improper procedures pertaining to DMA personnel, procedures, policies or programs.

Authority for maintenance of the system:

44 U.S.C. 3101, Records Management by Federal Agencies.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Inspector General and Command Officials - to analyze and evaluate the effectiveness and efficiency of DMA policies, programs and procedures.

Complaints, inquires or investigations are used to initiate proper corrective action if the allegation is proven to be true in fact.

Security - Personnel - Supervisors - Used as basis for corrective actions.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Files are considered official in nature and are made available only to the Inspector General and Command officials.

Storage:

Paper records are stored in file folders and secured in safe-file cabinets.

Retrievability:

Alphabetically by last name or subject matter

Safeguards:

Building, facilities employ security guards and alarms. Records are maintained in areas accessible only to authorized personnel that are properly screened cleared and trained.

Retention and disposal:

Files accumulated in the Office of the Inspector General as permanent. Cut off on completion of Investigation.

System manager(s) and address:

Inspector General, Headquarters, Defense Mapping Agency, Bldg 56, U.S. Naval Observatory, Washington, D.C. 20305

Notification procedure:

Information may be obtained from above.

Record access procedures:

Requests from individuals should be addressed to system manager.

Written requests for information should contain the full name of the indivdual current address and telephone number, social security number.

For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified

Contesting record procedures:

The Agency rules for contesting contents and appealing initial determinations may be obtained from System Manager.

Record source categories:

Inspector General Investigative reports are the written results of IG Inquiries or Investigation of written or oral allegations from complaints.

Systems exempted from certain provisions of the act:

NONE

B0210-07 HQHTASI

System name:

210-07 Inspector General Complaint Files

System location:

Office of the Inspector Generals - DMA Headquarters (HQ), DMA Hydrographic/Topographic Center (HT), DMA Aerospace Center (A), Defense Mapping School (S), Inter American Geodetic Survey (I). - See DMA Directory for complete address listing.

Categories of individuals covered by the system:

Any individual, military or civilian assigned to, employed by or having reason to do official business with the Defense Mapping Agency or one of its employees.

Categories of records in the system:

File contains letters or memorandums received by the Defense Mapping Agency wherein someone has complained about DMA personnel, programs, policies and/or procedures.

Authority for maintenance of the system:

44 U.S.C. 3101, 3102 - Records management by Federal Agencies

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Inspector General and Command officials - As a basis to conduct an inquiry or investigation of the complaint and to initiate proper corrective action if justified.

Security, Personnel, Supervisors - as a basis for corrective action

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Files are considered official in nature and are made available only to the Inspector General and Command officials.

Storage:

Paper records are stored in file folders and secured in safe-file cabinets.

Retrievability:

Alphabetically by last name of individual or by subject.

Safeguards:

Buildings, facilities located on guarded military installations. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

Retention and disposal:

Temporary Record. Destroy one year after completion and close of case.

System manager(s) and address:

Inspector General, Headquarters Defense Mapping Agency, Bldg 56, U.S. Naval Observatory, Washington, D. C. 20305.

Notification procedure:

Information may be obtained from System Manager.

Record access procedures:

Request from individual should be addressed to System Manager.

Written requests for information should contain the full name of the individual, current address and telephone number.

For personal visits, the individual should be able to provide some acceptable identification, that is, drivers license, etc., and some verbal information.

Contesting record procedures:

The Agencies' rules for contesting contents and appealing initial determinations may be obtained from System Manager.

Record source categories:

Source of Inspector General Complaint files are letters or memorandums received by HQ DMA from military or civilian.

Systems exempted from certain provisions of the act:

NONE

B0228-04 HT

System name:

AR 228-04 Historical Photographic Files

System location:

Public Affairs office of DMAHTC - See DMA Directory for complete address.

Decentralized Segments - Records Holding Area, Records Management Division of DMAHTC

Categories of individuals covered by the system:

Commanding Officers; civilian employees (staff organization) VIP visitors; awards, suggestions, sports, retirement ceremonies.

Categories of records in the system:

Photographs and negatives of

Authority for maintenance of the system:

5 U.S.C. 301 - Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Public Affairs Office - furnish copies of photographs to organizations that requested photographs to be taken

Records Holding Area - Researchers and Historians - To obtain the background information regarding events, ceremonies, awards, sports, retirements at DMATC for input to newspapers, magazine articles.

Release to News Media for Public Relations and Community Affairs Matters.

Organizers of testimonials, banquets and parties.

Supervisors - Recognize accomplishments and publications.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Prints and negatives filed in cabinets.

Retrievability:

Filed by name and/or event

Safeguards:

Buildings, facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

Retention and disposal:

Records are Permanent. Records will be retired to Washington National Records Center on discontinuance of the installation.

System manager(s) and address:

DMA Hydrographic/Topographic Center, ATTN: Public Affairs Office, Room 152, Erskine Hall, 6500 Brookes Lane, Washington, D.C. 20315, TELEPHONE: Area Code 202/227-2007

Notification procedure:

Information may be obtained from above.

Record access procedures:

Requests from individuals should be addressed to system manager.

Written requests for information should contain the full name of the individual current address and telephone number, social security number.

For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card and give some verbal information that could be verified

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determinations may be obtained from System Manager

Record source categories:

Photographs taken at awards ceremonies; Sporting events; retirement parties.

Systems exempted from certain provisions of the act:

NONE

B0228-10 HT

System name:

AR 228-10 Installation Historical Files

System location:

Public Affairs Office of DMAHTC - See DMA Directory for complete address.

Decentralized Segments - Records Management Division - Records Holding Area of DMAHTC

Categories of individuals covered by the system:

Individuals who have given speeches or written an article for a magazine or newspaper.

Categories of records in the system:

Copies of Speeches and articles for magazine or newspapers

Authority for maintenance of the system:

5 U.S.C. 301 - Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Historian - To furnish background Information on the history of the installations.

Public Affairs Office and Records Management Division - to obtain up-to-date information on all speeches, articles for magazines and newspapers published or given by an individual of DMAHTC.

Released to News Media for Public Relations and Community Affairs.

Organizers of testimonials, banquets and supervisors to recognize accomplishments and publications.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

Files retrieved alphabetically by name of individual.

Safeguards:

Buildings, facilities employs security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

Retention and disposal:

This is a permanent record. Retired from Records Holding Area.

System manager(s) and address:

DMA Hydrographic/Topographic Center, ATTN: Public Affairs Office, Room 152, Erskine Hall, 6500 Brookes Lane, Washington, D.C. 20315, TELEPHONE: Area Code 202/227-2007

Notification procedure:

Information may be obtained from Above.

Record access procedures:

Requests from individuals should be addressed to system manager. Written requests for information should contain the full name of the individual current address and telephone number, social security number.

For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

Contesting record procedures:

The Agencies' rules for contesting contents and appealing initial determinations may be obtained from System Manager.

Record source categories:

Employee copies of speeches; newspapers; magazines, photographs and related publications.

Systems exempted from certain provisions of the act:

NONE

B0302-21 HTA

System name:

302-21 Record of Travel Payments

System location:

DMA Hydrographic/Topographic Center (HT), DMA Aerospace Center(A). Office of the Comptroller, Pay and Travel Branch. See DMA Directory for complete address listing.

Categories of individuals covered by the system:

Any employee of Defense Mapping Agency reimbursed for Travel.

Categories of records in the system:

Card file containing information used to reflect travel allowance payments made to individuals.

Authority for maintenance of the system:

5 U.S.C. 5707; Travel and subsistence Expenses-Regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Cards used to reflect travel allowance payments made to employees.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper record in file folders and/or Kardex book.

Retrievability:

Filed alphabetically by last name of employee.

Safeguards:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

Retention and disposal:

Records are temporary. Cutoff on separation of employee, Inactive three years then destroyed.

System manager(s) and address:

Defense Mapping Agency, ATTN: Finance and Accounting Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305, TELEPHONE: Area Code 202/254-4466

Notification procedure:

Information may be obtained from above.

Record access procedures:

Requests from individuals should be addressed to system manager. Written requests for information should contain the full name of the individual, current address and telephone number, and the travel number of visit, place visited and date on all correspondence received from this office. Visits are limited to normal working hours.

For personal visits, the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified with his 'case' folder.

Contesting record procedures:

The Agencys rules for contesting contents and appealing initial determination may be obtained from System Manager.

Record source categories:

Travel orders and vouchers

Systems exempted from certain provisions of the act:

NONE

B0303-01 A

System name:

303-01 Individual Pay Record Files

System location:

DMA Aerospace Center(A). See DMA Directory for complete address listing.

Categories of individuals covered by the system:

Civilian pay record file contains magnetic tape. Created and updated by the use of time and attendance cards, address cards, savings bond forms, taxation documents, insurance documents, allotment documents, Standard Form 50.

Printout of Payroll

Categories of records in the system:

Record of pay data and related information pertaining to DMA employees.

Authority for maintenance of the system:

31 U.S.C. 66a -. Accounting and Auditing - Duties of Agency Heads; Information and Controls to be Covered

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Personal data is collected for the purpose of establishing, maintaining and administering the employee's authorized pay and leave.

User of information is the Central Payroll Office and Civilian Personnel Directorate.

This information is used for the computation of bi-weekly earnings, pay deductions, and net pay due to the employee. The system further identifies rate of pay and authorized deductions as well as sick and annual leave accumulation, usage and balances. System further provides a master tape listing, civilian payroll master tape, and to the employee the system provides a bi-weekly leave and earnings statement and civilian employee paycheck.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper record in file folders and/or Kardex book.

Retrievability:

Filed alphabetically by last name of employee

Safeguards:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

Retention and disposal:

Tapes are retained in tape library, and are updated each pay period.

Printouts maintained and retained in current files are (CFA) and are forwarded in annual blocks to the National Personnel Records Center, GSA, 111 Winnebago Street, St. Louis, MO 63118, 18 months after close of the calendar year or within 90 days after receipt of audit completion letter, whichever is first.

System manager(s) and address:

Director, DMA Aerospace Center, ATTN: Director of Civilian Personnel See DMA Directory for complete address listing.

Notification procedure:

Information may be obtained from Above.

Record access procedures:

Requests from individuals should be addressed to system manager. Written requests for information should contain the full name of the individuals current address and telephone number, and the Case (Control) number that appears with the office symbol, on all correspondence received from this office

For personal visits, the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determination may be obtained from System Manager.

Record source categories:

Time and attendance cards, savings bond forms and similar withholding requests of the employee.

Systems exempted from certain provisions of the act:

NONE

B0303-02 HTA

System name:

303-02 Compensation Data Request Files

System location:

Finance Accounting of DMA Hydrographic/Topographic Center (HT) and Aerospace Center (A). See DMA Directory for complete address listing.

Categories of individuals covered by the system:

All civilian employees requesting compensation.

Categories of records in the system:

Correspondence relating to Federal Employee Compensation claims.

Authority for maintenance of the system:

21 USC 1175

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To record documents and correspondence on employees who have been injured on the job, received treatment from a medical facility, and filed a claim for compensation.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

Filed alphabetically by employee last name.

Safeguards:

Buildings and facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

Retention and disposal:

Temporary record. Destroyed after 2 years.

System manager(s) and address:

Defense Mapping Agency, ATTN: Finance and Accounting, Building 56, U.S. Naval Observatory, Washington, D.C. 20305, TELEPHONE: Area Code 202/254-4466

Notification procedure:

Information may be obtained from above.

Record access procedures:

Requests from individuals should be addressed to System Manager Written requests for information should contain the full name of the individual, current address and telephone number, and social security number. Visits are limited to normal working hours.

For personal visits, the individual should be able to provide some acceptable identification; that is, driver's license, employing office's identification card, and give some verbal information that could be verified.

Contesting record procedures:

The Department's rules for contesting contents and appealing initial determinations may be obtained from System Manager.

Record source categories:

Requests from individuals for information, notice of determination and refusal of work offer. Request for claims of compensation.

Systems exempted from certain provisions of the act:

NONE

B0303-03 HTA

System name:

303-03 Individual Retirement Record Control Files

System location:

Primary System - Office of Personnel Management (OPM), Retirement Bureau, Washington, D.C. 20315

Decentralized Segments - Personnel Office, DMA Hydrographic/Topographic Center and DMA Aerospace Center.

Categories of individuals covered by the system:

Any civilian employee of DMA who has retired from government service.

Categories of records in the system:

File contains employee's application for retirement from the Federal Service including documentation concerning physical disability retirement.

Authority for maintenance of the system:

E.O. 10561 - 'Designating Official Personnel Folders in Government Agencies as Records of OPM and Prescribing Regulations Relating to the Establishment, Maintenance, and Transfer Thereof' - 9/15/54

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To take follow-up action or answer questions from the retiree, survivors, OPM, and health and life insurance carriers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper record in file folders and/or Kardex book.

Retrievability:

Filed alphabetically by last name of employee

Safeguards:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

Retention and disposal:

Temporary - Retain in active file. Destroy after 4 years.

System manager(s) and address:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305, TELEPHONE: Area Code 202/254-4066

Notification procedure:

Information may be obtained from above.

Record access procedures:

Requests from individuals should be addressed to system manager. Requests from individuals should be addressed to the appropriate organization as indicated in address list. Written requests for information should contain the full name of the individual, current address and telephone number and social security number. Visits are limited to normal working hours. For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determination may be obtained from System Manager.

Record source categories:

Application for retirement from Federal Service, and related documentation.

Systems exempted from certain provisions of the act:

NONE

B0303-04 A

System name:

303-04 Leave Record Files

System location:

Primary System. Director of Civilian Personnel (POX), DMA Aerospace Center. See DMA Directory for complete address listing.

Categories of individuals covered by the system:

All civilian employees of DMA.

Categories of records in the system:

Record of official annual accumulation and use of employee's leave.

Authority for maintenance of the system:

21 USC 1175

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Director of Civilian Personnel to record employee requests for documentation.

Employee - reference for accumulation of leave.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Magnetic tapes and printouts.

Retrievability:

Files are by payroll block number, organization, and name.

Safeguards:

Buildings and facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

Retention and disposal:

Final Leave Record - Temporary Record. Destroy 10 years after separation of individual.

Other Leave Record: Destroy after 4 years or 90 days after receipt of audit completion letter.

System manager(s) and address:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305, TELEPHONE: Area Code 202/254-4066.

Notification procedure:

Information may be obtained from above.

Record access procedures:

Requests from individuals should be addressed to System Manager. Written requests for information should contain the full name of the individual, current address and telephone number, and social security number. Visits are limited to normal working hours.

For personal visits, the individual should be able to provide some acceptable identification; that is, driver's license, employing office's identification card, and give some verbal information that could be verified.

Contesting record procedures:

The Department's rules for contesting contents and appealing initial determinations may be obtained from System Manager.

Record source categories:

Time and attendance cards initialed by employee. Accumulation and use of leave.

Systems exempted from certain provisions of the act:

NONE

B0303-21 HTA

System name:

303-21 Decedent Claim Files

System location:

Personnel Office - DMA Hydrographic/Topographic Center (HT) and Aerospace Center (A). See DMA Directory for complete address listing.

Categories of individuals covered by the system:

All civilian employees of DMA Hydrographic/Topographic Center or DMA Aerospace Center.

Categories of records in the system:

Death separation - FE Form 6, SF 1153, SF 2800, and other allied papers and correspondence.

Authority for maintenance of the system:

21 USC 1175

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Purpose of this file is to document the death of a career employee. Users are: Personnel Office to maintain/ascertain that documents are in file for employees who have been separated due to death.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folder.

Retrievability:

Alphabetically by employee last name.

Safeguards:

Buildings and facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

Retention and disposal:

Temporary record. Destroyed after 10 years.

System manager(s) and address:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305, TELEPHONE: Area Code 202/254-4066

Notification procedure:

Information may be obtained from above.

Record access procedures:

Requests from individuals should be addressed to System Manager. Written requests for information should contain the full name of the individual, current address and telephone number, and social security number. Visits are limited to normal working hours.

For personal visits, the individual should be able to provide some acceptable identification; that is, driver's license, employing office's identification card, and give some verbal information that could be verified.

Contesting record procedures:

The Department's rules for contesting contents and appealing initial determinations may be obtained from System Manager.

Record source categories:

Copies of vouchers with supporting documents, letters/claims from decedents.

Systems exempted from certain provisions of the act:

NONE

B0401-02 HQHTA

System name:

401-02 Statements of Employment and Financial Interest and Ethics Act Files

System location:

Office of the General Counsel, HQ DMA, Office of the Counsel, DMAHTC and DMAAC. See DMA Directory for complete address listing.

Categories of individuals covered by the system:

DD 1555 -Defense Mapping Agency civilian personnel classified at GS-13 or above, and military officers serving in the grade of 0-5 or above, whose duties require the exercise of judgment in making Government decisions in regard to monitoring grants or subsidies; contracting and procurement; auditing; or other activities having a significant economic impact on the interests of any non-Federal enterprise.

Special Government Employees of the Defense Mapping Agency serving as advisors or consultants.

SF 278 - DMA civilian personnel classified at GS-16 or above of the General Schedule prescribed by 5 U.S.C. Section 5332 and military officers serving in grades of 07 or above and the DMA designated Agency Ethics Official.

Categories of records in the system:

Files include SF 278's - Executive Personnel Financial Disclosure Report and DD 1555's - Confidential Statement of Employment and Financial Interests containing information as to outside employment, financial interests and creditors. Such forms are filed by individuals upon employment and renewed annually. Copies of the individual's current position description. Signed statements of the individual concerned stating that none of the interests listed constitute a conflict of interest with respect to the duties of his present position. Correspondence indicating review and the resolution of any conflicts disclosed.

Authority for maintenance of the system:

Part IV, Executive Order 11222, 'Prescribing Standards of Ethical Conduct for Government Officers and Employees' (as amended). Ethics in Government Act of 1978 (PL 95-521), 5 C.F.R. Section 734.603.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Individual's Supervisor (superior officer or official responsible for signing military evaluation reports or civilian performance ratings)--to determine the existence of, and, if possible, to resolve, any real or apparent conflict between the personal financial interests of the individual concerned and the performance of his services for the Government.

Agency Legal Counsel--to (l) review the individual's statement and the supervisor's evaluation thereof for legal sufficiency, (2) to assist in the resolution of any conflicts disclosed in such statements, and (3) to maintain and safeguard the confidentiality of all such statements.

Directors of Defense Mapping Agency Components and Heads of Defense Mapping Agency Headquarters Major Staff Elements--for review, comment and appropriate action with respect to resolution of any real or apparent conflicts disclosed by the statement of an individual.

The Director, Defense Mapping Agency or the Staff Director of Personnel (as designee)--to review and take action on any conflicts not previously resolved.

Department of Justice--for possible use in investigation/prosecution of fraud or other violation of conflict of interest laws.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

Filed alphabetically by last name of employee.

Safeguards:

Buildings in which files maintained are not open to general public and are guarded on 24-hour basis. Records are maintained in combination safes and are accessible after completion of review only to Agency Counsel. Each submission and subsequent annual renewals are kept in individual, sealed manila envelopes to prevent unauthorized disclosures.

Retention and disposal:

These are temporary records. DD Form 1555 of each employee is maintained until his death, retirement or separation from the Defense Mapping Agency and for six (6) years thereafter at which time it is destroyed. SF 278 is retained six years from date of submission.

System manager(s) and address:

General Counsel, DMA Headquarters, Building 56, US Naval Observatory, Washington, D.C. 20305.

Notification procedure:

Information may be obtained from:

General Counsel, DMA Headquarters, Building 56, US Naval Observatory, Washington, DC. 20305, telephone 202 254-4431.

Counsel Defense Mapping Agency Hydrographic/Topographic Center, Washington, D.C. 20315, telephone 202 227-2268.

Counsel Defense Mapping Agency Aerospace Center, St. Louis Air Force Station, Missouri 63118, telephone 314 268-4501.

Record access procedures:

Requests from individuals should be addressed to: General Counsel, DMA Headquarters Building 56, U.S. Naval Observatory, Washington, D.C. 20305.

Written requests for information should contain the full name and current address and telephone number of the individual. Visits will be arranged through the General Counsel, Headquarters DMA.

For personal visits, the individual should be able to provide some acceptable identification, such as a drivers license or an employer's identification card, and be prepared to provide some verbal information that can be verified with his file.

Contesting record procedures:

The Defense Mapping Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Statements and related documents are obtained from the individual concerned.

Systems exempted from certain provisions of the act:

NONE

B0401-03 HQHTA

System name:

401-03 Legal Assistance Case Files

System location:

Office of General Counsel, DMA Headquarters (HQ), and Office of General Counsel DMA Hydrographic/Topographic Center (HT), and Aerospace Center (A). See DMA Directory for complete address listing.

Categories of individuals covered by the system:

Military personnel assigned to DMA who request legal assistance

Categories of records in the system:

Files contain legal opinions of the counsel regarding personal matters of an individual. Also copies of document prepared on behalf of the individual.

Authority for maintenance of the system:

44 U.S.C. 3101; - Records Management by Federal Agencies

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Office of General Counsel - for consoltation with individual involved, and for reference and precedent value.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper record in file folders and/or Kardex

Retrievability:

Filed alphabetically by last name of employee

Safeguards:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

Retention and disposal:

This record is a temporary record. Records are destroyed one year after completion of the case. Selected opinions and correspondence withdrawn for use as precedent may be held until no longer required for reference.

System manager(s) and address:

Defense Mapping Agency, ATTN: General Counsel, Building 56, U.S. Naval Observatory, Washington, D.C. 20305, TELEPHONE: Area Code 202/254-4431

Notification procedure:

Information may be obtained from above.

Record access procedures:

Requests from individuals should be addressed to system manager.

Requests from individuals should be addressed to the appropriate organization as indicated in address list. Written requests for information should contain the full name of the individual, current address and telephone number and social security number. Visits are limited to normal working hours. For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

Contesting record procedures:

The Agencys rules for contesting contents and appealing initial determination may be obtained from System Manager.

Record source categories:

Request from military individual for legal opinion on a personal matter, opinions of council and documents prepared by counsil.

Systems exempted from certain provisions of the act:

NONE

B0402-05 HQHTA

System name:

402-05 Legal Claims File

System location:

Primary System - Office of General Counsel, DMA Headquarters (HQ), DMA Hydrographic/Topographic Center (HT), and DMA Aerospace Center (A) - See DMA Directory for complete address listing.

Decentralized Segments - National Washington Record Center, GSA, 4205 Suitland Road, Suitland, Maryland 20409, Department of Army, Judge Advocate General, Pentagon, Washington, D.C.

Categories of individuals covered by the system:

DMA personnel having a claim against the Government for loss, damage, or destruction of personal property.

Any individual filing a tort claim against DMA for damages, loss or destruction of property and for personal injury or death resulting from negligence or wrongful act or omission of acts by DMA personnel and individuals against whom the Agency has legal claim.

Categories of records in the system:

File contains individual's claims, related correspondence and processing papers, investigative reports, recommendations of the investigators and opinions of Counsel.

Authority for maintenance of the system:

44 U.S.C. 3101; - Records Management by Federal Agencies
28 U.S.C., Section 2671-2680, Federal Torts Claims Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Office of Counsel - Preliminary investigation and legal opinions for recommendation to high authority for further disposition of claim and in the case of Agency claims, for attempted settlement and/or litigation.

National Washington Records Center - To store and maintain inactive records; The Department of Justice in event of Litigation or designated local government representatives who have delegated authority to investigate and/or settle claims.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper record in file folders and/or Kardex book.

Retrievability:

Filed alphabetically by last name of employee or by case name.

Safeguards:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

Retention and disposal:

Approved claims and agency claims - 10 year record, COFF on final action, inactive for one year, transfer to records holding area, hold nine years and destroy. Disapproved claims and claims involving personal injury or a minor, COFF on final action, hold one year inactive, transfer to records holding area, hold one year and transfer to Washington National Records Center. Hold 23 years and destroy.

System manager(s) and address:

Defense Mapping Agency, ATTN: General Counsel, Building 56, U.S. Naval Observatory, Washington, D.C. 20305, TELEPHONE: Area Code 202/254-4431

Notification procedure:

Information may be obtained from above.

Record access procedures:

Requests from individuals should be addressed to system manager. Written requests for information should contain the full name of the individual, current address and telephone number and social security number. Visits are limited to normal working hours. For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

Contesting record procedures:

The Agencys rules for contesting contents and appealing initial determination may be obtained from System Manager.

Record source categories:

Related forms, correspondence, investigative reports and information gathered in anticipation of litigation, and opinions of Counsel.

Systems exempted from certain provisions of the act:

NONE

B0407-03 HQHTASID

System name:

407-03 Congressional Correspondence Files (Civilian Personnel-Congressional Inquiries)

System location:

Personnel Offices - See DMA Directory for complete address listing.

Categories of individuals covered by the system:

Any employee who has written their Congressman or Senator regarding their employment with the Agency

Categories of records in the system:

Includes employee's letter to Congressman or Senator, referral letter from Congressman's/Senator's Office to the Agency, documents related to the matter, Agency reply to Congressman/Senator

Authority for maintenance of the system:

5 USC 2954 - Information to Committee of Congress on Requests

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information is used to investigate and attempt to resolve employee problems conveyed to their Congressman/Senator

Officials of the Congressman's/Senator's Office

Personnel Office

Supervisors

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders

Retrievability:

Filed alphabetically by last name of employee

Safeguards:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained

Retention and disposal:

Temporary Record - destroy after five years

System manager(s) and address:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305, TELEPHONE: Area Code 202/254-4066

Notification procedure:

Information may be obtained from above.

Record access procedures:

Requests from individuals should be addressed to system manager. Requests from individuals should be addressed to the appropriate organization as indicated in address list. Written requests for information should contain the full name of the individual, current address and telephone number and social security number. Visits are limited to normal working hours. For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determination may be obtained from System Manager.

Record source categories:

Correspondence and Internal Memos originated by Employees, Congressman, Senator, Personnel Office and Supervisors

Systems exempted from certain provisions of the act:

NONE

B0408-11 HQHTASI

System name:

408-11 Biography Files

System location:

Public Affairs Officer, See DMA Directory for complete address

Categories of individuals covered by the system:

All top management and other key personnel of DMA

Categories of records in the system:

Biographies; photographs; newspaper clippings and related documents pertaining to leading military and civilian personalities

Authority for maintenance of the system:

44 USC 3101 - Records Management by Federal Agencies

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Public Affairs Office - for release on public relations and community affairs matters

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper record in file folders and/or Kardex book

Retrievability:

Filed alphabetically by last name of employee

Safeguards:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained

Retention and disposal:

Record is Permanent. Destroy two years after transfer, separation or death of the individual concerned

System manager(s) and address:

Defense Mapping Agency, ATTN: Public Affairs Officer, Building 56, U.S. Naval Observatory, Washington, D.C. 20305, TELEPHONE: Area Code 202/254-4140

Notification procedure:

Information may be obtained from above.

Record access procedures:

Requests from individuals should be addressed to system manager.

Written requests for information should contain the full name of the individuals current address and telephone number, and the Case (Control) number that appears with the office symbol, on all correspondence received from this office

For personal visits, the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified

Contesting record procedures:

The Agencys' rules for contesting contents and appealing initial determination may be obtained from System Manager.

Record source categories:

Biographical data furnished by individual

Systems exempted from certain provisions of the act:

NONE

B0502-03 HQHTA

System name:

502-03 Master Billet/Access Record

System location:

Primary System - Special Security/Activities Division, Department of Computer Services, DMA Hydrographic/Topographic Center. Decentralized segments - HQ DMA, DMA Aerospace Center. See DMA Directory for complete address listing.

Categories of individuals covered by the system:

All DMA employees and contractor personnel who have been granted a security clearance or indoctrinated for access to Sensitive Compartmented Information (SCI) and all personnel being considered for DMA employment. In addition, employees of other government agencies are included for the period during which their security clearance or SCI access status is permanently certified to DMA.

Categories of records in the system:

File may contain for an individual the following: name, rank/grade, military component or civilian status, social security number, SCI billet number and title, security clearance, SCI accesses authorized and held, date Background Investigation completed, date indoctrinated or debriefed, date and state of birth, DMA badge number and expiration date, and whether an authorized courier of SCI material.

Authority for maintenance of the system:

E.O. 12065, National Security Information, 28 June 1978.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records are used by DMA security personnel to identify and verify personnel granted security clearances or authorized access to SCI. Purpose of verification and identification is to control access to secure areas for use of classified information; for periodic reindoctrination (rebriefing) of employees for SCI access; for periodic security education and training; and for control and reissue of identification badges.

Information is also used to certify personnel SCI access status to other government agencies and to the Defense Intelligence Agency for updating the Security Management Information System.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Policies and practices for storing, retrieving, accessing, retaining and disposing of records in the system.

Storage:

Records are stored in computer memory core for retrieval through visual display terminals and line printers.

Retrievability:

Files are retrieved by name and at least one other personal identifier, such as a date of birth, place of birth, social security number or military service number. Files may also be retrieved by billet number and/or DMA security badge number.

Safeguards:

Secured in alarmed vault in guarded building. Vault accessible only to properly cleared, authorized personnel. Transmission of system data between DMA Components is by Secure (encrypted) circuit.

Retention and disposal:

Active records only are maintained. Records of personnel debriefed for SCI access are dumped on a debrief tape which is printed as an alphabetical listing cumulatively each month for one year, then the tape is erased. Old printed listing is destroyed when replaced by new printed listing (weekly).

System manager(s) and address:

Director, Defense Mapping Agency, ATTN: Special Security Office, Building 56, U.S. Naval Observatory, Washington, D.C., 20305, telephone 202-254-4603.

Notification procedure:

Information may be obtained from Defense Mapping Agency, ATTN: Special Security Office, Building 56, U.S. Naval Observatory, Washington, D.C., 20305, telephone 202-254-4603.

Record access procedures:

Requests from individuals should be addressed to above. Written requests for information should contain the full name of the individual, social security number, current address and telephone number. For personal visits, the individual should be able to furnish personal identification containing his/her full name, social security number, physical description, photograph, and signature.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the Defense Mapping Agency, ATTN: Special Security Office, Building 56, U.S. Naval Observatory, Washington, D.C., 20305, telephone 202-254-4603.

Record source categories:

Information is supplied by the individual concerned through completion of the Personal History Statement DD398. The bases for billet entries are security clearance or access approval messages or correspondence from the Defense Intelligence Agency; bases for incumbent entries are indoctrination oaths executed by incumbents at time of indoctrination.

Systems exempted from certain provisions of the act:

NONE

B0502-03-2 HQHTASI

System name:

502-03 Classified Material Access Files

System location:

Primary System - Security Offices - DMA Headquarters (HQ), DMA Hydrographic/Topographic Center (HT), DMA Aerospace Center (A), Defense Mapping School (S), and Inter American Geodetic Survey (I).

Decentralized Segments - Requesting offices at DMA and organizations requiring the access authorization. See DMA Directory for complete address listing.

DIA, JCS

Categories of individuals covered by the system:

Individuals authorized to have access to classified files

Categories of records in the system:

Documents relfecting authorization to have access to classified material. They include forms containing individual's name, and signature, classification of files concerned, information desired, and signature of an official authorizing access.

Authority for maintenance of the system:

Executive Order 12065, National Security Information, June 28, 1978.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Security Office - Check of authorized individuals for access to classified material and guard authorization.

Requesting DMA organizations - to gain approval for employees to have access to perform their duty.

Requiring DMA and other Agencies - to allow employees the right to use classified information.

DIA - to verify who has been granted authority to Special Security information.

JCS - to verify who has been granted authority to use JCS papers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper record in file folders and/or Kardex book.

Retrievability:

File alphabetically by last name or grade of individual requiring access

Safeguards:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

Retention and disposal:

Temporary Record - Destroy on transfer, reassignment, or separation of the individual.

System manager(s) and address:

Defense Mapping Agency, ATTN: Security Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305, TELEPHONE: Area Code 202/254-4411

Notification procedure:

Information may be obtained from above.

Record access procedures:

Requests from individuals should be addressed to system manager.

Requests from individuals should be addressed to the appropriate organization as indicated in address list. Written requests for information should contain the full name of the individual, current address and telephone number and social security number. Visits are limited to normal working hours. For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

Contesting record procedures:

The Agencys rules for contesting contents and appealing initial deter- mination may be obtained from System Manager.

Record source categories:

Report of investigating agency that conducted the background investigation.

Systems exempted from certain provisions of the act:

NONE

B0502-15 HQHTASI

System name:

502-15 Security Compromise Case Files

System location:

Primary System - Security Offices - DMA Headquarters (HQ), DMA Hydrographic/Topographic Center (HT), DMA Aerospace Center (A), Defense Mapping School (S), and Inter American Geodetic Survey (I). See DMA Directory for complete address listing

Decentralized Segments - Dept. of Justice and FBI on felonies cases.

Categories of individuals covered by the system:

DMA personnel security violation

Categories of records in the system:

Documents relating to investigations of alleged security violations, such as missing documents, unauthorized disclosure of information, unattended open security containers, documents not properly safeguarded and matters of a similar nature.

Authority for maintenance of the system:

Executive Order 12065, National Security Information, June 28, 1978.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Security Office - Conduct security investigations. Supervisors on a need to know basis and as a quick reference system on security violations.

Dept. of Justice and FBI - for advise on felony cases.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper record in file folders and/or Kardex book.

Retrievability:

Filed alphabetically by last name of employee

Safeguards:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

Retention and disposal:

Temporary Record - Destroy two years after completion of final corrective or disciplinary action, except that records of violations of a sufficiently serious nature to be classed as felonies are permanent.

System manager(s) and address:

Defense Mapping Agency, ATTN: Security Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305, TELEPHONE: Area Code 202/254-4411

Notification procedure:

Information may be obtained from System Manager.

Record access procedures:

Requests from individuals should be addressed to system manager.

Requests from individuals should be addressed to the appropriate organization as indicated in address list. Written requests for information should contain the full name of the individual, current address and telephone number and social security number. Visits are limited to normal working hours. For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determination may be obtained from: System Manager.

Record source categories:

Reporting organization or official

Systems exempted from certain provisions of the act:

NONE

B0503-02 HTASI

System name:

503-02 Security Identification Accountability Files

System location:

Security Offices - DMA Hydrographic/Topographic Center (HT), DMA Aerospace Center (A), Defense Mapping School (S), and Inter American Geodetic Survey (I). - See DMA Directory for complete address.

Categories of individuals covered by the system:

Any Civilian employee

Categories of records in the system:

File contains the application, supporting materials and the number of the identification badges.

Authority for maintenance of the system:

E.O. 12065, National Security Information, June 28, 1978.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To identify persons to whom badges are issued.

Purpose - Maintain accountability for identification cards.

Users - Supervisor, Personnel and Security Offices

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records kept in file folders by No. also in desk type cabinet.

Retrievability:

Filed Alphabetically by name.

Safeguards:

Buildings, facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

Retention and disposal:

Temporary Record-Transfer to Records Holding Area after last card or badge number entered has been accounted for. Hold for three years and destroy.

System manager(s) and address:

Defense Mapping Agency, ATTN: Security Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305, TELEPHONE: Area Code 202/254-4411

Notification procedure:

Information may be obtained from above.

Record access procedures:

Requests from individuals should be address to system manager

Written requests for information should contain the full name of the individual, current address and telephone number and the case (Control) number that appears with the office symbol, on all correspondence received from this office.

For personal visits, the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card and give some verbal information that could be verified with his 'case' folder.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations may be obtained from System Manager

Record source categories:

Individual's badge request, personnel forms and investigatory findings.

Systems exempted from certain provisions of the act:

NONE

B0503-03 HTA

System name:

503-03 Firearms Authorization Files

System location:

DMA Hydrographic/Topographic Center (HT) and DMA Aerospace Center (A). See DMA Directory for complete address listing.

Categories of individuals covered by the system:

Security guards that have been issued firearms and ammunitions

Categories of records in the system:

Documents authorizing DMA civilian guards to carry firearms. Included are firearms authorization cards and related papers.

Authority for maintenance of the system: 50 U.S.C. 61; Arms and Ammunition issued to protect public property; reimbursement of Department of Army.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Collateral Security Division-Serves as a record for weapons serial numbers and firearms authorization cards issued to each Security Police.

Available to Federal and State local law enforcing agency as required by current laws and regulations.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper record in file folders and/or Kardex book.

Retrievability:

Filed alphabetically by last name of employee

Safeguards:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

Retention and disposal:

Temporary Record, Destroy upon expiration of authorization.

System manager(s) and address:

Defense Mapping Agency, ATTN: Security Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305, TELEPHONE: Area Code 202/254-4411

Notification procedure:

Information may be obtained from above.

Record access procedures:

Requests from individuals should be addressed to system manager.

Requests from individuals should be addressed to the appropriate organization as indicated in address list.

Written requests for information should contain the full name of the individual, current address and telephone number, and social security number. Visits are limited to normal working hours.

For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

Contesting record procedures:

The Agencys rules for contesting contents and appealing initial determination may be obtained from System Manager.

Record source categories:

Weapon serial number, and authorization of issue authorization card issued.

Systems exempted from certain provisions of the act:

NONE

B0503-04 HQHTASI

System name:

503-04 Parking Permit Control Files

System location:

Security Offices of Components - See DMA Directory for complete address

Categories of individuals covered by the system:

Individuals who have been issued parking Permits or cited for violations.

Categories of records in the system:

Documents relating to the allotment of parking spaces, recording of violations by holders of parking permits.

Authority for maintenance of the system:

50 U.S.C. 797; Internal Security - Security Regulations and Orders; Penalty for Violation. and Delegations, Promulgation by President.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Security Offies - Issue of spaces and recording of violators.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records kept in file folders and desk type pull-out shelves.

Retrievability:

Filed by name alphabetically

Safeguards:

Buildings and Facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

Retention and disposal:

Temporary-Record. Destroy on Transfer or separation of parking permit holder, or when permit is superseded or revoked.

System manager(s) and address:

Defense Mapping Agency, ATTN: Administration Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305, TELEPHONE: Area Code 202/254-4401

Notification procedure:

Information may be obtained from above.

Record access procedures:

Requests from individuals should be addressed to System Manager.

Written requests for information should contain the full name of the individual, current address, and telephone number, and social security number.

For personal visits the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, and give some verbal information that could be verified on employment.

Contesting record procedures:

The Agencies' rules for contesting contents and appealing initial determinations may be obtained from System Manager.

Record source categories:

Individuals requests for permits, copies of tickets issued.

Systems exempted from certain provisions of the act:

NONE

B0503-05 HQHTASI

System name:

503-05 Vehicle Registration and Driver Record File

System location:

DMA Headquarters (HQ), DMA Hydrographic/Topographic Center (HT), DMA Aerospace Center (A), Defense Mapping School (S), and Inter American Geodetic Survey (I). - See DMA Directory for complete address.

Categories of individuals covered by the system:

Any person privileged to operate a motor vehicle on a military instal- lation and who has been involved in a chargeable traffic accident or whose commission of a moving traffic violation has been verified.

Categories of records in the system:

File contains a record of issuance of decal and of all traffic offenses/ incidents and actions.

Authority for maintenance of the system: 50 U.S.C. 797; Internal Security - Security Regulations and Orders; Penalty for Violation.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Security Office, to record all traffic offenses/incidents and action taken. State and Local Law Enforcement Agency for vehicle identifications.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

8'x5' paper cards in card file cabinet

Retrievability:

Filed alphabetically by last name of employee

Safeguards:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

Retention and disposal: Destroy one year after revocation or expiration.

System manager(s) and address:

Defense Mapping Agency, ATTN: Security Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305, TELEPHONE: Area Code 202/254-4411

Notification procedure:

Information may be obtained from above.

Record access procedures:

Requests from individuals should be addressed to system manager.

Requests from individuals should be addressed to the appropriate organization as indicated in address list. Written requests for information should contain the full name of the individual, current address and telephone number and social security number. Visits are limited to normal working hours.

For personal visits, the individual should be able to provide some acceptable identification and also some information that would verify his need to know.

Contesting record procedures:

The Agencys rules for contesting contents and appealing initial determination may be obtained from System Manager.

Record source categories:

Report of traffic violation from Security police.

Systems exempted from certain provisions of the act:

NONE

B0503-09 HQHTASI

System name:

503-09 Key Accountability Files

System location:

Security Office, DMA Headquarters (HQ), DMA Hydrographic/Topographic Center (HT), DMA Aerospace Center (A), Defense Mapping School (S), and Inter American Geodetic Survey (I). - See DMA Directory for complete address.

Categories of individuals covered by the system:

Individuals with keys to a secure area.

Categories of records in the system:

Documentation relating to the issue, return and accountability for keys to secure areas.

Authority for maintenance of the system:

E.O. 12065, National Security Information, June 28, 1978. Information and Material. 3/10/72

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Security Police - Periodic Inspections, reissuance of keys after locks have been changed.

Personnel - Reference checks on individuals with keys to secure areas.

Supervisors - Reference checks and daily use for information purposes.

OSD and DIA - Investigation of loss or destruction of secure area.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper Records in file folders

Retrievability:

Filed Alphabetically by name

Safeguards:

Buildings, facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

Retention and disposal:

Temporary Record - Transfer to holding area, hold three (3) years then destroy.

System manager(s) and address:

Defense Mapping Agency, ATTN: Security Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305, TELEPHONE: Area Code 202/254-4411

Notification procedure:

Information may be obtained from above.

Record access procedures:

Requests from individuals should contain the full name of the individual, current address and telephone number, social security number.

For personal visits the individual should be able to provide some acceptable identification, that is, drivers' license, employing office's identification card, and give some verbal information that could be verified.

Contesting record procedures:

The Agencies' rules for contesting contents and appealing initial determination s may be obtained from System Manager.

Record source categories:

Individual's key requests, personnel forms and investigatory findings.

Systems exempted from certain provisions of the act:

NONE

B0504-01 HQHTA

System name:

504-01 Personnel Special Security Files

System location:

Special Security/Activities Division - DMA Headquarters (HQ), DMA Hydrographic/Topographic Center (HT), DMA Aerospace Center (A) - See DMA Directory for complete address

Categories of individuals covered by the system: ES

DMA Military or civilian employees who have been assigned to positions that require access to Sensitive Compartmented Information (SCI).

Categories of records in the system:

Files consist of Special Security Office (SSO) security indoctrination and termination oaths; clearance and access certification messages; SSO security violation investigative reports if applicable.

Authority for maintenance of the system:

E.O. 12065, National Security Information, June 28, 1978. 3/10/72

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To provide central file repository for all SSO security forms pertaining to the individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders

Retrievability:

Filed alphabetically by last name of file subject.

Safeguards:

Buildings, facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

Retention and disposal:

Retained in active file during period subject is assigned to or employed by DMA, retained in inactive file for one year following reassignment or termination of employment, then destroyed.

System manager(s) and address:

See Defense Mapping Agency, ATTN: Special Security Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305, TELEPHONE: Area Code 202/254-4603

Notification procedure:

Information may be obtained from above.

Record access procedures:

Requests from individuals should be addressed to system manager.

Written requests for information should contain the full name of the individual current address and telephone number, social security number.

For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card and give some verbal information that could be verified.

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determination may be obtained from System Manager.

Record source categories:

Information obtained from such sources as review of birth records; education records; credit and former employment records; interviews of named and developed references; check of local police and FBI files & check of subversive files.

Systems exempted from certain provisions of the act:

Parts of this system may be exempt under 5 U.S.C. 522a (j) or (k), as applicable. For additional information, contact the Systems Manager.

B0504-01-2 HQHTASI

System name:

504-01 Personnel Security Files

System location:

Primary System - Security Office, DMA Headquarters (HQ), DMA Hydrographic/Topographic Center (HT), DMA Aerospace Center (A), Defense Mapping School (S), Inter American Geodetic Survey (I). See DMA Directory for complete address.

Decentralized Segments - Cross reference index cards (i.e., Badge Requests Cards, Identification Cards, Guard Desk Roladex Identification Cards) with extracts of information contained in primary files are maintained on file in Security Office of each DMA element.

Categories of individuals covered by the system:

Those military, civilian, and industrial personnel who are assigned to, employed by DMA; whose official duties, responsibilities and/or contracts require that they have access to classified defense information which has been entrusted to or is under the Defense Mapping Agency.

Categories of records in the system:

File Contains individual's certificate of clearance indicating level of access individual is cleared for, date clearance was issued, type of investigation conducted, date investigation was completed and identification of agency that conducted the investigation. Additionally, contained in the file are; copy of Statement of Personal History (DD Form 398), individual's certification that he/she has read and understands both the Department of Defense and Agency security directives and instructions regarding the protection of classified defense information; individual certification that he/she understands responsibilities for protection of North Atlantic Treaty Organization (NATO), material to a lesser extent some files will contain individuals certification that he/she has been briefed for access to NATO Top Secret (COSMIC); NATO Top Secret Restricted Data (ATOMAL); Single Integrated Operational Plan (SIOP); Extremely Sensitive Information (ESI); Atomic Energy Commission, Restricted Data (RD); and Atomic Energy Commission, Critical Nuclear Weapons Design Information (CNWDI).

Authority for maintenance of the system:

EO 12065, National Security Information, June 28, 1978. Classification and Declassification of National Security Information and Material - 3/10/72

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

DMA SO - This information is maintained as a means to insure that each and every individual assigned to, employed by or contracting with the HQ DMA has been cleared for the level of access to classified information that is necessary for accomplishment of his official duties. These records further insure that each individual is made aware of his responsibilities regarding the protection and safe guarding of any classified information entrusted to him.

Other Governmental Agencies - Information regarding any individual's clearance and level of access. This enables DMA personnel to conduct official business requiring security clearance, with other governmental agencies.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders

Retrievability:

Alphabetically by name of individual

Safeguards:

Buildings are located on guarded government installation with security guards and alarms. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

Retention and disposal:

Records are maintained in an active status only for the period of time that the individual is actually assigned to, employed by or contracting with DMA. When the individual terminates his association with DMA, the records are maintained in an inactive status for the period of one year and then destroyed.

System manager(s) and address:

SDefense Mapping Agency, ATTN: Security Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305, TELEPHONE: Area Code 202/254-4411

Notification procedure:

Information may be obtained from above.

Record access procedures:

Requests from individuals should be addressed to System Manager.

Written requests for information should contain the full name of the individual, current address and telephone number, social security number.

For personal visits the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, and give some verbal information that could be verified.

Contesting record procedures:

The agencies' rules for contesting contents and appealing initial determinations may be obtained from System Manager.

Record source categories:

Individual's certificate of clearance originates in HQ DMA Special Security Office (SSO) based on notification of personnel investigation by either the Office of Personnel Management or the Defense Investigative Agency. Certification of clearance for military personnel will be certified by the individuals' parent service. Much of the routine information in these records such as name, date and place of birth, etc., is obtained during the individual's initial processing which is usually accomplished on his first duty day. Other information such as type of investigation, date of investigation, etc., is obtained from such investigating agencies as the OPM, Defense Investigative Service (DIS), etc. The records are updated as new information is received regarding the individual's clearance and access.

Systems exempted from certain provisions of the act:

NONE

B0504-01-3 HQHTA

System name:

504-01 Personnel Security Investigative Files

System location:

Primary System - Security Offices, DMA Headquarters (HQ), DMA Hydrographic/Topographic Center (HT), DMA Aerospace Center (A) - See DMA Directory for complete address.

Categories of individuals covered by the system:

Those military and civilian personnel who are assigned to or employed by the Defense Mapping Agency and whose duties require access to classified defense information and who have therefore been investigated under the provisions of Department of Defense regulations.

Categories of records in the system:

Files consist of two parts, one part subject two exemption of 552a(K)(5) from review one part available for review. Part (l) Exempted consists of National Agency Checks with Written Inquiries (NACI); Background Investigations (BI) Special Background Investigations (SBI); Bring-up Investigations (BU). Part (2) Available for review consists of National Agency Checks (NAC).

Authority for maintenance of the system:

EO 12065, National Security Information, June 28, 1978.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Defense Mapping Agency - to determine eligibility for access to classified defense information and to conduct continuing Security Program

Defense Intelligence Agency - to determine eligibility for access to Sensitive Compartmented Information, applicable to Special Security Office access.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

Filed alphabetically by last name of file subject.

Safeguards:

Buildings, facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

Retention and disposal:

Retained in active file during period subject is assigned to or employed by DMA, retained in inactive file for one year following termination of subject's assignment or employment, then destroyed.

System manager(s) and address:

Defense Mapping Agency, ATTN: Security Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305, TELEPHONE: Area Code 202/254-4411

Notification procedure:

Information may be obtained from above.

Record access procedures:

Requests from individuals should be addressed to System Manager. Written requests for information should contain the full name of the individual current address and telephone number, and the Case (Control) number that appears with the office symbol, on all correspondence received from this office.

For personal visits, the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

Contesting record procedures:

The Agencies' rules for contesting contents and appealing initial determinations may be obtained from System Manager.

Record source categories:

Investigations are originated based on applicant's application for employment Source of information are inquiries of birth, education, local police, federal police agency files, credit, neighborhood, personal references, etc.

Systems exempted from certain provisions of the act:

Parts of this system may be exempt under 5 U.S.C. 522a (j) or (k), as applicable. For additional information, contact the Systems Manager.

B0601-01 HQHTASI

System name:

601-01 Civilian Personnel Program Reporting Files (Master File Printout)

System location:

Personnel Offices. See DMA Directory for Complete Address Listing

Categories of individuals covered by the system:

Any individual employed by the Agency.

Categories of records in the system:

File contains Name, Social Security Number, Date of Birth, Sex, Service Computation Date, Location, Job Title, Grade, Series, Step, Salary, Life Insurance, Health Benefits, Organization Code, Nature and Date of Last Action Tak en, Veteran's Preference, Retirement Deductions, Type of Appointment, Master Tapes, etc.

Authority for maintenance of the system:

Executive Order 10561. Designating Official Personnel Folders in Government Agencies as Records of the CSC and Prescribing Regulations Relating to the Establishment, Maintenance and Transfer Thereof; 9/15/54

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To provide consolidated source of pertinent information on employees for internal requests for information and internal reports. Provides records of information transmitted to OPM Central Personnel Data File. Available to the Office of Personnel Management (OPM).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Computer Printout paper

Retrievability:

By organization, grade level, alpha by name

Safeguards:

Buildings/facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

Retention and disposal:

Temporary. Destroy after six months.

System manager(s) and address:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305, TELEPHONE: Area Code 202/254-4066

Notification procedure:

Information may be obtained from above.

Record access procedures:

Requests from individuals should be addressed to system manager. Requests from individuals should be addressed to the appropriate organization as indicated in address list. Written requests for information should contain the full name of the individual, current address and telephone number and social security number. Visits are limited to normal working hours. For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

Contesting record procedures:

The Agencys rules for contesting contents and appealing initial deter- mination may be obtained from System Manager.

Record source categories:

Digest of Information from existing Personnel Files.

Systems exempted from certain provisions of the act:

NONE

B0601-01-2 HTA

System name:

601-01 Civilian Personnel Program Reporting Files (Employee Retirement Record)

System location:

Primary System - Personnel Office, See DMA Directory for complete address listing

Decentralized Segments - Department of Computer Services

Categories of individuals covered by the system:

Any individual employed by DMA Hydrographic/Topographic Center who is qualified for retirement

Categories of records in the system:

Contains names of employees eligible for optional retirement within next five years. Contains name, job title, earliest retirement date, Date of Birth, Service Computation Date, Pay Plan, Grade, Step, Series, Organization Code.

Authority for maintenance of the system:

Executive Order 10561

Designating Official Personnel Folders in Government Agencies as Records of the OPM and Prescribing Regulations Relating to the Establishment, Maintenance and Transfer Thereof; 9/15/54

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Supervisory management planning purposes and personal benefit of individuals concerned- Available to the Office of Personnel Management (OPM).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Computer printout and tape

Retrievability:

By organization, alpha by last name

Safeguards:

Building facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

Retention and disposal:

Printout

Temporary - Destroy after five years

Tape - updated periodically

System manager(s) and address:

DMA Hydrographic/Topographic Center, ATTN: Personnel Office, Room 170, Erskine Hall, 6500 Brookes Lane, Washington, D.C. 20315, TELEPHONE: Area Code 202/227-2116

Notification procedure:

Information may be obtained from above.

Record access procedures:

Requests from individuals should be addressed to system manager. Requests from individuals should be addressed to the appropriate organization as indicated in address list. Written requests for information should contain the full name of the individual, current address and telephone number and social security number. Visits are limited to normal working hours. For personal visits the individual should be able to provide some acceptable identification, that is, drivers license,

employing office's identification card, and give some verbal information that could be verified.

Contesting record procedures:

The Agencys rules for contesting contents and appealing initial determination may be obtained from System Manager.

Record source categories:

Personnel Master File computer tape in Department of Computer Services

Systems exempted from certain provisions of the act:

NONE

B0601-01-3 A

System name:

601-01 Personnel Assistance Files

System location:

DMAAC Civilian Personnel Office. See DMA Directory for complete address listing.

Categories of individuals covered by the system:

Aerospace Center personnel discussions with the Personnel Office.

Categories of records in the system:

File contains memorandums for record concerning Planned Assistance Visits.

Authority for maintenance of the system:

21 USC 1175

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The purpose of the file is to record employee's visits to Personnel Office and discussions with Personnel Office personnel concerning their questions, advice, or complaints.

User is the Personnel Office staff.

User utilizes the information to keep records of employees' visits and have a record of discussions concerning employee questions, advice, or complaints.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Papers and memorandums.

Retrievability:

Filed categorized by Directorates, Staff Agencies, and Departments, and then filed alphabetically by employee last name after that.

Safeguards:

Facility employs security guards. Records are locked in file cabinets by division secretary's desk when not in use. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

Retention and disposal:

Temporary record. Destroyed after 5 years.

System manager(s) and address:

DMAAC Director of Civilian Personnel. See DMA Directory for complete address listing.

Notification procedure:

Information may be obtained from above.

Record access procedures:

Requests from individuals should be addressed to System Manager

Written requests for information should contain the full name of the individual, current address and telephone number, and social security number. Visits are limited to normal working hours.

For personal visits, the individual should be able to provide some acceptable identification; that is, driver's license, employing office's identification card, and give some verbal information that could be verified.

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determination may be obtained from the System Manager.

Record source categories:

Backup material on employee visits to Personnel Office.

Systems exempted from certain provisions of the act:

NONE

B0601-03 HQHTASI

System name:

601-03 Personnel Data System - Civilian (PDS-C)

System location:

Civilian Personnel Offices - See DMA Directory for complete address listing.

Categories of individuals covered by the system:

Current and former DMA civilian employees.

Categories of records in the system:

Civilian employment information including authorization for position, personnel data, suspense information; position control information; projected information and historical information; civilian education and training data; performance appraisal, ratings, evaluation of potential; civilian historical files covering job experinece, training and transactions; civilian awards information, merit promotion plan work files; career programs files for such functional areas as procurement, logistics, civilian personnel, etc., civilian separation and retirement data for reports and to determine eligibility; adverse and disciplinary data for statistical analysis and employee assistance; stand-along file, as for complaints, enrollee programs; extract files from which to produce statistical reports in hard copy, or for immediate access display on remote computer terminals; miscellaneous files.

Authority for maintenance of the system:

5U.S. Code 301 and 44 U.S. Code 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To provide automated system support to DMA officials at all levels from that part of the Office of Personnel Management (OPM) required personnel management and records keeping system that pertains to evaluation, authorization and position control, pay, position management, staffing skills inventory, career management, training, retirement, employee services, rights and benefits, merit promotions, demotions, reductions in force, complaints resolution, labor management relations, and the suspensing and processing of personnel actions; to provide for transmission of such records between employing activities within the Defense Mapping Agency; to provide reports to the OPM; to provide reports of military reserve status to other armed services for contingency planning; to obtain statistical data on the work force to fulfill internal and external report requirements and to provide DMA offices with information needed to plan for and evaluate manpower, budget and civilian personnel programs, to provide minority group designator codes to the OPM's automated data file, to provide the Office of the Assistant Secretary of Defense, Manpower Reserve Affairs and Logistics, with data to assess the effectiveness of the program for employment of women in executive level positions; to provide data to DMA officials to facilitate the assessment of the DMA Affirmative Action Plan for minorities and women; to obtain listings of employees by function or area for locator and inventory purposes; disclosed to officials of labor organizations recognized under Executive Order 11491, as amended, when relevant and necessary to their duties of exclusive representation concerning personnel policies and practices and matters affecting working conditions.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in visible file binders/cabinets, card files, computer magnetic tapes, disks or drums, computer paper printouts, microfiche.

Retrievability:

Filed by name, Social Security Account Number (SSAN), other identification number or system identifier. The primary individual record identifier in APDS-C is SSAN. There is the added capability of selecting an individual's record or certain preformatted information by SSAN on an immediate basis using a teletype or cathode ray tube display device.

Safeguards:

Records are accessed by custodian(s) of the record system. Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are accessed by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets. Records are stored in safes. Records are stored in vaults. Records are stored in locked cabinets or rooms. Records are protected by guards. Records are controlled by computer system software.

Retention and disposal:

Analog output products are retained in office files until superseded, obsolete, no longer needed for reference, or inactivated. They are then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Data stored digitally within system is retained only for the period required to satisty recurring processing requirements and/or historical requirements. The Notification of Personnel Action,

Standard Form 50, is disposed of as directed by the OPM, work files and records such as the employee career brief, position survey work sheet, retention register work sheet, alphabetic and social security account number locator files, and personnel and position control register are destroyed after use by tearing into pieces, shredding, macerating, or burning work sheets pertaining to qualification and retention registers are disposed of as directed by the OPM; transitory files such as pending files, and recovery files are destroyed after use by degaussing files and records retrieved through general retrieval systems are destroyed after use by tearing into pieces, shredding, pulping, macerating, or burning. The separated employee file retains employee information at time of separation for five years after which the employee's record is destroyed by degaussing.

System manager(s) and address:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, Naval Observatory, Washington, D.C. 20305, TELEPHONE: Area Code 202/254-4066

Notification procedure:

Information may be obtained from above.

Record access procedures:

Requests from individuals should be addressed to above.

Written requests for information should contain the full name of the individual, Social Security Number, current address and telephone number.

For personal visits, the individual should be able to furnish personal identification containing his/her full name, Social Security Number, physical description, photograph and signature.

Contesting record procedures:

The Agency rules for contesting contents and appealing initial determination may be obtained from System Manager.

Record source categories:

Digest of information from existing Personnel Files and management/employee source documents.

Systems exempted from certain provisions of the act:

NONE

B0602-06 A

System name:

602-06 Differential and Allowance Files

System location:

Civilian Personnel (POX), DMAAC, 8900 South Broadway, St. Louis, Mo. 63125

Categories of individuals covered by the system:

Aerospace Center civilian employees serving overseas; rated eligible for foreign post differential and allowance.

Categories of records in the system:

File contains copies of DD Form 1351-2, memorandums and letters concerning differential and allowances.

Authority for maintenance of the system:

21 USC 1175

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Purpose of file is to record documentation (memorandums and letters) of employee's eligibility for foreign post differential, foreign quarters, and post allowance.

Users of the information are the Personnel Office staff members.

User utilizes the file as a reference folder for future transactions of similar nature.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

Filed alphabetically by employee last name.

Safeguards:

Buildings and facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

Retention and disposal:

Files are retained and maintained in Current Files Area (CFA). Temporary Record - Destroyed upon separation of employee.

System manager(s) and address:

Director of Civilian Personnel (POX). See DMA Directory.

Notification procedure:

Information may be obtained from System Manager.

Record access procedures:

Requests from individuals should be addressed to: See System Manager.

Written requests for information should contain the full name of the individual, current address and telephone number, and social security number. Visits are limited to normal working hours.

For personal visits, the individual should be able to provide some acceptable identification; that is, driver's license, employing office's identification card, and give some verbal information that could be verified.

Contesting record procedures:

The Department's rules for contesting contents and appealing initial determinations may be obtained from System Manager.

Record source categories:

Foreign allowance application, grant, and reports.

Systems exempted from certain provisions of the act:

NONE

B0604-03 HQHTASI

System name:

604-03 Active Application Files (Applicant Supply Files)

System location:

Primary System - DMA Personnel Offices. See DMA Directory for complete address listing.

Categories of individuals covered by the system:

Individual job applicants

Categories of records in the system:

File contains rated applications for positions of Clerk-Typists or Clerk-Steno, test results

Authority for maintenance of the system:

5 U.S.C. Section 3301; Examination, certification and Appointment - Civil Service; Generally

Executive Order 10577 - Amending the Civil Service Rules and Authorizing a New Appointment System for the Competitive Service; 11/23/54

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by Personnel Office to fill position vacancies for Clerk-Typist and Clerk-Steno positions up to GS-4 level, exchange with other organizations, such as NIH, subject to periodical inspection by the Office of Personnel Management.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper record in file folders and file cabinets

Retrievability:

Filed alphabetically by last name of employee

Safeguards:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

Retention and disposal:

Temporary. Destroy after two years

System manager(s) and address:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305, TELEPHONE: Area Code 202/254-4066

Notification procedure:

Information may be obtained from above.

Record access procedures:

Requests from individuals should be addressed to system manager.

Requests from individuals should be addressed to the appropriate organization as indicated in address list. Written requests for information should contain the full name of the individual, current address and telephone number and social security number. Visits are limited to normal working hours. For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

Contesting record procedures:

The Department's rules for contesting contests and appealing initial determination may be obtained from System Manager.

Record source categories:

Applications and tests completed by job applicants

Systems exempted from certain provisions of the act:

NONE

B0604-04 HTA

System name:

604-04 Pending Application Files

System location:

Civilian Personnel Offices - DMA Hydrographic/Topographic Center (HT) and DMA Aerospace Center (A) See DMA Directory for complete address listing.

Categories of individuals covered by the system:

All civilian personnel concerned.

Categories of records in the system:

Record of personnel applying for positions with DMA whose application is pending due to lack of qualifications, declining or not available for appointment. Applicants for whom there are adequate OPM registers.

Authority for maintenance of the system:

21 USC 1175

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used to document individual's consideration for appointment.

Personnel Office, concerned employees, employee representatives, and authorized inspectors of the Office of Personnel Management.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

Filed alphabetically by employee last name.

Safeguards:

Buildings and facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

Retention and disposal:

Temporary record. Destroy in CFA after 2 years or on receipt of OPM inspection report.

System manager(s) and address:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305, TELEPHONE: Area Code 202/254-4066

Notification procedure:

Information may be obtained from above.

Record access procedures:

Request from individuals should be addressed to System Manager

Written requests for information should contain the full name of the individual, current address and telephone number, and social security number. Visits are limited to normal working hours.

For personal visits, the individual should be able to provide some acceptable identification; that is, driver's license, employing office's identification card, and give some verbal information that could be verified.

Contesting record procedures:

The Department's rules for contesting contents and appealing initial determinations may be obtained from System Manager.

Record source categories:

Applications from individuals concerned--qualification statements.

Systems exempted from certain provisions of the act:

NONE

B0605-01 HQHTASID

System name:

605-01 Equal Employment Opportunity Reporting Files

System location:

Primary System - Staff Offices, Department, Division and Branch Offices, All Components. See DMA Directory for complete address listing.

Decentralized Segment - Components and organizations of DMA

Categories of individuals covered by the system:

All civilian employees of DMA and Components

Categories of records in the system:

Social security number, statistical by organization/minority designation

Authority for maintenance of the system:

Executive Order 11478, 8/8/64; Equal Employment Opportunity in the Federal Government.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by the Equal Employment Opportunity Office only to identify minorities and for statistical purposes. Can be subject to submission to OPM for inspection or central EEO office - counselors investigators have access to files.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Computer magnetic tapes, vertical file cards and computer paper printouts.

Retrievability:

Social Security Number

Safeguards:

Information available only to Equal Employment Opportunity Office. Information kept in locked cabinets.

Retention and disposal:

Destroy after five years.

System manager(s) and address:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305, TELEPHONE: Area Code 202/254-4066

Notification procedure:

Information may be obtained from above.

Record access procedures:

Requests from individuals should be addressed to system manager.

Requests from individuals should be addressed to the appropriate organization as indicated in address list. Written requests for information should contain the full name of the individual, current address and telephone number and social security number. Visits are limited to normal working hours. For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

Contesting record procedures:

The Agencys rules for contesting contents and appealing initial determination may be obtained from System Manager.

Record source categories:

Existing Personnel Records

Systems exempted from certain provisions of the act:

NONE

B0605-03 HQHTASID

System name:

605-03 Equal Employment Opportunity Complaint Case Files

System location:

DMA and Component organizational EEO Office
see DMA Directory for complete Address Listing

Categories of individuals covered by the system:

Any employee who files a complaint of discrimination

Categories of records in the system:

All documents pertaining to specific complaints of discrimination.

Authority for maintenance of the system:

Executive Order 11478, 8/8/69; Equal Employment Opportunity in the Federal Government.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

EEO Office - to process complaints; counselors have access;

Personnel Office - to concur or non-concur with proposed disposition

Office of Counsel - formal investigation; Complainant's designated Representative

HQ DMA - to concur or non-concur with proposed decision

Office of Personnel Management - appeal from initial agency decision; Department of Justice in event of litigation.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in folders in barred containers

Retrievability:

By name of complainant

Safeguards:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

Retention and disposal:

Components - maintained until final decision
Temporary Record - destroyed after five years
HQ DMA - permanent

System manager(s) and address: Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305, TELEPHONE: Area Code 202/254-4066

Notification procedure:

Information may be obtained from above.

Record access procedures:

Requests from individuals should be addressed to system manager
Requests from individuals should be addressed to the appropriate organization as indicated in address list. Written requests for information should contain the full name of the individual, current address and telephone number and social security number. Visits are limited to normal working hours. For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

Contesting record procedures:

The Agencys rules for contesting contents and appealing initial determination may be obtained from System Manager.

Record source categories:

Complaints, transmittal letters, investigative data and summaries, hearing transcripts, finding of fact statements, final disposition reports, acceptance statements, withdrawl notices, and similar or related documents.

Systems exempted from certain provisions of the act:

NONE

B0606-01 HQHTASI

System name:

606-01 Official Personnel Folder Files

System location:

Primary System - DMA Headquarters (HQ), DMA Hydrographic/ Topographic Center (HT), DMA Aerospace Center (A), Defense Mapping School (S), Inter American Geodetic Survey (I) - See DMA Directory for complete address listing.
Decentralized Segments - National Personnel Records Center, St. Louis, MO

Categories of individuals covered by the system:

All civilian employees
Indebtedness - Allegations of indebtedness made by creditors to Personnel Office requesting help

Categories of records in the system:

File contain documentation of all official personnel action taken on an employee regarding Federal service including verification of military service.
Indebtedness - copies of court judgements, responses to claim and counseling records

Authority for maintenance of the system:

Executive Order 10561 9/15/54 Designating Government Agencies as Records of the Office of Personnel Management and Prescribing Regulations Relating to the Establishment, Maintenance and Transfer thereof.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Personnel Office - serves as the official personnel record of an employee's Federal Service
Supervisory - Merit Promotion Plan
National Personnel Records Center, St. Louis, MO. - to give information to individuals concerned after retirement or separation from government service.
Any regulatory authority such as OPM
Indebtedness - counseling, possible use in court proceedings, supervisors and personnel for disciplinary actions

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders

Retrievability:

Alphabetically by last name

Safeguards:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

Retention and disposal:

Temporary Record - retained in active file until employee separates. Upon separation from Federal Service, file sent to National Personnel Records Center. Upon transfer to another Agency, file is sent to Agency's personnel office. Destroyed at NPRC after 75 years after date of birth.
Indebtedness - destroyed upon separation of individual.

System manager(s) and address:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305, TELEPHONE: Area Code 202/254-4066

Notification procedure:

Information may be obtained from above.

Record access procedures:

Requests from individuals should be addressed to System Manager.
Requests from individuals should be addressed to the appropriate organization as indicated in address list. Written requests for information should contain the full name of the individual, current address and telephone number and social security number. Visits are limited to normal working hours. For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determination may be obtained from System Manager

Record source categories:

Personnel forms completed by employee and Personnel Office regarding Federal employment.
Personnel Office - notification of personnel action, pay changes, change of address, change of health benefits and life insurance, letters of reprimand, verification of military service, educational transcripts. Documents generated by Civil Service Commission such as test scores, notices of ratings.
Indebtedness - official court judgements or court orders. Employees responses and creditors requests for help.

Systems exempted from certain provisions of the act:

NONE

B0606-02 HQHTASI

System name:

606-02 Employee Service Record File

System location:

Primary System - Personnel Office and each organizational field activity
Decentralized Segments - Records Holding Area, Records Management Division (For HT files only) - See DMA Directory for complete address

Categories of individuals covered by the system:

Any individual employed by HQ,HT,A,I

Categories of records in the system:

Card contains a summary of all personnel actions on SF-50's or pay change actions during employment of the individual concerned.
Log and disposition contains name, social security number, date of birth, when and where official Personnel Folder was sent from Personnel Office

Authority for maintenance of the system:

Executive Order 10561, 'Designating Official Personnel Folders in Government Agencies as Records of the Office of Personnel Management and Prescribing Regulations Relating to the Establishment, Maintenance, and Transfer Thereof; 9/15/54

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Personnel - Card index control of personnel actions on employees and organizational control, updated
Supervisory - Statistical Purposes
Log - used by Personnel to verify employee
Records Holding Area, Records Management Division - to furnish certain information (Permanent or Temporary; Salary; How long

employed; Date of birth) to other Government agencies, commercial or credit organizations, verification of employment, reasons for leaving, birth date, date of employment, information to be given to FBI, OPM on dates of employment.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Card (SF 7) and Log Book

Retrievability:

Card by organization, grade level, alphabetically by name. Log - by date

Safeguards:

Building/facility employs security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

Retention and disposal:

Temporary Record. Card (SF 7) - COFF inactive files every five years. Transfer to Records Holding Area five years after cut off. Destroy in Records Holding Area after ten years. Log - retained in Personnel, destroyed after 15 years.

System manager(s) and address:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305, TELEPHONE: Area Code 202/254-4066

Notification procedure:

Information may be obtained from above.

Record access procedures:

Requests from individuals should be addressed to system manager.

Written requests for information should contain the full name of the individuals current address and telephone number, and the Case (Control) number that appears with the office symbol, on all correspondence received from this office

For personal visits, the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card and give some verbal information that could be verified

Contesting record procedures:

The Agencys' rules for contesting contents and appealing initial determination may be obtained from: System Manager.

Record source categories:

Card Entries - Supervisory - SF 52 action, pay actions, performance appraisals

Personnel and OPM Automatic Pay Actions

Log - Personnel Clerk entries

Systems exempted from certain provisions of the act:

NONE

B0606-03 HQHTA

System name:

606-03 Expert and Consultant Data Files

System location:

Personnel Offices - See DMA Directory for complete address listing.

Categories of individuals covered by the system:

Any individual employed as an expert or consultant with DMA

Categories of records in the system:

Employment and education history, salary data, statement of duties or functions proposed for the expert/consultant.

Authority for maintenance of the system:

5 U.S.C. 3101 - Authority for Employment

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The purpose of collecting the information is to evaluate the merits of proposed appointments of consultants/experts and to meet OPM requirements to maintain such records.

The information is used to obtain final approval by DMA/DOD on proposed appointments of experts/consultants.

Supervisors, Personnel, OSD officials, OPM.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

Alphabetically by name.

Safeguards:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

Retention and disposal:

Temporary. Destroy 2 years after separation of employee.

System manager(s) and address:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305, TELEPHONE: Area Code 202/254-4066

Notification procedure:

Information may be obtained from above.

Record access procedures:

Requests from individuals should be addressed to system manager.

Written requests for information should contain the full name of the individuals current address and telephone number, and the Case (Control) number that appears with the office symbol, on all correspondence received from this office

For personal visits, the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determination may be obtained from System Manager.

Record source categories:

Personnel actions recorded for supervisory records.

Systems exempted from certain provisions of the act:

NONE

B0606-05 HQHTASI

System name:

606-05 Adverse Action Files

System location:

Personnel Offices DMA. See DMA Directory for complete address listing.

Categories of individuals covered by the system:

All civilian employees who have had adverse action taken against them.

Categories of records in the system:

Copies of notice of proposed adverse action, the material relied on by the Agency to support the reasons in that notice, any answer made by the employee and the notice of decision.

Authority for maintenance of the system:

E.O. 11491 - 'Labor Management Relations in the Federal services' - 10/31/69

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To maintain records on adverse actions for use in employee appeals or grievances and as documentation in further adverse actions against an employee, information from file could be used in appeal cases to the Office of Personnel Management, can be used by both counsel and union in cases of representation.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders

Retrievability:

Filed alphabetically by last name of employee

Safeguards:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

Retention and disposal:

This is a temporary record. Destroy after 10 years unless employee appeals; in which case, transfer to File No. 610-03 (Appeals and Grievances)

System manager(s) and address:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305, TELEPHONE: Area Code 202/254-4066

Notification procedure:

Information may be obtained from above.

Record access procedures:

Requests from individuals should be addressed to system manager

Requests from individuals should be addressed to the appropriate organization as indicated in address list. Written requests for information should contain the full name of the individual, current address and telephone number and social security number. Visits are limited to normal working hours. For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determination may be obtained from System Manager.

Record source categories: All documents related to adverse actions, such as removal, suspension, furlough without pay, and reduction in rank or pay for cause other than reduction-in-force. Notices of proposed action, employee's reply, statement of witness, notice of decision, and similar documents.

Systems exempted from certain provisions of the act:

NONE

B0607-01 HQHTASI

System name:

607-01 Personnel Locator Files (Alpha Listing)

System location:

Primary Personnel Offices - See DMA Directory for complete listing.

Decentralized Segments - Computer Services - DMA Hydrographic/Topographic Center (HT) and DMA Aerospace Center (A).

Categories of individuals covered by the system:

Any civilian individual employed by DMA

Categories of records in the system:

Alphabetical file contains name, job title, job number, social security number, date of birth, service computation date, pay plan, grade, step, series, organization code.

Social Security Listing - Contains social security number and name.

Authority for maintenance of the system:

5 U.S.C. 7301 - Regulation of Conduct - Presidential Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Alpha listing - To locate employees by organization and job title and perform certain internal reports and internal requests for information within the Personnel Office within the Agency.

Social Security Number Listing - To locate an employee when social security number only is known. Used when working with error listings sent by the Office of Personnel Management Central Personnel Data File.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Computer Printout Paper

Retrievability:

Alphabetically by last name

Social Security Number

Safeguards:

Building/Facility employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

Retention and disposal:

Alphabetical Listing - Temporary - Destroy after 6 months.

Social Security Number Listing

System manager(s) and address:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305, TELEPHONE: Area Code 202/254-4066

Notification procedure:

Information may be obtained from above.

Record access procedures:

Requests from individuals should be addressed to system manager.

Written requests for information should contain the full name of the individuals current address and telephone number, and the Case (Control) number that appears with the office symbol, on all correspondence received from this office

For personal visits, the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determination may be obtained from System Manager.

Record source categories:

Personnel Master File Computer Tape located in Department of Computer Services

Personnel Master File - Tab run

Systems exempted from certain provisions of the act:

NONE

B0607-03 HQHTASI

System name:

607-03 Chronological Journal Files

System location:

Personnel Offices - DMA Hydrographic/Topographic Center (HT) and DMA Aerospace Center (A). See DMA Directory for complete address listing.

Categories of individuals covered by the system:

Any civilian employee of the Agency who has a personnel action pertaining to him.

Categories of records in the system:

Contains all personnel actions for which an SF 50, Notification of Personnel Action is required.

Authority for maintenance of the system:

E.O. 10561 - 'Designating Official Personnel Folders in Government Agencies as Records of the OPM and Prescribing Regulations Relating to the Establishment, Maintenance and Transfer Thereof' 9/15/54

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Monthly strength reports - Internal, DoD and the Office of Personnel Management (OPM).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper file of SF 50 in file folders

Retrievability:

By date, organization, alphabetical by name

Safeguards:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

Retention and disposal:

Temporary. Destroy after 2 years in current files area

System manager(s) and address:

Defense Mapping Agency, ATTN: Personnel Office Building 56, U.S. Naval Observatory, Washington, D.C. 20305 TELEPHONE: Area Code 202/254-4066

Notification procedure:

Information may be obtained from above.

Record access procedures:

Requests from individuals should be addressed to system manager.

Requests from individuals should be addressed to the appropriate organization as indicated in address list. Written requests for information should contain the full name of the individual, current address and telephone number and social security number. Visits are limited to normal working hours. For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determination may be obtained from System Manager.

Record source categories:

Typed from SF 52, Request for Personnel Action from either management or the Personnel Office.

Systems exempted from certain provisions of the act:

NONE

B0608-06 HQHTASI

System name:

608-06 Civilian Training Files

System location:

Civilian Personnel Offices - See DMA Directory for complete address

Categories of individuals covered by the system:

Any civilian employee receiving training in Government and non-government facilities

Categories of records in the system:

Central Personnel Data Reports; Career Plans for certain Executives and Managers, GS-13 and above; Documents reflecting nominations, enrollment, registration, records of training and related material; contract training in non-government and government facilities.

Authority for maintenance of the system:

Executive Order 11348, - Providing for Further Training of Government Employees; 4/22/67

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Civilian Personnel Office - for reporting training
OPM for review
Supervisory Personnel - access to file for review

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders

Retrievability:

Appropriate folder by name of individual, social security number and type of training

Safeguards:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained

Retention and disposal:

Training reports files are destroyed after five years; contract files are destroyed 3 years after completion of training or upon expiration of obligated service agreement; all other training records are reviewed annually and the portion pertaining to individuals no longer employed with the Agency are destroyed.

System manager(s) and address:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305, TELEPHONE: Area Code 202/254-4066

Notification procedure:

Information may be obtained from System Manager

Record access procedures:

Requests from individuals should be addressed to system manager.
Written requests for information should contain the full name of the individuals current address and telephone number, and the Case (Control) number that appears with the office symbol, on all correspondence received from this office
For personal visits, the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

Contesting record procedures:

The Agencys' rules for contesting contents and appealing initial determination may be obtained from System Manager.

Record source categories:

Individuals, interagency - professional institutions

Systems exempted from certain provisions of the act:

NONE

B0609-01 HQHTASI

System name:

609-01 Referral and Selection Files

System location:

Personnel Offices - See DMA Directory for complete address

Categories of individuals covered by the system:

All applicants for positions

Categories of records in the system:

Contains position vacancy announcements and records of persons applying, their ratings and the persons referred and selected for the vacancy

Authority for maintenance of the system:

Executive Order 10577 - Amending the Civil Service Rules and Authorizing a New Appointment System for Competitive Service; 11/23/54

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To maintain a record of employees selected under the Civilian Personnel Office, Promotion Panel, EEO, Personnel, OPM

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Envelopes in file cabinets

Retrievability: By vacancy announcement number

Safeguards:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained

Retention and disposal:

Temporary - destroy after two years

System manager(s) and address:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305, TELEPHONE: Area Code 202/254-4066

Notification procedure:

Information may be obtained from above.

Record access procedures:

Requests from individuals should be addressed to system manager.
Written requests for information should contain the full name of the individuals current address and telephone number, and the Case (Control) number that appears with the office symbol, on all correspondence received from this office
For personnel visits, the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determination may be obtained from System Manager.

Record source categories:

Information is provided by employee, their supervisor, and the selecting official

Systems exempted from certain provisions of the act:

NONE

B0609-05 A

System name:

609-05 Occupational Inventory Files

System location:

Primary System - DMAAC Civilian Personnel - See DMA Directory for complete address listing.
Decentralized Segments - All Directorates, Staff Agencies and Departments of DMAAC, St. Louis, MO.

Categories of individuals covered by the system:

Employee concerned, supervisor and Personnel Office

Categories of records in the system:

Record contains information on qualifications, availability, appraisals, and other data on persons registered in specific career fields (DMAHTC Fm 1405 POP-5 and 1405 pop-4)

Authority for maintenance of the system:

5, E.O. 10577 - Amending the Civil Service Rules and Authorizing a new Appointment System for Competitive Services, 11/23/54

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information is utilized to provide numerical appraisal of employee's current performance.
Category of users are civilian employees, supervisors and Personnel Office.
Specific use, the user utilizes the information to provide numerical appraisal of employee's current performance and potentials for middle and high level managerial and executive positions, and potential for general schedule nonsupervisory positions.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

Filed alphabetically be last name according to position level.

Safeguards:

Facility employs security guards on a continuous basis. Records are maintained in area accessible only to authorized personnel. Records are stored in locked file cabinets.

Retention and disposal:

Primary System - Forms are maintained and retained in current files area (CFA). Forms are destroyed 2 years after individual is no longer eligible for consideration.

System manager(s) and address:

Office of Civilian Personnel (POP), DMAAC, 8900 South Broadway, St. Louis, MO 63125 TELEPHONE: Area Code 304/268-8334

Notification procedure:

Information may be obtained from above.

Record access procedures:

Request should be addressed to system manager.

Written requests for information should contain the full name of the individual, current address, telephone number and social security number. Visits are limited to normal working hours. For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

Contesting record procedures:

The Agency's rules for access to records and for containing contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Employee, Supervisor, Personnel Office, DMAAC Fm 1405 POP-5 and 1405 POP-4

Systems exempted from certain provisions of the act:

NONE

B0609-07 HQHTAI

System name:

609-07 Individual Overseas Employment Referral Files

System location:

Personnel Offices - DMA Headquarters (HQ), DMA Hydrographic/Topographic Center (HT), DMA Aerospace Center (A) - See DMA Directory for complete address

Categories of individuals covered by the system:

Any individual registered in the Overseas Employment Referral Program

Categories of records in the system:

File contains documents on employees registered in Overseas Employment Referral Program. Includes application, name, skills, grade levels, locations, for which registered, offers received and action taken, correspondence with registrant, date dropped from system and reasons.

Authority for maintenance of the system:

5 U.S.C. 3101 - Authority for Employment

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Place employees in automated Overseas Employment Program
Any agency employing personnel overseas
Supervisors
Personnel Office

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders

Retrievability:

Alphabetically by last name

Safeguards:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

Retention and disposal:

Temporary - Destroy 2 years after individual is dropped from system.

System manager(s) and address:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305, TELEPHONE: Area Code 202/254-4066

Notification procedure:

Information may be obtained from above.

Record access procedures:

Requests from individuals should be addressed to system manager.

Requests from individuals should be addressed to the appropriate organization as indicated in address list. Written requests for information should contain the full name of the individual, current address and telephone number and social security number. Visits are limited to normal working hours. For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

Contesting record procedures:

The Agencys rules for contesting contents and appealing initial determination may be obtained from System Manager.

Record source categories:

Form completed by employee with advice of personnel representatives.

Systems exempted from certain provisions of the act:

NONE

B0609-09 A

System name:

609-09 Occupational Qualification List Files

System location:

DMAAC Comptroller and Director Civilian Personnel. See DMA Directory for complete address listing.

Categories of individuals covered by the system:

Concerned civilian mathematicians, physicists, cartographers, and other scientific personnel employed at DMAAC.

Categories of records in the system:

File contains work and educational history, and training

Authority for maintenance of the system:

5 U.S.C. 3101-Authority for Employment

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Purpose of tape is to collect information concerning selected educational backgrounds, mathematicians, physicists, cartographers, and other scientific personnel.

User - Civilian Personnel Directorate (PO)

User utilizes the files to determine employee skills for merit promotion consideration

Promotion Panels (Ad-Hoc)

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Magnetic tape, paper cards and paper computer printout.

Retrievability:

Filed by reel number and within mechanized listings arranged alphabetically within organizational location and grade.

Safeguards:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

Retention and disposal:

Tape is retained in tape library and is updated by input cards. The input cards and printouts are destroyed when superseded or upon separation of employee

System manager(s) and address:

DMAAC Director of Civilian Personnel. See DMA Directory for complete address listing.

Notification procedure:

Information may be obtained from above.

Record access procedures:

Requests from individuals should be addressed to system manager.

Requests from individuals should be addressed to the appropriate organization as indicated in address list. Written requests for informa-

tion should contain the full name of the individual, current address and telephone number and social security number. Visits are limited to normal working hours. For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

Contesting record procedures:

The Agencys rules for contesting contents and appealing initial determination may be obtained from System Manager.

Record source categories:

Civilian Personnel Office and supervisor

Systems exempted from certain provisions of the act:

NONE

B0609-11 HQHTA

System name:

609-11 Repromotion Eligibility Files

System location:

Personnel Office - DMA Headquarters (HA) DMA Hydrographic/ Topographic Center (HT) DMA Aerospace Center (A) - See DMA Directory for complete address.

Categories of individuals covered by the system:

Any individual demoted without personal cause and eligible for placement to former or higher grade.

Categories of records in the system:

Contains documents on employees demoted without personal cause and eligible for placement in former or higher grade. Included are lists or cards recording names, title, grade, and position for which employee meets minimum qualification requirements.

Authority for maintenance of the system:

5 U.S.C. 3101 - Authority for Employment and E.O. 10577 - Amending the Civil Service Rules and authorizing a new appointment system for competition service.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Internal users, uses and purposes - Personnel Office; Supervisors; Selecting Officials. Personnel Office to advise and assist supervisors and selecting officials in determining if a downgraded employee meets minimum qualification requirements for a vacant position. External users, uses and purposes - None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders, computer printouts, or cardex files.

Retrievability:

Filed alphabetically by job title, competitive level code, name of employee.

Safeguards:

Buildings or facilities employ security guards. Records are maintained in locked containers in areas accessible only to authorized personnel that are properly screened, cleared and trained.

Retention and disposal:

Temporary record. Destroy when employee is placed in former or higher grade.

System manager(s) and address:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305, TELEPHONE: Area Code 202/254-4066

Notification procedure:

Information may be obtained from above.

Record access procedures:

Request from individuals should be addressed to System Manager. Written requests for information should contain the full name of the individual current address and telephone number, social security number. Visits are limited to normal working hours.

For personal visits the individual should be able to provide some acceptable identification; that is, driver's license, employing office's identification card, and give some verbal information that could be verified.

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determinations may be obtained from System Manager.

Record source categories:

Information pertaining to individuals in the systems either supplied by the individual, or extracted from the official Personnel.

Systems exempted from certain provisions of the act:

NONE

B0610-01 HQHTASI

System name:

610-01 Hours of Work Files

System location:

Personnel Offices - See DMA Directory for complete address

Categories of individuals covered by the system:

Employees who request change in hours of work.

Categories of records in the system:

Contains employees name, reason for desiring change in work hours, decisions to approve or disapprove.

Supervisors, Personnel Office, Office of Comptroller

Authority for maintenance of the system:

5 U.S.C. 7301 - Regulation of Conduct - Presidential Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used to show changes in hours of work of individuals.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

Alphabetically by name

Safeguards:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

Retention and disposal:

Destroy one year after no longer effective

System manager(s) and address:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305, TELEPHONE: Area Code 202/254-4066

Notification procedure:

Information may be obtained from above.

Record access procedures:

Requests from individuals should be addressed to system manager. Written requests for information should contain the full name of the indi- viduals current address and telephone number, and the Case (Control) number that appears with the office symbol, on all correspondence received from this office

For personal visits, the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determination may be obtained from System Manager.

Record source categories:

Individuals originating request review of approval or disapproval by supervisor.

Systems exempted from certain provisions of the act:

NONE

B0610-03 HQHTASID

System name:

610-03 Appeals Files

System location:

DMA Headquarters (HQ), DMA Hydrographic/Topographic Center (HT), DMA Aerospace Center (A), Inter American Geodetic Survey (I), Office of Distribution Services (D). - See DMA Directory for complete address.

Categories of individuals covered by the system:

All civilian employees who file an appeal to a removal, suspension for more than 30 days, furlough and reduction in rank or pay.

Categories of records in the system:

File contain copies of; notice of proposed action, supporting evidence, employee reply, notice of decision, record of when a hearing is held

Authority for maintenance of the system:

Executive Order 11787 - Revoking Executive Order No. 10987, Relating to Agency Systems for Appeals from Adverse Actions 5 USC 7512, 7701

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Maintained for use in appeal proceedings.
Personnel Office
Employee Representative
Supervisors
Hearing Officer
Office of Personnel Management.
Equal Employment Opportunity

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders and magnetic tapes

Retrievability:

Filed alphabetically by last name of employee.

Safeguards:

buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained

Retention and disposal:

Destroy in current files area after seven years unless appeal is still pending.

System manager(s) and address:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305, TELEPHONE: Area Code 202/254-4066

Notification procedure:

Information may be obtained from above.

Record access procedures:

Requests from individuals should be addressed to system manager. Requests from individuals should be addressed to the appropriate organization as indicated in address list. Written requests for information should contain the full name of the individual, current address and telephone number and social security number. Visits are limited to normal working hours. For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

Contesting record procedures:

The Agencys rules for contesting contents and appealing initial determination may be obtained from System Manager.

Record source categories:

Supervisors, employee, witnesses.

Systems exempted from certain provisions of the act:

NONE

B0610-03-2 HQHTASID

System name:

610-03 Grievance Files

System location:

Civilian Personnel Offices - See DMA Directory for complete address

Categories of individuals covered by the system:

All civilian employees who have filed a grievance.

Categories of records in the system:

File contains correspondence relative to grievance, investigation report, decision by management at various steps of procedure, supporting evidence. Hearing record, Examiners Report, Grievance decision.

Authority for maintenance of the system:

5 U.S.C. 1302, 3301, 3302
Executive Order 11491 as amended

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To evaluate the merits of employee grievances and to make decisions on grievances
Personnel Office, Employee Representative, Supervisors Grievance Examiner, Office of Personnel Management, Equal Employment Opportunity Officer, Local Union Officials

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper Records in file folder - magnetic tape recording when a hearing is held

Retrievability:

Filed alphabetically by last name of employee.

Safeguards:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

Retention and disposal:

Temporary Record - destroy after seven years unless appeals are pending

System manager(s) and address:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305, TELEPHONE: Area Code 202/254-4066

Notification procedure:

Information may be obtained from above.

Record access procedures:

Requests from individuals should be addressed to system manager. Requests from individuals should be addressed to the appropriate organization as indicated in address list. Written requests for information should contain the full name of the individual, current address and telephone number and social security number. Visits are limited to normal working hours. For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determination may be obtained from System Manager.

Record source categories:

Supervisors, employee, witnesses and grievance examiners

Systems exempted from certain provisions of the act:

NONE

B0611-01 HTAI

System name:

611-01 Reduction in Force Card Files

System location:

Civilian Personnel Offices - See DMA Directory for complete address

Categories of individuals covered by the system:

All civilian employees at Agency

Categories of records in the system:

File contains reduction-in-force data; including name of employee, date, position, grade, last performance rating, competitive level code and similar information

Authority for maintenance of the system:

5 USC 3502; Order of Retention

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To construct retention register in event of reduction in force
Employees, Union Officials, Personnel, Supervisors

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper cards in card boxes

Retrievability:

Alphabetically by job title, competitive level code, name of employee

Safeguards:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained

Retention and disposal:

Temporary - destroy upon separation of employee or upon updating

System manager(s) and address:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305, TELEPHONE: Area Code 202/254-4066

Notification procedure:

Information may be obtained from above.

Record access procedures:

Requests from individuals should be addressed to system manager. Requests from individuals should be addressed to the appropriate organization as indicated in address list. Written requests for information should contain the full name of the individual, current address and telephone number and social security number. Visits are limited to normal working hours. For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

Contesting record procedures:

The Agencys' rules for contesting contents and appealing initial determination may be obtained from System Manager.

Record source categories:

Official Personnel Folder and SF 7, Service Record Card

Systems exempted from certain provisions of the act:

NONE

B0611-03 HTAI

System name:

611-03 Retention Register Files

System location:

Personnel Offices - See DMA Directory for complete address Listing.

Categories of individuals covered by the system:

All civilian employees at Agency

Categories of records in the system:

File contains retention groups of employees according to tenure, length of service, performance ratings and veterans preference

Authority for maintenance of the system: 5 USC 3502; order of Retention

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To determine ranking of employees in the event of reduction-in-force

Employees, Union officials, Personnel, Supervisors

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders

Retrievability:

By competitive level code - individual name

Safeguards:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained

Retention and disposal:

Temporary - destroy after two years unless appeals are pending

System manager(s) and address:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305, TELEPHONE: Area Code 202/254-4066

Notification procedure:

Information may be obtained from above.

Record access procedures:

Requests from individuals should be addressed to system manager. Requests from individuals should be addressed to the appropriate organization as indicated in address list. Written requests for information should contain the full name of the individual, current address and telephone number and social security number. Visits are limited to normal working hours. For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

Contesting record procedures:

The Agencys' rules for contesting contents and appealing initial determination may be obtained from System Manager

Record source categories:

Reduction-in-Force Card Files - Official Personnel Folder - Service Record Card (SF 7)

Systems exempted from certain provisions of the act:

NONE

B0612-01 HQHTASI

System name:

612-01 Basic Labor Relations Files

System location:

Personnel Offices - See DMA Directory for complete address listing

Categories of individuals covered by the system:

Civilian Employees who file grievances under negotiated grievance procedure.

Categories of records in the system:

File contains correspondence relative to grievance, decisions by supervisors at various steps of procedure and report of arbitrator when abitration is requested.

Authority for maintenance of the system:

E.O. 11491 as amended. - Labor Management Relations in the Federal Service; 10/31/69

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To resolve labor management disputes

Supervisors, Personnel Office, Union representatives, arbitrator, Federal Labor Relations Counsel, DoD.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper Records in file folders

Retrievability:

Alphabetically by name

Safeguards:

Buildings or facility employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

Retention and disposal:

Temporary Record. Destroyed after 7 years unless appeals are pending.

System manager(s) and address:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305, TELEPHONE: Area Code 202/254-4066

Notification procedure:

Information may be obtained from above.

Record access procedures:

Requests from individuals should be addressed to system manager. Written requests for information should contain the full name of the individuals current address and telephone number, and the Case (Control) number that appears with the office symbol, on all correspondence received from this office

For personal visits, the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determination may be obtained from System Manager.

Record source categories:

Supervisor, Labor Organizations, Employee, Arbitrator, Witnesses.

Systems exempted from certain provisions of the act:

NONE

B0613-05 HQHTASID

System name:

613-05 Incentive Awards

System location:

Civilian Personnel Offices - See DMA Directory for complete address

Categories of individuals covered by the system:

All civilian employees who have submitted a beneficial suggestion. Civilian employees who have been recommended for an award.

Categories of records in the system:

Documents related to submitting, evaluating, and approving or disapproving each award; includes suggestion and performance awards

Authority for maintenance of the system:

5 U.S.C. Section 4502, 4503, 4504 and 4506; Incentive Awards

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used as a basis for awarding employees
Suggestions - save money, increase efficiency, improve morale
Statistical Reports containing number of awards, amount of money saved
Employees (originate), Supervisors or official who evaluate suggestions, Incentive Awards Boards, Personnel Office, Office of Personnel Management.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders

Retrievability:

Filed by Fiscal Year. Suggestion - sequential numerical code
Performance Awards - individuals name, alphabetical

Safeguards:

Stored in locked file cabinet

Retention and disposal:

Temporary Record - destroy two years after final action

System manager(s) and address:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305, TELEPHONE: Area Code 202/254-4066

Notification procedure:

Information may be obtained from above.

Record access procedures:

Requests from individuals should be addressed to system manager.
Requests from individuals should be addressed to the appropriate organization as indicated in address list. Written requests for information should contain the full name of the individual, current address and telephone number and social security number. Visits are limited to normal working hours. For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

Contesting record procedures:

The Agencys' rules for contesting contents and appealing initial determination may be obtained from System Manager.

Record source categories:

Suggestions received from employees, Suggestion Evaluations and Performance awards received from supervisors.

Systems exempted from certain provisions of the act:

NONE

B0614-01 HT

System name:

614-01 Official Records (Military) Files and Extracts

System location:

Military Personnel Office, DMAHTC - See DMA Directory for complete address.

Categories of individuals covered by the system:

Military Personnel assigned to DMA

Categories of records in the system:

Navy-Documents as required by Bureau of Naval Personnel Manual (BUPERSMAN) NAVPERS 15791.B.
Army-Documents as required by Army Regulation 640.10-
Enlisted and Officer personnel folders - co
Statement of Military History, Qualification Records.

Authority for maintenance of the system:

44 U.S.C. 3101

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Heads of major staff elements to determine the acceptability of an individual nominated by the parent service for a DMA Position.
For Review by appropriate DMA Officials responsible for the preparation of efficiency/fitness/effectiveness reports and award recommendations.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders

Retrievability:

Alphabetically by name of individual

Safeguards:

Buildings, facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

Retention and disposal:

Permanent Record. Retained until departure of individual DMA, MPRJ handcarried to transfer point by individual upon separation from the service and subsequently retired to National Records Center (Military Records) 9700 Page Boulevard, St. Louis, MO 63132.

System manager(s) and address:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305, TELEPHONE: Area Code 202/254-4066

Notification procedure:

Information may be obtained from above.

Record access procedures:

Requests from individuals should be addressed to System Manager
Written requests for information should contain the full name of the individual current address and telephone number, service number on all correspondence received from this office. Visits are limited to normal working hours.
For personal visits, the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification cards, and give some verbal information that could be verified.

Contesting record procedures:

The Department's rules for contesting contents and appealing initial determinations may be obtained from System Manager.

Record source categories:

Information is obtained from the individual's Service Military Personnel Center, the individual's rating official within the DMA and the individual concerned.

Systems exempted from certain provisions of the act:

NONE

B0614-02 HTA

System name:

614-02 Military Services Administrative Record Files

System location:

Directorate of Administration, DMAAC; Military Personnel Division, DMAHTC. See DMA Directory for complete mailing address.

Categories of individuals covered by the system:

Military Personnel assigned to DMA Hydrographic/Topographic Center and DMA Aerospace Center.

Categories of records in the system:

File contains letters, memorandums, emergency data, and assignment actions.

Authority for maintenance of the system:

21 USC 1175

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The purpose of collecting the information is to maintain information to act as a liaison between individual, DMA, and Servicing CBPO's.
User of the collected information is the Commander, Military Personnel Division, and the individual.
User utilizes the collected information to have available information when needed on assigned military personnel.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

Filed alphabetically by employee last name.

Safeguards:

Buildings and facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

Retention and disposal:

Destroy in accordance with parent service directives.

System manager(s) and address:

Director of Civilian Personnel (POX). See DMA Directory

Notification procedure:

Information may be obtained from System Manager

Record access procedures:

Requests from individuals should be addressed to System Manager. Written requests for information should contain the full name of the individual, current address and telephone number, and social security number. Visits are limited to normal working hours.

For personal visits, the individual should be able to provide some acceptable identification; that is, driver's license, employing office's identification card, and give some verbal information that could be verified.

Contesting record procedures:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Leave records, finance documents, transmittals, personnel rosters, physical examinations, personnel actions, locator cards, trip reports, copies of orders/reassignments.

Systems exempted from certain provisions of the act:

NONE

B0615-07 HQHTASI

System name:

615-07 Safety Awards Files

System location:

Logistic Offices. See DMA Directory for complete address listing.

Categories of individuals covered by the system:

Any DMA Driver

Categories of records in the system:

File contains list of the names of drivers who have received safe driver awards. All correspondence between the Safety Office and the National Safety Council

Authority for maintenance of the system:

5 U.S.C. 4503 - Agency Awards

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Safety Office - used to document and present safe driver awards

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders

Retrievability:

Filed alphabetically by name

Safeguards:

Buildings and facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained

Retention and disposal:

Temporary record, held for two years and destroyed.

System manager(s) and address:

Defense Mapping Agency, ATTN: Logistics Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305, TELEPHONE: Area Code 202/254-4475

Notification procedure:

Information may be obtained from above.

Record access procedures:

Requests from individuals should be addressed to system manager. Written requests for information should contain the full name of the individuals current address and telephone number, and the Case (Control) number that appears with the office symbol, on all correspondence received from this office.

For personal visits, the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determination may be obtained from System Manager.

Record source categories:

Driver record of the individual.

Systems exempted from certain provisions of the act:

NONE

B0615-11 HQHTASID

System name:

615-11 Accidental Injury/Death Reporting Records Files

System location:

Safety Offices of DMA - See DMA Directory for complete address listing.

Categories of individuals covered by the system:

DMA employees injured as a result of accident

Categories of records in the system:

Files contain necessary forms and records and reports of accident and injuries

Authority for maintenance of the system:

29 USC 668 - Occupational Safety and Health Programs of Federal Agencies

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Safety Office - for reporting all injuries of persons assigned to DMA for preparation of statistical reports to other required activities

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper record in file folders and/or Kardex

Retrievability:

Filed alphabetically by last name of employee

Safeguards:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained

Retention and disposal:

Records is temporary-CUT OFF end of each year; Inactive one year; Transfer to Records Holding Area; Destroy after five years

System manager(s) and address:

Defense Mapping Agency, ATTN: Facilities Engineering Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305, TELEPHONE: Area Code 202/254-4477

Notification procedure:

Information may be obtained from above System Manager

Record access procedures:

Requests from individuals should be addressed to system manager. Requests from individuals should be addressed to the appropriate organization as indicated in address list. Written requests for information should contain the full name of the individual, current address and telephone number and social security number. Visits are limited to normal working hours. For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determination may be obtained from System Manager.

Record source categories:

Information made available by the employee and the supervisor

Systems exempted from certain provisions of the act:

NONE

B0901-04 HTA

System name:

901-04 Civilian Employee Health Clinic Record

System location:

Primary System - Civilian Employee Health Clinic - DMA Hydrographic/Topographic Center (HT) and DMA Aerospace Center (A) - See DMA Directory for complete address

Categories of individuals covered by the system:

Any individual employed by DMA Hydrographic/Topographic Center (HT) and Aerospace Center (A) and any individual employed by other Government agencies housed in the DMAHTC/DMAAC complexes

Categories of records in the system:

File contains information on treatment of employee received at dispensary at HTC and AC

Authority for maintenance of the system:

5 USC 7901 - Health Service Programs; 5 U.S.C. 8103 - Compensation for Injuries - Medical Services and Initial Medical and Other Benefits

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Civilian Employee Health Clinics - to maintain medical records of individuals receiving treatment at the clinic for illness/injury while on duty

Family Doctor will have full access to the information

Supervisors may inquire to record of injury

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

5x8 card files in cabinet

Retrievability:

Filed alphabetically by last name of employee

Safeguards:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained

Retention and disposal:

Hydrographic/Topographic Center - destroy 25 years after separation of individual, upon transfer of employee transfer to gaining organization

Aerospace Center - on transfer of individual, record is transferred to gaining organization. On separation record is returned to National Personnel Records Center (NPRC) with the individuals official Personnel Folder

System manager(s) and address:

DMA Hydrographic/Topographic Center, ATTN: Personnel Office, Room 132-A, Erskine Hall, 6500 Brookes Lane, Washington, D.C. 20315, TELEPHONE: Area Code 202/227-2116CPO DMAAC. See DMA Directory for complete address.

Notification procedure:

Information may be obtained from above.

Record access procedures:

Requests from individuals should be addressed to system manager. Written requests for information should contain the full name of the individuals current address and telephone number, and the Case (Control) number that appears with the office symbol, on all correspondence received from this office.

For personal visits, the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determination may be obtained from System Manager.

Record source categories:

Entry of information by attending nurse. Record of treatment.

Systems exempted from certain provisions of the act:

NONE

B0901-06 HTAS

System name:

901-06 Blood Donors Files

System location:

Civilian Personnel Office - See DMA Directory for complete address

Categories of individuals covered by the system:

All civilian employees who have donated blood

Categories of records in the system:

File contains cards with names, dates and amount of blood donated.

Authority for maintenance of the system:

5 U.S.C. Section 7901; Health Service Programs

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Uses are for awarding employees with certificates and pins.

Personnel Office, Supervisors, blood collectors

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

cards

Retrievability:

Filed alphabetically by last name of employee

Safeguards:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained

Retention and disposal:

Destroy when employee is separated from Agency

System manager(s) and address:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305, TELEPHONE: Area Code 202/254-4066

Notification procedure:

Information may be obtained from above.

Record access procedures:

Requests from individuals should be addressed to system manager. Requests from individuals should be addressed to the appropriate organization as indicated in address list. Written requests for information should contain the full name of the individual, current address and telephone number and social security number. Visits are limited to normal working hours. For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

Contesting record procedures:

The Agencys' rules for contesting contents and appealing initial determination may be obtained from System Manager.

Record source categories:

Information received from collecting Agency

Systems exempted from certain provisions of the act:

NONE

B0901-07 HQHTAI

System name:

901-07 Alcoholism and Drug Abuse Files

System location:

Civilian Personnel Offices - See DMA Directory for complete address listing.

Categories of individuals covered by the system:

All civilian employees who have contacted program counselor requesting assistance.

Categories of records in the system:

File contains counseling interview notes, medical documents, therapy/treatment referral notes.

Authority for maintenance of the system:

21 USC 1175

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To help employees with alcohol or drug problems

Medical Officer - diagnose problem

Counselor - to give advise and management

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders

Retrievability:

Filed chronologically by number; names deleted, but are known by counselor.

Safeguards:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained

Retention and disposal:

Temporary - destroy when no longer needed or upon separation of employee

System manager(s) and address:

Defense Mapping Agency, ATTN: Personnel Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305, TELEPHONE: Area Code 202/254-4066

Notification procedure:

Information may be obtained from above.

Record access procedures:

Requests from individuals should be addressed to system manager. Requests from individuals should be addressed to the appropriate organization as indicated in address list. Written requests for information should contain the full name of the individual, current address and telephone number and social security number. Visits are limited to normal working hours. For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified.

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determination may be obtained from System Manager.

Record source categories:

Employee interviews and medical reports
Employee or relatives

Systems exempted from certain provisions of the act:

NONE

B1001-09 S

System name:

1001-09 School Reporting Files

System location:

Defense Mapping School(S). Staff Offices, Departments, Division and Branch Offices, all Components. See DMA Directory for complete address listing.

Categories of individuals covered by the system:

Military personnel and civilian personnel attending courses of instruction at DMS.

Categories of records in the system:

Enrollment records, release of students, graduates, failure of students, class rosters.

Authority for maintenance of the system:

E.O. 11348

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used for military assignments, monitor career progression and changes of courses of instruction in the event it is recommended and required.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders and/or Kardex book.

Retrievability:

Filed alphabetically by last name of employee

Safeguards:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

Retention and disposal:

CUTOFF at end of calendar year, held additional year, retired to Records Holding Area, held an additional year and destroyed.

System manager(s) and address:

DMA Defense Mapping School, ATTN: Office of Administration and Records, Fort Belvoir, Virginia 22060, TELEPHONE: Area Code 703/664-1983

Notification procedure:

Information may be obtained from above.

Record access procedures:

Requests from individuals should be addressed to system manager. Written requests for information should contain the full name of the individual, current address and telephone number, social security number, dates of attendance and name of course.

For personal visits, the individual should be able to provide some acceptable identification, that is, military identification card, driver's license, proof of social security identification and give some verbal information that could be verified with individual's record.

Contesting record procedures:

The Agencys rules for contesting contents and appealing initial determination may be obtained from System Manager.

Record source categories:

Scheduled courses of instruction, class leaders, class instructors, academic division chiefs.

Systems exempted from certain provisions of the act:

NONE

B1001-11 S

System name:

1001-11 Faculty Development Program Files

System location:

Defense Mapping School(S). Staff Offices, Departments, Division and Branch offices, all Components. See DMA Directory for complete address listing.

Categories of individuals covered by the system:

Assigned military personnel and civilian employees at DMS.

Categories of records in the system:

Files consist of record of qualifications, experience, effectiveness, and comparable information, evaluation forms, biographical data and similar documents.

Authority for maintenance of the system:

E.O. 11348 4/22/67; Providing for the further Training of Government Employees

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by management for retention of potential instructors, assigned instructors and staff, selection of guest speakers, determining need for additional training.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders and/or Kardex book.

Retrievability:

Filed alphabetically by last name of employee

Safeguards:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

Retention and disposal:

CUTOFF end of year, held additional year current files area, transferred Records Holding Area, held additional two years, then destroyed.

System manager(s) and address:

DMA Defense Mapping School, ATTN: Office of Administration and Records, Fort Belvoir, Virginia 22060, TELEPHONE: Area Code 703/664-1983

Notification procedure:

Information may be obtained from above.

Record access procedures:

Requests from individuals should be addressed to system manager. Written requests for information should contain the full name of the individual, current address and telephone number, social security number, dates of assignment or employment and name of supervisor.

For personal visits, the individual should be able to provide some acceptable identification, that is, military identification card, driver's license, proof of social security identification, and give some verbal information that could be verified with individual's record.

Contesting record procedures:

The Agencys rules for contesting contents and appealing initial determination may be obtained from System Manager.

Record source categories:

Records initiated during course of instruction, by instructors, academic division and branch chiefs.

Systems exempted from certain provisions of the act:

NONE

B1002-02 S

System name:

1002-02 School Faculty Board Review Files

System location:

Defense Mapping School(S). Staff Offices, Departments, Division and Branch Offices, all Components. See DMA Directory for complete address listing.

Categories of individuals covered by the system:

Military and civilian personnel attending courses of instruction at DMS.

Categories of records in the system:

Files consist of class standing, ratings, classification and proficiency of students. Minutes of faculty board meetings and related documents.

Authority for maintenance of the system:

E.O. 11348 4/22/67; Providing for the Further Training of Government Employees.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used to provide information on individual students, class standings, rating and proficiency. Available to Promotion Panels in the Office of Personnel Management.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders and/or Kardex book.

Retrievability:

Filed alphabetically by last name of employee

Safeguards:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

Retention and disposal:

CUTOFF at end of year, held one year and then destroyed.

System manager(s) and address:

DMA Defense Mapping School, ATTN: Office of Administration and Records, Fort Belvoir, Virginia 22060, TELEPHONE: Area Code 703/664-1983

Notification procedure:

Information may be obtained from above.

Record access procedures:

Requests from individuals should be addressed to system manager. Written requests for information should contain the full name of the individual, current address and telephone number, social security number, dates of attendance and name of course of instruction.

For personal visits, the individual should be able to provide some acceptable identification, that is, military identification card, driver's license, proof of social security identification, and give some verbal information that could be verified with individual's record.

Contesting record procedures:

The Agencys rules for contesting contents and appealing initial determination may be obtained from System Manager.

Record source categories:

Faculty review board, instructors, chiefs of divisions and branches of courses of instruction and individual student.

Systems exempted from certain provisions of the act:

NONE

B1002-06 S

System name:

1002-06 Individual Academic Record Files

System location:

Defense Mapping School(S). Staff Offices, Departments, Division and Branch Offices, all Components. See DMA Directory for complete address listing.

Categories of individuals covered by the system:

Military and civilian personnel attending courses of instruction at DMS.

Categories of records in the system:

Files consist of documents indicating course of attendance, length of each course, extent of completion of course, results thereof, aptitudes and personal qualities and documents relating to extension courses.

Authority for maintenance of the system:

E.O. 11348 4/22/67;Providing for the Further Training of Government Employees. 4/22/67; Providing for the Further Training of Government Employees.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used for determining qualifications to base a determination on students potentiality and to revise students cirriculum.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders and/or Kardex book.

Retrievability:

Filed alphabetically by last name of employee.

Safeguards:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

Retention and disposal:

Reference files CUTOFF end of course, held one year, then destroyed. Feeder information submitted to United States Army Engineer School Fort Belvoir, Virginia 22060 who has operational control of DMS and who retains SYSNAME for a longer retention period and disposition.

System manager(s) and address:

DMA Defense Mapping School, ATTN: Office of Administration and Records, Fort Belvoir, Virginia 22060, TELEPHONE: Area Code 703/664-1983

Notification procedure:

Information may be obtained from above.

Record access procedures:

Requests from individuals should be addressed to system manager. Written requests for information should contain the full name of the individual, current address and telephone number, social security number, dates of attendance and name of course of instruction.

For personal visits, the individual should be able to provide some acceptable identification, that is, military identification card, driver's license, proof of social security identification, and give some verbal infor- mation that could be verified with individual's record.

Contesting record procedures:

The Agencys rules for contesting contents and appealing initial determination may be obtained from Systems Manager. the SYS-MANAGER.

Record source categories:

Individuals, class leaders, class instructors, academic divisions and branch chiefs.

Systems exempted from certain provisions of the act:

NONE

B1002-07 S

System name:

1002-07 Collateral Individual Training Record Files

System location:

Defense Mapping School(S). Staff Offices, Departments, Division and Branch Offices, all Components. See DMA Directory for complete address listing.

Categories of individuals covered by the system:

Military and civilian personnel attending course of instruction at DMS.

Categories of records in the system:

Files consist of training records of individuals and posted to basic individual academic training record files or long term records, absentee reports, delinquency reports, registration forms, examination papers and similar or related documents.

Authority for maintenance of the system:

E.O. 11348 4/22/67;Providing for the Further Training of Government Employees.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used to record attendance at classes, progress of students, information for counselling individuals when required and recommending specific remedial action.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders and/or Kardex book.

Retrievability:

Filed alphabetically by last name of employee

Safeguards:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

Retention and disposal:

Destroyed on graduation or elimination of individual or on completion of course of instruction, whichever applies

System manager(s) and address:

DMA Defense Mapping School, ATTN: Office of Administration and Records, Fort Belvoir, Virginia 22060, TELEPHONE: Area Code 703/664-1983

Notification procedure:

Information may be obtained from above.

Record access procedures:

Requests from individuals should be addressed to system manager.

Requests from individuals should be addressed to the appropriate organization as indicated in address list. Written requests for information should contain the full name of the individual, current address and telephone number and social security number. Visits are limited to normal working hours.

For personal visits, the individual should be able to provide some acceptable identification, that is, military identification, driver's license, proof of social security identification and give some verbal information that could be verified with individual's record.

Contesting record procedures:

The Agencys rules for contesting contents and appealing initial determination may be obtained from System Manager.

Record source categories:

Individual students, class leaders, class instructors, academic divisions and branch chiefs.

Systems exempted from certain provisions of the act:

NONE

B1202-17 HTA

System name:

1202-17 Contracting Officer Designation Files

System location:

Contracting Offices - DMA Hydrographic/Topographic Center (HT) and DMA Aerospace Center (A) - See DMA Directory for complete mailing address

Categories of individuals covered by the system:

Employee designated Contracting Officer and Contracting Officer Representative at DMA

Categories of records in the system:

Documents reflecting the designation and recission of Contracting Officers and Contracting Officers representative which includes the specific procurement authorities delegated

Authority for maintenance of the system:

44 USC 3101 - Records Management by Federal Agencies

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Documents showing individual designated as contracting officers or Contracting Officers Representatives (COR).

Data includes limitations or restrictions on authority

Data includes background information on 'COR' for use in other contracts

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper record in file folders and/or Kardex book

Retrievability:

Filed alphabetically by last name of employee

Safeguards:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained

Retention and disposal:

Temporary Record. Cut off upon recession or termination and placed in an inactive file area for one year. Transferred to Records Holding Area and held for five years and then destroyed

System manager(s) and address:

Defense Mapping Agency, ATTN: Logistics Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305, TELEPHONE: Area Code 202/254-4475

Notification procedure:

Information may be obtained from above.

Record access procedures:

Requests from individuals should be addressed to system manager.

Written requests for information should contain the full name of the individuals current address and telephone number, and the Case (Control) number that appears with the office symbol, on all correspondence received from this office

For personal visits, the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determination may be obtained from System Manager.

Record source categories:

Certificate of Appointment and background information on education, DD Form 1539, and specific information on procurement authorities delegated

Systems exempted from certain provisions of the act:

NONE

B1205-05 HTA

System name:

1205-05 Property Officer Designation Files

System location:

Property Officers of DMAHTC and DMAAC - See DMA Directory for complete address

Categories of individuals covered by the system:

Employees designated Property Officers who have property accounts for their organizations, and have been issued an account number.

Categories of records in the system:

Forms and/or memorandums designating property officers. Included are letters of appointment and revocation.

Authority for maintenance of the system:

40 U.S.C. 486; Management and Disposal of Government Property

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Memorandums or forms showing who or which individual is authorized custodian for equipment for the various organizations within the Agency. Name of individual grade and organization are shown on this document.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders

Retrievability:

By individual's account number and organization.

Safeguards:

Buildings, facility employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

Retention and disposal:

Temporary Record - Destroyed in the active office two years after termination of appointment.

System manager(s) and address:

Defense Mapping Agency, ATTN: Logistics Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305, TELEPHONE: Area Code 202/254-4475

Notification procedure:

Information may be obtained from above.

Record access procedures:

Requests from individuals should be addressed to system manager.

Written requests for information should contain the full name of the individual current address and telephone number, social security number.

For personal visits the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and some verbal information that could be verified.

Contesting record procedures:

The Agencies' rules for contesting contents and appealing initial determinations may be obtained from System Manager.

Record source categories:

Internal correspondence designating responsible property accounting individuals

Systems exempted from certain provisions of the act:

NONE

B1205-23 HTASID

System name:

1205-23 Report of Survey Files

System location:

DMA Hydrographic/Topographic Center (HT), DMA Aerospace Center (A), Defense Mapping School (S), and Inter American Geodetic Survey (I), Office of Distribution Services (D). - See DMA Directory for complete address listing.

Categories of individuals covered by the system:

DMA personnel that have loss, damage, or destroyed accountable Government property

Categories of records in the system:

Files consist of reports that describe the circumstances concerning loss, damage or destruction of Government property

Authority for maintenance of the system:

40 USC 486 - Management and Disposal of Federal Property - Policies, Regulation and Delegations; Promulgation by President

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Logistics Officer - determine responsibility and recommend appropriate action be taken as to pecuniary liability

Director final decision on payment

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper record in file folders and/or Kardex book

Retrievability:

Filed by assigned control number of individual.

Safeguards:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained

Retention and disposal:

Cutoff end of year, held one year, transferred Records Holding Area, held two years, then destroyed

System manager(s) and address:

Defense Mapping Agency, ATTN: Logistics Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305, TELEPHONE: Area Code 202/254-4475

Notification procedure:

Information may be obtained from above.

Record access procedures:

Requests from individuals should be addressed to system manager. Written requests for information should contain the full name of the individuals current address and telephone number, and the Case (Control) number that appears with the office symbol, on all correspondence received from this office

For personal visits, the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, and give some verbal information that could be verified

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determination may be obtained from System Manager.

Record source categories:

Report of lost damaged or destroyed property

Systems exempted from certain provisions of the act:

NONE

B1206-02 HTA

System name:

1206-02 Self Service Store Authorization Card Files

System location:

Logistics Offices - DMA Hydrographic/Topographic Center (HT), DMA Aerospace Center (A) - See DMA Directory for complete address

Categories of individuals covered by the system:

DMA personnel authorized self-service store cards.

Categories of records in the system:

Cards identifying individuals as authorized self-service store representatives, requests for issuance of cards, correspondence concerning lost and found cards and related documents.

Authority for maintenance of the system:

40 U.S.C. 486; Management and Disposal of Federal Property.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Indicates individuals authorized to sign/receipt for supplies in a designated activity.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Card file and file cabinets

Retrievability:

By account number and organization, alphabetical by last name

Safeguards:

Buildings and Facility employ security guards. Reports are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

Retention and disposal:

Temporary Record. Held in active file until expiration of card or change of individual; held two years and destroyed.

System manager(s) and address:

Defense Mapping Agency, ATTN: Logistics Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305, TELEPHONE: Area Code 202/254-4475

Notification procedure:

Information may be obtained from above.

Record access procedures:

Requests from individuals should be addressed to System Manager. Written requests for information should contain the full name of the individual, current address and telephone number, social security number.

For personal visits the individual should be able to provide some acceptable identification, that is, drivers' license, employing office's identification card, and give some verbal information that could be used to verify employment.

Contesting record procedures:

The Agencies' rules for contesting contents and appealing initial determinations may be obtained from System Manager.

Record source categories:

Memorandums, cards, forms designating an individual authorization to sign for supplies received from the self-service store.

Systems exempted from certain provisions of the act:

NONE

B1208-06 HTA

System name:

1208-06 Motor Vehicle Operator's Permits and Qualifications Files

System location:

Primary System - Motor Pool, DMA Hydrographic/Topographic Center (HT) and DMA Aerospace Center (A) - See DMA Directory for complete address

Decentralized Segments - Official Personnel Folder; Personnel Records (Civilian) Center - St. Louis, MO.

Categories of individuals covered by the system:

All DMA employees qualified and issued a motor vehicle operators permit.

Categories of records in the system:

Contains information on employee qualification record and cards and logs in regards to permits issued to individuals authorized to operate Government equipment.

Authority for maintenance of the system:

40 U.S.C. 491; Management and Disposal of Federal Property-Motor Vehicle Pools and Transportation Systems.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Motor Pool used as a record of scores on tests, such as: eye examinations, reaction examinations; and as a quick reference on an individual having a license to operate a Government Vehicle.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Rotary Card file and Log Book

Retrievability:

ROTARY Card File - By last name of individual

Log Book - By number of permit

Safeguards:

Building, Facility employs security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

Retention and disposal:

Temporary Record - Permit is a three year record - Destroyed in the Motor Pool

Permanent Record - Qualification Record - kept in active office until separation or transfer of individual concerned, then transferred to Personnel Office for incorporation into the Official Personnel Folder.

System manager(s) and address:

Defense Mapping Agency, ATTN: Logistics Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305, TELEPHONE: Area Code 202/254-4475

Notification procedure:

Information may be obtained from above.

Record access procedures:

Requests from individuals should be addressed to System Manager.

Written requests for information should contain the full name of the individual current address and telephone number, social security number.

For personal visits the individual should be able to provide some acceptable identification, that is, drivers' license, employing office's identification card, and give some verbal information that could be verified.

Contesting record procedures:

The Agencies' rules for contesting contents and appealing initial determination may be obtained from System Manager.

Record source categories:

Qualification records consisting of scores on tests.

Systems exempted from certain provisions of the act:

NONE

B1211-03 HQHTAI

System name:

1211-03 Passport Files

System location:

Primary System - DMA Headquarters (HQ), DMA Hydrographic/Topographic Center (HT), DMA Aerospace Center (A), Inter American Geodetic Survey (I) See DMA Directory for complete address

Decentralized Segment - State Department (Passports)

Categories of individuals covered by the system:

Individuals traveling overseas on official government orders.

Categories of records in the system:

Documents relating passports and visas for DMA personnel, including their dependents. Included are requests and receipts for passports, transmittal letters, control cards, and related documents.

Authority for maintenance of the system:

44 U.S.C. 3101; Records Management by Federal Agencies.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by personnel travel in processing for travel orders.

Used by individuals of DMA and their dependents for travel purposes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders - paper records in locked cabinets.

Retrievability:

By name of individual - Alphabetically

Safeguards:

Buildings, facility employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

Retention and disposal:

Temporary Record - Held in active office until separation or transfer of individual.

Transferred to State Department upon transfer or separation of individual.

System manager(s) and address:

Defense Mapping Agency, ATTN: Administration Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305, TELEPHONE: Area Code 202/254-4401

Notification procedure:

Information may be obtained from above.

Record access procedures:

Requests from individuals should be addressed to System Manager.

Written requests for information should contain the full name of the individual, current address and telephone number, social security number.

For personal visits the individual should be able to provide some acceptable identification, that is, drivers' license, employing office's identification card, and give some verbal information that could verify employment.

Contesting record procedures:

The Agencies' rules for contesting contents and appealing initial determination should be obtained from System Manager.

Record source categories:

Requests and receipt for passports and visas.

Systems exempted from certain provisions of the act:

NONE

B1211-07 HQHTASDI

System name:

1211-07 Individual Government Transportation Files

System location:

Primary System - Travel Office - DMA Headquarters (HQ), DMA Hydrographic/Topographic Center (HT), DMA Aerospace Center (A) - See DMA Directory for complete address listing.

Decentralized Segments - Records Management, Records Holding Areas

Categories of individuals covered by the system:

DMA employees authorized government travel.

Categories of records in the system:

Travel orders and other pertinent correspondence and related documents, and copies of issued and canceled transportation requests, transportation certificates, MAC transportation authorizations.

Authority for maintenance of the system:

44 U.S.C. 3101; Records Management by Federal Agencies, 45 U.S.C. 5707 - Travel and Substance Expense Regulation.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used to officially designate Transportation Officer, Assistants and Agents. Used to record authorization for travel, issue orders, make travel arrangements and prepare vouchers for reimbursement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper Records in file folders

Retrievability:

Alphabetical by name on individual folders or by TR number in case of group travel.

Safeguards:

Buildings, facility employ security guards. Records are maintained in locked cabinets and areas accessible only to authorized personnel that are properly screened, cleared and trained.

Retention and disposal:

Temporary Record. Travel Office holds for one year, transfers to Records Holding Area, held for three (3) years and then destroyed.

System manager(s) and address:

Defense Mapping Agency, ATTN: Administration Office, Building 56, U.S. Naval Observatory, Washington, D.C. 20305, TELEPHONE: Area Code 202/254-4425

Notification procedure:

Information may be obtained from above.

Record access procedures:

Requests from individuals should be addressed to System Manager.

Written requests for information should contain the full name of the individual, current address, and telephone number, social security number.

Personal visits - the individual should be able to provide some acceptable identification, that is, drivers' license, employing office's identification card, and give some verbal information that could verify employment.

Contesting record procedures:

The Agencies' rules for contesting contents and appealing initial determinations may be obtained from System Manager.

Record source categories:

Folders contain various amounts of information on issued and cancelled transportation requests, transportation certificates, travel orders and related data on overseas employees, DMA employees and invitational orders.

Systems exempted from certain provisions of the act:

NONE

OFFICE OF THE SECRETARY OF DEFENSE

REQUESTING RECORDS

Records are retrieved by name or by some other personal identifier. It is therefore especially important for expeditious service when requesting a record that particular attention be provided to the Notification and/or Access Procedures of the particular record system involved so as to furnish the required personal identifiers, or any other pertinent personal information as may be required, to locate and retrieve the record.

BLANKET ROUTINE USES

Certain blanket 'routine uses' of the records have been established, that are applicable to every record system maintained within the Department of Defense, unless specifically stated otherwise within a particular record system. These additional blanket routine uses of the records are published below, only once in the interest of simplicity, economy and to avoid redundancy, before the individual record system notices begin rather than repeating them in every individual record system.

ROUTINE USE - LAW ENFORCEMENT

In the event that a system of records maintained by this component 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 by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

ROUTINE USE - DISCLOSURE WHEN REQUESTING INFORMATION

A record from a system of records maintained by this component 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 component 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.

ROUTINE USE - DISCLOSURE OF REQUESTED INFORMATION

A record from a system of records maintained by this component may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

ROUTINE USE - CONGRESSIONAL INQUIRIES

Disclosure from a system of records maintained by this component may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

ROUTINE USE WITHIN THE DEPARTMENT OF DEFENSE

A record from a system of records maintained by this component may be disclosed as a routine use to other components of the Department of Defense if necessary and relevant for the performance of a lawful function such as, but not limited to, personnel actions, personnel security actions and criminal investigations of the Component requesting the record.

ROUTINE USE - PRIVATE RELIEF LEGISLATION

Relevant information contained in all systems of records of the Department of Defense published on or before August 22, 1975, 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 A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

ROUTINE USE - DISCLOSURES REQUIRED BY INTERNATIONAL AGREEMENTS

A record from a system of records maintained by this Component may be disclosed to foreign law enforcement, security, investigatory, or administrative authorities in order to comply with requirements imposed by, or to claim rights conferred in international agreements and arrangements including those regulating the stationing and status in foreign countries of Department of Defense military and civilian personnel.

ROUTINE USE - DISCLOSURE TO STATE AND LOCAL TAXING AUTHORITIES

Any information normally contained in IRS Form W-2 which is maintained in a record from a system of records maintained by this Component may be disclosed to State and local taxing authorities with which the Secretary of the Treasury has entered into agreements pursuant to Title 5, U.S.Code, Sections 5516, 5517, 5520, and only to those State and local taxing authorities for which an employee or military member is or was subject to tax regardless of whether tax is or was withheld. This routine use is in accordance with Treasury Fiscal Requirements Manual Bulletin Nr. 76-07.

ROUTINE USE - DISCLOSURE TO THE OFFICE OF PERSONNEL MANAGEMENT

A record from a system of records subject to the Privacy Act and maintained by this component may be disclosed to the Office of Personnel Management concerning information on pay and leave, benefits, retirement deductions, and any other information necessary for the Office of Personnel Management to carry out its legally authorized Government-wide personnel management functions and studies.

ROUTINE USE - DISCLOSURE OF INFORMATION TO NARS (GSA)

A record from a system of records maintained by this component may be disclosed as a routine use to the National Archives and Records Service of the General Services Administration in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

ROUTINE USE - DISCLOSURE TO DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

All systems of records relating to compensation, employment or retirement, or extracts therefrom, maintained by this Component may be disclosed as a routine use to the Department of Health, Education, and Welfare for the purpose of comparing such record with records of programs administered by and in the possession of the Department of Health, Education, and Welfare in order to verify information where such verification is required by law or regulation or to identify violations or potential violations of law, whether criminal, civil, or regulatory, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto.

DCOMP MSO2

System name:

Personnel Leave Schedule.

System location:

Primary System-ODASD(Management Systems).
Decentralized Segments-Four MS Directorates.

Categories of individuals covered by the system:

All personnel in ODASD(MS).

Categories of records in the system:

Files contain names and dates of anticipated future leave.

Authority for maintenance of the system:

Title 10, United States Code, Section 136.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

INTERNAL USERS, USES, AND PURPOSES

Information is used by the DASD, his Principal Assistant and Directors, for leave administration within the management responsibilities of the DASD(MS).

EXTERNAL USERS, USES, AND PURPOSES

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

The records are maintained in the Office of the Directors or by the secretary of the Director. Copies are often provided to all personnel concerned.

Retrievability:

Records are retrieved by name.

Safeguards:

Records are kept in desk of Director or his secretary except in one Division and one Directorate which posts on wall in secretary's office.

Retention and disposal:

Files are discarded when no longer useful.

System manager(s) and address:

The DASD(Management Systems), Room 3E831, Pentagon, Washington, D.C. 20301.

Notification procedure:

Information may be obtained from:
DASD(MS)
Room 3E831
Pentagon
Washington, D.C. 20301
Telephone: 202-695-3424

Record access procedures:

Requests from personnel should be addressed to his immediate supervisor.

Contesting record procedures:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

Record source categories:

Roster of employees and employee response to request for vacation dates.

Systems exempted from certain provisions of the act:

None.

DCOMP MS11

System name:

List of Female Employees of OSD/OJCS.

System location:

Primary System-Federal Women's Program Coordinator, Room 4B922, Pentagon, maintained in automated form - Army Data Center. Decentralized Segment-Director of Personnel and Security, Washington Headquarters Services (WHS), Department of Defense, Room 3B347, Pentagon, Washington, D. C. 20301.

Categories of individuals covered by the system:

All civilian female employees of OSD/OJCS.

Categories of records in the system:

File is extract of Civilian Personnel Data File and contains organization identification, employee name, Social Security Number (SSN), Series, Grade, Time Basis, Position Title.

Authority for maintenance of the system:

Executive Order 11246/11375, 'Equal Employment Opportunity,' as amended by EO 11478, 'Equal Employment Opportunities in the Federal Government.'

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

INTERNAL USERS, USES, AND PURPOSES

Used by Directorate for Personnel and Security, Washington Headquarters Services (WHS), Department of Defense, to mail information on Federal Women's Program to OSD/OJCS Women Employees. Used by Federal Women's Program Coordinator to locate personnel to recommend to them training and employment opportunities.

EXTERNAL USERS, USES, AND PURPOSES

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Automated list in Federal Women's Program Coordinator Office. Automated tape in Army Data Center.

Retrievability:

Listed by organization.

Safeguards:

List is kept under lock. Only available to Federal Women's Program Coordinator.

Retention and disposal:

Record is new. Revised lists are provided, as required.

System manager(s) and address:

OSD/OJCS Federal Women's Program Coordinator, Room 4B922, Pentagon, Washington, D.C. 20301.

Notification procedure:

Information may be obtained from:
OSD/OJCS Federal Women's Program Coordinator
Room 4B922
Pentagon
Washington, D. C. 20301

Record access procedures:

Written requests for information should contain the full name of the individual, organization assignment and Social Security Number (SSN). Visits are limited to Room 4B922, Pentagon, Washington, D. C. 20301. For personal visits the individual should provide DoD identification prior to access.

Contesting record procedures:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

Record source categories:

The Central Personnel Data File prescribed by the Office of Personnel Management.

Systems exempted from certain provisions of the act:

None.

DGC 03

System name:

General Administrative File

System location:

Primary System - Office of the General Counsel, Office of the Secretary of Defense, Pentagon, Washington, D.C. 20301.

Categories of individuals covered by the system:

Individuals who have had certain incidents in their lives come within the purview of the Office of the General Counsel, Office of the Secretary of Defense.

Categories of records in the system:

General administrative files of the Office of the General Counsel, Office of the Secretary of Defense, which are used in the performance of the functions of the office. Some of the cases concern individuals and contain information about them. Such cases are filed by the individual's name as these cases relate to the legal problems of the Department of Defense.

Authority for maintenance of the system:

Title 10, U.S. Code, Section 137.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Purpose of the files is to provide information for attorneys in the Office of the General Counsel to aid in solving the various legal problems for the Secretary of Defense.

INTERNAL USERS, USES, AND PURPOSES

Routine use of the files is by the attorneys in the Office of the General Counsel, Office of the Secretary of Defense, and DoD Components.

EXTERNAL USERS, USES, AND PURPOSES

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of the Component's published system notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

Filed by subject.

Safeguards:

Stored in metal filing cabinets and metal safes depending on classification.

Retention and disposal:

Files are retained as long as there is an office interest in the case then they are destroyed or retired to the Federal Records Center, Suitland, Maryland.

System manager(s) and address:

Deputy General Counsel, Office of the Secretary of Defense, Room 3E980, Pentagon, Washington, D.C. 20301.

Notification procedure:

Written request for information should be addressed to the System Manager, Deputy General Counsel, Room 3E980, Pentagon, Washington D.C. 20301. Valid proof of identity is required as wess as the pertinent dates and subject matters which causes the individual's involvement with the office.

Record access procedures:

Procedures for gaining access by an individual to his records may be obtained from the following:

Office of the Assistant General Counsel (Manpower, Health & Public Affairs)
Room 3E977
Pentagon
Washington, D.C.
Telephone: 202-697-9657

Contesting record procedures:

The Agency's rules for access to record and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction NO. 81.

Record source categories:

Information contained in general administrative files is obtained from various sources including correspondence, investigations performed by other agencies and general administrative records of the Department of Defense.

Systems exempted from certain provisions of the act:

Parts of this records system may be exempt under Title 5 of the U.S. Code, sections 552a(k)(2), (k)(3) and (k)(5) as applicable. The Office of the Secretary of Defense rules are set forth at 32 CFR Part 286a (OSD Administrative Instruction 81).

DGC 04

System name:

Industrial Personnel Security Clearance Case Files.

System location:

Primary System and Decentralized Segments-Active case files, Directorate for Industrial Security Clearance Review (DISCR), Office of the Assistant General Counsel for Fiscal Matters, OAGC(FM), Office of the General Counsel (OGC), Department of Defense (DoD), Pentagon, Washington, D.C. 20301.

Inactive case files, U.S. Army Investigative Records Repository, Fort Meade, Maryland 20755.

Categories of individuals covered by the system:

Government contractor employees whose industrial security clearance cases were referred to the OAGC(FM), DISCR, for adjudication under Executive Order 10865, as amended by Executive Order 10909, as implemented by DoD Directive 5220.6; these cases pertain only to the individuals who cannot be granted clearance by the Defense Industrial Security Clearance Office (DISCO), Defense Logistics Agency (DLA), Columbus, Ohio.

Categories of records in the system:

Alphabetical card index files for identification and location of case files within the DISCR.

Individual case files include general correspondence relating to case, investigative reports prepared by various investigative agencies conducting security clearance investigations, DISCO referral recommendation, determinations of the Screening Board, Examiners and the Appeal Board, DISCR, with implementing documents, including but not limited to, Statement of Reasons (SOR) issued to individual, his answer to the SOR, transcripts of hearings and exhibits.

DISCR case correspondence files maintained by case number, including case correspondence initiated by DISCR, with individuals, employers, attorneys, congressmen and investigative agencies.

Additionally, correspondence files include copies of Screening Board determinations and Appeal Board determinations from July 1967 to date in order to furnish an index and register of administrative determinations under the Freedom of Information Act (FOIA), Pub. L. 93-502, Section 552.a(2)(C) of Title 5, United States Code.

All final decisions in cases arising under DoD Directive 5220.6, since 1967, are published and indexed for public perusal. Names of applicants, witnesses, sources of information, etc., and identifying information, relative to those persons are deleted from these records to protect the privacy of persons involved.

DISCR Reader Files including DISCR-initiated correspondence, Screening Board determinations and Appeal Board determinations.

Decentralized Reader File segments of copies of Examiner's determinations and Appeal Board determinations to Department Counsel's Office and Screening Board, DISCR.

Chronological correspondence file of letters from assigned trial counsel to individuals, attorneys or counsel, and other Federal offices for hearing arrangements.

Authority for maintenance of the system:

Executive Order 10865, 'Safeguarding Classified Information Within Industry,' dated February 20, 1960, as amended by Executive Order 10909, dated January 17, 1961; and DoD Directive 5220.6, 'Industrial Personnel Security Clearance Program' dated December 20, 1976.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The purpose and use of this record system are to determine whether it is clearly consistent with the national interest to grant or continue an individual's access to classified information.

INTERNAL USERS, USES, AND PURPOSES

DISCO, DLA, initiates investigation at request of employer and may grant but not deny clearance.

OAGC(FM), DISCR, determines individual's eligibility for security clearance and notifies the individual, and DISCO, DLA, of final decision.

U.S. Army, JAG, U.S. Army, Claims Services, Ft. Meade, Maryland 20755 in cases where claims for reimbursement are requested by an applicant.

EXTERNAL USERS, USES, AND PURPOSES

Department of Justice in cases where individual seeks Federal court review of adverse administration determinations under the Industrial Security Clearance Program.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders, vertical file cards.

Retrievability:

Active files alphabetically by name or by case number.

Inactive files by individual's name, date and place of birth, and Social Security Number (SSN).

Safeguards:

Records are stored in security combination lock file containers accessible only to DISCR authorized personnel.

Retention and disposal:

Destroyed 25 years after file is no longer active.

Primary alphabetical card index files are retained permanently in Central Office, DISCR, Alphabetical Index Cards for case control purposes in suboffices, i.e., Screening Board, Department Counsel's Office and Appeal Board are retained during active processing of cases and then destroyed.

All Reader Files are destroyed within 60 days of issue.

System manager(s) and address:

The Assistant General Counsel for Fiscal Matters, AGC(FM), Directorate for Industrial Security Clearance Review (DISCR), Pentagon, Washington, D.C. 20301.

Notification procedure:

Information may be obtained from: OAGC(FM), DISCR, Room 3D282, Pentagon, Washington, D.C. 20301. Telephone: 202-697-8350.

Record access procedures:

Requests from individuals should be addressed to OAGC(FM), DISCR, Room 3D282, Pentagon, Washington, D.C. 20301.

Written requests should include the individual's full name, date and place of birth, Social Security Number (SSN), and notarized signature.

The records requested and available, subject to statutory exemptions, may be made available to the record subject for review at the following locations:

Directorate for Industrial Security Clearance Review (DISCR), Office of the General Counsel, DoD, Room 3D282, Pentagon, Washington, D.C. 20301.

Administrative Director, Eastern Hearing Office, DISCR, Office of the General Counsel, DoD, 26 Federal Plaza, Room 36-112, New York, New York 10007.

Administrative Director, Western Hearing Office, DISCR, Office of the General Counsel, DoD, 9920 S. LaCienega Blvd., Suite 1026, Inglewood, California 90301.

Fees for copies must be borne by the record subject or his authorized representative requesting the review of the records.

Contesting record procedures:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

Record source categories:

Defense Investigative Service (DIS): Office of the Secretary of Defense (OSD); Defense Industrial Security Clearance Office (DISCO), Defense Logistics Agency (DLA); U.S. Army Investigative Records Repository; record subjects; attorneys or representatives.

Systems exempted from certain provisions of the act:

Parts of this record system may be exempt under 5 U.S.C. 552a(k)(5).

DGC 05

System name:

Administrative Files on Active Psychiatric Consultants to Department of Defense (DOD).

System location:

Directorate for Industrial Security Clearance Review (DISCR), Office of the Assistant General Counsel for Fiscal Matters, OAGC(FM), Office of the General Counsel, DoD.

Categories of individuals covered by the system:

Psychiatric consultants who have entered into agreement with the Department of Defense to conduct psychiatric examination of individuals applying for industrial security clearance for access to classified information required in the performance of their work for classified Government contractors.

Categories of records in the system:

Records filed alphabetically by last name of psychiatrist, consisting of correspondence concerning agreement to conduct psychiatric examinations requested by the Government; and initiation and confirmation of security clearance issued to psychiatrists.

Current list of active DoD psychiatric consultants.

Alphabetical card index file for identification and address of active psychiatric consultants.

Authority for maintenance of the system:

DoD Directive 5220.6, 'Industrial Personnel Security Clearance Program,' December 20, 1976; Executive Order 10865, February 20, 1960; and Executive Order 10909, January 17, 1961.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The purpose of this system is to maintain a record of active psychiatric consultants available to conduct psychiatric examinations of individual applicants for industrial personnel security clearance in convenient geographical areas.

INTERNAL USERS, USES, AND PURPOSES

Psychiatric consultants having active professional service agreements with and having been granted security clearance by the Department of Defense (DoD) are used by DISCR, OAGC(FM), and Defense Industrial Security Clearance Office (DISCO), Defense Logistics Agency (DLA), in processing requests for industrial personnel security clearance of individuals.

EXTERNAL USERS, USES, AND PURPOSES:

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders, vertical file cards.

Retrievability:

Alphabetically by surname.

Safeguards:

Records are stored in security combination lock file cabinets accessible only to DISCR authorized personnel.

Retention and disposal:

Destroy six months after agreement between consultant and DoD has been terminated.

System manager(s) and address:

The Assistant General Counsel for Fiscal Matters, AGC(FM), Directorate for Industrial Security Clearance Review, Pentagon, Washington, D.C. 20301.

Notification procedure:

Information may be obtained from: OAGC(FM), DISCR, Room 3D282, Pentagon, Washington, D.C. 20301. Telephone: 202-697-8350.

Record access procedures:

Requests from individuals should be addressed to OAGC(FM), DISCR, Room 3D282, Pentagon, Washington, D.C. 20301.

Written requests should include the individual's full name, date and place of birth, and notarized signature.

The records requested may be made available to individuals for review at the following location: DISCR, OAGC(FM), Room 3D282, Pentagon, Washington, D.C. 20301.

Contesting record procedures:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

Record source categories:

Copy of Letter of Consent (for security clearance), DISCO Form 560, and correspondence with individual psychiatrists.

Systems exempted from certain provisions of the act:

None.

DMRA&L 03.0

System name:

Employer Support File (PLEDGE).

System location:

Primary Location: National Guard Computer Center, 5600 Columbia Pike, Falls Church, Va. 22041.

Hardcopy roster located at: National Committee for Employer Support of the Guard and Reserve, Room 900, 1117 North 19th Street, Arlington, Va. 22209.

Categories of individuals covered by the system:

Self employed individuals, individuals heading companies bearing their names, the pledging officials representing various companies, or staff directors who have pledged to support the National Guard and Reserve Components.

Categories of records in the system:

Name, address, geographic location, size, and business of pledging company.

Authority for maintenance of the system:

10 USC 136.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The purpose of the file is to assist in informing the public and encouraging employers to support the Guard and Reserve.

INTERNAL USERS, USES, AND PURPOSES

National Committee for Employer Support of the Guard and Reserve; used to answer inquiries from employees or prospective employees of companies concerning whether a company has pledged to support the Guard and Reserve; used by members of the state committees for employer support to assist Guard and Reserve members who are experiencing difficulties with companies that have pledged; used as a screening tool to prevent resolicitation of support from employers who have already pledged; used to supply state level organizations' lists of companies in states which have pledged; used to prepare speech and press release material mentioning companies that have pledged.

Any individual records in the system may be transferred to any component of the Department of Defense having a need-to-know in the performance of official business.

EXTERNAL USERS, USES, AND PURPOSES

Records may be disclosed to law enforcement or investigatory authorities for investigation and possible criminal prosecution, and civil court action, or regulatory order.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Magnetic computer tape.

Retrievability:

Retrieved by company name, geographic location, or type of business.

Safeguards:

Primary location is a TOP SECRET facility.

Hardcopy output is accessible to authorized personnel only during working hours; room is locked after hours and building has security guards.

Retention and disposal:

Records are permanent.

System manager(s) and address:

Chairman, National Committee for Employer Support of the Guard and Reserve, Room 900, 1117 North 19th Street, Arlington, Va. 22209.

Notification procedure:

Information may be obtained from:

Chairman, National Committee for Employer Support of the Guard and Reserve
Room 900
1117 North 19th Street
Arlington, Virginia 22209
Telephone: 202-697-6902

Record access procedures:

Requests for information should be addressed to: Chairman, National Committee for Employer Support of the Guard and Reserve, Room 900, 1117 North 19th Street, Arlington, Va. 22209.

Written requests should contain the name of the individual and/or employer, current mailing address and telephone number.

For personal visits, the individual should be able to provide some acceptable identification such as driver's license.

Contesting record procedures:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

Record source categories:

Information is supplied by employers who have pledged, from Dunn and Bradstreet, and from Census Data.

Systems exempted from certain provisions of the act:

None.

DMRA&L 17.0

System name:

DoD Teacher Back Pay Project.

System location:

DoD Office of Dependents Schools, 2461 Eisenhower Avenue, Alexandria, Virginia 22331.

Categories of individuals covered by the system:

All former DoD Overseas Dependents School teachers who are paid under Public Law 89-391, dated April 14, 1966.

Categories of records in the system:

System is comprised of names, Social Security Numbers, and Dates of birth of former DoD overseas teachers, and information extracted from their Official Personnel Records which will effect computation of their retroactive pay; and current addresses of former teachers.

Authority for maintenance of the system:

Court Decision in the case called Virginia J. March et al, v. United States of America (Civil Action 3437-70, U.S. District Court, District of Columbia, June 30, 1975) on intent of Public Law 89-391, dated April 14, 1966.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

INTERNAL USERS, USES, AND PURPOSES

Used by Office of Dependents Schools Back Pay Project workers to compute back pay as it applies to individual teacher; prepare necessary updating for individual's Official Personnel Record, life insurance entitlement where applicable; prepare reports to individual teachers, Treasury, Social Security, Office of Personnel Management, attorneys for the teachers, and General Accounting Office. Addresses will be made for mailing purposes.

EXTERNAL USERS, USES, AND PURPOSES

See Office of the Secretary of Defense (OSD) Blanket Rountine Uses at the head of this Component's published system notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Computer tapes, computer printouts.

Retrievability:

Social Security Number (SSN) and name.

Safeguards:

All records are stored under strict control, maintained in spaces normally accessible only to authorized personnel, in cabinets in locked room.

Retention and disposal:

Records will be maintained in this office until all requirements of the judgment and will be destroyed when they are no longer useful.

System manager(s) and address:

Director, DoD Office of Dependents Schools, Office of the Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics).

Notification procedure:

Requests by correspondnece should be addressed to Director, DoD Office of Dependents Schools, Attn: Back Pay Project, 2461 Eisenhower Avenue, Room 148, Alexandria, Va. 22331. Telephone: 202-325-0660. Letter should contain the full name and signature of the requester.

Record access procedures:

Requests from individuals should be addressed to same address as stated in the 'Notification procedure:', above.

Contesting record procedures:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

Record source categories:

Official Personnel Records obtained from Federal Records Center and other agencies currently employing individuals concerned.

Systems exempted from certain provisions of the act:

None.

DMRA&L 19.0

System name:

Automated Career Management System (ACMS) DD-M(AR)1456.

System location:

DoD Centralized Referral Activity, 1507 Wilmington Pike, Dayton, Ohio 45444.

Categories of individuals covered by the system:

All Department of Defense civilian career program employees GS-5 or higher and former employees; and DoD Senior Executive Service Candidates.

Categories of records in the system:

Name, home and work addresses, Social Security Number (SSN), educational background, work experience, grade and salary, occupation, age, special qualifications, awards, military reserve status, and supervisory appraisals.

Authority for maintenance of the system:

Title 5, United States Code, Sections 301 and 302, which authorize Agency Heads to: establish civilian personnel management programs; maintain files and records necessary to operate such programs; and delegate civilian personnel management authorities to subordinate officials.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

This system provides a list of eligible candidates qualified to fill position vacancies normally at GS-13 and higher grade levels and to provide information for program analyses and management.

INTERNAL USERS, USES, AND PURPOSES

All DoD Civilian Personnel Offices and the DoD Components serviced by these offices are required to submit job vacancies to designated occupation series against Automated Career Management System (ACMS), for the generation of a list with resumes of qualified candidates for consideration by a selection panel and others.

Office of the Deputy Assistant Secretary of Defense (Civilian Personnel Policy)-Used for statistical analyses of civilian work force, and management and evaluation of specific employment programs within the Department of Defense.

Any individual records contained in the system may be transferred to any component of the Department of Defense having the need-to-know in the performance of official business.

EXTERNAL USERS, USES, AND PURPOSES

See Office of the Secretary of Defenae (OSD) Blanket Routine Uses at the head of this Component's published system notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Disc packs.

Retrievability:

Retrievable by occupation, Social Security Number (SSN), name, specific skills, educational background, or training background.

Safeguards:

The location is identified as a secure area; access is through electrically controlled doors and cypher locks; disc packs are stored in a vault when not in use.

Retention and disposal:

Active records are maintained up to one year after termination of the individual's employment with the Department of Defense, or upon notification that the individual no longer is employed in a position for which registration is required. Inactive records of personnel are retained indefinitely.

System manager(s) and address:

Director of Staffing and Career Management, Office of the Deputy Assistant Secretary of Defense (Civilian Personnel Policy), Room 3D264, Pentagon, Washington, D.C. 20301. Telephone: 202-697-3402.

Notification procedure:

Information may be obtained from the System Manager.

Record access procedures:

Written requests from individuals should be addressed to Director, Centralized Referral Activity, DoD-CRA-R, 1507 Wilmington Pike, Dayton, Ohio 45444.

For personal visits, the individual should be able to provide some acceptable form of identification, such as a driver's license.

Contesting record procedures:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

Record source categories:

Data are obtained from records subjects, from their official personnel folders, and from supervisory appraisals.

Systems exempted from certain provisions of the act:

None.

DMRA&L 20.0

System name:

DoD Centralized Applicant Supply System (CASS).

System location:

Office of the Centralized Referral Activity, 1507 Wilmington Pike, Dayton, Ohio 45444.

Categories of individuals covered by the system:

All eligible current and former Federal civilian employees.

Categories of records in the system:

Name, home and work addresses, Social Security Number (SSN), educational background, work experience, grade and salary, occupation, age, special qualifications, and awards.

Authority for maintenance of the system:

Title 5, United States Code, Sections 301 and 302, which authorize Agency Heads to: establish civilian personnel management programs; maintain files and records necessary to operate such programs; and delegate civilian personnel management authorities to subordinate officials.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

This system provides a list of eligible candidates qualified to fill position vacancies and to provide information for program analyses and management.

INTERNAL USERS, USES, AND PURPOSES

All DoD Civilian Personnel Offices and the DoD Components serviced by these offices and required by Office of Personnel Management Regulations to provide consideration to the applicants for placement in job vacancies for which qualified internal applicants are not available.

Any individual records contained in this system may be transferred to any component of the Department of Defense having the need-to-know in the performance of official business.

EXTERNAL USERS, USES, AND PURPOSES

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Disc packs are stored in a vault when not in use.

Retrievability:

Retrievable by occupation, Social Security Number (SSN), name, and specific skills.

Safeguards:

The computer facility has been designated as a controlled area. Personnel requesting access to the controlled area are positively identified via installed closed circuit television system prior to admittance. Positive identification is by personal recognition and presentation of identification credential with photograph.

Perimeter doors are of hollow metal construction. Glass inserts are limited to authorized entrances and are screened with security mesh wire. All hinge pins are welded/bradded to prevent removal. A perimeter intrusion alarm system is used to monitor all exterior perimeter doors to the computer room. The alarm system is monitored from within the boundary of the controlled area. Closed circuit television cameras cover authorized pedestrian entrances to the computer facility.

Admission to the computer area is by RUSCARD lock release of the doors. Admission to the main computer room is by RUSCARD IDEK lock release. The computer facility is divided into five compartments or levels. The RUSCARDS are issued based on the individual's need to conduct regular or recurring business within the specific level.

A Halon 1301 Fire Extinguishing System is installed in the main computer room and tape vault. It is a safe and effective fire extinguishing agent that is used in Class A, B and C fires. Halon 1301 is a vapor that works chemically to stop combustion and does not leave water, foam, powder or other residue behind.

Customers or users of the system will number in excess of 700. No user will have access to other than his share of the total inventory which will amount to an extremely small fraction of the total inventory.

Data will be provided the user in the form of microfiche. The microfiche itself and containers will carry eye legible warnings which will read 'Personal Data-Privacy Act of 1974.' Strict administrative controls will be maintained regarding access to the data contained on the microfiche. Microfiche plates will be destroyed by burning, melting, chemical decompositon, pulping, pulverizing, shredding, or mutilation sufficient to preclude recognition or reconstruction of the information.

A command security check has been done. A risk analysis will be completed within six months.

Retention and disposal:

Active records are maintained at least one year or until notification that the individual is no longer available for placement assistance. Inactive records of personnel are retained indefinitely.

System manager(s) and address:

Director of Staffing and Career Management, Office of the Deputy Assistant Secretary of Defense (Civilian Personnel Policy), Office of the Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics), Room 3D281, Washington, D.C. 20301. Telephone 202-697-3402.

Notification procedure:

Information may be obtained from the System Manager.

Record access procedures:

Written requests from individuals should be addressed to Director, Office of the Centralized Referral Activity, 1507 Wilimington Pike, Dayton, Ohio 45444.

For personal visits, the individual should be able to provide some acceptable form of identification, such as a driver's license.

Contesting record procedures:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

Record source categories:

Data are obtained from record subjects.

Systems exempted from certain provisions of the act:

None.

DMRA&L 21.0

System name:

Department of Defense Dependents Schools (DoDDS) Grievance Records.

System location:

Office of Dependents Schools, 2461 Eisenhower Avenue, Room 120, Alexandria, Virginia 22331; six regional offices located in London, England; Wiesbaden, Germany; Karlsruhe, Germany; Madrid, Spain; Okinawa, Japan; and Panama; in principals' offices of DoDDS schools; and at the servicing civilian personnel offices at various military installations.

Categories of individuals covered by the system:

Current or former Federal employees who have submitted grievances in accordance with 5 USC 2302, and 5 USC 7121, or a negotiated procedure.

Categories of records in the system:

This system contains records relating to grievances filed by DoD Dependents Schools (DoDDS) employees under 5 USC 2302, and 5 USC 7121. These case files contain all documents related to the grievances, including statements of witnesses, reports of interviews and hearings, examiner's findings and recommendtions, a copy of the original and final decision, and related correspondence and exhibits. This system includes files and records of internal grievance and arbitration systems that DoDDS may establish through negotiations with recognized labor organizations.

Authority for maintenance of the system:

5 USC 2302, and 5 USC 7121.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

INTERNAL USERS, USES, AND PURPOSES

This information is used by the DoDDS in the creation and maintenance of records of summary descriptive statistics and analytical 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 reference.

EXTERNAL USERS, USES, AND PURPOSES

These records and information in these records are used:

a. 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 criminal law or regulation.

b. 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 individual, inform the source of the purpose(s) of the request, and identify the type of information requested.

c. 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 of suitability investigation of an individual; the classifying of jobs; 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 requesting the Agency's decision on the matter.

d. To provide information to a congressional office from the record of a individual, in response to an inquiry from that congressional office, made at the request of that individual.

e. To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court.

f. By the National Archives and Records Services (General Services Administration) in records management inspections conducted under authority of 44 USC 2906.

g. To disclose information to officials of the Merit Systems Protection Board, including the Office of the Special Counsel, the Federal Labor Relations Authority and its General Counsel; or the Equal Employment Opportunity Commission, when requested in performance of their authorized duties.

h. 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 adminsitrative proceeding.

i. To provide information to officials of labor organizations reorganized under the Civil Service Reform Act when relevant and necessary to their duties, 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:

Paper records maintained in file folders.

Retrievability:

These records are retrieved by the names of the individuals on whom the records are maintained, by case number, and by subject matter of the grievance.

Safeguards:

These records are maintained in locked metal file cabinets, with access only to authorized DoDDS employees and servicing civilian personnel offices.

Retention and disposal:

These records are disposed of not sooner than 3 years after closing of the case. Disposal is by shredding or burning.

System manager(s) and address:

Mr. Paul Wolfe, Chief, Management Employee Relations Branch, Personnel Division, Office of Dependents Schools, 2461 Eisenhower Avenue, Room 120, Alexandria, Virginia 22331, telephone: 202-325-0690.

Notification procedure:

Information may be obtained from the System Manager.

Record access procedures:

Request for access to records may be obtained from the System Manager.

Contesting record procedures:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

Record source categories:

Information in this system of records is provided:

a. By the individual on whom the record is maintained.

b. By testimony of witnesses.

c. By Agency officials.

d. From related correspondence from organizations or persons.

Systems exempted from certain provisions of the act:

None.

DOCHA 09

System name:

Civilian Health and Medical Program of the Uniformed Services (OCHAMPUS) Grievance Records.

System location:

Personnel Office, Office of Civilian Health and Medical Program of the Uniformed Services (OCHAMPUS), Department of Defense, Fitzsimons Army Medical Center, Aurora, Colorado 80045.

Categories of individuals covered by the system:

Current or former Federal employees who have submitted grievances in accordance with 5 USC 2302, and 5 USC 7121, or a negotiated procedure.

Categories of records in the system:

The system contains records relating to grievances filed by Office of CHAMPUS employees under 5 USC 2302, and 5 USC 7121. These case files contain all documents related to the grievances, including statements of witnesses, reports of interviews and hearings, examiner's findings and recommendations, a copy of the original and final decision, and related correspondence and exhibits. This system includes files and records of internal grievance and arbitration systems that OCHAMPUS may establish through negotiations with recognized labor organizations.

Authority for maintenance of the system:

5 USC 2302, and 5 USC 7121.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

INTERNAL USERS, USES, AND PURPOSES

This information is used by the Office of CHAMPUS in the creation and maintenance of records of summary descriptive statistics and analytical 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 reference.

EXTERNAL USERS, USES, AND PURPOSES

These records and information in these records are used:

a. 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 criminal law or regulation.

b. 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 individual, inform the source of the purpose(s) of the request, and identify the type of information requested.

c. 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 or suitability investigation of an individual; the classifying of jobs; 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 requesting the Agency's decision on the matter.

d. 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.

e. To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court.

f. By the National Archives and Records Service (General Services Administration) in records management inspections conducted under authority of 44 USC 2906.

g. To disclose information to officials of the Merit Systems Protection Board, including the Office of the Special Counsel; the Federal Labor Relations Authority and its General Counsel; or the Equal Employment Opportunity Commission, when requested in performance of their authorized duties.

h. 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.

i. To provide information to officials of labor organizations reorganized under the Civil Service Reform Act when relevant and necessary to their duties, 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:

Paper records maintained in file folders.

Retrievability:

These records are retrieved by the names of the individuals on whom the records are maintained.

Safeguards:

These records are maintained in locked metal file cabinets, with access only to authorized OCHAMPUS Personnel Office employees.

Retention and disposal:

These records are disposed of not sooner than three years after closing of the case. Disposal is by shredding or burning.

System manager(s) and address:

Mr. James D. Netterfield, Personnel Office, Office of Civilian Health and Medical Program of the Uniformed Services, Department of Defense, Aurora, Colorado 80045, telephone: 303-341-8800.

Notification procedure:

Information may be obtained from the System Manager.

Record access procedures:

Request for access to records may be obtained from the System Manager.

Contesting record procedures:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

Record source categories:

Information in this system of records is provided:

a. By the individual on whom the record is maintained.

b. By testimony of witnesses.

c. By Agency officials.

d. From related correspondence from organizations or persons.

Systems exempted from certain provisions of the act:

None.

DPA DSR.B 11

System name:

Mandatory Declassification Review Files.

System location:

Primary system - Directorate for Freedom of Information and Security Review, Office of Assistant Secretary of Defense (Public Affairs).

Decentralized segments - Under Secretaries of Defense, Assistant Secretaries of Defense, Assistants to the Secretary of Defense, or equivalent, the Organization of the Joint Chiefs of Staff, and other activities assigned to the Office of the Secretary of Defense for administrative support.

Categories of individuals covered by the system:

Any person (or records repository) who makes a request to the Office of the Secretary of Defense or activities assigned to Office of the Secretary of Defense for administrative support for the Mandatory Declassification Review of Records under Executive Order 12065 (Sections 3-5). That aspect of the Executive Order pertaining to the systematic review of classified Defense documents is acted upon by the Records Administrator, Office of the Secretary of Defense, Room 5C315, Pentagon, Washington, D.C. 20301. Overall responsibility for the Department of Defense Information Security Program rests with the Deputy Under Secretary for Policy Review.

Categories of records in the system:

Name, firm, address of requester, identification of records requested, dates and summaries of action taken, and documents for establishing collectable fees and processing costs to the Government.

Names, titles, or positions of each person primarily responsible for an initial or final denial on appeal of a request for declassification of a record.

Authority for maintenance of the system:

Executive Order 12065, 'National Security Information,' June 28, 1978, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

INTERNAL USERS, USES, AND PURPOSES

Primary system and decentralized segments are used by officials in the locations described above to: (a) administratively control requests to ensure compliance with Executive Order 12065 and DoD Regulation 5200.1-R, 'Information Security Program Regulation,' December 1978; and (b) research historical data on release of records so as to facilitate conformity to subsequent actions.

Primary system is used also for developing annual report data required by Executive Order 12065, and other management data such as, but not limited to, number of requests; type of category of records requested; average processing time; average cost to requester; percentage of denials and number of denials by exemption; and for computing processing costs to the Government.

EXTERNAL USERS, USES, AND PURPOSES

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Computer magnetic disks, computer paper printouts, index file cards, and paper records in file folders.

Retrievability:

Filed by request number and retrieved by name, subject material (including date), request number using conventional indices, referring agency, or any combination of fields.

Safeguards:

Paper records are maintained in security containers with access only to officials whose access is based on requirements of assigned duties.

Computer access is by verification of identification code; one for search and another for maintenance.

Retention and disposal:

Files that grant access to records are held in current status for two years after the end of the calendar year in which created, then destroyed.

Files pertaining to denials of requests are destroyed 5 years after final determination. Appeals are retained for 3 years after final determination.

System manager(s) and address:

Assistant Secretary of Defense (Public Affairs), Pentagon, Washington, D.C. 20301.

Notification procedure:

Information may be obtained from: Director, Freedom of Information and Security Review Office, Assistant Secretary of Defense (Public Affairs), Room 2C757, Pentagon, Washington, D.C. 20301. Telephone: 202-697-1180.

Record access procedures:

Requests from individuals should be addressed to the above office and should include full name and address.

Personal visits are restricted to Room 2C757. Individuals should be able to present acceptable identificaiton, that is, driver's license or comparable identity card.

Contesting record procedures:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No.81.

Record source categories:

Requests for Mandatory Declassification Review and subsequent release of records originated from individuals under Executive Order 12065, and subsequent date provided by form and memorandum by officials who hold the requested records, act upon the request, or who are involved in legal action stemming from action taken.

Systems exempted from certain provisions of the act:

None.

DPA&E 02

System name:

Administrative Files for Program Analysis and Evaluation (OASD(PA&E)).

System location:

Office of the Assistant Secretary of Defense (Program Analysis and Evaluation) (OASD(PA&E)), Pentagon, Washington, D.C. 20301.

Categories of individuals covered by the system:

All current and former military and civilian personnel employed by or assigned to PA&E since 1965.

Current and some past applicants or prospects for civilian or military jobs.

Some contractor personnel.

Other Department of Defense (DoD) or outside personnel currently or previously assigned, or under consideration, to provide support or work with PA&E.

Categories of records in the system:

System contains individual application forms; biographical data; employment history; professional and military experience; schooling and academic records; performance effectiveness data; honors; awards and decorations; security forms; security clearances; security violations; publications; training and career development information; telephone rosters; certain financial interest and medical history data; information used to evaluate individuals for employment, promotion, reassignment, training, retention and awards; job descriptions; letters of commendation or appreciation; earnings and leave statements; overtime pay records; travel orders; certain travel vouchers; retirement application papers; tenure data; next employment information; savings bond and Combined Federal Campaign (CFC) data (current year only); and miscellaneous personnel and administrative data of like nature.

Authority for maintenance of the system:

Title 10, United States Code, Section 136.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

INTERNAL USERS, USES, AND PURPOSES

OASD(PA&E) - To evaluate current and prospective employees; to locate former personnel and prospects; to analyze professional staff background; to make decisions on hiring, promotion, training, awards, or disciplinary actions; to make comparative analyses of personnel data such as turnover rates, awards, academic degrees, average age, travel, and overtime; to determine level of security access permissible; to evaluate conformance with standards of conduct rules; to evaluate contractor capabilities; to provide information on current or former personnel to authorized investigators and potential outside employers; to make campaign reports; to evaluate effectiveness of PA&E personnel operations; to input selected data to computer system; to perform computer analyses of the data; and to prepare reports, rosters and statistical data.

EXTERNAL USERS, USES, AND PURPOSES

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.
Biography book.
Computer disks.
Computer paper printouts.
Microfiche.
Charts.

Retrievability:

Information accessed by last name of individual.

Individual user codes and passwords required to access information stored in computer.

Safeguards:

Building employs security guards.

Sensitive manually stored data kept in locked cabinets or safes and may be accessed only by authorized personnel.

Computer stored data is kept in a secure computer facility and may be accessed only by authorized, properly trained personnel who have access codes and passwords.

Retention and disposal:

Records on current and former personnel are permanent. Travel orders, overtime authorizations and similar fiscal records are kept for three years. Applicant files are screened about once a year and information outdated or no longer needed is destroyed. Campaign data for other than current year is destroyed annually.

System manager(s) and address:

Assistant Secretary of Defense (Program Analysis and Evaluation), Room 2D321, Pentagon, Washington, D.C. 20301.

Notification procedure:

Information may be obtained from:
OASD(PA&E), Assistant for Management
Room 2D321
Pentagon
Washington, D.C. 20301
Telephone: 202-697-9189.

Record access procedures:

Requests from individuals should be addressed to: OASD(PA&E), Assistant for Management, Room 2D321, Pentagon, Washington, D.C. 20301.

Written requests must contain full name and identification of the individual. Visitors may be required to provide identification.

Contesting record procedures:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

Record source categories:

Current and previous employers, instructors, associates and contacts; DoD civilian and military personnel offices; DoD security offices; DoD payroll, travel and fiscal offices; Office of Personnel Management; contractors; Air Force Data Services Center (AFDSC); PA&E personnel; educational institutions; and financial institutions.

Systems exempted from certain provisions of the act:

None.

DUSDP 01

System name:

Office of the Under Secretary of Defense for Policy (OUSDP) Telephone Directory.

System location:

Primary System - Office of the Assistant for Administration, Office of the Under Secretary of Defense for Policy (OUSDP), Room 4D840, Pentagon, Washington, D.C. 20301.

Categories of individuals covered by the system:

All military and civilian employees of the Office of the Under Secretary of Defense for Policy (OUSDP), which include personnel from the following offices:

Assistant Secretary of Defense (International Security Affairs)
Defense Security Assistance Agency
Deputy Under Secretary of Defense for Policy Planning
Deputy Under Secretary of Defense for Policy Review
Director for Net Assessment
Deputy Advisor for NATO Affairs

Categories of records in the system:

Directory contains employees' names, office and home phone numbers by organizational element and room number.

Authority for maintenance of the system:

Title 5, United States Code (Annotated), Section 301; and the Federal Personnel Manual, Chapter 293.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

INTERNAL USERS, USES, AND PURPOSES
Used by all Office of the Under Secretary of Defense for Policy (OUSDP) employees for telephone locator service.
EXTERNAL USERS, USES, AND PURPOSES
Telephone reference service.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

The Directory is stored in a locked file cabinet.

Retrievability:

Listed alphabetically by name and organization.

Safeguards:

Room is secured after duty hours. Building employs security guards.

Retention and disposal:

The Directory is reissued periodically. Obsolete copies are destroyed when the Directory is reissued.

System manager(s) and address:

Under Secretary of Defense for Policy (USDP), Pentagon, Washington, D.C. 20301.

Notification procedure:

Information may be obtained from:
OUSDP
Room 4D840
Pentagon
Washington, D.C. 20301
Telephone: 202-697-8126

Record access procedures:

Requests from individuals should be addressed to the address noted in the 'Notification procedures:' listed above.
Written requests for information should contain the full name of the individual, current address and telephone number.

Contesting record procedures:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

Record source categories:

Information is supplied by the individuals listed.

Systems exempted from certain provisions of the act:

None.

DUSDP 02

System name:

Office of the Under Secretary of Defense for Policy (OUSDP) Locator File.

System location:

Primary System - Office of the Assistant for Administration, Office of the Under Secretary of Defense for Policy (OUSDP), Room 4D840, Pentagon, Washington, D.C. 20301.

Categories of individuals covered by the system:

All military and civilian employees of the Office of the Under Secretary of Defense for Policy (OUSDP), which include personnel from the following offices:
Assistant Secretary of Defense (International Security Affairs)
Defense Security Assistance Agency
Deputy Under Secretary of Defense for Policy Planning
Deputy Under Secretary of Defense for Policy Review
Director for Net Assessment
Deputy Advisor for NATO Affairs

Categories of records in the system:

Contains employee names; grades, Social Security Number (SSN); years of service; date and place of birth; home address; home phone number; marital status; number of dependents; security clearance; date of clearance; date reported; reserve status; mobilization designation; and office room and phone number; date of departure and forwarding address.

Authority for maintenance of the system:

Title 5, United States Code (Annotated), Section 301; and Federal Personnel Manual, Chapter 293.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

INTERNAL USERS, USES, AND PURPOSES
Internal locator use for administrative purposes. Routine use by personnel within the Office of the Assistant for Administration, OUSDP.
EXTERNAL USERS, USES, AND PURPOSES
None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Card file box - kept in locked safe.

Retrievability:

Filed alphabetically by last name of employee.

Safeguards:

Building employs security guards. Records are maintained in areas with controlled access to authorized personnel only.

Retention and disposal:

Locator file is retained permanently.

System manager(s) and address:

Under Secretary of Defense for Policy (USDP), Pentagon, Washington, D.C. 20301.

Notification procedure:

Information may be obtained from:
OUSDP
Room 4D840
Pentagon
Washington, D.C. 20301
Telephone: 202-697-8126

Record access procedures:

Requests from individuals should be addressed to the address noted in 'Notification procedure:' listed above.
Written requests for information should contain the full name of the individual, current address and telephone number.

Contesting record procedures:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

Record source categories:

Information is supplied by the individual listed.

Systems exempted from certain provisions of the act:

None.

DUSDP 03

System name:

Office of the Under Secretary of Defense (OUSDP) Organizational Personnel Files.

System location:

Office of the Assistant for Administration, Office of the Under Secretary of Defense for Policy (OUSDP), Room 4D840, Pentagon, Washington, D.C. 20301.

Categories of individuals covered by the system:

All military and civilian employees of the Office of the Under Secretary of Defense for Policy (OUSDP), which include personnel from the following offices:
Assistant Secretary of Defense (International Security Affairs)
Defense Security Assistance Agency
Deputy Under Secretary of Defense for Policy Planning
Deputy Under Secretary of Defense for Policy Review
Director for Net Assessment
Deputy Advisor for NATO Affairs

Categories of records in the system:

Contains individual assignment orders and copies of other personnel actions affecting named individual.

Authority for maintenance of the system:

Title 5, United States Code (Annotated), Section 301; and Federal Personnel Manual, Chapter 293.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

INTERNAL USERS, USES, AND PURPOSES

Administrative personnel management use. Routine use by personnel within the Office of the Assistant for Administration, OUSDP.

EXTERNAL USERS, USES, AND PURPOSES

None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

Filed alphabetically by last name of employee.

Safeguards:

Building security guards, Mosler safe, controlled access to authorized personnel.

Retention and disposal:

Permanent while assigned to OUSDP, then in inactive file for one year.

System manager(s) and address:

Under Secretary of Defense for Policy (USDP), Pentagon, Washington, D.C. 20301.

Notification procedure:

Information may be obtained from:

OUSDP
Room 4D840
Pentagon
Washington, D.C. 20301.
Telephone: 202-697-8126

Record access procedures:

Requests from individuals should be addressed to the address noted in 'Notification procedure:' listed above.

Written requests for information should contain the full name of the individual, current address and telephone number.

Contesting record procedures:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

Record source categories:

Military Services; OSD Military Personnel; Office of Personnel Management; OSD Civilian Personnel; and State Department.

Systems exempted from certain provisions of the act:

None.

DUSDPR 01

System name:

DoD Motions for Discovery of Electronic Surveillance Files.

System location:

Primary System-Counterintelligence and Investigative Programs Directorate, Office of the Deputy Under Secretary of Defense for Policy Review, Room 3C290, Pentagon, Washington, D. C. 20301.

Categories of individuals covered by the system:

Those individuals and/or organizations on which the Department of Justice has requested information upon which to base their reply to court-approved motions for discovery of electronic surveillance.

Categories of records in the system:

Chronological listing for identification and location of files. Individual case files to include original and subsequent requests from the Department of Justice; file copy of memorandum to the DoD Components directing search of their records, indices, etc.; copies of DoD Components' responses to the Office of the Secretary of Defense (OSD), and copies of OSD's responses to the Department of Justice.

Authority for maintenance of the system:

Title 28, United States Code, Section 516, 'Conduct of Litigation Reserved to Department of Justice'.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

INTERNAL USERS, USES, AND PURPOSES

Preparation of response to Department of Justice, as well as any subsequent inquiries from that office.

EXTERNAL USERS, USES, AND PURPOSES

Department of Justice's response to court-approved motion for discovery.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

Filed by year by case name.

Safeguards:

Records are stored in security combination lock file containers accessible only by Counterintelligence and Investigative Programs Directorate personnel.

Retention and disposal:

Records are permanent. They are retained in active file until end of calendar year to which project is completed, held one additional year in inactive file and subsequently retired to Washington National Records Center (WNRC).

System manager(s) and address:

Director, Counterintelligence and Investigative Programs, Office of the Deputy Under Secretary of Defense for Policy Review, Pentagon, Washington, D. C. 20301.

Notification procedure:

Information may be obtained from:

Office of the Director
Counterintelligence and Investigative Programs
Office of the Deputy Under Secretary of Defense for Policy Review
Room 3C290
Pentagon
Washington, D. C. 20301
Telephone: 202-697-9678.

Record access procedures:

Requests from individuals should be addressed to:

Director, Counterintelligence and Investigative Programs
Office of the Deputy Under Secretary of Defense for Policy Review
Room 3C290
Pentagon
Washington, D. C. 20301.

Written requests for information should contain the full name of the individual, date and place of birth, Social Security Number (SSN), and notarized signature.

The records requested may be made available to individuals for review at the following location: Office of the Director, Counterintelligence and Investigative Programs, Office of the Deputy Under Secretary of Defense for Policy Review, Room 3C290, Pentagon, Washington, D. C. 20301.

Contesting record procedures:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

Record source categories:

Department of Justice formal written inquiries, and internal correspondence necessary to gather information to make replies to such inquiries.

Systems exempted from certain provisions of the act:

None.

DUSDPR 02

System name:

Special Personnel Security Cases.

System location:

Security Plans and Programs Directorate, Office of the Deputy Under Secretary of Defense (Policy Review), ODUSD(PR), Washington, D.C. 20301.

Categories of individuals covered by the system:

Individuals affiliated with the DoD, upon whom an investigation has been conducted by a Department of Defense (DoD) Component investigative organization authorized to conduct personnel security investigations; other investigative organizations of the Federal Government; or individuals who have been the subject of a DoD Component personnel security determination, or who have had access to DoD classified information, whenever the investigation, personnel security determination, or access involves unique circumstances having special significance with respect to DoD personnel security

policy. Also, individuals for whom waivers have been granted from specific provisions of the Industrial Security Regulation (5220.22-R) and/or Industrial Security Manual (5220.22-M).

Categories of records in the system:

Statements of personal history; investigative reports; adjudicative findings; intra-office memoranda; policy interpretations; memoranda recommending courses of action; legal opinions, etc.

Authority for maintenance of the system:

Title 5, United States Code, Section 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

INTERNAL USERS, USES, AND PURPOSES

This system will be used as basis for Security Plans and Programs Directorate staff access to determine the need for overall personnel security policy revision or adjustment; to ensure that component personnel security determinations are consistent with DoD personnel security program policy; to assure that personnel security investigations conducted by the Defense Investigative Service (DIS), the National Security Agency (NSA), and the Military Departments are in compliance with DoD personnel security investigative policy; and to provide precedents for use in determining whether to grant waivers of the provisions of the Industrial Security Regulation and/or Industrial Security Manual.

EXTERNAL USERS, USES, AND PURPOSES

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records are in file folders.

Retrievability:

Records are filed alphabetically by last name of the subject of the investigation or personnel security determination having special significance with respect to DoD personnel security policy. Also, records are filed alphabetically by last name of the personnel for whom waivers have been granted under the Industrial Security Program.

Safeguards:

Records are stored in security combination lock file containers, and are accessible only by Security Plans and Programs personnel who are properly cleared and who are the official authorized users.

Retention and disposal:

Routine investigations are destroyed 15 years after the date of the last action. Those involving significant incidents are destroyed 25 years after the date of the last action.

System manager(s) and address:

Director, Security Plans and Programs Directorate, Office of the Deputy Under Secretary of Defense (Policy Review), Pentagon, Washington, D.C. 20301.

Notification procedure:

Information may be obtained from:
Office of the Deputy Under Secretay of Defense (Policy Review)
Security Plans and Programs Directorate
Room 3C277, Pentagon, Washington, D.C. 20301
Telephone: 202-697-3969

Record access procedures:

Requests from individuals should be addressed to:
Office of the Deputy Under Secretary of Defense (Policy Review)
Security Plans and Programs Directorate
Room 3C277, Pentagon, Washington, D.C. 20301

Written requests for information should contain the full name of the individual, date and place of birth, Social Security Number (SSN), and notarized signature.

The records requested may be made available to individuals for review at the following location:
Security Plans and Programs Directorate, ODUSD (PR)
Room 3C271, Pentagon
Washington, D.C. 20301

Contesting record procedures:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

Record source categories:

Information is obtained from record subjects; Federal Bureau of Investigation; Office of the Secretary of Defense; Organization of the Joint Chiefs of Staff; DoD Defense Agencies; and the Military Departments, including investigative reports, inter and intra Department memoranda and letters, case analyses, memoranda for the record, and other correspondence related to the cases.

Systems exempted from certain provisions of the act:

Parts of this record system may be exempt under 5 U.S.C. 552a(k)(5).

DUSDRE 03

System name:

Inventor's File, Office Under Secretary of Defense (Research and Engineering).

System location:

Office of the Under Secretary of Defense for Research and Engineering (OUSDRE), Office, Secretary of Defense, Room 3E1006, Pentagon, Washington, D.C. 20301.

Categories of individuals covered by the system:

All persons who have submitted inventions, ideas, and proposals for consideration by Department of Defense.

Categories of records in the system:

These files contain correspondence with individuals concerning their inventions, ideas, and proposals submitted to the Department of Defense; evaluations by Government employees of those inventions, ideas, and proposals.

Authority for maintenance of the system:

10 USC 133.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

INTERNAL USERS, USES, ANG PURPOSES

The information in this file is primarily collected to give consideration to the inventions, ideas, and proposals submitted by the public. These files are used to reply to correspondence and inquiries from the public and other Government agencies. The information contained in these files is used by the staff of OUSDRE.

EXTERNAL USERS, USES, AND PURPOSES

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

Filed alphabetically by last name.

Safeguards:

Building guards and locked file containers. Records are maintained in areas accessible only to authorized personnel.

Retention and disposal:

Retained in active files for a period of five years and then transferred to the Washington National Records Center, Suitland, Maryland 20409.

System manager(s) and address:

Director, Program Control and Administration, Office of the Secretary of Defense, Washington, D.C. 20301.

Notification procedure:

Information may be obtained from:
Director, Program Control and Administration
Room 3E1031, Pentagon
Washington, D.C. 20301
Telephone: 202-697-4994.

Written requests for information should contain the full name of the individual, current address and telephone number and any other information which would help in identifying the desired information.

For personal visits, the individual must be able to provide acceptable identification, that is, driver's license, employing office's identification card, and give verbal information that could be verified with his 'case folder'.

Record access procedures:

Requests should be addressed to SYSMANAGER as shown above.

Contesting record procedures:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

Record source categories:

Information is provided by individuals who send their inventions, ideas, and proposals to the Department of Defense and Government employees who evaluate the inventions, ideas, and proposals.

Systems exempted from certain provisions of the act:

None.

DUSDRE 04

System name:

Requests for Two-Year Foreign Residence Waiver Files.

System location:

Security Policy and Review Division-Office of the Director, Program Control and Administration, Office of the Under Secretary of Defense for Research and Engineering, Office of the Secretary of Defense.

Categories of individuals covered by the system:

Any foreigner applying for a Waiver of Foreign Residency.

Categories of records in the system:

Files contain requests for waiver of foreign residency.

Authority for maintenance of the system:

Mutual Educational and Cultural Exchange Act of 1961 (75 Stat. 535).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

INTERNAL USERS, USES, AND PURPOSES

Security Policy and Review Division-To evaluate requests for waivers.

EXTERNAL USERS, USES, AND PURPOSES

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

Filed alphabetically by last name of individual.

Safeguards:

Building guards and locked file containers. Records are maintained in an area accessible only to authorized personnel.

Retention and disposal:

Records are permanent. Retained in active file for ten years.

System manager(s) and address:

Director, Program Control and Administration, OUSDRE, Office of the Secretary of Defense, Pentagon, Washington, D.C. 20301.

Notification procedure:

Information may be obtained from:
Security Policy and Review Division
Room 3D1014
Pentagon
Washington, D.C. 20301
Telephone: 202-697-3459

Record access procedures:

Requests from individuals should be addressed to: Under Secretary of Defense for Research and Engineering, Office of the Secretary of Defense, Pentagon, Washington, D.C. 20301.

Written requests for information should contain full name of individual, current address and telephone number and approximate date of waiver request.

For personal visits individual should be able to provide appropriate identification.

Contesting record procedures:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

Record source categories:

Application and related correspondence from sponsor and individual requesting waiver.

Systems exempted from certain provisions of the act:

None.

DWHS IO&R01

System name:

Combat Area Casualties.

System location:

Directorate for Information Operations and Reports, Washington Headquarters Services, Pentagon, Washington, D.C. 20301.

Categories of individuals covered by the system:

Names of all military personnel who were killed, missing, captured, or interned in Southeast Asia.

Categories of records in the system:

Files contain a completed Report of Casualty (DD Form 1300).

Authority for maintenance of the system:

Executive Order 11216, 3 CFR 301 (1964-1965 Compilation), 'Designation of Vietnam and Waters Adjacent Thereto as a Combat Zone for the Purposes of Section 112 of the Internal Revenue Code of 1954,' approved April 24, 1965.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

INTERNAL USERS, USES, AND PURPOSES

The purpose of this system of records is to compile a list of all military personnel who were killed, missing, captured, or interned in Southeast Asia. This list is used by the Office of the Assistant Secretary of Defense (International Security Affairs) (OASD(ISA)), the Defense Intelligence Agency (DIA), and other OSD activities.

EXTERNAL USERS, USES, AND PURPOSES

To the Veterans Administration - listing the name, Social Security Number (SSN), and rank of all former prisoners-of-war of the Vietnam conflict for the purpose of conducting comprehensive studies of the disability compensation awarded to and the health care needs of veterans. To any public or private person for statistical purposes. The name, grade, date of birth only are released on those who are currently missing, captured, or interned.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

DD 1300s are filed in file reference order by service, country of occurrence.

Retrievability:

Data may be retrieved by name or file reference number.

Safeguards:

All information is maintained in locked safes.

Retention and disposal:

Records are permanent. Automatic Data Processing (ADP) files will be made available to National Archives when no longer required by Office of the Secretary of Defense (OSD).

System manager(s) and address:

Director of Information Operations and Reports, Washington Headquarters Services, Pentagon, Washington, D. C. 20301.

Notification procedure:

Information may be obtained from:
Director of Information Operations and Reports
Washington Headquarters Services
Department of Defense
Room 4B938
Pentagon
Washington, D. C. 20301
Telephone: 202-697-6107

Record access procedures:

Requests should be addressed to the System Manager.

Contesting record procedures:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

Record source categories:

The source of this information is the serviceman's casualty section.

Systems exempted from certain provisions of the act:

None.

DWHS IO&R02

System name:

Noncombat Area Casualties.

System location:

Directorate for Information Operations and Reports (DIOR), Washington Headquarters Services, Pentagon, Washington, D.C. 20301.

Categories of individuals covered by the system:

Names of all U.S. military personnel on active duty who die or become missing or captured in a noncombat area after October 1, 1979.

Categories of records in the system:

Records consist of personal data, e.g., name, rank, Social Security Number (SSN), military service, home of record, date of birth, race, sex, marital status, and cause of death. Automated data will be further substantiated by a complete Report of Casualty (DD Form 1300), which will be submitted for each record in the file.

Authority for maintenance of the system:

Department of Defense Directive 5110.4, 'Washington Headquarters Services, ' October 1, 1977; and Department of Defense Instruction 7730.60, 'U.S. Military Personnel Casualties in Noncombat Areas,' September 27, 1979.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

INTERNAL USERS, USES, AND PURPOSES

The purposes of this system of records are to:

Compile a list of all military personnel who die or become missing or captured by cause of casualty. This list is used by the Office of the Assistant Secretary of Defense (Health Affairs) (OASD(HA)), Office of the Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics) (OASD(MRA&L)), and other OSD activities; and

Automate data currently being reported in a manual format.

EXTERNAL USERS, USES, AND PURPOSES

Provide statistical data to the U.S. Congress on request; and

Provide statistical data to the general public when requested.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

DD-1300s are stored in file reference order by service.

Hardcopy files are stored at the Pentagon and computer files are stored on magnetic tape and disk at the WHS/DIOR Computer Center in the Pentagon, Washington, D.C. The remote terminal retains no data.

Retrievability:

Data may be retrieved by name, file reference number, or Social Security Number (SSN).

Safeguards:

Current hardcopy records, e.g., DD-1300s and EAM cards, prior to processing for computer storage, are retained in a locked file located in a limited access area in the Pentagon. Only data currently required by Department of Defense Directive 1300.4 and DoD Instruction 7730.60 are maintained in the automated data file.

The computer facility is operated by the Washington Headquarters Services (WHS), the Pentagon, Washington, D.C. The computer hardware, disks, tapes, and other materials are secured in a controlled and guarded area in the Pentagon. Access is via access list, escort, or controlled remote terminal to the unclassified computer. Access for all system users is password controlled.

All access to the WHS/DIOR computer is via user identification and sign-on password from six (6) terminals connected by hardwire, leased lines and dial-in lines. Computer software ensures that only properly identified users can access the Privacy Act files on this system. Passwords are changed periodically or upon departure of individuals knowing them.

The on-line system will be implemented on a DEC PDP-15 computer, in the software environment of an Operating System, Data Management, and Software and Development System designed and developed by the Defense Advanced Research Projects Agency (DARPA), a Department of Defense Agency. The Data Management System (DMS) operates in a dedicated mode with no other applications operating at the same time. In addition to the sign-on password, DMS allows a user to access only those specific files authorized that user. Only personnel concerned with the day-to-day maintenance of the resident files will be given the password and user identification information needed to access to all fields in the data base. Any combination of fields and data within fields can be used to select individual records.

The computer site is adequately secure for storage of unclassified data. The terminals to be used are located in a limited access area where observation and use by unauthorized individuals can be prevented.

Retention and disposal:

Records are permanent.

System manager(s) and address:

Director of Information Operations and Reports, Washington Headquarters Services, Pentagon, Washington, D.C. 20301.

Notification procedure:

Information may be obtained from: Director of Information Operations and Reports, Washington Headquarters Services, Department of Defense, Room 4B938, Pentagon, Washington, D.C. 20301. Telephone: 202-697-8237.

Record access procedures:

Requests should be addressed to the System Manager.

Contesting record procedures:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

Record source categories:

The source of this information is the serviceman's casualty section.

Systems exempted from certain provisions of the act:

None.

DWHS P01

System name:

Senior Executive Service (SES) and Equivalent Executive Level Files.

System location:

Directorate for Personnel and Security, Washington Headquarters Services (WHS), Department of Defense, Room 3B347, Pentagon, Washington, D.C. 20301.

Categories of individuals covered by the system:

Any individual who is currently in, was recommended for, or has held an executive position in the Office of the Secretary of Defense (OSD), OSD field activities, the Organization of the Joint Chiefs of Staff, the U.S. Court of Military Appeals, the U.S. Mission to NATO, the NATO International Staff, the NATO Support Group, and the Defense Agencies.

Categories of records in the system:

File contains both approved and disapproved cases. File also contains copy of individual's SF-171, position description, position evaluation statement, organization chart, Office of Personnel Management (OPM) Form 1390, SF-161, or 161A, correspondence, and other selected documents.

Authority for maintenance of the system:

Title 5, United States Code, Section 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

INTERNAL USERS, USES, AND PURPOSES

Records provide information necessary for carrying out the SES personnel and position management functions. The Office of Secretary of Defense (OSD), OSD field activities, the Organization of the Joint Chiefs of Staff (OJCS), the U.S. Court of Military Appeals (COMA), the U.S. Mission to NATO, the NATO International Staff, the NATO Support Group, and the Defense Agencies are part of routine use.

EXTERNAL USERS, USES, AND PURPOSES

The Office of Personnel Management (OPM) uses the information necessary for the OPM to carry out its Government-wide personnel functions.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders in metal file cabinets.

Retrievability:

Filed by organization, and then alphabetically by name.

Safeguards:

Access is granted only to personnel and management officials having a need-to-know. Building employs guards. Records are maintained in an area accessible only to authorized personnel.

Retention and disposal:

Files maintained indefinitely.

System manager(s) and address:

Director for Personnel and Security, WHS, Room 3B347, Pentagon, Washington, D.C. 20301.

Notification procedure:

Information may be obtained from:

Directorate for Personnel and Security

Washington Headquarters Services (WHS)
Room 3B347
Pentagon
Washington, D.C. 20301
Telephone: 202-697-4211.

Record access procedures:

Requests from individuals should be addressed to the above System Manager.

Contesting record procedures:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

Record source categories:

SF-171 from individual, other material obtained from personnel offices and statements from management officials.

Systems exempted from certain provisions of the act:

None.

DWHS P37

System name:

Grievance Records.

System location:

Directorate for Personnel and Security, Washington Headquarters Services (WHS), Department of Defense, Room 3B347, Pentagon, Washington, D.C. 20301.

Categories of individuals covered by the system:

Current or former Federal employees who have submitted grievances in accordance with 5 USC 2302, and 5 USC 7121, or a negotiated procedure.

Categories of records in the system:

The system contains records relating to grievances filed by Office of the Secretary of Defense (OSD) employees under 5 USC 2302, and 5 USC 7121. These case files contain all documents related to the grievances, including statements of witnesses, reports of interviews and hearings, examiner's findings and recommendations, a copy of the original and final decision, and related correspondence and exhibits. This system includes files and records of internal grievance and arbitration systems that OSD may establish through negotiations with recognized labor organizations.

Authority for maintenance of the system:

5 USC 2302, and 5 USC 7121.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

INTERNAL USERS, USES, AND PURPOSES

This information is used by the Office of the Secretary of Defense (OSD) in the creation and maintenance of records of summary descriptive statistics and analytical 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 reference.

EXTERNAL USERS, USES, AND PURPOSES

These records and information in these records are used:

a. 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 criminal law or regulation.

b. 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 individual, inform the source of the purpose(s) of the request, and identify the type of information requested.

c. 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 or suitability investigation of an individual; the classifying of jobs; 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 requesting the Agency's decision on the matter.

d. 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.

e. To disclose information to another Federal agency or to a court when the Government is party to a judical proceeding before the court.

f. By the National Archives and Records Service (General Services Administration) in records management inspections conducted under authority of 44 U.S.C. 2906.

g. To disclose information to officials of the Merit Systems Protection Board, including the Office of the Special Counsel; the Federal Labor Relations Authority and its General Counsel; or the Equal Employment Opportunity Commission, when requested in performance of their authorized duties.

h. 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.

i. To provide information to officials of labor organizations reorganized under the Civil Service Reform Act when relevant and necessary to their duties, 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:

Paper records maintained in file folders.

Retrievability:

These records are retrieved by the names of the individuals on whom the records are maintained.

Safeguards:

These records are maintained in locked metal file cabinets, with access only to authorized OSD Personnel employees.

Retention and disposal:

These records are disposed of 3 years after closing of the case. Disposal is by shredding or burning.

System manager(s) and address:

Director for Personnel and Security, Washington Headquarters Services (WHS), Department of Defense, Room 3B347, Pentagon, Washington, D.C. 20301.

Notification procedure:

Information may be obtained from Directorate for Personnel and Security, Washington Headquarters Services (WHS), Department of Defense, Room 3B347, Pentagon, Washington, D.C. 20301. Telephone: 202-697-3305.

Record access procedures:

Request for access to records may be obtained from the SYSMANGER.

Contesting record procedures:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

Record source categories:

Information in this system of records is provided:

a. By the individual on whom the record is maintained.

b. By testimony of witnesses.

c. By Agency officials.

d. From related correspondence from organizations or persons.

Systems exempted from certain provisions of the act:

None.

DWHS SPM001

System name:

Application for Pentagon Parking Permit.

System location:

DoD Parking Control Office, Directorate for Space Management and Services, Washington Headquarters Services, and the Air Force Data Services Center, Department of Defense, Pentagon, Washington, D.C. 20301.

Categories of individuals covered by the system:

Parking applications received from employees of the Department of Defense and pay parking record/receipt forms from DoD and other Federal employees.

Categories of records in the system:

File includes DD Form 1199, Application for Pentagon Parking Permit, DD Form 1200, Pentagon Parking Permit Replacement/Re-Use of Space Request, and DD Form 2213, Parking Record/Receipt.

Authority for maintenance of the system:

Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The purpose of this system is to assign parking to eligible Department of Defense personnel, and to record monthly payments of parking fees.

INTERNAL USERS, USES, AND PURPOSES

To be used by DoD Parking Control Office to assign parking to eligible DoD personnel at the Pentagon and Federal Building 2.

EXTERNAL USERS, USES, AND PURPOSES

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Card records in card file, computer magnetic tapes, disks and video screens.

Retrievability:

Filed alphabetically by permit number.

Safeguards:

Under direct control of the DoD Parking Control Office. Office is locked and guarded. Computer media residents are stored in controlled areas. Dial-up computer terminal access is controlled by user passwords that are periodically changed.

Retention and disposal:

Records are kept on active applicants and destroyed when they depart Department of Defense.

System manager(s) and address:

Director, Space Management and Services, Washington Headquarters Services, Department of Defense, Pentagon, Washington, D.C. 20301.

Notification procedure:

Information may be obtained from:
Director, Space Management and Services
Washington Headquarters Services
Department of Defense
Room 3C345, Pentagon
Washington, D.C. 20301
Telephone: 202-697-7241

Record access procedures:

Requests from individuals should be addressed to: Director, Space Management and Services, Washington Headquarters Services, Department of Defense, Room 3C345, Pentagon, Washington, D.C. 20301.

Written requests for information should contain the full name of the individual and the name of the employing Component.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license or DoD building pass. The computer system has the facility to access all data stored in the data base. Central Parking Control has exclusive access to the data base and controls updating the files.

Contesting record procedures:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81

Record source categories:

Application for Pentagon Parking Permit, DD Form 1199, and related forms.

Systems exempted from certain provisions of the act:

None.

DWHS SPM002

System name:

Pentagon and Federal Building 2 Carpool Locator.

System location:

Primary System - Air Froce Data Services Center.

Decentralized Segments - DoD Parking Control Office, Directorate for Space Management and Services, Washington Headquarters Services, Department of Defense, Pentagon, Washington, D.C. 20301.

Office of the DoD Building Administrator, Directorate for Space Management and Services, Washington Headquarters Services, Department of Defense, Federal Building 2, Washington, D.C. 20301.

Categories of individuals covered by the system:

All Department of Defense (DoD) and other personnel who participate in Pentagon and Federal Building 2 carpools.

Categories of records in the system:

Name of individual, DoD Component Code, home address, working hours, Pentagon or Federal Building 2 office room number, office phone number, map coordinate of home address.

Authority for maintenance of the system:

Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

This system assigns and administers allocated carpool parking spaces at the Pentagon and Federal Building 2; and provides Pentagon and Federal Building 2 carpoolers with the names of potential prospects who live near him/her.

INTERNAL USERS, USES, AND PURPOSES

DoD Parking Control Office and the Office of the Building Administrator, Federal Building 2 - To assign and administer allocated carpool parking spaces at the Pentagon and Federal Building 2.

Air Force Data Services Center - To provide a printout to each individual in the system which lists other participants who live near him/her who are potential carpool prospects, and to provide a complete printout of all participants to the DoD Parking Control Office and the General Services Administration (GSA).

Individuals - To contact other participants on either his/her individual printout or area card, or the DoD Parking Control Office's complete printout to determine their interest in carpooling.

EXTERNAL USERS, USES, AND PURPOSES

General Services Administration - To carpool data in area-wide system when and if implemented.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Computer magnetic tapes, disks and paper printouts for the Pentagon building carpools. Manual storage within self-help carpool locator board for Federal Building 2 participants.

Retrievability:

Information is accessed and retrieved by name and home address map grid for Pentagon building participants. Information is manually accessed and retrieved from cards in map grids for Federal Building 2 participants.

Safeguards:

Pentagon - All participants have access to the data, which is under direct control of the DoD Parking Control Office. Office is locked and guarded. Computer media resident at the Air Force Data Services Center is stored in controlled areas. Dial-up computer terminal access is controlled by user passwords that are periodically changed.

Federal Building 2 - All participants have access to the data. Building has security guards. System is maintained in an area secured during nonworking hours and within close view of security officers.

Retention and disposal:

Data is retained only on active participants. Records of personnel removed from the Pentagon Carpool Locator shall be kept one to three months and then destroyed. Records of personnel removed from the Federal Building 2 carpool locator shall be destroyed upon removal.

System manager(s) and address:

Director, Space Management and Services, Washington Headquarters Services, Department of Defense, Pentagon, Washington, D.C. 20301.

Notification procedure:

Information may be obtained from:
Director, Space Management and Services
Washington Headquarters Services
Department of Defense
Room 3C345, Pentagon
Washington, D.C. 20301
Telephone: 202-697-7241

Record access procedures:

Requests from individuals should be addressed to: Director, Space Management and Services, Washington Headquarters Services, Department of Defense, Room 3C345, Pentagon, Washington, D.C. 20301.

Written requests for information should contain the full name of the individual, current address and telephone number.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license or DoD building pass.

The computer system has the facility to access all data stored in the data base. Central Parking Control has exclusive access to the data base and controls updating the files.

Contesting record procedures:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

Record source categories:

Carpool Locator Card (DD Form 2170).

Systems exempted from certain provisions of the act:

None.

DEFENSE ADVANCED RESEARCH PROJECT AGENCY

REQUESTING RECORDS

Records are retrieved by name or by some other personal identifier. It is therefore especially important for expeditious service when requesting a record that particular attention be provided to the Notification and/or Access Procedures of the particular record system involved so as to furnish the required personal identifiers, or any other pertinent personal information as may be required, to locate and retrieve the record.

BLANKET ROUTINE USES

Certain blanket 'routine uses' of the records have been established, that are applicable to every record system maintained within the Department of Defense, unless specifically stated otherwise within a particular record system. These additional blanket routine uses of the records are published below, only once in the interest of simplicity, economy and to avoid redundancy, before the individual record system notices begin rather than repeating them in every individual record system.

ROUTINE USE - LAW ENFORCEMENT

In the event that a system of records maintained by this component 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 by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

ROUTINE USE - DISCLOSURE WHEN REQUESTING INFORMATION

A record from a system of records maintained by this component 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 component 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.

ROUTINE USE - DISCLOSURE OF REQUESTED INFORMATION

A record from a system of records maintained by this component may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

ROUTINE USE - CONGRESSIONAL INQUIRIES

Disclosure from a system of records maintained by this component may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

ROUTINE USE WITHIN THE DEPARTMENT OF DEFENSE

A record from a system of records maintained by this component may be disclosed as a routine use to other components of the Department of Defense if necessary and relevant for the performance of a lawful function such as, but not limited to, personnel actions, personnel security actions and criminal investigations of the Component requesting the record.

ROUTINE USE - PRIVATE RELIEF LEGISLATION

Relevant information contained in all systems of records of the Department of Defense published on or before August 22, 1975, 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 A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

ROUTINE USE - DISCLOSURES REQUIRED BY INTERNATIONAL AGREEMENTS

A record from a system of records maintained by this Component may be disclosed to foreign law enforcement, security, investigatory, or administrative authorities in order to comply with requirements imposed by, or to claim rights conferred in international agreements and arrangements including those regulating the stationing and status in foreign countries of Department of Defense military and civilian personnel.

ROUTINE USE - DISCLOSURE TO STATE AND LOCAL TAXING AUTHORITIES

Any information normally contained in IRS Form W-2 which is maintained in a record from a system of records maintained by this Component may be disclosed to State and local taxing authorities with which the Secretary of the Treasury has entered into agreements pursuant to Title 5, U.S.Code, Sections 5516, 5517, 5520, and only to those State and local taxing authorities for which an employee or military member is or was subject to tax regardless of whether tax is or was withheld. This routine use is in accordance with Treasury Fiscal Requirements Manual Bulletin Nr. 76-07.

ROUTINE USE - DISCLOSURE TO THE OFFICE OF PERSONNEL MANAGEMENT

A record from a system of records subject to the Privacy Act and maintained by this component may be disclosed to the Office of Personnel Management concerning information on pay and leave, benefits, retirement deductions, and any other information necessary for the Office of Personnel Management to carry out its legally authorized Government-wide personnel management functions and studies.

ROUTINE USE - DISCLOSURE OF INFORMATION TO NARS (GSA)

A record from a system of records maintained by this component may be disclosed as a routine use to the National Archives and Records Service of the General Services Administration in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

ROUTINE USE - DISCLOSURE TO DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

All systems of records relating to compensation, employment or retirement, or extracts therefrom, maintained by this Component may be disclosed as a routine use to the Department of Health, Education, and Welfare for the purpose of comparing such record with records of programs administered by and in the possession of the Department of Health, Education, and Welfare in order to verify information where such verification is required by law or regulation or to identify violations or potential violations of law, whether criminal, civil, or regulatory, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto.

E DARPA 001

System name:

Travel File.

System location:

Administrative Services Office, Defense Advanced Research Projects Agency (DARPA), 1400 Wilson Boulevard, Arlington, Va. 22209.

Categories of individuals covered by the system:

All DARPA employees, military and civilian, who make one or more TDY trips for DARPA. Selected Government employees who visit DARPA on official business at DARPA's expense and certain nonGovernment personnel traveling on Invitational Travel Orders for DARPA.

Categories of records in the system:

Traveler's name, office, days authorized, travel date, estimated cost, (other), airlines ticket costs and status.

Authority for maintenance of the system:

Title 5, United States Code, Section 301; Department of Defense Directive 5105.41, 'Defense Advanced Research Projects Agency (DARPA)', June 8, 1978.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

INTERNAL USERS, USES, AND PURPOSES

Used by the Director and Deputy Directors, Assistant Directors, Staff Assistants, Project Officers, and Personnel and Administrative Officers, DARPA - Internal management administrative and budgetary needs. Provides daily, weekly and monthly status reports to top management officials concerning status of travel funds.

EXTERNAL USERS, USES, AND PURPOSES

None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Computer paper printouts, paper records and correspondence in file folders, also, magnetic disc.

Retrievability:

Accessed by last name, by office, or by any of the data files listed in 'Categories of records in the system:'.

Safeguards:

Paper copies are maintained in areas accessible only to authorized personnel. Building employs security guards. File access is available to authorized personnel who have been assigned system passwords.

Retention and disposal:

Paper files will be destroyed by burning or pulping immediately after they have served their purposes or after 2 years, whichever occurs first. There are no plans to retire or destroy Automatic Data Processing (ADP) files.

System manager(s) and address:

Administrative Officer, DARPA, 1400 Wilson Boulevard, Arlington, Va. 22209.

Notification procedure:

Information may be obtained from:
Administrative Officer, DARPA
Room 607, Architect Building
1400 Wilson Boulevard
Arlington, Va. 22209
Telephone: 202-694-3032

Record access procedures:

Requests from individuals should be addressed to: Administrative Officer, DARPA, 1400 Wilson Boulevard, Arlington, Va. 22209.

Written requests for information should contain the full name of the individual, the period for which the information is required and specific categories of information required.

For personal visits, the individual should be able to provide DoD Identification Card.

Contesting record procedures:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

Record source categories:

DARPA Special Orders (TDY, Invitational, PCS, etc.). Travel Vouchers as submitted by travelers and as returned by the local finance offices.

Systems exempted from certain provisions of the act:

None.

E DARPA 002

System name:

Biographical Sketch.

System location:

Manpower Office, Defense Advanced Research Projects Agency (DARPA), 1400 Wilson Boulevard, Arlington, Va. 22209.

Categories of individuals covered by the system:

All DARPA current and past employees, military and civilian.

Categories of records in the system:

Biographical sketch contains name, Date of Birth (DOB), home address, home phone; Service Computation Date (SCD), DARPA reporting date, DARPA project office, room number, office phone, position title and grade; experience; education, degree/year and field; awards or special achievements; spouse's name; remarks. Additional data for military personnel includes temporary rank/grade, permanent rank/grade; professional training received within past three years.

Authority for maintenance of the system:

Title 5, United States Code, Section 301; Department of Defense Directive 5105.41, 'Defense Advanced Research Projects Agency (DARPA)', June 8, 1978.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

INTERNAL USERS, USES, AND PURPOSES

Used by the Director and Deputy Directors, Assistant Directors, Staff Assistants, Project Officers, and Personnel and Manpower Officers, DARPA - To update management with a concise sketch of DARPA employees, when needed for award ceremonies or interviews.

EXTERNAL USERS, USES, AND PURPOSES

None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Biographical sketches are in employee's file folder.

Retrievability:

Accessed by last name.

Safeguards:

Combination lock file cabinets. Material is maintained in areas accessible only to authorized personnel. Building employs security guards.

Retention and disposal:

Records are maintained while employee is with DARPA; records are destroyed by burning 2 years after employee has left DARPA.

System manager(s) and address:

Manpower Officer, Defense Advanced Research Projects Agency (DARPA), 1400 Wilson Boulevard, Arlington, Va. 22209.

Notification procedure:

Information may be obtained from:
Manpower Officer, DARPA
Room 605, Architect Building
1400 Wilson Boulevard
Arlington, Va. 22209
Telephone: 202-694-3077

Record access procedures:

Requests from individuals should be addressed to: Manpower Officer, DARPA, 1400 Wilson Boulevard, Arlington, Va. 22209.

Written requests for information should contain the full name of the individual, his project office, and period employed in DARPA.

For personal visits, the individual first needs to identify himself as a DARPA employee.

Contesting record procedures:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

Record source categories:

Information is provided by individuals concerned.

Systems exempted from certain provisions of the act:

None.

E DARPA 004

System name:

DARPA Personnel.

System location:

Manpower Office, Defense Advanced Research Projects Agency (DARPA), 1400 Wilson Boulevard, Arlington, Va. 22209.

Categories of individuals covered by the system:

Current and former DARPA employees, civilian and military, consultants, and part-time employees.

Categories of records in the system:

File contains individual's Biographical Data: Name, Prename, Date of Birth (DOB), Age, Education; Classification Data: Job Series, Job Title, Position Description Number, Salary; Grade Data: Grade Type, Grade Step, DARPA Promotion, Last Within Grade Increase (WGI), Next Within Grade Increase (WGI); Office of Personnel Management Data: Service Computation Date (SCD), Years in Government; DARPA Data: Project, Civilian-Military Professional Support, Project Number, Entered on Duty (EOD) DARPA: Left DARPA, Years in DARPA; Military Data: Rank, Service, Reassignment Due, Slot Rank, DARPA Award, Date of Rank, Position Description; Review Data: Clearance, Current Office Assignment Data, Eligibility for Retirement; Remarks; Mailing Data: Title, Name, Spouse's Name, Street, City, State, Zip Code, Home Phone; Office Data: Name, Office Phone, Room, Division.

Authority for maintenance of the system:

Title 5, United States Code, Section 301; Department of Defense Directive 5105.41, 'Defense Advanced Research Projects Agency (DARPA)', June 8, 1978.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

INTERNAL USERS, USES, AND PURPOSES

Used by the Director and Deputy Directors, Assistant Directors, Staff Assistants, Project Officers, and Personnel and Manpower Officers, DARPA. Information in different combinations is used for monthly manpower counts, staffing balance for civilian vs. military, professional vs. clerical; grade and salary count. Individual organizational configuration only is available to appropriate Office Directors for their managerial needs.

EXTERNAL USERS, USES, AND PURPOSES

None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Magnetic disk, computer paper printouts, paper records, and correspondence in file folders.

Retrievability:

Data is retrievable by last name as well as by any of the data fields listed in 'Categories of records in the system:'.

Safeguards:

Access to total file limited by password, building employs security guards. Files are maintained in combination lock file cabinets and in areas accessible only to authorized personnel that are properly screened and trained.

Retention and disposal:

Files are permanent. There are no plans to retire or destroy Automatic Data Processing (ADP) files. Paper files are destroyed immediately after serving the purpose for which prepared.

System manager(s) and address:

Manpower Officer, DARPA, 1400 Wilson Boulevard, Arlington, Va. 22209.

Notification procedure:

Information may be obtained from:
Manpower Officer, DARPA
Room 605, Architect Building
1400 Wilson Boulevard
Arlington, Va. 22209
Telephone: 202-694-3077

Record access procedures:

Requests from individuals should be addressed to: Manpower Officer, DARPA, 1400 Wilson Boulevard, Arlington, Va. 22209.

Written requests for information should contain the full name of the individual, the DARPA office assigned to currently or previously and the period of employment with DARPA.

For personal visits, the individual should be able to provide some acceptable identification, such as DARPA pass, DoD pass, or verbal information that could be verified in his file.

Contesting record procedures:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

Record source categories:

Information is provided by individuals concerned.

Systems exempted from certain provisions of the act:

None.

BILLING CODE 3810-70-M

UNITED STATES AIR FORCE

REQUESTING RECORDS

Records are retrieved by name or by some other personal identifier. It is therefore especially important for expeditious service when requesting a record that particular attention be provided to the Notification and/or Access Procedures of the particular record system involved so as to furnish the required personal identifiers, or any other pertinent personal information as may be required, to locate and retrieve the record.

BLANKET ROUTINE USES

Certain blanket 'routine uses' of the records have been established, that are applicable to every record system maintained within the Department of Defense, unless specifically stated otherwise within a particular record system. These additional blanket routine uses of the records are published below, only once in the interest of simplicity, economy and to avoid redundancy, before the individual record system notices begin rather than repeating them in every individual record system.

ROUTINE USE - LAW ENFORCEMENT

In the event that a system of records maintained by this component 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 by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

ROUTINE USE - DISCLOSURE WHEN REQUESTING INFORMATION

A record from a system of records maintained by this component 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 component 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.

ROUTINE USE - DISCLOSURE OF REQUESTED INFORMATION

A record from a system of records maintained by this component may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

ROUTINE USE - CONGRESSIONAL INQUIRIES

Disclosure from a system of records maintained by this component may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

ROUTINE USE WITHIN THE DEPARTMENT OF DEFENSE

A record from a system of records maintained by this component may be disclosed as a routine use to other components of the Department of Defense if necessary and relevant for the performance of a lawful function such as, but not limited to, personnel actions, personnel security actions and criminal investigations of the Component requesting the record.

ROUTINE USE - PRIVATE RELIEF LEGISLATION

Relevant information contained in all systems of records of the Department of Defense published on or before August 22, 1975, 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 A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

ROUTINE USE - DISCLOSURES REQUIRED BY INTERNATIONAL AGREEMENTS

A record from a system of records maintained by this Component may be disclosed to foreign law enforcement, security, investigatory, or administrative authorities in order to comply with requirements imposed by, or to claim rights conferred in international agreements and arrangements including those regulating the stationing and status in foreign countries of Department of Defense military and civilian personnel.

ROUTINE USE - DISCLOSURE TO STATE AND LOCAL TAXING AUTHORITIES

Any information normally contained in IRS Form W-2 which is maintained in a record from a system of records maintained by this Component may be disclosed to State and local taxing authorities with which the Secretary of the Treasury has entered into agreements pursuant to Title 5, U.S.Code, Sections 5516, 5517, 5520, and only to those State and local taxing authorities for which an employee or military member is or was subject to tax regardless of whether tax is or was withheld. This routine use is in accordance with Treasury Fiscal Requirements Manual Bulletin Nr. 76-07.

ROUTINE USE - DISCLOSURE TO THE OFFICE OF PERSONNEL MANAGEMENT

A record from a system of records subject to the Privacy Act and maintained by this component may be disclosed to the Office of Personnel Management concerning information on pay and leave, benefits, retirement deductions, and any other information necessary for the Office of Personnel Management to carry out its legally authorized Government-wide personnel management functions and studies.

ROUTINE USE - DISCLOSURE OF INFORMATION TO NARS (GSA)

A record from a system of records maintained by this component may be disclosed as a routine use to the National Archives and Records Service of the General Services Administration in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

ROUTINE USE - DISCLOSURE TO DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

All systems of records relating to compensation, employment or retirement, or extracts therefrom, maintained by this Component may be disclosed as a routine use to the Department of Health, Education, and Welfare for the purpose of comparing such record with records of programs administered by and in the possession of the Department of Health, Education, and Welfare in order to verify information where such verification is required by law or regulation or to identify violations or potential violations of law, whether criminal, civil, or regulatory, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto.

F01003 0IACYVA

System name:

01003-0IACYVA Background Material.

System location:

Air Reserve Personnel Center, Denver, CO 80280.

Categories of individuals covered by the system:

Air Force Reserve personnel.

Categories of records in the system:

Letter request for orders, amendments, including justification on files on special authorizations when required by order publishing activity.

Authority for maintenance of the system:

10 USC 1162.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information on form is utilized for publication of discharge orders used by military personnel and AF civilian employees within the office and verify that discharge orders were published.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in card files.

Retrievability:

Filed by Name, Social Security Number (SSN) or by other identification number or system identifier.

Safeguards:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in locked cabinets or rooms.

Retention and disposal:

Retained in office files for 1 year after annual cut-off, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

System manager(s) and address:

Commander, Air Reserve Personnel Center (ARPC), Denver, CO 80280.

Notification procedure:

Requests from individuals should be addressed to the Documentation Management Officer, ARPC/DADP, Denver, Colorado 80280. Written requests for information should contain full name, SSN, current mailing address and, if known, the case (control) number on correspondence received from ARPC. Records may be reviewed in the Records Review Room, Air Reserve Personnel Center, Denver, Colorado between 8:00 am and 3:00 pm on normal work days. Visitors wishing to see their records should provide a current Reserve. identification card and/or driving license and some verbal information that could verify the person's SSN at time of discharge.

Record access procedures:

Individual can obtain assistance in gaining access from the Documentation Management Officer, ARPC/DADP, Denver CO 80280; telephone (303) 394-4667.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information obtained from medical institutions, police and investigating officers, witnesses and source documents (such as reports) prepared on behalf of the Air Force by boards, committees, panels, auditors, and so forth.

Systems exempted from certain provisions of the act:

NONE

F01102 AF A

System name:

01102-AF-A Congressional and Other High Level Inquiries.

System location:

At Air Force Manpower and Personnel Center, Major Commands, Separate Operating Agencies and Consolidated Base Personnel Offices (CBPOs) at Air Force installations. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notice.

Categories of individuals covered by the system:

Air Force military personnel serving on active duty, in the Air Force Reserve, or retired or discharged from the Air Force. Civilian personnel currently or formerly employed by the Air Force. Personnel attending Air Force training institutions or undergoing training under Air Force sponsorship.

Categories of records in the system:

Background information and information reflecting Air Force policies and procedures; copies of inquiries received from the Office of the President, Members of Congress and other high level sources requesting information by or on behalf of a constituent; copies of replies to such inquiries including transmittal media used en route from and to the Air Force Office of Legislative Liaison (SAF/LL).

Authority for maintenance of the system:

10 USC 8012, Secretary of the Air Force; power and duties; delegation by; and 10 USC 8032, general

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information pertinent to the inquiry is forwarded to SAF/LL for preparation of the reply to the high level requester. In some instances, response may be direct in the requester without referral through SAF/LL; however, when required by directive, copies of such responses are furnishedbe used in responding to subsequent

inquiries concerning the same individual. The record system mayto determine trends on the nature of complaints and questions and for statistical purposes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in visible file binders/cabinets.

Retrievability:

Filed by name.

Safeguards:

Records are accessed by the custodian of the record system and by persons responsible for servicingin performance of their official duties who are properly cleared for need-to-know. Records are stored in security file containers/cabinets, locked cabinets or rooms.

Retention and disposal:

Retained for 2 years after end of year in which case was closed, then destroyed by tearing into pieces, shredding, macerating, pulping or burning.

System manager(s) and address:

Deputy Chief of Staff/Personnel, Headquarters United States Air Force; commanders of major air commands, numbered air forces or comparable level activities.

Notification procedure:

Requests from individuals must contain reasonable particulars about the subject in question and should be addressed to the respective system manager.

Record access procedures:

Individual can obtain assistance in gaining access from the respective system manager. Individual's request must contain reasonable identifying particulars about the subject in question.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinationsby the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information provided by major command or consolidated base personnel office personnel, manual or aupersonnel records, Air Force policies and procedures, copies of inquiries, congressional/high level officials'/constituents' comments or requests and Air Force replies thereto

Systems exempted from certain provisions of the act:

None.

F01102 ARPC A

System name:

01102-ARPC-A Locator or Personnel Data

System location:

At Air Reserve Personnel Center, Denver CO 80280.

Categories of individuals covered by the system:

Air Force Reserve and Air National Guard personnel. Retired and former Air Force military personnel. ARPC civilian personnel. Air Force active duty military personnel.

Categories of records in the system:

Cards, forms, ledgers, record request, computer listings containing individual's name or names, Social Security Number (SSN), Air Force service number, grade, reserve status, present and former address, record of employer, parent and other relative of reservist or personnel data. Veterans Administration claim number, education institutes reservist attended, school affiliations. Correspondence to and from Federal agencies and employers trying to establish current address of reservists; vouchers for medical service, final payment of medical service bills, medical action required; notes indicating if individual is authorized to earn point credit; and other personnel data. Documents which contain a summary of action taken or to be taken.

Authority for maintenance of the system:

10 USC 267, Ready Reserve; Standby Reserve; Retired Reserve: placement and status of members; 10 USC 268, Ready Reserve: Training requirements; 10 USC 271, Ready Reserve: continuous screening; 10 USC 273, Standby Reserve: composition, inactive status list; 10 USC 275, Personnel records; 10 USC 278, Dissemination of Information; 10 USC 279, Training Reports; 10 USC 8012, Secretary of the Air Force: powers and duties, delegation by; 10 USC 591, Reserve components: qualifications; 10 USC 592, Commissioned officer grades; 10 USC 593, Commissioned officer: appointment, how made, term; 10 USC 594, Commissioned officers: original appointment limitation. Routine uses of records maintained in the system, including

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used to control records distribution, to record location of record, actions taken or/to be taken, used to manage individual's records, to answer inquiries from individual and Air Force units to which individuals are assigned or are to be assigned or other agencies with a need to know of action taken, verify if author of a letter, was a member/or is a member of reserve and what his or her SSN should be, search for good address and stop computer mail from going to bad address, refer for administrative discharge action on reservist that cannot be located, advise reservist or civilian of reserve matters or center actions, provide comprehensive record of all medical actions taken by Surgeon's Office and record authorization for physical examinations at Government expense or no expense and record voucher number, preparing point credit authorization and forwarding authenticated point credit forms to servicing personnel office.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders, in note books/binders, in visible file binders/cabinets, in card files, on paper tape and on computer cards.

Retrievability:

Filed by Name, by Social Security Number (SSN), by Military Service Number, by other identification number or system identifier and/or voucher number, school affiliation, by Air Force Service Number, or by last address of Reservist.

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are protected by guards.

Retention and disposal:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, or macerating.

System manager(s) and address:

Commander Air Reserve Personnel Center (ARPC), Denver CO 80280.

Notification procedure:

Request from individual should be addressed to Documentation Management Officer, ARPC/DADF, Denver CO 80280. Written request for information should contain full name of individual, SSN (Social Security Number), current address, and the case (control) number shown on correspondence received from Center. Records may be reviewed in records review room ARPC, Denver CO 80280, between 8:00 A.M. and 3:00 P.M. on normal work days. For personal visits, the individual should provide current Reserve I.D. card and/or drivers license and give some verbal information that could verify his/her military records such as place of birth, reserve status.

Record access procedures:

Individual can obtain assistance in gaining access from Documentation Management Officer, ARPC/DADP, Denver, CO 80280, telephone (303) 394-4667.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Extract from individual records, individual advance personnel data computer system. For address information secured from last recorded employer, postmaster of city of last recorded address, telephone information operator at last city of good address, parents of reservist, other relatives of reservist, Veterans Administration if reservist has a claim number listed in master personnel record, college or university reservist attended, Selective Service Boards, Internal Revenue Service, public utilities or any other lead that may be found in the master personnel record of the reservist, military pay records at Air Force Accounting and Finance Center, Lowry AFB, Denver CO 80279, log books and from Consolidated Base Personnel Offices. Medical information is also secured from medical facilities, physicians, medical specialists.

Systems exempted from certain provisions of the act:

NONE

F01102 DPXVH F

System name:

01102 DPXVH F Congressional Inquiries.

System location:

Headquarters United States Air Force, Washington DC 20330 and Office of the Secretary of the Air Force Office of Legislative Liaison Congressional Inquiry Division, Washington, DC (HQ USAF/SAF/LL, Washington, DC 20330).

Categories of individuals covered by the system:

The categories of individuals on whom records are maintained: All personnel, military and civilian, who submitted a request for assistance or information to a Congressional member, the White House, Inspector General (IG), or other high level persons during the current calendar year concerning Air Force policy and/or procedures on housing.

Categories of records in the system:

Original (or copy) of individual's request for assistance or information, transmittal cover letter from the Office of the Secretary of the Air Force, Legislative Liason (SAF/LL), coordination copy of proposed response furnished to SAF/LL, and background information.

Authority for maintenance of the system:

10 U.S.C., 8012 and 8032; 44 U.S.C., 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The information in the record system is collected to provide the information requested by the individual and pertains only to that individual request. The information collected is then forwarded to SAF/LL for use in providing a response. Such information may be utilized to provide answers to requests for similar information or to provide further information in response to a follow-up inquiry on behalf of the same individual. This information is provided the Congress and is furnished through the offices of the Department of the Air Force.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in visible file binders/cabinets.

Retrievability:

Filed by Name.

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

Retention and disposal:

Retained for one year after end of year in which the case was closed, transferred to a staging area for one additional year, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

System manager(s) and address:

Director, Housing and Services, Air Force Engineering and Services Center, Tyndall AFB, FL 32403.

Notification procedure:

Requests from individuals should be addressed to the Systems Manager.

Record access procedures:

Individual can obtain assistance in gaining access from the Systems Manager.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Air Force policy and procedures; responses to inquiries from members of Congress, the White House, Inspector General and other high level agencies; copies of responses generated thereto.

Systems exempted from certain provisions of the act:

NONE

F01102 SAC A

System name:

Logistic Personnel Management System.

System location:

Deputy Commander for Maintenance or Deputy Commander for Resources (at Air Force installations) witCommand (SAC) and Deputy Chief of Staff for Logistics at Strategic Air Command Headquarters. Officiare in the Department of Defense directory in the appendix to the Air Force's systems notice.

Categories of individuals covered by the system:

Strategic Air Command personnel assigned to logistics or maintenance duties.

Categories of records in the system:

Files related to qualifications, experience, education, and degree of security clearance of logisti

Authority for maintenance of the system:

10 U.S.C. 8012, Secretary of the Air Force: Power and duties; delegation by.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To develop a record source on logistics personnel at unit level in order to determine overall job qand historical data for analysis by unit and MAJCOM. Files will provide a source of data to help determine future training requirements, protection capab

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Manually manipulated file folders.

Retrievability:

Retrieved by name or weapon system to which individual is assigned.

Safeguards:

Records are accessed by custodian of unit files and by personnel responsible for servicing the recoof official duties. File folders are stored in locked rooms or drawers.

Retention and disposal:

Files are destroyed when superseded, or on reassignment from Strategic Air Command or separation of

System manager(s) and address:

Deputy Chief of Staff, Logistics, Headquarters Strategic Air Command and Deputy Commander MaintenanDeputy Commander Resources, at Strategic Air Command base or organization.

Notification procedure:

Deputy Chief of Staff Logistics, Deputy Commander Maintenance, or Deputy Commander Resources. Requests to determine existence of record should include full name, grade and approximate dates individual was assigned to Strategic Air Command logistics or maintenance organization after 1

Record access procedures:

Access to manual files is controlled by Deputy Chief of Staff, Logistics, at Headquarters StrategicDeputy Commander Resources at each Strategic Air Command organization.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determination may be obtained from the system manager.

Record source categories:

Information obtained from individual.

Systems exempted from certain provisions of the act:

None.

F01201 0QPTFLA

System name:

01201 0QPTFLA Information Requests-Freedom of Information Act.

System location:

Air Force installations.

Categories of individuals covered by the system:

All persons who have requested documents under the provisions of the Freedom of Information Act.

Categories of records in the system:

Administration of release of information to the public.

Authority for maintenance of the system:

5 U.S.C. 552.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To control administrative processing of requests for information used by freedom of information manager.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders.

Retrievability:

Filed by Name.

Safeguards:

Records are accessed by custodian of the record system. Records are stored in locked cabinets or rooms.

Retention and disposal:

Retained in office files for one year after annual cut-off, transferred to a staging area for two additional years, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

System manager(s) and address:

Director of Administration, Headquarters United States Air Force.

Notification procedure:

Contact the Chief central base administration at each Air Force Installation.

Record access procedures:

Contact the Chief of central base administration at each Air Force installation.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Freedom of information manager as result of requests for information from members of public.

Systems exempted from certain provisions of the act:

NONE

F01201X0IACYVA

System name:

01201X0IACYVA Fee Case File

System location:

Air Reserve Personnel Center, Denver, CO 80280.

Categories of individuals covered by the system:

Air Force Reserve and Air National Guard personnel.

Categories of records in the system:

Copies of general correspondence, chargeable case control, and public voucher for refunds involving collection of fees for reproduction of documents from an Air Force reserve or Air National Guard members master personnel record,at the request or authorization of the member for release to himself/or herself or approved agencies.

Authority for maintenance of the system:

10 USC 8012

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Purpose is for suspense and control to insure chargeable fees are collected and to verify action completed.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders.

Retrievability:

Filed by Name and Social Security Number (SSN).

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in safes.

Retention and disposal:

Filed for two years then destroyed by tearing, pulping, or burning.

System manager(s) and address:

Commander Air Reserve Personnel Center (ARPC), Denver, CO 80280.

Notification procedure:

Requests from individuals should be addressed to the Documentation Management Officer, ARPC/DADP, Denver, Colorado 80280. Written requests for information should contain full name, SSN, current mailing address and, if known, the case (control number on correspondence received from ARPC. Records may be reviewed in the Records Review Room, Air Reserve Personnel Center, Denver, Colorado between 8:00 am and 3:00 pm on normal work days. Visitors wishing to see their records should provide a current Reserve identification card and/or driving license and some verbal information that could verify the person's SSN at time of discharge.

Record access procedures:

Individual can obtain assistance in gaining access from the Documentation Management Officer, ARPC/DADP, Denver, CO 80280, telephone (303) 394-4667.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information from other military agencies and the National Personnel Records Center, St. Louis, MO 63132.

Systems exempted from certain provisions of the act:

NONE

F02501 0IACYVA

System name:

02501-0IACYVA Manpower Standards Study Reports.

System location:

Air Reserve Personnel Center, Denver, CO 80280.

Categories of individuals covered by the system:

Air Force active duty military personnel. Air Force civilian employees.

Categories of records in the system:

Workload and man hour record

Authority for maintenance of the system:

31 USC sections 18, 18a and 18b.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To collect manhour and workload data for the purpose of comparing work accomplished to the standard and to expected to be done, to identify excessive workload buildups and to determine individual employee performance.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained on computer magnetic tapes and on computer paper printouts.

Retrievability:

Filed by Social Security Number (SSN).

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are protected by guards.

Retention and disposal:

Retained in office files for three months after monthly cut-off, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

System manager(s) and address:

Commander Air Reserve Personnel Center (ARPC), Denver, CO 80280.

Notification procedure:

Requests from individuals should be addressed to the Documentation Management Officer, ARPC/DADP, Denver, Colorado 80280. Written requests for information should contain full name, SSN, current mailing address and, if known, the case (control) number on correspondence received from ARPC. Records may be reviewed in the Records Review Room, Air Reserve Personnel Center, Denver, Colorado between 8:00 am and 3:00 pm on normal work days. Visitors wishing to see their records should provide a current Reserve identification card and/or driving license and some verbal information that could verify the person's SSN at time of discharge.

Record access procedures:

Individual can obtain assistance in gaining access from Documentation Management Officer, ARPC/DADP CO, 80280, telephone (303) 394-4667.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information collected from individual.

Systems exempted from certain provisions of the act:

NONE

F03001 SAC A

System name:

03001 SAC A Drug Rehabilitation Action Management Information System.

System location:

At servicing Air Force (AF) installation Social Actions Offices, Consolidated Base Personnel Offices, Strategic Air Command Headquarters, SAC Drug Rehabilitation Center and Air Force Manpower and Personnel Center. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notice.

Categories of individuals covered by the system:

Air Force active duty military personnel who are identified as drug abusers.

Categories of records in the system:

As a minimum, the system contains computerized data and manual files related to drug abuse identification, category of abuse, acceptance of treatment, and subsequent personnel actions.

Authority for maintenance of the system:

5 U.S.C. 301, Departmental regulations; and 10 U.S.C. 8074, Commands: territorial organization.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To identify and track a person's acceptance/declination and progress in the Strategic Air Command drug rehabilitation program and ultimate disposition (retained on active duty, separated, demoted, etc). Those authorized to have access to the files are base and command level social actions staffs, drug rehabilitation instructors, and selected command staff personnel. The files are used to maintain information on drug abusers, to measure the success of program objectives, to substantiate personnel actions, provide analysis reports to concerned managers and to support separation actions.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Computer disk/tape files and manual file folders.

Retrievability:

Filed by name, by other identification number or system identifier.

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. The computer file is secured on computer disk/tape by computer operations personnel. Manual file folders are stored in security file containers/cabinet safes.

Retention and disposal:

Computerized and manual files will be retained for two years from the date of identification of drug abuse, then disposed of in accordance with AFM 12-50.

System manager(s) and address:

Deputy Chief of Personnel, Strategic Air Command, SAC Drug Rehabilitation Center, McConnell AFB KS 67221, and base level Social Actions Offices.

Notification procedure:

Chief, Social Action, Strategic Air Command Headquarters for Computer Files or Det 1, 3902 ASW/CC/ McConnell AFB KS 67221, and base level Social Actions Offices for manual files. Requests to determine existence of record on file should include full name, grade, and unit of assignment. Personal visit proof of identification requires full name and possession of Department of Defense (DD Form 2AF) Armed Forces Identification Card, or driver's license and personrecognition of counselor.

Record access procedures:

Access to computer files is controlled by Chief of Social Actions, Headquarters Strategic Air Command. Access to manual files is controlled by Det 1, 3902 ABW/CC, McConnell AFB KS 67221 and by base level Chief, Social Actions Office.

Chief of Social Actions, Strategic Air Command Headquarters, Det 1, 3902 ABW/CC, McConnel AFB KS 67

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information obtained from medical institution, personnel records, individuals.

Systems exempted from certain provisions of the act:

NONE

F03001 DPXVV A

System name:

03001-DPXVV-A File Designation, Drug Abuse, Waiver Requests.

System location:

Directorate of Student Resources, USAF Recruiting Service, Air Training Command, Randolph Air Force Base, Texas 78148 (ATC/RSS, Randolph AFB TX 78148); 3700 Personnel Processing Group, Lackland AFB, Texas 78236 (3700 PPG, Lackland AFB, Texas 78236); USAF Recruiting Service Detachment Headquarters; USAF Recruiting Service Offices; Deputy Chief of Staff, Education, Headquarters Air University, Maxwell AFB, Alabama 36112) (AU/ED, Maxwell AFB AL 36112); Directorate of Senior Programs, Headquarters Air Force Reserve Officer Training Corps (AFROTC), Maxwell AFB, Alabama 36112 (AFROTC/SD, Maxwell AFB, Alabama 36112); AFROTC Detachments; Directorate of Admissions and Registrar, United States Air Force Academy, USAF Academy, Colorado 80840 (USAFA/RR, USAF Academy, Colorado 80840);

Categories of individuals covered by the system:

Applicants for enlistment or commissioning who have a history of pre-service drug abuse and who have requested a waiver of their disqualification.

Categories of records in the system:

A Copy of the USAF Drug Abuse Certificate and Drug Abuse Circumstances, Recommendation of Intermediate commands, and cover letter containing HQ USAF decision on waiver request are maintained

Authority for maintenance of the system:

10 USC 504 and 44 USC 3101

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

This record is not released outside the Air Force. Records are maintained for future reference in the case of further inquiries relative to approval or disapproval of the request for waiver of pre-service drug abuse.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in visible file binders/cabinets.

Retrievability:

Filed by Name and Social Security Number (SSN).

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in safes and locked cabinets or rooms.

Retention and disposal:

After action on the request, the paper record is filed in secured file cabinets, retained for no more than six months, and destroyed by tearing into pieces.

System manager(s) and address:

Deputy Chief of Staff/Personnel, Headquarters United States Air Force.

Notification procedure:

Requests from individuals should be addressed to the Systems Manager.

Record access procedures:

Requests from individuals should be addressed to the system's manager

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Records maintained in the system are provided by either Air Training Command, Air University, or the USAF Academy.

Systems exempted from certain provisions of the act:

NONE

F03001XOBXQPCB

System name:

03001XOBXQPCB Military, Leadership, and Basic Cadet Training Order of Merit System.

System location:

United States Air Force Academy, USAF Academy CO 80840.

Categories of individuals covered by the system:

Air Force Academy cadets.

Categories of records in the system:

Military Order of Merit System consists of AFCW Form 1, Cadet Performance Report, Work Sheet, Cadet Military Rating, Computer produced rosters listing final Military Order of Merit standing, Leadership Order of Merit. System consists of computer produced roster listing final Leadership Order of Merit standing. Basic Cadet Training Order of Merit standings, attendance and course grades.

Authority for maintenance of the system:

44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used as an input in determining Military, Leadership, and Basic Cadet Training Order of Merit standing. Used to record results from Military Order of Merit and Leadership Order of Merit worksheet for computer processing, and to record final Military, Leadership and Basic Cadet Training Order of Merit standing. Used to record Basic Cadet Training attendance and course grade data.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in note books/binders and on computer paper printouts.

Retrievability:

Filed by Name and Military Service Number.

Safeguards:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

Retention and disposal:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

System manager(s) and address:

Commandant of Cadets, USAF Academy CO 80840.

Notification procedure:

See Exemption

Record access procedures:

See Exemption

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

See Exemption

Systems exempted from certain provisions of the act:

Parts of this system may be exempt under 5 U.S.C. 552a (j) or (k), as applicable. For additional information, contact the Systems Manager.

F03001X0IACYVB

System name:

03001X0IACYVB Inquiries on the Reserve Program.

System location:

At Air Reserve Personnel Center (ARPC), Denver, Co 80280.

Categories of individuals covered by the system:

Air Force active duty officer and enlisted personnel. Air Force civilian employees. Air Force Reserve and Air National Guard personnel. Retired Air Force military personnel. Civilians.

Categories of records in the system:

Letters from active, reserve military personnel and civilians requesting assignment, vacancy search action in the Air Force reserve program.

Authority for maintenance of the system:

10 USC 8012

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

ARPC personnel answer questions on the reserve program and/or try to locate vacancies.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders.

Retrievability:

Filed by Name and Social Security Number (SSN).

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties. Records are protected by guards.

Retention and disposal:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

System manager(s) and address:

Commander Air Reserve Personnel Center (ARPC), Denver, CO 80280.

Notification procedure:

Requests from individuals should be addressed to the Documentation Management Officer, ARPC/DADP, Denver, Colorado 80280. Written requests for information should contain full name, SSN, current mailing address and, if known, the case (control) number on correspondence received from ARPC. Records may be reviewed in the Records Review Room, Air Reserve Personnel Center, Denver, Colorado between 8:00 am and 3:00 pm on normal work days. Visitors wishing to see their records should provide a current Reserve identification card and/or driving license and some verbal information that could verify his/her inquiry.

Record access procedures:

Individual can obtain assistance in gaining access from the Documentation Management Officer ARPC/DADP, Denver CO 80280, telephone (303) 394-4667.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information from individual.

Systems exempted from certain provisions of the act:

NONE

F03002 0IACYVA

System name:

03002-0IACYVA Applications for Identification (ID) Cards.

System location:

Air Reserve Personnel Center, Denver, CO 80280.

Categories of individuals covered by the system:

Air Force Reserve personnel.

Categories of records in the system:

Applications for ID cards and discharge orders.

Authority for maintenance of the system:

18 USC 499, 506 and 701.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Purpose is to suspend pending receipt of ID card or correspondence from reservist advising of prior disposition of identification card.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders.

Retrievability:

Filed by Name and by Social Security Number (SSN).

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are protected by guards.

Retention and disposal:

Destroy when notified that credential has been returned to issuing activity by tearing into pieces, shredding, pulping, macerating, or burning.

System manager(s) and address:

Commander Air Reserve Personnel Center (ARPC), Denver, CO 80280.

Notification procedure:

Requests from individuals should be addressed to the Documentation Management Officer, ARPC/DADP, Denver, Colorado 80280. Written requests for information should contain full name, SSN, current mailing address and, if known, the case (control) number on correspondence received from ARPC. Records may be reviewed in the Records Review Room, Air Reserve Personnel Center, Denver, Colorado between 8:00 am and 3:00 pm on normal work days. Visitors wishing to see their records should provide a current Reserve identification card and/or driving license and some verbal information that could verify the person's SSN at time of discharge.

Record access procedures:

Individuals can obtain assistance in gaining access from the Documentation Management Officer, ARPC/DADP, Denver, Colorado 80280; telephone (303) 394-4667.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information is extracted from master personnel record when individual is discharged from the Air Force Reserve.

Systems exempted from certain provisions of the act:

NONE

F03004 AFDPMDB

System name:

03004-AFDPMDB Advanced Personnel Data System (APDS).

System location:

Headquarters United States Air Force, Washington DC 20330. Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78148. Air Reserve Personnel Center, Denver, CO 80280. Headquarters of the major commands and separate operating agencies and at consolidated base personnel offices, at central civilian personnel offices (CCPOs) and at consolidated reserve personnel offices. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notice. The Central Data Processing facility for APDS is operated by the Directorate of Personnel Data Systems, Asst DCS/Personnel for Military Personnel, Headquarters USAF, Randolph AFB, TX, 78148. Remote terminals located within this Air Force Manpower and Personnel Center (AFMPC) complex permit authorized users access to the central data base. In addition, remote terminals located at Headquarters of the following major commands provide direct access to the Central Data Base at Randolph AFB for update and retrieval of data: Hq Air Training Command/DPD, Randolph AFB, TX 78148; Hq Strategic Air Command/DPD, Offutt AFB, NE 68113; Hq Tactical Air Command/DPD, Langley AFB, VA 23365; Hq Air Force Logistics Command/DPM, Wright Patterson AFB OH 45433; Hq Air Force Systems Command/DPD, Andrews AFB, MD 20331; Hq Air University/DPD, Maxwell AFB, AL 38112. Hq Military Airlift Command/DPD, Scott AFB, Il 62225; Hq USAF Electronic Security Command/DPD, San Antonio, TX 78243; Hq Air Force Communications Command/DPD, Scott AFB, IL 62225; Hq Air Force Reserve/DPD, Robins AFB, GA 31098; Hq Pacific Air Force/DPD, APO San Francisco 96553; HQ United States Air Force Europe/DPD, APO New York 09012; HQ Alaskan Air Command/DElmendorf AFB, AK 99506. Certain Air Force Staff Agencies, Separate Operating Activities and other specialized activities are provided remote access to the Central Data Base as required to discharge their respective functions. Remote terminals to support these requirements are found at the following locations: HQ USAF/Surgeon General, HQ USAF/Judge Advocate, HQ USAF/Director of Civilian Personnel, Washington DC 20314; The Pentagon, (HQ USAF/Director of Personnel Plans, HQ USAF/Director of Personnel ProgramsHQ USAF/Reserve Personnel Division, National Guard Bureau/Air Personnel Division, HQ USAF/Assistant for Colonels' Assignments) Washington DC 20330; Air Force Intelligence Service, Air Reserve Personnel CeDirector of Personnel Systems, Denver CO 80280; Hq Air Force Reserve, Robins AFB, GA 31098; United States Air Force Academy, Colorado Springs, CO 80840; Air Force Accounting and Finance Center, Lowry AFB, Denver, CO 80279; Air Force Office of Special Investigations, Washington, DC 20330; Air Force Data Automation Agency, Gunter AFS, AL 36114; Air Force Audit Agency, Norton AFB, CA 92409; Air Force Inspection and Safety Center, Norton AFB, CA 92409; Air Force Technical Evaluation Center, Kirtland AFB, NM 87117; and Headquarters United States Air Force, Pentagon, Washington, DC 20330; Washington Area Automated Data Processing Support Office/DPMDQ, Bolling AFB, DC 20332; Hq Air Training Command, Directorate of Student Resources, and Deputy Chief of Staff for Recruiting Service, Randolph AFB, TX 78148; Office of Civilian Personnel Operations, Randolph AFB, TX 78148; Consolidated Base Personnel Offices (CBPOs) and CCPOs located at selected Air Force Bases around th world maintain computer data bases on persons for whom they have a servicing responsibility. In addition, CBPOs and CCPOs can request - by mail or the DOD Automatic Digital Network (AUTODIN) data from the Central Data Base at Randolph AFB, TX. CBPOs and CCPOs do not have direct remote acceto the Central Data Base. Official mailing addresses of CBPOs and CCPOs are in the DOD directory inthe appendix to this systems notice. The three APDS processing echelons (Base, Major Command, and Hq USAF) are linked into one vertical system. The CBPOs are linked into major Command and HQ USAF via AUTODIN. Major Commands are linked into HQ USAF via AUTODIN and telecommunications network. Data items are updated by the office and at the level having primary responsibility for the item in question. Data may be retrieved by the office and at the level having a validated requirement for access to it.

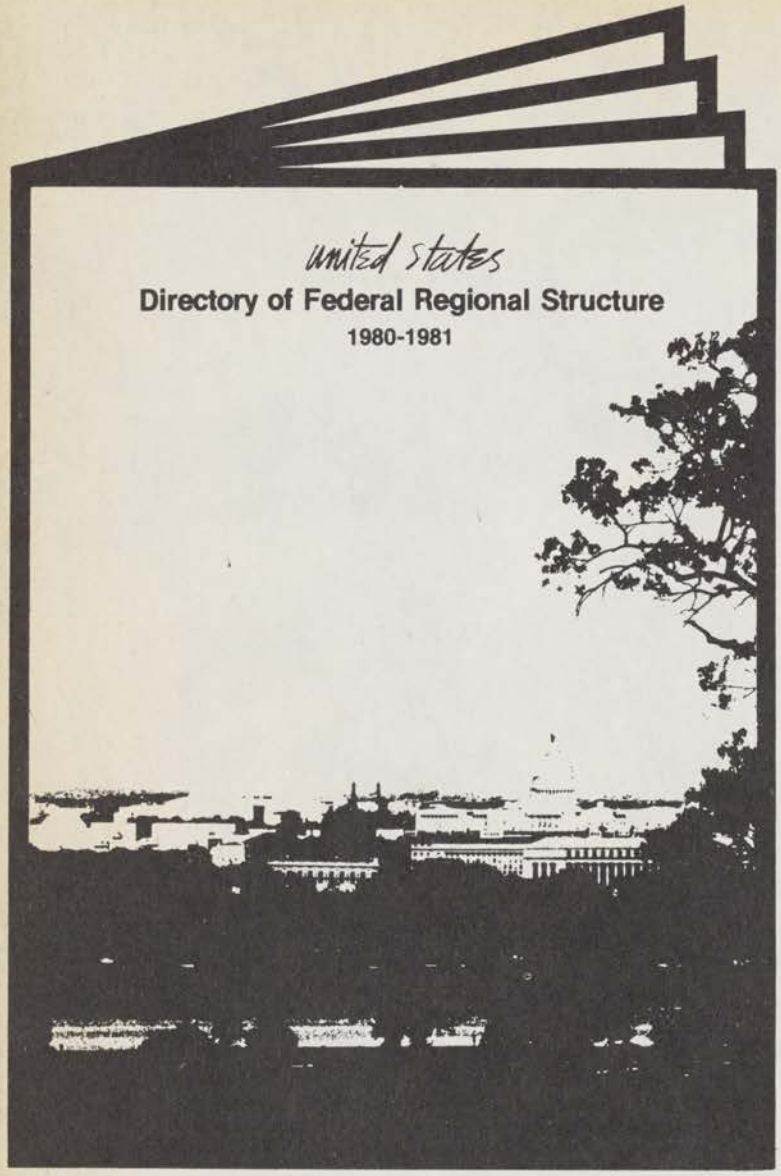
Categories of individuals covered by the system:

Air Force active duty and retired military personnel. Air Force Reserve and Air National Guard personnel. Air Force Academy cadets. Air Force Civilian Employees. Certain surviving dependents of deceased members of the US Air Force and predecessor organizations; potential Air Force enlistees; candidates for commission enrolled in college level Air Force Reserve Officer Training Corps Programs; Deceased members of the Air Force and predecessor organizations; Separated members of the US Air Force, the Air National Guard (ANG) and Air Force Reserve (USAFR); ANG and USAFR Technicians; Prospective, pending, current, and former Air Force civilian employees, except Air National Guard Technicians and nonappropriated fund employees-current and former civilian employees from other Governmental agencies that are serviced at CCPOs may be incat the option of servicing CCPO.

Categories of records in the system:

The principal digital record maintained at each APDS operating level is the master personnel record, which contains the following categories of information: 1. Accession data pertaining to an individual's entry into the Air Force (place of enlistment source of commission, home of record, date of enlistment, place from which ordered to EAD). 2. Education and training data, describing the level and type of education and training, civilian or military (academic education level, major academic specialty, professional specialty courses completed, professional military education received). 3. Utilization data used in assigning and reassigning the individual, determining skill qualifications, awarding Air Force Specialty Codes, determining duty location and job assignment, screening/selecting individual for overseas assignment, performing strength accounting processes, etc. (Primary Air Force Specialty code, Duty and Control Air Force Specialty Code, personnel accounting symbol, duty location, up to 24 previous duty assignments, aeronautical rating, date departed last duty station, short tour return date, reserve section, current/last oversea tour). 4. Evaluation Data on members of the Air Force during their career (Officer Effectiveness Report dates and ratings, Airman Performance Report dates and ratings, results of various qualification tests, an 'Unfavorable Information' indicator, and Drug and Alcohol Abuse data). 5. Promotion Data including promotion history, current grade and/or selection for promotion (current grade, date of rank and effective date; up to 10 previous grades, dates of rank and effective dates; projected temporary grade, key 'service dates'). 6. Compensation data - although APDS does not deal directly with paying Air Force members, military pay is largely predicated on personnel data maintained in APDS and provided to the Air Force Accounting and Finance Center (AFAFC) as described in ROUTINE USES below (pay date, Aviation Service Code, sex, grade, proficiency pay status. 7. Sustentation data - information deal-

ing with programs provided or actions taken to improve the life, personal growth and morale of Air Force members (awards and decorations, marital status, number of dependents, religious denomination of member and spouse, race relations education). 8. Separation and retirements data, which identifies an individual's eligibility for and reason for separation (date of separation, mandatory retirement date, projected or actual separation program designator and character of discharge). At the central processing site (AFMPC), other subsidiary files or processes are operated which are integral parts of APDS: 1. Procurement Management Information System (PROMIS) is an automated system designed to enable the USAF to exercise effective management and control of the personnel procurement personnel required to meet the total scheduled manpower requirements necessary to accomplish the Air Force mission. The system provides the recruiter with job requirement data such as necessary test scores, Air Force Specialty Code, sex, date of enlistment; and the recruiter enters personal data on the applicant - SSN, name, date of birth, etc. - to reserve the job for him or her. 2. Career Airman Reenlistment Reservation System (CAREERS) is a selective reenlistment process that manages and controls the numbers by skill of first-term airmen that can enter the career force to meet established objectives for accomplishing the Air Force mission. A Centralized data bank contains the actual number, by quarter, for each Air Force Specialty Code (AFSC) that can be allowed to reenlist during that period. The individual requests reenlistment by stating his eligibility (AFSC, grade, active military service time, etc). If a vacancy exists, a reservation - by name, SSN, etc - will be made and issued to the CBPO processing the reenlistment. 3. Airman Accessions provides the process to capture a new enlistee's initial personal data (entire personnel record) to establish a personnel data record and gain it to the Master Personnel File of the Air Force. The initial record data is captured through the established interface with the Processing and Classification of Enlistees System (PACE) at Basic Military Training, Lackland AFB for non-prior service; for prior service enlistees the basic data (Name, SSN, DOE, Grade, etc) is input directly by USAF Recruiting Service and updated and completed by the initial gaining CBPO. 4. Officer Accessions is the process whereby each of the various Air Force sources of commissioning (AF Academy, AFROTC, Officer Training School, etc.) project their graduates in advance allowing management to select by skill, academic specialty, etc which and how many will be called to active duty when, by entering into the record an initial assignment and projected entry onto Active Duty date. On that date the individual's record is accessed to the active Master Personnel File of the Air Force. 5. Technical Training Management Information System (TRAMIS) is a system dealing with the Technical Training activities controlled by Air Training Command. The purpose of the system is to integrate the training program, quota control and student accounting into the personnel data system. TRAMIS consists of numerous files which constitute 'quota banks' of available training spaces, in specific courses, projected for future use based on estimated training requirements. Files include such data as: Course Identification Numbers, Class Start and Graduation Dates, Length of Training, Weapon System Identification, Training Priority Designators, Responsible Training Centers, Trainee Names, SSN (and other pertinent personnel data) on individuals scheduled to attend classes. 6. Training Pipeline Management Information System (TRAPMIS) is an automated quota allocating system which deals with specialized combat aircrew training and aircrew survival training. Its files constitute a 'quota bank' against which training requirements are matched and satisfied and through which trainees are scheduled in 'pipeline' fashion to accommodate the individual's scheduled geographical movement from school to school to end assignment. Files contain data concerning the courses monitored as well as Names, SSN's and other pertinent personnel data on members being trained. 7. Air Force Institute of Technology (AFIT) Quota Bank File reflects program quotas by academic specialty for each fiscal year (current plus two future fiscal years, plus the past fiscal year programs for historical purposes). Also, this file reflects the total number of quotas for each academic specialty. Officer assignment transactions process against the AFIT Quota Bank file to reflect the fill of AFIT Quotas. Examples of data maintained are: Academic Specialty, Program Level, Fiscal Year, Name of Incumbent selected, projected, filling AFIT Quota. 8. Job File is derived from the Authorization Record and is accessible by Position Number. Resource managers can use the Job File to validate authorizations by Position Number for assignment actions and also to make job offers to individual officers. Internal suspensing within the Job File occurs based upon Resource Managers update transactions. Data in the file includes: Position Number, Duty AFSC, Functional Account Code, Program Element, Location, and name of incumbent. 9. Casualty subsystem is composed of transactions which may be input at Headquarters Air Force and/or CBPOs to report death or serious illness of members from all components. A special file is maintained in the system to record information on individuals who have died. Basic identification data and unique data such as country of occurrence, date of incident, casualty group, aircraft involved in the incident and military status are recorded and maintained in this file. 10. Awards/Decorations are recorded and maintained on all component personnel in the headquarters Air Force master files. All approved decorations are input at CBPOs whereas disapproved decorations are input at MAJCOM/HAF. A decorations statistical file is built at AFMPC which reflects an aggregation of approvals/disapprovals by category of decoration. This file does not contain any individually identifiable data. All individually identifiable data on decorations is maintained in the Master Personnel File. Such information as the type of decoration, awarding authority, special order number and date of award are identified in an individual's record. Seven occurrences for all decorations are stored; however only specific data on the last decoration of a particular type is maintained. 11. Point Credit Accounting and Reporting System (PCARS). This system is an Air National Guard/Air Force Reserve Unique supported by APDS. Its basic purpose is to maintain and account for retirement/retention points accrued as a result of participating in Drills/ Training. The system stores basic personal identification data which is associated with a calendar of points, earned by participation in the Reserve program. Each year an individuals record is closed and point totals are accumulated in history, and a point earning statement is provided the individual and various records custodians. 12. Human Reliability/Personnel Reliability File: This file is maintained at Headquarters Air Force in support of AFM 35-98 and AFR 35-99. It is not part of the Master Personnel Files but a free standing file which is updated by transactions from CBPOs. The file was established to specifically identify individuals who have become permanently disqualified under the provisions of the above regulations. A record is maintained on each disqualified individual which includes basic identification data, service component, Personnel/Human reliability status and date, and reason for disqualification. 13. Variable Incentive Pay (VIP) File for medical officers: Contains about 125 character record on all Air Force physicians and is specifically used to identify whether the individual is participating in the Continuation Pay or Variable Incentive Pay programs. Update to this file is provided by the Surgeon (AFMPC), the Air Force Accounting and Finance Center and directly from changes to the Master Personnel File. Besides basic identification data an individual's record includes source of appointment, graduate medical location status, amount of VIP or Continuation Pay and the dates of authorization and the dates and reason for separation. 15. Weighted Airman Promotion System: (a) The Test Scoring and Reporting Subsystem (TSRS) provides for: identifying at the CBPO individuals eligible for testing; providing output to the Base Test Control Officer and the CBPO to control, monitor, and operate WAPS testing functions; editing and scoring WAPS test answer cards at AFMPC; providing output for maintaining historical and analytical files at AFMPC and the Human Resources Laboratory (HRL) and includes the central identification at AFMPC of individuals eligible for testing. (b) The Personnel Data Reporting Subsystem (PDRS) provides for: identifying promotion eligibles at AFMPC; verifying these eligibles and selection promotion data; merging test and weighted promotion data at AFMPC to effect promotion scoring, assigning the promotion objective and aligning selectees in promotion priority sequence; maintaining projections on promotion selectees at AFMPC, MAJCOM, and the CBPO; updating these projections monthly; creating output products to monitor the flow of data in the system; maintaining promotion historical and analytical files and reports at AFMPC. (c) Basically, identification data along with time in grade, test scores, decoration information, time in service, and airman performance report history is used to support this program. 16. Retired Personnel Data System (RPDS) is made up of four files - Retired Officer Management File and Retired Airman Management File containing records on members in retired status and the Retired Officer and Airman Loss Files containing records on former retirees who have been lost from rolls, usually through death. The RPDS is used to produce address listings for the Retired Newsletter and Policy letter, statistical reports for budgeting, to manage the Advancement Program, the Temporary Disability Retired List, Age 59 rosters for ARPC, General Officer roster, and statistical digest data for management analysis functions. Data is extracted from the master files upon retirement from Active Duty or Reserves. Data includes: Name, SSN, Grade data, service data, Education data, Retirement data and address. 17. Separated Officer File contains historical information on officers who leave the Air Force via separation, retirement, or death. Copies are sent to Human Resources Lab and Washington offices for research purposes. The data comprises the Master Personnel Record in its entirety and is captured 30 to 60 days after separation from the Air Force. 18. Airman Gain/loss File includes data extracted from the Airman Master file when accession and separation (gains and



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Part XIII—Continued

Department of Defense

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Part XIII—Continued

Department of Defense

Office of the Secretary

Privacy Act of 1974; Annual Publication of Systems of Records

losses) occur. This file, like the Separated Officer File, is used for historical reports regarding strength changes. Data includes Name, SSN, and other data that reflects strength, i.e., promotions, reassignment data, specialty codes, etc. 19. Officer and Airman Separation Subsystem is used to process, track, approve, disapprove and project separations from the Air Force and transfers between components of the Air Force. This subsystem uses the Active, Guard, and Reserve MPFs. Data includes that specifically related to separations, e.g., Date of Separation, Separation Program Designator, waivers, etc. 20. The Retirements Subsystem is used to process and track applications for and approval/ disapproval and projections of retirements. This subsystem uses the Master Files for Active Duty and Reserve officers and airmen. Data specifically related to retirements includes application data, date of separation, waiver codes, disapproval reason codes, Separation Program Designator, Title 10 United States Code section, etc. 21. Retired Orders Log is a computer produced retirement orders routine. Orders are automatically produced when approval, verification of service dates, and physical clearance have been entered in system. The orders log contains data found in administrative orders for retirement, including name, SSN, grade, order number, effective dates, etc. The log is used to control assignment of order number, and as a cross-reference between orders, revocations, and amendments. 22. General Officer Subsystem of APDS contains data extracted from the Master Personnel File and language qualification data and assignment history data maintained by the Assistant for General Officer matters. A record is maintained on each general officer and general officer selectee. The general officer files are updated monthly and is used to produce products used in the selection/identification of general officers for applicable assignments. 23. Officer Structure Simulation Model (OSSM) provides officer force descriptions in various formats for existing, predictive or manipulated structures. It functions as a planning tool against which policy options can be applied so as to determine the impact of such policy decisions. The OSSM input records contain individual identifiable data from the Master Personnel Record, but all output is statistical. 24. Widow's File is maintained on magnetic tape and updated by the Office of Primary Responsibility. When required, address labels and listings are produced by employing selected APDS utility programs. The address labels are used to forward the Retired Newsletter to widows of active duty and retired personnel. The listings are used for management control of the program. Contained in the file are the name, address, and SSN of the widow. Additionally, the deceased sponsor's name, SSN, date of death, and status at time of death are maintained. 25. Historical Files are files with a retention period of 365 days or more. They consist of copies of active master files, and are used primarily for aggregation and analysis of statistical data, although individual records may be accessed to meet ad hoc requirements. 26. Miscellaneous files, records, and processes are a number of work files, inactive files with a less-than-365-day retention period, intermediate records, and processes relating to statistical compilations, computer operation, quality control and problem diagnosis. Although they may contain individual-identifying data, they do so only as a function of system operation, and are not used in making decisions about people. 27. Civilian employment information including authorization for position, personnel data, suspense information; position control information; projected information and historical information; civilian education and training data; performance appraisal, ratings, evaluations of potential; civilian historical files covering job experience, training and transactions; civilian awards information; merit promotion plan work files; career programs files for such functional areas as procurement, logistics, civilian personnel, etc., civilian separation and retirement data for reports and to determine eligibility; adverse and disciplinary data for statistical analysis and employee assistance; stand alone files, as for complaints, enrollee programs; extract files from which to produce statistical reports in hard copy, or for immediate access display on remote computer terminals; miscellaneous files, as described in item 26, above.

Authority for maintenance of the system:

10 USC, Chapter 11, Reserve Components, Section 265 - policies and regulations: participation of reserve officers in preparation and administration; 269 - Ready reserve: placement in; transfer from; 275 - Personnel records; 278 - Dissemination of information. 10 USC Chapter 13, The Militia, Section 279 - Training Reports. 10 USC, Capter 31, Enlistments, Sections 504 - Persons not qualified; 505 - Regular components: qualifications, term, grade; 506 - Regular components: extension of enlistments during war; 507 - Extension of enlistment for members needing medical care or hospitalization; 508 - Reenlistment: qualifications; 509 - Voluntary extension of enlistments: periods and benefits; 510 - Reserve components: qualifications; 511 - Reserve components: terms; 512 - Reserve components: transfers. 10 USC Chapter 33, Appointments in Regular Components, Section 564 - Warrant officers: effect of second failure of promotion. 10 USC Chapter 35, Appointments as Reserve Officers, Section 593 - Commissioned officers: appointment, how made; term. 10 USC Chapter 37, General Service Requirements, Section 651 - Members: required service. 10 USC Chapter 39, Active Duty, Sections 671 - Members not to be assigned outside US before completing training; and 673 - Ready reserve. 10 USC Chapter 47, Uniform Code of Military Justice, Sections 835 - Art. 35. Service of Charges; 837 - Art. 37. Unlawfully influencing action of court; 885 - Art. 85. Desertion; 886 - Art. 86. Absence without leave; 887 - Art. 87. Missing movement; 972 - Enlisted members: required to make up time lost. 10 USC Chapter 51, Reserve Components: standards and procedures for retention and promotion, Section 1005 - Commissioned officers: retention until completion of required service. 10 USC Chapter 59, Separation, Sections 1163 - Reserve components: members; limitations on separation; 1164 - Warrant officers; separation for age; 1166 - Regular warrant officers: elimination for unfitness or unsatisfactory performance. 10 USC Chapter 61, Retirement - Physical disability. 10 USC Chapter 63, Retirement for Age, Section 1263 - Age 62: Warrant officers. 10 USC Chapter 65, Retirement for Length of Service, Sections 1293 - Twenty years or more: warrant officers; 1305 - Thirty years or more: regular warrant officers. 10 USC Chapter 67, Retired pay, Sections 1331 - Computation of years of service in determining entitlement to retired pay; 1332 - Age and service requirements; 1333 - Computation of years of service in computing retired pay. 10 USC Chapter 79, Correction of Military Records. 10 USC Chapter 165, Accountability and responsibility, Section 2771 - Final settlement of accounts: deceased members. 10 USC Chapter 803, Department of the Air Force, Section 8012 - Secretary of the Air Force: powers and duties: delegation by: compensation. 10 USC Chapter 805, The Air Staff, Sections 8032 - General duties; and Section 8033 - Reserve components of Air Force; policies and regulations for government for government of: functions of National Guard Bureau with respect to Air National Guard. 10 USC Chapter 831, Strength, Section 8224 - Air National Guard of the United States. 1- USC Chapter 833, Enlistments, Sections 8251 - Definition; 8252 - Temporary enlistments; 8253 - Air Force: persons not qualified; 8256 - Regular Air Force: qualifications, term, grade; 8257 - Regular Air Force: aviation cadets: qualifications, grade limitations; 8258 - Regular Air Force; reenlistment after service as an officer; 8259 - Air Force Reserve: transfer from Air National Guard of United States; 8260 - Air Force Reserve: transfer to upon withdrawal as member of Air National Guard; 8261 - Air National Guard of United States; 8262 - Extension of enlistment for members needing medical care or hospitalization; 8263 - Voluntary extension of enlistment. 10 USC Chapter 835, Appointments in the Regular Air Force, Sections 8284 - Commissioned officers: appointment, how made; 8285 - Commissioned officers: original appointment; qualifications; 8296 - Promotion lists: promotion-list officer defined; determination of place upon transfer or promotion; 8297 - Selection boards; 8303 - commissioned officers: effect of failure of promotion to captain, major, or lieutenant colonel. 10 USC Chapter 837, Sections 8360 - Commissioned officers: promotion service; 8362 - Commissioned officers: selection boards; 8363 - Commissioned officers: selection boards; general procedures; 8366 - Commissioned officers: promotion to captain, major or lieutenant colonel; 8376 - Commissioned officers: promotion when serving in temporary grade higher than reserve grade. 10 USC Chapter 839, Temporary Appointments, Sections 8442 - Commissioned officers; regular and reserve components: appointment in higher grade; 8447 - Appointments in commissioned grade: how made; how terminated. 10 USC Chapter 841, Active Duty, Section 8496 - Air National Guard of United States: commissioned officers; duty in National Guard Bureau. 10 USC Chapter 853, Rights and benefits, Section 8691 - Flying officer rating: qualifications. 10 USC Chapter 857, Decorations and Awards, Sections 8741 - Medal of Honor: award; 8742 Distinguished service cross: award; 8743 - Distinguished service medal: award; 8746 - Silver star: award; 8749 - Distinguished flying cross: award; limitations; 8751 - Service medals: issue, replacement; availability of appropriations. 10 USC Chapter 859, Separation, Sections 8786- Officer considered for removal: voluntary retirement or honorable discharge; severance benefits;8796 - Officers considered for removal: retirement or discharge. 10 USC Chapter 863, Separation or Transfer to Retired Reserve, sections 8846 - Deferred Officers; 8848 - 28 years: reserve first lieutenants, captains, majors, and lieutenant colonels; 8851 - Thirty years or five years in grade: reserve colonels and brigadier generals; 8852 - Thirty-five years or five years in grade: reserve major generals; 8853 - Computation of years of service. 10 USC Chapter 865, Retirement for Age, Sections 8883 - Age 60; regular commissioned officers below major general; 8884 - Age 60: regular major generals whose retirement has been deferred; 8885 - Age 62: regular major generals; 8886 - regular major generals whose retirement has been deferred. 10 USC Chapter 867, Retirement for Length of Service, Sections 8911 - Twenty years or more; regular or reserve commissioned officers; 8913 - Twenty years or more: de-

ferred officers not recommended for promotion; 8914 - twenty to thirty years: regular enlisted members; 8915 - Twenty-five years: female majors except those designated under section 8067(a)-(d) or (g)-(i) of this title; 8916 - twenty-eight years: promotion-list lieutenant colonels; 8917 - Thirty years or more: regular enlisted members; 8918 - Thirty years or more: regular commissioned officers; 8921 - Thirty years or five years in grade: promotion-list colonels; 8922 - Thirty years or five years in grade: regular brigadier generals; 8923 - Thirty-five years or five years in grade: regular major generals; 8924 - Forty years or more: Air Force officers. 10 USC Chapter 901, Training generally, Sections 9301 - Members of Air Force: detail as students, observers and investigators at educational institutions, industrial plants, and hospitals; and 9302 - Enlisted members of Air Force: schools. 10 USC Chapter 903, United States Air Force Academy, Sections 9342 - Cadet: appointment; numbers, territorial distribution; 9344 - Selection of persons from Canada and American Republics; 9345 - Selection of Filipinos. 32 USC Chapter 1, Organization, sections 102 - General policy; and 104 - units: location; organization; command. 32 USC Chapter 3, Personnel, Section 307 - Federal recognition of officers: examination, certification of eligibility. 32 USC Chapter 7, Services, supplies, etc., Section 709 - Caretakers and clerks. 37 USC Chapter 3, Basic Pay, Section 308 - Special pay: reenlistment bonus; 313 - Special pay: medical officers who execute active duty agreements. 37 USC Chapter 7, Allowances, Section 407 - Travel and transportation allowances: dislocation allowance. 37 USC Chapter 10. For civilian employees-5 US Code 301 and 44 US Code 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The Air Force operates what is essentially a centralized personnel management system in an environment that is widely dispersed geographically and encompasses a population that is quite diverse in terms of qualifications, experience, military status and needs. There are three major centers of Air Force personnel management: Washington, D.C., where most major policy and long-range planning/programming decisions are made; the Air Force Manpower and Personnel Center at Randolph AFB, Tx., which performs most personnel operations-type functions for the active duty components of the force; and the Air Reserve Personnel Center at Denver Co., which performs certain operational functions for the Reserve components of the force. Offices at Major Command Headquarters, State Adjutant General, and Air Force Bases perform operational tasks pertaining to the population for which they are responsible. The structure of the Air Force and its personnel management system, the composition of the force, and the Air Force's stated objective of treating its people as individuals, i.e., giving due consideration to their desires, needs and goals, demand a dynamic data system that is capable of supporting the varying needs of the personnel managers at each echelon and operating locations. It is to this purpose that the data in the Advanced Personnel Data System is collected, maintained, and used. A. ROUTINE USES WITHIN THE AIR FORCE - INTERNAL TO THE PERSONNEL COMMUNITY: HQ USAF, WASHINGTON, DC: Deputy Chief of Staff, Personnel and his immediate staff; Director of Personnel Plans; Director of Personnel Programs; Assistant for General Officer Matters; Assistant for Colonel Assignments; Reserve Personnel Division; Air National Guard Personnel Division; and The Surgeon General, the Chief of AF Chaplains and the Staff Judge Advocate, each of which perform certain Personnel functions within their area of responsibility. Data from the central data base at the AFMPC is furnished Washington area agencies by retrieval from the computer at Randolph via remote access devices and by provision of recurring products containing required management information, including computer tape files which are used as input to unique systems with which APDS interfaces. Although most of the data is used by policy makers to develop long-term plans and programs and track progress toward established goals, some individual data is provided/retrieved to support actions taken on certain categories of persons managed by offices in the headquarters e.g. General Officers, Colonels, Air National Guard personnel, etc. AIR FORCE MANPOWER AND PERSONNEL CENTER (AFMPC), RANDOLPH AFB, TX. Personnel managers at AFMPC use the data in APDS to make decisions on individual actions to be taken in areas such as personnel procurement, education and training, classification, assignment, career development, evaluation, promotion, compensation, casualty and personal affairs, separation and retirement. AIR RESERVE PERSONNEL CENTER (ARPC), DENVER, COLORADO. Personnel managers at ARPC perform many of the same functions for the Reserve components of the Air Force as the managers at AFMPC perform for the active duty force. As with the Washington area, ARPC obtains data from the central data base at AFMPC by retrieval through remote terminals and recurring output products containing information necessary to their management processes. MAJOR COMMAND HEADQUARTERS. Major command headquarters personnel operations are supported by the standard content of APDS records provided them by AFMPC. In addition, there is provided in the APDS record an 'add-on area' which the commands are authorized to use for the storage of data which will assist them in fulfilling unique personnel management requirements generated by their mission, structure, geographical location, etc. The standard functions performed fall generally under the same classifications as those in AFMPC, e.g., assignment, classification, separation, etc. Non-standard usages include provisions of unique aircrew data, production of specially-tailored name listing, control of theatre oriented training, etc. Some commands use APDS data - both standard and add-on as input to unique command systems, which are seperately described in the Federal Register. CONSOLIDATED BASE PERSONNEL OFFICES (CBPO). CBPOs, which represent the base-level aspect of APDS, are the prime point of system-to-people interface. Supplied with a standard data base and system, CBPOs provide personnel management support to commanders and supervisors on a daily basis. Acting on receipt of data from higher headquarters, primarily by means of transactions processed through APDS, they notify people of selection for reassignment, promotion, approval/disapproval of requests for separation and retirement, and similar personnel actions. When certain events occur on an individual at the local level, e.g., volunteer for overseas duty, reduction in grade, change in marital status, application for retirement, etc., the CBPO enters transactions into the vertical system to transmit the requisite information to other management levels and update the automated records resident at those levels. CBPOs too are allotted an 'add-on' area in the computer record which they use to support local management unique requirements such as local training scheduling, unique locator listing, urinalysis testing scheduling, etc. B. ROUTINE USES WITHIN THE AIR FORCE - EXTERNAL TO THE PERSONNEL COMMUNITY 1. HEADQUARTERS USAF/AFMPC INTERFACES: Automated interfaces exist between the APDS central site files and the following systems of other functions: a. The Flight Records Data System (FRDS) maintained by the Air Force Inspection and Safety Center (AFISC) at Norton AFB, CA. (1) Certain personnel identification data on rated officers is transferred monthly to the FRDS. This data flow creates the basic identifying data in the FRDS, insures compatability with the APDS, and precludes duplicative data collection and input generation by the AFISC. (2) Update of the personnel data to the FRDS generates return flow of flying hour data which is used at AFMPC for rated resource distribution management. b. The Master Military Pay Account (MMPA), is the Joint Uniform Military Pay System (JUMPS) centralized pay file maintained by the Air Force Accounting and Finance Center (AFAFC) at Denver, CO. The APDS transfers certain pay related data as changes occur to update the MMPA, e.g., promotions, accessions, separations/retirements, name, SSN, grade. These data provide criteria for the AFAFC to determine specific pay entitlements. c. The AFAFC maintains a separate pay system for Air National Guard and Air Force Reserve personnel called the Air Reserve Pay and Allowances System (ARPAS). (1) APDS outputs certain pay related data to ARPAS as changes occur, e.g., retirements/ separations, promotions, name, SSN, grade. These data form the criteria for the AFAFC to determine specific Reserve pay entitlements. (2) ARPAS outputs data which affect accumulated point credits for Air National Guard/ Reserve participation to AFMPC for update of the Point Credit Accounting and Reporting System (PCARS), a component of APDS. PCARS also receives monthly input from Hq Air University which updates point credits as a result of completing an Extension Courses Institute correspondence program. d. AFAFC provides data on Variable Incentive Pay (VIP) for Medical Officers which is used to update a special control file within APDS and produce necessary reports for management of the VIP program. e. Air Training Command operates a system called PACE (Processing and Classification of Enlistees) at Lackland AFB TX. From that system data is fed to AFMPC to initially establish the APDS record on an Air Force enlistee. f. On a monthly basis, copies of the APDS master Personnel File are provided to the Human Resources Laboratory at Brooks AFB, TX, where they are used as a statistical data base for research purposes. g. On a quarterly basis, AFMPC provides the USAF School of Aerospace Medicine with data concerning name, SSN and changes in base and command of assignment of flying personnel. The data reflects significant medical problems in the flying population. h. A complete printout of APDS data pertaining to an individual is included in his Master Personnel Record when it is forwarded to National Personnel Records Center. i. APDS data is provided to the Contingency Planning Support Capability (CPSC) at six major command headquarters: Tactical Air Command, Strategic Air Command, Military Airlift Command, Air Force Communications Command, United States Air Forces, Europe, and Pacific Air Forces. A record

identifiable by individual's name and SSN provides contingency and/or manning assistance temporary duty (TDY) being performed by the individual. Record is destroyed upon completion of the TDY. Statistical records (gross statistics by skill and unit) are also generated for CPSC from APDS providing force availability estimates. CPSC is described separately in the Federal Register. 2. BASE LEVEL (CBPO) INTERFACES: Certain interfaces have been established at base level to pass data from one functional system to another. The particular mode of interface depends on the needs of the receiving function and the capabilities of the system to produce the necessary data: a. The Flight Management Data System (FMDS) receives an automated flow of selected personnel data on flying personnel as changes occur. This data consists primarily of assignment data and service dates which the base flight manager uses to determine appropriate category of aviation duty which is reflected by designation of an Aviation Service Code. The FMDS outputs aviation service data as changes occur to the BLMPS. These data subsequently flow to the APDS central site files at AFMPC so it is available for resource management decisions. b. The Medical Administration Management System (MAMS), currently being developed and tested, will receive flow of selected assignment data as changes occur for personnel assigned to medical activities. MAMS will use these data to align assigned personnel with various cost accounting work centers within the medical activity and thus be able to track manpower expenditure by sub-activities. c. The Automated Vehicle Operator Record (AVOR) is being developed to support motor vehicle operator management. Approximately 115 characters of vehicle operator data will be incorporated into the BLMPS data base during FY76 for both military and civilian personnel authorized to operate government motor vehicles and selected personnel data items (basic identification data) will be authorized for access by the vehicle operator managers. The base Chief of Transportation will be responsible for accuracy of this data and will be the responsible official for actions associated with the Privacy Act of 1974. d. Monthly, a magnetic tape is extracted from BLMPS containing selected assignment data on all assigned personnel. This tape is transferred to the base Accounting and Finance Office for input into the Accounting Operations System. This system uses these data to derive aggregate base manpower cost data. e. A procedure is designed into BLMPS to output selected background data in a pre-defined printed format for personnel being administered military justice. This output is initiated upon notification by the base legal office. The data is forwarded to the major command where it is input into the Automated Military Analysis and Management System (AMJAMS). f. The BLIMPS output (on an event-oriented basis) pay-affecting transactions such as certain promotions, accessions, and assignments/reassignments, to AFAFC, where the data is entered into the JUMPS. C. ROUTINE USES EXTERNAL TO THE AIR FORCE, TO THE OFFICE OF THE SECRETARY OF DEFENSE (OSD). Individual information is provided to offices in OSD on a recurring basis to support top-level management requirements within the Department of Defense. Examples are the DOD Recruiter File to the Assistant Secretary for Manpower and Reserve Affairs (M&RA), a magnetic tape extract of military personnel records (RCS: DDM(SA)1221) to M&RA, input to the Reserve Component Common Personnel Data System to M&RA, and the Post Career Data File to M&RA. 2. TO OTHER DEFENSE AGENCIES. APDS supports other components of DOD by provision of individual data in support of programs operated by those agencies. Examples are the Selected Officer List to the Defense Intelligence Agency for use in monitoring a classified training program and the Defense System Management School (DSMS) Track Record System to DSMS for use in evaluating the performance of graduates of that institution. An extract file on Air National Guard Technicians is provided the National Guard Computer Center. 3. OTHER GOVERNMENT/QUASI-GOVERNMENT AGENCIES. Information used in analyzing officer/airman retention is provided RAND Corporation. Data on prior service personnel with military service obligations is forwarded to the National Security Agency. Lists of officers selected for promotion and/or appointment in the Regular Air Force are sent to the Office of the President and/or the Congress of the United States for review and confirmation. Certain other personnel information is provided these and other government agencies upon request when such data is required in the performance of official duties. Selected personnel data is provided foreign governments, US governmental agencies, and other Uniformed Services on USAF personnel assigned or attached to them for duty. Examples: the government of Canada, Federal Aviation Administration, US Army, Navy, etc.) 4. LITIGATION. Information from APDS may be used in litigation in the event that the United States, its officers, or its employees are involved in the litigation. 5. MISCELLANEOUS. Lists of individuals selected for promotion or appointment, who are being reassigned, who die, or who are retiring are provided to unofficial publications such as the Air Force Times, along with other information of interest to the general Air Force public. Information from APDS support a world-wide locator system which responds to queries as to the location of individuals in the Air Force. Material for preparing mailing labels is furnished commercial publishing or mailing firms working under contract to the Air Force who print or mail quasi-official publications to specified portions of the Air Force population, e.g., retired personnel, widows, etc. Locator information pertinent to personnel on active duty may be furnished to a recognized welfare agency such as the American Red Cross or the Air Force Aid Society. For civilian personnel--to provide automated system support to Air Force officials at all levels from that part of the Office of Personnel Management required personnel management and records keeping system that pertains to evaluation, authorization and position control, position management, staffing skills inventory, career management, training, retirement, employee services, rights and benefits, merit promotion, demotions, reductions in force, complaints resolution, labor management relations, and the suspensions and processing of personnel actions; to provide for transmission of such records between employing activities within the Department of Defense - to provide individual records and reports to OPM; to provide information required by OPM for the transfer between federal activities; to provide reports of military reserve status to other armed services for contingency planning - to obtain statistical data on the work force to fulfill internal and external report requirements and to provide Air Force offices with information needed to plan for and evaluate manpower, budget and civilian personnel programs - to provide minority group designator codes to the Office of Personnel Management's automated data file - to provide the Office of the Assistant Secretary of Defense Manpower and Reserve Affairs with data to access the effectiveness of the program for employment of women in executive level positions - to obtain listings of employees by function or area for locator and inventory purposes by Air Force offices - to assess the effect or probable impact of personnel program changes by simulation and modeling exercises - to obtain employee duty locations and other employee data for personnel program management purposes - to obtain employee duty locations and other information releasable under OPM rules and the Freedom of Information Act to respond to request from Air Force offices, other Federal agencies and the public - to provide individual records to other components of the Department of Defense in the conduct of their official personnel management program responsibilities - to provide records to law enforcement or inauthorities for investigation and possible criminal prosecution, civil court action, or regulatory order - to provide records to OPM for file reconciliation and maintenance purposes - and to provide information to employee unions as required by negotiated contracts.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in visible file binders/cabinets, card files, on computer magnetic tapes, disks or computer paper printouts or microfiche.

Retrievability:

Filed by name, Social Security Number (SSN) or other identification number or system identifier. The primary individual record identifier in APDS is SSN. Some files are sequenced and retrieved from by other identifiers; for instance, the assignment action record is identified by an assignment action number. Additionally, at each echelon there exists computer programs to permit extraction of data from the system by constructing an inquiry containing parameters against which to match and select records. As an example, an inquiry can be written to select all Captains who are F-15 pilots, married, stationed at Randolph AFB, who possess a master's degree in Business Administration; then display name, SSN, number of dependents and duty location. There is the added capability of selecting an individual's record or certain pre-formatted information by SSN on an immediate basis using a teletype or cathode ray tube display device. High-speed line printers located in the Washington DC area, at Major Command Headquarters, and at ARPC permit the trvolume products to and for the use of Personnel managers at those locations.

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in the performance of their official duties where authorized, and properly screened and cleared for need-to-know, and by commanders of medical centers and hospitals. Records are stored in security file containers/cabinets, safes, vaults and locked cabinets or rooms. Records are protected by guards. Records are controlled by personnel screening visitor registers and computer system software.

Retention and disposal:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Preceding retention statement applies to Analog output products of the Advanced Personnel Data System. Data stored digitally within system is retained only for the period required to satisfy recurring processing requirements and/or historical requirements. Files with a retention period of 364 days or less are automatically released at the end of their specified retention period. 'Permanent history' files are retained for 10 years. Files 365 or more days old are defined as 'historical files' and are not automatically released. Retention periods for categories of APDS files are as follows: If cycle in which a program or series of programs creating output is daily, and the created magnetic tape file will be used for processing of next daily, then the retention will be not greater than 10 days. If cycle in which a program or series of programs creating output is daily, and the created magnetic tape file will be used for processing of next daily, which is also used for processing of weekly runs, then the retention will be not greater than 20 days. If cycle in which a program or series of programs creating output is daily, and the created magnetic tape file will be used for processing of next weekly, then the retention will be not greater than 20 days. If cycle in which a program or series of programs creating output is daily, and the created magnetic tape file will be used for processing of next weekly, which is also used for processing of monthly runs, then the retention will be not greater than 30 days. If cycle in which a program or series of programs creating output is weekly, and the created magnetic tape file will be used for processing of next weekly, then the retention will be not greater than 20 days. If cycle in which a program or series of programs creating output is weekly, and the created magnetic tape file will be used for processing of next weekly, which is also used for processing of monthly runs, then the retention will be not greater than 30 days. If cycle in which a program or series of programs creating output is monthly, and the created magnetic tape file will be used for processing of next monthly, then the retention will be not greater than 30 days. If cycle in which a program or series of programs creating output is monthly, and the created magnetic tape file will be used for processing of next monthly, which is also used for processing of quarterly runs, then the retention will be not greater than 90 days. If cycle in which a program or series of programs creating output is monthly, and the created magnetic tape file will be used for processing of next monthly, which is also used for processing of Semi-Annual run, then the retention will be not greater than 190 days. If cycle in which a program or series of programs creating output is monthly, which is also used for processing of annual runs, then the retention will be not greater than 365 days. If cycle in which a program or series of programs creating output is monthly, and the created magnetic tape file will be used for processing of next monthly, which is also used for processing of permanent history, then the retention will be not greater than 999 days. If cycle in which a program or series of programs creating output is quarterly, and the created magnetic tape file will be used for processing of next quarterly, then the retention will be not greater than 90 days. If cycle in which a program or series of programs creating output is quarterly, and the created magnetic tape file will be used for processing of next quarterly, which is also used for processing of semi-annual run, then the retention will be not greater than 190 days. If cycle in which a program or series of programs creating output is quarterly, and the created magnetic tape file will be used for processing of next quarterly, which is also used for processing of annual runs, then the retention will be not greater than 365 days. If cycle in which a program or series of programs creating output is quarterly, and the created magnetic tape file will be used for processing of next quarterly, which is also used for processing of permanent history, then the retention will be not greater than 999 days. If cycle in which a program or series of programs creating output is semi-annual, and the created magnetic tape file will be used for processing of next semi-annual, then the retention will be not greater than 190 days. If cycle in which a program or series of programs creating output is semi-annual, and the created magnetic tape file will be used for processing of next semi-annual, which is also used for processing of annual runs, then the retention will be not greater than 365 days. If created magnetic tape file will be used for processing of permanent history, then the retention will be not greater than 999 days. If cycle in which a program or series of programs creating output is annual, and the created magnetic tape file will be used for processing of next annual, then the retention will be not greater than 365 days. If cycle in which a program or series of programs creating output is annual, and the created magnetic tape file will be used for processing of next annual, which is also used for processing of permanent history, then the retention will be not greater than 999 days. If the program or series of programs creating output is a one time run, and the file will be used for processing as required, then the retention will be lowest possible retention commensurate to job completion. If the program or series of programs creating output is compile card image or SOLT tapes, and the created magnetic tape file will be used for processing as required run, then the retention will be not greater than 90 days maximum. If cycle in which a program or series of programs creating output is as required runs, and the created magnetic tape file will be used for processing as required, the retention will be lowest possible retention commensurate to job completion. If the program or series of programs creating output is test files, and the created magnetic tape file will be used for processing as required, then the retention will be not greater than 30 days. If the program or series of programs creating output is print/punch backup and the created magnetic tape file will be used for processing as required, then the retention will be not greater than 10 days. In addition, for civilian personnel at base level (CCPO), master personnel files for prospective employees are transferred to the active file upon appointment of the employee or in the event the employee is not appointed and will no longer be considered a candidate for appointment, are destroyed by degaussing-master personnel files for active employees are transferred to the separated employee history file where they are retained for three years subsequent to separation and then destroyed by degaussing. The notification of personnel action - Standard Form 50 - is disposed of as directed by OPM - work files and records such as the employee career brief, position survey work sheet, retention register work sheet, alphabetic and Social Security Number locator files, and personnel and position control register are destroyed after use by tearing into pieces, shredding, pulping, macerating, or burning-work sheets pertaining to qualification and retention registers are disposed of as directed by OPM - transitory files such as pending files, and recovery files are destroyed after use by degaussing-files and records retrieved through general retrieval systems are destroyed after use by tearing into pieces, shredding, pulping, macerating, or burning. Those records at AF Manpower and Personnel Center for the end of each fiscal year quarter are retained for five years before destroying by deletion - the separated employee file retains employee information at time of separation for five years after which the employee's record is destroyed by degaussing.

System manager(s) and address:

Deputy Chief of Staff/Personnel, Headquarters United States Air Force. Subordinate system managers are: A. Director of Personnel Data Systems, Assistant Deputy Chief of Staff for Personnel for Military Personnel, Air Force Manpower and Personnel Center (AFMPC), Randolph AFB, TX, 78148. He is responsible for overall APDS design, maintenance and operation, and is designated the Automated Data Processing System Manager for all Air Force personnel data system. B. The Director of Personnel Data Systems at each Major Command headquarters for systems operated at that level. C. The Chief, CBPO, at Air Force installations for systems operated at that level. D. The Civilian Personnel officer at Air Force installations for civilian systems operated at that level.

Notification procedure:

Requests from individuals for notification as to whether the system contains a record on them should be addressed to the system manager of the operating level with which they are concerned. Persons submitting such a request, either personally or in writing, must provide SSN, name, and military status (active, ANG/USAFR, retired, etc. ANG members not on extended active duty may submit such requests to the appropriate State Adjutant General or the Chief of the servicing ANG CBPO. USAFR personnel not on extended active duty may submit such requests to ARPC, Denver, CO, 80280 or, if unit assigned, to the Chief of the servicing CBPO or Consolidated Reserve Personnel Office. Personal visits to obtain notification may be made to the Military Records Review Room, Air Force Manpower and Personnel Center, Randolph AFB, TX 78148, the Military Records Review Room, Air Reserve Personnel Center, Denver CO 80280; The Office of the Director, National Personnel Records Center (NPRC), 111 Winnebago St., St. Louis, MO, 63118; the office of the Director of Personnel Data Systems at the appropriate major command headquarters; or the office of the Chief of his servicing CBPO. Identification will be based on presentation of DD Form 2AF, Military Identification Card. Air Force civilian employees must provide SSN, full name, previous names if any, last date and location of Air Force civilian employment if not currently employed by the Air Force - current employees should submit such requests to their CCPO - former employees of the Air Force should submit such requests to the CCPO for the last Air Force installation at which they were employed. Authorizations for a person other than the data subject to have access to an individual's records must be based on a notarized statement signed by the data subject.

Record access procedures:

Assistance in gaining access to his records will be provided the individual by the appropriate subordinate system manager at AFMPC, ARPC, NPRC, major command or CBPO/CRPO/CCPO.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information obtained from educational institutions, medical institutions, automated system interfaces, police and investigating officers, the bureau of motor vehicles, a state or local government and source documents (such as reports) prepared on behalf of the Air Force by boards, committees, panels, auditors, and so forth.

Systems exempted from certain provisions of the act:

NONE

F03004 ARPC A

System name:

03004-ARPC-A Point Credit Accounting Record System (PCARS).

System location:

At Air Reserve Personnel Center, Denver, CO 80280. At Air National Guard and Air Force Reserve activities. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notice. At Air Force Manpower and Personnel Center, Randolph Air Force Base, Texas 78148.

Categories of individuals covered by the system:

Air Force Reserve and National Guard Personnel.

Categories of records in the system:

Correspondence, orders; forms; and reports which include identifying personnel data including name, SSN, address, grade, and retirement/retention date; record of retirement points and service earned prior to and record of points earned, by type duty, for the current retirement year. Reports include automated listings, processed transactions, rejected transactions, accession transactions, point summary lists, statistical reports, individual point summary reports, and input lists for participation verification.

Authority for maintenance of the system:

10 USC 1331, Age and service requirement; 10 USC 1332, Computation of years of service in determining entitlement to retired pay; and 10 USC 1333, Computation of years of service in computing retired pay.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used to maintain accurate listings of transactions processed to active reserve force member's point credit account, to reconcile strength of the Air National Guard and Air Force Reserve members between the various mechanized accounting systems, to identify new members of the Air Force Reserve and Air National Guard; to certify accuracy and completeness of transactions manually submitted to the point record as required by Air Force audit requirements, to advise member and reserve managers of the member's participation in reserve affairs, for promotion evaluation considerations, and for determination of retirement eligibility.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in visible file binders/cabinets, on computer tape, and paper printouts.

Retrievability:

Filed by name and by Social Security Number (SSN).

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are protected by guards.

Retention and disposal:

Documents not required for inclusion in military personnel record system are retained in office files until superseded, obsolete, no longer needed for reference, or after 16 months, whichever is sooner, then destroyed by tearing into pieces, shredding, pulping, or macerating.

System manager(s) and address:

Commander Air Reserve Personnel Center (ARPC), Denver, CO 80280.

Notification procedure:

Request from individual should be addressed to the Documentation Management Officer, ARPC/ DADP, Denver, CO 80280. Written request for information should contain full name of individual, SSN (Social Security Number), current address and the case control number shown on correspondence received from center. Records may be reviewed in records review room ARPC, Denver, CO 80280, between 8:00 A.M. and 3:00 P.M. on normal work days. For personal visits, the individual should provide current reserve ID card and/or drivers license and give some verbal information that could verify his/her reserve assignment.

Record access procedures:

Individual can obtain assistance in gaining access from Documentation Management Officer, ARPC/DADP, Denver, CO 80280, telephone (303) 394-4667.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information from master personnel record and authorized point credit documents obtained from automated system interfaces.

Systems exempted from certain provisions of the act:

NONE

F03005 PRENC C

System name:

03005-PRENC-C Base Housing Management.

System location:

Headquarters United States Air Force, Washington DC 20330. Headquarters of major commands and at all levels down to and including Air Force installations.

Categories of individuals covered by the system:

Categories of individuals on whom records are maintained: All Military members desiring base family housing and eligible Department of Defense (DOD) civilian employees.

Categories of records in the system:

Categories of records and description of data maintained in system: Application for and Assignment to Military Family Housing, contains the following data: Name, address, rank, Social Security Account Number (SSN), service data, family composition, and other information such as health problems. Other supporting documents-quarters condition inspection reports, assignment orders, etc.

Authority for maintenance of the system:

10 U.S.C. 8012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used to apply for family housing and provide information upon which eligibility can be determined. Used by base housing officials to respond to Congressional, Inspector General, and other inquiries on an individual basis pertaining to family member's housing situation.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in visible file binders/cabinets, computer and computer output products.

Retrievability:

Filed by Name.

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms. Records are controlled by personnel screening.

Retention and disposal:

Advance applications are retained by losing activity and destroyed after six months. Applications received by gaining activities are destroyed one year after termination of quarters. Applications are destroyed by tearing, burning, pulping, shredding or macerating. Supporting records are destroyed when no longer needed.

System manager(s) and address:

Deputy Chief of Staff/Programs and Resources, Headquarters United States Air Force, Washington, DC

Notification procedure:

Requests from individuals should be addressed to the Systems Manager. Individuals may contact agency officials at the Base Hous-

ing Office at the installation at which he completed the applicable form or the installation which will be providing military family housing.

Record access procedures:

Same procedures as for notification above.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information obtain from individual's voluntary application.

Systems exempted from certain provisions of the act:

NONE

F03005 02 ALSA

System name:

03005 02 ALSA On/Off-Base Housing Records.

System location:

Air Force installations.

Categories of individuals covered by the system:

Military members seeking advance applications for housing both incoming and outgoing.

Categories of records in the system:

Record contains Quarters Condition Inspection Report, Real Property Maintenance Request, and Application for and assignment to military housing.

Authority for maintenance of the system:

10 U.S.C. 9775, Quarters Assignment Guidance.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To record pertinent data required to assign and terminate family housing, report noted deficiencies in area of housing occupants responsibility, status of waiting list, and listing of personnel occupying quarters.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders, computer and computer output products and in card files.

Retrievability:

Filed by other identification number or system identifier.

Safeguards:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties.

Retention and disposal:

Retained in office files until reassignment or separation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

System manager(s) and address:

Deputy Chief of Staff/Systems and Logistics, Headquarters United States Air Force, Washington DC 20

Notification procedure:

Requests from individuals should be addressed to the Systems Manager. Send full name.

Record access procedures:

Individual can obtain assistance in gaining access from the Systems Manager.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information derived from member's Permanent Change of Station Orders, Quad Leaders reports, and any other information voluntarily given by each applicant.

Systems exempted from certain provisions of the act:

NONE

F03501 AFDPG O

System name:

03501-AFDPG-0 General Officer Personnel Data System.

System location:

Headquarters United States Air Force, Washington DC 20330. Air Reserve Personnel Center, Denver, CO 80280.

Categories of individuals covered by the system:

Active Duty/Air National Guard/Reserve General Officers

Categories of records in the system:

Promotion board data, effectiveness reports, 'Career Brief' data and cards, Officers Personnel Record, Photos, Award/Decoration citations, biographies, letters of appreciation,retirement letters, dependent data, promotion orders, assignment orders, assignment preference data , demotion data, frocking letters, case studies, training points sum (Air National Guard/Reserve only), language data, and education data; and USAFR and Colonels filling General Officer position listings.

Authority for maintenance of the system:

10 USC 8012, 8032 and 8034; 44 USC 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Promotions, assignment nominations/worksheets, retirements, congressional inquiries/responses, statistical analysis, force structure policies and history and strength history, career administration/planning, career profiles, Memorandums for Record affecting actions taken on general officers, vacancy lists, array of general officers by temporary/permanent grade and mandatory retirement date, seniority lists, retirement lists, personnel information is disclosed as directed to agencies within Office of the Secretary of Defense and Office of Management and Budget, The Office of the President and The Congress.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in visible file binders/cabinets/safes.

Retrievability:

Most records are retrieved by last name and/or grade. Case studies, statistical analyses, promotion board results, congressional inquiries and responses are retrieved by topic by year of action.

Safeguards:

Access to these records is given only to the Chief of Staff, Deputy Chief of Staff/Personnel, Assistant for General Officer Matters, Chief of Air Force Reserve, Chief National Guard Bureau, and Air Reserve Personnel Center/Director of Reserve Record/DPFR; and RAND Corporation, and the assigned officers/noncommissioned officers and civilian and clerical help, totaling approximately 20 people. Security procedures, equivalent to the security required for Confidential and Secret data, are employed.

Retention and disposal:

Records are maintained until retirement of the officer involved. Case studies, statistical analyses, promotion board results, promotion ballots, vacancy lists, spread sheets, seniority lists, retirement lists have been maintained since their respective creation.

System manager(s) and address:

Deputy Chief of Staff/Personnel, Headquarters United States Air Force.

Notification procedure:

Requests from individuals should be addressed to the Systems Manager. An individual's full name Social Security Number active duty grade will be needed to process written requests. An individual may visit the Pentagon, Room 4E212, the Office of Assistant for General Officer Matters, Headquarters United States Air Force (HQ USAF/DPG), to obtain the information. A requester must present his Military Identification Card when appearing in person and requesting personal information. When requesting personal information in writing, the requester must have his request notarized.

Record access procedures:

Individual can obtain assistance in gaining access from the Systems Manager. Most records will be released upon request; however any record the release of which is questionable in the view of the Assistant for General Officer Matters, will be cleared for release by the HQ USAF DCS Personnel before it is finally released to the individual.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Personnel Data Base, Member, Inspector General Investigations.

Systems exempted from certain provisions of the act:

NONE

F03501 AFDPG Z

System name:

03501-AFDPG-Z General Officer Personnel Data System.

System location:

Headquarters United States Air Force, Washington DC 20330. Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78148. Air Reserve Personnel Center, Denver, CO 80280.

Categories of individuals covered by the system:

Retired Active Duty General Officers and Retired Air National Guard (ANG)/Reserve General Officers.

Categories of records in the system:

Promotion Board Data; 'Career Brief' Data/Cards; Forms 11; Photographs; Biographies; Retirement Letters; Dependent Data; Education Data; Promotion Orders; Assignment Orders; Demotion Data; Frocking Letters; Case Studies; Language Data.

Authority for maintenance of the system:

10 USC, Chapter 805, The Air Staff, Section 8032.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Individual Queries; Precedent Actions; Statistical Analyses of Historical Nature; Assignment Nominations/Worksheets; Congressional Inquiries and Responses; Memorandums for Record Affecting Actions Taken on General Officers; Career Profiles; Vacancy Lists; Array of General Officers by Temporary/Permanent Grade and Mandatory Retirement Date; Seniority Lists; Retirement Lists.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in visible file binders/cabinets card files.

Retrievability:

Most records are retrieved by last name and/or grade. Case studies, statistical analyses, promotion board results, Congressional inquiries and responses are retrieved by topic by year of action.

Safeguards:

Access to these records is given only to the Chief of Staff, Deputy Chief of Staff (DCS)/Personnel, Assistant for General Officer Matters, Chief of Air Force Reserve, Chief National Guard Bureau, and Rand Corporation, and the assigned officers/Noncommissioned Officers (NCOs) and civilian and clerical help, totaling approximately 20 people. Assistant for General Officer Matters (DPG), Manpower and Personnel Center/Records Maintenance Branch (MPC/DPMDRR) and Air Reserve Personnel Center/Director of Personnel Actions (ARPC/DPAAR) are the only offices in the Air Force where this data could be maintained. Security procedures employed by DPG are equivalent to the security required for Confidential and Secret data.

Retention and disposal:

Retired 4-star General Officer records are maintained indefinitely; Retired 1, 2 and 3-star General Officer records are retained for 3 years, reviewed to determine if there are any materials of historical value which warrant indefinite retention - if not, they are destroyed by tearing into pieces, shredding, pulping or macerating.

System manager(s) and address:

Deputy Chief of Staff/Personnel, Headquarters United States Air Force.

Notification procedure:

Requests from individuals should be addressed to the Systems Manager. An individual's full name Social Security Number (SSN) active duty grade will be needed to process written requests. An individual may visit the Pentagon, Room 4E212, The Office of the Assistant for General Officer Matters, to obtain the information. A requester must present Military Identification (ID) card when appearing in person and requesting information. When requesting personal information in writing, the requester must have request notarized.

Record access procedures:

An individual may obtain access to records by either writing Headquarters United States Air Force/Assistant for General Officer Matters (HQ USAF/DPG) - The Pentagon or by appearing in person and requesting the information. Most records will be released upon request; however, any record, the release of which is questionable in the view of the Assistant for General Officer Matters, will be cleared for release by the HQ USAF/DCS Personnel before it is finally released to the individual.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Personnel Data Base; Member; Inspector General (IG) Investigations.

Systems exempted from certain provisions of the act:

NONE

F03501 ARPC A

System name:

03501-ARPC-A Informational Personnel Records.

System location:

At Air Reserve Personnel Center, Denver, CO 80280.

Categories of individuals covered by the system:

Air Force Reserve and Air National Guard personnel. Retired and former Air Force military personnel.

Categories of records in the system:

Documents pertaining to individual, that are not authorized for inclusion in other military personnel record systems.

Authority for maintenance of the system:

10 USC 274 Retired Reserve; 10 USC 275 Reserve personnel; 10 USC 2001 Reserve components; 10 USC 8012 Secretary of the Air Force: Powers and Duties; Delegation.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Determining eligibility for retirement related action, status of active duty tour, position occupied; training reports; answering correspondence/telephone inquiries; mobilization; updating and/or changing information in computer and/or individual reservist record.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders and in card files.

Retrievability:

Filed by name and by Social Security Number (SSN).

Safeguards:

Records are accessed by the custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are protected by guards.

Retention and disposal:

Retain in office files until inactivation, reassignment or separation; or one year after annual cut-off, then destroy by tearing into pieces, shredding, pulping, or macerating.

System manager(s) and address:

Commander Air Reserve Personnel Center (ARPC), Denver, CO 80280.

Notification procedure:

Request from individual should be addressed to the Documentation Officer, AFPC/DADP, Denver, CO 80280. Written request for information should contain full name of individual, SSN (social security number), current address and the case (control) number shown on correspondence received from center. Records may be reviewed in Records Review Room ARPC, Denver, CO 80280, between 8:00 A.M. and 3:00 P.M. on normal work days. For personal visits, the individual should provide current Reserve ID Card and/or drivers license and give some verbal information that could verify his/her retirement date, date of birth, or reserve status.

Record access procedures:

Individual can obtain assistance in gaining access from Command Documentation Manager, ARPC/DADP, Denver, CO 80280, telephone (303) 394-4667.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information supplied by individual as relates to but not limited to application for retirement, military orders, personal data; statement of military service from other military components; correspondence from serving Consolidated Base Personnel Office/ Consolidated Reserve Personnel Office and Major Command units. Information from source documents prepared on behalf of the Air Force Advance Personnel Data System.

Systems exempted from certain provisions of the act:

NONE

F03501 ARPC B

System name:

03501-ARPC-B Biographical File.

System location:

At Air Reserve Personnel Center, Denver, CO 80280, Ecclesiastical endorsing agencies if appropriate.

Categories of individuals covered by the system:

Air Force Reserve personnel assigned to but not limited to the Air Reserve Information Squadron (ARIS), Chaplain (HC) and Surgeon (SG) programs.

Categories of records in the system:

Biographies provided by members, correspondence, orders and/or forms containing information as to individual name, rank, social security number, service dates, date of birth, unit assignments, civilian employment, military and civilian education, military and civilian experience, program specialties, hobbies, and names of family members, religion of chaplains, professional expertise and appointments, membership in professional societies, civic activities and state of licensure.

Authority for maintenance of the system:

10 USC 262 Purpose; 10 USC 8067 Designation: Officers to perform certain professional functions.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To select information, chaplains, legal, medical field reserve officer personnel for special duties according to specific expertise required. Chaplain records are used by Chaplains Office personnel, medical reservist records are used to provide the ARPC/SG, Surgeon General, Major Command surgeons, USAF/RE, and Reserve Regions an in-depth personal history of Reservist Medical Officer. Used to provide overview of skill resources available in ARIS Program. Allow selection of members best qualified to meet specific program requirements and task assignments.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders and in note books/binders.

Retrievability:

Filed by name.

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties, and by commanders medical centers and hospitals. Records are protected by guards.

Retention and disposal:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, or macerating.

System manager(s) and address:

Commander Air Reserve Personnel Center (ARPC), Denver, CO 80280.

Notification procedure:

Request from individual should be addressed to Documentation Management Officer ARPC/DADP, Denver, CO 80280. Written request for information should contain full name of individual, SSN (social security number), current address and the case (control) number shown on correspondence received from Center. Records may be reviewed in Records Review Room ARPC, Denver, CO 80280, between 8:00 A.M. and 3:00 P.M. on normal work days. For personal visits, the individual should provide current Reserve ID Card and/or drivers license and give some verbal information that could verify his/her military personnel record, his/her religion if in the Chaplain program.

Record access procedures:

Individual can obtain assistance in gaining access from the Documentation Management Officer, ARPC/DADP, Denver, CO 80280, telephone (303) 394-3667.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Provided by individual Reservist.

Systems exempted from certain provisions of the act:

NONE

F03501 ARPC C

System name:

03501-ARPC-C Personnel Management Records.

System location:

At Air Reserve Personnel Center, Denver CO 80280; Headquarters United States Air Force, Washington DC 20330; United States Air Force Academy, CO 80840; major commands and major subordinate commands. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notice.

Categories of individuals covered by the system:

Air Force Reserve Personnel and civilian/active military applicants to Air Force Reserve.

Categories of records in the system:

Officer and airman assignment files which includes correspondence, memos, completed forms, messages and vacancy authorization data for assignment approvals, disapprovals, waivers, manning assistance, discharges, screening data, orders, evaluation reports, documents changing training category, personal data, photographs, chaplain ecclesiastical endorsement, record of security clearance, miscellaneous correspondence to and from individual; case file of reserve personnel placed on active duty containing copies of special and reserve orders, correspondence, documents complete with information used for travel overseas; assignment instructions; list of actions taken by technician; board actions on involuntary Airmen; certified receipts acknowledgement of receipt of special orders card.

Authority for maintenance of the system:

10 USC 275 Personnel Records, 10 USC 672 Reserve Components generally, 10 USC 673 Ready Reserve and Executive Order 11366, 4 Aug 67, 10 USC Chapter 103 Senior Reserve Officer: Training Corps, 10 USC 262 Purpose, and 10 USC 8067 Designation: Officers to perform certain professional functions.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used to determine eligibility/suitability for assignment/reassignment with the Air Force Reserve; to make determinations on discharges or mobilization, deferments, fulfillment of statutory requirements, voluntary and involuntary order to extended active duty (EAD) and temporary release. These include but are not limited to members participating in the Air Reserve Information Squadron (ARIS), Chaplain, Judge Advocate, Surgeon General Program. Records maintained as a historical file. Used as a reference file to answer inquiries from Reservist and Air Force personnel requiring information on the Reservist being recalled to active duty, to send gaining active units additional copies as requested, used as substantiating documents to show all action was taken in accordance to prescribing directives. Information on personnel in the ARIS, Chaplain, Judge Advocate, Surgeon General and other Officer management programs is used by personnel responsible for program in order to assist Reservist in their careers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders/note books/binders and in visible file binders/cabinets.

Retrievability:

Filed by name, by Social Security Number (SSN), and ascending AFSC order, rank and name.

Safeguards:

Records are accessed by person(s) responsible for servicing the records system in performance of their official duties and by custodian of the record system. Records controlled by personnel screening and are protected by guards.

Retention and disposal:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, or macerating.

System manager(s) and address:

Commander Air Reserve Personnel Center (ARPC) is responsible for records at ARPC in Denver, CO. Individuals included in above records systems should deal directly with agency official of respective location to exercise their rights under the act.

Notification procedure:

Request from individual should be addressed to the Documentation Management Officer ARPC/DADP, Denver CO 80280. Written requests for information should contain full name of individual, SSN (Social Security Number), current address and the case (control) number shown on correspondence received from Center. Records may be reviewed in Records Review Room ARPC, Denver CO 80280, between 8:00 a.m. and 3:00 p.m. on normal work days. For personal visits, the individual should provide current Reserve ID card and/or driver's license and give some verbal information that could verify his/her identity from the records.

Record access procedures:

Individual can obtain assistance in gaining access from the Documentation Management Officer, ARPC/DADP, CO 80280, telephone (303) 394-4667.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information from the individual requesting assignment or making the inquiry, master personnel record, correspondence and orders, annual survey and advance personnel data system, instructions from Air Force Military Personnel Center, Randolph Air Force Base, San Antonio, TX 78148, instructions and board actions from Air Force and Reserve, DPAA Robins Air Force Base, Warner Robins, GA 31093 and Air Force Training Corps/SDAA, Maxwell Air Force Base, Montgomery, Alabama 36112 and the National Guard Bureau, Washington DC 20310, and other Air Command, instructions from Headquarters/JAEC, Washington DC 20314.

Systems exempted from certain provisions of the act:

NONE

F03501 DP 3

System name:

03501 DP 3 Unit Assigned Personnel Information File.

System location:

Air Force Units. Headquarters United States Air Force and major command headquarters. Headquarters of major commands and at all levels down to and including Air Force installations.

Categories of individuals covered by the system:

Active duty military personnel. Air Force Reserve and Air National Guard personnel.

Categories of records in the system:

File copies of separation actions, newcomers briefing letters, line of duty determinations, assignment actions, retirement actions, in and out processing checklists, promotion orders, credit union authorization, disciplinary actions, favorable/unfavorable communications, record of counselings, appointment notification letters, duty status changes, applications for off duty employment, applications and allocations for school training, professional military and civilian education data, private weapons storage records, locator information including names of dependents, home address, phone number, training and experience data, special recognition nominations, other personnel documents, and records of training

Authority for maintenance of the system:

10 U.S.C. 8012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Provides information to unit commanders/supervisors for required actions related to personnel administration and counseling, promotion, training, separation, retirement, reenlistment, medical examination, testing, assignment, sponsor program, duty rosters, and off duty activities.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders, note books/binders, and card files.

Retrievability:

Filed by Name and Social Security Number (SSN).

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

Retention and disposal:

Retained in office files until reassignment or separation; most records are transient in nature and are maintained only as long as required to fulfill their management purpose or until superseded, then given to the individual or destroyed by shredding, pulping, macerating or burning.

System manager(s) and address:

Deputy Chief of Staff/Personnel, Headquarters United States Air Force, Washington D.C. 20330.

Notification procedure:

Inquiries from individuals should be addressed to the respective unit commander or supervisor who maintains the records in order to exercise their rights under the Act.

Record access procedures:

Requests from individuals should be addressed to the respective unit commander or supervisor who maintains the records in order to exercise their rights under the Act. Mailing addresses are contained in the Department of Defense Directory in the appendix to the Air Force's Systems Notice.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information obtained from the individual concerned, financial institutions, educational institutionemployees, medical institutions, police and investigating officers, bureau of motor vehicles, witnesses, reports prepared on behalf of the agency, standard Air Force forms, personnel management actions, extracts from the Advanced Personnel Data System (ADPS) and records of personal actions submitted to or originated within the organization.

Systems exempted from certain provisions of the act:

NONE

F03501 DPMAK J

System name:

03501 DPMAK J Separation Case Files (Officer and Airman).

System location:

Air Force Military Personnel Center, Randolph Air Force Base, TX 78148. National Personnel Records Center, Military Personnel Records, 9700 Page Boulevard, St. Louis, MO 63132. Duplicate copies may be retained temporarily at each level requiring review or action on the case.

Categories of individuals covered by the system:

Officers and airmen who have requested voluntary separation or who have been recommended for involuntary separation. Individuals who, under P.L. 95-202, Sec 401, have requested review of service performed with the Army Air Force or U.S. Air Force to determine if such service was equivalent to 'active duty' for purposes of laws administered by the Veteran's Administration.

Categories of records in the system:

Member's application, or letter from commander initiating separation action with indorsements, supporting documents, and record of final action taken. If congressional inquiry involved, request for information and reply provided is also filed by those offices involved.

Authority for maintenance of the system:

11 U.S.C. Chapter 59, Separations and 38 U.S.C., Veteran's Benefits.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The original copy is retained as a permanent record of action taken. The duplicate copies are retained to provide a temporary record of actions being taken for responding to inquiries concerning the status of a particular case. Occasionally, a case file is retained as a precedence file for later reference in revising separation directives.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in visible file binders/cabinets.

Retrievability:

Filed by Name. At National Personnel Records Center. Cases are filed with Master Personnel Records. Transitory copies are filed alphabetically by general subject categories, i.e., involuntary officer separations, involuntary airman separations, etc.

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance

of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms. File cabinets and power files are secured during non-duty hours.

Retention and disposal:

Master copies are retained permanently. Temporary files are disposed of within three years after final action is taken. Files are disposed of by shredding.

System manager(s) and address:

Assistant Deputy Chief of Staff Personnel for Military Personnel, Randolph Air Force Base, Texas 78148.

Notification procedure:

Requests from individuals should be addressed to the Systems Manager.

Record access procedures:

Individual can obtain assistance in gaining access from the Systems Manager.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Member's application, or correspondence from unit commander's initiating separation action.

Systems exempted from certain provisions of the act:

NONE

F03501 DPMDQIA

System name:

03501-DPMDQIA Military Personnel Records System.

System location:

Headquarters United States Air Force, Washington DC 20330. Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78148. Air Reserve Personnel Center, Denver, CO 80280. National Personnel Records Center, Military Personnel Records, 9700 Page Boulevard, St. Louis, MO 63132. Headquarters of the major commands and separate operating agencies. At consolidated base personnel offices and other installation units. At State Adjutant General Office of each respective State, District of Columbia or Commonwealth of Puerto Rico. At Air Force Reserve and Air National guard units, official mailing addresses are in the Department of Defense Directory in the Appendix to the Air Force's Systems Notice.

Categories of individuals covered by the system:

Air Force active duty military personnel. Officer Correspondence and Miscellaneous Document Group (C&M) at Air Force Military Personnel Center (AFMPC); Headquarters United States Air Force (HQ USAF) Selection Record Group (SR) at HQ USAF Assistant for General Officer Matters; Retired Air Force general officers. Master Personnel Record Group (MPeRGp) at AFMPC; active duty colonels at HQ USAF, Assistant for Senior Officer Management, C&M at AFMPC Air Force active duty officer personnel. MPeRGp at AFMPC Officer Command Selection Record Group (OCSR) at the respective major command or separate operating agency, Field Record Group (FRGp) at the respective Air Force base of assignment/servicing Consolidated Base Personnel Office (CBPO); Air Force active duty enlisted personnel. MPeRGp at AFMPC, FRGp at respective servicing CBPO, Senior Noncommissioned Officer (NCO) Selection Folder at the respective servicing CBPO; personnel in Temporary Disability Retired List (TDRL) status, Missing in Action (MIA), Prisoner of War (POW), Dropped From Rolls (DFR), MPeRGp at AFMPC; Reserve officers MPeRGp at Air Reserve Personnel Center (ARPC), OCSR at the respective Air Force (AF) major command (MAJCOM) when applicable, FRGp at the respective unit of assignment or servicing CBPO or Consolidated Reserve Personnel Office (CRPO); Reserve airmen MPeRGp at ARPC, FRGp at the respective unit of assignment or servicing CBPO/CRPO; Air National Guard (ANGUS) officers MPeRGp at ARPC, OCSRat the respective State Adjutant General Office, FRGp at the respective unit of assignment, ANGUS airmen MPerGp at the respective State Adjutant General Office FRGp at the respective unit of assignment; Retired Air Force military personnel; Discharged personnel MPerGp at National Personnel Records Center (NPRC); Air Force Academy cadets MPerGp at unit of assignment CBPO.

Categories of records in the system:

Substantiating documentation such as forms, certificates, administrative orders and correspondence pertaining to appointment as a commissioned officer, warrant officer, Regular AF, AF Reserve or ANGUS; enlistment/reenlistment/extension of enlistment; assignment Permanent Change of Station (PCS)/Temporary Duty (TDY); promotion/demotion; identification card requests; casualty; duty status changes - Absent Without Leave (AWOL)/MIA/POW/Missing/Deserter; military test administration/results; service dates; separation; discharge; retirement; security; training, Precision Measurement Equipment (PME), On The Job Training (OJT), Technical, General Military Training (GMT), commissioning, driver; academic education; performance/effectiveness reports; records corrections - formal/informal; medical or dental treatment/examination; flying/rated status administration; extended active duty; emergency data; line of duty determinations; human/personnel reliability; career counseling; records transmittal; AF reserve administration; Air National Guard administration; board proceedings; personnel history statements; Veterans Administration compensations; disciplinary actions; record extracts; locator information; personal clothing/equipment items; passport; classification; grade data; Career Reserve applications/cancellations; traffic safety; Unit Military Training; travel voucher for TDY to Republic of Vietnam; dependent data; professional achievements; Geneva Convention cards; drug abuse; Federal Insurance; travel and duty restrictions; Conscientious Objector status; decorations and awards; badges; Favorable Communications (colonels only); Inter-Service transfers; pay and allowances; combat duty; leave; photographs; Advanced Personnel Data System products.

Authority for maintenance of the system:

44 USC 3101: Records Management by Federal Agencies; Records Management by agency heads; general duties; E.O. 9397.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

In addition to satisfying the Title 44 requirement for records retention, Military Personnel Records are utilized at all levels of Air Force personnel management within the agency for actions/processes related to procurement, education and training, classification, assignment, career development, evaluation, promotion, compensation, sustentation, separation and retirement. Military Personnel Records are routinely utilized outside the Air Force for actions/processes related to assignment or transfer to other services or joint service organizations; compensation claims submitted to Veterans Administration Regional Offices; dependents and survivors requesting issuance or determination of eligibility for identification card privileges; Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) eligibility and benefits requests - copies are provided to CHAMPUS, Denver, Colorado; Immigration and Naturalization - copies are provided to respective local Immigration Office; Unemployment Compensation Requests - verification of service related information provided to State Unemployment Compensation (UCX) Office; Vietnam State Bonus - information provided to respective local State offices; Civil Service requests for verification of military service for benefits; leave or Reduction in Force (RIF) purposes - copies provided to local Civilian Personnel Office; National Cemetary Burial/Headstone cases - copies provided to Superintendent National Cemetary,, Army Quartermaster Corps, Virginia; Worldwide locator inquiries - response provided to legitimate requests in accordance with the Freedom of Information Act; Dual compensation cases involving former officers - provided to establish Civil Service employee tenure and leave accrual rate; Social Security Retirement Credit Verification - verification of service data provided to substantiate applicant's credit for Social Security compensation; Soldiers and Sailors Civil Relief Act requests - verification of service - related information provided to State courts in civil actions; Litigation - in event the United States, its officers or employees are involved. Changes in member's official records regarding name, Social Security Account Number, date or place of birth or home of record - required information provided to Director of Selective Service, Federal Bureau of Investigation, and Personnel Research Division of the Air Force Human Resources Laboratory at Lackland Air Force Base, Texas. Secretary of the Air Force Legislative Liaison releases when authorized by individual concerned. US Department of Agriculture for investigative and audit procedures US Department of the Treasury for Secret Service investigations, Coast Guard Activities Bureaus of Customs, Narcotics, Engraving and Printing and Internal Revenue Service for official activities; US State Department, Federal Aviation Agency for background investigations of employment applicants; Central Intelligence Agency for Investigations, US Postal Service for Official Postal Inspector Duties, General Services Administration for Investigation of Incumbent Employees; Department of Justice for Investigations conducted by the Federal Bureau of Investigation and Immigraton and Naturalization Small Business Administration for Investigations concerning Loans, National Security Agency Review of Records for Security Investigations United States Information Agency for Review of Records for Background Investigations. United States Civil Service Commission to conduct investigations either by personal investigations or written inquiry to determine suitability, eligibility, or qualifications of individuals for Federal

employment, Federal contracts, or access to classified information or restricted areas. Separation information provided to the Veteran's Administration and Selective Service Agencies. American National Red Cross - information to local Red Cross offices for emergency assistance to military members, dependents, relatives or other persons if conditions are compelling. Drug Enforcement Administration. Department of Labor: Bureau of Employees' compensation - medical information for claims of civilian employees formerly in military services; Employment and Training Administration - verification of service-related information for unemployment compensation claims; Labor Management Services Administration for investigations of possible violations of labor laws and pre-employment investigations; National Research Council - for medical research purposes; U.S. Soldiers' and Airman's Home - service information to determine eligibility.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders placed in metal file containers or on open shelves. Microfiche placed in rotary power files; computer disk resident data file consists of Social Security Number (SSN) and disk location of the associated image record which includes document data describing document type, date, location, and number of pages in each document.

Retrievability:

Information in the system is retrieved by last name, first name, middle initial and Social Security Number (SSN). Records stored at National Personnel Records Center Center are retrieved by registry number, last name, first name, middle initial and SSN. Information can be displayed via closed circuit television subsystem, produced on a duplicate microfiche, or paper reproduction.

Safeguards:

The prescribing directive for the Military Personnel Records System requires those records to be stored (after duty hours) in a locked building, room or filing cabinets. Access is specifically limited to those personnel designated by the Consolidated Base Personnel Office (CBPO) Chief and those provisions for access and release of information contained in Air Force Regulation 31-6.

Retention and disposal:

Users who are granted access to the microfiche files are screened by computer software. Those documents designated as Temporary in the prescribing directive remain in the records until their obsolescence (superseded, member terminates status, or retires) when they are removed and provided to the individual data subject. Those documents designated as Permanent remain in the military personnel records system permanently and are retired with the master personnel record group.

System manager(s) and address:

Assistant Deputy Chief of Staff Personnel for Military Personnel, Randolph Air Force Base, Texas 78148 is the official responsible for the system of records. Individuals in categories included above may deal directly with agency officials at the respective records location to exercise their rights under the Act.

Notification procedure:

The individual data subject may be notified that a record exists on him by submitting a request to or appearing in person at the responsible official's office or the respective repository for records for personnel in particular category during normal duty hours any day except Saturday, Sunday or national and local holidays. The Saturday and Sunday exception does not apply to Reserve and National Guard units during periods of training. Response to written requests will be provided not later than ten days following receipt of request. The System Manager has the right to waive these requirements for personnel located in areas designated as Hostile Fire Pay areas.

Record access procedures:

The same written notification or personal visit procedures which apply to notification also apply to access.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Sources of information contained in the system include data subject's applications, requests, personal history statements, supervisors' evaluations, correspondence generated within the agency in the conduct of official business, medical treatment records, educational institutions, civil authorities, other service departments, and interface with the Advanced Personnel Data System.

Systems exempted from certain provisions of the act:

NONE

F03501 MPC B

System name:

03501-MPC-B Effectiveness/Performance Reporting Systems.

System location:

Headquarters, United States Air Force, Washington D.C. 20330; Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78148; National Personnel Records Center, Military Personnel Records, 9700 Page Boulevard, St. Louis, MO 63118; headquarters of the major commands and separate operating agencies; consolidated base personnel offices; each State Adjutant General Office; Reserve and Air National Guard units, and the Human Resources Laboratory, Lackland Air Force Base, TX. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notice.

Categories of individuals covered by the system:

Military Personnel Only. Officer: applies to active duty/Air National Guard/Air Force Reserve Personnel serving in grades Warrant Officer (W-1) through Colonel (0-6). Airmen: applies to active duty personnel in grades Airman Basic (E-1) through Chief Master Sergeant (E-9), and to Air Force Reserve personnel in grades Staff Sergeant (E-5) through Chief Master Sergeant (E-9).

Categories of records in the system:

Lieutenant Colonel Promotion Potential Evaluation Forms; Colonel Promotion Recommendation Report; Officer Effectiveness Report; Education/Training Report; Airman Performance Report; Technical Sergeant (TSGT), Staff Sergeant, and Sergeant (SGT) Performance Report; Chief Master Sergeant (CMSGT), Senior Master Sergeant (SMSGT), and Master Sergeant (MSGT) Performance Report; Description of Data Contained Therein: Name; Social Security Number (SSN); Active and Permanent Grades; Specialty Data; Organization location and Personnel Accounting Symbol (PAS); Period of Report; Number of days of supervision; Performance EvalEstimates of Potential; Comments Regarding Ratings; Officer Effectiveness Report (OER) Notice Contains: Rater Name; Rater SSN (only if USAF officer); Rater Organization; Rater Office Symbol; Rater Duty Phone Number; Ratee Name, Ratee SSN; Ratee Organization; Period of Report; Length of Rater's Supervision; Reason for Report; Ratee Duty Air Force Specialty Code (DAFSC); Ratee Primary Air Force Specialty Code (PAFSC); Ratee Second Air Force Specialty Code (2 AFSC); Ratee Temporary Grade; Ratee Permanent Grade; Ratee Aeronautical Rating; Ratee Aviation Service Code; Ratee Job Level; Ratee Command Level; Ratee Management Level; Ratee Duty Title; Effective Date of Duty Title; Ratee PAS; Rater PAS; Rater Aeronautical Rating; Rater Aviation Service Code; Rater Job Level; Rater Command Level; Rater Management Level; Additional Rater or Reviewer Name; Additional Rater or Reviewer Organization; Date Rater Forwarded Report to Additional Rater or Reviewer. Reviewer Message Contains: Reviewer Name; Reviewer SSN; Reviewer Grade; Reviewer Organization; Number of reports for which the reviewer was so designated; Number of reports, by rating, which the reviewer signed; Number of reports escalated for signature; SSN of ratee on reports escalated for signature; Number of reports escalated to reviewer for signature; SSN of ratee on reports escalated to reviewer for signature. Rater name; Rater SSN (only if US military); Rater Organization; Rater office symbol; Ratee name; Ratee grade; Ratee SSN; Ratee organization; Ratee PAS Code; Period of report; Length of supervision; Reason for report; Ratee's primary, duty and control AFSCs; Rater job level, management level, command level and duty title; Ratee effective date of duty; Ratee reserve/warrant commission; unfavorable information file (UIF) identifier.

Authority for maintenance of the system:

Title 44, United States Code (USC), Public Printing and Documents, Chapter 31, Records Management by Federal Agencies, Section 3101; and Title 10, USC, Armed Forces, Chapter 33, Appointments in Regular Components, Section 564.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Uses Include: Documentation of effectiveness/duty performance history; Promotion selection; school selection; assignment selection; reduction-in-force; control roster; reenlistment; separation; research/statistical analysis; other appropriate personnel actions. Users Include: supervisor; commander; major command; Headquarters USAF; other Military Services. OER/APR notices are used to: provide notification to a rater that an OER/APR is due; provide the rater with information necessary to complete portions of the evaluation report form; raters may be either Military or civilian within or outside the

Department of Defense ; and source document to provide the CBPO the capability of tracing a missing report.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in visible file binders/cabinets.

Retrievability:

Filed by Name.

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

Retention and disposal:

Copies of performance reports are retained until separation or retirement. At separation/retirement, data subject is presented with field and command record copies of his/her reports. The Headquarters Air Force (HAF) copy is a permanent record that is forwarded to the National Personnel Records Center, Saint Louis, Missouri. In the event member has a Reserve commitment, HAF copy is sent to Air Reserve Personnel Center (ARPC), York Street, Denver, Colorado. However, the following exceptions apply: Officers Field Record: Remove and give to individual when promoted to Colonel, when separated or retired. Destroy when voided by action of the Officer Personnel Records Review Board. When voided by action of the Air Force (AF) Board for Correction of Military Records, forward all copies of report to Headquarters United States Air Force (HQ USAF) when directed. Command Record: The command custodian will destroy the reports when voided by action of Officer Personnel Records Review Board. When voided by action of the AF Board for Correction of Military Records, forward all copies of report to HQ USAF when directed. HAF Record: Remove reports voided by action of the Officer Personnel Records Review Board from the selection folder and file in the board recorder's office until destroyed by tearing into pieces, shredding, pulping, macerating or burning. Remove reports voided by action of the AF Board for Correction of Military Records from selection folder and submit to Board's Secretariat with duplicate and triplicate copies, for custody and disposition. Active duty: airmen grades E-3 through E-6: Airma-Performance Reports (APRs) on separation or retirement are forwarded to the National Personnel Records Center, Saint Louis, Missouri unless data subject holds a reserve obligation - in which case they are forwarded to ARPC. Grades E-7/8: Duplicate copies, those retained in promotion selection folders, are returned at separation or retirement. Permanent copy (field record) is forwarded to the National Personnel Records Center or to ARPC if data subject holds a reserve obligation. Non-EAD USAFR airmen: Air Force Reserve Forces Non-commissioned Officers Performance Report; upon separation, retirement or assignment to a non-participating reserve status, they are forwarded to ARPC for file in the master personnel record and disposed of as a part of that record. Effectiveness/Performance Report Notices are destroyed when their purpose has been served as they are used as control measures in the creation of effectiveness reports.

System manager(s) and address:

Deputy Chief of Staff/Manpower and Personnel, Headquarters United States Air Force, Washington DC 2and Chief of Air Force Reserve, Headquarters United States Air Force, Washington, DC 20330.

Notification procedure:

Requests from individuals should be addressed to the systems manager.

Record access procedures:

Individual can obtain assistance in gaining access from the Systems Manager. Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notice.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

The basis of the ratings is observed on-the-job or education/training performance progression of the individual. Further, evaluation reports may have as an additional source of information, Letters of Evaluation which may be supplied and used for periods of duty performed away from the normal reporting official.

Systems exempted from certain provisions of the act:

Parts of this system may be exempt under 5 U.S.C. 552a (j) or (k), as applicable. For additional information, contact the Systems Manager.

F03501 SAM A

System name:

03501 SAM USAFSAM Personnel Information File.

System location:

Aerospace Medical Division, Brooks AFB, TX 78235.

Categories of individuals covered by the system:

Military and civilian personnel assigned to or scheduled for assignment to the staff USAF School of Aerospace Medicine.

Categories of records in the system:

Name; date of birth; service dates; grade; salary; promotion and step increase dates; occupational series; position to which assigned; supervisory appointment; professional/scientific status; educational level; awards won; publications; handicap status.

Authority for maintenance of the system:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Provides data to the Commander and his immediate staff for utilization of assigned personnel, and for position management.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained on computer magnetic disks or computer paper printouts.

Retrievability:

Normally, data is retrieved by use of non-personal information, such as organizational unit, occupational series, grade, or other workforce characteristics, but may be retrieved by name or position member.

Safeguards:

(1) Records are accessed by the records custodian or by other persons responsible for servicing the records system in performance of their official duties. (2) Records are controlled by personnel screening and by computer system software.

Retention and disposal:

Computer printouts are destroyed after use by tearing into pieces, shredding, pulping, macerating or burning. Upon reassignment or separation, information in the computer file relating to the individual is deleted from the data base.

System manager(s) and address:

Chief, Research and Development Plans Branch, Technical Services Division, USAFSAM, AMD, Brooks AFB, TX 78235.

Notification procedure:

Requests from individuals should be addressed to the Systems Manager.

Record access procedures:

Individual can obtain assistance in gaining access from the Systems Manager.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

Information will be obtained from base personnel records, managers and supervisors of individuals and the individuals themselves.

Systems exempted from certain provisions of the act:

NONE

F03501 0IACYVG

System name:

03501-0IACYVG Correction of Military Records of Officers and Airmen.

System location:

Air Reserve Personnel Center, Denver, CO 80280.

Categories of individuals covered by the system:

Air Force Reserve personnel and Air National Guard personnel.

Categories of records in the system:

case files containing letters from individual reservist requesting correction of military record, related documents and replies to reservist.

Authority for maintenance of the system:

10 USC 275, Personnel Records.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by Office Managers and Section supervisors and technicians to process correction of reserve records when requested. Base files are sent to Manpower and Personnel Center for final action

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders.

Retrievability:

Filed by Name and Social Security Number (SSN).

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms, protected by guards and controlled by personnel screening.

Retention and disposal:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

System manager(s) and address:

Commander Air Reserve Personnel Center (ARPC), Denver CO 80280.

Notification procedure:

Requests from individuals should be addressed to the Documentation Management Officer, ARPC/DADP, Denver, Colorado 80280. Written requests for information should contain full name, SSN, current mailing address and, if known, the case (control) number on correspondence received from ARPC. Records may be reviewed in the Records Review Room, Air Reserve Personnel Center, Denver, Colorado between 8:00 am and 3:00 pm on normal work days. Visitors wishing to see their records should provide a current Reserve identification card and/or driving license and some verbal information that could verify the person's SSN at time of discharge.

Record access procedures:

Individuals can obtain assistance in gaining access from the Documentation Management Officer, ARPC/DADP, Denver, Colorado 80280; telephone (303) 394-4667.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

from personnel records

Systems exempted from certain provisions of the act:

NONE

F03501 0KPNQSD

System name:

03501 0KPNQSD Air Force Junior ROTC (AFJROTC) Instructor/Applicant System.

System location:

AFROTC/JRI Headquarters Air University, Maxwell Air Force Base, AL 36112.

Categories of individuals covered by the system:

AFJROTC Instructors/applicants.

Categories of records in the system:

AFJROTC Address Form; (two pages), Application for AFJROTC Instructor Duty; AFROTC Application Form, Processing Checklist; Applicant Evaluation Forms; Applicant Interview Record; last 10 Airmen Performance Reports or Officer Effectiveness Reports or summary of last 10 reports which includes period of supervision and overall evaluation; letter requesting Defense Central Index of Investigation (DCII) name check; photograph; Report of Separation from Active Duty; Retirement Order; Commander's Recommendation (for noncommissioned officers on active duty only); miscellaneous correspondence such as resume and letter of recommendation; copy of Air Force retirement physical and Physical Evaluation Board Findings if applicant is retired with 30 or more disability; copy of Veterans Administration (VA) Form Letter, Medical Forms from VA, if applicant is retired with 30 or more disability awarded by Veterans Administration; letter requesting medical evaluation of AFJROTC instructor applicants for personnel retired with 30 or more disability; Letter Verifying Dependents; Instructor Preference Card; Instructor Intent Letter; Contract Data Cards; Termination Letters; Outstanding Instructor Certificate; Certification Certificates.

Authority for maintenance of the system:

PL 88-647.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used to evaluate applicant qualifications for employment as AFJROTC instructors. Name, rank and address of applicant furnished to school when nominated for employment. Information is furnished the authority performing the DCII name check.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders, and on computers and computer products.

Retrievability:

Filed by Name, Social Security Number (SSN), and grade

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties. Records are controlled by computer system software. Building locked after duty hours.

Retention and disposal:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

System manager(s) and address:

Chief, instructor management division, AFROTC/JRI, Maxwell Air Force Base, AL 36112.

Notification procedure:

Requests from individuals should be addressed to the Systems Manager. Individuals who write for information must furnish name grade, social security number and address. Visitors must show armed forces identification card and an additional source of positive identification.

Record access procedures:

Individual can obtain assistance in gaining access from the Systems Manager.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information obtained from previous employers, financial institutions, educational institutions, police and investigating officers, the bureau of motor vehicles, a state or local government, witnesses, source documents (such as reports) prepared on behalf of the Air Force by boards, committees, panels, auditors, and so forth.

Systems exempted from certain provisions of the act:

NONE

F03501 0MUHHZA

System name:

03501-0MUHHZA Personnel Interview Record.

System location:

915 Tactical Fighter Group, Homestead Air Force Base, FL 33030; 452 AREFW, March Air Force Base, CA 92508; 446 Military Airlift Wing (MAW) Assoc McChord Air Force Base, WA 98438; 459 TAW Andrews Air Force Base, MD 20331; 445 MAW Assoc Norton Air Force Base, CA 92409; 442 TAW Richards Gebaur Air Force Base, MO 64030; Det 507 301 Tactical Fighter Wing Tinker Air Force Base, OK 73145; 439 TAW Westover Air Force Base, MA 01022; 512 MAW Associate Dover Air Force Base, DE 1901; Det 508 301TFW Hill Air Force Base, UT 84406; 440 TAW Gen Billy Mitchell Fld WI 53207; 910 Tactical Fighter Group (TFG) Youngstown MAP OH 44473; 911 TAG GTR Pittsburgh IAP PA 15231; 913 TAG Willow Grove Airport PA 19090; 908 TAG Maxwell Air Force Base, AL 36112; 514 MAW Assoc McGuire Air Force Base, NJ 08641; 914 TAG Niagara Falls MAP NY; 917 TFG

Barksdale Air Force Base, LA 71110; 919 TAG Eglin Air Force Base, FL 32542; 920 TAG Keesler Air Force Base, MS 39534; 924 TAG Ellington Air Force Base, TX 77209; 94 TAW Dobbins Air Force Base, GA 30060; 301 TFW Carswell Air Force Base, TX 76127; 926 TAG United States Naval Air Station New Orleans LA 70037; 940 AREFG, Mather AFB, CO 92655; 934 TAG Minneapolis St Paul IAP MN 55417; 928 TAG Chicago Ohare IAP IL 60666; 932 TAG Scott Air Force Base, IL 62225; 302 TAW Rickenbacker Air Force Base, OH 43217; 315 MAW Assoc Charleston Air Force Base, SC 29404; 349 MAW Assoc Travis Air Force Base, CA 94535; 403 TAW Seldridge Air Force Base, MI 48045; 433 TAW Kelly Air Force Base, TX 78241; 434 TFW Grissom Air Force Base, IN 46970

Categories of individuals covered by the system:

All USAF Reserve non prior service & prior service applicants.

Categories of records in the system:

Data on military and civilian history for interviewing and tentatively qualifying a prospect.

Authority for maintenance of the system:

10 USC 8012

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used for interviewing.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained on roll microfilm.

Retrievability:

Filed by Name and by Social Security Number (SSN).

Safeguards:

Records are accessed by custodian of the record system.

Retention and disposal:

Retained in office files until reassignment or separation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

System manager(s) and address:

AFRES/RS, Robins AFB, GA 31098

Notification procedure:

Requests from individuals should be addressed to the Systems Manager.

Record access procedures:

Individual can obtain assistance in gaining access from the Systems Manager.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Individual.

Systems exempted from certain provisions of the act:

NONE

F03501X0IACYVA

System name:

03501X0IACYVA Reserve Supplement Officer (RSO) Case File.

System location:

Air Reserve Personnel Center, Denver, CO 80280.

Categories of individuals covered by the system:

Air Force active duty officer personnel and enlisted personnel. Air Force civilian employees. Air Force Reserve and Air National Guard personnel.

Categories of records in the system:

Documents pertaining to requisition, assignment, reassignment, separation, or TDY assignment request, work sheet, orders, amendments, notification of receipt of application solicitation letter.

Authority for maintenance of the system:

10 USC 269.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by the military and civilian personnel of the reserve supplement officer assignment branch; information is disclosed to Consolidated Base Personnel Office and other branches within the Air Reserve Personnel Center to insure proper information is maintained on the individual for assignment.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders.

Retrievability:

Filed by Name and Social Security Number (SSN).

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are protected by guards.

Retention and disposal:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

System manager(s) and address:

Commander Air Reserve Personnel Center (ARPC) Denver, CO 80280.

Notification procedure:

Requests from individuals should be addressed to the Documentation Management Officer, ARPC/DADP, Denver, Colorado 80280. Written requests for information should contain full name, SSN, current mailing address and, if known, the case (control) number on correspondence received from ARPC. Records may be reviewed in the Records Review Room, Air Reserve Personnel Center, Denver, Colorado between 8:00 am and 3:00 pm on normal work days. Visitors wishing to see their records should provide a current Reserve identification card and/or driving license and some verbal information that could verify the person's SSN at time of discharge.

Record access procedures:

Individuals can obtain assistance in gaining access from the Documentation Management Officer, ARPC/DADP, Denver, Colorado 80280; telephone (303) 394-4667.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Major commands, personnel records, Air Reserve units.

Systems exempted from certain provisions of the act:

NONE

F03501X0IACYVB

System name:

03501X0IACYVB Application for Separation from the Regular AF to AF Reserve/Air National Guard.

System location:

Air Reserve Personnel Center, Denver, CO 80280.

Categories of individuals covered by the system:

Air Force active duty officer and enlisted personnel. Air Force civilian employees. Air Force Reserve and Air National Guard personnel.

Categories of records in the system:

Application concerning separation from the Regular Air Force to the Air Force Reserve/Air National Guard, documents pertaining to requisition, assignments, reassignment, separation and declination

Authority for maintenance of the system:

10 USC 269.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To help in obtaining a position in the Air Reserve forces. Used by Regular Air Force, Air Reservist, Air National Guard and civilian personnel to facilitate finding a position for reservists.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders.

Retrievability:

Filed by Name and Social Security Number (SSN).

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are protected by guards.

Retention and disposal:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

System manager(s) and address:

Commander, Air Reserve Personnel Center (ARPC), Denver, CO 80280.

Notification procedure:

Requests from individuals should be addressed to the Documentation Management Officer, AFPC/DADP, Denver, Colorado 80280. Written requests for information should contain full name, SSN, current mailing address and, if known, the case (control) number on correspondence received from ARPC. Records may be reviewed in the Records Review Room, Air Reserve Personnel Center, Denver, Colorado between 8:00 am and 3:00 pm on normal work days. Visitors wishing to see their records should provide a current Reserve identification card and/or driving license and some verbal information that could verify his/her application/declination or orders.

Record access procedures:

Individuals can obtain assistance in gaining access from the Documentation Management Officer, AFPC/DADP, Denver, Colorado 80280; telephone (303) 394-4667.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Major commands, Consolidated Base Personnel Office, Consolidated Reserve Personnel Office.

Systems exempted from certain provisions of the act:

NONE

F03501X0IACYVD

System name:

03501X0IACYVD Servicemen's Group Life Insurance (SGLI) Entitlement Case Files.

System location:

Air Reserve Personnel Center, Denver, CO 80205.

Categories of individuals covered by the system:

Air Force Reserve and Air National Guard personnel.

Categories of records in the system:

Copies of correspondence, casualty reports, record of emergency data, SGLI election, death order, death Certificate, Air Force Accounting And Finance Center (AFAFC) verification of premium payments.

Authority for maintenance of the system:

38 USC 765-776.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Purpose is to determine if an individual qualified for SGLI coverage, applied and paid for premiums for SGLI coverage and to report this information to office of SGLI, Newark NJ for processing insurance claims.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders and card files.

Retrievability:

Filed by Name and Social Security Number (SSN).

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are protected by guards and controlled by personnel screening.

Retention and disposal:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

System manager(s) and address:

Commander Air Reserve Personnel Center (ARPC), Denver, CO 80280.

Notification procedure:

Requests from individuals should be addressed to the Documentation Management Officer, ARPC/DADP, Denver, CO 80280. Written requests for information should contain full name, SSN, current mailing address and, if known, the case (control) number on correspondence received from ARPC. Records may be reviewed in the Records Review Room, Air Reserve Personnel Center, Denver, CO between 8:00 am and 3:00 pm on normal work days. Visitors wishing to see their records should provide a current Reserve identification card and/or driving license and some verbal information that could verify the person's identification.

Record access procedures:

Individuals can obtain assistance in gaining access from the Documentation Management Officer, ARPC/DADP, Denver, CO 80280; telephone (303) 394-4667.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information from notification of death and documents pertinent to death and SGLI coverage obtained from other military branches, public health records, next of kin, or civilian organizations.

Systems exempted from certain provisions of the act:

NONE

F03503 DPMMP A

System name:

03503 DPMMP A Air Force Enlistment/Commissioning Records System.

System location:

Records System is maintained at recruiting offices and Armed Forces Examining and Entrance Stations (AFEES), Liaison Noncommissioned Officer (NCO) offices in all states.

Categories of individuals covered by the system:

Applicants for enlistment or commissioning programs.

Categories of records in the system:

Individual's application, personal interview record (PIR) and supporting documents containing name, social security number, finger prints, historical background, education, medical history, physical status, employment, religious preferences (optional), marital and dependency status, linguistic abilities, aptitude and mental test results, parental consent for minors.

Authority for maintenance of the system:

44 U.S.C. 3101; and 10 U.S.C. Chapter 31 - Enlistments, Sections 504 thru 512

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information is collected by recruiters to determine enlistment/commissioning eligibility, and process qualified applicants. Personnel managers use as hard copy documentation of data entered in Advanced Personnel Data Systems (APDS). Personnel managers also use certain documents to determine classification and assignment actions after enlistment. All documents are source documents in determining benefits/ entitlements.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in visible file binders/cabinets.

Retrievability:

Filed by Name.

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

Retention and disposal:

Files of applicants not enlisted are retained in the local recruiting office and destroyed after two years. Records of enlistees that are not forwarded to Master and Unit Personnel Records files are destroyed after two years, by tearing into pieces, burning, shreding, macerating or pulping.

System manager(s) and address:

Assistant Deputy Chief of Staff Personnel for Military Personnel, Randolph Air Force Base, Texas

Notification procedure:

Individuals may contact agency officials at respective recruiting office locations

Record access procedures:

Same procedure as notification above.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Individual provides through written application or personal interview.

Systems exempted from certain provisions of the act:

NONE

F03503 0MUHHZA

System name:

03503-0MUHHZA Reserve Manning Report.

System location:

14 AF(R)/RS, Dobbins AFB, GA 30060; 10 AF(R)/RS, Bergstrom AFB, TX 79743; and 4 AF(R)/RS, McClellan AFB, CA 95652.

Categories of individuals covered by the system:

Manning specialists.

Categories of records in the system:

Data pertaining to nonprior and prior enlistments and accessions.

Authority for maintenance of the system:

10 USC 8012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Standardize statistical data.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders.

Retrievability:

Filed by Name. Filed by Social Security Number (SSN).

Safeguards:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties.

Retention and disposal:

Retained in office files for 2 years after annual cut-off, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

System manager(s) and address:

HQ AFRES/RS, Robins AFB GA 31098.

Notification procedure:

Requests from individuals should be addressed to the parent Region/RS

Record access procedures:

Individual can obtain assistance in gaining access from the parent Region/RS.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Department of Defense (DD) Form 4, Department of Defense Form 1644 Interservice Transfer.

Systems exempted from certain provisions of the act:

NONE

F03504 DPMHC A

System name:

03504-DPMHC-A Chaplain Personnel Action Folder.

System location:

Headquarters United States Air Force, Washington DC 20330.

Categories of individuals covered by the system:

Active Duty Chaplains.

Categories of records in the system:

This is a grouping of information for each United States Air Force (USAF) chaplain. Items of information in these folders included the following: current official photograph, current career brief, summary of education, Officer Career Objective Statement, Chaplain Services Personnel Evaluation, copy of chaplain's Ecclesiastical Endorsement, copy of Appointment orders, copy of initial Extended Active Duty Orders, Application for Extended Active Duty with the United States Air Force USAF, Application for Appointment as Reserve of the Air Force, student information sheets prepared while attending USAF Chaplain School Courses, copies of assignment action documents, correspondence between the chaplains and Headquarters USAF/Chief of Chaplains and requests for special personnel actions and dispositions curtailments, etc.

Authority for maintenance of the system:

10 USC 8012 and 8032.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The documents maintained in these folders are utilized by the Resource Manager in Headquarters United States Air Force/Chief of Chaplains, Personnel Division for assignment selection of chaplains. Because of the necessity to insure an equitable denominational spread of chaplains on an installation and to insure the proper placement of specially qualified chaplains, it is necessary to maintain current information on each chaplain. Records may be disclosed to endorsing agents concerning the qualifications of their chaplains for continued duty as representatives of their denominations.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in visible file binders/cabinets.

Retrievability:

Filed by Name.

Safeguards:

Records are accessed by custodian of the record system, and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

Retention and disposal:

Retained for 2 years after separation then destroyed by macerating or burning.

System manager(s) and address:

Chief of Chaplains, Headquarters United States Air Force.

Notification procedure:

Requests from individuals should be addressed to the Systems Manager.

Record access procedures:

Individual can obtain assistance in gaining access from the Systems Manager.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Member's personnel action requests/preferences and information retrieved from the Advanced Personnel Data System (ADPS).

Systems exempted from certain provisions of the act:

NONE

F03504 OYUEBLA

System name:

03504 OYUEBLA Training status Code.

System location:

At Headquarters of Air Force Communications Service (DCS/personnel), Scott AFB IL 62225.

Categories of individuals covered by the system:

Air Force active duty enlisted personnel.

Categories of records in the system:

Contains career training data, name and social security number (SSN) of individuals selected for reassignment to Air Force Communications Service (AFCS) units overseas.

Authority for maintenance of the system:

44 USC 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used to monitor the training qualifications of individuals who are selected for reassignment overseas to determine if specialized training

is required enroute or if individual is presently qualified for the assignment. Also used to indicate if a training quota has been received when specialized training is required.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained on computer magnetic tappes and on computer paper printouts.

Retrievability:

Retrievability based on training status code or record status indicating individual selected for reassignment. Computerized.

Safeguards:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in locked cabinets or rooms.

Retention and disposal:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Also destroyed by degaussing.

System manager(s) and address:

Technical Training Branch Directorate of Personnel Headquarters AFCS, Scott AFB, IL 62225.

Notification procedure:

Requests from individuals should be addressed to the Systems Manager.

Record access procedures:

Individual can obtain assistance in gaining access from the Systems Manager.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information obtained from automated system interfaces.

Systems exempted from certain provisions of the act:

NONE

F03504 OYUEBLB

System name:

03504 OYUEBLB Commander Identification.

System location:

At Headquarters Air Force Communications Service (DCS/p), Scott AFB IL 62225.

Categories of individuals covered by the system:

Air Force active duty military personnel.

Categories of records in the system:

Individuals currently performing duty as a commander and personnel selected by area commanders as possible/potential commanders.

Authority for maintenance of the system:

44 USC 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used to monitor the assignment and replacement of unit Commanders in Air Force Communications Service (AFCS).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained on computer magnetic tapes and computer paper printouts.

Retrievability:

Retrievability based on presence of commander identification code. Computerized.

Safeguards:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in locked cabinets or rooms.

Retention and disposal:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Also destroyed by degaussing.

System manager(s) and address:

Director of Assignments Directorate of Personnel Headquarters AFCS, Scott AFB IL 62225.

Notification procedure:

Requests from individuals should be addressed to the Systems Manager.

Record access procedures:

Individual can obtain assistance in gaining access from the Systems Manager.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information obtained from automated system interfaces.

Systems exempted from certain provisions of the act:

NONE

F03504 0IACYVA

System name:

03504-0IACYVA Data Change/Suspense Notification.

System location:

Air Reserve Personnel Center, Denver, CO 80280.

Categories of individuals covered by the system:

Air Force Reserve personnel.

Categories of records in the system:

Correspondence and forms used to record discrepancies or changes.

Authority for maintenance of the system:

10 USC 275 personnel records.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To resolve discrepancies detected during annual records review.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders.

Retrievability:

Filed by Name, Social Security Number (SSN) or other identification number or system identifier.

Safeguards:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are protected by guards.

Retention and disposal:

Retained in office files for 1 year after annual cut-off, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

System manager(s) and address:

Commander Air Reserve Personnel Center (ARPC), Denver, CO 80280.

Notification procedure:

Requests from individuals should be addressed to the Documentation Management Officer, ARPC/DADP, Denver, CO 80280. Written requests for information should contain full name, SSN, current mailing address and, if known, the case (control) number on correspondence received from ARPC. Records may be reviewed in the Records Review Room, Air Reserve Personnel Center, Denver, CO between 8:00 am and 3:00 pm on normal work days. Visitors wishing to see their records should provide a current Reserve identification card and/or driving license and some verbal information that could verify the person's identification.

Record access procedures:

Individuals can obtain assistance in gaining access from the Documentation Management Officer, ARPC/DADP, Denver, CO 80280; telephone (303) 394-4667.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information from source documents prepared on behalf of the Air Force Advance Personnel Data System or supplied by Reservist.

Systems exempted from certain provisions of the act:

NONE

F03505 DPMAO B

System name:

03505-DPMAO-B Personnel Action File (Digest File).

System location:

Air Force Military Personnel Center, Randolph Air Force Base, TX 78148 for active and Air Reserve Personnel Center, Denver CO 80280 for nonactive duty USAFR officers.

Categories of individuals covered by the system:

Air Force active duty officer personnel and nonactive duty USAFR officers.

Categories of records in the system:

Composed largely of summaries/extracts or notices of the Air Force Office of Special Investigations (AFOSI) Reports of Investigation (ROIs). The system may also contain other official records or documents which reflect relevant derogatory information about officers, e.g., notice of involuntary separation proceedings, notice of Special Security File, reports of AWOL/Desertion status, administrative inquiries and investigations, Inspector General (IG) reports, and reports of violations of public trust in contract, procurement, and other matters. Additionally, a file will contain a statement regarding the subject matter from the officer if one is made, plus any comments and recommendations by the member's commander. Finally, a Digest File will contain copies of documentation used to notify the individual and the commander of the file and a record of the Officer Personnel Records Review Board (OPRRB) decision to retain the file. The system of records also includes letters of notification when digest files are destroyed.

Authority for maintenance of the system:

10 USC 8012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Digest Files are reviewed by career management officials and Central Selection Boards at AFMPC or ARPC, as appropriate, to insure the propriety of personnel decisions finalized at those levels regarding promotion, assignment, mobilization, recall to extended active duty, selection, utilization and separation. The purpose of such review is to insure that individual career management decisions enhance the quality of professionalism in the Air Force.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in visible file binders/cabinets.

Retrievability:

Filed alphabetically by name.

Safeguards:

Records are accessed by persons responsible for servicing the record system and by other personnel whose names appear on an authorized access list indicating they have a need to know in the performance of their official duties. Records are stored in locked cabinets.

Retention and disposal:

Disposition is pending approval under 44 U.S.C. 3303(3).

System manager(s) and address:

Chief, Special Control and Records Review Group (AFMPC/DPMAO), Randolph AFB TX 78148 for active duty officers and Commander, Air Reserve Personnel Center (ARPC), Denver CO 80280 for non-active duty USAFR officers.

Notification procedure:

Requests from individuals should be addressed to the Systems Manager. Written requests should contain the member's full name, rank, and SSN. Information may also be obtained by personal visit with the appropriate Systems Requests from individuals should be addressed to the Chief, Special Control and Records Review Group (AFMPC/DPMAO), Randolph AFB TX 78148 for active duty officers or the Documentation Management Officer (ARPC/DADP), Denver CO 80280 for nonactive duty USAFR officers. Written request(s) for information should contain full name of individual, rank and SSN (Social Security Number). Nonactive duty USAFR officers should also include current address and the case (control) number shown on any correspondence received from the Center. Information may be obtained by active duty officers by personal visit with the System Manager upon verification of the identification data required for written requests. Nonactive duty USAFR officers may review records in Records Review Room (2-B18-2) ARPC, Denver CO 80280, between 8:00 A.M. and 3:00 P.M. on normal work days. For personal visits, the individual should provide current Reserve ID cards and/or drivers license and present some verbal information that could verify their identity from their record.

Record access procedures:

Individuals can obtain access to their own Digest Files by following the procedures described above.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Digest File information is obtained from AFOSI, Commanders, Consolidated Base Personnel Offices, FBI, MAJCOMs, HQ USAF/IG and from official records, reports or documents prepared on behalf of the Air Force by boards, committees, panels, and investigating officers.

Systems exempted from certain provisions of the act:

NONE

F03505 0IACYVA

System name:

03505-0IACYVA Unfavorable Information Files (UIFS) on Officers and Airmen.

System location:

Air Reserve Personnel Center, Denver, CO 80280.

Categories of individuals covered by the system:

Air Force Reserve personnel.

Categories of records in the system:

Records of punishment under article 15, Uniform Code of Military Justice for written admonition or reprimand not pursuant to article 15 or sentences of court martial, results of court martials, convictions, letters of indebtedness, a reported failure to support dependents, civil and military law enforcement reports resulting in a finding of guilty, judicial or administrative, except for minor traffic violations.

Authority for maintenance of the system:

10 USC 262.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Reviewed in connection with promotion consideration, selection for schools, assignment, and all personnel actions used by active duty personnel and AF civilian employees for all personnel actions.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders.

Retrievability:

Filed by Name, Social Security Number (SSN) or by other identification number or system identifier.

Safeguards:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in safes.

Retention and disposal:

Retained for 1 year after date of reprimand, or 1 year from date of unfavorable correspondence not related to administrative reprimands, or until member reenlists, separates, retires or dies, and then destroyed by tearing into pieces, shredding, pulping, macerating or burning.

System manager(s) and address:

Commander Air Reserve Personnel Center (ARPC), Denver, Co 80280.

Notification procedure:

Requests from individuals should be addressed to the Documentation Management Officer, ARPC/DADP, Denver, CO 80280. Written requests for information should contain full name, SSN, current mailing address and, if known, the case (control) number on correspondence received from ARPC. Records may be reviewed in the Records Review Room, Air Reserve Personnel Center, Denver, CO between 8:00 am and 3:00 pm on normal work days. Visitors wishing to see their records should provide a current Reserve identification card and/or driving license and some verbal information that could verify the person's identification.

Record access procedures:

Individuals can obtain assistance in gaining access from the Documentation Management Officer, ARPC/DADP, Denver, CO 80280; telephone (303) 394-4667.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information obtained from police and investigating officers, from state or local governments, from witnesses or from source documents (such as reports) prepared on behalf of the Air Force by boards, committees, panels, auditors, and so forth.

Systems exempted from certain provisions of the act:

NONE

F03506 0KPNQSA

System name:

03506 0KPNQSA Air Force Reserve Officer Training Corps Qualifying Test Scoring System.

System location:

AFROTC/RRUR, Maxwell Air Force Base, AL 36112, and portion pertaining to each AFROTC detachment located at the respective detachment. Official mailing addresses of the detachments are in the Department of Defense Directory in the appendix to the Air Force's system notice.

Categories of individuals covered by the system:

Air Forces applicants testing at Air Forces detachments.

Categories of records in the system:

Name, detachment, date of test, test scores, social security number, air science year, number of test administrations, institution category, race, sex, marital status, education level, and program applying for.

Authority for maintenance of the system:

10 USC Chapter 103; Military Selective Service Act of 1967, Section 6, (50 USC 456); and 10 USC 8012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Scores are used against criteria for entrance into AFROTC, and as a measure of quality. Scores are entered in cadet records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders, visible file binders/cabinets, and computer magnetic tapes and computer paper printouts.

Retrievability:

Filed by Name, Social Security Number (SSN), location of test administration and date of testing.

Safeguards:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are controlled by computer system software. Buildings are secured after duty hours.

Retention and disposal:

AFROTC/RRUR will maintain records of scores attained on tests administered at AFROTC detachments for a period of six years. Records are destroyed by tearing into pieces, maceration, burning or degaussing. Air Force Human Resources Laboratory, Brooks Air Force Base, TX 78235 is official repository for permanent record of all AFOQT scores.

System manager(s) and address:

Chief, Resource Systems and AFOQT Branch, AFROTC/RRUR. Air Force Base, AL 36112.

Notification procedure:

Requests from individuals should be addressed to the Systems Manager. Requests should include full name, SSN, location of test administration, and date of testing.

Record access procedures:

Individual can obtain assistance in gaining access from the Systems Manager.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Individual's knowledge of subject being tested.

Systems exempted from certain provisions of the act:

NONE

F03507 0IACYVA

System name:

03507-0IACYVA Flying Status Actions.

System location:

Air Reserve Personnel Center, Denver, CO 80280.

Categories of individuals covered by the system:

Air Force Reserve and Air National Guard personnel.

Categories of records in the system:

Correspondence and related documents pertaining to request for suspension, nonrated officer utilization, aeronautical rating data documents that pertain to aeronautical ratings or suspensions and request for update of the uniform officer record and applications for other flying status/actions.

Authority for maintenance of the system:

10 USC 275.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To track each action taken until computer action is complete; reservist is informed and file copy is in master personnel record.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders.

Retrievability:

Filed by Name, Social Security Number (SSN) or other identification number or system identifier.

Safeguards:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are protected by guards. Records are accessed by custodian of the record system.

Retention and disposal:

Retained in office files for one year after annual cut-off, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

System manager(s) and address:

Commander Air Reserve Personnel Center (ARPC), Denver, CO 80280.

Notification procedure:

Requests from individuals should be addressed to the Documentation Management Officer, ARPC/DADP, Denver, CO 80280. Written requests for information should contain full name, SSN, current mailing address and, if known, the case (control) number on correspondence received from ARPC. Records may be reviewed in the Records Review Room, Air Reserve Personnel Center, Denver, CO between 8:00 am and 3:00 pm on normal work days. Visitors wishing to see their records should provide a current Reserve identification card and/or driving license and some verbal information that could verify the person's identification.

Record access procedures:

Individuals can obtain assistance in gaining access from the Documentation Management Officer, ARPC/DADP, Denver, CO 80280; telephone (303) 394-4667.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

information from source documents prepared on behalf of the Air Force advanced personnel data system or supplied by reservist.

Systems exempted from certain provisions of the act:

NONE

F03508 DPMAJBA

System name:

03508 DPMAJBA Recorder's Roster.

System location:

Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78148. Washington National Records Center, Washington DC 20409.

Categories of individuals covered by the system:

Records are maintained on all Air Force officers and E-7's and E-8's who are eligible for promotion consideration and officers considered for Regular Air Force appointment and Reserve Officers considered for involuntary separation, and any other special board directed by the Secretary of the Air Force or the Chief of Staff.

Categories of records in the system:

Listing containing record number,ber, name, social security number, date of roster, program controlcomponent, promotion category, select/non-select status, FOR OFFICIAL USE ONLY statement and name and year of board.

Authority for maintenance of the system:

The records are maintained to support selection boards convened under the authority of 10 U.S.C. 8297, 8285, 8442.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

These records are used to determine whether individuals were considered by the convening board.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in visible file binders/cabinets.

Retrievability:

Records are accessed by identification of board of consideration and then by inverted social security number of subject by promotion category.

Safeguards:

Records are accessed by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

Retention and disposal:

The records are retained in the Selection Board Secretariat for four calendar years and then retired to the National Archives, Washington, D.C.

System manager(s) and address:

Assistant Deputy Chief of Staff, Personnel for Military Personnel, Randolph Air Force Base, Texas 78148.

Notification procedure:

Requests from individuals should be addressed to the Systems Manager.

Record access procedures:

Individual can obtain assistance in gaining access from the Systems Manager. Request must include name grade Social Security Number, board identification, promotion category, and zone of consideration as applicable.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

The information in these records is extracted from the Selection Board Support File, and from data compiled from individual board member inputs.

Systems exempted from certain provisions of the act:

NONE

F03508 0IACYVA

System name:

03508-0IACYVA Officer Promotions.

System location:

Air Reserve Personnel Center, Denver, CO 80280. Washington National Records Center, Washington, DC 20409.

Categories of individuals covered by the system:

Air Force active duty officer personnel. Air Force Reserve and Air National Guard personnel.

Categories of records in the system:

Proceedings, findings and related documents such as rosters, board membership and board support and orders announcing promotion.

Authority for maintenance of the system:

10 USC 8362, 8366, 8367, 8371, Commissioned Officer selection board procedures.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by promotion division personnel in preparation for promotion boards and by the actual promotion board when convened.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders and in note books/binders.

Retrievability:

Filed by Name, Social Security Number (SSN), or other identification number or system identifier.

Safeguards:

Records are accessed by custodian of the record system, and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms, protected by guards, and controlled by personnel screening.

Retention and disposal:

Retained in office files for 2 years after annual cut-off, then retired to Washington National Records Center, Washington DC 20409, for permanent retention.

System manager(s) and address:

Commander Air Reserve Personnel Center (ARPC).

Notification procedure:

Requests from individual should be addressed to Command Documentation Officer ARPC/DAD, Denver CO 80280. Written request for information should contain full name of individual, SSN (Social Security Number). Current address and the case (control) number shown on correspondence received from center. Records may be reviewed in records review room ARPC, Denver, CO 80280, between 8:00 am and 3:00 pm on normal work days. For personal visits, the individual should provide current reserve i.d. card and/or drivers license and give some verbal information that could verify his/her record.

Record access procedures:

Individual can obtain assistance in gaining access from command documentation manager, ARPC/DAD, Denver, CO 80280, telephone area code (303) 394-4667.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information obtained from source documents (such as reports) prepared on behalf of the Air Force by boards, committees, panels, auditors, and so forth.

Systems exempted from certain provisions of the act:

NONE

F03508 0IACYVB

System name:

03508-0IACYVB Air Force Reserve Airman Demotions.

System location:

Air Reserve Personnel Center, Denver, CO 80280.

Categories of individuals covered by the system:

Air Force Reserve personnel.

Categories of records in the system:

Documents and rosters relating to a weighted airman selection system and case files for reserve Airmen who were demoted.

Authority for maintenance of the system:

10 USC 275 personnel records.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Monitor and process promotion actions by office personnel, and for research of related documents.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders/ note books/binders.

Retrievability:

Filed by Name, Social Security Number (SSN) or by other identification number or system identifier.

Safeguards:

Records are accessed by custodian of the record system and person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms, protected by guards and controlled by personnel screening.

Retention and disposal:

Retained in office files for three months after monthly cut-off, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

System manager(s) and address:

Commander Air Reserve Personnel Center (ARPC), Denver, CO 80280.

Notification procedure:

Requests from individuals should be addressed to the Documentation Management Officer, ARPC/DADP, Denver, CO 80280. Written requests for information should contain full name, SSN, current mailing address and, if known, the case (control) number on correspondence received from ARPC. Records may be reviewed in the Records Review Room, Air Reserve Personnel Center, Denver, CO between 8:00 am and 3:00 pm on normal work days. Visitors wishing to see their records should provide a current Reserve identification card and/or driving license and some verbal information that could verify the person's identification.

Record access procedures:

Individuals can obtain assistance in gaining access from the Documentation Management Officer, ARPC/DADP, Denver, CO 80280; telephone (303) 394-4667.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

From master personnel records and computer products, automated system interfaces and source documents (such as reports) prepared on behalf of the Air Force by boards, committees, panels, auditors, and so forth.

Systems exempted from certain provisions of the act:

NONE

F03509 0IACYVA

System name:

03509-0IACYVA Requests for Discharge From the Air Force Reserve.

System location:

Air Reserve Personnel Center, Denver, CO 80280, (all Reserve personnel other than unit assigned); Headquarters Air Force Reserve, Robins AFB GA 3 31098, (AFRES unit assigned Reserve Personnel).

Categories of individuals covered by the system:

Air Force Reserve personnel.

Categories of records in the system:

Applications and other documents related to discharge or separation by reason of dependency or hardship or for the convenience of the government.

Authority for maintenance of the system:

10 USC 1074 Personnel Records.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To maintain tracking of each action taken until computer action is complete, reservist is informed and file copy is in Master Personnel Record.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders.

Retrievability:

Filed by Name, Social Security Number (SSN) or by other identification number or system identifier.

Safeguards:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are protected by guards and stored in locked cabinets or rooms.

Retention and disposal:

Retained in office files for one year after annual cut-off, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Hq AFRES forwards copies of actions resulting in discharge to the Air Reserve Personnel Center, Denver CO 80280 for inclusion in the individual's Master Personnel Record Group.

System manager(s) and address:

Commander Air Reserve Personnel Center (ARPC), Denver, CO 80280; Vice Commander, Headquarters Air Force Reserve, Robins AFB, GA 31098.

Notification procedure:

Requests from individuals should be addressed to the Documentation Management Officer, ARPC/DAD, Denver, CO 80280 (non-unit assigned personnel) or the Chief, Personnel Actions Division, HQ AFRES/DPAA, Robins AFB, GA 3 01098 (AFRES unit assigned personnel). Written requests for information should contain full name, SSN, current mailing address and, if known, the case (control) number on correspondence received from ARPC or HQ AFRES. Records may be reviewed in the Records Review Room, Air Reserve Personnel Center, (ARPC), Building 444, Lowry AFB, CO between 8:00 am and 3:00 pm on normal work days or Headquarters Air Force Reserve, DPAA, Building 210, Robins AFB, GA between 8:00 am and 4:45 pm on normal work days. Visitors wishing to see their records should provide a current Reserve identification card and/or driving license and some verbal information that could verify the person's identification.

Record access procedures:

Individuals can obtain assistance in gaining access from the Documentation Management Officer, ARPC/DADP, Denver, CO 80280; telephone (303) 394-4667 (Non-Unit Personnel), or (AFRES/DPAA), Bldg 210, HQ AFRES, Robins AFB, GA 31098; telephone (912) 926-3107, Unit Assigned Personnel).

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information from source documents prepared on behalf of the advanced personnel data system or supplied by reservist.

Systems exempted from certain provisions of the act:

NONE

F03509 0IACYVB

System name:

03509-0IACYVB Administrative Discharge for Cause on Reserve Personnel.

System location:

Air Reserve Personnel Center, Denver, CO 80280.

Categories of individuals covered by the system:

Air Force Reserve personnel.

Categories of records in the system:

Board proceedings, board waiver, recommendations, and other records which result in discharge.

Authority for maintenance of the system:

10 USC 1162.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To effect the administrative separation of officer members of the United States Air Force Reserve (USAFR) from their appointment as reserve Officers and to effect the administrative separation of enlisted members of the USAFR from their enlistment as reserve members.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders.

Retrievability:

Filed by Name and by Social Security Number (SSN) or by other identification number or system identifier.

Safeguards:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in safes.

Retention and disposal:

Retained in office files until discharged then forwarded for inclusion in the Individual's military personnel record in the National Personnel Record Center 9700 Page Blvd St Louis, MO 63132 for permanent storage.

System manager(s) and address:

Commander Air Reserve Personnel Center (ARPC), Denver, CO 80280.

Notification procedure:

Requests from individuals should be addressed to the Documentation Management Officer, ARPC/DADP, Denver, CO 80280. Written requests for information should contain full name, SSN, current mailing address and, if known, the case (control) number on correspondence received from ARPC. Records may be reviewed in the Records Review Room, Air Reserve Personnel Center, Denver, CO between 8:00 am and 3:00 pm on normal work days. Visitors wishing to see their records should provide a current Reserve identification card and/or driving license and some verbal information that could verify the person's identification.

Record access procedures:

Individuals can obtain assistance in gaining access from the Documentation Management Officer, ARPC/DADP, Denver, CO 80280; telephone (303) 394-4667.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information obtained from medical institutions, police and investigating officers and from witnesses.

Systems exempted from certain provisions of the act:

NONE

F04501 ARPC A

System name:

04501-ARPC-A Air Force Reserve Application.

System location:

At Air Reserve Personnel Center, Denver CO 80280.

Categories of individuals covered by the system:

Air Force active duty personnel, civilian employees and former employees, Air Force Reserve and Air National Guard personnel, dependents of military personnel.

Categories of records in the system:

Copies of application for appointment as reserve of the Air Force and comparable forms, correspondence, and related papers. Applications for extended active duty (EAD) including correspondence and related papers.

Authority for maintenance of the system:

10 USC 275 Personnel Records, 10 USC 672 Reserve Components General, 10 USC 8358 Commissioned Officers original appointment; service credit, 10 USC 8359 Commission Officers original appointment; determination of grade.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To determine if individual qualifies for appointment or commissioning in the Reserve of the Air Force or voluntary entry on EAD and qualifications, if any, for an Air Force Speciality Code (AFSC). Medical applications are forwarded for approval to AFMPC/SG, Randolph AFB, TX 78148.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in card files and file folders.

Retrievability:

Filed by Social Security Number (SSN), by name, or case control number.

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are protected by guards.

Retention and disposal:

Destroy one year after approval or one year after individual declines appointment. Applications for EAD are destroyed after one year or when superseded, obsolete and no longer needed for reference or inactivation whichever is sooner. Documents destroyed by tearing, shredding, macerating, or pulping.

System manager(s) and address:

Commander Air Reserve Personnel Center (ARPC), Denver, CO 80280.

Notification procedure:

Request from individual should be addressed to the Documentation Management Officer ARPC/DADP, Denver, CO 80280. Written request for information should contain full name of individual, Social Security Number (SSN), current address and the case control number shown on any correspondence received from center. Records may be reviewed in records review room ARPC, Denver, CO 80280, between 8:00 A.M. and 3:00 P.M. on normal work days. For personal visits, the individual should provide current Reserve ID Card and/or drivers license and give some verbal information that could verify his/her identification, such as is on an application for a reserve appointment or EAD.

Record access procedures:

Individual can obtain assistance in gaining access from Documentation Management Officer, ARPC/DADP, Denver, CO 80280, telephone (303) 394-4667.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information from individual applying for appointment in the reserve, applications for extended active duty, and statement of military who served Navy or Marine Corps.

Systems exempted from certain provisions of the act:

NONE

F04501 0IACYVC

System name:

04501-0IACYVC Professional Officer Course(POC) and Financial Assistance Program Cadets.

System location:

Air Reserve Personnel Center, Denver, CO 80280.

Categories of individuals covered by the system:

Air Force Reserve personnel.

Categories of records in the system:

Copies of transmittal letters for disenrolled Air Force Reserve Officer Training Corps (AFROTC) cadets to be discharged.

Authority for maintenance of the system:

10 USC 2104 and 2107.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To determine if AFROTC cadets were identified for discharge due to disenrollment and the date identified. To provide historical data on number discharged.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in visible file binders/cabinets.

Retrievability:

Filed by Name and Social Security Number (SSN).

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in security file containers/cabinets and protected by guards.

Retention and disposal:

Retained in office files for one year after annual cut-off, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

System manager(s) and address:

Commander Air Reserve Personnel Center (ARPC), Denver, CO 80280.

Notification procedure:

Requests from individuals should be addressed to the Documentation Management Officer, ARPC/DADP, Denver, CO 80280. Written requests for information should contain full name, SSN, current mailing address and, if known, the case (control) number on correspondence received from ARPC. Records may be reviewed in the Records Review Room, Air Reserve Personnel Center, Denver, Colorado between 8:00 am and 3:00 pm on normal work days. Visitors wishing to see their records should provide a current Reserve identification card and/or driving license and some verbal information that could verify the person's identification.

Record access procedures:

Individuals can obtain assistance in gaining access from the Documentation Management Officer, ARPC/DADP, Denver, CO 80280; telephone (303) 394-4667.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information obtained from individual reservists, from educational institutions and from source documents (such as reports) prepared on behalf of the Air Force by boards, committees, panels, auditors, and so forth.

Systems exempted from certain provisions of the act:

NONE

F04501X0IACYVA

System name:

04501X0IACYVA Air Force Service Data of Employees and Relatives.

System location:

Air Reserve Personnel Center, Denver, CO 80280.

Categories of individuals covered by the system:

Air Force Reserve and Air National Guard personnel.

Categories of records in the system:

Personal data of active duty military personnel and civilian employees or a relative of either who are assigned to the Air Reserve Personnel Center, Members of the Air Force Reserve or Air National Guard.

Authority for maintenance of the system:

10 USC 275.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information is used to identify a master personnel record and place it in a more secure file to which access is limited. When completed, the form is maintained and used by the records maintenance division (DPFR) Air Reserve Personnel Center.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in card files.

Retrievability:

Filed by Social Security Number (SSN).

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in locked cabinets or rooms.

Retention and disposal:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

System manager(s) and address:

Commander Air Reserve Personnel Center (ARPC), Denver, CO 80280.

Notification procedure:

Requests from individuals should be addressed to the Documentation Management Officer, ARPC/DADP, Denver, CO 80280. Written requests for information should contain full name, SSN, current mailing address and, if known, the case (control) number on correspondence received from ARPC. Records may be reviewed in the Records Review Room, air Reserve Personnel Center, Denver, CO between 8:00 am and 3:00 pm on normal work days. Visitors wishing to see their records should provide a current Reserve identification card and/or driving license and some verbal information that could verify the person's identification.

Record access procedures:

Individuals can obtain assistance in gaining access from the Documentation Management Officer, ARPC/DADP, Denver, CO 80280; telephone (303) 394-4667.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information from individual, member or relative.

Systems exempted from certain provisions of the act:

NONE

F04501X0IACYVD

System name:

04501X0IACYVD Air Force Reserve Officer Training Corps (AFROTC) Contract Violators.

System location:

Air Reserve Personnel Center, Denver, CO 80280.

Categories of individuals covered by the system:

Air Force Reserve personnel.

Categories of records in the system:

Cards reflecting incoming referrals annotated with name, Social Security Number (SSN), address and resume of actions taken

Authority for maintenance of the system:

10 USC 2107 Financial assistance program.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To control and account for AFROTC contract violator cases. Used by military personnel technicians for central accounting of AFROTC contract violator.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in card files.

Retrievability:

Filed by Name and Social Security Number (SSN).

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties.

Retention and disposal:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

System manager(s) and address:

Commander Air Reserve Personnel Center (ARPC), Denver, CO 80280.

Notification procedure:

Requests from individuals should be addressed to the Documentation Management Officer, ARPC/DADP, Denver, CO 80280. Written requests for information should contain full name, SSN, current mailing address and, if known, the case (control) number on correspondence received from ARPC. Records may be reviewed in the records Review Room, Air Reserve Personnel Center, Denver, CO between 8:00 am and 3:00 pm on normal work days. Visitors wishing to see their records should provide a current Reserve identification card and/or driving license and some verbal information that could verify the person's identification.

Record access procedures:

Individuals can obtain assistance in gaining access from the Documentation Management Officer, ARPC/DADP, Denver, CO 80280; telephone (303) 394-4667.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information from Commandant AFROTC, Maxwell AFB, Alabama 36112.

Systems exempted from certain provisions of the act:

NONE

F04501X0IACYVE

System name:

04501X0IACYVE Involuntary Recall.

System location:

Air Reserve Personnel Center, Denver, CO 80280.

Categories of individuals covered by the system:

Air Force Reserve personnel.

Categories of records in the system:

Documents consist of listings of incoming referrals with name, Social Security Number (SSN), line number and resume of actions taken.

Authority for maintenance of the system:

10 USC 8012

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To control and account for involuntary recall of nonparticipating Airmen. Used for control by military personnel technicians.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in note books/binders.

Retrievability:

Filed by name, Social Security Number (SSN) and line number.

Safeguards:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in locked cabinets or rooms.

Retention and disposal:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

System manager(s) and address:

Commander Air Reserve Personnel Center (ARPC) Denver, CO 80280.

Notification procedure:

Requests from individuals should be addressed to the Documentation Management Officer, ARPC/DADP, Denver, CO 80280. Written requests for information should contain full name, SSN, current mailing address and, if known, the case (control) number on correspondence received from ARPC. Records may be reviewed in the Records Review Room, Air Reserve Personnel Center, Denver, CO between 8:00 am and 3:00 pm on normal work days. Visitors wishing to see their records should provide a current Reserve identification card and/or driving license and some verbal information that could verify the person's identification.

Record access procedures:

Individuals can obtain assistance in gaining access from the Documentation Management Officer, ARPC/DADP, Denver, CO 80280; telephone (303) 394-4667.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information from the National Guard Bureau, Wash, DC, 20310. Headquarters Air Force Reserve/DPAA Robins AFB Georgia 31098. ARPC/DPRM, Denver, CO 80280.

Systems exempted from certain provisions of the act:

NONE

F04502 0IACYVA

System name:

04502-0IACYVA Inactive Duty Training, Extension Course Institute (ECI) Training.

System location:

Air Reserve Personnel Center, Denver, CO 80280.

Categories of individuals covered by the system:

Authorization for inactive duty training, authorization for individual inactive duty training (for nonpay status only; for pay status authorization). Certificate of completion issued on completion of volume of a course.

Categories of records in the system:

Point credit source documents maintained on active air force reserve member.

Authority for maintenance of the system:

10 USC 1331, 1332 and 1333.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The record shows the completion of each volume of a correspondence course by a reservist and shows training performed for either paid or nonpaid status. Record is used by military personnel clerks to audit a reservist point credit account. It is used as a cross check to insure accuracy of the reservists yearly point credit account as it pertains to his pay account.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in visible file binders/cabinets.

Retrievability:

Filed by Name and Social Security Number (SSN).

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know and protected by guards.

Retention and disposal:

Inactive duty training documents are destroyed after 5 years. ECI certificates (duplicates) are destroyed six months after reservist receives his copy.

System manager(s) and address:

Commander Air Reserve Personnel Center (ARPC), Denver, CO 80280.

Notification procedure:

Requests from individuals should be addressed to the Documentation Management Officer, ARPC/DADP, Denver, CO 80280. Written requests for information should contain full name, SSN, current mailing address and, if known, the case (control) number on correspondence received from ARPC. Records may be reviewed in the Records Review Room, Air Reserve Personnel Center, Denver, CO between 8:00 am and 3:00 pm on normal work days. Visitors wishing to see their records should provide a current Reserve identification card and/or driving license and some verbal information that could verify the person's identification.

Record access procedures:

Individuals can obtain assistance in gaining access from the Documentation Management Officer, ARPC/DADP, Denver, CO 80280; telephone (303) 394-4667.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information from individual reservist, Air National Guard and Air Force Reserve unit.

Systems exempted from certain provisions of the act:

NONE

F05001 0IACYVA

System name:

05001-0IACYVA Professional Military Education (PME).

System location:

Air Reserve Personnel Center, Denver, CO 80280.

Categories of individuals covered by the system:

Air Force Reserve personnel.

Categories of records in the system:

Records concerning school (pme) quotas, school selection boards results selecting a reservist to attend a pme course.

Authority for maintenance of the system:

10 USC 262.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used to monitor, manage and comply with the requirements to fulfill the quotas allocated to reservist by the office of primary responsibility at ARPC.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders/note books/binders.

Retrievability:

Filed by Name, Social Security Number (SSN) or by other identification number or system identifier.

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms, protected by guards, and controlled by personnel screening.

Retention and disposal:

Retained in office files for one year after annual cut-off, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

System manager(s) and address:

Commander Air Reserve Personnel Center (ARPC), Denver, CO 80280.

Notification procedure:

Requests from individuals should be addressed to the Documentation Management Officer, ARPC/DADP, Denver, CO 80280. Written requests for information should contain full name, SSN, current mailing address and, if known, the case (control) number on correspondence received from ARPC. Records may be reviewed in the Records Review Room, Air Reserve Personnel Center, Denver, CO between 8:00 am and 3:00 pm on normal work days. Visitors wishing to see their records should provide a current Reserve identification card and/or driving license and some verbal information that could verify the person's identification.

Record access procedures:

Individuals can obtain assistance in gaining access from the Documentation Management Officer, ARPC/DADP, Denver, CO 80280; telephone (303) 394-4667.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information from master personnel record and individuals application.

Systems exempted from certain provisions of the act:

NONE

F05002 ATC TTS

System name:

05002 ATC TTS Student Record of Training.

System location:

All Technical Training Centers of Air Training Command (ATC); Field Training Detachments of ATC and the 3750 Technical Training Group/TTS, Sheppard AFB TX 76311; Officer Training School, Lackland AFB TX 78236; Community College of the Air Force, Lackland AFB TX 78236; United States Air Force School of Applied Cryptologic Scien(USAFSACS), Goodfellow AFB TX 76903; and the Washington National Records Center, Washington DC 20409. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's system notices.

Categories of individuals covered by the system:

Active duty military personnel and civilian employees, Air Force Reserve and Air National Guard personnel, foreign nationals, and retired Air Force military personnel who have attended a training course conducted by an ATC activity. Employees of Air Force contractors receiving training at USAF schools.

Categories of records in the system:

Records of individual training and education, subjects studied, reading proficiency training, hours, final grades, and graduation data.

Authority for maintenance of the system:

10 USC 8012, Secretary of the Air Force: powers and duties; delegation by and Executive Order 9397, 22 November 1943, Number System for Accounts Relating to individual persons.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Record individual attendance, achievement and special training progress. To evaluate student's potential for commissioning and need for remedial reaching. Used by FTDs to determine student eligibility to receive certificate of training, and by the Community College of the Air Force to grant college credits for successful completion of the course.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders.

Retrievability:

Filed by name, SSN, course number, and graduation month and year.

Safeguards:

Records are accessed by the custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in locked cabinets and rooms.

Retention and disposal:

Record of individual hours and final grades - held one year, then destroyed; source, support, and control data basic trainee records and special training records - retained for six months after monthly cutoff, then destroyed; Nelson Denny Reading Test Answer Sheets - retained for the class duration, then destroyed; Officer Training School Student Training Summaries maintained for two years after cutoff, then destroyed: Field Training Student Attendance and Rating Records - retained at Sheppard AFB TX 76311 for two years then retired to the Washington National Records Center for an additional 28 years, then destroyed; Student Record of Training - retained at the local ATC Center for two years then retired to the Washington National Records Center for an additional 28 years, then destroyed; Training Progress Reading Proficiency Case Files - destroyed three months after class/course completion. All of the above records are destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

System manager(s) and address:

Deputy Chief of Staff for Technical Training, Standards and Evaluation Directorate, Randolph AFB TX 78148 (for other than classes/courses completed at ATC Field Training Detachments & Officer Training School). The 3750 Technical Training Group/TTS for classes/ courses conducted by ATC Field Training Detachments and the Commander, Officer Training School for OTS student records; and the 3480 Technical Training Group/TTR for classes/courscon-ducted at Goodfellow AFB, TX 76903. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's system notices.

Notification procedure:

Contact Training Department at the Air Force base where the training was conducted for ATC technical training center courses; 3750 Technical Training Group/TTS, Sheppard AFB TX 76311, for classes/ courses completed at an ATC Field Training Detachment; and Officer Training School/CC, Lackland AFB TX 78236, for OTS student records and 3480 Technical Training Group/TTR, Goodfellow AFBfor courses taught at that base. Full Name, Social Security Number, Course Number or Title and Dates of Attendance is required. For personal visits, identification card or driver's license is acceptable proof of identity.

Record access procedures:

Individuals can obtain assistance in gaining access from the system manager for OTS student records and classes/courses completed at an ATC Field Training Detachment or from the systems manager in the training department at the Air Force base in ATC where training was conducted.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Training Center Organizational Directory; Enlistment Records; Basic Military Training Records; Score from Nelson Denny Reading Test; Internal Testing and Instructor/Peer Observation; Information obtained from source documents (such as reports) prepared on behalf of the Air Force by boards, committees, panels, auditors, and so forth.

Systems exempted from certain provisions of the act:

NONE

F05002 OYUEBLA

System name:

05002 OYUEBLA Air Traffic Control (ATC) Certification Documentation.

System location:

Headquarters of major commands and at all levels down to and including Air Force installations.

Categories of individuals covered by the system:

Air Force active duty military personnel. Air Force Reserve and Air National Guard personnel.

Categories of records in the system:

Reflects individual by name and Social Security Number (SSN), certificate number, military status (active duty, reserve, or air guard), requested action (issue, reissue, or cancellation of certificate), and justification. Contains documentation compiled by requesting unit to justify withdrawal of certification. May include evaluation by medical authorities, legal, Office of Special Investigation results, and statements by supervisory personnel and co-workers. Contains copies of performance reports and unfavorable information files. Includes headquarters staff evaluation.

Authority for maintenance of the system:

10 USC 8012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Documentation used to evaluate request for withdrawal of ATC certification. Permits immediate access to name, SSN, certificate number, date of issuance, and category of service. A master roster is maintained at Headquarters AFCS and the units maintain individual certificate information in the individual's training record.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders note books/binders and on computer paper printouts.

Retrievability:

Filed by Name.

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms. Records are controlled by computer system software.

Retention and disposal:

Retained for one year after end of year in which the case was closed, transferred to a staging area for one additional year, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

System manager(s) and address:

Deputy Chief of Staff Flight and Airspace Management at Headquarters Air Force Communications Service, Scott AFB IL 62225, and Air Traffic Control Operationunit level.

Notification procedure:

Requests from individuals should be addressed to the Systems Manager.

Record access procedures:

Individual can obtain assistance in gaining access from the Systems Manager. Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notice.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information obtained from source documents (such as reports) prepared on behalf of the Air Force by boards, committees, panels, auditors, and so forth. Information obtained from medical institutions, trade associations, police and investigating officers, state and local governments, and witnesses.

Systems exempted from certain provisions of the act:

NONE

F05002 OYUEBLC

System name:

05002 OYUEBLC Air Traffic Control Rating and Training Program Documentation.

System location:

Air Force installations, Air National Guard activities, and Air Force Reserve units. Addresses are in the appendix to the Air Force's systems notice.

Categories of individuals covered by the system:

Air Force active duty military personnel. Air Force Reserve and Air National Guard personnel.

Categories of records in the system:

Air Traffic Controller evaluation record; Air Traffic Control (ATC)/weather certification and rating record; 1631 Training Evaluation Report; special task certification and recurring training record; on-the-job training record-continuation sheet

Authority for maintenance of the system:

10 USC 8012

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used to document progression of individuals in the upgrade training program, provide estimated upgrade date to fully qualified Officer Air Force Specialty Code (AFSC), provide data base for determining program revisions, identify fast/slow progressors, permit trainee comments on program curriculum and operation, and identify deficient areas in previous technical training which impacted on individual's performance during upgrade training. Record of position certifications and facility ratings and weather certifications, documenting special ATC training, and training problems.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in fole folders/ note books/binders.

Retrievability:

Filed by Name.

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

Retention and disposal:

Given to the individual concerned when no longer valid or the individual is no longer performing ATC duties, or torn into pieces, pulped, burned, shredded or macerated.

System manager(s) and address:

Deputy Chief of Staff, Air Traffic Services, Scott AFB IL 62225; ATC Operations Officers at all other levels.

Notification procedure:

Requests from individuals should be addressed to the Systems Manager.

Record access procedures:

Individual can obtain assistance in gaining access from the Systems Manager. Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notice.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information obtained from witnesses. Information obtained from source documents (such as reports) prepared on behalf of the Air Force by boards, committees, panels, auditors, and so forth.

Systems exempted from certain provisions of the act:

NONE

F05002 OYUEBLD

System name:

05002 OYUEBLD Student Record.

System location:

1872 School Squadron, Air Force Communications Service (AFCS), Keesler AFB MS 39534.

Categories of individuals covered by the system:

Active Duty Air Force enlisted personnel and Air National Guard personnel.

Categories of records in the system:

Student record which reflects individual's academic standing; student evaluation; reading laboratory progress record; record of individual counseling; Non-Commissioned Officer (NCO) Academy student roster.

Authority for maintenance of the system:

10 USC 8012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used to record student progress for each academic class for the AFCS NCO Academy and AFCS NCO Leadership School; reflects written examination scores, communications skills, instructor evaluations; reflects individual's reading laboratory progress; provides record of individual counseling; is a roster of students.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders and card files.

Retrievability:

Filed by student name.

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

Retention and disposal:

Some retained in office files for one year after the end of the year the individual completes or discontinues a training course, transferred to staging area for nine additional years, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. All other records are retained in office files until graduation or elimination of the student from training, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

System manager(s) and address:

NCO in charge of administration, 1872 School Squadron (AFCS), Keesler AFB MS 39534.

Notification procedure:

Requests from individuals should be addressed to the Systems Manager.

Record access procedures:

Individual can obtain assistance in gaining access from the Systems Manager.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information obtained from educational institutions. and Chief Training and Education Division Directorate of Personnel Programs, Deputy Chief of Staff for Personnel, Headquarters AFCS.

Systems exempted from certain provisions of the act:

NONE

F05002 OYUEBLE

System name:

05002 OYUEBLE Individual Academic Training Record.

System location:

C-E Systems Evaluation Training School, Deputy Chief of Staff, Operations, HQ AFCS, Scott AFB IL 62225.

Categories of individuals covered by the system:

Active duty military personnel. Air Force Reserve and Air National Guard personnel. Army National Guard and Department of Defense civilian personnel who are electronics engineers, communications engineers, radio relay equipment maintenance personnel, technical control personnel, and such other individuals who might apply for this training.

Categories of records in the system:

Personnel index; absentee report; class pre-graduation/graduation roster; attendance record; record of individual training

Authority for maintenance of the system:

10 USC 8012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To record emergency data and course completion information. To report student absences to the Commandant of the school. Provides student class composition and list of graduating students to the Deputy Chief of Staff for Operations (DCS/Operations), HQ AFCS. An attendance record. Reflects student academic progress.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders and card files.

Retrievability:

Filed by student name.

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties. Stored in file cabinet.

Retention and disposal:

Some retained in office files until appropriate table/ rule is published in AFM 12-50. All other records retained in office file until graduation or elimination of the student from training then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

System manager(s) and address:

Commandant, C-E Systems Evaluation Training School, DCS/ Operations, HQ AFCS, Scott AFB IL 62225.

Notification procedure:

Requests from individuals should be addressed to the Systems Manager.

Record access procedures:

Individual can obtain assistance in gaining access from the Systems Manager.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information from instructor.

Systems exempted from certain provisions of the act:

NONE

F05002 SAC A

System name:

05002 SAC A SAC Operations Personnel Training Management System.

System location:

At Air Force (AF) installations, Deputy Commander for Missile Operations within the Strategic Air Command (SAC) and Deputy Chief of Staff, Director of Missile Operations at SAC Headquarters.

Categories of individuals covered by the system:

Strategic Air Command military personnel assigned to missile operations.

Categories of records in the system:

The system contains computerized data and manual files related to training/evaluation accomplishment, crew number, type training/ evaluation, discrepancies noted, evaluation scores, name, rank, date of birth, unit assigned, date of separation, date arrived station.

Authority for maintenance of the system:

10 USC 8012, Secretary of the Air Force: powers and duties; delegation by.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To develop a record source of operations personnel, at unit level, in order to determine overall job qualifications, capabilities, and historical data for analysis by unit and Major Air Command personnel responsible for maintaining a training program. The files will provide a source of data to help insure weapon system currency and future training requirements.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Computer magnetic tapes computer printouts, and manual file folders.

Retrievability:

Retrieved by name or unique system identification number.

Safeguards:

Records are accessed by custodian of unit files and by personnel responsible for servicing the record system in performance of official duties. The computer file is maintained on computer disc/tape by computer operations personnel. This computer file is kept in locked rooms or drawers.

Retention and disposal:

Computerized and manual files are destroyed when superseded, or on reassignment from missile operations duties or separation of the individual. Destruction of manual files is accomplished by burning, shredding, tearing, pulping or macerating. Computer tapes are destroyed by overwriting within 30 days after member is reassigned, transferred or separat

System manager(s) and address:

Deputy Chief of Staff, Director of Missile Operations, Strategic Air Command, Offutt AFB, NE 68113 Strategic Air Command missile bases, the Deputy Commander for Operations.

Notification procedure:

Information as to whether the record system contains information on an individual may be obtained from Director of Missile Operations, Strategic Air Command, Offutt AFB, NE 68113, telephone (402) 29should be able to provide sufficient proof of identity such as name, social security number, duty stplace of employment, or other information verifiable in the record itself.

Record access procedures:

Access to files is controlled and must be authorized by Deputy Chief of Staff, Director of Missile Operations or at organizational level by the Deputy Commander for Operations. Requests from individuals should be addressed to the Missile Wing Deputy Commander for Operations or his representative.

Contesting record procedures:

The Air Force rules for access to records and for contesting and appealing initial determination byindividual concerned may be obtained from the systems manager.

Record source categories:

Information obtained from source documents (such as reports) prepared on behalf of the Air Force by boards, committees, panels, instructors/evaluators and individual's performance during training/evaluation.

Systems exempted from certain provisions of the act:

None.

F05002X0J ED A

System name:

05002X0J-ED-A Community College of the Air Force Student Record System.

System location:

The system is centrally administered by the Community College of the Air Force (ATC/ED) Maxwell AFB, AL 36112. Computer processing for the system is furnished by the San Antonio Data Services Center (SADSC) 8630 Broadway San Antonio, TX 78217. Microfiche for the system are created by the USAF Electronic Security Command (HQ ESC/DADS) Kelly Air Force Base, TX 78243.

Categories of individuals covered by the system:

The system may have a record for any person who has a Social Security Number and who has since 1 January 1968 completed a formal course of instruction conducted Air Force schools identified in the current Community College of the Air Force General Catalog. (Note: Such courses do not include pre-commissioning courses and courses conducted exclusively for officers or their civilian cThe system also includes records reflecting Air Force courses completed before 1968 and other educational accomplishments for persons who as enlisted members of the Air Force registered in programs of study leading to credentials awarded by the college. (Note: Both here and where appropriate below, the general term Air Force should be understood as including the regular Air Force, the Air Force Reserve, and the Air National Guard.)

Categories of records in the system:

The college originates and maintains individual academic records and, where necessary to serve Airmen registered in study programs leading to credentials awarded by the college, maintains a variety of source or substantiating records such as copies of registration applications and document control records derived from such applications; civilian college transcripts; college level examination progcopies of educational records originated by other Air Force and non-Air Force agencies external to the college (such as the Federal Aviation Agency, the United States Armed Forces Institute, and the Defense Activity for Non-Support); copies of a variety of Air Force personnel records (such as documents derived from master records maintained by the USAF Military Personnel Center and microfiche records of locator data); and records of credentials awarded to graduates, Is necessary to manage the day-to-day operations and to plan development of the record system. The college also maintains copies and related records of communications from, to, or regarding persons interested in the college, its educational programs, its student record system, and related matters. Copies of and statistical records derived from individual responses to surveys, questionnaires, and similar instruments authorized by HQ USAF may also be maintained as needed for managerial evaluation and planning by officers of the college.

Authority for maintenance of the system:

44 USC 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records originated in the system serve the purpose of documenting, in terms of credit awarded or acthe college, individual educational accomplishments which satisfy curricular requirements of study programs leading to credentials offered by the college. Transcripts of records originated in the college are at the written request of persons concerned furnished to any recipient(s) designated in such requests. Such recipients typically include Air Force Education Services Centers, other offices wherever Air Force personnel are stationed, educational institutions, and potential or current employers. CCAF transcripts and coriginated in the college are typically used to support educational and occupational counselling, pladmission to other colleges; and related individual affairs. Other disclosures of personal records originated in or maintained by the college may without the knoconsent of persons concerned be made to Air Force officers, enlisted personnel, and civilian employees directly involved in administering or supporting the educational programs offered or records managed by the college; other Air Force officers, enlisted personnel, and civilian employees who provide educational and related services to Air Force personnel; officers and employees of other agencies as may be necessary to comply with proper requests for recoFreedom of Information Act (Title 5 U.S. Code 552, as amended by Public Law 93-502); and to officers and employees of other agencies as may be necessary to overcome extended interruptions in nprocessing (which agencies may include the Veterans Administration, Trinity University, and the UnitAssociation). Similar incidental disclosures of information recorded in the system may be made to employees of civilian contractors engaged by the Air Force to provide services which directly or indirectly support the record system. Contractors thus engaged at this time are Rothe Development INC, Support Contractors INC, Fred Clark Electric Contractors INC, International Business Machines CORP, Storage Technology CORP, TELEX Computer Products INC, ITEL Computer Products INC, SORBUS INC, Cambridge Memories INC, Xerox CORP, Nashua INC, COMDISCO INC, Sperry-Univac CORP, Burroughs CORP, Honeywell INC, General Kinetics INC, American Telephone and Telegraph CO, Southwestern Bell Telephone CO, Stromberg-Datagraphix INC, and Minnesota Mining and Manufacturing CO.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Permanent student records are maintained on and reproduced as necessary from microfiche created by computer processing. Microfiche are maintained in special filing stands and in special three-ring binders. Computer records are maintained on and as necessary reproduced from magnetic media (tape and disk) ware filed in special cabinets and racks in a library facility. Paper records are maintained in file folders, card files, and conventional cabinets, and in special binders and cabinets designed for computer listings.

Retrievability:

Computer records are retrievable by a combination of Social Security Number (SSN) and certain letters of last name. Microfiche records are retrievable by SSN exclusively. Paper records are retrievable by either SSN or name. Note as may be necessary to support managerial studies by the college staff, computer records may also be retrieved in groups where such records bear common information.

Safeguards:

Records maintained in the college are normally disclosed only upon written request from the persons whose records are to be disclosed or upon written request from an Air Force officer or employee responsible to provide educational or related services to Air Force personnel. Disclosures to non-Air Force agencies not requested by the persons whose records are to be disclosed are made only with consent of an officer of the college and as consistent with the Privacy Act of 1974 and the Freedom of Information Act. Except for disclosures within the college as may be necessary to its operations, requests by telephone and other unwritten means will not be honored unless in the judgment of a responsible member of the collis a member or employee of the Air Force acting on behalf of, or is, the person whose record is requested. Special care is exercised to ensure complete identification of the requestor, the person whose record is to be disclosed, and intended use. Other systematic safeguards to ensure integrity of records include secure storage of successive generations of computer master files, existence and long term retention in other Air Force agencies of records which would be needed to rebuild the entire system in the event of catastrophe, and traditional measures to ensure the security of Air Force facilities. All records in the system are during duty hours attended by responsible Air Force personnel and during non-duty hours stored in locked facilities under constant or periodic surveillance by Air Force security police or guards.

Retention and disposal:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. specific rules for retention of permanent microfiche and corresponding magnetic tape records have not yet been determined. It is anticipated that such recorretained for not less than 30 and not more than 50 years beyond the latest entries on each such record. Transitory computer records

(such as input transaction records and records on successive generations of master files) are typically retained only so long as they may be useful, which may be as little as 48 hours or as much as 60 days. Active master file records are by their nature evolutionary and are typically retired within 180 days of a person:s separation or retirement or 5 years after thon a given record. (The last rule applies to persons who were not enlisted Air Force members when the last entries on their records were made.) Paper records maintained to serve students registered in study programs are retained so long as a registrant remains active in his or her program. Such records are destroyed 1 year after a registrant completes his or her study program or 3 years after the most recent communication from an airman whose program has not been completed. Other records are typically retained only so long as they may serve a useful purpose, which is typically between 30 and 90 days. No rule has yet been defined for retaining records which verify awards of credentials by the college, but it is expected that such records will need be archival.

System manager(s) and address:

Senior official responsible for policies and procedures which govern the system: Deputy Chief of Staff/Personnel, Headquarters United States Air Force. System Manager: President, Community College of the Air Force (CCAF/CC) Maxwell AFB, AL 36112.

Notification procedure:

Persons who have not registered in the college should address inquiries regarding records maintained by the college to Chief, Student Records Branch (CCAF/RRR) Maxwell AFB, AL 36112. Persons who have registered in the college may address inquiries as above or to Chief, Careers Division (CCAF/AY), also at Maxwell AFB. Such inquiries will need include the full name (and former names if appropriate), SSN, and birthdate of the inquirer, and should include a full return address (including zip code). Visits to the college are welcomed, and visitors seeking information about personal records should first visit the Office of the Registrar.

Record access procedures:

Individual can obtain assistance in gaining access from the Systems Manager. and from addresses listed above.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information obtained from educational institutions. Information obtained from automated system interfaces. and from source documents submitted to the college by or at the request of individuals concerned, or by other Air Force agencies acting on behalf of individuals concerned.

Systems exempted from certain provisions of the act:

NONE

F05101 MAC A

System name:

05101 MAC A Air Crew Instruction Records.

System location:

1550 Aircrew Training and Test Wing, Kirtland Air Force Base, New Mexicb 87117; 314 Tactical Airlift Wing, Deputy Commander for Operations, Little Rock Air Force Base, Arkansas 72076.

Categories of individuals covered by the system:

Students and instructors undergoing training; students who completed academic training.

Categories of records in the system:

Academic completion records, flying training records, training aids usage records and simulator student training records.

Authority for maintenance of the system:

10 USC 8012, Secretary of the Air Force: powers and duties; delegation by.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To report student performance and completion of academic training.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders.

Retrievability:

Filed by name and date of completion of training.

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

Retention and disposal:

Training summaries are destroyed after one year. Training aids activity case files are destroyed when purpose has been served or after three years, whichever is sooner. Training system research and development material is destroyed when superseded, obsolete, or no longer needed, whichever is sooner. Training aids usage documents are destroyed three months after completion of training phase, provided required flying time is posted on individual flight records. Destruction is by tearing into pieces, shredding, pulping, macerating, or burning.

System manager(s) and address:

Deputy Commander for Operations, 1550 Aircrew Training and Test Wing, Kirtland AFB, New Mexico 87117.

Notification procedure:

Requests from individuals should be directed to the systems manager.

Record access procedures:

Individual can obtain assistance in gaining access from the Systems Manager.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information obtained from the individuals, from instructors, instructor supervisors, and personnel involved in the evaluation and analysis of training effectiveness, and from special orders and messages.

Systems exempted from certain provisions of the act:

NONE

F05101 OJ DOTB

System name:

05101 OJ DOTB Flying Training Records - Student.

System location:

Headquarters Air Training Command, Randolph AFB TX; Washington National Records Center, Washington DC 20409; ATC Pilot and Navigator Training Wings; Official mailing addresses are in Department of Defense directory in the appendix to the USAF systems notice.

Categories of individuals covered by the system:

Students entered into Undergraduate Pilot and Navigator training.

Categories of records in the system:

Complete record of training including class number, flying and academic course completed, flying hours, whether graduated or eliminated and date, reasons for elimination, Faculty Board Proceedings, student's performance in each category of training, including grades, evaluations and performance documentation; background information including name, grade, SSAN, source of commission, college, subject matter, etc; past training unit of assignment; class standing prior to 31 Dec 74; progress records on minority students.

Authority for maintenance of the system:

44 U.S.C. 3101, 10 U.S.C. 8012, and Executive Order 93-97 22 Nov 1943.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Document and record student performance; provide background information; report to Air National Guard/Air Force Reserve and other Air Force training units on qualifications of graduates; analyze student performance in following training for the purpose of evaluating training and revising course content; also used to monitor student performance by source of entry, education level, and minority status; record and document Faculty Board proceedings.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders. Maintained in note books/binders. Maintained in card files. Maintained on computer and computer products.

Retrievability:

Filed by Name. Filed by Social Security Account Number (SSAN). Filed by other identification number or system identifier.

Safeguards:

Records are accessed by custodian of the record system. Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are accessed by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

Retention and disposal:

Student grade books are destroyed three months after completion of training; Summary Training Records are retained in office files for two years, then retired to Washington National Records Center, Washington, DC, for eight years; other records are retained in office files until superseded, obsolete, no longer needed for reference or on inactivation. Faculty Board Records are retained for one year. Destruction is by tearing into pieces, shredding, pulping, macerating, or burning.

System manager(s) and address:

Deputy Chief of Staff Operations, Air Training Command, Randolph AFB, TX 78148.

Notification procedure:

Requests from individuals should be addressed to the Systems Manager.

Record access procedures:

Individual can obtain assistance in gaining access from the Systems Manager.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information comes from source documents such as grade sheets, written examinations, and flight examinations; from reports by instructors and students, and from the individual, automated system interfaces.

Systems exempted from certain provisions of the act:

NONE

F05301XOBXQPCB

System name:

05301XOBXQPCB Educational Research Data Base

System location:

United States Air Force Academy, USAF Academy CO 80840.

Categories of individuals covered by the system:

Active, retired and separated Air Force officers who received their commissions through the USAF Academy.

Categories of records in the system:

High school, college and USAF career information including military performance, academic performance, certain medical, disciplinary and personal facts.

Authority for maintenance of the system:

10 USC 8012

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Purpose of System: To provide readily available information on Academy graduates. Category of Users: Faculty and staff. Specific Use: Used to complete various analyses and inquiries concerning how Academy graduates are competing with their contemporaries.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained on computer magnetic tapes.

Retrievability:

Filed by Name. Filed by Social Security Number (SSN), Military Service Number and date of birth.

Safeguards:

Records are accessed by custodian of the record system, and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

Retention and disposal:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

System manager(s) and address:

Director of Admissions and Registrar, United States Air Force Academy, CO 80840

Notification procedure:

Requests from individuals should be addressed to the Systems Manager.

Record access procedures:

Individual can obtain assistance in gaining access from the Systems Manager.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information obtained from educational institutions, medical institutions, automated system interfaces, and source documents (such as reports) prepared on behalf of the Air Force by boards, committees, panels, auditors, and so forth.

Systems exempted from certain provisions of the act:

NONE

F11001 SAFPC A

System name:

11001-SAFPC-A Air Force Discharge Review Board Voting Cards.

System location:

Office of the Secretary of the Air Force, Washington DC 20330.

Categories of individuals covered by the system:

Former Air Force Personnel who submit applications for review of discharge/separation/dismissal.

Categories of records in the system:

Voting cards.

Authority for maintenance of the system:

10 USC 1553 - Review of Discharge or Dismissal.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by the Air Force Discharge Review Board to record votes of board members on individual cases.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in card files.

Retrievability:

Filed by Name, Social Security Number (SSN) or Military Service Number.

Safeguards:

Records are accessed by custodian of the record system, by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

Retention and disposal:

Retained in office files for one year from date of hearing and then destroyed by burning or shredding.

System manager(s) and address:

Director, Secretary of the Air Force Personnel Council, Washington, DC 20330.

Notification procedure:

Requests from individuals should be addressed to the Systems Manager. Written requests should contain the full name service number and social security account number of the requester. Personal visits may be made to room 920, Commonwealth Building, 1300 Wilson Blvd, Arlington, VA. Personal visitors must supply full name service number, social security account number and some form of identification such as driver's license, credit cards, etc.

Record access procedures:

Individual can obtain assistance in gaining access from the Systems Manager.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Individual's military personnel record.

Systems exempted from certain provisions of the act:

NONE

F12502 SPP A

System name:

12502-SPP---A Correction Records.

System location:

Headquarters United States Air Force, Washington DC 20330. Air Force Accounting and Finance Center, Denver, CO 80279. Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78148. Air Reserve Personnel Center, Denver, CO 80280. National Personnel Records Center, Civilian Personnel Records, 111 Winnebago Street, St. Louis, MO 63118. National Personnel Records Center, Military Personnel Records, 9700 Page Boulevard, St. Louis, MO 63132. Washington National Records Center, Washington DC 20409. Maintained by the Chief of Security Police and Staff Judge Advocate at the installation where the individual was last assigned, Commander 3320th Retraining Group, Lowry AFB, Co., Commandant United States Disciplinary Barracks (USDB), Leavenworth, KS and the Office of the Secretary of the Air Force Personnel Council, Pentagon, Washington, D.C.

Categories of individuals covered by the system:

Records are maintained on any individual who was placed in confinement at an installation, assigned to the 3320th Retraining Group or the USDB for purposes of retraining or confinement, placed in a federal prison system as the result of criminal conviction, or spent time in the correctional custody program at any Air Force installation.

Categories of records in the system:

System includes prisoner personnel records consisting of confinement orders, release orders, personal history records, medical examiners report, request and receipt for health and comfort supplies, recommendations for disciplinary action, inspection records, requests for interview and evaluation reports; corrections officers records including personal deposit fund records and related documents, disciplinary books, correction facility blotters and visitor registers; prisoner records consisting of daily strength records, and reports of escaped and returned from escaped prisoners; prisoner classification summaries; retrainee test records and correctional custody case files consisting of disciplinary punishment letters, evaluation of individual and personal history, and records pertaining to any clemency/ parole actions.

Authority for maintenance of the system:

44 USC 3301 and 10 USC 8012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Purpose of these records is to maintain a life file on the individual as a prisoner or correctional custodee on an installation, or as a retrainee at the 3320th Retraining Group or when an Air Force prisoner serving a sentence in a federal prison. Routine uses of the records are to establish background for either disciplinary or good conduct action as well as general administration uses of the records concerning health and welfare of the individual, as well as clemency and parole actions. Any individual record or part thereof can be transferred to any component of the Department of Defense or the Department of Justice, as well as civilian agencies such as law enforcement agencies, or law firms as a basis for consideration of civil action either against or on behalf of the individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders, in note books/binders, in card files, on computer paper printouts, on roll microfilm and on microfiche. Maintained as photographs.

Retrievability:

Filed by Name, Social Security Number (SSN) and fingerprint classification.

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in locked cabinets or rooms and controlled by visitor registers.

Retention and disposal:

Depending on the type of record within the system, it is either destroyed after release of the prisoner/custodee/retrainee, maintained for one year after the release of the individual, or retained in the files at the facility in which the individual was confined for two years, after which time the record is either destroyed or transferred to a staging area for two additional years, then either retired to the Washington National Records Center, Washington DC 20409, for permanent retention or destroyed by tearing into pieces, shredding pulping, macerating, or burning. Records pertaining to clemency/ parole actions are retained for 5 years after final action, then destroyed by burning and shredding.

System manager(s) and address:

Chief of Security Police, Kirtland AFB, NM 87117. The Judge Advocate General, Headquarters United States Air Force. Unit commander at the individual's last assignment; the commander of the 3320th Retraining Group, Lowry AFB, Colorado; Installation Chief of Security Police, Commandant USDB, Chairman Air Force Clemency and Parole Board.

Notification procedure:

Requests from individuals should be addressed to the Systems Manager. Installation Chief of Security Police, Installation Staff Judge Advocate Commander of unit to which individual was last assigned, or the Commander, 3320th Retraining Group. Records of clemency and parole actions are maintained by the Office of the Secretary of the Air Force Personnel Council and the Commandant USDB. Requestors should provide full name and proof of identity. When visiting, requestor will be required to provide proof of identity.

Record access procedures:

Individual can obtain assistance in gaining access from the Systems Manager. Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notice.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information obtained from financial institutions, medical institutions, police and investigating officers, state or local governments, witnesses or source documents (such as reports) prepared on behalf of the Air Force by boards, committees, panels, auditors, and so forth.

Systems exempted from certain provisions of the act:

NONE

F16001 AFA A

System name:

16001-AFA-A Cadet Hospital/Clinic Records.

System location:

At USAF Academy CO 80840.

Categories of individuals covered by the system:

AF Academy Cadets.

Categories of records in the system:

Daily roster of cadets hospitalized and report of cadet visits to the cadet clinic.

Authority for maintenance of the system:

10 USC 8012, Secretary of the Air Force: powers and duties; delegation by.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

(1) Information collected for purpose of notifying concerned individuals of status of cadets hospitalized. Users include: Superintendent, Commandant of Cadets and Hospital Commander. Information used to provide Superintendent daily report of number and status of cadets hospitalized; provide Hospital Commander and staff daily report of status of cadets hospitalized; provide Commandant and staff daily report of number and status of cadets hospitalized; provide information to Air Officer Commanding so that he may notify parents as required when their child is hospitalized more than three days; concerned personnel can note trends in hospitalization in terms of numbers of cadets hospitalized, length of hospital stay, and nature of medical problems being treated. (2) Report of visits to cadet clinics; record the time a cadet enters the clinic, what his complaint is and explanation of excusals and time he exited the clinic. Distribution of this info is made to Cadet Wing Airmanships Division, Athletics and individual concerned. Cadet Wing Airmanships Division uses it to monitor cadet activity for ground safety program. Athletics uses to monitor excusals from physical education and to evaluate injury rates. The individual uses it to justify time away from classes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders.

Retrievability:

Filed by name.

Safeguards:

(1) Records are accessed by the custodian, person(s) responsible for servicing the record system, and authorized personnel who are properly screened and have a need-to-know. Records are stored in locked cabinets or rooms. (2) Clinic copy is under the direct control of Non-Commissioned Office in Charge (NCOIC) of Administrative Services. Distribution is made only to acknowledged representatives of Cadet Wing Airmanship Division and Athletics.

Retention and disposal:

(1) Retained in office files for one year after annual cut-off then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. (2) Retained in office files for three months or until purpose has been served, whichever is sooner; then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

System manager(s) and address:

Commander, USAF Academy Hospital, USAF Academy, CO 80840.

Notification procedure:

Requests should be addressed to the Registrar, USAF Academy Hospital Cadet Liaison, and should include full name, and date of hospital admission.

Record access procedures:

Individual can obtain assistance in gaining access from the System Manager.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information obtained from medical institutions, the individual, a physical and/or medical technicians.

Systems exempted from certain provisions of the act:

NONE

F16002 SGPS A

System name:

16002-SGPS--A Department of Defense Medical Examination Review Board Medical Examination Files

System location:

Department of Defense Medical Examination Review Board (DODMERB) US Air Force Academy CO 80840.

Categories of individuals covered by the system:

All applicants to the five service academies or the Four Year Reserve Officer Training Corps (ROTC) Scholarship Program and Uniform University of Health Sciences.

Categories of records in the system:

The record system is maintained in three forms: The original hard copy report of Medical Examination, Report of medical history, narrative summary and any associated civilian forms or tests that may have been accomplished; may also contain personal correspondence between the DODMERB and the applicant and/or parental/guardian consultation concerning applicant's medical history or status; the second portion is microform copy of the hard copy file; the third portion is in computer storage.

Authority for maintenance of the system:

10 USC 133.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The paper copy is used to determine medical acceptability for one or more of the service academies or the ROTC and/or USUHS. The microform portion is used for historical retrieval of previous actions; The computer form is used to advise the program managers of initial medical status any update actions on an applicant. Statistical summarieare extracted from the computer bank. Consultations concerning medical conditions may be necessary with parent/guardian to clarify/explain applicant's medical status. Examinations may be accomplished by military medical facilities personnel, civilian contract agents of the government and/or private physicians.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Stored in file folders, microfilm jackets and on computer disks or tapes.

Retrievability:

Filed by Name and by Social Security Number (SSN).

Safeguards:

Records are accessed by person(s) responsible for servicing t record system in performance of their official duties. Records s stored in locked cabinets or rooms and controlled by compu system software.

Retention and disposal:

Paper copy is destroyed at end of current year cycle, microfi copy is kept five years and computer storage file is kept for fi years following end of cycle. Destruction is by tearing into piec shredding, pulping, macerating or burning except for computer me which is degaussed or overwritten.

System manager(s) and address:

Department of Defense Medical Examination Review Board, U Air Force Academy CO 80840.

Notification procedure:

Requests from individuals should be addressed to the Syste Manager.

Record access procedures:

Individual can obtain assistance in gaining access from the Syste Manager.

Contesting record procedures:

The Air Force's rules for access to records and for contesting a appealing initial determinations by the individual concerned may obtained from the Systems Manager.

Record source categories:

Information obtained from medical institutions.

Systems exempted from certain provisions of the act:

NONE

F16002 0IACYVA

System name:

16002-0IACYVA Physical Examination Reports Suspense File.

System location:

Air Reserve Personnel Center, Denver, CO 80280.

Categories of individuals covered by the system:

Air Force Reserve personnel.

Categories of records in the system:

Incomplete reports of physical examinations, correspondence and from reservists/individuals.

Authority for maintenance of the system:

10 USC 275.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information in files is used to provide control of reservists/individual medical status.

Policies and practices for storing, retrieving, accessing, retaining, a disposing of records in the system:

Storage:

Maintained in file folders.

Retrievability:

Filed by Name and Social Security Number (SSN).

Safeguards:

Records are accessed by custodian of the record system, b person(s) responsible for servicing the record system in performanc of their official duties and by commanders of medical centers a hospitals. Records are protected by guards.

Retention and disposal:

Filed in the individual personnel records maintained at ARP

System manager(s) and address:

Commander Air Reserve Personnel Center (ARPC), Denver, C 80280.

Notification procedure:

Requests from individuals should be addressed to the Document tion Management Officer, ARPC/DADP, Denver, Colorado 8028 Written requests for information should contain full name, SS current mailing address and, if known, the case (control) number correspondence received from ARPC. Records may be reviewed the Records Review Room, Air Reserve Personnel Center, Denve Colorado between 8:00 am and 3:00 pm on normal work da Visitors wishing to see their records should provide a current R

serve identification card and/or driving license and some verbal information that could verify the person's identification.

Record access procedures:

Individuals can obtain assistance in gaining access from the Documentation Management Officer, ARPC/DADP, Denver, Colorado 80280; telephone (303) 394-4667.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information from examining facilities, physicians (military and civilian, and summary of physicians evaluation.

Systems exempted from certain provisions of the act:

NONE

F16802 0RKNMDA

System name:

16802 0RKNMDA Civilian Health/Medical Program of Uniformed Services (CHAMPUS) Case Claim Files.

System location:

Commander Third Air Division USAF Clinic Andersen (Registrar) APO 96334. (For all of Guam (basic program)). USAF Hosp Clark (Registrar), APO 96274 (For all of Phillipines, Thailand, Taiwan (basic program)). USAF Hospital Yokota (Registrar), APO 96328 (For Kanto Plains, Hakata all of Korea (basic program)). USAF Hosp Misawa (Registrar), APO 96519 (For Misawa and Chitose (basic program)). USAF Clinic Kadena (Registrar), APO 96239 (For all of Okinawa (basic program)) The remainder of Air Force claims in Pacific Air Force(PACAF) command area, along with Air Force claims from India, Sri Lanka, Pakistan Nepal, and Afghanistan are processed and filed by Commander in Chief Pacific Air Forces (CINCPACAF) (SCAMP), APO San Francisco 96553 (basic program and entire handicapped program for command).

Categories of individuals covered by the system:

Dependents of Air Force personnel, retired Air Force military personnel, dependents of retired and deceased AF personnel.

Categories of records in the system:

Medical reports. invoices and receipts for treatment.

Authority for maintenance of the system:

10 U.S.C. 1071-1087.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

For determination if claim is authorized for payment, for screening against duplicate payments for same service, serves as auditable records to support computations of amount of payments made to claimants. Categories of users are: physicians for diagnosis, hospital administrative personnel for determining if care is authorized and to compute amount to be paid, accounting and finance office for supporting documents to support payment of claims, auditors to determine if payment computations were made in accordance with directives.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders.

Retrievability:

Filed by Name.

Safeguards:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are accessed by commanders of medical centers and hospitals. Records are stored in locked cabinets or rooms.

Retention and disposal:

Records are kept on a fiscal year basis and are brought forward to current year if they are still active. Records are cut off at end of fiscal year and destroyed after 5 years by tearing into pieces,shredding,pulping,macerating,or burning signed requests from individual concerned must be forwarded to office of record. Request should include full name of individual and full name of sponsor and his social security account number. with Air Force claims from India, Sri Lanka, Pakistan, Nepal, and Afghanistan is processed and filed by CINCPACAF surgeon general, APO San Francisco 96553 basic program and entire handicapped program for the command.

System manager(s) and address:

Commander Third Air Division USAF Clinic Andersen (Registrar) APO San Francisco 96334. (All of Guam (basic program)). USAF Hosp Clark (Registrar) APO San Francisco 96274. (All of Phillipines, Thailand Taiwan (basic program)). USAF Hospital Yokota (Registrar), APO San Francisco 96328. (Kanto Plains, Hakata, all of Korea (basic program)). USAF Hosp Misawa (Registrar), APO San Francisco 96519. (Misawa and Chitose (basic program)). USAF clinic Kadena (Registrar), APO 96239. (All of Okinawa (basic program)). CINCPACAF (SCAMP) APO San Francisco 96553 for the remainder of Air Force claims in Pacific Command a

Notification procedure:

Requests from individuals should be addressed to the Systems Manager.

Record access procedures:

Individual can obtain assistance in gaining access from the Systems Manager. Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notice.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Physicians, hospitals, dentists, clinics, pharmacy, commercial medical supply houses, other providers of medical associated care.

Systems exempted from certain provisions of the act:

NONE

F16805 ASGHB R

System name:

16805-ASGHB-R Health and Outpatient Records.

System location:

Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78148. Air Reserve Personnel Center, Denver, CO 80280. United States Air Force Academy, CO 80840. National Personnel Records Center, Civilian Personnel Records, 111 Winnebago Street, St. Louis, MO 63118. National Personnel Records Center, Military Personnel Records, 9700 Page Boulevard, St. Louis, MO 63132. Air Force hospitals, medical centers and clinics. Consolidated flight record custodians at Air Force installations. Air National Guard activities. Air Force Reserve units. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notice. Other authorized medical units servicing military personnel and/or their dependents, such as National Aeronautics and Space Administration, Embassies, Federal Aviation Agency, Public Health Service, Veterans Administration.

Categories of individuals covered by the system:

All personnel authorized to receive medical care in an Air Force facility.

Categories of records in the system:

Chronological record of all care received in military medical facilities. This is primarily a record of all treatment received on an outpatient basis with supporting documentation such as laboratory and x-ray reports; the record also includes copies of cover sheets and summaries of each period of hospitalization the patient has had. Certain administrative forms which concern medical conditions, such as Line of Duty Determinations, Physical Profiles, Medical Recommendation for Flying Duty are also included. To provide ready accessibility to the records, an alphabetical name file is maintained.

Authority for maintenance of the system:

10 USC 133 and 8012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used as chronological record of patient's health while authorized care in a military medical facility. Used by patient or legal representative for further medical care, legal purposes, other uses such as insurance requests or compensation claims as specifically authorized by the patient. Used by physician for further medical care of patient, research, teaching, legal purposes. Used by other Patient Care Providers within the hospital for further medical care of the patient, research, teaching, legal purposes. Used by hospital and medical staff for evaluation of medical staff performance in the medical care rendered; medical research; teaching; hospital accreditation; preparation of statistical reports; reporting communicable diseases and other conditions required by law to federal and state agencies; legal purposes. Used by Army-Navy-VeteranAdministration-Public Health Serviceany other hospital, clinic etc for further medical care of the patient if currently undergoing treatment there. Used by attorneys and courts for litigation purposes (record is released only upon receipt of the

patients' signed authorization or a court order). Used by insurance companies - requires the patients' writteconsent for release. Used for establishing insurance benefits or payment of benefits. Used by otheAir Force Agencies - such as Central Tumor Registry which maintains files on all patients in whom a malignancy has been diagnosed; Office of Special Investigations when required for an investigation they are conducting; Judge Advocate General for litigation purposes. Used by other Federal and State Agencies - such as Veterans Administration and Department of Labor (Workmens Compensation) for adjudication of claims; reporting communicable disease or other conditions required by law. Other persons or agencies as specifically authorized by the patient.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders, in card files and in machine - readable form.

Retrievability:

Filed by Name. Filed by Social Security Number (SSN) or by Military Service Number.

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know, and by commanders of medical centers and hospitals. Records are stored in locked cabinets or rooms and controlled by personnel screening.

Retention and disposal:

Records for military personnel are retained for 50 years after date of last document; for all others, 25 years. While on active duty, the Health Record of a US military member is maintained at the medical unit at which the person receives treatment. On separation, or retirement, records are forwarded to National Personnel Records Center/ Military Personnel Records (NPRC/MPR) or other designated depository, such as Air Reserve Personnel Center if reservist; to appropriate state National Guard unit, if National Guard member; to appropriate Veterans Administration Regional Office if VA Claim has been filed. Records of other personnel may be handcarried or mailed to the next military medical facility at which treatment will be received, or the records are retained at the treating facility for a minimum of 1 year after date of last treatment then retired to NPRC or other designated depository, such as, but not limited to, Commandant (PM) US Coast Guard, Washington DC 20226 for Coast Guard active duty members; Medical Director, American Red Cross, Washington DC 20006 for Red Cross Personnel. (Records at NPRC are destroyed by burning or shredding).

System manager(s) and address:

The Surgeon General, Headquarters United States Air Force. Chief of Air Force Reserve, Headquarters United States Air Force. Director of Air National Guard, Headquarters United States Air Force. Commanders of medical centers hospitals clinics medical aid stations; Commander, Manpower and Personnel Center; Director National Personnel Record Center (military) 9700 Page Blvd, St Louis, MO 63132; Director, National Personnel Record Center (civilian), 111 Winnebago St., St Louis, MO 63118. Individuals who have records responsibility at all other authorized medical units servicing military personnel and their dependents.

Notification procedure:

Requests from individuals should be addressed to the Systems Manager.

Record access procedures:

Individual can obtain assistance in gaining access from the Systems Manager. Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notice.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Physicians and other patient care providers such as nurses, dietitians, physicians assistants, etc. Administrative forms filed in the records will be completed by appropriate official, military or civilian.

Systems exempted from certain provisions of the act:

NONE

F17101 SG A

System name:

17101 SG A Automated Medical/Dental Record System

System location:

At Air Force medical centers, hospitals and clinics, major command headquarters and separate operating agency headquarters, Air Force Data Service Center, Air Force Medical Service Center, USAF School of Aerospace Medicine, and USAF School of Health Care Sciences. Official mailing addresses are in the Department of Defense directory in the appendix of the Air Force's Systems notice.

Categories of individuals covered by the system:

Any individual who is hospitalized in, is dead on arrival at, or has received medical or dental care at an Air Force medical treatment facility. Individuals who have received medical care at other DOD or civilian medical facilities but whose records are maintained at or processed by Air Force medical facilities. Any military active duty member who is on an excused- from-duty status, on quarters, on subsistence elsewhere, on convalescent leave, meets Medical Evaluation Board (MEB) or a Physical Evaluation Board (PEB) on an outpatient basis or who is hospitalized in a non-federal hospital and for whom an Air Force medical facility has assumed administrative responsibility. Any individual who has undergone medical or dental examinations at any Air Force medical facility (or who has undergone medical examinations at other medical facilities and whose records are maintained or processed by the Air Force), e.g., preemployment examinations and food handlers examinations, or who has otherwise had medical or dental tests performed at any Air Force medical facility.

Categories of records in the system:

Files consist of automated records of treatment received and medical/dental tests performed on an inpatient/outpatient basis in military medical treatment facilities and of military members treated in civilian facilities. These records may include radiographic images and reports, electrocardiographic tracings and reports, laboratory test results and reports, blood gas analysis reports, occupational health records, dental radiographic reports and records, automated cardiac catheterization data and reports, physical examination reports, patient administration and scheduling reports, pharmacy prescriptions and reports, food service reports, hearing conservation tests, cardiovascular fitness examinations and reports, reports of medical waivers granted for flight duty, and other inpatient and outpatient data and reports. They may contain information relating to medical/dental examinations and treatments, innoculations, appointment and scheduling information, and other medical and/or dental information. Subsystems of the Automated Medical/Dental Data System include: Air Force Clinical Laboratory Automation System (AFCLAS)/TRILAB I; Automated Cardiac Catheterization Laboratory System (ACCLS); Computer Assisted Practice of Cardiology (CAPOC) System; DATA STAT Pharmacy System (Formerly PROHECA); Occupational Health and Safety System; Patient Appointment and Scheduling System (PAS); Tri-Laboratory System (TRILAB); Tri-Pharmacy System; Tri-Radiology System (TRIRAD); Health Evaluation and Risk Tabulation (HEART).

Authority for maintenance of the system:

10 USC Chapter 55, Medical and Dental Care.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used as a record of patient's medical/dental health, diagnosis, and treatment and disposition while authorized care. Used to help determine individual's qualification for duty, for security clearances and for assignments. Used by an individual or his legal representative for further medical care, legal purposes, or other uses such as insurance requests or compensation claims when specifically authorized by the patient. Used by physicians/dentists and other health care providers for further care of the patient, research, teaching, and legal purposes. Used by medical treatment facility staff for evaluation of staff performance in the care rendered; for preparation of statistical reports; for reporting communicable diseases and other conditions required by law to federal and state agencies; for legal purposes. Used by Army, Navy, Veterans Administration, Public Health Service or civilian hospitals for continued medical care of the patient. Used by attorneys and courts for legal purposes --record is released only upon receipt of the signed authorization of the individual (or his legal guardian) or an order from a court of competent jurisdiction. Used by insurance companies, (only with the patient's written consent for release); for arbitrating insurance claims. Used by other Federal agencies such as Veterans Administration and Department of Labor (Workmen's Compensation) for adjudication of claims; for reporting communicable diseases or other conditions required by law. Used to provide input to other DOD medical records systems including the Clinical Records and Related Documents System (F16804 SGHB A), the Health and Outpatient Records System (F16805 ASGHB R), the

Dental Health Records System (F16201 SGD A) and other DOD agencies (e.g., Army and Navy) when such agency is normally by the primary source or repository of medical information about the individual. This system may provide information to the Automated Inpatient Data System (F17101 SGHB A) and to the Medical Recommendation For Flying Duty System (F1701 SGHB B).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Data maintained primarily on magnetic tape or disks. May also be maintained: in file folders, on computer paper printouts or punched cards, on roll microfilm or microfiche.

Retrievability:

Filed by Social Security Number (SSN) of the individual or his/her sponsor in combination with the Family Member Prefix (FMP). The FMP describes the relationship of the patient to his sponsor, e.g., second oldest dependent child, spouse, self, etc. May also be retrieved by the individual's name or by other identification or system number such as inpatient register number, laboratory accession number, or pharmacy prescription number.

Safeguards:

Records are accessed by medical records custodians or other person(s) responsible for maintaining the record system in performance of their official duties, by commanders of Air Force medical treatment facilities or by personnel authorized by the medical records custodian(s), i.e., administrative employees, Peer Review and Utilization Review committees, etc. Records are controlled by computer system software including the use of pass words or other user identification system, and by limiting physical access to the computer and computer terminals. Except when under direct physical control of authorized individuals, records will be stored in locked rooms or in locked cabinets. Records are accessed by authorized personnel who are properly screened and cleared for a need to know.

Retention and disposal:

Computer files are retained for variable lengths of time depending upon the type of information involved and the size and mission of the medical treatment facility. Retention time may vary from one day to ten years. Records are disposed of by erasure of the magnetic computer records and destruction of the computer related worksheets on paper, film, or other media by tearing, shredding, pulping, burning or other destructive methods. Identical medical/dental information may be retained for longer periods of time in other medical records systems (such as inpatient or outpatient charts), including the 'Health and Outpatient Records System' (F16805, ASGHB R), the 'Clinical Records and Related Documents System' (F16804 SGHB A), and 'Dental Health Records' (F16201 SGD A).

System manager(s) and address:

Major command and separate operating agency headquarters and Air Force Medical Service Center, commanders of USAF medical centers, hospitals, and clinics, USAF School of Health Care Sciences, Aerospace Medical Division, Brooks AFB, Texas, and the USAF School of Aerospace Medicine, Brooks AFB, Texas. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force Systems notice.

Notification procedure:

Requests from individuals should be directed to the Systems Manager. Requests should include complete name (including maiden name), sponsor's name, Social Security Number or Service Number of person through whom eligibility is established, category of record desired, year in which treatment was provided, whether treatment was inpatient or outpatient. If the individual establishes eligibility through a sponsor other than self, the request should include the relationship to the sponsor, e.g., spouse, second oldest child, parent, etc.

Record access procedures:

Address requests to systems manager. Official mailing addresses are in the Department of Defense Directory in the appendix to the Department of Air Force's systems notice.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information is obtained directly from the individual whenever practical and possible, from other individuals when necessary, e.g., when the patient is a child or is in coma, from other medical institutions, from automated systems interfaces, from medical records, and from patient interactions with physicians and other health care providers.

Systems exempted from certain provisions of the act:

NONE

F17701 OBXQPCA

System name:

17701 OBXQPCA Cadet Accounting and Finance, System.

System location:

United States Air Force Academy, USAF Academy CO 80840. Air Force Accounting and Finance Center, Lowry AFB, Denver, CO 80279.

Categories of individuals covered by the system:

Air Force Academy cadets.

Categories of records in the system:

Individual computerized files containing pay data for all USAF Academy Cadets including Establishment/Change in Personal Checking Account, Monthly Report of Contingency Fund Status, Contingency Fund Loan Request, Cadet Pay Order, Document Control Log, Recapitulation of Cadet Pay Account, Cadet Pay Authorization, Cadet Pay Monthly Statement, Cadet Pay Record, Payment/Collection Vouchers, Separation Control Log, Electronic Data Processing Sheets, Microfilm Files, Cadet Pay Disk File, Quarterly FICA Report, Transmittal Letter.

Authority for maintenance of the system:

10 U.S.C. 9331, 9334, 9342, 9350; 37 U.S.C., 201.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The purpose for which the information in the system is collected is to accumulate cadet pay entitlements (basic pay and subsistence), deductions (federal tax, social security, insurance premiums) in order to properly monitor the payments disbursed to the Air Force Cadet Wing (TAFCW). The only category of user is the Accounting and Finance Office, Cadet Pay Section and Paying and Collection Section. The specific uses of the information include determining the correct monthly net pay to be disbursed to each cadet, preparing TD Forms W2 for the Internal Revenue Service, reporting deductions for the Federal Insurance Contribution Act to the Social Security Administration, charging the cadets for clothing issues and miscellaneous charges from authorized USAF Academy sources, and the reporting of all expenditures to the Air Force Accounting and Finance Center.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders, in visible file binders/cabinets, in card files, on computer magnetic tapes, on disks or drums, on computer paper printouts, on roll microfilm.

Retrievability:

Filed by Military Service Number or other identification number or system identifier.

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

Retention and disposal:

The original copy of Cadet Pay Record, Cadet Pay Order, Substantiating Pay Documents and Transmittal Letter are forwarded to AFAFC, Lowry AFB, Denver, CO 80279. A microfilm copy of the Cadet Pay Record is maintained by USAF Academy Finance, Cadet Pay Section, USAF Academy, CO 80840, and is destroyed 4 years after graduation by cutting into pieces. Copies of Cadet Pay Orders, substantiating pay documents and posting media records are retained 1 year after annual cutoff in current files area and forwarded to the USAF Academy Staging Area for 2 additional years. Document Control Records are destroyed 90 days after close of FY to which they pertain. W-2 listings, quarterly FICA reports and CPITF interest distribution records are retained by Cadet Pay Section 6 years after CY to which they pertain. Audit registers are destroyed after 9 months. Financial statements, schedules and supporting data is destroyed after 4 years. Pay inquiries are destroyed after 2 years. All destruction is accomplished by tearing into pieces.

System manager(s) and address:

Director of Accounting and Finance, United States Air Force Academy, Colorado, 80840.

Notification procedure:

Requests from individuals should be addressed to the system manager.

Record access procedures:

Individual can obtain assistance in gaining access from the Systems Manager.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information obtained from source documents (such as reports) prepared on behalf of the Air Force by boards, committees, panels, auditors, and so forth.

Systems exempted from certain provisions of the act:

NONE

F17708 0EACYVD

System name:

17708 0EACYVD Indebtedness and claims.

System location:

Air Force Accounting and Finance Center, Lowry AFB, Denver, CO 80279. Denver Federal Archives and Record Center Bldg 48 Denver Federal Center, Denver, Colorado 80225.

Categories of individuals covered by the system:

Active duty military personnel. Air Force civilian employees. Former Air Force civilian employees. Air Force Reserve and Air National Guard personnel. Retired Air Force military personnel. Air Force Academy cadets. Dependents of military personnel. Exchange Officers. Foreign nationals.

Categories of records in the system:

Records of current and former military members and civilian employees pay accounts showing entitlements, deductions, payments made, and any indebtedness resulting from deductions and payments exceeding entitlements. These records include, but are not limited to, individual military pay records, substantiating documents such as military pay orders, pay adjustment authorizations, military master pay account print out from Joint Uniform Military Pay System (JUMPS), records of travel payments, financial record data folders, miscellaneous vouchers, personal financial records, credit reports, promissory notes, individual financial statements, and correspondence. Applications for waiver of erroneous payments or for remission of indebtedness with supporting documents, including but not limited to, statements of financial status (personal income and expenses), statements of commanders, statements of Accounting and Finance Officers, correspondence with members and employees. Claims of individuals requesting additional payments for services rendered with supporting documents including, but not limited to, time and attendance reports, leave and earnings statements, travel orders, travel vouchers, statements of non-availability of quarters and mess, paid receipts, and correspondence with members and employees. Delinquent accounts receivable from base Accounting and Finance Officers including, but not limited to, returned checks, medical services billings, collection records, and summaries of the Air Force Office of Special Investigation and Federal Bureau of Investigation reports. Reports from probate courts regarding estates of deceased debtors. Reports from bankruptcy courts regarding claims of the US against debtors.

Authority for maintenance of the system:

31 USC 951-953; 10 USC 2774; 10 USC 9837 (d); 5 USC 5584; 12 USC 1715m.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The information is collected to determine eligibility for waiver of erroneous payments and remission of indebtedness or additional payments for services rendered. Also, information is required to attempt collection of all claims of the United States for money or property arising out of the activities of the United States Air Force. Data necessary to identify the individual involved is disclosed to commercial credit agencies whenever a financial status report is requested for use in the administration of the Federal Claims Collection Act. Claims of the United States may be compromised, terminated, or suspended when warranted by information collected. The records are used by, but not limited to, Air Force Accounting and Finance Center (AFAFC) Director of Accounting and Finance and Deputy Director of Accounting and Finance (HQ USAF/ACF), Assistant Secretary of the Air Force for Manpower and Reserve Personnel (SAF/MR), United States Air Force Comptroller (HQ USAF/AC), and the Comptroller General. AFAFC/CC uses the information to make final determinations or recommendations to SAF/MR, HQ USAF/AC, or the Comptroller General; to furnish legal advice to operating officials; to establish debts and respond to letters received from individuals. After action is completed, files are closed and filed in individual records. SAF/MR, HQ USAF/AC and the Comptroller General use the files for making final determinations. Disclosures made pursuant to the Freedom of Information Act. Disclosures to the Department of Justice for criminal prosecution, civil litigation or investigation.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders and in machine - readable form.

Retrievability:

Filed by Name.

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets protected by guards and controlled by personnel screening and visitor registers.

Retention and disposal:

Retained in office files for one year after annual cut-off, transferred to the Denver Federal Archives and Record Center for nine additional years, and then sold to salvage paper companies to be destroyed by shredding, tearing, mascerating, pulping or burning.

System manager(s) and address:

Comptroller of the Air Force, Headquarters United States Air Force. Director Accounting and Finance United States Air Force (USAF).

Notification procedure:

Information as to whether the record system contains information on an individual may be obtained from AFAFC/DAD, Denver, CO 80279, telephone (303) 320-7553. Requester should be able to provide sufficient proof of identity, such as name, Social Security Number, military status, duty station or place of employment, or other information verifiable from the record itself.

Record access procedures:

Requests from individuals should be addressed to AFAFC/DAD, Denver, CO 80279, telephone (303) 320-7553. Requester should be able to provide sufficient proof of identity, such as name, Social Security Number, military status, duty station or place of employment, or other information verifiable from the record itself.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information obtained from financial and medical institutions; automated system interfaces; police and investigating officers; the public media; a state or local government; and source documents (such as reports) prepared on behalf of the Air Force by boards, committees, panels, auditors, and so forth; credit bureaus; Bureau of Employees Compensation, Veterans Administration; Social Security; Internal Revenue Service; Federal Housing Administration; health insurance companies; U.S. Army Finance and Accounting Center; Navy Finance Center; Base Accounting and Finance Officers, Major Commands; Comptroller General; and correspondence with individual concerned or his representative.

Systems exempted from certain provisions of the act:

NONE

F17720 0EACYVA

System name:

17720 0EACYVA Travel Records

System location:

Air Force Accounting and Finance Center, Lowry AFB, Denver, CO 80279. accounting and finance offices at Air Force bases the addresses of which are listed in the Department of Defense directory in the appendix to the Air Force system notice; and at the Denver Federal Archives and Records Center, Denver Federal Center, Bldg 48, Denver, CO, 80225.

Categories of individuals covered by the system:

Active duty military personnel. Air Force civilian employees and former employees. Air Force Reserve and Air National Guard per

sonnel. Retired Air Force military personnel. Air Force Academy nominees/applicants/cadets. Senior and Junior Air Force Reserve Officers. Dependents of military personnel. Foreign Nationals residing in the United States. Exchange Officers. Any other individual in receipt of competent travel orders.

Categories of records in the system:

Documents include but are not limited to travel vouchers and subvouchers; travel allowance payment lists; travel voucher or subvoucher continuation sheets; vouchers and claims for dependent travel and dislocation or trailer allowance; certificate of government quarters and mess; multiple travel payments list; travel payment card; requests for fiscal information concerning transportation requests, bills of lading, and meal tickets; public vouchers for fees and mileage of witnesses; claims for reimbursement for expenditures on official business; claims for fees and mileage of witness; certifications for travel under classified orders; travel card envelopes; statements of adverse effect-utilization of government facilities; and correspondence relating to the above subject matter.

Authority for maintenance of the system:

37 USC 404-412; 5 USC 2105, 2106, 5561, 5564, 5701-5708, 5721-5730, and 5742.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The purposes for which information in the system is collected include but are not limited to paying travel entitlements and supporting the payment of travel entitlements to military and civilian personnel. Uses made of the records by the paying Accounting and Finance Office, other Air Force and Dept of Defense components include but are not limited to the following: payment of advances; payment of per diem at temporary duty stations; settlement payments upon completion of travel; payment of mileage upon separation or release from active duty; consolidation of payments; payment of dependents: travel; payment of dislocation or trailer allowance; to support a traveler's entitlement to a specific rate of per diem; to list multiple payments for travel and temporary duty performed under like conditions and circumstances; as a control record of all travel payments made to an individual; to query the United States Army Finance and Accounting Center for information contained on transportation requests, bills of lading, and meal tickets; payment of fees and allowances to civilian witnesses who are not U.S. Government employees; payment of expenses incurred within and around duty stations; supports the travel voucher in lieu of classified orders; updates leave records. Other users and specific uses made by them include but are not limited to Accounting and Finance Officers, who use travel records to pay travel entitlements to military and civilian personnel who perform official travel; traffic management Officers, who use travel records to support the issuance of transportation requests and to support the movement of household goods or house trailer; Internal Revenue Service, which receives and records information concerning the payment of travel allowances which are subject to federal income tax; the Civil Service Commission which uses the records for personnel management functions; General Accounting Office (GAO), which uses travel records for auditing activities and for the settlement of questionable travel claims; Office of Special Investigation, United States Air Force (OSI), which uses travel records in the investigation of suspected fraud cases; Air Force Audit Agency (AFAA), which uses travel records in performing routine audit activities; Department of Justice (disclosures for criminal prosecution, civil litigation or investigation); and disclosures made pursuant to the Freedom of Information Act.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders, note books/binders, visible file binders/cabinets, card files, and at A

Retrievability:

Filed by Name, Social Security Number (SSN) or by other identification number or system identifier.

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets, safes, vaults, and locked cabinets or rooms. Records are protected by guards. Records are controlled by personnel screening and by visitor registers, and by computer software in the case of machine readable records.

Retention and disposal:

The original voucher and related supporting documents are stored at the Air Force Accounting and Finance Center, Denver, CO, for 18 months and then moved to the Denver Federal Archives and Records Center for 4 years and 9 months after which they are sold to salvage companies for destruction by shredding. Copies of the original voucher and related supporting documents are maintained by field accounting and finance offices for 3 years and then destroyed by burning, shredding, tearing, pulping or macerating. Computer tapes are destro

System manager(s) and address:

Comptroller of the Air Force, Headquarters United States Air Force. Director Accounting and Finance United States Air Force (USAF). At base level the system manager is the local Accounting and Finance Officer.

Notification procedure:

Information as to whether the record system contains information on an individual may be obtained from AFAFC/DAD, Lowry AFB, Denver, CO 80279, telephone (303) 320-7553. Requester should be able to provide sufficient proof of identity, such as name, social security number, duty station, place of employment, and specify the accounting and disbursing station number, voucher number, date of voucher, or other information verifiable in the record itself.

Record access procedures:

Request from individuals should be addressed to AFAFC/DAD, Lowry AFB, Denver, CO 80279, telephone (303) 320-7553. Requester should be able to provide sufficient proof of identity, such as name, social security number, duty station, place of employment, and specify the accounting and disbursing station number, voucher number, date of voucher, or other information verifiable from the record itself.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information is acquired from but not limited to the individual traveler; related voucher documents such as those described above in the description of categories of records; Office of the Judge Advocate; the Comptroller; General Accounting Office; Congress; Accounting and Finance Officers; Traffic Management Officers; Consolidated Base Personnel Officers; the Air Force Accounting and Finance Center; and other Air Force and Department of Defense components.

Systems exempted from certain provisions of the act:

NONE

F17721 0EACYVA

System name:

17721 0EACYVA Civilian Pay Records.

System location:

Air National Guard activities. Accounting and Finance Offices at Air Force bases. Air Force Reserve units. Addresses are in the appendix to the Air Force's systems notice. Addresses of geographically dispersed units may be obtained by reference to Air Force components listed in the Department of Defense directory in the appendix to the Air Force notice.

Categories of individuals covered by the system:

Air Force civilian employees.

Categories of records in the system:

Individual pay records; Individual leave records; source documents for posting leave and attendance; individual retirement deduction records; source documents maintained in connection with retirement deduction records and control files thereon; wage and separation information files; health benefit records; income tax withholding records; allowance and differential eligibility files, such as, but not limited to clothing allowances and night rate differentials; withholding and deduction authorization files, such as, but not limited to federal income tax withholding, insurance and retirement deductions; accounting document files; input data posting media, such as, but not limited to time and attendance cards and reports and personnel actions affecting pay; accounting and statistical reports and computer edit listings; claims and waivers affecting pay; control logs and collection/disbursement vouchers; listings for administrative purposes, such as, but not limited to health insurance, life insurance, bonds, locator files and checks to financial institutions; correspondence with the Civilian Personnel Office, dependents, attorneys, survivors, insurance companies, financial institutions, other governmental agencies and others; leave and earnings statements; travel records; and separa-

tion documents; official correspondence; federal, state and tax reports and/or tapes; forms covering pay changes and deductions, and documentation pertaining to garnishment of wages.

Authority for maintenance of the system:

5 U.S.C. Chapters 53, 55 and 81.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The records are used to accurately compute individual employee's pay entitlements and to withhold required and authorized deductions and issue payroll checks for amounts due. Output products are forwarded as required to other subject matter areas to ensure accurate accounting and recording of pay to civilian employees. These records and related products are also used to verify and balance in the civilian pay office and other applicable subject matter areas and to report information to recipients, other government, and nongovernment agencies. Such recipients and agencies include, but are not limited to, the individual employee; banks which credit the employee's account if the employee has requested his check to be sent to the bank; financial organizations which credit the employee's account if the employee has requested a savings allotment; other approved organizations which an employee has designated for an allotment; computer and accounting service cenfinancial organizations designated by individuals to receive monies due them; Federal Reserve Banks under procedures specified in 31 CFR 210 for Federal recurring payments by means other than check; health benefit carriers to ensure proper credit for the employee authorized health benefit deductions; employee organizations for which the employee has requested a dues deduction (reasons for nondeduction of dues will be benefit deductions; disclosed to officials of labor organizations recognized under Executive Orders 11636 and 11491, as amended, when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices and matters affecting working conditions (including disclosure of reasons for nondeduction of dues, if applicable); the US Treasury, which maintains cash accountability; the Internal Revenue Service for recording withholding and social security information; the Social Security Administration and Civil Service Commission which credits the employee's account for Federal Insurance Contributions Act or Civil Service Retirement withheld; State revenue departments which credit employee's state tax withholding; State employment agencies which require wage information to determine eligibility for unemployment compensation benefits of former employees; city revenue departments of appropriate cities which credit employees for city tax withheld; any agency or component thereof that needs the information for proper accounting of funds, such as, but not limited to, for-others listings; Civil Service Commission for assistance in resolving complaints, grievances, etc. In the event of suspected fraud or other irregularity, data may be released to the Federal Bureau of Investigation, Office of Special Investigations, United States Air Force, or other investigating agencies for investigation and possible civil action or criminal prosecution. Data may also be released to a court of competent jurisdiction for court action. Disclosures are made to the Department of Justice for criminal prosecution, civil litigation, or investigation. Information is also supplied to the Civil Service Commission for computation of Civil service retirement annuity. Records are also used for extraction or compilation of data and reports for management studies and statistical analyses for use internally or externally as required by the Department of Defense or other Government agencies.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders, in note books/binders, in visible file binders/cabinets, in card files, on computer magnetic tapes, disks or drums, on computer paper printouts, on roll microfilm, on microfiche, and in microfilm jackets.

Retrievability:

Filed by Name, Social Security Number (SSN), Civilian Payroll Number, Vehicle Registration or License Number, or other identification number or system identifier.

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms, protected by guards, and controlled by personnel screening, visitor registers, and computer system software.

Retention and disposal:

Records are retained for periods ranging up to 56 years.

System manager(s) and address:

Comptroller of the Air Force, Headquarters United States Air Force. Director of Accounting and Finance United States Air Force (USAF); and commanders of Air Force installations.

Notification procedure:

Information as to whether the record system contains information on an individual may be obtained from AFAFC/DAD, Lowry AFB, Denver, CO 80279 telephone (303) 320-7553. Information pertaining to geographically dispersed elements of the record system maybe obtained from Documentation Managers at the applicable Air Force component listed in the Department of Defense directory in the appendix to Air Force system notice. Requester should be able to provide sufficient proof of identity, such as name, social security number, drivers license, civilian identity card, duty station or place of employment or other information verifiable from the record itself.

Record access procedures:

Requests from individuals should be addressed to AFAFC/DAD, Lowry AFB, Denver, CO 80279, telephone (303) 320-7553. Information pertaining to geographically dispersed elements of the record system maybe obtained from Documentation Managers at the applicable Air Force component listed in the Department of Defense directory in the Air Force system notice. Requester should be able to provide sufficient proof of identity, such as name, social security number, drivers license civilian identity card, duty station or place of employment, or other information verifiable from the record itself.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information obtained from previous employers from financial institutions, from medical institutions, from automated system interfaces, from a state or local government, from source documents (such as reports) prepared on behalf of the Air Force by boards, committees, panels, auditors, and so forth, and from other Department of Defense components and other federal agencies such as, but not limited to Social Security Administration, Internal Revenue Service, State Revenue Departments, Department of the Army, Navy or State Department. Correspondence with attorneys, dependents, survivors or guardians may also furnish data for the system.

Systems exempted from certain provisions of the act:

NONE

F17725 0EACYVA

System name:

17725-0EACYVA Air Reserve Pay and Allowance System (ARPAS).

System location:

Primary system location: Air Force Accounting and Finance Center, Lowry AFB, Denver CO 80279; decentralized supporting segments are located at: Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78148. Air Reserve Personnel Center, Denver, CO 80280. National Personnel Records Center, Military Personnel Records, 9700 Page Boulevard, St. Louis, MO 63132. Air National Guard activities and Air Force Reserve units. Accounting and Finance Offices at Air Force bases Servicing individual Air Reserve Forces members. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices, Denver Federal Archives and Record Center, Bldg 48, Denver Federal Center, Denver, CO 80225; and records Center annex GSA, p.o. Box 141, Neosho, MO 64850 (system back- up storage).

Categories of individuals covered by the system:

Active Air Reserve Forces members in a military pay status and Dependents of military personnel except Air Reserve Forces members on extended active duty and members of the Air Force Reserve Officer Training Corps.

Categories of records in the system:

Military pay account computer records and supporting documentations relating to Air Reserve Forces military pay and allowance entitlements, deductions, and collections. Military pay computer records, including but not limited to, master individual pay account files (containing essential check and member identification data, military pay entitlement and allowance data, accounting data, tax withholding rate and amount data, collection and indebtedness data, and performance data); wage and tax withholding records; records of Air Reserve Forces calendar day performance; check issue, control and cancellations records; transaction input, system reject, and system

recycle records; disbursement and collection report records; accounting report records; and other generated records supporting, substantiating, or authorizing Air Reserve Forces military pay and allowance entitlement, deduction, or collection actions. Military pay documentation records include, but are not limited to, travel orders, requests and performance records; active military duty performance records; statements of tours or performance of military duty; payroll attendance lists and rosters; document records establishing, supporting, reducing, or cancelling entitlements to basic pay; special compensations (such as medical, dental, veterinary, and optometry); special pays (such as foreign duty, hostile fire); allowances (such as basic allowance for subsistence, basic allowance for quarters, family separations, clothing maintenance and monetary allowances); incentive pays; and other entitlements in accordance with the Department of Defense Pay and Allowance Entitlement Manual; certificates and statements changing address, name, military assignment, and other individual data necessary to identify and provide accurate and timely Air Reserve Forces military pay and performance credit; allotment start, stop, or change records; declarations of benefits and waivers; military pay and personnel orders; medical certifications and determinations; death and disability documents; check issuing and cancellation records and schedules; payroll vouchers; money lists and accounting records; pay adjustment authorization records; system input certifications; member indebtedness and tax levy documentation; earnings statements; employees wage and tax reports and statements; casual payment authorization and control logs; punch card transcripts; and other documentation supporting, authorizing, or substantiating Air Reserve Forces military pay and allowance entitlement, deduction, or collection. Inquiry files, sundry lists, reports, letters, correspondence, and rosters including, but not limited to, Congressional inquiries, Internal Revenue Service notices and reports, state tax and insurance reports, Social Security Administration reports, Veterans Administration reports, inter-Department of Defense requests, treasury reports, and health education and institution inquiries.

Authority for maintenance of the system:

37 USC 101 et. Seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information is collected in the system to ensure accurate and timely military pay and allowances to supported Air Reserve Forces members; provide timely, complete master individual pay account review; document and account for Air Reserve Force military pay and allowance disbursements and collections; and provide account inquiry research response capability. Records are utilized to determine net military pay and allowances check issues to Air Reserve Force members; to verify and account for system input transactions; to identify, correct, and collect overpayments; to establish, control, and collect member collection and indebtedness notices and levies; to maintain complete accounting records for Air Reserve Forces military pay and allowance disbursements, collections, refunds, and reimbursement actions; and to provide internal and external managers with statistical and monetary reports. Other users of system record data include such Air Force components as Headquarters US Air Force, Major Air Force Commands, Air Force installations, Air National Guard and Air Force Reserve Consolidated Base Personnel Offices and Consolidated Reserve Personnel Offices, Air National Guard Base Comptrollers, and ARPAS payroll offices. Other users and uses include, but are not limited to, record transfers to components of the Department of Defense for system transaction validity and accuracy audit, accounting, and documentation utilization; other federal agencies such as the Internal Revenue Service for wage and tax withholding reporting, accounting, tax audits or levies; Social Security Administration for wage and tax withholding reporting, accounting, or tax audit; Civil Service Commission for personnel management functions; Comptroller General and the General Accounting Office for system transaction validity and accuracy audits; Veterans Administration for compensation and waiver reporting and audits, life insurance accounting, disbursement and benefit determinations; US Federal Courts for legal proceedings; Federal, State, or local Governmental agencies for reports and accounting utilization; state and local governments for tax and welfare information; educational institutions for verifying scholarship qualifications and performance; charitable institutions and military associations to render recognition for meritorious service; and financial institutions for deposits (checks to banks) and credit references. Pay data is released to computer and accounting service centers upon request of financial organizations designated by individuals to receive money due them. Pay data is also released to Federal Reserve Banks under procedures specified in 31 CFR 210 for Federal recurring payments by means other than by checks. Disclosure made persuant to the Freedom of Information Act. Disclosures to the Department of Justice for criminal prosecution, civil litigation or investigation. The American Red Cross and Air Force Aid Society use this information to determine needs of a member of his or her dependents in emergency situations.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders/ in note books/binders/ visible file binders/cabinets/card files on computer magnetic tapes and computer paper printouts, on roll microfilm and microfiche.

Retrievability:

Filed by Name and Social Security Number (SSN).

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets/safes/ vaults, protected by guards, and controlled by personnel screening, visitor registers and computer system software requiring special random input entry identifiers.

Retention and disposal:

The system contains differing types of records subject to varied retention of from 6 months to 56 years. Records are retired to the Denver Federal Archives and Record Center, and also are stored at the Records Center annex GSA at Neosho, MO for back-up storage. Final destruction of records is by sale to a salvage company for shredding.

System manager(s) and address:

Comptroller of the Air Force, Headquarters United States Air Force; Director Accounting and Finance United States Air Force (USAF); managers for geographically dispersed supporting elements to the system are Chief of Air Force Reserve, Headquarters United States Air Force. Director of Air National Guard, Headquarters United States Air Force. Accounting and Finance Officers, Consolidated Base Personnel Officers, Air National Guard Base Comptrollers, Consolidated Reserve Personnel Officers, ARPAS Payroll Officers, and designated representatives thereof.

Notification procedure:

Information as to whether the record system contains Information on an individual may be obtained from AFAFC/DAD, Lowry AFB,, Denver, CO 80279, telephone (303) 320-7553. Information pertaining to geographically dispersed elements of the record system may be obtained from Documentation Managers at the applicable Air Force component listed in the Department of Defense Directory in the appendix to the Air Force system notice. Requesters should be able to provide sufficient proof of identity, such as name, social security number, military status, last Air Reserve Forces unit of assignment, duty status or place of employment, or other information verifiable from the system record itself.

Record access procedures:

Requests from individuals should be addressed to AFAFC/DAD, Lowry AFB, Denver, CO 80279, telephone (303) 320-7553. Information pertaining to geographically dispersed elements of the record system may be obtained from Documentation Managers at the Air Force component listed in the Department of Defense Directory in the appendix to the Air Force system notice. Requesters should be able to provide sufficient proof of identity, such as name, social security number, military status, last Air Reserve Force unit of assignment, duty status, or place of employment, or other information verifiable from the system record itself.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Record system sources for information include, but are not limited to, the following: Headquarters USAF, Air Force Major Commands and Air Force installations, Consolidated Base Personnel Offices and Consolidated Reserve Personnel Offices, Air National Guard Base Comptrollers, ARPAS Payroll Offices, other DoD components; the Internal Revenue Service, Social Security Administration, Veterans Administration, and other federal agencies; financial institutions, educational institutions, medical institutions, automated system interfaces, and state and local agencies.

Systems exempted from certain provisions of the act:

NONE

F17726 0EACYVA

System name:

17726 0EACYVA Pay and Allotment Records.

System location:

At Air Force Accounting and Finance Center, Denver CO 80279, and at Denver Federal Archives and Record Center, Building 48, Denver Federal Center, Denver, CO, 80225.

Categories of individuals covered by the system:

Air Force active duty officer and enlisted personnel. Air Force Reserve and Air National Guard personnel. Retired Air Force military personnel. Air Force Academy cadets.

Categories of records in the system:

Applications for Basic Allowance for Quarters (BAQ); request for dependency determinations for benefits; copies of marriage certificates, birth certificates, annulments, divorce decrees and adoption papers; certificate of residence forms; allotment documents (starts, changes and stops); special pay authorizations; copies of allotment vouchers; change of address forms; parent dependency affidavits; correspondence between the Air Force Accounting and Finance Center (AFAFC) and members and their dependents pertaining to allotments (pay information) and determinations of dependency; Comptroller General decisions; General Accounting Office opinions; Judge Advocate General opinions and interpretative memoranda; Air Force Office Special Investigation (OSI) reports, interpretative memoranda from plans and systems (XS) at AFAFC; status request from office of civilian health and medical program of the uniformed services (CHAMPUS) regarding medical care for children over age 21; correspondence with state and local agencies; American Red Cross; and other material related to dependency determination and eligibility of dependents for pay and allowance purposes and benefits.

Authority for maintenance of the system:

37 USC 401; 37 USC 403 and 10 USC 1072.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records are used to; make determinations of dependency and or relationship eligibility entitlement to pay allowances for parents, stepchildren and adopted children who have income in their own right, illegitimate children and all cases where relationship or dependency is questionable; make determinations of dependency and or eligibility entitlement to benefits for parents, parents-in-law, illegitimate children and children over age 21. Copies of affidavits, documents, related correspondence and/or information contained therein may be furnished to the service member, the claimed dependent and/or the person who furnish such information. Copies of affidavits, statements and related correspondence may be furnished OSI to verify information submitted by or in behalf of the claimed dependent. Copies of records may on occasion be furnished to Internal Revenue Service (IRS), Social Security Administration (SSA), Civil Service Commission, and the Veterans Administration (VA), and to state and local agencies for their own determinations for any obligations, benefits and privileges that come under their jurisdiction. Notify other services (Army, Navy, Marine Corps, Coast Guard) on approvals of BAQ in behalf of parents and illegitimate children to prevent duplicate claims. Notify the American Red Cross of status of claims to inform the member and/or their dependents. On occasion may send or disclose information to the Comptroller General for advance opinions. On occasion may disclose information to members of Congress on request. On occasion may disclose information to the Air Force Aid Society.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders.

Retrievability:

Filed by Name, Social Security Number (SSN), or Military Service Number.

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets, protected by guards and controlled by personnel screening and visitor registers.

Retention and disposal:

records for members who have been separated from the service are purged annually and retired to the Federal Archives and Records Center at Denver Federal Center with one exception, records for which claims are received and/or a dependency determination is made after separation, are retained at the AFAFC for six years after last determination and then sent to the Denver Federal Record Center. Records are destroyed six years after member:s separation from the service or last determination, whichever is latest. Destruction is accomplished by sale to a salvage Co. for shredding,tearing or burning.

System manager(s) and address:

Comptroller of the Air Force, Headquarters United States Air Force. Director Accounting and Finance United States Air Force Wash DC 20330. (USAF)

Notification procedure:

Information as to whether the record system contains information on an individual may be obtained from AFAFC/DAD, Denver CO 80279, telephone (303) 320-7553. The requester should be able to provide sufficient proof of identity, such as name, social security number, service number, military status, duty station or place of employment.

Record access procedures:

Request from individuals should be addressed to AFAFC/DAD, Denver CO 80279, telephone (303) 320-7553. The requester should be able to provide sufficient proof of identity, such as name, social security number, service number, military status, duty station or place of employment.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information obtained from previous employers, financial and medical institutions, automated system interfaces, police and investigating officers, a state or local government, source documents (such as reports) prepared on behalf of the Air Force by boards, committees, panels, auditors, and so forth; applications and correspondence from members for dependency determination, COLA, and medical care; correspondence from parents, guardians and custodians of dependents, attorneys and the American Red Cross pertaining to dependency determination and support of dependents; information from other components of the Department of Defense.

Systems exempted from certain provisions of the act:

NONE

F17734 0EACYVA

System name:

17734 0EACYVA United States Air Force Retired Pay System.

System location:

Air Force Accounting and Finance Center, Lowry AFB Denver CO 80279. Federal Archives and Records Center, building 48, Denver Federal Center, Denver, Colorado 80225. Records center annex, GSA, P.O. Box 141, Neosho, Missouri 64850 (back up storage only). Air Reserve Personnel Center and Personal Affairs offices at Air Force installations. Official mailing addresses are in the Department of Defense Directory in the Appendix to the Air Force's systems notice.

Categories of individuals covered by the system:

Air Force active duty officer and enlisted personnel. Air Force Reserve and Air National Guard personnel. Retired Air Force military personnel. Dependents and survivors of military personnel.

Categories of records in the system:

Records include, but are not limited to, retired pay and annuitant pay master files with supporting documentation relating to entitlements, deductions, collections and allotments. Supporting documents include but are not limited to the following Retirement Orders, retirement pay orders, gross pay statements, statements of employment, employees: withholding exemption certificates, records of emergency data, retired pay allotment authorizations, retirees: United States savings bond authorizations, Air Reserve Forces retirement credit summaries, divorce decrees, computation of retired pay, death certificates, claims for unpaid pay and allowances of deceased members, marriage certificates, adoption papers, guardian papers, birth certificates, election certificates for retired servicemen: family protection plan (RSFPP), election certificates for survivor benefit plan (SBP), documents pertaining to status of children: schooling, and income tax withholding statements. Also included are listings of bonds, allotments, retired pay and annuitant pay checks, debts owed the government and direct remittances made by retirees for the costs of the RSFPP and SBP plans, records from dependents of retired military personnel, correspondence related to retirement entitlements such as reports from hospitals and medical review boards, print-outs of members: active duty military pay accounts from the joint uniform military pay system.

Authority for maintenance of the system:

10 U.S.C. Chapters 61, 63, 65, 67, 69, 71, 73 and 79; 5 USC Chapter 83. 37 U.S.C. 101 et. Seq.; 38 USC 410

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The purpose of these records is to accurately and timely pay the retired members of the Air Force and their survivors; provide members periodic statements of pay; document and account for all disbursements and collections; and to respond to inquiries concerning the retiree and annuitant accounts. Records are used to establish, maintain and close retiree and annuitant pay accounts and prepare related reports; compute retired and annuitant pay and initiate actions for monthly pay and allotment transactions; casualty cases are established upon the death of a member and arrears of pay are computed and disbursed to survivors; upon the death of a retired member, RSFPP and/or SBP accounts are established and survival annuities are paid. Users of system record data include Headquarters US Air Force and the USAF Military Personnel Center for routine and special reports which are generally statistical in nature, but occasionally include lists of retirees with related pay data. Other users include, but are not limited to, any component of the Department of Defense for inquiries, audit and document utilization; other federal agencies such as the Internal Revenue Service for normal wage and tax withholding reporting, accounting, tax audits and levies; Comptroller General and the General Accounting Office for legal interpretations and audits. Disclosures are made to the Department of Justice for criminal prosecution, civil litigation or investigation; disclosures are made to the Veteran's Administration regarding establishments, changes and discontinuances of VA compensation to retirees and annuitants; disclosures are made to the Social Security Administration regarding wages and Federal Insurance Contributions Act Tax withholding; information is furnished the American Red Cross and the Air Force Aid Society for their use in assisting retirees and their survivors; disclosures are made pursuant to the Freedom of Information Act. Information is supplied to state and local governments for use as follow-up data in welfare cases and for tax purposes. Also, there is an automated interface with the joint uniform military pay system for data used to compute annuitant payments; checks are sent to banks for credit to the retiree:s and annuitant:s accounts including payments made under the Electronics Fund Transfer System (EFTS) transmitted through the Federal Reserve System; and allotments are mailed to other financial institutions for uses such as insurance premiums and loan repayments release of data to computer and accounting service centers upon the request of a financial organization designated by individuals to receive monies due them; pay data is also released to Federal Reserve Banks under procedures specified in 31 CFR 210 for Federal recurring payments by means other than check. Information is also supplied to the Civil Service Commission when a retiree waives his military retired pay in order to use his military service for computing his Civil Service Retirement Annuity. Records are also used for extraction or compilation of statistical data and reports for management studies and statistical analyses for use internally or externally as required by Department of Defense or by other Government agencies. Information is supplied to the courts regarding retiree pay in garnishment cases. Disclosures are also made to attorneys, law firms, and other parties acting as executors or administrators of retirees estates and information is provided to trustees of mentally incompetent members and guardians of survivors (children).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders/note books/binders/visible file binders/cabinets/card files, computer magnetic tapes and paper printouts, and on roll microfilm and microfiche.

Retrievability:

Filed by Name, Social Security Number (SSN) or Military Service Number.

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets/vaults/ locked cabinets or rooms, protected by guards, and controlled by personnel screening, visitor registers and computer system software.

Retention and disposal:

the system contains differing types of records subject to varied periods of retention up to 56 years. Final destruction of records is by shredding. Records are maintained in the retired pay division office while active, and then retired to the Denver Federal Archives and Records Center. Duplicate records are maintained at the records center annex at Neosho, Missouri for storage. Destruction is accomplished by shredding or burning.

System manager(s) and address:

Comptroller of the Air Force, Headquarters United States Air Force. Director of Accounting and Finance United States Air Force Washington DC 20330 (USAF). Assistant Deputy Chief of Staff Personnel for Military Personnel, Randolph Air Force Base, TX 78148 for Survivor Benefit Plans Briefing records and spouse notification letters.

Notification procedure:

Information as to whether the record system contains information on an individual may be obtained from AFAFC/DAD, Lowry AFB, Denver, CO 80279, telephone (303) 320-7553. The requester should be able to provide sufficient proof of identity, such as name, social security number, duty station or place of employment, military status, military grade or other information verifiable from the record itself. For Survivor Benefits Plans Briefing records and spouse notification data, contact the Systems Manager specified in the preceding category or Personal Affairs officials at the servicing Air Force installation. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices.

Record access procedures:

Requests from individuals should be addressed to AFAFC/DAD, Lowry AFB, Denver, CO 80279, telephone (303) 320-7553. The requester should be able to provide sufficient proof of identity, such as name, social security number, duty station or place of employment, military status, military grade or other information verifiable from the record itself.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information obtained from previous employers, financial, educational, and medical institutions, automated system interfaces, a state or local government, source documents (such as reports) prepared on behalf of the Air Force by boards, committees, panels, auditors, and so forth. Also record sources include but are not limited to, the following members: survivors, trustees of mentally incompetent members, guardians of survivors (children), private law firms which are executors of estates in casualty cases, the Military Personnel Center at Randolph Air Force Base, Texas, and other government agencies such as the Veterans Administration and the Social Security Administration. Information also obtained from the individual.

Systems exempted from certain provisions of the act:

NONE

F17801 OJ RS A

System name:

17801-OJ-RS-A Lead Management System (LMS).

System location:

Air Force Opportunity Center (AFOC) (Duties of this Center are performed by a civilian contractor who is engaged by the Air Force to provide lead fullfillment services to Headquarters, United States Air Force Recruiting Service, Randolph AFB TX 78148. Location depends on the contractor.

Categories of individuals covered by the system:

Respondents to United States Air Force Recruiting Service advertisements and referrals made by active duty military personnel, retired military personnel and Air Force civilian employees.

Categories of records in the system:

Respondent's inquiry record containing name, address, date of birth, sex, telephone number, advertising medium, recruiting program in which interested, and source of referral, including name and Air Force base assigned. Recruiter contact records containing success of contract efforts, reason for not contacting, how contact was made, confirmation of educational level, qualification of individual and status of individual.

Authority for maintenance of the system:

10 U.S.C. 503 and E.O. 9397.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The contractor fullfills requests from respondents for information about the Air Force and notifies appropriate recruiting activities of respondent's interest. Contractor develops statistical summaries

which are used by USAF Recruiting Service to evaluate the effectiveness of the advertising and referral programs.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained on computer and computer products.

Retrievability:

Filed by name.

Safeguards:

Records are accessed by custodian and by persons responsible for servicing the system.

Retention and disposal:

Retained by contractor at the AFOC for two years, then destroyed. HQ USAF Recruiting Service computer paper printouts retained for 60 days, then destroyed. Subordinate recruiting activities files retained for one year after final follow up action is complete, then destroyed.

System manager(s) and address:

Director, Advertising, USAF Recruiting Service, Randolph AFB TX 78148.

Notification procedure:

Requests from individuals should be addressed to the Systems Manager.

Record access procedures:

Individuals can obtain assistance in gaining access from the Systems Manager.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Individual respondent and automated system interfaces.

Systems exempted from certain provisions of the act:

NONE

F21001 ESC A

System name:

Historical Research and Retrieval System (HORRS).

System location:

Command Historical Office, Headquarters Electronic Security Command (HQ ESC), San Antonio, TX 78243

Categories of individuals covered by the system:

Military and civilian members of ESC, including active, retired, and deceased personnel. Primarily, names of key personnel, such as commanders, operations officers, and other staff personnel mentioned in command histories and special studies, are filed in this system and are retrievable by name.

Categories of records in the system:

Coded abstracts of command history items or extracts from other documents retained for historical purposes. Will include name, rank, unit assigned, position occupied, and any historically noteworthy achievements of individuals reflected in the document from which information was extracted.

Authority for maintenance of the system:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Research reference file used by HQ ESC Historical Office to satisfy requests for Air Force Special Intelligence (SI) historical information received from individuals within the DOD and other government agencies. Information is also used as research material for preparing special studies and monographs, and to answer requests for information under the Freedom of Information Act.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in bound, paper copies; jacketed microfiche; and computer magnetic tapes, discs, and com

Retrievability:

Filed by name.

Safeguards:

Records are accessed by custodian of the record system and by persons responsible for servicing therecord system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers. The computer file is kept in a locke

Retention and disposal:

Microfiche and paper copies of records, including ADP products, are retained in office files until longer needed for reference, then destroyed by burning or pulping. Computer tapes are destroyed by

System manager(s) and address:

Command Historian, HQ ESC/HO, San Antonio, TX 78243.

Notification procedure:

Information as to whether the record system contains information on an individual may be obtained from the System Manager.

Record access procedures:

Individuals can obtain assistance in gaining access from the Systems Manager.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinationsby the individual concerned may be obtained from the System Manager.

Record source categories:

Information is obtained from command histories, special studies, monographs, end-of-tour reports, oral histories, and other reference material.

Systems exempted from certain provisions of the act:

None.

DEPARTMENT OF THE AIR FORCE ADDRESS DIRECTORY

OFFICE OF THE SECRETARY OF THE AIR FORCE

and

HEADQUARTERS UNITED STATES AIR FORCE

(Located Within the Washington, DC area)

Office of the Secretary of the Air Force
Washington, D.C. 20330

Assistant Secretary of the Air Force
(Financial Management)
Washington, D.C. 20330

Assistant Secretary of the Air Force
(Research and Development & Logistics)
Washington, D.C. 20330

Assistant Secretary of the Air Force
(Manpower, Reserve Affairs & Installations)
Washington, D.C. 20330

Administrative Assistant to the
Secretary of the Air Force
Washington, D.C. 20330

General Counsel Department of the Air Force
Washington, D.C. 20330

Office of the Secretary of the Air Force
Director, Legislative Liaison
Washington, D.C. 20330

Office of the Secretary of the Air Force
Director, Office of Public Affairs
Washington, D.C. 20330

Office of the Secretary of the Air Force
Director, Office of Space Systems
Washington, D.C. 20330

Chief of Staff
United States Air Force
Washington, D.C. 20330

Vice Chief of Staff
United States Air Force
Washington, D.C. 20330

Assistant Vice Chief of Staff
United States Air Force
Washington, D.C. 20330

Chief Scientist
United States Air Force
Washington, D.C. 20330

Surgeon General
United States Air Force
Washington, D.C. 20330

Inspector General of the Air Force
Washington, D.C. 20330

The Judge Advocate General
United States Air Force
Washington, D.C. 20330

Assistant Chief of Staff, Intelligence
United States Air Force
Washington, D.C. 20330

Chief, National Guard Bureau
Washington, D.C. 20330

Chief, Air Force Reserve
Washington, D.C. 20330

Assistant Chief of Staff, Studies and Analysis
United States Air Force
Washington, D.C. 20330

Chief of Chaplains
United States Air Force
Washington, D.C. 20330

Director of Administration
United States Air Force
Washington, D.C. 20330

Comptroller of the Air Force
Washington, D.C. 20330

Assistant Chief of Staff, Communications and Computer Resources
United States Air Force
Washington, D.C. 20330

Chief, Office of Air Force History
United States Air Force
Washington, D.C. 20330

Chief, Security Police
United States Air Force
Washington, D.C. 20330

Deputy Chief of Staff, Personnel
United States Air Force
Washington, D.C. 20330

Deputy Chief of Staff, Programs and Evaluation
United States Air Force
Washington, D.C. 20330

Deputy Chief of Staff, Operations Plans and Readiness
United States Air Force
Washington, D.C. 20330

Deputy Chief of Staff, Research, Development & Acquisition
United States Air Force
Washington, D.C. 20330

Deputy Chief of Staff, Logistics and Engineering
United States Air Force
Washington, D.C. 20330

OFFICE OF THE SECRETARY OF THE AIR FORCE
and
HEADQUARTERS UNITED STATES AIR FORCE
(Located Outside the Washington, DC area)

Assistant DCS/Personnel - Military Personnel
Randolph Air Force Base, TX 78148

Auditor General
Norton Air Force Base, CA 92409

Deputy Inspector General for Inspection & Safety
Norton Air Force Base, CA 92409

Director of Accounting & Finance
Denver, CO 80279

MAJOR COMMANDS, SEPARATE OPERATING AGENCIES
and
DIRECT REPORTING UNITS

Aerospace Defense Center
Peterson Air Force Base, CO 80914

Air Force Accounting and Finance Center
Denver, CO 80279

Air Force Audit Agency
Norton Air Force Base, CA 92409

Air Force Combat Operations Staff
The Pentagon
Washington DC 20330

Air Force Communications Command
Scott Air Force Base, IL 62225

Air Force Commissary Service
Kelly Air Force Base, TX 78241

Air Force Engineering and Services Center
Kelly Air Force Base, TX 78241

Air Force Inspection and Safety Center
Norton Air Force Base, CA 92409

Air Force Intelligence Service
Bolling Air Force Base, DC 20332

Air Force Logistics Command
Wright-Patterson Air Force Base, OH 45433

Air Force Manpower and Personnel Center
Randolph Air Force Base, TX 78148

Air Force Medical Service Center
Brooks Air Force Base, TX 78235

Air Force Office of Special Investigations
Washington, DC 20314

Air Force Reserve
Robins Air Force Base, GA 31098

Air Force Service Information and News Center
Kelly Air Force Base, TX 78241

Air Force Systems Command
Andrews Air Force Base, DC 20334

Air Force Test and Evaluation Center
Kirtland Air Force Base, NM 87117

Air National Guard Support Center
Andrews Air Force Base, MD 20334

Air Reserve Personnel Center
Denver, CO 80280

Air Training Command
Randolph Air Force Base, TX 78148

Electronic Security Command
San Antonio, TX 78243

Alaskan Air Command
Elmendorf AFB AK 99506

Commander-in-Chief
United States Air Forces Europe
APO New York 09012

Commander-in-Chief
Pacific Air Forces
Hickam AFB HI 96853

Commander-in-Chief
Strategic Air Command
Offutt Air Force Base, NE 68113

Commander-in-Chief
Military Airlift Command
Scott Air Force Base, IL 62225

Tactical Air Command
Langley Air Force Base, VA 23665

United States Air Force Academy
USAF Academy, CO 80840

1947 Administrative Support Group
Washington, DC 20330

AIR FORCE OFFICE OF SPECIAL INVESTIGATIONS

(Districts and Detachments)

Air Force Office of Special Investigations
Washington DC 20314

AFOSI District 1
Pease Air Force Base, NH 03801

AFOSI Detachment 102
Hanscom Air Force Base, MA 01731

AFOSI Detachment 106
Loring Air Force Base, ME 04751

AFOSI Detachment 109
Griffiss Air Force Base, NY 13441

AFOSI Detachment 110
Hancock Field, NY 13225

AFOSI Detachment 111
Plattsburgh Air Force Base, NY 12903

AFOSI District 4
Andrews Air Force Base, DC 20331

AFOSI Detachment 403
Dover Air Force Base, DE 19901

AFOSI Detachment 411
Bolling Air Force Base, DC 20332

AFOSI Detachment 412
26 Federal Plaza, Room 1759
New York, NY 10007

AFOSI Detachment 413
McGuire Air Force Base, NJ 08641

AFOSI Detachment 414
Ft George G. Meade MD 20755

AFOSI District 5
Wright-Patterson Air Force Base, OH 45433

AFOSI Detachment 507
Selfridge Air National Guard Base, MI 48045

AFOSI Detachment 509
Wurtsmith Air Force Base, MI 48753

AFOSI Detachment 512
K I Sawyer Air Force Base, MI 49843

AFOSI Detachment 515
Grissom Air Force Base, IN 46971

AFOSI Detachment 516
Scott Air Force Base, IL 62225

AFOSI Detachment 518
Newark AFS, OH 32925

AFOSI District 7
Patrick Air Force Base, FL 32925

AFOSI Detachment 707
Homestead Air Force Base, FL 33039

AFOSI Detachment 709
MacDill Air Force Base, FL 33608

AFOSI Detachment 710
Eglin Air Force Base, FL 32542

AFOSI Detachment 711
Tyndall Air Force Base, FL 32403

AFOSI Detachment 712
Robins Air Force Base, GA 31098

AFOSI Detachment 716
Eglin Air Force Auxiliary Field 9, FL 32544

AFOSI Detachment 717
Moody Air Force Base, GA 31601

AFOSI District 8
Maxwell Air Force Base, AL 36112

AFOSI Detachment 810
England Air Force Base, LA 71301

AFOSI Detachment 811
Columbus Air Force Base, MS 39701

AFOSI Detachment 812
Keesler Air Force Base, MS 39534

AFOSI Detachment 813
Little Rock Air Force Base, AR 72076

AFOSI Detachment 814
Blytheville Air Force Base, AR 72315

AFOSI Detachment 815
Barksdale Air Force Base, LA 71110

AFOSI District 10
San Antonio Air Force Station,
Box 8678, Wainwright
San Antonio TX 78208

AFOSI Detachment 1001
Bergstrom Air Force Base, TX 78743

AFOSI Detachment 1008
Goodfellow Air Force Base, TX 76901

AFOSI Detachment 1012
Lackland Air Force Base, TX 78236

AFOSI Detachment 1014
Laughlin Air Force Base, TX 78840

AFOSI Detachment 1015
Randolph Air Force Base, TX 78148

AFOSI Detachment 1016
Kelly Air Force Base, TX 78241

AFOSI Detachment 1018
Brooks Air Force Base, TX 78235

AFOSI District 11
Tinker Air Force Base, OK 73145

AFOSI Detachment 1101
Altus Air Force Base, OK 73521

AFOSI Detachment 1108
Carswell Air Force Base, TX 76127

AFOSI Detachment 1110
Dyess Air Force Base, TX 79607

AFOSI Detachment 1114
Sheppard Air Force Base, TX 76311

AFOSI Detachment 1117
Reese Air Force Base, TX 79489

AFOSI District 13
Offutt Air Force Base, NE 68113

AFOSI Detachment 1302
Ellsworth Air Force Base, SD 57706

AFOSI Detachment 1306
Bldg 1218
McConnell Air Force Base, KS 67221

AFOSI Detachment 1312
Minot Air Force Base, ND 58705

AFOSI Detachment 1313
Grand Forks Air Force Base, ND 58205

AFOSI Detachment 1314
Whiteman Air Force Base, MO 65305

AFOSI Detachment 1315

Duluth IAP MN 55814

AFOSI District 14
Lowry Air Force Base, CO 80230

AFOSI Detachment 1401
Peterson Air Force Base, CO 80914

AFOSI Detachment 1402
F E Warren Air Force Base, WY 82001

AFOSI Detachment 1404
Hill Air Force Base, UT 84406

AFOSI Detachment 1405
USAF Academy, CO 80840

AFOSI District 17
Kirtland Air Force Base, NM 87117

AFOSI Detachment 1702
PO Box 609
Main Post Office
Clovis, NM 88101

AFOSI Detachment 1703
PO Box 15003
Tucson, AZ 85708

AFOSI Detachment 1704
PO Box 548
Holloman Air Force Base, NM 88330

AFOSI Detachment 1705
Luke Air Force Base, AZ 85309

AFOSI Detachment 1707
Williams Air Force Base, AZ 85224

AFOSI District 18
Norton Air Force Base, CA 92409

AFOSI Detachment 1801
Edwards Air Force Base, CA 93523

AFOSI Detachment 1802
George Air Force Base, CA 92392

AFOSI Detachment 1803
March Air Force Base, CA 92508

AFOSI Detachment 1810
Vandenberg Air Force Base, CA 93437

AFOSI Detachment 1811
PO Box 92960
Worldway Postal Center
Los Angeles, CA 90009

AFOSI Detachment 1812
Nellis Air Force Base, NV 89191

AFOSI District 19
Travis Air Force Base, CA 94535

AFOSI Detachment 1901
Beale Air Force Base, CA 95903

AFOSI Detachment 1902
Castle Air Force Base, CA 95342

AFOSI Detachment 1904
Mather Air Force Base, CA 95655

AFOSI Detachment 1905
McClellan Air Force Base, CA 95652

AFOSI Detachment 1910
Treasure Island, CA 94130

AFOSI District 20
McChord Air Force Base, WA 98438

AFOSI Detachment 2001
Fairchild Air Force Base, WA 99011

AFOSI Detachment 2006
Malmstrom Air Force Base, MT 59402

AFOSI Detachment 2007
Mt Home Air Force Base, ID 83648

AFOSI Detachment 2009
Kingsley Field, OR 97601

AFOSI District 21
Langley Air Force Base, VA 23665

AFOSI Detachment 2101
Pope Air Force Base, NC 28308

AFOSI Detachment 2102
Shaw Air Force Base, SC 29152

AFOSI Detachment 2103
Charleston Air Force Base, SC 29404

AFOSI Detachment 2104
Seymour Johnson Air Force Base, NC 27531

AFOSI Detachment 2105
Myrtle Beach Air Force Base, SC 29577

AFOSI District 30
APO Miami 09020

AFOSI District 41
APO San Francisco 96334

AFOSI District 42
APO San Francisco 96274

AFOSI Detachment 4201
APO San Francisco 96528

AFOSI District 43
APO San Francisco 96239

AFOSI District 44 Hickam AFB HI 96853

AFOSI District 45
APO San Francisco 96301

AFOSI Detachment 4502
APO San Francisco 96264

AFOSI Detachment 4506
APO San Francisco 96570

AFOSI District 46
APO San Francisco 96328

AFOSI Detachment 4606
APO San Francisco 96519

AFOSI District 62
APO New York 09120

AFOSI Detachment 6201
PO Box 42
FPO New York 09510

AFOSI Detachment 6202
APO New York 09179

AFOSI Detachment 6203
APO New York 09194

AFOSI Detachment 6204
APO New York 09238

AFOSI Detachment 6205
APO New York 09755

AFOSI Detachment 6206
APO New York 09193

AFOSI Detachment 6207
APO New York 09127

AFOSI District 65
APO New York 09794

AFOSI Detachment 6502
APO New York 09240

AFOSI Detachment 6505
APO New York 09794

AFOSI Detachment 6506
FPO New York 09520

AFOSI District 68
APO New York 09283

AFOSI Detachment 6801
APO New York 09286

AFOSI Detachment 6802
APO New York 09406

AFOSI District 70
APO New York 09332

AFOSI Detachment 7010
APO New York 09057

AFOSI Detachment 7011
APO New York 09132

AFOSI Detachment 7013
APO New York 09154

AFOSI Detachment 7014
APO New York 09109

AFOSI Detachment 7024
APO New York 09012

AFOSI Detachment 7028
APO New York 09611

AFOSI Detachment 7029
Box 245
APO New York 09080

AFOSI Detachment 7030
APO New York 09292

AFOSI Detachment 7031
APO New York 09860

AFOSI Detachment 7032
APO New York 09130

AFOSI Detachment 7033
APO New York 09123

AFOSI Detachment 7034
APO New York 09669

AFOSI District 71
APO New York 09223

AFOSI Detachment 7101
APO New York 09291

AFOSI District 72
PO Box 2200
APO New York 09205

AFOSI Detachment 7201
PO Box 2200
APO New York 09205

AFOSI District 81
APO Seattle 98742

AFOSI Detachment 8101
APO Seattle 98737

AIR FORCE RESERVE OFFICERS TRAINING CORPS UNITS

HQ, Air Force Reserve Officers Training Corps
Maxwell Air Force Base AL, 36112

AFROTC Detachment 5
Auburn University
Auburn, AL 36830

AFROTC Detachment 10
University of Alabama
University, AL 35486

AFROTC Detachment 12
Samford University
Birmingham, AL 35209

AFROTC Detachment 15
Tuskegee Institute
Tuskegee, AL 36088

AFROTC Detachment 17
Troy State University
Troy, AL 36081

AFROTC Detachment 19
Alabama State University
Montgomery, AL 36101

AFROTC Detachment 20
University of Arizona
Tucson, AZ 85721

AFROTC Detachment 25
Arizona State University
Tempe, AZ 85281

AFROTC Detachment 27
Northern Arizona University
Flagstaf, AZ 86001

AFROTC Detachment 30
University of Arkansas
Fayetteville, AR 72701

AFROTC Detachment 35
California State University Fresno
Fresno, CA 93710

AFROTC Detachment 40
Loyola University of Los Angeles
Los Angeles, CA 90045

AFROTC Detachment 45
California State University San Jose
San Jose, CA 95114

AFROTC Detachment 55
University of California at Los Angeles
Los Angeles, CA 90024

AFROTC Detachment 60
University of Southern Calif
Los Angeles, CA 90007

AFROTC Detachment 75
California State University San Diego
San Diego, CA 92115

AFROTC Detachment 80
California State University San Francisco
San Francisco, CA 94132

AFROTC Detachment 85
University of California
Berkeley, CA 94720

AFROTC Detachment 90
Colorado State University
Ft Collins, CO 80521

AFROTC Detachment 100
University of Northern Colorado
Greeley, CO 80631

AFROTC Detachment 105
University of Colorado
Boulder, CO 80302

AFROTC Detachment 115
University of Connecticut
Storrs, CT 06268

AFROTC Detachment 130
Howard University
Wash, DC 20001

AFROTC Detachment 145
Florida State University
Tallahassee, FL 32306

AFROTC Detachment 150
University of Florida
Gainesville, FL 32601

AFROTC Detachment 155
University of Miami
Coral Gables, FL 33124

AFROTC Detachment 157
Embry-Riddle Aeronautical University
Daytona Beach, FL 32015

AFROTC Detachment 159
Florida Technological University
Orlando, FL 32816

AFROTC Detachment 160
University of Georgia
Athens, GA 30601

AFROTC Detachment 165
Georgia Institute of Technology
Atlanta, GA 30332

AFROTC Detachment 172
Valdosta State College
Valdosta, GA 31601

AFROTC Detachment 175
University of Hawaii

Honolulu, HI 96822

AFROTC Detachment 190
University of Illinois
Champaign, IL 61820

AFROTC Detachment 195
Illinois Institute of Technology
Chicago, IL 60616

AFROTC Detachment 205
Southern Illinois University
Carbondale, IL 62901

AFROTC Detachment 206
Southern Illinois University at Edwardsville
Edwardsville, IL 62025

AFROTC Detachment 207
Parks College of St Louis
Cahokia, IL 62206

AFROTC Detachment 215
Indiana University
Bloomington, IN 47401

AFROTC Detachment 220
Purdue University
Lafayette, IN 47906

AFROTC Detachment 225
University of Notre Dame
Notre, Dame IN 46556

AFROTC Detachment 240
University of Evansville
Evansville, IN 47704

AFROTC Detachment 250
Iowa State University
Ames, IA 50010

AFROTC Detachment 255
State University of Iowa
Iowa City, IA 52240

AFROTC Detachment 270
Kansas State University
Manhattan, KS 66504

AFROTC Detachment 280
University of Kansas
Lawrence, KS 66044

AFROTC Detachment 285
Washburn University of Topeka
Topeka, KS 66621

AFROTC Detachment 290
University of Kentucky
Lexington, KY 40506

AFROTC Detachment 295
University of Louisville
Louisville, KY 40208

AFROTC Detachment 305
Louisiana Polytechnic Institute
Ruston, LA 71270

AFROTC Detachment 310
Louisiana State University & A&M College
Baton Rouge, LA 70803

AFROTC Detachment 311
Grambling College
Grambling, LA 71245

AFROTC Detachment 315
University of Southwestern Louisiana
Lafayette, LA 70501

AFROTC Detachment 320
Tulane University
New Orleans, LA 70118

AFROTC Detachment 330
University of Maryland
College Park, MD 20742

AFROTC Detachment 330A
University of Maryland, Eastern Shore
Prince Anne, MD 21853

AFROTC Detachment 340
College of the Holy Cross
Worcester, MA 01610

AFROTC Detachment 345
Lowell Technological Institute
Lowell, MA 01854

AFROTC Detachment 365
Massachusetts Institute of Technology
Cambridge, MA 02139

AFROTC Detachment 370
University of Massachusetts
Amherst, MA 01002

AFROTC Detachment 380
Michigan State University
East Lansing, MI 48823

AFROTC Detachment 390
University of Michigan
Ann Arbor, MI 48104

AFROTC Detachment 400
Michigan Technological University
Houghton, MI 49931

AFROTC Detachment 410
College of St Thomas
St Paul, MN 55101

AFROTC Detachment 415
University of Minnesota
Minneapolis, MN 55455

AFROTC Detachment 420
University of Minnesota

Duluth, MN 55812

AFROTC Detachment 425
Mississippi State University
State College, MS 39762

AFROTC Detachment 430
University of Mississippi
University MS 38677

AFROTC Detachment 432
University of Southern Mississippi
Hattisburg, MS 39401

AFROTC Detachment 434
Mississippi Valley State College
Itta Bena, MS 38941

AFROTC Detachment 437
Southeast Missouri State College
Cape Girardeau, MO 63701

AFROTC Detachment 440
University of Missouri
Columbia, MO 65201

AFROTC Detachment 450
Montana State University
Bozeman, MT 59715

AFROTC Detachment 465
University of Nebraska
Lincoln, NE 68508

AFROTC Detachment 470
University of Nebraska at Omaha
Omaha, NE 68101

AFROTC Detachment 475
University of New Hampshire
Durham, NH 03824

AFROTC Detachment 485
Rutgers The State University
New Brunswick, NJ 08903

AFROTC Detachment 490
Newark College of Engineering
Newark, NJ 07102

AFROTC Detachment 495
Stevens Institute of Technology
Hoboken, NJ 07030

AFROTC Detachment 505
New Mexico State University
Las Cruces, NM 88001

AFROTC Detachment 510
University of New Mexico
Albuquerque, NM 87106

AFROTC Detachment 520
Cornell University
Ithaca, NY 14850

AFROTC Detachment 535
Syracuse University
Syracuse, NY 13210

AFROTC Detachment 550
Rensselaer Polytechnic Institute
Troy, NY 12181

AFROTC Detachment 560
Manhattan College
Bronx, NY 10471

AFROTC Detachment 585
Duke University
Durham, NC 27706

AFROTC Detachment 590
University of North Carolina
Chapel Hill, NC 27514

AFROTC Detachment 595
North Carolina State University
Raleigh, NC 27606

AFROTC Detachment 600
East Carolina University, PO Box 2766
Greenville, NC 27834

AFROTC Detachment 605
North Carolina A & T State University
Greensboro, NC 27411

AFROTC Detachment 607
Fayetteville State University
Fayetteville, NC 28301

AFROTC Detachment 610
North Dakota State University of A & AS
Fargo, ND 58103

AFROTC Detachment 615
University of North Dakota
Grand Forks, ND 58201

AFROTC Detachment 620
Bowling Green State University
Bowling, Green OH 43402

AFROTC Detachment 630
Kent State University
Kent, OH 44240

AFROTC Detachment 640
Miami University
Oxford, OH 45056

AFROTC Detachment 645
Ohio State University
Columbus, OH 43210

AFROTC Detachment 646
Capital University
Columbus, OH 43209

AFROTC Detachment 650
Ohio University

Athens, OH 45701

AFROTC Detachment 660
University of Akron
Akron, OH 44304

AFROTC Detachment 665
University of Cincinnati
Cincinnati, OH 45221

AFROTC Detachment 670
Oklahoma State University
Stillwater, OK 74074

AFROTC Detachment 675
University of Oklahoma
Norman, OK 73069

AFROTC Detachment 685
Oregon State University
Corvallis, OR 97331

AFROTC Detachment 690
University of Oregon
Eugene, OR 97403

AFROTC Detachment 695
University of Portland
Portland, OR 97203

AFROTC Detachment 715
Lehigh University
Bethlehem, PA 18015

AFROTC Detachment 720
Pennsylvania State University
University Park, PA 16802

AFROTC Detachment 730
University of Pittsburgh
Pittsburgh, PA 15213

AFROTC Detachment 745
Grove City College
Grove City, PA 16127

AFROTC Detachment 752
Wilkes College
Wilkes Barre, PA 18703

AFROTC Detachment 755
University of Puerto Rico
Rio Piedras, PR 00931

AFROTC Detachment 756
University of Puerto Rico
Mayaguez, PR 00708

AFROTC Detachment 765
The Citadel
Charleston, SC 29409

AFROTC Detachment 770
Clemson University
Clemson, SC 29631

AFROTC Detachment 772
Baptist College at Charleston
Charleston, SC 29411

AFROTC Detachment 775
University of South Carolina
Columbia, SC 29208

AFROTC Detachment 780
South Dakota State University
Brookings, SD 57006

AFROTC Detachment 785
Memphis State University
Memphis, TN 38111

AFROTC Detachment 790
Tennessee Agricultural &
Industrial State University
Nashville, TN 37203

AFROTC Detachment 800
University of Tennessee
Knoxville, TN 37916

AFROTC Detachment 805
Texas A&M University
College Stn, TX 77840

AFROTC Detachment 810
Baylor University
Waco, TX 76703

AFROTC Detachment 820
Texas Technological College
Lubbock, TX 79409

AFROTC Detachment 825
University of Texas
Austin, TX 78712

AFROTC Detachment 830
East Texas State College
Commerce, TX 75429

AFROTC Detachment 835
North Texas State College
Denton, TX 76203

AFROTC Detachment 837
Pan American University
Edinburg, TX 78539

AFROTC Detachment 840
Southwest Texas State College
San Marcos, TX 78666

AFROTC Detachment 842
Lamar State University of Technology
Beaumont, TX 77710

AFROTC Detachment 845
Texas Christian University
Ft Worth, TX 76129

AFROTC Detachment 847

Angelo State University
San Angelo, TX 76901

AFROTC Detachment 850
University of Utah
Salt Lake, City UT 84112

AFROTC Detachment 855
Brigham Young University
Provo, UT 84601

AFROTC Detachment 860
Utah State University
Logan, UT 84321

AFROTC Detachment 862
Southern Utah State College
Cedar City, UT 84720

AFROTC Detachment 865
St Michael's College
Winooski, VT 05404

AFROTC Detachment 867
Norwich University
Northfield, VT 05663

AFROTC Detachment 875
Virginia Polytechnic Institute
Blacksburg, VA 24061

AFROTC Detachment 880
Virginia Military Institute
Lexington, VA 24450

AFROTC Detachment 890
University of Virginia
Charlottesville, VA 22903

AFROTC Detachment 895
Central Washington State College
Ellensburg, WA 98926

AFROTC Detachment 900
University of Puget Sound
Tacoma, WA 98416

AFROTC Detachment 905
Washington State University
Pullman, WA 99163

AFROTC Detachment 910
University of Washington
Seattle, WA 98105

AFROTC Detachment 915
West Virginia University
Morgantown, WV 26506

AFROTC Detachment 925
University of Wisconsin
Madison, WI 53706

AFROTC Detachment 930
Wisconsin State College
Superior, WI 54880

AFROTC Detachment 940
University of Wyoming
Laramie, WY 82070

AIR NATIONAL GUARD STATE HEADQUARTERS

Headquarters, Alabama Air National Guard
PO Box 1311
Montgomery, AL 36102

Headquarters, Alaska Air National Guard
610 MacKay Bldg, 338 Denali Street
Anchorage, AK 99501

Headquarters, Arizona Air National Guard
5636 E McDowell Rd
Phoenix, AZ 85008

Headquarters, Arkansas Air National Guard
Little Rock Air Force Base, AR 72076

Headquarters, California Air National Guard
PO Box 214405
Sacramento, CA 95821

Headquarters, Colorado Air National Guard
Buckley Air National Guard Base
Aurora, CO 80010

Headquarters, Connecticut Air National Guard
Bradley Field
Windsor Locks, CT 06096

Headquarters, Delaware Air National Guard
Greater Wilmington Airport
New Castle, DE 19720

Headquarters, District of Columbia Air National Guard
2001 E Capitol Street
National Guard Armory
Washington, DC 20003

Headquarters, Florida Air National Guard
State Arsenal
St Augustine, FL 32084

Headquarters, Georgia Air National Guard
PO Box 4839
Atlanta, GA 30302

Headquarters, Hawaii Air National Guard
Ft Ruger
Honolulu, HI 96816

State of Idaho
Military Division
Headquarters, Idaho Air National Guard
PO Box 45
Boise, ID 83707

Headquarters, Illinois Air National Guard
PO Box 66486
Chicago-O'Hare International Airport, IL 60666

Headquarters, Indiana Air National Guard
Stout Field
Indianapolis, IN 46241

Headquarters, Iowa Air National Guard
PO Box 616
Des Moines, IA 50303

Headquarters, Kansas Air National Guard
535 Kansas Avenue
Topeka, KS 66603

Headquarters, Kentucky Air National Guard
Boone Center
Frankfort, KY 40601

Headquarters, Louisiana Air National Guard
Jackson Barracks
New Orleans, LA 70146

Headquarters, Maine Air National Guard
Camp Keyes
Augusta, ME 04330

Headquarters, Maryland Air National Guard
Fifth Regiment Armory
Baltimore, MD 21201

Headquarters, Massachusetts Air National Guard
Otis Air Force Base, MA 02542

Headquarters, Michigan Air National Guard
PO Box 210
Lansing, MI 48901

Headquarters, Minnesota Air National Guard
State Capitol
St Paul, MN 55101

Headquarters, Mississippi Air National Guard
PO Box 5027, Fondren Station
Jackson, MS 39216

Headquarters, Missouri Air National Guard
1717 Industrial Ave
Jefferson City, MO 65101

Headquarters, Montana Air National Guard
State Arsenal
Helena, MT 59601

Headquarters, Nebraska Air National Guard
Air National Guard Base
Lincoln, NE 68524

Headquarters, Nevada Air National Guard
PO Box 1120
Carson City, NV 89701

Headquarters, New Hampshire Air National Guard
State Military Reservation
Airport Road
Concord, NH 03301

Headquarters, New Jersey Air National Guard
108 Tactical Fighter Wing
McGuire Air Force Base, NJ 08641

Headquarters, New Mexico Air National Guard
PO Box 551
Albuquerque, NM 87103

Headquarters, New York Air National Guard
Westchester Co Municipal Airport
White Plains, NY 10604

Headquarters, North Carolina Air National Guard
Douglas Municipal Airport
Charlotte, NC 28219

Headquarters, North Dakota Air National Guard
Box 1817
Bismarck, ND 58501

Headquarters, Ohio Air National Guard
PO Box 660
Worthington, OH 43085

Headquarters, Oklahoma Air National Guard
3501 Military Circle, NE
Oklahoma City, OK 73111

Headquarters, Oregon Air National Guard
Portland International Airport, OR 97218

Headquarters, Pennsylvania Air National Guard
c/o Dept of Military Affairs
Annville, PA 17003

Headquarters, Puerto Rico Air National Guard
PO Box 3786
San Juan, PR 00904

Headquarters, Rhode Island Air National Guard
Theodore F Green Municipal Airport
Warwick, RI 02886

Headquarters, South Carolina Air National Guard
McEntire Air National Guard Base
Eastover, SC 29044

Headquarters, South Dakota Air National Guard
Joe Foss Field
Sioux Falls, SD 57104

The Adjutant General, Tennessee
Attn: Air Section
National Guard Armory
Sidco Drive
Nashville, TN 37204

Headquarters, Texas Air National Guard
PO Box 5218
Austin, TX 78703

Headquarters, Utah Air National Guard
PO Box 16087
Salt Lake City, UT 84116

Headquarters, Vermont Air National Guard
Camp Johnson
Winooski, VT 05404

Headquarters, Virginia Air National Guard
Byrd Field
Sandston, VA 23150

Headquarters, Washington Air National Guard
Camp Murray
Tacoma, WA 98430

Headquarters, West Virginia Air National Guard
Kanawha Airport
Charleston, WV 25311

Headquarters, Wisconsin Air National Guard
PO Box 328
Madison, WI 53701

Headquarters, Wyoming Air National Guard
PO Box 2268
Cheyenne, WY 82001

AIR NATIONAL GUARD BASES, STATIONS, AIRPORTS, AND INSTALLATIONS

ALABAMA
Birmingham Municipal Airport, AL 35217
Martin Air National Guard Station, AL 35954
Dannelly Field, AL 36105
Hall Air National Guard Station, AL 36301

ALASKA
Kulis Air National Guard Base, AK 99502

ARIZONA
Sky Harbor Municipal Airport, AZ 85034
Tucson International Airport, AZ 85706

ARKANSAS
Ft Smith Municipal Airport, AR 72901
Little Rock Air National Guard Annex, AR 72076

CALIFORNIA
Costa Mesa Air National Guard Station, CA 92627
Fresno Air National Guard Base, CA 93727
Hayward Municipal Airport, CA 94543
Ontario International Airport, CA 91761
Van Nuys Airport, CA 91409

COLORADO
Buckley Air National Guard Base, CO 80010

CONNECTICUT
Bradley Air National Guard Base, CT 06096
Orange Air National Guard Communications Station, CT 06477

DELAWARE
Greater Wilmington Airport, DE 19720

FLORIDA
Jacksonville International Airport, FL 32229

GEORGIA
Dobbins Air National Guard Annex, GA 30060
Lewis B Wilson Airport, GA 31206
Savannah Municipal Airport, GA 31402

HAWAII
Hickam Air National Guard Annex, HI 96853

IDAHO
Boise Air Terminal, ID 83701

ILLINOIS
Capital Municipal Airport, IL 62705
Greater Peoria Airport, IL 61607

INDIANA
Ft Wayne Municipal Airport, IN 46809
Hulman Field, IN 47803
Stout Field (Air National Guard), IN 46241

IOWA
Des Moines Municipal Airport, IA 50321
Ft Dodge, IA 50501
Sioux City Municipal Airport, IA 51054

KANSAS
Forbes Air National Guard Annex, KS 66620
McConnell Air National Guard Annex, KS 67221

KENTUCKY
Standiford Field, KY 40213

LOUISIANA
Hammond Air National Guard Communications Station, LA 70401
New Orleans Air National Guard Annex, LA 70146

MAINE
Bangor International Airport, ME 04401
South Portland Air National Guard Station, ME 04106

MARYLAND
Andrews Air National Guard Annex, DC 20331
Glenn L. Martin State Airport, MD 21220

MASSACHUSETTS
Barnes Municipal Airport, MA 01085
Otis Air National Guard Annex, MA 02542
Wellesley Air National Guard Station, MA 02181
Worcester Air National Guard Station, MA 01605

MICHIGAN
Phelps/Collins Airport, MI 49707
Selfridge Air National Guard Base, MI 48045
W K Kellogg Regional Airport, MI 49016

MINNESOTA
Duluth Air National Guard Base, MN 55814

MISSISSIPPI
Allen C. Thompson Field, MS 39205
Gulfport Municipal Airport, MS 39501
Key Field, MS 39301

MISSOURI
Jefferson Barracks Air National Guard Station, St Louis, MO 63125
Lambert/St Louis Municipal Airport, MO 63145
Rosecrans Memorial Airport, MO 64503

MONTANA
Great Falls International Airport, MT 59401

NEBRASKA
Lincoln Air National Guard Annex, NE 68524

NEVADA
Reno Municipal Airport, NV 98502

NEW HAMPSHIRE
Pease Air National Guard Annex, NH 03801

NEW JERSEY
Atlantic City Airport (Air National Guard), NJ 08405
McGuire Air National Guard Annex, NJ 08641

NEW MEXICO
Kirtland Air National Guard Annex, NM 87103

NEW YORK
Roslyn Air National Guard Station, NY 11576
Schenectady Airport, NY 12301
Suffolk County Airport, NY 11978
Westchester County Municipal Airport, NY 10604

NORTH CAROLINA
Badin Air National Guard Station, NC 28009
Douglas Municipal Airport, NC 28208
Wadesboro Air National Guard Station, NC 28170

NORTH DAKOTA
Hector Field, ND 58102

OHIO
Blue Ash Air National Guard Station OH, 45242
Camp Perry Air National Guard Station,
Port Clinton, OH 43452
Mansfield Lahm Airport, OH 44901
Springfield Municipal Airport, OH 45501
Toledo Express Airport, OH 43558

OKLAHOMA
Tulsa International Airport, OK 74115
Will Rogers World Airport, OK 73159

OREGON
Portland International Airport, OR 97218

PENNSYLVANIA
Greater Pittsburgh Air National Guard Base, PA 15231
Harrisburg International Airport (Air National Guard),
Middletown, PA 17057
Willow Grove Air National Guard Annex, PA 19090

PUERTO RICO
Puerto Rico International Airport (Air National Guard),
San Juan, PR 00904

RHODE ISLAND
Cranston Air National Guard Station, RI 02910
Theodore F Green Municipal Airport, RI 02886

SOUTH CAROLINA
McEntire Air National Guard Base, SC 29044

SOUTH DAKOTA
Joe Foss Field, SD 57104

TENNESSEE
Alcoa Air National Guard Station, TN 37701
Lovell Field, TN 37421
McGhee Tyson Airport, TN 37901
Memphis Metropolitan Airport, TN 38118
Nashville Metropolitan Airport, TN 37217

TEXAS
Ellington Air Force Base, TX 77030
Garland Air National Guard Station, TX 75040
Hensley Field Airport, Dallas, TX 75211
Kelly Air National Guard Annex, TX 78241
La Porte Air National Guard Station, TX 77571
Nederland Air National Guard Station, TX 77627

UTAH
Salt Lake City International Airport, UT 84116

VERMONT
Burlington International Airport, VT 05401

VIRGINIA
Byrd Field, VA 23150

WASHINGTON
Bellingham Municipal Airport, WA 98225
Camp Murray Army Installation, WA 98430
Four Lakes Communication Station, WA 99004
Seattle Air National Guard Base, WA 98108
Spokane Air National Guard Annex, WA 98219

WEST VIRGINIA
Eastern West Virginia Regional Airport, WV 25401
Kanawha County Airport, WV 25311

WISCONSIN
General Mitchell Air National Guard Base, WI 53207
Truax Field, WI 53701
Volk Field Air National Guard Base, WI 54618

WYOMING
Cheyenne Municipal Airport, WY 82001

AIR UNIVERSITY ACTIVITIES AND SCHOOLS

Air Force Advisory Group
Medical Field Service School
Fort Sam Houston, TX 78234

Air Force Liaison Officer
US Military Academy
West Point, NY 10996

Air Force Representative
US Marine Corps Educational Center
US Marine Corps Schools
Quantico, VA 22134

Air Force Representative
US Naval Academy
Annapolis, MD 21402

Air University Review
Maxwell Air Force Base, AL 36112

Detachment 12 3825 Support Group (Academy)
Armed Forces Staff College
Norfolk, VA 23511

Senior Air Force Representative
US Army Air Defense School
Box 9188

Fort Bliss, TX 79906

Senior Air Force Representative
Command & Staff Department
US Army Armor School
Fort Knox, KY 40121

Senior Air Force Representative
US Army Artillery & Missile School
Fort Sill, OK 73504

Senior Air Force Representative
US Army CBR Weapons
Orientation Course
Dugway, UT 84022

Senior Air Force Representative
US Army Chemical Corps School
Fort McClellan, AL 36205

Senior Air Force Representative
US Army Command & General Staff College
Fort Leavenworth, KS 66027

Senior Air Force Representative
US Army Engineer School
Fort Belvoir, VA 22060

Senior Air Force Representative
US Army Infantry School
Fort Benning, GA 31905

Senior Air Force Representative
Joint Services Liaison Office
US Army Intelligence Center & School
Fort Huachuca, AZ 85613

Senior Air Force Representative
US Army JFK Center for Special Warfare (Airborne)
Ft Bragg, NC 28307

Senior Air Force Representative
US Army Logistics Management Center
Ft Lee, VA 23801

Senior Air Force Representative
US Army Quartermaster School
Fort Lee, VA 23801

Senior Air Force Representative
Officers Section
US Army Signal School
Fort Monmouth, NJ 07703

Senior Air Force Representative
US Army Transportation School
Fort Eustis, VA 23606

Senior Air Force Representative
US Army War College
Carlisle Barracks, PA 17013

Senior Air Force Representative
Industrial College of the Armed Forces
Fort McNair
Washington, DC 20315

Senior Air Force Representative
The National War College
Washington, DC 20315

Senior Air Force Advisor
US Naval War College
Newport, RI 02844

Senior Air Force Representative
Naval Amphibious School
US Naval Amphibious Base
Coronado San Diego, CA 92155

Senior Air Force Representative Code 6408
Navy Management Systems Center
Naval Post Graduate School
Monterey, CA 93940

Academic Instructor & Foreign Officer School
Maxwell Air Force Base, AL 36112

Air Force Chaplain School
Maxwell Air Force Base, AL 36112

Air Force Judge Advocate General School
Maxwell AFB AL 36112

Air Command & Staff College
Maxwell Air Force Base, AL 36112

Air Force Institute of Technology
Wright-Patterson Air Force Base, OH 45433

Air University Library
Maxwell Air Force Base, AL 36112

Air War College
Maxwell Air Force Base, AL 36112

Civil Engineering School
Wright-Patterson Air Force Base, OH 45433

Extension Course Institute
Gunter Air Force Station, AL 36118

School of Systems & Logistics
Wright-Patterson Air Force Base, OH 45433

Squadron Officers School
Maxwell Air Force Base, AL 36112

USAF Senior Non-Commissioned Officer Academy
Gunter Air Force Station, AL 36114

AREAS

European Communications Area
APO New York 09012

Northern Communications Area
Griffiss Air Force Base, New York 13441

Pacific Communications Area Hickam AFB HI 96853

Royal Air Force Welford Ammo Storage Area
APO New York 09607

Southern Communications Area
Oklahoma City Air Force Station, OK 73145

Strategic Communications Area
Offutt AFB NE 68113

Tactical Communications Area
Langley Air Force Base, VA 23665

CENTERS

Aerospace Defense Center
Cheyenne Mountain Complex, CO 80914

Aerospace Guidance & Meteorology Center
Newark Air Force Station, OH 43055

Air Force Systems Command
Scientific & Technical Liaison Office
Ames Research Center (NASA)
Moffett Field, CA 94035

Air Force Systems Command
Scientific & Technical Liaison Office
Langley Research Center (NASA)
Langley Air Force Base, VA 23665

Air Force Systems Command
Scientific & Technical Liaison Office
Lewis Research Center (NASA)
21000 Brookpark Road
Cleveland, OH 44135

Air Force Systems Command
Scientific & Technical Liaison Office
Naval Weapons Center
China Lake, CA 93555

Air Force Systems Command
Scientific & Technical Liaison Office
Royal Trust Tower - Suite 2607
Post Office Box 348
Toronto, Ontario, Canada
M5K 1K7

Air Defense Weapons Center
Tyndall Air Force Base, FL 32403

Air Force Civil Engineering Center
Tyndall Air Force Base, FL 32401

Air Force Communications Security Center
San Antonio, TX 78243

Air Force Contract Maintenance Center
Wright-Patterson Air Force Base, OH 45433

Air Force Data Services Center
Washington, DC 20330

Air Force Data Systems Design Center
Gunter Air Force Station, AL 36114

Air Force Electronic Warfare Center
San Antonio TX 78243

Air Force Flight Test Center
Edwards Air Force Base, CA 93523

Air Force Logistics Management Center
Maxwell AFB, AL 36112

Air Force Military Training Center
Lackland Air Force Base, TX 78236

Air Force Technical Applications Center
Patrick Air Force Base, FL 32925

Albert F Simpson Historical Research Center
Maxwell Air Force Base, AL 36112

Armament Development & Test Center
Eglin Air Force Base, FL 32542

Arnold Engineering Development Center
Arnold Air Force Station, TN 37389

Automated Weather Network Management Center
Carswell AFB, TX 76127

Chanute Technical Training Center
Chanute Air Force Base, IL 61868

Communications Computer Programming Center
Tinker Air Force Base, OK 73145

Federal Computer Performance Evaluation &
Simulation Center
Washington, DC 20330

Keesler Technical Training Center
Keesler Air Force Base, MS 39534

Leadership & Management Development Center
Maxwell Air Force Base, AL 36112

Lowry Technical Training Center
Lowry Air Force Base, CO 80230

Military Aircraft Storage & Disposition Center
Davis-Monthan Air Force Base, AZ 85707

National Personnel Records Center/Civilian Personnel
Records-Air Force
111 Winnebago St
St Louis, MO 63118

National Personnel Records Center/Military Personnel
Records-Air Force
9700 Page Blvd
St Louis, MO 63132

Ogden Air Logistics Center
Hill Air Force Base, UT 84406

Oklahoma City Air Logistics Center

Tinker Air Force Base, OK 73145

Rome Air Development Center
Griffiss Air Force Base, NY 13441

Sacramento Air Logistics Center
McClellan Air Force Base, CA 95652

San Antonio Air Logistics Center
Kelly Air Force Base, TX 78241

San Antonio Procurement Center
Kelly Air Force Base, TX 78241

Sheppard Technical Training Center
Sheppard Air Force Base, TX 76311

Space and Missile Test Center
Vandenberg Air Force Base, CA 93437

USAF Airlift Center
Pope AFB, NC 28308

USAF Environmental Technical Applications Center
Scott Air Force Base, IL 62225

USAF Home Town News Center
Tinker Air Force Base, OK 73145

USAF Instrument Flight Center
Randolph Air Force Base, TX 78148

USAF Occupational Measurement Center
Lackland Training Annex, TX 78236

USAF Skill Center
Kirtland Air Force Base, NM 87115

USAF Tactical Air Warfare Center
Eglin Air Force Base, FL 32542

USAF Tactical Fighter Weapons Center
Nellis Air Force Base, NV 89191

USAFE Procurement Center
APO New York 09332

Warner Robins Air Logistics Center
Robins Air Force Base, GA 31098

LABORATORIES

Air Force Aero-Propulsion Laboratory
Wright-Patterson Air Force Base, OH 45433

Air Force Armament Laboratory
Eglin Air Force Base, FL 32542

Air Force Avionics Laboratory
Wright-Patterson Air Force Base, OH 45433

Air Force Flight Dynamics Laboratory
Wright-Patterson Air Force Base, OH 45433

Air Force Geophysics Laboratories
Hanscom Air Force Base, MA 01731

Air Force Human Resources Laboratory
Brooks Air Force Base, TX 78235

Air Force Materials Laboratory
Wright-Patterson Air Force Base, OH 45433

Air Force Rocket Propulsion Laboratory
Edwards Air Force Base, CA 93523

Air Force Weapons Laboratory
Kirtland Air Force Base, NM 87117

Air Force Wright Aeronautical Laboratories
Wright-Patterson Air Force Base, OH 45433

Alaskan Precision Measurement
Equipment Laboratory
APO Seattle 98742

Operations Training Support Laboratory
Carswell Air Force Base, TX 76127

The Frank J Seiler Research Laboratory
USAF Academy, CO 80840

USAF Occupational and Environmental Health Laboratory
Brooks AFB TX 78235

MEDICAL FACILITIES
MEDICAL CENTERS

David Grant USAF Medical Center
Travis Air Force Base, CA 94535

Malcolm Grow USAF Medical Center
Andrews Air Force Base, DC 20331

Wilford Hall USAF Medical Center
Lackland Air Force Base, TX 78236

USAF Medical Center Keesler
Keesler Air Force Base, MS 39534

USAF Medical Center Scott
Scott Air Force Base, IL 62225

USAF Medical Center Wright-Patterson
Wright-Patterson Air Force Base, OH 45433

USAF Regional Medical Center Clark
APO San Francisco 96274

REGIONAL HOSPITALS

Ehrling Bergquist USAF Regional Hospital
Offutt Air Force Base, NE 68113

USAF Regional Hospital Carswell
Carswell Air Force Base, TX 76127

USAF Regional Hospital Eglin
Eglin Air Force Base, FL 32542

USAF Regional Hospital MacDill
MacDill Air Force Base, FL 33608

USAF Regional Hospital March
March Air Force Base, CA 92508

USAF Regional Hospital Maxwell
Maxwell Air Force Base, AL 36112

USAF Regional Hospital Minot
Minot Air Force Base, ND 58705

USAF Regional Hospital Shaw
Shaw Air Force Base, SC 29152

USAF Regional Hospital Sheppard
Sheppard Air Force Base, TX 76311

USAF HOSPITALS

USAF Academy Hospital
USAF Academy, CO 80840

USAF Hospital Altus
Altus Air Force Base, OK 73521

USAF Hospital Athens
APO New York 09223

USAF Hospital Barksdale
Barksdale Air Force Base, LA 71110

USAF Hospital Beale
Beale Air Force Base, CA 95903

USAF Hospital Bergstrom
Bergstrom Air Force Base, TX 78743

USAF Hospital Bitburg
APO New York 09132

USAF Hospital Blytheville
Blytheville Air Force Base, AR 72315

USAF Hospital Cannon
Cannon Air Force Base, NM 88101

USAF Hospital Castle
Castle Air Force Base, CA 95342

USAF Hospital Chanute
Chanute Air Force Base, IL 61868

USAF Hospital Columbus
Columbus Air Force Base, MS 39701

USAF Hospital Davis-Monthan
Davis-Monthan Air Force Base, AZ 85707

USAF Hospital Dover
Dover Air Force Base, DE 19901

USAF Hospital Dyess
Dyess Air Force Base, TX 79607

USAF Hospital Edwards
Edwards Air Force Base, CA 93523

USAF Hospital Ellsworth
Ellsworth Air Force Base, SD 57706

USAF Hospital Elmendorf Elmendorf AFB AK 99506

USAF Hospital England
England Air Force Base, LA 71301

USAF Hospital Fairchild
Fairchild Air Force Base, WA 99011

USAF Hospital F E Warren
F E Warren Air Force Base, WY 82001

USAF Hospital George
George Air Force Base, CA 92392

USAF Hospital Grand Forks
Grand Forks Air Force Base, ND 58201

USAF Hospital Griffiss
Griffiss Air Force Base, NY 13441

USAF Hospital Hahn
APO New York 09109

USAF Hospital Hill
Hill Air Force Base, UT 84406

USAF Hospital Holloman
Holloman Air Force Base, NM 88330

USAF Hospital Homestead
Homestead Air Force Base, FL 33039

USAF Hospital Iraklion
APO New York 09291

USAF Hospital Kincheloe
Kincheloe Air Force Base, MI 49788

USAF Hospital Kirtland
Kirtland Air Force Base, NM 87115

USAF Hospital K I Sawyer
K I Sawyer Air Force Base, MI 49843

USAF Hospital Kunsan
APO San Francisco 96264

USAF Hospital Lajes
APO New York 09406

USAF Hospital Lakenheath
APO New York 09179

USAF Hospital Langley
Langley Air Force Base, VA 23665

USAF Hospital Laughlin
Laughlin Air Force Base, TX 78840

USAF Hospital Little Rock
Little Rock Air Force Base, AR 72076

USAF Hospital Loring
Loring Air Force Base, ME 04751

USAF Hospital Luke
Luke Air Force Base, AZ 85309

USAF Hospital Malmstrom
Malmstrom Air Force Base, MT 59402

USAF Hospital Mather
Mather Air Force Base, CA 95655

USAF Hospital McConnell
McConnell Air Force Base, KS 67221

USAF Hospital Misawa
APO San Francisco 96519

USAF Hospital Moody
Moody Air Force Base, GA 31601

USAF Hospital Mt Home
Mt Home Air Force Base, ID 83648

USAF Hospital Myrtle Beach
Myrtle Beach Air Force Base, SC 29577

USAF Hospital Nellis
Nellis Air Force Base, NV 89110

USAF Hospital Osan
APO San Francisco 96570

USAF Hospital Patrick
Patrick Air Force Base, FL 32925

USAF Hospital Pease
Pease Air Force Base, NH 03801

USAF Hospital Plattsburgh
Plattsburgh Air Force Base, NY 12903

USAF Hospital Reese
Reese Air Force Base, TX 79489

USAF Hospital Robins
Robins Air Force Base, GA 31098

USAF Hospital Seymour Johnson
Seymour Johnson Air Force Base, NC 27531

USAF Hospital Tinker
Tinker Air Force Base, OK 73145

USAF Hospital Torrejon
APO New York 09283

USAF Hospital Tyndall
Tyndall Air Force Base, FL 32403

USAF Hospital Upper Heyford
APO New York 09194

USAF Hospital Vandenberg
Vandenberg Air Force Base, CA 93437

USAF Hospital Webb
Webb Air Force Base, TX 79720

USAF Hospital Whiteman
Whiteman Air Force Base, MO 65301

USAF Hospital Wiesbaden
APO New York 09220

USAF Hospital Williams
Williams Air Force Base, AZ 85224

USAF Hospital Wurtsmith
Wurtsmith Air Force Base, MI 48753

USAF Hospital Yokota
APO San Francisco 96328

USAF CLINICS

USAF Clinic Alconbury
APO New York 09238

USAF Clinic Andersen
APO San Francisco 96334

USAF Clinic Aviano
APO New York 09293

USAF Clinic Bentwaters
APO New York 09755

USAF Clinic Brooks
Brooks Air Force Base, TX 78235

USAF Clinic Camp New Amsterdam
APO New York 09292

USAF Clinic Charleston
Charleston Air Force Base, SC 29404

USAF Clinic Chicksands
APO New York 09193

USAF Clinic Craig
Craig Air Force Base, AL 36701

USAF Clinic Duluth
Duluth International Airport MN 55814

USAF Clinic Eielson
APO Seattle 98737

USAF Clinic Goodfellow
Goodfellow Air Force Base, TX 76901

USAF Clinic Grissom
Grissom Air Force Base, IN 46971

USAF Clinic Hancock
Hancock Field NY 13225

USAF Clinic Hanscom
Hanscom AFB, MA 01731

USAF Clinic Hickam Hickam AFB HI 96853

USAF Clinic Howard
APO New York 09020

USAF Clinic Kadena
APO San Francisco 96239

USAF Clinic Kelly
Kelly Air Force Base, TX 78241

USAF Clinic Los Angeles
PO Box 92960
Worldway Postal Center
Los Angeles CA 90009

USAF Clinic Lowry
Lowry Air Force Base, CO 80230

USAF Clinic McChord
McChord Air Force Base, WA 98438

USAF Clinic McClellan
McClellan Air Force Base, CA 95652

USAF Clinic McGuire
McGuire Air Force Base, NJ 08641

USAF Clinic Norton
Norton Air Force Base, CA 92409

USAF Clinic Peterson
Peterson Air Force Base, CO 80914

USAF Clinic Pope
Pope Air Force Base, NC 28308

USAF Clinic Ramstein
APO New York 09012

USAF Clinic Randolph
Randolph Air Force Base, TX 78148

USAF Clinic Rhein-Main
APO New York 09057

USAF Clinic San Vito Dei Normanni
APO New York 09240

USAF Clinic Sembach
APO New York 09130

USAF Clinic Spangdahlem
APO New York 09123

USAF Clinic Taegu
APO San Francisco 96213

USAF Clinic Vance
Vance Air Force Base, OK 73701

USAF Clinic Zaragosa
APO New York 09286

USAF Clinic Zweibrucken
APO New York 09860

TACTICAL HOSPITALS

20 Tactical Hospital
APO New York 09194

23 Tactical Hospital
England Air Force Base, LA 71301

26 Tactical Hospital
APO New York 09860

35 Tactical Hospital
George Air Force Base, CA 92392

36 Tactical Hospital
APO New York 09132

48 Tactical Hospital
APO New York 09179

49 Tactical Hospital
Holloman Air Force Base, NM 88330

50 Tactical Hospital
APO New York 09109

58 Tactical Hospital
Luke Air Force Base, AZ 85309

94 Tactical Hospital
Dobbins Air Force Base, GA 33060

301 Tactical Hospital
Carswell Air Force Base, TX 76127

302 Tactical Hospital

Rickenbacker Air Force Base, OH 43217

354 Tactical Hospital
Myrtle Beach Air Force Base, SC 29577

363 Tactical Hospital
Shaw Air Force Base, SC 29152

401 Tactical Hospital
APO New York 09283

403 Tactical Hospital
Selfridge ANG Base, MI 48045

433 Tactical Hospital
Kelly Air Force Base, TX 78241

434 Tactical Hospital
Grissom Air Force Base, IN 46971

439 Tactical Hospital
Westover Air Force Base, MA 01022

440 Tactical Hospital
Gen Billy Mitchell Fld
300 E College Ave
Milwaukee, WI 53207

442 Tactical Hospital
Richards-Gebaur Air Force Base, MO 64030

452 Tactical Hospital
March Air Force Base, CA 92508

459 Tactical Hospital
Andrews AFB DC 20331

601 Tactical Hospital
APO New York 09130

655 Tactical Hospital
APO San Francisco 96328

656 Tactical Hospital
APO San Francisco 96432

657 Tactical Hospital
APO San Francisco 96432

837 Tactical Hospital
Mt Home Air Force Base, ID 83648

TACTICAL CLINICS

908 Tactical Clinic
Maxwell Air Force Base, AL 36112

910 Tactical Clinic
Youngstown Municipal Airport, OH 44473

911 Tactical Clinic
Greater Pittsburgh International Airport, PA 15231

913 Tactical Clinic
Willow Grove Air Reserve Facility, PA 19090

914 Tactical Clinic
Niagara Falls International Airport, NY 14304

915 Tactical Clinic
Homestead AFB FL 33039

917 Tactical Clinic
Barksdale Air Force Base, LA 71110

919 Tactical Clinic
Eglin AF Auxiliary Field 3, FL 32542

920 Tactical Clinic
Keesler Air Force Base, MS 39534

924 Tactical Clinic
Bergstrom Air Force Base, TX 78743

926 Tactical Clinic
New Orleans Naval Air Station, LA 70037

928 Tactical Clinic
Chicago-O'Hare International Airport, IL 60666

934 Tactical Clinic
Minneapolis-St Paul International Airport, MN 55417

940 Tactical Clinic
McClellan Air Force Base, CA 95652

MISCELLANEOUS AGENCIES

Air Force Audit Agency (Acquisition/Logistics Systems Directorate)
Building 288
Wright-Patterson Air Force Base, OH 45433

Air Force Audit Agency (Service-Wide Systems Directorate)
Building 3802, Stop 22
Andrews Air Force Base, DC 20331

Air Force Central Notice to Airmen Facility
Carswell Air Force Base, TX 76127

Air Force Computer Acquisition Office
Hanscom Air Force Base, MA 01731

Air Force Medical Material Field Office,
Frederick, MD 21701

Air Force Museum
Wright-Patterson Air Force Base, OH 45433

Air Force Office of Scientific Research
Bolling Air Force Base, DC 20332

Air Force Satellite Control Facility
PO Box 92960, Worldway Postal Center
Los Angeles, CA 90009

Air Force Services Office
2800 South 20th St, Philadelphia, PA 19101

Air Forces Iceland
Fleet Post Office New York 09571

Air Weather Service
Scott Air Force Base, IL 62225

Armed Forces Vocational Testing Group
Randolph Air Force Base, TX 78148

Army and Air Force Exchange Service
Dallas, TX 75222

Army and Air Force Exchange and Motion Picture Service
Washington, DC 20310

Clear Missile Early Warning Station
Clear Alaska
APO Seattle 98704

Community College of the Air Force
Lackland Training Annex, TX 78236

Director of Nuclear Surety
Kirtland Air Force Base, NM 87117

Inter-American Air Force Academy
APO New York 09825

Office of Civilian Personnel Operations
Randolph Air Force Base, TX 78148

Office of Civilian Personnel Operations (Appellate Division)
Federal Building
Room A617
727 E Durango Blvd
San Antonio, TX 78206

Office of Civilian Personnel Operations (Personnel Development Branch)
Building 322
Gunter Air Force Station, AL 36114

Office of Civilian Personnel Operations (DOD Zone Coordination)
Robins Air Force Base, GA 31098

Space and Missile Systems Organization
PO Box 92960, Worldway Postal Center
Los Angeles, CA 90009

Strategic Air Combat Operations Staff
Offutt Air Force Base, NE 68113

Tactical Air Combat Operations Staff
Langley Air Force Base, VA 23665

USAF Band
Bolling Air Force Base, DC 20332

USAF Central Audio-Visual Library
Norton Air Force Base, CA 92409

USAF Cryptologic Depot
San Antonio, TX 78243

USAF Frequency Management Office
Washington, DC 20330

USAF Recruiting Service
Randolph Air Force Base, TX 78148

USAF Special Operations Force
Eglin Air Force Base, FL 32542

NAMED DIVISIONS

Aeronautical Systems Division
Wright-Patterson Air Force Base, OH 45433

Aerospace Medical Division
Brooks Air Force Base, TX 78235

Air Force Acquisition Logistics Division
Wright-Patterson Air Force Base, OH 45433

Air Force Contract Management Division
Kirtland Air Force Base, NM 87117

Electronic Systems Division
Hanscom Air Force Base, MA 01731

Foreign Technology Division
Wright-Patterson Air Force Base, OH 45433

USAF Southern Air Division
APO New York 09825

NUMBERED AIR DIVISIONS

3 Air Division
APO San Francisco 96334

4 Air Division
F E Warren Air Force Base, WY 82001

12 Air Division
Dyess Air Force Base, TX 79607

14 Air Division
Beale Air Force Base, CA 95903

19 Air Division
Carswell Air Force Base, TX 76127

20 Air Division
Ft Lee Air Force Station, VA 23801

21 Air Division
Hancock Field, NY 13225

23 Air Division
Duluth International Airport, MN 55814

24 Air Division
Malmstrom Air Force Base, MT 59402

25 Air Division
McChord Air Force Base, WA 98438

26 Air Division
Luke Air Force Base, AZ 85309

40 Air Division
Wurtsmith Air Force Base, MI 48753

42 Air Division
Blytheville Air Force Base, AR 72315

45 Air Division
Pease Air Force Base, NH 03801

47 Air Division
Fairchild Air Force Base, WA 99011

57 Air Division
Minot Air Force Base, ND 58705

313 Air Division
APO San Francisco 96239

314 Air Division
APO San Francisco 96570

326 Air Division
APO San Francisco 96515

839 Air Division
Pope Air Force Base, NC 28308

NUMBERED AIR FORCES

3 Air Force, APO New York 09127

4 Air Force (Reserve)
McClellan Air Force Base, CA 95652

5 Air Force, APO San Francisco 96328

8 Air Force, Barksdale Air Force Base, LA 71110

9 Air Force, Shaw Air Force Base, SC 29152

10 Air Force (Reserve)
Bergstrom Air Force Base, TX 78743

12 Air Force, Bergstrom Air Force Base, TX 78743

13 Air Force, APO San Francisco 96274

14 Air Force (Reserve)
Dobbins Air Force Base, GA 30060

15 Air Force, March Air Force Base, CA 92508

16 Air Force, APO New York 09283

17 Air Force, APO New York 09130

21 Air Force, McGuire Air Force Base, NJ 08641

22 Air Force, Travis Air Force Base, CA 94535

PLANT REPRESENTATIVE OFFICES

Air Force Plant Representative Office
Aerojet-General Corporation
PO Box 15846
Sacramento, CA 95813

Air Force Plant Representative Office
The Boeing Company
PO Box 3707
Seattle, WA 98124

Air Force Plant Representative Office
Chemical Systems Division
PO Box 358
Sunnyvale, CA 94088

Air Force Plant Representative Office
Fairchild Republic Company
Farmingdale, NY 11735

Air Force Plant Representative Office
General Dynamics/Fort Worth Division
PO Box 371
Fort Worth, TX 76101

Air Force Plant Representative Office
General Electric Company
Cincinnati, OH 45215

Air Force Plant Representative Office
General Electric
Lynn, MA 01910

Air Force Plant Representative Office
General Electric Company, Re-Entry & Environment
Systems Division & Space Division
PO Box 8555
Philadelphia, PA 19101

Air Force Plant Representative Office
Hughes Aircraft Company
Culver City, CA 90230

Air Force Plant Representative Office
Lockheed Missile & Space Company
Space Systems Division
PO Box 504
Sunnyvale, CA 94088

Air Force Plant Representative Office
Lockheed-Georgia Company
Marietta, GA 30060

Air Force Plant Representative Office
Martin Marietta Aerospace, Denver Division
PO Box 179
Denver, CO 80201

Air Force Plant Representative Office
McDonnell Douglas Corporation

PO Box 516
St Louis, MO 63166

Air Force Plant Representative Office
Northrop Corporation
Hawthorne, CA 90250

Air Force Plant Representative Office
Rockwell International Corporation, Electronics Ops
3370 Miraloma Avenue
Anaheim, CA 92803

Air Force Plant Representative Office
Rockwell International Corporation, B-1 Division
Los Angeles International Airport, CA 90009

Air Force Plant Representative Office
Rockwell International Corporation, Rocketdyne Div
Canoga Park, CA 91304

Air Force Plant Representative Office
Thiokol Corporation
PO Box 524, MS-250
Brigham City, UT 84302

Air Force Plant Representative Office
TRW Defense & Space Systems Group
One Space Park
Redondo Beach, CA 90278

Air Force Plant Representative Office
Westinghouse Electric Corporation
Defense Electronics Systems Center
PO Box 1693
Baltimore, MD 21203

Air Force Plant Representative Office
Pratt & Whitney Aircraft Group
East Hartford, CT 06108

Air Force Plant Representative Office
Pratt & Whitney Aircraft Group
Government Products Division
PO Box 2691
West Palm Beach, FL 33402

REGIONS

Air Force Audit Agency(Eastern Region)
Langley Air Force Base, VA 23665

Air Force Audit Agency(Western Region)
Norton Air Force Base, CA 92409

Alaskan Aerospace Defense Command Region
APO Seattle 98742

USAF Regional Civil Engineer--Central Region
Main Tower Bldg
1200 Main Street
Dallas, TX 75202

USAF Regional Civil Engineer--Eastern Region
526 Title Building
Atlanta, GA 30303

USAF Regional Civil Engineer--Western Region
630 Sansome Street
San Francisco, CA 94111

USAFE Purchasing Region - United Kingdom
APO New York 09179

SCHOOLS (SPECIAL TRAINING)

Basic Military Training School USAF
Lackland Air Force Base, TX 78236

Non-Commissioned Officers Academy
Leadership School
Kirtland Air Force Base, NM 87117

Officer Training School USAF
Lackland Air Force Base, TX 78236

School of Health Care Sciences USAF
Sheppard Air Force Base, TX 76311

USAF Academy Preparatory School
USAF Academy, CO 80840

USAF Air Ground Operations School
Eglin AF Aux Fld 9, FL 32544

USAF Instrument Pilot Instructor School
Randolph Air Force Base, TX 78148

USAF Interceptor Weapons School
Tyndall Air Force Base, FL 32401

USAF School of Aerospace Medicine
Brooks Air Force Base, TX 78235

USAF Technical Training School, Chanute
Chanute Air Force Base, IL 61868

USAF Technical Training School, Keesler
Keesler Air Force Base, MS 39534

USAF Technical Training School, Lackland
Lackland Air Force Base, TX 78236

USAF Technical Training School, Lowry
Lowry Air Force Base, CO 80230

USAF Technical Training School, Sheppard
Sheppard Air Force Base, TX 76311

USAF School of Applied Cryptologic Sciences
Goodfellow Air Force Base, TX 76901

USAF Special Investigations School
Washington, DC 20314

USAF Special Operations School
Eglin Air Force Auxiliary Field 9, FL 32544

USAF Survival & Special Training School
Fairchild Air Force Base, WA 99011

USAF Test Pilot School
Edwards Air Force Base, CA 93523

USAF Tropic Survival School
APO New York 09825

AIR FORCE BASES, STATIONS, AND AIRPORTS
(States, Territories, and Foreign Countries)

ALABAMA
Craig Air Force Base, AL 36701
Dauphin Island Air Force Station, AL 36528
Gunter Air Force Station, AL 36114
Maxwell Air Force Base, AL 36112

ALASKA
Campion Air Force Station, APO Seattle 98703
Cape Lisburne Air Force Station, APO Seattle 98716
Cape Newenham Air Force Station, APO Seattle 98745
Cape Romanzof Air Force Station, APO Seattle 98706
Cold Bay Air Force Station, APO Seattle 98711
Eielson Air Force Base, AK 99702
Elmendorf Air Force Base, AK 99506
Ft Yukon Air Force Station, APO Seattle 98710
Galena Airport, APO Seattle 98723
Indian Mt Air Force Station, APO Seattle 98748
King Salmon Airport, APO Seattle 98713
Kotzebue Air Force Station, APO Seattle 98709
Murphy Dome Air Force Station, APO Seattle 98750
Shemya Air Force Base, APO Seattle 98736
Sparrevohn Air Force Station, APO Seattle 98746
Tatalina Air Force Station, APO Seattle 98747
Tin City Air Force Station, APO Seattle 98715

ARIZONA
Davis-Monthan Air Force Base, AZ 85707
Luke Air Force Base, AZ 85309
Williams Air Force Base, AZ 85224

ARKANSAS
Blytheville Air Force Base, AR 72315
Little Rock Air Force Base, AR 72076

CALIFORNIA
Almaden Air Force Station, CA 95042
Beale Air Force Base, CA 95903
Boron Air Force Station, CA 93516
Cambria Air Force Station, CA 93428
Castle Air Force Base, CA 95342
Edwards Air Force Base, CA 93523
George Air Force Base, CA 92392
Hamilton Air Force Base, CA 94934
Klamath Air Force Station, CA 95548
Los Angeles Air Force Station, CA 90009
March Air Force Base, CA 92508
Mather Air Force Base, CA 95655
McClellan Air Force Base, CA 95652
Mill Valley Air Force Station, CA 94941
Mount Laguna Air Force Station, CA 92048
Norton Air Force Base, CA 92409
Pillar Point Air Force Station, CA 94019
Point Arena Air Force Station, CA 95468
Sunnyvale Air Force Station, CA 94086
Travis Air Force Base, CA 94535
Vandenberg Air Force Base, CA 93437

COLORADO
Ent Air Force Base, CO 80912
Lowry Air Force Base, CO 80230
Peterson Air Force Base, CO 80914

DELAWARE
Dover Air Force Base, DE 19901

DISTRICT OF COLUMBIA
Bolling Air Force Base, DC 20332

FLORIDA
Cape Canaveral Air Force Station, FL 32925
Eglin Air Force Base, FL 32542
Homestead Air Force Base, FL 33039
MacDill Air Force Base, FL 33608
McCoy Air Force Base, FL 32812
Patrick Air Force Base, FL 32925
Tyndall Air Force Base, FL 32403

GEORGIA
Dobbins Air Force Base, GA 30060
Moody Air Force Base, GA 31601
Robins Air Force Base, GA 31098

GUAM
Andersen Air Force Base, APO San Francisco 96334

HAWAII
Bellows Air Force Station, HI 96853
Wheeler Air Force Base, APO San Francisco 96515

IDAHO
Mt Home Air Force Base, ID 83648

ILLINOIS
Chanute A r Force Base, IL 61868
Chicago-O'Hare International Airport, IL 60666
Scott Air Force Base, IL 62225

INDIANA
Grissom Air Force Base, IN 46971

KANSAS
McConnell Air Force Base, KS 67221

LOUISIANA
Barksdale Air Force Base, LA 71110
England Air Force Base, LA 71301
Lake Charles Air Force Station, LA 70601

MAINE
Bucks Harbor Air Force Station, ME 04618
Caswell Air Force Station, ME 04750
Charleston Air Force Station, ME 04422
Loring Air Force Base, ME 04751

MARYLAND
Andrews Air Force Base, MD 20331

MASSACHUSETTS
Hanscom Air Force Base, MA 01731
North Truro Air Force Station, MA 02652
Westover Air Force Base, MA 01022

MICHIGAN
Calumet Air Force Station, MI 49913
Empire Air Force Station, MI 49630
K I Sawyer Air Force Base, MI 49843
Kincheloe Air Force Base, MI 49788
Port Austin Air Force Station, MI 48467
Sault Sainte Marie Air Force Station, MI 49783
Wurtsmith Air Force Base, MI 48753

MINNESOTA
Baudette Air Force Station, MN 56623

Finland Air Force Station, MN 55603
Minneapolis-St Paul International Airport, MN 55417

MISSISSIPPI
Columbus Air Force Base, MS 39701
Keesler Air Force Base, MS 39534

MISSOURI
Whiteman Air Force Base, MO 65301

MONTANA
Fortuna Air Force Station, MT 59275
Glasgow Air Force Base, MT 59231
Havre Air Force Station, MT 59501
Kalispell Air Force Station, MT 59922
Lewistown Air Force Station, MT 59457
Malmstrom Air Force Base, MT 59402
Opheim Air Force Station, MT 59250

NEBRASKA
Offutt Air Force Base, NE 68113

NEVADA
Indian Springs Air Force Auxiliary Field
Indian Springs, NV 89018
Nellis Air Force Base, NV 89191
Tonopah Air Force Station, NV 89049

NEW HAMPSHIRE
Pease Air Force Base, NH 03801

NEW JERSEY
Gibbsboro Air Force Station, NJ 08026
McGuire Air Force Base, NJ 08641

NEW MEXICO
Cannon Air Force Base, NM 88101
Holloman Air Force Base, NM 88330
Kirtland Air Force Base, NM 87117

NEW YORK
Griffiss Air Force Base, NY 13441
Hancock Field, NY 13225
Lockport Air Force Station, NY 14094
Montauk Air Force Station, NY 11954
Niagara Falls International Airport, NY 14304
Plattsburgh Air Force Base, NY 12903
Saratoga Air Force Station, NY 12866
Watertown Air Force Station, NY 13601

NORTH CAROLINA
Ft Fisher Air Force Station, NC 28449
Pope Air Force Base, NC 28308
Roanoke Rapids Air Force Station, NC 27870
Seymour Johnson Air Force Base, NC 27531

NORTH DAKOTA
Finley Air Force Station, ND 58230
Grand Forks Air Force Base, ND 58201
Minot Air Force Base, ND 58705
Minot Air Force Station, Max ND 58759

OHIO
Clinton County Airport, OH 45177
Gentile Air Force Station, OH 45444
Newark Air Force Station, OH 43055
Rickenbacker Air Force Base, OH 43217
Wright-Patterson Air Force Base, OH 45433
Youngstown Municipal Airport, OH 44473

OKLAHOMA
Altus Air Force Base, OK 73521
Oklahoma City Air Force Station, OK 73145
Tinker Air Force Base, OK 73145
Vance Air Force Base, OK 73701

OREGON
Burns Air Force Station, OR 97720
Keno Air Force Station, OR 97601
Kingsley Field, OR 97601
Mount Hebo Air Force Station, OR 97122
North Bend Air Force Station, OR 97459

PENNSYLVANIA
Benton Air Force Station, PA 17814

SOUTH CAROLINA
Aiken Air Force Station, SC 29801
Charleston Air Force Base, SC 29404
Myrtle Beach Air Force Base, SC 29577
Shaw Air Force Base, SC 29152

SOUTH DAKOTA
Ellsworth Air Force Base, SD 57706

TENNESSEE
Arnold Air Force Station, TN 37389

TEXAS
Bergstrom Air Force Base, TX 78743
Brooks Air Force Base, TX 78235
Carswell Air Force Base, TX 76127
Dyess Air Force Base, TX 79607
Goodfellow Air Force Base, TX 76901
Kelly Air Force Base, TX 78241
Lackland Air Force Base, TX 78236
Laredo Air Force Base, TX 78040
Laughlin Air Force Base, TX 78840
Randolph Air Force Base, TX 78148
Reese Air Force Base, TX 79489
San Antonio Air Force Station, TX 78208
Sheppard Air Force Base, TX 76311
Webb Air Force Base, TX 79720

UTAH
Hill Air Force Base, UT 84406

VERMONT
St Albans Air Force Station, VT 05478

VIRGINIA
Bedford Air Force Station, VA 24523
Cape Charles Air Force Station, VA 23310
Ft Lee Air Force Station, VA 23801
Langley Air Force Base, VA 23665

WAKE ISLAND
Wake Island Air Force Base, APO San Francisco 96501

WASHINGTON
Blaine Air Force Station, WA 98230
Fairchild Air Force Base, WA 99011
Makah Air Force Station, WA 98357
McChord Air Force Base, WA 98438
Othello Air Force Station, WA 99344

WISCONSIN
Antigo Air Force Station, WI 54409
General Billy Mitchell Field, 300 E. College Ave, Milwaukee, WI 53207

Osceola Air Force Station, WI 54020

WYOMING
F E Warren Air Force Base, WY 82001

FOREIGN COUNTRIES

AUSTRALIA
Woomera Air Station, APO San Francisco 96287

AZORES
Lajes Field, APO New York 09406

BELGIUM
Kleine Brogel Air Base, APO New York 09667

GERMANY
Bitburg Air Base, APO New York 09132
Hahn Air Base, APO New York 09109
Lindsey Air Station, APO New York 09633
Ramstein Air Base, APO New York 09012
Rhein-Main Air Base, APO New York 09057
Sembach Air Base, APO New York 09130
Spangdahlem Air Base, APO New York 09123
Stuttgart Airfield, APO New York 09131
Tempelhof Central Airport, APO New York 09611
Zweibrucken Air Base, APO New York 09860

GREECE
Hellenikon Air Base, APO New York 09223
Iraklion Air Station, APO New York 09291

GREENLAND
Sondrestrom Air Base, APO New York 09121
Thule Air Base, APO New York 09023

ITALY
Aviano Air Base, APO New York 09293
San Vito Dei Normanni Air Sta, APO New York 09240

JAPAN
Kadena Air Base, APO San Francisco 96239
Misawa Air Base, APO San Francisco 96519
Naha Air Base, APO San Francisco 96235
Tachikawa Air Base, APO San Francisco 96323
Yokota Air Base, APO San Francisco 96328

KOREA
Kimpo Air Base, APO San Francisco 96276
Kunsan Air Base, APO San Francisco 96264
Kwangju Air Base, APO San Francisco 96324
Osan Air Base, APO San Francisco 96570
Taegu Air Base, APO San Francisco 96213

NETHERLANDS
Camp New Amsterdam Air Base, APO New York 09292

NORWAY
Kolsas Air Base, APO New York 09085

PANAMA
Albrook Air Force Station, APO New York 09825
Howard Air Force Base, APO New York 09020

PHILIPPINES
Clark Air Base, APO San Francisco 96274
John Hay Air Base, APO San Francisco 96298
Wallace Air Station, APO San Francisco 96277

SPAIN
Moron Air Base, APO New York 09282
Torrejon Air Base, APO New York 09283

TURKEY
Ankara Air Station, APO New York 09254
Diyarbakir Air Station, APO New York 09294
Erhac Malatya Air Base, APO New York 09051
Eskisehir Air Base, APO New York 09254
Incirlik Air Base, APO New York 09289
Istanbul Air Station, APO New York 09380
Karamursel Air Station, APO New York 09324

UNITED KINGDOM
RAF Alconbury, APO New York 09238
RAF Bentwaters, APO New York 09755
RAF Chicksands, APO New York 09193
RAF Croughton, APO New York 09378
RAF Lakenheath, APO New York 09179
RAF Mildenhall, APO New York 09127
RAF Upper Heyford, APO New York 09194
RAF Wethersfield, APO New York 09120
RAF Woodbridge, APO New York 09405

BILLING CODE 3910-01-M

NATIONAL SECURITY AGENCY

REQUESTING RECORDS

Records are retrieved by name or by some other personal identifier. It is therefore especially important for expeditious service when requesting a record that particular attention be provided to the Notification and/or Access Procedures of the particular record system involved so as to furnish the required personal identifiers, or any other pertinent personal information as may be required, to locate and retrieve the record.

BLANKET ROUTINE USES

Certain blanket 'routine uses' of the records have been established, that are applicable to every record system maintained within the Department of Defense, unless specifically stated otherwise within a particular record system. These additional blanket routine uses of the records are published below, only once in the interest of simplicity, economy and to avoid redundancy, before the individual record system notices begin rather than repeating them in every individual record system.

ROUTINE USE - LAW ENFORCEMENT

In the event that a system of records maintained by this component 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 by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

ROUTINE USE - DISCLOSURE WHEN REQUESTING INFORMATION

A record from a system of records maintained by this component 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 component 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.

ROUTINE USE - DISCLOSURE OF REQUESTED INFORMATION

A record from a system of records maintained by this component may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the infor-

mation is relevant and necessary to the requesting agency's decision on the matter.

ROUTINE USE - CONGRESSIONAL INQUIRIES

Disclosure from a system of records maintained by this component may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

ROUTINE USE WITHIN THE DEPARTMENT OF DEFENSE

A record from a system of records maintained by this component may be disclosed as a routine use to other components of the Department of Defense if necessary and relevant for the performance of a lawful function such as, but not limited to, personnel actions, personnel security actions and criminal investigations of the Component requesting the record.

ROUTINE USE - PRIVATE RELIEF LEGISLATION

Relevant information contained in all systems of records of the Department of Defense published on or before August 22, 1975, 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 A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

ROUTINE USE - DISCLOSURES REQUIRED BY INTERNATIONAL AGREEMENTS

A record from a system of records maintained by this Component may be disclosed to foreign law enforcement, security, investigatory, or administrative authorities in order to comply with requirements imposed by, or to claim rights conferred in international agreements and arrangements including those regulating the stationing and status in foreign countries of Department of Defense military and civilian personnel.

ROUTINE USE - DISCLOSURE TO STATE AND LOCAL TAXING AUTHORITIES

Any information normally contained in IRS Form W-2 which is maintained in a record from a system of records maintained by this Component may be disclosed to State and local taxing authorities with which the Secretary of the Treasury has entered into agreements pursuant to Title 5, U.S.Code, Sections 5516, 5517, 5520, and only to those State and local taxing authorities for which an employee or military member is or was subject to tax regardless of whether tax is or was withheld. This routine use is in accordance with Treasury Fiscal Requirements Manual Bulletin Nr. 76-07.

ROUTINE USE - DISCLOSURE TO THE OFFICE OF PERSONNEL MANAGEMENT

A record from a system of records subject to the Privacy Act and maintained by this component may be disclosed to the Office of Personnel Management concerning information on pay and leave, benefits, retirement deductions, and any other information necessary for the Office of Personnel Management to carry out its legally authorized Government-wide personnel management functions and studies.

ROUTINE USE - DISCLOSURE OF INFORMATION TO NARS (GSA)

A record from a system of records maintained by this component may be disclosed as a routine use to the National Archives and Records Service of the General Services Administration in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

ROUTINE USE - DISCLOSURE TO DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

All systems of records relating to compensation, employment or retirement, or extracts therefrom, maintained by this Component may be disclosed as a routine use to the Department of Health, Education, and Welfare for the purpose of comparing such record with records of programs administered by and in the possession of the Department of Health, Education, and Welfare in order to verify information where such verification is required by law or regulation or to identify violations or potential violations of law, whether criminal, civil, or regulatory, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto.

GNSA01

System name:

NSA/CSS Access, Authority and Release of Information File

System location:

Primary System - National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Decentralized Segments - Each staff, line, contract and field element as appropriate.

Categories of individuals covered by the system:

NSA/CSS civilian employees, personnel under contract or appointment and military assignees.

Categories of records in the system:

File may consist of authorizations to obtain keys; authorizations for access to specific sensitive information or areas; delegation of responsibility to authorize or request specific action, work projects or access; notification to report for duty in event of hazardous weather or other emergency; authorizations to officially release various types of communications; assignments to special activities; assignments as Agency representatives to department or other government committees, boards, task groups; assignments to special tasks in event of technical or national emergencies; assignments to duties as fire, safety, security officers, Combined Federal Campaign and blood donation workers; and assignments to other special or volunteer duties or activities.

Authority for maintenance of the system:

Public Law 86-36, Public Law 88-290, 18 U.S.C. section 798, E.O. 12065.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The purpose of this file is to provide a means to rapidly determine who may have access to information or keys; who is required to report for duty in special circumstances, who has been authorized to release official communications; who has been assigned additional special tasks, voluntary duties or other duties. The file and its segments are used by each authorized staff, line, contract and field officer, employee or assignee to make determinations as noted in the purposes above. Where required, specific information from this file may be made available to appropriate investigatory authorities engaged in national security or criminal investigations or to national defense and intelligence authorities or other governmental entities with respect to specific assignments or when emergency action is required.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders, paper cards in file boxes, magnetic tapes, disks and other computer storage media, computer listings, microfilm.

Retrievability:

By name.

Safeguards:

For paper, computer listing, cards and microfilm - Secure limited access facilities, within those facilities secure limited access rooms and within those rooms lockable containers. Access to information is limited to authorized individuals only. For machine records stored on magnetic tape, disk or other computer storage media within the computer processing area-additional secure limited access facilities, specific processing requests from authorized persons only, specific authority to access stored records and delivery to authorized persons only. Where data elements are derived from the Personnel Security File-remote terminal inhibitions are in force with respect to access to complete file or data relating to persons not assigned to requesting organization using a remote terminal. Remote terminals are secured, are available to authorized persons only, and certain password and other identifying information available to authorized users only is required. Terminals are not available outside of headquarters area locations.

Retention and disposal:

Retained until individual is no longer authorized access or release authority or assigned to specific additional duties. Computer files are purged and updated to reflect current status.

System manager(s) and address:

Director, NSA.

Notification procedure:

Requests from individual for notification shall be in writing addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Record access procedures:

Requests from individuals for access shall be in writing addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Contesting record procedures:

The NSA/CSS rules for contesting contents and appealing initial determinations may be obtained by written request addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Record source categories:

Applications and related forms requesting access, appointment or authorization, notifications of same, personnel records, personnel security records, and other sources as appropriate and required.

Systems exempted from certain provisions of the act:

Individual records in this file may be exempt pursuant to 5 U.S.C., section 552a (k) (1) and (k) (5). For additional information see agency rules contained in 32 CFR Part 299a.

GNSA02

System name:

NSA/CSS Applicants

System location:

National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Categories of individuals covered by the system:

Applicants for employment with NSA/CSS.

Categories of records in the system:

File contains forms, documents and correspondence providing personal and qualifications information submitted by individual applicants, educational institutions, past employers, references. Records include processing items, status reports, test results, interview reports, reports of reviewing organizations and other related information.

Authority for maintenance of the system:

Public Law 86-36, Public Law 88-290, E.O. 10450, and 5 U.S.C. and appropriate implementing Office of Personnel Management directives in the Federal Personnel Manual.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The purpose of this file is to support the recruitment, selection, hire and placement of applicants. The file is used to document applicant processing, as a basis for selection decisions by individual agency elements and the personnel organization, and such other related uses as required. The users of this file include those staff, line, contract and field officers and employees as authorized and appropriate. In addition, files may be made available to the Office of Personnel Management, Freedom of Information Act and Privacy Act authorities, Department of Defense and other governmental entities as required and appropriate.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper in file folders, cards in containers, logs, computer listings, computer magnetic tape, disks and other computer storage media, microfilm.

Retrievability:

By name, social security number, and other appropriate data elements.

Safeguards:

For paper, computer printouts and microfilm - Secure limited access facilities, within those facilities secure limited access rooms and within those rooms lockable containers. Access to information is limited to those individuals specifically authorized and granted access by the Deputy Director for Management Services. For machine records stored on magnetic tape, disk or other computer storage media within the computer processing area-additional secure limited access facilities, specific processing requests accepted from authorized persons only. Remote terminal inhibitions are in force with respect to access to computerized file or data relating to persons not assigned to the organization using a remote terminal. Remote terminals are secured, are available to authorized persons only, and certain password and other identifying information available to authorized users only is required. Terminals are not available outside of headquarters area locations.

Retention and disposal:

For applicants who are subsequently hired, records are transferred to Personnel File or destroyed as appropriate. For applicants not hired, record are retained for a period not to exceed one year unless employment requirements necessitate retention for a longer period.

System manager(s) and address:

Director, NSA.

Notification procedure:

Requests from individuals for notification shall be in writing addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Record access procedures:

Requests from individuals for access shall be in writing addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Contesting record procedures:

The NSA/CSS rules for contesting contents and appealing initial determinations may be obtained by written request addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Record source categories:

Applicant, educational institutions, references, former employers including other governmental entities, interviewing and reviewing individuals including possible gaining organization, security and medical authorities and other sources as relevant and appropriate.

Systems exempted from certain provisions of the act:

Individual records in this file may be exempt pursuant to 5 U.S.C., section 552a (k) (1) and (k) (5). For additional information see agency rules contained in 32 CFR Part 299a.

GNSA03

System name:

NSA/CSS Correspondence, Cases, Complaints, Visitors, Requests

System location:

Primary System - National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Decentralized Segments - Each staff, line, contract and field element as authorized and appropriate.

Categories of individuals covered by the system:

Persons calling or corresponding with NSA/CSS concerning congressional inquiries; job opportunities; Freedom of Information and Privacy Act requests; other information requests, suggestions or comments; registering complaints; requesting appropriate security clearance and permission to visit; requesting or requiring information relating to litigation or anticipated litigation; and employees or assignees registering complaints or requesting information with respect to Equal Employment Opportunities; requesting inquiry or investigation by the Inspector General; requesting advice, opinions, or assistance from the General Counsel or provided to the General Counsel with respect to conflict of interest issues.

Categories of records in the system:

File contains correspondence from and to individuals, documents and memoranda related to the response, written material developed during or in anticipation of litigation or investigation of inquiries, complaints or grievances, written material developed in response to a request for advice or opinion from an individual, written material required by law, executive order, and regulations with respect to Equal Employment Opportunity investigations, Inspector General investigations, judicial branch subpoenas, orders and related actions.

Authority for maintenance of the system:

Public Law 86-36, Public Law 88-290, 5 U.S.C. section 552, Public Law 92-261, Public Law 93-259, Executive Order 10450, Executive Order 11222, Executive Order 11478, and Executive Order 12065.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The purpose of this file is to provide a record of the official responses and determinations of NSA/CSS to various inquiries for information, complaints, official actions of other governmental agencies and branches. The users of these files are those staff, line, contract and field officers, employees and assignees delegated the responsibility to respond on behalf of the Director, NSA, to such inquiries and complaints. The files are used to carry out the purpose set forth above, to provide an information base to be used in responding to the various reporting requirements levied by the Public Laws and Executive Orders cited in the authorities section of this notice. Information in the file may be used to provide reports in summary or statistical form to the Department of Defense, Office of Personnel

Management, Office of Equal Employment Opportunity, Congress and those committees or subcommittees of the Congress having jurisdiction over matters covered by individual reports. Certain files may be provided to the General Counsel, Department of Defense, the Department of Justice, other appropriate governmental agencies and the judical branch where litigation or anticipated civil or criminal litigation is involved or where sensitive national security investigations related to protection of intelligence sources or methods are involved.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

By name, case, or subject and within subject by name.

Safeguards:

Secure limited access facilities and within those facilities individual limited access offices. Files are stored in lockable containers and are only made available to individuals specifically authorized access or required to respond and individuals affected by actions taken or complaints received. Files related to sensitive investigations by the Equal Employment Opportunity Office, the Inspector General and General Counsel are additionally protected pursuant to appropriate statutes, executive orders or regulations and attorney-client privilege. In some cases records are sealed pursuant to sensitivity of subject matter or specific court order.

Retention and disposal:

Records are retained on-site indefinitely.

System manager(s) and address:

Director, NSA.

Notification procedure:

Requests from individuals for notification shall be in writing addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Record access procedures:

Requests from individuals for access shall be in writing addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Contesting record procedures:

The NSA/CSS rules for contesting contents and appealing initial determinations may be obtained by written request addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Record source categories: Individual correspondence, written materials developed in response to inquiries from executive branch departments and agencies, judicial branch elements, Congress, Congressional committees, individual Congressmen, other government and private entities as appropriate, and other sources as appropriate and required.

Systems exempted from certain provisions of the act:

Individual records in this file may be exempt pursuant to 5 U.S.C., section 552a (k) (1), (k) (2), (k) (4), and (k) (5). For additional information, see agency rules contained in 32 CFR Part 299a.

GNSA04

System name:

NSA/CSS Cryptologic Reserve Mobilization Designee List

System location:

Primary System - National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Decentralized Segments - Appropriate staff and line elements.

Categories of individuals covered by the system:

Inactive duty military reservists assigned to NSA/CSS mobilization positions.

Categories of records in the system:

Record consists of a computer listing of NSA/CSS reserve mobilization requirements.

Authority for maintenance of the system:

Public Law 86-36 and Title 10, U.S.C.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To maintain Tables of Distribution on mobilization requirements by military service, military job code, billet title, number of billets, mobilization duty location, training sponsor, and any special clearance requirements of the billet, and to provide a system of identifying mobilization designees with billets for training assignments.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Computer listings, computer magnetic tapes, disks and other computer storage media.

Retrievability:

By name and mobilization designee requirements.

Safeguards:

Secure limited access facilities and within those facilities lockable containers. Records are accessible only to authorized personnel.

Retention and disposal:

Records are permanent. They are reviewed annually for changes in requirements. Superseded records are destroyed when no longer useful for reference purposes.

System manager(s) and address:

Director, NSA.

Notification procedure:

Requests from individuals for notification shall be in writing addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Record access procedures:

Requests from individuals for access shall be in writing addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Contesting record procedures:

The NSA/CSS rules for contesting contents and appealing initial determinations may be obtained by written request addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Record source categories:

Individual's parent service.

Systems exempted from certain provisions of the act:

Individual records in this file may be exempt pursuant to 5 U.S.C., section 552a (k) (1) and (k) (5). For additional information see agency rules contained in 32 CFR 299a.

GNSA05

System name:

NSA/CSS Equal Employment Opportunity Data

System location:

National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Categories of individuals covered by the system:

NSA/CSS civilian personnel and personnel under contract.

Categories of records in the system:

File contains civilian personal data and Agency organizational data to include job title, grade, date of birth, training, date of last promotion, educational attainments, social security number, time of service, personnel codes, organization assignment.

Authority for maintenance of the system:

Public Law 92-261, Public Law 93-259, Public Law 86-36, Executive Order 11478, Chapter 713 of the Federal Personnel Manual.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Purpose of this file is to ensure compliance with cited authorities with respect to equal employment opportunities. Users of the file are those staff, line, contract and field officers and employees specifically authorized by law, regulation, delegation of responsibility, and grant of access by the NSA Equal Employment Opportunity Director. The file is used to compile those studies, research, statistics and reports necessary to insure compliance with cited authorities. Reports, summaries and statistics may be made available to the Department of Defense, Office of Equal Employment Opportunity, Congress, Office of Personnel Management, Department of Justice and judicial branch elements as required by cited authorities, requested pursuant to those authorities or ordered by specific judicial branch order.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Magnetic tape, disk or other computer storage media, computer listings, paper in file folders.

Retrievability:

By name, social security number, and specific subject matter data elements.

Safeguards:

For paper, computer printouts and microfilm - Secure limited access facilities, within those facilities secure limited access rooms and within those rooms lockable containers. Access to information is limited to those individuals specifically authorized and granted access by EEO Director. For machine records stored on magnetic tape, disk or other computer storage media within the computer processing area-additional secure limited access facilities, specific processing requests from authorized persons only, specific authority to access stored records and delivery to authorized persons only. Where data elements are derived from the Personnel System, remote terminal inhibitions are in force with respect to access to complete file or data relating to persons not assigned to requesting organization using a remote terminal. Remote terminals are secure, are available to authorized persons only, and certain password and other identifying information available to authorized users only is required. Terminals are not available outside of headquarters area locations.

Retention and disposal:

File is routinely updated and old data disposed of as required. Individual data is subject to retention and disposal requirements specified for records contained in the Personnel System.

System manager(s) and address:

Director of Equal Employment Opportunity, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Notification procedure:

Requests from individuals for notification shall be in writing addressed to the Chief, Office of Policy, National Security Agency/ Central Security Service, Ft. George G. Meade, Md. 20755.

Record access procedures:

Requests from individuals for access shall be in writing addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade,Md. 20755.

Contesting record procedures:

The NSA/CSS rules for contesting contents and appealing initial determinations may be obtained by written request addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Record source categories:

Individuals themselves, organizational elements, personnel file, and other sources as appropriate and required.

Systems exempted from certain provisions of the act:

Individual records and data elements in this file may be exempt pursuant to 5 U.S.C., section 552a (k) (1), (k) (2), and (k) (4). For additional information see agency rules contained in 32 CFR Part 299a.

GNSA06

System name:

NSA/CSS Health, Medical and Safety Files

System location:

Primary System - National Security Agency/Central Security Service, Fort George G. Meade, Md. 20755.

Decentralized Segments - Each staff, line, contract and field element as appropriate.

Categories of individuals covered by the system:

NSA/CSS civilian employees, military assignees, applicants, retirees, building concessionaires, assigned GSA employees, certain contract employees, visitors requiring emergency treatment, in certain cases members of employees' families with prior approval of the employee, blood donors, designated Health and Safety Officers.

Categories of records in the system:

File may consist of completed medical questionnaires, results of physical examinations and laboratory tests, records of medical treatment and services, x-rays, notices of injury, forms and correspondence including exchanges with Department of Labor related to injury and subsequent claims, correspondence with personal physician, NSA/CSS Medical Center reports, safety reports, absence and attendance records, medical evaluations, fitness for duty reports, 'Log of Federal Occupational Injuries and Illnesses,' results of psychological assessment testing and interviews, psychiatric examination results and related reports, forms and notes, lists of blood donors.

Authority for maintenance of the system:

Public Law 86-36, and Federal Employees Compensation Act of September 7, 1916, as amended, 5 U.S.C. and Office of Personnel Management implementation thereof as contained in Federal Personnel Manual. In addition, the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, as amended (42 U.S.C. section 4582) and subchapter A of Chapter I, 42, CFR, Executive Order 11807, Executive Order 9397, 29 CFR 1960 and Department of Defense Instruction 1000.19.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To determine fitness for hiring, continued employment or assignment and reassignment; to process accident and compensation claims; correct hazardous conditions; determine eligibility for disability retirement; record names of blood donors. When required, specific information from these files may be made available to the Department of Labor in those cases involving compensation claims and, with the permission of the individual, to other medical personnel or the American Red Cross for additional examination, treatment, counseling or other medical purpose; Freedom of Information and Privacy Act authorities as appropriate; and to other governmental entities as required and appropriate. Alcohol abuse patient records used in accordance with cited statute and regulations.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders, magnetic tape, disk or other computer storage media, computer listings.

Retrievability:

By name, social security number and specific subject matter data elements.

Safeguards:

Secure, limited access facilities and within these facilities lockable containers. Records are accessible only to authorized personnel. For machine records stored on magnetic tape, disk or other computer storage within the computer processing area-additional secure limited access facilities, specific processing requests from authorized persons only, specific authority to access stored records and delivery to authorized persons only. Remote terminals are secured, are available to authorized person only, and certain password and other identifying information available to authorized users only is required. Terminals are not available outside of specific security offices at headquarters area locations.

Retention and disposal:

Medical files and records on traumatic injury and occupational disease are transferred to official personnel folder upon separation; traumatic injury and occupational disease correspondence on civilian employees and retirees is retained indefinitely. Applicant medical files are retained for no more than one year or until date designated to individual; files on military assignees are forwarded to parent service upon reassignment from NSA/CSS; all other medical case files are destroyed upon termination of association with NSA/CSS. Psychological files on applicants are retained for no more than one year or until date designated to individual; all other files are retained for four years after end of individual's association with NSA/CSS. Decentralized segments are either transferred with employee or assignee, or retained for a period after separation as appropriate but not to exceed three years and are then destroyed. Alcohol abuse patient records retained and disposed of pursuant to cited statute and regulations.

System manager(s) and address:

Director, NSA.

Notification procedure:

Requests from individuals for notification shall be in writing addressed to the Chief, Office of Policy, National Security Agency/ Central Security Service, Fort George G. Meade, Md. 20755.

Record access procedures:

Requests from individuals for access shall be in writing addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Contesting record procedures:

The NSA/CSS rules for contesting contents and appealing initial determinations may be obtained by written request addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Record source categories:

Applicants, employees, assignees, official personnel folders, NSA Safety Officers and records, witnesses to accidents and injuries, medical and administrative personnel, blood donor personnel, members of employee's family with employee's permission and other sources as appropriate and required.

Systems exempted from certain provisions of the act:

Individual records in this file may be exempt pursuant to 5 U.S.C., section 552a (k) (1), (k) (4), (k) (5) and (k) (6) and may also be subject to certain special access procedures established pursuant to 5 U.S.C., section 552a, subsection (f) (3). For additional information, see agency rules contained in 32 CFR Part 299a.

GNSA07

System name:

NSA/CSS Motor Vehicles and Carpools

System location:

Primary System - National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Decentralized Segments - Each non-headquarters facility and field element as appropriate and required.

Categories of individuals covered by the system:

NSA/CSS civilian employees, military assignees, other governmental employees or personnel under contract granted extended temporary or permanent access to an NSA/CSS facility.

Categories of records in the system:

File may consist of machine-readable or regular paper cards, carpool or other transportation survey results, annotated machine listings, post motor vehicle violation reports, stolen vehicle reports, or other forms and correspondence related to parking privileges, transportation needs, local (parking lot) parking enforcement procedures, vehicle abuse and other related matters as appropriate and required.

Authority for maintenance of the system:

40 U.S.C., section 318a-b; 50 U.S.C. section 797; Title 4 CFR Part 232, Appendix B; and Title 41 CFR Part 101-20.111 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The purpose of this file is to provide data necessary to enforce parking lot regulations, to assist employees with respect to vehicle abuse and stolen vehicles, provide carpool assistance, assure availability of adequate transportation and parking facilities and other related matters. The uses of the file are to verify vehicle ownership, determine allocation of parking privileges, ensure the maintenance of adequate and safe parking areas, develop statistics with respect to parking and transportation requirements, encourage formation of carpools or other multiple-user transportation arrangements, provide a directory of potential participants in carpools or other multiple-user transportation arrangements and other related uses as appropriate and required. The users of the file are those authorized line, staff, contract and field element officers and employees; any employee, assignee or other individual working at an NSA/CSS facility interested in forming or joining a carpool or other multiple-user transportation arrangement; local civil and military law enforcement personnel as required and appropriate. Statistical data or selected individual data limited to name, address and telephone number may be made available to commercial or private transportation entities where the individuals have indicated a desire to use or join a multiple-user transportation arrangement, supervisory and other reviewing authorities in cases of parking privilege abuses, and other related users as required and appropriate.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders, machine-readable and other cards in appropriate containers, magnetic tape, disk or appropriate containers, magnetic tape, disk or other computer storage media, computer listings.

Retrievability:

By name, motor vehicle identifier.

Safeguards:

For paper, cards and computer listings - Secure limited access facilities, within those facilities secure limited access rooms and within those rooms lockable containers as appropriate. Access is limited to authorized users. For machine records stored on magnetic tape, disk or other computer storage media within the computer processing area-additional secure limited access facilities, specific processing requests accepted from authorized persons only, specific authority to access stored records and delivery granted to authorized persons only.

Retention and disposal:

File is routinely updated and old data disposed of as required. Individual data is subject to retention and disposal requirements specified for records contained in the Personnel System.

System manager(s) and address:

Director, NSA.

Notification procedure:

Requests from individuals for notification shall be in writing addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Record access procedures:

Requests from individuals for access shall be in writing addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Contesting record procedures:

The NSA/CSS rules for contesting contents and appealing initial determinations may be obtained by written request addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G.Meade, Md. 20755.

Record source categories:

Data provided by individuals, authorities in charge of parking facilities, local civil and military law enforcement entities and other related sources as appropriate and required.

Systems exempted from certain provisions of the act:

Individual records and data elements in this file may be exempt pursuant to 5 U.S.C., section 552a (k) (1). For additional information see agency rules contained in 32 CFR Part 299a.

GNSA08

System name:

NSA/CSS Payroll and Claims

System location:

Primary System - National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Decentralized Segments - Each staff, line, contract and field element as appropriate.

Categories of individuals covered by the system:

NSA/CSS civilian employees and applicants, military assignees, contractors, reemployed annuitants, personnel under contract.

Categories of records in the system:

File may consist of records on time and attendance; overtime; shift and holiday work; absent without leave reports; payroll deductions, allotments and allowances; requests for leave; payments for travel performed in connection with permanent change of station, temporary duty, invitations, interviews, pre-employment interviews and initial entry on duty. Also included are Pay Adjustment Authorizations (DD Form 139) and Case Collection Vouchers (DD Form 1131) and, in connection with pay claims, waivers, requests for waivers, documents, correspondence, background data, recommendations and decisions.

Authority for maintenance of the system:

Public Law 86-36; 31 U.S.C., section 66a, 951-53; 50 U.S.C. App. section 2160; Titles 5 and 37 of the U.S.C.; Titles 2, 4, 5, and 6 GAO Manual.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To maintain effective control over and accountability for all funds; to provide accounting data to support the NSA/CSS budget request and control the execution of the budget; provide financial information required by the Office of Management and Budget; provide financial information for NSA/CSS management purposes; provide for the input of permanent change data and the output of such data as leave without pay, reconciliation of files, periodic step increases, mass pay changes and changes in leave categories; investigate, review, discuss and recommend and implement decisions on pay claims waivers. When required, specific information from this file may be made available to other governmental entities in connection with Social Security deductions, unemployment compensation claims, job-related injury and death benefits, tax audit and collections, and other related claims or actions.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders; file cards; computer paper printouts; machine-readable cards; computer magnetic tapes, disks and other computer storage media.

Retrievability:

By name, social security number.

Safeguards:

For paper, computer printouts and microfilm - Secure limited access facilities, within those facilities secure limited access rooms

and within those rooms lockable containers. Access to information is limited to authorized individuals. For machine records stored on magnetic tape, disk or other computer storage media within the computer processing area-additional secure limited access facilities, specific processing requests from authorized persons only, specific authority to access stored records and delivery to authorized persons only. Remote terminals are secured, are available to authorized persons only, and certain password and other identifying information available to authorized users only is required. Terminals are not available outside of headquarters area locations.

Retention and disposal:

Records are reviewed annually and retired or destroyed as appropriate. Permanent records are retired to the St. Louis Federal Records Center after completion of audit. Computer records are purged and updated consistent with these retention policies.

System manager(s) and address:

Director, NSA.

Notification procedure:

Requests from individuals for notification shall be in writing addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Record access procedures:

Requests from individuals for access shall be in writing addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Contesting record procedures:

The NSA/CSS rules for contesting contents and appealing initial determinations may be obtained by written request addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Record source categories:

Forms, cards, requests and other documentation submitted by individuals, supervisors, claims officers, Personnel File data, Time, Attendance and Access File data, and other sources as appropriate and required.

Systems exempted from certain provisions of the act:

Individual records in this file may be exempt pursuant to 5 U.S.C., section 552a (k) (1) and (k) (2). For additional information see agency rules contained in 32 CFR Part 299a.

GNSA09

System name:

NSA/CSS Personnel File

System location:

Primary System - National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Decentralized Segments - Each staff, line, contract and field element and supervisor as authorized and appropriate.

Categories of individuals covered by the system:

Civilian employees, personnel under contract, military assignees, dependents of NSA/CSS personnel assigned to field elements, individuals integrated into the cryptologic career development program, custodial and commercial services personnel.

Categories of records in the system:

File contains personnel papers and forms including but not limited to applications, transcripts, correspondence, notices of personnel action, performance appraisals, personnel summaries, professionalization documentation and correspondence, training forms, temporary duty, letters of reprimand, employee record card, special assignment documentation, letters of commendation, promotion documentation, field assignment preference, requests for transfers, permanent change of station, passport, transportation, official orders, awards, suggestions, pictures, complaints, separation, retirement, time utilization, scholarship/fellowship or other school appointments, military service, reserve status, military check in/out sheets, military orders, security appraisal, career battery and other test results, language capability, military personnel utilization survey, work experience, notes and memoranda on individual aspects of performance, productivity and suitability, information on individual eligibility to serve on various boards and committees, emergency loan records, other information relevant to personnel management, housing information where required.

Authority for maintenance of the system:

Public Law 86-36, 5 U.S.C. and certain implementing Office of Personnel Management regulations in the Federal Personnel Manual; 10 U.S.C., section 1124; 44 U.S.C., section 3101; 34 CFR 232, Appendix B; 41 CFR 101-20.111 and Executive Order 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The purpose of this file is to support the personnel management program; personnel training and career development; personnel planning, staffing and counseling; administration and personnel supervision; workforce study and analysis; manpower requirements studies; emergency loan program; and training curricula planning and research. The uses of the file are to implement the purposes cited and provide management at all levels with the documentation and tools necessary for effective personnel management and supervision. Information may also be used to verify present or former NSA/CSS employment to gaining employers or to financial institutions when individual has applied for credit. The users are those staff, line, contract and field officers, employees, and assignees authorized to maintain or have access to personnel data or some decentralized segment thereof. In addition, officers and employees of elements engaged in security and training, Freedom of Information or Privacy Act actions, Inspector General, General Counsel, Equal Employment Opportunity, audit or review, medical and psychological or other appropriate functions may be authorized access as required in the performance of their duties. Individual files or portions thereof may be made available to hearing examiners, the judicial branch, the Office of Personnel Management, the Department of Defense or other gaining government organization as required and appropriate.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders, file cards, machine-readable cards, computer printouts, computer magnetic tapes, disks and other computer storage media, and microfilm.

Retrievability:

By name, social security number and other items of relevant information.

Safeguards:

For paper, computer printouts and microfilm - Secure limited access facilities, within those facilities secure limited access rooms and within those rooms lockable containers. Access to information is limited to those individuals authorized and responsible for personnel management or supervision. For records stored on magnetic tape, disk or other computer storage media within the computer processing area-additional secure limited access facilities, specific processing requests accepted from authorized persons only, specific authority to access stored records and delivery granted to authorized persons only. Where data elements are derived from the Personnel File, remote terminal inhibitions are in force with respect to access to complete file or data relating to persons not assigned to requesting organization using a remote terminal. Remote terminals are secured, are available to authorized persons only, and certain password and other identifying information available to authorized users only is required.

Retention and disposal:

Primary System - Those forms, notices, reports and memoranda considered to be of permanent value or required by law or regulation to be preserved are retained for the period of employment or assignment and then forwarded to the gaining organization or retained indefinitely. If the action is separation or retirement, these items are forwarded to the Office of Personnel Management or retired to the Federal Records Center at St. Louis as appropriate. Those items considered to be relevant for a temporary period only are retained for that period and either transferred with the employee or assignee or destroyed either when they are no longer relevant or at time of separation or retirement. Computerized portion is purged and updated as appropriate. Personnel summary, training, testing and past activity segments retained permanently. All other portions deleted at end of tenure.

Decentralized System - Files are transferred to gaining organization or destroyed upon separation as appropriate. Computer listings of personnel assigned to an organization are destroyed upon receipt of updated listings.

System manager(s) and address:

Director, NSA.

Notification procedure:

Requests from individuals for notification shall be in writing addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Record access procedures:

Requests from individuals for access shall be in writing addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Contesting record procedures:

The NSA/CSS rules for contesting contents and appealing initial determinations may be obtained by written request addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Record source categories:

Forms used to collect and process individual for employment, access or assignment, forms and memoranda used to request personnel actions, training awards, professionalization, transfers, promotion, organization and supervisor reports and requests, educational institutions, references, Office of Personnel Management and other governmental entities as appropriate, and other sources as appropriate and required.

Systems exempted from certain provisions of the act:

Individual records in this file may be exempt pursuant to 5 U.S.C., section 552a (k) (1), (k) (4), (k) (5), and (k) (6). For additional information see agency rules contained in 32 CFR Part 299a.

GNSA10

System name:

NSA/CSS Personnel Security File

System location:

Primary System - National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Decentralized Segments - Each staff, line, contract and field element as appropriate.

Categories of individuals covered by the system:

Applicants for employment with NSA/CSS; civilian employees; personnel under contract; military assignees; members of advisory groups; consultants; experts; other military personnel; federal employees; employees of contractors, and employees of services and other individuals who require access to NSA/CSS facilities or information.

Categories of records in the system:

File Folder - Photograph, fingerprint data, statement of personal history, agreements with respect to specific security processing procedures, security processing forms and records, investigative reports, incident and complaint reports, unsolicited information when relevant, reports by domestic law enforcement agencies when relevant, clearance data, access authorization, foreign travel data, security secrecy agreements, separation and retirement data and other information as required and relevant. Computer File - contains data elements representing a summary and index of the file folder data to include personal identifying data, relevant security processing data, clearance and access data, separation and retirement data.

Authority for maintenance of the system:

Public Law 88-290; Public Law 86-36; 18 U.S.C., section 798; 50 U.S.C., section 403 (d)(3); Executive Orders 10450, 10865 and 12065.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Purpose of this file is to insure compliance with cited authorities. Users of this file and its segments are limited to properly authorized staff, line, contract and field element officers, employees or assignees. The file is used to carry out the purpose cited and in determinations with respect to employment, access, assignment and reassignment, assignment to a board of appraisal or management promotion, foreign official and unofficial travel, and other personnel actions where security represents a relevant and valid element of the determination. In addition, files or portions thereof may be made available to the Defense Investigative Service, military investigative services, other appropriate entities, Department of Justice, governmental elements involved in National Agency checks, members and staff of the Defense Investigative Review Council as appropriate with their inspection authorities, Department of Defense General Counsel and Director of Central Intelligence and his General Counsel in the event of litigation or anticipated litigation with respect to unauthorized disclosures of classified intelligence or intelligence sources and methods and related court actions, other government agencies and private contractors requiring clearance status information and authorized to receive same, judicial branch elements pursuant to specific court orders or with respect to litigation, elements of the Department of Defense involved in administration of the Industrial Security Program, the Office of Personnel Management as required, and public law enforcement authorities when a specific breach of criminal statutes is involved. In addition, other government agencies or private contractors may be informed of information developed by NSA which bears on an assignee's or affiliate's status at the NSA with respect to security considerations.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape, disk or other computer storage media, computer paper printouts, paper in file folders, microfilm.

Retrievability:

By name or unique number assigned individual.

Safeguards:

For paper, computer printouts and microfilm - Secure limited access facilities, within those facilities secure limited access rooms and within those rooms lockable containers. Access to information is limited to authorized individuals. For machine records stored on magnetic tape, disk or other computer storage media within the computer processing area-additional secure limited access facilities, specific processing requests accepted from authorized persons only, specific authority to access stored records and delivery granted to authorized persons only. Remote terminals are secured, are available to authorized persons only, and certain password and other identifying information available to authorized users only is required. Terminals are not available outside of specific security offices at headquarters area locations.

Retention and disposal:

Files on individuals assigned, employed, or granted access to NSA/CSS information or facilities - retained for a minimum of 30 years after last security action reflected in the file, then destroyed. Files initiated on individuals requesting employment, assignment or access but never completed due to non-employment, non-assignment or withdrawal or denial of grant of access are destroyed within one year. Computer records are purged and updated consistent with these retention policies.

System manager(s) and address:

Director, NSA.

Notification procedure:

Requests from individuals for notification shall be in writing addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Record access procedures:

Requests from individuals for access shall be in writing addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Contesting record procedures:

The NSA/CSS rules for contesting contents and appealing initial determinations may be obtained by written request addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Record source categories:

Data provided by individual during employment and security processing; data provided by investigative service processing individual's background; data provided by references, educational institutions and other sources named by individual or developed during background investigation; unsolicited data from any source where relevant; data provided by the Office of Personnel Management and other agencies, departments, and governmental elements involved in the conduct of National Agency checks; the Federal Bureau of Investigation; data developed by appropriate governmental elements in the course of a national security investigation or investigation into alleged violations of criminal statutes related to unauthorized disclosures of intelligence or protection of intelligence sources and methods; documents furnished by agency element sponsoring individual for access to specific classified information.

Systems exempted from certain provisions of the act:

Individual records in this file may be exempt pursuant to 5 U.S.C., section 552a (k) (1), (k) (2) and (k) (5). For additional information see agency rules contained in 32 CFR 299a.

GNSA11

System name:

NSA/CSS Time, Attendance and Absence

System location:

Primary System - National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Decentralized Segments - Each staff, line, contract, and field element as authorized and appropriate.

Categories of individuals covered by the system:

NSA/CSS civilian employees, personnel under contract and military assignees.

Categories of records in the system:

File contains request forms, time cards, authorization forms, notifications, locator cards and other correspondence or revisions thereof related to actions concerning time, attendance, absence, annual leave,

sick leave, leave without pay, advance leave, administrative leave, exemplary use of leave, unauthorized leave and absences and other related matters.

Authority for maintenance of the system:

Public Law 86-36; Public Law 88-290, section 113 of the Budget and Accounting Procedures Act of 1950, as amended; 31 U.S.C., section 66a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The purpose of these files is to provide a means of accounting for all time, attendances and absences of NSA/CSS civilian employees, contract employees and military assignees. The users of these files are those staff, line, contract and field officers, employees, and assignees authorized to account for or investigate employee time, attendance and absence. The files may be used to make performance, payroll, personnel and security determinations. Where required, specific information from these files may be made available to appropriate investigatory authorities engaged in national security or criminal investigations, hearing examiners and other authorized individuals with respect to grievances or adverse actions, and to those agencies identified in the NSA/CSS System of Records named 'Payroll and Claims' as necessary to document payroll actions.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders, file cards, machine-readable cards, computer printouts, computer magnetic tapes, disks and other computer storage media, and microfilm.

Retrievability:

May be retrieved by name and in some cases social security number.

Safeguards:

For paper, cards, printouts and microfilm - Secure limited-access facilities, within those facilities secure limited access rooms and within those rooms lockable containers as appropriate. Access by authorized individuals only. Current time cards are not secured with respect to individual employees within immediate working element. For machine-readable cards, computer magnetic tapes and disks and other computer storage media within the computer processing area additional secure limited-access facilities, specific processing requests from authorized persons only, specific authority to access stored cards, tapes or disk files.

Retention and disposal:

Primary System - Records are reviewed annually and retired or destroyed as appropriate. Permanent records are retired to the St. Louis Federal Records Center after completion of audit. Computer records are purged and updated consistent with these retention policies.

Decentralized Segments - Records are temporary, are retained for the period the individual is assigned to an element, or disposed of as appropriate. Time cards and other appropriate forms for pay and leave purposes are forwarded each pay period to the payroll office.

System manager(s) and address:

Director, NSA.

Notification procedure:

Requests from individuals for notification shall be in writing addressed to the Chief, Office of Policy, National Security Agency/ Central Security Service, Ft. George G. Meade, Md. 20755.

Record access procedures:

Requests from individuals for access shall be in writing addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade,Md. 20755.

Contesting record procedures:

The NSA/CSS rules for contesting contents and appealing initial determinations may be obtained by written request addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Record source categories:

Time cards, request forms and related correspondence from individual employees and assignees, authorizations and notifications from authorizing officers, correspondence from supervisory personnel and investigating officers with respect to abuses of leave and attendance or unauthorized leave and absences, other records or reports related to either exemplary use of leave or abusive use of leave, and other sources as appropriate and required.

Systems exempted from certain provisions of the act:

Individual records in this file may be exempt pursuant to 5 U.S.C., section 552a (k) (1). For additional information see agency rules contained in 32 CFR Part 299a.

GNSA12

System name:

NSA/CSS Training

System location:

Primary System-National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Decentralized Segments-Each staff, line, contract and field element as authorized and appropriate.

Categories of individuals covered by the system:

NSA/CSS employees, personnel under contract, military assignees and other government employees, designees and military personnel as required and appropriate who attend courses or receive training by or under NSA/CSS sponsorship.

Categories of records in the system:

File contains forms, correspondence, memoranda, student and instructor surveys, requests and other information related to testing and training; tests and test results; test grades, course grades and other student and instructor evaluations; course and class rosters, rosters of individuals by specialty; attendance and time utilization reports for students and instructors; biographical sketches where required and appropriate; course and training histories; other course research and evaluation data; student disciplinary actions and complaints; waiver requests and responses; selected personal data including education level and scholastic achievements; course and training cost data where appropriate; reimbursement and service agreements where appropriate; and other records related to civilian and military training as required and appropriate.

Authority for maintenance of the system:

5 U.S.C., Chapter 41, Executive Order 11348, Office of Personnel Management implementing directives as contained in the Federal Personnel Manual, Public Law 86-36.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The purpose of this file is to provide documentation concerning military cryptolinguist resources and individual training, develop training requirements, refine training methods and techniques, provide individual career and training counseling. The users of this file are those staff, line, contract and field officers, employees and assignees as authorized and appropriate. In addition, portions of these files are incorporated in the Personnel File, are made available to management and supervisory personnel and to other governmental entities as required and appropriate. The file is used to carry out the purposes cited above, perform certain statistical analyses related to training and reports concerning training, and may be used to assist in the evaluation of an individual's performance, readiness for promotion, potential for career development, assignments requiring special qualifications, and other actions as appropriate.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders, card files, binders, computer punch cards, computer listings, computer magnetic tapes, disks and other computer storage media, microfilm.

Retrievability:

By name or social security number.

Safeguards:

For paper, computer printouts and microfilm - Secure limited access facilities, within those facilities secure limited access rooms and within those rooms lockable containers as appropriate. Access to information is limited to authorized individuals only. For machine records stored on magnetic tape, disk or other computer storage media within the computer processing area-additional secure limited access facilities, specific processing requests accepted from authorized persons only, specific authority to access stored records and delivery granted to authorized persons only. Where data elements are derived from the Personnel System, remote terminal inhibitions are in force with respect to access to complete file or data relating to persons not assigned to requesting organization using a remote terminal. Remote terminals are secured, available to authorized persons only, and certain password and other identifying information available to authorized users only is required. Terminals are not available outside of headquarters area locations.

Retention and disposal:

Primary System - Records are reviewed annually and retained or destroyed as appropriate. Copies of items of significance with respect to the individual are included in the Personnel File and retention is in accordance with the retention policies for that system. Items used as the basis of statistical studies or other research efforts may be retained indefinitely. Computer listings and records are purged and updated as required and appropriate. Decentralized System - Records are reviewed annually and retained or destroyed as appropriate. Individual's file may be transferred to gaining organization if appropriate. Computer listings and records are purged and updated as required and appropriate.

System manager(s) and address:

Director, NSA.

Notification procedure:

Requests from individuals for notification shall be in writing addressed to the Chief, Office of Policy, National Security Agency/ Central Security Service, Ft. George G. Meade, Md. 20755.

Record access procedures:

Requests from individuals for access shall be in writing addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Contesting record procedures:

The NSA/CSS rules for contesting contents and appealing initial determinations may be obtained by written request addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Record source categories:

Individual, supervisors, training counselors, instructors and other training personnel; other governmental entities nominating individuals for training; other training and educational institutions; Personnel File, and other sources as required and appropriate.

Systems exempted from certain provisions of the act:

Individual records in this file may be exempt pursuant to 5 U.S.C., section 552a (k) (1), (k) (5) and (k) (6). For additional information see agency rules contained in 32 CFR 299a.

GNSA13

System name:

NSA/CSS Archival Records

System location:

Primary System-National Security Agency/Central Security Service, FT. George G. Meade, Md. 20755.

Decentralized Segments-Each staff, line, contract and field element as authorized and appropriate.

Categories of individuals covered by the system:

Individuals who have contributed to the cryptographic archives and individuals who are significant to the history of signals intelligence.

Categories of records in the system:

Records include organizational files, correspondence, tape recorded interviews, forms, documents, reports, films, magnetic tapes, microfiche and other related items of cryptologic archival interest, most of which are 20 or more years old and have been adjudged to be permanent U.S. Government records not yet declassified.

Authority for maintenance of the system:

Public Law 90-260, Public Law 81-754, Public Law 86-36, 5 U.S.C. section 552, Executive Order 12065 and Executive Order 12036.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To enable the historian to locate source materials; to permit systematic review of classified records; to facilitate access to retired records; and to provide a source from which response to public queries for NSA/CSS records can be more expeditiously handled and, if possible, declassified.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Hard copy, microforms, magnetic tape, magnetic disk and pictures.

Retrievability:

Generally by subject matter as to that material furnished by an individual or about an individual significant to the history of cryptography, by name, or other unique identifier significant to the subject matter and the individual.

Safeguards:

Secure limited access facilities and within those facilities containers appropriate to the level of classification of particular records.

Retention and disposal:

Records are permanent, are reviewed periodically for declassification, and copies of records declassified are transferred to the National Archives and Records Service of the General Services Administration.

System manager(s) and address:

Director, NSA.

Notification procedure:

Requests from individuals for notification shall be in writing addressed to the Chief, Office of Policy, National Security Agency/ Central Security Service, Ft. George G. Meade, Md. 20755.

Record access procedures:

Requests from individuals for access shall be in writing addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Contesting record procedures:

The NSA/CSS rules for contesting contents and appealing initial determinations may be obtained by written request addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Record source categories: Individual contributors and operational administrative files; other sources as appropriate.

Systems exempted from certain provisions of the act:

Parts of this system may be exempt under 5 U.S.C., section 552a (k) (1) and (k) (4). For additional information, see agency rules contained in 32 CFR Part 299a.

DEFENSE NUCLEAR AGENCY

REQUESTING RECORDS

Records are retrieved by name or by some other personal identifier. It is therefore especially important for expeditious service when requesting a record that particular attention be provided to the Notification and/or Access Procedures of the particular record system involved so as to furnish the required personal identifiers, or any other pertinent personal information as may be required, to locate and retrieve the record.

BLANKET ROUTINE USES

Certain blanket 'routine uses' of the records have been established, that are applicable to every record system maintained within the Department of Defense, unless specifically stated otherwise within a particular record system. These additional blanket routine uses of the records are published below, only once in the interest of simplicity, economy and to avoid redundancy, before the individual record system notices begin rather than repeating them in every individual record system.

ROUTINE USE - LAW ENFORCEMENT

In the event that a system of records maintained by this component 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 by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

ROUTINE USE - DISCLOSURE WHEN REQUESTING INFORMATION

A record from a system of records maintained by this component 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 component 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.

ROUTINE USE - DISCLOSURE OF REQUESTED INFORMATION

A record from a system of records maintained by this component may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

ROUTINE USE - CONGRESSIONAL INQUIRIES

Disclosure from a system of records maintained by this component may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

ROUTINE USE WITHIN THE DEPARTMENT OF DEFENSE

A record from a system of records maintained by this component may be disclosed as a routine use to other components of the Department of Defense if necessary and relevant for the performance of a lawful function such as, but not limited to, personnel actions, personnel security actions and criminal investigations of the Component requesting the record.

ROUTINE USE - PRIVATE RELIEF LEGISLATION

Relevant information contained in all systems of records of the Department of Defense published on or before August 22, 1975, 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 A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

ROUTINE USE - DISCLOSURES REQUIRED BY INTERNATIONAL AGREEMENTS

A record from a system of records maintained by this Component may be disclosed to foreign law enforcement, security, investigatory, or administrative authorities in order to comply with requirements imposed by, or to claim rights conferred in international agreements and arrangements including those regulating the stationing and status in foreign countries of Department of Defense military and civilian personnel.

ROUTINE USE - DISCLOSURE TO STATE AND LOCAL TAXING AUTHORITIES

Any information normally contained in IRS Form W-2 which is maintained in a record from a system of records maintained by this Component may be disclosed to State and local taxing authorities with which the Secretary of the Treasury has entered into agreements pursuant to Title 5, U.S.Code, Sections 5516, 5517, 5520, and only to those State and local taxing authorities for which an employee or military member is or was subject to tax regardless of whether tax is or was withheld. This routine use is in accordance with Treasury Fiscal Requirements Manual Bulletin Nr. 76-07.

ROUTINE USE - DISCLOSURE TO THE OFFICE OF PERSONNEL MANAGEMENT

A record from a system of records subject to the Privacy Act and maintained by this component may be disclosed to the Office of Personnel Management concerning information on pay and leave, benefits, retirement deductions, and any other information necessary for the Office of Personnel Management to carry out its legally authorized Government-wide personnel management functions and studies.

ROUTINE USE - DISCLOSURE OF INFORMATION TO NARS (GSA)

A record from a system of records maintained by this component may be disclosed as a routine use to the National Archives and Records Service of the General Services Administration in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

ROUTINE USE - DISCLOSURE TO DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

All systems of records relating to compensation, employment or retirement, or extracts therefrom, maintained by this Component may be disclosed as a routine use to the Department of Health, Education, and Welfare for the purpose of comparing such record with records of programs administered by and in the possession of the Department of Health, Education, and Welfare in order to verify information where such verification is required by law or regulation or to identify violations or potential violations of law, whether criminal, civil, or regulatory, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto.

HDNA 002

System name:

DNA002 Employee Relations

System location:

Civilian Personnel Office, Defense Nuclear Agency, Washington, D. C., 20305, Routing Symbol: PACV. Also at the following subordinate commands: Civilian Personnel Office, Bldg 2023A, Kirtland AFB, New Mexico, 87115; and Civilian Personnel Office, Armed Forces Radiobiology Research Institute, Bethesda, Maryland, 20014, Bldg 42, located on the grounds of the National Naval Medical Center.

Categories of individuals covered by the system:

Civilian employees paid from appropriated funds serving under career, career-conditional, temporary and excepted service appointments on whom discipline, grievances, and complaints records exist.

Discrimination complaints of civilian employees, paid from appropriated and non-appropriated funds, applicants for employment and former employees in appropriated and non-appropriated positions. Management Operation Record system consisting of manual file maintained by immediate supervisors and high level managers concerning employee performance, capability, informal discipline, attendance, leave and tardiness, work assignments, and similar work related employee records.

Categories of records in the system:

Manual files, maintained in paper folders, contain copies of documents and information pertaining to discipline, grievances, complaints, and appeals.

Authority for maintenance of the system:

Executive Order 9830, Amending the Civil Service Rules and Providing for Federal Personnel Administration; 4 USC 1302, 3301, 3302; Executive Order 10577, Amending the Civil Service Rules and Authorizing a New Appointment System for the Competitive System. PL 92-261, The Equal Employment Opportunity Act of 1972; PL 93-259, Extension of Age Discrimination in Employment Act of 1967; 5 USC 7512; Executive Order 11491, Labor-Management Relations in the Federal Service.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Officials of the Defense Nuclear Agency in the performance of their official duties related to the management of civilian employees in the processing, administration, and adjudication of discipline, grievances, complaints, appeals, litigation, and program evaluation.

Representatives of the United States Civil Service Commission on matters relating to the inspection, survey, audit or evaluation of civilian personnel management programs or personnel actions, or such other matters under the jurisdiction of the Commission. Appeals officers and complaints examiners of the Federal Employee Appeals Authority for the purpose of conducting hearings in connection with employees' appeals from adverse actions and formal discrimination complaints. The Comptroller General or any of his authorized representatives, in the course of the performance of duties of the General Accounting Office relating to the civilian manpower management programs. The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies. The Senate or the House of Representatives of the United States or any member, committee or subcommittee of joint committees on matters within their jurisdiction relating to the above programs.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are stored in paper folders.

Retrievability:

Filed alphabetically by last name of individual.

Safeguards:

Buildings employ security guards. Records are maintained in locked security containers accessible only to personnel who are properly screened, cleared and trained.

Retention and disposal:

Records are destroyed upon separation of the employee from the agency or in accordance with appropriate record disposal schedule.

System manager(s) and address:

Civilian Personnel Officer, Defense Nuclear Agency, Washington, D. C., 20305, for Headquarters, Defense Nuclear Agency; Chief, Civilian Personnel, Armed Forces Radiobiology Research Institute, Bethesda, Maryland, 20014, for Armed Forces Radiobiology Research Institute; Civilian Personnel Officer, Kirtland AFB, New Mexico, 87115, for Field Command, Defense Nuclear Agency.

Notification procedure:

Information may be obtained from: Civilian Personnel Officer, Defense Nuclear Agency, Washington, D. C., 20305, Telephone: Area Code 202-325-7592 for Headquarters, Defense Nuclear Agency; Chief, Civilian Personnel, Armed Forces Radiobiology Research Institute, Bethesda, Maryland, 20014, Telephone: Area Code 301-295-1047, for Armed Forces Radiobiology Research Institute; or Civilian Personnel Officer, Bldg 2023A, Kirtland AFB, New Mexico, 87115, Telephone: Area Code 505-264-9253, for Field Command, Defense Nuclear Agency. The letter should contain the full name and signature of the requester and the approximate period of time, by date, during which the case record was developed.

Record access procedures:

Requests from individuals should be addressed to same address as stated in the notification section above.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Supervisors or other appointed officials designated for this purpose.

Systems exempted from certain provisions of the act:

None

HDNA 003

System name:

Labor Management Relations Records Systems

System location:

Civilian Personnel Office, Defense Nuclear Agency, Washington, D. C., 20305, Routing Symbol: PACV. Also at the following subordinate commands: Civilian Personnel Office, Bldg 2023A, Kirtland AFB, New Mexico, 87115; and Civilian Personnel Office, Armed Forces Radiobiology Research Institute, Bethesda, Maryland, 20014, Bldg 42, located on the grounds of the National Naval Medical Center.

Categories of individuals covered by the system:

Civilian employees paid from appropriated and non-appropriated funds, who are involved in a grievance which has been referred to an arbitrator for resolution; union officials, union stewards; and representatives.

Categories of records in the system:

Manual files, maintained in paper folders, filed by type of case and case number (not individual). Folder contains all information pertaining to a specific arbitration case of specific Unfair Labor Practice with whom Defense Nuclear Agency has dealings; subordinate elements maintain manual roster of local union officials and union stewards.

Authority for maintenance of the system:

Executive Order 11491, as amended, 'Labor-Management Relations in the Federal Service.'

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Officials and employees of the Defense Nuclear Agency in the performance of their official duties related to the Labor-Management Relations Program, e.g., administration/implementation of arbitration awards, interpretation of the Executive Order through 3rd party case decisions; national consultation and other dealings with the recognized unions; Representatives of the U. S. Civil Service Commission on matters relating to the inspection, survey, audit, or evaluation of Civilian Personnel Management Programs; the Comptroller General or any of his authorized representatives, in the course of the performance of duties of the General Accounting Office relating to the Labor Management Relations Program; Officials and employees of other components of the Department of Defense in the performance of their official duties related to the administration of the Labor-Management Relations Program; a duly appointed hearing examiner or arbitrator for the purpose of conducting a hearing in connection with an employee's grievance.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Manual records are stored in paper folders.

Retrievability:

Manual records are retrieved by case subject, case number, and/or individual employee names.

Safeguards:

All manual files are accessible only to authorized personnel having a need to know.

Retention and disposal:

Case files are permanently maintained. Union official rosters are normally destroyed after a new roster has been established.

System manager(s) and address:

Civilian Personnel Officer, Defense Nuclear Agency, Washington, D. C., 20305, for Headquarters, Defense Nuclear Agency; Chief, Civilian Personnel, Armed Forces Radiobiology Research Institute, Bethesda, Maryland, 20014, for Armed Forces Radiobiology Research Institute; Civilian Personnel Officer, Kirtland AFB, New Mexico, 87115, for Field Command, Defense Nuclear Agency.

Notification procedure:

Information may be obtained from: Civilian Personnel Officer, Defense Nuclear Agency, Washington, D. C., 20305, Telephone: Area Code 202-325-7592 for Headquarters, Defense Nuclear Agency; Chief, Civilian Personnel, Armed Forces Radiobiology Research Institute, Bethesda, Maryland, 20014, Telephone: Area Code 301-295-1047, for Armed Forces Radiobiology Research Institute; or Civilian Personnel Officer, Bldg 2023A, Kirtland AFB, New Mexico, 87115, Telephone: Area Code 505-264-9253, for Field Command, Defense Nuclear Agency. The letter should contain the full name and signature of the requester and the approximate period of time, by date, during which the case record was developed.

Record access procedures:

Requests from individuals should be addressed to same address as stated in the notification section above.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Civilian personnel offices; arbitrator's office; union headquarters offices.

Systems exempted from certain provisions of the act:

None

HDNA 412-14

System name:

412-14 Biography Files

System location:

Public Affairs Office, Defense Nuclear Agency, Washington, D. C., 20305, Routing Symbol: PAO.

Categories of individuals covered by the system:

Senior military officers of the Army, Air Force, Navy and Marines who hold positions within the chain of command or heads of major headquarters within the services that may on accasion interface with Defense Nuclear Agency and/or its components. Civilians who are senior officials within the Department of Defense/Government agencies within the chain of command or department heads that may on occasion interface with Defense Nuclear Agency and/or its components.

Categories of records in the system:

Brief biographical data (sometimes including photographs), obtained on a voluntary basis with data approved by the individual.

Authority for maintenance of the system:

5 USC 301, 302 Public Law 89-554, 6 September 1966.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To maintain current biographies on key Defense Nuclear Agency personnel for use in routine requests and news releases. To maintain current biographies on key DoD personnel, civilian contractors, or

civilians with which the agency or its personnel come in contact in the completion of their mission. Releasable to media, individuals, businesses and any other public or private requester.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

Filed alphabetically by last name.

Safeguards:

All files are in GSA 4-drawer safes with combination locks. Building is under 24-hour GSA guard system. Records are maintained in office only accessible to authorized personnel that are properly screened, cleared and trained.

Retention and disposal:

Files are retained in active file until retirement, transfer, separation, or death of the individual concerned or on discontinuance of office at which time they are destroyed.

System manager(s) and address:

Public Affairs Officer, Defense Nuclear Agency, Washington, D. C., 20305.

Notification procedure:

Information may be obtained from Public Affairs Office, Defense Nuclear Agency, Washington, D. C., 20305, telephone 202-325-7091.

Record access procedures:

Records are open to the public upon demand. Written requests should be addressed to Defense Nuclear Agency, ATTN: Public Affairs Office, Washington, D. C., 20305. Written requests for information should contain the full name of the individual. Visits can be arranged by the Public Affairs Office.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Biographical data voluntarily submitted by individual personally.

Systems exempted from certain provisions of the act:

NONE

HDNA001

System name:

Employee Assistance Program Case Record Systems

System location:

Biomedical Effects Office, Occupational Health Unit, Defense Nuclear Agency, Washington, D.3 00000 20305. Also at the following subordinate commands: Civilian Personnel Office, Bldg. 2023A, Kirtland AFB, New Mexico 87115, and Civilian Personnel Office, Armed Forces Radiobiology Research Institute, Bethesda, Maryland 20014, Bldg. 42, located on the grounds of the Nation1300000 Naval Medical Center.

Categories of individuals covered by the system:

All civilian employees in appropriated and non-appropriated fund activities who are referre4000000 by management for, or voluntarily request, counseling assistance.

Categories of records in the system:

Case records on employees which are maintained by counselors, supervisors, and civilian personnel offices and consist of information on condition, current status, and progress of employees or dependents who have alcohol, drug, emotional, or other job performance problems 000000

Authority for maintenance of the system:

Drug Abuse Office and Treatment Act of 1972, as amended by Public Law 93-282 (21 USC 1175); Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, as amended by Public Law 93-282 (42 USC 4582); Subchapter A of Chapter I, Title 42, Code of Federal Regulations; Chapter 43 of Title 5 USC.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by the counselor in the execution of the counseling function as it applies to the individual employee. With specific written authority of the employee selected information may be provided to and used by other counselors or medical personnel research personnel, employers, representatives such as legal counsel, and to other agencies or individuals when disclosure is to the employee's benefit, such as for processing retirement applications 000000

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Case records are stored in paper file folders.

Retrievability:

Filed alphabetically by last name of individual.

Safeguards:

Buildings employ security guards. Records are maintained in locked security containers accessible only to personnel who are properly screened, cleared and trained.

Retention and disposal:

Records are purged of identifying information within five years after termination of counse3957000 or destroyed when they are no longer useful.

System manager(s) and address:

Occupational Health Nurse, Occupational Health Unit, Biomedical Effects Office, Defense Nuclear Agency, Washington, DC 20305, for Headquarters Defense Nuclear Agency: Chief, Civilian Personnel, Armed Forces Radiobiology Research Institute, Bethesda, Maryland, 20014, for Armed Forces Radiobiology Research Institute; Civilian Personnel Officer, Kirtland AFB, New Mexico 87115, for Field Command, Defense Nuclear Agency.

Notification procedure:

Information may be obtained from: Occupational Health Nurse, Occupational Health Unit, Biomedical Effects Office, Defense Nuclear Agency, Washington, DC 20305, Telephone: Area Code 202 325-7073 for Headquarters, Defense Nuclear Agency; Chief, Civilian Personnel, Armed Forces Radiobiology Research Institute, Bethesda, Maryland 20014, Telephone: Area Code 301 295-1047, for Armed Forces Radiobiology Research Institute; or Civilian Personnel Officer, Bldg. 2023A, Kirtland AFB, New Mexico 87115, Telephone: Area Code 505 264-9253, for Field Command, Defense Nuclear Agency. The letter should contain the full name and signature of t8500000 requester and the approximate period of time, by date, during which the case record was developed.

Record access procedures:

Requests from individuals should be addressed to same address as stated in the notification section above.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Counselors, other officials, individuals or practitioners, and other agencies both in and outside of Government.

Systems exempted from certain provisions of the act:

None

HDNA005

System name:

MANPOWER/PERSONNEL MANAGEMENT SYSTEM

System location:

Personnel Administraton Directorate
Defense Nuclear Agency
Washington DC 20305
Routing Symbol: OAPA

Also at the following subordinate commands:

Civilian Personnel Office
Bldg 2023A
Kirtland AFB, NM 87115
Civilian Personnel Office
Armed Forces Radiobiology Research Institute
Bethesda Maryland 20014
Bldg 42 located on the grounds of the National Naval Medical Center

Also supervisor maintained files at all three locations

Categories of individuals covered by the system:

Any individual, military or civilian, employed by DNA.

Categories of records in the system:

File contains following information on all personnel assigned to DNA: Social Security Number; Agency; Employee Name; Birth Date; Veteran's Preference; Tenure Group; Service Computation Date; Federal Employees Group Life Insurance; Retirement Code; Nature of Action Code; Effective Date of Action; Position Number;

Pay Plan; Occupation Code; Functional Classification Code; Grade; Step; Pay Basis; Salary; Supervisory Position; Location Code/Duty Station; Position Occupied; Work Schedule; Pay Rate Determinant; Special Program Identification Code; Sex; Citizen Status; Date Entered Present Grade; Date Entered Present Step; Separation Date; Reason for Separation (Quit Code); Cost Center; Academic Discipline; Career Conditional Appointment Date (Conversion to Career); Education Level; Degree Date; Purpose of Training; Type of Training; Source of Training; Special Interest; Direct Cost; Indirect Cost; Date of Completion; On-Duty Hours; Off Duty Hours; JTD Paragraph Number; JTD Line Number; Competitive Level; Military Service Retirement Date; Uniformed Service; Service Commissioned (military); Service Pay Grade (rank); Agency Sub element Code; Submitting Office Number; Retired Military Code; Bureau; Unit Identification Code; Program Element Code; Civil Function Code; Guard/Reserve Technician; Appropriation Code; Active/ Inactive Strength Designation; Work Center Code; Projected Vacancy Date; Targeted Grade; Position Title; Date of Last Equivalent Increase; Fair Labor Standards Act Designator; Health Benefits Enrollment Code; Type and Date of Incentive Award; Personal Title of Employee; Civil Service or other Legal Authority; Employing Office Name; Date Probationary Period Begins; Performance Rating; Due Date for Future Action; Position Tenure; Leave Category; Average Grade by Command Element; Personnel Authorized; Projected Personnel Requirements; Special Experience Identifiers; Rotational Position Identification; Additional Duties; Office Titles; Manpower Track; Facility; Arm of Service; Branch of Service; Date of Rank; Primary/Alternate Specialty; Control Specialty; Last OER/EER; Basic Pay Entry Date; Basic Active Service Date; Date of Arrival; Projected Date of Departure; Security; Marital Status; Spouse's Name; Dependents; Address (Nr and Street, City, State, Zip Code); Phones (Home and Duty); Handicap Code; Minority Group Designator.

Authority for maintenance of the system:

5U.S.C. 301, 302, 4103, Pub. L. 89-554, September 6, 1966.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

INTERNAL

Assigned personnel in the agency will compile and consolidate reports relating to manpower authorizations/assigned strengths and monitor personnel actions and programs as required by management officials within the agency. Users include Headquarters, Field Command and AFRRI personnel.

Officials and employees of the Defense Nuclear Agency in the performance of their official duties related to the management of civilian and military employee programs, including the design, development, maintenance and operation of the manual and automated system of record keeping and reporting; screening and selection of candidates for centrally administered training programs or promotions; administration of grievances, appeals, complaints, or litigation involv ing equal opportunity or disclosure of records. Preparation and publication of personnel rosters to facilitate communications/ contact for official, social or emergency purposes.

Officials and employees of other Department of Defense Components upon request in the perfor mance of their official duties related to the screening and selection of candidates for programs sponsored by their organization.

A duly appointed Hearing Examiner or Arbitrator for the purpose of conducting a hearing in connection with an employee's grievance involving disclosure of records or equal opportunity matters. An arbitrator who is given a contract pursuant to a negotiated labor agreement to hear an employee's grievance involving the disclosure of records of the DNA training or employee development records system.

EXTERNAL

Representatives of the Office of Personnel Management/Merit Systems Protection Board on matters relating to the inspection, survey, audit or evaluation of the civilian programs or such other matters under the jurisdiction of the OPM.

The Comptroller General or any of his authorized representatives in the course of performance of duties of the General Accounting Office relating to civilian programs.

The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies.

Officials and employees of other agencies of the Executive Branch of government upon request in the performance of their official duties related to the screening and selection of candidates for programs sponsored by their organization.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Automated records are stored on magnetic tapes, discs, computer printouts, and on punched cards. Manual records are stored in paper file folders, card file boxes, and paper rosters.

Retrievability:

Automated records are retrieved by social security number. Manual Records are retrieved by employee's last name. Handicap Code and Minority Group Designators are available for access only by the Director and the EEO Officer.

Safeguards: The computer facility and terminal are located in restricted areas accessible only to authorized personnel that are properly screened, cleared, and trained. Manual records and computer printouts are available only to authorized personnel having a need to know. Building employs security guards and is protected by intrusion alarm system.

Retention and disposal:

Computer magnetic tapes are permanent. Manual records are maintained on a fiscal year basis and are retained for varying periods from 1 to 5 fiscal years after which they are destroyed in accordance with appropriate record disposal schedules.

System manager(s) and address:

Director, Personnel/Administration Directorate - Headquarters, Defense Nuclear Agency Washington, DC 20305 - Telephone: 202-325-7047.

Notification procedure:

Information may be obtained from System Manager. The letter should contain the full name and signature of the requester and the approximate period of time, by date, during which the case record was developed.

Record access procedures:

Requests should be addressed to System Manager. Written requests for information should contain the full name of individual. For personal visists, the individual should provide military or civilian identification card.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations are contained in DNA Instruction 5400.11 (32 CFR Part 291a). Additional information may be obtained from the System Manager.

Record source categories:

Information extracted from military and civilian personnel records, Joint Manpower Program docu ment, security division, and voluntarily submitted by individual.

Systems exempted from certain provisions of the act:

None.

HDNA006

System name:

DNA Employees Occupational Health Program Records System

System location:

Biomedical Effects Office, Occupational Health Unit, Defense Nuclear Agency, Washington, DC 20305, Routing Symbol BA/HU.

Categories of individuals covered by the system:

Any individual, military or civilian employed by DNA and GSA employees assigned to the buil4957 00

Categories of records in the system:

File contains a variety of records relating to an employee's participation in the DNA Occup1000000 tional Health Program. Information which may be included in this system are the employees n145 000 SSN, date of birth, weight, height, blood pressure, medical history, blood type, nature of injury or complaint, type of treatment/ medication received, immunizations, examination findi5720000 and laboratory findings, exposure to occupational hazards.

Authority for maintenance of the system:

5 U.S.C. 7901 et seq., Pub.L. 79-658.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

INTERNAL USERS, USES, AND PURPOSES

Authorized medical personnel in connection with the performance of their official duties.

EXTERNAL USERS, USES, AND PURPOSES

The Office of Personnel Management Merit Systems Protection Board (including its Office of 3850000 Special Counsel), Equal Em-

ployment Opportunity Commission, and the Federal Labor Relations Authority (including the General Counsel of the Authority and the Federal Service Impasses Panel) in carrying out their functions.

The Department of Labor in connection with a claim filed by an employee for compensation fo9000000 a job-related injury or disease.

Disclosure may be made to a private medical physician from the record of an individual in response to an inquiry from the office of the physician made at the request of that individu13 0000

Disclosure may be made to a congressional office from the record of an individual in respon2500000 to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where one of the parties is (a) the Agency, any component of the Agency, or any employee of the Agency in his or her official capacity; (b) the United States where the Agency determines that the claim, if successful is likely to directly affect the operations of the Agency or any of its components; or (c) any Agency employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Agency may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party provided such disclosu9500000 is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are stored in paper file folders and card file boxes.

Retrievability:

Records are manually retrieved either by last name or the terminal digit filing system.

Safeguards:

During the employment of the individual, medical records are maintained in files located in a secured room with access limited to those whose official duties require access.

Retention and disposal:

Records are retained until the individual leaves the Agency. If they have no long term val45 0000 they are destroyed at this time. If they have continuing value, they may be combined with t8500000 Official Personnel Folder which is forwarded to the Federal Personnel Records Center or to t8500000 new employing agency, as appropriate.

System manager(s) and address:

Occupational Health Nurse, Biomedical Effects Office, Occupational Health Unit, Headquarter2 00000 Defense Nuclear Agency, Washington DC 20305, Telephone: 202-325-7073.

Notification procedure:

Information may be obtained from System Manager. The letter should contain the full name a5400000 signature of the requester and the approximate period of time, by date, during which the cas5000000 record was developed.

Record access procedures:

Requests should be addressed to System Manager. Written request for information should con tain the full name of requester. For personal visits, the individual should provide militar8000000 or civilian identification card.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations are contain5400000 in DNA Instruction 5400.11 (32 CFR Part 291a). Additional information may be obtained from the System Manager.

Record source categories:

Information in this system of records is: (1) supplied directly by the individual, or (2) derived from information supplied by the individual, or (3) supplied by the medical officer or nurse providing treatment or medication, or (4) supplied by the individual's private physician.

Systems exempted from certain provisions of the act:

None.

HDNA007

System name:

Security Operations System

System location:

Intelligence/Security Directorate (OAIS), Headquarters, Defense Nuclear Agency, Washington, D.C. 20305. Also at the following subordinate commands: Security Division (FCSS), Field Command Defense Nuclear Agency, Kirtland AFB, Albuquerque, New Mexico 87115; and Armed Force2000000 Radiobiology Research Institute, Bethesda, Maryland 20014.

Categories of individuals covered by the system:

All military and civilian personnel assigned to, or employed by HQ, Defense Nuclear Agency (DNA), Field Command, Defense Nuclear Agency (FCDNA), and the Armed Forces Radiobiology Rese1938000 Institute (AFRRI). Other U.S. Government personnel, U.S. Government contractors, foreign go5595000 ment representatives, and visitors from foreign countries.

Categories of records in the system:

System contains following information on individuals (not all information is appropriate to0133000 categories of individuals covered by the system):

Name; Social Security Account Number; Date and Place of Birth; Height, Weight; Hair/Eye col69 0000 Citizenship; Grade/Rank; Service; Organization; Security Clearance; Date of Clearance; Basis 000000 Special Accesses; Courier Authorization; Continuous Access Roster Expiration Date; Expiratio5000000 Date; Badge Number; Contracting Officer's Representative; Contracting Officer's Organization 000000 Special Intelligence Access; Expiration Date; Agency; Billet Number; List of Badges/Passes Issued; List of Keys Issued; Conference Title; Conference Dates; Location. Department of De6552500 Form 398, 'Statement of Personal History;' Reports of Investigation; Security Incident Files 000000 Visit Requests; Conference Rosters; Clearance and Special Access Rosters; picture and identi fication cards; correspondence concerning adjudication/passing of clearances.

Authority for maintenance of the system:

Executive Order 10450, 'Security Requirements for Government Employment,' 27 April 1953 as amended by Executive Orders 10491, 10531, 10548, 10550, 11605, and 11785. Executive Order 12065, 'National Security Information,' dated 28 June 1978. Section 21 of the Internal Security Act of 1950 (Pub.L. 831). Section 145 of the Atomic Energy Act of 1954, as amended by Pub.L. 83-703, 42 USC 2165.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

INTERNAL USERS, USES, AND PURPOSES

Officials and employees of the DNA, FCDNA, and AFRRI in the performance of their official duties related to determining the eligibility of individuals for access to classified inform1000000 tion.

Guard personnel assigned to the DNA, FCDNA and AFRRI in the performance of their official duties related to determining the eligibility of individuals for access to buildings, facilities, or conferences over which DNA has security responsibility.

EXTERNAL USERS, USES, AND PURPOSES

Officials and employees of other Department of Defense Components, U.S. Government contract692 000 and other U.S. Government organizations in the performance of their official duties related 3600000 the screening and selection of individuals for security clearances and/or special access authorizations; access to facilities; or attendance at conferences.

Officials of U.S. Government investigatory agencies in the performance of their official du3952000 relating to law enforcement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Automated records are stored on magnetic tapes, discs, computer printouts, and or punched c1942 00 Manual records are stored in paper file folders, card files, and paper rosters.

Retrievability:

Automated records are retrieved by individual's last name, conference title, and by type of badge issued. Manual records are retrieved by individual's last name, organization, or subj5330000 file.

Safeguards:

The computer facility and terminals are located in restricted areas accessible only to authorized personnel. Manual records and computer printouts are available only to authorize4000000 persons with an official need to know. Buildings employ security guards and/or intrusion detection systems.

Retention and disposal:

Computer records on individuals are erased upon termination of an individual's affiliation 6938000 the DNA, FCDNA, or AFRRI. Personnel security files are destroyed within thirty days from th5000000 date of termination of an individuals employment, assignment or affiliation with DNA, FCDNA 6900000 AFRRI. Manual records or conference attendees, visitors, and visit certifications to other agencies are maintained for two years and destroyed. Security incident

files are retained f6900000 two years unless they concern compromise of classified information, in which case they may b5000000 retained permanently.

System manager(s) and address:

Director, Intelligence/Security Directorate, Defense Nuclear Agency, Washington, D.C. 20305 000000 for DNA and AFRRI. Chief, Security Division, Field Command, Defense Nuclear Agency, Kirtlan4000000 AFB, NM 87115.

Notification procedure:

Information may be obtained from: Director, Intelligence/Security Directorate, Defense Nuclear Agency, Washington, D.C. 20305, Telephone: Area Code (202) 325-7086 for DNA and AFR99 0000 or Chief, Security Division, Field Command, Defense Nuclear Agency, Kirtland AFB, NM 87115; Telephone: Area Code (505) 264-1423, for FCDNA.

Record access procedures:

Requests for information should be addressed to: Director, Intelligence/Security Directora35 0000 Defense Nuclear Agency, Washington, D.C. 20305, for DNA and AFRRI, or Chief, Security Divisi65 0000 Field Command, Defense Nuclear Agency, Kirtland AFB, NM 87115 for FCDNA. Written requests f6900000 information should contain the full name, home address, social security number, date and pla3500000 of birth. For personal visits, the individual must be able to provide identification showin7000000 full name, date and place of birth, and social security number.

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determinations are contain5400000 in DNA Instruction 5400.11 (32 CFR Part 291a).

Record source categories:

Information extracted from military and civilian personnel records, investigative files, an4000000 voluntarily submitted by individual.

Systems exempted from certain provisions of the act:

Part of this system may be exempt under 5 U.S.C. 552a (k)(5) as applicable. The exemption rule for the system is contained in Title 32, Code of Federal Regulations, Part 291a, as amended.

HDNA609-02

System name:

Personnel Radiation Exposure Records

System location:

Decentralized system. Primary location: Safety Department, Bldg. 42, Rooms 1420 and 1422, Armed Forces Radiobiology Research Institute (AFRRI), Defense Nuclear Agency, Bethesda, Maryland 20014, on the grounds of the National Naval Medical Center. Other locations are rooms 3113 and 2147 of the AFRRI; and room 1418, Bldg. 364, Field Command, Defense Nuclear Agency (FCDNA), Kirtland Air Force Base, Albuquerque, New Mexico 87115; and Office of the Commander, Enewetak Atoll, Marshall Islands.

Categories of individuals covered by the system:

All employees, contractors, visitors or anyone else who is known to enter the AFRRI building. At FCDNA, all DNA employees who work in a position, the duties of which might result in exposure to radiation. At Enewetak, all individuals who work or visit the Atoll other than transient air crews and air passengers who do not leave the aircraft. Uniformed Services University of the Health Sciences, all employees, students, visitors, contractors or anyone else known to enter a radiation environ ment at Uniform Service University of the Health Sciences (USUHS).

Categories of records in the system:

For employees at AFRRI, FCDNA, and USUHS file contains personal information con sisting of name, social security number, date of birth, current and previous radia tion exposure, history and places of employment and when exposures occurred. For others, at AFRRI, FCDNA and USUHS file contains name, social security number, date of birth, current employer, citizenship, and current exposure history. For all, at AFRRI, FCDNA and USUHS information on pregnancy and pacemaker. Enewetak files will contain personal information consisting of name, social security number, date of birth, current and previous radiation exposure history, areas visited or worked, dates of arrival and departure, and citizenship. At AFRRI, for current employees, information on date-on-board, assigned department, sex, date of departure, bio assay, grade/rank, work phone and room number.

Authority for maintenance of the system:

Atomic Energy Act of 1954, 42 USC 2013, Military Construction Appropriation Act of 1977 (P.L. 94-367) and DNA OPLAN 600-77, 'Cleanup of Enewetak Atoll'.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

INTERNAL

To document the degree of exposure to radiation experienced by an individual; to measure quality of the radiation protection program. At AFRRI, name, grade/rank, department, room number and work phone will be used to print a current roster of personnel, for internal use in contacting personnel for official purposes.

EXTERNAL

To support legal or medical claims for or against the government; to provide exposure history to subsequent employers; to provide history to requesting individuals.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

At AFRRI: 5' by 7' cards filed at reception desk, room 3113, 8' by 10 1/2' paper filed in rooms 1420 and 1422. Automated records are stored on magnetic tapes (for backup), disks in room 2436 and computer printouts in room 1422. At FCDNA, 8' by 10 1/2' papers are filed in a metal file cabinet in Bldg. 364. At Enewetak: 5' by 7' cards filed in a metal file cabinet in the Enewetak Commander's office.

Retrievability:

Alphabetical by last name of individual. Automated records are selectable retrievable on all fields within the record.

Safeguards:

AFRRI - Kept in a controlled access building which is protected by an instrusion alarm system. Card, paper forms and printouts are further secured in a locked cabinet. These files, when placed on a computer system, are protected by a user identification code (UIC) and password. Access is restricted to only those persons appointed by the SYSMANAGER to whom he has given the 'UIC-Password' combination. The password is changed periodically by the SYSMANAGER.

FCDNA - Controlled access building which is protected by an intrusion alarm system.

Enewetak - Locked and secured in Enewetak Commander's office.

Retention and disposal:

For employees - permanently. For visitors - retired after two years to record holding area for permanent retention. For foreign visitors, records are sent to State Depart ment for retention. All Enewetak records will be maintained permanently.

System manager(s) and address:

AFRRI and USUHS - Chairman, Safety Department, Armed Forces Radiobiology Research Institute, Bethesda, MD 20014.

Field Command, DNA and Enewetak Atoll, MI - Health Physicist, Logistics Directorate, Field Command, Defense Nuclear Agency, Albuquerque, NM 87115.

Notification procedure:

Requests should be addressed to the SYSMANAGER.

Record access procedures:

Individual can obtain assistance in gaining access from the SYSMANAGER.

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determinations may be obtained from SYSMANAGER.

Record source categories:

AFRRI, FCDNA, and USUHS information voluntarily submitted by individual. Enewetak information is required to be submitted by individual. Additional information added as data is collected.

Systems exempted from certain provisions of the act:

None.

HDNA609-03

System name:

Personnel Exposed to Radiation from Atmospheric Nuclear Tests

System location:

Biomedical Effects Office, Defense Nuclear Agency, Washington, DC 20305.

Categories of individuals covered by the system:

All DoD and DoD affiliated personnel military and civilian, who participated in the United States Government atmospheric nuclear test programs in the Pacific and at the Nevada Test Site.

Categories of records in the system:

Personal information consisting of name, rank, service number, social security number, last known or current address, dates of test participation, exposure data, and unit of assignment 000000

Authority for maintenance of the system:

Atomic Energy Act of 1954, 42 U.S.C. 2013 and Tasking Memorandum from Office of the Secreta9800000 of Defense to the Director, Defense Nuclear Agency dated 28 Jan 78, Subject: DoD Personnel Participation in Atmospheric Nuclear Weapons Testing.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Department of Defense Components-For the purpose of preparing histories of atmospheric nuclear test participation and for use in litigation between test participants or their representatives and the Department of Defense.

Defense Nuclear Agency Contractors-For the purpose of assisting DoD components in preparati6500000 of histories of atmospheric nuclear test participation and responding to the inquiries and concerns of individuals who may have participated in the test programs and/or their representatives.

National Research Council and the Center for Disease Control-For the limited purpose of conducting epidemiological studies of the effects of ionizing radiation from the atmospheric nuclear weapons tests on DoD participants in those tests.

Department of Energy-For the limited purpose of identifying AEC and AEC-contractor Personne3000000 exposed to ionizing radiation during nuclear testing: and for conducting epidemiological Studies of radiation effects of individuals so identified; and for use in litigation between the DoD and any of the individuals so identified.

Department of Transportation-For the limited purpose of identifying DOT and DOT-affiliated personnel exposed to ionizing radiation during nuclear testing and for use in litigation between the DOT and any of the individuals so identified.

Veterans Administration-For use in litigation between the VA and individuals and/or their representatives who are alleging service-connected disabilities as a result of said exposure 000000

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders; computer magnetic tape disks and printouts in secure compute9000000 facility.

Retrievability:

Paper records in file folders and on computer magnetic tape disks and printouts are retriev5400000 by name and SSAN.

Safeguards:

Paper records are filed in folders stored in locked security safes. Mag tapes stored in vault in the computer area.

Retention and disposal:

Paper records are retained until information is transferred to magnetic tapes, then destroy54 0000 Magnetic-tapes and disks are retained indefinitely.

System manager(s) and address:

Assistant to the Director, Biomedical Effects, Defense Nuclear Agency, Washington, DC 20305 000000

Notification procedure:

Information may be obtained from the SYSMANAGER.

Record access procedures:

Requests should be addressed to the SYSMANAGER.

Contesting record procedures:

Requests from individuals should be addressed to the same address as stated in the notifica3965000 section above.

Record source categories:

From DNA Form 10, searches of DoD records by other DoD components, and from individuals voluntarily contacting DNA by phone or mail.

Systems exempted from certain provisions of the act:

None.

DEFENSE INTELLIGENCE AGENCY

REQUESTING RECORDS

Records are retrieved by name or by some other personal identifier. It is therefore especially important for expeditious service when requesting a record that particular attention be provided to the Notification and/or Access Procedures of the particular record system involved so as to furnish the required personal identifiers, or any other pertinent personal information as may be required, to locate and retrieve the record.

BLANKET ROUTINE USES

Certain blanket 'routine uses' of the records have been established, that are applicable to every record system maintained within the Department of Defense, unless specifically stated otherwise within a particular record system. These additional blanket routine uses of the records are published below, only once in the interest of simplicity, economy and to avoid redundancy, before the individual record system notices begin rather than repeating them in every individual record system.

ROUTINE USE - LAW ENFORCEMENT

In the event that a system of records maintained by this component 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 by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

ROUTINE USE - DISCLOSURE WHEN REQUESTING INFORMATION

A record from a system of records maintained by this component 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 component 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.

ROUTINE USE - DISCLOSURE OF REQUESTED INFORMATION

A record from a system of records maintained by this component may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

ROUTINE USE - CONGRESSIONAL INQUIRIES

Disclosure from a system of records maintained by this component may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

ROUTINE USE WITHIN THE DEPARTMENT OF DEFENSE

A record from a system of records maintained by this component may be disclosed as a routine use to other components of the Department of Defense if necessary and relevant for the performance of a lawful function such as, but not limited to, personnel actions, personnel security actions and criminal investigations of the Component requesting the record.

ROUTINE USE - PRIVATE RELIEF LEGISLATION

Relevant information contained in all systems of records of the Department of Defense published on or before August 22, 1975, 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 A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

ROUTINE USE - DISCLOSURES REQUIRED BY INTERNATIONAL AGREEMENTS

A record from a system of records maintained by this Component may be disclosed to foreign law enforcement, security, investigatory, or administrative authorities in order to comply with requirements imposed by, or to claim rights conferred in international agreements and arrangements including those regulating the stationing and status in foreign countries of Department of Defense military and civilian personnel.

ROUTINE USE - DISCLOSURE TO STATE AND LOCAL TAXING AUTHORITIES

Any information normally contained in IRS Form W-2 which is maintained in a record from a system of records maintained by this Component may be disclosed to State and local taxing authorities with which the Secretary of the Treasury has entered into agreements pursuant to Title 5, U.S.Code, Sections 5516, 5517, 5520, and only to those State and local taxing authorities for which an employee or military member is or was subject to tax regardless of whether tax is or was withheld. This routine use is in accordance with Treasury Fiscal Requirements Manual Bulletin Nr. 76-07.

ROUTINE USE - DISCLOSURE TO THE OFFICE OF PERSONNEL MANAGEMENT

A record from a system of records subject to the Privacy Act and maintained by this component may be disclosed to the Office of Personnel Management concerning information on pay and leave, benefits, retirement deductions, and any other information necessary for the Office of Personnel Management to carry out its legally authorized Government-wide personnel management functions and studies.

ROUTINE USE - DISCLOSURE OF INFORMATION TO NARS (GSA)

A record from a system of records maintained by this component may be disclosed as a routine use to the National Archives and Records Service of the General Services Administration in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

ROUTINE USE - DISCLOSURE TO DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

All systems of records relating to compensation, employment or retirement, or extracts therefrom, maintained by this Component may be disclosed as a routine use to the Department of Health, Education, and Welfare for the purpose of comparing such record with records of programs administered by and in the possession of the Department of Health, Education, and Welfare in order to verify information where such verification is required by law or regulation or to identify violations or potential violations of law, whether criminal, civil, or regulatory, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto.

L DIA 0005

System name:

Personnel Management Information System (PMIS).

System location:

Defense Intelligence Agency, Washington, D.C. 20301.

Categories of individuals covered by the system:

Current and former military and civilian employees of DIA.

Categories of records in the system:

This system consists of a variety of personnel, security, education, training and financial employment related records.

Authority for maintenance of the system:

Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133 d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, super seded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intel ligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records are used by staff, administrative and operating officials to: prepare individual administrative transactions; make decisions on the rights, benefits, entitlements and the utilization of individuals; provide a data source for the productions of reports, statistical surveys, rosters, documentation and studies required for the orderly personnel administration with DIA. Information will be disclosed to such other federal agencies, state and local governments, as may have a legitimate use for such information and which agrees to apply appropriate safeguards to protect data so provided and which is consistent with the conditions or reasonable expectations of use and disclosure under which the information was provided, collected or obtained.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Automated, maintained on magnetic tape and manual in paper files and microfilms.

Retrievability:

By name or social security account number.

Safeguards:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

Retention and disposal:

Paper files are destroyed when employment with the Agency ceases. Microfilm records are destroyed when replaced with an updated film and magnetic tape files are retained indefi nitely as a permanent record.

System manager(s) and address:

Assistant Deputy Director for Personnel, Defense Intelligence Agency, Washington, D.C. 20301.

Notification procedure:

To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record access procedures:

All requests for copies of records pertaining to yourself must be in writing. You must include in your requests: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Contesting record procedures:

An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determina tion. The requester shall provide a statement setting forth the reasons for his or her dis agreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washing ton, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record source categories:

Agency officials, employees, educational institutions and other government agencies.

Systems exempted from certain provisions of the act:

None

L DIA 0010

System name:

Requests for Information

System location:

Defense Intelligence Agency, Washington, D.C. 20301.

Categories of individuals covered by the system:

Individuals who make requests to DIA for information.

Categories of records in the system:

Correspondence from requester, and documents related to the receipt, processing and final disposition of the request.

Authority for maintenance of the system:

Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133 d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, super- seded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intel- ligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To provide information for compiling reports required by public disclosure statutes and to assist the Department of Justice in preparation of the Agency's defense in any law suit arising under these statutes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Manual in paper files.

Retrievability:

By name.

Safeguards:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

Retention and disposal:

Granted access: destroy 2 years after date of agency reply. Denied access, but no appeals by requester: destroy 5 years after date of agency reply. Contested records: destroy 4 years after final denial by agency, or 3 years after final adjudications by courts, whichever is later.

System manager(s) and address:

Assistant Deputy Director for Support and Services, Defense Intelligence Agency, Washington, D.C. 20301.

Notification procedure:

To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record access procedures:

All requests for copies of records pertaining to yourself must be in writing. You must include in your requests: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Contesting record procedures:

An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determina- tion. The requester shall provide a statement setting forth the reasons for his or her dis- agreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washing- ton, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record source categories:

Individual requesters and agency officials.

Systems exempted from certain provisions of the act:

None

L DIA 0011

System name:

Student Information Files

System location:

Defense Intelligence Agency, Washington, D.C. 20301.

Categories of individuals covered by the system:

Current and former students of the Defense Intelligence School.

Categories of records in the system:

Student's biographic data and administrative/academic documents related to the student's enrollment.

Authority for maintenance of the system:

Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133 d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, super- seded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intel- ligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information is used to document, monitor, manage, and administer the student's performance at the School and to provide verification of training accomplished to federal agencies, military departments and educational institutions when requested.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Automated on magnetic disc and tape and manual in paper files.

Retrievability:

By name.

Safeguards:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

Retention and disposal:

Registration cards are held 5 years and then retired to the Washington National Record Center.

System manager(s) and address:

Commandant, Defense Intelligence School, Washington, D.C. 20301.

Notification procedure:

To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record access procedures:

All requests for copies of records pertaining to yourself must be in writing. You must include in your requests: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Contesting record procedures:

An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determina- tion. The requester shall provide a statement setting forth the reasons for his or her dis- agreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washing- ton, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record source categories:

Individual, parent service, educational institutions, previous employees and other federal agencies.

Systems exempted from certain provisions of the act:

None

L DIA 0014

System name:

Employee Grievance Files

System location:

Defense Intelligence Agency, Washington, D.C. 20301.

Categories of individuals covered by the system:

Current and former civilian employees of DIA who have submitted grievances in accordance with DIAR 22-12.

Categories of records in the system:

Files contain all records and documents relating to grievances filed by Agency employees to include statements of witnesses, reports of inter views and hearings and examiner's findings, recommendations, decisions and related correspondence or exhibits.

Authority for maintenance of the system:

Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133 d, the Secretary of Defense issued Department of Defense Directive 5105.21 creating the Defense Intelligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

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 dis close information to any source from which additional information is requested in the course of processing a grievance to the extent neces sary to identify the individual, inform the source of the purpose(s) of the request and identify the type of information requested; to another Federal agency or to a court when the Government is party to a judicial proceeding before the court; by the Agency in the production of summary descriptive statistics, analytical studies and training in support of the function for which the records are collected and main tained or for related work force studies; to officials of the Merit Systems Protection Board including the Office of the Special Counsel, or the Equal Employment Opportunity Commission when requested in per formance of their authorized duties; to disclose in response to a request for discovery or for appearance of a witness, information that is rele vant to the subject matter involved in a pending judicial or admini strative proceeding.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Manual in paper files.

Retrievability:

By name.

Safeguards:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

Retention and disposal:

Record is destroyed 3 years after closing of the case.

System manager(s) and address:

Deputy Assistant Director for Personnel, Defense Intelligence Agency, Washington, D.C. 20301.

Notification procedure:

To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: CAO (PA 1974), Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or per sonally delivered to room 3E223, Pentagon, Washington, D.C.

Record access procedures:

All requests for copies of records pertaining to yourself must be in writing. You must include in your requests: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specific limit. Requests can be mailed to: CAO (PA 1974), Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 2E223, Pentagon, Washington, D.C.

Contesting record procedures:

An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to ebe in writing and made within 30 days of the date of notification of the initial determination. The requester shall provide a statement setting forth the reasons for his or her disagreement with the initial determination and provide such addi tional material to support his or her appeal. Requests can be mailed to: CAO (PA 1974), Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E223, Pentagon, Washington, D.C.

Record source categories:

By the individual, testimony of witnesses, Agency officials and from related correspondence from organizations or persons.

Systems exempted from certain provisions of the act:

None

L DIA 0015

System name:

Biographic Sketch

System location:

Defense Intelligence Agency, Washington, D.C. 20301.

Categories of individuals covered by the system:

Individuals who interface with the DIA on a fee or non-fee basis.

Categories of records in the system:

Contains biographic data to include name, date and place of birth, educational background, lists of published works or notable achievements in the intelligence scientific or academic community, intelligence experience, etc.

Authority for maintenance of the system:

Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133 d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, super- seded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intel- ligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To establish an individual's bona fide as a noted authority in a specialized area for the pur- poses of utilizing that expertise to fill a gap in the Defense Intelligence Agency's resources. Information will be disclosed to such other federal agencies, state and local governments, as may have a legitimate use for such information and which agrees to apply appropriate safeguards to protect data so provided and which is consistent with the conditions or reasonable expectations of use and disclosure under which the information was provided, collected or obtained.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Manual in paper files.

Retrievability:

By name.

Safeguards:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

Retention and disposal:

Permanent records are retired to the Washington National Record Center and other material destroyed when no longer required.

System manager(s) and address:

Assistant Deputy Director for Support and Services, Defense Intelligence Agency, Wash- ington, D.C. 20301.

Notification procedure:

To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record access procedures:

All requests for copies of records pertaining to yourself must be in writing. You must include in your requests: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Contesting record procedures:

An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determina- tion. The requester shall provide a statement setting forth the reasons for his or her dis- agreement with the initial determination and provide such additional material to support his or her

appeal. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washing- ton, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record source categories:

Individual, academic institutions or the individual's employer.

Systems exempted from certain provisions of the act:

None

L DIA 0140

System name:

Passports and Visas

System location:

Defense Intelligence Agency, Washington, D.C. 20301.

Categories of individuals covered by the system:

All DIA personnel requiring passports.

Categories of records in the system:

Files containing passports and related correspondence.

Authority for maintenance of the system:

Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133 d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, super- seded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intel- ligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To obtain and safekeep official passports until needed for travel and to obtain necessary visas from appropriate Embassies. Notify individuals to reapply when passports expire and to return passports to the Department of State upon departure of the individual from DIA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Manual in paper files.

Retrievability:

By name.

Safeguards:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

Retention and disposal:

Passports are returned to Department of State upon departure of the individual from DIA.

System manager(s) and address:

Assistant Deputy Director for Support and Services, Defense Intelligence Agency, Washing- ton, D.C. 20301.

Notification procedure:

To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record access procedures:

All requests for copies of records pertaining to yourself must be in writing. You must include in your requests: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Contesting record procedures:

An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determina- tion. The requester shall provide a statement setting forth the reasons for his or her dis- agreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washing- ton, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record source categories:

Individual applicant and Department of State, Passport Office.

Systems exempted from certain provisions of the act:

None

L DIA 0209

System name:

Litigation and Disposition Documentation.

System location:

Defense Intelligence Agency, Washington, D.C. 20301.

Categories of individuals covered by the system:

Files involving legal and administrative matters involving individuals.

Categories of records in the system:

Correspondence or legal documentation relating to individuals.

Authority for maintenance of the system:

Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133 d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, super- seded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intel- ligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used in connection with litigation by, disciplinary and administrative action against or in the disposition of claims and benefits of individuals both civilian and military. Will be provided to the Department of Justice, the Civil Service Commission and various branches of the military services as may be necessary or required in the disposition of an individual case.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Manual in paper files.

Retrievability:

By name.

Safeguards:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

Retention and disposal:

Records are destroyed when no longer needed.

System manager(s) and address:

Office of the General Counsel, Defense Intelligence Agency, Washington, D.C. 20301.

Notification procedure:

To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record access procedures:

All requests for copies of records pertaining to yourself must be in writing. You must include in your requests: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Contesting record procedures:

An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the

initial determina- tion. The requester shall provide a statement setting forth the reasons for his or her dis- agreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washing- ton, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record source categories:

Other offices within the Defense Intelligence Agency and the Department of Defense, the individual involved and other departments and agencies of the Executive Branch.

Systems exempted from certain provisions of the act:

None

L DIA 0271

System name:

Investigations and Complaints

System location:

Defense Intelligence Agency, Washington, D.C. 20301.

Categories of individuals covered by the system:

Current and former civilian and military personnel who filed a complaint acted upon by the Inspector General, DIA, or who were the subject of an Inspector General, DIA, investigation or inquiry.

Categories of records in the system:

Documents relating to the organization, planning and execution of internal/external investi- gations and records created as a result of investigations conducted by the Office of the Inspector General, including reports of investigations, records of action taken and supporting papers. These files include investigations of both organizational elements and individuals.

Authority for maintenance of the system:

Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133 d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, super- seded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intel- ligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records. Executive Order 12036, United States Intelligence Activities, January 24, 1978. Executive Order 11652, Classification and Declassification of National Security Informa- tion and Material, March 8, 1972.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records are used as a basis for recommending actions to the Command Element and other DIA elements. Depending upon the nature of the information it may be passed to appropriate elements within the Department of Defense, the Department of State, Department of Justice, Central Intelligence Agency and to other appropriate government agencies.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Manual in paper files.

Retrievability:

By name.

Safeguards:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

Retention and disposal:

Records are held in current files for 5 years after completion and adjudicated of all actions. Retired to the Washington National Record Center and destroyed after 10 years.

System manager(s) and address:

Inspector General's Office, Defense Intelligence Agency, Washington, D.C. 20301.

Notification procedure:

To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record access procedures:

All requests for copies of records pertaining to yourself must be in writing. You must include in your requests: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Contesting record procedures:

An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determina- tion. The requester shall provide a statement setting forth the reasons for his or her dis- agreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washing- ton, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record source categories:

Individuals interviewed in connection with an investigation.

Systems exempted from certain provisions of the act:

Parts of this system may be exempt under Title 5. U.S.C., 552a, subsections k(2), k(5) or k(7). For additional information see agency rules contained in (32 CFR Part 292a).

L DIA 0330

System name:

Civilian Payroll, Leave and Travel Disbursement

System location:

Defense Intelligence Agency, Washington, D.C. 20301.

Categories of individuals covered by the system:

Current and former civilian personnel of the DIA.

Categories of records in the system:

This system consists of records which document and support employee related transactions in the area of pay compensation, claims for reimbursement, leave entitlement, statutory and administrative deductions, settlement of debts and documents designating certifying officials.

Authority for maintenance of the system:

Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133 d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, super- seded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intel- ligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records are used by Agency personnel and the U.S. Army Military District of Washington Finance and Accounting Office to: compute, make and record individual employee's payment transactions; determine leave entitlements; record and remit deductions for the Civil Service Commission Retire- ment System and the Social Security Fund; determine entitlements for reimbursement of travel and other expenses for official business; report tax information to federal, state and local taxing authorities as required by statute and to remit and record such transactions; record and remit deductions for life and health insurance and such other deductions as required or authorized by the individual; be used as a basis for the settlement of pay or debt disputes; provide such verification as required by statute or administrative directive.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Manual in paper files.

Retrievability:

By name.

Safeguards:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

Retention and disposal:

Permanent records are cut off each fiscal year and held for 2 years and then retired to the Washington National Record Center. Temporary records are destroyed in 4 years or 2 years after a General Account Office audit.

System manager(s) and address:

Deputy Comptroller, Defense Intelligence Agency, Washington, D.C. 20301.

Notification procedure:

To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record access procedures:

All requests for copies of records pertaining to yourself must be in writing. You must include in your requests: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Contesting record procedures:

An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determina- tion. The requester shall provide a statement setting forth the reasons for his or her dis- agreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washing- ton, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record source categories:

Data is supplied from a number of sources including the individual concerned, MDW Army Finance Office and agency officials.

Systems exempted from certain provisions of the act:

None

L DIA 0435

System name:

DIA Awards Files

System location:

Defense Intelligence Agency, Washington, D.C. 20301.

Categories of individuals covered by the system:

Military personnel recommended for an award while assigned to DIA.

Categories of records in the system:

This file contains supporting documents for the awards nomination and the results of actions or recommendations of endorsing and approving officials.

Authority for maintenance of the system:

Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133 d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, super- seded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intel- ligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records are used to obtain the approval for the awarding of the decoration and for the compila- tion of required statistical data and may be provided to the Military Departments when appro- priate.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Manual in paper files.

Retrievability:

By name.

Safeguards:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

Retention and disposal:

They are maintained for approximately 2 years within the Agency and then retired to the Washington National Record Center.

System manager(s) and address:

Assistant Deputy Director for Personnel, Defense Intelligence Agency, Washington, D.C. 20301.

Notification procedure:

To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record access procedures:

All requests for copies of records pertaining to yourself must be in writing. You must include in your requests: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Contesting record procedures:

An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determina- tion. The requester shall provide a statement setting forth the reasons for his or her dis- agreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washing- ton, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record source categories:

Agency officials, parent service and personnel records.

Systems exempted from certain provisions of the act:

None

L DIA 0480

System name:

Reserve Training Records

System location:

Defense Intelligence Agency, Washington, D.C. 20301.

Categories of individuals covered by the system:

Military Reserve personnel who have performed active duty training with the DIA or cor- responded with the DIA regarding reserve matters.

Categories of records in the system:

Files contains correspondence with the reservist and documentation related to the reservist periods of active duty with DIA.

Authority for maintenance of the system:

Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133 d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, super- seded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intel- ligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records are used by agency officials for the administrative, control and utilization of reservists and may be provided to the Military Departments when appropriate.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Manual in paper files.

Retrievability:

By name.

Safeguards:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

Retention and disposal:

Records are destroyed 1 year after reservists becomes inactive.

System manager(s) and address:

Assistant Deputy Director for Personnel, Defense Intelligence Agency, Washington, D.C. 20301.

Notification procedure:

To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record access procedures:

All requests for copies of records pertaining to yourself must be in writing. You must include in your requests: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Contesting record procedures:

An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determina- tion. The requester shall provide a statement setting forth the reasons for his or her dis- agreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washing- ton, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record source categories:

Individual reservists requesting assignment and or active duty training, agency officials and parent service of reservists.

Systems exempted from certain provisions of the act:

None

L DIA 0590

System name:

Defense Intelligence Special Career Automated System (DISCAS).

System location:

Defense Intelligence Agency, Washington, D.C. 20301.

Categories of individuals covered by the system:

DoD civilian positions and employee grades GS-05 and above in the GS-0132 intelligence series, scientific and technical series and other related professional series which are assigned to an organizational component performing an intelligence functions. Crypto- logic personnel and those enrolled in the National Security Agency (NSA) career system are excluded.

Categories of records in the system:

Data on employment history, qualification and skills and performance appraisals.

Authority for maintenance of the system:

Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133 d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, super- seded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intel- ligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The Defense Intelligence Special Career Automated System Activity (DISCASA) forwards inquiries to employees regarding their availability for specific position vacancies when requested by the DoD component. DISCASA furnishes referral listings of DoD eligibles to appropriate offi- cials and managers for particular vacancy selection. DISCASA periodically furnishes copies of individual employee records for review and update by employees or servicing civilian person- nel offices. DISCASA will maintain files and records for historical or user research purposes such as annual reports for DoD components or management information furnished to appropriate DoD users.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Automated, maintained on magnetic tape and manual in paper files.

Retrievability:

By name or social security account number.

Safeguards:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

Retention and disposal:

Records are temporary. They are retained until the employee concludes his DoD intelligence career at which time they are retired to an inactive file for 1 year and then destroyed.

System manager(s) and address:

Assistant Deputy Director for Personnel, Defense Intelligence Agency, Washington, D.C. 20301.

Notification procedure:

To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record access procedures:

All requests for copies of records pertaining to yourself must be in writing. You must include in your requests: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Contesting record procedures:

An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determina- tion. The requester shall provide a statement setting forth the reasons for his or her dis- agreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washing- ton, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record source categories:

Source data for DISCASA is provided by the employees, the employee's supervisor and the servicing civilian personnel office.

Systems exempted from certain provisions of the act:

None

L DIA 0660

System name:

Security Files

System location:

Defense Intelligence Agency, Washington, D.C. 20301.

Categories of individuals covered by the system:

Military/civilian applicants and nominees to DIA; current and former DIA and Defense Attache System personnel; and other DoD-affiliated personnel under the security cognizance of DIA.

Categories of records in the system:

Records associated with personnel security functions; nomination notices, statement of per- sonal history, indoctrination/debriefing statements, secrecy agreements, certificates of clearance, adjudication memoranda and supporting documentation and in-house investigations, security violations, identification badge records, retrieval indices, clearance status records, and access control records.

Authority for maintenance of the system:

Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133 d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, super- seded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intel- ligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To perform all administrative functions necessary to determine initial and continued eligi- bility for and control of access to classified information in DIA facilities and those elements mandated to the Director, DIA, for Sensitive Compartmented Information access. Information will be disclosed to such other federal agencies, state and local governments, as may have a legitimate use for such information and which agrees to apply appropriate safeguards to pro- tect data so provided and which is consistent with the conditions or reasonable expectations of use and disclosure under which the information was provided, collected or obtained.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Automated on magnetic tape and manual in paper files.

Retrievability:

By name.

Safeguards:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

Retention and disposal:

Files on military and civilian applicants who are not assigned or hired by DIA are maintained up to 1 year and then destroyed. Personnel security dossiers are retained until the individual's association with DIA or access to SI/SAO information ceases and are then destroyed.

System manager(s) and address:

Assistant Deputy Director for Security Services, Defense Intelligence Agency, Washington, D.C. 20301.

Notification procedure:

To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record access procedures:

All requests for copies of records pertaining to yourself must be in writing. You must include in your requests: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Contesting record procedures:

An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determina- tion. The requester shall provide a statement setting forth the reasons for his or her dis- agreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washing- ton, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record source categories:

By the individual, other federal agencies, firms contracted to the DoD and agency officials.

Systems exempted from certain provisions of the act:

Parts of this system may be exempt under Title 5. U.S.C., 552a, subsections k(2) and k(5). For additional information see agency rules contained in (32 CFR Part 292a).

L DIA 0800

System name:

Operation Record System

System location:

Defense Intelligence Agency, Washington, D.C. 20301.

Categories of individuals covered by the system:

Individuals involved in foreign intelligence and/or training activities conducted by the Department of Defense; who are of interest either because of their actual, apparent, or potential use.

Categories of records in the system:

Categories of records include operational, biographic, policy, management, training, and administrative matters related to the foreign intelligence activities of the Department of Defense.

Authority for maintenance of the system:

Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133 d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, super- seded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intel- ligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records. Executive Order 12036, United States Intelligence Activities, January 24, 1978.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To provide information within the Department of Defense and other federal agencies for the conduct of foreign intelligence operations and to provide staff management over foreign intel- ligence training conducted by the Department of Defense.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Automated on magnetic tapes and discs, microfilm and operture cards and manual in paper files.

Retrievability:

By name.

Safeguards:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

Retention and disposal:

Permanent records are retired to the Washington National Record Center upon completion of the project and temporary records are destroyed.

System manager(s) and address:

Deputy Director for Collection Operations, Defense Intelligence Agency, Washington, D.C. 20301.

Notification procedure:

To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record access procedures:

All requests for copies of records pertaining to yourself must be in writing. You must include in your requests: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Contesting record procedures:

An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determina- tion. The requester shall provide a statement setting forth the reasons for his or her dis- agreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: Secretariat, Defense Intelligence

Agency, Washing- ton, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record source categories:

Other Department of Defense components, federal agencies, foreign sources, overt publication, and private citizens.

Systems exempted from certain provisions of the act:

None

L DIA 0801

System name:

Defense Attache System Personnel Information File.

System location:

Defense Intelligence Agency, Washington, D.C. 20301.

Categories of individuals covered by the system:

Military and civilian personnel and their dependents, nominated for assignment to the Defense Attache System.

Categories of records in the system:

This system consists of a variety of personnel and directory data, security access, education, training, financial and health information related to the individual's assign- ment with the Defense Attache System.

Authority for maintenance of the system:

Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133 d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, super- seded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intel- ligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records are used by staff, administrative and operating officials to: prepare individual administrative transactions; make decisions on the rights, benefits entitlements and the utilization of individuals; provide a data source for the production of reports, statistical surveys, rosters, documentation and studies required for the orderly personnel administration within the Defense Attache System. Information may be provided to host country, Department of State, Central Intelligence Agency, Department of Justice and the Department of Treasury.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Automated on magnetic tape and manual in paper files and cards.

Retrievability:

By name.

Safeguards:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

Retention and disposal:

Records are maintained for 1 year beyond the individual's tour completion date and then destroyed.

System manager(s) and address:

Assistant Deputy Director for Personnel, Defense Intelligence Agency, Washington, D.C. 20301.

Notification procedure:

To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record access procedures:

All requests for copies of records pertaining to yourself must be in writing. You must include in your requests: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Contesting record procedures:

An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determina- tion. The requester shall provide a statement setting forth the reasons for his or her dis- agreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washing- ton, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record source categories:

Parent service of individual, immediate supervisor on station, agency officials and Ambassa- dors.

Systems exempted from certain provisions of the act:

None

L DIA 0813

System name:

Bibliographic Data Index System

System location:

Defense Intelligence Agency, Washington, D.C. 20301.

Categories of individuals covered by the system:

Individuals who have published works of general interest to the Agency, and individuals involved in foreign intelligence activities.

Categories of records in the system:

An index of names of authors, title of published works, subject matter of writing and the location of source documents of open source literature and intelligence reports.

Authority for maintenance of the system:

Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133 d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, super- seded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intel- ligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Serves as a traditional library reference service for open source literature and intelligence reports. Information is used by agency officials, other federal agencies and contract person- nel to do research on intelligence subjects related to foreign intelligence activities.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Automated on magnetic tape and disc.

Retrievability:

By name

Safeguards:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

Retention and disposal:

Open source literature is destroyed once material is out dated. Intelligence reports are retained for 2 years and retired to the Washington National Record Center for permanent retention

System manager(s) and address:

Assistant Deputy Director for Support and Services, Defense Intelligence Agency, Washing- ton, D.C. 20301.

Notification procedure:

To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record access procedures:

All requests for copies of records pertaining to yourself must be in writing. You must include in your requests: your full name, current

address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Contesting record procedures:

An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determina- tion. The requester shall provide a statement setting forth the reasons for his or her dis- agreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washing- ton, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record source categories:

DoD, other intelligence agencies, educational institutions, federal agencies, research institutions, foreign governments and open source literature.

Systems exempted from certain provisions of the act:

None

L DIA 0819

System name:

DIA Financial Management

System location:

Defense Intelligence Agency, Washington, D.C. 20301.

Categories of individuals covered by the system:

Current and former civilian and military employees of DIA.

Categories of records in the system:

Claims for reimbursement for expenses on official business. Documents supporting claims of indebtedness to the United States Government. Applications for the waiver of erroneous payment or for remission of indebtedness. Correspondence from civilian employees related to financial transactions.

Authority for maintenance of the system:

Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133 d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, super- seded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intel- ligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information is used to determine eligibility for waiver of erroneous payment and remission of indebtedness. To support claims of the United States Government for the collection of erro- neous payments made. Use to determine entitlements for reimbursements of expenditures on official business and to support payment. To process employee's claims of payroll problems and to forward checks and bonds to former employees. Information will be disclosed to the Department of Justice, General Accounting Office, and the Department of Treasury.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Manual in paper files and cards.

Retrievability:

By name

Safeguards:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

Retention and disposal:

Permanent records are cut off each fiscal year and held for 2 years and then retired to the Washington National Record Center. Temporary records are destroyed in 4 years or 2 years after a General Accountant Office audit.

System manager(s) and address:

Deputy Comptroller, Defense Intelligence Agency, Washington, D.C. 20301.

Notification procedure:

To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record access procedures:

All requests for copies of records pertaining to yourself must be in writing. You must include in your requests: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Contesting record procedures:

An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determina- tion. The requester shall provide a statement setting forth the reasons for his or her dis- agreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washing- ton, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record source categories:

Data is supplied from a number of sources including the individual concerned, the U.S. Army Finance Office and agency officials.

Systems exempted from certain provisions of the act:

None

L DIA 1728

System name:

DIA Prisoner of War Intelligence Analysis and Debriefing Files

System location:

Defense Intelligence Agency, Washington, D.C. 20301.

Categories of individuals covered by the system:

All U.S. personnel previously held prisoner of war (PW) or detained in Southeast Asia from 1961 to date and returned to U.S. control; and U.S. personnel released from detention in the People's Republic of China since 170. All U.S. personnel considered missing in action (MIA) or killed in action (KIA) and bodies not recovered.

Categories of records in the system:

Narrative of loss incident, identification data, casualty report; intelligence reports pos- sibly identifying subjects; portions of official debriefing; and/or debriefing summaries.

Authority for maintenance of the system:

Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133 d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, super- seded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intel- ligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

As background for analytical purposes, the evaluation of intelligence reports pertaining to U.S. personnel PW/MIA; in preparation of special studies and appraisals; to provide responses to queries for PW intelligence from the JCS, OASD (ISA), the Department of State, Central Intelligence Agency, the Military Service, and other federal agencies with a need-to-know; to assist the military service intelligence and casualty offices in the determination of status of their personnel; to provide guidance to the Joint Casualty Resolution Center to assist in planning for the recovery of remains of U.S. personnel not accounted for.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Automated on magnetic tapes and manual in paper files.

Retrievability:

By name.

Safeguards:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

Retention and disposal:

Records will be retired to the Washington National Record Center upon disposition of all cases and will be destroyed 15 years subsequent.

System manager(s) and address:

Deputy Director for Intelligence Research, Defense Intelligence Agency, Washington, D.C. 20301.

Notification procedure:

To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record access procedures:

All requests for copies of records pertaining to yourself must be in writing. You must include in your requests: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Contesting record procedures:

An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determina- tion. The requester shall provide a statement setting forth the reasons for his or her dis- agreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washing- ton, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record source categories:

Parent military services; intelligence reports prepared by elements of the Defense Intelli- gence Agency, the military services and the Central Intelligence Agency; the Department of State; Foreign Broadcoast Information Service reports; newspapers; magazines; television and radio.

Systems exempted from certain provisions of the act:

None

BILLING CODE 3810-70-M

UNITED STATES MARINE CORPS

REQUESTING RECORDS

Records are retrieved by name or by some other personal identifier. It is therefore especially important for expeditious service when requesting a record that particular attention be provided to the Notification and/or Access Procedures of the particular record system involved so as to furnish the required personal identifiers, or any other pertinent personal information as may be required, to locate and retrieve the record.

BLANKET ROUTINE USES

Certain blanket 'routine uses' of the records have been established, that are applicable to every record system maintained within the Department of Defense, unless specifically stated otherwise within a particular record system. These additional blanket routine uses of the records are published below, only once in the interest of simplicity, economy and to avoid redundancy, before the individual record system notices begin rather than repeating them in every individual record system.

ROUTINE USE - LAW ENFORCEMENT

In the event that a system of records maintained by this component 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 by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

ROUTINE USE - DISCLOSURE WHEN REQUESTING INFORMATION

A record from a system of records maintained by this component 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 component 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.

ROUTINE USE - DISCLOSURE OF REQUESTED INFORMATION

A record from a system of records maintained by this component may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

ROUTINE USE - CONGRESSIONAL INQUIRIES

Disclosure from a system of records maintained by this component may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

ROUTINE USE WITHIN THE DEPARTMENT OF DEFENSE

A record from a system of records maintained by this component may be disclosed as a routine use to other components of the Department of Defense if necessary and relevant for the performance of a lawful function such as, but not limited to, personnel actions, personnel security actions and criminal investigations of the Component requesting the record.

ROUTINE USE - PRIVATE RELIEF LEGISLATION

Relevant information contained in all systems of records of the Department of Defense published on or before August 22, 1975, 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 A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

ROUTINE USE - DISCLOSURES REQUIRED BY INTERNATIONAL AGREEMENTS

A record from a system of records maintained by this Component may be disclosed to foreign law enforcement, security, investigatory, or administrative authorities in order to comply with requirements imposed by, or to claim rights conferred in international agreements and arrangements including those regulating the stationing and status in foreign countries of Department of Defense military and civilian personnel.

ROUTINE USE - DISCLOSURE TO STATE AND LOCAL TAXING AUTHORITIES

Any information normally contained in IRS Form W-2 which is maintained in a record from a system of records maintained by this Component may be disclosed to State and local taxing authorities with which the Secretary of the Treasury has entered into agreements pursuant to Title 5, U.S.Code, Sections 5516, 5517, 5520, and only to those State and local taxing authorities for which an employee or military member is or was subject to tax regardless of whether tax is or was withheld. This routine use is in accordance with Treasury Fiscal Requirements Manual Bulletin Nr. 76-07.

ROUTINE USE - DISCLOSURE TO THE OFFICE OF PERSONNEL MANAGEMENT

A record from a system of records subject to the Privacy Act and maintained by this component may be disclosed to the Office of Personnel Management concerning information on pay and leave,

benefits, retirement deductions, and any other information necessary for the Office of Personnel Management to carry out its legally authorized Government-wide personnel management functions and studies.

ROUTINE USE - DISCLOSURE OF INFORMATION TO NARS (GSA)

A record from a system of records maintained by this component may be disclosed as a routine use to the National Archives and Records Service of the General Services Administration in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

ROUTINE USE - DISCLOSURE TO DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

All systems of records relating to compensation, employment or retirement, or extracts therefrom, maintained by this Component may be disclosed as a routine use to the Department of Health, Education, and Welfare for the purpose of comparing such record with records of programs administered by and in the possession of the Department of Health, Education, and Welfare in order to verify information where such verification is required by law or regulation or to identify violations or potential violations of law, whether criminal, civil, or regulatory, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto.

MAA00001

System name:

Flight Readiness Evaluation Data System (FREDS)

System location:

Primary System - The Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20380

Decentralized Segments - Marine Corps organizations having FREDS capability (or requirement or related information). Addresses are as shown in the Navy Standard Distribution List (OPNAV 09B3-107).

Categories of individuals covered by the system:

All active Marine Corps Air Crewmembers (Naval Aviators/Naval Flight Officers and Enlisted Crewmembers)

Categories of records in the system:

File contains personal identifying information such as name, rank, social security number, organization etc., and specific information with regard to aviation qualifications.

Authority for maintenance of the system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Headquarters, U S Marine Corps and Marine Corps command, activities and organizations - By officials and employees of the Marine Corps in the administration and management of Marine Corps Air Crewmember assets as required in the performance of official duties.

Department of Defense and its Components - By officials and employees of the Department in the performance of their official duties

The Attorney General of the U S - By officials and employees of the Office of the Attorney General in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or as carried out as the legal representative of the Executive Branch agencies.

Courts - By officials of duly established local, state and federal courts as a result of court order pertaining to matters properly within the purview of said court.

Congress of the U S - By the Senate or the House of Representative of the U S or any Committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U S - By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

On magnetic tape

Retrievability:

By social security number of the individual addressed

Safeguards:

Tapes are stored in limited access areas and handled by personnel that are properly trained in working with personal information.

Retention and disposal:

File is maintained on individual as long as he is in an active flight status, information pertaining to individual so removed is erased from tape.

System manager(s) and address:

The Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20380

Notification procedure:

Information may be obtained from the individual command to which an individual is assigned for duty. Addresses of individual commands are as listed in the Navy Standard Distribution List (OPNAV PO9B3-107).

Record access procedures:

Written requests from individuals should be addressed to the Commanding Officer of the aviation unit to which they are assigned for duty. Addresses are shown in the Navy Standard Distribution List.

Personnel not permanently assigned to an aviation command may request information from the Commandant of the Marine Corps (Code AA), Headquarters, U S Marine Corps Washington, D C 20380.

Written requests should include name, and social security number.

For personal visits the individual should be able to provide personal identification, such as valid military identification card, drivers license, etc.

Contesting record procedures:

The Marine Corps rules for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER

Record source categories:

The primary source is the individual, However the individual's commanding officer or the commanding officer's designated individual fulfills certain criteria.

Systems exempted from certain provisions of the act:

None

MAA00002

System name:

Marine Corps Aircrew Performance/Qualification Information

System location:

The Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20380

Categories of individuals covered by the system:

Marine Corps aeronautically designated personnel (Naval Aviators, Naval Flight Officers, and aircrew members) who have been the subject of medical qualification, flight pay entitlement, and/or Flight Status Selection Board (FSSB) correspondence.

Categories of records in the system:

The file contains information on medical qualification, flight pay entitlements, and/or FSSB correspondence and the background data addressing such correspondence.

Authority for maintenance of the system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Headquarters, U S Marine Corps and Marine Corps commands, activities and organizations - By officials and employees of the Marine Corps in the execution of their assigned duties with respect to the administration and management of Marine Corps aeronautically designated personnel.

Department of Defense and its Components - By officials and employees of the Department in the performance of their official duties.

The Attorney General of the U S - By officials and employees of the Office of the Attorney General in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or as carried out as the legal representative of the Executive Branch agencies.

Courts - By officials of duly established local, state and federal courts as a result of court order pertaining to matters properly within the purview of said court.

Congress of the U S - By the Senate or the House of Representatives of the U S or any Committee or subcommittee thereof, any

joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U S - By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Information is contained on paper records in file folders.

Retrievability:

Information is retrieved alphabetically by the last name of the individual concerned.

Safeguards:

Building containing files employs 24 hour security guards. Offices containing files are locked after working hours and personnel handling records do so only on a 'need-to-know' basis. Such personnel are trained and screened for dependability. Material that could be considered 'career-sensitive' is retained in a safe.

Retention and disposal:

Files are permanent. They are retained in active file until it is determined they are no longer required, then transferred to Marine Corps Central Files for historical deposit.

System manager(s) and address:

The Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20380

Notification procedure:

Information may be obtained from:
The Commandant of the Marine Corps (Code AA)
Headquarters, U S Marine Corps
Washington, D C 20380
Telephone: Area Code 202/694-1391

Record access procedures:

Written requests from the individual should be addressed to the Commandant of the Marine Corps (Code AAZ), Headquarters, U S Marine Corps, Washington, D C 20380 and should contain the full name, social security number and signature.

For personal visits the individual should provide valid identification such as military identification card, Department of Defense building pass, drivers license, or other type identification that includes picture and signature. In the absence of such identification, the individual must provide sufficient data to insure that the individual is the subject of the inquiry.

Contesting record procedures:

The Marine Corps rules for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER

Record source categories:

Information is obtained from official reports, boards, inquiries and requests. Information is also obtained from the review of Naval Aviator/Naval Flight Officer Reporting Management System (NANFORMS) data.

Systems exempted from certain provisions of the act:

None

MAA00003

System name:

Naval Aviator/Naval Flight Officer Reporting Management System (NANFORMS)

System location:

The Commandant of the Marine Corps, Headquarters, U S Marine Corps Washington, D. C. 20380.

Categories of individuals covered by the system:

All Marine Corps aeronautically designated officer personnel (Naval Aviators, Naval Flight Officers and Officer Navigators)

Categories of records in the system:

File contains a summary of individual flight experience by fiscal year and type of aircraft in addition to rank, military occupation specialty and current duty assignment.

Authority for maintenance of the system:

Title 5, U. S. Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Headquarters, U S Marine Corps and Marine Corps commands, activities and organization - By officials and employees of the Marine Corps in connection with their assigned duties.

Department of Defense and its Components - By officials and employees of the Department in the performance of their official duties.

The Attorney General of the U. S. - By officials and employees of the Office of the attorney General in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or as carried out as the legal representative of the Executive Branch agencies.

Courts - By officials of duly established local, state and federal courts as a result of court order pertaining to matters properly within the purview of said court.

Congress of the U. S. - By the Senate or the House of Representatives of the U. S. or any Committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U. S. - By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Information is stored on magnetic tape

Retrievability:

Information is retrieved by social security number.

Safeguards:

Building employs security guards. Records are maintained in areas accessible only to authorized personnel that are properly trained and screened.

Retention and disposal:

Records are permanent. Older files are stored in Marine Corps Central Files System.

System manager(s) and address:

The Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D. C. 20380.

Notification procedure:

Information may be obtained from:
The Commandant of the Marine Corps (Code AAZ)
Headquarters, U S Marine Corps
Washington, D. C. 20380
Telephone: Area Code 202/694-1391

Record access procedures:

Requests from individuals should contain the full name, social security number and signature of the individual.

For personal visits, the individual should be able to provide some valid personal identification such as military identification card, Department of Defense Building Pass, drivers license, etc. In the absence of the above identification, the individual will be asked to provide sufficient data to insure that he is the subject of the inquiry.

Contesting record procedures:

The Marine Corps rules for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER

Record source categories:

Information contained in the records is obtained from the Department of the Navy-wide Individual Flight Activity Reporting System (IFARS) AND FROM THE Manpower Management System (MMS).

Systems exempted from certain provisions of the act:

None

MFD00001

System name:

Automated Leave and Pay System (ALPS)

System location:

Primary System - The Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20380
Decentralized System - Major Marine Corps Commands

Categories of individuals covered by the system:

all Marine Corps Civilian Employees at Major Marine Corps Commands

Categories of records in the system:

Pay and Leave Records of Marine Corps Civilian Employees

Authority for maintenance of the system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Headquarters, U S Marine Corps; and Marine Corps commands, activities, and organizations - To administer and manage all pay and leave matters for individual civilian employees.

Department of Defense and its Components - By officials and employees of the Department in the performance of their official duties.

The Attorney General of the U S - By officials and employees of the Office of the Attorney General in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or as carried out as the legal representative of the Executive Branch agencies.

Courts - By officials of duly established local, state and federal courts as a result of court order pertaining to matters properly within the purview of said court.

Congress of the U S - By the Senate or the House of Representatives of the U S or any Committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U S - By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

The Internal Revenue Service - By officials and employees of the Internal Revenue Service in connection with such matters relating to their official duties.

State and local governmental agencies - By officials and employees of State and local governmental agencies in connection with such matters relating to their official duties.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Magnetic Tape or Disk

Retrievability:

Employee Badge Number or SSN

Safeguards:

Restricted Access to Areas where Maintained

Retention and disposal:

Permanent Files

System manager(s) and address:

The Commandant of the Marine Corps (Code FD), Headquarters, U S Marine Corps, Washington, D C 20380

Notification procedure:

Information may be obtained from the Marine Corps installation or activity at which the individual is employed.

Record access procedures:

Requests from individuals should be addressed to the commanding officer at which the individual is employed. Addresses of Marine Corps installations, activities, and organizations are listed in the Navy Standard Distribution List (OPNAV P09B3-107). Written requests should contain full name, social security number or employee badge number, and signature of the individual concerned.

Personal visits may be made to the appropriate installation, activity or organization during the normal work week between the hours of 8:00AM-4:30PM. For personal visit the individual should be able to provide valid personal identification such as employee badge, drivers license, medicare card, etc.

Contesting record procedures:

The Agency's Rules for Access to Records and for Contesting Contents and Appealing initial Determinations by the individual concerned may be obtained from the Sysmanager

Record source categories:

Application and related forms provided by the employee in matters relating to his/her employment. Employment data to include time cards, standard pay increases, leave, etc. provided by the employer or its official representative. Data such as tax rates, employee benefit information etc. provided by appropriate federal, state or local governmental agencies or their designated representatives. Information from courts, and attorney having to do with employee wages entitlements and benefits.

Systems exempted from certain provisions of the act:

None

MFD00002

System name:

PRIMARY MANAGEMENT EFFORTS (PRIME)/OPERATIONS SUBSYSTEM

System location:

Primary System - The Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20380.

Decentralized System - Major Marine Corps Commands

Categories of individuals covered by the system:

All Marine Corps Civilian Employees and Selected Military Personnel at Major Marine Corps Commands

Categories of records in the system:

Labor Distribution Records

Authority for maintenance of the system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Headquarters, U S Marine Corps and Marine Corps commands, activities and organizations - By officials and employees of the Marine Corps in matters regarding their assigned duties.

Department of Defense and its Components - By officials and employees of the Department in the performance of their official duties.

The Attorney General of the U S - By officials and employees of the Office of the Attorney General in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or as carried out as the legal representative of the Executive Branch agencies.

Courts - By officials of duly established local, state and federal courts as a result of court order pertaining to matters properly within the purview of said court.

Congress of the U S - By the Senate or the House of Representatives of the U S or any Committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U S - By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Magnetic Tape or Disk

Retrievability:

Employee Badge Number or social security number

Safeguards:

Restricted Access to Areas where Maintained

Retention and disposal:

Permanent Record. Completely Deleted upon Termination of Employee

System manager(s) and address:

The Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20380

Notification procedure:

Information may be obtained from:
The Commandant of the Marine Corps (Code FD)
Headquarters, U S Marine Corps
Washington, D C 20380
Telephone: Area Code 202/694-1080

Record access procedures:

Request from individuals should be addressed to the individual's employing activity. Activity addresses are as shown in the Navy Standard Distribution List (OPNAV 09B3-107).

Written requests should contain the individual's full name, social security number, employee number (if applicable) and signature.

For personal visits, the individual should provide sufficient identification to insure the individual is the subject of the inquiry.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

Record source categories:

Employing activity of the individual

Systems exempted from certain provisions of the act:

None

MFD00003

System name:

Joint Uniform Military Pay System/Manpower Management System (JUMPS/MMS)

System location:

Primary System - Marine Corps Central Design and Programming Activity, 1500 East 95th Street, Kansas City, Missouri 64131; Marine Corps Finance Center, 1500 East 95th Street, Kansas City, Missouri 64197.

Decentralized Segments - There are nine Satellite/Command Data Processing Installations (SDPI/CDPI) which maintain files with similar records at the following locations: SDPI 02, Marine Corps Base, Camp Lejeune, NC 28542; SDPI 03, Marine Corps Base, Camp Pendleton, CA 92055; SDPI 06, FMF Pacific, FPO San Francisco, CA 96610; SDPI 09, Headquarters U S Marine Corps, Washington, D C 20380; SDPI 11, Marine Corps Recruit Depot, Parris Island, SC 29905; SDPI 15, Marine Corps Recruit Depot, San Diego, CA 92140; CDPI 17, Marine Corps Base, Quantico, VA 22134; SDPI 27, Marine Corps Base, Camp S. D. Butler, FPO Seattle, WA 98773; First Marine Brigade, FPO San Francisco, CA 96615; SDPI 16, Marine Corps Finance Center, 1500 East 95th Street, Kansas City, Missouri 64197.

Categories of individuals covered by the system:

All Marine Corps military personnel on active duty for 31 days or longer, certain civilians and other service personnel who have attended formal Marine Corps schools.

Categories of records in the system:

File contains personnel and pay data which includes: Name, grade, SSN, date of birth, citizenship, marital status, home of record, dependents information, record of emergency data, enlistment contract or officer acceptance form identification, duty status, population group, sex, ethnic group, duty infor- mation, duty station/personnel assignment and unit information, security investi- gation, military pay record data such as information contained on the Leave and Earnings Statement which may include base pay/allowances/allotments/bond authorization, health care coverage, special pay and bonus data, Federal and State Withholding/Income Tax Data, Federal Indemnity Compensation Act Tax With- holding Data, Serviceman's Group Life Insurance Deductions, leave account, wage and tax summaries, separation document code, test scores/information, language proficiency, military/civilian/off-duty education, training information, awards, combat tour information, aviation/pilot/flying time data, lineal precedence number, limited duty officer/warrant officer footnote, TAD data, power of attorney, moral code, conduct and proficiency marks, years in service, promotional data.

Authority for maintenance of the system:

Title 10 and 37, U S Code Section 5031 and 5201

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Internal:

Headquarters, U. S. Marine Corps and Marine Corps commands, activities and organizations - By officials and employees of the Marine Corps in the performance of their assigned duties in matters relating to a Marine's automated personnel and/or pay record.

Department of Defense and its components - By officials and employees of the Department in the performance of their official duties.

External:

The Attorney General of the U S - By officials and employees of the Office of the Attorney General in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or as carried out as the legal representative of the Executive Branch agencies.

Courts - By officials of duly established local, state and federal courts as a result of court order pertaining to matters properly within the purview of said court.

Congress of the U S - By the Senate or the House of Representatives of the U S or any committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U S - By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

By officials and employees of the American Red Cross and the Navy Relief Society in the performance of their duties. Access will be limited to those portions of the member's record required to effectively assist the member.

Federal, state and local government agencies - By officials and employees of federal, state and local government through official request for information with respect to law enforcement, investigatory procedures, criminal prosecution, civil court action and regulatory order.

To provide information to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States which has been authorized by law to conduct law enforcement activities pursuant to a request that the agency inititate criminal or civil action against an individual on behalf of the U. S. Marine Corps, the Department of the Navy, or the Department of Defense.

To provide information to individuals pursuant to a request for assistance in a criminal or civil action against a member of the U. S. Marine Corps, by the U. S. Marine Corps, the Department of the Navy, or the Department of Defense.

Department of Health and Human Services (DHHS) - Disclosure of the name, rank or grade, and social security account number of each Marine Corps active duty military member to the Inspector General of DHHS for the specific purpose of comparison with appropriate rolls reflecting recipients of Aid to Families with Dependent Children (AFDC).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Data is recorded on magnetic records and discs, punch cards, computer printouts, microform, file folders, and other documents.

Retrievability:

The data contained in magnetic records can be displayed on cathode-ray tubes, it can be computer printed on paper, and it can be converted to microform for information retrieval; the data in the supporting file folders and other manual records is retrieved manually. Computerized and conventional indices are required to retrieve individual records from the system. Normally, all types of records are retrieved by Social Security Number and name.

Safeguards:

Building management employs security guards; building is locked nights and holidays. Authorized personnel may enter and leave the building during nonworking hours but must sign in and out. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

Access to personal information is limited to authorized personnel with a need-to-know. Access is restricted to specific applications programs, records, and files to which personnel have a specific and recorded need-to-know. Online data sets (both tape and disc) pertaining to personal information are password protected, areas are controlled and access lists are used. The files are also protected at a level appropriate to the type of information being processed.

Retention and disposal:

Magnetic records are maintained on all military personnel and certain civilians while they are in service or employed by the service and for a period of 6 months after separation. Paper and film records are maintained for a period of 10 years after the final transaction, then they are destroyed. End calendar and fiscal year 'snapshots' of the MMS data base are maintained indefinitely in magnetic form at Headquarters, U. S. Marine Corps.

System manager(s) and address:

Commandant of the Marine Corps, Codes FD/MP, Headquarters U S Marine Corps, Washington, D C 20380.

Notification procedure:

Requests from individuals for information concerning pay related matters should be addressed to the Commandant of the Marine Corps (Code FD). Requests from individuals for information concerning personnel matters should be addressed to the Commandant of the Marine Corps (Code MP).

Requesting individual must supply full name and Social Security Number.

The requester may visit the Marine Corps Finance Center, 1500 East Bannister Road, Kansas City, Missouri 64197 to obtain information on whether the system contains records pertaining to him or her.

In order to personally visit the above address and obtain information, individuals must present a military identification card, a driver's license, or other suitable proof of identity.

Record access procedures:

Information on JUMPS may be obtained from the member's local disbursing officer. Information on MMS may be obtained from the member's immediate commanding officer. Requests for information from persons no longer in service should be signed by the person requesting the information. Dates of service, Social Security Number, and full name of requester should be printed or typed on the request.

It should be sent to the Marine Corps Finance Center, 1500 East 95th Street, Kansas City, Missouri 64197.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Recruiting offices, disbursing offices, administrative offices, and the individual are the principle sources of the information contained in the JUMPS/MMS record for that person.

Systems exempted from certain provisions of the act:

None

MFD00004

System name:

Bond and Allotment (B&A) System

System location:

Marine Corps Central Design and Programming Activity (MCCDPA), 1500 East 95th Street, Kansas City, Missouri 64131; Marine Corps Finance Center, Kansas City, Missouri 64197.

Categories of individuals covered by the system:

The allotment system contains all active allotments and limited (12 months) stop history for each active duty, retired, and Fleet Marine Corps Reserve (FMCR) member who authorized an allotment from his pay and allowances.

Categories of records in the system:

The allotment file contains allotments authorized by the Marines concerned, as provided under instructions issued by the Secretary of Defense.

The B&A automated system is made up of records which contain the following fields (data elements and data sets): Identification Number (Social Security Number (SSN)); Initials of Name (Last, First, Middle); Rank/Category; Last Name and Suffix; Last Pay Date; First Pay Date; Work Date; Amount; Term (in months); Account/Policy Number; Authority/Date/Remark; Bond Owner Name; Bond Owner SSN: Co-owner Beneficiary Flag; Co-owner or Beneficiary Name; Co-owner or Beneficiary SSN; Authority/Date/Remark; Name of Recipient; Street Address/Post Office Box; City and State/Country; Geographic Code (City, State/Country); Zip Code.

Authority for maintenance of the system:

Title 37, U S Code. The authority for continuing deduction for garnishment of pay is outlined in section 459 of Public Law 93-647.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The purpose of the system is to provide for the payment of allotments and for the issuance, cancellation, of U S Treasury checks and savings bonds as authorized by appropriate directives. The data obtained from the system provides for the control and ultimate disposition of all treasury checks and savings bonds prepared. Allows for the collection of appropriate data, to render an accurate accounting of public funds expended or collected as required by the Navy Comptroller Manual. The allotment file is utilized by the Joint Uniform Military Pay System/ Manpower Management System (JUMPS/MMS) and Retired Pay systems to calculate the monies due active duty, retired, and FMCR members of the U S Marine Corps.

The allotment class, dollar value, and allotee are displayed on the JUMPS Leave and Earnings Statement (LES) as issued. Copies of the LES are distributed as follows:

Original (white) - Disbursing Officer (DO) having custody of the Personal Financial Record.
Duplicate (yellow) - furnished the Marine concerned.
Triplicate (pink) - furnished the Commanding Officer (CO) for retention on the Marine's service record.
For permanent record retention purposes, one copy will be filed at the MCFC in microform.
The total dollar value of active allotments is furnished each retired and FMCR Marine each time a new statement of his account card is prepared.

Verification and/or information concerning a specific allotment may be released (as requested) to the following:

Marine concerned.
Marine's CO
Marine's DO
Recipient of the allotment.
Treasury Department.
Federal Reserve Bank.
Federal Bureau of Investigation.
Naval Audit Service.
General Accounting Office.
Postal Inspectors.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Data is recorded on magnetic records, punch cards, computer printouts, microform, file folders, and other documents.

Retrievability:

The data contained in magnetic records can be displayed on cathode-ray tubes, it can be computer printed on paper, and it can be converted to microform for information retrieval; the data in the supporting file folders and other manual records is retrieved manually. Normally all types of records are retrieved by SSN and name.

Safeguards:

The Centralized Pay Division is locked during nonduty hours, as well as the building being under security guard protection. Files within the division are accessible only to authorized personnel.

Retention and disposal:

Magnetic records are maintained by MCCDPA on all active allotments during the life of the allotment and for a period of 12 months after the allotment has been stopped. Paper and microform files relating to the Centralized Pay Division files are disposed of as directed by SECNAVINST P5212.53.

System manager(s) and address:

Commandant of the Marine Corps (Code FD), Headquarters, U S Marine Corps, Washington, D C 20380.

Notification procedure:

Individual requests for information should be addressed to the Marine Corps Finance Center, Centralized Pay Division (Code CPA), Kansas City, Missouri 64197.

Requests for information must contain member's SSN, name, military service number (if applicable), and any other pertinent data concerning the information desired.

A person may visit any Marine Corps disbursing office to find out if the system contains records pertaining to him or her.

For personal visits the requester must present a military identification card or copy of an Armed Forces of United States Report of Separation from Active Duty (DD Form 214 (MC)) for separated personnel.

Record access procedures:

Information may be obtained from the Marine Corps Finance Center, Centralized Pay Division (Code CPA), 1500 East 95th Street, Kansas City, Missouri 64197. Written Requests must contain name and SSN. For personal visits, valid personal identification is required.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by individual concerned may be obtained from the SYSMANAGER

Information pertaining to an individual who has active allotments is affected by unit diary input concerning name, or SSN changes, and to ensure allotments are stopped when a Marine is reported to be discharged or in a desertion status. Also, member's status codes are changed by unit diary or Retired Pay input when the Marine is transferred to the FMCR or Retired List.

Record source categories:

The input of data from allotment/bond authorizations, other scannable documents, magnetic tapes received from the Satellite Data Processing Installations, and computer interfaces with the JUMPS/MMS and the Retired Pay systems are the principle sources of the information contained in the B&A automated system.

Systems exempted from certain provisions of the act:

None

MFD00005

System name:

Retired Pay/Personnel System (RPPS)

System location:

Marine Corps Central Design and Programming Activity, 1500 East 95th Street, Kansas City, Missouri 64131; Marine Corps Finance Center, 1500 East 95th Street, Kansas City, Missouri 64197.

Categories of individuals covered by the system:

Pay account folders for retired Marine Corps members, Fleet Marine Corps Reservists (FMCR), and survivors of deceased retired and FMCR members, who are entitled to retired pay, retainer pay, and survivor annuities.

Categories of records in the system:

The RPPS automated system of records contains the following fields (data elements and data sets): Retired/Retainer Date; Retainer Date; Pay Change; Information Status; Social Security Number (SSN) and Last, First, and Middle Initial (Key); Deletion Date; SSN; Retired Category Code; Member's Name; Pay Entry Base Date; Service for Pay; Active Service; Other Military Service Number (MSN); Prior MSN/SSN/Key; Rank Code; Race Code; Sex Code; Disability Percent; Heroism Pay; Pay Table Code; Recomputation Age; Retirement Laws; Functional Account Number; Ranks; Birthdates; Pay Delete/ Suspense Code; Retired Serviceman's Family Protection Pay; Reserve Retirement Credit Points; Allotment Data; Withholding Tax Data; Wage and Tax Summaries; Gross Pay; Taxable Pay; Withholding Tax; Dependency Indemnity Compensation; Pension Act of 1944 (Veterans Administration (VA) Waiver); Pension Act of 1964 (Dual Compensation G1); Retired Serviceman's Family Protection Plan; Survivor Benefit Plan; Social Security; Scheduled Collections; Net Pay; Special Handling Code (Check Delivery); Accumulated Summaries; Home Mailing Address; Check Mailing Address; Pay Distribution; Last Change Posted; Date Member Eligible to Retire; Date Arrived Continental United States Without Dependents; Primary Military Occupational Specialty; Districts; Highest Rank Held Satisfactorily; Service Prior to 1 July 1949; Service After 1 July 1949; Active Duty After Transfer to Fleet/ Retired Rolls; Date Next Physical Year and Month; VA Disease Codes; Department of Defense Disease Codes; Nearest Hospital (See Table 9); Personnel Accounting Separation - Designator; Earnings Statement Flag; Disability Pay; Change of Address Flag; Last Time Processed by Update-Extractor; SSN Validation; Remarks Area; One-Time Credit/Checkage; Scheduled Collection; Veterans Administration Claim Number; Tower Amendment Code.

Used for extraction or compilation of statistical data and reports for management studies and statistical analyses for use internally or externally as required by Department of Defense or by government agencies.

Authority for maintenance of the system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Computation of retired pay, retainer pay, and survivor annuity accounts, perform audit of accounts, reply to correspondence, etc.

Creation of printed reports, records, checks, microforms, magnetic files, etc., based on information available in the system. This output is used by various departments of the Marine Corps for pay, personnel, audit, and other purposes. Some of this information is made available to authorized local, state, and Federal agencies.

Displaying all or part of any selected record on a cathode-ray tube for research, audit, update, and similar purposes.

Used for extraction or compilation of statistical data and reports for management studies and statistical analyses for use internally or externally as required by Department of Defense or by government agencies.

By officials and employees of the American Red Cross and the Navy Relief Society in the performance of their duties. Access will be limited to those portions of the member's record required to effectively assist the member.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Data is recorded on magnetic records, punch cards, computer printouts, microform, file folders, and other documents.

Retrievability:

The data contained in magnetic records can be displayed on cathode-ray tubes, it can be computer printed on paper, and it can be converted to microform for information retrieval; the data in the supporting file folders and other manual records is retrieved manually. Normally all types of records are retrieved by SSN and name.

Safeguards:

Building management employees security guards; building is locked nights and holidays. Authorized personnel may enter and leave the building during nonworking hours, but must sign in and out.

Retention and disposal:

Magnetic records are maintained on all persons who are eligible for retired pay, retainer pay, and survivor annuities while they are alive and for a period of 6 months after that person dies or ceases to be eligible. Paper and film records are maintained for a period of 10 years after the final transaction.

System manager(s) and address:

Commandant of the Marine Corps (Code FD), Headquarters, U S Marine Corps, Washington, D C 20380.

Notification procedure:

Requests from individuals for information should be referred to the SYSMANAGER.

Requesting individual must supply full name and SSN

The requester may visit the Marine Corps Finance Center, 1500 East 95th Street, Kansas City, Missouri 64197, to obtain information on whether the system contains records pertaining to him or her.

In order to personally visit the above address and obtain information, individuals must present a military identification card, a driver's license, or other suitable proof of identity.

Record access procedures:

Requests for information relative to the RPPS automated system should be signed by the person requesting the information. Dates of service, SSN, and full name of requester should be printed or typed on the request. It should be sent to the SYSMANAGER.

Contesting record procedures:

The agency's rules for access to records for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

Record source categories:

Documents and correspondence received from Headquarters, U S Marine Corps, the Veterans Administration, the member, changes in laws, etc. are the principle sources of information contained in the RPPS automated system.

Systems exempted from certain provisions of the act:

None

MFD00006

System name:

Centralized Automated Reserve Pay System (CAREPAY)

System location:

Marine Corps Central Design and Programming Activity (MCCDPA), 1500 East 95th Street, Kansas City, Missouri 64131; Marine Corps Finance Center, 1500 East 95th Street, Kansas City, Missouri 64197.

Categories of individuals covered by the system:

Members of Organized Marine Corps Reserve Units who are active Reservists (Class II) and perform a maximum of 48 paid drills and 14 days Annual Training Duty per year.

Categories of records in the system:

File contains information to process payment to active reservists which include: Name, SSN, grade, unit information, pay group, administrative duty pay, number of drills performed/authorized, basic pay, aviation crew member drills, number of tax exemptions, tax withheld, taxable pay, Federal Insurance Contributions Act Withheld, taxable and non-taxable credit/ checkage, gross and net pay, dates of active duty, Serviceman's Group Life Insurance Premium Selection.

Authority for maintenance of the system:

Titles 10 and 37, U S Code

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Central Accounts Division clerks and analysts use these data to process payments and to answer inquiries concerning payments, received from Marine Reservists, Internal Revenue Service, Welfare agencies, and the Commandant of the Marine Corps.

Examination Division clerks use these data to verify proper payment and to process old pay inquiries.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Data are recorded on magnetic records, punch cards, computer printouts, microform, file folders, and other documents.

Retrievability:

The data contained in magnetic records can be computer printed on paper and it can be converted to microform for information retrieval; the data in the supporting file folders and other manual records are retrieved manually. Normally all types of records are retrieved by SSN/Name/ Reporting Unit Code.

Safeguards:

Building employs security guards. Records are maintained in areas accessible only to personnel working there and are kept in file desks made for that purpose for 6 months and in DIBOLD vertical file for

12 months after which they are transferred to the Examination Division.

Retention and disposal:

Magnetic records are maintained by MCASC on all active Reservists; they are retained for a period of 4 months after the individual Marine ceases to be active.

Paper and microform records are held for 4 years, 6 months at the Center, thereafter they are retired to a Federal Records Center in accordance with Secretary of the Navy Instruction P5212.5.

System manager(s) and address:

Commandant of the Marine Corps (Code FD), Headquarters, U S Marine Corps, Washington, D C 20380.

Notification procedure:

Requests from individuals for information should be referred to the SYSMANAGER

Requesting individual must supply full name and SSN.

The requester may visit the Marine Corps Finance Center, 1500 95th Street, Kansas City, Missouri 64197, to obtain information on whether the system contains records pertaining to him or her.

In order to personally visit the above address and obtain information, individuals must present a military identification card, a driver's license, or other suitable proof of identity.

Record access procedures:

Requests for information relative to CAREPAY should be signed by the person requesting the information. Dates of service, SSN, and full name of requester should be printed or typed on the request. It should be sent to the SYSMANAGER

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by individuals concerned may be obtained from the SYSMANAGER.

Record source categories:

Organized Marine Corps Reserve Units, Internal Revenue Service, Individual Marine.

Systems exempted from certain provisions of the act:

None

MFD00007

System name:

Examination Division Records System

System location:

Marine Corps Finance Center, Examination Division, Kansas City, Missouri 64197

Federal Records Center, National Archives and Records Service, 2301 East Bannister Road, Kansas City, Missouri 64131

Washington National Records Center, Washington, D C 20409

National Personnel Records Center, 9700 Page Boulevard, St. Louis, Missouri 63132

Categories of individuals covered by the system:

Marines serving on active duty, personnel on the Marine Corps Retired List, Fleet Marine Corps reservists, personnel discharged or separated from active duty, active and inactive Reserve personnel, deceased personnel, and Marine Corps disbursing officers concerning shortage of disbursing accounts.

Categories of records in the system:

Unit Diaries - A chronological record of daily personnel events and history of active Marine Corps activities and organized Marine Corps Reserve Units.

Substantiating Vouchers - Supporting documents to substantiate pay adjustment items entered on military pay accounts.

Military Payrolls - An accounting and record of appropriated funds disbursed for military pay by name, social security number, amount of payment, and check number or signature of member for cash payments.

Financial Returns - Travel vouchers, collection vouchers, public vouchers for services other than personal, and civilian payrolls.

Military Pay Cases of Separated Personnel - A history of individual pay accounts from date of entry on active duty through date of separation, including, as appropriate, replies to congressional inquiries; correspondence in connection with requests for remission and/or waiver of indebtedness; individual claims for pay and allowances including claims for travel allowances and responses thereto; records of participation in the Uniformed Services Savings Deposit Program, including personnel declared to be in a missing-in-action status; information surrounding the circumstances of a former member separated in an overpaid status, thus being indebted to the United States Government; cases contain substantiating documents such as military pay records, leave and earnings statements, documents relating to Board for Correction of Naval Records, and other records and vouchers to substantiate responses to all inquiries and payment or disapproval of claims.

Annual Separations Listings - An annual record of separation showing social security number, initials, type of separation, and the effective date of separation of Marines discharged, retired, transferred to the Fleet Marine Corps Reserve, and deceased.

Annual Reserve Tax Listings - A record showing income tax information of Class II Reserve personnel.

Microfilm of Annual Wage and Tax Information of Active Duty Personnel - Contains cumulative totals of taxable pay earned and taxes withheld, social security wages and taxes withheld.

Microfilm of Quarterly Social Security Wage Data - Contains social security number, name, and amount of wages reported to the Social Security Administration on a quarterly basis.

Microfilm of Master Allotment File - Contains information concerning the allotment status of active Marines, such as start and stop dates, allotment purpose codes, money amount of allotments, and name and address of allottee.

Microfiche and Microfilm of Field and Alpha Locators - A record of personnel data of Marines on active duty, listed numerically by social security number and alphabetically by name.

Microfiche of Marine Corps Officers Lineal List - A record of Marine Corps officers on active duty showing social security number, name, rank, date of rank, permanent rank, date of birth, date first commissioned, and pay entry base date.

Active Military Pay Cases - A file of each Marine on active duty containing military pay records opened semiannually prior to 1 July 1973 and related miscellaneous pay documents.

Reserve Personnel Military Pay Cases - A history of individual pay accounts of Class II and Class III Reserve personnel ordered to temporary active duty under individual duty orders, including pay accounts of personnel attending the Platoon Leaders class.

Centralized Automated Reserve Pay System (CAREPAY) - Files of pay data compiled by the Central Accounts Division in support of payments made to Class II reservists assigned to Organized Marine Corps Reserve units containing drill reports, unit diaries, promotion warrants, certificates for performance of hazardous duty, pay adjustment authorizations, active duty for training orders, pension certificates, token payment payrolls, adjustment and consolidated final settlement payrolls, and other miscellaneous documents to substantiate payments to Reserve personnel.

Uniformed Services Savings Deposit Accounts of Personnel Declared Missing In Action - A record of deposits and withdrawals of Marine Corps personnel in a missing-in-action status containing member's name, social security number, balance of deposits, and name and address of the designated beneficiary to whom monies are disbursed.

Federal Housing Administration (FHA) Files - Files contain social security number, name, FHA account number, due date of insurance premiums, and record of bills and payments.

U S Treasury Department, Internal Revenue Service Form 941c - A record effecting adjustment of social security wages, previously reported or nonreported, containing the member's name, social security number, military pay group, period covered, and the monetary amount of adjustment.

Marine Corps Disbursing Officers Shortage Accounts - File contains accountability of losses, letters, and vouchers pertaining thereto.

Indebtedness Cases - Files contain the debtor's name, social security number, current mailing address, the reason for indebtedness and correspondence relating thereto, personal financial information provided by the debtor, receipts of payments, control book, cash record, debt ledger, collection agent's ledger, collection vouchers, personal information provided by credit bureau reports, indebtedness record card, debt control card, accountability statements, complete military pay accounts, General Accounting Office inquiries, General Accounting Office Notices of Exception, legal notices pertaining to bankruptcy, tax certificates, and other miscellaneous substantiating records and vouchers relating to the indebtedness.

Authority for maintenance of the system:

Unit Diaries - Section 25, Title 6, General Accounting Office Manual; Marine Corps Order P7220.31; SECNAVINST P5212.5B

Annual Separation Listings - Standing operating procedures used for reference and research purposes.

Annual Reserve Tax Listings - Marine Corps Order 7220.17D; standing operating procedures.

Microfilm of Annual Wage and Tax Information of Active Duty Personnel - Standing operating procedures used for reference and research purposes.

Microfilm of Quarterly Social Security Wage Data - Standing operating procedures used for reference and research purposes.

Microfilm of Master Allotment File - Standing operating procedures used for reference and research purposes.

Microfiche and Microfilm of Field and Alpha Locators - Standing operating procedures used for reference and research purposes.

Microfiche of Marine Corps Officers Lineal List - Standing operating procedures used for reference and research purposes.

Active Military Pay Cases. Section 25, Title 6, General Accounting Office Manual; Military Pay Procedures Manual.

Reserve Personnel Military Pay Cases. Section 25, Title 6, General Accounting Office Manual; Military Pay Procedures Manual.

Centralized Automated Reserve Pay System (CAREPAY) - Section 25, Title 6, General Accounting Office Manual; Military Pay Procedures Manual, Marine Corps Order 7220.17D.

Uniformed Services Savings Deposit Accounts of Personnel Declared Missing in Action - Department of Defense Pay and Entitlements Manual.

Federal Housing Administration (FHA) Files - Department of Defense Directive 1338.4 of 20 July 1971 and SECNAVINST 1741.4D

U S Treasury Department, Internal Revenue Service Form 941c, Internal Revenue Service Code.

Marine Corps Disbursing Officers Shortage Accounts - Navy Comptroller Manual.

Indebtedness Cases - Federal Claims Collection Act of 1966, 80 Stat. 309.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records are collected for the purpose of accounting for appropriated funds disbursed by authorized appointed agents; processing claims for and against the United States Government; auditing by the General Accounting Office; holding area for disbursing records until subsequent disposition of records is effected.

Military and civilian personnel assigned to, and employed by, the Marine Corps Finance Center in pursuance of official duties, and the General Accounting Office.

Accountability of appropriated funds; processing claims for and against the United States Government; processing requests for remission and/or waiver of indebtedness; pursuing collection action against former Marine Corps personnel who are indebted to the United States Government; processing wage and tax adjustments to the Internal Revenue Service and the Social Security Administration; investigating individual pay accounts and related documents to determine monies due claimant or to substantiate an indebtedness previously established in response to written and telephonic congressional inquiries received on behalf of active and former members of the Marine Corps; administering the Federal Housing Administration and home mortgage insurance programs; administering the Uniformed Services Savings Deposit Program for missing in action personnel; extracting fiscal data for budgetary purposes and submitting fiscal reports to Headquarters, U S Marine Corps; extracting, reporting, and paying Federal income taxes and social security taxes to the Internal Revenue Service; extracting and reporting wages paid subject to social security tax to the Social Security Administration on an individual basis; processing and adjudicating travel claims, both individual and dependent travel; researching and collecting information incident to inquiries received from Federal Government agencies, State and county government and agencies, Department of the Navy and Marine Corps activities, other branches of the Armed Forces, and interested individual parties having authorized access to the records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Unit Diaries. Paper records in folders.

Substantiating Vouchers. Paper records in folders.

Military Payrolls. Paper records in folders.

Financial Returns. Paper records in folders.

Military Pay Cases of Separated Personnel. Paper records in folders.

Annual Separation Listings. Paper records in hardback binders.

Annual Reserve Tax Listings. Paper records in hardback binders.

Microfilm of Annual Wage and Tax Information of Active Duty Personnel. Reel type microfilm of 100 foot capacity.

Microfilm of Quarterly Social Security Wage Data. Reel type microfilm of 100 foot capacity.

Microfiche and Microfilm of Field and Alpha Locators. 4 by 6 inch microfiche sheets and reel type microfilm of 100 foot capacity.

Microfiche of Marine Corps Officers Lineal List. 4 by 6 inch microfiche sheets.

Active Military Pay Cases. Paper records in folders.

Centralized Automated Reserve Pay System (CAREPAY). Paper records in folders.

Uniformed Services Savings Deposit Accounts of Personnel Declared Missing In Action. Paper records in folders.

Federal Housing Administration (FHA) Files. Paper records in folders.

U S Treasury Department, Internal Revenue Service Forms 941c. Paper records in folders.

Indebtedness Cases. Paper records in folders and reel type microfilm of 100 foot capacity.

Retrievability:

Unit Diaries. Filed by the reporting unit code number and month in which the diary was prepared.

Substantiating Vouchers. Filed by the fourth terminal digit of the member's social security number within the disbursing officer's symbol number and the month in which the pay change was effected.

Military Payrolls. Filed by the disbursing officer's voucher number, each payee identified by name and social security number.

Financial Returns. Filed by the disbursing officer's voucher number in the month in which payment was disbursed.

Military Pay Cases of Separated Personnel. Filed by the fourth terminal digit of the member's social security number.

Annual Separation Listings. A mechanized listing, in numerical sequence by the fourth terminal digit of the social security number, filed by the calendar year in which a member was separated from active duty.

Annual Reserve Tax Listings. A mechanized listing in alphabetical sequence and filed by the calendar year in which the wage data applies.

Microfilm of Annual Wage and Tax Information of Active Duty Personnel. A microfilm listing in numerical sequence by the first three digits of the social security number and filed by the calendar year in which the tax data applies.

Microfilm of Quarterly Social Security Wage Data. A microfilm listing in numerical sequence by the first three digits of the social security number and filed by the quarter within the calendar year in which the wages were earned.

Microfilm of Master Allotment File. A microfilm listing in numerical and alphabetical sequence and filed by the month in which the allotment data applies.

Microfiche and Microfilm of Field and Alpha Locators. Microfiche and reel microfilm in both numerical and alphabetical sequence and filed according to the effective date of issue.

Microfiche of Marine Corps Officers Lineal List. A microfiche listing in alphabetical and control number sequence according to rank, and filed according to the effective date of issue.

Active Military Pay Cases. Filed in numerical sequence by the fourth terminal digit of the member's social security number.

Reserve Personnel Military Pay Cases. Filed in numerical sequence by the fourth terminal digit of the member's social security number.

Centralized Automated Reserve Pay System (CAREPAY). Filed by the reporting unit code number and chronologically by the month in which the CAREPAY records were prepared.

Uniformed Services Savings Deposit Accounts of Personnel Declared Missing In Action. Filed alphabetically by the member's surname.

Federal Housing Administration (FHA) Files. Filed in numerical sequence by the Federal Housing Administration case number by due month and pay group; i.e., officers and enlisted.

U S Treasury Department, Internal Revenue Service Forms 941c. Filed by reporting period and applicable pay group.

Marine Corps Disbursing Officers Shortage Accounts. Filed by the disbursing officer's symbol number and name.

Indebtedness Cases. Filed in alphabetical sequence

Safeguards:

Federal Protective Security Guards. Records are maintained in areas not normally accessible to other than authorized personnel.

Retention and disposal:

Unit Diaries. Retained in the Examination Division, Records Services Branch, for 18 months; then transferred to the Federal Records Center and destroyed after a total retention period of 4 years in accordance with General Accounting Office instructions.

Substantiating Vouchers. Retained in the JUMPS Division, Records and Files Branch, until microfilmed; then forwarded to the Examination Division, Records Services Branch, and retained for 18 months; then transferred to the Federal Records Center and destroyed after a total retention period of 10 years in accordance with General Accounting Office instructions.

Military Payrolls. Retained in the Examination Division, Financial Accounts Branch, for 1 month after receipt; then forwarded to the Records Services Branch and retained for 18 months; then transferred to the Federal Records Center and destroyed after a total retention period of 10 years in accordance with General Accounting Office instructions.

Financial Returns. Retained in the Examination Division, Financial Accounts Branch, for 1 month after receipt; then forwarded to the Records Services Branch for a retention period of 4 months; then transferred to the Federal Records Center and destroyed after a total retention period of 10 years in accordance with General Accounting Office instructions.

Military Pay Cases of Separated Personnel. Retained in the Examination Division, Claims and Separations Branch, for 18 months following end of the calendar year in which the member was released from active duty, then released to the Records Services Branch for transfer to the Federal Records Center and destroyed after a total retention period of 10 years in accordance with General Accounting Office instructions.

Annual Separation Listings. Retained in the Examination Division, Records Services Branch, for 10 years or until such time as the corresponding military pay cases are destroyed.

Annual Reserve Tax Listings. Retained in the Examinations Division, Records Services Branch, until no longer useful; then destroyed.

Microfilm of Annual Wage and Tax Information of Active Duty Personnel. Retained in the Examination Division, Records Services Branch, until no longer useful; then destroyed.

Microfilm of Quarterly Social Security Wage Data. Retained in the Examination Division, Records Services Branch, indefinitely.

Microfilm of Master Allotment File. Retained in the Examination Division, Records Services Branch, until no longer useful; then destroyed.

Microfiche and Microfilm of Field and Alpha Locators. Retained in the Examination Division, Records Services Branch, indefinitely.

Microfiche of Marine Corps Officers Lineal List. Retained in the Examination Division, Records Services Branch, until new listing is received; then destroyed.

Active Military Pay Cases. Retained in the Examination Division, Pay Record Audit Branch, until such time as member is released from active duty; then released to the Claims and Separations Branch and ultimate transfer to the Federal Records Center.

Reserve Personnel Military Pay Cases. Retained in the Examination Division, Pay Record Audit Branch, for 3 fiscal years; then transferred to the Federal Records Center and destroyed after a total retention period of 10 years in accordance with General Accounting Office instructions.

Centralized Automated Reserve Pay System (CAREPAY). Retained in the Examination Division, Pay Record Audit Branch, for 3 fiscal years; then transferred to the Federal Records Center and destroyed after a total retention period of 10 years in accordance with General Accounting Office instructions.

Uniformed Services Savings Deposit Accounts of Personnel Declared Missing In Action. Retained in the Examination Division, General Audit Branch, until such time as the account is closed; then filed in the member's military pay case and held until the case is transferred to the Federal Records Center.

Federal Housing Administration (FHA) Files. Retained in the Examination Division, General Audit Branch, for 3 years following termination of the member's entitlement; then filed in the member's military pay case and held until the case is transferred to the Federal Records Center.

U S Treasury Department, Internal Revenue Service Forms 941c. Retained in the Examination Division, Financial Accounts Branch, for four years following the date the 941c was prepared; then destroyed.

Marine Corps Disbursing Officers Shortage Accounts. Retained in the Examination Division, Financial Accounts Branch, for two years after final settlement; then destroyed.

Indebtedness Cases. Retained in the Examination Division, Settlements Branch, until case is closed or declared uncollectible; then transfer the uncollectible cases to the General Accounting Office or to the member's service record book according to the disposition of each particular case. Record of Indebtedness cards are reduced to microfilm annually and retained indefinitely.

System manager(s) and address:

Commandant of the Marine Corps (Code FDD).
Marine Corps Finance Center.
General Accounting Office.

Notification procedure:

Information may be obtained from:
Commanding Officer
Marine Corps Finance Center
Examination Division
Kansas City, Missouri 64197
Telephone: Area Code 816-926-7853

Individual will be required to furnish name, social security number, duty status, and type of information or records required.

Same as notification.

Name, social security number, military identification card, or other appropriate identification.

Record access procedures:

Same as notification.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Marine Corps activities having the responsibility of collecting data and preparing reports and documents; Headquarters U S Marine Corps; credit unions; credit bureaus; insurance companies; courts; and financial institutions.

Systems exempted from certain provisions of the act:

None

MFD00009

System name:

Pay Vouchers for Marine Corps Junior Reserve Officer Training Course Instructors

System location:

All Marine Corps District Headquarters.

Categories of individuals covered by the system:

Retired Marines in the Marine Corps Junior Reserve Officer Training Course Instructor Program.

Categories of records in the system:

Files contain individual name, rank, social security number, unit to which assigned, requests for payment of salaries.

Authority for maintenance of the system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Marine Corps Junior Reserve Officer Training Course Officer and administrative and fiscal personnel for evaluation and processing for payment.

Officials and employees of the Naval Service and General Accounting Office in the execution of their official duties in relation to inspections, investigations, legal action.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders stored in filing cabinets.

Retrievability:

Alphabetically by last name, and school to which assigned.

Safeguards:

Access limited to Marine Corps Junior Reserve Officer Training Course, administrative and fiscal personnel required to process payment requests and payments. After working hours the office and building are locked. A guard is located in the general vicinity.

Retention and disposal:

Files are retained for three years and then destroyed.

System manager(s) and address:

Marine Corps Junior Reserve Officer Training Course Officer Marine Corps Districts.

Notification procedure:

Write or visit SYSMANAGER of Marine Corps District in which school is located. Provide full name, social security number, and military status. Proof of identity may be established by military identification card or DD-214 and drivers license.

Record access procedures:

The agency's rules for access to records may be obtained from the SYSMANAGER

Contesting record procedures:

The rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

Record source categories:

Senior Marine Instructor of Marine Corps Junior Reserve Training Course unit of which instructor is a member.

Systems exempted from certain provisions of the act:

None

MFD00010

System name:

Per Diem and Travel Payment System

System location:

Primary System-Disbursing Offices, Marine Corps Posts and Stations

Categories of individuals covered by the system:

All Marine Corps civilian and military personnel receiving travel advances or making settlement of travel claims to the local Disbursing Office.

Categories of records in the system:

Completed travel claims with documentation cross-referenced to individuals.

Authority for maintenance of the system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Marine Corps disbursing employees for cross-reference between individual and disbursement of funds for reimbursement in the performance of official travel.

Headquarters, U S Marine Corps and Marine Corps commands, activities and organizations - By officials and employees of the Marine Corps in matters regarding their assigned duties.

Department of Defense and its Components - By officials and employees of the Department in the performance of their official duties.

The Attorney General of the U S - By officials and employees of the Office of the Attorney General in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or as carried out as the legal representative of the Executive Branch Agencies.

Courts - By officials of duly established local, state and federal courts as a result of court order pertaining to matters properly within the purview of said court.

Congress of the U S - By the Senate or the House of Representatives of the U S or any Committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U S - By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Card file.

Retrievability:

Employee name, social security number or badge number.

Safeguards:

Card file is maintained and used by specific clerks within travel section of the Disbursing Office. After working hours, office is locked in a building with controlled access by armed guards.

Retention and disposal:

Data is maintained until individual departs the area and all travel advances have been settled.

System manager(s) and address:

Disbursing Officer

Notification procedure:

Information may be obtained from:
Disbursing Offices, Marine Corps Posts and Stations

Record access procedures:

Signed written requests should contain the full name of the individual and social security number or badge number and addressed to the address listed under NOTIFICATION above.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER

Record source categories:

Travel orders and disbursing documents.

Systems exempted from certain provisions of the act:

None

MHD00001

System name:

Biographical Files

System location:

Reference Section (Code HDR), History & Museums Division, Headquarters, U S Marine Corps, Washington, D C 20380 and all major Marine Corps commands and districts.

Categories of individuals covered by the system:

Marine Corps General Officers and those Marines considered as being or having been newsworthy.

Categories of records in the system:

File contains biographical sketches, press releases and media clippings.

Authority for maintenance of the system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Headquarters, U S Marine Corps commands, activities and organizations By officials and employees in connection with their official duties.

Department of Defense and its Components - By officials and employees of the Office of the Attorney General in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or as carried out as the legal representative of the Executive Branch agencies.

Courts - By officials of duly established local, state and federal courts as a result of court order pertaining to matters properly within the purview of said court.

Congress of the U S - By the Senate or the House of Representatives of the U S or any Committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U S - By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Officer relating to the Marine Corps.

Historical researchers-to determine accuracy of facts and provide background for correspondence and studies.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders, microfiche, and photographs.

Retrievability:

Filed alphabetically by last name of subject.

Safeguards:

Building employs security guards. Files within a vault accessible only to authorized personnel who are screened and registered prior to being granted access.

Retention and disposal:

Files are permanent

System manager(s) and address:

The Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20380

Notification procedure:

Information may be obtained from:
The Commandant of the Marine Corps (Code HD)
Headquarters, U S Marine Corps
Room 3129, Reference Section Head
Navy Annex (Federal Office Building #2)
Washington, D C 20380
Telephone: Area Code 202/694-1481/1473

Record access procedures:

Requests from individuals should be addressed to: The Commandant of the Marine Corps (Code HDR), Headquarters U S Marine Corps, Washington, D C 20380

Written requests for information should contain the full name of the individual.

For personal visits, the individual should be able to provide some acceptable identification.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

Record source categories:

Newspapers, magazines, Marine Corps press releases and biographical sketches.

Systems exempted from certain provisions of the act:

None

MHD00006

System name:

Register/Lineal Lists

System location:

The Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20380

Categories of individuals covered by the system:

Lists of all active duty and retired officers from 1800 to present.

Categories of records in the system:

Bound volume of listings which include individual's name, rank.

Authority for maintenance of the system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Historical Researchers - To determine authority of dates, names and ranks of personnel.

Headquarters, U S Marine Corps and Marine Corps commands, activities and organizations - By officials and employees of the Marine Corps in the execution of their assigned duties.

Department of Defense and its Components - By officials and employees of the Department in the performance of their official duties.

The Attorney General of the U S - By officials and employees of the Office of the Attorney General in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or as carried out as the legal representatives of the Executive Branch agencies.

Courts - By officials of duly established local, state and federal courts as a result of court order pertaining to matters properly within the purview of said court.

Congress of the U S - By the Senate or the House of Representatives of the U S or any Committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U S - By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Bound volumes retained in library

Retrievability:

Yearly volume listed alphabetically within ranks.

Safeguards:

Building employs security guards. Files within a vault accessible only to authorized personnel who are screened and registered prior to being granted access.

Retention and disposal:

Files are permanent

System manager(s) and address:

The Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20380

Notification procedure:

Information may be obtained from:
The Commandant of the Marine Corps (Code HD)
Headquarters, U S Marine Corps
Room 3129, Reference Section Head
Navy Annex
Washington, D C 20380
Telephone: Area Code 202/694-1481/1473

Record access procedures:

Requests from individuals should be addressed to: Commandant of the Marine Corps (Code HDR), Headquarters, U S Marine Corps, Washington, D C 20380

Written requests for information should contain the full name of the individual.

For personal visits the individual should be able to provide some acceptable identification.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Internal Publication

Systems exempted from certain provisions of the act:

None

MIL00001

System name:

Assignment and Occupancy of Family Housing Records

System location:

System is organizationally decentralized. Records are maintained at Marine Corps Installations with family housing.

Categories of individuals covered by the system:

File contains individual's application, assignment to and occupancy history of family housing. Records include, but are not limited to information from the Manpower Management System and the Joint Uniform Military Pay System.

Categories of records in the system:

File contains individual's application and assignment to and occupancy history of family housing.

Authority for maintenance of the system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Installation Family Housing Offices - To obtain information in order to determine type of quarters to which individual's are to be assigned; to make assignments and to personnel who are assigned to quarters.

Department of Defense and its Components - By officials and employees of the Department in the performance of their official duties.

The Attorney General of the U S - By officials and employees of the Office of the Attorney General in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or as carried out as the legal representative of the Executive Branch agencies.

Courts - By officials of duly established local, state and federal courts as a result of court order pertaining to matters properly within the purview of said court.

Congress of the U S - By the Senate or the House of Representatives of the U S or any Committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U S - By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders and on file cards.

Retrievability:

Filed alphabetically by last name of housing occupant and in order of position on waiting list.

Safeguards:

Records are maintained in areas accessible only to authorized personnel; waiting lists are maintained for public inspection.

Retention and disposal:

Records are permanent. They are retained in active file during time that personnel is residing in quarters, retained in a quarters record jacket after termination of occupancy.

System manager(s) and address:

The Commandant of the Marine Corps, Headquarters, U S Marine Corps, (Code LF) Washington, D C 20380

Notification procedure:

Information may be obtained from: The Commanding Officer of the Marine Corps Installation from which family housing has been requested, assigned or vacated. Mailing addresses are as shown in the Navy Standard Distribution List (OPNAV P09B3-107).

Record access procedures:

Requests for information from individuals should be addressed to the Commanding Officer of the Marine Corps installation(s) at which the individual applied for or occupied family housing. Such requests should include name, social security number, quarters number if known, and dates of period addressed in the inquiry. Installation addresses are as reported by the Navy Standard Distribution List.

Personal visits may be made to the installation in questions any normal work day between 8:00 AM-4:30 PM. For personal visits the individual should be able to provide valid personal identification

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

Record source categories:

Application from individual seeking family housing, Marine Corps Manpower Management System; Joint Uniform Military Pay System.

Systems exempted from certain provisions of the act:

NONE

MIL00002

System name:

Bachelor Housing Registration Records System

System location:

Each Bachelor Officer Quarters/Bachelor Staff Quarters (BOQ/BSQ) assigned registration responsibilities.

Categories of individuals covered by the system:

Military and civilian personnel who are current and former residents of BOQ's and BSQ's.

Categories of records in the system:

Contains personal identifying information, arrival/departure dates; type of orders; monetary allowance information; BOQ/BSQ and room identification.

Authority for maintenance of the system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The purpose is to provide adequate records for management of Bachelor housing. Used by office personnel to maintain a record of occupancy. By auditors to verify occupancy. By other military and DOD officials when required in the execution of their official duties.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper cards, file folders, status boards, etc.

Retrievability:

Alphabetically by name and social security number.

Safeguards:

Stored in locked office during nonworking hours or when office is not manned. Access on a need to know basis only for official purposes.

Retention and disposal:

Retained for four years; then destroyed.

System manager(s) and address:

Decentralized. The local commander is responsible for management of BOQ's and BSQ's.

Notification procedure:

Requests shall be addressed to the SYSMANAGER Requestor must be able to provide appropriate identifying information.

Record access procedures:

Rules for access may be obtained from the SYSMANAGER

Contesting record procedures:

Rules for contesting contents may be obtained from the SYSMANAGER.

Record source categories:

BOQ/BSQ office personnel and information from individual who fills out registration card.

Systems exempted from certain provisions of the act:

None

MIL00003

System name:

Laundry Charge Accounts Records

System location:

Marine Corps activities with laundry facilities.

Categories of individuals covered by the system:

Individuals who have applied for Laundry charge accounts.

Categories of records in the system:

Name, rank, unit, social security number, quarters address and telephone number, date and ticket number of laundry service and amount charged.

Authority for maintenance of the system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Accounting purposes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

In paper records in file folders.

Retrievability:

By name.

Safeguards:

Records are maintained in locked filing cabinets within locked offices of buildings. Records are accessible only to persons whose performance require it.

Retention and disposal:

Five years and then destroy.

System manager(s) and address:

Decentralized. Laundry charge accounts managed under the Commanding General of each activity which has a laundry.

Notification procedure:

Correspondence pertaining to records maintained by the laundry. Contact the Commanding General of the Marine Corps activity in question.

Record access procedures:

Information may be obtained from the SYSMANAGER.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

Record source categories:

Individuals

Systems exempted from certain provisions of the act:

None

MIL00004

System name:

Personal Property Program

System location:

All Marine Corps Bases and Federal Record Centers

Categories of individuals covered by the system:

All military personnel having shipped or stored personal property or privately owned automobiles.

Categories of records in the system:

File contains individual's applications for shipment and/or storage, related shipping documents and records of delivery and payment.

DD 619 (Statement of Accessorial Services Performed)
DD 828 (Motor Vehicle Shipment Application)
DD1100 (Household Goods Storage Record)
DD1101 (Household Goods Storage information)
DD1252 (Owner's U S Customs Declaration and Entry and Inspecting Officer's Certificate)
DD1299 (Application for shipment and/or storage of Personal Property)
DD1671 (Reweight of Household Goods)
DD1780 (Report of Carrier Services Personal Property Shipment)
DD1781 (Property Owners Report on Carriers Report)
DD1797 (Personal Property Counseling Checklist)
DD1799 (Member's report on Carrier Performance - Mobile Homes)
DD1800 (Mobile Home Shipment Inspection at Destination)
DD1841 (Schedule of Property Damages)
DD1842 (Claim for Personal Property against the United States)
DD1845 (Demand on Carrier/Contractor)

Authority for maintenance of the system:

DOD Regulation 4500.34 'Personal Property Traffic Management Regulation'
JAG Manual

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Traffic Management Offices and applicable Finance Center for effecting, coordinating and payment of personal property shipment and storage.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

Filed alphabetically by last name of member.

Safeguards:

Records are maintained in areas accessible only to authorized personnel that are properly cleared and trained

Retention and disposal:

Records are permanent. They are retained in active file until end of calendar year in which transaction was effected, held additionally in inactive file indefinitely.

System manager(s) and address:

Assistant Secretary of Defense (Installations and Logistics (ASD (I&L)) Washington, D C

Notification procedure:

Information may be obtained from:
Commandant of the Marine Corps (Code LFS-2)
Headquarters, U S Marine Corps
Washington, D C 20380
Telephone: 224-1067

Record access procedures:

Request from individuals should be addressed to Commandant of the Marine Corps (LFS-2), Headquarters, U S Marine Corps, Washington, D C 20380.

Written request for information should contain the full name of individual, SSN, current address and telephone number.

For personal visits, the individual should be able to provide acceptable identification and give some verbal information that could be verified with his 'case' folder.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

Record source categories:

Application and related forms from the individual requesting access; notification of personal clearance from the SYSMANAGER research note/documents from records custodians.

Systems exempted from certain provisions of the act:

None

MIL00005

System name:

Passenger Transportation Program

System location:

All Marine Corps Bases

Categories of individuals covered by the system:

Military personnel and their dependents, DOD civilian employees and their dependents, and other individuals furnished transportation via commercial transportation resources and Department of Defense single manager transportation resources.

Categories of records in the system:

File contains copies of passenger transportation procurement documents issued, copies of official travel orders supporting the issuances; applications for transportation of dependents, port call requests and confirmations; copies of endorsements to orders indicating transportation issuances; requests and authorizations for space available MAC transportation.

SF 1169 United States of America Transportation Request
DD 652 Uniformed Services Meal Ticket
DD 884 Application for Transportation for Dependents
DD 1287 Request for Commercial Transportation
DD 1341 Report of Commercial Carrier Passenger Service
DD 1482 Military Airlift Command (MAC) Transportation Authorization.

Authority for maintenance of the system:

MCO P4600.14A (joint) Military Traffic Management Regulation (Promulgates policy and procedures applicable to performance of traffic management functions within the CONUS)

DOD 4515.13-R Air Transportation Eligibility (Policy and procedures applicable to movement via DOD owned and controlled airlift)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Traffic Management Offices and Applicable Finance Center for effecting coordination and payment of passenger transportation charges by commercial transportation and Military Airlift Command (MAC) resources.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

Passenger Transportation Procurement documents filed by serial number preprinted on the documents.

Other documents filed in alphabetical order by last name of member.

Safeguards:

Records are maintained in areas accessible only to authorized personnel that are properly cleared and trained.

Retention and disposal:

Copies of transportation procurement documents held by issuing office for period of 4 years, after which they are destroyed. Other records retained in active fields until end of calendar year in which transaction was effected, held additionally in inactive file indefinitely.

System manager(s) and address:

Commander, Military Traffic Management Command, Washington, D C (Travel via commercial transportation within CONUS)

Commander, Military Airlift Command, Scott AFB, IL (International travel via DOD owned and controlled airlift)

Notification procedure:

Information may be obtained from:
Commandant of the Marine Corps (Code LFS-2)
Headquarters, U S Marine Corps
Washington, D C 20380
Telephone 224-1781

Record access procedures:

Request from individuals should be addressed to Commandant of the Marine Corps, (Code LFS-2), Headquarters, U S Marine Corps, Washington, D C 20380

Written request for information should contain the full name of the individual, SSN, current address and telephone number.

For personal visits, the individual should be able to provide acceptable identification and give some verbal information relating to commercial transportation furnished or Military Airlift Command (MAC) transportation arrangements on a space required or space available basis.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individuals concerned may be obtained from the SYSMANAGER.

Record source categories:

Application and related forms from the individual requesting access; notification of personal clearance from the SYSMANAGER research notes/documents from records custodians.

Systems exempted from certain provisions of the act:

None

MIL00006

System name:

Dealer's Record of Sale of Rifle or Pistol, State of California

System location:

Each Marine Corps Activity in California

Categories of individuals covered by the system:

Authorized Marine Corps Exchange patrons who purchase a rifle or pistol from the Exchange.

Categories of records in the system:

Individual identifying information including height, weight, color of hair and eyes, if purchaser is a citizen, if the purchaser has been convicted of a felony, or if the purchaser is addicted to use of narcotics, the individual's occupation, and descent.

Authority for maintenance of the system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by Marine Corps Exchange personnel for record keeping purposes, one copy is sent to the State of California in Sacramento, California and to the local Sheriff's office.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

In paper records in file folders.

Retrievability:

By name

Safeguards:

Records are maintained in locked filing cabinets within locked offices of buildings. Records are accessible only to authorized personnel only.

Retention and disposal:

Records are maintained for five years and then destroyed.

System manager(s) and address:

Decentralized. System managed by local commanders.

Notification procedure:

Correspondence pertaining to records maintained by local commands may be addressed to the Commanding Officer of the activity concerned.

Record access procedures:

Information may be obtained from the SYSMANAGER

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

Record source categories:

Individuals

Systems exempted from certain provisions of the act:

None

MIL00007

System name:

Marine Corps Exchange Service Station Work Orders

System location:

Marine Corps activities with exchanges operating a service station.

Categories of individuals covered by the system:

Authorized Marine Corps Exchange patrons who avail themselves of automobile servicing.

Categories of records in the system:

Individual identifying information, vehicle description, speedometer reading.

Authority for maintenance of the system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by Marine Corps Exchange service station personnel for normal business purposes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

In paper records in file folders.

Retrievability:

By name

Safeguards:

Records are maintained in locked filing cabinets within locked offices of buildings. Records are accessible only to persons whose performance require it.

Retention and disposal:

Work orders are retained for one year and then destroyed.

System manager(s) and address:

Local commander. See Directory of Department of the Navy mailing addresses.

Notification procedure:

Correspondence pertaining to records may be addressed to the Commanding General or Commanding Officer of the activity concerned.

Record access procedures:

Information may be obtained from SYSMANAGER

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

Record source categories:

Individuals

Systems exempted from certain provisions of the act:

None

MIL00008

System name:

Cigarettes Sales Abuse File

System location:

Marine Corps Exchange, Headquarters Battalion (Code 200), Marine Corps Supply Acitivity, Phila., Pa. 19146

Categories of individuals covered by the system:

Records cigarette purchases by PX patrons who are buying large quantities of cigarettes over a period of time.

Categories of records in the system:

Contains name, social security number and record of amount of cigarettes purchased, date and sales person's initials.

Authority for maintenance of the system:

Local SOP

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Available to determine a pattern of abuse of cigarette exchange privileges. Available to Exchange Officer, adjutant, Headquarters Battalion, Marine Corps Supply Activity, Phila. Pa., state investigative officials.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Index cards in file folders.

Retrievability:

By name

Safeguards:

Only one copy made and maintained in Exchange records.

Retention and disposal:

Six months

System manager(s) and address:

Exchange Officer, Headquarters Battalion (Code 200), Marine Corps Supply Activity, Phila., Pa. 19146

Notification procedure:

Information may be obtained from;
Exchange Officer, Marine Corps Exchange 2 21
Marine Corps Supply Activity
Phila., Pa. 19146

Record access procedures:

Individual requests should be addressed to: Commanding Officer, Headquarters Battalion (Code 200), Marine Corps Supply Acitivity, Phila., Pa. 19146

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Marine Corps Exchange sales personnel

Systems exempted from certain provisions of the act:

None

MIL00009

System name:

Fire Arms Transaction Record

System location:

Marine Corps Activities with Exchanges selling fire arms

Categories of individuals covered by the system:

Authorized Marine Corps Exchange patrons who purchase fire arms from the Exchange.

Categories of records in the system:

Individual identifying information, including age, height, weight, date and place of birth, race, description of fire arm, certificate by individual that he has never been convicted of a felony, that he is not a fugitive from justice, not addicted to the use of drugs, not adjudi-

cated to be a mental defective or committed to a mental institution, that he's not been discharged from the armed forces under dishonorable conditions, that he is not an illegal alien and that he hasn't renounced his citizenship. Information from documents used to provide individual's identification.

Authority for maintenance of the system:

Title 5, U. S. Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by Marine Corps Exchange personnel for record keeping purposes, and a copy is sent to the local law enforcement personnel for their information.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

In paper records in file folders

Retrievability:

By name

Safeguards:

Records are maintained in locked filing cabinets within locked offices of buildings. Records are accessible only to authorized personnel only

Retention and disposal:

Records are maintained for five years and then destroyed.

System manager(s) and address:

Decentralized system managed by local Commanders.

Notification procedure:

Correspondence pertaining to records maintained by local Commands may be addressed to the Commanding Officer of the activity in question.

Record access procedures:

Information may be obtained from SYSMANAGER

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

Record source categories:

Individuals.

Systems exempted from certain provisions of the act:

None.

MIL00010

System name:

Customer Service Records/Special Accounts

System location:

Local Marine Corps Exchange Office

Categories of individuals covered by the system:

The contents of these files are a compilation of all records required in the administration of special accounts.

Categories of records in the system:

Records are manually prepared files containing data used in accounting for merchandise not normally in stock and has been ordered by authorized patrons or deferred payment plans.

Authority for maintenance of the system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by management and clerical personnel for normal business purposes including accounting for sales and inventory control.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

In paper records in file folders.

Retrievability:

Filed alphabetically by patron's last name

Safeguards:

Records are maintained in locked filing cabinets within locked offices of buidings. Records are accessible to authorized personnel only.

Retention and disposal:

Records are maintained for five years and then destroyed.

System manager(s) and address:

Decentralized System managed by local Commanders.

Notification procedure:

Correspondence pertaining to records maintained by local commands may be addressed to the Commanding Officer of the activity in question

Record access procedures:

Information may be obtained from SYSMANAGER

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

Record source categories:

Individuals.

Systems exempted from certain provisions of the act:

None.

MIL00011

System name:

MDSVEN Vendor Directory

System location:

All Marine Corps commands which operate a Marine Corps Exchange.

Categories of individuals covered by the system:

All vendors' names and addresses actively engaged in business with the local exchange.

Categories of records in the system:

File contains vendor names and addresses; freight information, delivery and discount terms for remittance and payment

Authority for maintenance of the system:

Title 10, U. S. Code 7601

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Purchasing Activity - To obtain addresses for ordering, freight and delivery information, discount terms, etc.; required for entry on Purchase Orders

Accounting Activity - To obtain billing and remittance addresses

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Mechanized print-outs and computer discettes

Retrievability:

Filed in computer and/or discettes by permanently assigned 6 digit file numbers

Safeguards:

Records are maintained in areas accessible only to authorized personnel on a need-to-know basis.

Retention and disposal:

Records are permanent; updated as necessary. Held until vendor is no longer actively engaged in business with Exchange, then record is eliminated and/or cleaned off diskette.

System manager(s) and address:

Decentralized system managed by local commanders. See Directory of Department of the Navy mailing addresses.

Notification procedure:

Correspondence pertaining to records maintained by local commands may be addressed to the Commanding Officer of the activity concerned.

Record access procedures:

Information may be obtained by contacting SYSMANAGER

Requests should contain the full name of the requester and the basis of the request.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determination by the individual concerned may be obtained by contacting the SYSMANAGER.

Record source categories:

Notification from applicable vendors, correspondence and agreements originating between vendor and Exchange Procurement Activity.

Systems exempted from certain provisions of the act:

None

MIL00012

System name:

Standard Licensing Procedures For Operators of Military Motor Vehicles

System location:

All Marine Corps motor vehicle licensing facilities.

Categories of individuals covered by the system:

Military and DOD civilian employees required to operate a government-owned/or controlled motor vehicle including nonappropriated fund vehicles.

Categories of records in the system:

Files contain information on each individual's driving experience, who applies for a Government Operators Permit to include traffic accidents involved in, any refusal, suspension or revocation of State Operator's License, all violations of traffic regulations (other than overtime parking) for which he has been found guilty, misrepresentation or failure to report these, and results of physical examinations.

DD Form 1360 - Operators Qualifications and Record of Licensing, Examination and Performance
NAVFAC 9-11240/10 - Application for Motor Vehicle Operators Permit
SF 47 - Physical Fitness Inquiry for Motor Vehicle Operators
NAVFAC 9-11240/11 - Checklist and Scoresheet for Road Test in Traffic
SF 46 - U S Government Motor Vehicle Operator's Identification Card
Dot Form HS 1047 - Request for Search of National Drivers Register
Dot Form 1054 - Report of Inquiry Searched

Authority for maintenance of the system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Motor vehicles licensing procedures used to determine the qualification of personnel requesting motor vehicle operator's I D cards

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

Filed in alphabetical order by last name of applicant

Safeguards:

Records are maintained in areas accessible only to authorized personnel

Retention and disposal:

Copies are normally held for 3 years and are then destroyed.

System manager(s) and address:

Deputy Chief of Staff for Installations and Logistics, Headquarters, U S Marine Corps, Washington, D C
Decentralized system managed by local commands.

Notification procedure:

Information may be obtained from:
Headquarters, U S Marine Corps (Code LME)
Room 400
Commonwealth Building
Arlington, VA 22209
Telephone: Area Code 202/695-3460

Correspondence pertaining to records maintained by local commands may be addressed to the commanding officer of the activity in question. See Directory of Department of the Navy Mailing Addresses.

Record access procedures:

Requests from individuals should be addressed to Commandant of the Marine Corps (Code LME), Headquarters, U S Marine Corps, Washington, D C 20380; SYSMANAGER of activity concerned.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

Record source categories:

Individual information is taken from NAVMC 10964, Licensing application, civil authorities, Provost Marshal's office, service record, organization commanders.

Systems exempted from certain provisions of the act:

None

MIL00013

System name:

Individual Uniform Clothing Records

System location:

All Marine Corps activities, but records limited to individuals having received clothing through that activity.

Categories of individuals covered by the system:

Personnel of the Marine Corps, Marine Corps Reserve, Navy Corpsmen authorized to wear Marine Corps uniforms, candidates of officer procurement programs of the Marine Corps (including Marine option NROTC), former Marines authorized to purchase Marine Corps uniforms from Marine Corps clothing stocks.

Categories of records in the system:

Files contain listings of individual uniform clothing issued in-kind and clothing sold to individuals on a cash basis, mail-order basis or pay checkage basis.

NAVMC 604 - Individual Clothing Requisition and Issue Slip (Men's)
NAVMC 604b - Individual Clothing Requisition and Issue Slip (Women's)
NAVMC 604a - Transmittal of Clothing Issue Slips
NAVMC 10710 - Men's Individual Clothing Request
NAVMC 10711 - Women's Individual Clothing Request
NAVMC 631 - Individual Clothing Record (Men's)
NAVMC 631a - Individual Clothing Record (Women's)
DD Form 358 - Special Measurement Blank - Clothing - Men's
DD Form 1111 - Armed Forces Measurement Blank - Special Sized Clothing - Women's
DD Form 150 - Special Measurement Blank for Special Measurement/ Orthopedic Boots and Shoes
DD Form 1348 - DOD Single Line Item Requisition System Document (Manual)
SF 344 - GSA Multi-use Standard Requisitioning/Issue System Document
Naval messages/speedletters when used in lieu of routine MILSTRIP procedures.

Authority for maintenance of the system:

Executive Order 10113 of 24 February 1950

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To substantiate supply accounting records for clothing issued or sold from Marine Corps stocks to individuals, and when sales are made on a pay checkage basis, to substantiate pay checkage action under the Joint Uniform Military Pay System (JUMPS)

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders

Retrievability:

May be filed for retrieval by either name or SSN, or when used as a substantiating document for issues/sales at a retail clothing outlet, files are primarily in transaction document number sequence.

Safeguards:

Records are maintained in areas accessible only to authorized personnel.

Retention and disposal:

Three years when used to substantiate issues under the clothing Monetary Allowance System.

As required when used to substantiate financial/pay checkage transactions.

Until individual uniform clothing items issued in kind to members of the Marine Corps Reserve are recovered upon separation.

Three years following detachment from duty for which an issue of supplementary uniforms was authorized.

System manager(s) and address:

Decentralized system - managed by local command.

Notification procedure:

Information may be obtained from:
Commandant of the Marine Corps (Code LMP)
Room 378
Commonwealth Building
Arlington, Virginia 22209
Telephone Area Code: 202/694-1775

Correspondence pertaining to records maintained by local commands may be addressed to the commanding officer of the activity in

question. See Directory of Department of the Navy Mailing Addresses.

Information required from requester:
Full name
SSN
Military status
Current address
Specifics of information desired

Record access procedures:

Requests from individuals should be addressed to: Commandant of the Marine Corps (Code LMP), Headquarters, U S Marine Corps, Washington, D C 20380

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Individual information, Joint Uniform Military Pay System/ Manpower Management System (JUMPS/MMS).

Systems exempted from certain provisions of the act:

None

MIL00014

System name:

Exchange Privilege Authorization Log

System location:

Organized Marine Corps Reserve units.

Categories of individuals covered by the system:

Any member of the Organized Marine Corps Reserve unit who becomes eligible for exchange privileges as a result of attending drills with that unit in accordance with current regulations.

Categories of records in the system:

Log contains a list by name of individuals who are issued exchange privilege authorization letters. The list is maintained on a quarterly basis.

Authority for maintenance of the system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

By the Commanding Officer/Inspector-Instructor of Reserve Units to keep a record of personnel who were authorized to use the exchange during each fiscal quarter. Exchange personnel - letters are utilized to verify authority of Reserve to utilize exchange services.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Papers bound log book on paper - letters issued to individual Reserves.

Retrievability:

Alphabetically by last name for each fiscal quarter. Personnel who join during the quarter are added to the list as they become eligible for exchange privileges.

Safeguards:

The log is maintained in an area accessible only to authorized personnel. This area is locked during non-working hours.

After working hours the office and building are locked. A guard is located in the general vicinity.

Retention and disposal:

The log will be destroyed one year from the end of the calendar year for which entries are made.

System manager(s) and address:

Inspector-Instructor of Organized Marine Corps Reserve unit.

Notification procedure:

Write or visit SYSMANAGER. Provide full name, social security number, and military status. Proof of identity may be established by military identification card or DD-214 and drivers license.

Record access procedures:

The agency's rules for access to records may be obtained from the SYSMANAGER

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

Record source categories:

Monthly drill attendance records of Organized Marine Corps Reserve unit.

Systems exempted from certain provisions of the act:

None

MIL00015

System name:

Housing Referral Services Records System

System location:

All Marine Corps installations with housing referral offices.

Categories of individuals covered by the system:

All military personnel reporting to an installation who will be residing off base desirous of seeking off base housing.

Categories of records in the system:

Information is collected on DD Form 1668 from all military personnel reporting to a housing referral office as pertains to name, grade, branch of service, organization and location, local address, housing needs, e.g. rental/sale, number of bedrooms, furnished/unfurnished, price range, etc., number of dependents, male or female, and age. A list of housing referral services provided and identification of member of racial or ethnic minority groups. Individuals provided referral assistance must in turn provide notification of housing selection by use of DD Form 1670 which includes such information as type of housing selected, e.g., location, temporary/permanent, rental/sale, cost, number of bedrooms, media through which housing was found, e.g., housing referral, realtor, newspaper, etc., and satisfaction with selection, e.g., too small, too far, discrimination encountered, and satisfaction with housing referral services provided.

Authority for maintenance of the system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Referral offices use data to assist and counsel individuals in locating suitable housing off base, used for follow-up purposes when written notification from individual is not provided as to ultimate location of housing, used for purposes of reporting statistics on field activity housing referral services, used to follow up on availability of rental unit subsequent to occupant's receipt of PCS orders, and follow up regarding tenant/landlord complaints.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders

Retrievability:

By individual's name.

Safeguards:

Housing files within the housing referral or housing office, used solely within the housing organization and protected by military installation's security measures. Individual may upon request, have access to all such data.

Retention and disposal:

Data is retained until individual's tour is completed and subsequently disposed of according to local records disposition instructions.

System manager(s) and address:

Commandant of the Marine Corps (Code LFF-3), Headquarters, U S Marine Corps, Washington, D C 20380.

Notification procedure:

Records are maintained by housing referral offices at the Marine Corps activity responsible for providing referral services for military personnel in the area. Individual may request access to records upon proof of identity (ID card).

Record access procedures:

The agency's rules for access to records may be obtained from installation family housing office.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the installation family housing office.

Record source categories:

Data collected from each applicable individual.

Systems exempted from certain provisions of the act:

None

MIL00016

System name:

Depot Maintenance Management Subsystem (DMMS)

System location:

Marine Corps Logistics Support Base, Atlantic, Albany, Georgia 31704
Marine Corps Logistics Support Base, Pacific, Barstow, California 92311

Categories of individuals covered by the system:

Any military or civilian employee of USMC Depot Maintenance Activities

Categories of records in the system:

System contains individual's Personal History File, Labor Distribution Reports, Time and Attendance Reports and Payroll Reports

Authority for maintenance of the system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Marine Corps Logistics Support Bases - To provide payroll support and cost accounting
Congress of the United States
Naval Audit Service - To obtain audit trails for cost accounting
DOD Departments and agencies
USMC staff agencies and commands - To review cost accounting and financial management procedures, to monitor labor distribution
Federal, state, and local tax agencies
General Accounting Office
Treasury Department
Department of Justice

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Computer magnetic tapes and disks, computer paper printouts and microfiche.

Retrievability:

Filed by employee badge number

Safeguards:

Buildings have security personnel. Records are maintained in areas accessible to authorized personnel that are properly screened.

Retention and disposal:

Records are maintained until end of calendar year in which employee has worked. At the end of one year, the computer magnetic tapes and disks are erased and paper printouts are destroyed by shredding. Microfiche is destroyed by burning.

System manager(s) and address:

Commandant of the Marine Corps (Code LMM), Headquarters, U S Marine Corps, Washington, D C 20380
Director, DMA, Marine Corps Logistics Support Base, Atlantic, Albany, Georgia
Director, DMA, Marine Corps Logistics Support Base, Pacific, Barstow, California

Notification procedure:

Information may be obtained from:
Commandant of the Marine Corps (Code LMM), Headquarters, U S Marine Corps Washington, D C 20380
CG, Marine Corps Logistics Support Base, Atlantic, Albany, Georgia 31704
CG, Marine Corps Logistics Support Base, Pacific, Barstow, California 92311

Record access procedures:

Requests from individuals should be addressed to the Commanding General, Marine Corps Logistics Support Base, Atlantic, Albany, Georgia 31704 or Commanding General, Marine Corps Logistics Support Base, Pacific, Barstow, California 92311.

Written requests for information should contain the full name of the individual, current address, telephone number.

For personal visits, the individual should be able to provide some acceptable identification, i.e., driver's license, social security card, etc.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

Record source categories:

Automated system interfaces

Application and related forms from the individual requesting employment.

Systems exempted from certain provisions of the act:

None

MIL00017

System name:

Transportation Data Financial Management System (TDFMS)

System location:

Commanding General (Code A470), Marine Corps Logistics Support Base, Atlantic, Albany, Georgia 31704

Categories of individuals covered by the system:

All Marine Corps active duty, reserve, and retired personnel, federal Civil Service employees of the Marine Corps and their dependents.

Categories of records in the system:

The TDFMS Master Files consist of a complete automated record for all Marine Corps active duty, reserve and retired personnel, federal Civil Service employees of the Marine Corps and their dependents concerning the movement of household goods, personal effects and passenger or personnel transportation by rail, bus, air or other means involving expenditures of Marine Corps funds.

Authority for maintenance of the system:

Title 37, U S Code/Title 10, U S Code and Marine Corps Orders within the 4600 Series.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Headquarters, U S Marine Corps, Marine Corps activities for analysis and research for budget forecasting; audit, verification, certification of O&MMC, Stock Fund, Reserve, Procurement, MPMC expenditure of Marine Corps funds; identifying movement of material by weight, commodity within areas by FY historical data of commodity movements, related cost, budget forecasting, validation, and special studies.

Marine Corps Supply Center to monitor and certify for payment transportation charges concerning the movement of personal property and personnel and to initiate collection/reimbursement action for cost incurred that exceeds entitlements.

Department of Defense and its components - By officials and employees of the Department in the performance of their offical duties.

The Attorney General of the U S - By officals and employees of the Office of the Attorney General in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or as carried out as the legal representative of the Executive Branch Agencies.

Courts - By officials of duly established local, state and federal courts as a result of court order pertaining to matters properly within the purview of said court.

Congress of the U S - The Senate or the House of Representatives of the U S or any Committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the Files.

The Comptroller General of the U S - By the Comptroller or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Computer magnetic tapes and discs, computer printouts, microfiche and microfilm.

Retrievability:

Information is accessed and retrieved by name, social security number, etc. Conventional and computerized indices are required to retrieve individual records from the system.

Safeguards:

Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

Retention and disposal:

Records are maintained until statute of limitations has expired and/or litigation is concluded.

System manager(s) and address:

The Commandant of the Marine Corps (Code LFS), Headquarters, U S Marine Corps, Washington, D C 20380.

Notification procedure:

Information may be obtained from:

Commanding General (Code A470)
Marine Corps Logistics Support Base, Atlantic
Albany, Georgia 31704
Telephone: Area Code 912/439-5674/5675/5676/5677

Record access procedures:

Written requests from individuals should be addressed to the address listed under the heading LOCATION.

Written requests for information should contain social security number, full name and current address, Government Bill of Lading number (if known), date of shipment or move of household goods.

For personal visits, the individual should be able to provide positive personal identification, such as valid military identification card, drivers license, etc.

Contesting record procedures:

The rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Government and commercial carriers.
Installation Transportation Officers.
Authorized order writing activities.
Paying or disbursing officers.
Marine Corps Manpower Management System

Systems exempted from certain provisions of the act:

None

MIL00018

System name:

Organization Clothing Control File

System location:

Depot Property Control Branch, Marine Corps Recruit Depots

Categories of individuals covered by the system:

Drill Instructors, Marksmanship Instructors, Women Marine Special Subject Instructors and Band members.

Categories of records in the system:

Combined Individual Clothing Requisition and Issue Slip NAVMC 604 Form.

Authority for maintenance of the system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To maintain records of organizational clothing issued to authorized personnel until items have been returned.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders

Retrievability:

Filed alphabetically by last name of Marine concerned.

Safeguards:

Records are maintained in filing cabinet in a locked building.

Retention and disposal:

Records are maintained until items of organizational clothing are returned.

System manager(s) and address:

Commanding General, Marine Corps Recruit Depots

Notification procedure:

Information may be obtained from:
Depot Supply Officer
Depot Service and Supply Department
Marine Corps Recruit Depot
Parris Island, South Carolina 29905 or San Diego, California 92140

Record access procedures:

Requests from individuals should be addressed to: Depot Supply Officer, Depot Services and Supply Department, Marine Corps Recruit Depot, Parris Island, SC 29905 or San Diego, CA 92140.

Written requests for information should contain the full name, social security number and current address of the individual concerned.

For personal visits, the individual should be able to provide a military identification card.

Contesting record procedures:

The Depot's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Provided by the authorized individual's request NAVMC 604 to be issued items of Organizational Clothing.

Systems exempted from certain provisions of the act:

None

MIL00019

System name:

Equipment and Weapons Receipt or Custody Files

System location:

System is decentralized. Records are maintained at Marine Corps commands, organizations, or activities that issue said equipment or weapons.

Categories of individuals covered by the system:

System contains name, rank, social security number, unit address, and date.

Categories of records in the system:

This file contains name, rank, social security number, itemized list of equipment issued, date issued, and possibly unit and section/Department to which assigned.

Authority for maintenance of the system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

This system is used to identify individuals who have Government property in their possession.

Officials and employees of the Naval Service and General Accounting Office in the execution of their official duties in relation to inspections, investigations, legal action.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in binder, file folder, box, vertical card file, or index cards.

Retrievability:

Records are filed alphabetically by name.

Safeguards:

After working hours, the office and building are locked. A guard is located in the general vicinity.

Retention and disposal:

These records are destroyed upon the return of the property listed.

System manager(s) and address:

Commanding Officer of the activity.

Notification procedure:

Write or visit SYSMANAGER Provide full name, social security number, and military status. Proof of identity may be established by military identification card or DD 214 and drivers license.

Record access procedures:

The agency's rules for access to records may be obtained from the SYSMANAGER

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

Record source categories:

Information is entered by visual certification of property, issued and identification presented by individual.

Systems exempted from certain provisions of the act:

None

MIL00021

System name:

Working Files, Division Supply Sections and Wing Supply Sections

System location:

Division Supply Section, Regiments, Battalions, Separate Companies

Wing Supply Sections, Groups, Separate Squadrons

Categories of individuals covered by the system:

Personnel responsible for government property, reimbursing government for damages/loss of property.

Categories of records in the system:

Equipment Custody Records (ECR) - This file contains the date, voucher number, remarks, quantity, signature, control number, description and unit.

Memorandum Receipt for Individual/Garrison Equipment (IMR) - This file includes the name, grade, SSN, date, organization, signature and unit.

Memorandum Receipt for Individual Weapons and Accessories - This file includes the name, grade, SSN, organization, signature and unit.

Personal Effects Log - This file includes the date, name, SSN, grade and signature.

Letter of Appointment/Authorization - These files include the date, name, grade, SSN, description of duties/authorizations and sample signature.

Voucher Files - Cash Collection - This file includes the name, grade, SSN, unit, description of sales and signature.

Voucher Files - Investigations - This file includes the name, grade, SSN of investigating officer and signature.

Investigation Log/File - This listing contains the investigation number, investigating officer, subject, serial number, date investigation received, date sent to unit for correction (if applicable), due date to be returned and remarks. File also contains a copy of the investigation.

Special Order Clothing - This file cincludes the name, rank, SSN, msg number, individual unit, and remarks regarding receipt of clothing.

Base Property Log - Contains a list of names of personnel who have lost and paid for government property.

Serialized Blank Forms Register - Contains a listing of personnel by name who issue/receive serialized blank forms.

Quarterly Inventory of Sets, Chests and Kits - Contains a file of inventories made on contents of sets, chests and kits including the name, rank and SSN of the individual inventorying property.

Authority for maintenance of the system:

Title 5, U. S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Division Supply Section and Wing Supply Section - By officials in the execution of their assigned duties in reviewing proper maintenance and accountability of government property by units.

Regiments, Battalions, Separate Companies, Groups, Separate Squadrons - For supply/S-4 personnel to obtain information pertaining to personnel responsible for government property and/or administering supply functions.

Inspectors from higher headquarters (i.e., FMFPac: Inspecting General (IG) Team, FSMAO) - By officials in the execution of their assigned duties in reviewing proper maintenance and accountability of government property by units.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

ECR - Vertical file cards

IMR; Individual Weapons and Accessories, Special Clothing - card file

Personal Effects; Investigation; Base Property Log; Serialized Blank Forms Register-Log Book

Letters of Appointment/Authorization; Voucher Files, investigations; Quarterly inventories of Sets, Chests and Kits - paper records in file folders.

Retrievability:

ECR - files by unit or responsible officer

IMR; Individual Weapons and Accessories; Special Clothing - filed alphabetically by name

Personal Effects, Investigation Log; Letter of Appointment/Authorization; Voucher Files; Base Property Log; Serialized Blank Form Register; Quarterly Inventory of Sets, Chests and Kits - as it occurs by name.

Safeguards:

IMR; Individual Weapons and Accessories Records - maintained in secured area within armories accessible only to personnel authorized to be in the area.

ECR; Personal Effects Log; Letters of Authority; Voucher Files; Investigations; Special Clothing; Base Property Log; Serialized Blank Forms Register; Quarterly Inventory of Sets, Chests and Kits - Personnel within supply/S-4 sections authorized access, no special safeguard implemented.

Retention and disposal:

ECR; IMR; Weapons Custody Records; Special Clothing retain until accountable balance is zero.

Personal Effects Log; Quarterly Inventory of Sets, Chests and Kits - one year.

Letters of Appointment/Authorization - five (5) years.

Voucher Files; Investigation Log; Base Property Log; Serialized Blank Forms Register - two years.

All files may be destroyed after being maintained the required timeframe.

Investigations - Two years after the end of the fiscal year in which the investigation was completed.

System manager(s) and address:

Division Supply Officers, Marine Corps Division; Wing Supply Officers, Marine Corps Aircraft Wings. See Directory of Department of the Navy Activities for mailing address.

Notification procedure:

Apply to SYSMANAGER

Record access procedures:

Rules for access may be obtained from SYSMANAGER

Written requests for information should contain the full name, grade and SSN of the individual as well as the unit to which he is/was attached which would reflect information pertaining to him.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

Record source categories:

Individual and/or individual's SRB or OQR or other listing unit may have which contains required information.

Incoming messages for Special Order Clothing.

Base Locator.

Completed investigations submitted.

Systems exempted from certain provisions of the act:

None

MIL00022

System name:

Delinquent Clothing Alteration List

System location:

System is decentralized. Records are maintained at Marine Corps Commands, organizations, or activities that alter clothing.

Categories of individuals covered by the system:

List of personnel who have failed to pick up altered clothing.

Categories of records in the system:

Contains an alphabetical listing of personnel who have failed to pick up clothing which has been altered for them.

Authority for maintenance of the system:

Title 5, U.S. Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Clothing Branch Officer in Charge to notify the respective Commanding Officers of personnel listed, that uniforms have been altered and need to be picked up.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Cards/File Folders

Retrievability:

Alphabetical by unit assigned.

Safeguards:

After working hours, the office and building are locked. Guards are located in the general vicinity.

Retention and disposal:

Maintained for two years, then destroyed.

System manager(s) and address:

Clothing Officer of the activity concerned.

Notification procedure:

Information may be obtained from the individual command to which an individual is assigned for duty. Addresses of individual commands are listed in the Navy Standard Distribution List (OPNAV P09B3-107).

Record access procedures:

Written requests from individuals should be addressed to the Commanding Officer of the activity concerned. Activity addresses are as reported in the Navy Standard Distribution List.

Written requests should include name and social security number. Personal visits may be made to the installation in question.

Contesting record procedures:

The Marine Corps rules for appealing may be obtained from the SYSMANAGER.

Record source categories:

Cards filled out by personnel when leaving clothing for alteration.

Systems exempted from certain provisions of the act:

None

MIN00001

System name:

Personnel Security Eligibility and Access Information System

System location:

Primary system - Headquarters, U S Marine Corps, Washington, D C 20380.

Secondary system - Local activity to which individual is assigned (See List of Marine Corps Activities, MCO P5400.6).

Categories of individuals covered by the system:

Members of the U S Marine Corps and Marine Corps Reserve, former members, applicants for enlistment or commissioning, Marine Corps civilian employees, and other persons whose status or position effects the security, order, or discipline of the Marine Corps.

Categories of records in the system:

Files contain reports of personnel security investigations, criminal investigations, counterintelligence investigations, correspondence, records and information pertinent to an individual's acceptance and retention, personnel security clearance and access, assignment to personnel reliability programs and other high risk or compartmented information programs requiring personnel quality control.

Authority for maintenance of the system:

Title 5, U S Code 301

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 Marine Corps in the performance of their official duties related to personnel security eligibility and access.

The Comptroller General or any of his authorized representatives, upon request, in the course of the performance of duties of the General Accounting Office.

Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement or other matters under the jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies.

State and local government agencies in the performance of their official duties.

Officials and employees of the Department of the Navy in the performance of their official duties.

Official employees of the Department of Defense in the performance of their official duties.

Officials and employees of other agencies of the Executive Branch of the government, upon request, in the performance of their official duties.

Senate or the House of Representatives of the United States or any committee or subcommittee thereof, requiring disclosure of the files or records of individuals covered by this system.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders and index cards. Some information in contained in automated files or on computer tapes.

Retrievability:

Filed alphabetically by last name of individual or by social security number.

Safeguards:

Stored in locked safes or cabinets. File areas are accessible only to authorized persons who are properly screened, cleared, and trained.

Retention and disposal:

Records and portions thereof vary in period of time retained. Records are retained and disposed of in accordance with Department regulations.

System manager(s) and address:

Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20380.

Decentralized system managed by local command.

Notification procedure:

Requests by correspondence should be addressed to Commandant of the Marine Corps (Attn: Privacy Act Coordinator), Headquarters, U S Marine Corps, Washington, D C 20380 or in accordance with the list of Marine Corps activities. The letter should contain full name, social security number, rank/rate/civilian status, address and notarized signature of the requester. The individual may visit Headquarters, U S Marine Corps, Arlington Annex (FOB #2), Washington, D. C. for assistance with records located in that building or any Marine Corps activity for access to locally maintained records. Prior written notification of personal visits are required to ensure that all parts of the records will be available at the time of the visit. Proof of identity will be required and will consist of a military identification card, driver's license or similar picture-bearing identification.

Record access procedures:

The agency's rules for access to records may be obtained from the SYSMANAGER.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Officials and employees of the U S Marine Corps, Departments of the Navy and Defense and other departments and agencies of the Executive Branch of government, and components thereof, in performance of their official duties and as specified by current instructions and regulations promulgated by competent authority. Civilian and military investigative reports. Federal, state and local court documents. Fingerprint cards. Official correspondence concerning individual.

Systems exempted from certain provisions of the act:

Parts of this system may be exempt under Title 5, U S Code 552 a(j) or (k), as applicable. For additional information contact the SYSMANAGER.

MIN00002

System name:

POW/MIA Intelligence Analysis and Debrief Files

System location:

Primary system - Headquarters, U. S. Marine Corps, Washington, D. C. 20380. Major Marine Corps commands maintain derivative files.

Categories of individuals covered by the system:

Members of the U. S. Marine Corps or Marine Corps Reserve either currently or previously held prisoner of war (POW), detained by hostile forces or declared missing in action (MIA).

Categories of records in the system:

Narrative of loss incident; investigations regarding loss incident; casualty reports; intelligence reports possibly identifying subject; articles, statements, lists and photographs published in the world news media or broadcast over hostile public radio; portions of official debriefings or debriefing summaries; and analytical evaluation of information contained in file.

Authority for maintenance of the system:

Title 5, U. S. Code 301 Departmental Regulations

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. Marine Corps in the performance of their official duties related to POW/MIA's.

Officials and employees of the other services and Department of Defense in the performance of their official duties related to POW/MIA's.

Senate or the House of Representatives of the United States or any committees or subcommittees thereof, requiring disclosure of the files or records of individuals covered by this system.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders; photographs, film and tape recordings.

Retrievability:

Filed alphabetically by last name of individual.

Safeguards:

Secured in GSA approved security containers within locked office spaces. Access is granted only to those authorized persons who are properly cleared and having a need-to-know.

Retention and disposal:

Records maintained within Marine Corps Intelligence Division as long as individual's status remains POW/MIA. Record is retired to Marine Corps Historical Division 2 years after return to U. S. control or when status is changed to KIA/KIA-BNR.

System manager(s) and address:

Commandant of the Marine Corps, Code INTC, Headquarters, U. S. Marine Corps, Washington, D. C. 20380.

Notification procedure:

Apply to SYSMANAGER.

Record access procedures:

Rules for access may be obtained from SYSMANAGER.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Other records of the activity; investigators; witnesses; correspondents; intelligence reports from the services, Defense Intelligence Agency, Central Intelligence Agency, State Department and other government agencies; Foreign Broadcast Information Service; newspapers, magazines; television; radio; and movies.

Systems exempted from certain provisions of the act:

None

MIS00001

System name:

Personnel Management Subsystem, RESOURCE CONTROL SYSTEM (RCS)

System location:

Primary System - The Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20380.

Decentralized Segments - all data processing activities to which the individual is attached. See organizational elements of the U. S. Marine Corps as listed in the Directory of the Department of the Navy Mailing Addresses.

Categories of individuals covered by the system:

All Marine Corps officer, enlisted and civilian personnel at Commands with data processing installations.

Categories of records in the system:

File contains name, rank/grade, MOS, billet description, training, skills, T/O line numbers, date of next fitness report/performance rating, and position description number.

Authority for maintenance of the system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Blanket 'routine uses' identified in the annual republication of Marine Corps systems of records in the Federal Register apply to this system of records.

Headquarters, U. S. Marine Corps commands, activities and organizations - To officials and employees at the data processing installations in the performance of official duties for the purposes of managing, planning, and administrative control.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Magnetic tape or disk.

Retrievability:

By a key number assigned to an individual.

Safeguards:

Restricted access to areas where maintained.

Retention and disposal:

File is maintained on individual as long as he is in a data processing activity. Information pertaining to individual so removed is erased from tape.

System manager(s) and address:

The Commandant of the Marine Corps, Washington, D C 20380.

Notification procedure:

Information may be obtained from the individual Command to which an individual is assigned for duty. See the organizational elements of the U. S. Marine Corps listed in the Directory of the Department of the Navy Mailing Addresses.

Record access procedures:

Written requests from individuals should be addressed to the Commanding Officer of the activity at which the data processing installation to which he is attached or located. Installation addresses are as reported in the Directory of the Department of the Navy Mailing Addresses.

Written requests should include name and social security number.

Personal visits may be made to the installation in question during any normal workday between the hours of 8:00 am - 4:30 pm. For personal visits, the individual should have valid personal identification.

Contesting record procedures:

The Marine Corps rules for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER

Record source categories:

The individual concerned, the individual's commanding officer, or other staff elements of Headquarters, Marine Corps.

Systems exempted from certain provisions of the act:

None

MJA00001

System name:

Business Complaint File

System location:

Tri-Command Legal Assistance Office, Marine Corps Base, Camp Lejeune, North Carolina 28542.

Categories of individuals covered by the system:

Businesses which have generated complaints by clients at Legal Assistance Office.

Categories of records in the system:

Affidavits of individuals involved in incidents which give rise to such complaints.

Authority for maintenance of the system:

Title 5, U. S. Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by Legal Assistance Officers to resolve problem locally or forwarded to the North Carolina Attorney General's Office and/or Armed Forces Disciplinary Control Board as appropriate for settlement of complaint.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

Arranged by type business and alphabetically by name of business within types. Requires conventional indices for retrievability.

Safeguards:

Maintained in locked building.

Retention and disposal:

Maintained locally so long as file is active, or two years if inactive. Not transferred. Destroyed by discard in military trash system.

System manager(s) and address:

Commanding General (Attn: Tri-Command Legal), Marine Corps Base, Camp Lejeune, North Carolina 28542. Telephone: Area Code 919/451-3218.

Notification procedure:

Requests for information should be addressed to the Systems Manager. Requester may also visit office. Military ID card or other suitable identification will be required.

Record access procedures:

Rules for access may be obtained from the SYSMANAGER

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

Record source categories:

Individual complainants.

Systems exempted from certain provisions of the act:

None

MJA00002

System name:

Staff Judge Advocate Working Papers

System location:

Commanding General, Marine Corps Development and Education Command, Marine Corps Base, Quantico, Virginia 22134

Categories of individuals covered by the system:

Persons appealing Article 15 punishment and traffic court rulings; persons referred to a court-martial; persons awaiting special and general court-martial; persons confined at the Correctional Facility in excess of 30 days; lawyers assigned to be on call for a given period; officers punished under Article 15, UCMJ; and persons selected to sit as members of a court-martial.

Categories of records in the system:

File contains information relating to nonjudicial punishment appeals, the reason for the appeal and the response of the officer appealed; traffic court appeals; counsel assignments to individual referred to a court-martial; weekly case listings including type of offense, counsel assigned and dates per- taining to each case; excess 30 day pretrial confinement letters including the approval/disapproval by the CG for extending the period of confinement; duty lawyer roster; officers' punishments including offense, punishment and statement of desire to appeal or not; weekly docket list; and court-martial members questionnaire including age, duty assignment, summary of past duties, marital status, children, and matters pertaining to past schooling and assignments.

Authority for maintenance of the system:

Title 10, U. S. Code 801, et. seq.; Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Staff Judge Advocates Office, Marine Corps Development and Education Command - to prepare SJA's advice to officer appealed to in appeals of nonjudicial punishments; to monitor the fairness of traffic court proceedings; to determine which counsel is assigned to each court-martial case; to inform members of MCDEC with a need to know the status of individual court-martial cases; to expedite cases where individuals have been confined in excess of 30 days; to provide a list of duty counsels for Base security organizations; to keep track of the status of pending cases; and to determine which persons selected to sit as members of a court-martial counsel may wish to challenge.

Marine Corps Commands - by officials and employees of the Marine Corps in the execution of their official duties.

Department of Defense and its Components - by officials and employees of the Department in the performance of their official duties.

The Attorney General of the U. S. - by officials and employees of the Office of the Attorney General in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or as carried out as the legal representative of the Executive Branch agencies.

Courts - by officials of duly established local, state and federal courts as a result of court order pertaining to matters properly within the purview of said court.

Congress of the U.S. - by the Senate or the House of Representatives of the U.S. or any committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files of the system.

The Comptroller General of the U.S. - by the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders and card files.

Retrievability:

Alphabetically

Safeguards:

Kept behind locked doors with security guard in building at night.

Retention and disposal:

Most records are retained for two years. Duty lawyer rosters and weekly docket lists are retained for one year. All records are destroyed at the end of the retention period.

System manager(s) and address:

Commanding General, Marine Corps Development and Education Command.

Notification procedure:

Information may be obtained from:
Commanding General
Marine Corps Development and Education Command (Code B 052)
Marine Corps Base
Quantico, Virginia 22134
Telephone: Area Code 703/640-2776

Record access procedures:

Requests from an individual may be addressed to: Commanding General, Marine Corps Development and Education Command (Code B 052), Marine Corps Base, Quantico, Virginia 22134.

Written request for information should contain the full name and grade of the individual.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Individuals

Systems exempted from certain provisions of the act:

None

MJA00003

System name:

Magistrate Court Case Files

System location:

All Marine Corps activities.

Categories of individuals covered by the system:

Civilians pending and tried by the assigned Federal magistrate for crimes committed on military reservation.

Categories of records in the system:

Investigative reports, complaints, summons and warrants.

Authority for maintenance of the system:

Title 18, U S Code 3041; Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Military Prosecutor for preparation of cases for trial by military prosecutor.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

Filed alphabetically by name. Conventional indices are required for retrieval.

Safeguards:

Maintained in file cabinet in locked building.

Retention and disposal:

Retained and destroyed in accordance with SECNAVINST 5212.5B.

System manager(s) and address:

Commanding officer of activity concerned. See Directory of Department of Navy Mailing Addresses.

Notification procedure:

Individual is personally served with a subpoena and is shown the file. Requires name for entry.

Record access procedures:

Contact SYSMANAGER.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Law enforcement reports, bad check transmittal letters from Government agencies.

Systems exempted from certain provisions of the act:

None

MJA00004

System name:

In Hands of Civil Authorities Case File

System location:

All Marine Corps activities.

Categories of individuals covered by the system:

All military personnel who are in hands of civil authorities or have charges pending against them by civil authorities.

Categories of records in the system:

Civil court documents, advice to respondent, health statements/certificates and supporting documents pertaining to individual's status.

Authority for maintenance of the system:

Title 10, U S Code 814; Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Working file utilized in administrative processing of individuals in hands of civil authorities. Used by command personnel in the execution of their official duties in processing individual for report of misconduct and discharge proceedings in accordance with Marine Corps Separation Manual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

Filed alphabetically by last name of individual by calendar year in which processing is completed.

Safeguards:

Records are stored in metal file cabinets in Base Adjutant's office in Building #1, where full-time security is maintained during off-duty hours. Accessible only to authorized personnel in the execution of their official duties.

Retention and disposal:

On discharged personnel, record incorporated into administrative discharge file. Others retained for two years after completion of calendar year in which processed, then destroyed in accordance with the Navy and Marine Corps Records Disposal Manual.

System manager(s) and address:

Commanding officer of activity concerned. See Directory of Department of Navy Mailing Addresses.

Notification procedure:

Requests should be addressed to the SYSMANAGER. Requester must be able to provide satisfactory identifying information.

Record access procedures:

Rules for access may be obtained from the SYSMANAGER.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Service records, health records, civil court documents, law enforcement personnel and various DOD Agencies.

Systems exempted from certain provisions of the act:

None

MJA00005

System name:

Financial Assistance/Indebtedness Files

System location:

All Marine Corps activities.

Categories of individuals covered by the system:

Marines identified as owing debts and/or having dependents requiring financial aid.

Categories of records in the system:

File contains name, rank, social security number, military occupational specialty, component, marital and dependency status and supporting documents pertaining to indebtedness and/or financial assistance required.

Authority for maintenance of the system:

Title 10, U. S. Code; Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Working file once inquiry initiated. Used by command personnel in the execution of their official duties of processing inquiry. Once processing is completed, record is filed in command office of record official correspondence file.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

Chronologically by date of response.

Safeguards:

File accessible only to authorized personnel in the execution of their official duties. Maintained in locked building with full time duty personnel present during non-working hours.

Retention and disposal:

Retained for two years and disposed of in accordance with Navy Marine Corps Records Disposal Instructions.

System manager(s) and address:

Commanding officer of activity concerned. See Directory of Department of Navy Mailing Addresses.

Notification procedure:

Requests should be addressed to the SYSMANAGER. Requester must be able to provide satisfactory identifying information.

Record access procedures:

Rules for access may be obtained from the SYSMANAGER.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Previous and current commanders, private individuals and agencies.

Systems exempted from certain provisions of the act:

None

MJA00006

System name:

2nd Marine Aircraft Wing General Correspondence Files for Legal Administration

System location:

Office of the Wing Staff Judge Advocate, 2nd Marine Aircraft Wing, Cherry Point, North Carolina 28533

Categories of individuals covered by the system:

File contains information on individuals who have appealed nonjudicial punishment, individuals who have been recommended for administrative discharge whose cases have been reviewed by Staff Judge Advocate, individuals who have been served with civil process, correspondence from civilian and military agencies or persons requesting assistance in the completion of legal related problems on individuals. Individuals is defined to mean military personnel assigned to 2nd Marine Aircraft Wing.

Categories of records in the system:

Files contain the name, rank, social security number, unit, and all data applicable to a person's appeal of nonjudicial punishment, the Staff Judge Advocate's review of administrative discharge recommendations, copies of process served on military personnel by civilian authorities, and correspondence relating to information in the files.

Authority for maintenance of the system:

Title 5, U. S. Code 301; Title 10, U S Code 801 et. seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Staff Judge Advocate, 2nd Marine Aircraft Wing and his representatives in the execution of assigned duties.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

Files are filed alphabetically.

Safeguards:

Files are maintained in file cabinets within locked office space during nonworking hours.

Duty personnel perform security checks throughout the building during nonworking hours.

During working hours assigned office personnel are within the immediate area of the files.

Retention and disposal:

Files are maintained two years from the date of final action.

System manager(s) and address:

Staff Judge Advocate, 2nd Marine Aircraft Wing, Marine Corps Air Station, Cherry Point, North Carolina 28533

Notification procedure:

Information may be obtained from:
Staff Judge Advocate
Staff Code 17
Marine Corps Air Station
Cherry Point, No.th Carolina 28533
Telephone: 919/466-2444

Record access procedures:

Request from individuals should be addressed to: Staff Judge Advocate Staff Code 17, Marine Corps Air Station, Cherry Point, North Carolina 28533

Written requests for information should contain the full name of the individual, social security number, and reason for requesting the information.

For personal visits the individual must be either in appropriate uniform or present adequate identification.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Individuals
Service record book
Medical Records
Investigative files of CID, NIS, FBI, Military Commands.

Systems exempted from certain provisions of the act:

None

MJA00007

System name:

Delivery Agreement

System location:

All Marine Corps Activities at Legal Office or Office of the Staff Judge Advocate

Categories of individuals covered by the system:

Marines arrested under criminal warrant by civilian authorities

Categories of records in the system:

Written agreement releasing the Marine to civilian authorities. Form contains the nature of the civilian charges for which the Marine is being arrested

Authority for maintenance of the system:

Title 10, U. S. Code 814; Title 5, U. S. Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Notification to activity that one of its members has been arrested by civilian authorities and also notifying the activity of the nature of the charges. This form also notifies the peace officer involved of his obligations to transport the military individual from and back to the military installation.

Basis for preparing requisite personnel records necessitated by arrest and taking personnel actions occasioned thereby.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders in respective case record Staff Judge Advocate Office

Retrievability:

Alphabetical

Safeguards:

Limited number are distributed and all are considered FOR OFFICIAL USE ONLY

Retention and disposal:

2 years

System manager(s) and address:

Staff Judge Advocate/Legal Officer, Local Marine Corps Activity

Notification procedure:

Information may be obtained from:
Staff Judge Advocate/Legal Officer
Local Marine Corps Activity

If local activity concerned is not known, contact the Director, Judge Advocate Division, Headquarters, U S Marine Corps, Washington, D. C. 20380

Record access procedures:

Requests should be addressed to the Legal Office/Office of Staff Judge Advocate, Local Marine Corps Activity

Contesting record procedures:

The SYSMANAGER should be contacted for rules governing individual cases

Record source categories:

Warrant for arrest presented by arresting civil authority

Systems exempted from certain provisions of the act:

None

MJA00008

System name:

Letters of Indebtedness/Credit Inquiry

System location:

All Marine Corps activities.

Categories of individuals covered by the system:

File on all Marines who receive letters of indebtedness

Categories of records in the system:

All correspondence and findings pertaining to the letter in question.

Authority for maintenance of the system:

Title 5, U. S. Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Maintain a record of credit inquiries and alledged letters of indebtedness received from various firms and individuals, to conduct an investigation to determine validity prior to taking final action. Available to Personnel Officer, Legal Officer, and Commanding Officer, Headquarters Battalion.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Individual file folders

Retrievability:

By name and date

Safeguards:

Maintained in Headquarters files

Retention and disposal:

One year

System manager(s) and address:

Commanding officer of activity concerned. See Directory of Department of Navy Mailing Addresses.

Notification procedure:

Information may be obtained from:
Commanding Officer, Headquarters Battalion (Code 200)
Marine Corps Supply Activity
Philadelhpia, Pennsylvania 19146

Record access procedures:

Requests from individuals should be addressed to: Commanding Officer, Headquarters Battalion (Code 200), Marine Corps Supply Activity, Philadelphia, Pennsylvania 19146

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Complaintant, other investigating officials and individual concerned

Systems exempted from certain provisions of the act:

None

MJA00009

System name:

Marine Corps Command Legal Files

System location:

All Marine Corps commands whose commander has the authority to convene a special court-martial (See Title 10, U S Code 826 and List of Activities in the Directory of Department of the Navy Activities).

Categories of individuals covered by the system:

Civilian employees of the Department of Defense or guests who have visited Marine Corps installations who have allegedly committed criminal offenses aboard a military installation or whose conduct has been subject to investigation.

Any Marine or Navy service member who is the subject of the disciplinary action under the provisions of the Uniform Code of Military Justice (Title 10, U S Code 801,); who has been the subject of administrative discharge action pursuant to the provisions of Marine Corps Order P1900.16); or who has been the subject of an investigation (JAG Manual investigations) convened pursuant to the provisions of the Uniform Code of Military Justice or the Manual of the Judge Advocate General (JAG Instruction 5800.7) or any other type of investigation or inquiry.

Categories of records in the system:

Records of disciplinary proceedings, including courts-martial records and records of non-judicial punishments with supporting documents, military justice management information pre-post trial (e.g., courts-martial docketing logs, reports of cases tried, etc.), pre-disciplinary inquiries and investigations and documentation pertaining to post-hearing/trial review, clemency action, appellate leave or other personnel action related to or resulting from courts-martial, JAG Manual investigations pertaining to claims, line of duty misconduct determinations, command irregularities, and unusual incidents or accidents with supporting documentation and post-investigation review and actions. Inquiries made into incidents or situations which result in disbarment of an individual or firm from entry upon a military installation, referral to base traffic court or civilian, federal, state or local judicial or law enforcement authorities. Recommendations for administrative discharge with supporting documentation, including records of any hearing held and any review or other action taken with respect to the discharge recommendations.

Authority for maintenance of the system:

Title 5, U S Code 301; Title 10, U S Code 801, et. seq.; Title 18, U S Code 382

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Serves as a command historical file

In the case of courts-martial records serves as a public record.

Serves as the basis for taking appropriate action with respect to incidents which have been investigated or have been the subject of disciplinary action.

Serves as a source of information for military, federal other law enforcement authorities for taking action.

Serves as a management system for the military justice activities.

Members of Congress, officials of the Department of Defense, civilian law enforcement officials, General Accounting Office, other federal state or local agencies in the execution of their official duties in relation to inspections, investigations, legal action and administrative action.

Serves as a source from which information is provided to host foreign country officials re criminal activities by American nationals in foreign countries.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

Files by name of service member involved or chronologically with cross-reference to individual involved.

Safeguards:

Records are kept in either locked cabinets or guarded or locked buildings.

Retention and disposal:

Two years or as provided in the Manual of the Judge Advocate General (JAG Instruction 5800.7).

System manager(s) and address:

Commanding officer of the unit concerned. See Directory of Department of the Navy Activities for addresses. If unit not known, information may be obtained from Director, Judge Advocate Division, Headquarters, U S Marine Corps, Washington, D C 20380.

Notification procedure:

Write or visit SYSMANAGER. If unit concerned cannot be determined, information may be sought from Director, Judge Advocate Division, Headquarters, U S Marine Corps, Washington, D C 20380. Provide full name, social security number and military status. Proof of identity may be established by military identification card or DD-214 and driver's license.

Record access procedures:

The agency's rules for access to records may be obtained from the SYSMANAGER.

Contesting record procedures:

The agency's rules for contest may be obtained from the SYSMANAGER.

Record source categories:

Individual concerned, witnesses to the incident in question or parties concerned therewith, officer investigating the incident, documents or items of real evidence, documents pertaining to the review, action or authorities charged with making a review or taking action.

Systems exempted from certain provisions of the act:

None

MJA00010

System name:

Unit Punishment Book

System location:

All U S Marine Corps and U S Marine Corps Reserve units, whose commander has nonjudicial punishment authority (See 10, U S Code 815)

Categories of individuals covered by the system:

Any enlisted Marine who is charged with a violation of the Uniform Code of Military Justice.

Categories of records in the system:

File contains name, rank, social security number, military occupational specialty and unit of the individual, brief summary of the alleged offense including date, time and place. Acknowledgement of rights under Article 31, Uniform Code of Military Justice, and right to demand trial by Courts-Martial by the individual, record of specific punishment awarded or remarks as to disposition of charge. If punishment was awarded the individual will also acknowledge, in writing, his right to appeal.

Authority for maintenance of the system:

Title 10; U S Code 815; Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Referral sheet for evaluation of conduct. To provide a command historical record of nonjudicial punishments. To complete statistics on disciplinary trends. Officials and employees of the Naval Service, Department of Defense, members of congress and General Accounting Office in the execution of their official duties in relation to inspections, investigations, legal action.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in loose leaf binder.

Retrievability:

Alphabetically by last name and by year.

Safeguards:

Access limited to those with a need-to-know. Records kept in a locked cabinet or in a room which is locked.

Retention and disposal:

3 years, destroyed by burning at end of period.

System manager(s) and address:

Unit Commanders of U S Marine Corps or U S Marine Reserve units authorized to administer nonjudicial punishment.

Notification procedure:

Write or visit SYSMANAGER If unit imposing punishment cannot be determined, information may be sought from Director, Judge Advocate Division, Headquarters, U S Marine Corps, Washington, D C 20380. Provide full name, social security number, and military status. Proof of identity may be established by military identification card or DD 214 and driver's license.

Record access procedures:

The agency's rules for access to records may be obtained from the SYSMANAGER

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

Record source categories:

Verbal or written charge from individual subject to Uniform Code of Military Justice. Service record book of individual, Nonjudicial punishment hearing.

Systems exempted from certain provisions of the act:

None

MJA00011

System name:

Delinquent Mail Order Account System

System location:

Women's Clothing Outlet, Depot Service and Supply Department, Marine Corps Recruit Depot, Parris Island, South Carolina 29905
On accounts delinquent in excess of ninety days to Headquarters, U S Marine Corps (Code JAM) Collection Agent

Categories of individuals covered by the system:

Any Woman Marine who purchases clothing until payment has been completed or payment is delinquent in excess of ninety days.

Categories of records in the system:

File contains information extracted from the Women's Individual Clothing Request (NAVMC 10711)

Authority for maintenance of the system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To ensure prompt payment of Mail Order Clothing
To establish delinquent account follow-up

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records maintained in computer for a period of ninety days after date of shipment. Record then passed to Headquarters, U S Marine Corps (Code JAM).

Retrievability:

Bill number
Individual's name

Safeguards:

Records maintained in computer and can only be requested by authorized personnel.

Retention and disposal:

Records are maintained until payment completed but not to exceed a ninety day period after date of shipment. Then by Headquarters, U S Marine Corps (Code JAM) until indebtedness is satisfied.

System manager(s) and address:

Commanding General, Marine Corps Recruit Depot, Parris Island, South Carolina. 29905

Notification procedure:

Information may be obtained from:
Women Marine's Clothing Outlet
Depot Service and Supply Department
Marine Corps Recruit Depot
Parris Island, South Carolina 29905

Record access procedures:

Written requests for information should contain the full name of the individual, social security number, current address.
For personal visits, the individual should be able to provide a military identification card.

Contesting record procedures:

The Department's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

Record source categories:

Individual submits mail order for articles of uniform clothing, provides name, SSN, mail address, item of clothing desired.

Systems exempted from certain provisions of the act:

None

MJA00012

System name:

Individual Accounts of Mail Order Clothing (bill file)

System location:

Clothing Section (MAU), Direct Support Stock Control Branch, Materiel Division, Marine Corps Logistics Support Base, Atlantic, Albany, Georgia 31704

Categories of individuals covered by the system:

File pertains to all Marine Corps personnel, active, reserve and retired who have a requirement and are authorized clothing, textiles and other related supplies.

Categories of records in the system:

Record includes individual's name, rank, SSN, military address, bill number, dollar amount of the shipment, shipping date and zip code.

Authority for maintenance of the system:

NAVCOMPT Manual, Part C, Collection and Reporting of Debts Due the United States.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Marine Corps Logistics Support Base, Atlantic, Albany, Georgia. To facilitate in a mechanized atmosphere the collection of information necessary to provide the capability of continued follow up on funds owed and due the U S Government through daily billing, cross referencing and processing of mail order clothing individual accounts.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Data is stored on magnetic tapes and computer paper printouts.

Retrievability:

Data can be retrieved by account number, name and social security number.

Safeguards:

Computer printouts and source documents are retained in a single office accessible only to authorized personnel. Employees are properly trained in safeguarding information of a personal nature.

Retention and disposal:

Computer records are retained until the bills are satisfied. Computer printouts and source documents are retained for a period of five years. Destruction of records is by mutilation.

System manager(s) and address:

Commanding General, Marine Corps Logistics Support Base, Atlantic Albany, Georgia 31704.

Notification procedure:

Information may be obtained from:
Clothing Section (MAU), Direct Support Stock Control Branch, Materiel Division
Marine Corps Logistics Support Base, Atlantic
Albany, Georgia 31704
Telephone: Area Code 912/439 5837

Record access procedures:

Written requests from individuals should be addressed to Clothing Section (MAU), Direct Stock Control Branch, Materiel Division, Marine Corps Logistics Support Base, Atlantic, Aibany, Georgia 31704.

Contesting record procedures:

The agency's rules for access to records, contesting contents and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER

Record source categories:

Accounting records of the Clothing Section, Direct Support Stock Control Branch, Marine Corps Logistics Support Base, Atlantic, Albany, Georgia, supplemented with information from the employing activity of the individual.

Systems exempted from certain provisions of the act:

None

MJA00013

System name:

Dishonored Personal Check Records and Withdrawal of Check Cashing Privileges Lists

System location:

Each Appropriated and Non-Appropriated Fund Activity having authority to accept personal checks from authorized patrons. Located at Headquarters, U S Marine Corps and each major Marine Corps installation listed in MCO P5400.6G.

Categories of individuals covered by the system:

All military personnel, active and retired; their authorized dependents and dependents of deceased military retirees; Marine Corps Exchange employees.

Categories of records in the system:

File Bulletins containing name, rank, social security number and expiration date of restriction of privileges and related correspondence.

Authority for maintenance of the system:

Title 5, U S Code 301; Title 18, U S Code 13; Title 10, U S Code 801, et. seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The purpose is to protect the activity from unnecessary losses and advise Commanders when a bad check offense has been committed by a patron. Used by Marine Corps employees tasked with verifying the information and authorized to cash checks as part of their official duties. Used also to notify Commanders of their personnel who have cashed bad checks. Used by Commanders to take action (administrative or criminal) deemed necessary in the exercise of their official responsibilities. Information there from may be provided to federal, state or local law enforcement agencies.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Stored in Rolodex or other appropriate file in check cashing area. Published Bulletin is stored in directives system of organizations.

Retrievability:

Alphabetical by name and social security number.

Safeguards:

Access limited. Secured in locked building during nonworking hours.

Retention and disposal:

Destroyed when privileges are restored at the expiration of specified periods made known to the individual at the time privileges are revoked.

System manager(s) and address:

Commanding Officer of activity concerned. See Directory of Department of the Navy Mailing Addresses.

Notification procedure:

Inquire in person at the individual check cashing activity or to the SYSMANAGER.

Record access procedures:

Rules for access can be provided by the SYSMANAGER.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Bad checks returned from the bank; notification from other Commands, Federal Bureau of Investigation, Naval Investigative Service or other state, local or Federal investigative agencies or Treasury Department.

Systems exempted from certain provisions of the act:

None

MJA00014

System name:

File of Confidential Statements of Employment and Financial Interests

System location:

The Director, Judge Advocate Division, Headquarters, U S Marine Corps, Washington, D C 20380

Categories of individuals covered by the system:

Senior Marine Corps officers whose fitness reports are written by the Commandant of the Marine Corps and who are required to file confidential statements of 'Employment and Financial Interests' (DD Form 1555) in accordance with DOD Directive 5500.7 of 8 August 1967.

Categories of records in the system:

The file contains copies of the 'Confidential Statements of Employment and Financial Interests' (DD Form 1555), reviews thereof, and related correspondence.

Authority for maintenance of the system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The forms are reviewed in the office of the Director, Judge Advocate Division for conflict of interest and then are kept on file along with any correspondence generated thereby for the purpose of insuring that the information relating to potential conflict of interest on the part of senior Marine Corps officers is available to the Commandant of the Marine Corps or his designees, GAO, and federal law enforcement officials.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folder.

Retrievability:

Alphabetical

Safeguards:

The access to the files is limited.
The files are kept in a locked safe during non business hours.

Retention and disposal:

PerSecNav Disposal Manual

System manager(s) and address:

The Director, Judge Advocate Division, Headquarters, U S Marine Corps, Washington, D C 20380.

Notification procedure:

Information may be obtained from:
Director Judge Advocate Division
Headquarters, U S Marine Corps (Code JA)
Washington, D C 20380
Telephone: Area Code 202/694-2737.

Record access procedures:

Request from individuals should be addressed to: Commandant of the Marine Corps, Headquarters, U S Marine Corps (Code JA), Washington, D C 20380.
Written requests for information should contain the full name and grade of the individual concerned.

Contesting record procedures:

The rules for contesting contests and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

Record source categories:

DD Form 1555 submitted by individual concerned and correspondence from and to SYSMANAGER

Systems exempted from certain provisions of the act:

None

MJA00015

System name:

Indebtedness Correspondence Record

System location:

The Director, Judge Advocate Division, Headquarters, U S Marine Corps, Washington, D C 20380.

Categories of individuals covered by the system:

Alphabetical card file of all Marine's with respect to whom indebtedness correspondence has been received at Headquarters, U S Marine Corps.

Categories of records in the system:

The file contains the individuals name, rank, service number, date the letter of indebtedness was received, date action is taken with respect to the name of the company from whom the letter is received and any relevant followup data.

Authority for maintenance of the system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

File is used purpose of maintaining a record of correspondence received regarding indebtedness case of Marine Corps personnel and a record of the action taken by this Headquarters with respect thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Card File.

Retrievability:

Alphabetical

Safeguards:

The access to the cards is limited.
The card file is kept in a locked room during non business hours.

Retention and disposal:

PerSecNavDisposalManual

System manager(s) and address:

The Director, Judge Advocate Division, Headquarters, U S Marine Corps, Washington, D C 20380.

Notification procedure:

Information may be obtained from:
Director, Judge Advocate Division
Headquarters, U S Marine Corps (Code JA)
Washington, D C 20380
Telephone: Area Code 202/694-2737.

Record access procedures:

Request from individuals should be addressed to: Commandant of the Marine Corps, Headquarters, U S Marine Corps (Code JA), Washington, D C 20380.

Written requests for information should contain the full name and grade of the individual concerned.

Contesting record procedures:

The agencies rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER

Record source categories:

Individual and commercial creditors.

Systems exempted from certain provisions of the act:

None

MJA00016

System name:

Judge Advocate Division 'D' Files

System location:

The Director, Judge Advocate Division, Headquarters, U S Marine Corps, Washington, D C 20380

Categories of individuals covered by the system:

All Marine Corps Judge Advocates currently on active duty, in a reserve capacity and those individuals who have been selected for accession into the Marine Corps as Judge Advocates or who are in the training cycle to become Judge Advocates.

Categories of records in the system:

The file contains correspondence from the Judge Advocates and prospective Judge Advocates regarding requests for personnel actions such as transfer, school assignment, etc. Additionally, the file contains information pertaining to judge advocate qualifications such as schooling results, commendatory matter and derogatory matter which bears on the assignment and other personnel matters relating to judge advocates.

Authority for maintenance of the system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The personnel of the Judge Advocate Division, officer and civilian alike as well as Marine Corps personnel responsible for assignment and other personnel actions respecting Judge advocates utilize the material contained in this file for the purpose of making decisions with respect to personnel actions pertaining to judge advocates.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders.

Retrievability:

Alphabetical

Safeguards:

Access is limited.
The records are kept in file cabinets within a locked room.

Retention and disposal:

PerSecNavRecordsDisposalManual

System manager(s) and address:

The Director, Judge Advocate Division, Headquarters, U S Marine Corps, Washington, D C 20380.

Notification procedure:

Information may be obtained from:
Director, Judge Advocate Division
Headquarters, U S Marine Corps (Code JA)
Washington, D C 20380
Telephone: Area Code 202/694-2737

Record access procedures:

Requests from individuals should be addressed to: Director, Judge Advocate Division, Headquarters, U S Marine Corps (Code JA), Washington, D C 20380.

Written requests should contain the full name and grade of the individual.

Contesting record procedures:

The agencies rules for contesting contents and appealing initial determinations by the individuals concerned may be obtained from the SYSMANAGER

Record source categories:

Individuals.
Service records of the individuals involved.
Staff Judge Advocates and Commanders of the individuals involved.
Schools from which the individuals have obtained their graduate or undergraduate degrees or currently in residence.

Systems exempted from certain provisions of the act:

None

MJA00017

System name:

Correspondence Branch, JA Division, HQMC Correspondence Control Files

System location:

The Commandant of the Marine Corps (Code JAC), Headquarters, U S Marine Corps, Washington, D C 20380.

Categories of individuals covered by the system:

Marines or former Marines who have been the subject of correspondence from a member of Congress, a high level official in the Federal executive branch, parents of such an individual, individual Marines or members of the general public which correspondence concerns legal matters.

Categories of records in the system:

File contains the incoming correspondence, backup material used to respond to the correspondence, notes of the action officer and reply correspondence.

Authority for maintenance of the system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Officers, enlisted men and civilian personnel of the Marine Corps and other DOD agencies who are interested in determining the history of and action taken with respect to a problem addressed in incoming correspondence category above.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders.

Retrievability:

Alphabetical by name of correspondent or name of Marine or former Marine who is the subject of the correspondence.

Safeguards:

Limited access on a need to know basis.
Maintained in a locked room.

Retention and disposal:

PerSecNavRecordsDisposalManual

System manager(s) and address:

The Director, Judge Advocate Division, Headquarters, U S Marine Corps, Washington, D C 20380.

Notification procedure:

Information may be obtained from:
Director, Judge Advocate Division
Headquarters, U S Marine Corps (Code JAC)
Washington, D C 20380
Telephone: Area Code 202/694-2737

Record access procedures:

Requests from individuals should be addressed to Director, Judge Advocate Division, Headquarters, U S Marine Corps (Code JAC), Washington, D C 20380.

Written requests for information should contain the full name and grade of the individual.

Contesting record procedures:

The agencies rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Drafter of incoming correspondence.

Service records of the Marine concerning whom correspondence is written.

Information furnished from the command of the Marine concerned.

Information furnished from other involved Marine Commands or individuals.

Systems exempted from certain provisions of the act:

None

MJA00018

System name:

Performance File

System location:

The Director, Judge Advocate Division, Headquarters, U S Marine Corps, Washington, D C 20380.

Categories of individuals covered by the system:

The file pertains to all members of the Marine Corps on active duty or in a reserve status who are under investigation, indictment, or in the process of a criminal proceeding by military or civilian authorities.

Categories of records in the system:

The file contains information pertaining to civilian and military criminal matters including investigative reports, documents indicating court proceedings have begun and/or are in progress and post trial or investigative matters. Material is kept only until the procedure is finalized whether by conviction, acquittal, dismissal of the matter or by it's being dropped.

Authority for maintenance of the system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Headquarters, U S Marine Corps personnel utilize this file in personnel management decisions. Such as determining the propriety of assignments, transfers of individuals or determining whether an individual who has been selected for promotion should be promoted or whether that promotion should be withheld during the pendency of the criminal proceeding.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders.

Retrievability:

Alphabetical

Safeguards:

Access is limited.

The file folders are stored in the file cabinets which are stored in a locked room during non business hours.

Retention and disposal:

PerSecNavRecordsDisposalManual

System manager(s) and address:

The Director Judge Advocate Division, Headquarters, U S Marine Corps, Washington, D C 20380.

Notification procedure:

Information may be obtained from:
Director Judge Advocate Division
Headquarters, U S Marine Corps (Code JA)
Washington, D C 20380
Telephone: Area Code 202-694-2737

Record access procedures:

Requests from individuals should be addressed to Director Judge Advocate Division, Headquarters, U S Marine Corps (Code JA), Washington, D C 20380.

Written requests for information should contain the full name and grade of the individual.

Contesting record procedures:

The agencies rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

Record source categories:

Investigative records of arrest from civilian law enforcement sources.

Records of indictment or conviction from civilian law enforcement or judicial agencies.

Records of appeallate and other post trial procedures received from civilian law enforcement and judicial agencies.

Records indicating apprehension or investigation by military authorities received from individuals command or other military agencies, law enforcement or command.

Records of court-martial, pre court-martial and post court-martial activities relating to the individual received from the individuals command.

Records of administrative eliminative processes conducted by military authorities received from the individual's command.

Systems exempted from certain provisions of the act:

None

MMC00002

System name:

Working Files, Inspection Division, Headquarters, U S Marine Corps

System location:

Headquarters, U S Marine Corps, Washington, D C 20380

Categories of individuals covered by the system:

Members of the U S Marine Corps and Marine Corps Reserve; former members of the Marine Corps and Marine Corps Reserve; retired and temporarily retired members of the Marine Corps and Marine Corps Reserve; and members of the Fleet Marine Corps Reserve.

Military personnel

Dependents of Marines and other family members with respect to matters pertaining to the individual Marine or former Marine.

Categories of records in the system:

File contains information pertaining to identification, recruitment, enlistment, prior service, assignment, location addresses, promotions, reductions in rank, performance of duty, discipline, offenses and punishments under the Uniform Code of Military Justice, courts-martial, personal history, investigations, police and court records, civil arrests and convictions, official correspondence (includes internal Marine Corps and Department of the Navy correspondence, as well as correspondence with the Executive and Legislative branches of the federal government) and other correspondence (includes correspondence from Marines, their dependents and families, attorneys, doctors, educators, clergymen and members of the general public whether addressed directly to the Marine Corps or via third parties (president, congressmen, etc.))

Authority for maintenance of the system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Inspection Division, Headquarters, U S Marine Corps. To facilitate and expedite responses to inquiries and correspondence from members of Congress, military personnel, and members of the general public. Such inquiries and correspondence routinely relate to allegations pertaining to request mast, maltreatment at Recruit Depots, and harassment.

Marine Corps commands. By officials and employees of the Marine Corps in the execution of their official duties as relates to the preparation of information upon which to base replies to members of Congress, Secretary of the Navy, relatives and members of the general public.

Department of Defense and its Components. By officials and employees of the Department in the performance of their official duties in connection with military personnel management.

Congress of the U S By the Senate or the House of Representatives of the U S or any Committee or subcommittee thereof on matters within their jurisdiction requiring disclosure of the files of the system.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper files as represented by card files and file folders. Files are stored in five drawer filing cabinets.

Retrievability:

Files are accessed and retrieved by the name and card file number.

Safeguards:

Building where files are stored and maintained employs 24 hour security guards. Records are further stored in areas of controlled access and handled by personnel with a need-to-know in the execution of their official duties.

Retention and disposal:

Congressional, military and civilian inquiry files are retained three years, then destroyed.

System manager(s) and address:

The Commandant of the Marine Corps, Headquarters, U S. Marine Corps, Washington, D C 20380.

Notification procedure:

Information may be obtained from:
The Commandant of the Marine Corps (Code IGA)
Headquarters, U S Marine Corps
Washington, D C 20380
Telephone: Area Code 202/694-1324

Record access procedures:

Requests from individuals desiring information may be addressed to: The Commandant of the Marine Corps (Code IGA), Headquarters, U S Marine Corps, Washington, D C 20380. However, final determination as to whether any information will be released or made available will be controlled by the SYSMANAGER.

Written requests for information should contain the full name of the individual and his social security number or former military service number. The following information will also be helpful in locating some records: Military rank and occupational specialty, dates and places of service, and any special correspondence previously received or sent.

For personal visits, an individual may visit the Inspection Division, Headquarters, U S Marine Corps, Federal Building #2, Washington, D C 20380. However, final determination as to whether any information will be released or made available will be controlled by the SYSMANAGER.

For personal visits, the individual should be able to provide personal identification to include valid military or dependent identification card or two valid civilian items of identification, such as driver's license, social security card, medicare card, etc.

Contesting record procedures:

The Marine Corps rules for contesting contents and appealing initial determinations may be obtained from the Commandant of the Marine Corps (Code IG), Headquarters, U S Marine Corps Washington, D C 20380.

Record source categories:

Information in the system is obtained from the Marine Corps Manpower Management System; the Joint Uniform Military Pay System; Marine Corps Military Personnel Records to include the Service Record Book and Officer Qualification Record; Military Medical Records; Staff elements and subdivisions of Headquarters, U S Marine Corps; Marine Corps field commands, organizations and activities; other components of the Department of Defense; Agencies of Federal, State and local government; private citizens provided as character references by the individual; investigations related to disciplinary proceedings; and correspondence of private citizens addressed directly to the Marine Corps or via third parties such as members of Congress and other governmental agencies.

Systems exempted from certain provisions of the act:

None

MMC00003

System name:

Activity Check In/Check Out File

System location:

May be located at any U S Marine Corps or U S Marine Corps Reserve activity.

Categories of individuals covered by the system:

All members of the activity.

Categories of records in the system:

Date reported and verification of check-in - check-out procedure.

Authority for maintenance of the system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Command, administrative and supply personnel to ensure individuals are appropriately entered with all unit records and as a safeguard against unit members being discharged or transferred without turning in property belonging to this unit or without being dropped from appropriate unit records.

Officials and employees of the Naval Service and General Accounting Office in the execution of their official duties in relation to inspections, investigations, legal action.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

On paper in files or on clipboard.

Retrievability:

Alphabetically by last name.

Safeguards:

Access limited to activity personnel in the performance of their official duties.

After working hours the office and building are locked. A guard is located in the general vicinity.

Retention and disposal:

Retained for 6 months after action has been completed.

System manager(s) and address:

Activity commander.

Notification procedure:

Write or visit SYSMANAGER Provide full name, social security number, and military status. Proof of identity may be established by military identification card or DD-214 and driver's license.

Record access procedures:

The agency's rules for access to records may be obtained from the SYSMANAGER.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Service records.

Systems exempted from certain provisions of the act:

None

MMC00004

System name:

Adjutant Services Section Discharge Working Files

System location:

Adjutant Services Section, Marine Corps activities

Categories of individuals covered by the system:

Members and former members of the Marine Corps and Marine Corps Reserve. Some information about dependents and other members of families or former families of Marine Corps personnel may be included in files pertaining to the Marine. Inquiries from the general public, whether addressed directly to Base or received via a third party, may be retained together with information obtained in the course of completing required action or in preparing a response.

Categories of records in the system:

Files contain information pertaining to identification; prior service; location and addresses; prior and present marital status, dissolution of prior marriages, birth and death status, adoption of children, financial responsibility, child support, medical information, personal financial records, residence, basic allowance for quarters, leave and liberty, financial assistance, extensions of emergency leave, medical bills and determinations of dependency status as pertain to hardship discharges; investigative reports, prior and present disciplinary status, financial responsibility, conduct and personal history, medical information, police reports, correction of naval records, veterans rights, benefits and privileges, preseparation counseling and civil readjustment as they pertain to unsuitability, unfitness and misconduct discharges; financial status, college acceptance and residence as they pertain to early separation to attend college or trade school; religious beliefs and practices pertaining to applications for conscientious objector status; official correspondence (includes correspondence with Marine Corps commands and organizations, other Armed Services, the White House, members of Congress, Department of Defense, and other agencies of federal, state and local governments); other correspondence (including correspondence from Marines, their families, attorneys, doctors, clergymen, administrators/executors/guardians of estates, American Red Cross and other welfare agencies and the general public, whether addressed directly to the Marine Corps or via third parties): internal routing and processing of discharge matters; and records of interviews and telephone conversations.

Authority for maintenance of the system:

Title 5, U. S. Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To facilitate administration of programs concerning the discharge or separation of Marines; correction of naval records; veterans rights, benefits and privileges; support of dependents; personal affairs, welfare and family assistance; preseparation counseling and civil readjustment.

To facilitate preparation and maintain a record of discharge processing and other communications from staff sections within Base Headquarters; Marine Corps commands and organizations; other Armed Services; the White House, Members of Congress; Department of Defense; other agencies of federal, state and local governments; Marines, their families, attorneys, doctors, clergymen, administrators/executors/guardians of estates; American Red Cross, and other welfare agencies and the general public.

To provide a record of decisions and actions taken.

By officials and employees of the Marine Corps and Marine Corps Reserve in the performance of their official duties in the administration of programs relating to the discharge matters cited above.

By officials and employees of the Department of the Navy, Department of Defense, and other government agencies in the performance of their official duties related to discharge and separation processing.

By government agencies or private organizations under Government contract to perform analytical and historical research pertaining to discharges and separations.

By intelligence and other Government agencies assisting in the investigation of deserters and absentees.

By Marines, former Marines, their next of kin, or persons or organizations designated by them in writing for whatever purpose access to the record is desired.

Information obtained, developed, or processed by the Base Discharge Section in performing functions related to this record system may be entered into the Marine Corps Manpower Management System and the Marine Corps Military Personnel Records System.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders and card files stored in filing cabinets, shelves, tables and desks.

Retrievability:

Files are accessed and retrieved by individual. Identification of individual is by name and social security number.

Safeguards:

Building is located in base area with area guard. Outside and inside doors are locked after working hours and patrolled by Duty NCO. Access to information contained in the files is limited to officials and employees of Base Headquarters acting in their official capacity upon demonstration of a need-to-know.

Retention and disposal:

Files are retained two years and destroyed.

System manager(s) and address:

Commanding Officer of activity concerned. See Directory of Department of the Navy mailing addresses.

Notification procedure:

Correspondence pertaining to files maintained should be addressed to the Sysmanager

Correspondence should contain the full name, social security number and signature of the requester. The individual may visit the above location for review of files. Proof of identification may consist of the active, reserve, retired or dependent identification card, the Armed Forces Report of Transfer or Discharge (DD-214), discharge certificate, driver's license, social security card or by providing such other data sufficient to ensure the individual is the subject of the inquiry.

Record access procedures:

Information may be obtained from the Sysmanager.

Contesting record procedures:

The section's rules for access to files and for contesting and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Marine Corps Manpower Management System
Joint Uniform Military Pay System
Marine Corps Military Personnel Records System
Marine Corps Deserter Inquiry File
Staff agencies and subdivisions of Headquarters, U S Marine Corps
Marine Corps commands and organizations
Other agencies of federal, state and local governments
Educational institutions
Medical reports and psychiatric evaluations
Financial institutions and other commercial enterprises
Civil courts and law enforcement agencies

Correspondence and telephone calls from private citizens initiated directly to the Marine Corps or via the U. S. Congress and other agencies

Investigative Reports
American Red Cross and similar welfare agencies

Systems exempted from certain provisions of the act:

None.

MMC00005

System name:

Insurance Files

System location:

Marine Corps Activities

Categories of individuals covered by the system:

Insurance salesman requesting authority to do business at Marine Corps Activities

Categories of records in the system:

A record of the certification of authority to solicit insurance, mutual funds, investment plans, and securities

Authority for maintenance of the system:

Title 5, U. S. Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by Insurance Officer to maintain control of insurance sales in accordance with SECNAVINST 1740. ; Provide reference to agents who have requested authority to do business at Marine Corps activities and the disposition of such requests including any information in support of denial of such authorizations.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

Files in alphabetical order by company name. Conventional indices are required for retrieval.

Safeguards:

Maintained in locked building.

Retention and disposal:

Maintained as long as active. If inactive, disposed of after two years by discard into military trash system. Not transferred.

System manager(s) and address:

Local Commanding Officers

Notification procedure:

Address requests to SYSMANAGER or visit the office; Military ID or other suitable identification is required.

Record access procedures:

An individual can call for an appointment with the activity insurance representative for personal assistance or forward a written request for the required information.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Information is supplied by the insurance companies and salesman involved.

Systems exempted from certain provisions of the act:

None

MMC00007

System name:

Inspection of government property assigned to individual

System location:

Organizational elements of the U.S. Marine Corps as listed in the Directory of Department of the Navy activities mailing addresses.

Categories of individuals covered by the system:

Inspection of Government Property

Categories of records in the system:

Name, badge number, and government property assigned to individual

Authority for maintenance of the system:

Title 5, U. S. Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To show loss or deterioration of clothing and equipment

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File

Retrievability:

Name

Safeguards:

Building locked at night - locked cabinet

Retention and disposal:

Until separation

System manager(s) and address:

Commanding Officer of the activity in question. See Directory of Department of the Navy activities mailing addresses.

Notification procedure:

Information may be obtained from the Sysmanager

Record access procedures:

Written requests from the individual should be addressed to the Sysmanager.

Written requests for information should contain the full name of the individual and his social security number or former military service number. The following information will also be helpful in locating some records: Military rank and occupational specialty, dates and places of service, and any special correspondence previously received or sent.

For personal visits, the individual should be able to provide personal identification to include valid military or dependent identification card or two valid civilian items of identification such as driver's license, social security card, medicare card, etc.

Contesting record procedures:

The Marine Corps rules for contesting contents and appealing initial determination may be obtained from the SYSMANAGER.

Record source categories:

Inspection of property and clothing

Systems exempted from certain provisions of the act:

None

MMC00008

System name:

Message Release/Pickup Authorization File

System location:

Marine Corps activities

Categories of individuals covered by the system:

All personnel authorized to release/pickup message traffic.

Categories of records in the system:

OPNAV Form 2160-5 (Message Release/Pickup Authorization)

Authority for maintenance of the system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To allow Comm Center personnel to determine who is authorized to release/pickup messages for the commands; used to compare specimen signature on card with the signature on the message to be released; used by Comm Center employees in the execution of their assigned duties.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Cards are filed in a card file within the Communication Center

Retrievability:

Alphabetically by name.

Safeguards:

Located in a secure space within the Comm Center, which is manned on a 24-hour basis.

Retention and disposal:

Retained until individual is replaced or authorization is revoked by proper authority; then destroyed by burning or shredding.

System manager(s) and address:

Local commanding officers. See Directory of Department of the Navy mailing addresses.

Notification procedure:

Request information from the SYSMANAGER.

Record access procedures:

Rules for access may be obtained from the SYSMANAGER.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Organizations, departments, sections authorized to release/pickup messages for the command.

Systems exempted from certain provisions of the act:

None

MMC00009

System name:

Narrative Biographical Data with Photos (NAVMC Form 10573)

System location:

Primary System - Headquarters, U S Marine Corps, Washington, D C 20380. All Marine Corps commands and districts maintain derivative files.

Categories of individuals covered by the system:

Marine Corps active duty, reserve, and retired general officers and active duty colonels who submit biographical data with photographs in accordance with existing directives.

Categories of records in the system:

Files contain standard biographical information as listed on NAVMC Form 10573 to include: personal identification, personal data, education background, military history, medals and decorations, combat, and chronology of Marine Corps service. A current photograph accompanies the file.

Authority for maintenance of the system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Headquarters, U S Marine Corps and Marine Corps commands, activities and organizations - To make routine news releases such as assignments and promotions; to provide background data in response to news media queries; to provide background information on the individual officer prior to speaking engagements or appearances at public events in which the officer is scheduled to appear; to provide internal release of information as required.

Department of Defense and its components - By officials and employees of the Department in the performance of their official duties.

Congress of the U S - By the Senate or the House of Representatives of the U S or any committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U S - By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

News Media - To provide biographical information in response to query.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

Filed alphabetically by last name of officer.

Safeguards:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

Retention and disposal:

Biographical information is maintained on all general officers while on active duty. When a general officer retires, the biographical data is retained for five years after the date of the individual officer's retirement and retained by the Historical Division (Code HD), Headquarters, U S Marine Corps, Washington, D C 20380.

Biographical files are maintained on colonels while on active duty. Upon retirement of the officer, colonel biographical files are retained

by Historical Division (Code HD), Headquarters, U S Marine Corps, Washingotn, D C 20380.

System manager(s) and address:

The Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20380 or commander of unit holding file.

Notification procedure:

Requests from individuals should be addressed to the Commandant of the Marine Corps (Code PAC), Headquarters, U S Marine Corps, Washington, D C 20380.

Written requests to determine whether or not the system contains a record about an individual should contain the full name of the general officer or colonel concerned.

Visits are limited to Division of Information (Code PAC), Headquarters, U S Marine Corps, Washington, D C 20380.

For personal visits, the individual should be able to provide some acceptable identification, such as a military identification card, and give some verbal information that could be verified with his 'case' folder.

Record access procedures:

Information may be obtained from the Commandant of the Marine Corps and the commander of the unit holding the file.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Biographical data provided by the individual general/colonel and from personnel files.

Systems exempted from certain provisions of the act:

None

MMN00001

System name:

Absentee Processing and Deserter Inquiry File

System location:

Primary System - Absentee and Deserter Section, Manpower Plans and Policy Division, Manpower Department (Code MP), Headquarters, U. S. Marine Corps, Washington, D.C. 20380.

Decentralized Segments - U. S. Marine Corps commands to which the absentee or deserter is assigned for duty or administration of official records. See the organizational elements of the U. S. Marine Corps as listed in the Director of the Department of the Navy Mailing Addresses.

Categories of individuals covered by the system:

Marine Corps Absentees and deserters; Marines in hands of civil authorities foreign and domestic; Marines who fail to comply with orders to new duty stations; suspected and convicted absentees and deserters who have returned to military control.

Categories of records in the system:

File contains personal identification data, parent command, notations of arrests, nature and dispositions of crimanal charges, and other pertinent information which is necessary to monitor, control and identify absentees and deserters.

Authority for maintenance of the system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Internal:

Headquarters, U. S. Marine Corps, Marine Corps commands, activities, and organizations - To coordinate the identification, apprehension and return of Marine absentees and deserters in accordance with current regulations. To record and monitor deserter/ absentee cases entered into the National Crime Information Center's Wanted Persons File; to monitor and assign absentees upon their return to military control; to ensure that absentees are formally charged in accordance with the Uniform Code of Military Justice prior to expiration of the Statute of Limitations; to monitor Marine absentees and deserters believed to be located in foreign countries; to monitor Marines who have failed to comply with permanent change of station (PCS) orders or orders to travel and report without escort; to insure correspondence pertaining to absentees and deserters received by the Marine Corps is processed in a timely manner; to insure that appropriate action is taken within the Manpower Management System to join or drop absentees to desertion; to provide periodic management reports concerning absentees and deserters as directed by higher authority.

External:

The Department of Defense - To coordinate with the other components of the Department of Defense as may be required to report, identify, apprehend and return Marine absentees and deserters to Marine Corps control.

Comptroller General of the U S - To respond to the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to Marine Corps Manpower Management Programs.

The Attorney General of the U S - To coordinate with the Attorney General or his authorized representatives in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice as carred out as the legal representative of the Executive Branch.

Civilian Law Enforcement Agencies - To coordinate with appropriate federal, state, and local law enforcement agencies as may be required to report, identify, apprehend and return Marine absentees and deserters to Marine Corps control.

Courts - To respond to court orders in connection with matters before a court.

Congress of the United States - To respond to inquiries of the Senate or the House of Representatives of the United States or any committee or subcommittee thereof or any joint committee or joint subcommittee of the Congress on matters within their jurisdiction as may be requested of the Marine Corps.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are stored on magnetic tapes and disks, microform and file folders.

Retrievability:

Records may be accessed by name and social security number.

Safeguards:

Building employs security guards. Computer terminals and records are located in areas accessible only to authorized personnel that are properly screened, cleared and trained. Use of terminals requires knowledge of passwords.

Retention and disposal:

Records vary in the period of time retained. Records on magnetic tapes and disks are destroyed by erasing after disposition of the individual's case. Paper records are maintained only as long as necessary to transfer information to the official personnel record, then they are destroyed.

System manager(s) and address:

The Commandant of the Marine Corps (Code MP), Headquarters, U S Marine Corps, Washington, D C 20380

Notification procedure:

Information may be obtained from:
The Commandant of the Marine Corps (Code MP)
Headquarters, U S Marine Corps
Washington, D C 20380
Telephone: Area Code 202/694-2927

Record access procedures:

Requests from individuals should be addressed to: The Commandant of the Marine Corps (Code MP), Headquarters, U S Marine Corps, Federal Office Building #2, Washington, D C 20380.

Written requests for information should contain the full name of the individual, date and place of birth, social security number and signature.

For personal visits, the individual should be able to provide military identification card, driver's license or other type of identification bearing picture or signature or by providing verbal data sufficient to insure that the individual is the subject of the inquiry.

Contesting record procedures:

The rules for contesting contents and appealing initial determinations may be obtained from the Commandant of the Marine Corps (Code JA), Headquarters, U S Marine Corps, Washington, D C 20380

Record source categories:

Information in the system is obtained from the Marine Corps Military Personnel Records; from the individual's commanding officer, officer-in-charge, federal, state and local law enforcement agencies, lawyers, judges, Members of Congress, relatives of the individual and private citizens, the Veteran's Administration and the individuals themselves.

Systems exempted from certain provisions of the act:

None.

MMN00002

System name:

Listing of Retired Marine Corps Personnel

System location:

The Commandant of the Marine Corps
Headquarters, U S Marine Corps
Washington, D C 20380

Categories of individuals covered by the system:

All retired members of the Marine Corps, including those former Marines in the receipt of disability benefits from the Veteran's Administration.

Categories of records in the system:

The system is a microfiche listing derived from automated sources, depicting the retiree's name, Social Security Number, grade, mailing address and retirement component code.

Authority for maintenance of the system:

Title 10, U S Code Section 5201

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Officials and employees of the Marine Corps - For making necessary identification of retired members in the performance of their official duties related to retirement and veterans affairs programs, benefits, entitlements, transportation, hospitalization, education, dependent affairs, etc.

Department of Defense and its Components - By officials and employees of the Department in the performance of their official duties.

The Attorney General of the U S - By officials and employees of the Office of the Attorney General in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or as carried out as the legal representative of the Executive Branch agencies.

Courts - By officials of duly established local, state and federal courts as a result of court order pertaining to matters properly with the purview of said court.

Congress of the U S - By the Senate or House of Representatives of the U S or any committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U S - By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

Leatherneck Magazine and Marine Corps Gazette - For maintaining their mailing lists of subscribers to these semi-official, professional publications.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Controlled distribution microfiche listing. Stock copies maintained in locked room.

Retrievability:

Listings in alphabetical order, with officer personnel listed separate from enlisted personnel.

Safeguards:

Building employs security guards. Distribution is strictly controlled.

Retention and disposal:

Destroyed upon being superceded by updated monthly listing.

System manager(s) and address:

Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20380

Notification procedure:

Request by correspondence should be addressed to the Commandant of the Marine Corps (Code MS), Headquarters, U S Marine Corps, Washington, D C 20380. The letter should contain the full name, Social Security Number and signature of the requester.

The individual may visit Headquarters, U S Marine Corps, Columbia Pike & Arlington Ridge Road, Arlington, Virginia, Room 1206. Proof of identification may consist of his active, reserve or retired identification card, his Armed Forces Report of Transfer or Discharge (DD214), his discharge certificate, his driver's license or by providing such other data sufficient to insure that the individual is the subject of the inquiry.

Record access procedures:

Information may be obtained from:

Commandant of the Marine Corps
Headquarters, U S Marine Corps
Columbia Pike & Arlington Ridge Road
Arlington, Virginia 20380
Telephone Area Code 202/694-1043

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Staff agencies and subdivisions of Headquarters, U S Marine Corps
Veterans Administration

Systems exempted from certain provisions of the act:

None

MMN00004

System name:

Marine Corps Club Records

System location:

Decentralized Segments - Records maintained by Marine Corps Clubs at organizational elements of the Marine Corps as listed in the Directory of the Department of the Navy Mailing Addresses.

Categories of individuals covered by the system:

Officer personnel who elect officer club membership, staff noncommissioned officer personnel who elect staff noncommissioned officer club membership and patrons of consolidated package stores who purchase alcoholic beverages.

Categories of records in the system:

File contains nonstandardized, locally produced record listing name, grade, social security number, military address, duty telephone number and dependent information.

Alcoholic purchase records contain name, grade, social security number, and the alcoholic beverage purchased by type, name brand, and quantity.

Authority for maintenance of the system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Marine Corps clubs and mess management personnel routinely use personal information for billing of customers and forwarding of club related informational material to its members.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

All information of a personal nature is recorded and stored in cabinet drawers or other record keeping devices.

Retrievability:

Is by name and/or social security number.

Safeguards:

Include normal security afforded unclassified file materials.

Retention and disposal:

Data on club membership is retained as long as the member is active and disposed of when membership is terminated. Data on alcoholic purchases is retained for a period as specified by the local command, but in no case for a period in excess of two years from date of purchase.

System manager(s) and address:

Decentralized - The local commanding officer is responsible for the operation of clubs aboard his base/activity.

Notification procedure:

Request by correspondence should be addressed to the commanding officer of the activity having custody of the records.

Record access procedures:

Rules of access may be obtained from the SYSMANAGER

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Data collected from each applicable individual.

Systems exempted from certain provisions of the act:

None

MMN00005

System name:

Marine Corps Education Program Applicant/Participant Information File

System location:

Primary system - Headquarters, U S Marine Corps (Code OTTI), Washington, D C 20380.

Secondary system - Local activity or command to which individual is assigned (See list of activities in Navy Standard Distribution List OPNAV PO9B3-107).

Categories of individuals covered by the system:

Marine Corps personnel who have submitted written applications for participation in full-time, tuition assistance, off-duty, PREP, or other voluntary education programs.

Categories of records in the system:

File contains copies of individual's applications for participation in an education program; copies of correspondence between the Marine Corps, the individual and academic institutions involved; copies of academic transcripts; miscellaneous academic records and correspondence; test results; previous enrollments and disenrollments; and educational qualification data addressing the individual concerned.

Authority for maintenance of the system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Headquarters, U S Marine Corps and Marine Corps commands, activities and organizations - By officials and employees of the Marine Corps in matters relating to their assigned duties in connection with educational and vocational counseling, recommendation, evaluation, selection and assignment. Also in the management and control of various educational and vocational programs attended by Marine Corps personnel.

Department of Defense and it's Components - By officials and employees of the Department in the performance of their official duties.

Courts - By officials of duly established local, state and federal courts as a result of court order pertaining to matters properly within the purview of said court.

Congress of the U S - By the Senate or the House of Representatives of the U S or any Committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U S - By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

Educational Institutions - By officials and employees of those educational institutions to which the individual applies or which the Marine Corps contracts with, to provide full-time, off-duty or other educational programs.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper files as represented by card files, listings, log books, computer printouts, rosters and file folders stored in filing cabinets.

Retrievability:

Filed alphabetically by last name; by educational institution, educational program or unit of assignment. Cross referenced by SSN

Safeguards:

Records are maintained in limited access working areas and are made available to persons other than the individual addressed only on a strict 'need-to-know' basis. After duty hours storage areas are locked.

Retention and disposal:

Records are maintained a maximum of three years and then destroyed. In instances where individual completes a program in less than three years, with no incurred service obligation, records are destroyed on program completion or transfer of individual from command maintaining record.

System manager(s) and address:

Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20380

Notification procedure:

Information may be obtained from:
Commandant of the Marine Corps
Headquarters, U S Marine Corps (Code OTTI)
Washington, D C 20380
Telephone: Area Code 202/694-2109

Record access procedures:

Requests from individuals should be addressed to the commander of the activity to which they are assigned for duty. Activity addresses are contained in the Navy Standard Distribution List (OPNAV PO9B3-107).

Requests from individuals who have made written application for the Special Education Program (SEP), Advanced Degree Program (ADP), Funded Legal Education Program (FLEP), College Degree Program (CDP), Marine Enlisted Commissioning Education Program (MECEP), Navy Enlisted Scientific Education Program (NESEP), Staff NCO Degree Completion Program (SNCODCP), or Marine Associate Degree Completion Program (MADCOP) should be addressed to the Commandant of the Marine Corps, Headquarters, U S Marine Corps (Code OTTI), Washington, D C 20380.

Written requests for information should contain name of the individual, current address and telephone number, and the academic program originally requested or in which participated.

For personal visits, the individual should provide personal identification.

Contesting record procedures:

Rules for access to records and for contesting contents by the individual concerned may be obtained from the SYSMANAGER

Record source categories:

Application and related documents including correspondence from the individual requesting an education program; correspondence originating in the Educational Services Branch or other Headquarters Marine Corps Staff Agencies; academic transcripts from educational institutions; and educational selection board results.

Systems exempted from certain provisions of the act:

None

MMN00006

System name:

Marine Corps Military Personnel Records (OQR/SRB)

System location:

PRIMARY SYSTEM - The Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20380

Decentralized Segments - Custody of the commanding officer of the organization to which the Marine officer or enlisted individual is assigned for duty or administration of official records (OQR/SRB).

Decentralized Segments - National Personnel Records Center, 9700 Page Blvd., St. Louis, Missouri 63132

Categories of individuals covered by the system:

Headquarters, U S Marine Corps official military personnel records on Marine officers consist of a copy of the appointment acceptance and record and all supporting documents furnished by the officer and generated by Marine Corps procurement procedures necessary to evaluate the individual for a commission in the Marine Corps or Marine Corps Reserve. The system comprises non-automated records reflecting information pertaining to a Marine officer's identification, personal history, marital and dependency status, education, aptitude testing, training, previous employment, records of civil offenses and arrests, appraisals of performance and potential, awards, duty assignments, military orders, security clearances, promotion warrants, official photographs, official correspondence, physical examinations, psychiatric evaluations, record of courts-martial, martial and other disciplinary matters, and other data needed in managing the officer personnel of the Marine Corps and Marine Corps Reserve.

Headquarters, U S Marine Corps official military personnel records on enlisted Marines consist of a duplicate enlistment contract or induction record and all supporting documents furnished by the enlisted Marine or generated by the Marine Corps recruiting procedures necessary to evaluate and approve the Marine for enlistment in the Marine Corps or Marine Corps Reserve. The system comprises non-automated records reflecting information pertaining to an enlisted Marine's identification, personal history, marital and dependency status, education, aptitude testing, training, previous employment, records of civil offenses and arrests, appraisals of performance and potential, awards, duty assignments, military orders, security clearances, promotion warrants, official photographs, official correspondence, physical examinations, psychiatric evaluations, record of courts-martial and other disciplinary matters, and other data needed in managing the enlisted personnel of the Marine Corps and Marine Corps Reserve.

Officer Qualification Record (OQR) is a field record of a Marine Officer which accompanies the officer throughout the various assignments of service with the Marine Corps or Marine Corps Reserve. Maintenance and custody of the OQR rests with the commanding

officer of the organization to which the Marine officer is assigned for duty or administration of records. This record consists of the original appointment acceptance and record and non-automated records reflecting information pertaining to the officer's identification, marital and dependency status, education, aptitude testing, training, awards, chronological duty assignments, military orders and memoranda, security clearance, promotions, official photographs, official correspondence, prior separation documents (DD Form 214), leave and earnings statements, periodic print-outs of automated record contents, records of courts-martial and other disciplinary matters and any local orders or memoranda necessary for utilization of the Marine officer's background and experience in accomplishing the mission of the command.

Enlisted Service Record Book (SRB) is a field record of an enlisted Marine which accompanies the enlisted Marine throughout the various assignments of service with the Marine Corps or Marine Corps Reserve, maintenance and custody of the SRB rests with the commanding officer of the organization to which the enlisted Marine is assigned for duty or administration of records. This record consists of the original enlistment contract or record of induction and non-automated records furnished by the enlisted Marine or the recruiting procedures in effecting the enlistment or induction of the Marine. This record reflects information pertaining to the Marine's identification, marital and dependency status, education, aptitude testing, training, awards, chronological duty assignments, duty and conduct evaluations, security clearance, promotions, official photographs, official correspondence, prior separation documents (DD Form 214), Leave and Earnings statements, periodic print-outs of automated record content, courts-martial and other disciplinary matters, any other local military orders or memoranda necessary for the utilization of the Marine's background and experience in accomplishing the mission of the command.

Categories of records in the system:

Headquarters, U S Marine Corps, Official Military Personnel Records on Marine officers and enlisted are retained and maintained at Headquarters, U S Marine Corps, Washington, D C 20380 from acceptance/enlistment/induction to complete severance from the Marine Corps and the Marine Corps Reserve by retirement or discharge.

OQR/SRB's are retained and maintained by the commanding officer of the Marine Corps or Marine Corps Reserve field command to which the Marine is assigned.

Authority for maintenance of the system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Officials and employees of the Marine Corps and Marine Corps Reserve in the performance of their official duties relating to management of personnel resources; screening and Selection for promotion, training and educational programs; administration of appeals, grievances, discipline, litigations and investigations adjudication of claims, benefits and entitlements; administration and management of retirement and veterans affairs programs; and, the providing of requested information from the records to the Veterans Administration, Social Security Administration, Selective Service System, National Guard, Public Health Service (HEW), U. S. Coast Guard, Immigration and Naturalization Service, Treasury Department, Department of Labor, Department of State, General Accounting Office and State Bonus Bureaus in connection with such functions as processing and adjudication of claims, updating of records, administration of work programs, processing naturalization proceedings and verification of eligibility and entitlement to various benefits and programs.

Officials and employees of other components of DoD in the performance of their official duties relating to screening and selection of members for interservice transfer; procedures for appeals for correction of service records; reviews of discharges from the service; physical evaluations; research analyses; litigations and investigations; clemency and awards reviews and evaluations.

By representatives of the Office of Personnel Management in with evaluation of prospective federal employees.

By court order in connection with matters before a federal, state or municipal court.

By the Comptroller General or his representatives in the course of the performance of duties relating to decisions or procedures by the General Accounting Office on manpower management programs.

By agents of the Federal Bureau of Investigation, Secret Service and office of Naval Intelligence in connection with matters under the jurisdiction of these investigative bodies upon presentation of credentials.

By private organization under government contract to perform random analytical research into specific aspects of military personnel management and administrative procedures.

By investigative, security and law enforcement agents of federal agencies who have submitted written requests for access to Marine Corps military personnel records with justification thereof as pertaining to the conduct of government business under their respective jurisdictions and providing the names of specified agents having a need for such access.

By state and county law enforcement bodies processing applications for employment, when applicants have given written authorization for access to respective military personnel records.

By officials and employees of the National Personnel Records Center, 9700 Page Boulevard, St. Louis, Missouri 63132 acting as agent for Headquarters, U S Marine Corps in storage and processing of Marine Corps maintained by that center.

By a Marine or former Marine or such individual(s) designated by him/her in writing for whatever purpose access to or release of their respective records is desired.

By the White House, Secretary of Defense, Secretary of the Navy, and members of Congress in response to inquiries regarding individual Marines.

To provide information to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States which has been authorized by law to conduct law enforcement activities pursuant to a request that the agency or instrumentality initiate criminal or civil action against an individual on behalf of the U S Marine Corps, the Department of the Navy, or the Department of Defense.

To provide information to individuals pursuant to a request for assistance in a criminal or civil action against a member of the U S Marine Corps, by the U S Marine Corps, the Department of the Navy, or the Department of Defense.

By officials and employees of the American Red Cross and Navy Relief Society in the performance of their duties. Access will be limited to those portions of the member's record required to effectively assist the member.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are stored on paper in file folders and on microfiche.

Retrievability:

The records maintained at Headquarters, U S Marine Corps (all active and reserve officer records, all temporary disability retired records, all active and organized reserve and Fleet Marine Corps reserve enlisted records of personnel joined/transferred to these components subsequent to 30 June 1974, all former Commandants, all living retired officers (who served in a General Officer grade, records of all personnel separated/retired four months or less) are retrieved by Social Security Number (SSN) and name. Except for OQR's and SRB's of participating members, all other categories of Marine Corps military personnel records are maintained at the National Personnel Records center, St. Louis, Missouri. Those retired to St. Louis prior to 1 January 1964 and/or those with military service numbers (MSN) below 1800000 are retrieved by MSN and name. All other Marine Corps records retired to St. Louis are accessed by MSN and/or SSN, name and are assigned a Registry Number. These records are retrieved by Registry Number.

Safeguards:

Buildings employs security guards, records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

Retention and disposal:

Records are permanent. Records maintained at Headquarters, U S Marine Corps are transferred to the National Personnel Records Center, 9700 Page Boulevard, St. Louis, Missouri 63132 four months after separation, placement on the Permanent Disability Retired List, retirement, retirement from Fleet Marine Corps Reserve, death of an officer who served in a General Officer grade and former Marines no longer considered of newsworth status.

System manager(s) and address:

Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20380

Notification procedure:

Correspondence pertaining to records maintained by Headquarters, U S Marine Corps should be addressed to:

Commandant of the Marine Corps (Code MS)
Headquarters, U S Marine Corps
Washington, D C 20380

Telephone: Area Code 202/694-1043

Correspondence pertaining to records maintained by National Personnel Records Center should be addressed to:

Director, National Personnel Records Center
9700 Page Boulevard
St. Louis, Missouri 63132
Telephone: Area Code 314/268-7155

Correspondence pertaining to OQR and SRB records maintained by the respective commanding officers should be addressed to the command concerned as is shown in the Standard Navy Distribution List - Part 1 (OPNAV P09B3-107)

Correspondence should contain the full name, Social Security Number and signature of the requester. The individual may visit any of the above activities for review of records. Proof of identification may consist of his active, reserve or retired identification card, his Armed Forces Report of Transfer or Discharge (DD Form 214), his discharge certificate, his driver's license or by providing such other data sufficient to insure that the individual is the subject of the inquiry.

Record access procedures:

Information may be obtained from:

Commandant of the Marine Corps (Code MS)
Headquarters, U S Marine Corps
Columbia Pike & Arlington Ridge Road
Arlington, Virginia 20380
Telephone: Area Code 202/694-1043

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Staff agencies and subdivisions of Headquarters, U S Marine Corps
Marine Corps commands and organizations
other agencies of federal, state, and local governments
Medical reports
Correspondence from financial and other commercial enterprises
Correspondence and records of educational institutions
Correspondence of private citizens addressed directly to the Marine Corps or via the U S Congress and other agencies
Investigations to determine suitability for enlistment, security clearances, and special assignments
Investigations related to disciplinary proceedings

Systems exempted from certain provisions of the act:

None

MMN00007

System name:

Marine Corps Motion Picture/Instructional Television (ITV) Archives

System location:

Motion Picture and TV Archives, Marine Corps Development and Education Command, Quantico, Virginia

Categories of individuals covered by the system:

Personnel who have been photographed while participating in Marine Corps related events.

Categories of records in the system:

The archives contains motion picture photography and videotape footage documenting Marine Corps related events.

Authority for maintenance of the system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Material contained in the archives is used for Marine Corps reports, education programs, public information, training programs, recruiting purposes, and for general release to the public. Material is available to other DOD and Federal agencies.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Films and videotapes are stored on film racks in film vaults.

Retrievability:

Personnel identified in the films and videotapes are listed alphabetically in an index system.

Safeguards:

Film vaults are locked when not in use. Only authorized personnel have access. During non-working hours, rooms and buildings containing the films and videotapes are locked.

Retention and disposal:

Films and videotapes are maintained indefinitely.

System manager(s) and address:

Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20380

Notification procedure:

Information may be obtained from:

Commandant of the Marine Corps (Code HD)
Headquarters, U. S Marine Corps
washington, D C 20380
Telephone: Area Code 202/433-3027

Record access procedures:

Requests should be addressed to: Commandant of the Marine Corps (Code HD), Headquarters, U S Marine Corps, Washington, D C 20380

Written requests should contain full name of the individual, current address and telephone number.

For personal visits, the individual concerned should contact the Director of History and Museums Division, (Code HD), Headquarters, U S Marine Corps, Washington, D C 20380, Telephone: Area Code: 202-433-2616

Contesting record procedures:

Rules for access to records and for contesting contents by the individual concerned may be obtained from the SYSMANAGER

Record source categories:

Material within the archives is from Marine Corps Field Motion Picture and ITV Facilities.

Systems exempted from certain provisions of the act:

None

MMN00008

System name:

Marine Corps Still Photographic Archives

System location:

Director of History and Museums Division (Code HD), Headquarters, U. S. Marine Corps, Building 159E, Washington Navy Yard, Washington, D C 20380

Decentralized system - organizational elements of the U. S. Marine Corps maintaining still photographic files.

Categories of individuals covered by the system:

Personnel who have been photographed while participating in Marine Corps related events.

Categories of records in the system:

The Archives contains documentary photography of Marine Corps related events.

Authority for maintenance of the system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Material contained in the archives is used for Marine Corps reports, education programs, manuals, public information, training programs, recruiting purposes, and for general release to the public. Material is available to other DOD and Federal agencies.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Photographic records are maintained in large Dibold file machines.

Retrievability:

Personnel identified in the photographic records are listed alphabetically in an index system.

Safeguards:

Photographic records are maintained in large Dibold file machines which are locked when not in use. Only authorized personnel have access. During non-working hours, rooms containing the records are locked.

Retention and disposal:

A 25-year archives is maintained. Older records are trans- ferred to the National Archives, Washington, D C

System manager(s) and address:

Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20380

Decentralized systems managed by local commands.

Notification procedure:

Information may be obtained from:

Commandant of the Marine Corps (Code HD)
Headquarters, U S Marine Corps
Washington, D C 20380
Telephone: Area Code 202/433-3027

Record access procedures:

Requests should be addressed to: Commandant of the Marine Corps (Code HD), Headquarters, U S Marine Corps, Washington, D C 20380

Written requests should contain full name of the individual, current address and telephone number.

For personal visits the individual should proceed to: Washington Navy Yard, Building 159E, Washington, D C

Contesting record procedures:

Rules for access to records and for contesting contents by the individual concerned may be obtained from the SYSMANAGER

Record source categories:

All material within the archives is from either Marine Corps Field Photographic Facilities or from Private donations.

Systems exempted from certain provisions of the act:

None

MMN00009

System name:

Military Police Information System (MILPINS)

System location:

Decentralized segments - commands within area of jurisdiction.

Categories of individuals covered by the system:

Files contain information concerning both military personnel and civilians who have come in contact with the Military Police as Victims, Suspects, or Witnesses to incidents, complaints reported to the Provost Marshal.

Categories of records in the system:

Incident/Complaints reported to the Installation Provost Marshal and all subjects listed on Field Interviews/Reports by the Military Police. Index cards containing name, social security number, address, offense charges, location of offense/incident, date, time, blotter entry number, military policy report number and disposition of case.

Authority for maintenance of the system:

Chapters 5, 6 and 7 of the Manual for Courts-Martial and Title 10, U S Code

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Headquarters, U S Marine Corps and Marine Corps commands, activities and organizations - By officials and employees of the Marine Corps in connection with their assigned duties.

Department of Defense and its Components - By officials and employees of the Department in the performance of their official duties.

The Attorney General of the U S - By officials and employees of the Office of the Attorney General in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or as carried out as the legal representative of the Executive Branch agencies.

Courts - By officials of duly established local, state and federal courts as a result of court order pertaining to matters properly within the purview of said court.

Congress of the U S - By the Senate or the House of Representatives of the U S or any Committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U S - By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

To provide information to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States which has been authorized by law to conduct law enforcement activities pursuant to a request that the agency or instrumentality initiate criminal or civil action against an individual on behalf of the U S Marine Corps, the Department of the Navy, or the Department of Defense.

To provide information to individuals pursuant to a request for assistance in a criminal or civil action against a member of the U S Marine Corps, by the U S Marine Corps, the Department of the Navy, or the Department of Defense.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Computer magnetic tapes and index cards in metal files.

Retrievability:

Filed by full name or social security number (SSN)

Safeguards:

Records are maintained in area accessible only to authorized personnel that are properly screened, cleared and trained. Files can only be retrieved by the Director or Assistant Director, Automated Services Center by utilizing an assigned code number.

Retention and disposal:

Two years and then purged

System manager(s) and address:

Installation Provost Marshal of activity concerned.

Notification procedure:

Information may be obtained from:
Installation Provost Marshal of activity concerned.

Record access procedures:

Requests from individuals should be addressed to Provost Marshal of activity concerned.

Written requests for information should contain the full name of the individual, social security number, date and place of birth.

For visits, the individual should report to Provost Marshal of the respective installation.

Contesting record procedures:

The rules for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

Record source categories:

Military Police Blotters and Field Interview Cards.

Systems exempted from certain provisions of the act:

None

MMN00010

System name:

Personnel Services Working Files

System location:

All Marine Corps activities.

Categories of individuals covered by the system:

Members and former members of the Marine Corps and Marine Corps Reserve; permanently and temporarily retired members of the Marine Corps and Marine Corps Reserve; members of the Fleet Marine Corps Reserve; Federal civil service employees of the Marine Corps; and dependents, survivors or appointed agents of the foregoing. Some information about dependents and other members of families or former families of Marine Corps personnel may be included in files pertaining to the Marine. Inquiries from the general public, whether addressed directly to HQMC or received via a third party, may be retained together with information obtained in the course of completing required action or in preparing a response.

Categories of records in the system:

Files contain information pertaining to identification; prior service; location and addresses; decedent affairs; military honors at funerals; recovery of remains; casualty notification; condolence letters to next of kin; transportation, passports and visas for next of kin of casualties medically warranted overseas; missing persons; prisoners of war; reserve disability benefits; casualty statistics; certification of eligibility for award of Purple Heart Medal; death benefits and annuity payments; official reports of casualty; certification of life insurance coverage; investigative reports; travel of dependents; reports and death certificates substantiating casualty status; intelligence reports concerning missing and captured members; prior and present marital status; dissolution of prior marriages; birth, marriage and death certificates; adopting of children; financial responsibility; child support; claims of non-support; personal health and welfare reports; alien marriages; conduct and personal history as it pertains to marriage and its responsibilities; medical information; garnishment of pay; powers of attorney; personal financial records; police and fire reports; records of emergency data; medical care; use of exchanges, commissaries and theatres; recovery of invalid dependent identification and privilege cards; correction of naval records; defense related employment; veterans rights, benefits and privileges; awards, recommendations and/or issuances; Survivor Benefit Plan; preseparation counseling; civil readjustment; Retired Serviceman's Family Protection Plan; residence; basic allowance for quarters; leave and liberty; financial assistance; extensions of emergency leave; in service FHA mortgage insurance loans; reimbursement for damage to or loss of personal property; transportation of household goods; claims against the government; lost, damaged or abandoned property; medical bills; determinations of dependency status; claims against commercial carriers, insurers, and

contractors; dependent identification and privilege cards; official correspondence (includes correspondence with Marine Corps commands and organizations, other Armed Services, the White House, members of Congress, Department of Defense, and other agencies of federal, state and local government); other correspondence (including correspondence from Marines, their families, attorneys, doctors, lawyers, clergymen, administrators/executors/guardians of estates, American Red Cross and other welfare agencies and the general public, whether addressed directly to the Marine Corps or via third parties); internal routing and processing of personal affairs matters; and records of interviews and telephonic conversations.

Authority for maintenance of the system:

Title 10, U. S. Code 1071-1087, 1441-1455, 1475-1488, 2771, 6148a, b, and d; Title 31, U. S. Code 240-243; Title 37, U. S. Code 401 and 551, et. seq.; Title 38, U. S. Code 765-770, 2021-2026; Title 42, U. S. Code 659; Title 50, U. S. Code 1436 and E O 11016; Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To facilitate administration of programs concerning the personal welfare of Marines and their dependents and/or survivors to include decedent affairs; casualty reporting and notification of next of kin; transportation of household goods; travel of dependents; missing and captured personnel; reserve disability benefits; casualty statistics; death benefits and annuity payments; official reports of casualty; determination of dependency status for the purpose of travel, basic allowance for quarters and Uniformed Services identification and Privilege Card entitlement; the granting of privileges for medical care, use of commissaries, exchanges and theatres; issuance and recovery of identification cards; correction of naval records; garnishment of pay; defense related employment; veterans rights, benefits and privileges; adjudication of claims against the government; support of dependents; personal affairs, welfare and family assistance; preseparation counseling and civil readjustment; display of recognition for individual accomplishments.

To facilitate preparation and maintain a record of responses to inquiries and other communications from staff sections within Headquarters, U. S. Marine Corps, Marine Corps commands and organizations, other Armed Services, the White House, members of Congress, Department of Defense, other agencies of federal, state and local governments; Marines, their families, attorneys, doctors, lawyers, clergymen, administrators/executors/ guardians of estates, American Red Cross, and other welfare agencies and the general public.

To provide a record of decisions and actions taken.

By officials and employees of the Marine Corps and Marine Corps Reserve in the performance of their official duties in the administration of programs relating to the personal affairs matters cited above.

By officials and employees of the Department of the Navy, Department of Defense, and other geovernment agencies in the performance of their official duties related to the determination of entitlement to compensations, annuities, government insurance, and other rights, benefits and privileges.

By government agencies or private organizations under government contract to perform analytical and historical research pertaining to casualties.

By intelligence and other government agencies assisting in the investigation of circumstances of casualty and in accounting for personnel who are deceased (body not recovered), missing, captured, or detained.

By Marines, former Marines, their next of kin (in cases of death only), or persons or organizations designated by them in writing for whatever purpose access to the record is desired.

Information obtained, developed, or processed in performing functions related to this record system may be entered into the Marine Corps Manpower Management System and the Marine Corps Military Personnel Records System.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders, vertical strip files, microfiche and card files stored in filing cabinets, shelves, tables and desks.

Retrievability:

Files are accessed and retrieved by subject matter and by individual. Identification of individual is by name or social security number.

Safeguards:

Building is located in controlled access area with security guards on 24 hour duty. Access to information contained in the files is limited to officials and employees of Headquarters, U. S. Marine Corps acting in their official capacity upon demonstration of a need-to-know basis. Records held by field activities are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained. Locked and/or guarded offices.

Retention and disposal:

Files are retained for differing lengths of time, depending upon the purpose of the information contained therein. Death benefit data are retained for five years and then destroyed; records of emergency data are retained until the Marine's death or separation from active duty or the active reserves; Department of Defense Reports of Casualty are retained for such period as deemed necessary, and then transferred to the Historical Division, Headquarters, U. S. Marine Corps; casualty statistics and rosters, and statistical reports are retained for such period as deemed necessary and then transferred to Historical Division, Headquarters, U. S. Marine Corps or destroyed as deemed appropriate; missing and captured personnel data and unusual miscellaneous casualty topica data are retained for such period as deemed necessary and then destroyed; files concerning dependency determination are retained for one year and then destroyed; files concerning veterans rights, benefits and privileges are retained indefinitely or until the member and all eligible survivors are deceased; files concerning correction of naval records are destroyed upon completion of action; files regarding adjudication of claims against the government are retained for six months and then destroyed; files containing information which could be considered to be of a derogatory nature are disposed of as directed by competent authority; all other files are retained for three years and then destroyed.

System manager(s) and address:

Commandant of the Marine Corps, Headquarters, U. S. Marine Corps, Washington, D C. 20380.

Notification procedure:

Correspondence pertaining to files maintained should be addressed to:

Commandant of the Marine Corps (Code MS)
Headquarters, U. S. Marine Corps
Washington, D C 20380
Telephone: Area Code 202-694-3143

Correspondence should contain the full name, social security number and signature of the requester. The individual may visit the above location for review of files. Proof of identification may consist of the active, reserve, retired or dependent identification card, the Armed Forces Report of Transfer or Discharge (DD-214), discharge certificate, driver's license, social security card, or by providing such other data sufficient to ensure the individual is the subject of the inquiry.

Record access procedures:

Information may be obtained from:

Commandant of the Marine Corps (Code MS)
Henderson Hall, Building No. 4, Room 109A
Arlington, Virginia 22214
Telephone: Area Code 202-694-3143

Contesting record procedures:

The agency's rules for access to files and for contesting and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Marine Corps Manpower Management System
Joint Uniform Military Pay System
Marine Corps Military Personnel Records System
Marine Corps Deserter Inquiry File
Staff agencies and subdivisions of Headquarters, U. S. Marine Corps
Marine Corps commands and organizations
Other agencies of federal, state, and local governments
Educational institutions
Medical reports and psychiatric evaluations
Financial institutions and other commercial enterprises
Civil courts and law enforcement agencies
Correspondence and telephone calls from private citizens initiated directly to the Marine Corps or via the U. S. Congress and other agencies.
Investigative reports
American Red Cross and similar welfare agencies
Veterans' Administration

Systems exempted from certain provisions of the act:

None

MMN00011

System name:

Source Data Automated Fitness Report System (SDAFRS)

System location:

Personnel Management Division, Manpower Department, Headquarters, U S Marine Corps, Washington, D C 20380

Categories of individuals covered by the system:

Former, present and future U S Marine Corps active duty and organized Reserve Commissioned and Non-Commissioned Officers in the rank of Sergeant and above.

Categories of records in the system:

System contains automated records created through optical scan of Marine Corps Fitness Reports, which are evaluations of duties performed and the manner of such performance. Fitness reports represent a comprehensive portrayal of the professional qualifications, personal traits and characteristics and individual potential. Fitness reports include narrative comments, numerical grading and comparison with those peers rated by the commanding officer or other reporting senior of the individual addressed. Fitness reports contain personal identification such as name, rank, social security number, location and number of dependents, etc. in addition to individual evaluation data.

Authority for maintenance of the system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Headquarters, U S Marine Corps - By officials and employees of the Marine Corps in the performance of their official duties related to the management of Marine Corps personnel through screening and selection of individuals for promotion, duty assignment, career counseling and the administration of the personnel management system.

Marine Corps Commands -To allow commanders to identify skills and experience of Marines due to report for duty with the commands during the forthcoming fiscal year.

Department of Defense and its Components - By officials and employees of the Department in the performance of their official duties in connection with military personnel management, appeals and litigations related thereto.

The Attorney General of the U S - By officials and employees of the Office of the Attorney General in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or as carried out as the legal representative of the Executive Branch agencies.

Courts - By officials of duly established local, state and federal courts as a result of court order pertaining to matters properly within the purview of said court.

Congress of the U S - By the Senate or the House of Representatives of the U S or any committee or subcommittee thereof, any joint committee of Congress or subcommittee of Joint committee on matters within their jurisdiction requiring disclosure of the files of the fitness report system.

The Comptroller General of the U S - By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps Manpower Management System.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper original of fitness report is exposed to SDAFRS scanning and then transferred to the personnel file jacket of the individual concerned and stored within the Marine Corps Military Personnel Records Sysem.

Automated records are stored on magnetic tape

Retrievability:

Paper original of fitness report is accessed by a combination of last name and social security number.

Automated records (magnetic tapes) are accessed by social security number.

Safeguards:

Building housing computer employs 24 hour security guards. Access to terminal is limited to authorized personnel on a need- to-know basis. Distribution of printouts of information from the system is restricted to authorized persons in the performance of their assigned duties and destroyed after use.

Retention and disposal:

Records, both paper and tape, are permanent. Paper records are stored in the Marine Corps Military Personnel Records System. Tape records are removed from the active file to a historical file for retention according to appropriate magnetic record retention policies.

System manager(s) and address:

The Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20380

Notification procedure:

Information may be obtained from:

The Commandant of the Marine Corps (Code MM)
Headquarters, U S Marine Corps
Washington, D C 20380
Telephone: Area Code 202/694-3122

Record access procedures:

Requests from individuals should be addressed to: Commandant of the Marine Corps (Code MM), Headquarters, U S Marine Corps, Washington, D. C. 20380

Written requests for information should contain the individual's name, social security number, signature and the dates covered by the report(s) in question.

Personal visits may be made to Manpower Department, Headquarters, U S Marine Corps, Federal Office Building #2, Washington, D C 20380. For personal visits the individual should be able to provide personal identification to include valid military identification or two valid civilian items of identification such as driver's license, social security card, medicare card, etc.

Contesting record procedures:

The Marine Corps rules for contesting contents and appealing initial determinations may be obtained from the Commandant of the Marine Corps (Code M), Headquarters, U S Marine Corps, Washington, D C 20380

Record source categories:

Each officer and noncommissioned officer in the rank of sergeant and above provides the personal information on the fitness report form. The form is then submitted to the commanding officer or immediate superior (reporting senior) for completion of the evaluation portion of the form and fowarding to Headquarters, U S Marine Corps, Washington, D C 20380

Systems exempted from certain provisions of the act:

None

MMN00013

System name:

Personnel Management Working Files

System location:

All Marine Corps activities.

Categories of individuals covered by the system:

Members of the U S Marine Corps and Marine Corps Reserve; former members of the Marine Corps and Marine Corps Reserve; retired and temporarily retired members of the Marine Corps and Marine Corps Reserve; members of the Fleet Marine Corps Reserve; and applicants for entry into the Marine Corps or Marine Corps Reserve.

Military personnel, federal employees, and dependents who apply through the Marine Corps for no-fee passports for official travel to countries requiring a passport.

Dependents of Marines and other family members with respect to matters pertaining to the individual Marine, former Marine or applicant.

Members of other services assigned to or serving with the Marine Corps.

Categories of records in the system:

File contains informaton pertaining to identification, recruitment, enlistment, commissioning, prior service, reenlistment or extension of enlistment, lateral occupational movement, civilian employment, letters of reference, education, training, career counselling, religious preference as provided by the individual, qualifications, intelligence and aptitude testing, classification, assignment, location addresses, promotions, reductions in rank, proficiency, conduct, performance of duty, discipline, offenses and punishments under the Uniform Code of Military Conduct, courts-martial, personal history, investigations, security clearances, police and court records, civil arrests and convictions, birth and marriage certificates, divorce and other decrees, financial responsibility and letters of indebtedness, marital status, dependents, families' citizenships, passports and visas, travel and travel orders, leave records, transportation of dependents and household goods, pay records, claims against the government, decorations and awards, commendations, medical records to include psychiatric evaluations, disability proceedings, separation and retirement, official correspondence (includes internal Marine Corps and Department of the Navy correspondence, as well as correspondence with the Executive, Legislative, and Judicial Branches of federal, state and local government) and other correspondence (includes correspondence from Marines, their dependents and families, attorneys, doctors, educators,

clergymen and members of the general public whether addressed directly to the Marine Corps or via third parties, (president, congressmen, etc.), personnel who apply to express a grievance through personal interviews with the Commanding General via the chains of command as authorized by Article 1107.1, U S Navy Regulations (Request Mast), personal counselling.)

Authority for maintenance of the system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Headquarters, U S Marine Corps - To facilitate personnel management actions and decisions related to recruitment, enlistment, commissioning, testing, training, classification, assignment, transfer (including humanitarian), travel order issuance, passport application, promotion, reenlistment, retention on active duty, augmentation from reserve to regular status, recovery of absentees and deserters, investigations, correction of records, dependency status, disability proceedings, separation (including hardship discharge), transfer to the Fleet Marine Corps Reserve and retirement.

Marine Corps commands, organizations, districts, and units - By officials and employees of the Marine Corps in the execution of their official duties related to personnel management actions and decisions in support of pursuit of actions cited above. Such actions can include administration of requests, appeals, grievances, discipline and litigations; administration of benefits and entitlements; management and administration of retirement and veteran's affairs programs; responses to inquiries and correspondence; and the counseling of individual Marines regarding such matters as their performance records, career opportunites and personal concerns.

Department of Defense and its Components - By officials and employees of the Department in the performance of their official duties in connection with military personnel management, appeals and litigations related thereto.

The Attorney General of the U S - By officials and employees of the Office of the Attorney General in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or as carried out as the legal representative of the Executive Branch agencies.

Courts - By officials of duly established local, state and federal courts as a result of court orders pertaining to matters properly within the purview of said court.

Congress of the U S - By the Senate or the House of Representatives of the U S or any committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files of the system.

The Comptroller General of the U S - By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps Manpower Management System.

To provide information to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States which has been authorized by law to conduct law enforcement activities pursuant to a request that the agency or instrumentality initiate criminal or civil action against an individual on behalf of the U S Marine Corps, the Department of the Navy, or the Department of Defense.

To provide information to individuals pursuant to a request for assistance in a criminal or civil action against a member of the U S Marine Corps, by the U S Marine Corps, the Department of the Navy, or the Department of Defense.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper files as represented by card files, strip files, microfiche computer printouts from the Manpower Management System or the Joint Uniform Military Pay System and file folders. Files are stored in filing cabinets, on shelves and on tables in controlled access areas.

Retrievability:

Files are accessed and retrieved by subject and by the name and social security number.

Safeguards:

In compliance with the specified requirements for security of FOUO material.

Retention and disposal:

Files are retained for differing lengths of time, depending upon the purpose of the information contained therein. Promotion data is retained three years, then transferred to Historical Division, Headquarters, U S Marine Corps. Passport data is retained six years, then destroyed. Enlisted assignment data is retained two years, then destroyed. Certain officer assignment data is destroyed when the officer is released from active duty. Disability retirement data is retained two years from the date of removal of the individual from the Temporarily Disability Retirement List, then destroyed. Retirement correspondence is retained for one year following individual's retirement. Retirement files are retained until the individual's death. Personal counselling records are maintained one year, career counselling records are maintained within the individual's official records. All other files are retained three years, then destroyed.

System manager(s) and address:

Local commanding officer.

Notification procedure:

Information may be obtained from the Commandant of the Marine Corps (Code MM), Headquarters, U S Marine Corps, Washington, D C 20380, the current command, the last duty station, or applicable activity.

Additional information concerning personnel assigned to Occupational Field 55 (Band) may be obtained from the Commandant of the Marine Corps (Code MPC), Headquarters, U. S. Marine Corps, Washington, D. C. 20380 Telephone: Area Code 202/694-4154.

Record access procedures:

Requests from individual's may be addressed to the Commandant of the Marine Corps (Code MM), Headquarters, U S Marine Corps, Washington, D C , the current command or last duty station.

Written requests for information should contain the full name of the individual and his social security number or former military service number. The following information will also be helpful in locating some records: military rank and occupational specialty, dates and places of service, and any special correspondence previously received or sent.

For personal visits, the individual may visit the Personnel Management Division, Headquarters, U S Marine Corps, Federal Office Building #2, Washington, D C 20380 or Marine Corps commands and districts.

For personal visits, the individual should be able to provide personal identification to include valid military or dependent identification card or two valid civilian items of identification such as driver's license, social security card, medicare card, etc.

Contesting record procedures:

The Marine Corps rules for contesting contents and appealing initial determinations may be obtained from Commandant of the the Marine Corps (Code M), Headquarters, U S Marine Corps, Washington, D C 20380

Record source categories:

Information in the system is obtained from the Marine Corps Manpower Management System; the Joint Uniform Military Pay System; Marine Corps Military Personnel Records to include the Service Record Book and Officer Qualification Record; Military Medical Records; Marine Corps Deserter Inquiry File; staff elements and subdivisions of Headquarters, U S Marine Corps; Marine Corps field commands, organizations, and activities; other components of the Department of Defense; agencies of federal, state, and local government, to include: civil courts and law enforcement, previous employers; financial institutions and commercial enterprises; educational institutions; private citizens provided as character references by the individual; investigations related to disciplinary proceedings; and correspondence of private citizens addressed directly to the Marine Corps or via third parties such as members of Congress and other governmental agencies.

Systems exempted from certain provisions of the act:

NONE

MMN00014

System name:

Work Measurement Labor Distribution Cards

System location:

All Marine Corps activities

Categories of individuals covered by the system:

Marine Corps employees, civilian, military and occasional summer hires funded by state and local programs

Categories of records in the system:

Labor distribution cards which have been prepared by either the concerned individual or the supervisor to record the number of hours worked, the number of units produced by the employee, the function of the employee during that time, and the job number of the job. Also, the system contains summarizations of said card and computer input and output relative to said card.

Authority for maintenance of the system:

Title 10, U. S. Code 124; 133

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To provide an input data base for daily labor on all individuals assigned to work organizations designated as part of the work measurement labor distribution system or to provide a data base for systems implementation testing.

Work Section Supervisors - Compiled reports by individual are prepared for the work section supervisor who verifies that each of the assigned employees either reported the required number of hours or entered appropriate corrections.

Work Measurement System - Integrates the data by individual to prepare productivity reports, statistical costs and budget workload information which is used primarily for local reports and to provide data for manpower requirements programs, both locally and at Headquarters, U. S. Marine Corps.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Labor distribution cards are processed to capture the source data. The input cards are then filed in nonsequential order pending completion of the report cycle. Punch cards or their successor equivalent will be input into a computer program to prepare the work center list by individual.

Punch cards may be summarized on noncomputerized lists by individual. Such lists may be kept by the employees' supervisor.

Retrievability:

The information identified by individual is available only from the lists maintained by the work center supervisor within one year of the work week in question.

Safeguards:

The alphabetical listings are maintained by each work center supervisor.

Retention and disposal:

Lists are destroyed one year after the subject work week.

System manager(s) and address:

Commanding officer of activity.

Notification procedure:

Information may be obtain from the SYSMANAGER.

Record access procedures:

Written requests from individuals should be addressed to the SYSMANAGER. Requests should include name of employee, work center number, and work week for which data is requested. Personal visits and telephone calls should be made directly to the employee's work center supervisor.

Contesting record procedures:

The information on the list is only that which was submitted by the employee and should be corrected during the work month. After that time, the manhours are entered on local and Headquarters reports and no corrective action is possible.

Record source categories:

No particular format required for request.

Systems exempted from certain provisions of the act:

None.

MMN00016

System name:

Accident and Injury Reporting System

System location:

Organizational elements of the U S Marine Corps as listed in the Directory of the Department of the Navy Activities.

Categories of individuals covered by the system:

Military or civilian employees who are involved in accidents which result in lost time, government or private property damage or destruction and personnel injury or death.

Categories of records in the system:

Name, rank, social security number, type of accident, degree of injury, days lost, date of injury, date returned to work, date and time of death (if a fatality), and all other factors concerning such accidents and injuries.

Reports include consolidated accident injury report, accident injury report, and report of motor vehicle accident.

Authority for maintenance of the system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Providing reporting information to higher headquarters in the computation of accident injury rates, consolidated accident report by separate category, motor vehicle accident-injury rates.

For utilization in the establishment of safety program, identification of unsafe working conditions and such other areas which prove a danger to personnel and/or property.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folder, card files, punched cards, magnetic tape, and display boards

Retrievability:

Name, SSN

Safeguards:

Access provided on a need-to-know basis only. Locked and/or guarded office.

Retention and disposal:

Five years - disposal per SECNAV Records Disposal Manual.

System manager(s) and address:

Commanding Officer of the activity in question. See Directory of Department of the Navy Mailing Addresses.

Notification procedure:

Apply to SYSMANAGER.

Record access procedures:

The agency's rules for access to records may be obtained from the SYSMANAGER.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Individual concerned, military police traffic accident investigation reports, accident injury reports, other records of the activity, witness, and other correspondents.

Systems exempted from certain provisions of the act:

None

MMN00017

System name:

Armory Access and Individual Weapons Assignments

System location:

Organizational elements of the U S Marine Corps as listed in the Directory of Department of the Navy Activities.

Categories of individuals covered by the system:

All personnel assigned government weapons.

All personnel authorized access to individual armories.

Categories of records in the system:

Records depict name of individual, type of weapon assigned, serial number of that weapon, accessories in the individual's possession, condition of the weapon and accessories, and individual's signature acknowledging receipt.

Name, rank, social security number of personnel authorized access to individual armories.

Authority for maintenance of the system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Weapons accountability, management and control of all U S Government weapons/accessories issued to personnel.

Control of personnel authorized access to armory spaces in the official execution of their duties.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders, cards, punched cards, magnetic tapes.

Retrievability:

Records retained by name or weapons serial numbers.

Safeguards:

Access rosters and personnel weapons assignments are provided on a need-to-know basis only. Locked and/or guarded office.

Retention and disposal:

As established by SYSMANAGER per SECNAV Records Disposal Manual.

System manager(s) and address:

Commanding Officer of the activity in question. See Directory of Department of the Navy Mailing Addresses.

Notification procedure:

Apply to SYSMANAGER.

Record access procedures:

The agency's rules for access to records may be obtained from the SYSMANAGER.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Individual concerned, other records of the activity.

Systems exempted from certain provisions of the act:

None

MMN00018

System name:

Base Security Incident Reporting System

System location:

Organizational elements of the U S Marine Corps as listed in the Directory of the Department of the Navy Activities.

Categories of individuals covered by the system:

Individual involved in or witnessing or reporting incidents requiring the attention of base security or law enforcement personnel.

Categories of records in the system:

Incident/complaint reports; witness statements; stolen property reports; military police investigator's report; military police motor vehicle accident and injury report; military police alert cards; military police property custody forms, tags, and disposition of evidence letters; military police field interview cards; military police desk blotter; use of force reports; traffic violation records; driving record reports; traffic court files; citations to appear before U S Magistrate; criminal investigation reports; civil court case records; minor offense report; uniform violation report; narcotics reports; polygraphy examinations; letters of warning/eviction from base housing; letters of warning/barring from federal reservation; Armed Forces police reports; suspect photographic files; child abuse files; juvenile case files; valuable property receipt; vehicle impound files and vehicle towing reports; suspension of driving privileges and revocation letters; assignment to absentee/deserter escort duty; informant list; Master Crime index card; evidence record file; military police log/journal; breathalyzer report; criminal investigation file; and any other such report received by military police personnel in the official execution of their duties.

Authority for maintenance of the system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

For law enforcement purposes by duly authorized personnel of the U S Marine Corps, Department of Defense and its related components, representatives of the U S Congress or any committee or subcommittee thereof on matters within their jurisdiction requiring disclosure of such files, or officials of federal investigative agencies in the performance of their official duties.

Provide evidence in uniform court of military justice and Title 18, U S Code 1382 proceedings and such related criminal investigations as are required.

Provide to local, state, and federal investigative agencies or court officials such information that properly falls within their purview requiring further investigation or court action.

Used by command legal personnel in the prosecution of military offenses and other administrative actions.

Support insurance claims and civil litigation.

Provide basis for revocation of base driving privileges.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders, card files, punched cards, metal filing cabinets, magnetic tapes.

Retrievability:

Name, Social security number, case number, organization

Safeguards:

Access provided on a need-to-know basis only. Locked and/or guarded office.

Retention and disposal:

As established by SYSMANAGER per SECNAV Records Disposal Manual.

System manager(s) and address:

Commanding Officer of the activity in question. See Directory of Department of the Navy Mailing Addresses.

Notification procedure:

Apply to SYSMANAGER.

Record access procedures:

The agency's rules for access to records may be obtained from the SYSMANAGER

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Individual concerned, other records of the activity, investigators, witnesses, correspondents.

Systems exempted from certain provisions of the act:

Parts of this system may be exempt under Title 5, U S Code 552 a (J) (2) as applicable, for additional information, contact the SYSMANGER.

MMN00019

System name:

Drug/Alcohol Abuse Reporting Program

System location:

Primary System - Headquarters, U. S. Marine Corps, Washington, D. C. 20380. Decentralized Segments - Navy Drug rehabilitation Centers, Navy and Marine Corps Counseling and Assistance Centers, Navy Regional Medical Centers, Navy Alcohol Rehabilitation Drydocks, Naval Health Research Center, Navy Correction centers and local activities to which an individual is assigned. (See Directory of Department of the Navy Mailing Addresses).

Categories of individuals covered by the system:

All military personnel who have been tested for, identified, evaluated, apprehended, or rehabilitated for drug or alcohol abuse or who have been granted drug abuse exemption; or who are seeking assistance in drug or alcohol abuse programs.

All military personnel who have been granted drug abuse exemption.

All military personnel who are seeking assistance in drug or alcohol abuse programs.

Categories of records in the system:

Drug abuse identification/rehabilitation statistical reports, alcohol abuse identification/rehabilitation statistical reports, grant of drug exemption report, request for disposition on drug dependent personnel, grant of exemption/ rehabilitation case file to include medical evaluations, counselor evaluations, monthly progress reports, alcoholism education roster, and such correspondence or messages sent or sent by SYSMANAGER pertaining to the individual concerned. Urinanalysis specimen control register and military police drug/alcohol related offense reports.

Authority for maintenance of the system:

Title V, P.L. 92-129; Section 413, P.L. 92-255.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Blanket 'routine uses' identified in the annual republication of Marine Corps systems or records in the Federal Register do not apply to this system of records.

Records of identity, diagnosis, prognosis, or treatment of any client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided therein, be confidential and disclosed only for the purposes and under the circum- stances expressly authorized in Title 21, U.S.C., Section 1175, as amended by 88 Stat. 137, and Title 42 U.S.C., Section 4582, as amended by 88 Stat. 131. These statutes take precedence over the Privacy Act of 1974, in regard to accessibility of such records except to the individual to whom the record pertains.

To authorized personnel of the Marine Corps who in the official execution of their duties require such information in order to manage the drug/alcohol abuse programs.

Within the Armed Forces or within those components of the Veterans Administration furnishing health care to veterans or between such components and the Armed Forces.

To medical personnel outside the Armed Forces to the extent necessary to meet a bona fide medical emergency.

To Government personnel for the purpose of obtaining benefits to which the patient is entitled.

To qualified personnel for the prupose of conducting scientific research, management or financial audits, or program evaluation, but such personnel may not identify, directly or indirectly, any individual patient in any report of such research, audit or evaluation, or otherwise disclose identities in any manner.

To a court of competent jurisdiction upon authorization by an appropriate order after showing good cause therefore. In assessing good cause, the court shall weigh the public interest and the need for disclosure against the injury to the patient, to the physician-patient relationship, and to the treatment services. Upon the grantin of such order, the court, in determining the extent to which any disclosure of all or any part of any record is necessary, shall impose appropriate safeguards against unauthorized disclosure.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders, card files, punched cards, magnetic tapes.

Retrievability:

Name, social security number, case number. When names and social security numbers are removed, data is aggregated for use in research, management information, and planning.

Safeguards:

Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained.

Retention and disposal:

Paper files are maintained for two years, then destroyed. Records stored on magnetic tapes are maintained indefinitely.

System manager(s) and address:

Commandant of the Marine Corps, (Code MPH), Headquarters, U. S. Marine Corps, Washington, D. C. 20380.

Notification procedure:

Written requests should be addressed to the Commandant of the Marine Corps (Code MPH), Headquarters, U. S. Marine Corps, Washington, D. C. 20380. Requests must contain full name, social security number, military status, address and signature of requester. (Those inquiring about records at Confinement Centers must have their signature notarized, if not confined at time of request.) Individuals may visit the Commandant of the Marine Corps, (Code MPH), located in the Arlington Annex (FOB-2), Columbia Pike and Arlington Ridge Road, Arlington, VA, for assistance with records at that location; individuals may also visit local activities concerned (See Directory of Department of the Navy Mailing Addresses). Individuals must provide proof of identification such as military identification card, driver's license, or other picture-bearing identification.

Record access procedures:

Rules for access may be obtained from the SYSMANAGER.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER .

Record source categories:

Individual concerned, other records of the activity, medical personnel, military police or other correspondences.

Systems exempted from certain provisions of the act:

None.

MMN00020

System name:

Pet Registration

System location:

Organizational elements of the U S Marine Corps as listed in the Directory of Department of the Navy Activities.

Categories of individuals covered by the system:

Owners of pets residing on Naval reservations.
Owners of pets in quarantine as the result of biting complaints
Owners of pets whose pet is subject of nuisance complaints

Categories of records in the system:

Owners name, social security number, address and description of pet, tag number, vaccination and registration information.
Record of complaints for vicious animals or bites.
Record of complaints for nuisance pets

Authority for maintenance of the system:

Title 5, U S Code 301; Departmental Regulations, Federal, State, and Local Regulations, as applicable.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To provide for registration of pets to ensure appropriate innoculations in compliance with federal, state, and local laws.

Assist in the identification of rightful owners.

Identity dangerous pets and provide for quarantine of those animals suspected of biting.

Identify those pets which pose a nuisance to others and/or a health or safety hazard.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders, card files, punched cards, magnetic tapes.

Retrievability:

Name, social security number, case number

Safeguards:

Access provided on a need-to-know basis only. Locked and/or guarded office.

Retention and disposal:

As established by SYSMANAGER per SECNAV Records Disposal Manual.

System manager(s) and address:

Commanding Officer of the activity in question. See Directory of Department of the Navy Mailing Addresses.

Notification procedure:

Apply to SYSMANAGER

Record access procedures:

The agency's rules for access to records may be obtained from the SYSMANAGER.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Veterinary records and statements provided by pet owners, bit victims, military police, animal shelter, hospital personnel.

Systems exempted from certain provisions of the act:

None

MMN00021

System name:

Weapons Registration

System location:

Organizational elements of the U S Marine Corps as listed in the Directory of Department of the Navy Activities.

Categories of individuals covered by the system:

All individuals, military or civilian, registered firearms or other weapons with Provost Marshal.

All individuals who purchase a firearm or weapon at authorized exchange activities.

Any individual who resides in government quarters who possesses privately owned firearms.

Categories of records in the system:

Weapon registration cards, weapon permit cards, notification to commanding officers of failure to register a firearm purchased at authorized exchanges, exchange notification or firearm purchase. Such records showing name, rank, social security number, organization, physical location of subject weapon, weapon description and such other identifiable items required to comply with all federal state, and local weapons registration ordinances.

Authority for maintenance of the system:

Title 5, U S Code 301; Departmental regulations; federal, state and local regulations as applicable.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To assure proper control of all firearms/weapons introduced onboard Naval reservations and to monitor the purchase and disposition of firearms/weapons onboard Naval reservations/Marine Corps installations.

To provide local, state, and federal law enforcement officials information as required in their execution of official duties.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders, card files, punched cards, magnetic tapes.

Retrievability:

Name, social security number, organization, caliber and gage of weapon

Safeguards:

Access provided on a need-to-know basis only. Locked and/or guarded offices.

Retention and disposal:

As established by SYSMANAGER per SECNAV Records Disposal Manual.

System manager(s) and address:

Commanding Officer of the activity in question. See Directory of Department of the Navy Mailing Addresses.

Notification procedure:

Apply to SYSMANAGER.

Record access procedures:

The agency's rules for access to records may be obtained from the SYSMANAGER.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Individual concerned, other records of activity, investigators, witnesses and correspondents.

Systems exempted from certain provisions of the act:

None

MMN00022

System name:

Vehicle Control System

System location:

Organizational elements of the U S Marine Corps as listed in the Directory of Department of the Navy Activities.

Categories of individuals covered by the system:

All individuals that have motor vehicles, boats, or trailers registered at a particular Naval installation on either a permanent or temporary basis.

All individuals who apply for a Government Motor Vehicle Operator's license.

All individuals who possess a Government Motor Vehicle Operator's license with authority to operate government motor vehicles.

Categories of records in the system:

File contains records of each individual who has registered a vehicle on the installation concerned to include decal data, insurance information, state of registration and identification. File also contains notations of traffic violations, citations, suspensions, applications for government vehicle operator's I.D. card, operator qualifications and record licensing examination and performance, record of failures to qualify for Government Motor Vehicle Operator's permit, record of government motor vehicle and other vehicle accidents, information on student driver training, and identification for parking control.

Records of traffic violations, citations and suspensions

For government motor vehicle operators: Application for vehicle operator's I D card: Operator qualifications and record of licensing examination and performance, record of failures Government Motor Vehicle Operator's permit, record of issue of SF-46, Record of Government Motor Vehicle accidents, standard Form 91 accident report, record of SF46 suspensions/ revocations, record of MOJT student driver's training.

Identification of parking control

Authority for maintenance of the system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Internal:

Headquarters, U. S. Marine Corps commands, activities and organizations - for car pool locator service, vehicle registration, parking control, insurance information, verification and identification of vehicles. Records aon official government drivers relating to their ability to operate a motor vehicle are used to manage a safe and responsive motor transport organization. Certain information is used to conduct accident prevention programs, revoke or suspend government motor vehicle permits and in disciplinary proceedings.

To provide records on individual government drivers as it relates to their ability in operating a motor vehicle in order for official personnel to manage a safe and responsive motor transport organization. Such information used in conducting accident prevention programs, changing occupations and revoking or suspending government motor vehicle permits, disciplinary proceedings.

To assist federal, state, and local law enforcement agencies in the official execution of their duties when disclosure of such records is warranted.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders, card files, punched cards, magnetic tapes.

Retrievability:

Name, social security number, case number, organization, decal number, state license plate number, vehicle description.

Safeguards:

Records are maintained in areas accessible only to authorized personnel. Areas are locked during nonduty hours and buildings are protected by security guards.

Retention and disposal:

Records are maintained for one year after transfer or separation from the installation concerned. p aper records are then destroyed and records on magnetic tapes are erased.

System manager(s) and address:

Commanding Officer of the activity in question. See Directory of Department of the Navy Mailing Addresses.

Notification procedure:

Information may be obtained from the system manager. written requests should contain full name and social security number. individuals visiting the installation concerned should provide proper identification such as military identification, driver's license or other suitable identification.

Record access procedures:

Requests for acess should be addressed to the system manager. written requests should contain full name and social security number. 2individuals visiting the installation should provide proper identification.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Individual concerned, other records of the activity, investigators, witnesses, correspondents.

Systems exempted from certain provisions of the act:

None.

MMN00023

System name:

Prisoner Records

System location:

Organizational elements of the U S Marine Corps as listed in the Directory of Department of the Navy Activities.

Categories of individuals covered by the system:

All military personnel who are confined in a detailed, adjudged or sentenced status.

Categories of records in the system:

Information contained in the Manpower Management System data base, personal history to include civilian and military legal status, confinement progress reports and medical related information. Such other records as: Prisoner Conduct Record, Prisoner Confinement and Release Order, Prisoner Request for Restoration or Clemency, Prisoner Waiver of Restoration or Clemency, Court Martial Progress Report, Prisoner Identification Badge, Prisoner Data Card, Work and Training Report, Mail and Visiting List, Segregation Data Card, Prisoner Refusal to Eat Report, Prisoner Initial Contact Sheet, Prisoner Personal History, Prisoner Spot Evaluation Report, Counselor Continuation Sheet, Disciplinary Report, Prisoner Request Form, Prisoner Request for Funds Form, Prisoner Request for Pastoral Counseling, Prisoner Visiting Officer Form, Telephone and/or Visit Authorization Form, Receipt for Deposit Form, Prisoner Credit

Chit, Prisoner Identification Form, Clothing/Health and Comfort Inventory Form, Work Program Request, Library Card, Psychiatric Evaluation and Medical Reports.

Authority for maintenance of the system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Internal:

Headquarters, U. S. Marine Corps, Marine Corps Commands, activities, and organizations -

To provide an all inclusive file on each individual prisoner to assist facility staff personnel in the evaluation, assignment to programs, assignment of custodial classification, providing psychiatric and medical treatment, provide a proper mixture of individual and group counseling, in the preparation of the prisoner for offense free military service or to prepare him for his future adjustment to civilian life. Routinely used by local correctional personnel in the day-to-day management of prisoners within established programs, by medical personnel, local commanders and higher headquarters in the management and implementation of correctional programs.

Department of Defense and its components - By officials and employees of the Department of Defense in the performance of their official duties.

External:

Congress of the U S - By the Senate or House of Representatives of the U S or any committee or subcommittee thereof on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U S - By the Comptroller General or any of his authorized representatives in the course of the performance of the duties of the General Accounting Office relating to the Marine Corps.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders, card files, punched cards, magnetic tapes.

Retrievability:

Name, social security number, case number, organization.

Safeguards:

Records are maintained in areas accessible only to authorized personnel. Areas are locked during nonduty hours and buildings are protected by security guards.

Retention and disposal:

Records are maintained at varying lengths of time. Paper records are destroyed at the end of the appropriate retention period and magnetic tapes are erased.

System manager(s) and address:

Commanding Officer of the activity in question. See Directory of Department of the Navy Mailing Addresses.

Notification procedure:

Information may be obtained from the system manager. Written requests should contain full name and social security number. Individuals visiting the installation concerned should provide proper identification such as military identification, driver's license or other suitable identification.

Record access procedures:

Requests for access should be addressed to the system manager. Written requests should contain full name and social security number. Individuals visiting the installation concerned should provide proper identification.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Individual concerned, other records of the activity, investigators, witnesses, correspondents.

Systems exempted from certain provisions of the act:

None.

MMN00027

System name:

Marine Corps Military Personnel Records Access Files

System location:

The Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20380

Categories of individuals covered by the system:

All officials and employees of the Department of Defense authorized to draw Marine Corps military personnel records and, except for agents of Secret Service, Federal Bureau of Investigation and Naval Investigative Service which agents are granted access by presentation of credentials, all designated, justified and approved law enforcement/investigative personnel of other Federal agencies permitted access to Marine Corps military personnel records at Headquarters, U S Marine Corps only.

Categories of records in the system:

Authorization cards submitted by officials of HQMC and DOD granting individual authority to order Headquarters, U. S Marine Corps official military personnel records.

Authority for maintenance of the system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Officials and employees of Headquarters, U S Marine Corps. For controlling, monitoring and for providing a ready reference to personnel authorized to draw and/or review Marine Corps military personnel records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Looseleaf Binder and Card Index Files

Retrievability:

Alphabetical and by Agency

Safeguards:

Building employs security guards.

Retention and disposal:

Destroyed upon cancellation of access authorization.

System manager(s) and address:

Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20380

Notification procedure:

Request by correspondence should be addressed to the Commandant of the Marine Corps (Code MSRB), Headquarters, U S Marine Corps, Washington, D C 20380. The letter should contain the full name, social security number and signature of the requester.

The individual may visit Headquarters, U S Marine Corps, Washington, D C., Room 1206. Proof of identification may consist of his active, reserve or retired identification card, his Armed Forces Report of Transfer or Discharge (DD214), his discharge certificate, his driver's license or by providing such other data sufficient to insure that the individual is the subject of the inquiry.

Record access procedures:

Information may be obtained from:
Commandant of the Marine Corps
Headquarters, U S Marine Corps (Code MSRB)
Washington, D C 20380
Telephone Area Code 202/694-1043

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Staff agencies and subdivisions of Headquarters, U S Marine Corps.

Other staff agencies of the Department of Defense.

Law enforcement/investigative divisions of other Federal agencies.

Systems exempted from certain provisions of the act:

None

MMN00032

System name:

Personal History Card File

System location:

Provost Marshal's Office, Marine Corps Base, Camp Lejeune, North Carolina 28542.

Categories of individuals covered by the system:

All individuals, both military and civilian, employed aboard Marine Corps Base, Camp Lejeune, North Carolina.

Categories of records in the system:

Personal History Card (MCBul 12290). Contains personal identifying information and where employed.

Authority for maintenance of the system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by officials and employees of Marine Corps and Navy Commands, activities, and organizations in connection with their assigned duties. To provide a rapid locator of employees at their work site for law enforcement purposes. Also used to issue Civilian Identification Cards to employees.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records filed in metal card trays.

Retrievability:

Filed alphabetically by name.

Safeguards:

Records are maintained in a secure area accessible only to authorized personnel. The File Room is under constant surveillance during working hours and is locked after working hours.

Retention and disposal:

Records are retained until the card expires, then destroyed by burning.

System manager(s) and address:

Commanding General (Attn: Provost Marshal), Marine Corps Base, Camp Lejeune, North Carolina 28542. Telephone: Area Code 919/451-2455.

Notification procedure:

Inquiries by individuals will be answered upon satisfactory identification of the requester to the SYSMANAGER

Record access procedures:

Rules for access may be obtained from the SYSMANAGER.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individuals concerned may be obtained from the SYSMANAGER .

Record source categories:

Military and civilian personnel employed aboard Marine Corps Base, Camp Lejeune, North Carolina; Provost Marshal administrative personnel.

Systems exempted from certain provisions of the act:

None

MMN00034

System name:

Personnel Procurement Working Files

System location:

Headquarters, U S Marine Corps
Personnel Procurement Branch, Marine Corps Districts
Recruiting Stations
Officer Selection Offices
Organized Marine Corps Reserve units
U S Marine Corps recruiting substations
Inspector-Instructor staffs

Categories of individuals covered by the system:

Civilians and prior service individuals who are prospective applicants for enlistment in the Marine Corps, Marine Corps Reserve or a Marine Officer program, individuals on which a written waiver for enlistment has been requested; Platoon Leader Class Candidates receiving financial assistance while attending college; all individuals applying for various officer programs; Marine Corps Reserve enlistees who are serving on their 6 months active duty prior to return to Organized Marine Corps Reserve unit maintaining their record; Personnel enlisted in the Marine Corps Reserve assigned to a formal school upon enlistment; Secondary school students who participated in the Marine Corps Youth Physical Fitness meet held annually in Washington, D C , and the coach fielding each team; Any individual recommended for enlistment in the Marine Corps by a recruiting officer even though the applicant does not meet the enlistment requirements set forth in current guidance as set forth by the Commandant of the Marine Corps.

Categories of records in the system:

All files contain Name (Last, First, Middle, (maiden, if any), Jr., Sr.), social security number, home of record. Files relating specifically to enlistment or officer procurement contain citizenship, sex, race, ethnic group, present address, marital status, number of dependents, date of birth, religious preference, highest grade completed, selective service system data, foreign language and skill, driver's license information, mental and aptitude test results, medical examination result, delayed enlistment program information, accession data, educational experience, citizenship verification, history of prior military service, names of relatives to include date and place of birth, present address and citizenship, listing of commercial life insurance policies and number, relatives and alien friends living in foreign countries to include name and relationship, age, occupation, address and citizenship, all previous residences since 10th birthday, previous employment record to include company name and address, job title and supervisor's name, data concerning previous employment by foreign governments, prior membership in youth programs, history of foreign travel. Declarations from the individual concerning; previous rejection by the Armed Forces of the United States, conscientious objector status, previous deserter status, retired pay, disability allowance, or severence pay or a pension from the Government of the United States, status as an only child; understandings by the applicant; date of interview and name, organization, title of interviewer; history of prior use of drugs except as prescribed by a licensed physician; prior intentional sniffing of glue, hairspray or other chemical fumes; prior use, purchase, possession or sale of illegal or controlled drugs except as prescribed by a licensed physician; marital status and dependency; membership in groups for purpose of unlawful overthrow of the Government; history and record of involvement with police or judicial authorities; parental/guardian consent for enlistment; enlistment options; current income; whether own, buying, or renting present residence; outstanding debts to include total amounts and monthly payments; status of savings account and checking account; spouses' employment and monthly income; police checks; character references; record of prior service; court documents; marriage certificates; birth certificates; record of medical examination; record of medical history; medical consultations statement of personal history; divorce decrees; death certificates; photographs; high school diploma; college diploma; grade transcript; General Educational Development certificates of High School equivalency; sole surviving son statements; statement of understanding; wife's consent form; applications for General Educational Development certificates of High School equivalency. Files relating to Marine Corps Reserve personnel on active duty contain information pertaining to name, social security number, sex, unit of assignment, home of record, education, Armed Services Vocational Aptitude Battery Test scores, vision, military occupational specialty training information, Quota Serial Number, training authorized.

Authority for maintenance of the system:

Title 5, U. S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

By officials and employees of the Marine Corps in the execution of their official duties with regard to personnel procurement and problems which develop as a result thereof; maintained to assist recruiters and Officer Selection Officers in contacting possible applicants for the Marine Corps.

Officials and employees of the Naval Service and General Accounting Office in the execution of their official duties in relation to inspections, investigations, legal action.

Reserve Unit commander and administrative personnel, to monitor return of enlistee to unit and provide information on anticipated unit strength and status; To make available emergency data information.

Recruiting Station and Inspector-Instructor Staff Personnel in their assigned duties.

To provide Headquarters, U S Marine Corps information on those individuals attending the Marine Corps Youth Physical Fitness national championship.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folder. Records are maintained in areas accessible only to authorized personnel.

Retrievability:

Individuals listed in alphabetical order according to program.

Safeguards:

Access is limited to Reserve unit command, recruiting, and administrative personnel and law enforcement or Federal agents upon presentation of proper credentials.

After working hours the office and building are locked.

Retention and disposal:

Maintained for two years or until prospect, applicant, candidate or reservist changes status.

System manager(s) and address:

Commander of unit holding file.

Notification procedure:

Write or visit SYSMANAGER Provide full name, social security number, and military status. Proof of identity may be established by military identification card or DD-214 and driver's license.

Record access procedures:

The agency's rules for access to records may be obtained from the SYSMANAGER.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the Individual concerned may be obtained from the SYSMANAGER.

Record source categories:

High School Lists, DD 214's, Prospect interviews/Referrals, Local Newspapers, Youth Fitness programs, individual contacts, Marine Corps officials.

Systems exempted from certain provisions of the act:

None

MMN00035

System name:

Truth Teller/Static Listings

System location:

The Commandant of the Marine Corps
Headquarters, U S Marine Corps
Washington, D C 20380

Categories of individuals covered by the system:

All present and former members of the U S Marine Corps

Categories of records in the system:

The system comprises non-automated records of basic information (Name, Military Service Number/Social Security Number, Pay Entry Base Date, Home of Record (State and County) and Date of Birth) pertaining to all individuals who ever served in the U S Marine Corps.

Authority for maintenance of the system:

Title 10, U S Code Section 5201

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Officials and employees of Headquarters, U S Marine Corps for making necessary identification of members and former members of the U S Marine Corps in connection with official business and in response to inquiries received at the Headquarters.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File Folders, Binders and Microfilm Cartridges

Retrievability:

Name, Military Service Number and Social Security Number

Safeguards:

Records maintained in locked room. Building employs security guards.

Retention and disposal:

Permanent

System manager(s) and address:

Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20380

Notification procedure:

Request by correspondence should be addressed to the Commandant of the Marine Corps (Code MSRB), Headquarters, U S Marine Corps, Washington, D C 20380. The letter should contain the full name, social security number and signature of the requester.

The individual may visit Headquarters, U S Marine Corps, Columbia Pike and Arlington Ridge Road, Arlington, Virginia, room 1206. Proof of identification may consist of his active, reserve or retired identification card, his Armed Forces Report of Transfer or Discharge (DD214), his discharge certificate, his driver's license or by providing such other data sufficient to insure that the individual is the subject of the inquiry.

Record access procedures:

Information may be obtained from:
Commandant of the Marine Corps (Code MSRB)
Headquarters, U S Marine Corps
Washington, D C 20380
Telephone Area Code 202/694-1043

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Enlistment and Officer Acceptance Contracts

Systems exempted from certain provisions of the act:

None

MMN00036

System name:

Identification Card Control

System location:

All United States Marine Corps units.

Categories of individuals covered by the system:

Regular and Reserve Marines including retired and disability retired and their dependents who have been issued an Identification Card.

Categories of records in the system:

Log book contains name, rank, social security number, and card number, issue date, expiration date, signature of person card issued to and signature of issuing person.

Authority for maintenance of the system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To maintain accountability for serialized Identification Cards.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

These records are kept in a log book.

Retrievability:

By type card, chronologically by date also retrievable by name.

Safeguards:

The log books are stored in a locked container in a location which is locked after working hours. A guard is located in the general area.

Retention and disposal:

Two years from date of closing entry.

System manager(s) and address:

Unit Commanders.

Notification procedure:

Write or visit SYSMANAGER Provide full name, social security number, and military status. Proof of identity may be established by military identification card or DD 214 and driver's license.

Record access procedures:

The agency's rules for access to records may be obtained from the SYSMANAGER

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

Record source categories:

Officers Qualification Record/Service Record Book of individual application for dependents priviledge card, correspondence from Headquarters, U S Marine Corps.

Systems exempted from certain provisions of the act:

None

MMN00037

System name:

Library Patron File

System location:

System is decentralized - maintained at Marine Corps commands, organizations and activities having libraries.

Categories of individuals covered by the system:

All active, reserve and retired military personnel, their dependents, and others who are entitled to use and borrow material from Marine Corps libraries.

Categories of records in the system:

The library patron file may contain the following information pertinent to each individual: name; rank; social security number;

organization and organization address and phone number; home address and home phone number; names and ages of dependents; title of materials borrowed; date borrowed; date due; date returned; and notation of monetary settlement if borrowed material was lost or damaged.

Authority for maintenance of the system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Headquarters, U S Marine Corps and Marine Corps commands, activities and organizations - By officials and employees of the Marine Corps in connection with their assigned duties.

Department of Defense and it's Components - By officials and employees of the Department in the performance of their official duties.

The Attorney General of the U S - By officials and employees of the Office of the Attorney General in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or as carried out as the legal representative of the Executive Branch agencies.

Courts - By officials of duly established local, state and federal courts as a result of court order pertaining to matters properly within the purview of said court.

Congress of the U S - By the Senate or the House of Representatives of the U S or any Committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U S - By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Card Files.

Retrievability:

File alphabetically by last name of patron.

Safeguards:

Library is locked when not in use. Only authorized personnel have access to records during working hours.

Retention and disposal:

Records are maintained for up to seven years, based on library usage. After retention period records are destroyed.

System manager(s) and address:

The Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20380.

Notification procedure:

Information may be obtained from the library in question; addresses are as contained in the Navy Standard Distribution List (OPNAV PO9B3-107).

Record access procedures:

Requests from individuals should be addressed to the commander of the Marine Corps command, organization or activity that maintains the library in question.

Written requests for information should contain the full name of the individual, social security number, organization to which assigned when library facility utilized, and current address.

For personal visits the individual should be able to provide acceptable personal identification during normal hours of library operation.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

Record source categories:

Information is obtained from individual concerned, library director and library staff.

Systems exempted from certain provisions of the act:

None

MMN00038

System name:

Amateur Radio Operator's File

System location:

Marine Corps activities

Categories of individuals covered by the system:

All amateur radio operators who operate at Marine Corps activities.

Categories of records in the system:

File contains name, Federal Communications Center license number, operating frequency, type of equipment and home address.

Authority for maintenance of the system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Communications Center personnel - To ensure proper radio management at Marine Corps activities

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

3x5 card in metal file box.

Retrievability:

Alphabetical

Safeguards:

Security area.

Retention and disposal:

Destroyed upon departure from Marine Corps activity

System manager(s) and address:

Commanding Officer of activity concerned. See Directory of Department of the Navy mailing addresses.

Notification procedure:

Information may be obtained from:
Commanding Officer of activity concerned.

Record access procedures:

Requests from individuals should be addressed to the Sysmanager.

Written requests for information should contain the full name and grade of the individual.

For personal visit, the individual should be able to provide valid personal identification such as an employee badge, driver's license, medicare card, etc.

Contesting record procedures:

The Marine Corps rules for contesting and appealing initial determinations may be obtained from the SYSMANAGER.

Record source categories:

Individual

Systems exempted from certain provisions of the act:

None

MMN00039

System name:

Amateur/Citizen Band Radio Operation Request and Authorization File

System location:

Communication Electronics Office, Marine Corps activities

Categories of individuals covered by the system:

All personnel who desire to operate amateur/citizen band radios at Marine Corps installations.

Categories of records in the system:

(Amateur/Citizen Band Radio Operation Request and Authorization Form).

Authority for maintenance of the system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Provides authorization for personnel to operate amateur/citizen band radio and provides controls for the use of these radios. Used by requestor as authorization to operate. Used by CEO as record of authorization.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Papers filed in three-ring binder.

Retrievability:

Numerically by card number.

Safeguards:

Located in a secure area that is manned on a 24-hour basis.

Retention and disposal:

Retained for one (1) year and if not renewed, the form is destroyed by burning or shredding.

System manager(s) and address:

Commanding Officer of activity in question. See Directory of Department of the Navy mailing addresses.

Notification procedure:

Request information from SYSMANAGER

Record access procedures:

Rules for access may be obtained from SYSMANAGER.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Individual requester and Communication Electronics Officer.

Systems exempted from certain provisions of the act:

None

MMN00040

System name:

Individual Training Records/Files for Training Related Matters

System location:

System is decentralized - maintained at all Marine Corps commands, organizations and activities, Regular and Reserve.

Categories of individuals covered by the system:

All military personnel assigned, attached to or serving with a Marine Corps command, activity or organization to include recruit training, formal military schools, operational units and training facilities.

Categories of records in the system:

The individual training record may contain the following information pertinent to each individual: name, rank, social security number, age, sex, military occupational specialty or specialties, date joined unit, date of end of active service, date of birth, proficiency and conduct scores, physical fitness test scores, rifle and pistol qualification scores, gas mask size, blood type, leadership proficiency, military school and correspondence course records and results, special training qualifications, weight and physical characteristics, medical record extracts addressing weight control and physical fitness, human relations training experience, troop information exposure, general military subject test results, water survival qualification, instructor qualifications, specialized equipment qualification, personal counseling records, foreign language qualifications, inspection results, etc.

In the case of recruit training, special data as reflects remedial training, counseling, weakness or excellence, recruit questionnaires and reading evaluations may be included.

For personnel attending formal schools, evaluation information and data reflecting successful completion or termination for cause may be included.

Authority for maintenance of the system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Headquarters Marine Corps and Marine Corps commands, activities and organizations - By officials and employees of the Marine Corps in connection with their assigned duties.

Department of Defense and it's Components - By officials and employees of the Department in the performance of their official duties.

The Attorney General of the U S - By officials and employees of the Office of the Attorney General in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or as carried out as the legal representative of the Executive Branch agencies.

Courts - By officials of duly established local, state and federal courts as a result of court order pertaining to matters properly within the purview of said court.

Congress of the U S - By the Senate or the House of Representatives of the U S or any Committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U S - By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders, loose-leaf notebooks and card index files.

Retrievability:

Files are retrievable by name and cross filed by social security number.

Safeguards:

Records are retained in controlled access areas and handled by trained and cleared personnel on a strict 'need-to-know' basis.

Retention and disposal:

Files are retained during the period the individual is assigned to the activity maintaining the record. Upon transfer of the individual concerned, records are transferred with the individual or destroyed.

In the case of Drill instructor or Recruit records, records are maintained for four years after departure of individual, then destroyed.

System manager(s) and address:

The Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20380.

Notification procedure:

Information may be obtained from the commander of the Marine Corps command, organization or activity to which the individual is assigned for duty or training.

Record access procedures:

Requests from individuals should be addressed to the commander of the command, organization or activity to which assigned for duty or training. Addresses are as contained in the Navy Standard Distribution List (OPNAV PO9B3-107).

Written requests should contain name, rank, social security number and dates assigned to the activity addressed. In cases where individual attended a formal school, name of course and course number should be included if available.

Personal visits may be made to the activity in question any normal work day between 8:00 a.m. - 4:30 p.m. For personal visits individual should be able to provide valid personal identification.

Contesting record procedures:

The agency's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Training performance, evaluations, on-the-job performance evaluations, individual and instructor evaluations, Individual Service Records, Manpower Management System, test and inspection results and training correspondence addressing individual concerned.

Systems exempted from certain provisions of the act:

None

MMN00041

System name:

Non-Appropriated Fund (NAF) Employee and Applicant Personnel Records

System location:

Marine Corps commands employing NAF personnel

Categories of individuals covered by the system:

Personnel, to include off-duty military personnel, applying to or hired by Marine Corps commands which salaries are paid with NAF.

Categories of records in the system:

Records may contain any of the following documents and information on NAF employees - name, home address, home and office telephone number, social security number, employee application, personal history statement, reference data, education, work experience, photograph, work permit, union participation, date of birth, emergency contact information, employee number, military grade (if applicable), job description, job assignment, application for group insurance and retirement plans (or signed waiver), leave and pay data, performance reviews, reports of physical examinations, reports of accident/traffic violations, warning notices of excessive absence and tardiness, reports of grievances hearings/disciplinary action, record of court attendance, certified copy of completed military orders for any annual duty tours with recognized military Reserve organizations, security clearance data, bad debt notices, employment compensation documents, commendations and awards, separation information, and official correspondence.

Authority for maintenance of the system:

Title 5, U. S. Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Marine Corps commands - By officials and employees of respective commands in the execution of assigned duties pertaining to management and administration of NAF personnel resources to include employment acceptability, assignments, pay, promotion, performance evaluations, security, growth potential, leave, awards, benefits and entitlements, disciplinary and grievance proceedings, appeals, discrimination complaints, retirement, separation, terminations, physical evaluations and audits.

By court order in connection with matters before a federal, state or municipal court.

By agents of the Federal Bureau of Investigation, Secret Service and Naval Investigative Service in connection with matters under the jurisdication of these investigative bodies upon presentation of credentials.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders and binders and magnetic tape.

Retrievability:

Alphabetically and by social security number

Safeguards:

Respective commands employ one or more safeguards such as locked containers, locked rooms, locked buildings, access by authorized personnel only, and employment of security guards.

Retention and disposal:

Records are maintained for period of employment plus two years. Records of employees transferring to another NAF activity are transferred to the new activity. Records of separated employees are transferred to the National Personnel Records Center, 111 Winnebago Street, St. Louis, Missouri 63118.

System manager(s) and address:

Commandant of the Marine Corps, Headquarters, U. S. Marine Corps, Washington, D C. 20380.

Notification procedure:

Information may be obtained from the command at which the individual is employed. Addresses are as listed in the Navy Standard Distribution List (OPNAV PO9B3-107).

Record access procedures:

Individuals may visit or request information by correspondence to the command as listed in the Navy Standard Distribution List (OPNAV PO9B3-107).

Written requests for information should contain the full name of the requester, his social security number and his signature.

For personal visits, the individual will be required to provide such proof of identification as his driver's license, his active, reserve or retired identification card, his Armed Forces Report of Transfer or Discharge (DD From 214) or such other data sufficient to insure that the individual is the subject of the inquiry.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Employee applications, personal interviews, former employers and supervisors, investigative and law enforcement agencies, originators of correspondence, employee references, schools, physicians and employing command.

Systems exempted from certain provisions of the act:

None

MMN00042

System name:

Marine Corps Locator Files

System location:

System is decentralized - maintained at Marine Corps commands, organizations and activities.

Categories of individuals covered by the system:

A Locator File of Assigned Military and Civilian Personnel

Categories of records in the system:

Locator files may contain any of the following information on Officer, Enlisted and Civilian personnel assigned to respective commands, organizations and activities of the Marine Corps: name, rank/grade, date of rank, selection for promotion, social scurity number, billet title, lineal number, Table of Organization line number, home address and telephone number, office code, room number and telephone number, new mailing address of transferred personnel, prior mailing address of newly assigned personnel, marital status, name of spouse, names of children, name and address of next of kin, Military Occupational Specialty, date of birth, pay entry base date, expiration of active service date, home state, educational background, state where admitted to bar, identification badge number, payroll number, government vehicle drivers license date, rotation tour date, overseas control date, date reported to respective command, organization or activity, occupation address and telephone number for inactive reserves and security clearance data.

Authority for maintenance of the system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Marine Corps Commands, Organizations and Activities - By officials and employees of respective commands, organizations and activities in the execution of assigned duties such as mail and employee directory services, social, official and semi-official functions, emergency recall functions, mail distribution, employee welfare functions, dissemination of information, ceremonial functions, and duty rosters.

Department of Defense and it's Components - By officials and employees of the Department in the performance of their official duties.

Congress of the U S - By the Senate or the House of Representatives of the U S or any Committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U S - By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

U S Postal Service - By duly designated Postal Officials pertaining to matters properly within the purview of the U S Postal Service.

The Attorney General of the U S - By officials and employees of the Office of the Attorney General in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or as carried out as the legal representative of the Executive Branch agencies.

Courts - By officials of duly established local, state and federal courts as a result of court order pertaining to matters properly within the purview of said court.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Books, cards, rosters, strip files, file folders, loose leaf binders, log books, embossed plates, microfilm/fiche or magnetic records and discs.

Retrievability:

The data contained on magnetic records can be displayed on cathode-ray tubes, computer printed on paper, and converted to microform for information retrieval; the data in file folders and other documents is retrieved manually. Normally, all types of records are retrieved by Social Security Number and name.

Safeguards:

Marine Corps commands, organizations and activities employ one or more safeguards such as limited controlled distribution, employment of security guards, accessibility by authorized personnel only, locked containers, locked rooms or locked building.

Retention and disposal:

Permanent. Updated as required.

System manager(s) and address:

The Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20380.

Notification procedure:

Information may be obtained from the individual command, organization or activity to which individuals are assigned for duty. Addresses are as listed in the Navy Standard Distribution List (OPNAV PO9B3-107).

Record access procedures:

Individuals may visit or request information by correspondence to the individual command, organization or activity as listed in the Navy Standard Distribution List (OPNAV PO9B3-107).

Written requests for information should contain the full name of the requester, his Social Security Number and his signature.

For personal visits, the individual will be required to provide such proof of identification as his drivers license, his active, reserve or retired identification card, his Armed Forces Report of Transfer or

Discharge (DD Form 214) or such other data sufficient to insure that the individual is the subject of the inquiry.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Service Record Book, Officer Qualification Record, Manpower Management System, Reserve Personnel Management Information System, Unit Diaries, Combined Lineal Lists of active duty and reserve commissioned and Warrant Officers, Tables of Organization, Official Orders, Civilian Personnel records, other Marine Corps activites, and individuals concerned.

Systems exempted from certain provisions of the act:

None

MMN00043

System name:

Marine Corps Recreation Property Records and Facilities

System location:

Marine Corps activities maintaining recreation files.

Categories of individuals covered by the system:

Authorized personnel to utilize special services facilities

Categories of records in the system:

Usage data records on each activity

Authority for maintenance of the system:

Title 5, U. S. Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

By management personnel to record usage.

Marine Corps activities and organization - By Marine Corps officials and employees in executing their assigned duties.

Department of Defense and its components - By officials and employees of the Department in the performance of their official duties.

Congress of the U. S. - By the Senate or the House of Representatives of the U. S. or any committee or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U. S. - By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

In paper records in file folders.
Card files and usage logs.

Retrievability:

Alphabetical by name for property records.
By activity usage logs.

Safeguards:

Records are maintained in a metal file in the recreation property compound and athletic/recreation office. During non-operating hours, the activity is locked.

Retention and disposal:

Usage logs are maintained for one to four years.
Until equipment is returned or recreation fund is reimbursed.

System manager(s) and address:

Local Commanding Officers. See Directory of Department of the Navy mailing addresses.

Notification procedure:

Local Commander

Record access procedures:

Information may be obtained from local Commander.

Contesting record procedures:

The Marine Corps rules for contesting and appealing initial determinations may be obtained from the Sysmanager.

Record source categories:

Individual activities, individuals, ID cards

Systems exempted from certain provisions of the act:

None

MMN00044

System name:

Equal Opportunity Information and Support System

System location:

Commandant of the Marine Corps (Code MPH), Headquarters, U. S. Marine Corps, Washington, D. C. 20380 and all Marine Corps activities.

See organizational elements of the U. S. Marine Corps as listed in the Directory of the Department of the Navy Activities.

Categories of individuals covered by the system:

Marine Corps military personnel who submit complaints of discrimination and Marine Corps military personnel who are under formal or informal investigation as a result of complaints of discrimination.

Categories of records in the system:

Correspondence and records compiled pursuant to the processing of a complaint concerning discrimination, incident data, endorsements and recommendations, formal and informal investigations concerning aspects of equal opportunity.

Authority for maintenance of the system:

Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. section 2000e-16(b) and (c).

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. Marine Corps in the performance of their official duties related to equal opportunity matters.

The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies.

Officials and employees of other components of the Department of Defense in the performance of their official duties related to equal opportunity matters.

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 equal opportunity matters.

The Senate or the House of Representatives of the United States or any committee or subcommittee thereof, any joint committee of Congress or any subcommittee of joint committees on matters within their jurisdiction requiring disclosure of the files of Marine Corps military personnel. When required by Federal Statute, by Executive Order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper files and file folders.

Retrievability:

Files are retrieved alphabetically by name of the complainant or by the name of the individual who is the subject of the complaint.

Safeguards:

Files are stored in filing cabinets. After normal working hours, rooms are locked. Building is located in controlled access area with security guards on 24 hour duty. Access to files is limited to officials and employees of Headquarters, U. S. Marine Corps acting in their official capacity on a need-to-know basis. Files held by field activities are maintained in areas accessible only to authorized personnel that are properly trained.

Retention and disposal:

Records disposed of two years after administrative closing of the case.

System manager(s) and address:

Commandant of the Marine Corps (Code MPH), Attn: Equal Opportunity Officer, Headquarters, U. S. Marine Corps, Washington, D. C. 20380, telephone 202-694-2895.

Notification procedure:

Correspondence pertaining to files maintained should be addressed to: Commandant of the Marine Corps (Code MPH), Headquarters, U. S. Marine Corps, Washington, D. C. 20380.

Written request for information should contain the individual's name, social security number, and signature.

Personal visits may be made to Headquarters, U. S. Marine Corps (Code MPH), Columbia Pike and Arlington Ridge Road, Arlington, Virginia 22214. Individuals should be able to provide personal identification to include valid military identification or two valid civilian

items of identification such as driver's license, passport, credit cards, etc.

Record access procedures:

Requests should be addressed to the System Manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determination by the individual are contained in SECNAVINST 5211.5A and 32 C.F.R. section 701.1 et. seq. Additional information may be obtained from the System Manager.

Record source categories:

Individual concerned, other systems, investigations, witnesses and correspondents.

Systems exempted from certain provisions of the act:

None

MMN00045

System name:

Automated Systematic Recruiting Support System (ASRSS)

System location:

The system will be operated at each Recruiting Station, District Headquarters, and Marine Corps Recruit Depot within the Marine Corps. See organizational elements of the U. S. Marine Corps as listed in the Directory of the Department of the Navy Activities.

Categories of individuals covered by the system:

All Marine Corps Regular and Reserve recruits.

Categories of records in the system:

File contains information voluntarily provided by recruits as contained on the Application for Enlistment - Armed Forces of the United States.

Authority for maintenance of the system:

Title 10, U. S. Code 301, Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Marine Corps Recruiting Stations - Ensure that a member of the Delayed Entry Pool is shipped to Marine Corps Recruit Depot on the appropriate date. Ensure that recruits are not retained in the Delayed Entry Pool longer than the authorized period. Give proper credit, e.g., Meritorious Appointment to Private First Class, to recruits who have referred other enlistees to the Marine Corps. Keep track of recruits who successfully complete recruit training for subsequent assistance as recruiter aides while on recruit leave.

Marine Corps District Headquarters - Monitor the status of accessions by category, e.g., Mental Group; losses from the Delayed Entry Program recruiter performance by 'waiver code.'

Marine Corps Recruit Depot - Ensure that those recruits shipped from various recruiting stations and Armed Forces Examining and Entrance Stations (AFEES) arrive at the Marine Corps Recruit Depot on schedule. Trace recruiter malpractice allegations to the proper source.

Headquarters, U. S. Marine Corps - Monitor accessions by program option/guarantee. Match total accessions throughout the country to demographic data available through the Recruit Market Network. Track Reserve accessions by Reserve unit, Military Occupational Specialty (MOS), and availability for active service training. Respond to Congressional inquiries on individual cases in a timely, accurate manner.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

The file will be stored via on-line magnetic disk with backup on magnetic tape. Backup audit trail record will be available at the point-of-entry.

Retrievability:

Standard reports and ad hoc retrievals are generated from remote terminals using a data base management system. Additionally, updates and record browsing may be accomplished in the interactive mode through keying Social Security Number.

Safeguards:

Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

'Hard copy' or paper output from the system is stored in locked containers.

System software contains user passwords to lock out unauthorized access.

Software contains partitions to limit access to appropriate organizational level.

Retention and disposal:

On-line magnetic records will be maintained for one year after completion of recruit training. Records are then retired to a 'history file' where they will be retained for a period of four (4) years and then destroyed.

System manager(s) and address:

Commandant of the Marine Corps (Attn: Deputy Chief of Staff for Manpower), Headquarters, U. S. Marine Corps, Washington, D. C. 20380.

Notification procedure:

Requests from individuals for information concerning their ASRSS records should be addressed to the Commandant of the Marine Corps (Code MPI-40), U. S. Marine Corps, Washington, D. C. 20380. Requesting individual should supply full name and Social Security Number.

The requester may also visit any Marine Corps Recruiting Station to determine whether ASRSS contains records pertaining to him or her. In order to personally visit a Recruiting Station and obtain information, individuals must present proper identification such as military identification, if a service member, driver's license, or some other suitable proof of identity.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the system manager.

Record source categories:

The Recruiting Station, Marine Corps Recruit Depot, and the individual recruit are the sources of the information contained in the ASRSS record for that person.

Systems exempted from certain provisions of the act:

None

MMN00046

System name:

Recruit Incident System

System location:

Marine Corps Recruit Depot, Parris Island, South Carolina 29905 and Marine Corps Recruit Depot, San Diego, California 92140.

Categories of individuals covered by the system:

All Marine Corps military personnel who have violated recruit training standard operating procedures.

Categories of records in the system:

Identifying information consisting of name, grade, last four digits of social security number, unit, date of offense, source of allegation, type of action, date of action, type of abuse, charges and description of charges, and whether or not individual is relieved of duties.

Authority for maintenance of the system:

Title 5, U. S. Code 301, Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Marine Corps Recruit Depots at Parris Island, South Carolina and San Diego, California to keep track of those drill instructors who abuse recruits, and to prepare monthly report to the Commandant of the Marine Corps.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

The file is stored in hard back binders and on magnetic tapes and discs.

Retrievability:

Records retrieved by name or last four digits of social security number.

Safeguards:

Records are maintained in areas accessible only to authorized personnel properly cleared and trained. Paper output from the system is stored in locked containers and building is locked during non-working hours. System software contains user passwords to lock out unauthorized access.

Retention and disposal:

Information in hard back binders maintained three years from the recruit incident and then destroyed. Magnetic tape and disc data sets

are maintained one year from the recruit incident and then tapes and discs are cleared of all information.

System manager(s) and address:

Depot Instructor, Marine Corps Recruit Depot, Parris Island, South Carolina 29905 and Depot Inspector, Marine Corps Recruit Depot, San Diego, California 92140.

Notification procedure:

Information may be obtained from the SYSMANAGER.

Record access procedures:

Requests should be addressed to the SYSMANAGER.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determination by the individual are contained in SECNAVINST 5211.5A and 32 C.F.R. section 701.1 et.seq. Additional information may be obtained from the SYSMANAGER.

Record source categories:

Information obtained from courts-martial or office hours proceedings.

Systems exempted from certain provisions of the act:

None.

MMT00001

System name:

Dependent (Title 6) Schools Records System

System location:

Dependent (Title 6) Schools located at Marine Corps installations.

Categories of individuals covered by the system:

All students enrolled in Dependent (Title 6) Schools location at Marine Corps installations.

Categories of records in the system:

System consists of individual student records, master schedule, student schedule, student class lists, student scheduling cards, etc. Information consists of student academic performance, attendance, discipline, activities, aptitude, health and emergency record data to properly administer and assist the student while enrolled in the particular school or school system.

Authority for maintenance of the system:

Title 5, U.S. Code and Title 6 U.S. Code

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Officials and employees of the Dependent (Title 6) School and school systems in the execution of their assigned duties.

Marine Corps - By officials and employees of the Marine Corps in the execution of their assigned duties.

Other Federal Agencies - By officials and employees of other Federal Agencies in the execution of their assigned duties as such duties pertain to Dependent (Title 6) Schools.

State and Local Education Agencies - By officials and employees of state and local education agencies in the execution of their official duties as such duties pertain to Dependent (Title 6) Schools.

Courts - By officials and employees of local, state, and federal courts as dictated by court order.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are stored in file folders, machine workable cards, and other Data Processing mediums.

Retrievability:

Information is retrieved by student name or student number.

Safeguards:

Records are maintained in areas accessible only to authorized personnel and handled by personnel who have been cleared and trained in handling of personnel information.

Retention and disposal:

Records are maintained during the period of student enrollment and for a period of up to three years after student departure from the rolls of the school. Records are then destroyed or retired to the Army Records Center, St Louis, Missouri.

System manager(s) and address:

Superintendent of the school system in which the particular student is enrolled.

Notification procedure:

Information may be obtained from the particular school or school system in which the student is enrolled: Commanding General (Attn: Supt Depn Scol) Marine Corps Base, Quantico, Virginia 22134; Commanding General, (Attn: Supt Depn Scol), Marine Corps Base, Camp Lejeune, North Carolina 28542; Commanding Officer, (Attn: Supt Depn Scol), Marine Corps Air Station, Beaufort, South Carolina

Record access procedures:

The rules for access to records may be obtained from the appropriate Sysmanager.

Contesting record procedures:

Rules for contesting the contents of records and appealing initial determinations by the individual concerned may be obtained from the appropriate Sysmanager.

Record source categories:

Information is obtained from individual concerned, his teachers, administrators, and other professional health and educational personnel.

Systems exempted from certain provisions of the act:

None

MMT00002

System name:

Marine Corps Institute Correspondence Training Records System

System location:

Marine Corps Institute, Box 1775, Washington, D. C. 20013

Categories of individuals covered by the system:

All enrollees in Marine Corps Institute correspondence courses.

Categories of records in the system:

Records contain information for identifying enrollees, their addresses, their progress in the course of study, and the results of their final examinations.

Authority for maintenance of the system:

Title 5, U. S. Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Headquarters, U. S. Marine Corps and Marine Corps commands, activities, and organizations for use by officials and employees of the Marine Corps in matters relating to their assigned duties.

Upon request and with the consent of the individual concerned, transcripts of course completions are provided to academic institutions for evaluation for academic credit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders, microfiche, magnetic tape, and magnetic disks.

Retrievability:

Name and SSN.

Safeguards:

Access provided on a need to know basis only. During nonworking hours, the doors to the Institute are locked.

Retention and disposal:

Retained indefinitely.

System manager(s) and address:

Student Services Officer, Marine Corps Institute, Marine Barracks, Box 1775, Washington, D. C. 20013

Notification procedure:

Apply in writing to SYSMANAGER. Provide full name, social security number or service number, date of completion or enrollment, course number, and course title.

Record access procedures:

The agency's rules for access to records may be obtained from the SYSMANAGER.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Information in the system is obtained from enrollment applications and subsequent forms submitted by the enrollee, from the individual's commanding officer, from the Marine Corps Manpower Management System, and from Marine Corps Automated Services Center, Kansas City.

Systems exempted from certain provisions of the act:

None

MRS00001

System name:

Reserve Personnel Management Information System (REPMIS)

System location:

Primary System - Marine Corps Automated Services Center, 1500 East Bannister Road, Kansas City, Missouri 64131

Decentralized Segments - Input to the system is limited to the unit diary submission of the Marine Corps Reserve unit to which the individual is assigned for administration. Output from the system is available at the following locations: Department of Defense, Headquarters, U S Marine Corps, 4th Marine Division, 4th Marine Aircraft Wing, 6th Marine Corps District Headquarters and the Marine Corps Reserve unit to which the individual is assigned. Addresses of each Distribution List (OPNAV-PO9B3-107).

Categories of individuals covered by the system:

Marine Corps Reservists in the Selected, Individual Ready, Standby, and Fleet Marine Corps Reserve categories.

Categories of records in the system:

File contains the master personnel records to include personal identification, education, training, military occupational specialties, contractual agreements, and other data required for effective personnel management and administration.

Authority for maintenance of the system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Headquarters, U S Marine Corps and Marine Corps commands, activities and organizations - By officials and employees of the Marine Corps in the execution of their official duties.

Department of Defense and its Components - By officials and employees of the Department in the performance of their official duties.

The Attorney General of the U S - By officials and employees of the Office of the Attorney General in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or as carried out as the legal representative of the Executive Branch agencies.

Courts - By officials of duly established local, state and federal courts as a result of court order pertaining to matters properly within the purview of said court.

Congress of the U S - By the Senate or the House of Representatives of the U S or any Committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U S - By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Information is contained on magnetic tapes and disks.

Retrievability:

Information is retrieved by social security number

Safeguards:

Records are maintained in facilities accessible only to authorized personnel that are properly screened, and trained.

Retention and disposal:

Records are retained for six months after separation of the individual Marine reservist. After six months, records are destroyed except for an historical listing of separations which is recorded on microfiche for permanent retention at the Marine Corps Reserve Forces Administrative Activity, Kansas City Missouri.

System manager(s) and address:

The Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20380.

Notification procedure:

Information may be obtained from:
The Commandant of the Marine Corps (Code RES)
Headquarters, U S Marine Corps
Federal Office Building #2
Washington, D C 20380
Telephone: Area Code 202/694-1842

Record access procedures:

Requests from individuals should be addressed to: The Commandant of the Marine Corps (Code RES), Headquarters, U S Marine Corps, Washington, D C. 20380

Written requests for information should contain the individual's full name, social security number and signature.

For personal visits, the individual should be able to provide some acceptable identification such as military identification card, driver's license or other type of identification bearing picture and signature to insure the individual is the subject of the inquiry.

Contesting record procedures:

The Marine Corps rules for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

Record source categories:

The individual having administrative responsibility for the Marine.
The Marine Corps Reserve Forces Administrative Activity.
Authorized personnel of Headquarters, U S Marine Corps.
Systems interface with active force joint uniform military pay system/manpower management system.
Educational Institutions.

Systems exempted from certain provisions of the act:

None

MRS00003

System name:

Employment Referral Questionnaire for Members of Reserve Units

System location:

May be retained by all Inspector-Instructor Staffs.

Categories of individuals covered by the system:

All Reservists who desire assistance in obtaining civilian employment.

Categories of records in the system:

Resume on each individual which may include member's sex, age, social security number, education, past civilian employment, past military experience, present civilian employment, type of employment desired, type driver's license, preferred location of employment, present address and marital status.

Authority for maintenance of the system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

May be used by members of the reserve unit and the Inspector-Instructor Staff to assist in finding civilian employment for the requesting member.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

May be on paper or cards in binder or file folder.

Retrievability:

Alphabetically by last name, may also be by type employment desired, area employment desired in, rank or age.

Safeguards:

After working hours the office and building are locked. A guard is located in the general vicinity.

Retention and disposal:

One year after employment is found or member is transferred or discharged.

System manager(s) and address:

Inspector-Instructor.

Notification procedure:

Write or visit SYSMANAGER Provide full name, social security number, and military status. Proof of identity may be established by military identification card or DD-214 and driver's license.

Record access procedures:

The agency's rules for access to records may be obtained from the SYSMANAGER.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Application form from individual requesting assistance and service records.

Systems exempted from certain provisions of the act:

None

MRS00004

System name:

Individual Drill Attendance and Retirement Transaction Card (IDART) File

System location:

All Organized Marine Corps Reserve Units and Marine Corps Reserve Administrative Activity, Kansas City, Missouri.

Categories of individuals covered by the system:

Maintained on all members of the reserve unit.

Categories of records in the system:

Individual's name, rank, social security number, pay entry base date, expiration of reserve contract, a record of drill attendance for the current calendar year, by month, and retirement points awarded.

Authority for maintenance of the system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Unit command and administrative personnel. Maintain records of the drill attendance and reserve retirement credit points awarded members of the unit.

Officials and employees of the Naval Service and General Accounting Office in the execution of their official duties in relation to inspections, investigations, legal action.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File cards in box in metal file cabinet.

Retrievability:

Alphabetically by last name.

Safeguards:

File maintained in a locked metal file cabinet.

After working hours the office and building are locked. A guard is located in the general vicinity.

Retention and disposal:

Annual cards are retired in January following the year for which the card is maintained. Cards are kept for three years after retirement and then burned. Upon transfer of a reservist, the IDART is transferred with the service record book.

System manager(s) and address:

Headquarters, U S Marine Corps, Commanding Officer and Inspector Instructor of Organized Marine Corps Reserve unit.

Notification procedure:

Write or visit Inspector-Instructor or Commanding Officer of the Organized Marine Corps Reserve Unit concerned. Provide full name, social security number, and military status. Proof of identity may be established by military identification card or DD-214 and driver's license.

Record access procedures:

Write or call in person to the Inspector-Instructor or Commanding Officer of the Organized Marine Corps Reserve Unit concerned.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

Record source categories:

Service records and unit attendance rosters.

Systems exempted from certain provisions of the act:

None

MTE00001

System name:

Telephone Billing/Accounting File

System location:

All Marine Corps activities maintaining telephone accounts.

Categories of individuals covered by the system:

All military personnel, civilian contractors, concessions, and Marine Corps sponsored activities that are provided unofficial government telephone service.

Categories of records in the system:

Files contain name, social security number, grade, military address, telephone number assigned to individuals in the system, civilian contractor's business address and business telephone numbers, ledger of itemized telephone service charges and payments, receipted bills, requests for service, account number, addressograph plate, cash collection vouchers for telephone deposits, and routine correspondence.

Authority for maintenance of the system:

Title 10, U.S. Code

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information in the system is used by Marine Corps activities to show amounts owed and paid for telephone service on a monthly basis. Information is also used by Marine Corps activities to provide telephone directory service for residents of government quarters to include printing and distribution of a quarters telephone directory and allow telephone operators/base locator to provide quarters telephone numbers upon request except for unlisted numbers. Other uses include management of telephone number assignments, and a listing of delinquent accounts.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper cards are maintained in filing cabinets and KARDEX files or in file folders.

Retrievability:

Information accessed and retrieved by name, address or telphone number.

Safeguards:

Records are maintained in an area accessible only to authorized personnel and are under constant supervision. The building is locked during non-working hours and someone is on duty 24 hours a day.

Retention and disposal:

Records remain active until individual leaves the Marine Corps activity concerned. Records are then transferred to an inactive file for four years and then destroyed.

System manager(s) and address:

Commanding Officer of activity concerned. See Directory of Department of the Navy mailing addresses.

Notification procedure:

Information may be obtained from the individual command to which an individual is assigned for duty. Addresses of individual commands are listed in the Navy Standard Distribution List (OPNAV P09B-107).

Record access procedures:

Written requests from individuals should be addressed to the Commanding Officer of the activity concerned. Activity addresses are as reported in the Navy Standard Distribution List.

Written requests should include name and social security number and address.

For personal visits, the individual should be able to provide the proper military or civilian identification.

Contesting record procedures:

The rules for access to records and for contesting contents and appealing initial determination by the individual may be obtained from the Sysmanager.

Record source categories:

Application of the individual desiring telephone service in government housing aboard the activity.

Systems exempted from certain provisions of the act:

None

BILLING CODE 3810-71-M

UNITED STATES NAVY

REQUESTING RECORDS

Records are retrieved by name or by some other personal identifier. It is therefore especially important for expeditious service when requesting a record that particular attention be provided to the Notification and/or Access Procedures of the particular record system involved so as to furnish the required personal identifiers, or any other pertinent personal information as may be required, to locate and retrieve the record.

BLANKET ROUTINE USES

Certain blanket 'routine uses' of the records have been established, that are applicable to every record system maintained within the Department of Defense, unless specifically stated otherwise within a

particular record system. These additional blanket routine uses of the records are published below, only once in the interest of simplicity, economy and to avoid redundancy, before the individual record system notices begin rather than repeating them in every individual record system.

ROUTINE USE - LAW ENFORCEMENT

In the event that a system of records maintained by this component 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 by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

ROUTINE USE - DISCLOSURE WHEN REQUESTING INFORMATION

A record from a system of records maintained by this component 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 component 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.

ROUTINE USE - DISCLOSURE OF REQUESTED INFORMATION

A record from a system of records maintained by this component may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

ROUTINE USE - CONGRESSIONAL INQUIRIES

Disclosure from a system of records maintained by this component may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

ROUTINE USE WITHIN THE DEPARTMENT OF DEFENSE

A record from a system of records maintained by this component may be disclosed as a routine use to other components of the Department of Defense if necessary and relevant for the performance of a lawful function such as, but not limited to, personnel actions, personnel security actions and criminal investigations of the Component requesting the record.

ROUTINE USE - PRIVATE RELIEF LEGISLATION

Relevant information contained in all systems of records of the Department of Defense published on or before August 22, 1975, 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 A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

ROUTINE USE - DISCLOSURES REQUIRED BY INTERNATIONAL AGREEMENTS

A record from a system of records maintained by this Component may be disclosed to foreign law enforcement, security, investigatory, or administrative authorities in order to comply with requirements imposed by, or to claim rights conferred in international agreements and arrangements including those regulating the stationing and status in foreign countries of Department of Defense military and civilian personnel.

ROUTINE USE - DISCLOSURE TO STATE AND LOCAL TAXING AUTHORITIES

Any information normally contained in IRS Form W-2 which is maintained in a record from a system of records maintained by this Component may be disclosed to State and local taxing authorities with which the Secretary of the Treasury has entered into agreements pursuant to Title 5, U.S.Code, Sections 5516, 5517, 5520, and only to those State and local taxing authorities for which an employee or military member is or was subject to tax regardless of whether tax is or was withheld. This routine use is in accordance with Treasury Fiscal Requirements Manual Bulletin Nr. 76-07.

ROUTINE USE - DISCLOSURE TO THE OFFICE OF PERSONNEL MANAGEMENT

A record from a system of records subject to the Privacy Act and maintained by this component may be disclosed to the Office of Personnel Management concerning information on pay and leave, benefits, retirement deductions, and any other information necessary for the Office of Personnel Management to carry out its legally authorized Government-wide personnel management functions and studies.

ROUTINE USE - DISCLOSURE OF INFORMATION TO NARS (GSA)

A record from a system of records maintained by this component may be disclosed as a routine use to the National Archives and Records Service of the General Services Administration in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

ROUTINE USE - DISCLOSURE TO DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

All systems of records relating to compensation, employment or retirement, or extracts therefrom, maintained by this Component may be disclosed as a routine use to the Department of Health, Education, and Welfare for the purpose of comparing such record with records of programs administered by and in the possession of the Department of Health, Education, and Welfare in order to verify information where such verification is required by law or regulation or to identify violations or potential violations of law, whether criminal, civil, or regulatory, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto.

N00011 C01

System name:

Correspondence files

System location:

Organizational elements of the Department of the Navy as indicated in the directory of Department of the Navy mailing addresses.

Categories of individuals covered by the system:

These are files kept by subject, name of correspondent (Congressman, contractor, other member of public, etc.,) or name of recipient.

Categories of records in the system:

Incoming and outgoing correspondence and related material.

Authority for maintenance of the system:

5 USC 301 Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used to 'follow-up' on previous correspondence, for reference purposes, to assure consistency of policy, and for other official Navy business.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders, card files, punched cards, magnetic tape.

Retrievability:

Name, SSAN, Case Number, organization.

Safeguards:

Access provided on a need to know basis only. Locked and/or guarded office.

Retention and disposal:

Per SECNAV Records Disposal Manual.

System manager(s) and address:

Commanding officer of the activity in question. See directory of Department of the Navy mailing addresses.

Notification procedure:

Apply to System Manager.

Record access procedures:

The agency's rules for access to records may be obtained from the System Manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

Individual concerned, other records of the activity, investigators, witnesses, correspondents.

Systems exempted from certain provisions of the act:

None

N00011 C02

System name:

Vehicle Control System

System location:

Organizational elements of the Department of the Navy as indicated in the directory of Department of the Navy mailing addresses.

Categories of individuals covered by the system:

All individuals that have vehicles registered at a particular Navy installation; and all individuals who apply for Government Motor Vehicle Operator's License.

Categories of records in the system:

Alphabetical file of each individual who have vehicles registered or who have applied for a Government Motor Vehicle Operator's License. Files kept by month, individual's name, date of birth, SSN, height, weight, hair and eye color, place of employment, driving record, license number, etc.

Authority for maintenance of the system:

5 USC 301 Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used as a car pool locator, vehicle registration, parking control system, insurance verification system to verify issue of license when individual has lost his or her operator's card, and may be referred to by security or safety officials to determine individual's previous driving record.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders, card files, punched cards, magnetic tape.

Retrievability:

Name, SSAN, Case number, organization.

Safeguards:

Access provided on a need to know basis only. Locked and/or guarded office.

Retention and disposal:

Per SECNAV Records Disposal Manual.

System manager(s) and address:

Commanding officer of the activity in question. See directory of Department of the Navy mailing addresses.

Notification procedure:

Apply to System Manager.

Record access procedures:

The agency's rules for access to records may be obtained from the System Manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

Individual concerned, other records of the activity, investigators witnesses, correspondents.

Systems exempted from certain provisions of the act:

None

N00011 C03

System name:

Special Membership Listing of the Organizational Recreation Association

System location:

Organizational elements of the Department of the Navy as indicated in the directory of Department of the Navy mailing addresses.

Categories of individuals covered by the system:

This file records the name of all members who join the particular ship or activity recreation association. Also crossfiled by number of membership card.

Categories of records in the system:

This record lists the names, internal codes, room and telephone numbers of each membership card and dates purchased.

Authority for maintenance of the system:

5 USC 301 Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To indicate income from sale of membership cards; to provide an audit trial for the auditors; and to confirm membership, upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders, card files, punched cards, magnetic tape.

Retrievability:

Name, SSAN, Case number, organization.

Safeguards:

Access provided on a need to know basis only. Locked and/or guarded office.

Retention and disposal:

Per SECNAV Records Disposal Manual.

System manager(s) and address:

Commanding officer of the activity in question. See directory of Department of the Navy mailing addresses.

Notification procedure:

Apply to System Manager.

Record access procedures:

The agency's rules for access to records may be obtained from the System Manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

Individual concern, other records of the activity, investigators, witnesses, correspondents.

Systems exempted from certain provisions of the act:

None

N00011 C04

System name:

Organization Locator and Social Roster

System location:

Organizational elements of the Department of the Navy as indicated in the directory of Department of the Navy mailing addresses.

Categories of individuals covered by the system:

Military and civilian personnel attached to the activity; also may include military and civilian personnel of the Department of Defense and other government agencies; may also include family members and guests of military and civilian personnel; other invitees.

Categories of records in the system:

Manual or mechanized records. Includes information such as names, addresses, telephone numbers; official titles or positions and organizations; invitations, acceptances, regrets, protocol, and other information associated with attendents at functions. Locator records of personnel attached to the organization.

Authority for maintenance of the system:

5 USC 301 Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

For locating individuals on routine and emergency matters. Often used for mail distribution, for forwarding addresses, and as a recall list. Also, may be used as a social roster for social reference for various official and non-official functions.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders, card files, punched cards, magnetic tape, and similar record formats.

Retrievability:

Name, SSAN, number, organization, function.

Safeguards:

Access provided on a need to know basis.

Retention and disposal:

Per SECNAV Records Disposal Manual.

System manager(s) and address:

Commanding officer of the activity in question. See directory of Department of the Navy mailing addresses.

Notification procedure:

Apply to System Manager.

Record access procedures:

The agency's rules for access to record may be obtained from the System Manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

Individual concerned, other records of the activity, correspondents, directories and official publications.

Systems exempted from certain provisions of the act:

None

N00011 J01

System name:

Administrative Personnel Management System

System location:

Organizational elements of the Department of the Navy as indicated in the directory of Department of the Navy mailing addresses.

Categories of individuals covered by the system:

Assigned civilians, military, and contract employees.

Categories of records in the system:

Identification, location, routine and emergency assignments, functional responsibilities, clearance, educational and experience characteristics, grade or rank/rate, travel, and other data needed for personnel, line, and security management.

Authority for maintenance of the system:

5 USC 301 Departmental Regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Preparation of rosters and locators, contact with appropriate personnel in emergencies, continuity of operations planning and execution, determination of clearance for access control, budget and manpower control, minority and occupation statistics, labor costing, customer billing, watch bill preparation, civilian grade control, and similar administrative uses requiring personnel information.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders, card files, punched cards, magnetic tape, microform.

Retrievability:

Name, SSAN, Case number, organization.

Safeguards:

Access provided on a need to know basis only. Locked and/or guarded office.

Retention and disposal:

Per SECNAV Records Disposal Manual.

System manager(s) and address:

Commanding officer of the activity in question. See directory of Department of the Navy mailing addresses.

Notification procedure:

Apply to System Manager.

Record access procedures:

The agency's rules for access to records may be obtained from the System Manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

Individual concerned, other records of the activity, investigators, witnesses, correspondents.

Systems exempted from certain provisions of the act:

None

N00011 J010

System name:

Navy and Marine Corps Exchange and Commissary Sales Control and Security Files

System location:

Organizational elements of the Department of the Navy as listed in the directory of Department of the Navy mailing addresses.

Categories of individuals covered by the system:

Customers, employees, and guests at Navy and Marine Corps Exchanges and Commissaries, including individuals making large dollar volume purchases and contract purchases; individuals having requested adjustments or made claims; individuals having previously passed bad checks or been apprehended for shoplifting.

Categories of records in the system:

Sales and contract records; lists, logs, or card records of individuals; claims and adjustment records; large volume purchase records; mail orders, and customer special order records, customer list; correspondence. Records of complaints and investigations of regulatory and criminal violations.

Authority for maintenance of the system:

5 U.S.C. 301 Departmental Regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Sales control and prevention and detection of abuse of privileges. Determine responsibility when there are violations of regulations or criminal statutes. Information may be: Provided to local, state, or federal organizations, including the Naval Investigative Service and to the Federal Bureau of Investigation for further investigation or prosecution; used by command legal personnel for prosecution of military offenses and other administrative action; provided to the Department of Justice in support of civil litigation; provided to officials of other federal agencies in connection with the performance of their official duties related to personnel administration.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Automated records may be stored on magnetic tape, discs, drums, and punched cards. Manual records may be stored in file folders or microform, in file cabinets or other containers.

Retrievability:

Automated and manual records may be retrieved by social security account number and/or name.

Safeguards:

Access is provided on a need-to-know basis, only. Automated records are located in restricted areas accessible only to authorized persons. Manual records and computer printouts are maintained in locked or controlled access areas.

Retention and disposal:

Records are retained or disposed of in accordance with SECNAVINST 5212.5B, Disposal of Navy and Marine Corps Records.

System manager(s) and address:

Commanding officer of the activity in question. See directory of Department of the Navy mailing addresses.

Notification procedure:

Apply to system manager.

Record access procedures:

The agency's rules for access to records may be obtained from the System Manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the System Manager.

Record source categories:

Individuals concerned, other records of the activity concerned, other records of activity investigators, witnesses, correspondents.

Systems exempted from certain provisions of the act:

Parts of this system may be exempt under 5 U.S.C. 552a(j) or (k), as applicable. For additional information, contact the system manager.

N00011 J011

System name:

Safety Equipment Needs, Issues, Authorizations

System location:

Organizational elements of the Department of the Navy as listed in the directory of Department of the Navy mailing addresses.

Categories of individuals covered by the system:

Personnel whose work requires them to wear, or are issued, protective clothing or equipment, including prescription safety lenses.

Categories of records in the system:

Listings, cards, and other records of individuals requiring, authorized, or issued prescription or other safety equipment.

Authority for maintenance of the system:

5 U.S.C. 301, Departmental Regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

By safety department personnel to determine who needs, is eligible, or has been authorized or issued prescription or other safety equipment for protection.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Card index files, file folders in file drawers, or microform.

Retrievability:

By name or date of authorization or issue.

Safeguards:

Controlled access space or locked rooms; personnel screening.

Retention and disposal:

Secretary of the Navy Instruction 5212.5B, Disposal of Navy and Marine Corps Records.

System manager(s) and address:

Commanding officer of the activity in question. See directory of Department of the Navy mailing addresses.

Notification procedure:

Apply to System Manager.

Record access procedures:

The agency's rules for access may be obtained from the System Manager.

Contesting record procedures:

The agency's rules for contesting access may be obtained from the System Manager.

Record source categories:

Individuals to whom the records pertain.

Systems exempted from certain provisions of the act:

None.

N00011 J02

System name:

Access control system

System location:

Organizational elements of the Department of the Navy as indicated in the directory of Department of the Navy mailing addresses.

Categories of individuals covered by the system:

Individuals considered or seeking consideration for access to space under the control of the Department of the Navy.

Categories of records in the system:

Visit requests for permission to transact commercial business, barring lists and letters of exclusion, badge and pass issuance records.

Authority for maintenance of the system:

5 USC 301 Departmental Regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Maintenance of all aspects of proper access control, replacement of lost badges, retrieval of passes upon separation, maintenance of visitor statistics and background information.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders, card files, punched cards, magnetic tape.

Retrievability:

Name, SSAN, Case number, organization.

Safeguards:

Access provided on a need to know basis only. Locked and/or guarded office.

Retention and disposal:

Per SECNAV Records Disposal Manual.

System manager(s) and address:

Commanding officer of the activity in question. See directory of Department of the Navy mailing addresses.

Notification procedure:

Apply to System Manager.

Record access procedures:

The agency's rules for access to records may be obtained from the System Manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

Individual concerned, other records of the activity, investigators, witnesses, correspondents.

Systems exempted from certain provisions of the act:

None

N00011 J03

System name:

Security Incident System

System location:

Organizational elements of the Department of the Navy as indicated in the directory of Department of the Navy mailing addresses.

Categories of individuals covered by the system:

Individuals involved in or witnessing incidents requiring the attention of base, station, or activity security personnel.

Categories of records in the system:

Incident/complaint report, investigator's report, military magistrate's records, confinement records, traffic accident and violation records, traffic court file, citations to appear before U. S. Magistrate.

Authority for maintenance of the system:

5 USC 301 Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Evidence in Uniform Court of Military Justice and Title 18 USC 1382 Proceedings; Criminal investigation; provided to state or federal law enforcement agencies including Naval Investigative Service, Defense Investigative Service, and Federal Bureau of Investigation for further criminal investigation or court action; used by command legal personnel for prosecution of military offenses and other administrative action; support of insurance claims and civil litigation, revocation of base, station, or activity driving privileges.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders, card files, punched cards, magnetic tape.

Retrievability:

Name, SSAN, Case number, organization.

Safeguards:

Access provided on a need to know basis only. Locked and/or guarded office.

Retention and disposal:

Per SECNAV Records Disposal Manual.

System manager(s) and address:

Commanding officer of the activity in question. See directory of Department of the Navy mailing addresses.

Notification procedure:

Apply to System Manager.

Record access procedures:

The agency's rules for access to records may be obtained from the System Manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

Individual concerned, other records of the activity, investigators, witnesses, correspondents.

Systems exempted from certain provisions of the act:

Parts of this system may be exempt under 5 U.S.C. 552 a (j) or (k), as applicable. For additional information contact the System Manager.

N00011 J04

System name:

Weapons Registration

System location:

Organizational elements of the Department of the Navy as indicated in the directory of Department of the Navy mailing addresses.

Categories of individuals covered by the system:

Individuals registering firearms or other weapons with station security officers.

Categories of records in the system:

Weapon registration records, weapon permit records.

Authority for maintenance of the system:

5 USC 301 Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To assure proper control of weapons on Naval installations and to monitor and control purchase and disposition of weapons.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders, card files, punched cards, magnetic tape.

Retrievability:

Name, SSAN, Case number, organization.

Safeguards:

Access provided on a need to know basis only. Locked and/or guarded office.

Retention and disposal:

Per SECNAV Records Disposal Manual.

System manager(s) and address:

Commanding officer of the activity in question. See directory of Department of the Navy mailing addresses.

Notification procedure:

Apply to System Manager.

Record access procedures:

The agency's rules for access to records may be obtained from the System Manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

Individual concerned, other records of activity, investigators, witnesses, correspondents.

Systems exempted from certain provisions of the act:

None

N00011 J05

System name:

Security inspection and violation system

System location:

Organizational elements of the Department of the Navy as indicated in the directory of Department of the Navy mailing addresses.

Categories of individuals covered by the system:

Individuals involved in security violations.

Categories of records in the system:

Security violation reports, security inspection reports.

Authority for maintenance of the system:

5 USC 301 Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used to identify problem areas in security indoctrination, alert command management officials to areas which present larger than normal security problems and identify personnel who are cited as responsible for non-compliance with procedures.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders, card files, punched cards, magnetic tape.

Retrievability:

Name, SSAN, Case number, organization.

Safeguards:

Access provided on a need to know basis only. Locked and/or guarded office.

Retention and disposal:

Per SECNAV Records Disposal Manual.

System manager(s) and address:

Commanding officer of the activity in question. See directory of Department of the Navy mailing addresses.

Notification procedure:

Apply to System Manager.

Record access procedures:

The agency's rules for access to records may be obtained from the System Manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

Individual concerned, other records of the activity, investigators, witnesses, correspondents.

Systems exempted from certain provisions of the act:

None

N00011 J06

System name:

Blood Donor Program Files

System location:

Organizational elements of the Department of the Navy as indicated in the directory of Department of the Navy mailing addresses.

Categories of individuals covered by the system:

Personnel donating blood or seeking replacement of blood.

Categories of records in the system:

Blood donation records. Blood replacement requirement records.

Authority for maintenance of the system:

5 USC 301 Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Emergency blood request by blood type, recognition and identification of donors, and replacement of blood provided to cover individuals. Records are available to American Red Cross.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders, card files, punched cards, magnetic tape.

Retrievability:

Name, SSAN, Case number, organization.

Safeguards:

Access provided on a need to know basis only. Locked and/or guarded office.

Retention and disposal:

Per SECNAV Records Disposal Manual.

System manager(s) and address:

Commanding officer of the activity in question. See directory of Department of the Navy mailing addresses.

Notification procedure:

Apply to System Manager.

Record access procedures:

The agency's rules for access to records may be obtained from the System Manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

American Red Cross, blood donors, hospitals, persons seeking replacement of blood.

Systems exempted from certain provisions of the act:

None

N00011 J07

System name:

Combined Federal Campaign/Navy Relief Society

System location:

Organizational elements of the Department of the Navy as indicated in the directory of Department of the Navy activities.

Categories of individuals covered by the system:

All assigned personnel.

Categories of records in the system:

Extracts from payroll systems and administrative personnel management systems. Contributor cards.

Authority for maintenance of the system:

Executive Order 10927

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Management of combined federal campaign fund drive of CFC records. Management of navy relief society fund drive of NRS records. Data released to respective campaign coordinators.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders, card files, punched cards, magnetic tape.

Retrievability:

Name, SSAN, Case number, organization.

Safeguards:

Access provided on a need to know basis only. Locked and/or guarded office.

Retention and disposal:

Records are maintained for one year or completion of next equivalent campaign and then destroyed.

System manager(s) and address:

Commanding officer of the activity in question. See directory of Department of the Navy mailing addresses.

Notification procedure:

Apply to System Manager.

Record access procedures:

The agency's rules for access to records may be obtained from the System Manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

Payroll files, administrative personnel files, contributors.

Systems exempted from certain provisions of the act:

None

N00011 J08

System name:

Pet Registration

System location:

Organizational elements of the Department of the Navy as indicated in the directory of Department of the Navy mailing addresses.

Categories of individuals covered by the system:

Owners of pets residing on Naval property.

Categories of records in the system:

Owner's name and pet tag.

Authority for maintenance of the system:

5 USC 301 Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To provide for registration of pets to ensure appropriate innoculations and assist in the identification of rightful owners.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders, card files, punched cards, magnetic tape.

Retrievability:

Name, SSAN, Case number, organization.

Safeguards:

Access provided on a need to know basis only. Locked and/or guarded office.

Retention and disposal:

Per SECNAV Records Disposal Manual.

System manager(s) and address:

Commanding officer of the activity in question. See directory of Department of the Navy mailing addresses.

Notification procedure:

Apply to System Manager.

Record access procedures:

The agency's rules for access to records may be obtained from the System Manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

Veterinary records and statements provided by pet owners.

Systems exempted from certain provisions of the act:

None

N00011 J09

System name:

Administrative Civilian Personnel Management System

System location:

Organizational elements of the Department of the Navy as indicated in the directory of Department of the Navy activities.

Categories of individuals covered by the system:

Civilian employees, including intermittents and consultants, and applicants for civilian employment.

Categories of records in the system:

Identification, location, routine and emergency assignements, clearance, educational and experience characteristics, travel, retention group, grade and series, retirement category, pending actions, awards, property custody, personnel action dates, physical handicaps and health data, veterans preference, mutual aid assosication membership, union membership, qualifications, and other data needed for personnel, line, and security management.

Authority for maintenance of the system:

5 USC 301 Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Preparation of rosters and locators; contact with appropriate personnel in emergencies; determination of clearance for access control; budget and manpower control; minority, employment, and occupation statistics; labor costing; projection of retirement losses; control of personnel actions; employment verification to requesting banking, rental, and credit organizations; travel claim control; name change location; checklist prior to leaving activity; payment of mutual aid association benefits; employee assessment; training management; qualifications determinations; and similar administrative uses requiring personnel information. Used by Navy officials who have need of the information in the performance of their duties and by representatives of the Civil Service Commission, the Comptroller General, the General Services Administration, the Attorney General, labor organizations with exclusive recognition, the Senate and the House of Representatives and their committees and subcommittees, and arbitrators and hearing examiners for grievances and appeals. In some cases, contractors are used in processing this data.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders, card files, punched cards, magnetic tape, magnetic disc.

Retrievability:

Name, SSAN, Case number, organization.

Safeguards:

Access provided on a need to know basis only. Locked and/or guarded office.

Retention and disposal:

Per SECNAV Records Disposal Manual.

System manager(s) and address:

Commanding officer of the activity in question. See directory of Department of the Navy mailing addresses.

Notification procedure:

Apply to System Manager.

Record access procedures:

The agency's rules for access to records may be obtained from the System Manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

Individual, employment papers, other records of the organization, official personnel jackets, supervisors, official travel orders, educational institutions, applications.

Systems exempted from certain provisions of the act:

None

N00013

System name:

Automated Claims Information System (ACIS)

System location:

Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, Va 22332.

Categories of individuals covered by the system:

All individuals who have filed claims against the Department of the Navy under the Federal Tort Claims Act, the Foreign Claims Act, Military Claims Act, the 'Nonscope' Claims Act, Legislative Reorganization Act, or Military and Civilian Employees' Claims Act. All individuals who have filed claims with the U.S. Postal Service for loss or damage to mailed matter, and which claims have been paid by the U.S. Postal Service and thereafter forwarded for reimbursement by the Department of the Navy pursuant to 39 U.S.C. 712. All individuals who have asserted claims or instituted suits under the Public Vessels Act and Suits in Admiralty Act against the Department of the Navy in the name of the United States and all individuals who have instituted suits against third parties who have impleaded the Department of the Navy in the name of the United States. All individuals against whom the Navy has claims sounding in tort, and all individuals who are in the military or are dependents of military members and have been provided medical care by a Naval medical facility for injuries resulting from such tortious conduct. All common carriers against whom recovery has been sought by the Department of the Navy.

Categories of records in the system:

Individual's name, social security number, office processing the claim, dollar amount of claim, dollar amount paid, type of claim, type of property damage, type of personal injury, date of incident that caused the claim, date the claim was presented to the Navy, date payment was made or claim was closed, amount claimed against individual, amount received from individual, location of incident, and government bill of lading (if applicable).

Authority for maintenance of the system:

Federal Tort Claims Act (28 U.S.C. 1346(b), 2671-2680); 32 CFR 750.30-750.49; Medical Care Recovery Act(42 U.S.C. 2651-53); Federal Claims Collection Act (31 U.S.C. 951-53); 32 CFR 757.1-757.21; Foreign Claims Act (10 U.S.C. 2734); 32 CFR 753.1-753.29; Military Claims Act (10 U.S.C. 2733); 32 CFR 750.50-750.59; 'Nonscope' Claims Act (10 U.S.C. 2737); 32CFR 750.60-750.69; mILITARY AND cIVILIAN Employees Claims Act (31 U.S.C. 240-243); 32 CFR 751.0-751.3; Legislative Reorganization Act (10 U.S.C. 1552); Admiralty Claims Act (10 U.S.C. 7622); 39 U.S.C. 712; 5 U.S.C. 30; 5 U.S.C. 301; 44 U.S.C. 3101; and 31 U.S.C. 231.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The officials and employees of the Department of the Navy in the performance of their official duties related to monitoring the current status of the Navy claims program. The officials and employees of the Military Traffic Management Command in the performance of their official duties related to the management of the Department of Defense personal property movement and storage program. The system will be used to report contingent liability to the government accounting office to satisfy requirements of the GAO Policy and Procedures Manual. The cognizant U.S. Attorney and/or officials and employees of the Department of Justice who are charged with responsibility for either initiating civil actions or defending civil actions arising under the aforementioned claims statutes, and for prosecuting civil or criminal cases under the False Claims Act (31 U.S.C. 231).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are maintained on magnetic disk, magnetic tape, and hard copy forms.

Retrievability:

ACIS users obtain information by means of either a query or a request for a standard report. Data may be indexed by any data item although the primary search keys are the name or social security number.

Safeguards:

Access to building is protected by uniformed guards requiring positive identification for admission after hours. The system is protected by the following software features; user account number and password sign-on, data base authority, set and item authority for list, add, delete and update.

Retention and disposal:

An individual's record is retained on disk and will be available for on-line access for three years after the close of the individual's claim. The record will be transferred to magnetic tape after three years and will be utilized in a batch processing mode. After ten years, the record will be erased from the tape.

System manager(s) and address:

Head, Claims Defense Program, Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, Va 22332.

Notification procedure:

Information should be obtained from the System MANAGER. rEQUESTING INDIVIDUALS SHOULD specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

Record access procedures:

The agency's rules for access to records may be obtained from the System Manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Information in this system comes from the individual to whom it applies and from offices processing claims.

Systems exempted from certain provisions of the act:

None.

N00013 A

System name:

JAG Manual Investigative Records

System location:

Office of the Judge Advocate General (Code 21) Department of the Navy 200 Stovall St, Alexandria, Va 22332

Categories of individuals covered by the system:

Any individual who participated in, who was involved in, who incurred an injury, disease, or death in, who was intoxicated (drugs or alcohol) during, before, or after, or who had an interest in any accident, incident, transaction, or situation involving or affecting the Department of the Navy, naval personnel, or any procedure, operation, material, or design involving the Department of the Navy.

Categories of records in the system:

The records contain all documented evidence relevant to the item under investigation, together with an investigating officer's report, which makes findings of fact and expresses opinions and recommendations, the reviewing authority's actions which either approved or modified the investigating officer's report or returned the entire record for further investigation or remedial action to perfect the record, and, the results of hearings afforded persons who incurred injuries and diseases, to allow them to explain or rebut adverse information in the record. The Judge Advocate General's correspondence to locate and obtain required investigations is also included in the record. Some records contain only a field command's explanation as to why investigation is not required, together with documents pertinent to this lack of requirement. Some records con-

tain only an accident, injury, or death report, prepared for the Department of the Navy by the Army, Air Force, Coast Guard, or other agency under reciprocal agreements, in situations where the Navy or Marine Corps could not conduct the investigation.

Authority for maintenance of the system:

Requirement that enlisted men make up time lost due to misconduct or abuse of alcohol or drugs (10 U.S.C. 972(5)); retirement or separation for physical disability (10 U.S.C. 1201-1221); Executive Order 11476, Manual for Court-Martial, par. 133b; Uniform Code of Military Justice, 10 U.S.C. 815, 832, 869, 873, 935, 936, and 938-940; Military Claims Act (10 U.S.C. 2733); Foreign Claims Act (10 U.S.C. 3724, 2734a, 2734b); Emergency payment of claims (10 U.S.C. 2736); Non-scope claims (10 U.S.C. 2737); Duties of Secretary of the Navy (10 U.S.C. 5031); Duties of the Office of the Chief of Naval Operations (10 U.S.C. 5081-5082, 5085-5088); Duties of the Bureaus and Offices of the Department of the Navy and duties of the Judge Advocate General (10 U.S.C. 5131-5153); Duties of the Commandant of the Marine Corps (U.S.C. 5201); Reservist's disability and death benefits (10 U.S.C. 6148); Requirement of exemplary conduct (10 U.S.C. 5947); Promotion of accident and occupational safety by Secretary of the Navy (10 U.S.C. 7205); Admiralty claims (10 U.S.C. 7622-23); Public Vessels Act (46 U.S.C. 781-790); Suits in Admiralty Act (46 U.S.C. 741-752); Admiralty Extension Act (46 U.S.C. 740); Transportation Safety Act (49 U.S.C. 1901); Federal Tort Claims Act (28 U.S.C. 1346, 2671-2680); Financial liability of accountable officers (31 U.S.C. 82, 89-92); Military Personnel and Civilian Employee's Claims Act of 1964, as amended (31 U.S.C. 240243); Federal Claim Collection Acts (31 U.S.C. 71-75, 951-953); Forfeiture of pay for time lost due to incapacitation caused by alcohol or drug use (37 U.S.C. 802); Eligibility for certain veterans benefits (38 U.S.C. 105); Postal claims (39 U.S.C. 712); Medical Care Recovery Act (42 U.S.C. 2651-2653); General authority to maintain records (5 U.S.C. 301); Records management by agency heads (44 U.S.C. 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

JAG Manual Investigative Records are used internally within the Department of the Navy as bases for evaluating procedures operations, material, and designs with a view to improving the efficiency and safety of the Department of the Navy; determinations concerning status of personnel regarding disability benefits, entitlements to pay during periods of disability, severance pay, retirement pay, increases of pay for longevity, survivors' benefits, and involuntary extensions of enlistments, dates of expiration of active obligated service and accrual of annual leave; determinations concerning relief of accountable personnel from liability for losses of public funds or property; determinations pertaining to disciplinary or punitive action and evaluation of petitions, grievances, and complaints; adjudication, pursuit, or defense of claims for or against the Government; and public information releases. Records of such investigations are routinely furnished to the Veterans Administration for use in determinations concerning entitlements to veterans and survivors' benefits; to Servicemen's Group Life Insurance administrators for determinations concerning payment of life insurance proceeds; to the U.S. General Accounting Office for purposes of determinations concerning relief of accountable personnel from liability for losses of public funds and related fiscal matters; to the Department of Justice for use in litigation involving the Government; to agents and authorized representatives of persons involved in the incident, for use in legal or administrative matters; to contractors for use in connection with settlement, adjudication, or defense of claims by or against the Government, and for use in design and evaluation of products, services, and systems; to agencies of the Federal, State, or local law enforcement authorities, court authorities, administrative authorities, and regulatory authorities, for use in connection with civilian and military criminal, civil, administrative, and regulatory proceedings and actions. Additionally, these records may be furnished to other components of the Department of Defense in connection with the above-stated purposes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper documents stapled together (with real evidence, if any, attached) in paper file folders and stored in metal file cabinets, on shelves, and in cardboard boxes.

Retrievability:

Records are filed in calendar year groupings by surname of individual, bureau number of aircraft, name of ship, hull number of unnamed watercraft, or vehicle number of Government vehicles. Incidents are topically cross-referenced.

Safeguards:

Files are maintained in file cabinets and other storage devices under the control of authorized personnel during working hours; the office spaces in which the file cabinets and storage devices are located are locked outside official working hours.

Retention and disposal:

The records are retained permanently. All naval activities which prepare JAG Manual Investigative Records, or which are intermediate addresses, typically retain duplicate copies in local files for a two-year period.

System manager(s) and address:

Assistant Judge Advocate General (Civil Law) Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Aexandria, Va. 22332

Notification procedure:

Information may be obtained by written request to the system manager. The request must contain the following: (a) an adequate description of the individual about whom the record is retained (e.g., full name, date of birth, etc.); (b) the calendar year to be searched, and the approximate date of the incident which was the subject of the investigation; (c) a signed and notarized statement of the identity of the requester; (d) the present mailing address of the requester, including ZIP code; (e) the present day-time telephone number of the requester, including area code; (f) the request must be signed by the individual. No telephone inquiries will be processed.

Record access procedures:

Requests from individuals for access should be addressed to the system manager. The request must include a signed and notarized statement of identity. Personal visits may be made to: Office of the Judge Advocate General (code 21) Investigations Division Room 8s23 Hoffman Bldg II 200 Stovall Street Alexandria, Va 22332

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Records of JAG Manual Investigations are compilations of evidence, information, and data concerning the circumstances of incidents, accidents, events, transactions, and situations, prepared by administrative fact-finding bodies for utilization by proper authorities in making determinations, decisions, or evaluations relating to the matters under investigation. Records may contain: (1) testimony or statements of individuals who are parties to the investigations, witnesses, and others having pertinent knowledge concerning matters under investigation; (2) documentary evidence, typically including records and reports of military or Federal, State, or foreign, civilian law-enforcement investigative, judicial, or corrections authorities; medical records and reports, investigations and accident and injury reports prepared by Federal, State, or foreign governmental agencies or other organizations or persons; court records and other public records; official logs and other official naval records; letters and correspondence; personnel, pay, and medical records; financial records, receipts, and cost estimates; publications, and other pertinent documents and writings; (3) pertinent real evidence; and (4) pertinent demonstrative evidence.

Systems exempted from certain provisions of the act:

None.

N00013 O

System name:

Roster, Naval Reserve Law Companies

System location:

Office of the Judge Advocate General (Code 62) Department of the Navy, 200 Stovall St., Alexandria, Va 22332

Categories of individuals covered by the system:

Listing of law program officers in Naval districts having cognizance over Reserve affairs; listing of Naval Legal Service Offices; listing of the staff of the Director, Naval Reserve Law Programs; listing of Naval Reserve Law Company commanding officers; and listing of members of the law companies.

Categories of records in the system:

Roster contains names and locations of personnel associated with Naval Reserve Law Programs; names of members of law companies, social security number, rank, home and office addresses, name of spouse, and telephone numbers.

Authority for maintenance of the system:

10 USC 806

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The roster is issued for the purpose of facilitating and promoting liaison between Naval Reserve Law Companies, law program officers, the Director, Naval Reserve Law Programs, and his staff, and the Navy's legal assistance program. It is an essential publication for use by legal assistance officers throughout the Navy. It apprises Naval Reserve officers of the locations of Reserve units in order that they may participate in the reserve law programs. These rosters may be furnished to other components of the Department of Defense.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders

Retrievability:

By names of members and location of Reserve units.

Safeguards:

Records are maintained under the control of authorized personnel during working hours; the office space in which the rosters are maintained is locked outside official working hours.

Retention and disposal:

Rosters are retained for approximately two years and destroyed when a new edition is published.

System manager(s) and address:

Assistant Judge Advocate General (Civil Law) Office of the Judge Advocate General Department of the Navy, 200 Stovall St., Alexandria, Va. 22332

Notification procedure:

Information may be obtained from the System Manager. Written requests must be signed by the requesting individual.

Record access procedures:

Requests from individuals should be addressed to the System Manager. Personal visits may be made to: Reserve Personnel Division Office of the Judge Advocate Room 9s05 Hoffman Bldg II 200 Stovall St. Alexandria, Va. 22332

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

Record source categories:

Information is received from Reserve officers who participate in the Naval Reserve Law Programs.

Systems exempted from certain provisions of the act:

None

N00013 1

System name:

General court-martial records of trial.

System location:

Office of the Judge Advocate General (code 20), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332. Records, three years old or older, are stored at the Federal Records Center, Suitland, Maryland 20409.

Categories of individuals covered by the system:

Active duty Navy and Marine Corps personnel tried by general court-martial.

Categories of records in the system:

General court-martial records of trial.

Authority for maintenance of the system:

10 USC 865 and 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Public Record.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders.

Retrievability:

Files are kept by Navy court-martial number and each case is cross-referenced by an index card which is filed in alphabetical order according to the last name of the individual concerned.

Safeguards:

Files are maintained in file cabinets under the control of authorized personnel during working hours; the office space in which the file cabinets are located is locked outside official working hours.

Retention and disposal:

Records are maintained in office for three years and then forwarded to the Federal Records Center, Suitland, Maryland 20409 for storage.

System manager(s) and address:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

Notification procedure:

Information may be obtained by written request which adequately identifies the system of records and the individual about whom the record is kept (i.e., full name and date of trial of individual concerned). The written request must be signed by the requesting individual. Personal visits may be made to the Military Justice Division, Office of the Judge Advocate General, Department of the Navy, Room 9s09, Hoffman Bldg, 200 Stovall St., Alexandria, Va. 22332. Individuals making such visits should be able to provide some acceptable identification, e.g., Armed Forces identification card, driver's license, etc.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Proceedings by a general court-martial.

Systems exempted from certain provisions of the act:

NONE

N00013 11

System name:

Determinations on Origins of Disabilities For Which Military Members Have Retired

System location:

Office of the Judge Advocate General (code 12), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

Categories of individuals covered by the system:

Retired or former members of the Navy or Marine Corps who have been placed on the Temporary Disability Retired List or Permanent Disability Retired List and who have subsequently obtained or applied for Federal civilian employment.

Categories of records in the system:

Requests originated by individuals concerned or any federal agencies employing such individuals; Bureau of Medicine and Surgery historical narratives and opinions concerning the origins of disabilities of individuals on whom determinations have been requested; copies of Judge Advocate General determinations; and related correspondence.

Authority for maintenance of the system:

5 U.S.C. 3502(a), 6303(a), 8332(c);
5 U.S.C. 301;
44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information is used as the basis for determinations concerning the eligibility of individuals of the above-described category to certain benefits connected with Federal civilian employment available to those disabled in combat with enemies of the United States or having disabilities caused by instrumentalities of war during periods of war. Determinations are rendered, upon request, to any Federal agencies employing members who retired from the naval service for disability. The information may be furnished to other components of the Department of Defense.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are maintained in file folders.

Retrievability:

By name of individual.

Safeguards:

Files are maintained in file cabinets under the control of authorized personnel during working hours; the office space in which the file cabinets are located is locked outside official working hours.

Retention and disposal:

Records are permanent and are retained indefinitely in the Office of the Judge Advocate General.

System manager(s) and address:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

Notification procedure:

Information may be obtained by written request to the System Manager stating the full name of the individual concerned and the approximate date on which relief was requested. Written request must be signed by the requesting individual. Visits may be made to: Civil Affairs Division (Code 12) Office of the Judge Advocate General Room 9n11, Hoffman Bldg II, 200 Stovall St., Alexandria, Va. 22332

Armed forces identification card or state driver's license is required for identification.

Record access procedures:

The agency's rules for access to records may be obtained from the System Manager.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

Employment information in the system is submitted by the individuals concerned or the Federal agencies employing them. Medical information in the system is obtained from the individuals' medical records, physical evaluation board records, and service records.

Systems exempted from certain provisions of the act:

NONE

N00013 12

System name:

Relief of Accountable Personnel From Liability For Losses of Public Funds

System location:

Office of the Judge Advocate General (code 12), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332

Categories of individuals covered by the system:

Accountable Navy and Marine Corps military and civilian disbursing personnel and collection agents who request relief from liability for losses of public funds in their custody.

Categories of records in the system:

Copies of requests submitted by individuals of the above-stated category for grant of relief from liability, together with information voluntarily furnished by the affected individuals concerning the circumstances of losses of funds in their custody, and additional information derived from investigatory and audit reports and comments of forwarding endorsers concerning circumstances of losses.

Authority for maintenance of the system:

31 U.S.C. 95a., 82a-1, 82a-2;
5 U.S.C. 301
44 U.S.C. 3101

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information is used as the basis for determinations within the Department of the Navy and the U.S. General Accounting Office as to whether the circumstances of particular losses of public funds warrant granting accountable individuals' requests for relief from liability. This information may be furnished to other components of the Department of Defense.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are maintained in file folders.

Retrievability:

By name of individual requesting relief.

Safeguards:

Files are maintained in file cabinets under the control of personnel during working hours; the office space in which the file cabinets are located is locked outside official working hours.

Retention and disposal:

Records are permanent and are retained indefinitely in the Office of the Judge Advocate General. However, after three years, name indexes are destroyed, eliminating the capability for retrieval by the names of individuals. Thereafter, they are retrievable only by topical indexes arranged according to the legal issues involved.

System manager(s) and address:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332

Notification procedure:

Information may be obtained by written request to the system manager stating the full name of the individual concerned and the approximate date on which relief was requested. Written requests must be signed by the requesting individual. visits may be made to: Civil Affairs Division (code 12), Office of the Judge Advocate General, Room 9n11, Hoffman Bldg II, 200 Stovall St., Alexandria, Va. 22332. Armed forces identification card or state driver's license is required for identification.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Information in the system is furnished partly by the individual requesting relief, and is supplemented by reports of Department of the Navy audits and investigations pertaining to the particular losses of funds involved. Additional amplifying information is typically furnished by officers forwarding requests to the Secretary of the Navy.

Systems exempted from certain provisions of the act:

NONE.

N00013 13

System name:

Conflicts of interest and employment activities.

System location:

Office of the Judge Advocate General (code 12), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

Categories of individuals covered by the system:

Active duty, reserve, or retired military personnel and present and former civilian employees of the Navy or Marine Corps who, by reason of their own inquiries or inquiries or complaints of Department of the Navy or other Federal officials or other appropriate persons, have been the subject of correspondence with the Judge Advocate General concerning the legality of outside Federal, State, or private employment or financial interests, dual Federal employment, post-retirement employment, defense related employment, or foreign employment; acceptance of gifts, gratuities. or benefits from Government cntractors, foreign governments, or other sources, or other possible violations of Federal conflicts-of-interest or standards-of-conduct laws or regulations.

Categories of records in the system:

Correspondence from, to, or concerning, individuals of the above stated category regarding thier current, past, or prospective outside Federal, State, or private employment; defense-related employment; post-retirement employment; foreign employment; dual Federal employment; acceptance of gifts, gratuities, or benefits from Government contractors, foreign governments, or other questionable sources; or other possible violations of conflicts-of-interest or standards-of-conduct laws or regulations. Additionally, such records sometimes include copies of statements of employment submitted by retired military personnel to the Navy Finance Center and referred to the Judge Advocate General for review and further action, and copies of investigative reports concerning suspected violations of pertinent laws or regulations.

Authority for maintenance of the system:

5 U.S.C. 3326, 5532; 10 U.S.C. 973, 974, 1032, 6223;
18 U.S.C. 202, 203, 205, 207, 209, 219, 281, 283;
37 U.S.C. 801;
U.S. Const., Art. I, 9, cl 8;
5 U.S.C. 301;
44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information is used as the basis for advisory opinions on the legality of employment activities, financial interests, and the related conflicts-of-interest and standards-of-conduct questions described above. Information may be furnished to other components of the Department of Defense, the U.S. General Accounting Office, the Department of Justice, and the Civil Service Commission in instances of suspected violations of pertinent laws or regulations.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are maintained in file folders.

Retrievability:

By name of individual.

Safeguards:

Files are maintained in file cabinets under the immediate control of authorized personnel during working hours; the office space in which the file cabinets are located is locked outside official working hours.

Retention and disposal:

Records are permanent and are retained indefinitely in the Office of the Judge Advocate General. However, after five years, name indexes are destroyed, eliminating the capability for retrieval by the names of individuals. Thereafter, they are retrievable only by topical indexes arranged according to the legal issues involved.

System manager(s) and address:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va., 22332

Notification procedure:

Information may be obtained by written request to the system manager stating the full name of the individual concerned. Written requests must be signed by the requesting individual. Visits may be made to: Civil Affairs Division (code 12), Office of the Judge Advocate General, Room 9n11, Hoffman Bldg II, 200 Stovall St., Alexandria, Va. 22332. Armed forces identification card or state driver's license is required for identification.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the sstem manager.

Record source categories:

Information in the system is furnished by the individual and is supplemented by correspondence from Federal officials; current, past, and prospective employers; other interested persons regarding possible conflicts of interest and employment activities; and by investigations pertaining to particular suspected violations. Additional information in the form of statements of employment is forwarded by officers of the Navy Finance Center to the Judge Advocate General for review and further action.

Systems exempted from certain provisions of the act:

NONE.

N00013 17

System name:

Summary courts-martial and non-bad conduct discharge courts-martial--navy and marine corps

System location:

Records are retained for two years after final action by appropriate officers having supervisory authority over shore activities. Records are retained for three months after final action by appropriate officers having supervisory authority over fleet activities, including Fleet Air Wings and Fleet Marine Forces. After the two years or three month retention period, as appropriate, the records are transferred to the National Personnel Records Center, GSA (Military Personnel Records), 9700 Page Boulevard, St. Louis, Missouri 63132.

Categories of individuals covered by the system:

Navy and Marine Corps enlisted personnel tried by summary courtmartial or by special court-martial which did not result in a bad conduct discharge.

Categories of records in the system:

Summary court-martial and non-bad conduct discharge special court-martial records of trial.

Authority for maintenance of the system:

10 U.S.C. 865, 5 U.S.C. 301, and Executive Order No. 11476 of June 19, 1969, as amended by Executive Order No. 11835 of January 27, 1975, paragraph 94b (manual for courts-martial, 1969 (rev.))

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Public record.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders.

Retrievability:

Type of court-martial, date, command which convened the court-martial, name of individual defendant, and command which completed the supervisory authority's action.

Safeguards:

Files are maintained in file cabinets and other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside official working hours.

Retention and disposal:

Records are retained for two years after final action by officers having supervisory authority over shore activities, and for three months by officers having supervisory authority over fleet activities. At the termination of the appropriate retention period, records are forwarded for storage to the National Personnel Records Center, GSA (Military Personnel Records), 9700 Page Boulevard, St. Louis, Missouri 63132. Records are destroyed 15 years after final action has been taken.

System manager(s) and address:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332

Notification procedure:

Information may be obtained from the Deputy Assistant Judge Advocate General (military justice), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332., by written request including the full name of the individual concerned, the type of court-martial (summary or special), the name of the command which held the court-martial, and the date of the court-martial proceedings. Written requests must be signed by the requesting individual. Personal visits may be made to the Military Justice Division, Office of the Judge Advocate General, Room 9s09, Hoffman Bldg II, 200 Stovall St., Alexandria, Va., 22332. Individuals making such visits should be able to provide some acceptable identification, e.g. armed forces identification cards, driver's license, etc.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Proceedings of summary courts-martial and speeial courts-martial which did not result in a bad conduct discharge.

Systems exempted from certain provisions of the act:

None.

N00013 2

System name:

Special courts-martial resulting in bad conduct discharges or concerning commissioned officers.

System location:

Office of the Judge Advocate General (code 20), Department of the Navy, 200 Stovall st., Alexandria, Va. 22332. Records, three years old or older, are stored at the Federal Records Center, Suitland, Maryland 20409.

Categories of individuals covered by the system:

Navy and Marine Corps personnel tried by special court-martial and awarded a bad conduct discharge, and all Navy and Marine Corps commissioned officers tried by special court-martial.

Categories of records in the system:

Special court-martial which resulted in a bad conduct discharge, or involving commissioned officers.

Authority for maintenance of the system:

10 U.S.C. 865, 5 U.S.C. 301 and Executive Order No. 11476 of June 19, 1969, as amended by Executive Order No. 11835 of January 27, 1975, paragraph 94b (manual for courts-martial, 1969 (rev.))

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Public Record.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders.

Retrievability:

Files are kept by Navy court-martial number and each case is cross-referenced by an index card which is filed in alphabetical order according to the last name of the individual concerned.

Safeguards:

Files are maintained in file cabinets and other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside official working hours.

Retention and disposal:

Records are maintained in office for three years and then forwarded to the Federal Records Center, Suitland, Maryland 20409 for storage.

System manager(s) and address:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St, Alexandria, Va. 22332.

Notification procedure:

Information may be obtained from the Deputy Assistant Judge Advocate General (military justice), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332, by written request stating full name, and date of trial of the individual concerned. Written requests must be signed by the requesting individual. Personal visits may be made to the Military Justice Division, Office of the Judge Advocate General, Room 9s09, Hoffman Bldg II, 200 Stovall St., Alexandria, Va. 22332. Individuals making such visits should be able to provide some acceptable identification, e.g. armed forces identification card, driver's license, etc.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Special court-martial proceedings.

Systems exempted from certain provisions of the act:

NONE.

N00013 3

System name:

Article 138 Complaint of Wrongs

System location:

Office of the Judge Advocate General (Code 20), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332. Complaints, three years old or older, are stored at the Federal Records Center, Suitland, Maryland 20409.

Categories of individuals covered by the system:

Active duty Navy and Marine Corps personnel who have submitted complaints of wrong pursuant to Article 138, UCMJ, which have been forwarded to the Secretary of the Navy for final review of the complaint and the proceedings had thereon.

Categories of records in the system:

The complaint and all proceedings had thereon.

Authority for maintenance of the system:

Article 138, Uniform Code of Military Justice, (10 U.S.C. 938).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

No routine use after complaint is resolved.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders.

Retrievability:

Files are kept in alphabetical order according to last name of the individual concerned.

Safeguards:

Files are maintained in file cabinets and other storage devices under control of authorized personnel during working hours; the office spaces in which the file cabinets and storage devices are located is locked outside office working hours.

Retention and disposal:

Complaints are maintained in office for three years and then forwarded to the Federal Records Center, Suitland, Maryland 20409 for storage.

System manager(s) and address:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

Notification procedure:

Information may be obtained from the Deputy Assistant Judge Advocate General (Military Justice), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332. Information may be obtained by written request to the Judge Advocate General stating full name and the approximate date the complaint was submitted for review if known. Written requests must be signed by the requesting individual. Personal visits may be made to the Military Justice Division, Office of the Judge Advocate General, Room 9s09, Hoffman Bldg II, 200 Stovall St, Alexandria, Va. 22332. Individuals making such visits should be able to provide some acceptable identification, e.g. armed forces identification card, driver's license, etc.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

The records are comprised of the following source materials: (1) complaint of wrongs; (2) results of examination into complaint of wrongs by the general court-martial authority; and (3) final review action by the Secretary of the Navy.

Systems exempted from certain provisions of the act:

None.

N00013 4

System name:

Article 69 Petitions

System location:

Office of the Judge Advocate General General (code 20), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332. Petitions three years old or older are stored at the Federal Records Center, Suitland, Maryland 20409.

Categories of individuals covered by the system:

Navy and Marine Corps personnel who were tried by courts-martial which were not reviewed by the Navy Court of Military Review and when such service member has petitioned the Judge Advocate General pursuant to Article 69, Uniform Code of Military Justice, for review.

Categories of records in the system:

Files contain individual service member's petition together with all forwarding endorsements and copy of action taken by the Judge Advocate General with supporting memorandum.

Authority for maintenance of the system:

Article 69, Uniform Code of Military Justice (10 USC 869).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Public record.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders.

Retrievability:

Records are maintained in chronological calendar order with alphabetical cross-referencing system.

Safeguards:

Files are maintained in file cabinets and other storage devices under the control of authorized personnel during working hours; the office spaces in which the file cabinets and storage devices are located is locked outside official working hours.

Retention and disposal:

Records are maintained in office for three years and then forwarded to the Federal Records Center, Suitland, Maryland 20409 for storage.

System manager(s) and address:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

Notification procedure:

Information may be obtained from the Deputy Assistant Judge Advocate General (military justice), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332. Information may be obtained by written request to the Judge Advocate General stating full name of the individual concerned. Written requests must be signed by the requesting individual. Personal visits may be made to the Military Justice Division, Office of the Judge Advocate General, Room 9s09, Hoffman Bldg II, 200 Stovall St., Alexandria, Va. 22332. Individuals making such visits should be able to provide some acceptable identification, e.g. Armed Forces identification card, driver's license, etc.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

The records comprise the following source materials: (1) petitions for relief, (2) forwarding endorsements thereon by petitioner's commanding officer and convening/supervisory authorities of court-martial (above information is omitted if petitioner is former service member), and (3) action of the Judge Advocate General on petition.

Systems exempted from certain provisions of the act:

None.

N00013 5

System name:

Court-martial statistics.

System location:

Magnetic tape held at Naval Command Systems Support Activity, Production Code 60.1, room 4002, building 196, Washington Navy Yard, Washington, D.C. 20360. Source document (NAVJAG 5813/1) held in Promulgation and Statistics Branch, Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

Categories of individuals covered by the system:

Navy and Marine Corps personnel tried by general courts-martial and by special courts-martial when the special court-martial sentence as finally approved includes a punitive discharge.

Categories of records in the system:

Court-martial information on special courts-martial if sentence as finally approved includes a punitive discharge and all general courts-martial including name, social security number, pleas, convening authority action, supervisory authority action, and Court of Military Review action. Information available from 1970 to present only.

Authority for maintenance of the system:

5 USC 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Provide statistical information on general and bad conduct discharge special courts-martial to governmental, public, and private organizations and individuals.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Magnetic tape and source documents (NAVJAG 5813/1) if file folders.

Retrievability:

Name and social security number or Navy court-martial number.

Safeguards:

Tapes stored in secret vault. Without project code number, tape can neither be read nor added to. Only person who has code number is Project Code Officer. Source documents are filed in file cabinets which are located in an office which is under observation during working hours and is locked at night. The office is located in a secure building which is surrounded by a guarded fence. The building is guarded 24 hours a day, and admission is allowed only to personnel on official business and authorized visitors.

Retention and disposal:

Idefinite.

System manager(s) and address:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General. Department of the Navy, 200 Stovall St, Alexandria, Va. 22332.

Notification procedure:

Information may be obtained from the Deputy Assistant Judge Advocate General (military justice), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332. Information may be obtained by written request to the Judge Advocate General stating full name, date of trial (if known), date of discharge and type of discharge of the individual concerned. Written requests must be signed by the requesting individual. Personal visits may be made to: The Military Justice Division, Office of the Judge Advocate General, Room 9s09, Hoffman Bldg II, 200 Stovall St., Alexandria, Va. 22332. Individuals must be able to provide some acceptable identification, e.g. Armed Forces identification card, driver's license, etc.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Form NAVJAG (Navy Judge Advocate General) 5813/1.

Systems exempted from certain provisions of the act:

None.

N00013 6

System name:

Ethics file.

System location:

Office of the Judge Advocate General (code 20), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

Categories of individuals covered by the system:

Civilian and military lawyers authorized to practice before a court-martial or Navy Court of Military Review and who by their personal or professional conduct have demonstrated that they are so lacking in competency, integrity or ethical or moral character as to be unacceptable as counsel before a court-martial or Navy Court of Military Review.

Categories of records in the system:

Reports of investigation, correspondence, and court papers relating to the complaint brought against attorneys.

Authority for maintenance of the system:

Manual of the Judge Advocate General, section 0142, and 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

No routine use after file is closed. The information may be furnished to other Department of Defense components and State and Federal governmental organizations before they are closed.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders.

Retrievability:

Files are kept in alphabetical order according to the last name of the attorney concerned.

Safeguards:

Files are maintained in file cabinets and other storage devices under the control of authorized personnel during working hours; the

office space in which the file cabinets and storage devices are located is locked outside official working hours.

Retention and disposal:

Records are maintained in office for two years and then forwarded to the Federal Records Center, Suitland, Maryland 20409 for storage.

System manager(s) and address:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

Notification procedure:

Information may be obtained from the Deputy Assistant Judge Advocate General (military justice), Office of he Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332. Information may be obtained by written request to the Judge Advocate General stating full name of the individual concerned. Written requests must be signed by the requesting individual. Personal visits may be made to the Military Justice Division, Office of the Judge Advocate General, Room 9s09, Hoffman Bldg II, 200 Stovall St., Alexandria, Va. 22332. Individuals making such visits should be able to provide some acceptable identification, e.g. Armed Forces identification card, driver's license, etc.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Correspondence from military judges, staff judge advocates, judge advocates, and other military personnel; correspondence from the Judge Advocates General of other branches of the Armed Forces; investigative reports from Naval Investigative Service offices; correspondence and copies of court papers from civilian authorities.

Systems exempted from certain provisions of the act:

None.

N00013 7

System name:

Litigation Case File

System location:

Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

Categories of individuals covered by the system:

All those individuals who have brought suit against, or have been involved in litigation with the United States or its offcers or employees concerning matters related to the Department of the Navy, in the Federal Civil Court System, excepting those cases arising, in admiralty, or patent, under the Federal Tort Claims Act, and all matters under the responsibility of the General Counsel's Office.

Categories of records in the system:

All pleadings, motions, briefs, orders, decisions, memoranda, opinions, supporting documentation and related materials involved in representing the United States Navy and Marine Corps in the Federal Court System.

Authority for maintenance of the system:

5 U.S.C. 301, 10 U.S.C. 5148, and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The collected information is used to defend the Department of the NAVY IN CIVIL suits filed against it in the Federal Court System. Routine users of the information, in addition to the Litigation Division, Office of the Judge Advocate General of the Navy, are the Department of Justice and the United States Attorneys offices assigned to the particular case.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders.

Retrievability:

Retrievable by last name of the litigant.

Safeguards:

Records are maintained in file cabinets accessible only to persons responsible for servicing the record system in performing their official duties.

Retention and disposal:

Retained in office files for two years, then retired to Washington National Records Center, Washington, D.C. 20409; detroy 10 years after final action, on the case.

System manager(s) and address:

Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

Notification procedure:

Information may be obtained from the system manager.

Record access procedures:

Access is not permitted to this system. See 5 U.S.C.C 552a (d) (5).

Contesting record procedures:

The Navy's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Navy Military Personnel Records Center, St. Louise; Department of Justice, opposing counsel.

Systems exempted from certain provisions of the act: Nonê.

N00013B

System name:

Article 73 petitions for new trial.

System location:

Office of the Judge Advocate General (code 20), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

Categories of individuals covered by the system:

Navy and Marine Corps personnel who submitted petitions for new trial to the Judge Advocate General within two years after approval of their court-martial sentence by the convening authority but after their case had been reviewed by the Navy Court of Military Review or Court of Military Appeals, if appropriate.

Categories of records in the system:

The petition for new trial, the forwarding endorsements if the petition was submitted via the chain of command, and the action of the Judge Advocate General on the petition.

Authority for maintenance of the system:

Article 73, Uniform Code of Military Justice, (10 U.S.C. 873).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

No routine use after action taken on petition.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders.

Retrievability:

Files are kept in alphabetical order according to the last name of the individual concerned.

Safeguards:

Files are maintained in file cabinets and other storage devices under the control of authorized personnel durng working hours; the office space in which the file cabinets and storage devices are located is locked outside official working hours.

Retention and disposal:

Records are maintained in office for two years and then forwarded to the Federal Records Center, Suitland, Maryland 20409 for storage.

System manager(s) and address:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

Notification procedure:

Information may be obtained from the Deputy Assistant Judge Advocate General (Military Justice), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332. Information may be obtained by written request stating full name of the individual concerned. Written requests must be signed by the requesting individual. Personal visits may be made to the Military Justice Division, Office of the Judge Advocate General, Room 9s09, Hoffman Bldg II, 200 Stovall St., Alexandria, Va. 22332. Individuals should have the following items of identification: drivers license or military identification card.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

The records are comprised of the following source materials: (1) petitions for new trial; (2) forwarding endorsements thereon by petitioner's commanding officer and convening/supervisory authorities of court-martial (above information is omitted if petitioner is former service member); and (3) action of the Judge Advocate General on petitions.

Systems exempted from certain provisions of the act:

None.

N00013C

System name:

Legal Assistance Card Files

System location:

Typically maintained at Naval Legal Service Offices, the Naval Legal Service Branch Offices, and any command with a legal assistance office.

Categories of individuals covered by the system:

Authorized military and civilian personnel and dependents who have sought legal assistance from a legal assistance office established within the Department of the Navy.

Categories of records in the system:

Legal assistance card files typically contain client identification information, e.g., name, address, duty station, telephone numbers, etc., client description of legal problem, attorney classification of problem, and attorney time expended.

Authority for maintenance of the system:

5 U.S.C. 301; Manual of the Judge Advocate General, 1914; 44 U.S.C. 3101

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Time-accounting data is extracted from the card files for preparation of periodic legal assistance statistical reports; legal assistance attorneys refer to the card files to ascertain previous progress achieved toward disposition of the case. There are no other uses. Internal users are limited to legal assistance attorneys and assigned clerical personnel.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Pre-printed cards stored in file cabinets.

Retrievability:

Filed alphabetically by name of client.

Safeguards:

Cards are maintained in file cabinets or other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside of official working hours.

Retention and disposal:

Two years after disposition of the case or until the closing of the legal assistance office, then destroyed.

System manager(s) and address:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

Notification procedure:

Information may be obtained by written request which adequately identifies the system of records and the individual about whom the record is kept (i.e. full name, etc.); the written request must be signed by the requesting individual.

Record access procedures:

Requests from individuals should be addressed to the system manager. Written requests for access should contain the full name of the individual, current address and telephone number, and the serial code of any prior correspondence received from this office pertaining to the request. For personal visits, the individual should be able to provide some acceptable identification, e.g., driver's license, etc., and give some verbal information that could be verified in the file.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations may be obtained from the system manager.

Record source categories:

Basic information contained in the card files is provided by the client; information concerning the ultimate disposition of the case and time expended by the attorney is provided by the attorney.

Systems exempted from certain provisions of the act:

NONE

N00013D

System name:

Federal Tort Claims Files

System location:

Office of the Judge Advocate General, Offices of the Commandants of the Naval Districts, Naval Legal Service Offices, all overseas commands with a Navy Judge Advocate General Corps Officer or a Marine Corps judge advocate attached, and the Federal Records Center, Suitland, Maryland. Local commands with which claims under the Federal Tort Claims Act are initially filed typically retain copies of such claims and accompanying files. Official mailing addresses of these locations are included in the Department of Defense Directory in the appendix to this notice.

Categories of individuals covered by the system:

Any individuals who have filed claims against the Navy under the Federal Tort Claims Act.

Categories of records in the system:

The files may contain claims filed, correspondence, investigative reports, accident reports, medical and dental records, x-rays, allied reports (such as local police investigations, etc.), photographs drawings, legal memoranda, opinions of experts, and court documents.

Authority for maintenance of the system:

Federal Tort Claims Act (28 U.S.C. 1346(b), 2671-2680); 32 C.F.R. 750.30-750.49; 5 U.S.C. 301; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The files are used to evaluate claims for purposes of adjudication and litigation. The files are used by contractors in those cases in which they indemnify the United States. The files are provided to the Department of Justice to defend suits brought against the United States and may be furnished to other components of the Department of Defense. The files or portions thereof may be furnished to the claimant or his authorized representative, and for those claims for which payment is determined proper, the files or portions thereof may be provided to the Congress, the Department of Treasury, the Office of Management and Budget, and the General Accounting Office.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders stored in file cabinets or other storage devices.

Retrievability:

Filed alphabetically by name of claimant.

Safeguards:

Files are maintained in file cabinets and other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside official working hours.

Retention and disposal:

Minimum-one year; maximum-permanent; typically files located in the Office of the Judge Advocate General are transferred to the Federal Records Center, Suitland, Maryland, three years after disposition of the case.

System manager(s) and address:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General Department of the Navy, 200 Stovall St., Alexandria, Va., 22332.

Notification procedure:

Information may be obtained from the System Manager. Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

Record access procedures:

Requests from individuals should be addressed to the System Manager. Written requests for access should contain the full name of the individual, current address and telephone number, and the serial code of any prior correspondence received from this office pertaining to

the request. For personal visits, the individual should be able to provide some acceptable identification, e.g. driver's license, etc., and give some verbal information that could be verified in the file.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations may be obtained from the System Manager.

Record source categories:

The sources of information contained in the files include the following: x-rays and medical and dental records from civilian and military doctors and medical facilities; investigative reports of accidents from military and municipal police agencies; reports of circumstances of incidents from operators of Government vehicles and equipment; witnesses; correspondence from claimants and their attorneys and insurance companies, state insurance commissions, United States Attorneys, and various other Government agencies with information concerning the claim.

Systems exempted from certain provisions of the act:

NONE

N00013E

System name:

Affirmative Claims Files

System location:

Office of the Judge Advocate General, Offices of the Commandants of the Naval districts; Naval Legal Service Offices, and Branch Offices of the Officers in Charge of U.S. Sending State Offices; overseas commands with a Navy or Marine Corps judge advocate attached; the Federal Records Center, Suitland, Maryland; and such other offices of officers as may be designated by the Judge Advocate General. Official mailing addresses of these locations are included in the Department of Defense Directory in the appendix of this notice.

Categories of individuals covered by the system:

All individuals against whom the Navy has claims sounding in tort, and all individuals who are in the military or are dependents of military members and have been provided medical care by a Naval medical facility for injuries resulting from such tortious conduct.

Categories of records in the system:

The files contain reports of injuries to individuals entitled to care at Navy expense, reports of damage to Navy property, x-rays, medical and dental records of treatment, and statements of charges therefor, military and municipal police and individual's reports of accidents, investigative reports, correspondence, legal research, and opinions.

Authority for maintenance of the system:

Medical Care Recovery Act (42 U.S.C. 2651-53); Federal Claims Collection Act (31 U.S.C. 951-53); 32 C.F.R. 757.1-757.21; 5 U.S.C. 301; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

These records are used to futher efforts to collect such claims without litigation, for preparing litigation reports to the Department of Justice, and for use in civil litigation by the Department of Justice. In addition, the files may be furnished to insurance companies to support claims by documenting injuries or diseases for which treatment was provided at Government expense and to civilian attorneys representing the injured parties and the Government's interests. Finally, the files may be furnished to other components of the Department of Defense.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folder stored in file cabinets or other storage device.

Retrievability:

Filed alphabetically by name of the individual.

Safeguards:

Files are maintained in file cabinets and other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside of official working hours.

Retention and disposal:

Minimum-one year; maximum-permanent; typically files located in the Office of the Judge Advocate General are transferred to the Federal Records Center, Suitland, Maryland, three years after disposition of the case.

System manager(s) and address:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

Notification procedure:

Information may be obtained from the system manager. Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

Record access procedures:

Requests from individuals should be addressed to the System Manager. Written requests for access should contain the full name of the individual, current address and telephone number, and the serial code of any prior correspondence received from this office pertaining to the request. For personal visits, the individual should be able to provide some acceptable identification, e.g. driver's license, etc., and give some verbal information that could be verified in the file.

Contesting record procedures:

The agency's rule for contesting contents and appealing initial determinations may be obtained from the System Manager.

Record source categories:

The sources of information contained in these files includes: military and local police reports, line of duty investigations, commercial credit and asset reports, questionnaires completed by accident victims, x-rays, medical and dental records of treatment and statements of charges therefor from civilian and military doctors and medical facilities; correspondence; and witnesses.

Systems exempted from certain provisions of the act:

None

N00013F

System name:

Foreign Claim Files

System location:

Office of the Judge Advocate General; United States Sending State Office for Italy; United States Sending State Office for Australia; Naval Missions (including the office of the naval section of military missions); Military Assistance Advisory Groups (including the Offices of Chiefs, Naval Section, Military Assistance Advisory Groups); Office of the Naval Advisory to Argentina; naval attaches; any command which has appointed a Foreign Claims Commission; and the Federal Records Center, Suitland, Maryland. Local commands, with which claims under the Foreign Claims Act are initially filed and which do not have or choose to appoint a Foreign Claims Commission, typically retain copies of such claims and accompanying files. Official mailing addresses of these locations are included in the Department of Defense directory in the appendix to this notice.

Categories of individuals covered by the system:

All individuals who have filed claims against the Department of the Navy under the Foreign Claims Act.

Categories of records in the system:

The files may contain claims filed, correspondence, investigative reports, accident reports, medical and dental records, x-rays, allied reports (such as foreign police investigations, etc.), photographs, drawings, legal memoranda, opinions of experts, and court documents.

Authority for maintenance of the system:

Foreign Claims Act (10 U.S.C. 2734); 32 C.F.R. 753.1-753.29; 5 U.S.C. 301; 44 U.S.C. 3101

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The files are used to adjudicate claims and to evaluate and decide reconsiderations of denials of claims. The files may be furnished to other components of the Department of Defense and the Department of Justice to defend unauthorized suits brought against the United States under the Foreign Claims Act. In addition, the files or portions thereof may be furnished to the claimant or his authorized representative. For those claims for which payment is determined proper, the files or portions thereof may be provided to Congress, the Department of Treasury, the Office of Management and Budget, and the General Accounting Office.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders stored in file cabinets or other storage devices.

Retrievability:

Filed alphabetically by name of claimant.

Safeguards:

Files are maintained in file cabinets and other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside official working hours.

Retention and disposal:

Minimum-one year; maximum-permanent; typically files located in the Office of the Judge Advocate General are transferred to the Federal Records Center, Suitland, Maryland, three years after disposition of the case.

System manager(s) and address:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va., 22332.

Notification procedure:

Information may be obtained from the System Manager. Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

Record access procedures:

Requests from individuals should be addressed to the System Manager. Written requests for access should contain the full name of the individual, current address and telephone number, and the serial code of any prior correspondence received from this office pertaining to the request. For personal visits, the individual should be able to provide some acceptable identification, e.g. driver's license, etc., and give some verbal information that could be verified in the file.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations may be obtained from the System Manager.

Record source categories:

The sources of information contained in the files includes: x-rays, medical records, and dental records; investigative reports from military and foreign police agencies; reports of circumstances of incidents from operators of Government vehicles and equipment; witnesses; correspondence from claimants, their attorneys, and insurance companies.

Systems exempted from certain provisions of the act:

None

N00013G

System name:

Military Claims Files

System location:

Office of the Judge Advocate General, Offices of the Commandants of the Naval Districts, Naval Legal Service Offices and Branch Offices, overseas commands with a Navy or Marine Corps judge advocate attached, and the Federal Records Center, Suitland, Maryland. Local commands, with which claims under the Military Claims Act are initially filed, typically retain copies of such claims and accompanying files. Official mailing addresses of these locations are included in the Department of Defense directory in the appendix of this notice.

Categories of individuals covered by the system:

All individuals who have filed claims under the Military Claims Act against the Department of the Navy.

Categories of records in the system:

The files may contain claims filed, correspondence, investigative reports, accident reports, medical and dental records, x-rays, allied reports (such as local police investigations, etc.), photographs, drawings, legal memoranda, opinions of experts, and court documents.

Authority for maintenance of the system:

Military Claims Act (10 U.S.C. 2733); 32 C.F.R. 750.50-750.59; 5 U.S.C. 301; 44 U.S.C. 3101

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The files are used to evaluate claims for purposes of adjudication. The files are also used by contractors in those cases in which they indemnify the Government. The files may be furnished to other components of the Department of Defense, and to the Department of Justice to defend unauthorized suits brought against the United States under the military claims act. Additionally, the files or portions thereof may be furnished to the claimant or his authorized representative. For those claims for which payment is determined proper, the files or portions thereof may be provided to the Congress, the Department of Treasury, the Office of Management and Budget, and the General Accounting Office.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders stored in file cabinets or other storage devices

Retrievability:

Filed alphabetically by name of claimant

Safeguards:

Files are maintained in file cabinets or other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside official working hours.

Retention and disposal:

Minimum-one year; maximum-permanent; typically files located in the Office of the Judge Advocate General are transferred to the Federal Records Center, Suitland, Maryland, three years after disposition of the case.

System manager(s) and address:

Assistant Judge Advocate General (civil law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

Notification procedure:

Information may be obtained from the system manager. Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

Record access procedures:

Requests from individuals should be addressed to the system manager. Written requests for access should contain the full name of the individual, current address and telephone number, and the serial code of any prior correspondence received from this office pertaining to the request. For personal visits, the individual should be able to provide some acceptable identification, e.g. driver's license, etc., and give some verbal information that could be verified in the file.

Contesting record procedures:

The agency's rule for contesting contents and appealing initial determinations may be obtained from the system manager.

Record source categories:

The sources of information contained in the files include the following: x-rays, medical and dental records from civilian and military doctors and medical facilities; investigative reports of accidents from military and municipal police agencies; reports of circumstances of incidents from operators of Government vehicles and equipment; witnesses; correspondence from claimants, their attorneys, insurance companies, state commissions, United States Attorneys, and various other Government agencies with information concerning the claim.

Systems exempted from certain provisions of the act:

NONE

N00013H

System name:

'Nonscope' Claims Files

System location:

Office of the Judge Advocate General, Naval Legal Service Offices, and Branch Offices, overseas commands with a Navy or Marine Corps judge advocate attached, and the Federal Records Center, Suitland, Maryland. Local commands, with which claims under the 'Nonscope' Claims Act are initially filed, typically retain copies of such claims and accompanying files. Official mailing addresses of these locations are included in the Department of Navy directory of mailing addresses.

Categories of individuals covered by the system:

All individuals who have filed claims under the 'Nonscope' Claims Act against the Department of the Navy.

Categories of records in the system:

The files may contain claims filed, correspondence, investigative reports, accident reports, medical and dental records, x-rays, allied reports, photographs, drawings, opinions of experts, legal memoranda, and court documents.

Authority for maintenance of the system:

'Nonscope' Claims Act (10 U.S.C. 2737); 32 C.F.R. 750.60-750.69; 5 U.S.C. 301; 44 U.S.C. 3101

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The files are used to evaluate claims for purposes of adjudication. The files are provided to the Department of Justice to defend unauthorized suits brought against the United States under the 'Nonscope' Claims Act. In addition, files or portions thereof may be furnished to the claimant or his authorized representative and to other components of the Department of Defense.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders stored in file cabinets or other storage devices

Retrievability:

Filed alphabetically by name of claimant

Safeguards:

Files are maintained in file cabinets or other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside official working hours.

Retention and disposal:

Minimum-one year; maximum-permanent; typically files located in the Office of the Judge Advocate General are transferred to the Federal Records Center, Suitland, Maryland, three years after disposition of the case.

System manager(s) and address:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

Notification procedure:

Information may be obtained from the system manager. Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

Record access procedures:

Requests from individuals should be addressed to the system manager. Written requests for access should contain the full name of the individual, current address and telephone number, and the serial code of any prior correspondence received from this office pertaining to the request. For personal visits, the individual should be able to provide some acceptable identification, e.g. driver's license, etc., and give some verbal information that could be verified in the file.

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determinations may be obtained from the system manager.

Record source categories:

The sources of information contained in the files include the following: x-rays, medical and dental records from civilian and military doctors and medical facilities; investigative reports of accidents from military and municipal police agencies; reports of circumstances of incidents from operators of Government vehicles; witnesses; correspondence from claimants, their attorneys, insurance companies, state insurance commissions, United States Attorneys, and various other Government agencies with information concerning the claim; commercial credit and asset reports; and questionnaires completed by accident victims.

Systems exempted from certain provisions of the act:

None

N00013I

System name:

Military Personnel and Civilian Employees' Claims

System location:

Offices of the Judge Advocate General; Naval Legal Service Offices; offices of the Commandants of the Naval Districts; Naval Legal Service Branch Offices; the Federal Records Center, Suitland, Maryland; naval activities where there are officers specifically designated by the Judge Advocate General to adjudicate personnel claims. Official mailing addresses of these locations are included in the Department of the Navy Directory of mailing addresses.

Categories of individuals covered by the system:

All individuals who have filed claims against the Department of the Navy under the Military Personnel and Civilian Employees' Claims Act and all common carriers against whom recovery has been sought by the Department of the Navy.

Categories of records in the system:

The files may contain claims filed, correspondence, investigative reports, copies of order, copies of insurance policies, Government bills of lading, copies of Powers of Attorney, estimates of loss or damage, inventories, demands on carriers for reimbursement, correspondence, and legal memoranda.

Authority for maintenance of the system:

Military Personnel and Civilian Employees' Claims Act (31 U.S.C. 240-243); 32 C.F.R. 751.0-751.30; 5 U.S.C. 301; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The files are used to evaluate claims for purposes of adjudication, reimbursement for the Department of the Navy from common carriers, warehousemen, contractors, or insurers who are responsible for loss or damage to personal property of individual claimants. Additionally, the files are provided to the Department of Justice to defend unauthorized suits against the United States under the Military Personnel and Civilian Employees' Claims Act. Finally, the files may be furnished to the claimant or his authorized representative and to other components of the Department of Defense.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders stored in file cabinets or other storage devices.

Retrievability:

Filed alphabetically by name of claimant and name of common carrier, warehousemen, contractors, and insurers.

Safeguards:

Files are maintained in file cabinets or other storage devices under the control of authorized personnel during working hours; the office space in which file cabinets and storage devices are located is locked outside of working hours.

Retention and disposal:

Minimum-one year; maximum-permanent; typically Files located in the Office of the Judge Advocate General are transferred to the Federal Records Center, Suitland, Maryland three years after disposition of the case.

System manager(s) and address:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

Notification procedure:

Information may be obtained from the system manager. Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by requesting individual.

Record access procedures:

Requests from individuals should be addressed to the system manager. Written requests for access should contain the full name of the individual, current address and telephone number, and the serial code of any prior correspondence received from this office pertaining to the request. For personal visits, the individual should be able to provide some acceptable identification, e.g. driver's license, etc., and give some verbal information that could be verified in the file.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations may be obtained from the system manager.

Record source categories:

Information contained in the file is initially provided by the claimant and witnesses, after which the personal property divisions contribute investigative reports. The carrier may contribute information, and in some cases an investigative report is furnished by a military member's command or by an investigative agency. Adjudicated amounts allowed for the claim are provided by the adjudicating authority.

Systems exempted from certain provisions of the act:

None

N00013J

System name:

Admiralty Claims Files

System location:

Office of the Judge Advocate General; Office of the Commander-in-Chief, United States Naval Forces, Europe; Office of the Commander, Sixth Fleet; and the Federal Records Center, Suitland, Maryland. Local commands with which claims under the Public

Vessels Act and the Suits in Admiralty Act are initially filed, typically retain copies of such claims and accompanying files. Official mailing addresses of these locations are included in the Department of the Navy directory of mailing addresses.

Categories of individuals covered by the system:

All individuals who have asserted claims or instituted suits under the Public Vessels Act and Suits in Admiralty Act against the Department of the Navy in the name of the United States and all individuals who have instituted suits against third parties who have impleaded the Department of the Navy in the name of the United States.

Categories of records in the system:

The files may contain claims filed, correspondence, investigative reports, accident reports, medical and dental records, x-rays, allied reports (such as local police investigations, etc.), photographs, drawings, legal memoranda, opinions of experts, and court documents.

Authority for maintenance of the system:

Admiralty Claims Act (10 U.S.C. 7622); 5 U.S.C. 301; 44 U.S.C. 3101

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Officials and employees of the Department of the Navy use these files in the performance of their official duties related to the administrative evaluation and settlement of admiralty claims asserted against the Navy. Additionally, these files are provided to the Department of Justice to defend civil maritime suits brought against the United States. Finally, these files may be furnished to other components of the Department of Defense.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders stored in file cabinets or other storage devices

Retrievability:

Filed alphabetically by name of claimant

Safeguards:

Files are maintained in file cabinets or other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside of official working hours.

Retention and disposal:

Records are retained in active files until each claim is settled or litigation resulting therefrom has been concluded. Thereafter, the files are maintained within the office for two years and then retired to the Federal Records Center, Suitland, Maryland.

System manager(s) and address:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

Notification procedure:

Information may be obtained from the system manager. Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

Record access procedures:

Requests from individuals should be addressed to the system manager. Written requests for access should contain the full name of the individual, current address and telephone number, and the serial code of any prior correspondence received from this office pertaining to the request. For personal visits, the individual should be able to provide some acceptable identification, e.g., driver's license, etc., and give some verbal information that could be verified in the file.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations may be obtained from the system manager.

Record source categories:

The sources of information contained in the files include the following: x-rays, medical and dental records from civilian and military doctors and medical facilities; investigative reports; witnesses; and correspondence from claimants and their representatives.

Systems exempted from certain provisions of the act:

None

N00013L

System name:

U.S. Postal Service Indemnity Claims Files

System location:

Office of the Judge Advocate General (code 15), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332 and the Federal Records Center, Suitland, Md. 20409

Categories of individuals covered by the system:

All persons who have filed claims with the U. S. Postal Service for loss or damage to mailed matter, and which claims have been paid by the U. S. Postal Service and thereafter forwarded for reimbursement by the Department of the Navy pursuant to 39 U.S.C. 712.

Categories of records in the system:

Files may contain claims, substantiating documents, Navy investigative reports (and allied reports such as U. S. Postal Service investigative reports, legal memoranda, and correspondence.

Authority for maintenance of the system:

39 U.S.C. 712; 5 U.S.C. 30; 44 U.S.C. 3101

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The files are used to evaluate requests for reimbursement by the U. S. Postal Service for payment on claims for loss or damage to mailed matter. The files may be furnished to other components of the Department of Defense and the Department of Justice.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders stored in file cabinets or other storage devices.

Retrievability:

Filed alphabetically by name of claimant.

Safeguards:

Files are maintained in file cabinets or other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside of working hours.

Retention and disposal:

Minimum-one year; maximum-permanent; typically files located in the Office of the Judge Advocate General are transferred to the Federal Records Center, Suitland, Maryland, three years after disposition of the case.

System manager(s) and address:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

Notification procedure:

Information may be obtained from the system manager. Requesting individuals should specify only their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by requesting individual.

Record access procedures:

Requests from individuals should be addressed to the system manager. Written requests for access should contain the full name of the individual, current address, and telephone number, and the serial code of any prior correspondence received from this office pertaining to the request. For personal visits, the should be able to provide some acceptable identification, e.g. driver's license, etc., and give some verbal information that could be verified in the file.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations may be obtained from the system manager.

Record source categories:

The information in U. S. Postal Service Indemnity Claims Files may consist of claims filed, substantiating documents, Navy investigative reports, (and allied reports such as U. S. Postal Service investigative reports), legal memoranda, and correspondence.

Systems exempted from certain provisions of the act:

None

N00013M

System name:

Military Justice correspondence file

System location:

Office of the Judge Advocate General (code 20), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

Categories of individuals covered by the system:

Active duty, retired, and discharged Navy and Marine Corps personnel who were the subject of military justice proceedings.

Categories of records in the system:

File contains copy of incoming correspondence, all background material necessary to answer the correspondence and copies of letters replying to the correspondence.

Authority for maintenance of the system:

5 USC 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Files may be furnished to other components of the Department of Defense.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders.

Retrievability:

Correspondence is kept in alphabetical order according to the last name of the individual who is the subject of the correspondence.

Safeguards:

Files are maintained in file cabinets and other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside official working hours.

Retention and disposal:

Records are maintained in office for two years and then forwarded to the Federal Records Center, Suitland, Maryland 20409 for storage.

System manager(s) and address:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

Notification procedure:

Information may be obtained from the Deputy Assistant Judge Advocate General (military justice), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332. Information may be obtained by written request to the Judge Advocate General stating full name of the individual concerned. Written requests must be signed by the requesting individual. Personal visits may be made to the Military Justice Division, Office of the Judge Advocate General, Room 9s09, Hoffman Bldg II, 200 Stovall St., Alexandria, Va. 22332. Individuals making such visits should be able to provide some acceptable identification, e.g. Armed Forces' identification card, driver's license, etc.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Records of trial and correspondence from commands and agencies involved in the matter which is the subject of the correspondence.

Systems exempted from certain provisions of the act:

NONE.

N00013N

System name:

Personal injury and illness reports on civilian and govt-service seaman employed on MSC ships

System location:

Office of the Judge Advocate General (code 11), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

Categories of individuals covered by the system:

Injured civilian seamen and government service seamen employed by the Military Sealift Command or its contract operators for service on board MSC ships.

Categories of records in the system:

System consists of preliminary personal injury and illness reports on civilian seamen and government service seamen employed by the Military Sealift Command or its contract operators.

Authority for maintenance of the system:

Admiralty Claims Act (10 U.S.C. 7622); 5 U.S.C. 301; 44 U.S.C. 3101

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Officials and employees of the Department of the Navy in their performance of their official duties related to the administrative evaluation and settlement of subsequently submitted admiralty claims asserted against the Navy. Additionally, these reports may later be provided to the Department of Justice for defense of civil maritime Suits brought against the United States. Finally, these reports may be furnished to other components of the Department of Defense.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders stored in file cabinets

Retrievability:

Filed by name of injured seaman listed under each particular MSC ship by date of injury.

Safeguards:

Files are maintained in file cabinets under the control of authorized personnel during working hours; the office space in which the file cabinets are located is locked outside official working hours.

Retention and disposal:

Reports are maintained in personal injury report file folders for a period of two years from the date of particular injury or illness and are, thereafter, destroyed at the local office level.

System manager(s) and address:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

Notification procedure:

Information may be obtained from the system manager. Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

Record access procedures:

Requests from individuals should be addressed to the system manager. Written requests for access should contain the full name of the individual, current address and telephone number, and the serial code of any prior correspondence received from this office pertaining to the request. For personal visits, the individual should be able to provide some acceptable identification, e.g., driver's license, etc., and give some verbal information that could be verified in the file.

Contesting record procedures:

The agency's rules for contesting contents and appealing determinations may be obtained from the system manager.

Record source categories:

Masters of Military Sealift Command ships; witnesses; medical and dental forms; and investigative reports.

Systems exempted from certain provisions of the act:

None

N00013P

System name:

Reservists reporting for active duty for training, background questionnaires

System location:

Office of the Judge Advocate General (code 62), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

Categories of individuals covered by the system:

Officers reporting for duty in the Office of the Judge Advocate General

Categories of records in the system:

Name, designator, rank, unit to which attached, law school attended, year admitted to practice and State or Territory where admitted, and employment.

Authority for maintenance of the system:

10 USC 806

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To assist the Judge Advocate General in the assignment of officers. The files may be furnished to other components of the Department of Defense.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders, stored in a file cabinet.

Retrievability:

By officer's name.

Safeguards:

Files are maintained in file cabinets under the control of authorized personnel during working hours; the office space in which the cabinets are located is locked outside of official working hours.

Retention and disposal:

Records are retained for two months and then destroyed.

System manager(s) and address:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

Notification procedure:

Information may be obtained from the system manager. Written requests must be signed by the requesting individual. For personal visits, the individual should be able to provide some acceptable identification, e.g., Armed Forces identification card, driver's license, etc.

Record access procedures:

Requests should be addressed to the system manager.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Information is received from Reserve officers who participate in the Naval Reserve Law Programs.

Systems exempted from certain provisions of the act:

NONE

N00013Q

System name:

Naval Reserve Law Program Officer Personnel Information

System location:

Office of the Judge Advocate General (code 62), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

Categories of individuals covered by the system:

Applicants applying for appointment or transfer to Judge Advocate General's Corps of the Naval Reserve.

Categories of records in the system:

Furnishes information as to applicant's qualifications and intentions to affiliate in Naval Reserve Law Program.

Authority for maintenance of the system:

10 USC 806

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Office use required for personnel management of Reserve Law Program. Use is required to assist in determining applicant's qualification for appointment in the Judge General's Corps. These files may be furnished to other components of the Department of Defense.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders, stored in a file cabinet

Retrievability:

By officer's name

Safeguards:

Files are maintained in file cabinets under the control of authorized personnel during working hours; the office space in which the file cabinets are located is locked outside official working hours.

Retention and disposal:

Records are maintained for two years and then destroyed.

System manager(s) and address:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

Notification procedure:

Information may be obtained from the: Office of the Judge Advocate General (Code 62), Department of the Navy, Room 9s05, Hoffman Bldg II, 200 Stovall St., Alexandria, Va. 22332. Written requests must be signed by the requesting individual, and for personal visits, the individual should be able to provide some acceptable identification, e.g. Armed Forces identification card, driver's license, etc.

Record access procedures:

Requests should be addressed to: Judge Advocate General (Code 62), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Information is received from applicants who are applying for appointment in the Judge Advocate Generals' Corps or from reserve officers requesting transfer to the system manager.

Systems exempted from certain provisions of the act:

None

N00013S

System name:

Directory of Retired Regular and Reserve Judge Advocates

System location:

Office of the Judge Advocate General (Code 61) Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

Categories of individuals covered by the system:

Retired Officers of the Judge Advocate General's Corps

Categories of records in the system:

Name, SSAN, Designator, address, rank, retirement date.

Authority for maintenance of the system:

10 USC 5806

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To utilize/assign retired Judge Advocate Generals' Corps Officers to Official Navy Selection Boards involving Judge Advocate Generals' Corps Personnel and to facilitate location of lawyers throughout the world with naval experience, which may be utilized by the Naval Service. These records may be furnished to other components of the Department of Defense.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Computer paper printouts

Retrievability:

Computer paper printouts requested from the Bureau of Naval Personnel. Retirees are shown alphabetically by rank.

Safeguards:

Records are maintained in file cabinets and other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside official working hours.

Retention and disposal:

Records not kept after person is deceased.

System manager(s) and address:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

Notification procedure:

Information may be obtained from the system manager. Written requests must be signed by the requesting individual. For personal visits, the requesting individual should be able to provide some acceptable identification, e.g. Armed Forces identification card, driver's license, etc.

Record access procedures:

Requests from individuals should be addressed to the system manager.

Contesting record procedures:

The Agency's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Information received from records held by the Bureau of Naval Personnel.

Systems exempted from certain provisions of the act:

None.

N00013T

System name:

Office of the Judge Advocate General, Reporting Questionnaire

System location:

Office of the Judge Advocate General, (Code 61), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

Categories of individuals covered by the system:

Officers reporting for duty in the Office of the Judge Advocate General.

Categories of records in the system:

Name, SSAN, designator, rank, date of rank, branch of service, place and date of birth, dependents, wife's name, height, weight, eye and hair color, home address and telephone number, date reported, date detached, previous duty station and mode of travel.

Authority for maintenance of the system:

10 USC 806

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To assist Judge Advocate General in assignment of officers within the Office of the Judge Advocate General and, until recently, this information was also used to assist Officers in obtaining identification cards for themselves and their dependents. These records may be furnished to other components of the Department of Defense.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records kept in a folder alphabetically, stored in a file cabinet.

Retrievability:

By officer's name.

Safeguards:

Records are maintained in a file cabinet under the control of authorized personnel during working hours; and the office space in which the cabinet is located is locked outside official working hours.

Retention and disposal:

Records are destroyed when the officer is transferred from the Office of the Judge Advocate General.

System manager(s) and address:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

Notification procedure:

Information may be obtained from the system manager. Written requests must be signed by the requesting individual. For personal visits, the requesting individual should be able to provide some acceptable identification, e.g. Armed Forces identification card, driver's license, etc.

Record access procedures:

Requests from individuals should be addressed to the system manager.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Information submitted by the officer upon his reporting for duty in the Office of the Judge Advocate General.

Systems exempted from certain provisions of the act:

None.

N00013X

System name:

Fiduciary Affairs Records

System location:

Office of the Judge Advocate General (code 12), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

Categories of individuals covered by the system:

All active duty, fleet reserve, and retired members of the Navy and Marine Corps who have been medically determined to be mentally incapable of managing their financial affairs, their appointed or prospective trustees, and members' next-of-kin.

Categories of records in the system:

The system contains proceedings of medical boards, documentation indicating the origin of the mental incapability, the name(s) and address(es) of the individual's next-of-kin, the disability retirement index, a copy of the interview(s) of prospective trustee(s), the appointment of the approved trustee, authority to pay the individual's retirement pay to the approved trustee, the instructions of duties and responsibilities to the trustee, annual trustee accounting reports, copy of the trustee's surety bond, a copy of the affidavit executed by the trustee to obtain the surety bond, miscellaneous correspondence relating to the trustee's duties and responsibilities, annual approvals of the trustee account, discharge(s) of trustee, release(s) of surety, periodic physical examinations, medical records, and related correspondence.

Authority for maintenance of the system:

5 U.S.C. 301; 37 U.S.C. 601-604; 44 U.S.C. 3101

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

This information is maintained for the purpose of providing nonjudicial financial management of military pay and allowances payable to active duty, fleet reserve, and retired Navy and Marine Corps members for the period during which they are medically determined to be mentally incapable of managing their financial affairs. This information may be furnished to the Department of Justice when there is reason to suspect financial mismanagement and no satisfactory settlement with the surety can be reached, and may be furnished to the Veterans Administration in connection with programs administered by that agency.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Papers records in file folders stored in file cabinets or other storage devices.

Retrievability:

By name of the member or by name of the trustee.

Safeguards:

Files are maintained in file cabinets and other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside official working hours.

Retention and disposal:

Indefinitely; however, after the death of a member, his files are typically transferred to the Federal Records Center, Suitland, Maryland, 20409.

System manager(s) and address:

Assistant Judge Advocate General (Civil Law) Office of the Judge Advocate General Department of the Navy 200 Stovall St., Alexandria, Va. 22332.

Notification procedure:

Information may be obtained by written request which adequately identifies the system of records and the individual about whom the record is kept (i.e. full name); written requests must be signed by the requesting individual.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Components within the Department of the Navy, medical doctors, approved trustees, prospective trustees, surety companies, and Veterans Administration.

Systems exempted from certain provisions of the act:

None.

N0001310

System name:

Physical disability evaluation proceedings

System location:

Director, Naval Council of Personnel Boards, 801 N. Randolph St., Arlington, Va. 22203.

Categories of individuals covered by the system:

All Navy and Marine Corps personnel who have been considered by a Physical Evaluation Board for separation or retirement by reason of physical disability (including those found fit for duty by such boards).

Categories of records in the system:

File contains medical board reports; statements of findings of physical evaluation boards; medical reports from Veterans Administration and civilian medical facilities; copies of military health records; copies of JAG Manual investigations; copies of prior actions taken in the case; transcripts of physical evaluation board hearings; rebuttals submitted by the party; intra and interagency correspondence concerning the case; correspondence from and to the party, members of Congress, attorneys, and other interested parties; and documents concerning the appointment of trustees for mentally incompetent service members.

Authority for maintenance of the system:

10 U.S.C. 1216 and 10 U.S.C. 5148

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Department of the Navy - Used by personnel in the performance of their official duties to determine fitness for duty or eligibility for separation or retirement due to physical disability of Navy and Marine Corps personnel, by establishing the existence of disability, the degree of disability, and the circumstances under which the disability was incurred.

Veterans Administration - To verify information of service connected disabilities in order to evaluate applications for veterans' benefits.

Office of the Judge Advocate General - Used by personnel in the performance of their official duties relating to legal review of disability evaluation proceedings; response to official inquiries concerning the disability evaluation proceedings of particular service personnel; to obtain information in order to initiate claims against third parties for recovery of medical expenses under the Medical Care Recovery Act (42 U.S.C. 2651-53); and to obtain information on personnel determined to be mentally incompetent to handle their own financial affairs, in order to appoint trustees to receive their retired pay. In addition, the information may be furnished to other components of the Department of Defense.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders

Retrievability:

Filed by year of initial disability processing, and alphabetically by name within that year. Veterans Administration To verify information of service connected disabilities in order to evaluate applications for veterans' benefits.

Safeguards:

Files are maintained in file cabinets or other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside official working hours.

Retention and disposal:

Records are permanent. They are retained by the Naval Council of Personnel Boards for six years. After that time, they are sent to the Federal Records Center, Suitland, Maryland.

System manager(s) and address:

Director, Naval Council of Personnel Boards, 801 N. Randolph st., Arlington, Va. 22203.

Notification procedure:

Information may be obtained from the Naval Council of Personnel Boards, 801 N. Randolph St., Arlington, Va. 22203.

Written requests for information should contain the full name of the individual, military grade or rate, and date of birth. Written requests must be signed by the requesting individual.

For personal visits, the individual should be able to provide some acceptable identification, such as a military identification card (active duty or retired) or a driver's license.

Record access procedures:

Requests from individuals should be addressed to: The Naval Council of Personnel Boards, 801 N. Randolph St., Arlington, Va. 22203.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

Military medical boards and medical facilities; Veterans Administration and civilian medical facilities; Physical Evaluation Boards and other activities of the Office of Naval Disability Evaluation; the Bureau of Medicine and Surgery; the Fiduciary Affairs Section; Navy and Marine Corps local command activities; other activities of the Department of Defense; and correspondence from private counsel and other interested persons.

Systems exempted from certain provisions of the act:

NONE

N0001314

System name:

JAG Corps Officer Personnel Information

System location:

Office of the Judge Advocate General (code 61), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

Categories of individuals covered by the system:

Active Duty Officers in the Judge Advocate General's Corps, Active Duty Officers in the Law Education and Excess Leave Programs

Categories of records in the system:

Name, date of birth, social security account number, USN/USNR, designator, rank, state bar membership and year admitted, wife's name, no. of dependents, lineal listing by year group, duty assignment, arrival and rotation dates, release date if applicable

Authority for maintenance of the system:

10 USC 806

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Office use required for personnel management of Navy JAG Corps personnel as the Judge Advocate General is statutorily required to make recommendation on the assignment of all active duty JAG Corps officers. Use is required to determine qualification of an officer to receive a JAG Corps designation and to be certified as a trial or defense counsel. Use is further required to determine the rotation dates and release from active duty dates of JAG Corps officers as well as the date new officers will be available for duty. This information is then utilized to prepare JAG Corps strength plans for submission to OPNAV. Use is also required to obtain an officer's preference for duty assignment as well as eligibility for consideration for postgraduate education and overseas assignments. Certain of this information is promulgated to all active-duty JAG Corps officers in a semiannual publication known as the Directory of Navy Judge Advocates. The information is promulgated for informational purposes so that officers can determine what positions (billets) might be available should they desire rotation. Additionally, the information may be furnished to other components of the Department of Defense.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Computer strips kept on a strip file (wheel) and paper records kept in a folder identified by the officer's name kept in file cabinets.

Retrievability:

By officer's name, folders are filed alphabetically.

Safeguards:

Records are maintained in the Office of the Judge Advocate General personnel office under the control of authorized personnel during working hours; the office space in which the storage devices containing the records is locked outside official working hours.

Retention and disposal:

Upon release from active duty, records are kept three years and then destroyed. Upon retirement from active duty, records are maintained indefinitely.

System manager(s) and address:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

Notification procedure:

Information may be obtained from: Judge Advocate General (code 61), Department of the Navy, Room 9s25, Hoffman Bldg II, 200 Stovall St., Alexandria, Va. 22332, Telephone: (202)325-9830

Written requests must be signed by the requesting individual. For personal visits, the requesting individual should be able to provide some acceptable identification, e.g. Armed Forces identification card, driver's license, etc.

Record access procedures:

Requests from individuals should be addressed to: Judge Advocate General (code 61), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

Personnel visits may be made to the JAG Personnel Office, Room 9s25, Hoffman Bldg II, 200 Stovall St., Alexandria, Va. 22332.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

Information submitted by the officer upon his successful completion of law school and admission to the bar, orders to active duty and subsequent transfer orders, computer strips provided by the Bureau of Naval Personnel on all active duty officers.

Systems exempted from certain provisions of the act:

NONE

N00014ONR300-1

System name:

Patent, Invention, Trademark, Copyright and Royalty Files

System location:

Office of Naval Research, 800 North Quincy Street, Arlington, VA, 22217

Categories of individuals covered by the system:

Inventors and patent owners of inventions in which Government has an interest or which Department of the Navy has evaluated; copyright owners of works in which Government has an interest; and claimants or parties in administrative proceedings or litigation with the Government involving patents, copyrights or trademarks.

Categories of records in the system:

Invention disclosures; disposition of rights in inventions of Government employees; patent applications and patented files; patent licenses and assignments; patent secrecy orders; copyright licenses and assignments; patent and copyright royalty matters; administrative claims and litigation with the Government involving patents, copyrights and trademarks including private relief legislation involving these matters; and documents and correspondence relating to the foregoing.

Authority for maintenance of the system:

10 USC 5151

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by Navy patent personnel to determine rights of the Government and employees in employee inventions; to file and prosecute patent applications; to publish invention disclosures for public information and defensive purposes; to provide evidence and record of Government interest in or under patents or applications for patents; to provide evidence and record of patent and copyright licensing and assignment; to determine action or recommended action regarding disposition of claims or litigation; and to recommend Government employee incentive awards. Used by other Navy/Marine Corps commands to determine Government interest in inventions; to permit utilization of inventions; and to support employee incentive awards. Used by U.S. Patent and Trademark Office to determine respective rights of the Government and employee-inventors; by the Commissioner of Patents and Trademarks, as well as Navy patent personnel, to administer Patent Secrecy responsibilities; by Federal Council for Science and Technology as a source of statistical data for an annual report on Government patent policy; by the General Accounting Office to conduct audits and perform other statutory functions. Information is transmitted to the U.S. Patent and Trademark Office and appropriate foreign government offices for prosecution of patent applications; the U.S. Patent and Trademark Office and the U.S. Copyright Office to evidence legal interests in patent and copyright licenses and assignments; the National Technical Information Service for publication of inventions available for licensing; non-governmental personnel (including contractors and prospective contractors) having an identified interest in particular inventions and Government rights therein, in infringement of particular patents or copyrights, or in allowance of royalties on contracts; and the Congress in the form of reports on particular bills for private relief and reports of action on Congressional and constituent requests. Government agencies involved in claims or litigation, including the Department of Justice, have access to prosecute and defend cases. All Government agencies have access to license records. Parties involved in particular licensing arrangements have access to specific files involved.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders and card files.

Retrievability:

Subject matter; Navy patent case number; name of inventor, patentee, copyright owner, claimant or correspondent.

Safeguards:

Maintained in safes and file cabinets in controlled spaces accessible only by authorized personnel who are properly instructed in the permissible use of the information.

Retention and disposal:

Maintained indefinitely but records are transferred to Federal Records Center two years after completed action on case to which record relates.

System manager(s) and address:

Assistant Chief for Patents, Code 300, Office of Naval Research, Arlington, VA, 22217

Notification procedure:

Direct information requests to system manager.

Record access procedures:

The Agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Information obtained from individual inventor, patent or copyright owner, claimant, licensor or licensee, or from U.S. Patent and Trademark Office, or from U.S. Copyright Office. Information on Government employee-inventors or copyright owners may be obtained from Government personnel records and from Government supervisors.

Systems exempted from certain provisions of the act:

NONE

N00014ONR400-1

System name:

Principal Investigator Record of Active Contracts

System location:

Office of Naval Research, Code 400r1, Arlington, Virginia 22217

Categories of individuals covered by the system:

Names of principal investigators with active contracts in ONR with Asst. Chief for Research and Asst. Chief for Technology

Categories of records in the system:

3 x 5 index cards arranged alphabetically by principal investigators' names

Authority for maintenance of the system:

5 USC 301, Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used to: (A) Determine whether an individual has a contract with the Office of Naval Research, (B) Cross-reference identifying information on technical supports. The record is used by personnel in the immediate office.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

3 x 5 index cards arranged alphabetically in an open metal tray

Retrievability:

Name

Safeguards:

Locked file cabinets

Retention and disposal:

Maintained as long as contract is on-going; when contract expires, cards are put in office waste basket

System manager(s) and address:

Asst. Chief for Research Office of Naval Research, Arlington, VA. 22217

Notification procedure:

Inquiries should be made in writing or by telephone to Office of Naval Research (Code 400r1), Arlington, VA. 22217 Phone: 202-692-4108

Record access procedures:

The agency's rules for access to records may be obtained from the systems manager

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the system manager

Record source categories:

Procurement request for contract work

Systems exempted from certain provisions of the act:

None

N00014ONR723-1

System name:

Naval Research Reserve Program Personnel Accounting System

System location:

Office of Naval Research 800 North Quincy st. Arlington, VA 22217

Categories of individuals covered by the system:

Research reserve personnel, officer and enlisted

Categories of records in the system:

Military identification information, including Naval Officer Billet Codes, plus professional qualifications information, including education and occupation

Authority for maintenance of the system:

5 USC 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Mobiliazation plannng, active duty for training order endorsements, preparation of Quarterly Reserve Status Report on Readiness of Reserve for the Chief of Naval Research (CNR), Research Reserve Annual Report for CNR

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Punched cards, printouts, printed forms (NAVSO 1080/2 and 1080/2A)

Retrievability:

Name, rank, designator, NOBC's, education, major subject, First Navy qualification, first job function, reserve unit affiliation

Safeguards:

Records kept in controlled access building, controlled computer spaces, file cabinets in limited access offices

Retention and disposal:

Physically destroyed annualy when new questionnaire forms are received

System manager(s) and address: Research Reserve Coordinator, Code 723 Office of Naval Research Arlington, VA 22217

Notification procedure: Write to SYSMANAGER, giving full name, rank, SSN. Visit Office at above address, showing Naval Research ID Card.

Record access procedures:

The Agency's rules for access to records may be obtained from the System Manager

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

Qualifications Questionnaire Naval Reserve Research Program, NAVSO form 1080/2

Systems exempted from certain provisions of the act:

None

N00015. 050101

System name:

Reserve Personnel History File

System location:

Naval Intelligence Command 2461 Eisenhower Avenue Alexandria, Virginia 22331

Categories of individuals covered by the system:

All officers and enlisted personnel of the Naval Reserve Intelligence Program and applicants for affiliation with the program.

Categories of records in the system:

File contains information relating to the individual's residence history, education, professional qualifications, occupational history, foreign country travel and knowledge, foreign language capabilities, history of active military duty assignments and military reserve active duty training and background investigation information.

Authority for maintenance of the system:

National Security Act of 1947, as amended; 5 U.S.C. 301 Departmental Regulations; 10 U.S.C. 503 Department of the Navy 10 U.S.C. 6011 Departmental Regulations; 44 USC 3101, Records Management by Federal Agencies;

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The Reserve Personnel History File is maintained for the purposes of determining qualifications for members of the Naval Reserve Intelligence Program and providing a personnel management device for career development programs, manpower and personnel requirements for program activities assignment of support projects of the reserve program, and mobilization planning requirements. This information may be provided to the department of Defense and components therof for research, analysis, evaluation and utilization of the information and for such other matters as may be necessary to fulfill the responsibilities of the Department of Defense and the components therof. By other appropriate federal agencies who may require the information to fulfil such agencies' legal responsibilities.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Computerized magnetic tapes; microform; some records may be maintained in file folders.

Retrievability:

The file can be accessed for each file element or any combination therof

Safeguards:

GSA approved security containers located in controlled access spaces.

Retention and disposal:

Records Disposal Manual, Secretary of the Navy Instruction 5212.5B.

System manager(s) and address:

Commander, Naval Intelligence Command 2461 Eisenhower Avenue Alexandria, Virginia 22331

Notification procedure:

Information may be obtained by written request to the System Manager, giving full name, residence address and date and place of birth. A notarized statement may be required for identity verification.

Record access procedures:

The Agency's rules for access to records may be obtained from the System Manager.

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

Reserve Personnel History File data submitted by the individual; background investigation reports from the Naval Investigative Service.

Systems exempted from certain provisions of the act:

NONE

N00015.L1000

System name:

Naval Intelligence Management Information System (NIMIS)

System location:

Naval Intelligence Support Center, 4301 Suitland Road, Washington, D.C. 20390.

Categories of individuals covered by the system:

Military and federal employees of the Commander, Naval Intelligence Command and subordinate commands thereof.

Categories of records in the system:

File contains a record of taskings to various components of the Office of Naval Intelligence and the Naval Intelligence Command, including a record of workhours expended on those tasks by each individual involved.

Authority for maintenance of the system:

Title 5, USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information derived from this system is used by the Office of Naval Intelligence and its components, for research analysis, developing and evaluating plans, policies, procedures, and related matters. The information is also used for the purpose of measuring intelligence production against budgeted programs and goals; for purposes of maintaining a record of intelligencetaskings and projects assigned to the Office of Naval Intelligence and its components including the current status; for historical and statistical purposes; including use of summary data as the basis for various reports; and for such other matters as may be necessary to fulfill the responsibilities of ONI and components thereof; the Director of Central Intelligence; United States Foreign Intelligence Board; and other appropriate federal agencies requiring the information to fulfill legal responsibilities.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Magnetic disk with backup on magnetic tape. Maintained in controlled access areas.

Retrievability:

Files are accessed and retrieved by a project number and/or by social security number or a locally assigned number.

Safeguards:

In compliance with the specified requirements for classified matter and are accessable to authorized personnel with proper security clearance and need for access.

Retention and disposal:

Records are maintained by fiscal year and are destroyed after 5 years.

System manager(s) and address:

Commander, Naval Intelligence Command, Building #1, Federal Complex, Suitland, Maryland 20390.

Notification procedure:

A person can determine whether the system contains information pertaining to that individual by making a written request to the system manager. The written request should contain full name, social security number, current residence address and telephone number.

Record access procedures:

Written requests to the system manager requesting rules for access to records.

Contesting record procedures:

The Office of Naval Intelligence rules for contesting contents and appealing determinations may be obtained from the systems manager.

Record source categories:

Workhour inputs are obtained from each individual on a weekly basis.

Systems exempted from certain provisions of the act:

Some information contained in this system of records is classified and exempt from access pursuant to provisions of 5 USC 522a(k)(1). Access will be granted to those portions of the record which: (1) are determined to be unclassified at the time access is requested, and (2) are reasonably segregative from exempt portions.

N00015.OOK1

System name:

Special Intelligence Personnel Access File

System location:

Naval Intelligence Command, 2461 Eisenhower Avenue, Alexandria, Va. 22331

Categories of individuals covered by the system:

All civilian and military personnel of the Department of the Navy and contractors and consultants of the Department of the Navy.

Categories of records in the system:

Records pertaining to the eligibility of Department of the Navy personnel (civilian,military, contractor and consultant) to be granted access to Special Intelligence which include documents of nomination, personal history statements, background investigation date and character, narrative memoranda of background investigation, eligibility documents for access to special intelligence, proof of indoctrination and debriefings as applicable and record of hazardous activity restrictions assigned.

Authority for maintenance of the system:

National Security Act of 1947, as amended; 5 U.S.C. 301, Departmental regulations; 10 U.S.C. 503, Department of the Navy; 10 U.S.C. 6011, Navy Regulations; 44 U.S.C. 3101, Records Management by federal agencies; Executive Order 11652, classification and declassification of National Security Information and Material.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The Special Intelligence Personnel Access File is maintained for the purpose of permitting a determination of an individual's eligibility for access to Special Intelligence information. This information may be provided to the Department of Defense and all its components, the Central Intelligence Agency, the Federal Bureau of Investigation, the National Security Agency, the Energy Research and Development Administration, the United States Treasury Department, the Department of State, and to any other Federal agency establishing a need to know for the performance of their assigned responsibilities.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Active files consist of paper records in file folders and computerized tapes. Inactive files are retained on microfiche.

Retrievability:

Records are filed alphabetically by last name of the individual.

Safeguards:

GSA approved containers located in controlled access spaces.

Retention and disposal:

Records are retained indefinitely. Inactive files are retained on microfiche.

System manager(s) and address:

Commander, Naval Intelligence Command, 2461 Eisenhower Avenue, Alexandria, Virginia 22331

Notification procedure:

Information may be obtained by written request to the system manager, giving full name, residence address and date and place of birth. A notarized statement may be required for identity verification.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Personal History Statement and related forms from the individual. Access forms and documents prepared by the system manager. Correspondence between system manager and activities requesting access status.

Systems exempted from certain provisions of the act:

Parts of this system may be exempt under 5 U.S.C. 552 a (j) or (k), as applicable. For additional information contact the System Manager.

N00015.00K2

System name:

Naval Attache Files

System location:

Naval Intelligence Command, 2461 Eisenhower Avenue, Alexandria, Virginia 22331

Categories of individuals covered by the system:

U.S. Navy and Marine Corps Officers nominated and/or assigned to duty in the Defense Attache System (DAS)

Categories of records in the system:

File contains records concerning the service and personal history of officers nominated and/or assigned to duty in the DAS and their dependents.

Authority for maintenance of the system:

National Security Act of 1974, as amended; 5 USC 301, Departmental regulations; 10 USC 503, Department of the Navy; 10 USC 6011, Navy Regulations; 44 USC 3101, Records Management by federal agencies; United States Navy Regulations, 1973 Executive Order 11652, Classification and declassification of National Security Information and Material

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

By offices of the Navy, DOD and State to determine suitability of personnel for security clearances and assignment to the DAS.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper files in folders stored in standard GSA safes.

Retrievability:

By name of officer.

Safeguards:

Records are stored in a controlled access area and are accessible only to a very limited number of authorized personnel with proper security clearance and demonstrated need for access.

Retention and disposal:

Records are opened on individuals when first nominated for attache duty, and retained until six months after completion of attache duty.

System manager(s) and address:

Commander, Naval Intelligence Command, 2461 Eisenhower Avenue, Alexandria, Virginia 22331

Notification procedure:

Information may be obtained by written request to the system manager, giving full name, residence address, and date and place of birth. A notarized statement may be required for identify verification.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Data is gained from the subjects of the file, BUPERS and Headquarters Marine Corps files of subject's fitness reports, DIS/NIS background, investigations and other sources who are familiar with the subject.

Systems exempted from certain provisions of the act:

Parts of this system may be exempt under 5 USC 552a (K) (1), as applicable. For additional information consult the system manager.

N00015.050102

System name:

Intelligence Reserve Personnel Management File

System location:

Naval Intelligence Command, 2461 Eisenhower Avenue, Alexandria, Va. 22331

Categories of individuals covered by the system:

All officers and enlisted personnel of the Naval Reserve Intelligence Program

Categories of records in the system:

File contains information relating to the individual's residence history, education, professional qualifications, occupational history, foreign country travel and knowledge, foreign language capabilities, history of active military duty assignments and military reserve active duty training, background investigation information, qualifications for active military duty assignments and military promotions.

Authority for maintenance of the system:

National Security Act of 1947, as amended; 5 U.S.C. 301, Departmental regulations; 10 U.S.C. 503, Department of the Navy; 10 U.S.C. 6011, Navy Regulations; 44 U.S.C. 3101, Records Management by federal agencies;

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

These files are maintained for the purposes of determining qualifications for members of the Naval Reserve Intelligence Program and providing a personnel management device for career development programs, manpower and personnel requirements for program activities, assignment of support projects of the reserve program, and mobilization planning requirements. This information may be provided to the Department of Defense and components thereof for research, analysis, evaluation and utilization of the information and for such other matters as may be necessary to fulfill the responsibilities of the Department of Defense and the components thereof. By other appropriate federal agencies who may require the information to fulfill such agencies' legal responsibilities.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders

Retrievability:

Alphabetically by last name.

Safeguards:

GSA approved security containers located in controlled access spaces.

Retention and disposal:

Records are retained indefinitely

System manager(s) and address:

Commander, Naval Intelligence Command 2461 Eisenhower Avenue, Alexandria, Virginia 22331

Notification procedure: Information may be obtained by written request to the System Manager, giving full name, residence address and date and place of birth. A notarized statement may be required for identity verification.

Record access procedures:

The agency's rules for access to records may be obtained from the System Manager

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager

Record source categories:

Reserve Personnel History File data submitted by the individual; correspondence regarding individual's military and civilian qualifications; letters from the Department of the Navy regarding promotions.

Systems exempted from certain provisions of the act:

None

N00018 01

System name:

Medical Department Professional/Technical Personnel Development

System location:

Bureau of Medicine and Surgery, Navy Department, Washington, D.C. 20372; individual's duty station or reserve unit (mailing addresses are listed in the Navy directory in the appendix to the Component System Notice); Military Sealift Command, Navy Department, Washington, D.C. 20390; National Personnel Records Center, 9700 Page Blvd., St. Louis, Missouri 63132; National Personnel Records Center, 111 Winnebago St., St. Louis, Missouri 63118; Bureau of Medicine and Surgery managed education and training activities (mailing addresses are listed in the Navy directory in the appendix to the Component System Notice); various colleges and universities affiliated with BUMED managed education and training activities.

Categories of individuals covered by the system:

Navy (military and civilian) health care personnel; applicants to student status in Navy Aerospace Medicine, Navy Aerospace Physiology and Navy Aerospace Experimental Psychology; Navy (military and civilian) personnel qualified as divers or involved in other professional/specialty/technical training; Navy (military and civilian) personnel exposed to occupational/environmental hazards; distinguished/noted civilian physicians in capacity of lecturer/consultant.

Categories of records in the system:

Personal and demographic data; education, training, professional, specialty, and technical accomplishments/qualifications; credentialing programs; surgical and surgical support team personnel listings; assignments history, projected rotation date, projected release from active duty date, active duty obligation, officer preference card, and variable incentive pay/continuation pay selection data; Hospital Corps education and training history and grades received, commanding officer's performance evaluation, and recommendations; periodic and total lifetime accumulated exposure to occupational/environmental hazards; curricula vitae of civilian consultants.

Authority for maintenance of the system:

Title 10, U.S.C.; 5 U.S.C. 301; Title 10, CFR Part 20, Standards for Protection Against Radiation.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Military and civilian employees of BUMED and BUMED managed education and training activities in the performance of their official duties related to procurement, assignments, professional/specialty/technical training, credentialing, promotion, and all other aspects of health care personnel management; career development; evaluation of candidates for position of lecturer/consultant; mobilization, planning, and verfication of reserve service; surgical team contingency planning; management of physical standards; maintenance of safe occupational/environmental protection standards.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Automated records stored on disc, tape, punched cards, and machine listings. Manual records stored in card files and folders in filing cabinets.

Retrievability:

Manual records retrieved by full name, SSN, file numbers, program title or locator card. Automated records retrieved by key to any data field.

Safeguards:

Records maintained in monitored or controlled access rooms or areas; public access to the records is not permitted; computer hardware is located in supervised areas; access is controlled by password or other user code system; utilization reviews ensure that the system is not violated. Access is restricted to personnel having a need for the record in the performance of their duties. Buildings/rooms locked outside regular working hours.

Retention and disposal:

Medical Department personnel professional development and training records; Headquarters, BUMED records-retained at BUMED for duration of member's service, then retired to NPRC, St. Louis for 10 year retention; BUMED field activities-retained 5 years, then destroyed.

Radiation exposure records; personnel exceeding exposure limits-retained at BUMED 50 years, then destroyed; all others-retained 5 years, then destroyed.

Surgical support team records; Headquarters, BUMED-destroyed upon termination of active duty service; BUMED field activities-destroyed upon termination of duty at the Medical Department facility.

Curricula vitae of lecturers/consultants-destroyed upon termination of status at the Medical Department facility.

System manager(s) and address:

Chief, Bureau of Medicine and Surgery, Navy Department, Washington, D.C. 20372; Director, National Personnel Records Center, 9700 Page Boulevard, St. Louis, Missouri 63132; Director, National Personnel Records Center, 111 Winnebago Street, St. Louis, Missouri 63118; commanding officers of naval activities, ships and stations.

Notification procedure:

Offices where requester may visit to obtain information of records pertaining to the individual; Potomac Annex, 23rd and E Street, N.W., Washington, D.C.; Navy medical centers and hospitals; other Navy health care facilities; and BUMED managed education and training facilities.

The individual should present proof of identification such as an I.D. card, drivers license, or other type of identification bearing signature and photograph.

Written requests may be addressed as follows:

Active duty Navy members or civilian employees presently working for the Navy should address requests to the commanding officer of the facility or ship where they are stationed or employed. Mailing addresses are in the Department of Defense directory in the appendix to the Component's Systems Notices.

Former members of the Navy should address requests to Director, National Personnel Records Center, 9700 Page Boulevard, St. Louis, Missouri 63132.

Former civilian employees of the navy should address requests to Director, National Personnel Records Center, 111 Winnebago Street, St. Louis, Mo. 63118.

All written requests should contain full name, rank, SSN, file number (if any), and designator.

Record access procedures:

The agency's rules for access to records may be obtained from the systems manager.

Contesting record procedures:

The agency's rules for contesting and appealing initial determinations by the individual concerned may be obtained from the systems manager.

Record source categories:

Military Headquarters, offices and commands; education institutions at training hospitals; boards, colleges and associations of professional licensure and medical specialties; personnel records; information submitted by the individual; automated system interface.

Systems exempted from certain provisions of the act:

None.

N00018 03

System name:

Health Care Treatment Record System

System location:

Service medical (health and dental) records for active duty and reserve, Navy and Marine Corps Personnel. Retained at the individual's duty station or reserve unit. (Mailing addresses are listed in the Navy Directory in the appendix in the component system notice.) Bureau of Naval Personnel, Navy Department Washington, DC; Naval Reserve Personnel Center, 4400 Dauphine Street, New Orleans, Lousiana 70149; Headquarters Marine Corps, Navy Department, Washington, DC 20380; Marine Corps Reserve Forces Administrative Activity, Class III, 1500 E. Bannister Road, Kansas City, Missouri 64131; National Personnel Records Center, 9700 Page Boulevard, St. Louis, Missouri 63132. Inpatient treatment records for active duty military, dependents, retired military and dependents, civilian employees, VA beneficiaries and humanitarian. Naval Regional Medical Centers and Naval Hospitals; National Personnel Records Center, 9700 Page Boulevard, St. Louis, Missouri 63132. Outpatient treatment records for dependents of active duty military, retired military and their dependents, civilian employees, VA beneficiaries and humanitarian. Naval Regional Medical Centers and Naval Hospitals, and Clinics (Dispensaries); National Personnel Records Center, 111 Winnebago Street, St. Louis, Missouri 63118; National Personnel Records Center, 9700 Page Boulevard, St. Louis, Missouri 63132. Subsidiary record files of the health care treatment record system are located at Naval Medical Data Services Center, Bethesda, Maryland; Regional Data Service Centers; Naval Environmental Health Center, Norfolk, Virginia; and other approved locations for conducting research studies.

Categories of individuals covered by the system:

Navy, Marine Corps, other military personnel, dependents, retired military personnel and dependents, civilian employees, VA beneficiaries and humanitarian.

Categories of records in the system:

Service medical (health and dental) records for active duty and reserve, Navy and Marine Corps: system is made up of records pertaining to the member or former member's medical history; physical, dental and mental examinations; consultation; innoculations; outpatient treatment, including laboratory and x-ray reports; report of medical boards; summaries of periods of hospitalization, dental evaluation and treatment, reports of exposure to environmental and radiation hazards, results of special diagnostics and clinical studies; recommendations regarding requests for waivers of established physical standards.

Inpatient and outpatient treatment records: file contains a multiplicity of prescribed forms documenting health evaluations, medical/dental care and treatment for any health or medical condition or problem provided an eligible individual on an outpatient and/or inpatient status. The records contain history and physical examinations or health evaluation, reports of exposure to ionizing radiation, consultation reports and medical care and treatment provided, including procedures utilized such as surgery, drugs, dietary, x-ray laboratory, nursing notes, physical therapy and other specialty care applicable to the medical diagnosis or conditions found. The records also contain patients demographic data, family health history data, length of inpatient stay, disease nomenclature, discharge summary of inpatient care. Documentation of health history, diagnosis, care and treatment provided and the recording thereof conform with the standards prescribed by the joint commission on accreditation of hospital. In addition to, and based on individual medical record files, there are subsidiary records such as registers of patients; patient health care, medical board and death statistics; environmental health data; operating room schedules, tumor registers; appointment registers; sick call and treatment logs; x-ray files; laboratory files and logs; pharmacy records; EKG's; EEG's; neuropsychiatric evaluations; physical therapy records; other patient evaluation records, etc.

Authority for maintenance of the system:

10 USC 5131 (as amended), 10 USC 5132, 44 USC 3101, 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Officials and employees of the Department of the Navy (and members of the National Red Cross in Navy Health Care Facilities) in the performance of their official duties relating to the health and medical treatment of those categories of individuals covered by this record system; determining physical qualifications and suitability of candidates for various programs; personnel assignment; adjudicating claims and appeals before the council of personnel boards, and the Board for Correction of Naval Records; rendering opinions regarding members' physical fitness for continued naval service; litigation involving medical care provided those categories of individuals covered by this record system; performance of research studies and compilation of

statistical data; implementing preventive medicine, dentistry, and communicable disease control programs. Officials and employees of other components of the Department of Defense in the performance of their official duties relating to determining the physical qualifications of applicants; in providing medical care to those categories of individual covered by this record system; and in the conduct of analyses and research studies.

Officials and employees of the Veterans Administration in the performance of their official duties relating to the adjudication of veterans claims and in providing medical care to members of the Naval Service. The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the executive branch agencies.

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 review of the physical qualifications and medical history of applicants and employees who are covered by this record system and for the conduct of research studies. Private organizations (including education institution) and individuals for authorized health research in the interest of the Federal Government and the public. When not considered mandatory, patient identification data shall be eliminated from records used for research studies. Parent activities releasing such records shall maintain a list of all such research organizations and records released thereto.

Officials and employees of the National Research Council in cooperative studies of the National History of Disease; of prognosis and of epidemiology. Each study in which the records of members and former members of the Naval Service are used must be approved by the Surgeon General of the Navy.

Officials and employees of local and state governments and agencies in the performance of their official duties pursuant to the laws and regulations governing and local control of communicable diseases, preventive medicine and safety programs, child abuse and other public health and welfare programs. Authorized surveying bodies for professional certification and accreditations.

When required by federal statute, by executive order, or by treaty, medical record information will be disclosed to the individual, organization, or government agency, as necessary. Drug/Alcohol and Family Advocacy Information maintained in connection with Abuse Prevention Programs shall be disclosed only in accordance with the applicable statues, 21 U.S.C. 1175, 42 U.S.C. 4582, and 5 U.S.C. 552.

Records will not be further released by routine users with prior approval of the SYSMANAGER.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Service medical (health and dental) records for active duty and reserve, Navy and Marine Corps:

Records are stored in file folders, microform, on magnetic tape, punched cards, machine listings, discs, and other computerized or machine readable media.

Inpatient and outpatient treament records. These records originate at any Navy Medical Treatment Facility where the individual comes for medical care and treatment. The inpatient treatment records are retained for 2 years from date of last treatment at the activity and then sent to the National Personnel Records Center, St. Louis, Missouri. Outpatient treatment records are transferred for continuity of care and treatment to other medical activities upon change of station by the service member. Outpatient files, upon 2 years from date of last treatment are transferred to the National Personnel Records Center.

Inpatient and outpatient treatment records are maintained in mechanized lists, file folders, microform, and on magnetic tape, discs, punched cards, and other computerized or machine readable media. Inpatient treatment records are filed numerically by hospital register numbers. The alphabetical patient register serves as the locator media. Outpatient treatment records are filed by the Military Member's SSN with an alphabetical card or mechanized list or other record as the locator media. Medical x-rays are filed by a sequential numbering system in manual or mechanized format with an alphabetical name locator.

Retrievability:

Service medical (health and dental) records for active duty and reserve, Navy and Marine Corps Members.

Records retired to the National Personnel Records Center, St. Louis, Missouri, prior to 1971 are retrieved by name and service or file number. After that date, records are retrieved by name and social security number. Records retired to the National Personnel Records Center, St. Louis, Missouri prior to 1971 are retrieved by name and service or file number, after that date records are retrieved by name and social security number.

Inpatient and outpatient treatment records.

Records are retrieved by manual or automated locator media (alpha name cards, logs, listings, tapes, etc.).

Safeguards:

Records are maintained in various kinds of filing equipment in specific monitored or controlled access rooms or areas; public access is not permitted. Computer terminals are located in supervised areas; access is controlled by password or other user code system; utilization reviews ensure that the system is not violated. Access is restricted to personnel having a need for the record in providing further medical care or in support of administrative/clerical functions. Records are controlled by a charge-out system to clinical and other authorized personnel.

Retention and disposal:

Health care treatment records are retained, retired, and disposed of in accordance with SECNAVINST 5212.5 series, disposal of Navy and Marine Corps Records.

System manager(s) and address:

Service medical (health and dental) records for active duty and reserve, Navy and Marine Corps: Chief, Bureau of Medicine and Surgery, Navy Department, Washington, D.C. 20372; Commanding Officers, Naval Activities, Ships, and Stations, Director, National Personnel Records Center, 9700 Page Boulevard, St. Louis, Missouri 64131.

Inpatient and outpatient treatment records: Chief, Bureau of Medicine and Surgery, Navy Department, Washington, D.C. 20372; Commanding Officer, Naval Medical Centers and Hospitals or activities having Clinics; Director, National Personnel Records Center, St. Louis, Missouri 63118.

Notification procedure:

Service medical (health and dental) records for active duty and reserve; Navy and Marine Corps Members;

Requests for information from active duty Navy and Marine Corps personnel and drilling members of the Navy and Marine Corps Reserves should be addressed to the individual's commanding officer. Official mailing addresses are in the Department of Defense Directory in the appendix to the component's system notice. Inactive Naval Reservists should address requests for information to the Naval Reserve Personnel Center, 4400 Dauphine Street, New Orleans, Louisiana 70149. Marine Reservist's should address request for information to Marine Corps Reserve Forces Administrative Activity, Class III, 1500 E. Bannister Road, Kansas City, Missouri 64131.

Former members who have no further reserve or active duty obligations should address requests for information to director, National Personnel Records Center (Navy Reference Branch), 9700 Page Boulevard, St. Louis, Missouri 63132.

All written requests should contain the full name and social security, account number of the individual, his signature, and in those cases where his period of service ended before 1971, his service or file number. In requesting records for personnel who served before 1964, information provided to the National Personnel Records Center should also include date and place of birth and dates of periods of active Naval service. Active duty Navy and Marine Corps personnel including drilling members of the reserves may visit the medical department of the activity to which attached. Inactive Naval Reservists whose tour of active duty ended after 1 July 1972 may visit the Naval Reserve Personnel Center, 4400 Dauphine Street, New Orleans,Louisiana. Marine Reservists whose tour of active duty ended after 1 July 1972 and who have a continual reserve obligation may visit the Marine Corps Reserve Forces Administration Activity, Class III, 1500 E. Bannister Road, Kansas City, Missouri. Former members with no further obligation and reservists whose tour of active duty ended prior to 1 July 1972 may visit the National Personnel Records Center, 9700 Page Boulevard, St. Louis, Missouri. Proof of identification in the case of active duty, retired and reserve personnel will consist of the Armed Forces of the U.S. Identification Card or by other types of identification bearing picture and signature. Former members may provide drivers license or other types of identification bearing picture and signature.

Inpatient and outpatient treatment records:

(Care/treatment-within 2 years) Commanding Officer of the Naval Regional Medical Center or hospital where the individual was treated.

(More than 2 years) Director, National Personnel Records Center, 111 Winnebago Street, St. Louis, Missouri 63118 or Director, National Personnel Records Center, 9700 Page Boulevard, St. Louis, Missouri 63132.

Provide the following data: full name, service number, status, or SSN of sponsor, date(s) of treatment or period of hospitalization, address at time of medical treament, if known.

Office where requster may visit to obtain information of records pertaining to the individual.

Regional Medical Center or Hospital
Chief, Patient Affairs Service
Chief, Outpatient Service
Officer-in-charge other Navy Medical Facility

Full name, date and place of birth, ID card or drivers license, or other identification to sufficiently identify the individual with the medical records held by the treatment facility must be presented.

Record access procedures:

Sysmanager - service medical (health and dental) records for active duty and reserve, Navy and Marine Corps; requests from individuals should be addressed to Chief, Bureau of Medicine and Surgery, (Code 3111), Navy Department, Washington, DC 20372.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determination by the individual concerning may be obtained from the SYSMANAGER.

Record source categories:

Reports from attending and previous physicians and other medical personnel regarding the results of physical, dental and mental examinations, treatment, evaluation, consultation, laboratory, x-ray and special studies conducted to provide health care to the individual or to determine the individuals physical and dental qualification.

Systems exempted from certain provisions of the act:

None

N00018 04

System name:

Decedent Affairs Records System

System location:

Bureau of Medicine and Surgery (Code 73), 23d and E Sts, NW, Washington, D. C. 20372 Commandants of Naval Districts CO Naval Medical Treatment Facilities

Categories of individuals covered by the system:

Deceased individuals for whom the Department of the Navy is responsible

Categories of records in the system:

Reports concerning casualty, status, transportation of remains, requests for special escorts and our responses, disposition instructions, acknowledgements to next of kin; pertinent data, medals and awards, preparation and identification of remains reports, escort orders and debriefing forms, death certificates, some autopsy reports, DD Forms 1300 (Reports of Casualty); correspondence pertaining thereto; and adjudication copies and paid vouchers and statistical data excerpted from decedent affairs files

Authority for maintenance of the system:

Title 5, US Code 103a and b; Title 10, Sections 1481-1488, US Code; Executive Orders 8557, 30 Sep 40 and 10209 of 1 Feb 51; 44 US Code 3101

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

PURPOSE
To facilitate and monitor return of remains and associated benefits
CATEGORIES OF USERS
Department of Navy and families of decedents
SPECIFIC USES
Verification of eligibility for benefits; provision of information to families of decedents concerning identification, care and return of remains, causes of death and payment of allowances

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders Statistical data on magnetic tape

Retrievability:

Filed alphabetically according to name of decedent by fiscal year of date of death -- Name, social security (or serial) number, date of death

Safeguards:

Locked building and guard during non-duty hours; personnel screening during duty hours

Retention and disposal:

Permanent - Records are accumulated chronologically and filed alphabetically by fiscal year; held three years and retired to the Federal Records Center for permanent retention under control of this Bureau

System manager(s) and address:

Chief, Bureau of Medicine and Surgery Commandants of Naval Districts Commanding Officers, Medical Treatment Facilities

Notification procedure:

Address inquiries to the systems manager Inquiry must include name of decedent, military status at time of death, SSAN and/or service number, and date of death Requestor may visit Bureau of Medicine and Surgery (Code 73), 23d and E Streets, NW, Washington, D. C. 20372

Record access procedures:

The agency's rules for access to records may be obtained from the systems manager

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

Record source categories:

Reports submitted by field commands and next of kin as required by regulations and directives pertaining to the decedent affairs program

Systems exempted from certain provisions of the act:

NONE

N00018 05

System name:

Uncollectible Accounts

System location:

Primary System - Chief, Bureau of Medicine and Surgery, Navy Department, Washington, D. C. 20372. Decentralized Segments - Naval Hospitals and Medical Centers which provide services or perform work giving rise to such accounts receivable. (Mailing addresses are listed in the directory of Department of the Navy mailing addressesin the Appendix to the Component System Notice.)

Categories of individuals covered by the system:

Any individual incurring indebtedness to the United States by receiving health care treatment or examination services funded by the Navy Medical Department. Coverage also includes sponsors and other persons responsible for the debts of such persons.

Categories of records in the system:

The types of records in the system include Request for Recovery of CHAMPUS Funds (CHAMPUS Form 11); letter reports of uncollectible accounts receivable; substantiating documents such as Supplies and/or Services provided by Civilian Hospitals (DA Form 1863-1), Services and/or Supplies provided by Civilian Sources (except Hospitals) (DA Form 1863-2), Explanation of Benefits forms, physicians' and hospitals' statements of services and charges, payment receipts, admission documents, and correspondence relating to collection attempts or attempts to ascertain elligibility status or patient category; records of payments received; records of transmittal of accounts to investigative organizations, the Department of Justice, and/or the General Accounting Office; and records suspending or terminating collection action or effecting compromise settlement agreements.

Authority for maintenance of the system:

31 USC 191-195, 227, and 952 (also known as the Federal Claims Collection Act of 1966); 10 USC 1078-179; and 37 USC 702, 705, and 1007.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information in the system is collected to facilitate the recovery of amounts owed the United States. Users of the information includes field and bureau collection agents. The information is used to determine amounts owed, methods to be employed to effect recovery, and whether or not the claim can be compromised or collection action thereon terminated or suspended. In rare and exceptional cases an account file is referred to the Navy Investigative Service Office, the Department of Justice, or the General Accounting Office. Any individual records in the system might be transferred to any component of the DOD.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders and reading files. Index cards (3'x5').

Retrievability:

Filed alphabetically by last name of debtor within the fiscal year in which indebtedness was incurred. Summary records filed by medical treatment facility.

Safeguards:

Records are maintained in areas accessible only to authorized personnel that are properly screened and trained.

Retention and disposal:

Records are retained in active file until collection action has been completed, compromised, suspended, or terminated. They are held in inactive file until statute of limitations has run and then destroyed.

System manager(s) and address:

Chief, Bureau of Medicine and Surgery, Navy Department, Washington, D. C. 20372 and Commanding Officers of Medical Treatment Facilities under the Command of the Chief, Bureau of Medicine and Surgery.

Notification procedure:

Information may be obtained from the Chief, Bureau of Medicine and Surgery. Requests should provide the full name of the debtor, the military or dependency status of the debtor, and the location and approximate dates of treatment or examination. The requestor may visit the Comptroller, Bureau of Medicine and Surgery, 23rd and 'E' Streets, N. W., Washington, D. C. to obtain information on whether or not the system contains records pertaining to him or her. A valid driver's license and/or military ID card will be considered adequate proof of identity.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appearling initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Medical Treatment Facilities providing services which resulted in indebtedness to the United States, OCHAMPUS Denver, U. S. Postal Service, Military Locator Services, State Departments of Motor Vehicles, any component of the DOD, the Department of Justice, the General Accounting Office, retail credit associations, financial institutions, current or previous employers, educational institutions, trade associations, automated system interfaces, local law enforcement agencies, the Department of Health, Education, and Welfare, the Internal Revenue Service, and the Civil Service Commission.

Systems exempted from certain provisions of the act:

NONE

N00018 10

System name:

Family Advocacy Program System

System location:

Central Registry -- Chief, Burau of Medicine and Surgery, Navy Department, Washington, D. C. 20372. Individual Case Files -- Naval Regional Medical Centers, naval hospitals and clinics (formerly dispensaries), and duty stations of the military sponsors. (Mailing addresses of duty stations are listed in the DOD directory in the Appendix to the Component System Notice.)

Categories of individuals covered by the system:

All beneficiaries entitled to care at Navy medical and dental facilities whose abuse or neglect is brought to the attention of appropriate authorities, and all persons suspected of abusing or neglecting such beneficiaries.

Categories of records in the system:

Medical records of suspected and confirmed cases of family member abuse or neglect, also, investigative reports, correspondence, family advocacy committee reports, follow-up and evaluative reports, and any other supportive data assembled relevant to individual family advocacy program files.

Authority for maintenance of the system:

5 U.S.C. 301, 10 U.S.C. 5132, and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Officials and employees duties relating to health and medical treatment of members and former members of the uniformed services, civilians, and dependents receiving medical care under Navy auspices; determining qualifications and suitability of Navy and Marine Corps personnel for various programs, duty assignments, and fitness for continued military service; and performance of research studies of compilation of statistical data.

Officials and employees of other components of the Department of Defense and other Departments and agencies and the Executive Branch of government, in the performance of their official duties relating to the coordination of family advocacy programs, medical care, and researchconcerning family member abuse and neglect.

The Attorney General of the United States or his authorized representatives, in connection with litigation or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies.

Federal, state or local government agencies when it is deemed appropriate to utilize civilian resources in the counseling and treatment of individuals or families involved in abuse or neglect or when it is deemed appropriate or necessary to refer a case to civilian authorities for civil or criminal law enforcement.

Authorized officials and employees of the National Academy of Sciences, and private organizations and individuals for authorized health research in the interest of the federal government and the public; and authorized surveying bodies for professional certification and accreditation. government and the public; and authorized surveying bodies for professional certification and accreditation.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records may be stored in file folders, microfilm, magnetic tape, punched cards, machine lists, discs, and other computerized or machine readable media.

Retrievability:

Records are retrieved through indices and cross indices of all individuals and relevant incident data. Types of indices used include, but are not limited to: names, social security numbers, and types of incidents.

Safeguards:

Records are maintained in various kinds of filing equipment in specified monitored or controlled access rooms or areas. Public access is not permitted. Records are accessible only to authorized personnel who are properly screened and trained, and on a need-to-know basis, only.

Computer terminals are located in supervised areas, with access controlled by password or other user code system.

Retention and disposal:

Family advocacy case records are maintained at the activity having cognizance of the case for a period of 5 years and are then destroyed. Central registry records are permanently retained under the control of the Bureau of Medicine and Surgery.

System manager(s) and address:

Central Registery -- Chief, Bureau of Medicine and Surgery, Navy Department, Washington, D.C. 20372, -- and commanding officers of medical treatment facilities under the command of the Chief, Bureau of Medicine and Surgery, where the treatment and reporting occurred.

Notification procedure:

Informational requests should be directed to the cognizant system manager(s). Requests should contain the full name of the individual and social security number of the military or civilian sponsor or guardian, date and place of treament, and alleged reporting of incident. The requester may visit the office of the Chief, Bureau of Medicine and Surgery, 23rd and 'E' Streets, N.W., Washington, D.C. and the commading officers of the individual medical treatment facilities to obtain information on whether or not the system contains records pertaining to hime or her. Armed Forces I.D. card or other type of identification bearing the picture and signature of the requested will be considered adequate proof of identity.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Reports from physicians and othe medical department personnel regarding the results of physical, dental, mental, and other examinations, treatment, evaluation, consultation, laboratory, x-ray, and special studies; reports and information from other sources, including

educational institutions, medical institutions, law enforcement agencies, public and private health and welfare agencies, and witnesses.

Systems exempted from certain provisions of the act:

Part of this system may be exempt under 5 U.S.C. 552a(k) (2) and (5), as applicable. For additional information, contact the system manager(s).

N00022 NONAPACTSUPSYS

System name:

Nonappropriated Fund Activity Information Support System

System location:

Bureau of Naval Personnel, Navy Department, Washington, D. C. 20370; and local nonappropriated Fund Activities under the cognizance of the Chief of Naval Personnel.

Categories of individuals covered by the system:

Individuals authorized under current regulations to use Commissioned Officers Messes (open), Chief Petty Officer Messes, Petty Officer First and Second Class Messes, Enlisted Men's Clubs, Consolidated Package Stores, Special Services facilities, and other Non-Appropriated Fund Activities under the cognizance of the Chief of Naval Personnel.

Categories of records in the system:

Correspondence, records, membership applications, membership and user listings of Nonappropriated Fund Activity facilities, accounts receivable records, bad check listings, investigatory reports involving abuse of facilities, required for management of Nonappropriated Fund Activities under the cognizance Chief of Naval Personnel.

Authority for maintenance of the system:

5 USC 301 Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Officials and employees of the Department of the Navy in the performance of their duties related to the management, supervision and administration of Nonappropriated Fund Activities under the cognizance of the Chief of Naval Personnel. The Comptroller General or any of his authorized representatives, upon request, in the course of the performance of duties of the General Accounting Office related to the management, supervision, and administration of Nonappropriated Fund Activities under the cognizance of the Chief of Naval Personnel.

Officials and employees of other components of the Department of Defense in the performance of their official duties related to the management, supervision and administration of Nonappropriated Fund Activities under the cognizance of the Chief of Naval Personnel.

The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representatives of the Executive Branch Agencies.

The Senate or the House of Representatives of the United States or any committees or sub committees thereof on matters within their jurisdiction requiring disclosure of the files or records of persons covered by this system.

Such Civilian Contractors and their employees as are or may be operating in accordance with an approved, official contract with the U.S. Government. When required by Federal statute, by Executive order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Automated records may be stored on magnetic tapes, disc, drums and on punched cards.

Manual records may be stored in paper file folders, microfiche or microfilm.

Retrievability:

Primarily by Name, and/or Social Security Number/Membership Number.

Safeguards:

Computer and punched card processing facilities are located in restricted areas accessible only to authorized persons that are properly screened, cleared and trained.

Manual records and computer printouts are available only to authorized personnel having a need to know.

Retention and disposal:

Records are retained or disposed of in accordance with SECNAVINST P5212.5B, subj: Disposal of Navy and Marine Corps Records, or Departmental Instructions.

System manager(s) and address:

Chief of Naval Personnel, Navy Department, Washington, D. C. 20370

Notification procedure:

Requests by correspondence should be addressed to: Chief of Naval Personnel (Attn: Privacy Act Coordinator), Navy Department, 20370; or to the Head of the local Nonappropriated Fund Activity concerned. The letter should contain full name, social security account number, status, address, and signature of the requestor.

The individual may visit the Chief of Naval Personnel, Washington, D. C. 20370 (Arlington Annex, FOB #2), Rm. 1066 for assistance with records located in that building; or the individual may visit the local activity concerned for access to locally maintained records. Proof of identification will consist of Military Identification Card for persons having such cards, or other picture-bearing identification.

Record access procedures:

The Agency's rules for access to records may be obtained from SYSMANAGER.

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Officals and employees of the Department of the Navy, Department of Defense, and components thereof, in performance of their official duties and as specified by current Instructions and Regulations promulgated by competent authority; general correspondence concerning the individual.

Systems exempted from certain provisions of the act:

None

N00022.81

System name:

Personnel Security Eligibility information System

System location:

Prmary System-Bureau of Naval Personnel, Navy Department, Washington, D.C. 20370

Secondary System-local activity to which individual is assigned (see Directory of the Department of the Navy Mailing Addresses)

Categories of individuals covered by the system:

Members of the U.S. Navy and Naval Reserve, former members, and applicants for enlistment or commissioning.

Categories of records in the system:

Files contain reports of personnel security investigations, criminal investigations, and counterintelligence investigations, usually brief excerpts only; correspondence, records and information pertinent to an individual's eligibility for acceptance and retention, personnel security clearance, assignment to the Nuclear Weapon Personnel Reliability Program or other 'high risk' program requiring personnel quality control.

Authority for maintenance of the system:

5 USC 301 Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Officials and employees of the Department of the Navy in the performance of their official duties related to personnel security eligibility;

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 personnel security eligibility.

Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement or other matters under the jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies;

State and Local government agencies in the performance of their official duties related to personnel security eligibility;

Officials and employees of the Department of Defense in the performance of their duties related to personnel security eligibility;

Officials and employees of other agencies of the Executive Branch of the government, upon request, in the performance of their duties related to personnel security eligibility;

Senate or the House of Representatives of the United States or any committees or subcommittees thereof, requiring disclosure of the files or records of individuals covered by this system. When required by

Federal statute, by Executive order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders and index cards. Some information from the paper records is contained in an automated file.

Retrievability:

Filed alphabetically by last name of individual. Automated files are by social security account number.

Safeguards:

Stored in locked safes and cabinets. File areas are accessible only to authorized persons who are properly screened, cleared, and trained.

Retention and disposal:

Records and portions thereof vary in period of time retained; records are retained and disposed of in accordance with Department Regulations.

System manager(s) and address:

Chief of Naval Personnel, Navy Department, Washington, D.C. 20370

Notification procedure:

Requests by correspondence should be addressed to Chief of Naval Personnel, (Attn: Privacy Act Coordinator), Navy Department, Washington, D.C. 20370; or in accordance with the Directory of the Department of the Navy Mailing Adresses (i.e., local activities). The letter should contain full name, social security account number, rank/ rate/civilian status, address and notarized signature of the requestor. The individual may visit the Chief of Naval Personnel, Arlington Annex, (FOB#2) Washington, D.C., Rm. 1066, for assistance with records located in that building; or the individual may visit the local activity to which attached for access to locally maintained records. Prior written notification of personal visits is required to ensure that all parts of the record will be available at the time of the visit. Proof of identify will be required and will consist of a military identification card for persons having such cards and picture-bearing identification.

Record access procedures:

The agency's rules for access to records may be obtained from the SYSMANAGER.

Contesting record procedures:

The agency's rules for contesting contents and appealing inital determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Officials and employees of the Department of the Navy, Department of Defense, and other Departments and Agencies of the Executives Branch of government, and components thereof, in performance of their official duties and as specified by current instruction and regulations promulgated by competent authority; civilian and military investigative reports; federal state and local court doucments; fingerprint cards; official correspondence concerning individual.

Systems exempted from certain provisions of the act:

Parts of this system may be exempt under 5 U.S.C. 552 a (j) or (k), as applicable. For additional information contact the System Manager.

N00022.82

System name:

Navy Personnel Evaluation System

System location:

Bureau of Naval Personnel, Navy Department, Washington, D.C. 20370

Categories of individuals covered by the system:

All members of the U.S. Navy including Regular, Reserve, Active Duty, Inactive Duty, Fleet Reserve and Retired.

Categories of records in the system:

Correspondence and investigatory material containing information pertinent to member's retention, assignment or separation.

Authority for maintenance of the system:

5 USC 301. Departmental Regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Officials and employees of the Department of the Navy in the performance of their official duties related to personnel administration of Navy members; Officials and employees of the Department of Defense and its other components in the performance of their official duties related to personnel administration.

The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies;

The Secretary of Health, Education and Welfare, and the Director, Veterans Administration, and Director, Selective Service Administration and their officials and employees in connection with notification and assistance in obtaining benefits by members and former members;

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 personnel administration;

Such civilian contractors as are or may be operating in accordance with an approved, official contract with the U.S. Government; The Senate or the House of Representatives of the United States or any committees or subcommittees therof, requiring disclosure of the files or records of individuals covered by this system;

Officials and employees of the General Accounting Office upon request in the performance of their official duties relating to personnel administration. State and local government agencies in the performance of their official duties related to personnel administration. When required by Federal statute, by Executive order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders and index cards. Some information from the paper records is automated.

Retrievability:

Filed alphabetically by last name or by Social Security Account Number.

Safeguards:

Stored in locked safes and cabinets in buildings that employ security guards. File areas are accessible only to authorized persons who are properly screened, cleared and trained.

Retention and disposal:

Records are maintained as long as member has any affiliation with the Naval service and for five years thereafter and are then destroyed.

System manager(s) and address:

Chief of Naval Personnel, Navy Department, Washington, D.C. 20370

Notification procedure:

Requests by correspondence should be addressed to Chief of Naval Personnel (Attn: Privacy Act Coordinator), Navy Department, Washington, D.C. 20370. The letter should contain full name, social security account number, rank/ rate/civilian status, address and notarized signature of the requestor. The individual may visit the Chief of Naval Personnel, Arlington Annex, Washington, D.C. (FOB#2) Rm. 1066, for assistance with records located in that building. Prior written notification of personal visits is required to ensure that all parts of the record will be available at the time of the visit. Proof of identity will be required and will consist of a military identification card for persons having such cards and picture-bearing identification.

Record access procedures:

The agency's ruls for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Civilian and military investigative reports; reports of federal and state civilian court actions and criminal proceedings; general correspondence concerning and individual; officials and employees of the Department of the Navy, Department of Defense and Components therof, in 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:

Parts of this system may be exempt under 5 U.S.C. 552 a (j) or (k), as applicable. For additional information contact the System Manager.

N00022CASINFOSUPPSYS

System name:

Casualty Information Support System

System location:

Primary System-Chief of Naval Personnel, Navy Department, Washington, D.C. 20370 and local activity to which individual is assigned (see Directory of the Department of the Navy Mailing Addresses); Washington National Records Center, Suitland, Maryland.

Categories of individuals covered by the system:

All Navy military personnel who are reported missing, missing in Action, Prisoner of War or otherwise detained by armed force; deceased in either an active or inactive duty status; reported ill/injured in either active duty, fleet reserve, or retired status.

Categories of records in the system:

Correspondence, reports, and records in both automated and non-automated form concerning circumstances of casualty, next-of-kin data, survivor benefit information, personal and service data, and casualty program data.

Authority for maintenance of the system:

Title 5 USC 301 Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Officials and employees of the Department of the Navy in performance of their official duties related to casualty program management and responding to inquiries from survivors of Navy military personnel.

Officials and employees of other components of the Department of Defense in the performance of their official duties related to Casualty Program Management.

Secretary of Health Education and Welfare and the Director of the Veterans Administration and their officials and employees in connection with eligibility, notification and assistance in obtaining benefits due.

The Senate or the House of Representatives of the United States or any committee or subcommittee of joint committees on matters within their jurisdiction requiring disclosure of the casualty files of Navy members.

Nongovernment Agencies - To assist in settlement of member's affairs. 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 Navy's Casualty and Survivor's Benefit Program.

The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the department of justice or carried out as the legal representative of the Executive Branch agencies.

Officials and employees of state and local government agencies in connection with eligibiliy, notification and assistance in obtaining benefits due. When required by Federal statute, by Executive order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Automated records may be stored on magnetic tapes, disc, drums and on punched cards.

Manual records may be stored in paper files, microfiche or microfilm.

Retrievability:

Records may be retrieved by name and/or social security account number.

Safeguards:

Computer and punched card processing facilities are located in restricted areas accessible only to authorized persons that are properly screened, trained, and cleared.

Manual records and computer printouts are available only to authorized personnel having a need to know.

Retention and disposal:

Files are retained and disposed of in accordance with SECNAVINST P5212.5B, subj: Disposal of Navy and Marine Corps Records, or in accordance with Department Regulations.

System manager(s) and address:

Chief of Naval Personnel, Navy Department, Washington, D.C. 20370.

Notification procedure:

Requests by correspondence should be addressed to: Chief of Naval Personnel, (Attn: Privacy Act Coordinator), Navy Department, Washington, D.C. 20370; or, in accordance with the Directory of the Department of the Navy Mailing Addresses (i.e., local activities). The letter should contain full name, social security account number (and/or enlisted service number/officer file number), rank/rate, military status, date of casualty and status at time of casualty, and signature of the requestor. The individual may visit the Chief of Naval Personnel, Arlington Annex (FOB#2), RM 1066, Washington, D.C. for assistance with records located in that building; or the individual may visit the local activity for access to locally maintained records. Proof of identification will consist of Military Identification Card for persons having such cards, or other picture-bearing identification.

Record access procedures:

The Agency's ruls for access to records may be obtained from the system manager.

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Officials and employees of the Department of the Navy, Department of Defense, Public Health Service, Veterans Administration, and components thereof, in performance of their official duties as specified by current Instructions and Regulations promulgated by competent authority; casualty reports may also be received from state and local agencies, Hospitals and other agencies having knowledge of casualties to Navy personnel; general correspondence concerning member.

Systems exempted from certain provisions of the act:

None

N00022CIVEMPNAF

System name:

Record System for Civilian Employees of Nonappropriated Fund (NAF) Activities

System location:

Primary System-Bureau of Naval Personnel, Washington, D.C. 20370; and local activity to which individual is assigned (see Directory of the Department of the Navy Mailing Addresses); National Personnel Records Center, St. Louis, Missouri 63132.

Categories of individuals covered by the system:

Civilian employees of Nonappropriated Fund Activities under the cognizance of the Chief of Naval Personnel.

Categories of records in the system:

Correspondence and records pertaining to performance, employment, pay, classification, security clearance, personnel actions, medical, insurance, retirement, tax withholding information, exemptions, unemployment compensation, employee profile, education, benefits, discipline and administration of nonappropriated fund civilian personnel.

Authority for maintenance of the system:

5 USC 301. Department Regulations
Public Law 92-392
Fair Labor Standards Act, as amended

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Officials and employees of the Department of the Navy in the performance of their official duties related to the management, supervision and administration of nonappropriated fund civilian personnel.

Officials and employees of other components of the Department of Defense in the performance of their official duties related to the management, supervision and administration of nonappropriated fund civilian personnel.

The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch Agencies.

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 management, supervision and administration of Nonappropriated Fund civilian personnel.

The Senate or the House of Representatives of the United States or any committee or subcommittee thereof, on matters within their jurisdiction requiring disclosure of the files or records of Nonappropriated Fund civilian personnel. Such civilian contractors and their employees are or may be operating in accordance with an approved, official contract with the U.S. Government. When required by Federal statute, by Executive order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Automated records may be stored on magnetic tapes, disc, drums and on punched cards.

Manual records may be stored in paper file folders, mirofiche, or microfilm.

Retrievability:

Records may be retrieved by name, social security account number and/or activity number.

Safeguards:

Computer and punched card progessing facilities are located in restricted areas accessible only to authorized persons that are properly screened, cleared and trained.

Manual records and computer printouts are available only to authorized personnel having a need to know.

Retention and disposal:

Records are retained or disposed of in accordance with SECNAVINST P5212.5b, subj: Disposal of Navy and Marine Corps Records, or Departmental Regulations.

System manager(s) and address:

Chief of Naval Personnel, Department of the Navy, Washington, D.C. 20370

Notification procedure:

Requests by correspondence should be addressed to: Chief of Naval Personnel, (Attn: Privacy Act Coordinator), Navy Department, Washington, D.C. 20370; or, in accordance with the Directory of the Department of the Navy Mailing Addresses (i.e., local activities).

The letter should contain full name, social security number, activity at which employed, and signature of the requestor.

The individual may visit the Chief of Naval Personnel, Arlington Annex (FOB#2), Rm 1066, Washington, D.C. for assistance with records located in that building; or the individual may visit the local activity to which attached for access to locally maintained records.

Record access procedures:

The Agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Officials and employees of the Department of the Navy and Department of Defense in the performance of their official duties and as specified by current Instructions and Regulations promulgated by competent authority; previous employers; educational institutions; employment agencies; civilian and military investigative reports; general correspondence concerning individual.

Systems exempted from certain provisions of the act:

None

N00022CIVPERSADMSYS

System name:

Civilian Personnel Administrative Services Record System

System location:

Bureau of Naval Personnel, Navy Department, Washington, D. C. 20370

Categories of individuals covered by the system:

Civilian employees and former employees of the Bureau of Naval Personnel and the Naval Personnel Program Support Activity.

Categories of records in the system:

Correspondence and records concerning personal identification, directory and locator services, vehicle parking, security, disaster control, community relations (blood donor, etc.) employee recreation programs temporary duty travel, employee applications, nominations, training, violations of rules, appointments to duties or offices, security, and other personal action records.

Authority for maintenance of the system:

5 USC 301 Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Officials and employees of the Department of the Navy other components of the Department of Defense in the performance of their official duties related to the management, supervisor and administration of civilian employees of the Bureau of Naval Personnel Program Support Activity.

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, supervision, and supervision of civilian employees of the Bureau of Naval Personnel and the Naval Personnel Program Support Activity.

The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies.

The Senate or House of Representatives of the United States or any committee or subcommittee thereof, on matters within their jurisdiction requiring disclosure of the files or records of civilian personnel covered by this system. Such civilian contractors and their employees as are or may be operating in accordance with an approved, official contract with the U. S. Government. When required by Federal statute, by Executive order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders or card files

Retrievability:

Filed alphabetically by last name of subject

Safeguards:

Access to records restricted to those who have a need to know. The small amount of classified information is maintained in approved security containers.

Retention and disposal:

Records are retained and disposed of in accordance with Departmental regulations.

System manager(s) and address:

Chief of Naval Personnel, Navy Department, Washington, D. C. 20370

Notification procedure:

Requests by correspondence should be addressed to: Chief of Naval Personnel (Attn: Privacy Act Coordinator), Navy Department, Washington, D. C. 20370; letter should contain full name, social security account number, civilian status (currently employed or previously employed), system of records to which access is desired, and signature of the requestor. The individual may also visit the Chief of Naval Personnel, Arlington Annex (FOB #2), Rm 2066, Washington, D. C. Proof of identification will be by picture-bearing identification or other positive personal identification.

Record access procedures:

The agency's rules for access to records may be obtained from the SYSMANAGER.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

From supervisor of subject, from Civil Service Commission, from Naval Investigative Service, BUPERS Duty Officer, BUPERS Security Manager, BUPERS Classified Clearance Officers, from Assistant Chief of Naval Personnel for Performance and Security, from BUPERS employee personnel records, from Headquarters, U. S. Marine Corps, from American Red Cross.

Systems exempted from certain provisions of the act:

None

N00022ENLDEVDISTSYS

System name:

Enlisted Development and Distribution Support System

System location:

Primary System-Bureau of Naval Personnel, Navy Department, Washington, D.C. 20370 Secondary System-Enlisted Personnel Management Center, New Orleans, Louisiana 70159 and Naval Reserve Personnel Center, Naval Support Activity (East Bank), Bldg. 603, New Orleans, Louisiana 70159

Categories of individuals covered by the system:

All Navy enlisted personnel: active, inactive, reserve, fleet reserve, and retired.

Categories of records in the system:

Correspondence and records in both automated and non-automated form concerning classification, assignment, distribution, advancement, performance, retention, reenlistment, separation, training, education, morale, personal affairs, benefits, entitlements, and administration of Navy military personnel.

Authority for maintenance of the system:

5 USC 301 Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Officials and emloyees of the Department of the Navy in the performance of their official duties to initiate, develop, implement, and carry out policies pertaining to enlisted personnel assignment, placement, retention, career enhancement and motivation, and other career related matters, in order to meet manpower allocations and requirements.

The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies. Officials and employees of other components of the Department of Defense in the performance of their official duties related to the management and administration of Navy enlisted personnel in order to meet manpower allocations and requirements.

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 and administration of Navy enlisted personnel in order to meet manpower allocations and requirements.

The Senate of the House of Representatives of the United States or any Committee or subcommittee thereof on matters within their jurisdiction requiring disclosure of the files or records of Navy military personnel.

Such civilian contractors and their employees as are or may be operating in accordance with an approved, official contract with the U.S. Government. When required by Federal statute, by Executive order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Automated records may be stored on magnetic tapes, disc, drums, and on punched cards.

Manual records may be stored in paper file folders, microfiche or microfilm.

Retrievability:

Automated records may be retrieved by social security account number and/or name.

Manual records may be retrieved by name, social security account number, or enlisted service number.

Safeguards:

Computer and punched card processing facilities and terminals are located in restricted areas accessible only to authorized persons that are properly screened, cleared and trained.

Manual records and computer printouts are available only to authorized personnel having a need to know.

Retention and disposal:

Records are retained or disposed of in accordance with SECNAVINST P5212.5B, subj: Disposal of Navy and Marine Corps Records.

System manager(s) and address:

The Chief of Naval Personnel, Navy Department, Washington, D.C. 20370

Notification procedure:

Requests by correspondence should be addressed to: Chief of Naval Personnel (Attn: Privacy Act Coordinator), Navy Department, Washington, D.C. 20370; or, for Training and Administration of Reserve personnel only, to Commanding Officer, (Attn: Privacy Act Coordinator) Naval Reserve Personnel Center, Naval Support Activity (East Bank), Bldg. 603, New Orleans, Louisiana 70159. The letter should contain full name, social security account number (and/or enlisted service number), rate, military status, and signature of the requestor. The individual may visit the Chief of Naval Personnel, Arlington Annex (FOB #2), Rm. 1066, Washington, D.C. for assistance with records located in that building; or Training and Administration of Reserve personnel may visit the Commanding Officer (Privacy Act Coordinator), Naval Support Activity (East Bank), Bldg. 603, New Orleans, Louisiana 70159. Proof of identification will consist of Military Identification Card for persons having such cards, or other picture-bearing identification.

Record access procedures:

The Agency's rules for access to ecords may be obtained from SYSMANAGER.

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Officials and employees of the Department of the Navy, Department of Defense, and components therof, in performance of their official duties and as specified by current Instructions and Regulations promulgated by competent authority; general correspondence concerning the individual; official records of professional qualifications; Navy Relief and American Red Cross requests for verification of status; Educational institutions.

Systems exempted from certain provisions of the act:

None

N00022ENLMAUSTSYS

System name:

Enlisted Master File Automated System

System location:

Bureau of Naval Personnel, Navy Department, Washington, D. C. 20370; Personnel Management Information Center, New Orleans, LA 70159; Naval Reserve Personnel Center, New Orleans, LA 70159

Categories of individuals covered by the system:

All Navy Enlisted Personnel: Active and Inactive

Categories of records in the system:

Computer file contains data concerning enlisted assignment, planning, programming, accounting, promotions, career development, procurement, education, training, retirement, performance, security, personal data, qualifications, programming, and enlisted reserve drill data. The system also contains Activity Personnel Diaries, personnel accounting documents, Reserve Unit Drill reports and other personnel transaction documents necessary to maintain file accuracy and currency; and all computer extracts. microform, and printed reports therefrom.

Authority for maintenance of the system:

5 USC 301 Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Officials and employees of the Department of the Navy in the performance of their official duties related to the Navy's military management program. of Navy enlisted personnel and the operation of personnel affairs and functions; the design, development, maintenance and operation of the automated system of records.

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, supervision, and administration of Navy enlisted personnel.

The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies.

Officials and employees of other components of the Department of Defense in the performance of their official duties related to the management, supervision and administration of Navy enlisted personnel and the operation of personnel affairs and functions.

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, supervision and administration of Navy enlisted personnel and the operation of personnel affairs and functions. The Senate or the House of Representatives of the United States or any committee or subcommittee therof,

on matters within their jurisdiction requiring disclosure of the files or records of Navy enlisted personnel.

Such civilian contractors and their employees as are or may be operating in accordance with an approved, official contract with the U. S. Government. When required by Federal statute, by Executive order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Automated records are stored on magnetic tapes, disks, drums and on punched cards.

Printed reports and other related documents supporting the system are stored in authorized areas only.

Retrievability:

Automated records are retrieved by Social Security Account Number.

Safeguards:

Within the computer center, controls have been established to desseminate computer output over the counter only to authorized users. Specific procedures are also in force for the disposal of computer output. Output material in the sensitive category, i.e., inadvertant or unauthorized disclosure will result in harm, embarrassment, inconvience or unfairness to the individual, will be shredded. Computer files are kept in a secure, continuously manned area and are accessible only to authorized computer operators, programmers, enlisted managment, placement, and distributing personnel who are directed to respond to valid, official requests for data. These accesses are controlled and monitored by the Security System.

Retention and disposal:

Automated records are retained in accordance with MAPMIS manual (periods range from 1 month to permanent).

System manager(s) and address:

Chief of Naval Personnel, Navy Department, Washington, D. C. 20370

Notification procedure:

Requests by correspondence from active duty enlisted personnel shall be addressed to : Chief of Naval Personnel (Attn: Privacy Act Coordinator), Navy Department, Washington, D. C. 20370; requests by correspondence from inactive duty and reserve personnel shall be addressed to: Commanding Officer, Naval Reserve Personnel Center (Attn: Privacy Act Coordinator), New Orleans, La 70159; request shall contain full name, social security account number, rank, status, and signature of requestor.

Record access procedures:

The Agency's rules for access to records may be obtained from SYSMANAGER.

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Officials and employees of the Department of the Navy and Department of Defense and Components thereof in performance of their office duties and as specified by current instructions and regulations promulgated by competent authority; educational institutions.

Systems exempted from certain provisions of the act:

None

N00022EQOPPINFOSYS

System name:

Equal Opportunity Information and Support System

System location:

Primary System-Bureau of Naval Personnel, Navy Department, Washington, D. C. 20370; and local activity to which individual is attached (see Directory of the Department of the Navy Mailing Addresses).

Secondary System-Department of the Navy Activities in the Chain of Command between the local activity and the Headquarters level (see Directory of the Department of the Navy Mailing Addresses).

Categories of individuals covered by the system:

Navy personnel who are involved in formal or informal investigations involving aspects of equal opportunity; and/or who have initiated, or were the subject of correspondence concerning aspects of equal opportunity.

Categories of records in the system:

Correspondence and records concerning incident data, endorsements and recommedations, formal and informal investigations concerning aspects of equal opportunity.

Authority for maintenance of the system:

5 USC 301 DEPARTMENTAL REGULATIONS

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Officials and employees of the Department of the Navy in the performance of their official duties related to equal opportunity matters.

The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies.

Officials and employees of other components of the Department of Defense in the performance of their official duties related to equal opportunity matters.

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 equal opportunity matters.

The Senate or the House of Representatives of the United States or any Committee or subcommittee thereof, any joint committee of Congress or any subcommittee of joint committees on matters within their jurisdiction requiring disclosure of the files or records of Navy military personnel. When required by Federal statute, by Executive order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

Filed alphabetically by last name of individual concerned.

Safeguards:

Records maintained in areas accessible only to authorized personnel on a need to know basis.

Retention and disposal:

Records disposed of after two years in accordance with SECNAVINST P5212.5B, 'Disposal of Navy and Marine Corps Records'; or in accordance with Departmental Regulations.

System manager(s) and address:

Chief of Naval Personnel, Navy Department, Washington, D.C. 20370.

Notification procedure:

Requests by correspondence should be addressed to: Chief of Naval Personnel (Attn: Privacy Act Coordinator), Washington, D.C. 20370; or, in accordance with the Directory of the Department of the Navy Mailing Addresses (i.e., local activities). The letter should contain full name, social security account number, rank/rate, military status, and signature of the requestor.

The individual may visit the Chief of Naval Personnel, Arlington Annex (FB#2), Rm. 1066 Washington D.C. for assistance with records located in that building; or the individual may visit the local activity to which attached for access to locally maintained records. Proof of identification will consist of Military Identification Card for persons having such cards, or other picture-bearing identification.

Record access procedures:

The Agency's rules for access to records may be obtained from SYSMANAGER.

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Officials and employees of the Department of the Navy, Department of Defense, and components thereof, in performance of their official duties and as specified by current Instructions and Regulations promulgated by competent authority; federal, state, and local court documents; military investigatory reports; general correspondence concerning individual.

Systems exempted from certain provisions of the act:

Parts of this system may be exempt under 5 U.S.C. 552 a (j) or (k), as applicable. For additional information contact the System Manager.

N00022NAVHOMRESINFSY

System name:

Naval Home Resident Information System

System location:

Primary System-Governor, U.S. Naval Home, 24th and Grays Ferry Avenue, Philadelphia Pennsylvania 19146 Secondary System-National Personnel Records Center, St. Louis, Missouri 63132

Categories of individuals covered by the system:

Residents of the Naval Home (current, discharged and deceased).

Categories of records in the system:

Correspondence and records concerning application for admission and supporting documents, personnel data, service data, personal affairs, administrative records covering period of residence.

Authority for maintenance of the system:

5 USC 301 Departmental Regulations
24 USC 17

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Officials and employees of the Department of the Navy, generally, and the Naval Home, specifically, in the performance of their official duties related to the management, supervision, and administration of the Naval Home.

The Comptroller General or any his authorized representatives, upon request, in the performance of duties of the General Accounting Office related to the management, supervision, and administration of the Naval Home.

Officials and employees of the Veterans Administration in the performance of their duties related to eligibility, notification and assistance in obtaining benefits by residents of the Naval Home.

The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies. When required by Federal statute, by Executive order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Manual records may be stored in paper file folders, and/or vertical card files.

Retrievability:

Records may be retrieved by name.

Safeguards:

All file folders and cards of residents are locked in file cabinets and are available only to authorized persons having a need to know.

Retention and disposal:

Records are maintained at Naval Home for life of Resident and for 10 years after death or discharge or Resident; thereafter, records are retained at the National Personnel Records Center, St. Louis, Missouri.

System manager(s) and address:

Governor, U.S. Naval Home, 24th and Grays Ferry Avenue, Philadelphia, Pa 19146.

Notification procedure:

Requests by correspondence should be addressed to : Governor, U.S. Naval Home, 24th and Grays Ferry Avenue, Philadelphia, Pa 19146. The letter should contain full name, social security account number (and/or enlisted service number/officer file number), rank/rate, and signature of requestor. The individual may visit the Governor, U.S. Naval Home for assistance with record located in that building. Proof of identification will consist of Military Identification Card.

Record access procedures:

The Agency's rules for access to records may be obtained from SYSMANAGER.

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Officials and employees of the Department of the Navy, Department of Defense, and Veteran's Administration in the performance of their official duties and as specified by current Instructions and Regulations promulgated by competent authority; general correspondence concerning the individual.

Systems exempted from certain provisions of the act:

None

N00022OFFDEVDISTSYS

System name:

Naval Officer Development and Distribution Support System

System location:

Bureau of Naval Personnel, Navy Department, Washington, D.C. 20370

Categories of individuals covered by the system:

All Naval officers on active duty; all Naval Reserve officers requesting recall to active duty.

Categories of records in the system:

Correspondence and personnel records in both automated and non-automated form concerning classification, qualifications, assignment, placement, career development, education, training, recall, release from active duty and management of Naval officers.

Authority for maintenance of the system:

5 USC 301 Departmental Regulations
10 USC 5504 Lineal List
10 USC 5708 Promotion Selection List

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Officials and employees of the Department of the Navy in the performance of their official duties related to the classification, qualifications, assignment, placement, career development, education, training, recall and release of officer personnel in order to meet manpower allocations and requirements.

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 Navy's military manpower allocations and requirements.

The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representive of the Executive Branch agencies. Officials and employees of other components of the Department of Defense in the performance of their official duties related to the management and administration of Naval officer personnel in order to meet manpower allocations and requirements.

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 and administration of Naval officer personnel in order to meet manpower allocations and requirements.

The Senate or the House of Representatives of the United States or any Committee or subcommittee therof, any joint committee of Congress or any subcommittee of joint committees on matters within their jurisdiction requiring disclosure of the files or records of Navy military personnel.

Such Civilian Contractors and their employees as are or may be operating in accordance with an approved, official contract with the U. S. Government. When required by Federal statute, by Executive order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Automated records may be stored on magnetice tapes, disc, drums and on punched cards.

Manual records may be stored in paper file folders, microfiche or microfilm.

Retrievability:

Automated records may be retrieved by social security account number and/or name.

Manual records may be retrieved by name or social security account number.

Safeguards:

Computer and punched card processing facilities and terminals are located in restricted areas accessible only to authorized persons that are properly screened, cleared and trained.

Manual records and computer printouts are available only to authorized personnel having a need to know.

Retention and disposal:

Records are generally maintained until superseded, or for a period of two years or until release from active duty and disposed of by burning or shredding.

System manager(s) and address:

Chief of Naval Personnel, Navy Department, Washingtonm, D.C. 20370

Notification procedure:

Requests by correspondence should be addressed to: Chief of Naval Personnel (Attn: Privacy Act Coordinator) Navy Department, Washington, D.C. 20370. The letter should contain full name, rank, social security account number, designator, address and signature.

The individual may visit the Chief of Naval Personnel, Arlington Annex (FOB #2) Rm. 1066 Washington, D.C. for assistance. Advance notification is requested for personal visits. Proof of identification will consist of military identification card.

Record access procedures:

The Agency's rules for access to records may be obtained from SYSMANAGER.

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from SYSMANAGER.

Record source categories:

Personnel Service jackets; records of the officer promotion system; officials and employees of the Department of the Navy, Department of Defense, and components thereof, in performance of their official duties and as specified by current instructions and regulations promulgated by competent authority; education institutions; official records of professional qualifications; general correspondence concerning the individual.

Systems exempted from certain provisions of the act:

None

N00022OFFMAUSTSYS

System name:

Officer Master File Automated System

System location:

Bureau of Naval Personnel, Navy Department, Washington, D.C. 20370; Personnel Management Information Center, New Orleans, LA 70159; Naval Reserve Personnel Center, New Orleans, LA 70159

Categories of individuals covered by the system:

All Naval Officers; commissioned, warrant, active, inactive; officer candidates, and Naval Reserve Officer Training Corps personnel.

Categories of records in the system: Computer file contains data concerning officer assignment, planning, accounting, promotions, career development, procurement, education, training, retirement, performance, security, personal data, qualifications, programming, and Reserve Officer drill data. System also contains activity Personnel Diaries, personnel accounting documents, Reserve Unit Drill Reports and other personnel transaction documents necessary to maintain file accuracy and currency; and all computer file extracts, microform and printed reports therefrom.

Authority for maintenance of the system:

Title 5 USC 301 Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Officials and employees of the Department of the Navy in the performance of their official duties related to the management, supervision, and administration of Navy officer personnel and the operation of personnel affairs and functions; the design, development, maintenance and operation of the automated system of records.

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 Navy's military manpower management program. The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executvie Branch agencies.

Officials and employees of other components of the Department of Defense in the performance of their official duties related to the management, supervision and administration of Navy officer personnel and the operation of personnel affairs and functions.

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, supervision and administration of Navy officer personnel and the operation of personnel affairs and functions. The Senate or the House of Representatives of the United States or any committee or subcommittee therof, on matters within their jurisdiction requiring disclosure of the files or records of Navy officer personnel.

Such Civilain Contractors and their employees as are or may be operating in accordance with an approved, official contract with the U.S. Government. When required by Federal statute, by Executive order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Automated Records are stored on magnetic tapes, disks, drums and on punched cards. Printed reports and other paper documents supporting the system are stored in authorized personnel areas only.

Retrievability:

Automated records are retrieved by Social Security Account number.

Safeguards:

Within the computer center, controls have been established to disseminate computer output over the counter only to authorized users. Specific procedures are also in force for the disposal of computer output. Output material in the sensitive category, i.e., inadvertent or unauthorized disclosure that would result in harm, embarrassment, inconvenience or unfairness to the indiviual, will be shredded. Computer files are kept in a secure, continuously manned area and are distributing personnel who are directed to respond to valid, official request for data. These accesses are controlled and monitored by the Security System.

Retention and disposal:

Records are retained in accordance with MAPMIS Manual (periods range from 1 month to permanent).

System manager(s) and address:

Chief of Naval Personnel, Department of the Navy, Washington, D.C. 20370.

Notification procedure:

Active duty Navy Officers/Officer Candidates shall request by correspondence addressed to: Chief of Naval Personnel (Attn: Privacy Act Coordinator) Navy Department, Washington, D.C. 20370. Naval Reserve and retired officers shall request by correspondence from commanding officer, Naval Reserve Personnel Center, New Orleans, LA 70159. Requests shall contain full name, Social Security Account Number, rank, status, address and signature of the requestor.

Record access procedures:

The Agency's rules for access to records may be obtained from SYSMANAGER.

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Officials and employees of the Department of the Navy, Department of Defense and components therof, in performance of their official duties and as specified by current Instructions and Regulation promulgated by competent authority; official records of professional qualifications; Educational institutions.

Systems exempted from certain provisions of the act:

None

N00022OFFPROMSYS

System name:

Officer Promotion System

System location:

Bureau of Naval Personnel, Navy Department, Washington D.C. 20370; and Reporting Seniors (see Directory of the Department of the Navy Mailing Addresses); Federal Records Storage Centers; National Archives.

Categories of individuals covered by the system:

All officers on active duty; all reserve officers on inactive duty.

Categories of records in the system:

Fitness Report Jacket, Selection Board Jacket, Officer Summary Record. Promotion History Cards, and other records concerning fitness and qualifications of officers and related to promotion requirements.

Authority for maintenance of the system:

5 USC 301 Departmental Regulations
10 USC 543 Selection Boards
10 USC 33, 545, 549 Promotions

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Officials and employees of the Department of the Navy in the performance of their official duties related to the selection of officers for promotion in the U.S. Navy.

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 Navy's Officer Promotion System and records contained therin.

The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch Agencies.

Officials and employees of other components of the Department of Defense in the performance of their official duties related to the Navy's Officer Promotion System and records contained therin.

Officials and employees of other Departments and Agencies of the Executive Branch of the Government, upon request, in the performance of their official duties related to the Navy's Officer Promotion System and the records contained therein.

The Senate or the House of Representatives of the United States or any committee or subcommittee therof, any joint committee of Congress or any subcommittee of joint committees on matters within their jurisdiction requiring disclosure of the files or records of Naval Officers. Such Civilian Contractors and their employees as are or may be operating in accordance with an approved, official contract with the U.S. Government. When required by Federal statute, by Executive order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Automated records may be stored on magnetic tape, discs or on punched cards.

Manual records may be stored in paper file folders, microfiche or microfilm.

Retrievability:

Automated records may be retrieved by social security account number. Manual records may be retrieved by social security account number and/or officer file number, and name.

Safeguards:

Computer and punched card processing facilities and terminals are located in restricted areas accessible only to authorized persons that are properly screened, cleared and trained.

Manual records and computer printouts are available only to authorized personnel having a need to know.

Retention and disposal:

Records are retained or disposed of in accordance with SECNAVINST P5212.5B, subj: Disposal of Navy and Marine Corps Records.

System manager(s) and address:

Chief of Naval Personnel, Navy Department, Washington, D.C. 20370

Notification procedure:

Requests by correspondence should be addressed to: Chief of Naval Personnel (Attn: Privacy Act Coordinator), Navy Department, Washington, D.C. 20370; or to Reporting Seniors (see Directory of the Department of the Navy Mailing Addresses). The letter should contain full name, social security account number, (or officer file number), rank, military status, address and signature of the requestor.

The individual may visit the Chief of Naval Personnel, Arlington Annex, (FOB#2), Rm. 1066, Washington, D.C. for assistance with records located in that building; or the individual may visit the Reporting Senior for records maintained by that individual. Proof of identification will consist of Military Identification Card.

Record access procedures:

The Agency's rules for access to records may be obtained from SYSMANAGER.

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Officials and employees of the Department of the Navy, Department of Defense, other Departments and Agencies of the Executive Branch of the Government, and components therof, in the performance of their official duties as specified by current Instructions and Regulations promulgated by competent authority; educational institutions; federal, state and local court documents; general correspondence concerning the individual;official records of professional qualifications.

Systems exempted from certain provisions of the act:

Parts of this system may be exempt under 5 U.S.C. 552 a (j) or (k), as applicable. For additional information contact the System Manager.

N00022PERSCOMSOLPRSY

System name:

Personal Commercial Affairs Solicitation Privilege File System

System location:

Primary System-Chief of Naval Personnel, Navy Department, Washington, D.C. 20370.

Secondary System-Local Navy Activities involved in the Personal Commercial Affairs Solicitation Privilege System (see Directory of the Department of the Navy Mailing Addresses).

Categories of individuals covered by the system:

Individuals who are authorized Personal Commercial Affairs Solicitation Authorization concerning solicitation privileges on board military installations.

Categories of records in the system:

Correspondence and records concerning letter of application for solicitation privileges, letters of accreditation, violation incident data, denial data, appeal data, and other supporting documents.

Authority for maintenance of the system:

Title 5 USC 301 Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Officials and employees of the Department of the Navy in the performance of their official duties related to Commercial Affairs Solicitation matters.

Officials and employees of other components of the Department of Defense in the performance of their official duties related to Commercial Affairs Solicitation matters.

The Senate or the House of Representatives of the United States or any committee or subcommittees on matters within their jurisdiction requiring disclosure of files of persons affected.

State and local agencies in performance of their official duties related to agent qualifications.

The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies.

Private firms whose agents have been banned may request verification of the status of agents. When required by Federal statute, by Executive order , or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Manual records may be stored in paper file folders.

Retrievability:

Records are retrieved by name of agent or agency.

Safeguards:

Records are accessible only to authorized personnel having a need to know.

Retention and disposal:

Files are retained and disposed of in accordance with SECNAVINST P5212.5B, subj: Disposal of Navy and Marine Corps Records, or Departmental Regulations.

System manager(s) and address:

Chief of Naval Personnel, Navy Department, Washington, D.C. 20370

Notification procedure:

Requests by correspondence should be addressed to: Chief of Naval Personnel (Attn: Privacy Act Coordinator), Navy Department, Washington, D.C. 20370; or in accordance with the Directory

of the Department of the Navy Mailing Addresses (i.e., local activities). The letter should contain full name, social security number of the applicant, firm represented, and dates or time period in question, and signature of the requestor. The individual may visit the Chief of Naval Personnel, Arlington Annex (FOB#2), Rm 1066, Washington, D.C. for assistance with records located in that building; or the individual may visit the local activity for access to records maintained locally. Proof of identification will consist of picture-bearing identification.

Record access procedures:

The Agency's rules for access to records may be obtained from SYSMANAGER.

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerning may be obtained from the SYSMANAGER.

Record source categories:

Officials and employees of the Department of the Navy, Department of Defense, and components thereof, in performance of their official duties as specified by current Instructions and Regulations promulgated by competent authority; State and local agencies in the performance of their official duties related to agent qualifications; investigatory records; general correspondence concerning individual agents.

Systems exempted from certain provisions of the act:

None

N00022PERSERVDEPSERVS

System name:

Personal Services and Dependents Services Support System

System location:

Primary System-Bureau of Naval Personnel, Navy Department, Washington, D.C. 20370; Navy Family Allowance Activity, Anthony J. Celebrezze Federal Building, Room 967, Cleveland, Ohio 44199; local activity to which individual is assigned (see Directory of the Department of the Navy Mailing Addresses).

Secondary System-Department of the Navy Activities in the Chain of Command between the local activity and the Headquarters level (see Directory of the Department of the Navy Mailing Addresses).

Categories of individuals covered by the system:

All Navy military personnel: officers, enlisted, active, inactive, reserve, fleet reserve, retired, midshipmen, officer candidates, Naval Reserve Officer Training Corps personnel, and their dependents.

Categories of records in the system:

Applications, forms, correspondence and supporting documents and other personnel records concerning entitlements, benefits, basic allowance for quarters, waiver of indebtedness, travel allowances, morale, and personal affairs.

Authority for maintenance of the system:

5 USC 301. Departmental Regulations
10 USC 6161
10 USC 2774 as added by Public Law 92-453

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Officials and employees of the Department of the Navy and other components of the Department of Defense in the performance of their official duties related to the management, supervision, and administration of personal services, benefits and entitlements for Navy members and their dependents.

The Comptroller General or any of his authorized representatives, upon request, in the course of the performance of duties of the General Accounting Office related to management, supervision and administration of personal services, benefits and entitlements for Navy members and their dependents.

Officials and employees of the Veterans' Administration in the performance of their official duties related to eligibility, notification and assistance in obtaining benefits by members and former members of the Navy.

The Senate or the House of Representatives of the United States or any Committee or subcommittee thereof, any joint committee of Congress or any subcommittee of joint committees on matters within their jurisdiction requiring disclosure of the files or records of Navy military personnel and their dependents.

Officials and employees of Navy Relief and the American Red Cross in the performance of their duties related to assistance of the members, their dependents and relatives.

State and local agencies in performance of their official duties related to assistance of the members and their dependents.

Non-government agencies only to assist members and their dependents. When required by Federal statute, by Executive order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Automated records may be stored on magnetic tapes, disc, drums and on punched cards.

Manual records may be stored in paper file folders.

Retrievability:

Records may be retrieved by name, social security account number or enlisted service number/officer file number of member; or name of dependent.

Safeguards:

Computer and punched cards processing facilities are located in restricted areas accessible only to authorized persons that are properly screened, cleared and trained.

Manual records and computer printouts are available only to authorized personnel having a need to know.

Retention and disposal:

Records are retained or disposed of in accordance with SECNAVINST P5212.5B, subj: Disposal of Navy and Marine Corps Records.

System manager(s) and address:

Chief of Naval Personnel, Navy Department, Washington, D.C. 20370.

Notification procedure:

Requests by correspondence should be addressed to: Chief of Naval Personnel (Attn: Privacy Act Coordinator), Navy Department, Washington, D.C. 20370; or in accordance with the Directory of the Department of the Navy Mailing Addresses (i.e., local activities). The letter should contain full name, social security account number (and/or enlisted service number/officer file number), rank/rate, military status, or name of the dependent, name of sponser, sponsor's social security account number, and signature of the requestor.

The individual may visit the Chief of Naval Personnel, Arlington Annex (FOB#2), Room 1066, Washington, D.C. for assistance with records located in that building; or the individual may visit the local activity for access to locally maintained records. Proof of identification will consist of Military Identification Card for persons having such cards, or other picture-bearing identification.

Record access procedures:

The Agency's rules for access to records may be obtained from SYSMANAGER.

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Officials and employees of the Department of the Navy and the Department of Defense in performance of their official duties and as specified by current Instructions and Tegulations promulgated by competent authority; educational institutions; federal, state, and local court documents; general correspondence relative to individual; officials and employees of Navy Relief, the American Red Cross, Veterans Administration and other agencies in the performance of their official duties.

Systems exempted from certain provisions of the act:

None

N00022PERSRECSYS

System name:

Navy Personnel Records System

System location:

Primary System-Bureau of Naval Personnel, Navy Department, Washington, D.C. 20370; Naval Reserve Personnel Center, Naval Support Activity (East Bank), Bldg. 603, New Orleans, LA 70159; and local activity to which individual is assigned (see Directory of the Department of the Navy Mailing Addresses).

Secondary System-Department of the Navy Activities in the Chain of Command between the local activity and the Headquarters level (see Directory of the Department of the Navy Mailing Addresses); Federal Records Storage Centers; National Archives.

Categories of individuals covered by the system:

All Navy military personnel: officers, enlisted, active, inactive, reserve, fleet reserve, retired, midshipmen, officer candidates, and Naval Reserve Officer Training Corps personnel.

Categories of records in the system:

Personnel Service Jackets and Service Records, correspondence and records in both automated and non-automated form concerning classification, assignment, distribution, promotion, advancement, performance, recruiting, retention, reenlistment, separation, training, education, morale, personal affairs, benefits, entitlements, discipline and administration of Navy military personnel.

Authority for maintenance of the system:

5 USC 301 Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Officials and employees of the Department of the Navy in the performance of their official duties related to the management, supervision, and administration of Navy military personnel and the operation of personnel affairs and functions; the design, development, maintenance and operation of the manual and automated system of records.

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 Navy's military manpower management program.

The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies. State, local, and foreign (within Status of Forces agreements) law enforcement agencies or their authorized representatives in connection with litigation, law enforcement, or other matters under the jurisdiction of such agencies.

Officials and employees of other components of the Department of Defense in the performance of their official duties related to the management, supervision and administration of military personnel and the operation of personnel affairs and functions.

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, supervision and administration of military personnel and the operation of personnel affairs and functions.

Officials and employees of the National Research Council in Cooperative Studies of the National History of Disease; of Prognosis and of Epidemology. Each study in which the records of members and former members of the Naval Service are used must be approved by the Chief of Naval Personnel.

Officials and employees of the Department of Health, Education and Welfare, Veterans' Administration, and Selective Service Administration in the performance of their official duties related to eligibility, notification and assistance in obtaining benefits by members and former members of the Navy. The Senate of the House of Representatives of the United States or any Committee or subcommittee thereof, any joint committee of Congress or any subcommittee of joint committees on matters within their jurisdiction requiring disclosure of the files or records of Navy military personnel. Officials and employees of Navy Relief and the American Red Cross in the performance of their duties related to assistance of the members and their dependents and relatives.

Duly appointed Family Ombudsmen in the performance of their duties related to the assistance of the members and their families.

State and local agencies in performance of their official duties related to verification of status for determination of eligibility for Veterans' Bonuses and other benefits and entitlements.

Such Civilian Contractors and their employees as are or may be operating in accordance with an approved, official contract with the U.S. Government. When required by Federal statute, by Executive order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Automated records may be stored on magnetic tapes, disc, drums and on punched cards.

Manual records may be stored in paper file folders, microfiche or microfilm.

Retrievability:

Automated records may be retrieved by social security account number and/or name.

Manual records may be retrieved by name, social security account number, enlisted service number, or officer file number.

Safeguards:

Computer and punched card processing facilities and terminals are located in restricted areas accessible only to authorized persons that are properly screened, cleared and trained.

Manual records and computer printouts are available only to authorized personnel having a need to know.

Retention and disposal:

Records are retained or disposed of in accordance with SECNAVINST P5212.5 , subj: Disposal of Navy and Marine Corps Records.

System manager(s) and address:

Chief of Naval Personnel, Washington, D.C. 20370; Commanding Officers, Officers in Charge, and Heads of Department of the Navy activities as listed in the Directory of the Department of the Navy Mailing Addresses.

Notification procedure:

Requests by correspondence should be addressed to: Commander, Naval Military Personnel Command (ATTN: pRIVACY aCT cOORDINATOR), nAVY dEPARTMENT, wASHINGTON, d.c. 20370. or, in accordance with the Directory of the Department of the Navy Mailing Addresses (i.e., local activities). The letter should contain full name, social security account number (and/or enlisted service number/officer file number), rank/rate, designator, military status, address, and signature of the requestor.

The individual may visit the Commander, Naval Military Personnel Command, Arlington Annex (FOB 2), Washington, D.C., for assistance with records located in that building; or the individual may visit the local activity to which attached for access to locally maintained records. Proof of identification will consist of Military Identification Card for persons having such cards, or other picture-bearing identification.

Record access procedures:

The Agency's rules for access to records may be obtained from SYSMANAGER.

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Officials and employees of the Department of the Navy, Department of Defense, and components thereof, in performance of their official duties and as specified by current Instructions and Regulations promulgated by competent authority; educational institutions; federal, state, and local court documents; civilian and military investigatory reports; general correspondence concerning the individual; official records of professional qualifications; Navy Relief and American Red Cross requests for verification of status.

Systems exempted from certain provisions of the act:

Parts of this system may be exempt under 5 U.S.C. 552a (k) (1) and (5), as applicable. For additional information contact the System Manager.

N00022PERSREHSUPPSYS

System name:

Navy Personnel Rehabilitation Support System

System location:

Primary System-Naval Military Personnel Command, Navy Department, Washington, D.C. 20370;

Decentralized segments-Navy Drug Rehabilitation Centers, Navy Alcohol and Drug Information System Processing Office, Navy Alcohol Rehabilitation Centers, Naval Regional Medical Centers, Navy Counseling and Assistance Centers, Navy Alcohol Rehabilitation Drydocks, Naval Health Research Center, Navy Corrections Centers; and local activities to which an individual is assigned (see Directory of Department of the Navy Mailing Addresses).

Categories of individuals covered by the system:

Navy personnel (officers and enlisted) who have been identified as drug or alcohol abusers, or who have undergone counseling and rehabilitation for drug or alcohol abuse in Navy Drug or Alcohol rehabilitation facilities; personnel who work part-time helping alcoholics; active duty navy recovered alcoholics who voluntarily help their commands develop alcoholism prevention programs; navy personnel convicted by court martial and sentenced to confinement; or who were in pre-trial confinement; spouses and significant others (this includes parents, live-togethers, and other non-spouses who play an important part in the alcoholic's/drug abuser's life) who have undergone counseling and rehabilitation in navy drug or alcohol rehabilitation centers, who themselves participate in counseling or treatment programs at such facilities and civilians authorized by the

Secretary of the Navy for treatment at a military facility for rehabilitation purposes.

Categories of records in the system:

Correspondence and records in both automated and non-automated form concerning Interview appraisals, personnel, service, biographical, educational, evaluation and testing, performance, and drug and alcohol rehabilitation program data. Correspondence and records in both automated and non-automated form concerning those in confinement containing offense, legal, service, health, personal, evaluation and classification, discipline and conduct, work and training data, interview appraisals, inventories of confinement personnel management data.

Authority for maintenance of the system:

Title V, Public Law 92-129; Section 413; Public Law 92-255

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Blanket 'routine uses' identified in the yearly recompilation do not apply to this system of records.

Records of identity, diagnosis, prognosis, or treatment of any client/patient, irrespective of whether or when he/she ceases to be client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided therein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in Title 21 U.S.C. Section 1175, as amended by 88 Stat. 137, and Title 42 U.S.C., Section 4582, as amended by 88 Stat. 131. These statutes take precedence over the Privacy Act of 1974, in regard to accessibility of such records except to the individual to whom the record pertains.

Within the Armed Forces or within those components of the Veterans Administration furnishing health care to veterans or between such components and the Armed Forces.

To medical personnel outside the Armed Forces to the extent necessary to meet a bona fide medical emergency.

To Government personnel for the purpose of obtaining benefits to which the patient is entitled.

To qualified personnel for the purpose of conducting scientific research, management or financial audits, or program evaluation, but such personnel may not identify, directly or indirectly, any individual patient in any report of such research, audit or evaluation, or otherwise disclose identities in any manner.

To a court of competent jurisdiction upon authorization by an appropriate order after showing good cause therefore. In assessing good cause, the court shall weigh the public interest and the need for disclosure against the injury to the patient, to the physician-patient relationship, and to the treatment services. Upon the granting of such order, the court, in determining the extent to which any disclosure of all or any part of any record is necessary, shall impose appropriate safeguards against unauthorized disclosure.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Automated records may be stored on magnetic tapes, disc, drums or on punched cards.

Manual records may be stored in paper file folders, microfiche or microfilm.

Retrievability:

Manual records may be retrieved by name and social security number. Automated records may be retrieved by social security number. Computer programs associated with automated records maintained in this system allow for names and social security numbers to be removed while leaving other data elements intact. When the name and social security number is removed, data is aggregated for use in research, management information and planning.

Safeguards:

Computer and punched card processing facilities are located in restricted areas accessible only to authorized persons that are properly screened, cleared and trained.

Manual records and computer printouts are available only to authorized personnel having a need to know.

Retention and disposal:

Manual records are maintained for two years and automated records are maintained indefinely.

System manager(s) and address:

Chief of Naval Personnel, Navy Department, Washington, D.C. 20370

Notification procedure:

Written requests should be addressed to activity to which the individual received treatment or to the Chief of Naval Personnel, Navy Annex, Washington, D.C. 20370. Requests must contain full name, social security account number, military status, address and signature of requester. (Those inquiring about records at Confinement Centers must have their signature notarized, if not confined at the time of the request.) The individual may visit the Chief of Naval Personnel, Arlington Annex (FOB-2) for assistance with records located in the Naval Military Personnal Command; the individual may also visit local activities concerned (see Directory of Department of the Navy mailing addresses). Proof identification will consist of military identification card for persons having such cards, or other picture-bearing identification.

Record access procedures:

The Agency's rules for access to records may be obtained from the SYSMANAGER.

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Officials and employees of the Department of the Navy, Department of Defense, and components thereof, in performance of their official duties and as specified by current Instructions and Regulations promulgated by competent authority; notes and documents from Service Jackets and Records; federal, state and local court documents; general correspondence concerning the individual.

Systems exempted from certain provisions of the act:

None

N00022PERSTRANSSYS

System name:

Personnel Transportation System

System location:

Military Traffic Office & East Coast Passenger Control Point, Bureau of Naval Personnel, Navy Department, Washington, D.C. 20370.

District Passenger Transportation Office & West Coast Passenger Control Point, Headquarters, TWELFTH Naval District, Treasure Island, San Francisco, California 92132.

District Passenger Transportation Office & Alaskan Passenger Control Point, Naval Support Activity, Seattle, Washington 98115.

District Passenger Transportation Offices, all other Naval District Headquarters.

Overseas Area Travel Coordinators at U. S. Naval Activities, United Kingdom; U. S. Naval Activities, Spain; Headquarters, U. S. Fleet Air Mediterranean; U. S. Naval Support Activity, Naples, Italy; Headquarters, Middle East Force; U. S. Naval Station, Keflavik, Iceland; U. S. Naval Air Facility, Lajes, Azores; Naval Station, Argentina, Newfoundland; Naval Base, Guantanamo Bay, Cuba; Headquarters, TENTH Naval District; Headquarters, FIFTEENTH Naval District; Headquarters, U. S. Naval Forces, Mariannas; Headquarters, U. S. Naval Forces, Philippines; Headquarters, U. S. Naval Forces, Japan; and Naval Communication Station Harold E. Holt, Exmouth, Western Australia (See Directory of the Department of the Navy Mailing Addresses).

And local activities (See Directory of the Department of the Navy Mailing Addresses).

Categories of individuals covered by the system:

Navy military personnel, midshipmen, retired Navy members, civilian employees of the Navy, dependents of the foregoing, and other civilians authorized through Navy commands to travel at Government expense.

Categories of records in the system:

Applications for travel and, where applicable, for passports and visas; requests for extension of 12-month limit on travel by retired member to home of record; supporting documents; correspondence, and approvals/disapprovals relating to the above records; travel arrangements in response to above applications.

Authority for maintenance of the system:

37 USC 404 Travel & Transportation Allowances–General
5 USC 5701 et seq Travel, Transportation & Subsistence

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Officials and employees of the Department of the Navy, Department of Defense and components thereof in the performance of their official duties related to the determining of eligibility for transporta-

tion, the authorizing or denying of transportation, and otherwise managing the personnel transportation system.

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 provision of transportation; diplomatic, official, and other no-cost passports; and visas to subject individuals.

Foreign embassies, legations, and consular offices--to determine eligibility for visas to respective countries, if visa is required.

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 control of travel costs.

The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies.

The Senate or the House of Representatives of the United States or any committee or subcommittee thereof on matters within their jurisdiction requiring disclosure of files or records of individuals covered by this system of records.

Commercial Carriers-providing transportation to individuals whose applications are processed through this system of records.

Such civilian contractors and their employees as are or may be operating in accordance with an approved official contract with the U. S. Government. When required by Federal statute, by Executive order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Automated records may be stored on magnetic tapes, disc, drums, and on punched cards. Manual records in file folders or file-card boxes, microfiche or microfilm.

Retrievability:

Automated records may be retrieved by social security account number and/or name. Manual records are filed alphabetically by name of applicant; applications for dependents filed by name of sponsor.

Safeguards:

Records are available only to authorized personnel having a need to know.

Retention and disposal:

Records are retained or disposed of in accordance with SECNAVINST P5212.5B, subj: Disposal of Navy and Marine Corps Records, or in accordance with Departmental regulations.

System manager(s) and address:

Chief of Naval Personnel, Navy Department, Washington, D.C. 20370

Notification procedure:

Requests by correspondence should be addressed to the local activity where the request for transportation was initiated (see Directory of the Department of the Navy Mailing Addresses), and/or to intermediate activities (if applicable) (see Directory of the Department of the Navy Mailing Addresses, or to the Chief of Naval Personnel (Attn: Privacy Act Coordinator), Navy Department, Washington, D.C. 20370. The letter should contain full name, social security account number, address and signature of the requester. The individual may visit the activities and commands listed under LOCATION for assistance with the records maintained at the respective locations. Proof of identification will consist of Military Identification Card for persons having such cards. Others must present other positive personal identification, preferably picture-bearing.

Record access procedures:

The agency's rules for access to records may be obtained from SYSMANAGER.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Officials and employees of the Department of the Navy, Department of Defense, State Department and other agencies of the Executive Branch and components thereof, in the performance of their official duties and as specified by current Instructions and Regulations promulgated by competent authority; foreign embassies, legations, and consular offices reporting approval/disapproval of visas; and carriers reporting on provision of transportation.

Systems exempted from certain provisions of the act:

None

N00023

System name:

Personal Property Program

System location:

All Navy Personal Property Counseling and Shipping Offices and Federal Records Centers (mailing addresses are listed in the Navy directory in the appendix to the Component System Notice).

Categories of individuals covered by the system:

DOD and other federal departmental military personnel and their dependents and civilian employees and their dependents having applied for and shipped and/or stored personal property, privately owned automobiles and mobile homes.

Categories of records in the system:

File contains individual's applications for shipment and/or storage related shipping documents and records of delivery, payment, and inspection of personal property. Forms maintained include: DD 619 Statement of Accessorial Services Performed; DD 1100 Household Good Storage Record; SF 1103 U.S. Government Bill of Lading; DD 1252 U.S. Customs Declaration for Personal Property Shipments (Part I); DD 1252-1 U.S. Customs Declaration for Personal Property Shipments (Part II); DD 1299 Application for Shipment and/or Storage of Personal Property; DD 1671 Reweight of Personal Property; DD 1780 Report of Carrier Services Personal Property Shipment; DD 1781 Customer Satisfaction Report; DD 1797 Personal Property Counseling Checklist; DD 1799 Member's Report on Carrier Performance- Mobile Homes; DD 1800 Mobile Home Shipment Inspection at Destination; DD 1841 Government Inspection Report; DD 1842 Claim for Personal Property Against the United States; DD 1845 Schedule of Property.

Authority for maintenance of the system:

5 U.S.C. 5724; DOD Regulation 4500.43; DOD Regulation 4500.34-R; 'personal Property Traffic Management Regulation;' JAG Manual; NAVSUP Publication 490; 'Transportation of Personal Property.'

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Navy Personal Property Shipping Offices applicable finance centers and the Navy Material Transportation Office for effecting, coordinating and payment of personal property shipment and storage.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

Filed alphabetically by last name of member.

Safeguards:

Records are maintained in monitored or controlled areas accessible only to authorized personnel that are properly cleared and trained. Buildings-rooms locked outside regular working hours.

Retention and disposal:

Records are retained in Personal Property Office files for a period of four years, then forwarded to Federal Record Centers and/or General Accounting Office for indefinite retention.

System manager(s) and address:

Commander, Naval Supply Systems Command (Code 05), Washington, D.C. 20376.

Notification procedure:

Written requests may be addressed to the appropriate Navy personal property shipping office concerned (mailing addresses are listed in the Navy directory in the component system notice). Individuals should provide proof of identity, full name, rank, dates of shipment-storage, etc.

Record access procedures:

The agency's rules for access to records may be obtained from the Commander, Naval Supply Systems Commands (Code 05), Washington, D.C. 20376.

Contesting record procedures:

The agency's rules for contesting contents of records and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Application and related forms submitted by the individual concerned.

Systems exempted from certain provisions of the act:

None.

N00025 FAMHSGASSIGNSY

System name:

Family Housing Assignment Application System

System location:

All Navy activities with family housing assets.

Categories of individuals covered by the system:

All military and civilian personnel eligible for or interested in occupying Navy family housing.

Categories of records in the system:

All applicants for family housing provide information to housing office at next duty assignment pertaining to personal data, e.g., name, address, rank/rate, social security number/service number, length of service, time remaining on active duty, data of rank, etc.; dependency data, e.g., total number in family, spouse, age and sex of dependents, etc.; and other pertinent housing information, e.g., last assignment, months involuntarily separated, special health problems, etc.

Authority for maintenance of the system:

5 USC 301 Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

All Navy family housing offices use data to determine individual's eligibility for family housing and notification for subsequent assignment to family housing or granting a waiver to allow occupancy of private housing. Data is used to determine and list individual's name on appropriate housing waiting list.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File Folders

Retrievability:

By individual's name.

Safeguards:

Housing files within the housing office, used solely within the housing organization and protected by military installation's security measures. Individual may, upon request, have access to housing application form.

Retention and disposal:

Data is retained until termination of housing occupancy and subsequently disposed of according to local records disposition instructions.

System manager(s) and address:

Bureau of Naval Personnel, PERS-71, 1000 North Glebe Road, Arlington, Virginia 20370

Notification procedure:

Records are maintained by housing office at the Navy activity responsible for management of assets from data specifically provided by individual on DD Form 1646, Application for and Assignment to Military Family Housing. Individual may request access to such data upon proof of identity (ID card).

Record access procedures:

The agency's rules for access t records may be obtained from installation family housing office.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the installation family housing office.

Record source categories:

Data collected from each applicable individual.

Systems exempted from certain provisions of the act:

None

N00025 FAMHSGROMTSUSY

System name:

Family Housing Requirements Survey Record Systems

System location:

Military installations with family housing offices

Categories of individuals covered by the system:

Officer and enlisted personnel and only key and essential civilian personnel.

Categories of records in the system:

Non-individual oriented input documents that reflect local housing assets; family housing survey questionnaires indicating family size, individual preference for housing, housing cost, and indication as to suitability of housing for need of individual.

Authority for maintenance of the system:

5 USC 301 Department Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information is used to determine the housing requirement for the location to support proposed family housing construction, leasing, mobile home spaces and other military construction programs submitted for OSD support and Congressional approval.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Magnetic tape and file folders

Retrievability:

Social Security Number.

Safeguards:

Housing files used solely within housing office; tape files used solely within data processing system; and protected by the military installation's security measures.

Retention and disposal:

Held three years and destroyed.

System manager(s) and address:

Overall policy official: Naval Facilities Engineering Command, 200 Stovall Street, Alexandria, Virginia 22332. Subordinate record holders of questionnaires: family housing office at military installation.

Notification procedure:

Contact housing office of installation at which individual was assigned when the individual completed the family housing questionnaire.

Record access procedures:

The agency's rules for access to records may be obtained from the installaton family housing office.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the installation family housing office.

Record source categories:

Data collected from each applicable individual.

Systems exempted from certain provisions of the act:

NONE

N00025 HSGREFSVCSYS

System name:

Housing Referral Services Records System

System location:

All Navy installations with housing referral offices

Categories of individuals covered by the system:

All military personnel reporting to an installation who will be residing off-base desirous of seeking off-base housing.

Categories of records in the system:

Information is collected on DD Form 1668 from all military personnel reporting to a housing referral office as pertains to name, grade, branch of service, organization and location, local address; housing need, e.g., rental/sale, number of bedrooms, furnished/unfurnished, price range, etc.; number of dependents, male or female, and age; a list of housing referral services provided; and identification of member of racial or ethnic minority groups. Individuals provided referral assistance must in turn provide notification of housing selection by use of DD Form 1670 which includes such information as type of housing selected, e.g., location, temporary/permanent, rental/sale, cost, number of bedrooms; media through which housing was found, e.g., housing referral, realtor, newspaper, etc.; and satisfaction with selection, e.g., too small, too far; discrimination encountered; and satisfaction with housing referral services provided.

Authority for maintenance of the system:

5 USC 301 Department Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Referral offices use data to assist and counsel individuals in locating suitable housing off-base, used for follow-up purposes when writ-

ten notification from individual is not provided as to ultimate location of housing; used for purposes of reporting statistics on field activity housing referral services; used to follow-up on availability of rental unit subsequent to occupant's receipt of PCS orders; and follow-up regarding tenant/landlord complaints.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File Folders

Retrievability:

By individual's name

Safeguards:

Housing files within the housing referral or housing office, used solely within the housing organization and protected by military installation's security measures. Individual may upon request, have access to all such data.

Retention and disposal:

Data is retained until individual's tour is completed and subsequently disposed of according to local records disposition instructions.

System manager(s) and address:

Naval Facilities Engineering Command (Code 08), 200 Stovall Street, Alexandria, Virginia 22332

Notification procedure:

Records are maintained by housing referral offices at the Navy activity responsible for providing referral services for military personnel in the area. Individual may request access to records upon proof of identify (ID card).

Record access procedures:

The agency's rules for access to records may be obtained from installation family housing office.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the installation family housing office.

Record source categories:

Data collected from each applicable individual.

Systems exempted from certain provisions of the act:

NONE

N00025 MILFAMHOUSSUBT

System name:

Family Housing Mock Utility Billing System

System location:

Ten test sites: Pacific Missile Test Center, Point Mugu, California; Construction Battalions Center, Port Huememe, California; Public Works Center, Great Lakes, Illinois; Marine Corps Development and Education Command, Quantico, Virginia; Fort Eustis, Virginia; Fort Gordon, Georgia; Marine Corps Air Station, Beaufort, South Carolina; Little Rock Air Force Base, Arkansas; Cannon Air Force Base, New Mexico; Yuma Proving Grounds, Arizona; Central Processing Site: Harry Diamond Laboratories, White Oak, Maryland.

Categories of individuals covered by the system:

Military and Civilian personnel occupying housing units selected at the ten test sites.

Categories of records in the system:

This system is to produce mock utility bills and management reports on the usage of gas, fuel oil, electricity, steam, propane, and hot water heat for a representative cross section of approximately 10,000 military family housing units. Information as to name, address, rank/rate, number of dependents, house phone number, account number and utility consumption will be maintained for a 15 month period.

Authority for maintenance of the system:

Public Law 95-82 (Military Construction Authorization Act, 1978); 5 U. S. C. 301 Department Regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information is used to determine the feasibility of metering utility consumption in military family housing. Officials and employees of the Department of the Navy, Department of Defense and components thereof in the performance of their official duties related to the measuring of energy consumption in military family housing units. The Senate or the House of Representatives of the United States or any committee or subcommittee thereof on matters within their jurisdiction requiring disclosure of files or records of individuals covered by this system of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Magnetic tape, disk, punched card, and file folders.

Storage:

Account number

Retrievability:

Housing files are used solely within housing office; magnetic tape, punched card, and disk files used solely within the security measures.

Safeguards:

Held 5 years and destroyed by authority SECNAVINST P5212.5B, para. 11300.

Retention and disposal:

Naval Facilities Engineering Command 200 Stovall Street Alexandria, Va 22332

System manager(s) and address:

Records are maintained by the housing office at the service activities participating in the test. Individual may request access to such data upon presenting proof of identity (ID) card.

Notification procedure:

The agency's rules for access to records may be obtained from the installation family housing office.

Record access procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Contesting record procedures:

Data collected from each individual and utility consumption data obtained from monthly meter readings.

Record source categories:

None

Systems exempted from certain provisions of the act:

None

N00025 STAHSGREC

System name:

Station Housing Records

System location:

All Navy installations with housing inventories and/or housing management responsibilities.

Categories of individuals covered by the system:

All military personnel desiring housing or temporary lodging, and eligible DOD civilian employees.

Categories of records in the system:

All records and data collected and maintained regarding individual housing or lodging needs; occupancy; furnishings inventory; housing condition reports; assignment and termination of housing; damage assessment; occupant and landlord relations and complaints; maintenance and repairs; waiting lists; inspections; quarters cost data; Congressional and Inspector General inquiries and responses; Servicemen's Mortgage Insurance Premiums payments; individual cost data for establishing and maintaining housing allowances; eligibility for homeowners' assistance; and entitlement for basic allowances for quarters (BAQ).

Authority for maintenance of the system:

5 USC 301 Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information secured, maintained, and essential for over-all operation and maintenance of the Navy housing program and servicing of personnel eligible for Navy family housing, temporary lodging, or services.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders, card files; microform; or, if automated, on punched cards, magnetic tape, etc.

Retrievability:

By individual's name or building and unit number.

Safeguards:

Housing files within the housing office, used solely with the housing organization and offices providing support to housing office, and

protected by military installation's security measures. Individual may, upon request, have access to such data.

Retention and disposal:

Retained in office files until termination of occupancy, obsolete, no longer needed for reference, or disposal of associated housing unit(s).

System manager(s) and address:

Appropriate Navy installation responsible for Navy housing inventory or housing support.

Notification procedure:

Records are maintained by housing office at Navy installation responsible for management of assets or providing housing support. Individual may request access to such data upon proof of identity (ID card).

Record access procedures:

Installation rules for access to records may be obtained from installation housing office.

Contesting record procedures:

The installation rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the installation system manager.

Record source categories:

Data reported by or collected from occupants of housing or personnel provided housing support.

Systems exempted from certain provisions of the act:

None

N00028 PROP ACCT REC

System name:

Property Accountability Records

System location:

At all activities

Categories of individuals covered by the system:

Any Department of the Navy employee (military or civilian) receiving government property for which he must sign a receipt.

Categories of records in the system:

The receipts maintained are any of the following: logbooks, property passes, custody chits, charge tickets, sign out cards, tool tickets, sign out forms, photographs, charge cards, or any other statement of individual accountability for receipt of government property.

Authority for maintenance of the system:

5 USC 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The receipts will be used normally and properly to identify individuals to whom government property has been issued. Internal use of the receipts will generally be by the local official accountable for control of government property. Receipts so maintained may be referred to law enforcement authorities as appropriate.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

The receipts may be maintained in any of the following formats: logbooks, property passes, custody chits, charge tickets, sign out cards, tool tickets, sign out forms, photographs, charge out cards or any other statement of individual accountability for receipt of government property.

Retrievability:

Retrievability may be by any of the following: name, badge number, tool number, property serial number, or any other locally determined method of property receipt accountability.

Safeguards:

The receipts are unclassified.

Retention and disposal:

Retention of receipts for property is at the discretion of the local activity responsible for the property being issued.

System manager(s) and address:

Overall policy official: no designated official The system manager is the commanding officer or officer in charge of the activity where the property accountability records are maintained.

Notification procedure:

Individuals seeking to determine whether system records contain information pertaining to them may do so by making application to the commanding officer or officer in charge of the activity where the receipts are located. Individuals making application must have a Department of the Navy approved identification card.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Information is collected directly from the subject individual.

Systems exempted from certain provisions of the act:

NONE

N00030 DASO CREW EVAL

System name:

Fleet Ballistic Missile Submarine Demo and Shakedown Operation Crew Evaluation

System location:

Director, Strategic Systems Projects (PM-1) Department of the Navy Washington, D.C. 20376

Categories of individuals covered by the system:

Officer and enlisted personnel in responsible positions within the Weapons and Navigation Department of both crews of a fleet ballistic missile submarine undergoing Demonstration and Shakedown Operations

Categories of records in the system:

Memorandum report to file

Authority for maintenance of the system:

5 USC 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Preparation of Certification for Deployment messages by Director, Strategic Systems Projects and Commander Submarine Group Six and development of follow-on training programs

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File holders

Retrievability:

Ship and crew designators

Safeguards:

Access restricted to Assistant for Weapons System Operation and Evaluation staff, Strategic Systems Project Office and Commander Submarine Group Six staff. Vault storage.

Retention and disposal:

Maintained for at least two years then destroyed by shredding

System manager(s) and address:

Director, Strategic Systems Projects Department of the Navy Washington, D.C. 20376

Notification procedure:

All inquires should be directed to the Privacy Act Coordinator:
Deputy Director, Strategic Systems Projects
Department of the Navy
Washington, D.C. 20376
and should indicate full name, military status, time period and ship undergoing Demonstration and Shakedown Operations, and billet held.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Observation of Demonstration and Shakedown Operation team and questionnaire filled out by ship's personnel

Systems exempted from certain provisions of the act:

NONE

N00033 MSC01

System name:

MSC/NCSORG Reserve Personnel Record

System location:

Commander, Military Sealift Command, Department of the Navy, Washington, D.C. 20390

Categories of individuals covered by the system:

Naval Reserve personnel in the MSC/NCSORG Reserve Program

Categories of records in the system:

Name, rank, social security number, designator, date of birth, home address and phone, active duty training, correspondence courses, education, active military service, civilian employment experience.

Authority for maintenance of the system:

5 U.S.C. 301, Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The information in the system provides pertinent biographical information and data to be used by the program sponsor for the management, supervision and administration of the MSC/NCSORG program.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Data cards or similar record.

Retrievability:

By name

Safeguards:

Records are kept within COMSC Naval Reserve Division Office. No one authorized access outside of Naval Reserve Division personnel. Building employs security guards.

Retention and disposal:

Records are retained indefinitely.

System manager(s) and address:

Commander, Military Sealift Command. Department of the Navy. Washington, D.C. 20390

Notification procedure:

Information may be obtained from System Manager. Written requests for information should contain full name of the individual, military grade or rate, and date of birth. For personal visits, the individual should be able to provide some acceptable means of identification.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the systems manager.

Record source categories:

Information is submitted by the individual concerned.

Systems exempted from certain provisions of the act:

None

N00034 AFHPSP

System name:

Armed Forces Health Professional Scholarship System

System location:

Commanding Officer Navy Finance Center Anthony J. Celebrezze Federal Building Cleveland, Ohio 44199

Categories of individuals covered by the system:

AFHSP students until graduation

Categories of records in the system:

Personnel and entitlement data necessary for pay computation

Authority for maintenance of the system:

Public Law 92-426

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Preparation of checks, leave and earnings statements, and financial reports. Data may be released to various government agencies such as to the Department of the Treasury, Social Security Administration, and Veterans Administration when needed to provide payment or service to member. To the American Red Cross, Navy Relief Society and U.S.O. for personal assistance to the member.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Magnetic tape and file folders

Retrievability: Social security account number and member name

Safeguards:

Guards, personnel screening, and requestor codes

Retention and disposal:

Destroyed ten years after member's graduation

System manager(s) and address:

Commanding Officer Navy Finance Center Anthony J. Celebrezze Federal Office Building Cleveland, Ohio 44199

Notification procedure:

Individuals may write to system manager at above address. Information request must contain Navy member's full name, military status, and social security number. Requestor may visit above address and must have military identification card or valid state driver's license and social security card as positive proof of identity.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Disbursing Officer, Reserve members, BUPERS, and BUMED

Systems exempted from certain provisions of the act:

None

N00034 EMPSTATS REG

System name:

Statements of Employment (Regular Retired Officers)

System location:

Commanding Officer, Navy Finance Center Anthony J Celebrezze, Federal Building, Cleveland, Ohio 44199 and Marine Corps Finance Center Kansas City, Missouri 64197

Categories of individuals covered by the system:

All Navy and Marine Corps Regular retired officers who have filed a Statement of Employment (DD Form 1357).

Categories of records in the system:

The information is typically contained in the individual's pay account file and occasionally accompanied by correspondence from, to, or concerning individuals in the above-stated category.

Authority for maintenance of the system:

5 U.S.C. 301, 3326; 18 U.S.C. 207, 281, 283; 37 U.S.C. 801; 44 U.S.C. 3101; U.S. Const., Art. I, 9, CL. 8.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The information is used to determine whether the retiree has or may have a conflict of interest or is engaging in proscribed post-retirement employment activities. In some cases, the information is provided to the Judge Advocate General to serve as bases for advisory opinions on the legality and possible penal and civil consequences of post-retirement employment activities and related conflicts-of-interests and standards-of-conduct questions. In addition, the information may be furnished to other components of the Department of Defense, the U.S. General Accounting Office, Department of the Treasury, the Civil Service Commission, the Department of Justice, and other law enforcement and investigatory agencies in instances of suspected violations of pertinent laws or regulations, and the Department of Labor.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are maintained in file folders.

Retrievability:

By name or social security number of the individual concerned.

Safeguards:

Files are maintained in file cabinets under the control of authorized personnel during working hours; the office space in which the file cabinets are located is locked outside of official working hours.

Retention and disposal:

Records are maintained at the above-stated locations for up to two years after the death of the individual concerned, at which time they are transferred to the Federal Records Center, Mechanicsburg, Pennsylvania, in the case of Navy personnel, and to the Federal Records Center, Kansas City, Missouri in the case of Marine Corps personnel.

System manager(s) and address:

For Navy Regular retired officers:
Comptroller of the Navy
Navy Department
Washington, D.C. 20350
For Marine Corps Regular retired officers:
Commanding Officer
Marine Corps Finance Center
1500 East Bannister Road
Kansas City, Missouri 64197

Notification procedure:

Information may be obtained by written request which adequately identifies the system of records and the individual about whom the record is kept (i.e., full name and social security number); the written request must be signed by the requesting individual.

Record access procedures:

The agency's rules for access to records may be obtained from the System Manager for Marine Corps and the Navy Finance Center for Navy.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager for Marine Corps and the Navy Finance Center for Navy.

Record source categories:

The information is obtained from the individual to whom the record pertains.

Systems exempted from certain provisions of the act:

None.

N00034 FHA PAYMENTS

System name:

FEDERAL HOUSING ADMINISTRATION MORTGAGE INSURANCE SYSTEM

System location:

Commanding Officer Navy Finance Center Anthony J. Celebrezze Federal Building Cleveland, Ohio 44199

Categories of individuals covered by the system:

Navy members who have home mortgages through FHA.

Categories of records in the system:

Payments made to FHA for insurance payments credited to members.

Authority for maintenance of the system:

5 USC 301 Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records in this system are used within the Navy Finance Center to calculate payments for FHA and to reconcile any discrepancies in accounts. Data may be provided to Finance Centers of the other services, and to the Department of the Treasury when address is needed for issuance of check.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders

Retrievability:

Social security number and member's name

Safeguards:

Guards, personnel screening and requestor codes

Retention and disposal:

Destroyed one year after death or discharge of member

System manager(s) and address:

Commanding Officer, Navy Finance Center, Anthony J. Celebrezze Federal Building, Cleveland, Ohio 44199

Notification procedure:

Individuals may write to members at above address. Information request must contain Navy member's full name and social security number. Requester may visit above address and must have military identification card or valid state driver's license and social security card as proof of identity.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

FHA, member, field disbursing officers

Systems exempted from certain provisions of the act:

None

N00034 NFC ACCTS REC

System name:

Accounts Receivable System

System location:

Commanding Officer, Navy Finance Center, Anthony J. Celebrezze Federal Building, Cleveland, Ohio 44199

Categories of individuals covered by the system:

Individuals who have been paid more funds by the Department of the Navy than to which they were legally entitled.

Categories of records in the system:

Documentation which established overpayment status, financial status affidavit, payment record, credit reference, and miscellaneous correspondence to and from the individual.

Authority for maintenance of the system:

80 Stat 308 and 88 Stat 393, Federal Claims Collection Act of 1966 (P.L. 89-508)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records will be used to determine and record payment plan and to determine whether debt should be compromised, suspended or collection action terminated. If payment is not made and circumstances warrant, records may be released to the General Accounting Office and the Department of Justice for collection action. Data on individuals with delinquent accounts may be given to credit bureaus in accordance with the General Accounting Office regulations.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders, magnetic tape, disc, microfiche

Retrievability:

Social security number and individual's name

Safeguards:

Personnel screening, requester codes

Retention and disposal:

Files of accounts which are paid in full will be maintained for 3 years after final payment. Other files will be maintained for 6 years after termination of collection action.

System manager(s) and address:

Commanding Officer, Navy Finance Center, Anthony J. Celebrezze Federal Building, Cleveland, Ohio 44199

Notification procedure:

Individuals may write to the system manager at the above address. Information request must contain individual's full name and should include the Social Security number.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Disbursing officers, credit bureaus, the individual, Internal Revenue Service, Postmasters, Veterans Administration, Bureau of Motor Vehicles.

Systems exempted from certain provisions of the act:

None

N00034 NFC RET PAY

System name:

Retired Pay System

System location:

Commanding Officer Navy Finance Center Anthony J. Celebrezze Federal Building Cleveland, Ohio 44199

Categories of individuals covered by the system:

Uniformed Navy Retired and Retainer Accounts; retirees electing Retired Servicemans Family Protection Plan or Survivor's Benefit Program, survivor of retirees receiving SBP or Minimum Income Widow Payments; National Oceanic and Atmospheric Administration Retirees.

Categories of records in the system:

They are used for extraction or compilation of statistical data and reports for management studies and statistical analyses for use internally or externally as required by Department of Defense or by other Government agencies.

Authority for maintenance of the system:

Title 10 U.S. Code Subtitle C

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records in this system are used for extraction or compilation of statistical data and reports for management studies and statistical analyses, for use internally or externally as required by the Department of Defense or by other Government agencies. They are used within the Navy Finance Center to compute retirement payments and to investigate and reconcile any underpayments, overpayments, or claims. Data may be released to the Internal Revenue Service and state and local taxing authorities; the Social Security Administration, the Civil Service Commission, and the Veterans' Administration when retirement payments received may have an impact upon payments issued by those agencies; the Department of the Treasury for issuance of checks; the courts upon receipt of court orders; and the designated beneficiaries of deceased members. To the American Red Cross, Navy Relief Society, and U.S.O. for personal assistance to the member, and to the Department of Labor.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Magnetic tape and file folders

Retrievability:

Social security number and member's name

Safeguards:

Guards, personnel screening, requestor codes

Retention and disposal:

Kept for ten years then forwarded to safekeeping; NOAA accounts dropped upon retirees death.

System manager(s) and address:

Commanding Officer Navy Finance Center Anthony J. Celebrezze Federal Building Cleveland, Ohio 44199

Notification procedure:

Individuals may write to system manager at above address. Information request must contain Navy member's full name and social security number.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Field Disbursing Officers, BUPERS, Individual members, Veterans Administration, IRS.

Systems exempted from certain provisions of the act:

None

N00034 NRDP PAY SYS

System name:

Reserve Pay System

System location:

Commanding Officer Navy Finance Center Anthony J. Celebrezze Federal Building Cleveland, Ohio 44199

Categories of individuals covered by the system:

Active reservists drilling in pay units

Categories of records in the system:

Performance entitlements, monthly and yearly pay, and personnel data needed for pay computation and issuance

Authority for maintenance of the system:

10 U.S. Code Chapter 11

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

These records are used within the Navy Finance Center by military pay adjudicators for the purposes of issuing checks and earning statements, investigating claims and overpayments, and for preparation of financial reports. Data contained in records may be released to BUPERS, various field activities, and other Department of Defense activities to assist these activities to update, verify, or correct their records; the Internal Revenue Service and state or local tax authorities for use in computing or resolving member's tax liability; the Social Security Administration to determine member's coverage under that program; the Department of the Treasury for issuance of checks; the Veterans' Administration or to the Navy Family Allowance Activity, when needed to process cases in the courts upon court order; the designated beneficiaries of deceased members. To the American Red Cross, Navy Relief Society, and U.S.O. for personal assistance to the member.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Magnetic tape and file folders

Retrievability:

Social security number and name

Safeguards:

Guards, personnel screening, requestor codes

Retention and disposal:

Microfilm record kept indefinitely in safekeeping

System manager(s) and address:

Commanding Officer Navy Finance Center Anthony J. Celebrezze Federal Building Cleveland, Ohio 44199

Notification procedure:

Individuals may write to system manager at above address. Information request must contain Navy member's full name and social security number.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Disbursing Officers, individual members, BUPERS, and IRS.

Systems exempted from certain provisions of the act:

None

N00034 NROTC

System name:

Naval Reserve Officer Training Corps Pay System

System location:

Commanding Officer Navy Finance Center Anthony J. Celebrezze Federal Building Cleveland, Ohio 44199

Categories of individuals covered by the system:

NROTC students until time of commissioning

Categories of records in the system:

Personnel and entitlement data necessary for computation of pay entitlements.

Authority for maintenance of the system:

10 U. S. Code, Chapter 103 and Public Law 88-647.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The records are used within the Navy Finance Center by military pay adjudicators for the purposes of issuing checks and earnings statements, investigating claims and overpayments, and for preparation of financial reports. Data contained in records may be released to BUPERS, various field activities and other Department of Defense activities to assist these activities to update, verify, or correct

their records, or process cases; to the Internal Revenue Service and state or local tax authorities for their use in computing or resolving member's tax liability; to the Social Security Administration to determine member's coverage under that program; to the Department of the Treasury when needed for issuance of check; to the Veteran's Administration or to the Navy Family Allowance Activity, to process cases; to the courts upon court order; to the designated beneficiaries of deceased members, etc. To the American Red Cross, Navy Relief Society, and U.S.O. for personal assistance to the member.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Magnetic tape and file folders

Retrievability:

Social Security account number and member name

Safeguards:

Guards, personnel screening, requestor codes

Retention and disposal:

Original shipped to safekeeping for permanent retention.

System manager(s) and address:

Commanding Officer Navy Finance Center Anthony J. Celebrezze Federal Building Cleveland, Ohio 44199

Notification procedure:

Individuals may write to system manager at above address. Information request must contain Navy member's full name, military status, and social security account number. Requestor may visit above address and must have military identification card or valid state driver's license and social security card as positive proof of identity.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Disbursing Officer, Member, BUPERS, CNETO, and IRS.

Systems exempted from certain provisions of the act:

NONE

N00034 SAV-DEP-SYS

System name:

Savings Deposit

System location:

Commanding Officer Navy Finance Center Anthony J. Celebrezze Federal Building Cleveland, Ohio 44199

Categories of individuals covered by the system:

Navy members still declared missing in action in the Vietnam conflict.

Categories of records in the system:

Members records reflecting account balances

Authority for maintenance of the system:

Public Law 89-538

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records in this system are used for crediting of interest and clearing of account upon termination. Records will be furnished to Navy Family Allowance Activity and other Department of Defense agencies servicing families of persons still having active accounts; to the Internal Revenue Service upon termination of account.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Magnetic tape and file folders

Retrievability:

Social security number and member name

Safeguards:

Guards, personnel screening, and specific requestor codes

Retention and disposal:

Upon closing of account, records are shipped to FRC and destroyed after two years.

System manager(s) and address:

Commanding Officer Navy Finance Center Anthony J. Celebrezze Federal Building Cleveland, Ohio 44199

Notification procedure:

Individuals may write to system manager at above address. Only the member or executor or benificiary of estate will be provided information. Individual's name and social security number are required. Persons wishing to view records in person must report to the Navy Family Allowance Activity, Room 967, Anthony J. Celebrezze Federal Building, Cleveland, Ohio 44199.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Member's initial request, adjudicators in Central Accounts Department.

Systems exempted from certain provisions of the act:

NONE

N00034 13

System name:

Slot Machine Winnings

System location:

Decentralized, maintained at Navy and Marine Corps overseas bases, where slot machines are not in violation of U.S. laws, status of forces or local agreements. A list is available from:

NAVY
Chief of Naval Personnel (Pers-7)
Bureau of Naval Personnel
Washington, D.C. 20370

MARINE CORPS
Commandant of the Marine Corps (MSMS)
Washington, D.C. 22214

Categories of individuals covered by the system:

Individual U.S. citizens 18 years of age and older who are paid monies for winnings associated with slot machine jackpots.

Categories of records in the system:

Jackpot payout control sheet indicating individual name, grade, SSAN, duty station, dates and amounts of jackpot monies paid are maintained at each location.

Authority for maintenance of the system:

5 USC 301 Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To account for and control monies paid to individual winners of slot machines jackpots and as a basis for IRS Form 1099 reporting on individuals whose winnings are six hundred dollars or more during a calendar year.

USER: Navy and Marine Corps shore activities where slot machines have been approved by the Chief of Naval Personnel or the Commandant of the Marine Corps.

USES: Provides a means of paying, recording, accounting for, reporting, and controlling expenditures associated with slot machine jackpots.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records maintained in file cabinets located in a secure area.

Retrievability:

Individual control sheets. Individual IRS Form 1099 by name and SSAN.

Safeguards:

Records are kept in occupied rooms which are locked during nonworking hours.

Retention and disposal:

Records are maintained on site for 3 years and then shipped to the Federal Records Center in accordance with SECNAVINST 5212.5 series.

System manager(s) and address:

Overall policy and procedures for the slot machine operation are contained in NAVSO P-3518, 3519, 3520, 3521, BUPERINST 10150.2B and MCO P-174613B. A list of system managers by activity

is available from the Chief of Naval Personnel (Pers-7) for Navy managers and the Commandant of the Marine Corps (MSMS) for Marine Corps managers.

Notification procedure:

Individuals are notified via IRS Form 1099 if their jackpot winnings are six hundred dollars or more in a calendar year. An individual can contact the applicable systems manager on matters concerning their jackpot winnings.

Record access procedures:

Individuals have access to information applicable to their individual jackpot winnings. Officials such as IRS, Auditor and etc. have access to information applicable to all jackpot winners. Access is through the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the system manager.

Record source categories:

Daily jackpot payout sheets.

Systems exempted from certain provisions of the act:

NONE

N00034 14

System name:

Bingo Winners

System location:

Decentralized, maintained at individual Navy or Marine Corps bases where bingo is authorized and played. A list is available from:

NAVY
Chief of Naval Personnel (Pers-7)
Bureau of Naval Personnel
Washington, D.C. 20370

MARINE CORPS
Commandant of the Marine Corps (MSMS)
Washington, D.C. 22214

Categories of individuals covered by the system:

Individuals who are paid monies or prizes for winnings associated with bingo.

Categories of records in the system:

Bingo payout control sheet indicating individual name, SSAN, duty station, dates and amounts or items won are maintained at each location.

Authority for maintenance of the system:

5 USC 301 Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To account for and control monies and items of merchandise paid to individual winners of bingo games and as a basis for IRS Form 1099 reporting on individuals whose winnings are six hundred dollars or more during a calender year.

USES: Provides a means of paying, recording, accounting for reporting and controlling expenditures and merchandise inventories associated with bingo games.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records maintained in file cabinets located in a secure area

Retrievability:

Individual control sheets. Individual IRS Form 1099 by name and SSAN.

Safeguards:

Records are kept in occupied rooms which are locked during non-working hours.

Retention and disposal:

Records are maintained on site for 3 years and then shipped to Federal Records Center in accordance with SECNAVINST 5212.5 series.

System manager(s) and address:

Overall policy and procedures for the bingo operation are contained in NAVSO P-3518, 3519, 3520, 3521, BUPERSINST 1710.11 and MCO P-174613B. A list of systems managers is available from Chief of Naval Personnel (Pers-7) for Navy managers and the Commandant of the Marine Corps (MSMS) for Marine Corps managers.

Notification procedure:

Individuals are notified via IRS Form 1099 if their bingo winnings are six hundred dollars (monetary value) or more in a calendar year. An individual can contact the applicable systems manager on matters concerning their bingo winnings.

Record access procedures:

Individuals have access to information applicable to their individual bingo winnings. Officials such as IRS, Auditor and etc. have access to information applicable to all bingo winners. Access is through the systems managers.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Bingo payout control sheet.

Systems exempted from certain provisions of the act:

NONE

N0003401

System name:

Civilian Pay System

System location:

Decentralized, maintained by 125 Navy and Marine Corps civilian payroll offices; a list is available from:

Commander
Navy Accounting and Finance Center (NAFC-42)
Washington, D.C. 20376

Categories of individuals covered by the system:

All civilian employees who are employed by Navy and Marine Corps Activities and are paid from appropriated funds

Categories of records in the system:

Individual civilian pay records, retirement records and leave records, applications for leave; overtime authorizations; substantiating documents such as personnel action forms effecting new appointments, separations, promotions, demotions, and deduction changes; Internal Revenue Service Form W-4; State and City tax information; authorizations for deductions, i.e., savings bonds, group life insurance, health benefits, overpayments, indebtedness to the Government; court orders for garnishment of wages for child support and alimony payments; allotments, i.e., union dues, charity contributions, savings allotments, special allotments for overseas employees; tax levies; claims; award payments; special pay; allowances and differentials, and case files which contain requests for waiver of erroneous payment of pay for civilian employees.

Authority for maintenance of the system:

5 USC301 Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Purpose: To pay all Navy and Marine Corps civilian employees, maintain leave and retirement records and to record, report and account for government expenditures for personal services.

User: Navy and Marine Corps civilian payroll offices

Uses: Provides a means of paying, recording and accounting for government expenditures for personal services of Navy and Marine Corps civilian employees; provides time and attendance information to individual employees and management; provides audit trails for GAO, Navy Area Audit, and internal audit procedures; provides federal, state, and city tax information to appropriate authorities; provides retirement information and monies to CSC for computation fo annunities; provides other data to CSC as required for special studies. To the Treasury Department in connection with check issuance, the Veterans Administration in regard to Disability or Severance Pay Entitlement, the Social Security Administration for FICA Wage reporting; the Internal Revenue Service and state and local tax authorities for computing or resolving tax liability. To state employment agencies which require wage information to determine eligibility for unemployment compensation benefits of former employees.

To provide to financial organizations lists of those employees who make deposits and the amount of the deposit to each financial organization. To provide officials of labor organizations recognized under Executive Order 11491, as amended, with information as to the identity of employees contributing dues each pay period and the amount of dues withheld from each contributor. To provide information to the General Accounting Office on those requests for waiver of overpayments of pay which are forwarded to them for adjudication.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Automated records are stored on magnetic tapes, disc, microfilm/microfiche and punched cards. Manual records on manual card files and in file folders.

Retrievability:

By name, social security number, or locally assigned identification number.

Safeguards:

Locked fireproof cabinets for retirement records. Metal cabinets for manual payroll and leave records within locked rooms. The computer facility and terminal are located in restricted areas accessible only to authorized persons that are properly screened, cleared and trained. Manual records and computer printouts are available only to personnel engaged in payroll processing, auditors, investigative officials and management personnel.

Retention and disposal:

Payroll records are maintained on-site for 2 years after completion of on-site audits by GAO; if no on-site audit is performed, retain records on-site for 4 years, then shipped to Federal Record Center where they are retained for 56 years.

Leave Records - same as above, except held by Federal Record Center for 10 years.

Retirement Registers - same as above, except are destroyed rather than sent to Federal Record Center. Retirement records are maintained until employee separates; if he goes to another Navy or Marine Corps activity, retirement records are sent to that activity; if he goes to another agency or separates, sent to CSC.

System manager(s) and address:

Overall policy and procedure for the Civilian Payroll System are established by the Commander, Navy Accounting and Finance Center, Washington, D.C. 20376. A list of the system managers by payroll activity is available from Navy Accounting and Finance Center (NAFC-42).

Notification procedure:

Civilian employees can directly contact the system manager of his payroll activity. If unknown, the inquiry should be submitted to the Commander, Navy Accounting and Finance Center, address above. Requestor should provide full name, social security number, identification number, if applicable, activity where employed and information desired. An individual can visit his payroll office on any matter concerning his pay.

Record access procedures:

Employees have access to their individual pay, leave and retirement records. The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the system manager.

Record source categories:

Standard Form 50's (Personnel actions), time and attendance records, applications for leave and overtime authorizations, retirement records, federal state and tax forms, deduction authorizations, allotment authorizations, court orders for garnishment of wages for child support and alimony payments.

Systems exempted from certain provisions of the act:

None

N0003402

System name:

Bond Accounting

System location:

Decentralized, maintained by Issuing Agents for Savings Bonds; a list is available from:

Commander
Navy Accounting and Finance Center (NCF-123)
Washington, D.C. 20376

Categories of individuals covered by the system:

Civilian and Military Personnel of the Department of the Navy including contract employees who meet the requirement for ownership of savings bonds as outlined in Treasury Department Circular No. 530 as amended.

Categories of records in the system:

Files contain individual application and related records - The Bond Record File - Master Bond Record Card Control Account - The Master Control Account - Activity Subcontrol Accounts - Refund Subcontrol - Transfer Journal.

Authority for maintenance of the system:

5 USC 301 Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Purpose: To issue U. S. Savings Bonds
User: Issuing Agents for Savings Bonds
Uses: Provide audit trail on Requisition, Control, and Issuing of Bonds -
Maintenance of accounts - Accounting for funds - Financial Reports and Returns - Miscellaneous provisions.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Metal file cabinets equipped with a locking device - Paper records in metal filing cabinets - Microfilm.

Retrievability:

Retrieved by name, social security number or payroll number. From the Federal Reserve Bank by numerical sequence by serial number shown on bond issued stub.

Safeguards:

Locked cabinets, with building or military base security. Access authorized to personnel engaged in payroll processing, disbursing, supervisory or management personnel, and auditors. Bond subscribers are authorized to receive information on their own records.

Retention and disposal:

Records are maintained for one year. Records are then forwarded to a Federal Records Center.

System manager(s) and address:

Commander Navy Accounting and Finance Center (NCF-123) Washington, D.C. 20376 Procedures are prescribed in Comptroller of the Navy Manual (NAVSO P-1000). For decentralized locations where individuals may deal directly, addresses are available from the SYSMANAGER.

Notification procedure:

Information may be obtained by contacting the Bond Issuing Office responsible for issuing bond if known. If unknown the inquiry should be submitted to Commander, Navy Accounting and Finance Center, NCF-123, Washington, D.C 20376. Requester should provide full name, social security number or payroll number, current address when requesting information. An individual is permitted to visit any Bond Issuing Agent Office for information and will be required to provide identification such as identification card (i.e., DOD Building Pass).

Record access procedures:

The Agency's rule for access to records may be obtained from the system manager.

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Request for Bonds are filed by individuals who provide information on themselves. Other records are generated from the original request.

Systems exempted from certain provisions of the act:

None

N0003404

System name:

Joint Uniform Military Pay System (JUMPS)

System location:

(Decentralized) Navy and Marine Corps disbursing offices, Navy Finance offices, Navy Regional Finance Centers, and Navy Finance Center which are identified in appendix B of Volume IV, Navy Comptroller Manual andaddresses which are contained in the directory of Department of the Navy mailing addresses.

Categories of individuals covered by the system:

All Navy personnel on active duty

Categories of records in the system:

Individual Leave and Earnings Statement, Personal Financial Record, substantiating documents authorizing credits and deductions of pay entitlements and withholding of Federal income tax and Service Group Life Insurance, Internal Revenue Forms (W-2) reporting

Federal income tax withheld and Federal Insurance Contribution Acts, military money list, pay receipts, check and distribution lists, allotment documents locator files, absentee and deserter lists, miscellaneous correspondence requesting or providing pay information, commanding officers leave lists, micro-film and microfiche records.

Authority for maintenance of the system:

Titles 10 and 37 U.S.C.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Officials and employees, military and civilian, of the Department of the Navy in the performance of their official duties relating to the maintenance and distribution of Leave and Earnings Statements and the determination and audit of pay entitlements, computing, paying and reporting payments, determining budgets and appropriation requirements, commencing and terminating allotments, determining amounts subject to fines, forfeitures or detentions of pay in connection with non-judical punishment and courts martial, distribution of pay checks. The Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office in the audit and determinations relating to military pay entitlements, expenditures and accounting procedures; to the Treasury Department in connection with check issuance, the Veterans Administration in reqard to Disability or Severance Pay Entitlement, the Social Security Administration for FICA Wage reporting; the Internal Revenue Service and state and local tax authorities for computing or resolving tax liability. To the American Red Cross, Navy Relief Society, and U.S.O. for personal assistance to the member.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Personal Financial Records containing Leave and Earnings Statements, which are paper records, are stored in wooden or metal boxes or cabinets. Copies of Leave and Earnings Statements and supporting documents are stored in file folders and cabinets or on micro-film or microfiche. Automated records are stored on magnetic tapes, discs and punched cards.

Retrievability:

Automated records are retrieved by social security and name while locally maintained records and documents are retrieved by last name.

Safeguards:

Outside of normal working hours Personal Financial Records with Leave and Earnings Statements are secured in safes, vaults or locked cabinets. Substantiating documents and microfilmed records are retained in unlocked cabinets. All of the mentioned records are also within locked rooms or buildings.

Retention and disposal:

Personal Financial Records containing the six most recent Leave and Earnings Statements are retained by the disbursing office serving the command to which the member is assigned. Copies of substantiating documents are retained by the local command for four years after the period covered by the account at which time they are forwarded to the Federal Records Center. A central automated file is maintained for all active duty Navy personnel at the Navy Finance Center, Cleveland. Following a member's separation or retirement from the Navy, the member's Personal Financial Record is forwarded to the central site, Navy Finance Center, Cleveland, where it is retained for approximately two months pending individual claims and is then forwarded to the Federal Records Center. The members Master Pay Account is retained at the central site for six months following a member's separation or retirement at which time it is purged from the computer file, microfilmed and forwarded to the Federal Records Center. Substantiating documents are microfilmed and retained at the central site for an indefinite period while the paper copy is forwarded to the Federal Records Center after two months.

System manager(s) and address:

Comptroller of the Navy, Chief of Naval Personnel, Commander Navy Accounting and Finance Center, Commanding Officer Navy Finance Center, Commanding Officers of Navy Regional Finance Centers, Officers in Charge of Navy Finance Offices and Commanding Officers of activities with disbursing officers.

Notification procedure:

Individuals can be informed of any records maintained within the system by identifying themselves to the local command disbursing officer. The member may identify himself by presenting his military identification card. Former members may request information from the Navy Finance Center, Cleveland.

Record access procedures:

Individuals, properly identified, may request any information pertaining to his pay from his local disbursing officer. If the requested information is not available locally, the disbursing officer will obtain the information from other sources, i.e. member's previous duty stations or the Navy Finance Center, Cleveland.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by individuals concerned may be obtained from the SYSMANGER.

Record source categories:

Department of Defense Military Pay and Allowances Entitlements Manual, Navy and Marine Corps Military Pay Procedures Manual, Navy Pay and Personnel Procedure Manual, Bureau of Naval Personnel Manual and the individuals service record and Bureau of Naval Personnel Manpower and Personnel Management Information System (MAPMIS).

Systems exempted from certain provisions of the act:

None

N0003408

System name:

Midshipman Pay System

System location:

Primary - Superintendent, Naval Academy, Annapolis, MD 21402; decentralized segments - Commanding Officer, Navy Regional Finance Center, Washington, D.C. 20371, Commanding Officer, Navy Finance Center, Cleveland, OH 44199, and Chief of Naval Personnel (Code H-13), Navy Department, Washington, D.C. 20370.

Categories of individuals covered by the system:

Midshipmen of the U.S. Naval Academy, Annapolis, Maryland.

Categories of records in the system:

The system contains automatic data processing pay accounts of all Naval Academy Midshipmen. Document flow is controlled by use of a Midshipmen Payroll Change form. Controls over the system are maintained by use of a Midshipmen Payroll Control Register. Input source documents include (1) letter authority from the Superintendent to the Midshipmen Pay Offices to open the pay (2) documents to substantiate credits of advances for initial clothing and equipment issues, commuted rations, refunds for clothing turn-in, and discharge payments (3) letters from the Commandant of Midshipmen to the Midshipmen Pay Officer containing listings of names and amounts to the checked for personnel services (4) documents to substantiate checkages for liquidation of clothing and equipment advances, store bills of midshipmen subscriptions to magazines, musical concerts, etc., and (5) required deductions for Federal Tax and FICA Tax. Output documents include printouts of (1) Midshipmen Monthly Pay Accounts (2) Midshipmen Debit and Credit Explanation Register and (3) Midshipmen Yearly Pay Account. Payroll money lists which substantiate payments made and travel payment vouchers are also in files. Monthly financial returns are submitted to the Navy Regional Finance Center, Washington, D.C. for consolidation with the accounts of that office and are then forwarded to the Navy Finance Center Cleveland, Ohio in accordance with procedures prescribed in NAVCOMPT Manual, par. 048090. Copies, of the financial returns are therefore, on file in these offices. In addition, copies of documents supporting Federal Income and FICA Taxes withheld are forwarded to the Chief of Naval Personnel (Code H-13).

Authority for maintenance of the system:

National Security Act Amendments of 1949 (10 U.S.C. 5060).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Purpose - To accurately and efficiently maintain the pay accounts of Naval Academy Midshipmen. Category of users - Midshipmen Pay Officers Navy Regional Finance Center, Washington, D.C., Navy Finance Center, Cleveland, Ohio, Chief of Naval Personnel, Internal Revenue Service, and Social Security Administration. Specific uses - To pay and account for payments and collections of Naval Academy Midshipmen which are charged to the annual appropriation Military Personnel, Navy and administered by the chief of naval personnel. To the American Red Cross, Navy Relief Society, and U.S.O. for personal assistance to the member.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Midshipmen Pay Office - Computer print-outs. ADP Office - Computer magnetic tapes.

Retrievability:

Retrieved by Alfa Codes assigned to each midshipmen.

Safeguards:

Only Midshipmen Disbursing Office personnel are authorized access to records of that office. Only the computer operations are authorized access to the computer tapes. The computer area is restricted and computer tapes are locked in fireproof safes when not in use.

Retention and disposal:

Pay information on the computer tapes is retained for 30 days and the tapes are then reused. Tapes containing Federal Income Tax and FICA Tax information are retained for 1 year until the required reports are rendered. The tapes are then reused. Retained copies of Midshipmen Pay Office forms are disposed of as follows: 1. Midshipmen Payroll Control Register - retain for 2 years and destroy. 2. Midshipmen Payroll Change - retain for 6 months and destroy. 3. Midshipmen Monthly Pay Account - retain for 4 years, from admission of each class through month following its graduation and destroy. 4. Midshipmen Debit and Credit Explanation Register - same as 3, above. 5. Midshipmen Yearly Pay Account - same as 3, above. Other disbursing records and financial returns are retained 4 years follow period covered by the account and transferred to the Federal Records Center in accordance with SECNAV Instruction P5212.5b.

System manager(s) and address:

Overall policy and procedurs - Comptroller of the Navy; primary - Superintendent, Naval Academy; decentralized segments - Commanding Officer, Navy Regional Finance Center, Washington, D.C., Commanding Officer, Navy Finance Center, Cleveland, Ohio and Chief of Naval Personnel (Code H-13) Washington, D.C.

Notification procedure:

Individuals can be informed of any records maintained in the system by identifying themselves to Midshipmen Pay Office. Members must present his identification card to obtain requested information.

Record access procedures:

Midshipmen are issued a monthly earnings statement. All information concerning credits and checkages of pay and allowances are contained in the statement. Additional required information relative to miscellaneous changes reflected on the statement may be obtained from the individual Academy activity which reported the changes to the Midshipmen Pay Office upon presentation of his identification card.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individuals concerned may be obtained from the SYSMANAGER.

Record source categories:

Members service record on file in the Midshipmen Personnel Office and those documents contained in RECORD-CATEGORY, above.

Systems exempted from certain provisions of the act:

NONE

N0003411

System name:

Travel Pay System

System location:

Decentralized, maintained by Navy disbursing offices; a list is available from:

Commander
Navy Accounting and Finance Center (NCF-3)
Washington, D.C. 20376

Categories of individuals covered by the system:

Any person, government or private, who submits a request for payment of a travel advance or travel claim to a Navy disbursing office.

Categories of records in the system:

Public vouchers; substantiating documents such as travel orders and expense receipts; card file or log book utilized to control receipt and disposition of travel claims; suspense files, pay adjustment authorizations, and payroll checkages utilized for control and follow-up on travel advances; and correspondence relating thereto.

Authority for maintenance of the system:

5 USC 301 Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Purpose: To reimburse travelers for travel expenses and to record, account, and report for government funds. User: Navy disbursing offices. Uses: Provide an historic file and audit trail for travel payments made by the Navy; provide a means to respond to inquiries from travelers on status of claims; control travel advances to insure liquidation; provide a means to record, account, and report travel expenditures; provide a means for collection in cases of overadvances; provide disclosure to law enforcement or investigatory authorities.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders; index cards or log books.

Retrievability:

Retrieved by disbursing office voucher number for paid advances and claims; retrieved by name for card index file or log book. Information in disbursing office voucher file can be retrieved by name through search process if travel dates and/or travel claim submission date is known.

Safeguards:

Locked cabinets or rooms, with building or military base security. Access authorized to personnel engaged in travel claim processing, supervisory or management personnel, and inspectors, auditors, investigators. Travelers are authorized access to their own travel records; fund administrators are authorized access to records pertaining to their own funds.

Retention and disposal:

Records are maintained for four years. Records may be moved to a regional Federal Records Center depending on local storage capability. No standard means for destruction exists.

System manager(s) and address:

Department of Defense Per Diem, Travel, and Transportation Allowance Committee prescribes regulations in the Joint Travel Regulations; records maintained are prescribed by the Comptroller of the Navy in its Manual (NAVSO P-1000); a list of Navy disbursing offices is maintained by the Commander, Navy Accounting and Finance Center (NCF-3), Washington, D.C. 20376.

Notification procedure:

If the individual is a traveler and knows the location of the Navy disbursing office processing his/her travel claim, direct contact with that office is sufficient. If unknown, or the inquirer is not a traveler, the inquiry should be submitted to the Commander, Navy Accounting and Finance Center, address above. Requestor should provide full name, social security number, whether military or civilian, and, if possible, disbursing office voucher number, dates of travel, and date and location of travel claim or travel advance submission. An individual is permitted to visit any Navy disbursing office to which he/she has submitted an advance or claim. Military identification card or civilian identification such as driver's license is sufficient.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the system manager.

Record source categories:

Travel advances and travel claims are filed by individuals who provide information on themselves. Supporting documentation is obtained from employing commands, service providers (e.g., taxis for receipts), and Navy disbursing offices.

Systems exempted from certain provisions of the act:

NONE

N0003412

System name:

Commercial Invoice Payments History System

System location:

Decentralized, maintained by Navy disbursing offices; a list is available from:

Commander
Navy Accounting and Finance Center (NCF-5)
Washington, D.C. 20376

Categories of individuals covered by the system:

Any individual, government or private, who submits a request for payment to Navy disbursing offices for goods and/or services rendered.

Categories of records in the system:

Public vouchers; substantiating documents such as invoices, receipt documents, inspection reports, procurement instruments, contract index files, assignment documents, machine listings, government bills of lading, transportation requests, meal tickets; magnetic tape, disk files, roll microfilm, microfiche; and related correspondence files.

Authority for maintenance of the system:

5 USC 301 Department Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Purpose: To provide a record of all disbursements made on commercial invoices by Navy disbursing offices. User: Navy disbursing offices. Uses: Provides an audit trail of commercial invoice payments made by the Navy; provides a means to respond to inquiries from individuals on status of invoices and contracts; provides a means of detecting and precluding duplicate payments; provides disclosure to law enforcement and investigatory authorities.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders; computer magnetic tapes; roll microfilm, microfiche.

Retrievability:

Retrieved by disbursing office voucher number for paid invoices; retrieved by procurement instrument identification number for contractors by contract index cards; retrieved by name of individual from machine listings. Information in disbursing office voucher file and microfilm/microfiche can be retrieved by name through search process if billing/submission date is known.

Safeguards:

Locked cabinets or rooms, with building or military base security. Access authorized to designated personnel engaged in commercial invoice processing, supervisory or management personnel, and inspectors, auditors, investigators. Individuals are authorized access to their own payment history file; fund administrators are authorized access to records pertaining to their own funds.

Retention and disposal:

Records are maintained for four years. Records may be moved to a regional Federal Records Center depending on local storage capability. No standard means for destruction exists.

System manager(s) and address:

Commercial invoice payment history requirements are prescribed by the Comptroller of the Navy in its Manual (NAVSO P-1000); a list of Navy disbursing offices authorized to pay invoices can be obtained from the Commander, Navy Accounting and Finance Center (NCF-5), Washington D.C. 20376.

Notification procedure:

If the individual knows the location of the Navy disbursing office holding his/her invoice payment history, direct contact with that office is sufficient. If location is unknown, the inquiry should be directed to the Commander, Navy Accounting and Finance Center, address above. Inquirer should provide full name, social security number, whether military or civilain, contract or purchase order number and, if possible, disbursing office voucher number, invoice date, number and amount. An individual is permitted to visit any Navy disbursing office to which he/she has submitted an invoice for payment. Identification should include military identification card, civilian identification such as driver's license and company or agency affiliation. Access to classified contracts requires confirmation of security clearance and need to know.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the system manager.

Record source categories:

Commercial invoices are filed by individuals who provide information on themselves. Supporting documentation is obtained from employing company, material/service providers and receivers and Navy disbursing offices.

Systems exempted from certain provisions of the act:

NONE

N0003415

System name:

Losses of Public Funds File

System location:

Navy Accounting and Finance Center, Code NAFC-73, Washington, DC 20376

Categories of individuals covered by the system:

Disbursing personnel who are entrusted with public funds and who incur losses of the public funds entrusted to them.

Categories of records in the system:

Alphabetized folders containing reports of losses of public funds, reports of investigations into losses of public funds, requests for relief of liability for losses of public funds and related correspondence.

Authority for maintenance of the system:

31 USC 95a, 82a-1, and 82a-2

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Maintaining documentation relative to losses of public funds by accountable disbursing personnel. Used by the following individuals for the purpose of processing documentation relative to losses of public funds: Commanding Officer, Executive Director; Director, Functional Systems Department; Director, General Systems Division and other specified individuals within the General Systems Division. Inform individuals of their rights to repay losses or to submit requests for relief of liability; maintain records of investigations conducted; approval of requests for relief of liability for losses of less than

500;recommendations to the Secretary of the Navy on all denials and all losses of

500 or more; and control over liquidation of losses by relief or by collection action.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders and control log

Retrievability:

Name of accountable disbursing individual in whose custody the public funds were entrusted when the losses occured.

Safeguards:

Maintained in General Services approved Class 3, Security Cabinet equipped with a Type II, three tumbler combination lock accessible only to authorized individuals.

Retention and disposal:

Transferred to Federal Records one year following liquidation of the loss.

System manager(s) and address:

Commanding Officer, Navy Accounting and Finance Center, Code NAFC-73, Washington, DC 20376

Notification procedure:

Correspondence only

Record access procedures:

The agency's rule for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rule for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Messages, letters, and reports of investigations into losses of public funds received from: accountable disbursing personnel, commanding officers of Navy and Marine Corps activities at which disbursing offices are located, officers appointed to conduct Judge Advocate General Manual investigations, Commanding Officer, Naval Investigative Service, Commandant of the Marine Corps, and Secretary of the Navy.

Systems exempted from certain provisions of the act:

None

N00037 CNM (MAT 09G1)

System name:

Investigatory (Fraud) System

System location:

Chief of Naval Material, Navy Department, Washington, D.C. 20360

Categories of individuals covered by the system:

Individuals suspected of fraud, convicted of fraud in Navy procurement, individuals suspected of being involved in theft of Government property, conflict of interest in matters relative to Navy procurement.

Names of individuals involved in areas of possible criminal misconduct pertaining to procurement and related matters within the cognizance of CNM.

Categories of records in the system:

1. Administrative memoranda
2. Investigative report summaries
3. Report of disciplinary action taken
4. Card index file, containing only the name and file number. It is used for report retrieval purposes.
5. Pertinent public court records.

Authority for maintenance of the system:

Title 5, U.S. Code, Section 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Uses are to disseminate information on procurement fraud and related matters to the officials in the Department of the Navy to assure that they are notified in fraud cases. To request official investigations, audits, to respond to congressional inquiries and to request reports of final action taken. Internal users are subordinate officials to the CNM, CNO, SECNAV and ASN. Documents furnished to Department of Justice to be used in prosecutive actions. Reports are also used in connection with debarment/ suspension actions and require notification D/A, AF, DSA, GSA, Defense Nuclear Agency, MARCORPS and DCAA.

Referrals to NIS (law enforcement)

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders, index cards.

Retrievability:

By name and ssn; by case name, type of crime and command.

Safeguards:

Access is limited to MAT 09G personnel. Files are stored in a locked bar cabinet. The area is sight controlled during normal work hours and locked during non duty hours. Building access is controlled during security hours by a Security Force, which also conducts roving patrols of the building. There is no possibility that the computer can be accessed from outside the controlled area.

Retention and disposal:

Files are kept for three years after final action is taken.

System manager(s) and address:

Chief of Naval Material Deputy Inspector General (Investigations) NAVMAT 09G1 Crystal Plaza Bldg. #5, Rm 422 Washington D.C. 20360

Notification procedure:

Written request to:
Chief of Naval Material
ATTN: Deputy IG (Investigations)
MAT 09G1, CP #5, Rm 422
Washington, D.C. 20360 giving full name, address, social security number and business affiliation.

Requester may visit, after written visit notification,
Chief of Naval Material
Deputy IG (Investigations)
MAT 09G1, CP #5, Rm 422
Washington, D.C. 20360 between the hours of 0900-1500.
Requestor must show proof of identity consisting of drivers license or ID containing photograph, Military ID card, etc.

Record access procedures:

The Agency's rules for access to records may be obtained from the System Manager.

Contesting record procedures:

The Agencies Rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

Law enforcement investigative reports, Audit Reports, Inspection reports, credit reports and complainants.

Systems exempted from certain provisions of the act:

Parts of this system may be exempt under 5 U.S.C. 552a (k) (1); (2) and (5), as applicable. For additional information contact the System Manager.

N00039 CONTFLDSERV

System name:

Contract Field Service File

System location:

Commander Naval Electronic Systems Command Washington, D.C. 20360

Categories of individuals covered by the system:

Contractor representatives (engineers/technicians)

Categories of records in the system:

NAVELEX 4603 maintains a contractor field engineer file system by name and company. The only personal information contained in these files are security clearance information (degree, date cleared, by whom), date and place of birth, and social security number. Contract services requests and authorizations.

Authority for maintenance of the system:

5 USC 301, Departmental Regulation

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The information in the system is used for notifying ships, shipyards, supships, other Navy activities and some contractor plants of reporting engineers security information for tech assists. Internal users other than 4603 are cognizant engineers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders.

Retrievability:

The files are filed by company and name.

Safeguards:

The files are located in a locked cabinet. When the cabinet is open, personnel is in the room at all times. Normally no other people have access to these files. The only ones that could have access based upon a need to know are the cognizant engineers and the contractor representatives may review their own personal jacket. ELEX 4603 personnel must remove records from cabinets.

Retention and disposal:

The records are retained as long as the engineer is employed by the company, then the records are transferred to Archives for the standard retention period.

System manager(s) and address:

Contract Services Coordinator, ELEX 4603

Notification procedure:

Request must be made to system manager ELEX 4603. Requestor must provide full name, social security number and photo identification.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

The source of information is from the contractor representatives (engineers/ technicians) employers.

Systems exempted from certain provisions of the act:

None

N00060 CUBEX

System name:

List of Cuban Exile Families at U.S. Naval Base Guantanamo Bay, Cuba

System location:

Commander in Chief, U. S. Atlantic Fleet (N94), Norfolk, Virginia 23511

Categories of individuals covered by the system:

Navy civilian employees at U.S. Naval Base Guantanamo Bay, Cuba, who are Cuban exiles.

Categories of records in the system:

Listing contains:
(a) Name of Head of Household
(b) Number of Dependents
(c) Age of Head of Household

(d) Data on who possesses an alien registration card
(e) Date when head of household and dependents depart GITMO.
(f) Destination of departing exiles. U.S. or third country
(g) Information copy of miscellaneous information provided by COMNAVBASE GITMO to Health, Education and Welfare, and Naturalization and Immigration Service for relocation arrangements and assistance. (This information being provided under Provisions of Privacy Act by HEW.)

Authority for maintenance of the system:

5 USC 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Users - CINCLANTFLT, COMNAVBASE GITMO, NAS GITMO, NAVSTA GITMO, CNO, HEW, Immigration and Naturalization Service

Uses - Ascertains base loading and requirements for relocation of aging alien work force for relocation to U.S. or third country; determination of who holds ARC's and to encourage those without ARC's to obtain same to facilitate departure from GITMO, and statistical purposes. Once a Cuban exile enters U.S. as an alien, information is retained as to location in u.S. All entries are used by CINCLANTFLT primarily for statistical and planning purposes related to above. NOTE: When these non-citizens enter U.S. as aliens, they fall under the Privacy Act.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File Folders

Retrievability:

Manual effort by Head of Household name

Safeguards:

Files located in controlled area, in locked safe. Access based on need to know - official use only.

Retention and disposal:

Records will be maintained as long as there are Cuban exiles at Guantanamo Bay, Cuba. When all exiles have departed or situation changes between U.S. and Cuba, files may be destroyed depending on situation.

System manager(s) and address:

Financial Management Officer, Shore Activities Readiness Division, CINCLANTFLT, Norfolk, Virginia 23511

Notification procedure:

Letters of inquiry should be addressed to Sysmanager noted above and contain sufficient information to identify sender. Information should include employment dates of head of household while employed at GITMO, activity employed by, ARC number and names and location of dependents.

Personal Visit - Personal contacts with Cuban exiles not normally envisioned. However, any personal contacts with Sysmanager will be at CINCLANTFLT Compound, Building 3 North, Room 206. Provide adequate identification such as drivers license, ARC and be prepared to answer same questions required by letter inquiry.

Record access procedures:

The agency's rules for access to records may be obtained from the System Manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

Source of information derived from official civilian personnel folders and direct query of Cuban exiles. Information provided CINCLANTFLT by COMNAVBASE, GITMO.

Systems exempted from certain provisions of the act:

NONE

N00062 INSGEN

System name:

Naval Educational Development

System location:

Chief of Naval Education and Training Naval Air Station Pensacola, FL 32508

Categories of individuals covered by the system:

Formal/Informal investigations, inquiries conducted as directed by CNET and higher authority

Categories of records in the system:

Reports of investigations, inquiries

Authority for maintenance of the system:

5 USC 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Results reported to requesting authority. Files are then stored until time for disposal in accordance with Records Disposal Instructions

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders

Retrievability:

Name, grade, title, position

Safeguards:

Stowed in 3-tumbler safe; access to authorized personnel only

Retention and disposal:

Per Records Disposal Instructions

System manager(s) and address:

Staff Inspector General and his immediate staff

Notification procedure:

Information is available to individuals but is restricted to the extent that the source of the information is not revealed.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the system manager.

Record source categories:

Multitude of sources as determined by the scope of the investigation, inquiry.

Systems exempted from certain provisions of the act:

NONE

N00062 LORR 1130

System name:

Low Quality Recruiting Report (CNET Report 1130-1)

System location:

Commander, Naval Recruiting Command 4015 Wilson Blvd Arlington, Va 22203

Categories of individuals covered by the system:

Reports of enlisted performance

Categories of records in the system:

Reports of performance

Authority for maintenance of the system:

5 USC 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by the Navy Recruiting Command and the Chief of Naval Education and Training, Chief of Naval Technical Training, and the Recruit Training Center to evaluate the quality of recruits with a view towards improvement of recruitment and training.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File Folder

Retrievability:

Random filing by submitting activity

Safeguards:

Maintained in locked safe in controlled building

Retention and disposal:

Two years

System manager(s) and address:

Commander Navy Recruiting Command

Notification procedure:

By individual request upon presentation of letter or identification. Must provide program and name.

Record access procedures:

The agency's rules for access to records may be obtained from the System Manager

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

Service Record entries, Commanding Officers performance evaluations

Systems exempted from certain provisions of the act:

None

N00062 NEDRECS

System name:

Naval Educational Development Records.

System location:

Chief of Naval Education and Training Naval Air Station Pensacola, FL 32508

Categories of individuals covered by the system:

Applications, participants, graduates and staff of officer acquisition. professional development, Navy Youth, dependents' education (Atlantic), and Non-Traditional Education Support programs.

Categories of records in the system:

Applications, biographical information, student records and reports of performance, graduation, and disenrollment.

Authority for maintenance of the system:

5 USC 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by Naval Educational Development staff members, selection boards, Bureau of Naval Personnel and Navy media for selection, student monitoring, and utilization of graduates.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders and punched cards.

Retrievability:

Name and SSN

Safeguards:

Locked buildings and access only to authorized personnel.

Retention and disposal:

Per SECNAV Records Disposal Manual

System manager(s) and address:

Director of Naval Educational Development (See location section)

Notification procedure:

By individual request upon presentation of letter of identification. Must provide program and name.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Individual applications, selection board proceedings, transcripts, and correspondence.

Systems exempted from certain provisions of the act:

None

N00062 NROTC

System name:

NROTC Educational Development Records

System location:

Chief of Naval Education and Training Naval Air Station Pensacola, FL 32508

Categories of individuals covered by the system:

NROTC Scholarship Candidate Placement Records, NROTC Student Attrition Records, NROTC Student Jackets, Applications for NROTC Program, Commanding Officers and Executive Officers of NROTC units.

Categories of records in the system:

Information concerning students selected as principal and alternate candidates for NROTC scholarship. Contains name, SSN, address, telephone number, academic scores, medical qualification, race, and sex.

Reports of disenrollment, appointment to commissioned status, and non- selection as an applicant for the NROTC program.

Student records containing enlistment cntract, service agreement, officer candidate training application, evidence of citizenship, birth certificate, reports of medical qualification, aptitude for naval service evaluations, academic records, personal history information, report of security clearances granted, special request, and action of boards concerning these special request.

Application file consisting of officer candidate training request, service agreement, report of medical qualification, evidence of citizenship, personal history, interviewers' appraisal sheets, and academic records.

Officer Biography Sheet (NAVPERS 979)

Authority for maintenance of the system:

5 USC 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Assignment of scholarship selectees to various NROTC hosted institutions.

Provides reference to individuals's attrition from the NROTC program.

Provides program manager with information to determine students eligibility for continuation in program and eventual commissioning as naval officer. Information also used by Chief of Naval Personnel, Commander Navy Recruiting Command and Commandant of the Marine Corps.

Determine applicants eligibility for enrollment in NROTC program.

Assistance in preparing Fitness Reports, award recommendations, TAD assignments in conjunction with summer training and preparing background information for Flag and high government official visits to the NROTC unit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders, index cards, and notebook

Retrievability:

Name, SSN, and NROTC unit.

Safeguards:

Secured room and building. Access to information to authorized personnel only.

Retention and disposal:

Per SECNAV Records Disposal Manual.

System manager(s) and address:

NROTC, CNET, NAS, Pensacola, FL.

Notification procedure:

Call or write system manager listed above.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Individual concerned, CHNAVPERS, COMNAVCRUITCOM, and NROTC unit.

Systems exempted from certain provisions of the act:

None

N00063CDP

System name:

Career Development Program for Communicators

System location:

Commander Naval Telecommunications Command Naval Telecommunications Command (NAVTELCOM) Headquarters 4401 Massachusetts Avenue, N.W. Washington, D.C. 20390

Categories of individuals covered by the system:

Navy civilian employees of NAVTELCOM in GS-393 series

Categories of records in the system:

Questionnaire completed by employees giving name, duty, work and education experience, birth date, grade level, telephone number (work)

Authority for maintenance of the system:

5 USC 301, Departmental regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

By system managers of NAVTELCOM for implementing and managing the Career Development Program, Navy Office of Civilian Manpower Management similarly; Defense Department similarly; Civil Service Commission similarly;

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders

Retrievability:

Name

Safeguards:

Safes and vaults

Retention and disposal:

Records destroyed by burning upon separation of employee

System manager(s) and address:

Commander Naval Telecommunications Command 4401 Massachusetts Avenue, N.W. Washington, D.C. 20390 Civilian Manpower Coordinator, NAVTELCOM, same address

Notification procedure:

Provide name to Civilian Manpower Coordinator, address above, Room 138, with routine ID card, driver's license, etc.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the system manager.

Record source categories:

Questionnaire completed by employee

Systems exempted from certain provisions of the act:

None

N00063FTAR

System name:

Field Training Assistance Representatives (FTAR) File

System location:

Commander Naval Telecommunications Command Naval Telecommunications Command (NAVTELCOM) Headquarters 4401 Massachusetts Avenue, N.W., Washington, D.C. 20390

Categories of individuals covered by the system:

Civilian employees of NAVTELCOM especially designated to provide technical training assistance to NAVTELCOM field activities.

Categories of records in the system:

Name, grade, position, duty station, reports of training conducted, evaluations of performance, schedules of employment, work and education history, official correspondence from field commanding officers.

Authority for maintenance of the system:

5 USC 301 Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by NAVTELCOM executives in managing FTAR program, for up-dating FTAR training. reassigning FTARs.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders

Retrievability:

Name

Safeguards:

Safes and vaults

Retention and disposal:

Retained indefinitely for historical purposes.

System manager(s) and address:

Commander Naval Telecommunications Command 4401 Massachusetts Avenue, N.W., Washington, D.C. 20390 Director Resources, NAVTELCOM, same address

Notification procedure:

Provide name to Director Resources, address above, Room 139, with routine ID card, drivers license, etc.

Record access procedures:

The agency's rules for access to records may be obtained from the System Manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

Applications for employment, official civilian personnel jacket, official Navy orders to temporary duty, official correspondence from employee and field commanding officers

Systems exempted from certain provisions of the act:

None

N00063NC09PS

System name:

Personnel Information System

System location:

Commander Naval Telecommunications Command Naval Telecommunications Command Headquarters 4401 Massachusetts Avenue Washington D.C. 20390

Categories of individuals covered by the system:

Military and civilian employees

Categories of records in the system:

Civilian Records; Military Personnel Records; Personnel Security Information

Authority for maintenance of the system:

5 USC 301 Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Ready source of information on Headquarters personnel regarding billets, position titles, security clearances, etc. Used internally only for administrative purposes

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Magnetic Tape and Punched Cards

Retrievability:

Name

Safeguards:

Safes and vaults

Retention and disposal:

Information on an individual is scrubbed from system within 60 days following terminiation of employment with Headquarters

System manager(s) and address:

Director Administration Headquarters Naval Telecommunications Command 4401 Massachusetts Avenue Washington D.C. 20390

Notification procedure:

By contacting System Manager at above address. Requestor should provide full name and dates employed by Headquarters Naval Telecommunications Command. Requestor may visit the Headquarters to determine whether the system contains records pertaining to him. Usual identification, such as a valid driver's license, military ID card, etc., will be accepted as proof of identity.

Record access procedures:

The agency's rules for access to records may be obtained from the System Manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

Applications for employment, military personnel records, reports of results of Background Investigations, National Agency Checks, etc.

Systems exempted from certain provisions of the act:

None

N00069NSGAGNPAC01

System name:

Professional Qualifications Records (PQR's)

System location:

Commander, Naval Security Group Command, 3801 Nebraska Avenue, N.W., Washington, D.C. 20390

Categories of individuals covered by the system:

Any civilian or military employee of the Naval cryptologic community who applies for Professionalization

Categories of records in the system:

File contains individual's Professional Qualifications Record, which is a summary of the individual's education, training, experience, and awards. It also contains evaluations of the PQR made by the appropriate Career Panel.

Authority for maintenance of the system:

5 USC 301 Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Civilian Personnel Office - To determine whether individual is a suitable aspirant for Professionalization and whether revisions and/or updates are necessary. National Security Agency - To determine whether the PQR shows that the individual meets all the necessary requirements for Professionalization.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders

Retrievability:

Filed alphabetically by last name of individual aspirant

Safeguards:

Building employs security guards. Access to Civilian Personnel Office limited to personnel with proper clearances. Files kept in combination safe.

Retention and disposal:

Records are permanent. The authority provides a continuing requirement for the records.

System manager(s) and address:

Commander, Naval Security Group Command, 3801 Nebraska Avenue, N.W., Washington, D.C. 20390

Notification procedure:

Send request to SYSMANAGER. Request should include full name, DPOB, military status, SSAN (if you voluntarily include it) or service number. Visits for the purpose of obtaining information must be submitted in writing to Command, Naval Security Group Command, 3801 Nebraska Avenue, N.W., Washington, D.C. 20390, who will advise of time/date/place for viewing records or will advise whether system contains records pertaining to the requester. Scheduled visitors must be prepared to present adequate proof of identification - i.e. - combination of full name, DPOB, parent(s) name, drivers license, medicare card, military I.D. card if applicable.

Record access procedures:

The agency's rules for access to records may be obtained from the SYSMANAGER

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

Record source categories:

Information is provided by individual aspirant. PQR may include transcripts provided to individual by educational institutions.

Systems exempted from certain provisions of the act:

NONE

N00069NSGHG11PAC01

System name:

NAVAL RESERVE SECURITY GROUP PERSONNEL RECORDS

System location:

Commander, Naval Security Group Command Naval Security Group Headquarters 3801 Nebraska Avenue, NW, Washington D.C. 20390

Categories of individuals covered by the system:

Naval Reserve Security Group Personnel

Categories of records in the system:

System comprises records reflecting information pertaining to reservist's ACDUTRA (Active Duty for Training); miscellaneous personnel actions, i.e., in-training status for change of rank/ designator/ rate; clearance certificate; congratulatory letters to officers upon promotion; history of past ACDUTRA performed; correspondance courses completed; old data cards and clearance eligibility letters

Authority for maintenance of the system:

5 USC 301 DEPARTMENTAL REGULATIONS

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Reserve Personnel Support Branch - to verify: past active duty and ACDUTRA performed; currency of clearance status; mobilization assignment; civilian skills acquired

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper-records in file folders

Retrievability:

Filed alphabetically by last name of reservist

Safeguards:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared and trained

Retention and disposal:

Records are retained in active file until reservist has fulfilled drilling obligation or upon discharge or transfer to stand-by reserve

System manager(s) and address:

Commander, Naval Security Group Command Naval Security Group Headquarters 3801 Nebraska Avenue, NW, Washington D.C. 20390

Notification procedure:

a. Send request to SYSMANAGER

b. Full name, DPOB, military status, SSAN (if you will voluntarily include it) or service number

c. Visits for the purpose of obtaining information must be submitted in writing to Commander, Naval Security Group Command, 3801 Nebraska Avenue, NW, Washington D.C., 20390, who will advise of time/date/place for viewing records or will advise whether system contains records pertaining to the requestor

d. Scheduled visitors must be prepared to present adequate proof of identification - i.e., combination of full name, DPOB, parent(s) name, driver's license, medicare card, military I.D. card, if applicable

Record access procedures:

The Agency's rules for access to records may be obtained from the System Manager

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager

Record source categories:

District Officers for Naval Reserve Security Group Commanding Officers of Naval Reserve Security Group Divisions Commanding Officer, Naval Technical Training Center, Pensacola, FL

Systems exempted from certain provisions of the act:

NONE

N00069NSGHG12PAC01

System name:

Naval Security Group Personnel Security/Access Files

System location:

The central record system is located at:
Commander, Naval Security Group Command
3801 Nebraska Ave., N.W.,
Washington, D.C. 20390

Duplicates of portions of records may be held by other Naval and Marine Corps activities served by a Naval Security Group Special Security Officer. Records pertaining to Naval and Marine Corps military personnel who were considered but not selected for assignment to the Naval Security Group while undergoing recruit training are located at one of the following locations:

Resident in Charge
Naval Security Group Field Office
Bldg 848

Marine Corp Recruit Depot
Parris Island, South Carolina 29905
Resident in Charge
Naval Security Group Field Office
Naval Administrative Command
Naval Training Center, Bldg 1411, Room 112
Great Lakes, Illinois 60088
Resident in Charge
Naval Security Group Field Office
U.S. Naval Training Center
San Diego, California 92133
Resident in Charge
Naval Security Group Field Office
Naval Training Center
Orlando, Florida 32813

Categories of individuals covered by the system:

Naval and Marine Corps military and civilian personnel assigned to or employed by the Naval Security Group, including the Reserve components thereof, or who have been considered for such assignment or employment.

Categories of records in the system:

The file may contain personal history information, investigative reports, security suitability reports, incident reports, and other data pertinent to determination of eligibility for access to Special Intelligence (SI) information, including the decisions made in each case. The file also contains records of authorized access to classified information.

Authority for maintenance of the system:

E.O. 10450 Eisenhower Security Program
E.O. 11652 Classification and Declassification of National Security Information and Material

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information is collected and used by SI security personnel for the purposes of determining the individual's eligibility for access to SI information, of maintaining a record of the degree(s) to which access to SI has been authorized, and of determining the extent, if any, to which controls must be exercised to prevent the compromise of SI through hostile foreign intelligence activity. Information may be disseminated outside the Department of the Navy to the National Security Agency, Defense Intelligence Agency, Army Security Agency, Air Force Security Service, Central Intelligence Agency, White House Communications Agency and/or the Defense Industrial Security Clearance Office for the purpose of determining the individual's eligibility for access to classified information under the user Agency's cognizance. Information may be disseminated to the Defense Investigative Service and Naval Investigative Service for the purpose of conducting investigations on which to base SI eligibility decisions. The access record portion of the system may be made available to the Director of Central Intelligence to maintain an index of personnel who have been granted access to certain sensitive intelligence programs.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders and magnetic tape.

Retrievability:

By name and date/place of birth.

Safeguards:

Approved security areas with alarms and guards. Access is limited to assigned personnel who have been found eligible for access to SI and received specific instruction in the handling, security, and dissemination policy of information in the files.

Retention and disposal:

Central record system retained for thirty years after last action. Records held at Naval Security Group Field Offices forwarded to central system after two years. Records retained in central record system and destroyed by burning, shredding, degaussing or chemical destruction at end of retention period.

System manager(s) and address:

Commander, Naval Security Group Command 3801 Nebraska Ave., N.W. Washington, D.C. 20390

Notification procedure:

a. Send request to SYSMANAGER
b. Full name, date and place of birth, military status, social security number (if voluntarily included) or service number.
c. Visits for the purpose of obtaining information must be submitted in writing to Commander, Naval Security Group Command, 3801 Nebraska Ave., N.W., Washington, D.C. 20390 who will advise of time/date/place for viewing records or will advise whether system contains records pertaining to the requester.
d. Scheduled visitors must be prepared to present adequate proof of identification-i.e.-combination of full name, date and place of birth, parent(s) name, drivers license, medicare card, military identification card if applicable.

Record access procedures:

The Agency's rules for access to records may be obtained from the SYSMANAGER.

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

In addition to information furnished by the individual himself, files contain information furnished by federal investigative agencies, other SI security organizations, and reports submitted by Naval Security Group Special Security Officer. Files also include administrative correspondence among associated personnel and security offices of the executive branch.

Systems exempted from certain provisions of the act:

Parts of this system may be exempt under 5 U.S.C. 552 a (j) or (k), as applicable. For additional information contact the System Manager.

N00069NSGHG13PAC01

System name:

Personnel Resources Information System for Management (PRISM)

System location:

Commander, Naval Security Group Command Naval Security Group Headquarters 3801 Nebraska Avenue, NW, Washington, D. C. 20390

Categories of individuals covered by the system:

Active duty Navy and Marine Corps personnel and Naval and Marine Corps Reserve personnel affiliated with the Naval Security Group. Also civilian personnel holding a NAVSECGRU clearance.

Categories of records in the system:

System comprises automated records reflecting information pertaining to the pesonnel identification, location, current duties, professional qualifications and experiences, education, rotation data, personal information (marital status, dependents, home of record) and career information (dates of expiration of enlistment, release from active duty and security clearance data)

Authority for maintenance of the system:

5 USC 301 DEPARTMENTAL REGULATIONS

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Military and civilian personnel of the Naval Security Group Headquarters in the performance of their official duties relating to the planning and management of NAVSECGRU personnel resources. Regularly produced management reports are used to determine: adequacy of the personnel manning posture (quantitatively and qualitatively) at NAVSECGRU field activities; trends concerning levels of various NAVSECGRU personnel skills; trends in enlistments, reenlistments, training quotas, retirements; also, data base is often queried for one-time, non-routine information to satisfy priority requirements. Personnel of the Bureau of Naval Personnel use the system regularly to assist in meeting authorized NSG personnel requirements and identification of NSG training requirements. Civilian and Military officials of the National Security Agency use overall NAVSECGRU population distribution to assess adequacy of personnel levels and skills in meeting national cryptologic requirements. NAVSECGRU Area Directors in Atlantic, Pacific and European Commands in order to determine manning and skill posture within their respective theaters. Officials of NAVSECGRU field stations world-wide in order to determine numbers and skills of personnel ordered to report for duty. Officials of Naval Technical Center Pensacola Florida for purpose of mailing advancement examinations and other training materials.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are stored on magnetic tapes, discs, punched cards, microfiche and computer paper printouts.

Retrievability:

Records are retrieved by name, social security number, skill codes, duty stations, career information (dates of enlistment, expected release), education, rating and paygrade.

Safeguards:

The computer facility and terminal are located in restricted areas accessible only to authorized persons that are properly screened, cleared and trained. Records and computer printouts are available only to authorized personnel having a need to know.

Retention and disposal:

Computer magnetic tapes are erased three months after they are created. Punched cards are converted to magnetic tape and destroyed. Microfiche and paper printouts are retained 3 years or until superseded.

System manager(s) and address:

Commander, Naval Security Group Command Naval Security Group Headquarters 3801 Nebraska Avenue, NW, Washington, D.C. 20390

Notification procedure:

Send request to SYSMANAGER. Full name, DPOB, military status, SSAN (if you will voluntarily include it) or service number. Visits for the purpose of obtaining information must be submitted in writing to Commander, Naval Security Group Command, 3801 Nebraska Avenue, NW, Washington, D.C. 20390, who will advise of time/date/place for viewing records or will advise whether system contains records pertaining to the requestor. Scheduled visitors must be prepared to present adequate proof of identification - i.e., combination of full name, DPOB, parent(s) name, driver's license, medicare card, military I.D. card, if applicable.

Record access procedures:

The Agency's rules for access to records may be obtained from the System Manager.

Contesting record procedures:

The Agency's rules for contesting content and appealing initial determination by the individual concerned may be obtained from the System Manager.

Record source categories:

Chief of Naval Personnel MAPMIS (Manpower Management Information System) ADP file; Naval Security Group field sites; Naval Security Group Field Office Representatives.

Systems exempted from certain provisions of the act:

None

N00159 D-3/01

System name:

Seismic survey list of companies involved in outer continental shelf.

System location:

Commandant, THIRD Naval District Flushing and Washington Aves. Brooklyn, NY 11251

Categories of individuals covered by the system:

Contact personnel of each company for information on survey or drilling activity.

Categories of records in the system:

Correspondence file

Authority for maintenance of the system:

5 USC 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Contact with individual companies for scheduling and coordination.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders

Retrievability:

Name

Safeguards:

Safes

Retention and disposal:

Maintained as long as activity is going on, then burned.

System manager(s) and address:

Air Operations/Oceanographic Officer

Notification procedure:

Refer to sysmanager

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Department of Interior files.

Systems exempted from certain provisions of the act:

None

N00164 01

System name:

Employee Explosives Certification Program

System location:

Organization elements of the Department of the Navy as listed in the directory of Department of the Navy mailing addresses.

Categories of individuals covered by the system:

All personnel involved in the process or evolutions of explosives operations

Categories of records in the system:

Individual certifying document and combined register of all employees certified

Authority for maintenance of the system:

5 USC 301 Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To record the names of all employees and their qualifications to work in certain categories of explosives operations

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folder, punched cards

Retrievability:

SSN, Name

Safeguards:

Personnel escort required

Retention and disposal:

Permanent, unless employee terminates or is no longer involved in explosives processes. Document returned to employee's department for routine disposal after deletion from program

System manager(s) and address:

Commanding officer or head of the organization in question. See directory of Department of Navy mailing addresses.

Notification procedure:

Individuals may inspect personnel certifying documents at local activity to which individual assigned. Requesters must be escorted and provide identification for inspection of their personnel records.

Record access procedures:

The agency rules for access to records may be obtained from the System Manager

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager

Record source categories:

Personnel files, previous supervisors

Systems exempted from certain provisions of the act:

None

N00173 DEC10-ADPBUD

System name:

ADP Budget

System location:

Director Naval Research Laboratory Washington, D.C. 20375

Categories of individuals covered by the system:

Employees and former employees of the Naval Research Laboratory who by the definitions contained in SECNAVINST 5238.1A of 15 Feb 1973 are reportable for purposes of Resource Accounting in Data Processing related activities.

Categories of records in the system:

Contains name, pay number, grade, step, salary related data, man-years of effort (either actual or projected) salary related data and changes in pay status (either actual or projected) which would affect salary costs.

Authority for maintenance of the system:

5USC 301 Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Data is used by managers of computer oriented organizations to formulate Budgets for inclusion in the Automatic Data Processing Program Reporting System - Resource Accounting (Dept. of the Navy).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File Folders and magnetic disc

Retrievability:

Pay number.

Safeguards:

Locked cabinets, personnel screening, (need to know) visitor controls, computer systems software including password protection.

Retention and disposal:

Routinely discarded after three years.

System manager(s) and address:

ADP Coordinator, Code 4014 Director, Naval Research Laboratory, Washington, D. C. 20375

Notification procedure:

A written request to the SYSMANAGER at the above address providing the individual's full name, current address and telephone numbers, dates of employment, organization code(s) and pertinent occupational series code. Determination of record may be made in the Research Program Office, Computation Center, or Office of Comptroller. A drivers license or other recognized form of identification bearing the individuals signature and current address will be required of visitors.

Record access procedures:

The Agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Personnel records

Systems exempted from certain provisions of the act:

None

N00173 1200-5

System name:

Listing of Personnel - Sensitive Compartmented Information

System location:

Director, Naval Research Laboratory, Washington, D. C. 20375

Categories of individuals covered by the system:

Individuals indoctrinated for access to compartmented information.

Categories of records in the system:

Name, affiliation, billet description, clearances authorized, clearances held, rank, Social Security Number, Background Investigation date, date of birth, place of birth, date of marriage, place of marriage.

Authority for maintenance of the system:

5 USC 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used to determine authorization for access to compartmented information. Internal users are Branch Heads, Division Superintendents, Director and Associate Directors of Research and Special Security Office.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Magnetic Tape

Retrievability:

Name, Social Security Number, affiliation, assigned billet number

Safeguards:

Three combination security container and/or vault.

Retention and disposal:

Records maintained as long as individual authorized access; changed as changes occur.

Magnetic tape erased as required.

System manager(s) and address:

Special Security Officer, Naval Research Laboratory, Washington, D. C. 20375

Notification procedure:

Letter to System Manager at above address giving full name, Social Security Number, and affiliation, or visit to NRL Special Security Office with NRL pass as identification

Record access procedures:

The agency's rules for access to records may be obtained from the System Manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

All information obtained from individuals and indoctrination documents.

Systems exempted from certain provisions of the act:

None

N00173 265

System name:

Sight Conservation Program

System location:

Director, Naval Research Laboratory, Washington, D.C. 20375

Categories of individuals covered by the system:

Employees wearing glasses whose work requires the use of safety glasses.

Categories of records in the system:

Eyewear prescriptions and pertinent information on special fitting requirements.

Authority for maintenance of the system:

5 USC 301, Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records of eyewear prescriptions used by contract optometrist in connection with periodic examinations and by Safety Office personnel.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders.

Retrievability:

Name.

Safeguards:

Office door locked at night.

Retention and disposal:

Retained as long as employee is on program. When he leaves NRL or changes job and does not qualify for program, his file is destroyed by tearing it up.

System manager(s) and address:

Head, Safety Office, Naval Research Laboratory, Building 222, Room 188.

Notification procedure:

Verbal request to system manager, with some proof of identity, such as driver's license or ID card.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Optometrist's measurements.

Systems exempted from certain provisions of the act:

None.

N00175 03004

System name:

Staff Judge Advocate's Memorandum File

System location:

Commandant, FOURTH Naval District
Naval Base
Philadelphia, Pa. 19112

Categories of individuals covered by the system:

Any Naval or Marine Corps personnel facing disciplinary or administrative action requiring the personal attention of Commandant, FOURTH Naval District.

Categories of records in the system:

Memoranda of Staff Judge Advocate, FOURTH Naval District

Authority for maintenance of the system:

5 USC 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

(1) To provide Commandant, FOURTH Naval District with legal opinions of Staff Judge Advocate on disciplinary and administrative matters.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Filing folders

Retrievability:

Name and date of advice

Safeguards:

During working hours under custody of Legalman. During non-working hours, building secured by Base Police.

Retention and disposal:

Indefinite

System manager(s) and address:

Staff Judge Advocate, FOURTH Naval District
Naval Base
Philadelphia, Pa. 19112

Notification procedure:

Write letter to Systems Manager at above address which includes (1) name and address of requestor, (2) military status of requestor, (3) social security number of requestor, (4) subject matter of request. In case of personal visit, the requestor must provide (1) military identification card, or (2) social security card. The office is located at Room 103, Building 6, Naval Base, Philadelphia, Pa.

Record access procedures:

The Agency's rules for access to records may be obtained from Systems Manager

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Staff Judge Advocate's opinions.

Systems exempted from certain provisions of the act:

None

N00250 CHK/DEBT-LIST

System name:

Bad Checks and Indebtedness Lists

System location:

Commander, Navy Resale and Services Support Office, 3rd Ave. and 29th St., Brooklyn, NY 11232 (for all Navy Exchanges) Commissary Store operations as listed in the directory of Department of the Navy mailing addresses.

Categories of individuals covered by the system:

Patrons of Navy exchanges and Commissary Stores who have passed checks which have proven bad; recruits who have open accounts wth Navy exchanges; patrons who have made C.O.D. mail order transactions and those patrons who make authorized charge or credit purchases where their accounts are maintained on the basis of an identifying particular such as name, social security number or service number.

Categories of records in the system:

Bad Check System (including: Returned Check Ledger; Returned Check Report; copies of returned checks; bank advice relative to the returned check or checks; correspondence relative to attempt by the Navy exchange or Commissary Store to locate the patron and/or obtain payment; a printed report of names of those persons who have not made full restitution promptly, or who have had two or more checks returned through their own fault or negligence) Accounts Receivable Ledger, detailed by patron; COD Sales Ledger;

Authority for maintenance of the system:

5 USC 301 and 10 USC 5031

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by Department of the Navy's personnel in the performance of their official duties to record receipt of bad checks from patrons; to monitor and avoid undue losses because of continued passing of bad checks. This system also contains information regarding the correspondence issued in an effort to recover losses. A bad check list is locally and centrally. This information is issued to all cashiers, exchange and commissary officers. The Accounts Receivable ledgers are used to properly record credit sales and the payment of these accounts.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

The media in which these records are maintained vary, but include: magnetic tape; printed reports; file folders; file cards;

Retrievability:

Name and social security number

Safeguards:

Locked file cabinets; supervised office spaces; supervised computer tape library which is accessable only through the computer center (entry to the computer center is controlled by a combination lock known by authorized personnel only).

Retention and disposal:

Navy exchange records retention standards are contained in the 'Disposal of Navy and Marine Corps Records, Part II, chapters 4 and 5 and/or the Navy Exchange Manual.

System manager(s) and address:

Policy Official Commander Navy Resale and Services Support Office 3rd Ave. and 29th St. Brooklyn, Ny. 11232
Record Holder Director, Treasury Division (TD) Navy Resale and Services Support Office 3rd Ave. and 29th St. Brooklyn, Ny. 11232

Notification procedure:

Written contact may be made by addressing inquiries to: Commander Navy Resale and Services Support Office 3rd Ave. and 29th St. Brooklyn, Ny. 11232
In the initial inquiry the requester must provide full name, social security number, activity where they had their dealings. A list of other offices the requester may visit will be provided after initial contact is made at the office listed above. At the time of a personal visit, requesters must provide the following proof of identity containing the requester's signature.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

The individual; the bank involved and the activity sales records.

Systems exempted from certain provisions of the act:

None

N00250 FIDELITY BOND

System name:

Commercial Fidelity Bond Insurance Claims

System location:

Commander, Navy Resale and Services Support Office, 3rd Ave. & 29th St. Brooklyn, NY 11232 (for all Navy Exchanges).

Categories of individuals covered by the system:

Civilian and military personnel assigned to Navy exchanges, who the duly constituted authority (usually a Board of Investigation appointed by the base Commanding Officer) has established to be guilty of a dishonest act which has resulted in a loss of money, securities or other property, real or personal, for which the exchange is legally liable.

Categories of records in the system:

Equipment Loss Reports, Cash and/or Merchandise Loss Reports from Navy exchanges, including correspondence relating to losses.

Authority for maintenance of the system:

5USC 301 and 10 USC 5031

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by Department of the Navy personnel in the performance of their duties, to provide information, as required, to the insurance carrier (fidelity Bond Underwriter) for appropriate coverage, as well as to render appropriate assistance in processing insurance claims.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

The media in which these records are maintained varies but includes file folders and ledgers.

Retrievability:

Name, payroll number, service number, activity.

Safeguards:

Locked file cabinets; locked offices which when open are supervised by appropriate personnel; security guards.

Retention and disposal:

Records are retained for three years after settlement and then retired to the Federal Records Center, St. Louis, Mo.

System manager(s) and address:

Commander Navy Resale and Services Support Office 3rd Ave. and 29th St., Brooklyn, NY 11232

Notification procedure:

Written contact may be made by addressing inquiries to: Commander Navy Resale and Services Support Office 3rd Ave. and 29th St. Brooklyn, Ny. 11232

In the initial inquiry the requestor must provide full name, payroll or military service number and activity where they had their dealings. A list of other offices the requestor may visit will be provided after initial contact is made at the office listed above. At the time of a personal visit, requestors must provide proof of identity containing the requester's signature.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

The individual; the insurance underwriter; audit reports; investigatory reports and/or activity loss records.

Systems exempted from certain provisions of the act:

None

N00250 IR-PERS-RECORD

System name:

Industrial Relations Personnel Records

System location:

Commander, Navy Resale and Services Support Office, 3rd Ave. and 29th St., Brooklyn, NY 11232 (for all Navy Exchanges) Commissary Stores operations as listed in the directory of Department of the Navy mailing addresses.

Categories of individuals covered by the system:

Civilian Employees, former civilian employees and applicants for employment with the Navy Resale and Services Support Office and Navy Exchanges located worldwide.

Categories of records in the system:

Personnel jackets (including: Personnel Information Questionnaire; Personnel Action; Certificate of Medical Examination; Indoctrination Checklist; Designation of beneficiary; death benefit; completed leave records; report of accident; cash register overage/shortage records; notice of excessive absence and tardiness, and warnings; report of hearings and recommendations relative to employee grievances; report of all disciplinary action; Certified record of court attendance; Certified copy of completed military orders for any annual duty tours with recognized reserve organizations; Employee job description; Examination papers and tests, if any; Evidence of date of birth, where required; Security Investigation Data, where required; Official work performance rating; Official letters of recommendations; Designation of Beneficiary for Unpaid Compensation; Reference check records; applicant files; tuition assistance records; grievance/appeal records; employee profiles; personnel security information (including: National Agency Checks and Naval Investigative Service reports); Travel requests, travel allowance and claims record; Transportation Agreements; employee affidavit; Priviledge Card Application and listing;

Authority for maintenance of the system:

5 USC 301 and 10 USC 5031.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by Department of the Navy personnel in the performance of their duties as follows: retention of forms necessary to properly record the employment history of each employee, reflecting performance of employees which may be used by selecting officials in choosing employees for promotion or transfer; for verification of employment; to provide a record of travel performed and verification that the employee received proper remuneration for the travel performeded; to insure employees receive timely consideration in the processing of work appraisals and salary increases;

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

The media in which these records are maintained vary, but include: file folders; magnetic tapes; punch cards; rolodex files; cardex files; ledgers; and printed reports.

Retrievability:

Name and/or social security number; employee job number; employee payroll number.

Safeguards:

Locked file cabinets; safes; locked offices which are supervised by appropriate personnel, when open; supervised computer tape library which is accessible only through the Computer Center (entry to computer center is controlled by a combination lock known by authorized personnel only); security guards.

Retention and disposal:

Current employee records remain on file at the appropriate personnel offices; records on former employees are retained for one year and then forwarded to the Federal Records Center, St. Louis, Mo. for retention of permanent papers and destruction of temporary papers, applicant files are retained for one year, except that applications from those over 40 years old are retained for two years.

System manager(s) and address:

Policy Official Commander Navy Resale and Services Support Office 3rd Ave. and 29th St. Brooklyn, Ny. 11232

Record Holder Manager, Recruitment and Employment (IRD3) Navy Resale and Services Support Office 3rd Ave and 29th St. Brooklyn, Ny. 11232

Individual record holders within the central system may be contacted through the central system record holder.

Notification procedure:

Written contact may be made by addressing inquiries to: Commander Navy Resale and Services Support Office 3rd Ave. and 29th St. Brooklyn, Ny. 11232

In initial inquiry, the requester must provide full name, social security number, activity where last employed or where last application for employment was filed. A list of other offices the requester may visit will be provided after initial contact is made at the office listed above. At the time of a personal visit, requester must provide proof of identity containing the requester's signature.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

The employee; former employers; educational institutions; supevisors of employees; applicants; applicants previous employers; Naval Investigative Service; Federal Bureau of Investigation.

Systems exempted from certain provisions of the act:

Parts of this system may be exempt under 5 U.S.C. 552 a (j) or (k), as applicable. For additional information contact the System Manager.

N00250 LAYAWAYS

System name:

Layaway Sales Records

System location:

Commands, Navy Resale and Services Support Office, 3rd ave. and 29th Street, Brooklyn, NY 11232 (for all Navy exchanges)

Categories of individuals covered by the system:

Patrons of Navy exchanges who buy goods on a layaway

Categories of records in the system:

Layaway Tickets and layaway patron lists

Authority for maintenance of the system:

5USC301 and 10USC5031

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by Department of the Navy personnel in the performance of their duties to record the selection of layaway merchandise, record payments, verify merchandise pick-up and perform sales audit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders include layaway tickets and layaway patron lists.

Retrievability:

Name, address, service number or exchange permit number

Safeguards:

Locked file cabinets, supervised records space

Retention and disposal:

Destroyed after two years per Navy Exchange Manual

System manager(s) and address:

Policy Official Commander Navy Resale and Services Support Office 3rd Ave. and 29th St. Brooklyn, Ny. 11232

Record Holder Director, Controller Division (CD) Navy Resale and Services Support Office 3rd Ave. and 29th St. Brooklyn, Ny. 11232

Individual record holders within the central system may be contacted through the central system record holder.

Notification procedure:

Written contact may be made by addressing inquiries to: Commander Navy Resale and Services Support Office 3rd Ave. and 29th St. Brooklyn, Ny. 11232

In the initial inquiry, the requester must provide full name, social security number, activity where layaway sales were transacted. A list of other offices the requester may visit will be provided after initial contact at the office listed above. At the time of personal visit, requesters must provide proof of identity containing the requester's signature.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

The individual

Systems exempted from certain provisions of the act:

None

N00250 MILITARY-MISYS

System name:

Resale System Military Management Information System

System location: Commander Navy Resale and Services Support Office 3rd Avenue and 29th Street Brooklyn, NY 11232

Categories of individuals covered by the system:

Present and past military officer and key enlisted personnel assigned to the Navy Resale System.

Categories of records in the system:

Management Information System (including: Name; rank or rate; social security number; designation date of rank; date reported; rotation date; educational level; lineal number; dependency status) Card file on officers assigned (including: dates in navy resale system; location of assignments) Correspondence folder with Officer and senior enlisted personnel (containing: preference of assignment; biographical information; and orders)

Authority for maintenance of the system:

5USC301 and 10USC5031

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by Department of the Navy Personnel in the performance of their official duties related to determining recommended replacements for key military personnel; recommending actions to the officer, personnel division, Navy Systems Command; and keeping a record of orders and pertinent correspondence with individual personnel.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

The media in which these records are maintained vary, but include: Magnetic tape; printed reports; card files and file folders.

Retrievability:

Name: rank or rating, social security number

Safeguards:

Locked file cabinets; locked archives; supervised office spaces and supervised computer tape library which is accessable only through the computer center (entry to computer center is controlled by a combination lock known by authorized personnel only).

Retention and disposal:

Navy exchange records retention standards are contained in the 'Disposal of Navy and Marine Corps Records, Part II Chapters 4 and 5 and/or the Navy Exchange Manual.

System manager(s) and address:

Policy Official Commander Navy Resale and Services Support Office 3rd Ave. and 29th St. Brooklyn, Ny. 11232

Record Holder Director, Office of Military Personnal (OMP) Navy Resale and Service Support Office 3rd Ave. and 29th St. Brooklyn, Ny. 11232

Notification procedure:

Written contact may be made by addressing inquiries to: Commander Navy Resale and Services Support Office 3rd Ave. and 29th St. Brooklyn, Ny. 11232

In the initial inquiry, the requester must provide full name, social security number and military duty status. At the time of a personal visit, the requester must provide proof of identity containing the requester's signature.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contestng contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

U.S. Navy Manpower Information System; the Bureau of Personnel Navy); the individual; the individual's superior officer.

Systems exempted from certain provisions of the act:

None

N00250 PAY&BENEFITS

System name:

Payroll and Employee Benefits Records

System location:

Commander, Navy Resale and Services Support Office, 3rd Ave. and 29th St., Brooklyn, NY 11232 (for all Navy Exchanges) Commissory Store Operations as listed in the directory of Department of the Navy mailing addresses.

Categories of individuals covered by the system:

Civilian employees and former civilian employees with the Navy Resale and Services Support Office and Navy Exchanges located world-wide. (Payroll and benefits information) Civilian employees and former civilian employees of Coast Guard exchanges, clubs and messes and US Navy civilian employees.

Categories of records in the system:

Distribution reports; tax reports; leave accrual reports; earnings records cards, payroll registers; insurance records and reports regarding property damage, personal injury or death, group life, disability, medical and retirement plan; payroll savings authorization; record of payroll savings; overtime authorization; Treasury Department tax withholding exemption certificate.

Authority for maintenance of the system:

5 USC 301 and 10 USC 5031

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by Department of the Navy personnel in the performance of their duties as follows: to calculate pay; prepare checks for distrubition; prepare deducation registers; leave records; to submit federal and state tax reports; to record contributions to benefit plans; to process all insurance claims; to provide information as required to the insurance carriers and U.S. Department of Labor, Bureau of Employees Compensation; to calculate retirement benefits upon request of employees;

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

The media in which these records are maintained vary, but include: Magnetic tape files; card files; file folders; ledgers; and printed reports.

Retrievability:

Name and/or social security number; employee job number; employee payroll number.

Safeguards:

Locked file cabinets; safes; locked offices which are supervised by appropriate personnel, when open; security guards; supervised computer tape library which is accessable only through the computer center (entry to computer center is controlled by a combination lock known by authorized personnel only).

Retention and disposal:

Navy exchange records retention standards are contained in the 'Disposal of Navy and Marine Corps Records, Part II, Chapters 4 and 5.' and/or the Navy Exchange Manual.

System manager(s) and address:

Policy Official Commander Navy Resale and Services Support Office 3rd Ave. and 29th St. Brooklyn, Ny. 11232

Record Holder Risk Manager Navy Resale and Services Support Office 3rd Ave and 29th St Brooklyn, Ny. 11232

Individual record holders within the central system may be contacted through the central system record holder.

Notification procedure:

Written contact may be made by addressing inquiries to: Commander Navy Resale and Services Support Office 3rd Ave. and 29th St. Brooklyn, Ny 11232

In the initial inquiry the requester must provide full name, social security number, activity where last employed. A list of other offices the requester may visit will be provided after initial contact is made at the office listed above. At the time of a personal visit, requesters must provide proof of identity containing the requester's signature.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

The employee of former employee; payroll department; the employee's supervisor and the employee's physician or insurance carrier's physician.

Systems exempted from certain provisions of the act:

NONE

N00250NAVLODGE RECORD

System name:

Navy Lodge Records

System location:

Commander, Navy Resale and Services Support Office, 3rd Ave. and 29th St., Brooklyn, NY 11232 (for all Navy Exchanges)

Categories of individuals covered by the system:

Patrons and guests authorized lodging at a Navy exchange Navy Lodge.

Categories of records in the system:

Reservation request; guest registration card; navy lodge guest folio.

Authority for maintenance of the system:

5 USC 301 and 10 USC 5031

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by the Department of the Navy personnel in the performance of their duties to: a record of reservations to insure orderly room assignment and avoid improper booking; record registration and payment of account; verify proper usage by eligible patrons; cash control; gathering of occupancy data; determine occupancy breakdown; rental and furnishings accountability.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

The media in which these records are maintained vary, but include: folio card; ledger; Guest Registration Cards; and local copies and reports of central system reports.

Retrievability:

Name; service number; social security number

Safeguards:

Supervised offices; locked files

Retention and disposal:

Navy exchange records retention standards are contained in the 'Disposal of Navy and Marine Corps Records, Part II, chapters 4 and 5 and the Navy Exchange Manual. Local reservation request forms are destroyed 1 month after the actual date of check-in.

System manager(s) and address:

Policy Official Commander Navy Resale and Services Support Office 3rd Ave. and 29th St. Brooklyn, Ny. 11232

Record Holder Manager, Personalized Services (SMD4) Navy Resale and Services Support Office 3rd Ave. and 29th St. Brooklyn, Ny. 11232

Individual record holders within the central system may be contacted through the central system record holder.

Notification procedure:

Written contact may be made by addressing inquiries to: Commander Navy Resale and Services Support Office 3rd Ave. and 29th St. Brooklyn, Ny. 11232

In the initial inquiry the requester must provide full name, social security number, service number and location of the last Navy Lodge where they had dealings. A list of other offices the requester may visit will be provided after initial contact is made with the office listed above. At the time of a personal visit, requesters must provide proof of identity containing the requester's signature.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

The individual patron and the charges he or she incurred during a visit at the Navy Lodge.

Systems exempted from certain provisions of the act:

None

N00251 007

System name:

Legal Office Litigation/Correspondence Files

System location:

Commander, Puget Sound Naval Shipyard, Bremerton, WA 98314

Categories of individuals covered by the system:

Criminal and civil plaintiffs/defendants involved in litigation against or involving Puget Sound Naval Shipyard

Categories of records in the system:

Statements, affidavits, correspondence, briefs, petitions, court records involving litigation and related matters

Authority for maintenance of the system:

Title 28, USC; Executive Order 10561; 5 USC 301; 10 USC 801-940

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Preparation of correspondence, litigation material

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File cabinets

Retrievability:

Case citation, name of individual

Safeguards:

Locked in executive spaces

Retention and disposal:

Most are retained permanently, others disposed of in accordance with Defense Disposal Manual

System manager(s) and address:

Commander, Puget Sound Naval Shipyard, Bremerton, WA 98314, or Legal Officer (Code 107), Puget Sound Naval Shipyard

Notification procedure:

Direct inquiry to SYSMANAGER, providing name, rank/rate/shop or badge number and social security number

Record access procedures:

The agency's rules for access to records may be obtained from the system manager

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the system manager

Record source categories:

Court records, personal interviews and statements, departmental records, State and Federal records, police reports and complaints, general correspondence

Systems exempted from certain provisions of the act:

Parts of this system may be exempt under 5 U.S.C. 552 a (j) or (k), as applicable. For additional information contact the System Manager.

N00251 080

System name:

Puget Sound Naval Shipyard, Navy Exchange Tobacco Sales

System location:

Commander, Puget Sound Naval Shipyard, Bremerton, WA 98314

Categories of individuals covered by the system:

Authorized patrons of facility

Categories of records in the system:

Purchaser's name, serial number, duty station or home address, date, item and quantity of purchase

Authority for maintenance of the system:

5 USC 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Review for possibility of resale

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Batch files by date

Retrievability:

Name

Safeguards:

File cabinet in locked office

Retention and disposal:

4 Months - disposed through commercial disposal facilities

System manager(s) and address:

Commander, Puget Sound Naval Shipyard, Bremerton, WA 98314 and Navy Exchange Officer

Notification procedure:

Direct inquiry to SYSMANAGER, providing name and approximate date of purchase

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the system manager.

Record source categories:

Information provided by the individual.

Systems exempted from certain provisions of the act:

None

N00344 BP 714003

System name:

Youth Activities Association Membership Record

System location:

Commanding Officer Naval Air Station FPO San Francisco, CA 96611

Categories of individuals covered by the system:

All eligible applicants for membership in non-appropriated fund recreational activities for youths

Categories of records in the system:

Membership cards (5 in. x 7 in.) recording personal data provided by individual applicants

Authority for maintenance of the system:

5 USC 301, Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information used exclusively by Military Services Department to record membership status in th youth association, to verify the youth's eligibility for participation in youth activities, to identify and aid in the location of a youth's sponsor in the event of emergencies, and to verify sponsor's agreement to provide volunteer assistance in furtherance of youth activities

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Card file

Retrievability:

By sponsor's name

Safeguards:

Card file is in Military Services Office, marked for official use only, office is locked after normal working hours

Retention and disposal:

Kept until membership status terminates and then destroyed

System manager(s) and address:

Military Services Officer Naval Air Station FPO San Francisco, CA 96611

Notification procedure:

Individual inquiries to be made in person at SYSMANAGER address above. Requstor to provide full name and military status; proof of identity to be made by presentation of military identification card or valid driver's license.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Individual applicants provide all information

Systems exempted from certain provisions of the act:

None

N00600-1NAVTIS

System name:

Navscols/Tis, USMC Aviation Training Supsys

System location:

Schools and other training activities or similar organizational elements of the Department of the Navy and Marine Corps as listed in the directory of Department of Navy activities.

Categories of individuals covered by the system:

Records of present, former, and prospective students at Navy and Marine Corps schools and other training activities or associated educational institution of Navy sponsored programs; instructors, staff and support personnel; participants associated with activities of the

Naval Education and Training Command, including the Navy Campus for Achievement and other training programs; tutorial and tutorial volunteer programs; dependents' schooling.

Categories of records in the system:

Schools and personnel training programs administration and evaluation records. Such records as basic identification records i.e., social security number, name, sex, date of birth, personnel records i.e., rank/rate/grade, branch of service, billet, expiration of active obligated service, professional records i.e., Navy enlisted classification, military occupational specialty for Marines, subspecialty codes, test scores, basic test battery scores, and Navy advancement test scores. Educational records i.e., education levels, service and civilian schools attended, degrees, majors, personnel assignment data, course achievement data, class grades, class standing, and attrition categories. Academic/training records, manual and mechanized, and other records of educational and professional accomplishment.

Authority for maintenance of the system:

5 USC 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Schools and training programs administration and evaluation. Student performance, progression and prediction; instructors performance; organizational and administrative control. Internal Navy users are Chief of Naval Personnel, Naval Education and Training Command Activities Staff Personnel and the Commandant of the Marine Corps and his designated officials in the performance of their duties relating to aviation training/assignments. Type commanders; Health/Science Education Training Center; Cheif, Bureau of Medicine and Surgery; Commander Naval Recruiting Command, and to other Department of the Navy officials in the performance of personnel training functions. Information may be used to determine course and training demands, requirement, and achievements; analyze student groups or courses; provide academic and performance evaluation in response to official inquiries; guidance and counseling of students; preparation of required reports, and for other training administration and planning purposes. Internal users are staff and faculty. Information is provided to officials of the Department of Defense on 'need-to-know' basis in the performance of their official duties; and for reporting to other government agencies, such as HEW. It may be provided to such civilian contractors and their employees as are or may be operating in accordance with an approved official contract with the U.S. Government.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are stored in microform or in file folders, card files, file drawers, cabinets, or other filing equipment. Automated records may be stored on magnetic tape, discs, punched cards, etc.

Retrievability:

Social security number and name

Safeguards:

Access is provided on a 'need-to-know' basis and to authorized personnel only. Records are maintained in controlled access rooms or areas. Data is limited to personnel training associated information. Computer terminal access is controlled by terminal identification and the password or similar system. Terminal identification is positive and maintained by control points. Physical access to terminals is restricted to specifically authorized individuals. Password authorization, assignment and monitoring are the responsibility of the functional managers. Information provided via batch processing is of a predetermined and rigidly formatted nature. Output is controlled by the functional managers who also control the distribution of output.

Retention and disposal:

Records disposal manual.

System manager(s) and address:

The commanding officer of the activity in question. See the directory of Navy and Marine Corps activities mailing addresses.

Notification procedure:

Apply to system manager. Requestor should provide his full name, social security number, military or civilian duty status, if applicable, and other data when appropriate, such as graduation date. Visitors should present drivers license, military or Navy civilian employment identification card, or other similar identification.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Individuals, schools and educational institutions, Chief of Naval Personnel, staff of Naval Education and Training Command and other activities and the Commandant of the Marine corps; instructor personnel; and commander, Naval Recruiting Command.

Systems exempted from certain provisions of the act:

None

N0529A NAVJAG 5813-1

System name:

Court-Martial Case Report

System location:

Chief, Navy-Marine Corps Trial Judiciary, Washington Navy Yard, Washington, D.C. 20374

Categories of individuals covered by the system:

All individuals having appeared before a special or general court-martial within the preceding two fiscal years.

Categories of records in the system:

The recording of the Article violation of the UCMJ, the plea, the finding, the sentence and other related information concerning the trial.

Authority for maintenance of the system:

5 USC 301, Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used to formulate status reports provided to JAG when directed by him to do so.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Stored in file folders by circuit and fiscal year

Retrievability:

By name or case number

Safeguards:

Personnel screening, visitor control

Retention and disposal:

Two fiscal years. They are not moved to Record Centers but are disposed of after two fiscal years in the same manner as all other unclassified material, i.e., general destruction.

System manager(s) and address:

Circuit Military Judge
ATLANTIC Judicial Circuit
Navy-Marine Corps Trial Judiciary
Washington Navy Yard
Washington, D.C. 20374

Notification procedure:

Write to address listed under SYSMANAGER. Provide full name, branch of service, military status, where stationed when tried, and when tried

Record access procedures:

The agency's rules for access to records may be obtained from the system manager

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager

Record source categories:

Military Judge of respective individual's court-martial

Systems exempted from certain provisions of the act:

NONE

N09191 POW DEBRIEFS

System name:

Summary debriefs of former Prisoners of War.

System location:

Fleet Aviation Specialized Operational Training Group, Pacific Fleet, Naval Air Station, North Island, San Diego, California 92135

Categories of individuals covered by the system:

Former Prisoners of War in Southeast Asia.

Categories of records in the system:

Synopsis of captivity experiences as summarized by debriefers.

Authority for maintenance of the system:

5 USC 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Background information on captivity experiences, resistance techniques, and survival aspects including indoctrination, interrogation, PW organization, communications, medical/isolation conditions and facilities for use in training program. Users are school instructors/managers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders.

Retrievability:

Name.

Safeguards:

Need to know certification, locked room, limited access building with visitor control, GSA Approved Security Container.

Retention and disposal:

Held indefinitely in support of training.

System manager(s) and address:

Commander, Naval Intelligence Command, Naval Intelligence Command Headquarters, 2461 Eisenhower Avenue, Alexandria, Virginia 22331.

Notification procedure:

Commanding Officer of military personnel submit visit request (OPNAV Form 5521-27) to Commanding Officer, Fleet Aviation Specialized Operational Training Group, Pacific Fleet, Naval Air Station, North Island, San Diego, California 92135. Civilian personnel submit request to System Manager.

Record access procedures:

The Agency's rules for access to records may be obtained from the System Manager.

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the System Manager.

Record source categories:

Debriefing sessions with individual concerned.

Systems exempted from certain provisions of the act:

Parts of this system may be exempt under 5 U.S.C. 552 a (j) or (k), as applicable. For additional information contact the System Manager.

N09520 CMIS

System name:

Court-Martial Index and Summary

System location:

Commander Light Attack Wing, U. S. Pacific Fleet, Naval Air Station, Lemoore, California 93245

Categories of individuals covered by the system:

Every accused tried by court-martial convened by a subordinate command

Categories of records in the system:

A card which summarizes the pertinent information from a record of trial such as name, rate, charges, pleas, findings, sentence, convening and supervisory authorities actions.

Authority for maintenance of the system:

5 USC 301 Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Summarise records of trial for reviewing officers and provide an alphabetical index for locating filed records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

5' X 7' index cards

Retrievability:

Name

Safeguards:

Maintained in manned room which is locked during non-working hours.

Retention and disposal:

Maintained for five years. Destroyed by burning.

System manager(s) and address:

Staff Judge Advocate, Commander Light Attack Wing, U. S. Pacific Fleet, Naval Air Station, Lemoore, California 93245

Notification procedure:

Information can be obtained by writing SYSMANAGER or visiting his office and providing full name, Social Security Account Number and year of court-martial. Military ID card or driver's license will be sufficient for visitors.

Record access procedures:

The Agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Record

Systems exempted from certain provisions of the act:

None

N1875-01

System name:

Correction Board Case Files System.

System location:

Board for Correction of Naval Records, Department of the Navy, Washington, D.C. 20370; decentralized segments located in the Naval Military Personnel Command, Headquarters, U.S. Marine Corps, and the individual military personnel record of the service member concerned.

Categories of individuals covered by the system:

Any member or former member of the U.S. Navy or Marine Corps who has applied for the correction of his/her naval record.

Categories of records in the system:

Records consist of file cards with basic information and computer records derived therefrom, case files containing records of board proceedings, material submitted for correction and supporting documentation, correspondence and transcripts of board formal hearings. The basic case information and computer records derived therefrom include the following: rank; social security number/service number; docket number; date application received; subject category; subject category description; examiner's initials; date examiner assigned; branch of service; board decision; date of board decision; date decision promised if interested members of Congress; date case forwarded to the Secretary of the Navy; lineal number of officer applicant; officer designated; date officer case forwarded to Naval Military Personnel Command/Commandant of the Marine Corps; date officer case returned from Naval Military Personnel Command/Commandant of the Marine Corps; date advisory opinion requested; identity of advisor's organization; date advisory opinion received; date service record ordered; date medical record ordered; date court-martial record ordered; date confinement record order; date Navy Discharge Review Board record ordered; date other record ordered; date service record received; date medical record received; date court-martial record received; date confinement record received; date Navy Discharge Review Board record received; date other record received; number of Navy applications received; number of Marine Corps applications received; total number of Navy and Marine Corps applications received; percent of total to grand total; total number of Navy discharge cases; total number Marine Corps discharge cases; Navy grant count; Navy deny count; Navy modify count; Marine grant; Marine deny count; Marine modify count.

Authority for maintenance of the system:

Section 1552, Title 10 United States Code; Part 723 Title 32 Code of Federal Regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Internal:

Board for Correction of Naval Records-To review applicant's naval record to determine the existence of alleged error or injustice and to recommend appropriate corrective action when warranted-to report its findings, conclusions and recommendations to the Secretary of the Navy in appropriate cases-to respond to inquiries from applicants, their counsel and members of Congress.

Naval Military Personnel Command-To provide advisory opinions in case involving present and former Navy personnel, to correct records of present and former Navy personnel in accordance with approved Board decisions.

Bureau of Medicine and Surgery-To provide advisory opinions on medical matters.

Naval Council of Personnel Board/Office of Naval Disability Evaluation- To provide advisory opinions on medical matters.

Headquarters, United States Marine Corps-To provide advisory opinions in cases involving present and former Marine Corps personnel, to correct records of present and former Marine Corps personnel in accordance with approved correction Board decisions.

Litigation Division, Office of the Judge Advocate General, Department of the Navy- To prepare legal briefs and answers to complaints against the Department of the Navy, etc.

External:

Department of Justice-to defend law suits instituted against the Department of the Navy in cases involving applications to the Board for Correction of Naval Records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are maintained as paper and microfiche records in file folders, and manually retrieved file cards.

Retrievability:

Records are filed alphabetically, by the last name of the applicant and are cross filed by docket number, and service or social security account numbers.

Safeguards:

Access to building is protected by uniformed security officers requiring positive identification; for admission after hours, records are maintained in areas accessible only to authorized personnel.

Retention and disposal:

All file cards are permanently retained by the agency. Case files are permanent. They are retained in the active files for three years and then retired to the Washington National Records Center, Suitland, Maryland.

System manager(s) and address:

Executive Director, Board for Correction of Naval Records, Department of the Navy, Washington, D.C. 20370.

Notification procedure:

Information should be obtained from the systems manager. Requesting individuals should specify a full name, and social security account numbers or service numbers. Visitors should be able to provide proper identity, such as a drivers license. Written requests must be signed by a requester or his/her legal representative.

Record access procedures:

Information may be obtained from the Board for Correction of Naval Records, Department of the Navy, Washington, D.C. 20370 by providing name, military status, branch of service and social security number. Current address and telephone numbers should be included. Personal visits may be made only to the Board for Correction of Naval Records, Arlington Annex, Columbia Pike and Southgate Road, Arlington, Virginia. For personal visits, identification will be required.

Contesting record procedures:

The agency's rules for contesting contents of records and appealing initial determinations by the individual concerned may be obtained from the systems manager.

Record source categories:

All official Naval records, Veteran's ADMINISTRATION AND POLICE AND LAW enforcement records.

Systems exempted from certain provisions of the act:

None.

N30460(STUDENT)

System name:

Legal Diary

System location:

Naval Air Technical Training Center, Lakehurst, New Jersey 08733

Categories of individuals covered by the system:

The Legal Diary contains chronological summaries of events/dispositions of individuals, both staff and student, which cause other than routine actions to be taken by the Legal Division of the Administrative Department, Naval Air Technical Training Center, Lakehurst, New Jersey.

Categories of records in the system:

The Legal Diary is composed of 8 1/2" X 11 1/2" pages on which the following information is recorded: rate, name of individual, branch of service, social security number, and summarized chain of events and dispositions in the case of the individual related to discipline and/or legal assistance.

Authority for maintenance of the system:

5 USC 301 Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The Legal Diary is utilized to document legal actions, current and past, and aids in briefing the Commanding Officer, NATTCL with a view toward proper disposition of current cases. Past (closed) cases retained on file are utilized for providing precedence for current cases, and answering higher authority with regard to inquiry of past cases handled.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File Folders

Retrievability:

Chronological

Safeguards:

Locked room

Retention and disposal:

Two years

System manager(s) and address:

Legal Assistance Referral Officer, NATTCL

Notification procedure:

Apply to System Manager.

Record access procedures:

The Agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Police Department/Court records, military security records, credit organizations, service record entries, military/civilian hospitals.

Systems exempted from certain provisions of the act:

None

N30571 STAEMP/FININ

System name:

Statements of Employment and Financial Interest

System location:

Organizational elements of the Department of the Navy as listed in the directory of Department of the Navy activities.

Categories of individuals covered by the system:

Persons filing DD 1555 or DD 1555-1

Categories of records in the system:

DD 1555 or DD 1555-1 and supplemental lists or reports.

Authority for maintenance of the system:

5 USC 301 Departmental Regulations and E.O. 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

For supervisors and counselors to determine whether the employee has or may have a conflict of interest. For law enforcement and investigatory agencies, such as the Naval Investigative Service, Federal Bureau of Investigation, and Department of Justice, to handle violations.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders and card files.

Retrievability:

Name.

Safeguards:

Safe or locked file cabinet accessible to authorized personnel only.

Retention and disposal:

Per SECNAV Records Disposal Manual.

System manager(s) and address:

Commanding Officer or head of the organization in question. See directory of Department of the Navy mailing addresses.

Notification procedure:

Apply to System Manager.

Record access procedures:

The agency's rules for access to records may be obtained from the System Manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

Individual concerned, his supervisor, and the counselor.

Systems exempted from certain provisions of the act:

None

N30640 NATTCL 1080/1

System name:

Students Awaiting Legal, Medical Action Account

System location:

Naval Air Technical Training Center, Lakehurst, New Jersey 08733

Categories of individuals covered by the system:

a. The student locator card file contains specific data on all student personnel assigned to NATTCL, whether or not they successfully completed training. A dead file is maintained after the student is transferred.

b. The 'Others' File is a list of all students on board that are not enrolled in class. Categories include: disciplinary, medical, and administrative (awaiting orders, port calls, passports, humanitarian requests, administrative discharge).

Categories of records in the system:

a. The student locator card file is composed of 4' X 6' cards on which the following is recorded: Name, previous command, rate, branch of service, date of transfer, new duty station and command, estimated date of arrival, standard transfer order number, and rate upon departure.

b. The following information is included on students listed in the 'Others' file: date of hold, type of hold, estimated period of hold, work assignment, parent command notification, date re-enrolled, availability submission (used to notify Chief of Naval Personnel of member's availability for transfer), date orders or discharge authorization received, date transferred, and remarks.

Authority for maintenance of the system:

5 USC 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

a. The file is used routinely to verify date of departure; to determine, in conjunction with the next duty station, if member is an unauthorized absentee; to verify attendance and/or completion of training; to answer requests by parents who do not know the school or class which member is attending; for forwarding official correspondence.

b. This file is utilized to maintain accountability of all students not enrolled in class to ensure the appropriate administrative actions are completed in a timely manner ensuring minimum delay in the training pipeline. The file is utilized daily by the Student Control Office and is routed periodically to the Commanding Officer via the Personnel Officer, Administrative Officer, and Executive Officer.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

a. Index card drawer
b. File Folders

Retrievability:

a. Name
b. Name, Rate, Social Security Number

Safeguards:

a. Locked room

b. Maintained in locked room - accessibility is limited to the Student Control Office personnel, Personnel Officer, Administrative Officer, Legal Officer, Executive Officer, and Commanding Officer.

Retention and disposal:

a. Two years

b. Two years

System manager(s) and address:

a. Personnel Office Supervisor
b. Personnel Office Supervisor

Notification procedure:

a. The file is available to members upon proper identification.

b. The file does not contain information beneficial to the individual; however, with proper identification any student can review the form pertaining to himself. This may be accomplished by presentation of military I.D. Card to a responsible petty officer in the Student Control Office.

Record access procedures:

The Agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

a. Official documents such as orders, assignment directives, and service records.

b. Sources of information are: NATTCL Schools, Medical Authorities, Legal Officer, Transfer Section of Personnel Office, Drug Exemption Officer, NATTCL Duty Office.

Systems exempted from certain provisions of the act:

None

N31698.WHSP

System name:

White House Support Program

System location:

White House Liaison Office, Office of the Secretary of the Navy, Department of the Navy, Washington, DC 20350.

Categories of individuals covered by the system:

All Navy and Marine Corps military and civilian personnel and contractor employees who have been nominated by their employing activities for assignment to Presidential support duties.

Categories of records in the system:

Personnel records, correspondence, and other documents and records in both automated and nonautomated form concerning classification, security clearances, assignment, training, and other qualifications relating to suitability for Presidential support duties.

Authority for maintenance of the system:

5 U.S.C. 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Officials and employees of the Department of the Navy, other components of the Department of Defense, and Executive Office of the President in the performance of their official duties related to personnel administration and the evaluation and nomination of individuals for assignment to Presidential support duties; officials and employees of other federal agencies and offices, upon request, in the performance of their official duties related to the provision of Presidential support and protection; the Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies. General use and purpose: To insure that only those individuals most suitably qualified are assigned to duty in Presidential support activities.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Automated records may be stored on magnetic tapes, disc drums, and on punched cards. Manual records may be stored in file folders, or microform.

Retrievability:

Manual Records: By name if individual has been nominated and not yet approved. By OSD approval date if individual has been approved, and by employing activity removal date if an individual is removed from assignment for cause. Automated records may be retrieved by name, social security number, and control number.

Safeguards:

Records are afforded appropriate protection at all times, stored in locked rooms and locked file cabinets, and are accessible only to

authorized personnel who have a definite need to know and who are properly screened, cleared, and trained.

Retention and disposal:

Records are retained or disposed of in accordance with SECNAVINST P5212.5B, subj: Disposal of Navy and Marine Corps records.

System manager(s) and address:

Administrative Aide to the Secretary of the Navy, Navy Department, Washington, D.C. 20350

Notification procedure:

Requests from individuals by correspondence should be addressed to the Office of the Administrative Aide to the Secretary of the Navy, Navy Department, Washington, D.C. 20350. Visits are limited to the Office of the Administrative Aide to the Secretary of the Navy. Written requests should contain the full name of the individual and his social security number. For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, etc.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Officials and employees of the Department of the Navy and other Department of Defense components; federal, state, and local court documents; civilian and military investigative reports; general correspondence concerning the individual; and federal and state agency records.

Systems exempted from certain provisions of the act:

Parts of this system may be exempt under 5 U.S.C. 552a (k)(1), (2), (3) and (5), as applicable. For additional information, contact the System Manager.

N31708NC&PB

System name:

Naval Clemency and Parole Board files

System location:

Naval Clemency and Parole Board, Room 729, Ballston Tower #2, 801 North Randolph Street, Arlington, Va. 22203

Categories of individuals covered by the system:

Members or former members of the Navy or Marine Corps whose cases have been or are being considered by the Naval Clemency and Parole Board.

Categories of records in the system:

The file contains individual applications for clemency or parole, reports and recommendations thereon indicating progress in confinement or while awaiting completion of appellate review if not confined, or on parole; correspondence between the individual or his counsel and the Naval Clemency and Parole Board or other Navy offices; other correspondence concerning the case; the court-martial order and staff Judge Advocate's review; and a summarized record of the proceedings of the Board.

Authority for maintenance of the system:

10 U.S.C. 874(a), 952-954

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The file is used in conjunction with periodic review of the member's or former member's case to determine whether or not clemency or parole is warranted. The file is referred to in answering inquiries from the member or former member or their counsels. The file is referred to by the Navy Discharge Review Board and the Board for Correction of Naval Records in conjunction with their subsequent review of applications from members or former members. The file is also used by counsel in connection with representation of members or former members before the Naval Clemency and Parole Board.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

Folders are filed by name and social security number or service number.

Safeguards:

Files are kept within the Naval Clemency and Parole Board administrative office. Access during business hours is controlled by Board personnel. The office is locked at the close of business; the building in which the office is located employs security guards.

Retention and disposal:

Files are permanent. They are retained in the Naval Clemency and Parole Board's administrative office until all portions of the sentence have been completed and the discharge has been executed. After that the folders are sent to Washington National Records Center, 4025 Suitland Road, Suitland, MD. 20023

System manager(s) and address:

Director, Navy Council of Personnel Boards, Department of the Navy, 801 North Randolph Street, Arlington, Va. 22203

Notification procedure:

Information may be obtained from the Naval Clemency and Parole Board, Room 905, 801 North Randolph Street, Arlington Va. 22203, Telephone 202/692-4592

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Information contained in the file is obtained from the member or former member or from those acting in their behalf, from confinement facilities, from military commands and offices, from personnel service records and medical records, and from civilian law enforcement agencies or individuals.

Systems exempted from certain provisions of the act:

Portions of this system may be exempt under 5 U.S.C. 552a(j) or (k), as applicable. For additional information contact the system manager.

N31708NDRB

System name:

Navy Discharge Review Board Proceedings.

System location:

Navy Discharge Review Board, Room 1132, Ballston Tower 2, 801 North Randolph Street, Arlington, Va. 22203

Categories of individuals covered by the system:

Former Navy and Marine Corps personnel who have submitted applications for review of discharge or dismissal pursuant to 10 USC 1553, or whose discharge or dismissal has been or is being reviewed by the Navy Discharge Review Board, on its own motion, or pursuant to an application by a deceased former member's next of kin.

Categories of records in the system:

The file contains the former member's application for review of discharge or separation, any supporting documents submitted therewith, copies of correspondence between the former member or his counsel and the Navy Discharge Review Board and other correspondence concerning the case, and a summarized record of proceedings before the Board.

Authority for maintenance of the system:

10 USC 1553

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The file is used in conjunction with the consideration of the former member's application for review of discharge or dismissal and any subsequent application by the member. The file is referred to in answering inquiries from the former member or counsel regarding the action taken in the former member's case. The file is referred to by the Board for Correction of Naval Records in conjunction with its review of any subsequent application by the former member for a correction of records relative to the former member's discharge or dismissal. The file is used by counsel for the former member, and by accredited representatives of veterans' organizations recognized by the Administrator of Veterans' Affairs under 38 U.S.C. 3402 and duly designated by the former member as his or her representative before the Navy Discharge Review Board.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders; plastic recording disks and recording cassettes.

Retrievability:

The records are filed by name, by social security number, and by service number.

Safeguards:

Files are kept within the Navy Discharge Review Board's administrative office. Access during business hours is controlled by Board personnel. The office is locked at the close of business; the building in which the office is located employs security guards.

Retention and disposal:

Files are permanent. They are retained in the Navy Discharge Review Board's administrative office for two years. After that time, they are sent to the Federal Records Center, Suitland, Maryland

System manager(s) and address:

Director, Navy Council of Personnel Boards, Department of the Navy, 801 North Randolph Street, Arlington, Va. 22203

Notification procedure:

Information may be obtained from the Navy Discharge Review Board, Room 1132, 801 North Randolph Street, Arlington, Va. 22203. Telephone 202/692-4991

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Information contained in the files is obtained from the former member or those acting on the former member's behalf, from military personnel and medical records, and from records of law enforcement investigations.

Systems exempted from certain provisions of the act:

NONE

N57043 NAVMAR4065

System name:

Commissary/Exchange Control Program

System location:

Commander in Chief Pacific Representative, Guam and the Trust Territory of the Pacific Islands, FPO San Francisco 96630

Categories of individuals covered by the system:

All authorized commissary and exchange patrons on Guam.

Categories of records in the system:

Automated master tape, purchase amounts, abuser notification letters, and high value merchandise purchased.

Authority for maintenance of the system:

5 USC 301 Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Quarterly review by authorized personnel to identify potential abusers

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Master tape, punched cards, readout lists, file folders on purchase entries and abuser letters

Retrievability:

Social security account number

Safeguards:

Maintained in file cabinet in locked office spaces

Retention and disposal:

Names maintained on master tape and deleted three months after last purchase for commissary purchases; names maintained on master tape and deleted two years after initial purchase for exchange purchases.

System manager(s) and address:

Commander in Chief Pacific Representative, Guam and the Trust Territory of the Pacific Islands

Notification procedure:

Apply to the system manager.

Record access procedures:

The agency rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Individual to whom records pertain.

Systems exempted from certain provisions of the act:

None

N60258 002

System name:

Welfare and Recreation Ticket Selection Program

System location:

Commander, Long Beach Naval Shipyard, Long Beach, CA 90801

Categories of individuals covered by the system:

All On-Board Employees of the Command

Categories of records in the system:

Name, Shop, Badge, Date won, Signature

Authority for maintenance of the system:

5 USC 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To award tickets to employees on a random basis.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Computer print-outs

Retrievability:

By random sequence number indexed to Name, Shop and Badge No.

Safeguards:

Stored in a locked cabinet in the Industrial Relations Department

Retention and disposal:

Until every employee has been awarded tickets.

System manager(s) and address:

Commander, Long Beach Naval Shipyard, Long Beach, CA 90801

Notification procedure:

Direct inquiry to the SYSMANAGER, providing Shop, Badge and Name

Record access procedures:

The Agency's rules for access to records may be obtained from the SYSMANAGER.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Payroll Master File.

Systems exempted from certain provisions of the act:

None

N60530 1

System name:

BIBLIOGRAPHY

System location:

Naval Weapons Center; China Lake, Ca. 93555

Categories of individuals covered by the system:

Employees of the NWC who have authored local or open literature publications or who have been granted patents or a notice of allowability for a patent.

Categories of records in the system:

Publications and patents of activity employees with a summary of its content.

Authority for maintenance of the system:

5 USC 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Primary use is as a technical reference document for scientific and engineering literature published by the Naval Weapons Center. Users

are headquarters officers, other DOD laboratories in all three services, and private industry scientific research and development organizations.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Official, bound publication

Retrievability:

Name of author or inventor, subject of publication or patent, or number of publication or patent.

Safeguards:

Document is kept in locked, secured area. Individuals allowed access based on showing of need to know and proper security clearance.

Retention and disposal:

Indefinitely.

System manager(s) and address:

Head, Informatin Department, Naval Weapons Center, China Lake, California 93555.

Notification procedure:

Individuals can determine whether the system contains records pertaining to them by contacting the system manager or visiting that office. Activity security badge will constitute proof of identity.

Record access procedures:

The Agency's rules for access to records may be obtained from the System Manager.

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

The authors listed and the departments in which they are employed.

Systems exempted from certain provisions of the act:

None

N61339 WA1144

System name:

Design of Training Systems Data Base - Instructor File

System location:

Commanding Officer Fleet Training Center Norfolk, VA 23511

Categories of individuals covered by the system:

The system contains records on each instructor assigned to the Fleet Training Center, Norfolk, Virginia.

Categories of records in the system:

The Instructor File contains the following information: Instructor Number, Name, Initials, Rate/Rating, Assigned Department, Reporting Date, Month/ Year Rotation Date, Contact Hours Available.

Authority for maintenance of the system:

5 USC 301, Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The information contained in the instructor file is used in a Research and Development effort to determine the feasibility of the application of mathematical models at the Fleet Training Center, Norfolk, Virginia for the management and control of instructor resources. The internal users of this system are the Fleet Training Center, Norfolk, VA, and the Training Analysis and Evaluation Group, Orlando, Florida. The system was developed under contract by the International Business Machines Corporation, 7900 N. Astronaut Boulevard, Cape Canaveral, Florida.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Magnetic Disc

Retrievability:

Instructor Number

Safeguards:

Sign-on procedures on computer terminal with guarded password to prevent unauthorized access.

Retention and disposal:

The instructor records are maintained to support a feasibility study under a research and development contract. The contract ends in September 1975 with maintenance of the files continued until 1976. If the results of the study prove the feasibility of the approach the system would be appropriately modified and become operational. Otherwise, the system records would be effectively destroyed. Records have been effectively maintained from February 1975.

System manager(s) and address:

Policy Official
Director
Training Analysis and Evaluation Group
Orlando, Florida 32813
Record Holder
Commanding Officer
Fleet Training Center
Norfolk, Virginia

Notification procedure:

Individuals can determine whether the system contains records pertaining to them by writing the SYSMANAGER indicated, giving full name, instructor number, and service time attached to the Fleet Training Center, Norfolk, VA as an instructor. Personal visits to the SYSMANAGER require the same information.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Officer Master File System, Enlisted Master File System, Navy Intergrated Training and Resources Administration System.

Systems exempted from certain provisions of the act:

None

N61581 LOGISTICS

System name:

Otsu Prision health and comfort items

System location:

Commander Fleet Activities, FPO Seattle 98762

Categories of individuals covered by the system:

Individuals who have been imprisoned under Japanese Law and Jurisdiction for various offenses.

Categories of records in the system:

Record of requests for, receipt of, and issues to of individuals imprisoned in Otsu Prison located in Yokosuka, Japan.

Authority for maintenance of the system:

5 USC 301, Departmental Regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used for billing armed services, other than Navy and Marine Corps for items of health and comfort issued to their personnel imprisoned. Billing is prepared in accordance with existing interservice support agreements (ISSAS). Additionally, file used to answer complaints in instances where prisoners contend they are not supported properly.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folder.

Retrievability:

Alphabetically by surname. New individual files instituted with arrival of individual in prison. Previous files retrieved to semi-active for one year and thereafter destroyed without report.

Safeguards:

Files maintained in locked file cabinet in locked office.

Retention and disposal:

Destroyed without report after two years.

System manager(s) and address:

Commander Fleet Activities, FPO Seattle 98762

Notification procedure:

Requests from individuals should be addressed to the SYSMANAGER listed above and provide, as a minimum, the following information: rank/ rate, full name, branch of service, social security number. Files maintained in logistics within command and requestors may visit this office for review of their files during normal working

hours. Proof of identification limited to Armed Forces Identification Cards or Passports.

Record access procedures:

The agency's rule for access to record may be obtained from the System Manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

Prison Officials.

Systems exempted from certain provisions of the act:

None.

N62585 RATION PERMITS

System name:

Ration Card, Luxury Permit Record Cards.

System location:

Commander, U.S. Naval Activities, United Kingdom, Box 60, FPO NY 09510

Categories of individuals covered by the system:

Officer, Enlisted and civilian component personnel

Categories of records in the system:

Ration Card/Luxury Permit holders are entered on a 5'X8' color coded cards, which are contained in boxes and maintained alphabetically. Ration Cards/Luxury Permit are registered in log, showing name of individual and number of Ration Card/Luxury Permit issued.

Authority for maintenance of the system:

5 USC 301 Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The purposes of the maintenance of records are (1) to establish strict control over persons entitled to acquire tax-free ration items; (2) to ensure entitled personnel do not obtain more than one ration card/luxury permit, and (3) for the purposes of inspection by officers of Her Majesty's Commissioners of Customs and Excise, United Kingdom, with whom Ration Card and Luxury Permits program was originally negotiated by the U.S. military authorities. Access to records is available to accredited members of the Naval Investigative Service Office upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

All Ration Card/Luxury Permit records maintained on 5'X8' cards filed and listed in numerical order in logs.

Retrievability:

Name

Safeguards:

Records held in file cabinets in space maintained by Enlisted Personnel Office during working hours and locked after working hours.

Retention and disposal:

All records maintained for duration of tour of personnel concerned. Thereafter destroyed when ration card/luxury card destroyed.

System manager(s) and address:

Commander, U.S. Naval Activities, United Kingdom, Box 60, FPO NY 09510

Notification procedure:

Personnel presenting a valid military identification card or Department of Defense identification card at this office, can obtain viewing of all records pertaining to themselves. No procedures exist for providing this type of information by mail, nor is it normally required by individuals.

Record access procedures:

The agency's rules for access to records may be obtained from the System Manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

Not applicable

Systems exempted from certain provisions of the act:

NONE

N62585POV/GAS RECORDS

System name:

Privately-owned Tax-free Vehicle Record Cards. Tax-free Gasoline Record Cards.

System location:

Commander, U. S. Naval Activities, UK, FPO NEW YORK 09510

Categories of individuals covered by the system:

Officers, enlisted and civilian component personnel.

Categories of records in the system:

Privately-owned tax/free vehicles and owners are entered on typewritten 8' x 5' white cards, which are contained in boxes and maintained alphabetically. Gasoline coupon records are maintained on individually-completed green 8' x 5' cards (3AF fORM 43) AND FILED ALPHABETICALLY. i.d. windscreen stickers registered in log, showing name of individual and sticker number allocated.

Authority for maintenance of the system:

5 USC 301 Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The purposes of the maintenance of records are (1) to establish strict control over persons entitled to acquire tax-free vehicles; (2) to ensure entitled personnel do not obtain gasoline coupons in excess of their entitlement, and (3) for purposes of inspection by officers of Her Majesty's Commissioners of Customs and Excise, United Kingdon, with whom the tax free vehicle and gasoline program was originally negotiated by the U. S. military authorities. Access to records is available to accredited members of the Naval Investigative Services Office upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

All vehicle and gasoline records maintained on 8' by 5' cards. I. D. Stickers listed numerically in register.

Retrievability:

Name.

Safeguards:

Records held in file cabinets in space maintained by Law Center personnel when unsecured and locked when not so monitored.

Retention and disposal:

All records maintained for duration of tour of personnel concerned. Thereafter destroyed when vehicle shipped out of the country or scrapped. Gas coupon records destroyed upon turn-in of unused coupons on departure of personnel.

System manager(s) and address:

Commander, U. S. Naval Activities, UK (Staff Judge Advocate)

Notification procedure:

Individuals presenting a valid military identification card or Department of Defense identification at the Office of the Staff Judge Advocate, U. S. Naval Activities, U. K., can obtain viewing of all records pertaining to themselves. No procedures exist for providing this type of information by mail, nor is it normally required by individuals.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Application by member.

Systems exempted from certain provisions of the act:

NONE

N62695-01

System name:

Naval Audit Personnel Development System

System location:

Naval Audit Service Headquarters, P.O. Box 1206, Falls Church, Virginia, 22041

Categories of individuals covered by the system:

All personnel employed by the Naval Audit Service.

Categories of records in the system:

Employee audit experience and historical career development data.

Authority for maintenance of the system:

5 USC 301 Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Audit task assignment and future career development; forecasting talent requirements.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Magnetic tape

Retrievability:

Name, SSN

Safeguards:

Computer System Software; code word access.

Retention and disposal:

Records retained until employee retires, is deceased, or leaves Audit Service for other employment; record is then destroyed.

System manager(s) and address:

Director, Naval Audit Service is overall policy official; Director, Education and Training Division has direct control; Naval Audit Service HQ, Falls Church, Va 22041

Notification procedure:

Apply to System Manager

Record access procedures:

The agency's rules for access to records may be obtained from the System Manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

Individual concerned. Standard civilian personnel files.

Systems exempted from certain provisions of the act:

None

N62769 02

System name:

Individual Merchandise Control Record

System location: Merchandise Control Offices:

U. S.Naval Station, Subic Bay, RP
U. S.Naval Air Station, Cubi Point, RP
U. S. Naval Communications Station Philippines, San Miguel, RP, and 3D Combat Support Group, Clark Air Base, RP.

Categories of individuals covered by the system:

Individual records are maintained on each person issued a ration card for purchasing purposes at the various bases in the Philippines.

Categories of records in the system:

Purchases of individuals while attached for duty and authorized to buy items during their tenure in the Philippines.

Authority for maintenance of the system:

Military Bases Agreement and subsequent exchange of notes between the Governments of the United States of America and the Republic of the Philippines.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by Department of the Navy personnel in their duties related to: monitoring the purchases of individuals to insure they are not over expending their purchase limitations or abusing their tax-free privileges afforded them, plus, identify any possible blackmarketeering.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders

Retrievability:

Name

Safeguards:

Only authorized employees allowed access to files, locked cabinets.

Retention and disposal:

If no violations during tour - destroyed immediately upon detachment; if minor violations - destroyed after three months of detachment; if permanent revocation of privileges invoked - record kept indefinitely.

System manager(s) and address:

Merchandise Control Officers, U.S.Naval Station, Subic Bay; U.S.Naval Air Station, Cubi Point; U.S. Naval Communcations Station Phil, San Miguel, RP, and 3D Combat Support Group, Clark Air Base, RP.

Notification procedure:

Individual must fill out merchandise control information form upon requesting a ration card be issued. Info provided merchandise control officers. Requester must provide merchandise control officer with his name, rank/rate/GS rating, marital status, number of dependents, age of dependents, name of parent command attached to in the Phillipines, social security number, name of dependents; individual can visit merchandise control office applicable to their command for record maintenance. Military ID card required.

Record access procedures:

The Agency's rules for access to records may be obtained from the System Manager.

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

Personal data of individual and dependents

Systems exempted from certain provisions of the act:

None

N6276903

System name:

International Legal Hold Files

System location:

U.S. Naval Legal Offices in a foreign country.

Categories of individuals covered by the system:

Military personnel, members of civilian component and their dependents who have had criminal charges lodged against them in a foreign country.

Categories of records in the system:

Computerized summaries and card files containing copies of legal documents received and filed relative to the case, statements, affidavits, handwritten notes, and other miscellaneous data about the particular case.

Authority for maintenance of the system:

5 USC 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by foreign civilian attorneys in representing the accused, by the accused's military advisor in seeking an expeditious settlement of the case; by supervisory personnel in the performance of their official duties when monitoring the legal hold status of the individuals involved; and by authorized officials in the Department of Defense for required reports. reports.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are maintained on magnetic tape, file folders and file cards.

Retrievability:

Files are retrieved by name and ssn.

Safeguards:

Only personnel in international law department are authorized access. Building is kept locked when not occupied.

Retention and disposal:

For computerized and manual records-retain on tape until the final outcome of each case, whether it be by final adjudication or out of court settlement and then destroyed.

System manager(s) and address:

Commanding Officer or head of the organization in question. See directory of Department of the Navy mailing addresses.

Notification procedure:

Requester can write to the system manager giving name, rate and service number. Military ID or any standard ID showing applicant's photo shall be sufficient for personal visits.

Record access procedures:

The Agency's rules for access to records may be obtained from the System Manager.

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

Foreign judicial system, accused, attorneys representing accused, military legal advisor, Provost Marshal's office, subject's commanding officer, witnesses, and the complainant.

Systems exempted from certain provisions of the act:

None

N63110 ATJ

System name:

Aviation Training Jacket

System location:

The Aviation Training Jacket accompanies the individual student to each Naval Air Command as he progresses in the training program. Upon completion or termination of training, the Aviation Training Jacket is forwarded to the following command:

Chief of Naval Air Training
Naval Air Station
Corpus Christi, TX, 78419

Categories of individuals covered by the system:

All naval aviators, naval flight officers, naval flight surgeons, aviation warrant officers, and precommissioning training for aviation maintenance duty and aviation intelligence officers. This includes records in the above categories for individuals who do not complete prescribed training.

Categories of records in the system:

Aviation flight training, practical and academic grade scores, including pre-training aviation test battery scores.

Authority for maintenance of the system:

5 USC 301, DEPARTMENTAL REGULATIONS

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Evaluation of individual training progress and evaluation of training systems including studies and statistical analysis of training matters within the Naval Air Training Command. Summaries of training provided to other Naval commands where further training is required. Academic transcripts provided to educational institutions upon individual request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders in metal filing cabinets.

Retrievability:

Name and date of designation, completion or termination of training.

Safeguards:

Access is restricted to the individual or those who maintain training records and those who are directly involved with the individual's training or evaluation. The file cabinets containing the jackets are in command areas under normal military 24 hour security measures.

Retention and disposal:

Retained at the Chief of Naval Air Training headquarters for six months, then transferred to the Federal Records Center, East Point, GA. Retained for 75 years (SECNAVINST 5212.5B).

System manager(s) and address:

Chief of Naval Air Training, Naval Air Station, Corpus Christi, TX 78419

Notification procedure:

The individual is informed that the Aviation Training Jacket is being maintained and has ready access to it during training. After training, he can submit written request to the system manager listed above and must provide name, social security number or officer file number, and date of completion or termination of training. Personal vistors can provide proof of identity by military identification card, active or retired, or driver's license and some record of naval service.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Prior educational experience, flight grades, academic grades supporting flight training, physical fitness/survival/swimming proficiency, aviation physlology training and qualifications, and birth certificate.

Systems exempted from certain provisions of the act:

None

N63110 FIST

System name:

Flight Instruction Standardization and Training (FIST) Jacket

System location:

The FIST jacket is located at the various Naval Air Training Commands where the individual may be assigned. The following command can be contacted to determine the location of any specific command. Chief of Naval Air Training Naval Air Station Corpus Christi, TX 78419

Categories of individuals covered by the system:

All naval aviators and naval flight officers assigned to duty as instructors within the Naval Air Training Command.

Categories of records in the system:

A record of flight instruction standardization and training required of naval aviators and naval flight officers assigned duty as instructors.

Authority for maintenance of the system:

5 USC 301, Departmental regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Scheduling of training flights. Qualification and designation as a flight instructor. Initial qualification and re-designation in type aircraft to instruct. Used by Commanding Officers and training personnel of the command to which the individual is assigned. Administration of the FIST Program.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders in metal file cabinets.

Retrievability:

Name, rank, and social security number.

Safeguards:

Access is restricted to the individual, his commanding officer, or those involved in maintaining training records. The file cabinets containing the jackets are in command areas under normal military 24 hour security measures.

Retention and disposal:

Jackets are retained in the individual's command until detachment, at which time it is given to the individual.

System manager(s) and address:

Chief of Naval Air Training, Naval Air Station, Corpus Christi, TX 78419

Notification procedure:

The individual is informed that the FIST jacket is being maintained, participates in its development and, additionally, is required to review the jacket with his instructor periodically.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting content and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Academic tests Flight performance evaluation Check flight evaluation Instructor's evaluation Command determinations Personal input

Systems exempted from certain provisions of the act:

None

N63116 MASTER FILE

System name:

Naval Health Research Center Date File

System location:

Naval Health Research Center, San Diego, California 92152

Categories of individuals covered by the system:

Navy and Marine personnel on active duty since 1960 to date. Civilians taking part in Operation Deep Freeze, 1964 to date.

Categories of records in the system:

Extracts of information from official medical and personnel records as well as information dealing with biographical, attitudes, and questions relating to health patterns during active service.

Authority for maintenance of the system:

5 USC 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Users are military and civilian research personnel of this command. Inquiries are answered from the Bureau of Medicine and Surgery and The Naval Medical Research and Development Command, as well as other medical research activities in the Department of Navy relative to the types and frequency of illnesses in Navy and Marine Corps personnel.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Prinicpal medium is magnetic tape with file and punch card back-up as required.

Retrievability:

Retrievability is by Social Security number or service number as appropriate for military and former military personnel. Civilians are by name only.

Safeguards:

Access to Information on magnetic tape is restricted to authorized personnel only by means of a password.

Retention and disposal:

Since the information in this file is used to study longitudinal health patterns, and as a basis for comparison of changes in health patterns over long periods of time, they are most carefully maintained. As information is transferred from research forms to magnetic tape, those forms and the punch cards resulting from them are destroyed as the need for maintenance of a back-up capability no longer exists. The spaces occupied by this command are in military compounds with limited access and established security patrols.

System manager(s) and address:

Head, Programming Branch, Naval Health Research Center, San Diego, California 92152.

Notification procedure:

Navy and Marine Corps personnel and former serving members must provide a social security number or service number as appropriate, give the branch of service, and years of active duty. Civilians in Operation Deep Freeze must identify themselves by full name and the year in which they wintered over.

Record access procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

Information is derived from (a) Medical Treatment Record Systems, including medical, dental, health records, inpatient treatment records and outpatient treatment records, (b) Personnel Records System and Personnel Rehabilitation Support System, (c) Enlisted Master File, (d) information provided by the members themselves on a volunteer basis in response to specific research questionnairs and forms, and (e) information provided by the members' peers and superiors.

Systems exempted from certain provisions of the act:

None.

N63116 POW/MIA FILE

System name:

pow/mia captivity studies

System location:

Naval Health Research Center, Center for Prisoner of War Studies, San Diego, California 92152

Categories of individuals covered by the system:

Files are maintained by Code on all military and civilian returned prisoners of war, and on the families of military POW/MIAs, civilian POWs and military KIAs.

Categories of records in the system:

Files consist of intelligence debriefing material, microfilm and microfiche copies of medical records, X-rays, dental and somatotype photographs, newspaper clippings, individual and family research questionnaires.

Authority for maintenance of the system:

5 USC 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Files are converted to group statistics and are used for research into the effects of the captivity experience on the man and his family and for recommending changes in training and improved health care delivery services, as well as for professional publications.

Professional Staff, Center for Prisoner of War Studies; Research Staff, Naval Aerospace Medical Institute, Pensacola, Florida; Research Staff, Brooke Army Medical Center, San Antonio, Texas.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Files consist of file folders, magnetic and video tapes, key-punched IBM cards, computer tapes, microfiche and microfilm.

Retrievability:

Files are retrieved by code number.

Safeguards:

Files are mainfained by code in locked file cabinets within a vault with 24-hour sensor security. There is personal screening of all visitors, and building is in a classified area. Only professional research personnel with security clearance are given access to file codes.

Retention and disposal:

The files will be maintained as long as there is an ongoing program of captivity research; with destruction of codes when files are closed.

System manager(s) and address:

Head, Environment Stress Branch, CPWS

Notification procedure:

Write: Director, Center for Prisoner of War Studies, Naval Health Research Center, San Diego, Ca. 92152, providing full name, military or civilian status, POW status, security clearance, and service affiliation.

Record access procedures:

The Agency's rules for access to records may be obtained from the System's manager.

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

All information contained in files was obtained through personal interviews with returned POWs, families of POW/MIA/KIA/civilian POWs, through intelligence debriefings at time of repatriation, newspapers and periodicals, and from materials supplied by the Department of the Army (Office of the Surgeon General and Army Intelligence); Department of the Navy (Bureau of Medicine and Surgery and Naval Intelligence); and Marine Corps Headquarters.

Systems exempted from certain provisions of the act:

None.

N63285 ADMIN

System name:

Administrative Files System

System location:

Naval Investigative Service (NIS) Headquarters 2461 Eisenhower Avenue, Alexandria, Va. 22331

Decentralized Segments - Naval Investigative Service Offices (NISOs) retain duplicate copies of certain segments of the administrative files. Addresses of these offices are included in the directory of Department of the Navy mailing list.

Categories of individuals covered by the system:

Past and present civilian, military and foreign national personnel assigned world-wide NIS.

Categories of records in the system:

Personnel Management System - an automated management information and statistical system containing all needed items of personnel information.

Special Agent Career Development Files - a compendium of Civil Service Performance Evaluation and Ratings and all correspondence unique to the NIS Special Agent, including annual physical examinations, which has a bearing on world-wide assignability, promotion and general career assessment.

Weapons Inventory File - an automated file containing the credential number, badge, weapons and handcuffs assigned to each NIS criminal investigator.

Personnel Security Clearance File - an automated file containing the classified material access level and date of last security clearance for assigned civilian and military personnel of NIS.

Personnel Utilization Data File - an automated file designed to provide statistical information regarding the manner by which available NIS manhours are expended in the execution of its assigned investigative and counterintelligence mission. The file is formed by the submission (monthly) of individual manhour diaries. All assigned personnel input to this system; their manhours are categorized by function.

Freedom of Information and Privacy Requests File. Records relating to requests for information pursuant to the Freedom of Information Act and the Privacy Act of 1974, and responses thereto. Duplicate copies are also retained by the Naval Intelligence Command, 2461 Eisenhower Avenue, Alexandria, Va. 22331.

Authority for maintenance of the system:

5 U.S.C. 301; Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The Personnel Management System is used in preparation of virtually all personnel documents and personnel statistical studies. It provides such information as the average grade, the total number and composition of personnel at each NIS component and the past assignments of personnel. It is used on a daily basis by personnel technicians and management level personnel in the formation and execution of staffing actions for the various NIS components, informal verification of employee's tenure and the compilation of necessary statistical studies.

Special Agent Career Development Files - The information in these files is used for within-agency decisions regarding reassignment, promotion, career training and long-range development. They form within-agency repository for both adverse and favorable documents regarding Special Agents. The files have a long-range fuction - that of forming the basis for law enforcement retirement service certification. Though part of the file is duplicated in the Official File maintained by the Civilian Personnel Office, the Special Agent Career Development file is considered priviledged information and its contents are not released outside NIS. Within NIS, the files are maintained and controlled exclusively within the Career Services Division, NIS Headquarters and by assigned personnel to that Division. The files are released for review only to senior management personnel of NIS.

Weapons Inventory File - used to identify and inventory credentials, weapons, badges and handcuffs issued to authorized NIS personnel.

Personnel Security Clearnace File - used to informally verify and authenticate security clearances issued to NIS personnel. The file has a daily working purpose of acting as a check sheet for the updating of security clearances. It further is the file referred to when the director, NIS, is required to certify th access level of certain assigned NIS personnel to other Navy commands as well as civilian contractors.

Personnel Utilization Data File - a statistical file from which an indepth analyses of manhour expenditures are surveyed. The file is highly automated and used exclusively within NIS. The various analyses drawn from the file are used to modify the staffing levels at various NIS components based on actual work level. It further provides a tool to NIS management to gauge the efficiency of all components by comparing their workload with the amount of manhours available.

The records in this system are referred, as appropriate to authorized governmental units, such as Office of Civilian Manpower Management and Civil Service Commission, making various personnel determinations, e.g., retirement, awards, disciplinary action; to law enforcement personnel conducting criminal or suitability investigations; to DoD components, other agencies or industrial firms requiring confirmation of security clearance level; to higher authority for statistical purposes; limited response to credit queries; and medical records to personal physicians.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

The Personnel Management System, Weapons Inventory File, Personnel Security Clearance File and the Personnel Utilization Data File are stored on magnetic tape in an automated system. The Personnel Management System is composed of visible file cards and computer paper printouts; the Personnel Security Clearance File is composed of computer paper printouts and associated Department of Defense security certification documents, the latter being filed in individual file folders; the Weapons Inventory File and the Personnel Utilization Data File are composed of computer paper printouts only.

The Special Agent Career Development files are composed exclusively of paper records in file folders.

Retrievability:

Information is accessed and retrieved by name only in the Special Agent Career Development File. The Weapons Inventory File is queried by either name only or by item number (i.e., badge, credential, weapon, handcuff serial number).

The Personnel Management System is accessed by name and SSAN; retrieval is by individual data characteristic such as GS-grade level, duty-station, special qualifications, language qualifications or it my be retrieved by name only or in conjuction with the SSAN.

The Personnel Utilization Data File is normally accessed and retrieved by location and functional category of employment (i.e., Special Agent, clerical, etc.). The capability exists, however, to retrieve by SSAN. The Personnel Security Classificaton File is a subordinate file to the Personnel Management System. Accession is by name and SSAN. Retrieval is accomplished by computer paper printout in both alphabetical and duty-station format.

Safeguards:

All files in this system are protected by limited, controlled access, safes, and locked cabinets and doors. Futher, visitor control and secure computer software measures (where applicable) are utilized.

Retention and disposal:

Personnel indexed in the Personnel Management System and the Personnel Security Clearance File are deleted from the magnetic tape data storage upon termination of employment. Residual paper records are retained from two to five years.

Personnel indexed in the Weapons Inventory File are deleted at such time as assigned equipment is returned and accounted for. Residual paper printouts are destroyed at least semi-annually.

The Special Agent Career Development Files are semi-permanent and are retained, at least in essential skeletal format, indefinitely.

System manager(s) and address:

Director, Naval Investigative Service, 2461 Eisenhower Avenue, Alexandria, Va. 22331.

Notification procedure:

Requests from individuals should be addressed to the System Manager, above. Individuals submitting requests should provide their full name, date of birth, SSAN and dates of employment or assignment with NIS.

In the case of personal visits, individuals requesting access to files in this system will be required to present reasonable proof of identity to minimally include a drivers' license or similar document at least one of which must bear a current photograph and be able to provide (orally) some element of unique identifying data such as name of spouse or a past duty-station with NIS.

Record access procedures:

Access to files in this system may be gained by written notification or personal visit to the Naval Investigative Service Headquarters at the location specified above. Requests should be directed to the Information and Privacy Coordinator.

Contesting record procedures: The agency's rule for access to records and for contesting contents and appealing initial determinations by the inividual concerned may be obtained from the system manager.

Record source categories:

In the case of Personnel Management System and the Personnel Utilization Data System, the individual employee is the prime source of information both for initial access to the files as well as periodic update. The Personnel Security Clearance File information is obtained as a sub-file to the Personnel Management System. The information for the Weapons Inventory File is obtained from personnel charged with the issuance of various items inventoried therein (with verification by the personnel to whom the items are issued.)

Information for the Special Agent Career Development File is recieved from the individuals supervisors, from various Naval Commands and other Federal and State agencies with whom the Special Agent has had professional contact and from the individual himself. Also, this file contains copies of each physical examination required annually of assigned civilian Special Agents.

Systems exempted from certain provisions of the act:

None.

N63285 01

System name:

NIS Investigative Files System

System location:

Primary System-NIS Records Management Division Administration Department, NIS Headquarters, Hoffman Building, 2461 Eisenhower Ave., Alexadria, Va. 22331.

Decentralized Segments - Naval Investigative Service Offices (NISOs) retain copies of certain segments of the investigative files, and related documentation for up to one year. Addresses of these offices are included in the directory of Department of the Navy mailing addresses. Naval Investigative Service Resident Agencies retain copies of investigative reports during pendency and for 90 days thereafter. They also retain evidence custody cards on persons from whom evidence was seized. The number and location of these Resident Agencies are subject to change in order to meet the requirements of the Department of the Navy. Current location may be obtained from Naval Investigative Service Headquarters.

Categories of individuals covered by the system:

Persons in the following categories who require access to classified defense information prior to August 1972: Active and inactive members of the naval service, civilian personnel employed by the Department of the Navy (DoN), industrial and contractor personnel, civilian personnel being considered for sensitive positions, boards, conferences, etc., civilian personnel who worked or resided overseas, Red Cross personnel. Civilian and military personnel accused, suspected or victims of felonious type offenses, or lesser offenses impacting on the good order, discipline, morale or security of the DoN. Civilian personnel seeking access to or seeking to conduct or operate any business or other function aboard a DoN installation, facility or ship. Civilian or military personnel involved in the loss, compromise or unauthorized disclosure of classified material/information. Civilian and military personnel who were of counterintelligence interest to the DoN.

Categories of records in the system:

Categories of records in the system: Official Reports of Investigation (ROI) prepared by NIS or other military, federal, state, local or foreign law enforcement or investigative body on either hard copy or microfilm. NIS Information reports (NIRs). NIRs document information received by NIS which is of interest to the naval services or other law enforcement or investigative bodies. The information may be of criminal, counterintelligence or general investigative interest.

General Administration Reports (GEN). The investigative purpose of the GEN is to report the results of pre-employment inquiries on applicants for positions as Special Agents with NIS.

Investigative summaries, memoranda for the files and correspondence relating to specific cases and contained in the individual dossier.

Polygraph Data. A listing of persons who submitted to polygraph examination by NIS examiners. The data includes the examinee's name, location and results of the examination and the identity of the examiner.

Case Control and Management documents which serve as the basis for controlling and guiding the investigative activity.

Records identifying confidential sources and contacts with them.

Index to persons reported by 'Name Only'.

Wiretap Data Records. Automated listing of persons who were subjects of wiretapping or eavesdropping operations.

Case Control and Narcotics Data Records. Automated records used only for statistical purposes in accounting for productivity, manhours expenditures; various statistical data concerning narcotics usage and used solely for statistical purposes.

Modus Operandi Files.

Screening Board Reports. These reports set forth the results of oral examination of applicants for a position as a Special Agent with the NIS.

Authority for maintenance of the system:

5 U.S.C. 301
44 U.S.C. 3101
47 U.S.C. 605

Executive Memorandum of 26 June 1939; Investigations of espionage, counterespionage and sabotage matters.

Executive Order 12036; United States Intelligence Activities; Secnavinst 5520.3, criminal and security investigations and related activities within the Dept of the Navy; DOD Dir 5210.8, policy on investigation and clearance of DOD Personnel for access to defense information; DOD Dir 5210.9, military personnel security program; DOD Dir 5200.26, defense investigative program: DOD Dir 5200.27, acquisition of information concerning persons and organizations not affiliated with the Dept of Defense; and DOD Dir 5200.24, telephone interception and eavesdropping.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The information in this system is (was) collected to meet the investigative, counterintelligence and security responsibilites of the DoN. This includes personnel security, internal security, criminal and other law enforcement matters all of which are essential to the effective operation of the department.

The records in this system are used to make determinations of; suitability for access or continued access to classified information, suitability for employment or assignment, suitability for access to military installations or industrial firms engaged in government projects/contracts, suitability for awards or similar benefits; referral to other law enforcement or investigatory authorities for law enforcement purposes; use in current law enforcement investigation of any type including applicants; use in judicial or adjudicative proceedings including litigation or in accordance with a court order; insurance claims including workmens compensation; provide protective services under the DoD Distinguished Visitor Protection Program and to assist the U.S. Secret Service in meeting its responsibilities; Congressional interest including the General Accounting Office; respond to the Freedom of Information and Privacy Acts; use for public affairs or publicity purposes such as wanted persons, etc.; referral of matters under their cognizance to federal, state or local law enforcement authorities including criminal prosecution, civil court action or regulatory order; disclosure to federal intelligence/counterintelligence agencies of matters under their purview disclosure to foreign government organizations of criminal and counterintelligence information necessary for the prosecution of justice, or for mutual security and protection; advising higher authorities and naval commands of important developments impacting on security, good order or discipline; reporting of statistical data to naval commands and higher authority; disclosure to the National Archives; use by other investigative unit (federal, state or local) for whom the investigation was conducted; release to defense counsel, disclosure in course of acquiring the information, input into the Defense Central Index of Investigations; disclosure to victims of crimes to the extent necessary to pursue civil and criminal remedies.

Users of the records in this system include employees of the NIS who require access for operational, administrative or supervisory purposes; DoD criminal investigative, investigative and intelligence units; federal, state and local units engaged in criminal investigative, investigative and intelligence activities; federal regulatory agencies with investigative units, DOD components making suitability determinations; federal, state or local judicial or adjudicative bodies; Congressional bodies, including the General Accounting Office who require access within the scope of their jurisdiction for those authorized purposes enumerated above to the extent that those purposes are within the scope of their authority. Commercial insurance companies in those instances in which they have a legitimate interest in the results of the investigation, but only to that extent and provided an invasion of privacy is not involved.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders, on cards and on microfilm. Automated records on magnetic tape.

Retrievability:

NIS permanent files are filed by terminal digit number. In order to locate the file it is necessary to query the Defense Central Index of Investigations (DCII) computer using the name of the subject and at least one other personnel identifier such as date of birth, place of birth, social security number or military service number. Files may also be retrieved by a case control number assigned at the time the investigation is initiated. Copies of the files in the NISOs and Resident Agencies are retrieved by name.

Safeguards:

NIS investigative files (permanent and temporary) are maintained and stored in open shelves and filing cabinets located in secured areas accessible only to authorized personnel. Dated files are retired to the Washington National Records Center where retrieval is restricted to NIS authorized personnel.

Retention and disposal:

Retention of completed NIS Investigative files on Personnel Security Investigations (PSI's) is authorized for 15 years unless adverse information is developed, in which case they may be retained for 25 years. PSI files on persons considered for affiliation with DOD will be destroyed within one year if the affiliation is not consummated. Special Agent applicant records are retained for one year if the applicant declines offer of employment and five years if the applicant is rejected for employment. Criminal files are retained for 25 years. Major investigations of a counterintelligence/security nature, of espionage or sabotage, may be retained permanently. Certain of the above records, when found to have possible historical value, may be offered to the National Archives for continued retention. Counterintelligence records on persons not affiliated with DOD must be destroyed within 90 days or one year under criteria set forth in DOD Directive 5200.27, unless retention is required by law or specifically approved by the Secretary of the Navy. Files retained in the NISO's and resident agencies are temporary and are destroyed after 90 days or one year, as appropriate.

System manager(s) and address:

The Director, Naval Investigative Service has ultimate responsibility for all NIS file holdings. Management of NIS permanent files is the direct responsibility of the Assistant Director for Administration. NISO Commanding Officers are responsible for files retained in their NISO subordinate Resident Agencies.

Notification procedure:

All requests relative to the retention and/or releasability of NIS investigative files should be addressed to the Director, Naval Investigative Service, 2461 Eisenhower Avenue, Alexandria, Va. 22331. Requests must contain the full name of the individual and at least one additional personal identifier such as date and place of birth, social security number or military service number. Personal visits by requesters should be confined to the Naval Investigative Service headquarters at the above address. It should be borne in mind that the vagaries of the automated indexing system might preclude a same day response. Persons submitting written requests must properly establish their identity to the satisfaction of the NIS. Where a question exists a signed, notarized statement or other certified form of identification will be required. Individuals appearing in person may present proof of identification in the form of military ID card, valid driver's license, or other suitable form of identification bearing a photograph and signature. Attorneys or other persons acting on behalf of a subject of a record must provide a notarized authorization from the subject of the record.

Record access procedures:

Individuals may make inquiries relative to NIS records maintained on them thru the NIS Information and Privacy Coordinator Naval Investigative Service Headquarters, at the address specified in the previous paragraph.

Contesting record procedures:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

See EXEMPTION.

Systems exempted from certain provisions of the act:

Parts of this system may be exempt under 5 U.S.C. 552 A (J)(2) and (K)(1), (K)(3), (K)(4), (K)(5), and (K)(6) as applicable. For additional information, contact the System Manager.

N63285 03

System name:

Defense Central Index of Investigations (DCII)

System location:

Central Facility:
Defense Investigative Service (DIS)
Data Handling Services Division, D0930
Fort Holabird
Baltimore, Maryland 21203

Remote Terminal Locations: (This is a co-owned index system shared by DIS and the military service investigative agencies).

Crime Records Directorate
US Army Criminal Investigations Command
2301 Chesapeake Avenue
Baltimore, Maryland 21222

Remote Terminal Location:
Air Force Office of Special Investigations/SUD
Forrestal Building
Washington, D.C. 20314

Remote Terminal Location:
Naval Investigative Service Headquarters
Hoffman Building #1
2461 Eisenhower Avenue
Attn: Code 30
Alexandria, Virginia 22331 (NIS)

Remote Terminal Location:
Defense Industrial Security Clearance Office
P.O. Box 2499
Columbus, Ohio 43216 (DISCO)

Remote Terminal Location:
US Army Investigative Records Repository
Building 4452
Fort Meade, Maryland 20755

Remote Terminal Location:
DIS Special Investigations Center
Forrestal Building
Washington, D.C. 20314

Remote Terminal Location:
DIS National Agency Check Center, D0700
Fort Holabird
Baltimore, Maryland 21203

Remote Terminal Location:
DIS Personnel Investigations Control Center, D0600
Fort Holabird
Baltimore, Maryland 20203

Remote Terminal Location:
DIS Investigative Files Division, D0960
Fort Holabird
Baltimore, Maryland 21203

Categories of individuals covered by the system:

Any person described as a subject, a victim, or a cross-reference in an investigation completed by or for a DoD investigative element when that investigation is retained by the element and the name is submitted for central indexing.

Categories of records in the system:

Composed of locator references to investigations conducted by or for DoD investigative elements and retained by them. Index records contain the name and other personal identifying information on individuals who were indexed.

Reference to an investigation maintained by one of the investigative records repositories. It identifies the individual by name and personal identifiers, the custodian of the file, the year indexed and the number used by the repository to locate the file.

A record input by either Army investigative activities or DIS reflecting the existence of an investigation in progress. It identifies the subject individual by name and personal identifiers, the location of the open investigation, the year indexed and the number used to locate the investigative file.

Record of a National Agency Check (NAC) investigation in progress. It identifies the subject individual by name, personal identifiers, the case number, the category of the requester of the NAC, and the type of NAC being run.

A record of completed favorable national agency checks (e.g., no records). It identifies the individual by name and personal identifiers, the date the NAC was completed and the agencies that were checked.

Composed of names of persons referenced in files who are not fully identified, but about whom sufficient information exists that meets retrieval criteria. It identifies the individuals by name, custodian agency of the file, year of the index, and the number used by the repository to locate the file. Positive identification is impossible from the index and may well be impossible from the case file itself.

Authority for maintenance of the system:

5 U.S.C. 301 Departmental Regulations
44 U.S.C. 3101 Records Management

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

File tracing information is collected and maintained in the indices so that authorized users may determine the existence and location of DoD investigative records.

NAC history information is maintained for authorized users in granting clearances or access to defense installation, entry into military service or employment in sensitive civilian positions.

Activities listed under the LOCATION caption are the principal users and (with the exception of DISCO) the file custodians. Listed terminal holders (with the exception of DISCO) may release general DCII information to:

Other DoD investigative elements, DoD agencies and elements of the Military Departments designated by the departments.

Accredited representatives of the Secretary of Defense and the Joint Chiefs of Staff.

Accredited Federal criminal and civil law enforcement agencies including those responsible for conducting their own investigations as to the suitability for employment or access of current or potential employees formerly affiliated with the DoD.

State and local criminal law enforcement agencies.

Other accredited Federal agencies serviced by the Civil Service Commission but with a need to evaluate the suitability of potential employees formerly affiliated with the DoD.

Congress, including the Government Accounting Office.

The AUTODIN system which transmits formatted data over telecommunications circuits facilitates the collection of transactions from contributors to update the index and to disseminate index information to the requesters.

The Defense Case Control System (DCCS) and the National Agency Check Control System (NCCS) which are described separately in this notice.

It should be noted that information contained in the system is regarded as the property of the submitting activities. DIS can neither monitor, nor assume responsibility for the propriety or accuracy of all the data in the system.

Transfer of information from this records system to other DoD components is regarded as a routine intra-agency use under the provisions of 5 U.S.C. 552a3(b)(1). The use of the DCII to refer inquiries to other DoD elements, where there is no release of DCII information itself is not deemed to require an accounting.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Master Index data is maintained in direct access storage devices, disk and data cell. It is also contained on magnetic tape for continuity of operations purposes to permit processing at alternate locations in the event of computer failure.

Name Only Index data is maintained on magnetic tape and microfiche. Each contributor is provided his portion on a quarterly basis.

Retrievability:

Master Index records are accessed through name and at least one personal identifier (PID). Personal identifiers are: date of birth, place of birth, social security number and the last four (4) digits of military service number. Inquiries may enter the system in card form or by being keyed in at remote terminals. A non-standard retrieval capability also exists which permits retrieval without PID, or on parts of a name, and produces references to all individuals by that name. It should be noted that in many cases, the subject's SSAN is necessary to make a positive identification.

Name Only Index records are accessed through the name or some portion thereof. Records are retrieved based on an exact match with the name submitted. Inquiries may enter the system only in card form.

Safeguards:

Generalized validation is provided in batch retrieval through program edits to prevent unauthorized access.

User terminals with access to the Master Index are located in controlled access areas. Access to the system is limited to specified time of the day. Terminals are connected via dedicated data circuits which prevent access from standard dial-up telephones.

Activities must be a part of DoD and accredited on the basis of authorized requirements before a new terminal is established or before batch requests will be honored and processed. Terminal holders and activities authorized to batch process requests are responsible for the authority and need to know of individuals and agencies on behalf of which they search the index.

The computer room is located within a building controlled by security personnel at all times. Identification badges are required for entrance. Access to the computer room is controlled by a combination lock on the entrance. Critical backup files are stored in locked fireproof data safes.

Retention and disposal:

Retained for as long as files are retained. When the record repository disposes of the file, they are responsible for deleting all index tracings pertaining thereto, in accordance with established procedures. Processing of a deletion transaction flags the computer record which precludes it being given out thereafter. Such flagged records are eliminated from the system during periodic file restructuring procedures.

Open Case Tracings. Retained for as long as the investigation is open. When the investigation is completed, the contributor replaces the open case tracing with a file tracing as described above.

NAC History Tracings. Retained for a period of four (4) years from the date of completion and then automatically deleted unless specific action is taken sooner to delete the record. Should a subsequent favorable NAC be completed, the entering of a new history record will delete the first history record.

NAC Pending Tracings. Retained until completion of the NAC at which time they are replaced by a NAC History or file tracing, unless deleted sooner by the originator.

System manager(s) and address:

Director, Defense Investigative Service, Washington, D.C. 20314

Notification procedure:

Identity of Official:
Assistant for Information
Defense Investigative Service (D0020)
Washington, D.C. 20314.

Information Required: Full name and all maiden and alias names under which files may be maintained and personal identifiers listed under RETRIEVABILITY. Note, Social Security Account Numbers may be necessary for positive identification of certain records.

Office Which May be Visited:
DIS Information Office
1000 Independence Avenue
Washington, D.C. 20314.

Proof of Identity: Check of personal documents.

Record access procedures:

Access may be obtained through the Information Office at the address previously listed.

Contesting record procedures:

The agency's rules for access to records, contesting contents and appealing initial determinations by the subject individual may be obtained from the Assistant for Information, at the above address.

Record source categories:

DoD investigative elements identical with those listed under the LOCATION caption excluding DISCO, and additionally:

Defense Supply Agency
ATTN: DSAH-T Cameron Station
Alexandria, Virginia 22310

Director of Security, National Security Agency, ATTN: M-552 Fort Meade, Maryland 20775

Assistant Chief of Staff of Intelligence, Department of the Army, ATTN: Counterintelligence Division, Washington, D.C. 20315 (ACSI)

Systems exempted from certain provisions of the act:

None

N63393 F0013BA013

System name:

Aviation Medical Officer's Report

System location:

Commander, Naval Safety Center, Naval Air Station, Norfolk, VA 23511 Subordinate/Type Commands/Levels

Categories of individuals covered by the system:

Military personnel involved in, contributing to or injured in a Navy or Marine aircraft mishap.

Categories of records in the system:

Reports of Naval aircraft mishaps submitted by the reporting custodian. Findings and conclusions of the Aircraft Accident Board. Medical Officer's Report. Search and Rescue Report. Life Change Questionnaire. Naval Safety Center investigative reports. JAG manual investigations.

Authority for maintenance of the system:

5 USC 301 Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Aviation Medical Officer's Report records are selected and reviewed by Naval Safety Center analysts to identify problem areas and determine, whenever possible, mechanical systems/malfunctions or human errors that may have caused or contributed to a particular mishap in order that appropriate measures can be effected to prevent recurrence. Records and summary data are provided only to those echelons within the Navy which are directly involved in flight safety and the study of trends associated therewith. In those mishap cases where the type aircraft is common to other military services, applicable trend analyses and summary data is usually provided to the respective service. Similarly, if the type aircraft involved in a mishap is common to civil aviation, summary information is provided to appropriate government agencies. Whenever and to whomever re-

leased, the information is given with the explicit understanding that it will be used exclusively in the furtherance of improved safety in aircraft and accident prevention efforts.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Magnetic tape. (Central location) Cardex File. (Subordinate Commands)

Retrievability:

Any of the data elements such as model aircraft, damage, date, accident type, cause factors, degree of injury, ejection results or pilot's social security number are used to retrieve individual records.

Safeguards:

A limited number of data processing personnel have access to the computer facility and to the magnetic tape files and computer programs. All requests for information received from activities or for purposes not directly related to flight safety must be approved by the Commander, Naval Safety Center or his designated representative.

Retention and disposal:

Magnetic tape files contains all available records and are never purged. Reports are not transferred to a record center.

System manager(s) and address:

Director of Aviation Safety, Naval Safety Center, NAS, Norfolk, VA 23511

Notification procedure:

Apply to System Manager.

Record access procedures:

The agency's rules for access to records may be obtained from the System Manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

Aircraft reporting custodians, chain of command, Judge Advocate General, commanding officer, squadron personnel, relatives, acquaintances and Naval Safety Center analysts.

Systems exempted from certain provisions of the act:

None.

N63393 F0015BA054

System name:

Aircraft Mishap

System location:

Commander, Naval Safety Center, Naval Air Station, Norfolk, VA 23511 Subordinate/Type Commands/Levels

Categories of individuals covered by the system:

Designated Naval aviators, Naval flight officers, crew members and maintenance personnel involved in or contributing to a Navy or Marine aircraft accident, incident or ground accident.

Categories of records in the system:

Reports of Naval aircraft mishaps submitted by the reporting custodian. Findings and conclusions of the Aircraft Accident Board. Naval Safety Center investigative reports. JAG manual investigations.

Authority for maintenance of the system:

5 USC 301 Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Aviation mishap records are selected and reviewed by Naval Safety Center analysts to identify problem areas and determine, whenever possible, mechanical systems/malfunctions or human errors that may have caused or contributed to a particular mishap in order that appropriate measures can be effected to prevent recurrence. Records and summary data are provided only to those echelons within the Navy which are directly involved in flight safety and the study of trends associated therewith. In those mishap cases where the type aircraft is common to other military services applicable trend analyses and summary data is usually provided to the respective service. Similarly, if the type aircraft involved in a mishap is common to civil aviation, summary information is provided to appropriate government agencies. Whenever and to whomever released, the information is given with the explicit understanding that it will be used exclusively in the furtherance of improved safety in aircraft and accident prevention efforts.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Magnetic tape. (Central Location) Cardex File. (Subordinate Commands)

Retrievability:

Any of the data elements such as command, model aircraft, damage, date, location, accident type, cause factors or pilot's social security number are used to retrieve individual records.

Safeguards:

A limited number of data processing personnel have access to the computer facility and to the magnetic tape files and computer programs. All requests for information received from activities or for purposes not directly related to flight safety must be approved by the Commander, Naval Safety Center or his designated representative.

Retention and disposal:

Magnetic tape files contain all available records and are never purged. Reports are not transferred to a record center.

System manager(s) and address:

Director of Aviation Safety, Naval Safety Center, NAS, Norfolk, VA 23511

Notification procedure:

Individuals may write the System Manager giving full name, address, military status and social security number in order to determine if the system contains any records pertaining to them. Personal visitors will be required to produce military or comparable civilian identification cards.

Record access procedures:

The agency's rules for access to records may be obtained from the System Manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

Aircraft reporting custodian, aircraft accident boards, chain of command, Judge Advocate General and Naval Safety Center analysts.

Systems exempted from certain provisions of the act:

None.

N63393 F0024CA171

System name:

Diving Log

System location:

Commander, Naval Safety Center, Naval Air Station, Norfolk, VA 23511

Categories of individuals covered by the system:

All Navy military and civilian employees of the Navy involved in diving or exposed to a hyperbaric environment.

Categories of records in the system:

Diving Log Report.

Authority for maintenance of the system:

5 USC 301 Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Reports summarizing diving activity are furnished to the commanding officer for individuals attached to the unit and are used to monitor experience levels associated with types of dives, equipment usage and requalification requirements. Individual records are also used to evaluate the diving program at specific activities and to determine if manning level, experience and operational requirements are consistent with an effective safety program. Pertinent individual records or statistical summaries prepared by Naval Safety Center analysts are also provided to all echelons within the Navy having a responsibility for the diving program and to Chief of Naval Personnel, Comptroller of the Navy, General Accounting Office, Naval Audit Service or other activities having responsibility for the administration or control of personnel assignments and hazardous duty payments.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Magnetic tape.

Retrievability:

Records may be selected based on any of the data elements contained in the file such as diver's social security number, organization unit, type of dive and equipment used.

Safeguards:

A limited number of data processing personnel have access to the computer facility and to the magnetic tape files and computer programs. All requests for information received from activities or for purposes not directly related to the diving program must be approved by the Commander, Naval Safety Center or his designated representative.

Retention and disposal:

Magnetic tape files contain all available records and are never purged. Reports are not transferred to a record center.

System manager(s) and address:

Director of Submarine Safety Programs, Naval Safety Center, NAS, Norfolk, VA 23511

Notification procedure:

Individuals may write the System Manager giving full name, address, military status and social security number in order to determine if the system contains any records pertaining to them. Personal visitors will be required to produce military or comparable civilian identification cards.

Record access procedures:

The agency's rules for access to records may be obtained from the System Manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

Commanding Officer of naval units conducting diving or hyperbaric exposure incident to diving.

Systems exempted from certain provisions of the act:

None.

N63393 F0024CA174

System name:

Diving Accidents and Injuries

System location:

Commander, Naval Safety Center, Naval Air Station, Norfolk, VA. 23511

Categories of individuals covered by the system:

All Navy military and civilian employees of the Navy involved in an accident or who are injured while engaged in diving or exposed to a hyperbaric environment.

Categories of records in the system:

Diving Accident/Injury Report. Personnel Casualty Report. JAG manual investigation.

Authority for maintenance of the system:

5 USC 301 Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records of diving accidents and injuries are evaluated by Naval Safety Center analysts to determine existence of problem areas and to detect trends. The records are correlated with the diving log reports and used as a basis for recommending changes in operating procedure, equipment, decompression schedules and training requirements. Individual reports and compilations of accidents and injuries are routinely furnished to activities within the Navy having responsibility for diving safety. Reports are also furnished to Government or private research institutions engaged in studies relating to the prevention or treatment of diving injuries or the design and usage of underwater equipment.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Magnetic tape.

Retrievability:

Any of the data elements such as diver's social security number, type of accident, depth and purpose of dive, degree of injury and treatment provided are used to retrieve individual records.

Safeguards:

A limited number of data processing personnel have access to the computer facility and to the magnetic tape files and computer programs. All requests for information received from activities or for purposes not directly related to diving safety must be approved by the Commander, Naval Safety Center or his designated representative.

Retention and disposal:

Magnetic tape files contain all available records and are never purged. Reports are not transferred to a record center.

System manager(s) and address:

Director of Submarine Safety, Naval Safety Center, NAS, Norfolk, Va. 23511

Notification procedure:

Individuals may write the System Manager giving full name, address, military status and social security number in order to determine if the system contains any records pertaining to them. Personal visitors will be required to produce military or comparable civilian identification cards.

Record access procedures:

The agency's rules for access to records may be obtained from the System Manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

Commanding Officer of naval units conducting diving or hyperbaric exposure incident to diving. Office of the Judge Advocate General. Chief, Bureau of Medicine and Surgery.

Systems exempted from certain provisions of the act:

NONE

N63393 F0025AA041

System name:

Occupational Injury and Illness

System location:

Commander, Naval Safety Center, Naval Air Station, Norfolk, VA 23511 (Central) Subordinate Type Commands/Ship/Naval Units

Categories of individuals covered by the system:

Navy military personnel who sustain an injury or occupational illness and Navy civilian personnel who sustain an occupational illness or injury resulting in one or more days of lost time.

Categories of records in the system:

Accidental Injury/Death Reports. Personnel Casualty Reports. Hospital Admission Reports. JAG manual investigations.

Authority for maintenance of the system:

5 USC 301 Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Accidental injury records are used to compile a variety of statistical reports which are routinely published or prepared at the request of Navy forces afloat and shore activities. Individual injury reports are selected and reviewed by Naval Safety Center analysts in order to detect problem areas relating to operating procedure, training and equipment usage and malfunction. Results of these studies which may include individual injury reports are provided to commanding officers and to all echelons within the Navy having responsibility for the allocation of resources or the implementation of the Safety Program. Individual injury records are correlated with data contained in other personnel files in order to detect unfavorable trends within an activity and to recommend appropriate corrective measures. Individual records and statistical summaries are provided on request to all Government activities having a legitimate need for such information. Individual records and summary data are provided to contractors and research activities in connection with projects either funded by or deemed potentially valuable to the Department of the Navy.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Magnetic tape. (Central location) File Folders/cardex (subordinate commands)

Retrievability:

Any of the data elements such as social security number, command or unit identification code, degree of injury, location, equipment malfunction and cause factors are used to select individual records.

Safeguards:

A limited number of data processing personnel have access to the computer facility and to the magnetic tape files and computer programs. All requests for information received from activities or for purposes not within the routine usage criteria must be approved by the Commander, Naval Safety Center or his designated representative.

Retention and disposal:

Magnetic tape files contain all available records and are never purged. Reports are not transferred to a record center.

System manager(s) and address:

Director of Occupational Safety, Health and Support Programs, Naval Safety Center, NAS, Norfolk, VA 23511

Notification procedure:

Individuals may write the System Manager giving full name, address, military status and social security number in order to determine if the system contains any records pertaining to them. Personal visitors will be required to produce military or comparable civilian identification cards.

Record access procedures:

The agency's rules for access to records may be obtained from the System Manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

Commanding officers of Forces Afloat and Shore activities, Judge Advocate General and Chief, Bureau of Medicine and Surgery.

Systems exempted from certain provisions of the act:

None.

N63393 F0026EA033

System name:

Motor Vehicle Accidents and Injuries

System location:

Commander, Naval Safety Center, Naval Air Station, Norfolk, VA 23511 Subordinate/Type Commands/Levels

Categories of individuals covered by the system:

Navy military personnel regardless of duty status who are injured as a result of a motor vehicle accident or are the operator of one of the vehicles involved in such an accident. Navy military and civilian personnel who are involved in a Government motor vehicle accident or a private motor vehicle accident on Navy property. Navy civilian employees who are injured in a motor vehicle accident during the course of their official duties.

Categories of records in the system:

Motor Vehicle Accident Report. Personnel Casualty and Death Report, Hospital Admission Reports and JAG manual investigations.

Authority for maintenance of the system:

5 USC 301 Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Motor vehicle accident records are used to compile statistics which are given wide dissemination within the Navy. Compilations of motor vehicle accident records for particular commands, activities and units are furnished on request to assist in the development of an effective safety program at all levels within the Navy. Accident records of individuals assigned to specific units or records of individuals involved in multiple accidents are provided to commanding officers. Motor vehicle accident records are correlated with data contained in other accident/injury or training files. The significance of this data is evaluated by Naval Safety Center analysts and summary information, specific individual records or composite records provided to all echelons within the Navy having a responsibility for motor vehicle safety. Individual records and statistical summaries are provided on request to all Government activities having a legitimate need for such information.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Magnetic tape. (Central location) File folders/cardex (subordinate commands)

Retrievability:

Any of the data elements such as individual social security number, activity or unit identification, cause factors and degree of injury are used to retrieve individual records.

Safeguards:

A limited number of data processing personnel have access to the computer facility and to the magnetic tape files and computer programs. All requests for information which are not included in the routine usage criteria must be approved by the Commander, Naval Safety Center or his designated representative.

Retention and disposal:

Magnetic tape files contain all available records and are never purged. Original documents are destroyed when no longer required. Reports are not transferred to a record center.

System manager(s) and address:

Director of Occupational Safety, Health, and Support Programs, Naval Safety Center, NAS, Norfolk, VA 23511

Notification procedure:

Individuals may write the System Manager giving full name, address, military status and social security number in order to determine if the system contains any records pertaining to them. Personal visitors will be required to produce military or comparable civilian identification cards.

Record access procedures:

The agency's rules for access to records may be obtained from the System Manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

Commanding officers of Forces Afloat and Shore activities, Judge Advocate General and Chief, Bureau of Medicine and Surgery.

Systems exempted from certain provisions of the act:

None.

N63393 F0048BA111

System name:

Individual Flight Activity Report

System location:

Commander, Naval Safety Center, Naval Air Station, Norfolk, VA 23511

Categories of individuals covered by the system:

All aeronautically designated commissioned Navy and Marine Officers assigned as crew members in the operation of an aircraft in accordance with the direction of competent authority.

Categories of records in the system:

Reports of each flight submitted by the custodian of the aircraft. Total flight activity survey reports and annual flight activity reports.

Authority for maintenance of the system:

5 USC 301 Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Flight activity data for specific individuals or categories of aviators is correlated with aircraft mishap data. This information is analyzed in order to determine the relationship between various categories and combinations of flight experience and accident involvement. Results of these studies are provided to all echelons within the Navy and Marine Corps having responsibility for flight operations, pilot training and allocation of resources to and within the aviation program. An annual summary of flight activity by model aircraft is provided to each reporting individual for his verification and personnel records. Upon request, a detailed by flight report for a specified time frame is also provided. Records are also provided to Chief of Naval Personnel for promotional screening, detailing and compliance with minimum standards. Summaries of flight activity for Marine Corps personnel are provided to the Commandant of the Marine Corps. Records of specific pilots or categories of pilots are provided to contractors, if required, for projects either funded by or deemed potentially valuable to the Department of the Navy. When requested, records are provided to the General Accounting Office, to the Naval Audit Service and to offices or committees authorized by Congress to investigate certain phases of the Naval Aviation Program.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Magnetic tape.

Retrievability:

Any of the data elements such as pilot's social security number, model aircraft, squadron and specific flight experience may be used to retrieve individual records.

Safeguards:

A limited number of data processing personnel have access to the computer facility and to the magnetic tape files and computer programs. All requests for information which are not included in the routine usage criteria must be approved by the Commander, Naval Safety Center or his designated representative.

Retention and disposal:

Magnetic tape files contain all available records and are never purged. Reports are not transferred to a record center.

System manager(s) and address:

Director of Aviation Safety Programs, Naval Safety Center, NAS, Norfolk, VA 23511

Notification procedure:

Individuals may write the System Manager giving full name, address, military status and social security number in order to determine if the system contains any records pertaining to them. Personal visitors will be required to produce military or comparable civilian identification cards.

Record access procedures:

The agency's rules for access to records may be obtained from the System Manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

Aircraft reporting custodian, Navy and Marine Corps pilots.

Systems exempted from certain provisions of the act:

None.

N63395 10140.1F

System name:

USAREUR/USAFE Ration Card

System location:

U.S. Naval Radio Station, FPO New York 09516.

Categories of individuals covered by the system:

USN personnel and their dependent wives and children over 18 years of age, who are stationed at U.S. Naval Radio Station, FPO New York 09516.

Categories of records in the system:

File sheet with members name, rate, serial no., and organization assigned. Also if member is single or married.

Authority for maintenance of the system:

5 USC 301, Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Reference as to who is holding a ration card.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders.

Retrievability:

Name.

Safeguards:

Locked safe in Admin Office and a 24 hour security watch.

Retention and disposal:

Records are maintained as long as member retains ration card. After transfer records are burned.

System manager(s) and address:

Commanding Officer, U.S. Naval Radio Station, FPO New York 09516 is overall policy official with the Administrative Officer, U.S. Naval Radio Station, FPO New York 09516 as the subordinate holder.

Notification procedure:

Inquiries sould be addressed to U.S. Naval Radio Station, FPO New York 09516, giving full name and social security number, and personal visitors must have valid military I.D. or, if no longer in the military, have other valid identification such as a driver's license. Visitors may come to the Administrative Office at the address given under SYSMANAGER.

Record access procedures:

The Agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Applicable U.S. Serviceman.

Systems exempted from certain provisions of the act:

None.

N63395 11240.3E

System name:

File of Records of Acquisition, Transfer and Disposal of Privately Owned Vehicles

System location:

U.S. Naval Radio Station, FPO New York 09516

Categories of individuals covered by the system:

United States Navy personnel stationed at U.S. Naval Radio Station, FPO New York 09516 who own a concession vehicle in the United Kingdom.

Categories of records in the system:

Request for delivery of a motor vehicle without payment of duty, value added tax and car tax.

Authority for maintenance of the system:

5 USC 301 Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

For information on type of car, engine no., license no., year of car, make of car, base assigned, organization, soc. sec. no., and paygrade.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders

Retrievability:

Name

Safeguards:

Locked safe in Admin Office with a 24 hour security watch.

Retention and disposal:

Records are maintaned as long as a person owns a concession vehicle in the United Kingdom. Records are burned as soon as vehicle is either shipped out of the U.K. or destroyed.

System manager(s) and address:

Commanding Officer, U.S. Naval Radio Station, FPO New York 09516 is overall policy official with the Administrative Officer, U.S. Naval Radio Station, FPO New York 09516 as the subordinate holder.

Notification procedure:

Inquiries should be addressed to U.S. Naval Radio Station, FPO New York 09516, giving full name and social security number. Visitors may come to the Administrative Office at the address given under SYSMANAGER and must have valid military I.D. or, if no longer in the military, have other valid identification such as a driver's license.

Record access procedures:

The Agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determinations by theindividual concernd may be obtained from th system manager.

Record source categories:

Applicable U.S. Serviceman

Systems exempted from certain provisions of the act:

None

N63425 SHELTER LIST

System name:

Military and Civilian Employee Dependents Hurricane Shelter Assignment List

System location:

Commanding Officer Naval Communication Station Key West Key West Florida 33040

Categories of individuals covered by the system:

Military personnel and civilian employees and their dependents who apply for assignment to naval communication station shelter.

Categories of records in the system:

Record lists names, addresses, and phone numbers of military/civilian station personnel applying for shelter assignments for their families, together with names of dependent spouses, names and ages of dependent children, and whether or not requirement exists for station transportation to shelter.

Authority for maintenance of the system:

5 USC 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by Disaster Preparedness Officer in determining shelter logistics requirements and by Shelter Officer in mustering assigned dependents in shelter in case of hurricane.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folder

Retrievability:

Name

Safeguards:

File maintained in locked cabinet by Disaster Preparedness Officer.

Retention and disposal:

Maintained from May through April each year, disposed of by burning.

System manager(s) and address:

Disaster Preparedness Officer Naval Communication Station Key West Key West Florida 33040

Notification procedure:

Individual record entries are filled out by hand by station military/civilian sponsors desiring to register their families in command hurricane shelter. System contains no info other than entries provided by sponsors. Certified station sponsors may review/remove entry by phoning/visiting the Disaster Preparedness Officer, Naval Communications Station Key West.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

All entries to file are hand written forms filled in by military/civilian command sponsors requesting hurricane shelter for their families.

Systems exempted from certain provisions of the act:

None

N63427 AUTOIMPEXPREC

System name:

Record of Import and Export of Foreign Made Auto Vehicles into and out of Australia

System location:

U.S. Naval Communication Station FPO San Francisco 96680

Categories of individuals covered by the system:

Importers/exporters and purchasers of foreign made automobiles imported into Australia by U.S. personnel.

Categories of records in the system:

Copies of shipping and customs documents for automobiles imported into and exported from Australia.

Authority for maintenance of the system:

5 USC 301, Agreement between Australia and the United States of America concerning the status of United States forces in Australia and protocol to that agreement.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Supply Officer: to determine shipping and wharf handling requirements. Legal Officer: to monitor sale and/or export of foreign made vehicles imported into Australia by the U.S. personnel.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folder.

Retrievability:

Name.

Safeguards:

File cabinet, Entry by legal/personal property office personnel only.

Retention and disposal:

Duration of customs to duty bond. Destruction through burning.

System manager(s) and address:

Legal officer and personal propety supervisor.

Notification procedure:

Individual initates record and may request information. Legal Officer, Personal Property Supervisor, U.S. Naval Communication Station. Information requested must provide: full name, official title, purpose of inquiry. Offices to be visited: Legal Office and Personal Property Office, U.S. Naval Communication Station. Proof of identity: visual recognition or identification card.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Information supplied by individual, copy of purchase documents.

Systems exempted from certain provisions of the act:

None.

N63427 COMWEALTHPASS

System name:

Commonwealth Pass Application Form

System location:

U.S. Naval Communciation Station FPO San Francisco 96680

Categories of individuals covered by the system:

All personnel requiring access to the Commonwealth property on which the Naval Communication Station is located.

Categories of records in the system:

Completed application forms for Commonwealth passes. Contains name, rank, organization, height, color of hair, color of eyes, date of birth and place of birth.

Authority for maintenance of the system:

5 USC 301 Arrangements for the use and occupation by the United States Navy of Commonwealth land and for associated matters.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Issuance of passes for entry to Naval Communication Station.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders.

Retrievability:

Name.

Safeguards:

Locked cabinet - limited access.

Retention and disposal:

Duration of individual's stay in area. Destruction by burning.

System manager(s) and address:

Security Officer, U.S. Naval Communication Station.

Notification procedure:

Individual initiates record and may request information. Security Officer, U.S. Naval Communicaton Station, information requester must provide: full name, official title, purpose of inquiry. Office to be visted: Security Office, U.S. Naval Communication Station. Proof of identity: visual recognition or identification card.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Information supplied by individual.

Systems exempted from certain provisions of the act:

None.

N63427 NEXSALESSLIP

System name:

Large purchases in Navy Exchange.

System location:

U.S. Naval Communication Station FPO San Francisco 96680

Categories of individuals covered by the system:

All authorized patrons of the Navy Exchange at this station.

Categories of records in the system:

Record copies of all receipts for articles valued at over ten U.S. dollars. lists purchaser, base pass number, noun name of article, value and intended use.

Authority for maintenance of the system:

5 USC 301, Technical Arrangement between United States Dept of the Navy and the Commonwealth of Australia Dept of Defence relating to commissaries at Northwest Cape in the State of Western Australia.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Legal Officer - control of disposal of articles purchased in station Navy Exchange. Security Officer - investigation into possible violation of govt to govt arrangements relating to commissaries in Australia. Criminal investigation in cases of wrongful appropriation and larceny.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folder.

Retrievability:

Name.

Safeguards:

Locked cabinet - limited access.

Retention and disposal:

For duration of member's tour at this station. Destruction through shredding and burning.

System manager(s) and address:

Security Officer, U.S. Naval Communication Station

Notification procedure:

Printed information on form - copy retained by individual. Security Officer, U.S. Naval Communication Station. Information requester must present: full name, official title and purpose of inquiry. Office to be visited: Security Office, U.S. Naval communication Station. Proof of idenity: visual recognition.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Information supplied by purchaser and Navy Exchange.

Systems exempted from certain provisions of the act:

None.

N64168 NUC

System name:

Nuclear Program Interview and Screening

System location:

Naval Sea System Command (Code 08), Washington, D.C. 20362

Categories of individuals covered by the system:

Personnel interviewed or considered for assignment or retention in the Naval Nuclear Power Program

Categories of records in the system:

Interview appropriation folder, interview chronology, interview index card, Navy Enlisted Nuclear Program Technical Screening Sheets, Nuclear Propulsion Officer Candidate Records

Authority for maintenance of the system:

5 U.S.C. 301 Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Determine eligibility for Naval Nuclear Power Program, maintaining statistical and accounting records, and other administrative uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders, loose leaf binders, and index card box

Retrievability:

Name, chronological, Navy rate (if applicable), Social Security Number, approximate date of screen

Safeguards:

Located in restricted area

Retention and disposal:

Indefinitely

System manager(s) and address:

Naval Sea Systems Command (Code 08), Washington, D.C. 20362

Notification procedure:

Contact System Manager; provide full name, Navy rate (if applicable), Social Security Number, Nuclear Power School Class or dates at attendance (if applicable) and proof thereof, dates of service or screening and proof thereof.

Record access procedures:

The agency's rules for access to records may be obtained from the System Manager

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

Individual; Bureau of Naval Personnel; U.S. Naval Academy; current and/or previous commands; Director, Division of Naval Reactors

Systems exempted from certain provisions of the act:

None

N64168 RADINJCLRDS

System name:

NAVSEA RADIATION INJURY CLAIM RECORDS

System location:

Naval Sea Systems Command Code 08 Washington, D.C. 20362

Categories of individuals covered by the system:

Individuals employed by the Navy and Navy contractors who have alleged radiation injury from radiation exposure associated with Naval Nuclear Propulsion plants.

Categories of records in the system:

Excerpts from personnel medical records, Navy field organization and Navy contractor work histories and Navy and Labor Department correspondence.

Authority for maintenance of the system:

5 USC 301, Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Technical evaluation of radiation injury compensation claims by NAVSEA RADIOLOGICAL CONTROL MANAGERS.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File Folders

Retrievability:

Alphabetical by name

Safeguards:

Locked in safe and specific permission of custodian

Retention and disposal:

Indefinitely

System manager(s) and address:

Naval Sea Systems Command Code 08 Washington, D.C. 20362

Notification procedure:

Contact System Manager; Provide name, organization where employed at time of alleged injury and supporting evidence.

Record access procedures:

The agency's rules for access to records may be obtained from the System Manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

Personnel medical records and Navy and contractor work histories.

Systems exempted from certain provisions of the act:

None

N64168 SEA TRIAL

System name:

Next of Kin Information for Sea Trial Riders

System location:

Naval Sea Systems Command Code 08 Washington, D.C. 20362

Categories of individuals covered by the system:

Individuals attending nuclear propulsion plant sea trials of Navy ships

Categories of records in the system:

Names and addresses of next of kin; name, Social Security Number and security clearance of individual

Authority for maintenance of the system:

5 USC 301, Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To maintain information necessary for individuals to attend nuclear propulsion plant sea trials; Associate Director for Surface Ships and staff

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

3 x 5 index cards

Retrievability:

Alphabeticly by name

Safeguards:

Locked in 3-way combination safe in a restricted area

Retention and disposal:

Indefinitely

System manager(s) and address:

Naval Sea Systems Command Code 08 Washington, D.C. 20362

Notification procedure:

Contact System Manager; Provide name and social security number and identify sea trials attended

Record access procedures:

The agency's rules for access to records may be obtained from the System Manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

From the individual

Systems exempted from certain provisions of the act:

None

N64223 NMRI

System name:

Kidney transplant histocompatibility study

System location:

Division of Biometry, Naval Medical Research Institute, National Naval Medical Center 20014

Categories of individuals covered by the system:

All individuals receiving kidney transplants between January 1, 1974 and December 31, 1976 from participating hospitals, except for certain hospitals with different dates of participation. A list of hospitals participating in the study may be obtained from the system manager.

Categories of records in the system:

Records of patients, past medical history, transplant operation and follow-up. Limited social information as required to evaluate rehabilitation.

Authority for maintenance of the system:

5 USC 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Summary reports and data not identifying patients by name are made available to National Institute of Arthritis and Infectious Diseases, the funding agency, and to participating hospitals.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are kept in file folders and on magnetic tape.

Retrievability:

Routine retrieval is by patient code number or hospital codes.

Safeguards:

Manual files are kept in locked spaces. Routinely used computer files contain no patient names. Access through the computer to names is limited to persons possessing appropriate access code words.

Retention and disposal:

Records will be maintained for statistical analysis so long as NIAID, the funding agency, desires.

System manager(s) and address:

Head, Division of Biometry

Notification procedure:

Patients may establish their inclusion in this study by asking the physician who performed the transplant.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents, and appealing initial determination by the individual concerned may be obtained from the system manager.

Record source categories:

Hospitals performing transplants and patient's physician.

Systems exempted from certain provisions of the act:

None

N64648-EARB

System name:

Employee Grievances, Complaints, and Adverse Action Appeals.

System location:

Chairman Department of the Navy Employee Appeals Review Board Washington, D. C. 20360

Categories of individuals covered by the system:

Former and present civilian employees of the Department of the Navy, and applicants for employment with the Department of the Navy.

Categories of records in the system:

The case files contain background material on the act or situation complained of; the results of any investigation including affidavits and depositions; records of personnel actions involved; Official Personnel Folders; transcripts of hearings held; Examiners' reports of findings and recommended actions; advisory memoranda from OCMM, NAVCOMPT, CNO, BUPERS, CSC, DOD, SYSCOMS; SECNAV decisions; reports of actions taken by local activities; comments by EARB or local activities on appeals made to CSC; CSC decisions, Court decisions, Comptroller General decisions. Brief summaries of case files are maintained on index cards

Authority for maintenance of the system:

5 U.S.C. Sections 1301, 3301, 3302, 7151-7154, 7301, and 7701

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

This information is used by the EARB to adjudicate cases. SYSCOMS, OCMM, CAPSO-N and ROCMM-S are internal users for

informational/implementational purposes. CSC is the other Government agency using this information. Pursuant to s 552a(b)(9) of Public Law 93-579, committees or subcommittees of either House of Congress are furnished the above information upon request. Individual members acting on behalf of the individual involved are supplied with copies of decisions and other appropriate background material. Grievants and appellants are furnished SECNAV decisions, with copies to their representatives. EEO complainants are furnished SECNAV decisions, with copies of the hearing transcripts and Examiners' reports; complainants' representatives are provided copies of SECNAV decisions. Activities involved are provided with copies of SECNAV decisions on grievances and appeals. Activities involved in EEO complaints are provided copies of SECNAV decisions, hearing transcripts, and Examiners' reports.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders and index cards.

Retrievability:

Name

Safeguards:

Official Personnel Folders and classified material kept in locked safe. Other materials are kept in file cabinets in a secured building.

Retention and disposal:

Case files maintained for one year and sent to the GSA Federal Records Center and maintained for four years. Official Personnel Folders returned to activities after disposition of cases. CSC decisions and index cards are retained indefinitely.

System manager(s) and address:

Chairman, Department of the Navy Employee Appeals Review Board

Notification procedure:

Department of the Navy Employee Appeals Review Board, Washington, D. C. 20360. Must provide full name, employing office, and appropriate indentification card.

Record access procedures:

The Agency's rules for access to records may be obtained from System Manager.

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

Employing activities, Civil Service Commission, OCMM.

Systems exempted from certain provisions of the act:

NONE

N64980 CONCESSION VEH

System name:

Duty Free Vehicle Log

System location:

Commanding Officer, U.S. Naval Aviation Weapons Facility, FPO New York 09515

Customs Officer, HMS Customs and Excise, Campbeltown, Argyll, Scotland

Categories of individuals covered by the system:

Individuals stationed aboard NAVAVNWPNSFAC Machrihanish who own vehicles purchased or imported into the United Kingdom duty free.

Categories of records in the system:

Single line entry on loose leafe pages listing: Name and rank/rate of individual; make, year and registration of vehicle; status (bought new in UK or imported) of vehicle; and date of purchase or importing.

Authority for maintenance of the system:

5USC301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To assist local customs officials to protect against the illegal transfer of duty-free vehicles to UK citizens.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folder

Retrievability:

Name

Safeguards:

The records are maintained in an office that is locked when not manned.

Retention and disposal:

Pen and ink changes are made to records until complete page must be retyped. Old pages are then destroyed by shredding or burning. Retention period dependent upon number of changes occuring. Method of disposal by local customs official unknown.

System manager(s) and address:

Commanding Officer, U.S. Naval Aviation Weapons Facility, FPO New York 09515

Notification procedure:

Individuals wishing to learn if records concerning them are still retained may contact the System Manager.

Record access procedures:

The agency's rules for access to records may be obtained from the System Manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

Information is obtained from documents provided by the individual.

Systems exempted from certain provisions of the act:

None.

N64980GAS RATION FILE

System name:

Gasoline Ration System

System location:

Commanding Officer, U.S. Naval Aviation Weapons Facility, FPO New York 09515

Categories of individuals covered by the system:

All personnel stationed aboard NAVAVNWPNSFAC Machrihanish who own private vehicles and wish to purchase Navy Exchange Gasoline.

Categories of records in the system:

Record on each individual contains information on: vehicle description; dates of vehicle insurance, inspection and tax; United Kingdom address of individual and amount of gasoline allowed.

Authority for maintenance of the system:

5USC301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information is used by Transportation Officer to allocate ration coupons to authorized pesonnel.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Index cards in holder.

Retrievability:

Name

Safeguards:

Locked in combination safe in an office which is locked when unmanned. Only Transportation Officer knows combination to safe.

Retention and disposal:

Records are destroyed by shredding or burning approximately one year after transfer of individual.

System manager(s) and address:

Commanding Officer, U.S. Naval Aviation Weapons Facility, FPO New York 09515

Notification procedure:

Individuals wishing to ascertain if records concerning them are still retained may contact the System Manager.

Record access procedures:

The agency's rules for access to records may be obtained from the System Manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

Information concerning vehicles, insurance, inspection and tax is copied from the appropriate document as provided by the individual. Other information is received from the individual directly.

Systems exempted from certain provisions of the act:

None.

N64980RATION PRMT LOG

System name:

Application for U.S. Navy Ration Permit

System location:

Commanding Officer, U.S. Naval Aviation Weapons Facility, FPO New York 09515

Categories of individuals covered by the system:

All personnel stationed at NAVAVNWPNSFAC Machrihanish desiring to utilize U.S. Navy Exchanges in the United Kingdom.

Categories of records in the system:

Record includes: Name, rank/rate, SSN, date of birth (if under 18), and marital status of serviceman; location, name, relationship, date of birth (if under 18) and ID card number of dependents.

Authority for maintenance of the system:

5USC301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used to prepare ration cards used in U.S. Military Exchanges in the U.K. and to maintain a record in case of loss of those cards.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Index cards in file box.

Retrievability:

Name

Safeguards:

Maintained in an office that is locked when unmanned.

Retention and disposal:

Cards are destroyed by shredding or burning upon transfer of serviceman.

System manager(s) and address:

Commanding Officer, U.S. Naval Aviation Weapons Facility, FPO New York 09515

Notification procedure:

Records are held only on persnnel currently stationed at NAVAVNWPNSFAC Machrihanish who can enquire at the Administrative Office concerning the records.

Record access procedures:

The agency's rules for access to records may be obtained from the System Manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

The information is provided by the serviceman.

Systems exempted from certain provisions of the act:

None

N65196 DODCI.01

System name:

DODCI Student Record System

System location:

Department of Defense Computer Institute, Washington Navy Yard, Washington, D.C. 20374.

Categories of individuals covered by the system:

All students who have completed a course of instruction presented by the Department of Defense Computer Institute: primarily DOD military and civilian personnel as regular students; personnel from other federal, state and local government agencies who have attended courses on a space available basis; military and civilian personnel from foreign governments who requested and were granted authority to attend courses; and personnel from private industry who are under direct contract to a DOD activity who sponsor their attendance.

Categories of records in the system:

Alphabetized card file of students who have attended DODCI courses. Record consists of name, military rank or rate, civilian grade, branch of service, DOD agency or activity and title of course attended. Also associated file of consolidated listing of students for each course offering arranged by DOD agency or activity and name.

Authority for maintenance of the system:

5 USC 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records maintained by DODCI Registrar to respond to individuals requesting official verification of attendance to a specific course or response to students agency or activity requesting official record of training completed. Used to compile statistical data of student throughput, e.g., attendance by course, attendance by branch of service, composition of students by rank/rate/grade, branch of service, agency or activity. Statistical data is not compiled by name.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Alphabetic card file and file folders in file cabinet.

Retrievability:

Name and Course Title.

Safeguards:

Maintained in Administrative Office which is locked after normal working hours, accessable only to authorized office staff and Director or delegate on demand.

Retention and disposal:

Individual cards by student name and consolidated listing of students are retained indefinitely.

System manager(s) and address:

Registrar, DOD Computer Institute, Building 175, Washington Navy Yard, Washington, D.C. 20374.

Notification procedure:

By individual request upon presentation of letter or identification. Must provide course title and year of attendance.

Record access procedures:

The agency's rules for access to records may be obtained from the System Manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

Enrollment and Registration Request for DOD Management Education and Training Program Courses (DD form 1556), and Course Listing of Students reviewed by Course Manager and Individual Students.

Systems exempted from certain provisions of the act:

None.

N65196 DODCI.02

System name:

DODCI Student/Faculty/Senior Staff Biography System

System location:

Department of Defense Computer Institute, Washington Navy Yard, Washington, D.C. 20374.

Categories of individuals covered by the system:

All faculty members, senior staff members, and guest lecturers currently instructing or managing at the DODCI. All students who are attending or who have completed a course of instructions presented by the Department of Defense Computer Institute: primarily DOD military and civilian personnel as regular students; personnel from other federal, state and local government agencies who have attended courses on a space available basis; military and civilian personnel from foreign governments who requested and were granted authority to attend courses; and personnel from private industry who are under direct contract to a DOD activity who sponsor their attendance.

Categories of records in the system:

Biographic summary forms individually submitted upon request by each DODCI faculty member, senior staff member, guest lecturer, or

student. Students record consists of name, rank or rate, civilian grade, organization and division, office phone number, current and previous job titles and positions, number of months with present job title, major duties of present job, formal education completed, objectives for attending DODCI course, computer-related and other technical training and experience, information on usage of computers in present position, influence and authority student has over design of computer-based systems including security and privacy aspects, extent involved in planning and design of teleprocessing systems. Faculty/senior staff record consists of name, rank or rate, current and previous job titles and positions, former major duties, formal education completed, computer-related and other technical training and experience.

Authority for maintenance of the system:

5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information contained in the student biographical summaries is restricted to internal use within DODCI. Used by Course Managers and functional Department Head to evaluate education level, computer related work experience, and general computer background of DODCI students. Establishes student qualifications to attend a requested course and if course objectives have satisfied personal objectives of students for attending course. Statistical summarization of information contained therein provides basis for modification and revision to course content. Also serves as vehicle to place student into appropriate laboratory and seminar group in courses requiring such a breakout.

Information on faculty/senior staff members contained in the biographical summaries is provided to students as an attachment to their student notebooks. Records are used to identify faculty and senior staff members, areas of data processing and information management expertise for consultationpurposes and as an expertise peamble to the next scheduled lecturer.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders in file cabinet.

Retrievability:

By name for faculty/senior staff members. Course title and name for studets.

Safeguards:

Maintained in scheduling offiee (for students) and in the Reproduction Shop (for faculty/ members) which is locked after normal working hours, access controlled by systems manager and accessable only to authorized faculty members, Director of Administration, and Director or delegate on demand.

Retention and disposal:

All completed individual student biographieal summaries attending a specific course are retained in a file folder marked by Course Title and Course Date. Individual student biographical summaries are retained by course for two fiscal years preceeding the fiscal year in progress. All individual faculty and senior staff biographical summaries are retained in a master file folder until no longer providing services to DODCI. Master file is reviewed periodically to maintain currency. Students receiving a course notebook can retain the included biographical records as well as the notebook.

System manager(s) and address:

Scheduling Officer, DOD Computer Institute, Building 175, Washington Navy Yard, Washington, D.C. 20374.

Notification procedure:

Students by individual request upon presentation of letter of identification. Must provide course title and year of attendance.

Record access procedures:

The agency's rules for access to records may be obtained from the System Manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

Student Biography Forms are of DODCI origin and completed by each individual student. Forms are completed either the first day of the course or, in the case of certain specific courses, are mailed to the prospective student requesting return prior to commencement of the course.

Biographies are authorized by each faculty and senior staff member soon after arrival at DODCI. Guest lecturers are requested to voluntarily submit biographies for use in course notebooks. content is never changed, but in some cases selectively reduced in length so as not to exceed one page. Format and content are generated solely by DODCI member and are subjected only to editorial review.

Systems exempted from certain provisions of the act:

None.

N65196 DODCI.03

System name:

DODCI Course Evaluation System

System location:

Department of Defense Computer Institute, Washington Navy Yard, Washington, D.C. 20374.

Categories of individuals covered by the system:

All students who have completed a course of instruction presented by the Department of Defense Computer Institute: primarily DOD military and civilian personnel as regular students; personnel from other federal, state and local government agencies who have attended courses on a space available basis; military and civilian personnel from foreign governments who requested and were granted authority to attend courses; and personnel from private industry who are under direct contract to a DOD activity who sponsor their attendance.

Categories of records in the system:

Individual student evaluation of entire course and random sampling of specific lecture presentations. Includes objectives for attending course; statement concerning realization of personal objectives, numerical or qualitative rating of overall course, lab sessions and/or specific lectures; list of strengths and weaknesses of course; list of lecture subjects of particular benefit or of little use to student; list of lecture subjects which should be expanded or reduced in coverage; and list of topics not covered in course but should be included. Comments concerning course content, sequence, lecture presentation, teaching techniques, audio visual aids, physical facilities and administrative support are solicited and recorded. Categories are posed as questions with ample space to encourage written response of student opinion in a structured but non-restrictive format. These Course Evaluation Forms also contain hard core factual information, i.e., course title, course dates, student name, rank/rate/grade, branch of service, duty station or agency, and present job title.

Authority for maintenance of the system:

5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Use of the student evaluation forms and the information contained therein is restricted to internal use within DODCI. Used to evaluate course, lecture, teaching techniques and individual instructor effectiveness. Provides basis for modification and revision to course content and sequence and lecture content. Provides input to long range plan for course update, additions and revisions. Copy is provided to unit education offices upon request. Student evaluations of all attendees to a particular course are reviewed as a composite group by DODCI faculty members to determine problem areas, trends, and provides a continuous evaluation of course effectiveness.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders in file cabinet.

Retrievability:

Course Title and Student Name.

Safeguards:

Maintained in Scheduling Office which is locked after normal working hours, access controlled by Systems Manager and accessible only to authorized faculty members. Director of Administration, and Director or delegate on demand.

Retention and disposal:

All completed individual evaluations of students attending a specific course are retained in a file folder marked by Course Title and Course Date. Individual student evaluation forms are retained by course for two fiscal years preceeding the fiscal year in progress.

System manager(s) and address:

Scheduling Officer, DOD Computer Institute, Building 175, Washington Navy Yard, Washington, D.C. 20374.

Notification procedure:

By individual request upon presentation of letter or identification. Must provide course title and year of attendance.

Record access procedures:

The agency's rules for access to records may be obtained from the System Manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

Student Course Evaluation Forms are of DODCI origin and distributed in class and completed by each individual student.

Systems exempted from certain provisions of the act:

None.

N65196 DODCI.04

System name:

DODCI Lecture-Instructor Inventory System.

System location:

Department of Defense Computer Institute, Building 175, Washington Navy Yard, Washington, D.C. 20374.

Categories of individuals covered by the system:

Current DODCI instructors.

Categories of records in the system:

Two disk files comprise the system of records. First master file contains instructor's name, functional group assignment code, projected date of departure; list of lectures instructor gives. Second master file contains lecture I.D., title, lecture primary, instructors giving the lecture.

Authority for maintenance of the system:

5 U.S.C. 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Provides the ability for functional managers to generate a list of instructors along with the associated lectures in which they are proficient or to specify a lecture title and determine which instructors are capable of presentation. This provides assistance in assigning instructors to course schedules, teams for on-site course presentations, determining lectures which are critical in flexibility of assignment, planning instructor assignments in the order of lecture priority.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained on magnetic disks in a computer data base.

Retrievability:

Instructor's last name, lecture ID number, or functional group code.

Safeguards:

This system of records is maintained on magnetic disks in the computer operations center which is kept locked. Only the manager and assistant manager of the Computer Support office have access to the center during normal working hours and the security watch has access after hours. The mode of access to the computer-based system is via remote terminal and special passwords are required. Appropriate data base language commands (available only to authorized DODCI staff members) must be invoked to gain access to information in the system. Portions of the system can only be accessed by functional managers via controlled key work commands. An accounting log is maintained of all accesses to the system which contains identification of the user, log-on and off, station number, and date/time of last access.

Retention and disposal:

The system data base is retained indefinitely. Revisions are in continuous process, e.g., instructors' names being added upon arrival and deleted on departure, lecture titles added or deleted as they are developed or discontinued, lecture presentation capability expanded or deleted as appropriate.

System manager(s) and address:

Manager, Computer Support Office, DOD Computer Institute, Building 175, Washington, D.C. 20374.

Notification procedure:

DODCI faculty members are informed of existence and purpose of system. Individual instructors can request printout of information in system which pertains to them.

Record access procedures:

The Institutes rules for access to reeords may be obtained from the Systems Manager.

Contesting record procedures:

The Institute's rules for contesting contents and appealing initial determinations by the individual concerned can be obtained from the Systems Manager.

Record source categories:

DODCI functional managers maintain system and periodically revise data base by entering new data and deleting discontinued information. Additionally, the Systems Manager can enter information affecting printout format and contents.

Systems exempted from certain provisions of the act:

None.

N65872SA14102

System name:

Project Analysis and Control System (PAC)

System location:

Naval Material Command Support Activity, Data Processing Group, Washington, D. C. 20360

Categories of individuals covered by the system:

Civilian employees in the activity who work in the Computer Systems Analyst, Computer Specialist, Computer Programmer, and Computer Technician career Fields.

Categories of records in the system:

System comprises information required to provide status of NMCSA-DPG development projects and analysis to determine capability to meet target dates. Provides inventory of NMCSA, DPG Analysts, Programmers and Branch and Division workload status.

Authority for maintenance of the system:

Title 5, U.S.C., section 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Automatic Data Processing Development Workload Resources Planning and Control.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Automated records are stored on magnetic tape and magnetic discs. Input transcripts are filed for 30 days and destroyed.

Retrievability:

Automated records are entered, retrived and analyzed by Social Security Number. Manual Records are filed for 30 days and then destroyed.

Safeguards:

The computer facility is a secure area and only authorized personnel are allowed entry. Input records are filed in same area.

Retention and disposal:

This is a management system used for planning and controlling development resources. History file is maintained as long as desired. Active file is purged and updated weekly.

System manager(s) and address:

Data Processing Group Deputy Director for Systems, Naval Material Command Support Activity, Department of the Navy, Washington, D.C. 20360

Notification procedure:

Records in this system are all employees of the Data Processing Group Director. These employees are aware of the records in this system.

Record access procedures:

The agency's rules for access to records may be obtained from the System Manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

Resources Control Branch, individual input.

Systems exempted from certain provisions of the act:

None

N65872SA53105

System name:

VGA Personnel and Manpower Information System (PERMIS).

System location:

Central Computer Facility - Naval Material Command Support Activity, Department of the Navy, Washington, D.C. 20360; Program Director - Civilian Personnel Group, Code SA-53B; ADP - Data Processing Group, Code SA-14.

Input-Ooutput Terminals - Naval Material Command, Washington, D.C. 20360; Naval Material Command Support Activity, Washington, D.C. 20360; Naval Air Systems Command, Washington, D.C. 20360; Naval Sea Systems Command, Washington, D.C. 20360; Naval Facilities Engineering Command, Arlington, Va. 22332; Naval Supply Systems Command, Washington, D.C. 20376; Naval Electronics Systems Command, Washington, D.C. 20360; Naval Ship. Engineering Center, Hyattsville, MD 20782.

Categories of individuals covered by the system:

All civilian employees of the activity or activities provided personnel service by the Civilian Personnel Office of a Naval Activity with a PERMIS terminal;

All military personnel on active duty stationed at or assigned to an activity provided personnel service by the Civilian Personnel Office of a Naval Activity with a PERMIS terminal.

Categories of records in the system:

Individual military assignment-related automated records containing that data which is also used to produce the Officer Distribution Control Report (ODCR);

Individual civilian employee automated records, including personal job-related, military status, education, training, and related data; Computer outputs displaying information from PERMIS automated records; Microfiche of computer outputs displaying information from PERMIS automated records.

Punched cards containing PERMIS data; Optical scanning sheets containing leave data.

Authority for maintenance of the system:

Title 5, U.S.C., section 302, 'Delegation of authority to subordinate officials of head of agency for employment, direction, and general administration of personnel';

Title 5, U.S.C., section 301, (records and reports-custody, use and preservation);

Executive Order 9397, 'Numbering System for Federal Accounts Relating to Individual Persons';

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

For the purposes of increased effectiveness and efficiency by automating certain processes within the operating civilian personnel offices and providing management information: Officials and employees of activities serviced by the Civilian Personnel Office in the performance of their official duties related to management and administration of civilian personnel programs; the providing of staff support in the area of management, manpower, budget, administrative services, military manpower, Equal Employment Opportunity, and any other staff and line operations requiring the management of civilian personnel; the design, development, maintenance, and operation of the (manual and) automated system of records; and administration of grievances, appeals, and litigation involving the disclosure of records of the PERMIS system. Officials and employees of other Naval activities in their request for pre-employment data, or in the processes involved in the transfer of an employee from a PERMIS-covered activity to one of those other activities; their performance of studies and tasks relative to leave held or taken by civilian employees; and their usage of data to manage Navy civilian manpower programs, and to provide civilian manpower reports and statistical data to the United States Civil Service Commission, Office of Management and Budget, etc.

Officials and employees of any component of the Department of Defense-Performance of their official duties.

Representatives of the Civil Service Commission - Matters relating to the inspection, survey, audit or evaluation of Navy civilian personnel management programs, or pesonnel actions, or such other matters under the jurisdiction of the Commission. The Comptroller General or any of his authorized representatives - Performance of duties of the General Accounting Office relating to the Navy's civilian manpower management programs.

The Attorney General of the United States or his authorized representatives - Litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice, or carried out as the legal representative of the Executive Branch agencies. Officials and employees of other departments and agencies of the Executive branch of government - upon request, in the performance of their official duties.

Hearing Examiner or Arbitrator (duly appointed employee of another federal agency) - conduct a hearing in connection with an employee's appeal involving disclosure of records of the PERMIS system.

Arbitrator given a contract pursuant to a negotiated labor agreement - hear an employee's grievance involving disclosure of the records of the PERMIS system.

Senate or House of Representatives of the U.S. or any committee or sub-committee thereof, any joint committee of congress or subcommittee of joint connittee - matters within their jurisdiction requiring disclosure of files or records of the PERMIS system.

Law enforcement or investigatory authorities - investigation and possible criminal prosecution, civil court action or regulatory order.

Marine Corps - produce microfiche from documents.

Department of the Army - optical scanning of documents and recording of data on magnetic tape.

DESCOMP INC (a contractor) and its employees - punch cards and key-to-disc recording of data from documents.

Chesapeake and Potomac Telephone Co (a contractor) and its employees - Telecommunication transmission of data between the central computer facility and the remote terminals.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Computer magnetic discs; computer magnetic tapes; computer magnetic cards; punched cards; computer paper printouts; microfiche; optical scanning sheets.

Retrievability:

Automated records are accessed and retrieved by social security account number, position number, military billet number, or by a combination of characteristics such as occupation code, grade, year of birth, and level of education.

Computerized indices are required to retrieve individual records from the automated system;

Microfiche are filed alphabetically by last name of employee; computer paper printouts are filed at random. Information can be retrieved from them by name, social security account number, or organization code.

Punched cards and optical scanning sheets are accessible by social security account number and name.

Safeguards:

The computer facility is located in a restricted area accessible only to authorized persons that are properly screened, cleared and trained.

Computer fail-safe systems software is employed to insure that only authorized personnel are able to obtain data via the terminals.

Computer printouts, microfiche, punched cards, and optical scanning sheets are available only to authorized personnel having a need to know.

Retention and disposal:

The records on punched paper cards, magnetic cards, and magnetic tapes are transferred to the magnetic discs, where they are maintained permanently;

The microfiche will be maintained as long as they provide useful information and will then be destroyed by mechanical or related means;

The computer paper printout and paper card output are maintained for relatively short periods of time, generally ranging from one day to three months, and are then recycled.

System manager(s) and address:

Commanding Officer, Naval Material Command Support Activity. Department of the Navy, Washington, D.C. 20360; and Civilian Personnel Offices.

Notification procedure:

Request from individuals should be addressed to the above system manager (SYSMANAGER); written request for information should contain the full name, address, and signature of the individual; the individual requester may visit the civilian personnel office of one of the activities listed under LOCATION. The street address for the Naval Material Command Support Activity is 4040 N. Fairfax Drive, Arlington, Virginia (note that this is an address for personal visits only; it is not acceptable as a mailing address); for personal visits, the individual must present as proof of identity his or her Department of Defense or Navy building pass or identification badge, or driver's license or other type of identification bearing a picture or signature, or other data sufficient to insure that the individual is the subject of the inquiry.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contestng contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Navy Civilian Personnel Offices; automated system interface (Navy military personnel); Navy manpower offices, Navy military personnel offices; supervisors, schools, and colleges.

Systems exempted from certain provisions of the act:

NONE

N66001 TECHAUTHIND

System name:

Technical Paper/Author Cross Index System

System location:

Commander, Naval Undersea Center, San Diego, California 92132

Categories of individuals covered by the system:

NUC personnel, past and present, who have authored unclassified technical papers.

Categories of records in the system:

Author's name, title of paper and administrative control number for the paper.

Authority for maintenance of the system:

5 USC 301, Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To quickly locate a technical paper for a requestor if author is known and title is unknown. Requestors include Center technical and management personnel, and Center's technical writing/editing group.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Index card file

Retrievability:

Name

Safeguards:

Considered as normally accessible office record.

Retention and disposal:

Permanent

System manager(s) and address:

Public Affairs Officer, Naval Undersea Center, San Diego, California 92132

Notification procedure:

Individuals may visit or call office or system manager, identify themselves by giving their name, and obtain information concerning their records.

Record access procedures:

The agency's rules for access to records may be obtained from the System Manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

Information obtained from technical papers when submitted to this office for public release.

Systems exempted from certain provisions of the act:

None

N66123 PRIVATE RELIEF

System name:

Private Relief Legislation

System location:

Office of Legislative Affairs
Department of the Navy
Pentagon, Room 5C831
Washington, D.C. 20350

Categories of individuals covered by the system:

Individuals concerning whom private legislation is introduced in the U.S. Congress.

Categories of records in the system:

Letters to Congressional Committees, expressing the views of the department concerning the legislation and records necessary to prepare the letters.

Authority for maintenance of the system:

5 U.S.C. 301, Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

File maintained to prepare for Congress the position of the department concerning the legislation. Routine disclosures are made to Congress; interested Navy, Marine Corps and DOD Components; OMB; and other interested executive agencies.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders

Retrievability:

Name

Safeguards:

Access generally limited to personnel of the Office of Legislative Affairs. Stored in a locked office.

Retention and disposal:

Retained for at least 6 years or as long as the legislation is active if more than 6 years and then moved to Federal Records Center, GSA Accession Section, Washington, D.C. 20409

System manager(s) and address:

Chief of Legislative Affairs
Department of the Navy
Pentagon, Room 5C831
Washington, D.C. 20350

Notification procedure:

System Manager; Full name, term and session of Congress when bill introduced, bill number, sponsor of bill (if available); Office of Legislative Affairs, Department of the Navy, Pentagon, Washington, D.C. Driver's license or similar substitute.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Member of Congress; individual about whom file is maintained and individuals from whom he solicits information; other Navy, Marine Corps, and DOD components; OMB; and other interested executive agencies.

Systems exempted from certain provisions of the act:

None

N66715.1RLPS

System name:

NAME/LEAD Processing System

System location:

Primary System, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, Virginia 22203

Categories of individuals covered by the system:

Individuals who have responded to Navy advertising, requested their names not be used in future Navy advertising, students throughout the country who may be qualified for enlistment, first-term enlistees on active duty in the U. S. Navy, veterans, enlisted discharged personnel.

Categories of records in the system:

Automated and non-automated form containing personal records and correspondence on both education, service, and Navy program information on potential Navy applicants.

Authority for maintenance of the system:

10 USC 5531; Section 133, 503, 504, 508, 510; 5 USC Sections 301, 302; 44 USC Sections 3101, 3702

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Navy recruiting officials and employees in the performance of their official duties in managing the recruitment of men and women for officer and enlisted programs in the regular and reserve components of the Navy.

The Comptroller General or any of his authorized representatives, upon request, in the course of performance of the duties of the general accounting office.

Officials and employees of the Department of Defense in the performance of their official duties.

Civilian contractors and their employees who manage automated and

Officials and employees of the Department of Transportation in the performance of their official duties. manual categories of records in accordance with an approved, official contract with the U. S. Government.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Automated records are maintained on disks, magnetic tape or on punched cards in a limited access area.

Computer print outs are stored in locked filing cabinets or file folders

Retrievability:

Information can be accessed by name, program and social security account number.

Safeguards:

Lists and files are handled with maximum security during processing and storage, and are accessible to routine users only and then only through a selected group of individuals charged with security of the lists. Files are stored in a limited access area and coded so that only several persons have both knowledge of the code and access to the files.

Retention and disposal:

A record is maintained of all outgoing automated responses, and disposed of in accordance with Departmental Regulations.

Compiled lists and commercial purchased lists are maintained for certain period of time depending on the usefulness and currentness of the information, and disposed of in accordance with Departmental Regulations.

System manager(s) and address:

Director, Recruiting Adverstising Department, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, Virginia 22203

Notification procedure:

Requests should be addressed to: Director, Recruiting Advertising Department, Navy Recruiting Command, 4015 Wildon Boulevard, Arlington, Virginia 22203.

Requester is required to provide a full name, address, and signature.

Record access procedures:

The agency's rules for access to records may be obtained from the SYSMANAGER

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

Record source categories:

Parents, influentials, friends and associates of the subject of the records and officials and employees of the Department of the Navy, Department of Defense, and the Veterans Administration 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:

None

N66715.20SAS

System name:

Officer Selection and Appointment System

System location:

Primary System - Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, Virginia 22203 Decentralized segments - Headquarters, Navy Recruiting Activities and subsidiary offices; Armed Forces Entrance and examining Centers; Bureau of Naval Personnel; Bureau of Medicine and Surgery; National Personnel Records Centers; Naval Reserve Units; Naval Education and Training Activities; NROTC Units; Naval Sea Systems Command Headquarters; Naval Intelligence Command and subsidiary activities; Department of Defense Medical Examination Review Board.

Categories of individuals covered by the system:

Individuals who have made application for direct appointment to commissioned grade in the Regualr Navy or Naval Reserve, applied for officer candidate program leading to commissioned status in the U.S. Naval Reserve, applied for a Navy/Marine Corps sponsored NROTC scholarship program or preparatory school program, applied for interservice transfer to Regular Navy or Naval Reserve.

Categories of records in the system:

Records and correspondence in both automated and non-automated form concerning any applicant's personal history, education, professional qualifications, physical qualifications, mental aptitude, character and interview appraisals, National Agency Checks and certifications of background investigations.

Authority for maintenance of the system:

Title 10, United States Code, Sections governing authority to appoint officers. 10 USC Sections 591, 600, 716, 2107, 2122, 5579, 5600. Merchant Marine Act of 1939 (as amended); Executive Orders 9397, 10450, 11652; 5 USC 301 Departmental Regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Officials and employees of the Department of the Navy in the performance of their duties in managing and contributing to the recruitment of qualified men and women for officer programs in the regular and reserve components of the Navy.

Officials and employees of the Department of Defense in the performance of their official duties.

Officials and employees of the Department of Transportation in the performance of their official duties.

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 of quality 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 of quality military recruitment.

Officials and 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.

Such civilian contractors and their employees as are or may be operating in accordance with an approved official contract with the U.S. Government.

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:

Name and social security number applicant

Safeguards:

Records kept in file cabinets and offices locked after working hours. Based on requirements of user activity, some buildings have 24-hour security guards.

Retention and disposal:

Application records maintained six months; after six months, summary sheets maintained for 5 years at National Record Storage Center. NROTC application records kept for current year only. Correspondence files maintained for two years.

System manager(s) and address:

Commander, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, Virginia 22203

Notification procedure:

Requests by correspondence should be addressed to: Commander Naval Recruiting Command (Attn: Privacy Act Coordinator), 4015 Wilson Boulevard, Arlington, Va. 22203; or, Chief of Naval Reserve (Code 111C), New Orleans, Louisiana, 70146, or, to applicable Naval Recruiting District as listed under U.S. Government in white pages of telephone book. Letter should contain full name, address, social security account number and signature.

The individual may visit Commander, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, Va. 22203. Proof of identification will consist of picture-bearing or other official identification.

Record access procedures:

The agency's rules for access to records may be obtained from System Manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

Navy Recruiting personnel and employees 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 to current military service record; members of Congress; Commanding Officer of Naval Unit, if active duty; Department of Navy offices charged with personnel security clearance functions. Other officials and employees of the Department of the Navy, Department of Defense, and components thereof, 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:

Parts of this system may be exempt under 5 U.S.C. 552 a (k)(1), (5), (6) and (7), as applicable. For additional information, contact the System Manager.

N66715.3RESS

System name:

Recruiting Enlisted Selection System

System location:

Primary System - Commander Navy Recruiting Command Decentralized Segments - Navy Recruiting Area Commanders, Navy Recruiting District Headquarters, Navy Recruiting 'A' Stations, Navy Recruiting Branch Stations, AFEES.

Categories of individuals covered by the system:

Records and corespondence 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 Navy.

Categories of records in the system:

Records and correspondence in both automated and non-automated form 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.

Authority for maintenance of the system:

10 USC Sections 133, 275, 503, 504, 508, 510, 672, 1071 - 1087, 1168, 1169, 1475 - 1480, 1553, 5031; 5 USC 301 Departmental Regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Officials and employees of the Department of the Navy in the performance of their duties in managing and contributing to the recruitment of qualified men and women for enlistment in the regular and reserve components of the Navy. 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 of quality military recruitment.

Officials and employees of the Department of Defense in the performance of official duties.

Officials and employees of the Department of Transportation in carrying out their official duties.

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 of quality military recruitment.

Officials and 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.

Such civilian contractors and their employees as are or may be operating in accordance with an approved official contract with the U.S. Government.

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:

Filed alphabetically by last name of subject

Safeguards:

Records are accesible only to authorized Navy recruiting personnel within and are handled with security procedures appropriate for documents classified 'For Offical Use Only'

Retention and disposal:

Records are normally maintained for two years and then destroyed.

System manager(s) and address:

Commander, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, Virginia 22203

Notification procedure:

Requests by correspondence should be addressed to: Commander Naval Recruiting Command (Attn: Privacy Act Coordinator), 4015 Wilson Boulevard, Arlington, VA 22203; or, Chief of Naval Reserve (Code 111C), New Orleans, Louisiana, 70146, or, to applicable Naval Recruiting District as listed under U.S. Government in white pages of telephone book. Letter should contain full name, address, social security account number and signature.

The individual may visit Commander, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, VA 22203. Proof of identification will consist of picture-bearing or other official identification.

Record access procedures:

The agency's rules for access to records may be obtained from System Manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

Navy Recruiting personnel and Administrative Staff; Medical Personnel conducting physical examinations and/or Private Physicians providing consultations or patient history; Character and Employer references; Educational institutions, Staff and Faculty members; Selective Service Commission; Local, State, and Federal Law enforcement agencies; prior or current military service records; Members of Congress.

Other officials and employees of the Department of the Navy, Department of Defense and components thereof, 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:

Parts of this system may be exempt under 5 U.S.C. 552 a (j) or (k), as applicable. For additional information contact the System Manager.

N66715.4RATS

System name:

Navy Recruiting Command Attrition Tracking System

System location:

Primary System - Recruiting Data Systems,Commander, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, Virginia 22203

Categories of individuals covered by the system:

Navy Enlisted Personnel who attrite during Basic Recruit Training

Categories of records in the system:

File consists of records and correspondence pertaining to individuals discharged at Navy Recruit Training Centers. Records include personal and service information, education, physical and mental qualifications and circumstances surrounding discharge.

Authority for maintenance of the system:

10 USC Sections 133, 275, 503, 504, 508, 510, 5031; 5 USC 301 Departmental Regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Officials and employees of the Department of the Navy in the performance of their duties in managing and contributing to the components of the Navy.

Officials and employees of the Department of Defense in carrying out their official duties.

Officials and employees of the Department of Transportation in carrying out their official duties. carrying out their official duties.

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 of quality 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 of quality military recruitment.

Officials and 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.

Such civilian contractors and their employees as are or may be operating in accordance with an approved official contract with the U. S. Government.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Manual Records stored in file cabinets in a secure government building. Automated records are maintained on magnetic tape.

Retrievability:

Info can be retrieved by Social Security Account Number, Navy Recruiting Area or District Recruit Training Center, Age, Education, Discharge Reason or Date of Discharge.

Safeguards:

Only authorized routine users are permitted access to the records. The Headquarters building in which the records are located has a 24-hour guard which prevents unauthorized access to the building.

Retention and disposal:

Records are maintained at Headquarters, Navy Recruiting Command for five years, and then destroyed. Records at Area and District Headquarters are retained for one year before being destroyed.

System manager(s) and address:

Director, Recruiting Data Systems, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, Virginia 22203 Telephone: 202-692-4089

Written requests for information should contain the full name, social security account number and location where individual was recruited, and signature.

Notification procedure:

Apply to System Manager.

Record access procedures:

The Agency's for access to records may be obtained from System Manager.

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

Discharge Sections at Navy Recruit Training Commands Other officials and employees of the Department of the Navy, Department of Defense and components thereof, 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:

None

N66715.5RCSS

System name:

Navy Recruiting Support System

System location:

Headquarters, Navy Recruiting Command, 4015 Wilson Boulevard, Aarlington, Virginia 22203

Decentralized Segments-Navy Recruiting Areas; Navy Recruiting Districts; Navy Recruiting 'A' Stations; Navy Recruiting Branch Stations.

Categories of individuals covered by the system:

Students who have taken the Armed Forces Vocational Aptitude Battery; Naval Reserve officers nominated by District Commanding Officers for a collateral duty assignment as Recruiting District Assistance Council Chairmen (RDAC); Enlisted Personnel selected by local Navy Recruiter for participation in local Navy Recruiting effort; Community leaders and individuals who provide assistance to Navy Recruiters.

Categories of records in the system:

Name; Social Security Number; Address; Pertinent family information; Pertinent military information; Professional and education affiliations and experience.

Authority for maintenance of the system:

10 USC Sections 133, 503, 504, 508, 510, 5031; 5 USC 301 Departmental Regulations; 44 USC Sections 3101, 3702.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To provide field recruiters with various vehicles of recruiting support; to familiarize Navy Recruiters with community leaders; to provide a thorough interface between the Navy and the community; to promote the Navy among the members of the civilian community; to provide educators with a measure of the vocational aptitude of their students through administration of the Armed Services Vocational Aptitude Battery; cultivate community awareness; to assign inactive Reserve officers to Recruiting support functions as Recruiting District Assistance Council Chairmen; to facilitate liaison with various business and social and education cultures in the community; obtain media support for the Navy Recruiting Command; Assist the local recruiter in anyway the recruiter feels necessary; to generate prospective applicants for the United States Navy. Enlisted/Officer Navy Recruiters; Navy Recruiting District Commanding Officers; Navy Recruiting Area Commanders; Navy Recruiting Headquarters staff personnel; Naval Reserve Officers filling official recruiting support functions.

Officials and employees of the Department of the Navy in the performance of their duties in managing and contributing to the recruitment of qualified men and women for officer programs in the regular and reserve components of the Navy.

Officials and employees of the Department of Defense in carrying out their official duties.

Officials and employees of the Department of Transportation in carrying out their official duties.

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 of quality 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 of quality military recruitment.

Officials and employees of the Veterans Administration and Selective Service Adminitration 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 thereof on matters within their jurisdiction requiring disclosure of files or records of personnel covered by this system.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File cabinets and magnetic tape

Retrievability:

Information can be accessed by name and social security number

Safeguards:

Lists and files are handled with discretion and accessible only to those personnel having a need to know.

Retention and disposal:

Records are retained for the tenure of the individual involved or in the case of high school Armed Services Vocational Aptitude Battery lists for a maximum two-year period or until information is no longer useful for recruiting support.

Magnetic tapes are demagnetized; other manual files are shredded or burned when discarded.

System manager(s) and address:

Director, Recruiting Support Department, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, Virginia 22203

Notification procedure:

Information may be obtained from: Director, Recruiting Support Department, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, Virginia 22203 Telephone: 202/692-4795

Requester is required to supply full name, rank/rate (if applicable), address and social security number.

Record access procedures:

The agency's rules for access to records may be obtained from the System Manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

Subject of the information; Field Recruiters; Area Commanders/ District Commanding Officers; Chief of Naval Personnel; Chief of Naval Reserve; District Commandants; Chief of Naval Education and Training; Vocational Testing Group; Recruit Training Commands; Service Schools Commands and other officials and employees in the Department of the Navy and other components of the Department of Defense in the performance of their officials duties and as specified by current instructions and regulations promulgated by competent authority.

Systems exempted from certain provisions of the act:

None

N68056 005

System name:

Legal Records System

System location:

Commanding Officer
Naval Regional Medical Center
San Diego, CA 92134

Categories of individuals covered by the system:

Patients, visitors, staff and employees of Naval Regional Medical Center, San Diego, CA 92134.

Categories of records in the system:

Incident reports and in-house investigations; records of Commanding Officer's Nonjudicial Punishment and appeals thereof; files of litigation and potential litigation.

Authority for maintenance of the system:

5 U.S.C. 301, Departmental Regulations; Federal Tort Claims Act; Medical Care Recovery Act; Article 15, UCMJ.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Some are protected by attorney-client relationship, and thus are not released without consent of client or used in any way other than original purpose. Incident reports used for internal administration of Medical Center (to correct errors and improve procedures) and to notify attorney of incidents having a potential for legal action. In-house investigations used to prepare for litigation. Records of NJP used in administering Article 15, UCMJ, punishment and for referral to Military Personnel System (for performance evaluation, administrative separation, etc.).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders, forms, letters.

Retrievability:

Name.

Safeguards:

Available to staff of Staff Judge Advocate (three persons) on a 'need to know' basis only. Otherwise, maintained in locked cabinets and/or in locked rooms.

Retention and disposal:

Retained as required; destroyed or moved to National Personnel Records Center, St. Louis, MO, as directed by Department Regulations.

System manager(s) and address:

Staff Judge Advocate
Naval Regional Medical Center
San Diego, CA 92134

Notification procedure:

Individuals can determine whether the system contains records pertaining to them by writing or visiting the System Manager and supplying full name, SSN, military status, approximate date of contact with system (if known).

Record access procedures:

The agency's rules for access to records may be obtained from the System Manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the System Manager.

Record source categories:

Investigative reports (as from JAG Manual investigations, Office of Naval Intelligence reports, Security System, etc.), Military Personnel System, medical records, personal interviews, personal observation, reported by persons witnessing or knowing of incidents.

Systems exempted from certain provisions of the act:

Parts of this system may be exempt under 5 U.S.C. 552 a (j) or (k), as applicable. For additional information contact the System Manager.

N68142MHAS

System name:

Manhour Accounting System

System location:

Naval Education and Training Information Systems Activity Naval Air Station Pensacola, FL 32508

Categories of individuals covered by the system:

Active military and civilian personnel assigned to maintenance activities in the Naval Education Training Command

Categories of records in the system:

One type record which contains the following: Assigned organization code Work center code Name Grade code Pay rate Social Security Number NEC/MOS Labor Code Type Transaction Labor Code Hours assigned

Authority for maintenance of the system:

5 USC 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Master roster listing Work center labor code Work center labor utilization Grade code utilization Internal Navy Users are Naval Education Training Command Activities

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Punched cards, magnetic tape and flat paper

Retrievability:

Organization code Social Security number Work Center

Safeguards:

Files are stored in a limited access area. Information provided via batch processing is of a predetermined and strictly formatted nature.

Retention and disposal:

Individual personal data are retained only for that period of time that an individual is assigned to or is supporting a training evolution or activity. Upon departure of an individual, personal data are deleted from the records and history records are not maintained.

System manager(s) and address:

Chief of Naval Air Training Building #1 Naval Air Station Corpus Christi, TX 78319
Records Holder:
Commanding Officer
Naval Education and Training
Information Systems Activity
Naval Air Station
Pensacola, FL 32508

Notification procedure:

Individuals desiring information whether the system contains records pertaining to them should request that determination from the Records Holder listed under SYSMANAGER. The requester should provide his social security number and full name. The office of the Records Holder listed under SYSMANAGER may be visited for this determination but the requester must present his social security card and military identification card.

Record access procedures:

The Agency's rules for access to records may be obtained from the systems manager.

Contesting record procedures:

The Agency's rules for contesting contents and appealing intitial determinations by the individual concerned may be obtained from the systems manager.

Record source categories:

Naval Air Training Command Activities and organizations

Systems exempted from certain provisions of the act:

None

N68142PDBA/SIPM

System name:

Personnal Data Base Application/Student Instructor Performance Module

System location:

Naval Education and Training Information Systems Activity Naval Air Station Pensacola, FL 32508

Categories of individuals covered by the system:

Students under instruction at Naval Air Training Command Activities Instructors at Naval Air Training Command Activities Staff and Base Support Personnel at Naval Air Training Command and Naval Air Training Command Activities

Categories of records in the system:

Basic Identification Records i.e., social security number, name, sex, date of birth. Personnel records i.e., rank/rate/grade, Branch of Service, Billet, Expiration of Active Obligated Service. Professional records i.e., Navy Enlisted Classification, Subspecialty Code, Test Scores. Educational Records i.e., Education Levels, Service and Civilian Schools attended, Degrees, majors. Location Records i.e., Duty Stations, Home addresses.

Authority for maintenance of the system:

5 USC 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Student performance, progression and prediction Instructors Performance Organizational and Administrative Control Internal Navy Uses are Chief of Naval Personnel, Naval Air Training Command staff personnel, and NAVAIRTRACOM Activities staff personnel

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Punched cards, magnetic tape, direct access storage devices and flat paper.

Retrievability:

Social Security Number, Name

Safeguards:

Data on file is protected as follows. On-line access is controlled by terminal identification and a password system. Terminal Identification is positive and maintained by a single control point. Physical access to terminals is restricted to specifically authorized individuals. Password authorization, assignment and monitoring are the responsibility of the functional managers. Information provided via batch processing is of a predetermined and rigidly formatted nature. Any output is controlled by the functional managers who also control the distribution of output.

Retention and disposal:

Individual personal data is retained only for that period of time that an individual is assigned to or is supporting a training evolution or activity. Upon departure of an individual, personal data is deleted from the records. History records are not maintained.

System manager(s) and address:

Chief of Naval Air Training Building #1 Naval Air Station Corpus Christi, TX 78319

Records Holder:
Commanding Officer
Naval Education and Training
Information Systems Activity
Naval Air Station
Pensacola, FL 32508

Notification procedure:

Individuals desiring information whether the system contains records pertaining to them should request that determination from the Records Holder listed under SYSMANAGER. The requester should provide his social security number, full name and present status, i.e., Military or Civilian. The office of the Records Holder listed under SYSMANAGER may be visited for this determination but the requester must present his social security card and military or Civilian identification card.

Record access procedures:

The Agency's rules for access to records may be obtained from the systems manager.

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the systems manager.

Record source categories:

Chief of Naval Personnel, Naval Air Training Command Activities staff and Instructors personnel, Educational Institutions, Individuals

Systems exempted from certain provisions of the act:

None

N68221 PERSRESCHSYSTM

System name:

Personnel Management and Training Research Statistical Data System

System location:

Commanding Officer
U. S. Navy Personnel Research and Development Center
San Diego, California 92152

Categories of individuals covered by the system:

U. S. Navy and Marine Corps Personnel and applicants thereto: Active duty, reserve, prior service, dependents, retired, and Department of the Navy civilians from 1951 to present. (Only samples of data from each category are on file, depending on research study.)

Categories of records in the system:

Performance, attitudinal, biographical, aptitude, vocational interest, demographic, physiological. Data in any file are limited, depending on purpose of the research study.

Authority for maintenance of the system:

5 USC 301 Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The data are used solely by Navy Personnel Research and Development Center researchers who analyze them statistically to arrive at recommendations to management on such topics as: Comparison of different training methods, selection tests, equipment designs, or policies relating to improving race relations and decreasing drug abuse. In no case are the data used for other than statistical purposes; that is, the data are not used in making decisions affecting specific individuals as individuals.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Magnetic tapes, magnetic disk, punched cards, and coding

Retrievability:

Records are retrievable by name, social security number, or service/file numbers, but such identifying information is used only to permit collation of data for statistical analysis, and is not used for retrieval of individual records.

Safeguards:

Unauthorized access to records is controlled by: Security clearances for all Research Center and contractor personnel; physical security including a badge system for entry to the Center and a 24-hour guard maintained on a fenced compound; control of visitors; data bank users having special access codes; and, access limited to only designated personnel.

Retention and disposal:

Records are destroyed five years after termination of a research project. They are maintained within the confines of the Research Center. Destruction is accomplished by degaussing magnetic tapes and disks, and punched cards are recycled.

System manager(s) and address:

Director of Programs (Code 03PA)
U. S. Navy Personnel Research and Development Center
San Diego, California 92152

Notification procedure:

Research Center files are organized by research study. To determine if Center files contain information concerning himself, an individual would have to specify time and place of participation in the research, unit to which attached at the time, and descriptive information about the study so that appropriate data may be located. For further information, contact the System Manager.

Office to visit: Contact System Manager
Visitor Identification: System Manager will specify

Record access procedures:

The agency's rules for access to records may be obtained from the System Manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

The source depends on purpose and nature of study: From the subjects themselves, educational institutions, supervisors, peers, instructors, spouses, and job sample tests.

Systems exempted from certain provisions of the act:

Parts of this system may be exempt under 5U.S.C. 552 a (j) or (k), as applicable. For additional information, contact the System Manager.

N68510

System name:

Sys Cmd Accting/Monitoring of Projects (Scamp)

System location:

Navy Regional Data Automation Center (NARDAC), Washington Navy Yard, Building 196, Washington, D.C. 20374.

Categories of individuals covered by the system:

Current employees, assigned military personnel, contractor personnel and those separated within the current five fiscal years.

Categories of records in the system:

Individual's social security number, date of birth, home address, home telephone number, education level, sex, race or ethnic group. Other types of records integrated with personnel records include: (a) status of travel orders during the previous fiscal year; (b) vehicle identification for parking control purposes; (c) privacy log containing a history of accesses made to any of the privacy protected data; (d) record of personnel actions issued; (e) training data extracted from the Individual Development Plan (IDP); (f) history of all promotions associated with employment at NARDAC; (g) listing of security accesses; (h) manpower costs for all personnel distributed by project and task; and (i) data relating to projects or endeavors that individuals have work on. This data deals with costs and milestone monitoring.

Authority for maintenance of the system:

5 U.S.C. 301, 42 U.S.C. 2000e et seq., 44 U.S.C. 3101, Federal Personnel Manuals 293, 294, 295, 713.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Internal uses: Officials and employees of the Naval Data Automation Command (NAVDAC) and NARDAC in the performance of their duties relating to personnel management, project monitoring, and financial management.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are maintained on magnetic disk and on magnetic tape.

Retrievability:

SCAMP users obtain information by means of either a query or a request for a standard report. Personnel data may be indexed by any data item although the primary search key is the badge number.

Safeguards:

Access to building is protected by uniformed guards requiring positive identification for admission. The computer room where data is physically stored is protected by a cypher lock. The system is protected by user account number and password sign-on, data base authority, set and item authority for list, add, delete and update.

Retention and disposal:

An individual's Personnel Master Data Set record is retained in the data base as long as they are actively employed with the Command. The online personnel data set is purged of all records of separated personnel at the end of each fiscal year. Historical data may be kept for five years on separate tape files.

System manager(s) and address:

Department Head, Management Information Analysis Department (Code 20B) NARDAC, Building 157, Washington Navy Yard, Washington, D.C. 20374.

Notification procedure:

Inquiries regarding the existence of records should be addressed to the system manager. Written requests should contain the full name and signature of the individual concerned and his/her social security number indicated on the letter. For personal visits, the individual should be able to provide some acceptable form of identification, i.e., driver's license, etc.

Record access procedures:

The agency's rules for access to records may be obtained from the System Manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Information in this system comes from the individual to whom it applies, from security agencies to which application for clearances have been made, and from agencies' various administrative departments.

Systems exempted from certain provisions of the act:

None.

N96021-LQA

System name:

Living Quarters and Lodging Allowance

System location:

Overseas organizational elements of the Department of the Navy as indicated in the directory of Department of the Navy mailing addresses.

Categories of individuals covered by the system:

Appropriated and non-appropriated fund U.S. civilian employees eligible for allowance.

Categories of records in the system:

Employee's name, grade, address, rent and utility expenses, living quarters and lodging allowance, and name of family and/or members.

Authority for maintenance of the system:

Executive order number 10903 of 9 January 1961, executive order number 10970 of 27 October 1961, executive order number 10853 of 27 November 1959, and executive order number 10982 of 25 December 1961, as implemented by State Department regulation.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by civilian personnel office to record employee's living quarters or temporary lodging allowance entitlement. Other users include Naval Supply Depot Payroll Office, the employing office, disbursing office; Commander, Fleet Activities FPO Seattle 98762; and the U.S. Department of State.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders.

Retrievability:

File folders maintained by surname.

Safeguards:

Personnel screening and visitor control.

Retention and disposal:

Files retained for a period of two years and then destroyed.

System manager(s) and address:

Overseas commanding officer of the activity in question. See directory of Department of the Navy mailing addresses.

Notification procedure:

A copy of living quarters allowance is provided to each employee.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Official personnel files.

Systems exempted from certain provisions of the act:

None.

N96021-02

System name:

Supervisors Report of Potential to Perform and Reference Check Records System

System location:

Office of Civilian Manpower Management (OCMM), Regional Offices of Civilian Manpower Management (ROCMM's), Capital Area Personnel Services Office-Navy (CAPSO-N); and Navy Staff, headquarters, and field activities employing civilians. Mailing addresses are provided in the Department of the Navy Directory published in the Federal Register.

Categories of individuals covered by the system:

Navy civilian employees, paid from appropriated funds serving under career, career-conditional, or excepted appointments who have applied for vacant positions under the Recruitment, Employment and Internal Placement Record System or who are registered in the Navy Civilian Career Management Inventory and Referral System, or who may submit nominations and applications for training programs under the Training and Employee Development Record System.

Categories of records in the system:

System comprises manual records reflecting information pertaining to the supervisor's judgement as to employee's potential to perform work in other positions and the responses to inquiries constituting reference checks in merit promotion, career management, employment and other actions. This information is used for screening and selection of candidates for employment, referral in career programs, training programs, or placement programs. Manual files, maintained in paper folders, contain the employee's appraisal of potential forms and/or reference checks.

Authority for maintenance of the system:

Title 5, US Code 301, 'Departmental Regulations'

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Officials and employees of the Department of the Navy in he performance of their official duties related to the screening and selection of candidates for training programs, career programs, or placement programs; and administration of grievances, appeals and litigation involving the disclosure of records of potential and reference checks. Representatives of United States Civil Service Commission on matters relating to the inspection, survey, audit or evaluation of Navy civilian personnel management programs, or personnel actions, or such other matters under the jurisdiction of the Commission. The Comptroller General or any of his authorized representatives, in the course of the performance of duties of the General Accounting Office relating to the Navy's civilian manpower management programs. The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies. A duly appointed Hearing Examiner or Arbitrator (an employee of another Federal Agency) for the purpose of conducting a hearing in connection with an employee's grievance involving the disclosure of the records of the career porgram, training program or employment or placement program. An arbitrator who is given a contract pursuant to a negotiated labor agreement to hear an employee's grievance involving the disclosure of the records of the supervisor's report of potential to perform and the responses to reference checks. The Senate or the House of Representatives of the United States or any Committee or sub-committee thereof, any joint committee of Congress or subcommittee of joint committees on matters within their jurisdiction requiring disclosure of the supervisor's report of potential to perform and the responses to reference checks.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Manual records are stored in paper file folders.

Retrievability:

Manual records are filed by name.

Safeguards:

Manual records are available only to authorized personnel having a need to know.

Retention and disposal:

Potential and reference check records are destroyed after two years.

System manager(s) and address:

The Director of Civilian Manpower Management, and the heads of Navy Staff, Headquarters and field activities employing civilians. See EXEMPTION.

Notification procedure:

See EXEMPTION.

Record access procedures:

See EXEMPTION.

Contesting record procedures:

See EXEMPTION.

Record source categories:

See EXEMPTION.

Systems exempted from certain provisions of the act:

Parts of this system may be exempt under 5 U.S.C. 552 a (j) or (k), as applicable. For additional information contact the System Manager.

N96021-06

System name:

Navy Automated Civilian Manpower Information System (NACMIS)

System location:

Office of Civilian Manpower Management (OCMM), Department of the Navy and designated contractors; field divisions of Civilian Manpower Management; Capital Area Personnel Services Office - Navy (CAPSO-N); and Navy staff, headquarters and field activities employing civilians, and the Navy Command Systems Support Activity and its designated contractors. The addresses of the activities are furnished in the Department of the Navy directory published in the Federal Register.

Categories of individuals covered by the system:

Department of the Navy civilian employees paid from appropriated funds and Navy military personnel included in the automated training record segment of NACMIS.

Categories of records in the system:

The system comprises automated and non-automated records describing and identifying the employee (e.g., name, social security account number, sex, birth date, minority designator, citizenship, physical handicap code); the position occupied and the employee's qualifications; salary and salary basis; employee's status in relation to the position occupied and the organization to which assigned; tickler dates for impending changes in status; education and training records; previous military status; functional code; previous employment record; performance appraisal and other data needed for screening and selection of an employee; referral records; professional licenses and publications; and reason for position change or other action affecting the employee. The records are those found in the five modules of NACMIS which are: Training and Employee Development Record System/Training Requirements and Information Management System (TRIM); Personnel Automated Data System (PADS); Navy Civilian Career Management Inventory and Referral System; and local automated personnel Information System (LAPIS).

Authority for maintenance of the system:

5 USC 2951, Reports; 5 USC 301, Departmental Regulations; 5 USC 4103, Establishment of Training Programs; 5 USC 4118, Training; 5 USC 4115, Collection of Training Information; Executive Order 9397, Numbering System for Federal Accounts Relating to Individual Persons; Public Law 92-261, The Equal Employment Opportunity Act of 1972.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Officials and employees of the Department of the Navy in performance of their official duties related to the management and administration of the Department's civilian personnel and civilian manpower planning programs and in the design, development, maintenance and operation of the automated system of records; employees and officials of the Department of Defense where there exists a need-to-know in the performance of their official duties; employees and officials of the Civil Service Commission in the performance of their official duties. The Comptroller General or any of his authorized representatives, in the course of the performance of duties of the General Accounting Office. The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of Executive Branch 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 screening and selection of candidates for vacant positions. Representatives of the United States Department of Labor on matters relating to the inspection, survey, audit or evaluation of the Navy's apprentice training programs or on other such matters under the

jurisdiction of the Labor Department. Representatives of the Veterans Administration on matters relating to the inspection, survey, audit or evaluation of the Navy's apprentice and on-the-job training program. The Computer Systems Group Contractor (or other such contractor) and its employees for the purpose of card punch recording of data from employee personnel actions and training documents, or data collection forms and other documents. Employees and officials of the Naval Command Systems Support Activity and their designated contractors for the purpose of systems support. A duly appointed hearing examiner or arbitrator (an employee of another Federal agency) for the purpose of conducting a hearing in connection with an employee's grievance. An arbitrator who is given a contract pursuant to a negotiated labor agreement to hear an employee's grievance involving the disclosure of records. The Senate or the House of Representatives of the United States or any committee or sub-committee thereof, any joint committee of Congress or sub-committee of joint committees on matters within their jurisdiction requiring disclosure of the files or records of the Department's civilian personnel and manpower management program. An appointed complaints examiner for the purpose of conducting a hearing in connection with an employee's formal Equal Employment Opportunity (EEO) complaint. Officials and employees of schools and other institutions engaged to provide training. Employee unions when unions are authorized to canvas employees or at the time of a union election. Designated contractors of the Department of the Navy in performance of their duties with respect to equipment and system design, development, test and maintenance.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Automated records are stored on magnetic tape, disc, drum and punched cards and computer printouts. Manual records are stored in paper file folders.

Retrievability:

Information is retrieved by Social Security Account Number (SSAN), name, or by specific employee characteristics such as date of birth, grade, occupation, employing organization, tickler dates; a combination of data elements contained in the Training Requirements Information Management (TRIM) subsystem, on apprentice program master files; academic specialty or education level. Specific subgroups of employees may be identified through the use of computerized indices. Manual records are retrieved by name.

Safeguards:

The computer facility and terminal are accessible only to authorized persons that have been properly screened, cleared and trained. Manual and automated records and computer printouts are available only to authorized personnel having a need-to-know. In the case of EEO data, output from the central Office of Civilian Manpower Management file is authorized only by the Department of the Navy Director of Equal Employment Opportunity or his Deputy. Output from the activity minority census files must be authorized in writing by either the head of the activity or the activity's deputy EEO officer.

Retention and disposal:

For TRIM and the apprentice programs the computer magnetic tapes are permanent. Manual records are maintained on a fiscal year basis and are retained for varying periods from 1 to 5 fiscal years. For the Department of the Navy's centrally-administered programs, files on selected candidates are maintained for 5 years (from date selection process is completed). Records of non-selected candidates are retained only for that period of time sufficient to permit appropriate review (usually less than 60 days). For PADS, computer magnetic tapes are retained permanently. Magnetic discs are erased after use. Computer printouts are destroyed after 3 months. Input documents (NAVSO12280/11) are destroyed after data is converted to machine readable form. Input punch cards are retained for 2 weeks. For career management computer magnetic tapes and discs are erased 5 years after they are created; manual records are destroyed 2 years after the employee has been dropped from the career inventory. Manual records are destroyed upon separation of the employee from the activity. For LAPIS, records are maintained in an active status until a separation action on an employee is completed. Historical records for LAPIS are maintained for a maximum of 5 years.

System manager(s) and address:

Director of Civilian Manpower Management, Office of Civilian Manpower Management, Department of the Navy and the commanding officers of the employee's activity.

Notification procedure:

Requests from individuals should be addressed to the SYSMANAGER or to the civilian personnel officer under his cognizance. Requests must be accompanied by the individual's full name, social security number and name of employing activity. Requesters may visit the civilian personnel office of the naval activity covered by the system to obtain information. In such case proof of identity will consist of full name, social security account number and a third positive identification such as driver's license, Navy building pass or identification badge, birth certificate, Medicare card, etc. Address of the activity is furnished in the Department of the Navy directory of mailing addresses published in the Federal Register.

Record access procedures:

The Agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Categories of sources of records in the system are: the civilian personnel office of the employing activity; the payroll office; the security office of the employing activity; line managers, other designated officials and supervisors; the employee and persons named by the employee as references.

Systems exempted from certain provisions of the act:

None

N96021-07

System name:

Area Coordinator Information and Operation Files

System location:

Office of Civilian Manpower Management (OCMM), Regional Offices of Civilian Manpower Management (ROCMM's), Capital Area Personnel Services Office-Navy (CAPSO-N); and Navy Staff, headquarters, and field activities employing civilians. Mailing addresses are provided in the Department of the Navy Directory published in the Federal Register.

Categories of individuals covered by the system:

Civilian employees, paid from appropriated and non-appropriated funds, military personnel or private citizens affected by or involved in action of area coordination significance, and speakers, specialists and other interested participants.

Categories of records in the system:

System is composed of but not limited to records compiled in accordance with regulations, correspondence regarding status of EEO investigations, index file of program administration and interested participants including ad hocs, summaries compiled for budget administration, biographies of speakers or of key officials obtained from individual.

Authority for maintenance of the system:

Title 5, U.S.C. 301, Departmental Regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Officials and employees of the Department of the Navy in the performance of their official duties related to the management of civilian employees or of special programs. Representatives of the United States Civil Service Commission on matters relating to the inspection, survey, audit or evaluation of Navy civilian pesonnel management programs, or personnel actions, or such other matters under the jurisdiction of the Commission. The Comptroller General or any of his authorized representatives, in the course of the performance of duties of the General Accounting Office relating to the Navy's civilian manpower management programs. The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies. Officials and employees of other components of the Department of Defense in the performance of their official duties related to the management of special programs or subject. 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 special programs or subject. A duly appointed Hearing Examiner or Arbitrator (an employee of another Federal agency) for the purpose of conducting a hearing in connection with an employee's grievance. An arbitrator who is given a contract pursuant to a negotiated labor agreement to hear an employee's grievance. The Senate or the House of Representatives of the United States or any member, Committee

or sub-committee thereof, any joint committee to Congress or sub-committee of joint committees on matters within their jurisdiction requiring disclosure of the files or records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are stored in paper file folders, list finders, index cards, or logs or other indexing systems.

Retrievability:

Records are retrieved by subject matter, or by name.

Safeguards:

Records are available only to authorized personnel having a need to know.

Retention and disposal:

Records are retained for varying lengths of time as required by local regulations; some records may be maintained indefinitely.

System manager(s) and address:

The Director of Civilian Manpower Management, and the heads of Navy Staff, Headquarters, and field activities employing civilians. Addresses are provided in the Department of the Navy directory published in the Federal Register.

Notification procedure:

Requests by correspondence or in person should be made to the Director of Civilian Manpower Management, or to the head of the nearest Navy activity or to the Navy activity with which the individual is employed or serves as a contact point or participates with in matters relating to the program of his interest. Correspondence should contain the full name, social security number and signature of the requestor. For personal visits, proof of identification will consist of a Department of Defense or Navy building pass or identification badge or drivers license or other types of identification bearing his signature or picture or by providing information which may be verified against the record. Addresses of these activities are in the directory of Department of the Navy mailing addresses.

Record access procedures:

The Agency's rules for access to records may be obtained from the System Manager.

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determinations may be obtained from the System Manager.

Record source categories:

Navy Civilian Personnel Offices and their representatives.

Systems exempted from certain provisions of the act:

NONE

N96021-21

System name:

Navy Civilian Career Management Inventory and Referral System

System location:

Office of Civilian Manpower Management (OCMM), Regional Offices of Civilian Manpower Management (ROCMM's), Capital Area Personnel Services Office-Navy (CAPSO-N); and Navy Staff, headquarters, and field activities employing civilians. Mailing addresses are provided in the Department of the Navy Directory published in the Federal Register.

Categories of individuals covered by the system:

Navy civilian employees, paid from appropriated funds serving under career or career-conditional appointments and occupying competitive service positions, who are registered in the career inventory system

Categories of records in the system:

System comprises automated and non-automated records reflecting information pertaining to the employee's identification, education, qualifications, training, abilities, current and previous employment, professional licenses, authored publications, and the appraisal of the employee's performance and potential by supervisors and by associates named by the employee, and other data needed for screening and selection of candidates for referral for vacant positions. The manual files, maintained in paper folders, contain the employee's registration document, appraisal forms, responses to reference inquiries, and a record of referrals.

Authority for maintenance of the system:

Title 5, USC 4103, 'Establishment of Training Programs' and Executive Order 9397, 'Numbering System for Federal Accounts Relating to Individual Persons'

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Officials and employees of the Department of the Navy in the performance of their official duties related to the management of civilian employee career programs; the design, development, maintenance, and operation of the manual and automated system of records; the screening and selection of candidates for vacant positions in the occupations and specialties covered by the inventories; and administration of grievance, appeals, and litigation involving the disclosure of records of the career management system. Representatives of the United States Civil Service Commission on matters relating to the inspection, survey, audit or evaluation of Navy civilian personnel management programs, or personnel actions, or such other matters under the jurisdiction of the Commission. The Comptroller General or any of his authorized representatives, in the course of the performance of duties of the General Accounting Office relating to the Navy's civilian manpower management programs. The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies. Officials and employees of other components of the Department of Defense in the performance of their official duties related to the screening and selection of candidates for vacant positions in the occupations and specialties covered by the inventories; or in the management of Department of Defensewide career programs. 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 screening and selection of candidates for vacant positions in the occupations and specialties covered by the inventories. The Computer Systems Group Corporation (a contractor) and its employees for the purpose of card punch recording of data from employee registration forms and other documents. A duly appointed Hearing Examiner or Arbitrator (an employee of another Federal Agency) for the purpose of conducting a hearing in connection with an employee's grievance involving the disclosure of the records of the career management and referral system. An arbitrator who is given a contract pursuant to a negotiated labor agreement to hear an employee's grievance involving the disclosure of the records of the career management inventory and referral system. the Senate or the House of Representatives of the United States or any member, Committee or sub-committee thereof, any joint committee to Congress or sub-committee of joint committees on matters within their jurisdiction requiring disclosure of the files or records of the career management system.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Automated records are stored on magnetic tapes and discs and on punched cards. Manual records are stored in paper file folders.

Retrievability:

Automated records are retrieved by social security number and name, or by one, or a combination, of characteristics such as education level or academic speciality. Manual records are by last name.

Safeguards:

The computer facility and terminal are located in restricted areas accessible only to authorized persons that are properly screened, cleared and trained. Manual records and computer printouts are available only to authorized personnel having a need to know.

Retention and disposal:

Computer magnetic tapes and discs are erased 5 years after they are created. Manual records are destroyed 2 years after the employee has been dropped from the career inventory.

System manager(s) and address:

The Director of Civilian Manpower Management, and the heads of Navy Staff, Headquarters and field activities employing civilians.

Notification procedure:

Request by correspondence should be addressed to the Director of Civilian Manpower Management (Attn. Code 21) Department of the Navy, Washington, D.C. 20390. The letter should contain the full name and social security account number of the requester and his signature. The individual may visit the Navy Civilian Career Management Center (CCMC), Room 820, Crystal Plaza Building Number 5, 2211 Jefferson Davis Highway, Arlington, Virginia, or the Civilian Personnel Office of the Navy activity at which he is currently employed, or of the nearest Navy activity, which office will contact the CCMC by telephone, 202-692-1270, if no record is locally available. Proof of identification will consist of a Department of Defense (DOD) or Navy building pass, or identification badge or drivers

license, or by other types of identification bearing picture or signature, or by providing verbal information that could be verified with his career inventory record.

Record access procedures:

The agencies rules for access to records may be obtained from SYSMANAGER.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Navy civilian personnel offices; current and previous supervisors of the employee; current and previous associates of the employee named by the employee as references.

Systems exempted from certain provisions of the act:

NONE

N96021-26

System name:

Recruitment, Employment and Internal Placement

System location:

Office of Civilian Manpower Management (OCMM), Regional Offices of Civilian Manpower Management (ROCMM's), Capital Area Personnel Services Offices-Navy (CAPSO-N), and Navy Staff, headquarters, and field activities employing civilians. Mailing addresses are provided in the Department of the Navy Directory published in the Federal Register.

Categories of individuals covered by the system:

Current and former civilian employees of the Department of the Navy and individuals who may have applied for civilian positions with the Department of the Navy.

Categories of records in the system:

System comprised of automated and non-automated records, including correspondence, reflecting information pertaining to individual's identification, current and previous employment, related background information provided by the individual, education and training, appraisal of individual's performance (and records of potential obtained after September 27, 1975) by supervisors and by other associates, and other data needed for screening and selection, rating and ranking, of candidates for positions of merit promotion and continued employment with the Department of the Navy.

Authority for maintenance of the system:

Title 5, USC, Book I, Vol. B, Chapter 31 'Authority for Appointment', Chapter 33 'Examination, Selection and Placement', and Chapter 35 'Retention Preference, Restoration and Reemployment'. Executive Orders 10577 'Career Conditional Appointment System', 10774 'International Organizations', 10973 'Foreign Assistance', 11103 'Peace Corps Volunteers; employment of former', 11222 'Conduct of Employees and Conflicts of Interest', 11315 'Executive Assignment System', 11478 'Equal Employment Opportunity', 11521 'Transitional and Veterans Readjustment Appointments', 11552 'International Organizations', 11589 'Intergovernmental Personnel Act', 11695 'Stabilization of the Economy', 11701 'Employment of Veterans', 11813 'Cooperative Education'.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Officials and employees of the Department of the Navy in the performance of their official duties related to the recruitment, employment, merit promotion and internal placement, and non-disciplinary separation of civilian employees. Representatives of the United States Civil Service Commission on matters relating to the inspection, survey, audit or evaluation of Navy civilian personnel management programs, or personnel actions, or such other matters under the jurisdicition of the Commission. The Comptroller General or any of his authorized representatives, in the course of the performance of duties of General Accounting Office relating to the Navy's civilian manpower management programs. The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies. Officials and employees of other components of the Department of Defense in the performance of their official duties related to recruitment, employment, internal placement, and non-disciplinary separations of civilian employees. 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 recruitment, employment, internal placement, and non-disciplinary separations of civilian employees. A duly appointed Hearing Examiner or Arbitrator (an employee of another Fereral agency) for the purpose of conducting a hearing in connection with an employee's grievance related to recruitment, employment, merit promotion, internal placement, and non-disciplinary separations. An arbitrator who is given a contract pursuant to the negotiated labor agreement to hear an employee's grievance involving the disclosure of records of employment, recruitment, merit promotion, internal placement, or non-disciplinary separation. The Senate or the House of Representatives of the United States or any member, Committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committees on matters within their jurisdiction requiring disclosure of the files or records of recruitment, employment, internal placement or non-disciplinary separations.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Automated records are stored on magnetic tapes and discs and on punched cards. Manual records are stored in paper file folders.

Retrievability:

Automated records are retrieved by Social Security number and name, or by one, or a combination, of characteristics such as educaton level, of academic speciality. Manual records are by last name.

Safeguards:

Automated and manual records are available only to authorized personnel having a need to know.

Retention and disposal:

Records are maintained from a minimum period of one year to, in some cases, permanent retention.

System manager(s) and address:

The Director of Civilian Manpower Management, and the heads of Navy Staff, Headquarters and field activities employing civilians.

Notification procedure:

Request by correspondence should be addressed to the Director of Civilian Manpower Management or the head of Navy Staff, Headquarters and field activities at which the individual is or was employed or to which he has submitted an application for employment. The letter should contain the full name and Social Security account number of the requester and his signature. The induvidual may visit the SYSMANAGER at the address which is provided in the Department of the Navy Directory published in the Federal Register. Proof of identification will consist of a Department of Defense (DOD) or Navy building pass, or identification badge or drivers license, or by other types of identification bearing picture or signature, or by providing verbal information that could be verfied with the individual's records

Record access procedures:

The agency's rules for access to records may be obtained from SYSMANAGER.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Navy civilain personnel offices; Navy recruiters; current and previous supervisors of the employee; current and previous associates of the employee named by employee as references; educational institutions; automated interface systems.

Systems exempted from certain provisions of the act:

NONE

N96021-261

System name:

Appraisals of Performance Record System

System location:

Office of Civilian Manpower Management (OCMM), Regional Offices of Civilian Manpower Management (ROCMM's), Capital Area Personnel Services Office-Navy (CAPSO-N); and Navy Staff, headquarters, and field activities employing civilians. Mailing addresses are provided in the Department of the Navy Directory published in the Federal Register.

Categories of individuals covered by the system:

Navy civilian employees, paid from appropriated funds, serving under career, career-conditional, and excepted appointments; except those employees exempt by the Civil Service Commission and OCMM.

Categories of records in the system:

System comprised of automated and non-automated records reflecting information pertaining to the employee's performance. Manual records of evaluations and ratings are maintained in the official personnel folder and other files and may be retained by the supervisor. Other files are maintained on appeals of ratings, correspondence on inquiries, warning letters, and supportive documentation on unsatisfactory and outstanding ratings.

Authority for maintenance of the system:

Title 5, USC 4302. "Performance Rating Plans; Establishment of."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Officials and employees of the Department of the Navy in the performance of their official duties involving the membership in performance rating panels or rating and ranking panels for merit promotion purposes, for merit promotion selection purposes, for award purposes, adverse action purposes, or for appeals purposes, or for career program assignment purposes. Representatives of the United States Civil Service Commission acting as Chairman of the Statutory Review Board on appeals of performance ratings for purposes of reviewing case files, conducting hearings and rendering decisions. Representatives of the United States Civil Service Commission on matters relating to the inspection, survey, audit or evaluation of Navy civilian personnel management programs or such other matters under the jurisdiction of the Commission. The Comptroller General or any of his authorized representatives, in the course of the performance of duties of the General Accounting Office relating to the Navy's civilian personnel records. The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies. Computer System Contractors and their employees for purposes of automatic listings of performance ratings. A duly appointed Hearing Examiner for the purpose of conducting a hearing in connection with an employee's grievance involving the disclosure of the records pertaining to performance evaluation and rating. The Senate or the House of Representatives of the United States or any member, Committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committees on matters within their jurisdiction requiring disclosure of the files or records of the Appraisals fo Performance Record Systems. Officials and employees of other Components of the Department of Defense in the performance of their official duties related to the screening and selection of candidates for vacant positions. 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 screening and selection of candidates for vacant positions.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Automated records are stored on magnetic tapes and discs. Manual records and computer print-outs are retained in paper file folders.

Retrievability:

Manual records retained by name. Computer records are retrieved by Social Security number, payroll number, name, or other identifier.

Safeguards:

Manual and automated records are available only to authorized personnel having a need to know.

Retention and disposal:

Computer tapes and discs are erased after 5 years. Old computer print-outs are destroyed when the new print-outs are processed at the end of the performance rating period, which is on an annual basis. Manual records of satisfactory are retained for up to three years or longer when used for career management purposes. Outstanding and unsatisfactory ratings and supporting documents are retained permanently in the official personnel file or for a shorter period in other files.

System manager(s) and address:

The Director of Civilian Manpower Management, and the heads of Navy Staff, Headquarters and field activities employing civilians.

Notification procedure:

Request by correspondence should be addressed to the Director of Civilian Manpower Management or the head of Navy Staff, Headquarters and field activities at which the individual is or was employed or to which he has submitted an application for employment. The letter should contain the full name and social security account number of the requester and his signature. The individual may visit the SYSMANAGER at the address which is provided in the Department of the Navy Directory published in the Federal Register. Proof of identification will consist of a Department of Defence (DOD) or Navy building pass, or identification badge or drivers license, or by other types of identification bearing picture or signature, or by providing verbal information that could be verified with the individual's record.

Record access procedures:

The agency's rules for access to records may be obtained from SYSMANAGER.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Navy civilian personnel offices; Navy recruiters; current and previous supervisors of the employee; current and previous associates of the employee named by the employee as references.

Systems exempted from certain provisions of the act:

NONE

N96021-263

System name:

Tests and Examinations Record Systems

System location:

Office of Civilian Manpower Management (OCMM), Regional Offices of Civilian Manpower Management (ROCMM'S), Capital Area Personnel Services Office-Navy (CAPSO-N); and Navy staff, headquarters, and field activities employing civilians. Mailing addresses are provided in the Department of the Navy Directory published in the Federal Register.

Categories of individuals covered by the system:

All Navy Civilian employees, or applicants for civilian employment paid from appropriated funds, serving under career, career-conditional and excepted appointment and occupying competitive excepted service positions.

Categories of records in the system:

System consists of non-automated records reflecting information pertaining to the employee's scores on a written or performance test. Automated records of employees test scores are kept by some activities. Manual records of the test scores are maintained by the designated test control officers in activities providing testing services.

Authority for maintenance of the system:

Title 5, USC 3304A "Noncompetitive Examinations"

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Officials and employees of the Department of the Navy in the performance of their official duties for merit promotion selection purposes, for placement, training and employee development purposes. Representatives of the United States Civil Service Commission on matters relating to inspection, survey, audit or evaluation of Navy civilian personnel test and measurement programs, personnel actions, or such other matters under the jurisdiction of the commission. The Comptroller General or any of this authorized representatives, in the course of the performance of duties of the General Accounting Office relating to the Navy's civilian personnel records. The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the executive branch agencies. A duly appointed hearing examiner for the purpose of conducting a hearing in connection with an employee's grievance or complaint involving the disclosure of the records pertaining to performance on the tests. The Senate or the House of Representatives of the United States or any committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committees on matters within their jurisdiction requiring disclosure of the files or records of test and examinations. Officials and employees of other components of the Department of Defense in the performance of their official duties related to the selection of candidates for vacant positions. 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 selection of candidates for vacant positions.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Manual records of test scores are retained in paper files folders. Automated records are on magnetic tapes, disks, or punched cards.

Retrievability:

Manual and automated records retrieved by the last name or social security number.

Safeguards:

Manual and automated records are available only to authorized personnel having a need to know.

Retention and disposal:

Manual and automated records of employee's test scores are retained for at least two years from the date of the test administration.

System manager(s) and address:

The Director of Civilian Manpower Management, and the heads of Navy staff, headquarters and field activities employing civilians.

Notification procedure:

Request by correspondence should be addressed to the Director of Civilian Manpower Management or the Head of Navy Staff, headquarters and field activities employing civilians. The letter should contain the full name and social security account number of the requester and his signature. The individual may visit the Sysmanager at the address which is provided in the Department of the Navy Directory published in the Federal Register. Proff of identification will consist of a Department of Defense (DOD) or Navy Building pass, or identification badge or drivers license, or by other types of identification bearing picture or signature, or by providing verbal information that could be verified with the individual's record.

Record access procedures:

The agency's rules for access to records may be obtained from Sysmanager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the Sysmanager.

Record source categories:

Employee's performance on officially approved Navy or the U.S. Civil Service Commission written or performance tests.

Systems exempted from certain provisions of the act:

None.

N96021-41

System name:

Labor Management Relations Records System

System location:

Office of Civilian Manpower Management, Regional Offices of Civilian Manpower Management, Capital Area Personnel Services Office, Navy, and Navy Staff, Headquarters and Field Activities employing civilians. Mailing addresses are provided in the Department of the Navy Directory, published in the Federal Register.

Categories of individuals covered by the system:

Navy civilian employees paid from appropriated and non-appropriated funds, who are involved in a grievance which has been referred to an arbitrator for resolution; Navy civilian employees involved in the filing of an Unfair Labor Practice complaint which has been referred to the Assistant Secretary of Labor-Management Relations; union officials; union stewards; and representatives.

Categories of records in the system:

Records comprise: Manual files, maintained in paper folders, manually filed by type of case and case number (not individual). Folder contains all information pertaining to a specific arbitration case or specific Unfair Labor Practice with whom Navy has dealings; field activities maintain manual roster of local union officials and union stewards.

Authority for maintenance of the system:

Executive Order 11491, as amended 'Labor-Management Relations in the Federal Service.'

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Officials and employees of the Department of the Navy in the performance of their official duties related to the Labor-Management Relations Program, e.g.: Administration/implementation of arbitration awards; interpretation of the Executive Order through 3rd party case decisions; National Consultation and other dealings with recognized unions. Representatives of the U. S. Civil Service Commission on matters relating to the inspection, survey, audit, or evaluation of Navy Civilian Personnel Management Programs. The Comptroller General or any of his authorized representatives, in the course of the peformace of duties of the General Accounting Office relating to the Navy's Labor Management Relations Program. Officials and employees of other components of the Department of Defense in the performance of their official duties related to the administration of the Labor- Management Relations Program. A duly appointed hearing examiner or arbitrator for the purpose of conducting a hearing in connection with an employee's grievance. An arbritrator who is given a contract pursuant to a negotiated labor agreement to hear an employee's grievance.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Manual records are stored in paper folders.

Retrievability:

Manual records are retrieved by case subject, case number, and/or individual employee names.

Safeguards:

All manual files are accessible only to authorized personnel having a need to know.

Retention and disposal:

Case files are permanently maintained. Union official rosters are normally destroyed after a new roster has been established.

System manager(s) and address:

The Director of Civilian Manpower Management, Department of the Navy, Washington, D. C. 20390.

Notification procedure:

Request by correspondence should be addressed to the Director of Civilian Manpower Management (Attn: Code 04), Department of the Navy, Washington, D. C. 20390; field activities.

Record access procedures:

The agency's rules for access to records may be obtained from SYSMANAGER.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appeaing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Navy civilian personnel offices; arbitrator's office; office of the Assistant Secretary of Labor for Labor-Management Relations; union headquarters offices.

Systems exempted from certain provisions of the act:

None

N96021-431

System name:

Employee Relations Including Discipline, Employee Grievances, Complaints, etc.

System location:

Chief of Naval Operations (OP-14), Naval Civilian Personnel Command (NCPC), NCPC Fields Divisions, Navy and Navy Staff Headquarters and Field Activities employing civilians. Mailing addresses are provided in the Department of the Navy Directory, published in the Federal Register.

Categories of individuals covered by the system:

Navy civilian employees, paid from appropriated funds serving under career, career-conditional, temporary and excepted service appointments on whom discipline, grievances, and complaints records exist. Discrimination complaints of Navy civilian employees, paid from appropriated and non-appropriated funds, applicants for employment and former employees in appropriated and non-appropriated positions. Appeals of Navy civilian employees paid frm appropriated funds. Filipino employee appeal case files ('Filipinos who are lawfully admitted residents.') Cases reviewed by CINCPAC under Filipino Employment Policy Instructions.

Categories of records in the system:

Manual files, maintained in paper folders, contain copies of documents and information pertaining to discipline, grievances, complaints, and appeals. Management operation record system consisting of manual file maintained by immedicate supervisors and high level managers concerning employee performance, capability, informal discipline, attendance, leave and tardiness, work assignments, and similar work related employee records.

Authority for maintenance of the system:

Executive Order 9830, Amending the Civil Service Rules and Providing for federal personnel administration, amended by Executor

Order 10577 and Executive Order 12106; Executive Order 12107; 5 USC 1205,1206,1206,1302,3301,3302,7105,7512, relevant portions of the Civil Service Reform Act, P.L. 95-454; 42 U.S.C. Sec 2000e-116 et. seq.; Equal Employment Opportunity Act of 1972, P.L. 93-259, amendment to the Fair Labor Standards Act, 29 U.S.C. Sec 201, et. seq.; Age Discrimination and Employment Act, 29 U.S.C. Sec 633a; the Rehabilitation Act of 1978 as amended, 29 USC 791,794a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Officials of the Department of the Navy in the performance of their official duties related to the management of civilian employees in the processing, administration, and adjudication of discipline, grievances, complaints, appeals, litigation, and program evaluation. Representatives of the United States Office of Personnel Management on matters relating to the inspection, survey, audit or evaluation of Navy civilian personnel management programs or personnel actions, or such other matters under the Jurisdiction of the Office of Personnel Management. Appeals officers and complaints examiners of the Merit Systems Protection Board and Equal Opportunity Commission for the purpose of conducting hearings in connection with employees appeals from adverse actions and formal discrimination complaints. The Comptroller General or any of his authorized representatives, in the course of the performance of duties of the General Accounting Office relating to the Navy's civilian manpower management programs. The Attorney General of the United States or his authorized representatves in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies. The Senate or the House of Representatives of the United States or any member, committee or subcommittee of joint committees on matters within their jurisdiction relating to the above programs. The records may also be used to disclose information to any source from which additional information is requested in the course of processing a grievance or appeal to the extent necessary to identify the individual, inform the source of the purpose(s) of the request and identify the type of information requested. The records may also be used to disclose information to a federal agency in response to it's request in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting 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 benefit by the requesting agency, to the extent that the information is relevant and necessary. The records may be used by the National Archives and Records Service (General Services Administration) in records management inspection conducted under authority of 5 U.S.C. 2904 and 2906. The records may be used 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 the pending judicial or administrative proceeding. The records may also be used 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 working conditions.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Manual records are stored in paper folders.

Retrievability:

Manual records are filed by last name.

Safeguards:

All records are stored under strict control, and are available only to authorized personnel having a need to know.

Retention and disposal:

Manual records are destroyed upon separation of the employee from the activity, or in accordance with appropriate record disposal schedule.

System manager(s) and address:

Chief of Naval Operations (OP-14), Department of the Navy, Washington, D.C. 20350.

Notification procedure:

Request of correspondence should be addressed to the Chief of Naval Operations (OP-14), Department of the Navy, Washington, D.C. 20350, commanding Officers or Heads of Navy Staff Headquarters and Field Activities. The letter should contain the full name, social security number, and signature of the requester. The individual may visit the Chief of Naval Operations (OP-14), Department of the Navy, Arlington Annex, Washington, D.C. or the navy activity at which he or she is employed. The addresses of these activities are provided in the Department of the Navy Directory, published in the Federal Register.

Record access procedures:

The agency's rules for access to records may be obtained from SYSMANAGER.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from SYSMANAGER.

Record source categories:

Supervisors or other appointed officials designated for this purpose.

Systems exempted from certain provisions of the act:

NONE

N96021-433

System name:

Employee Assistance Program Case Record System

System location:

Office of Ciilian Manpower Management, Regional Offices of Civilian Manpower Management, Capital Area Personnel Services Office, Navy, and Navy Staff, Headquarters and Field Activities employing civilians. Mailing addresses are provided in the Department of the Navy Directory, published in the Federal Register.

Categories of individuals covered by the system:

All civilian employees in appropriated and non-appropriated fund activities who are referred by management for, or voluntarily request, counseling assistance.

Categories of records in the system:

System is comprised of case records on employees who are patients (counselees) which are maintained by individual counselors and consist of information on condition, current status, and progress of employees or dependents who have alcohol, drug, emotional, or other personal problems.

Authority for maintenance of the system:

Drug Abuse Office and Treatment Act of 1972, as amended by Public Law 93-282 (21 U.S.C. 1175); Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, as amended by Public Law 93-282 (42 U.S.C. 4582); Subchapter A of Chapter I, Title 42, Code of Federal Regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by the Navy counselor in the execution of his counseling function as it applies to the individual patient (counselee). With specific, written authority of the patient, selected information may be provided to and used by other counselors or medical personnel, research personnel, employers, patient representatives such as legal counsel, and to other agencies or individuals when disclosure is to the patient's benefit, such as for processing retirement applications.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Case records are stored in paper file folders.

Retrievability:

By employee name or by locally assigned identifying number.

Safeguards:

All records are stored under strict control. They are maintained in spaces normally accessible only to authorized persons, normally in locked cabinets.

Retention and disposal:

Records are purged of patient identifying information within five years after termination of counseling.

System manager(s) and address:

The Director of Civilian Manpower Management and Employee Assistance Program Administrators at Department of the Navy Staff, headquarters and field activity levels.

Notification procedure:

Request by correspondence should be addressed to the Director of Civilian Manpower Management or to the appropriate Employee Assistance Program Administrator. The letter should contain the full name and signature of the requester and the approximate period of time, by date, during which the case record was developed.

Record access procedures:

The agency's rules for access to records may be obtained from the SYSMANAGER.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Counselors; other officials, individuals or practitioners; and other agencies both in and outside of Government.

Systems exempted from certain provisions of the act:

NONE

N96021-434

System name:

Suggestions and Awards Record System

System location:

Office of Civilian Manpower Management (OCMM), Regional Office of Civilian Manpower Management (ROCMM), Capital Area Personnel Services Office, Navy (CAPSO-N), and Navy Staff, headquarters and field activities. Addresses are provided in the Department of the Navy Directory published in the Federal Register.

Categories of individuals covered by the system:

Navy civilian employees paid from appropriated funds, military personnel on active duty, and private citizens who have received or have been nominated for Department of Navy, Department of Defense or Presidential awards.

Categories of records in the system:

Automated records contain data relating to Quality (Salary) Increases. Manual records contain information relating to Superior Performance, Special Achievements, Beneficial Suggestions, Inventions, Scientific Achievements, Navy honorary awards, such as Distinguished Civilian Service Award, non-Navy awards; e.g., Rockefeller Public Service Award and Civil Service League Awards. Records of awards to private citizens for contributions benefitting the Navy are also maintained.

Authority for maintenance of the system:

Section 4503 of Title 5, U.S. Code (Civilian cash awards), 10 USC 1124, P.L. 89-198 (Cash Awards for Suggestions, Inventions, and Scientific Achievements for Military Personnel).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Officials and employees of the Department of the Navy in the performance of their official duties related to recognition of accomplishments and contributions by Navy Department personnel and related statistics. Representatives of the U.S. Civil Service Commission on matters relating to inspection, survey, audit or evaluation of Navy Incentive Awards Programs. The Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Navy Incentive Awards Program. The Attorney General of the United States or his authorized representatives with respect to litigation or other matters under the jurisdiction of the Department of Justice or carried out as the legal representative of Executive Branch agencies. Officials and employees of the other components of the Department of Defense in performance of their official duties relating to matters of mutual concern with respect to the DOD Incentive Awards Programs. Officials and employees of other Departments and agencies of the Executive Branch of the Government in the performance of their official duties relating to matters of mutual concern regarding Incentive Systems Programs of the U.S. Government. A duly appointed Hearing Examiner or Arbitrator for the purpose of conducting a hearing in connection with an employee's grievance or complaints involving disclosure of the status or disposition of award claim or nominations. Any member or official representative of the Legislative Branch of U.S. Government on matters within their jurisdiction or in behalf of constituents involving disclosure of records of the Navy Incentive Awards Program.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Automated records are stored on magnetic tapes, discs, and/or on punched cards. Manual records are stored in paper file folders.

Retrievability:

Automated records are retrived by social security number and name, or by one, or a combination of characteristics, academic speciality. Manual records are by last name.

Safeguards:

The computer facility and terminal are located in restricted areas accessible only to authorized persons who are properly screened, cleared and trained. Manual records and computer printouts are available only to authorized personnel having a need to know.

Retention and disposal:

Computer tapes and discs are erased five years after they are created. Most manual records of Beneficial Suggestions are destroyed two years after the cases are closed. Others are retired in accordance with the appropriate activity records disposal schedule. Most honorary awards records are retained two to five years and sent to the Records Center or destroyed. Records of awards conferred by the Secretary of the Navy are retained indefinitely in OCMM for availability of information often requested by authorized sources.

System manager(s) and address:

The Director of Civilian Manpower Management, and the heads of Navy staff, headquarters and field activities. Addresses are provided in the Department of Navy Directory published in the Federal Register.

Notification procedure:

Request by correspondence should be addressed to the Director of Civilian Manpower Management or to the Head of Navy Staff, headquarters or field activity where the individual is or was employed. The letter should contain the full name and social security account number of the requester and his signature. The individual may visit OCMM, the Civilian Personnel Office of the Navy activity at which he is or was previously employed, or of the nearest Navy activity, which office will contact the Office of Civilian Manpower Management, if no record is locally available. Proof of identification will consist of a Department of Defense (DOD) or Navy building pass, or identification badge or driver's license, or by other types of identification bearing picture or signature, or by providing verbal information that could be verified.

Record access procedures:

The agency's rules for access to records may be obtained from SYSMANAGER.

Contesting record procedures:

The Department of the Navy's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Navy civilian personnel offices and current and previous supervisors of the employee.

Systems exempted from certain provisions of the act:

None

N96021-44A

System name:

Navy Central Clearance Group (NCCG) Records

System location:

Office of Civilian Manpower Management (Code 44), Department of the Navy, Washington, DC 20390

Categories of individuals covered by the system:

Incumbent and former civilian employees in and applicants for sensitive and nonsensitive postions at Department of the Navy appropriated fund activities.

Categories of records in the system:

The records are comprised of (1) reports and other investigative material and information developed by investigations conducted by Federal investigative agencies pursuant to statute and executive order; (2) reports of arrest, criminal activity and theirdisposition, (3) results of the review of the reports by the NCCG, including the security or suitability determination made on the case; (4) copies of correspondence regarding the case and/or reflecting the determination made by the NCCG; and (5) an index file card on each case.

Authority for maintenance of the system:

(1) Executive Order 10450 (as amended), 'Security Requirements for Government Employment'. (2) 5 USC 7532, 'Suspension and Removal'.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The records are maintained (1) to meet the statutory requirements of 5 USC 7532 and E.O. 10450 which require the establishment and maintenance of an effective program to insure that the employment and retention in employment of any civilian officer or employee within the Department is clearly consistent with the interest of the national security and which require adjudication and readjudication of the information as appropriate, and (2) to have the material furnished by the Civil Service Commission readily available for return to the Commission upon request. Upon receipt of investigative re-

ports and security information on civilian employees and applicants, the NCCG reviews the material. The Office of Civilian Manpower Management (OCMM) Security Branch then transmits the material to the employing activity with a letter or stamped endorsement apprising the command of the security determination made by the NCCG. During the period that the reports and documents are at an activity, the material is under the custody of the activity's Security Manager. Following the review of the material by the activity's commanding officer or his designee, the material is (1) returned to the source from which received, if required, (2) retained until the employee is separated, or (3) destroyed if it is of no further value. If the employing activity determines that an adverse action aganst the employee is warranted based on information in the report, appropriate action in accordance with Civil Service Commission suitability procedures is initiated by the activity. In some cases the NCCG will make a suitability determination. Other users of the records may include members of Security Hearing Boards and officials and employees of the Department of the Navy in performance of their official duties related to the Department of the Navy Civilian Personnel Security Program.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are stored in file folders and on file cards

Retrievability:

Name (last, first, middle) and date of birth.

Safeguards:

Records maintained in GSA approved security containers accessible only to authorized employees of OCMM Security Branch who are properly screened and trained and who have proper security clearance.

Retention and disposal:

Records with the exception of the index file card are retained in active file until end of third calendar year following last entry and then retired to the Federal Records Center, Suitland, MD. Index cards are retained in active file until destroyed. Records are destroyed in accordance with GSA General Schedule 18.

System manager(s) and address:

The Director of Civilian Manpower Management, Department of the Navy, Washington, DC 20390.

Notification procedure:

Request should be by correspondence addressed to the Director of Civilian Manpower Management (Attn: Code 44), Department of the Navy, Washington, DC 20390. The letter should contain the full name, date and place of birth, and social security number of the requester and his signature.

Record access procedures:

The agency's rules for access to records may be obtained from SYSMANAGER.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from SYSMANAGER.

Record source categories:

Investigation results and information provided by appropriate investigative agencies of the Federal Government.

Systems exempted from certain provisions of the act:

Parts of this system may be exempt under 5 U.S.C. 552 a (j) or (k), as applicable. For additional information contact the System Manager.

N96021-44B

System name:

Civilian Personnel Security Files

System location:

Department of the Navy Staff, Headquarters and Field Activities employing civilians in sensitive and nonsensitive positions. Official mailing addresses are provided in the Department of the Navy Directory published in the Federal Register.

Categories of individuals covered by the system:

Civilian employee, nonappropriated fund employees, contractor employees and visitors requiring base or activity access, and applicants under consideration for employment within the employing activity.

Categories of records in the system:

Files contain records and information appropriate to the activities civilian employee security program and may include certificates of personnel security clearances and source documents which identify the appropriate investigative basis for clearance eligibility, security access information, copies of requests for investigation, personal history and qualifications statements and other information provided by the employee, signed security briefing and debriefing statements, exception documents, copies of letters of reprimand or suspension, memorandums between the personnel officer or other officers and the security manager, final and interim reports of investigations completed, correspondence concerning personnel security matters, records of security orientation, education and training provided employees, internal security information, records of security violations, and information from law enforcement agencies, former employers and supervisors, references and schools attended.

Authority for maintenance of the system:

Executive Order 10450 (as amended), 'Security Requirements for Government employment' Internal Security Act 1950, 18 USC 1382, and Title 18 U.S. code.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To provide an effective program to insure that the employment and retention in employment of any civilian officer or employee within the activity is clearly consistent with the interests of national security. To determine the investigative requirements for appointment and retention of civilian officers and employees. To provide information concerning the security clearance and degree of access granted each employee. To provide a basis by which an applicant or employee may be determined suitable for employment or retention in employment in sensitive or nonsensitive positions within the Federal civilain service. To provide a record of favorable security and suitability determinations made by the Navy Central Clearance Group, of favorable and unfavorable determinations made by the Secretary of the Navy and of suitability determinations made by the Civil Service Commission and the activity. Users include officials and employees of the Department of the Navy in the performance of their official duties related to the Department of the Navy Civilian Personnel Security Program.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders and on file cards.

Retrievability:

Name (last, first, middle), date of birth, and social security number.

Safeguards:

Safekeeping and storage in accordance with the Department of the Navy Information Security Program Regulation, OPNAV 5510.1E, Chapter V.

Retention and disposal:

Records are retained during the employment of the employee at the activity, and during period applicants are being considered for employment, but may be disposed of at any time after serving their purpose. The records are disposed of upon separation (retirement, transfer, resignation, termination, etc.) of the employee. Disposal may be made by (1) return to the source from which received, if required, (2) forwarding to the Department of Defence activity to which an employee is transferred, or (3) destruction.

System manager(s) and address:

Commanding officers of Heads of Department of the Navy Staff, Headquarters and field activities employing civilians.

Notification procedure:

Request should be by correspondence addressed to the SYSMANAGER. The letter should contain the full name, date and place of birth, and social security number of the requester and his signature. Official mailing addresses are provided in the Department of the Navy Directory, published in the Federal Register. The employee may visit the Security Manger's Office of the activity at which she or he is employed.

Record access procedures:

The agency's rules for access may be obtained from SYSMANAGER.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from SYSMANAGER.

Record source categories:

Investigation results and information provided by appropriate investigative agencies and the Office of Civilian Manpower Management.

Systems exempted from certain provisions of the act:

Parts of this system may be exempt under 5 U.S.C. 552 a (j) or (k), as applicable. For additional information contact the System Manager.

N96021-51

System name:

Job Evaluation, Position Classification, Job Grading, Position Management, etc.

System location:

Office of Civilian Manpower Management, Department of the Navy; Regional Offices of Civilain Manpower Management; Capital Area Personnel Servicing Office-Navy; and Navy Staff, Headquarters, and Field Activities employing civilians. Mailing addresses are provided in the Department of the Navy directory published in the Federal Register.

Categories of individuals covered by the system:

Civilain employees paid from appropriated and non-appropriated funds, serving in jobs and positions covered by Title 5, United States Code.

Categories of records in the system:

System is comprised of descriptions of duties and responsibilities constituting jobs and positions to which individual employees are assigned, evaluation statements regarding those jobs and positions, audit notes related to those jobs and positions, appeal decisions regarding those jobs and positions, and other miscellaneous information which relates to those jobs and positions. Files are maintained in loose leaf binders or paper folders which are filed by organizational location, occupational title, occupational code, and/or employee's name.

Authority for maintenance of the system:

Title 5, United States Code Sections 5101, 5106, 5107, 5108, 5110, 5112, 5113, 5346 Classification, Pay Rates and Systems

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Officials and employees of the Department of the Navy, the Department of Defense, and the Civil Service Commission in the performance of their duties related to recruitment, selection, retention, training, and promotion of employees, classification of positions and grading of jobs, adjudication of employee appeals, management of resources, determination of pay rates for employees, determination of benefits for employees, and other management related functions which involve the categorization of jobs, positions, or employees by the types of duties and responsibilities assigned and/or performed. Labor organization members and/or representatives involved in representation of employees in grievance and appeal cases. The Comptroller General of the United States or his representatives in the performance of duties related to the management of government operations. The Attorney General of the United States or his representatives in cases involving litigation, law enforcement, or other official matters. Hearing examiners and/or arbitrators during hearings regarding employee grievances. Members or committees of the Congress of the United States in cases wherein civilian employment matters are under study or investigation.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are stored in loose leaf binders or paer file folders.

Retrievability:

Records are retrieved by job or position title, job or position number, organizational location, job or position occupational code, and/or by employee name directly or through cross reference files maintained by other entities.

Safeguards:

Files are maintained in standard file cabinets or bookcases. Files are located in buildings or spaces which are locked to the public during non-working hours. Files are issued only on the basis of a demonstrated need to know.

Retention and disposal:

Files are maintained during the period of their currency and must be maintained for 2 years after positions or jobs are abolished or superseded.

System manager(s) and address:

The Director of Civilian Manpower Management and the heads of Navy Staff, Headquarters, and Field Activities employing civilians. Addresses are provided in the Department of the Navy directory published in the Federal Register.

Notification procedure:

Request by correspondence should be addressed to the Director of Civilian Manpower Management, Department of Navy, Washington, D.C. 20390, or the head of the concerned Navy Staff, Headquarters, or Field Activity of current or former employment. Mailing addresses for the concerned activities are provided in the Department of the Navy directory published in the Federal Register. Corresponcence should contain the requester's name, job or position title, series and grade, organizational assignment, employing activity name and address, and official signature or witnessed mark. The individual requester may visit the Office of Civilian Manpower Management, 1735 North Lynn Street, Arlington Virginia, the various Regional Offices of Civilian Manpower Management, Navy Staff or Headquarters offices, or the Personnel Office of the Navy activity at which currently or formerly employed or of the nearest Navy activity to request information. The office contacted will contact the cognizant office by telephone if no record is locally available and the cognizant office can be identified. Addresses of activities and offices are provided in the Department of the Navy directory published in the Federal Register. Proof of identification will consist of a Department of Defense (DOD) or Navy building pass or identification badge, driver's license, or other type of identification bearing a photograph or signature or both, or by providing verbal information that can be verified by reference to the file information requested.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Navy Civilain Personnel Offices and their representatives, current and previous supervisors and/or associates of the employee, employees' representatives, and other miscellaneous sources having knowledge of the employees' assigned duties and responsibilities, past and present.

Systems exempted from certain provisions of the act:

NONE

N96021-53

System name:

Health Programs, Insurance and Annuties

System location:

Office of Civilian Manpower Management, Heads of Navy Staff, Headquarters and Field Activities employing civilians. Mailing addresses are provided in the Department of the Navy directory published in the Federal Register.

Categories of individuals covered by the system:

Navy civilian employees who are injured while in the performance of duty.

Categories of records in the system:

Files consist of non-automated records concerning information pertaining to the employee's identification, address, injury or occupational disease, and attending physician's report.

Authority for maintenance of the system:

Title 5, U.S. Code 8120, Report of injury and 8121, Claim

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Officials and employees of the Department of the Navy and the Department of Labor in the performance of their official duties related to the processing of injury compensation claims. The Comptroller General, or any of his authorized representatives, in the performance of duties of the General Accounting Office with regard to claims arising from on-the-job injuries. The Justice Department in the event of litigation, insuring agencies, the Civil Service Commission, and beneficiaries, or their legal representatives, in connection with injury, health benefits, or life insurance claims.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are stored in paper file folders

Retrievability:

Records are retrieved by employee name directly.

Safeguards:

Records are available only to authorized personnel having a need to know.

Retention and disposal:

Manual records are kept indefinitely

System manager(s) and address:

The Director of Civilian Manpower Management, and the Heads of Navy Staff, Headquarters, and Field Activities employing civilians Addresses are provided in the Department of the Navy directory published in the Federal Register.

Notification procedure:

Request by correspondence should be addressed to the Director of Civilian Manpower Management, Department of the Navy, Washington, D.C. 20390, or the head of the concerned Navy Staff, Headquarters, of Field Activities. Mailing addresses for the concerned activities are provided in the Department of the Navy directory published in the Federal Register. Correspondence should contain the requestor's name, employing activity name and address, and official signature. The individual requestor may visit the Office of Civilian Manpower Management, 1735 North Lynn Street, Arlington, Virginia, Navy Staff or headquarters offices, or the Safety Office of the Navy activity at which currently or formerly employed.

Record access procedures:

The agency's rules for access to records may be obtained from the systems manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the systems manager.

Record source categories:

Navy safety offices.

Systems exempted from certain provisions of the act:

NONE

N96021-54

System name:

Travel Allowance Claims Record System

System location:

Office of Civilian Manpower Management, Department of the Navy; Regional Offices of Civilian Manpower Management; Capital Area Personnel Servicing Office-Navy; and Navy Staff, Headquarters, and Field Activities employing civilians. Mailing addresses are provided in the Department of the Navy directory published in the Federal Register.

Categories of individuals covered by the system:

Navy civilian employees, with or without compensation, or a new appointee to a position outside the continental United States, or to certain positions within the 50 States and the District of Columbia. When performing official travel at the expense of the Department of the Navy, employees of other Government departments and agencies.

Categories of records in the system: System comprises nonautomated records reflecting information pertaining to the employee's identification, travel authorizations including dates of travel, expense incurred, locations visited; movement of household goods including weight, method and cost of shipment; and number and identification of dependents.

Authority for maintenance of the system:

Chapter 57 of Title 5, United States Code, Travel, Transportation and Subsistence

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Officials and employees of the Department of the Navy in the performance of their official duties related to the authorization of official travel, reinbursement of expenses incurred by the travelers, and auditing of travel claims and payments made to travelers. The Comptroller General, or any of his authorized representatives, in the performance of duties of the General Accounting Officer relating to the review of supplemental travel claims and to other aspects of the Navy's civilian manpower management programs. The Department of Defense Per Diem, Travel and Transportation Allowance Committee in its review of requests for actual expense allowances. The Justice Department in the event of litigation.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are stored in paper file folders

Retrievability:

Records are retrieved by last name

Safeguards:

Records are maintained in file cabinets in buildings or spaces which are locked to the general public during non-working hours and are available only to authorized prsonnel having a need to know.

Retention and disposal:

Records are maintained indefinitely

System manager(s) and address:

The Director of Civilian Manpower Management and the heads of Navy Staff, Headquarters, and Field Activities employing civilians. Addresses are provided in the Department of the Navy directory published in the Federal Register.

Notification procedure:

Request by correspondence should be addressed to the civilian personnel office or comptroller department of the activity which issued the travel orders or processed the travel claim. The letter should contain the full name of the requester and his signature. The individual may visit the civilian personnel office of the Navy activity at which he is currently employed, or of the nearest Navy activity, which office will contact the appropriate civilian personnel office or comptroller department by telephone. Proof of identification will consist of a Department of Defense or Navy building pass or identification badge, or drivers license, or by other types of identification bearing picture or signature.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determiniations by the individual concerned may be obtained from the system manager.

Record source categories:

Travel orders prepared by a transportation officer, travel claims submitted by the employee, and supevisors requiring the travel in connection with official duties.

Systems exempted from certain provisions of the act:

NONE

N96021-62

System name:

Personnel Automated Data System (PADS)

System location:

Office of Civilian Manpower Management (OCMM), Capital Area Personnel Services Office-Navy (CAPSO-N), Regional Offices of Civilian Manpower Management, and Navy Staff, Headquarters and Field activities employing civilians. Mailing addresses are provided in the Dept. of the Navy directory published in the Federal Register.

Categories of individuals covered by the system:

Navy civilian employees paid from appropriated funds. Covers all United States citizen direct hire employees (full time, part time, and intermittent pay basis) and Non-citizens who are direct hire employees paid from appropriated funds.

Categories of records in the system:

System comprises automated records reflecting information pertaining to the employee's identification and other items pertaining to the employee such as: name, unit identification code, sex, birthdate, citizenship code, minority group identifier, veterans preference code, type of appointment code, tenure code, service computation date, physical handicap code, retirement status code, federal employees group life insurance code, pay plan, occupation/series/grade/step, functional code, pay base, salary, location code, position occupied code, state apportionment code, uniformed service designation code, date of retirement from uniform service, uniformed service pay grade, workschedule code, pay rate determinant code, special program identifier code, supervisory position code, position status code, excepted appointment code, strength accounting status code, overseas transportation agreement code. The manual files maintained in paper folders contain the Individual Employee Data Collection NAVSO Form 12280/11, Notification of Personnel Action, Standard Form 50 as modified by the Navy, Payroll Change Slip, Standard Form 1126 and computer printouts.

Authority for maintenance of the system:

Title 5 USC 301 'Departmental Regulations'

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Officials and employees of the Department of the Navy in the performance of their official duties related to the management of the Navy direct hire employees paid from appropriated funds; the design, development, maintenance and operation of the automated system of records. The United States Civil Service Commission, as systems proponent for the Federal-wide Central Personnel Data File because the Navy Personnel Automated Data System is the central Navy-wide source of data to that system, and on matters relating to the inspection, survey, audits or evaluation of Navy civilian personnel management programs, or personnel actions, or such other matters under the jurisdiction of the Commission. The Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Navy's civilian manpower management programs. The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies. Officials and employees of other components of the Department of Defense in the performance of their official duties related to the management of the Department of Defense civilian manpower management programs. 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 of civilian manpower management programs. The Computer Systems Group Corporation (a contractor) and its employees for the purpose of card punch recording of data from employee personnel action documents or data collection forms and other documents. The Senate or the House of Representatives of the United States or any member Committee or sub-committee therof, any joint committee of Congress or subcommittee of joint committees on matters within their jurisdiction requiring disclosure of the files or records of the Navy's civilian manpower management program.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Automated records are stored on magnetic tapes and discs and on punched cards and computer printouts. Manual records are stored in paper file folders.

Retrievability:

Automated records are retrieved by social security number, name, or by one, or a combination of data elements such as Submitting Office Number (SON), Unit Identification Code (UIC), Major Claimant Code, Occupational Series, Grade, etc.

Safeguards:

The computer facility and terminal are located in restricted areas accessible only to authorized persons that are properly screened, cleared and trained. Manual records and computer printouts are available only to authorized personnel having a need to know. Minority data outputs are authorized by the DON Director of EEO or his deputy.

Retention and disposal:

Computer magnetic tapes are retained permanently. Magnetic discs are erased after use. Computer printouts are destroyed after three months. Input documents (NAVSO 12280/11) are destroyed after data is converted to machine readable form. Input punch cards are retained for two weeks.

System manager(s) and address:

The Director of Civilian Manpower Management, and the Head of Navy Staff, Headquarters, and Field activities employing civilians.

Notification procedure:

Request by correspondence should be addressed to the Director of Civilian Manpower Management or the Head of Navy Staff, Headquarters or Navy Field activities where the individual is currently employed or was last employed. Mailing addresses are provided in the Department of the Navy directory, published in the Federal Register. The letter should contain the full name and social security account number of the requester and his signature. The individual may visit the Office of Civilian Manpower Management, Pomponio Plaza Building, 1735 N. Lynn Street, Arlington, VA, or the Civilian Personnel Office of the Navy activity at which he is currently employed, or of the nearest Navy activity, which office will contact the OCMM Code 62 by telephone 202-694-8535 if no record is locally available. Proof of identification will consist of a Department of Defense (DOD) or Navy building pass, or identification badge or drivers license, or by other types of identification bearing picture or signature, or by providing verbal information that could be verified with his career inventory record.

Record access procedures:

The agency's rules may be obtained from the SYSMANAGER.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Navy Civilian personnel offices

Systems exempted from certain provisions of the act:

None

N96021-63

System name:

Local Automated Personnel Information System (LAPIS)--Prototype.

System location:

The Office of Civilian Manpower Management, Dept of the Navy and contractors under agreement with OCMM. The Civilian Personnel Offices located at activities employing civilians The following activity in performance of system design, development and maintenance, Naval Command Systems Support Activity (NAVCOSSACT) and contractors under agreement with NAVCOSSACT. The addresses of the above are furnished in the Department of the Navy directory published in the Federal Register

Categories of individuals covered by the system:

All Navy and Marine Corps civilian employees paid from appropriated fund

Categories of records in the system:

The system contains automated records containing information describing and identifying the employee (e.g. name, sex, birth date, minority designator, citizenship, physical handicap code); the position he/she occupies and his/her qualifications; salary and salary basis; his/her status in relation to the position occupied and the organization to which assigned; tickler dates for impending changes in status; educational background; previous military status; and reason for position change or other action affecting the employee.

Authority for maintenance of the system:

Title 5, USC,2951 Reports; and 5 USC 301 Departmental Regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To support the production of all official records and reports pertaining to the employment of civilian appropriated fund employees employed by activities serviced by the participating civilian personnel offices. Users are: Employees and officials of the Department of the Navy and Department of Defense where there exists a need-to-know in the performance of their official duties; Employees and officials of the Civil Service Commission in the performance of their official duties; The Comptroller General or any of his authorized representatives, in the course of the performance of duties of the General Accounting Office relating to Navy's civilian manpower management programs; The Attorney General of the United States or his authorized representatives in connection with the litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies; A duly appointed Hearing Examiner or Arbitrator (an employee of another Federal Agency) for the purpose of conducting a hearing in connection with an employee's grievance; An arbitrator who is given a contract pursuant to a negotiated labor agreement to hear an employee's grievance; Employee unions when unions are authorized to canvas employees or at the time of a union election;

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

The automated records are stored on magnetic tape, disc, drum and punched cards.

Retrievability:

Information is accessed by Social Security Account Number (SSAN), name, or by specific employee characteristics such as date of birth, grade, occupation, employing organization and tickler dates. specific sub-groups of employees may be identified through the use of computerized indices.

Safeguards:

The computer facility and terminals are accessible only to authorized persons that have been properly screened, cleared and trained. Manual and automated records and computer printouts are available only to authorized personnel having a need-to-know.

Retention and disposal:

Records are maintained in an active status until a separation action on an employee is completed. Historical records are maintained for a maximum of five years.

System manager(s) and address:

Director of Civilian Manpower Management. Commanding Officers of the activities listed under LOCATION.

Notification procedure:

Requests from individuals should be addressed to the SYSMANAGER or to the Civilian Personnel Officer under his cognizance. Requests must be accompanied by the individual's full name, social security number and name of employing activity. Requesters may visit the Civilian Personnel Office of the Naval activity covered by the system to obtain information. In such case proof of identity will consist of full name, social security account number and a third positive identification such as drivers license, Navy building pass or identification badge, birth certificate, Medicare card, etc. Address of the activity is furnished in the department of the Navy Directory published in the Federal Register.

Record access procedures:

The Agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Catagories of sources of records in the system are: the civilian personnel office; the payroll office; the security office of the employing activity; and the line managers and supervisors.

Systems exempted from certain provisions of the act:

NONE

N96021-64A

System name:

Computer Assisted Manpower Analyses System (CAMAS)

System location:

Office of Civilian Manpower Management (OCMM) and Navy Department staff, headquarters, and field activities employing civilians; mailing addresses are provided in the Navy Department directory published in the Federal Register.

Categories of individuals covered by the system:

Navy civilian employees paid from appropriated funds.

Categories of records in the system:

Files contain records from the Personnel Automated Data System (PADS) which contain job related data including individual identification, location information, and salary.

Authority for maintenance of the system:

Title 5 U.S.C. 301 Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Officials and employees of the Department of the Navy and contractor personnel in the performance of their official duties related to aggregate manpower planning, including calculating transition rates, forecasting number of retirements, and running models to determine the extent to which projected manpower requirements can be met.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Computer magnetic tape and drum.

Retrievability:

Accessed by social security number.

Safeguards:

Records are maintained in areas accessible only to authorized personnel.

Retention and disposal:

Records are permanent.

System manager(s) and address:

Director of Civilian Manpower Management, Department of the Navy, Washington, D.C. 20390.

Notification procedure:

Request by correspondence should be addressed to the Director of Civilian Manpower Management, Department of the Navy, Washington, D.C. 20390. Written requests for information must contain full name of the individual, current address and telephone number, and birth date and social security number. The individual may visit the OCMM at 1735 North Lynn Street, Arlington, Virginia. Proof of identification will consist of a Department of Defense (DOD) or Navy building pass, or identification badge or drivers license, or by other types of identification bearing picture or signature, or by providing verbal information that could be verified.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Personnel Automated Data System (PADS)

Systems exempted from certain provisions of the act:

None

N96021-64B

System name:

Models for Organizational Design and Staffing (MODS)

System location:

Office of Civilian Manpower Management (OCMM) and Navy Department staff, Headquarters, and field activities employing civilians; also at contractor facilities; mailing addresses are provided in the Navy Department directory published in the Federal Register.

Categories of individuals covered by the system:

Navy civilian employees paid from appropriated funds.

Categories of records in the system:

Automated and manual files contain information on individual's proficiencies and knowledges as reported in self-evaluation questionnaires vouchered by the supervisor, as well as data on the requirements of specific jobs submitted by the supervisor.

Authority for maintenance of the system:

Title 5 U.S.C. 301 Departmental Regulations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Officials and employees of the Department of the Navy in the performance of their official duties related to testing the operational usefulness of a multi-attribute assignment model in the areas of organizational design and staffing. Officials and employees of the Civil Service Commission in the performance of their official duties related to evaluation of civilian manpower programs. University of Texas faculty and students working under a contract relating to MODS to monitor progress of research study. Carnegie-Mellon University faculty and students working under Navy contract relating to MODS to assist in research project.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Computer magnetic tape and drum, and optical scanner forms and computer printouts.

Retrievability:

Accessed by social security number.

Safeguards:

Records are maintained in areas accessible only to authorized personnel.

Retention and disposal:

Records are retained so long as personnel continue to work at same activity.

System manager(s) and address:

Director of Civilian Manpower Management, Department of the Navy, Washington, D.C. 20390.

Notification procedure:

Request by correspondence should be addressed to the Director of Civilian Manpower Management, Department of the Navy, Washington, D.C. 20390 or to the head of the Navy activity at which the individual is or was employed. Written requests for information must contain full name of individual, current address and telephone number, and date of birth and social security number. The individual

may visit the OCMM at 1735 North Lynn Street, Arlington, Virginia, or the field activity at which he is or was formerly employed. Proof of identification will consist of a Department of Defense (DOD) or Navy building pass, or identification badge or drivers license, or by other types of identification bearing picture or signature, or by providing verbal information that could be verified

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

First-line supervisors and personnel automated data system (PADS).

Systems exempted from certain provisions of the act:

None

N96021/23

System name:

Training and Employee Development Record System

System location:

Office of Civilian Manpower Management (OCMM), Regional Offices of Civilian Manpower Management (ROCMM's), Capital Area Personnel Services Office - Navy (CAPSO-N), and Navy Staff, headquarters and field activities employing civilians. Mailing addresses are provided in the Department of Navy directory published in the Federal Register.

Categories of individuals covered by the system:

Navy civilian employees, full-time and part-time, U.S. citizens and foreign national direct hires receiving training supported by the Federal Government, paid from approprated funds. Navy military personnel may be included in the automated training information system, and non-approprated funded personnel may be included in some of the stations' manual records

Categories of records in the system:

Under the Departments' Training Requirements and Information Management System (TRIM), or other locally developed systems, automated and nonautomated records are maintained reflecting information pertaining to the employees' identification, social security number, occupational status (series, grade level, and supervisory status), course identification, course length, category and purpose of training received, date on which training was completed, associated costs, pre-post test results, et.al. input documents for the system include, but is not limited to completed NAVSO Forms 12410/19 and /19A, Training Report, Authorization and Record, keypunched cards. The manual files are maintained in paper folders containing employee's registration and/or record of training documents. Under the Navy's Apprentice, on-the-job Training Program, and similar trainee intake programs, manual and automated records are maintained, reflecting information pertaining to subject employee's identification, date of birth, entrance date to program, dates and nature of personnel actions which occurred during fiscal year, student progress, and statistical data which effects the numbers of apprentices in training as of a given date. At OCMM, nomination forms and documents (non-automated) for the Department of the Navy's centrally-administered education and training programs are maintained. The manual files contain the candidate's nomination documents, training request, enrollment and registration and other documents related to training. Manual files are maintained at OCMM, the ROCMM's, CAPSO-N, and the several naval installations regarding courses conducted on their premises, or for which they sponsor, listing such things as completion dates, and course participants. Additionally, manual files are typically found at the field activities containing information regarding an employee's supervisory status, an indication as to whether or not he/she has participated in supervisory training. Files are often maintained regarding an employee's certification/recertification or demonstrated proficiency in one or more of the Navy's skills areas; an activity-wide annual training plan should also be maintained, as well as individual training plans. Files are also maintained regarding professional licenses held by station personnel.

Authority for maintenance of the system:

Title 5, USC 4103, 'Establishment of Training Programs,' Title 5, USC 4118, 'Training,' Title 5, USC 4115, 'Collection of Training Information' Agreement between the Department of the Navy and the Department of Labor, Bureau of Apprenticeship and Training, 'Registration of the Navy Apprentice Program' - June 1968

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Officials and employees of the Department of the Navy in the performance of their official duties related to the management of the Department's civilian employee training programs, the design, development, maintenance and operation of the manual and automated system of record keeping and reporting; the screening and selection of candidates for centrally-administered programs; and administration of grievance, appeals, complaints, and litigation involving the disclosure of records of the training programs. Representatives of the United States Civil Service Commission on matters relating to the inspection, survey, audit or evaluation of Navy civilian training programs, or such other matters under the jurisdiction of the Commission. The Comptroller General or any of his authorized representatives, in the course of the performance of duties of the General Accounting Office relating to the Navy's civilian training programs. The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies. Officials and employees of other components of the Department of Defense in the performance of their official duties related to the screening and selection of candidates for the service schools. 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 screening and selection of candidates for programs sponsored by their organization. Representatives of the United States Department of Labor on matters relating to the inspection, survey, audit or evaluation of the Navy's apprentice training programs or on other such matters under the jurisdiction of the Labor Department. Representatives of the Veterans Administration on matters relating to the inspection, survey, audit or evaluation of the Navy's apprentice and on-the-job training programs. The Computer Systems Group Contractor (or other such contractor) and its employees for the purpose of card punch recording of data from employee training documents. Employees and officials of the Naval Command Systems Support Activity, Washington Navy Yard for the purpose of systems support. A duly appointed Hearing Examiner or Arbitrator (an employee of another Federal Agency) for the purpose of conducting a hearing in connection with an employee's grievance involving the disclosure of the records of the Department's Training program. An arbitrator who is given a contract pursuant to a negotiated labor agreement to hear an employee's grievance involving the disclosure of the records of the Navy's Training and Employee Development Record system. The Senate or the House of Representatives of the United States or any member, Committee or subcommittee thereof, any joint committee of Congress or sub-committee of joint committees on matters within their jurisdiction requiring disclosure of the files or records of the Department's civilian training program. Colleges, schools, or other institutions engaged to provide training.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Automated records are stored on magnetic tapes, drums, computer printouts, and on punched cards. Manual records are stored in paper file folders.

Retrievability:

Automated records are retrieved by social security number and name, or by one, or a combination of data elements contained in the TRIM or apprentice program master files. Manual records are retrieved by employee last name, by course control information, or by training program title.

Safeguards:

The computer facility and terminal are located in restricted areas accessible only to authorized persons that are properly screened, cleared and trained. Manual records and computer printouts are available only to authorized personnel having a need to know.

Retention and disposal:

For TRIM and the apprentice programs the computer magnetics tapes are permanent. Manual records are maintained on a fiscal year basis and are retained for varying periods from one to five fiscal years. For the Department of the Navy's centrally-administered programs, files on selected candidates are maintained for five years (from date selection process is completed). Records of non-selected candidates are retained only for that period of time sufficient to permit appropriate review (usually less than 60 days). CAPSO-N, ROCMM, and activity records are maintained for varying periods.

System manager(s) and address:

The Director of Civilian Manpower Management, the Regional Offices of Civilian Manpower Management, Capital Area Personnel Services Office - Navy, and the heads of Navy staff, headquarters, and field activities employing civilian employees.

Notification procedure:

Request by correspondence should be addressed to the Director of Civilian Manpower Management, the Regional Offices of Civilian Manpower Management, the Capital Area Personnel Services Office - Navy, or Navy staffs, headquarters or field activities employing civilians. Mailing addresses are provided in the Department of the Navy directory published in the Federal Register. The letter should contain the full name and social security number of the requester and his signature. Proof of identification will consist of a Department of Defense (DOD) or Navy building pass, or identification badge, or driver's license, or by other types of identification bearing an employee picture and signature.

Record access procedures:

The agency's rules for access to records may be obtained from SYSMANAGER.

Contesting record procedures:

The agency's rules for contesting the contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

Record source categories:

Navy civilian personnel offices; current and previous supervisors of employees (when appraisals of performance/potential are used).

Systems exempted from certain provisions of the act:

NONE

DIRECTORY OF DEPARTMENT OF THE NAVY MAILING ADDRESSES

Assistance in obtaining any Navy mailing address not included in the following directory may be obtained from:

Chief of Naval Operations
(Op-09B1)
Navy Department
Washington DC 20350

Such assistance concerning any Marine Corps address may be obtained from:

Commandant of The Marine Corps
(Code M)
Washington DC 20380

ALASKA

Commanding Officer
Naval Arctic Research Laboratory
Barrow AK 99723

ARIZONA

Commanding Officer
Marine Corps Air Station
Yuma Arizona 85364

CALIFORNIA

Commanding Officer
Navy Space Systems Activity
PO Box 92960
Worldway Postal Center
Los Angeles CA 90009

Director
Navy Office of Information
Los Angeles Branch
11000 Wilshire Blvd Rm 10201
Los Angeles CA 90024

Commanding Officer
Marine Barracks
Naval Weapon Station
Seal Beach CA 90740

Commanding Officer
Naval Weapons Station
Seal Beach CA 90740

Supervisor of Shipbuilding
Conversion and Repair USN
Long Beach Naval Shipyard
Long Beach CA 90801

Commanding Officer
Naval Regional Medical Center
7500 Carson Street
Long Beach CA 90801

Officer in Charge
Naval Regional Procurement Office
Long Beach CA 90801

Officer in Charge
Navy Commissary Store Region
Long Beach CA 90801

Officer in Charge
Navy Finance Office
Naval Support Activity
Long Beach CA 90801

Military Sealift Command
Office Long Beach
Naval Support Activity
Long Beach CA 90801

Director Consolidated
Civilian Personnel Office
Naval Support Activity Los Angeles
Long Beach CA 90822

Commander
Long Beach Naval Shipyard
Long Beach CA 90822

Commanding Officer
Naval Regional Dental Center
Long Beach CA 90822

Commanding Officer
Naval Support Activity
Los Angeles-Long Beach
Long Beach CA 90822

Commanding Officer
Office of Naval Research
Branch Office
1030 East Green St
Pasadena CA 91101

Commanding Officer
Marine Barracks
Fallbrook Annex
Naval Weapons Station
Fallbrook CA 92028

Commanding Officer
Field Medical Service School
Marine Corps Base
Camp Pendleton CA 92055

Commanding General
I Marine Amphibious Force FMF
Camp Pendleton CA 92055

Commanding General
Marine Corps Base
Camp Pendleton CA 92055

Commanding Officer
Naval Regional Dental Center
Camp Pendleton CA 92055

Commanding Officer
Naval Regional Medical Center
Camp Pendleton CA 92055

Commanding General
1st Marine Division FMF
Camp Pendleton CA 92055

Commanding General
4th Marine Division FMF
US Marine Corps Reserve
Camp Pendleton CA 92055

Director Western Field Div
Office of Civilian Personnel
Western Field Division
Suite 1313 Charter Oil Bldg
San Diego CA 92101

Commanding Officer
Navy Submarine Support Facility
140 Sylvester Road
San Diego CA 92106

Director
Naval Audit Service
Western Region
1220 Pacific Highway

San Diego CA 92132
Commander
Naval Base
San Diego CA 92132
Commander
Naval Base San Francisco
Naval Base
San Diego CA 92132
Commanding Officer
Naval Education and
Trainig Support Center Pacific
Fleet Station Post Office Bldg
San Diego CA 92132
Commander
Naval Reserve Readiness Command
Region Nineteen
960 North Harbor Drive
San Diego CA 92132
Commanding Officer
Naval Supply Center
937 North Harbor Drive
San Diego CA 92132
Commanding Officer
Navy Manpower and Material
Analysis Center
Pacific
San Diego CA 92132
Commanding Officer
Navy Regional Finance Center
937 N Harbor Drive
San Diego CA 92132
Commanding Officer
U S Naval Communication
Station San Diego
937 N Harbor Drive
San Diego CA 92132
Commandant
11th Naval District
Naval Base
San Diego CA 92132
Commandant
12th Naval District
Naval Base
San Diego CA 92132
Commanding Officer
Human Resource Management Center,
San Diego
Naval Training Center
San Diego, CA 92133
Commanding Officer
Naval Administrative Command
Naval Training Center
San Diego CA 92133
Commander
Naval Training Center
San Diego CA 92133
Commanding Officer
Recruit Training Command
Naval Training Center
San Diego CA 92133
Commanding Officer
Service School Command
Naval Training Center
San Diego CA 92133
Commanding Officer
Naval Regional Medical Center
San Diego CA 92134
Commanding Officer
Naval School of Health Sciences
San Diego, CA 92134
Naval Air Systems
Command Representative
Pacific
Naval Air Station North Island
San Diego CA 92135
Commanding Officer
Enlisted Personnel
COMNAVAIRPAC/COMASWWINGPAC
Box 1300 NAS North Island
San Diego CA 92135
Officer in Charge
Fleet Aviation Accounting
Office Pacific
Naval Air Station North Island
San Diego CA 92135
Commanding Officer
Marine Barracks
Naval Air Station North Island
San Diego CA 92135
Commanding Officer
Naval Air Rework Facility
Naval Air Station North Island
San Diego CA 92135
Commanding Officer
Naval Air Station
North Island
San Diego CA 92135
Commanding Officer
Naval Weather Service Facility
Naval Air Station North Island
San Diego CA 92135
Commanding Officer
Pacific Fleet Data Processing
Service Center San Diego
Naval Air Station North Island
San Diego CA 92135
Commander Naval Air Force
US Pacific Fleet
Naval Air Station North Island
San Diego CA 92135
Director Consolidated
Civilian Personnel Office Code 12
PO Box 118 Naval Station
San Diego CA 92136
Supervisor of Shipbuilding
Conversion and Repair USN
Naval Station
Box 119
San Diego CA 92136
Commanding Officer
Fleet Training Center
Naval Station
San Diego CA 92136
Commanding Officer
Naval Alcohol Rehabilitation Center
Naval Station
San Diego CA 92136
Officer in Charge
Naval Construction Battalion
Unit-405
San Diego CA 92136
Commanding Officer
Naval Development & Training Center
Naval Station Box 106
San Diego CA 92136
Officer in Charge
Naval Legal Service Office
Naval Station
San Diego CA 92136
Commanding Officer
Naval Regional Dental Center
San Diego CA 92136
Commanding Officer
Naval Station
San Diego Calif 92136
Officer in Charge
Navy Commissary Store Region
San Diego CA 92136
Officer in Charge
Navy Environmental and Preventive
Medicine Unit No 5
Naval Station, Box 143
San Diego CA 92136
Officer in Charge
Navy Exchange Service Center
Naval Station
San Diego CA 92136
Director
Navy Public Affairs Center
San Diego
Box 125 Naval Station
San Diego CA 92136
Commanding Officer
Navy Public Works Center
Naval Base
San Diego CA 92136

Director
Navy Publications and Printing
Service Western Division
Bldg 154 Naval Station
San Diego CA 92136
Senior Member
Sub-Board of Inspection
and Survey Pacific
Building 116 Naval Station
San Diego CA 92136
Commanding Officer, Naval
Electronic Systems Engineering
Center, San Diego
PO Box 80337
San Diego CA 92138
Commanding Officer
Naval Investigative Service Office
San Diego
PO Box 80667
San Diego CA 92138
Commanding Officer
Naval Sea Support Center Pacific
PO Box 80548
San Diego CA 92138
Commanding General
Marine Corps Recruit Depot
San Diego CA 92140
Commanding Officer
Naval Air Station
Miramar
San Diego CA 92145
Commanding Officer
Naval Drug Rehabilitation Center
Naval Air Station, Miramar
San Diego CA 92145
Commanding Officer
Fleet Anti-Submarine Warfare
Training Center, Pacific
San Diego CA 92147
Commanding Officer
Fleet Combat Direction Systems
Support Activity San Diego
San Diego CA 92147
Commanding Officer
Fleet Combat Training Center
Pacific
San Diego CA 92147
Commanding Officer
Fleet Intelligence Training Center
Pacific
Bldg 5 Fleet ASW School
San Diego CA 92147
Director
Joint Tactical Air Control Systems/
Tactical Air Defense Systems
Interface Test Force
San Diego CA 92147
Commander Training Command
US Pacific Fleet
San Diego CA 92147
Commanding Officer
Naval Health Research Center
San Diego, CA 92152
Commander
Naval Ocean Systems Center
San Diego CA 92152
Commanding Officer
Navy Personnel Research and
Development Center
San Diego CA 92152
Commander Amphibious Group
Eastern Pacific
Naval Amphibious Base Coronado
San Diego CA 92155
Commanding Officer
Naval Amphibious Base Coronado
San Diego CA 92155
Commanding Officer
Naval Amphibious School
Coronado
San Diego CA 92155
Commander
Naval Surface Force
US Pacific Fleet
San Diego CA 92155
Commanding Officer
National Parachute Test Range
El Centro CA 92243
Commanding General
Force Troops
Fleet Marine Force Pacific
Marine Corps Base
Twentynine Palms CA 92278
Commanding General
Marine Corps Base
Twentynine Palms CA 92278
Commanding Officer
Marine Corps Logistics Support Base
Pacific
Barstow CA 92311
Commander
Marine Corps Air Bases Western Area
Marine Corps Air Station
El Toro, Santa Ana CA 92709
Commanding General
Marine Corps Air Station El Toro
Santa Ana CA 92709
Commanding General
3rd Marine Aircraft Wing
Marine Corps Air Station El Toro
Santa Ana CA 92709
Commanding Officer
Marine Corps Air Station
(Helicopter)
Santa Ana CA 92710
Commanding Officer
Naval Air Station
Point Mugu CA 93042
Commanding Officer
Naval Facility
San Nicolas Island
Point Mugu CA 93042
Commanding Officer
Navy Astronautics Group
Box 30
Point Mugu CA 93042
Commander
Pacific Missile Test Center
Point Mugu CA 93042
Commanding Officer
Naval Construction
Battalion Center
Port Hueneme CA 93043
Commanding Officer
Naval Construction Training Center
Port Hueneme CA 93043
Commanding Officer
Naval Hospital
Port Hueneme CA 93043
Officer in Charge
Naval Nuclear Power Unit
Port Hueneme CA 93043
Commanding Officer
Naval School
Civil Engineer Corps Officers
Port Hueneme CA 93043
Commanding Officer
Naval Ship Weapon Systems
Engineering Station
Port Hueneme CA 93043
Officer in Charge
Navy Finance Office
Port Hueneme CA 93043
Commanding Officer
Marine Barracks
Naval Air Station
Lemoore CA 93245
Commanding Officer
Naval Air Station
Lemoore CA 93245
Officer in Charge
Naval Construction Battalion
Unit 406
Naval Air Station
Lemoore CA 93245
Commanding Officer

Naval Hospital
Lemoore CA 93245
Officer in Charge
Naval Petroleum Reserves in
California
PO Box 11
Tupman CA 93276
Commander
Naval Weapons Center
China Lake CA 93555
Commanding Officer
Naval Facility
Point Sur
Big Sur CA 93920
Director
Defense Resources Management
Education Center
Naval Postgraduate School
Monterey, CA 93940
Commanding Officer
Fleet Numerical Weather Central
Monterey CA 93940
Director
Manpower Research and Data Analysis
Center
Naval Postgraduate School
Monterey, CA 93940
Commanding Officer
Naval Environmental Prediction
Research Facility
Monterey CA 93940
Superintendent
Naval Postgraduate School
Monterey CA 93940
Officer in Charge
Det Moffett Field Pacific Fleet
Data Processing Service Center
Naval Air Station
Moffett Field CA 94035
Commanding Officer
Naval Air Station
Moffett Field CA 94035
Officer in Charge of
Construction Naval Facilities
Engineering Command Contracts
Elk Hills
San Bruno CA 94066
Commanding Officer
Western Division
Naval Facilities Engineering
Command PO Box 727
San Bruno CA 94066
Officer in Charge
Fleet Post Office
390 Main Street
Room 304
San Francisco CA 94105
Director Consolidated
Civilian Personnel Office
Room 173 Bldg 7
Treasure Island
San Francisco CA 94130
Commanding Officer
Marine Barracks
Naval Support Activity
Treasure Island
San Francisco CA 94130
Commanding Officer
Naval Investigative Service Office
San Francisco
Bldg 7 Treasure Island
San Francisco CA 94130
Officer in Charge
Naval Legal Service Office
Naval Support Activity Treasure Is
Treasure Island
San Francisco CA 94130
Commanding Officer
Naval Regional Dental Center
San Francisco CA 94130
Commanding Officer
Naval Regional Medical Clinic
Treasure Island
San Francisco CA 94130
Commander
Naval Reserve Readiness Command
Region Twenty Bldg 1 NAVSUPPACT
Treasure Island
San Francisco CA 94130
Commanding Officer
Naval Support Activity
Treasure Island
San Francisco CA 94130
Commanding Officer
Naval Technical Training Center
Treasure Island
San Francisco CA 94130
Commander
Navy Recruiting Area Eight
Naval Support Activity
Bldg 1 Treasure Island
San Francisco CA 94130
Commanding Officer
Navy Regional Finance Center
Treasure Island
San Francisco CA 94130
Supervisor of Shipbuilding
Conversion and Repair USN
San Francisco CA 94135
Commanding Officer
Marine Barracks
Naval Air Station
Alameda CA 94501
Officer in Charge
Naval Air Logistic Control Office
Eastern Pacific
Naval Air Station
Alameda CA 94501
Commanding Officer
Naval Air Rework Facility
Naval Air Station
Alameda CA 94501
Commanding Offier
Naval Air Station
Alameda Calif 94501
Officer in Charge
Naval Construction Battalion
Unit 416
Naval Air Station
Alameda, CA 94501
Commanding Officer
Naval Weather Service Facility
Naval Air Station
Alameda CA 94501
Officer in Charge
Navy Disease Vector Ecology and
Control Center
Naval Air Station
Alameda CA 94501
Commanding Officer
Pacific Fleet Data Processing
Service Center Alameda
Naval Air Station
Alameda CA 94501
Commanding Officer
Marine Barracks
Naval Weapons Station
Concord CA 94520
Commanding Officer
Naval Weapons Station
Concord Calif 94520
Commanding Officer
Combat Systems Technical
Schools Command
Mare Island
Vallejo CA 94592
Commanding Officer, Naval
Electronic Systems Engineering
Center, Vallejo
Vallejo, CA 94592
Officer in Charge
Engineering Duty Officer School
Mare Island
Vallejo CA 94592
Commander
Mare Island Naval Shipyard

Vallejo CA 94592
Commanding Officer
Marine Barracks
Mare Island
Vallejo CA 94592
Commanding Officer
Naval Support Activity Mare Island
Vallejo CA 94592
Officer in Charge
Navy Commissary Store Region
PO Box 24183 Main PO Station
Oakland CA 94623
Commanding Officer
Navy Public Works Center
San Francisco Bay
P.O. Box 24003
Oakland CA 94623
Commander
Military Sealift Command Pacific
Oakland CA 94625
Officer in Charge
Naval Biosciences Laboratory
Naval Supply Center
Oakland CA 94625
Commanding Officer
Naval School Transportation Management
Naval Supply Center
Oakland CA 94625
Commanding Officer
Naval Supply Center
Oakland CA 94625
Officer in Charge
Navy Regional Plant Equipment Office
Naval Supply Center
Oakland CA 94625
Officer in Charge
Navy Resale System Offie
West Coast Branch
Naval Supply Center
Oakland CA 94625
Commanding Officer
Naval Regional Medical Center
Oakland CA 94627
Commanding Officer
Naval Communication Station
Stockton
Stockton CA 95203
Commanding Officer
Naval Security Group Activity
Skaggs Island
Sonoma CA 95476
Commanding Officer
Naval Facility Centerville Beach
Ferndale CA 95536
Commanding Officer
Naval Air Training Unit
Mather AFB
Sacremento CA 95655

COLORADO

Commanding Officer
Naval Unit
Lowry Air Force Base CO 80230

CONNECTICUT

Commanding Officer
Naval Nuclear Power Training Unit
Windsor CT 06095
Supervisor of Shipbuilding
Conversion and Repair USN
Groton CT 06340
Commanding Officer
Marine Barracks
Naval Submarine Base New London
Groton CT 06340
Officer in Charge
Naval Construction Battalion
Unit-414
Naval Submarine Base, New London
Groton CT 06340
Commanding Officer
Naval Submarine Base New London
Box 00
Groton Conn 06340
Commanding Officer
Naval Submarine Medical Center
Naval Submarine Base New London
Groton CT 06340
Commanding Officer
Naval Submarine Medical Research Laboratory
Naval Submarine Base New London
Groton CT 06340
Commanding Officer
Naval Submarine School
Box 700
Groton CT 06340
Commanding Officer
Naval Submarine Support Facility
New London
Groton CT 06340
Officer in Charge
Navy Finance Office
Naval Submarine Base New London
Groton CT 06340

DELAWARE

Commanding Officer
Naval Facility
Lewes DE 19958

DISTRICT OF COLUMBIA

Director
Defense Printing Service
Room BD-831 Pentagon Building
Washington DC 20301
Asst SECNAV for
Financial Management
Marine Aide
Room 4E748 Pentagon
Washington DC 20301
Director
Navy Courier Service Headquarters
Forrestal Bldg
Washington DC 20314
Director
Department of the Navy Automatic Data Processing Management
Navy Department
Washington DC 20350
Director
Department of the Navy Program Information Center
Navy Department
Washington DC 20350
Director
Navy Broadcasting Service
Department of the Navy
Washington DC 20350
Comptroller of the Navy
Navy Department
Washington DC 20350
Chief of Information
Navy Department
Washington DC 20350
Secretary of the Navy
Navy Department
Washington DC 20350
Chief of Legislative Affairs
Navy Department
Washington DC 20350
Under Secretary of the Navy
Navy Department
Washington DC 20350
Officer in Charge
Navy Internal Relations Activity

Navy Department
Washington DC 20350
Director
Office of Program Appraisal
Navy Department
Washington DC 20350
Chief of Naval Operations
Department of the Navy
Washington DC 20350
Asst Secretary of the Navy
(Financial Management)
Navy Department
Washington DC 20350
Asst Secretary of the Navy
(Manpower & Reserve Affairs)
Navy Department
Washington DC 20350
Asst Secretary of the Navy
(Research and Development)
Navy Department
Washington DC 20350
Commander
Anti-Submarine Warfare Systems
Projects Office
Washington DC 20360
Commander
Naval Electronic Systems Command
Naval Electronic Systems Command
Headquarters
Washington DC 20360
Commanding Officer
Naval Material Command Support
Activity
Washington DC 20360
General Counsel
Navy Department
Washington DC 20360
Chief of Naval Material
Navy Department
Washington DC 20360
Director
Office of Naval Petroleum and Oil
Shale Reserves
Navy Department
Washington DC 20360
Asst Secretary of the Navy
(Installation and Logistics)
Navy Department
Washington DC 20360
Commander
Naval Air Systems Command
Naval Air Systems Command
Headquarters
Washington DC 20361
Commander
Naval Sea Systems Command
Naval Sea Systems Command
Headquarters
Washington DC 20362
Commander
Naval Ship Engineering Center
Washington DC 20362
Commander
Naval Supply Systems Command
Naval Supply Systems Command
Headquarters
Washington DC 20362
Recorder
Board for Corrections of Naval
Records
Navy Department
Washington DC 20370
Senior Member
Board of Decorations and Medals
Arlington Annex Room 3028
Navy Department
Washington DC 20370
President
Board of Inspection
and Survey
Navy Department
Washington DC 20370
Commanding Officer
Naval Personnel Program
Support Activity
Room 1074 AA
Washington DC 20370
Chief of Naval Personnel
Navy Department
Washington DC 20370
Commanding Officer
Navy Regional Finance Center
Washington DC 20371
Chief
Bureau of Medicine and Surgery
Navy Department
Washington DC 20372
Commanding Officer
Fleet Weather Facility
Suitland
Navy Department
Washington, DC 20373
Commander
Naval Oceanographic Office
Washington, DC 20373
Commanding Officer
Chesapeake Division, Naval
Facilities Engineering Command
Washington Navy Yard
Washington, DC 20374
Director Consolidated
Civilian Personnel Office
Bldg 200 Washington Navy Yard
Washington DC 20374
Director
Department of Defense Computer
Institute
Washington Navy Yard
Washinton DC 20374
Director
Field Support Activity
Washington Navy Yard
Washington, DC 20374
Commanding Officer
Naval Administrative Unit
Bldg 146
Washington Navy Yard
Washington DC 20374
Commandant
Naval District Washington
Washington Navy Yard
Washington DC 20374
Director
Naval Historical Center
Washington Navy Yard
Washington DC 20374
Officer in Charge
Naval Legal Service Office
Washington Navy Yard
Washington DC 20374
Commanding Officer
Naval Photographic Center
Washington, DC 20374
Commander
Naval Reserve Readiness Command
Region Six
Washington Navy Yard
Washington DC 20374
Commanding Officer
Naval School Diving and
Salvage
Washington Navy Yard
Washington DC 20374
Director
Naval Weapons Engineering
Support Activity
Washington Navy Yard
Washington DC 20374
Officer in Charge
Navy Appellate Review Activity
Office of Judge Advocate General
Washington Navy Yard
Washington DC 20374
Officer in Charge
Navy Band
Washington Navy Yard

Washington DC 20374
Commanding Officer
Navy Food Service Systems Office
Washington Navy Yard
Washington DC 20374
Officer in Charge
Navy Recruiting Exhibit Center
Washington Navy Yard
Washington, DC 20374
Commanding Officer
Navy Regional Data Automation
Center Washington
Washington Navy Yard
Washington DC 20374
Officer in Charge
Navy Regional Procurement Office
Washington Navy Yard
Washington, DC 20374
Officer in Charge
Navy Tactical Doctrine Activity
Washington Navy Yard
Washington DC 20374
Chief
Navy-Marine Corps Trail Judicary
Washington Navy Yard
Washington DC 20374
Director, Navy Publication and
Printing Service
Management Office
Washington Navy Yard Bldg 157-3
Washington DC 20374
Commanding Officer
Naval Research Laboratory
Washington DC 20375
Commander
Navy Accounting and Finance Center
Navy Department
Washington DC 20376
Department of the Navy
Navy Automatic Data Processing
Selection Office
Washington DC 20376
Commandant of the Marine Corps
Navy Department
Washington DC 20380
Commanding Officer
Marine Barracks
8th and I Sts SE
Washington DC 20390
Commander
Military Sealift Command
Department of the Navy
Washington DC 20390
Commanding Officer
Naval Air Facility
Washington D C 20390
Commanding Officer
Naval Communication Unit Washington
Washington DC 20390
Commanding Officer
Naval Electronic Systems Security
Engineering Center
3801 Nebraska Ave N.W.
Washington DC 20390
Commanding Officer
Naval Intelligence Support Center
4301 Suitland Rd
Washington DC 20390
Superintendent
Naval Observatory
34th and Massachusetts Ave NW
Washington DC 20390
Director
Naval Observatory Flagstaff Station
Care of Superintendant
Naval Observatory
Washington DC 20390
Director
Naval Observatory Time Service
Substation Care of Superintendent
Naval Observatory
Washington DC 20390
Naval Security Group Command
Naval Security Group Headquarters
3801 Nebraska Ave NW
Washington DC 20390
Commanding Officer
Naval Security Station
3801 Nebraska Ave NW
Washington DC 20390
Commander
Naval Telecommunications Command
4401 Massachusetts Ave N W
Washington DC 20390
Director of Civilian Personnel
Navy Department
Washington D C 20390
Director
Seasparrow Project Support Office
Department of the Navy
Washington DC 20390
Officer in Charge
Naval Support Unit State Department
Washington DC 20520

FLORIDA

Officer in Charge
Navy Fuel Depot
PO Box 9068
Jacksonville FL 32208
Commanding Officer
Naval Air Rework Facility
Naval Air Station
Jacksonville FL 32212
Commanding Officer
Naval Air Station
Jacksonville FL 32212
Commanding Officer
Naval Alcohol Rehabilitation Center
Naval Air Station
Jacksonville, FL 32212
Commander
Naval Base
Jacksonville FL 32212
Officer in Charge
Naval Construction Battalion
Unit-410
Naval Air Station
Jacksonville FL 32212
Officer in Charge
Naval Legal Service Office
Naval Air Station
Jacksonville FL 32212
Commanding Officer
Naval Regional Dental Center
Jacksonville, FL 32212
Commander
Naval Reserve Readiness Command
Region Eight
Bldg 90 Naval AR Station
Jacksonville FL 32212
Commanding Officer
Naval Weather Service Facility
P O Box 85
Naval Air Station
Jacksonville FL 32212
Officer in Charge
Navy Commissary Store Region
Jacksonville FL 32212
Officer in Charge
Navy Disease Vector Ecology and
Control Center
Naval Air Station
Jacksonville FL 32212
Officer in Charge
Navy Finance Office
Naval Air Station
Box 79
Jacksonville FL 32212
Commanding Officer
Naval Regional Medical Center
Jacksonville FL 32214
Officer in Charge
Fleet Air Intelligence Support

Center Cecil
Naval Air Station
Cecil Field FL 32215
Commanding Officer
Marine Barracks
Naval Air Station
Cecil Field FL 32215
Commanding Officer
Naval Air Station
Cecil Field FL 32215
Supervisor of Shipbuilding
Conversion and Repair USN
Drawer T
Mayport Naval Station
Jacksonville FL 32228
Commanding Officer
Fleet Training Center
Naval Station
Mayport FL 32228
Commanding Officer
Naval Station
Mayport FL 32228
Commanding Officer
Navy Experimental Diving Unit
Panama City FL 32401
Commanding Officer
Naval Coastal Systems Laboratory
Panama City FL 32407
Chief of Naval Education
and Training
Naval Air Station
Pensacola FL 32508
Commanding Officer
Helicopter Combat Support Squadron
Sixteen
Naval Air Station
Pensacola FL 32508
Commanding Officer
Naval Aerospace Medical
Research Laboratory
Naval Air Station
Pensacola FL 32508
Commanding Officer
Naval Aerospace Medical Institute
Naval Air Station
Pensacola FL 32508
Commanding Officer
Naval Air Rework Facility
Building 604
Naval Air Station
Pensacola FL 32508
Commanding Officer
Naval Air Station
Pensacola FL 32508
Director
Naval Aviation Museum
Naval Air Station
Pensacola FL 32508
Commanding Officer
Naval Aviation Schools Command
Bldg 633 Naval Air Station
Pensacola FL 32508
Officer in Charge
Naval Construction Battalion
Unit 402
Naval Air Station
Pensacola FL 32508
Commanding Officer
Naval Education and Training
Information Systems Activity
Naval Air Station
Pensacola, FL 32508
Officer in Charge
Naval Legal Service Office
Naval Air Station
Pensacola, FL 32508
Commanding Officer
Naval Regional Dental Center
Pensacola, FL 32508
Commanding Officer
Naval Weather Service Facility
Naval Air Station
Pensacola FL 32508
Officer in Charge
Navy Commissary Store Region
Pensacola FL 32508
Commanding Officer
Navy Flight Demonstration Squadron
(Blue Angels)
Naval Air Station
Pensacola, FL 32508
Commanding Officer
Navy Public Works Center
Naval Air Station
Pensacola FL 32508
Commander
Training Air Wing Six
Naval Air Station
Pensacola FL 32508
Commanding Officer
Training Squadron Eight-Six
Naval Air Station
Pensacola FL 32508
Commanding Officer
Training Squadron Four
Naval Air Station
Pensacola FL 32508
Commanding Officer
Training Squadron Ten
Naval Air Station
Pensacola FL 32508
Director
Defense Activity for Non-Tradition
Education Support
Pensacola FL 32509
Superintendent
Dependents Education Office
Atlantic
Ellyson, Building 995
Pensacola FL 32509
Commanding Officer
Naval Education and Training
Program Development Center
Ellyson
Pensacola FL 32509
Chief of Naval Education and
Training Support
Pensacola FL 32509
Commanding Officer
Naval Technical Training Center
Corry Station
Pensacola FL 32511
Commanding Officer
Naval Aerospace and Regional
Medical Center
Pensacola FL 32512
Commanding Officer
Helicopter Training Squadron Eight
Naval Air Station Whiting Field
Milton FL 32570
Commanding Officer
Helicopter Training Squadron 18
Naval Air Station Whiting Field
Milton FL 32570
Commanding Officer
Naval Air Station
Whiting Field
Milton FL 32570
Commander
Training Air Wing Five
Naval Air Station Whiting Field
Milton FL 32570
Commanding Officer
Training Squadron Six
Naval Air Station Whiting Field
Milton FL 32570
Commanding Officer
Training Squadron Three
Naval Air Station Whiting Field
Milton FL 32570
Commanding Officer
Training Squadron Two
Naval Air Station Whiting Field
Milton FL 32570
Commanding Officer
Naval Administrative Command

Naval Training Center
Orlando FL 32813
Commanding Officer
Naval Nuclear Power School
Naval Training Center
Orlando FL 32813
Commanding Officer
Naval Regional Dental Center
Orlando FL 32813
Commanding Officer
Naval Regional Medical Center
Orlando FL 32813
Commander
Naval Training Center
Orlando FL 32813
Commanding Officer
Naval Training Equipment Center
Orlando FL 32813
Officer in Charge
Navy Finance Office
Orlando FL 32813
Commanding Officer
Recruit Training Command
Orlando FL 32813
Commanding Officer
Service School Command
Naval Training Center
Orlando FL 32813
Commanding Officer
Naval Ordnance Test Unit
Patrick AFB FL 32925
Military Sealift Command
Office Port Canaveral
PO Box 4066
Patrick Air Force Base FL 32925
Commanding Officer
Naval Security Group Activity
Homestead FL 33039
Commanding Officer
Marine Barracks
Naval Air Station
Key West, FL 33040
Commanding Officer
Naval Air Station
Key West FL 33040
Commanding Officer
Naval Communication Unit
Key West FL 33040
Commanding Officer
Naval Hospital
Key West FL 33040
Officer in Charge
Navy Finance Office
Truman Annex
Naval Air Station
Key West FL 33040

GEORGIA

Commanding Officer
Naval Air Station Atlanta
Marietta GA 30060
Director
Navy Office of Information
Atlanta Branch
1459 Peachtree St Suite 300
Atlanta GA 30309
Commanding Officer
Naval Supply Corps School
Athens, GA 30601
Commander
Navy Recruiting Area Three
PO Box 4887 451 College St
Macon GA 31208
Officer in Charge
Navy Autodin Switching Center
Albany Marine Corps Logistics
Support Base Atlantic
Albany GA 31704

HAWAII

Commanding Officer
Pacific Missile Facility
Hawiian Area, Barking Sands
Kekaha, Kauai, HI 96752
Director Consolidated
Civilian Personnel Office
4300 Radford Drive
Honolulu HI 96818

IDAHO

Officer in Charge
Naval Administration Unit
525 Second Street
Idaho Falls ID 83401
Commanding Officer
Naval Nuclear Power Training Unit
PO Box 2751
Idaho Falls ID 83401

ILLINOIS

Commanding Officer
Naval Air Station
Glenview IL 60026
Commanding Officer
Naval Weather Service Facility
Glenview IL 60026
Director Consolidated
Civilian Personnel Office
Room 7 Bldg 3
Great Lakes IL 60088
Commanding Officer, Naval
Electronic Systems Engineering
Center, Great Lakes
Bldg 3209
Great Lakes IL 60088
Commanding Officer
Naval Administrative Command
Naval Training Center
Great Lakes IL 60088
Commander
Naval Base
Building 1
Great Lakes IL 60088
Officer in Charge
Naval Construction Battalion
Unit 401
Naval Training Center Bldg 3215
Great Lakes IL 60088
Commanding Officer
Naval Dental Research Institute
Naval Base
Great Lakes IL 60088
Commanding Officer
Naval Hospital Corps School
Great Lakes IL 60088
Officer in Charge
Naval Legal Service Office
Naval Training Center
Great Lakes IL 60088
Commanding Officer
Naval Regional Dental Center
Great Lakes IL 60088
Commanding Officer
Naval Regional Medical Center
Great Lakes IL 60088
Commander
Naval Reserve Readiness Command
Region Thirteen
Bldg 1 Naval Training Center
Great Lakes IL 60088
Commander
Naval Training Center
Great Lakes IL 60088
Officer in Charge
Navy Commissary Store Region
Great Lakes IL 60088
Commanding Officer

Navy Public Works Center
Bldg 1A
Great Lakes IL 60088
Commander
Navy Recruiting Area Five
Bldg 3
Great Lakes IL 60088
Commanding Officer
Navy Regional Finance Center
Bldg 122
Great Lakes IL 60088
Commanding Officer
Recruit Training Command
Naval Training Center
Great Lakes IL 60088
Commanding Officer
Service School Command
Bldg 520
Naval Training Center
Great Lakes IL 60088
Commanding Officer
Transient Personnel Unit
Naval Administrative Command
Naval Traning Center
Great Lakes IL 60088
Commandant
9th Naval District
Building 1
Great Lakes IL 60088
Director
Navy Office of Information
Chicago Branch
536 South Clark St Room 252
Chicago IL 60605
Commanding Officer
Office of Naval Research
Branch Office
536 S Clark St
Chicago IL 60605

INDIANA

Commanding Officer
Naval Avionics Facility
21st and Arlington Avenue
Indianapolis IN 46218
Commanding Officer
Naval Weapons Support Center
Crane IN 47522

KENTUCKY

Commanding Officer
Naval Ordnance Station
Louisville KY 40214

LOUISIANA

Director Consolidated
Civilian Personnel Office
Naval Support Activity
New Orleans LA 70146
Supervisor of Shipbuilding
Conversion and Repair USN
New Orleans LA 70146
Commanding Officer
Marine Air Reserve Training Command
Naval Support Activity
4400 Dauphine St
New Orleans, LA 70146
Commander
Military Sealift Command
Gulf Sub-Area
4400 Dauphine St
New Orleans LA 70146
Commanding Officer
Naval Air Station
New Orleans LA 70146
Commanding Officer
Naval Regional Medical Center
New Orleans LA 70146
Commander
Naval Reserve Readiness Command
Region Ten
Bldg 11 Naval Support Activity
New Orleans LA 70146
Commanding Officer
Naval Reserve Support Office
New Orleans LA 70146
Commanding Officer
Naval Support Activity
New Orleans LA 70146
Officer in Charge
Navy Finance Office
New Orleans LA 70146
Chief of Naval Reserve
New Orleans LA 70146
Commandant
8th Naval District
Chief of Naval Reserve Hdqtrs
New Orleans LA 70146
Commanding Officer
Naval Reserve Personnel Center
New Orleans LA 70149
Commanding Officer
Enlisted Personnel
Management Center
New Orleans LA 70159
Commanding Officer
Naval Investigative Service Office
New Orleans
PO Box 6438
New Orleans LA 70174

MAINE

Commanding Officer
Marine Barracks
Naval Air Station
Brunswick ME 04011
Officer in Charge
Navy Commissary Store Region
Brunswick ME 04011
Commanding Officer
US Naval Air Station
Brunswick ME 04011
Supervisor of Shipbuilding
Conversion and Repair USN
574 Washington St
Bath ME 04530
Commanding Officer
Naval Communication Unit
Cutler East Machias ME 04630
Commanding Officer
Naval Security Group Activity
Winter Harbor ME 04693

MARYLAND

Commanding Officer
National Naval Dental Center
Bethesda MD 20014
Commanding Officer
National Naval Medical Center
Bethesda MD 20014
Commanding Officer
Naval Health Sciences Education and
Training Command
National Naval Medical Center
Bethesda, MD 20014
Commanding Officer
Naval Medical Data Service Center
National Naval Medical Center
Bethesda MD 20014
Commanding Officer
Naval Medical Research and
Development Command
National Naval Medical Center
Bethesda, MD 20014
Commanding Officer
Naval Medical Research Institute

National Naval Medical Center
Bethesda MD 20014
Commanding Officer
Naval School of Health Care
Administration
National Naval Medical Center
Bethesda MD 20014
Commander
David W. Taylor Naval Ship Research
and Development Center
Bethesda, MD 20084
Commanding Officer
Naval Explosive Ordnance
Disposal Facility
Indian Head MD 20640
Commanding Officer
Naval Ordnance Station
Indian Head MD 20640
Commanding Officer
Naval School
Explosive Ordnance Disposal
Naval Ordnance Station
Indian Head MD 20640
Commanding Officer
Naval Air Station
Patuxent River MD 20670
Commander
Naval Air Test Center
Patuxent River MD 20670
Commander
Naval Aviation Integrated Logistic
Support Center
Patuxent River MD 20670
Commanding Officer
Naval Hospital
Patuxent River MD 20670
Officer in Charge
Navy Commissary Store Region
Patuxent River MD 20670
Officer in Charge
Navy Special Services
Administrative Activity
Patuxent River MD 20670
Commanding Officer
Marine Barracks
Fort Meade MD 20755
Commanding Officer
Naval Security Group Activity
Fort George G Meade MD 20755
Commanding Officer
Navy Field Operational
Intelligence Office
Fort George G Meade MD 20755
Officer in Charge
Strategic Analysis Support Group
8621 Georgia Ave
Silver Spring MD 20910
Commanding Officer
Marine Barracks
Naval Station
Annapolis MD 21402
Superintendent
Naval Academy
Annapolis MD 21402
Officer in Charge
Naval Construction Battalion
Unit 403 Naval Academy
Annapolis MD 21402
Commanding Officer
Naval Hospital
Annapolis MD 21402
Commanding Officer
Naval Station
Annapolis MD 21402
Officer in Charge
Navy Liaison Group
Alternate Joint Communications
Center
Fort Ritchie MD 21719
Commanding Officer
Naval Support Facility
Box 277
Thurmont MD 21788

MASSACHUSETTS

Officer in Charge
Navy Clothing and Textile
Research Facility
21 Strathmore Road
Natick MA 01760
Officer in Charge
Naval Blood Research Laboratory
Talbot Bldg 82 East Concord St
Boston MA 02118
Director
Navy Office of Information
Boston Branch
575 Technology Square 8th Floor
Cambridge MA 02139
Commanding Officer
Naval Air Station
South Weymouth MA 02190
Supervisor of Shipbuilding
Conversion and Repair USN
Bldg 114 Section D
666 Summer St
Boston MA 02210
Commanding Officer
Office of Naval Research
Branch Office
495 Summer Street
Boston MA 02210

MICHIGAN

Commanding Officer
Naval Air Facility Detroit
MT Clemens MI 48043

MINNESOTA

Commander Naval Reserve
Readiness Command Region Sixteen
Bldg 715
Minn-St Paul International Airport
Minneapolis MN 55450

MISSISSIPPI

Commanding Officer
Naval Air Station
Meridian MS 39301
Commanding Officer
Naval Technical Training Center
Meridian, MS 39301
Commander
Training Air Wing One
Naval Air Station
Meridian MS 39301
Commanding Officer
Training Squadron Nine
Naval Air Station
Meridian MS 39301
Commanding Officer
Training Squadron Nineteen
Naval Air Station
Meridian MS 39301
Commanding Officer
Training Squadron Seven
Naval Air Station
Meridian MS 39301
Commanding Officer
Naval Construction
Battalion Center
Gulfport MS 39501
Commanding Officer
Naval Construction Training Center
Gulfport MS 39501
Governor
Naval Home
01800 East Beach Blvd
Gulfport MS 39501
Commanding Officer

Naval Ocean Research and
Development Activity
National Space Technology Labs
Bay St Louis MS 39520
Director
Naval Oceanography and Meteorology
National Space Technology
Laboratories
Bay St Louis MS 39520
Supervisor of Shipbuilding
Conversion and Repair USN
Pascagoula MS 39567

MISSOURI

Director
Marine Corps Automated
Services Center
1500 E Bannister Rd
Kansas City MO 64131
Director
Marine Corps Reserve Forces
Administrative Center
1500 East Bannister Road
Kansas City MO 64131
Commanding Officer
Marine Corps Finance Center
Kansas City MO 64197

NEVADA

Commanding Officer
Naval Air Station
Fallon NV 89406
Commanding Officer
Marine Barracks
Naval Ammunition Depot
Hawthorne NV 89415
Commanding Officer
Naval Ammunition Depot
Hawthorne NV 89415

NEW HAMPSHIRE

Commanding Officer
Marine Barracks
Portsmouth Naval Shipyard
Portsmouth, NH 03801
Commanding Officer
Naval Regional Medical Clinic
Portsmouth NH 03801
Commander
Portsmouth Naval Shipyard
Portsmouth NH 03801

NEW JERSEY

Commander
Military Sealift Command Atlantic
Military Ocean Terminal Bldg 42
Bayonne NJ 07002
Commanding Officer
Navy International Logistics
Control Office
Bayonne NJ 07002
Commanding Officer
Marine Barracks
Naval Weapons Station, Earle
Colts Neck NJ 07722
Commanding Officer
Naval Weapons Station Earle
Colts Neck NJ 07722
Director
Naval Audit Service Northeast Regio
Central Camden Parkade Bldg 215
30 North 5th Street
Camden NJ 08102
Commanding Officer
Naval Air Propulsion Test Center
Trenton NJ 08628
Commanding Officer
Naval Air Engineering Center
Lakehurst NJ 08733
Commanding Officer
Naval Air Technical Training Center
Naval Air Station
Lakehurst NJ 08733
Officer in Charge
Navy Branch Aviation Supply Office
Catapult and Arresting Gear
Naval Air Station
Lakehurst NJ 08733

NEW MEXICO

Commanding Officer
Naval Weapons Evaluation Facility
Kirkland Air Force Base
Albuquerque NM 87117
Commanding Officer
Naval Ordnance Missile
Test Facility
White Sands Missile
Range NM 88002

NEW YORK

Director
Navy Office of Information
New York Branch
663 Fifth Ave 3rd Floor
New York NY 10022
Commanding Officer
Navy Resale System Office
3rd Ave and 29th St
Brooklyn NY 11232
Counsel New York Branch
Office of the General Counsel
Department of the Navy
3rd Ave and 29th St
Brooklyn NY 11232
Director Consolidated
Civilian Personnel Office
Washington & Flushing Aves
Brooklyn NY 11251
Supervisor of Shipbuilding
Conversion and Repair USN
Flushing and Washington Aves
Brooklyn NY 11251
Commanding Officer
Naval Investigative Service Office
New York
Flushing-Washington Aves
Brooklyn NY 11251
Commanding Officer
Naval Support Activity
Flushing and Washington Aves.
Brooklyn NY 11251
Officer in Charge
Navy Motion Picture Service
Bldg 311 Flushing Ave
Brooklyn NY 11251
Officer in Charge
Fleet Post Office New York
182- 150th Ave
Jamaica NY 11413
Commanding Officer
Naval Nuclear Power Training Unit
PO Box 300
Ballston Spa NY 12020
Officer in Charge
Naval Administrative Unit
Scotia NY 12302
Commander
Naval Reserve Readiness Command
Region Two Bldg 1
Scotia NY 12302
Commander
Navy Recruiting Area One
Scotia NY 12302

NORTH CAROLINA

Commanding Officer
Naval Facility
Cape Hatteras
Buxton NC 27920
Commander
Joint Unconventional Warfare Task
Force Atlantic US Army JFK
Center for Special Warfare
Fort Braff NC 28307
Commander
Marine Corps Air Bases Eastern Area
Marine Corps Air Station
Cherry Point NC 28533
Commanding General
Marine Corps Air Station
Cherry Point NC 28533
Commanding Officer
Naval Air Rework Facility
Marine Corps Air Station
Cherry Point NC 28533
Commanding Officer
Naval Hospital
Cherry Point NC 28533
Commanding General
2nd Marine Aircraft Wing
Marine Corps Air Station
Cherry Point NC 28533
Commanding Officer
Marine Corps Air Station
(Helicopter)
New River
Jacksonville N C 28540
Commanding Officer
Field Medical Service School
Marine Corps Base
Camp Lejeune NC 28542
Commanding General
Force Troops Atlantic
2D Force Service Support Group FMF
Camp Lejeune NC 28542
Commanding General
Marine Corps Base
Camp Lejeune NC 28542
Commanding Officer
Naval Regional Dental Center
Camp Lejeune NC 28542
Commanding Officer
Naval Regional Medical Center
Camp Lejeune NC 28542
Commanding Gerneal
2nd Marine Division FMF
Camp Lejeune NC 28542

OHIO

Commander
Navy Recruiting Area Four
Columbus Federal Bldg Room 409
200 North High St
Columbus OH 43215
Director
Navy Family Allowance Activity
Anthony J. Celebrezze Federal Bldg.
1240 East 9th Street
Cleveland OH 44199
Commanding Officer
Navy Finance Center
Anthony J Celebrezze Federal Bldg
Cleveland OH 44199
Commander
Naval Reserve Readiness Command
Region Five Bldg 1033 USAAP
Ravenna OH 44266
Commanding Officer
Navy Environmental Health Center
3333 Vine St
Cincinnati OH 45220

PENNSYLVANIA

Commanding Officer
Navy Fleet Material Support Office
Mechanicsburg PA 17055
Commanding Officer
Ships Parts Control Center
Mechanicsburg PA 17055
Commander
Naval Air Development Center
Warminster PA 18974
Commanding Officer
Naval Air Facility
Warminster PA 18974
Commanding Officer
Naval Air Station
Willow Grove PA 19090
Commanding Officer
Naval Air Techanical
Services Facility
700 Robbins Avenue
Philadelphia Penna 19111
Commanding Officer
Navy Aviation Supply Office
700 Robbins Avenue
Philadelphia PA 19111
Director
Navy Publications and Printing
Service, Northern Division
Bldg 4 Section D 700 Robbins Ave
Philadelphia PA 19111
Director Consolidated
Civilian Personnel Office
Bldg 75 Naval Base
Philadelphia PA 19112
Commanding Officer, Naval
Electronic Systems Engineering
Center, Philadelphia
Philadelphia, PA 19112
Commanding Officer
Marine Barracks
Philadelphia PA 19112
Commanding Officer
Naval Aviation Engineering Service
Unit
Philadelphia PA 19112
Commander
Naval Base
Philadelphia PA 19112
Commander
Naval Base Boston
Fourth Naval District Headquarters
Philadelphia PA 19112
Commander
Naval Base New York
Fourth Naval District Headquarters
Philadelphia PA 19112
Commander
Naval Damage Control
Training Center
Philadelphia PA 19112
Officer in Charge
Naval Legal Service Office
Naval Base
Philadelphia PA 19112
Officer in Charge
Naval Material Industrial
Resources Office
Bldg 537 2nd FL Naval Base
Philadelphia PA 19112
Commanding Officer
Naval Regional Dental Center
Philadelphia, PA 19112
Officer in Charge
Naval Regional Procurement Office
Philadelphia PA 19112
Commander
Naval Reserve Readiness Command
Region Four Bldg 662 Naval Base
Philadelphia PA 19112
Commanding Officer
Naval Support Activity
Philadelphia PA 19112

Officer in Charge
Navy Finance Office
Bldg 76 Naval Base
Philadelphia PA 19112
Commanding Officer
Northern Division
Naval Facilities Engineering
Command
Philadelphia PA 19112
Director Northern Field Div
Office of Civilian Personnel
Northern Field Div
Bldg 4 Naval Base
Philadelphia PA 19112
Commander
Philadelphia Naval Shipyard
Philadelphia PA 19112
Commandant
1st Naval District
Fourth Naval District Headquarters
Philadelphia PA 19112
Commandant
3rd Naval District
Fourth Naval District Headquarters
Philadelphia PA 19112
Commandant
4th Naval District
Philadelphia PA 19112
Commanding Officer
Naval Publication and Forms Center
5801 Tabor Avenue
Philadelphia PA 19120
Commanding Officer
Naval Medical Material Support
Command
3500 South Broad St
Philadelphia PA 19145
Commanding Officer
Naval Regional Medical Center
17th St and Pattison Ave
Philadephia PA 19145

PUERTO RICO AND VIRGIN ISLANDS

Commanding Officer
Camp Garcia
Fleet Marine Force Atlantic
Vieques PR 00765

RHODE ISLAND

Commanding Officer
Marine Barracks
Naval Education & Training Center
Newport, RI 02840
Commander
Naval Education and Training Center
Newport RI 02840
Commanding Officer
Naval Justice School
Newport, RI 02840
Officer in Charge
Naval Legal Service Office
Naval Education and Training Center
Newport RI 02840
Commanding Officer
Naval Regional Dental Center
Newport RI 02840
Commanding Officer
Naval Regional Medical Center
Newport RI 02840
Commander
Naval Reserve Readiness Command
Region One Bldg 344
Naval Education and Training Center
Newport RI 02840
Commanding Officer
Naval Underwater Systems Center
Newport RI 02840
President
Naval War College
Newport RI 02840
Officer in Charge
Navy Commissary Store Region
Newport RI 02840
Officer in Charge
Navy Finance Office
Newport RI 02840
Commanding Officer
Surface Warfare Officers School
Command
Newport RI 02840
Commanding Officer
Naval Construction
Battalion Center
Davisville RI 02854

SOUTH CAROLINA

Commanding Officer
Naval Electronic Systems
Engineering Center Room 512
Federal Bldg, 334 Meeting St
Charleston SC 29403
Commanding Officer
Atlantic Fleet Polaris Material
Office
Naval Base
Charleston SC 29408
Commander
Charleston Naval Shipyard
Naval Base
Charleston, SC 29408
Supervisor of Shipbuilding
Conversion and Repair USN
Naval Base
Charleston SC 29408
Commanding Officer
Fleet and Mine Warfare
Training Center
Naval Base
Charleston SC 29408
Commanding Officer
Marine Barracks
Naval Weapons Station
Charleston SC 29408
Commander
Mine Warfare Command
Charleston SC 29408
Commander
Naval Base
Charleston SC 29408
Officer in Charge
Naval Construction Battalion
Unit-412
Naval Station Naval Base
Charleston SC 29408
Commanding Officer
Naval Investigative Service Office
Charleston
Naval Base
Charleston SC 29408
Officer in Charge
Naval Legal Service Office
Naval Base
Charleston SC 29408
Commanding Officer
Naval Regional Dental Center
Charleston SC 29408
Commanding Officer
Naval Regional Medical Center
Charleston SC 29408
Commander
Naval Reserve Readiness Command
Region Seven
Naval Base
Charleston SC 29408
Commanding Officer
Naval Security Group Activity
Naval Base
Charleston SC 29408
Commanding Officer
Naval Station

Naval Base
Charleston SC 29408
Commanding Officer
Naval Weapons Station
Charleston SC 29408
Officer in Charge
Navy Commissary Store Region
Charleston SC 29408
Officer in Charge
Navy Finance Office
Naval Base
Charleston SC 29408
Commanding Officer
Navy Fleet Ballistic Missile
Submarine Training Center
Naval Base
Charleston SC 29408
Director
Navy Publications and Printing
Service Southeast Division
Naval Base, Bldg 35
Charleston SC 29408
Commanding Officer
Polaris Missile Facility
Atlantic
Charleston SC 29408
Commandant
6th Naval District
Naval Base
Charleston SC 29408
Commanding Officer
Naval Supply Center
Charleston SC 29411
Commanding Officer
Southern Division Naval Facilities
Engineering Command
PO Box 10068
Charleston SC 29411
Commanding Officer
Marine Corps Air Station
Beaufort SC 29902
Commanding Officer
Naval Hospital
Beaufort SC 29902
Commanding General
Marine Corps Recruit Depot
Parris Island SC 29905
Commanding Officer
Naval Regional Dental Center
Parris Island SC 29905

TENNESSEE

Commander
Naval Reserve Readiness Command
Region Nine
Bldg E34 Naval Air Station Memphis
Millington TN 38045
Commanding Officer
Human Resource Management School
Naval Air Station Memphis
Millington TN 38054
Commanding Officer
Naval Air Maintenance Training
Group
Naval Air Station Memphis
Millington TN 38054
Commanding Officer
Naval Air Station Memphis
Millington TN 38054
Commanding Officer
Naval Air Technical Training
Center
NAS Memphis (85)
Millington TN 38054
Officer in Charge
Naval Construction Battalion
Unit 404
Naval Air Station Menphis
Millington TN 38054
Officer in Charge
Naval Legal Service Office
Naval Air Station Memphis
Millington TN 38054
Commanding Officer
Naval Regional Medical Center
Memphis
Millington TN 38054
Officer in Charge
Navy Commissary Store
Naval Air Station Memphis
Millington TN 38054
Chief of Naval
Technical Training
Naval Air Station
Memphis
Millington TN 38054

TEXAS

Director
Navy Office of Information
Dallas Branch Main Tower Bldg
1200 Main St Suite 230
Dallas TX 75202
Commanding Officer
Naval Air Station
Dallas TX 75211
Commander
Naval Reserve Readiness Command
Region Eleven
Bldg 11 Naval Air Station
Dallas TX 75211
Commander
Navy Recruiting Area Seven
1499 Regal Row
Dallas TX 75247
Commanding Officer
Naval Air Station
Chase Field
Beeville TX 78102
Commander
Training Air Wing Three
Naval Air Station Chase Field
Beeville TX 78102
Commanding Officer
Training Squadron Twenty-Five
Naval Air Station Chase Field
Beeville TX 78103
Commanding Officer
Training Squadron Twenty-Four
Naval Air Station Chase Field
Beeville TX 78103
Commanding Officer
Training Squadron Twenty-Six
Naval Air Station Chase Field
Beeville TX 78103
Commanding Officer
Naval Air Station
Kingsville TX 78363
Commander
Training Air Wing Two
Naval Air Station
Kingsville TX 78363
Commanding Officer
Training Squadron Twenty-One
Naval Air Station
Kingsville TX 78363
Commanding Officer
Training Squadron Twenty-Three
Naval Air Station
Kingsville TX 78363
Commanding Officer
Training Squadron Twenty-Two
Naval Air Station
Kingsville TX 78363
Commanding Officer
Naval Air Station
Corpus Christi TX 78419
Chief of Naval Air Training
Naval Air Station
Corpus Christi TX 78419
Officer in Charge
Naval Construction Battalion

Unit 407
Naval Air Station
Corpus Christi TX 78419
Officer in Charge
Naval Legal Service Office
Naval Air Station
Corpus Christi TX 78419
Commanding Officer
Naval Regional Medical Center
Corpus Christi TX 78419
Officer in Charge
Navy Commissary Store Region
Corpus Christi TX 78419
Commander
Training Air Wing Four
Naval Air Station
Corpus Christi TX 78419
Commanding Officer
Training Squadron Thirty-One
Naval Air Station
Corpus Christi TX 78419
Commanding Officer
Training Squadron Twenty-Eight
Naval Air Station
Corpus Christi TX 78419
Commanding Officer
Training Squadron Twenty-Seven
Naval Air Station
Corpus Christi TX 78419

VIRGINIA

Director
Naval Audit Service Capital Region
PO Box 1206
Falls Church VA 22041
Director
Naval Audit Service Headquarters
PO Box 1206
Falls Church VA 22041
Commanding General
Marine Corp Development
and Education Command
Quantico VA 22134
Commanding Officer
Marine Corps Air Facility
Quantico VA 22134
Commanding Officer
Naval Hospital
Quantico VA 22134
Commanding Officer
Human Resource Management Center
Washington
1000 North Glebe Road
Arlington VA 22201
Director
Capital Area Personnel Services
Office Navy Department of the Navy
801 North Randolph St
Arlington VA 22203
Commander
Navy Recruiting Command
4015 Wilson Boulevard
Arlington VA 22203
Officer in Charge
Headquarters Navy-Marine Corps
Mars Radio Station Navy Service Ctr
8th Street and South Courthouse Rd
Arlington VA 22204
Commanding Officer
Headquarters Battalion
Headquarters US Marine Corps
Henderson Hall
Arlington VA 22214
Commanding Officer
Marine Security Guard Battalion
Headquarters (State Department)
US Marine Corps Henderson Hall
Arlington VA 22214
Chief of Naval Research
800 North Quincy St
Arlington VA 22217
Commanding Officer
Naval Administrative Services
Command Room 901
4660 Kenmore Avenue
Alexandria VA 22304
Commanding Officer
Navy Petroleum Office
Cameron Station
Alexandria VA 22314
Commander
Naval Intelligence Command
Naval Intelligence Command Hdqtrs
2461 Eisenhower Ave
Alexandria VA 22331
Commanding Officer
Naval Intelligence Processing
System Support Activity
2461 Eisenhower Ave
Alexandria VA 22331
Director Naval Investigative
Service/Commanding Officer Naval
Investigative Service Headquarters
2461 Eisenhower Ave
Alexandria VA 22331
Commander
Naval Legal Service
Department of the Navy
200 Stovall Street
Alexandria VA 22332
Judge Advocate General
Navy Department
200 Stovall Street
Alexandria VA 22332
Oceanographer of the Navy
Hoffman II
200 Stovall Street
Alexandria VA 22332
Commander
Naval Facilities Engineering
Command NAVFACENGCOM Hdqtrs
200 Stovall Street
Alexandria VA 22332
Officer in Charge
of Construction Naval Facilities
Engineering Command Contracts
Bethesda, 200 Stovall St.
Alexandria, VA 22332
Commanding Officer
Naval Space Surveillance System
Dahlgren VA 22448
Commander
Naval Surface Weapons Center
Dahlgren VA 22448
Officer in Charge
Cheatham Annex
Naval Supply Center Norfolk
Williamsburg VA 23185
Commanding Officer
Naval Security Group Activity
Northwest
Chesapeake VA 23322
Director
Naval Audit Service Southeast Regio
5701 Thurston Ave
Virginia Beach VA 23455
Officer in Charge
Fleet Air Intelligence Support
Center Oceana
Naval Air Station Oceana
Virginia Beach VA 23460
Commanding Officer
Naval Air Station
Oceana
Virginia Beach VA 23460
Officer in Charge
Naval Construction Battalion
Unit-415
Naval Air Station, Oceana
Virginia Beach VA 23460
Officer in Charge
Central Test Site for Personnel and
Training Evaluation Program
Navy Guided Missiles School DamNeck

Virginia Beach VA 23461
Commanding Officer
Fleet Combat Direction Systems
Support Activity Dam Neck
Virginia Beach VA 23461
Commanding Officer
Fleet Combat Training Center
Atlantic
Dam Neck
Virginia Beach VA 23461
Commanding Officer
Naval Guided Missiles School
Dam Neck
Virginia Beach VA 23461
Commanding Officer
Human Resource Management Center,
Norfolk
5621-23 Tidewater Drive
Norfolk, VA 23509
Commanding Officer
Atlantic Command Operations Support
Facility
Naval Station
Norfolk VA 23511
Commander
Atlantic Division
Naval Facilities Engineering
Command
Norfolk VA 23511
Commanding Officer
Atlantic Fleet Data Processing
Service Center Norfolk
Norfolk VA 23511
Commanding Officer
Camp Elmore
Marine Corps
Norfolk VA 23511
Naval Air Systems
Command Representative
Atlantic
Naval Air Station
Norfolk VA 23511
Commanding Officer
Fleet Accounting and Disbursing
Center U S Atlantic Fleer
Building 132 Naval Station
Norfolk VA 23511
Commanding Officer
Fleet Anti-Submarine Warfare
Training Center, Atlantic
Naval Station
Norfolk, VA 23511
Director
Fleet Home Town News Center
Norfolk VA 23511
Commanding Officer
Fleet Intellience Center
Europe and Atlantic
Norfolk VA 23511
Commanding Officer
Fleet Intelligence Training Center
Atlantic
Bldg N25A, Naval Station
Norfolk VA 23511
Commanding General
Fleet Marine Force Atlantic/
Commanding General Fleet Marine
Force Europe (Designate)
Norfolk VA 23511
Commanding Officer
Fleet Training Center
Norfolk VA 23511
Commanding Officer
Fleet Weather Central
McAdie Building (U-117)
Naval Air Station
Norfolk VA 23511
Commanding Officer
Marine Barracks
Norfolk VA 23511
Commanding Officer
Naval Administrative Command
Armed Forces Staff College
Norfolk VA 23511
Commanding Officer
Naval Air Rework Facility
Naval Air Station
Norfolk VA 23511
Commanding Officer
Naval Air Station
Norfolk VA 23511
Commanding Officer
Naval Alcohol Rehabilitation Center
Building J-50
Naval Station
Norfolk VA 23511
Commander
Naval Base
Norfolk VA 23511
Commanding Officer
Naval Communication Area Master
Station Lant
Norfolk VA 23511
Officer in Charge
Naval Construction Battalion
Unit-411
Naval Station
Norfolk VA 23511
Commanding Officer
Naval Education and Training
Support Center, Atlantic
Bldg Z-86, Naval Station
Norfolk VA 23511
Commanding Officer
Naval Investigative Service Office
Norfolk
Norfolk VA 23511
Officer in Charge
Naval Legal Service Office
Naval Base
Norfolk VA 23511
Commanding Officer
Naval Regional Dental Center
Norfolk VA 23511
Commander
Naval Safety Center
Naval Air Station
Norfolk VA 23511
Commanding Officer
Naval Station
Norfolk VA 23511
Commander
Naval Surface Force
US Atlantic Fleet
Norfolk VA 23511
Officer in Charge
Navy Environmental and
Preventive Medicine Unit No 2
Norfolk VA 23511
Commanding Officer
Navy Manpower and Material
Analysis Center
Atlantic
Norfolk VA 23511
Commanding Officer
Navy Material Transportation Office
Bldg Z-133
Naval Station
Norfolk VA 23511
Director
Navy Public Affairs Center Norfolk
Naval Station
Norfolk VA 23511
Commanding Officer
Navy Public Works Center
Norfolk VA 23511
Commander
Oceanographic System Atlantic
Box 100
Norfolk VA 23511
Director Southern Field Div
Office of Civilian Personnel
Southern Field Division
Bldg A-67 Naval Station
Norfolk VA 23511
Commander

Submarine Force
US Atlantic Fleet
Norfolk VA 23511
Commander in Chief
US Atlantic Fleet
Norfolk VA 23511
Commander Naval Air Force
US Atlantic Fleet
Norfolk VA 23511
Commander Training Command
US Atlantic Fleet
Norfolk VA 23511
Commandant
5th Naval District
Norfolk VA 23511
Commanding Officer
Naval Supply Center
Norfolk VA 23512
Military Sealift Command
Office Norfolk Bldg Y100A
Naval Supply Center
Norfolk VA 23512
Senior Member
Sub-Board of Inspection
and Survey Atlantic
Naval Amphibious Base
Norfolk VA 23520
Commanding Officer
Naval Amphibious Base
Little Creek
Norfolk VA 23521
Commanding Officer
Naval Amphibious School
Little Creek
Naval Amphibious Base
Norfolk VA 23521
Officer in Charge
Navy Commissary Store Region
Norfolk VA 23521
Commanding Officer
School of Music
Naval Amphibious Base
Little Creek
Norfolk VA 23521
Supervisor of Shipbuilding
Conversion and Repair USN
Newport News Shipbuilding and
Drydock CO
Newport News VA 23607
Commanding Officer
Naval Ophthalmic Support and
Training Activity
Yorktown, VA 23690
Commanding Officer
Marine Barracks
Naval Weapons Station
Yorktown VA 23691
Officer in Charge
Naval Mine Engineering Facility
Yorktown VA 23691
Commanding Officer
Naval Weapons Station
Yorktown VA 23691
Commanding Officer
Naval Sea Support Center Atlantic
St Juliens Creek Annex
Portsmouth VA 23702
Supervisor of Shipbuilding
Conversion and Repair USN
PO Box 215
Portsmouth VA 23705
Commanding Officer, Naval
Electronic Systems Engineering
Center, Portsmouth
PO Box 55
Portsmouth VA 23705
Commanding Officer
Naval Regional Medical Center
Portsmouth VA 23708
Commanding Officer
Marine Barracks
Norfolk Naval Shipyard
Portsmouth, VA 23709
Commanding Officer
Naval Inactive Ship
Maintenance Facility
Norfolk Naval Shipyard
Portsmouth VA 23709
Commanding Officer
Naval School Cryogenics Class C
Norfolk Naval Shipyard
Portsmouth VA 23709
Commander
Norfolk Naval Shipyard
Portsmouth VA 23709

WASHINGTON

Director Consolidated
Civilian Personnel Office
Naval Support Activity
7200 Sand Point Way
Seattle WA 98115
Supervisor of Shipbuilding
Conversion and Repair USN
Seattle WA 98115
Officer in Charge
Naval Legal Service Office
Seattle WA 98115
Commanding Officer
Naval Regional Medical Clinic
Naval Support Activity
Seattle WA 98115
Commander
Naval Reserve Readiness Command
Region Twenty-Two Bldg 9
Naval Support Activity
Seattle WA 98115
Commanding Officer
Naval Support Activity
Seattle WA 98115
Officer in Charge
Navy Commissary Store Region
Seattle WA 98115
Officer in Charge
Navy Finance Officer
Seattle WA 98115
Commandant
13th Naval District
Seattle Wash 98115
Military Sealift
Command Office Seattle
Pier 91
Seattle Wash 98119
Officer in Charge
Naval Radio Station T
Jim Creek
Oso WA 98223
Commanding Officer
Marine Barracks
Naval Air Station Whidbey Island
Oak Harbor WA 98277
Commanding Officer
Naval Air Station
Whidbey Island
Oak Harbor WA 98278
Officer in Charge
Naval Construction Battalion-417
Naval Air Station, Whidbey Island
Oak Harbor WA 98278
Commanding Officer
Naval Hospital
Whidbey Island
Oak Harbor WA 98278
Officer in Charge of Construct
Naval Facility Engineering Command
Trident 5610 Kitsap Way
PO Box UU Wycoff Station
Bremerton, WA 98310
Commanding Officer
Naval Inactive Ship
Maintenance Facility
Puget Sound Naval Shipyard
Bremerton WA 98314
Commanding Officer

Naval Regional Dental Center
Bremerton, WA 98314
Commanding Officer
Naval Regional Medical Center
Bremerton WA 98314
Commanding Officer
Naval Supply Center Puget Sound
Bremerton WA 98314
Officer in Charge
Pacific Fleet Polaris Material
Office
Puget Sound Naval Shipyard
Bremerton WA 98314
Commander
Puget Sound Naval Shipyard
Bremerton WA 98314
Commanding Officer
Marine Barracks
Naval Submarine Base Bangor
Bremerton WA 98315
Commanding Officer
Naval Submarine Base Bangor
Baremerton WA 98315
Commanding Officer
Trident Training Facility
Bangor
Bremerton WA 98315
Commanding Officer
US Naval Torpedo Station
Keyport WA 98345
Commanding Officer
Strategic Weapons Facility, Pacific
Silverdale, WA 98383
Commanding Officer
Naval Facility
Pacific Beach
Pacific Beach WA 98571

WEST VIRGINIA

Commanding Officer
Naval Radio Station R
Sugar Grove WV 26815

WISCONSIN

Supervisor of Shipbuilding
Conversion and Repair USN
PO Box 26
Sturgeon Bay WI 54235

WYOMING

Officer in Charge Navy
Petroleum and Oil Shale Reserves
Colorado Utah and Wyoming
400 East First St Suite 311
Casper WY 82601

APO/FPO ADDRESSES

Commander
Military Sealift Command Eastern
Atlantic and Mediterranean
APO New York 09069
Commanding Officer
US Naval Air Facility
APO New York 09127
Military Sealift
Command Office
APO New York 09159
Chief
Navy Technical Assistance Field
Team Box 2501
APO New York 09205
Commanding Officer
US Naval Security Group Activity
APO New York 09240
Officer in Charge
of Construction Naval
Facilities Engineering Command
Contracts Spain
APO New York 09285
Liaison Officer
US Navy Shipbuilding Liaison Office
Spain
APO New York 09285
Commanding Officer
TUSLOG Detachment 28
APO New York 09324
Commander
US Forces Azores
APO New York 09406
Commanding Officer
US Naval Air Facility
APO New York 09406
Commander
US Naval Forces Azores
APO New York 09406
Commanding Officer
US Naval Security Group Activity
APO New York 09406
Commanding Officer
US Naval Security Group Activity
APO New York 09458
Commander
Amphibious Group 2
FPO New York 09501
Commander
Antisubmarine Warfare Force
US Sixth Fleet
FPO New York 09501
Commander
Attack Carrier Striking Force
Sixth Fleet
FPO New York 09501
Commander
Middle East Force
FPO New York 09501
Commander
Second Fleet
FPO New York 09501
Commander
Sixth Fleet
FPO New York 09501
Commander
South Atlantic Force
US Atlantic Fleet
FPO New York 09501
Commander in Chief
US Naval Forces Europe
FPO New York 09501
Military Sealift
Command Office
Box 29
FPO New York 09510
US Commander
Eastern Atlantic
FPO New York 09510
Counsel
European Branch
Office of the General Counsel
Department of the Navy
FPO New York 09510
Commanding Officer
Fleet Operations Control Center
US Naval Forces Europe/US
Eastern Atlantic Box 12
FPO New York 09510
Commanding Officer
Human Resource Management Center
Box 23
FPO New York 09510
Commanding Officer
Marine Barracks
US Naval Activities
FPO New York 09510
Commanding Officer
Office of Naval Research
Branch Office Box 39
FPO New York 09510
Commander

US Naval Activities United Kingdom
FPO New York 09510
Commanding Officer
US Naval Communication Unit
FPO New York 09510
Commanding Officer
US Naval Investigative Service
Office
Box 11
FPO New York 09510
Officer in Charge
US Navy Commissary Store Region
United Kingdom
FPO New York 09510
Commanding Officer
US Naval Aviation
Weapons Facility
FPO New York 09511
Commanding Officer
US Communication Station
FPO New York 09512
Commanding Officer
U S Naval Communication Unit
FPO New York 09516
Commanding Officer
US Naval Security Group
Activity
FPO New York 09518
Commanding Officer
U S Naval Facility
FPO New York 09519
Commander
Area ASW Forces Sixth Fleet
U S Naval Support Activity
FPO New York 09521
Commander
Fleet Air Mediterranean
FPO New York 09521
Commanding Officer
Marine Barracks
FPO New York 09521
Commander
Military Sealift Command
Mediterranean Sub-Area
PO Box 23
FPO New York 09521
Commander Maritime
Surveillance and Reconnaissance
Forces U S Sixth Fleet
FPO New York 09521
Officer in Charge
US Naval Legal Service Office
US Naval Support Activity
FPO New York 09521
Commanding Officer
US Naval Regional Medical Center
PO Box 19
FPO New York 09521
Officer in Charge
US Naval Regional Procurement
Office
FPO New York 09521
Commanding Officer
US Naval Support Activity
FPO New York 09521
Officer in Charge
US Navy Commissary Store Region
FPO New York 09521
Officer in Charge
US Navy Environmental and
Preventive Medicine Unit No. 7
FPO New York 09521
Commanding Officer
U.S. Naval Regional Dental Center
FPO New York 09521
Officer in Charge
Detachment Sigonella
Commander Antisubmarine Warfare
Force US Sixth Fleet Box 288
FPO New York 09523
Commanding Officer
US Naval Air Facility
FPO New York 09523
Commanding Officer
U S Naval Communication Area Master
Station Med
FPO New York 09524
Director
US Navy Publications and Printing
Service European Division
Box 108
FPO New York 09524
Commanding Officer
U S Naval Communication
Station
FPO New York 09525
Commanding Officer
US Naval Medical Research Unit 3
FPO New York 09527
Commanding Officer
US Navy Support Office
FPO New York 09533
Officer in Charge
Detachment Rota
Commander Antisubmarine Warfare
Force US Sixth Fleet
FPO New York 09540
Commanding Officer
Fleet Weather Central
Box 31
FPO New York 09540
Commanding Officer
Marine Barracks
FPO New York 09540
Commander
US Naval Activities Spain
FPO New York 09540
Commanding Officer
US Naval Communication
Station
FPO New York 09540
Commanding Officer
US Naval Hospital
FPO New York 09540
Commanding Officer
US Naval Station
FPO New York 09540
Officer in Charge
US Navy Commissary Store
FPO New York 09540
Commanding Officer
U S Naval Communication
Station
FPO New York 09542
Commanding Officer
Marine Barracks
FPO New York 09544
Officer in Charge
Navy Commissary Store Region
FPO New York 09544
Officer in Charge
US Naval Radio Station T
FPO New York 09546
Commander
Antilles Defense Command
FPO New York 09551
Commanding Officer
Atlantic Fleet Weapons
Training Facility
FPO New York 09551
Commander
Fleet Air Caribbean
FPO New York 09551
Commanding Officer
Marine Barracks
FPO New York 09551
Officer in Charge
US Commissary Store Region
FPO New York 09551
Commander
US Naval Base
FPO New York 09551
Commander
US Naval Forces Caribbean
FPO New York 09551
Commanding Officer

US Naval Hospital
FPO New York 09551
Commanding Officer
US Naval Station
FPO New York 09551
Commanding Officer
U.S. Naval Regional Dental Center
FPO New York 09551
Commanding Officer
US Naval Facility
FPO New York 09552
Commanding Officer
US Naval Facility
FPO New York 09553
Commanding Officer
U S Naval Communication
Station
FPO New York 09554
Commanding Officer
US Naval Security Group Activity
FPO New York 09555
Commanding Officer
US Naval Facility
FPO New York 09556
Commanding Officer
US Naval Facility
FPO New York 09558
Commanding Officer
Marine Barracks
FPO New York 09560
Commanding Officer
US Naval Air Station
FPO New York 09560
Commanding Officer
US Naval Facility
FPO New York 09560
Officer in Charge
US Navy Commissary Store
FPO New York 09560
Commander
Fleet Air Keflavik
FPO New York 09571
Commander
Iceland Defense Force
Box 1
FPO New York 09571
Commanding Officer
Marine Barracks
FPO New York 09571
Commanding Officer
Naval Security Group Activity
FPO New York 09571
Commanding Officer
U S Naval Facility
Box 7
FPO New York 09571
Commanding Officer
US Naval Communication
Station Box
FPO New York 09571
Commander
US Naval Forces Iceland
FPO New York 09571
Commanding Officer
US Naval Station
FPO New York 09571
Officer in Charge
US Navy Commissary Store
FPO New York 09571
Military Sealift
Command Office
FPO New York 09580
Commanding Officer
US Naval Communication Station
FPO New York 09580
Commanding Officer
US Naval Security Group
Activity
Box 5028
FPO New York 09584
Commanding Officer
Marine Barracks
FPO New York 09585
Commanding Officer
U S Naval Station
FPO New York 09585
Commanding Officer
Marine Barracks
FPO New York 09593
Commanding Officer
U S Naval Station
FPO New York 09593
Commanding Officer
US Naval Air Station
FPO New York 09593
Commander
US Naval Base
Box 34
FPO New York 09593
Commanding Officer
US Naval Hospital
FPO New York 09593
Commanding Officer
US Naval Security Group Activity
US Naval Base Box 41
FPO New York 09593
Officer in Charge
US Navy Commissary Store
FPO New York 09593
Commanding Officer
U S Naval Facility
FPO New York 09597
Officer in Charge
US Navy Commissary Store
FPO New York 09597
Officer in Charge
US Sending State Office
for Italy
APO New York 09794
Commanding Officer
US Naval Security Group Activity
APO San Francisco 96210
Military Sealift
Command Office
APO San Francisco 96259
Military Sealift
Command Office
Box 25
APO San Francisco 96263
Commanding Officer
Headquarters Support Activity
Box 25
APO San Francisco 96263
Commanding Officer
US Naval Hospital
Box 4
APO San Francisco 96263
Commanding Officer
US Naval Medical Research Unit No 2
Box 14
APO San Francisco 96263
Officer in Charge
US Navy Commissary Store Region
APO San Francisco 96263
Commander
US Taiwan Defense Command
APO San Francisco 96263
Commanding Officer
U S Naval Security Group Activity
APO San Francisco 96274
Commander
U S Forces Korea
APO San Francisco 96301
Commander
US Naval Forces Korea
APO San Francisco 96301
Commander
US Forces Japan
APO San Francisco 96328
Commanding Officer
US Naval Security Group
Activity
Torii Station
APO San Francisco 96331
Officer in Charge
Naval Medical Admininistrative Unit

Tripler Army Medical Center
APO San Francisco 96438
Commanding Officer
US Naval Air Facility
APO San Francisco 96519
Officer in Charge
of Construction Naval Facilities
Engineering Command Contracts
Southwest Pacific
APO San Francisco 96528
Commander
Amphibious Group 1
FPO San Francisco 96601
Commander
Carrier Striking Force
Seventh Fleet
FPO San Francisco 96601
Commander
Cruiser Destroyer Force
Seventh Fleet
FPO San Francisco 96601
Commander
Seventh Fleet
FPO San Francisco 96601
Commander Amphibious Force
Seventh Fleet
FPO San Francisco 96601
Commander
US Naval Support Force Antarctica
FPO San Francisco 96601
Commanding General
III Marine Amphibious Force FMF
FPO San Francisco 96602
Commanding General
1st Marine Aircraft Wing
FPO San Francisco 96602
Commanding General
3D Marine Division FMF
FPO San Francisco 96602
Commanding Officer
Camp H M Smith US Marine Corps
FPO San Francisco CA 96610
Military Sealift
Command Office
Box 115
FPO San Francisco 96610
Supervisor of Shipbuilding
Conversion and Repair USN
Box 400
FPO San Francisco 96610
Commanding Officer
Fleet Intelligence Center
Pacific
FPO San Francisco 96610
Commanding General
Fleet Marine Force Pacific
FPO San Francisco 96610
Commanding Officer
Fleet Weather Central
Box 113
FPO San Francisco 96610
Commanding Officer
Human Resource Management Center
FPO San Francisco 96610
Commanding Officer
Marine Barracks Hawaii
FPO San Francisco 96610
Commander
Marine Corps Base Pacific
FPO San Francisco 96610
Officer in Charge
Naval Air Logistic Control Office
Pacific CINCPACFLT Box 3
FPO San Francisco 96610
Commander
Naval Base
Box 110
FPO San Francisco 96610
Officer in Charge
Naval Construction Battalion
Unit 413 Naval Station
FPO San Francisco 96610
Commanding Officer
Naval Investigative Service Office
Pacific Box 76
FPO San Francisco 96610
Officer in Charge
Naval Legal Service Office
Box 124
FPO San Francisco 96610
Commander
Naval Logistics Command
US Pacific Fleet
FPO San Francisco 96610
Commanding Officer
Naval Regional Dental Center
Box 111
FPO San Francisco 96610
Commanding Officer
Naval Regional Medical Clinic
Hawaii, Box 121
FPO San Francisco 96610
Commanding Officer
Naval Ship Systems Command
Management Office Western Pacific
Area, Box 400
FPO San Francisco 96610
Commanding Officer
Naval Shore Electronics Engineering
Activity Pacific
Box 130
FPO San Francisco 96610
Commanding Officer
Naval Station
FPO San Francisco 96610
Commanding Officer
Naval Submarine Base
FPO San Francisco 96610
Commanding Officer
Naval Submarine Training
Center Pacific
FPO San Francisco 96610
Commanding Officer
Naval Supply Center
Box 300
FPO San Francisco 96610
Officer in Charge
Navy Commissary Store Region
FPO San Francisco 96610
Officer in Charge
Navy Environmental and Preventive
Medicine Unit No 6 Box 112
FPO San Francisco 96610
Officer in Charge
Navy Finance Office
FPO San Francisco 96610
Commanding Officer
Navy Public Works Center
FPO San Francisco 96610
Director
Navy Publications and Printing
Service Pacific Division
Box 126
FPO San Francisco 96610
Commander
Oceanographic System Pacific
Box 1390
FPO San Francisco 96610
Officer in Charge
of Construction Naval Facilities
Engineering Command Contracts
Mid Pacific
FPO San Francisco 96610
Director Pacific Field Div
Office of Civilian Personnel
Pacific Field Divi Box 119
FPO San Francisco 96610
Commander
Pacific Division
Naval Facilities Engineering
Command
FPO San Francisco 96610
Commanding Officer
Pacific Fleet Data Processing
Service Center Pearl Harbor
FPO San Francisco 96610

Commander
Pearl Harbor Naval Shipyard
Box 400
FPO San Francisco 96610
Commander
Submarine Force
US Pacific Fleet
FPO San Francisco 96610
Commander
Third Fleet
FPO San Francisco 96610
Commander in Chief
US Pacific Fleet
FPO San Francisco 96610
Commandant
14th Naval District
Naval Base
Box 110
FPO San Francisco 96610
Commanding Officer
Naval Air Station
Barbers Point
FPO San Francisco 96611
Commanding Officer
Naval Facility
FPO San Francisco 96611
Commanding Officer
Naval Magazine
FPO San Francisco 96612
Commanding Officer
Naval Communication Area Master
Station EASTPAC
Honolulu
FPO San Francisco 96613
Commanding Officer
US Naval Facility
Box 100
FPO San Francisco 96614
Commanding Officer
US Naval Station
FPO San Francisco 96614
Commanding Officer
Marine Corps Air Station
FPO San Francisco 96615
Commanding Officer
Marine Barracks
FPO San Francisco 96630
Office in Charge
of Construction Naval Facilities
Engineering Command Contracts
FPO San Francisco 96630
Military Sealift Command
Office Naval Station
Box 198
FPO San Francisco 96630
Commanding Officer
U S Fleet Weather Central
Box 12
COMNAVMARIANAS
FPO San Francisco 96630
Commanding Officer
U S Naval Communication Area Master
Station WESTPAC
FPO San Francisco 96630
Commander
US Naval Base
FPO San Francisco 96630
Commanding Officer
US Naval Facility
FPO San Francisco 96630
Commander
US Naval Forces Marianas
FPO San Francisco 96630
Officer in Charge
US Naval Legal Service Office
COMNAVMARIANAS
FPO San Francisco 96630
Commanding Officer
US Naval Magazine
FPO San Francisco 96630
Commanding Officer
US Naval Regional Medical Center
FPO San Francisco 96630
Commanding Officer
US Naval Ship Repair Facility
FPO San Francisco 96630
Officer in Charge
US Naval Shore Electronics
Engineering Activity
Box 194
FPO San Francisco 96630
Commanding Officer
US Naval Station
FPO San Francisco 96630
Commanding Officer
US Naval Supply Depot
FPO San Francisco 96630
Officer in Charge
US Navy Commissary Store
PO Box 179 US Naval Station
FPO San Francisco 96630
Officer in Charge
US Navy Finance Office
FPO San Francisco 96630
Commanding Officer
US Navy Public Works Center
FPO San Francisco 96630
Commanding Officer
U.S. Naval Regional Dental Center
FPO San Francisco 96630
Commanding Officer
US Naval Air Station
FPO San Francisco 96637
Commanding Officer
Marine Barracks
FPO San Francisco 96651
Military Sealift Command
Office Philippines
Box 11
FPO San Francisco 96651
Commanding Officer
U S Naval Regional Medical Center
FPO San Francisco 96651
Commander
US Naval Base
FPO San Francisco 96651
Commander
US Naval Forces Philippines
Box 30
FPO San Francisco 96651
Commanding Officer
US Naval Investigative Service
Office Box 36
FPO San Francisco 96651
Officer in Charge
US Naval Legal Service Office
US Naval Base
FPO San Francisco 96651
Commanding Officer
US Naval Magazine
Box 68
FPO San Francisco 96651
Commanding Officer
US Naval Ship Repair Facility
FPO San Francisco 96651
Officer in Charge
US Naval Shore Electronics
Engineering Activity
Box 91
FPO San Francisco 96651
Commanding Officer
US Naval Station
FPO San Francisco 96651
Commanding Officer
US Naval Supply Depot
FPO San Francisco 96651
Officer in Charge
US Navy Commissary Store Region
Box 28
FPO San Francisco 96651
Commanding Officer
US Navy Public Works Center
FPO San Francisco 96651
Commanding Officer
U.S. Naval Regional Dental Center
FPO San Francisco 96651

Officer in Charge
Detachment Cubi Point
Commander Fleet Air Western Pacific
FPO San Francisco 96654
Commanding Officer
Fleet Air Intelligence Support
Center Western Pacific
Box 12
FPO San Francisco 96654
Commanding Officer
US Naval Air Station
FPO San Francisco 96654
Commanding Officer
US Naval Communication
Station
FPO San Francisco 96656
Commanding Officer
US Naval Communication
Station
FPO San Francisco 96680
Officer in Charge
US Navy Commissary Store
FPO San Francisco 96680
Commanding Officer
US Naval Communication Station
FPO San Francisco 96685
Officer in Charge
Detachment Delta
US Naval Support Force Antarctica
FPO San Francisco 96690
Officer in Charge
US Naval Communication Unit
FPO San Francisco 96690
Officer in Charge
Detachment Alfa
US Naval Support Force Antarctica
FPO San Francisco 96692
Officer in Charge
US Navy Office
FPO San Francisco 96699
Commanding Officer
Military Sealift Command Office
APO Seattle 98742
Commanding Officer
Naval Security Group Activity
APO Seattle 98742
Commander
Military Sealift Command Far East
FPO Seattle 98760
Commander
Fleet Activities
FPO Seattle 98762
Commanding Officer
Marine Barracks
FPO Seattle 98762
Commanding Officer
U S Naval Weather Service Facility
FPO Seattle 98762
Commanding Officer
US Naval Communication
Station Box 3
FPO Seattle 98762
Commander
US Naval Forces Japan
FPO Seattle 98762
Commanding Officer
US Naval Investigative Service
Office Box 76
FPO Seattle 98762
Officer in Charge
US Naval Legal Service Office
COMNAVFORJAPAN
FPO Seattle 98762
Commanding Officer
US Naval Ship Repair Facility
FPO Seattle 98762
Officer in Charge
US Naval Shore Electronics
Engineering Activity
Box 5
FPO Seattle 98762
Commanding Officer
US Naval Supply Depot
FPO Seattle 98762
Officer in Charge
US Navy Commissary Store Region
FPO Seattle 98762
Commanding Officer
US Navy Public Works Center
FPO Seattle 98762
Commanding Officer
Marine Corps Air Station
FPO Seattle 98764
Commanding Officer
US Naval Regional Dental Center
FPO Seattle 98765
Commanding Officer
US Naval Regional Medical Center
FPO Seattle 98765
Commanding Officer
US Naval Ordnance Facility
FPO Seattle 98766
Officer in Charge
Naval Air Logistic Control Office
Western Pacific
U S Naval Air Facility
FPO Seattle 98767
Commanding Officer
US Naval Air Facility
FPO Seattle 98767
Commander Fleet Air
Western Pacific
FPO Seattle 98767
Commander Patrol and
Reconnaissance Force Seventh Fleet
FPO Seattle 98768
Commander
US Taiwan Patrol Force
Pacific Fleet
FPO Seattle 98768
Officer in Charge
US Navy Commissary Store
FPO Seattle 98769
Military Sealift
Command Office
FPO Seattle 98770
Commander
Fleet Activities/US Naval Air
Facility
FPO Seattle 98770
Commanding Officer
US Marine Corps Air Station
(Helicopter)
FPO Seattle 98772
Commanding General
Marine Corps Base
Camp Smedley D Butler
FPO Seattle 98773
Commanding Officer
Naval Security Group Activity
FPO Seattle 98777
Commanding Officer
U S Naval Regional Medical Center
FPO Seattle 98778
Commanding Officer
Marine Barracks
Naval Station
FPO Seattle 98791
Commanding Officer
Naval Facility
Box 71
FPO Seattle 98791
Commanding Officer
USNaval Station
FPO Seattle 98791

BILLING CODE 3810-71-M

DEFENSE LOGISTICS AGENCY

REQUESTING RECORDS

Records are retrieved by name or by some other personal identifier. It is therefore especially important for expeditious service when

requesting a record that particular attention be provided to the Notification and/or Access Procedures of the particular record system involved so as to furnish the required personal identifiers, or any other pertinent personal information as may be required, to locate and retrieve the record.

BLANKET ROUTINE USES

Certain blanket 'routine uses' of the records have been established, that are applicable to every record system maintained within the Department of Defense, unless specifically stated otherwise within a particular record system. These additional blanket routine uses of the records are published below, only once in the interest of simplicity, economy and to avoid redundancy, before the individual record system notices begin rather than repeating them in every individual record system.

ROUTINE USE - LAW ENFORCEMENT

In the event that a system of records maintained by this component 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 by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

ROUTINE USE - DISCLOSURE WHEN REQUESTING INFORMATION

A record from a system of records maintained by this component 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 component 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.

ROUTINE USE - DISCLOSURE OF REQUESTED INFORMATION

A record from a system of records maintained by this component may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

ROUTINE USE - CONGRESSIONAL INQUIRIES

Disclosure from a system of records maintained by this component may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

ROUTINE USE WITHIN THE DEPARTMENT OF DEFENSE

A record from a system of records maintained by this component may be disclosed as a routine use to other components of the Department of Defense if necessary and relevant for the performance of a lawful function such as, but not limited to, personnel actions, personnel security actions and criminal investigations of the Component requesting the record.

ROUTINE USE - PRIVATE RELIEF LEGISLATION

Relevant information contained in all systems of records of the Department of Defense published on or before August 22, 1975, 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 A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

ROUTINE USE - DISCLOSURES REQUIRED BY INTERNATIONAL AGREEMENTS

A record from a system of records maintained by this Component may be disclosed to foreign law enforcement, security, investigatory, or administrative authorities in order to comply with requirements imposed by, or to claim rights conferred in international agreements and arrangements including those regulating the stationing and status in foreign countries of Department of Defense military and civilian personnel.

ROUTINE USE - DISCLOSURE TO STATE AND LOCAL TAXING AUTHORITIES

Any information normally contained in IRS Form W-2 which is maintained in a record from a system of records maintained by this Component may be disclosed to State and local taxing authorities with which the Secretary of the Treasury has entered into agreements pursuant to Title 5, U.S.Code, Sections 5516, 5517, 5520, and only to those State and local taxing authorities for which an employee or military member is or was subject to tax regardless of whether tax is or was withheld. This routine use is in accordance with Treasury Fiscal Requirements Manual Bulletin Nr. 76-07.

ROUTINE USE - DISCLOSURE TO THE OFFICE OF PERSONNEL MANAGEMENT

A record from a system of records subject to the Privacy Act and maintained by this component may be disclosed to the Office of Personnel Management concerning information on pay and leave, benefits, retirement deductions, and any other information necessary for the Office of Personnel Management to carry out its legally authorized Government-wide personnel management functions and studies.

ROUTINE USE - DISCLOSURE OF INFORMATION TO NARS (GSA)

A record from a system of records maintained by this component may be disclosed as a routine use to the National Archives and Records Service of the General Services Administration in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

ROUTINE USE - DISCLOSURE TO DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

All systems of records relating to compensation, employment or retirement, or extracts therefrom, maintained by this Component may be disclosed as a routine use to the Department of Health, Education, and Welfare for the purpose of comparing such record with records of programs administered by and in the possession of the Department of Health, Education, and Welfare in order to verify information where such verification is required by law or regulation or to identify violations or potential violations of law, whether criminal, civil, or regulatory, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto.

S214.20DLA-L

System name:

214.20 Emergency Assignment and Training Records

System location:

Headquarters, Defense Logistics Agency (DLA) and all DLA field activities.

Categories of individuals covered by the system:

Present DLA civilian/military personnel who have volunteered for, or been designated to perform, some duty or assignment in time of emergency that is not regularly included in their present duties. Former personnel who have recently left the activity may also be included to the extent that the records have not yet been purged of their names.

Categories of records in the system:

Individuals' names, grades, Social Security Number, home address, organizational locations, titles, office and residential phone numbers, training as pertaining to emergency duties, authority to operate Government vehicles, emergency assignment, agreement to perform emergency duties, and similar information related to the emergency assignment.

Authority for maintenance of the system:

50 U.S.C., 402 through 405, National Security Act of 1947; 50 U.S.C., App. 2251, Federal Civil Defense Act of 1950; E.O. 10952, Assigning Civil Defense Responsibilities to the Secretary of Defense, E.O. 11490, Assigning Emergency Preparedness Functions to Federal Departments and Agencies.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The records are used by the management and supervisory personnel of DLA in the day-to-day planning and management of emergency actions. These include emergency recall rosters, the war and emergency support plan, staffing of fallout shelters, physical security of the post or other premises, and similar purposes. The use might

involve emergencies of both a civil or military nature, in time of peace or war, and would also include natural as well as man-made disasters.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records and card files.

Retrievability:

Accessed by organization, type of emergency assignment, or individual name.

Safeguards:

Maintained in areas accessible only to authorized DLA management and staff, and afforded appropriate protection at all times.

Retention and disposal:

Continuous updating/purging to reflect current information.

System manager(s) and address:

Chief, Command and Control Division, HQ,DLA; and commanders, DLA Primary Level Field Activities and subordinate field activities.

Notification procedure:

Written or personal requests should be directed to the SYSMANAGER.

Record access procedures:

Individuals should contact SYSMANAGER. Official mailing addresses are in the DoD directory in the appendix to the DLA systems notice. Written requests should include the requestor's full name, job title and name of organization where employed or formerly employed. For personal visits, employee should be able to provide some acceptable identification such as driver's license or employee identification badge.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Information contained in the system is obtained from the employee, official personnel records, and present and former supervisors.

Systems exempted from certain provisions of the act:

None.

S322.10DLA-LZ

System name:

322.10 Defense Manpower Data Center Data Base.

System location:

Primary location: W. R. Church Computer Center, Navy Postgraduate School, Monterey, CA 93940.

Back-up locations for processing: Air Force Data Services Center, Room 1D167, The Pentagon, Washington, D. C. 20330.

U. S. Army Management Systems Support Agency, Room BD972, The Pentagon, Washington, D. C. 20310.

National Military Command Systems Support Center, Room BE685, The Pentagon, Washington, D. C. 20331.

Back-up files maintained at two offices of the Defense Manpower Data Center, 7th Floor, 300 N. Washington St., Alexandria, VA 22314 and 2nd Floor, 550 Camino El Estero, Monterey, CA 93940.

Selected historic files are maintained at Air Force Data Services Center, Room 1D167, The Pentagon, Washington, D. C. pursuant to court order in IBM anti-trust case. These files will be withdrawn from current location when legally permissible.

Decentralized segments - military personnel centers of the services; selected civilian contractors with research contracts in manpower area; other Federal agencies.

Categories of individuals covered by the system:

All officers and enlisted personnel who served on active duty from July 1, 1968 and later; or who have been a member of a reserve component since July 1975; or are retired military; participants in Project 100,000 and Project Transition and the evaluation control groups for these programs; all individuals examined to determine eligibility for military service at an Armed Forces Entrance and Examinating Station from July 1, 1970, and later; DoD civilian employees or civilian employees separated since January 1, 1971; all veterans who have utilized Vietnam-era GI Bill education and training entitlements, who visited a State Employment Service office since July 1, 1971, or who participated in a Department of Labor special training program since July 1, 1971; all individuals who ever participated in an educational program sponsored by the U. S. Armed Forces Institute, all individuals who participated in the Armed Forces Vocational Aptitude Testing Programs at the high school level since September 1969, individuals who responded to various paid advertising campaigns seeking enlistment information since July 1, 1973; participants in the DHEW, Office of Education and Longitudinal Survey, individuals responding to Recruiting Advertisements since January 1978. individuals receiving Veterans Administration Disability Benefits or having entitlement to VA medical care.

Categories of records in the system:

Name, Service Number, Selective Service Number, Social Security Account Number, demographic information such as hometown, age, sex, race, and educational level; civilian occupational information, military personnel information such as rank, length of service, military occupation; aptitude scores, post-service education, training, and employment information for veterans; participation in various in-service education and training programs, military hospitalization records.

Authority for maintenance of the system:

10 U.S.C. 136.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The purpose of the system of records is to provide a longitudinal statistical analysis capability for assessing military manpower trends and evaluation programs impacting of military personnel, potential enlistees, and veterans.

Defense Manpower Data Center - used to analyze accession patterns and trends, promotion and occupation patterns and trends, loss patterns and trends, qualification rates, effectivieness of recruiting programs, participation in education and training programs, force characteristics, post-service experiences of veterans, evaluation of military special pays and bonuses; evaluation of special programs affecting military personnel; to select sample population for surveys; to provide statistical data to OMB, GAO, the Military Services, DoD civilian contractors, educational institutions and other Federal agencies.

Personnel Research and Personnel Management activities of the Military Services - uses are same as those specified above.

Veterans Administration, Management Sciences Staff, Reports and Statistics Service, Office of the Comptroller - used to select sample for surveys asking veterans about the use of veterans benefits and satisfaction with VA services, and to validate eligibility for VA benefits.

Office of Research and Statistics, Social Security Administration - used for statistical analyses of impact of military service and use of GI Bill benefits on long term earning.

DoD Civilian Contractors - used by contractors performing research on manpower problems for statistical analyses.

Aggregate data and/or individual records in the record system may be transferred to other Federal agencies having legitimate use for such information and applying appropriate safeguards to protect data so provided.

Records may be disclosed to the Office Personnel Management (OPM) concerning pay, benefits, retirement deductions; and other information necessary for the OPM to carry out its Government-wide personnel management functions.

Any record contained in the system of records may be transferred to any other component of the Department of Defense having the need-to-know in the performance of official business.

Name and address information of former military personnel obtained from the Veterans Administration or the Military Department may be released to a number of DoD Components for use in attempting to recruit and reenlist prior service personnel through direct contact methods. These components are as follows: U. S. Army Recruiting Command; U. S. Army Forces Command; Navy Recruiting Command; Chief of Naval Personnel; Chief of Naval Reserve; U. S. Air Force Recruiting Service; U. S. Air Force Tactical Air Command; Headquarters Air Force Reserve; National Guard Bureau; Headquarters, U. S. Marine Corps; District Directors, U. S. Marine Corps; Commanding General 4th Marine Division; Commanding General, 4th Marine Air Wing; Commandant, U. S. Coast Guard.

Information on the name, rank, social security accounting number, duty station, birth date, retirement date, and retirement annuity may be disclosed to the Department of Health, Education, and Welfare (DHEW) for the following purposes:

To the Office of Education, DHEW, for the purpose of identifying individuals who appear to be in default on their guaranteed student loans so as to permit the DHEW to take action, where appropriate, to accelerate recoveries of defaulted loans.

To the Bureau of Supplemental Security Income, Social Security Administration, DHEW, in order to verify and adjust as necessary

payments made to active and retired military members under the Supplemental Security Income Program.

To the Office of the Inspector General, DHEW, for the purpose of identifying and investigating DoD employees (military and civilian) who may be improperly receiving funds under the Aid for Families of Dependent Children program.

To the Office of Child Support Enforcement Department of Health Education and Welfare, pursuant to PL93-647, for the purpose of assisting state child support enforcement offices in locating absent parents in order to establish and/or enforce child support obligations.

To the Director of the Selective Service System for use in wartime or emergency mobilization and for mobilization planning.

To the Veterans Administration for analysis of the costs to the individual of military service connected disabilities.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Magnetic computer tape.

Retrievability:

Retrievable by name, SSAN, age, occupation, or any other data element contained in system.

Safeguards:

Primary location - at W. R. Church Computer Center, tapes are stored in a locked cage in machine room, which is a controlled access area; tapes can be physically accessed only by computer center personnel and can be mounted for processing only if the appropriate security code is provided.

At back-up locations in Alexandria, VA and Monterey, CA tapes are stored in rooms protected with cypher locks, buildings are locked after hours, and only properly cleared and authorized personnel have access.

The Air Force Data Services Center, the U. S. Army Management Systems Support Agency, and the National Command Systems Support Center are all TOP SECRET facilities.

Retention and disposal:

Files constitute a historical data base and are permanent.

System manager(s) and address:

Deputy Chief, Defense Manpower Data Center (DMDC), 550 Camino El Estero, Monterey, CA 93940.

Notification procedure:

Information may be obtained from: Deputy Chief, Defense Manpower Data Center, 550 Camino El Estero, Monterey, CA 93940. Telephone: Area Code 408/646-2951.

Record access procedures:

Requests from individuals should be addressed to Deputy Chief. Defense Manpower Data Center (DMDC), 550 Camino El Estero, Monterey, CA 93940.

Written requests for information should contain the full name, Social Security Account Number, date of birth, and current address and telephone number of the individual.

For personal visits, the individual should be able to provide some acceptable identification such as driver's license, or military or other ID card.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

The Military Services, the Veterans Administration, the Office of Education of the Department of HEW, from individuals via survey questionnaires, the Department of Labor, the Office of Personnel Management.

Systems exempted from certain provisions of the act:

None.

S322.20DLA-LZ

System name:

Reenlistment Eligible File (RECRUIT).

System location:

Primary location: W. R. Church Computer Center, Naval Postgraduate School, Monterey, CA 93940.

Back-up file: Department of Defense Manpower Data Center, 7th Floor, 300 N. Washington St., Alexandria, VA 22314.

Back-up file: Department of Defense Manpower Data Center, 5450 Camino El Estero, Monterey, CA 93940.

Categories of individuals covered by the system:

Former enlisted personnel of the military services who separated from active duty durint the immediately preceding forty-eight months.

Categories of records in the system:

Social Security Account Number, Name, Service, Date of Birth and Date of Separation.

Authority for maintenance of the system:

10 U. S. C. 136.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The purpose of the system is to assist recruiters in reenlisting prior-service personnel.

Department of Defense Manpower Data Center, used to provide to recruiters in the military service and the Coast Guard information on individuals eligible for immediate reenlistment; for statistical analyses of prior-service reenlistment trends and of demographic characteristics of applicants for reenlistment; such analyses may require merging with other record systems.

Any individual records contained in the system might be transferred to any component of the Department of Defense having a need to know in the performance of official business.

Any record may be disclosed to law enforcement or investigatory authorities for investigation and possible criminal prosecution, civil court action, or regulatory order.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Most recent thirty-six months separation stored on magnetic disc; full forty-eight months stored on magnetic tape.

Retrievability:

Retrievable by Social Security Account Number.

Safeguards:

DISC File is protected by password access and hard-wire system.

Alexandria, Virginia location has tape storage areas in locked room accessible only to authorized personnel; building is locked after hours.

Monterey, California location has tape storage area in locked room accessible only to authorized personnel; building is locked after hours.

Recruiters making telephone inquiries must have valid recruiter identification and call back number.

Retention and disposal:

Records more than forty-eight months old are purged from the system.

System manager(s) and address:

Chief, On-Line Systems Division, Defense Manpower Data Center, 550 Camino El Estero, Monterey, California 93940.

Notification procedure:

Information may be obtained from: Manager, RECRUIT System, Defense Manpower Data Center, 550 Camino El Estero, Monterey, California 93940. Telephone: Area Code 408/375-4131.

Record access procedures:

Requests from individuals should be addressed to : Manager, RECRUIT System, Defense Manpower Data Center, 550 Camino El Estero, Monterey, California 93940.

Written request for information should contain the full name, current address, telephone number, Social Security Account Number, and date of separation of the individual.

For personal visits, the individual should be able to provide some acceptable identification such as driver's license.

Contesting record procedures:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSTEM MANAGER.

Record source categories:

The data contained in the system are obtained from the Army, Navy, Air Force, Marine Corps, and Coast Guard.

Systems exempted from certain provisions of the act:

None.

S322.35DLA-LZ

System name:

322.35 Survey Data Base.

System location:

Primary location: W. R. Church Computer Center: Naval Postgraduate School, Monterey, CA 93940.

Decentralized locations for back-up files: Department of Defense, Defense Manpower Data Center, 7th Floor, 300 N. Washington St., Alexandria, VA 22314 and 2nd Floor, 550 Camino El Estero, Monterey, CA 93940.

Categories of individuals covered by the system:

Individuals who were selected at random for survey administration and who completed survey forms. Survey data is collected on a periodic basis. Current data were collected at selected Armed Forces Entrance and Examining Stations (AFEES), during September 1974, May 1975, or since January 1975; additional data were collected by Gilbert Youth Organization (civilian contractor) in nation-wide surveys during May or November 1973, or May or November 1974 and is part of the survey program of the recruiting market research program.

Categories of records in the system:

Social Security Account Number, and responses to survey items dealing with attitudes toward the military.

Authority for maintenance of the system:

10 U. S. C. 136.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The purpose of the file is to sample attitudes toward enlistment in the military and determine reasons for enlistment decisions.

Manpower Data Center: Used to analyze trends in enlistment motivation, attitudes toward military service, attractiveness of various enlistment incentives; survey files are linked with military personnel inventory, gain and loss files to statistically relate survey data to later advancement, attritions, and reenlistment patterns.

Any individual record in the system may be transferred to any component of the Department of Defense having the need to know in the performance of official business.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Magnetic Computer Tape.

Retrievability:

Records can be retrieved by Service of accession, period of survey, race, sex, education level, or Social Security Account Number.

Safeguards:

Tapes stored at the primary location are kept in a locked storage cage in a controlled access area; tapes stored at the back-up locations are kept in locked storage areas in buildings which are locked after hours.

Retention and disposal:

Records are permanent, Survey answer sheets which are opscanned to create tape are destroyed after tape is created.

System manager(s) and address:

Chief, Defense Manpower Data Center, 300 N. Washington st., Alexandria, VA 22314.

Notification procedure:

Information may be obtained from Chief, Defense Manpower Data Center, 300 N. Washington St., 7th Floor, ALEXANDRIA, VA 22314. Telephone: Area Code 703/325-0490.

Record access procedures:

Requests from individuals should be addressed to: Chief, Defense Manpower Data Center, 300 N. Washington St., Alexandria, VA 22314.

Written requests for information should contain the full name, Social Security Account Number, and current 301address and telephone number of the individual. In addition, the approximate date and location where the survey was completed should be provided.

For personal visits, the individual should be able to provide some acceptable identification such as driver's license or military or other ID card.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSTEM MANAGER.

Record source categories:

The survey information is provided by the individual; additional data which are linked to survey data as described in the routine uses section, are obtained from the military services.

Systems exempted from certain provisions of the act:

None.

S322.50DLA-LZ

System name:

DoD Health Services Enrollment/Eligibility System (DERRS).

System location:

Primary location: W. R. Church Computer Center, Navy Postgraduate School, Monterey, CA 93940.

Decentralized segments - two eligibility centers to be maintained and operated by contractors (Monterey, CA and Alexandria, VA) and the Processing Center for Automation of DD 1172 Forms in Santa Barbara, CA.

Back-up files maintained at the Defense Manpower Data Center, 550 Camino El Estero, Monterey, CA 93940.

Categories of individuals covered by the system:

Active duty Armed Forces personnel and their dependents, retired Armed Forces personnel and their dependents, surviving dependents of deceased active duty or retired personnel; Coast Guard personnel and their dependents; Public Health Service (PHS) personnel (Commissioned Corps) and their dependents; and National Oceanic and Atmospheric Administration (NOAA) employees (Commissioned Corps) and their dependents.

Categories of records in the system:

File contains beneficiary's name, Service or Social Security Number of sponsor, enrollment number, relationship of beneficiary to sponsor, residence address of beneficiary (includes zip code), date of birth of beneficiary, sex of beneficiary, branch of service of sponsor, dates of eligibility, marital status and dates of beneficiary, number of dependents of sponsor, primary unit duty location of sponsor, race and ethnic origin of beneficiary, occupation of beneficiary, rank/pay grade of sponsor.

Authority for maintenance of the system:

Chapter IV, Title 10, United States Code, Section 136; 1969 Pub. L 91-121, section 404(A)(2), 'Establishment of the Assistant Secretary of Defense for Health Affairs; the Presidentially Commissioned Department of Defense, Department of Health, Education and Welfare, Office of Management and Budget Report of the Health Care Study (completed December 1975)': Memorandum, 'Establishment of DoD Health Council', dated December 28, 1976, and the DoD Appropriations Bill for FY 1976.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Internal users, uses, and purposes: Offices of the Surgeons General of the Army, Navy and Air Force for determinations of eligibilty to receive health care benefits from the Uniformed Health Services Delivery System.

Office of Civilian Health and Medical Program of the Uniformed Services (OCHAMPUS), for determination of eligibility to receive health care benefits and to receive reimbursement for health care services claimed under CHAMPUS.

Office of the Assistant Secretary of Defense (Health Affairs) and the Offices of Surgeons General of the Army, Navy and Air Force, for the conduct of a health care studies and research on a longitudinal basis, and for planning, management and allocation of medical resources.

Offices of the Surgeons General of the Army, Navy and Air Force, and OCHAMPUS for dissemination of health care information.

External users, uses, and purposes: Department of Health, Education and Welfare; Veterans Adminstration; Federal Preparedness Agency and Commerce Department for the conduct of health care studies and for the planning and allocation of medical resources. The data will include summary data on ages, sex, residence, and other demographic parameters.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are maintained on magnetic tapes and discs housed in a controlled computer media library.

Retrievability:

Records about individuals are retrieved by an algorithm to be determined by contractor which uses name, enrollment number, Social Security Number, date of birth, rank and duty location as possible inputs. Retrievals are made on a summary basis by geographic characteristics and location and demographic characteristics. Information about individuals will not be distinguishable in such summary retrievals. Retrievals for the purposes of generating address lists for direct mail distribution of health care information may be made using selection criteria based on geographic and deomgraphic keys.

Safeguards:

Computerized records are maintained in a controlled area accessible only to authorized personnel. Entry to these areas shall be restricted to those personnel with a valid requirement and authorization to enter. Physical entry shall be resticted by the use of locks, guards, administrative procedures(e.g., fire protection regulations). Exits used solely for emergency situations shall be secured to prevent unauthorized intrusion.

Personal data stored at a separate location for backup purposes shall be protected at least comparable to the protection provided at the primary location.

Requirements for protection of information are binding on contractors or their representative and are subject to the following minimum standards:

Restrict access to personal information to those who require the records in the performance of their official duties, and to the individual who is the subject of the record or authorized representative. Access to personal information shall be restricted by the use of passwords which are changed periodically.

Insure that all whose official duties require access to, or processing and maintenance of, personal information are trained in the proper safeguarding and use of such information.

Retention and disposal:

Computerized records on an individual are maintained as long as the individual is legally eligible to receive health care benefits from the Uniformed Health Sciences Delivery System. The records are maintained for two (2) years after termination of eligibility.

Records may be disposed of or destroyed only in accordance with DoD Component record management regulations which conform to the controlling disposition of such material as set forth in 44 U.S.C. 3301-3314. Non-record material containing personal information and other material of similar temporary nature, shall be destroyed as soon as its intended purpose has been served under procedures established by the Head of the DoD Component consistent with the following requirement. Such material shall be destroyed by tearing, burning, melting, chemical deposition, pulping, pulverizing, shredding, or mutilation sufficient to preclude recognition or reconstruction of the information.

System manager(s) and address:

Project Manager, DEERS, Defense Manpower Data Center, 550 Camino El Estero, Monterey, CA 93940.

Notification procedure:

Information may be obtained from: Project Manager, DEERS, Defense Manpower Data Center, 550 Camino El Estero, Monterey CA 93940.

Record access procedures:

Requests from individuals should be addressed to: Project Manager, DEERS, Defense Manpower Data Center, 550 Camino El Estero, Monterey, CA 93940, (408) 646-2951.

Written requests for the information should contain full name of individual and sponsor if applicable and other attributes required by previously mentioned search algorithm.

For personal visits the individual should be able to provide a data element required to satisfy the previously mentioned algorithm.

Identification should be corroborated with a driver's license or other positive identification.

Contesting record procedures:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

Record source categories:

Personnel and financial pay systems of the Military Departments, the Coast Guard, the Public Health Service, the National Oceanic and Atmospheric Administration and other Federal Agencies having employees eligible for military medical care.

Systems exempted from certain provisions of the act:

None

S322.65DLA-LZ

System name:

Retired Personnel Master File.

System location:

Primary location: W. R. Church Computer Center, Navy Postgraduate School, Monterey, CA 93940.

Back-up locations for processing: Air Force Data Services Center, Room 1D167, The Pentagon, Washington, D. C. 20330.

U. S. Army Management Systems Support Agency, Room BD972, The Pentagon, Washington, D. C. 20310.

National Military Command Systems Support Center, Room BE685, The Pentagon, Washington, D. C. 20331.

Back-up files maintained at two offices of the Defense Manpower Data Center, 7th Floor, 300 N. Washington St., Alexandria, VA 22314 and 2nd Floor, 550 Camino El Estero, Monterey, CA 93940.

Selected historic files are maintained at Air Force Data Services Center, Room 1D167, The Pentagon, Washington, D. C. pursuant to court order in IBM anti-trust case. These files will be withdrawn from current location when legally permissible.

Decentralized segments - military personnel and finance centers of the services; selected civilian contractors with research contracts in manpower area; other Federal agencies.

Categories of individuals covered by the system:

All retired military personnel and survivor beneficiaries, and reservists drawing retainer pay.

Categories of records in the system:

SSAN, birth date, retirement date, pay grade at retirement, amount of retired, survivor, or retainer pay, type of retirement, date of death (in cases of survivor beneficiary records), pension and benefits system elected, Service, years of active service.

Authority for maintenance of the system:

10 USC 136

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Defense Manpower Data Center, used for statistical purposes in estimating retired pay budgets, future retired pay budgets, future retired populations, trends in retirement rates, costs or increases in retired pay; answer Congressional inquiries. U. S. Civil Service Commission to identify accurately retired military personnel who are Federal civilian employees; any individual record in the system may be transferred to any component of the Department of Defense having need to know in performance of official business. Used for determining eligibility for military medical care and other benefits provided by the Department of Defense to retired personnel and survivors. Records may be disclosed to the Director, Selective Service System for use in wartime or emergency mobilization planning. Records may be disclosed to Department of Defense Components or to other Federal Agencies in order to identify individuals employed as Federal civilians who may be mobilized in the event of a national emergency.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Magnetic tape.

Retrievability:

Records can be retrieved by SSAN, Service, age, etc.

Safeguards:

Primary location - at W. R. Church Compter Center, tapes are stored in a locked cage in machine room, which is a controlled access area; tapes can be physically accessed only by computer center personnel and can be mounted for processing only if the appropriate security code is provided.

At back-up locations in Alexandria, VA and Monterey, CA tapes are stored in rooms protected with cyper locks, buildings are locked after hours, and only properly cleared and authorized personnel have access.

The Air Force Data Services Center, the U. S. Army Management Systems Support Agency, and the National Command Systems Support Center are all TOP SECRET facilities.

Retention and disposal:

Files constitute a historical data base and are permanent.

System manager(s) and address:

Deputy Chief, Defense Manpower Data Center, (DMDC), 550 Camino El Estero, Monterey CA 93940.

Notification procedure:

Information may be obtained from: Deputy Chief, Defense Manpower Data Center, 550 Camino El Estero, Monterey, CA 93940. Telephone (408) 646-2951.

Record access procedures:

Requests from individuals should be addressed to: Deputy Chief, Defense Manpower Data Center (DMDC), 550 Camino El Estero, Monterey, CA 93940. Written requests for information should contain the full name, SSAN, and current address and telephone number of the requester. For personal visits, the individual should be able to provide some acceptable identification such as driver's license or military or other ID card.

Contesting record procedures:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286 b and OSD Administrative Instruction No. 81.

Record source categories:

The information is obtained from the Military Departments.

Systems exempted from certain provisions of the act:

None

S322.70DLA-LZ

System name:

Reserve Components Common Personnel Data System (RCCPDS)

System location:

Primary location: W. R. Church Computer Center, Navy Postgraduate School, Monterey, CA 93940.

Back-up locations for processing: Air Force Data Services Center, Room 1D167, The Pentagon, Washington, D. C. 20330.

U. S. Army Management Systems Support Agency, Room BD972, The Pentagon, Washington, D. C. 20310.

National Military Command Systems Support Center, Room BE685, The Pentagon, Washington, D. C. 20331.

Categories of individuals covered by the system:

Any individual currently and formerly a member of any Reserve or National Guard component, as defined in 10 USC 261, and retired reservists.

Categories of records in the system:

File contains individual's Social Security Account Number, component and other demographic and personal information such as race, sex, rank, age and length of service.

Authority for maintenance of the system:

10 USC 275/10 USC 136

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The purpose of the file is to generate official statistics concerning Reserve Forces' strength, gains, losses and characteristics of the force.

Internal/External users, uses and purposes:

Office of the Deputy Assistant Secretary of Defense (Reserve Affairs) - used to generate and disseminate official statistics. Individual records are used to provide aggregate statistical data.

Defense Manpower Date Center - used to analyze accession patterns and trends, promotion and occupation patterns and trends, loss patterns and trends, qualification rates, effectiveness of recruiting programs, participation in education and training programs, force characteristics, evaluation of military special pays and bonuses; evaluation of special programs affecting military personnel; to select sample population for surveys; to provide statistical data to OMB, GAO, the Military Services, DoD civilian contractors, educational institutions and other Federal agencies.

Personnel Research and Personnel Management activities of the Military Services - uses are same as those specified above.

DoD Civilian Contractors - used by contractors performing research on manpower problems for statistical analyses.

Aggregate data and/or individual records in the record system may be transferred to other Federal agencies having legitimate use for such information and applying appropriate safeguards to protect data so provided.

Records may be disclosed to the Office of Personnel Management concerning pay, benefits, retirement deductions and identification of Federal Civilian employees who are subject to mobilization in the event of a national emergency.

Any record contained in the system of records may be transferred to any other component of the Department of Defense having the need-to-know in the performance of official business.

Records may be disclosed to the Director, Selective Service System upon official request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Magnetic computer tape.

Retrievability:

Records are retrievable by component, rank, age, sex, location or other attribute including Social Security Account Number.

Safeguards:

The primary location is a controlled area. Magnetic computer tapes are stored in a locked cage in machine room, which is a controlled access area. Tapes can be physically accessed only by authorized computer center personnel and can be mounted for processing only if the appropriate security code is provided.

Retention and disposal:

Inventory files are current; quarterly history files for the master and transaction files are maintained on a permanent basis.

System manager(s) and address:

Special Assistant for Reserve Component Systems and Analysis Defense Manpower Data Center 300 N. Washington Street Alexandria, VA 22314

Notification procedure:

Information may be obtained from: Special Assistant for Reserve Component Systems and Analysis Defense Manpower Data Center 300 N. Washington Street Alexandria, VA 22314 Telephone: 202-325-0530

Record access procedures:

Requests from individuals should be addressed to system manager.

Written requests for information should contain the intended use of the information together with the full name, Social Security Account Number, component and current address and telephone number of the individual.

For personal visits the individual should be able to provide some acceptable identification such as driver's license or military or other identification cards.

Contesting record procedures:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

Record source categories:

Data records are obtained from the seven Reserve components.

Systems exempted from certain provisions of the act:

None

S434.15DLA-C

System name:

434.15 Automated Payroll Cost and Personnel System (APCAPS)

System location:

Records maintained at Defense Logistics Agency (DLA) Centers and Depots.

Categories of individuals covered by the system:

Current and former civilian and military personnel who have been paid or costed by APCAPS.

Categories of records in the system:

Records are maintained in manual and mechanical files for all data which affect an employee's pay, deductions, employer contributions, leave, retirement, position status, or cost accumulation.

Authority for maintenance of the system:

10 U.S.C. 136, DoD Dir 5105.22

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information is used in preparing payrolls, cost and manpower reports.

Information is used by: Agency supervisors and managers - to determine leave usage, manpower allocations and labor distribution. Supervisors and managers of agencies and activities other than DLA who receive payroll/cost accounting support from APCAPS - to determine leave usage, manpower allocations, labor distributions and costs.

Payroll office - to compute and control payroll and allocate labor costs.

Personnel office - to determine leave usage and changes that affect an employee's pay.

Security office - to determine location of employees.

Disbursing office - to determine the distribution of checks and bonds.

Financial Institutions - to determine disposition of net pay or allotments of pay.

Treasury Department - to determine registration of bonds and federal tax allocation.

Unions, charities, and insurance organizations - to determine participation in these organizations.

Office of Personnel Management - to determine status of employee and for disposition of retirement records.

State and local taxing authorities - to determine tax liability.

Non-government organizations - to verify employment and credit data furnished to financial institutions by the employee.

Bureau of Employment Compensation - to process employee disability claims.

State employment offices - to submit data for unemployment compensation.

Local courts - to determine the withholding of pay for garnishment of wages.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Microfilm, magnetic tape, disc pack, computer paper printouts, vertical file cards, paper records in file folders.

Retrievability:

Hardcopy documents are filed by payroll block and/or alphabetically by last name. Data stored on mechanized storage devices are retrieved by SSAN.

Safeguards:

Access to mechanical records is limited to authorized DLA data systems personnel. All other records are maintained in areas accessible only to agency personnel.

Retention and disposal:

Retention of data varies from 1 to 3 days for mechanical working files up to an employee's total length of service with an activity for permanent payroll information.

System manager(s) and address:

Comptroller, DLA.

Notification procedure:

Written or personal requests for information may be directed to the Chief, Payroll Branch, Accounting and Finance Division, Office of Comptroller at each DLA Center and depot.

Record access procedures:

Written requests must contain full name and social security account number of the employee, Employees making a personal request must present identification. Official mailing addresses are in the Department of Defense directory in the appendix to the DLA system of record notices.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Employee's supervisors, civilian personnel office, military personnel office, financial institutions, local courts, military services or other government agencies.

Systems exempted from certain provisions of the act:

None.

S434.20DLA-C

System name:

434.20 Mechanization of Contract Administration Services - 1B Payroll (MOCAS 1B)

System location:

Records maintained at all Defense Contract Administration Service Regions (DCASRs) less Philadelphia (DCRP).

Categories of individuals covered by the system:

Current and former civilian personnel who have been paid by the DCASRs.

Categories of records in the system:

Records are maintained in manual and mechanical files for all data which affect an employee's pay, deductions, employer contributions, leave, retirement, or position status.

Authority for maintenance of the system:

10 U.S.C. 136, DoD Dir 5105.22.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information is used in preparing payrolls.

Information is used by:

Agency supervisors and managers - to determine leave usage, manpower allocations and labor distribution.

Supervisors and managers of agencies and activities other than DLA who receive payroll/cost accounting support from MOCAS 1B - To determine leave usage, manpower allocations, labor distributions and costs.

Payroll office - to compute and control payroll.

Personnel office - to determine leave usage and changes that affect an employee's pay.

Security office - to determine location of employees.

Disbursing office - to determine the distribution of checks and bonds.

Financial Institutions - to determine disposition of net pay or allotments of pay.

Treasury Department - to determine registration of bonds and federal tax allocation.

Unions, charities, and insurance organizations - to deterimine participation in these organizations.

Office of Personnel Management - to determine status of employee and for disposition of retirement records.

State and local taxing authorities - to determine tax liability.

Non-government organizations - to verify employment and credit data furnished to financial institutions by the employee.

Bureau of Employment Compensation - to process employee disability claims.

State employment offices - to submit data for unemployment compensation.

Local courts - to determine the withholding of pay for garnishment of wages.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Microfilm, magnetic tape, disc pack, computer paper printouts, vertical file cards, paper records in file folders.

Retrievability:

Hardcopy documents are filed by payroll block and/or alphabetically by last name. Data stored on mechanized storage devices are retrieved by name, employee number or SSAN.

Safeguards:

Access to mechanical records is limited to authorized DLA data systems personnel. All other records are maintained in areas accessible only to agency personnel.

Retention and disposal:

Retention of data varies from 1 to 3 days for mechanical working files up to an employee's total length of service with an activity for permanent payroll information.

System manager(s) and address:

Comptroller, DLA.

Notification procedure:

Written or personal requests for information may be directed to the Chief, Payroll and Travel Branch, Accounting and Finance Division, Office of Systems and Financial Management at DCASRs.

Record access procedures:

Employees making a personal request for information must present indentification. Official mailing addresses are in the Department of Defense directory in the appendix to the DLA system of record notices. Written requests must contain the full name of the employee.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Employee's supervisors, civilian personnel office, financial institutions, local courts, military services or other government agencies.

Systems exempted from certain provisions of the act:

None

S434.87DLA-C

System name:

434.87 Debt Records for Individuals

System location:

Primary System: - Accounting and Finance Division, Finance Systems Branch, Headquarters, Defense Logistics Agency (HQ DLA). Secondary System: DLA Primary Level Field Activies (PLFAs)

Categories of individuals covered by the system:

Current and former civilian and military personnel who are indebted to the U. S. Government.

Categories of records in the system:

Administrative reports with supporting documentation; employee's financial condition; personnel actions, and requests for waiver.

Authority for maintenance of the system:

31 U.S.C. 951-953 (Federal Claims Collection Act of 1966); Public Law 90-616; Public Law 92-453.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information is used to collect monies owed the U. S. Government. Information is maintained to support case files; financial statements provide an understanding of individuals' financial condition with respect to request for deferment of payments. If debtors do not enter into satisfactory payment arrangements or demonstrate a legitimate dispute within a specific period, the debt will be reported to a commerical credit bureau. When debts are uncollectable, case files are forwarded to the U. S. General Accounting Office, Department of Justice, or a United States Attorney for further collection action.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

Filed alphabetically by employee name.

Safeguards:

Records are maintained in areas accessible only to office personnel.

Retention and disposal:

Records are destroyed ten years after all aspects of the case are closed. Collected in full claims are retained for six months and then destroyed. Claims terminated, compromised or waived are retained for three years and subsequently retired to Federal Records Center, held for remaining years and destroyed. Claims settled by U. S. General Accounting Office, retained one year after settlement and retired to Federal Records Center, held for remaining years and retired.

System manager(s) and address:

Chief, Finance Systems Branch, Accounting and Finance Division, Office of Comptroller, HQ DLA.

Notification procedure:

Written or personal requests for information may be directed to the SYSMANAGER.

Record access procedures:

Official mailing address is in the DoD Directory in the appendix to the DLA systems notice. Written requests from individuals should contain their full name, current address and telephone number. For personal visits, the individual should be able to provide acceptable identification, such as an employee badge or driver's license, etc.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Primary Level Field Activities, civilian and military personnel offices.

Systems exempted from certain provisions of the act:

None

S690.01DISC-W

System name:

Car Pool Program in Participants File.

System location:

Primary System--Tapes are maintained in Office of Data Systems (DISC-A), Defense Industrial Supply Center, 700 Robbins Ave., Philadelphia, PA 19111. Paper records are maintained in the Office of the Comptroller (DISC- C), Directorate of Supply Operations (DISC-O), Directorate of Contracting and Production (DISC-P), and directorate of Technical Operations (DISC-S).

Categories of individuals covered by the system:

Civilian and military employees of DISC.

Categories of records in the system:

Personal information consisting of name, rank/grade, home address, organizational code, office telephone number and social security number.

Authority for maintenance of the system:

40 USC 486(c); CFR 101-20.117; DoD Directive 4170.10, Energy Conservation.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To collect and maintain data from personnel for the purpose of forming car pools. Data collected is used to coordinate geographic locations of employees of employees' home addresses, to facilitate the establishment of car pools by computer car pool matching against grid/map, and to comply with the Energy Conservation Program.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders, tapes, computer printouts.

Retrievability:

Retrieved from tape records by individual's Social Security Number. Computerized indices are used to retrieve individual records from the system. Paper records are retrieved by individual's name.

Safeguards:

Records are accessible only to authorized personnel and are maintained in locked cabinets or rooms.

Retention and disposal:

Records are destroyed upon preparation of new lists compiled from update data collected from personnel.

System manager(s) and address:

Director, Office of Data Systems (DISC-A), Defense Industrial Supply Center, Philadelphia, Pennsylvania 10111, telephone 215-697-2700.

Notification procedure:

Written or personal requests for information may be directed to the SYSMANAGER. Individuals must provide full name, and specific office in which employed.

Record access procedures:

Requests should contain full name, current address and telephone number of the individual. For personal visits, the individual should be able to provide some personal identification, e.g., drivers license, DLA identification card etc.

Contesting record procedures:

Rules for contesting contents may be obtained from the SYSMANAGER.

Record source categories:

Individual, upon applying for car pool matching, and when changes occur.

Systems exempted from certain provisions of the act:

NONE.

BILLING CODE 3620-01-M

DEFENSE INVESTIGATIVE SERVICE

REQUESTING RECORDS

Records are retrieved by name or by some other personal identifier. It is therefore especially important for expeditious service when requesting a record that particular attention be provided to the Notification and/or Access Procedures of the particular record system involved so as to furnish the required personal identifiers, or any other pertinent personal information as may be required, to locate and retrieve the record.

BLANKET ROUTINE USES

Certain blanket 'routine uses' of the records have been established, that are applicable to every record system maintained within the Department of Defense, unless specifically stated otherwise within a particular record system. These additional blanket routine uses of the records are published below, only once in the interest of simplicity, economy and to avoid redundancy, before the individual record system notices begin rather than repeating them in every individual record system.

ROUTINE USE - LAW ENFORCEMENT

In the event that a system of records maintained by this component 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 by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

ROUTINE USE - DISCLOSURE WHEN REQUESTING INFORMATION

A record from a system of records maintained by this component 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 component 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.

ROUTINE USE - DISCLOSURE OF REQUESTED INFORMATION

A record from a system of records maintained by this component may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

ROUTINE USE - CONGRESSIONAL INQUIRIES

Disclosure from a system of records maintained by this component may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

ROUTINE USE WITHIN THE DEPARTMENT OF DEFENSE

A record from a system of records maintained by this component may be disclosed as a routine use to other components of the Department of Defense if necessary and relevant for the performance of a lawful function such as, but not limited to, personnel actions, personnel security actions and criminal investigations of the Component requesting the record.

ROUTINE USE - PRIVATE RELIEF LEGISLATION

Relevant information contained in all systems of records of the Department of Defense published on or before August 22, 1975, 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 A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

ROUTINE USE - DISCLOSURES REQUIRED BY INTERNATIONAL AGREEMENTS

A record from a system of records maintained by this Component may be disclosed to foreign law enforcement, security, investigatory, or administrative authorities in order to comply with requirements imposed by, or to claim rights conferred in international agreements and arrangements including those regulating the stationing and status in foreign countries of Department of Defense military and civilian personnel.

ROUTINE USE - DISCLOSURE TO STATE AND LOCAL TAXING AUTHORITIES

Any information normally contained in IRS Form W-2 which is maintained in a record from a system of records maintained by this Component may be disclosed to State and local taxing authorities with which the Secretary of the Treasury has entered into agreements pursuant to Title 5, U.S.Code, Sections 5516, 5517, 5520, and only to those State and local taxing authorities for which an employee or military member is or was subject to tax regardless of whether tax is or was withheld. This routine use is in accordance with Treasury Fiscal Requirements Manual Bulletin Nr. 76-07.

ROUTINE USE - DISCLOSURE TO THE OFFICE OF PERSONNEL MANAGEMENT

A record from a system of records subject to the Privacy Act and maintained by this component may be disclosed to the Office of Personnel Management concerning information on pay and leave, benefits, retirement deductions, and any other information necessary for the Office of Personnel Management to carry out its legally authorized Government-wide personnel management functions and studies.

ROUTINE USE - DISCLOSURE OF INFORMATION TO NARS (GSA)

A record from a system of records maintained by this component may be disclosed as a routine use to the National Archives and Records Service of the General Services Administration in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

ROUTINE USE - DISCLOSURE TO DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

All systems of records relating to compensation, employment or retirement, or extracts therefrom, maintained by this Component may be disclosed as a routine use to the Department of Health, Education, and Welfare for the purpose of comparing such record with records of programs administered by and in the possession of the Department of Health, Education, and Welfare in order to verify information where such verification is required by law or regulation or to identify violations or potential violations of law, whether criminal, civil, or regulatory, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto.

V1-01

System name:

V1-01 Privacy and Freedom of Information Request Records

System location:

Information and Legal Affairs Office, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

Categories of individuals covered by the system:

Individuals who have submitted or were the subjects of requests under 5 U.S.C. 552 and 552a.

Categories of records in the system:

Copies of all correspondence with requesters or pertaining to requests for information released or withheld; summaries, and logs of actions taken regarding requests.

Authority for maintenance of the system:

5 U.S.C. 301, Departmental Regulations

5 U.S.C. 552 as amended by P. L. 93-502, Freedom of Information Act.

5 U.S.C. 552a (P.L. 93-579) Privacy Act of 1974.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Purposes for which information is maintained:

To permit responses to individual requests.

To document actions taken for agency use in subsequent requests, appeals, or litigation.

To provide a basis for reports required by the laws and implementing directives.

To correct or amend investigative or other records. Categories of Users and specific uses are: DIS Assistant for Information, action officers, legal and appeal officials for the uses described above.

Action officers of other agencies when coordination or referral is necessary for the purposes listed above.

DIS investigative control personnel when the release of information may have an impact on investigative activities, or where investigative activity is necessary to verify assertions of the requester, or obtain permission for release of identification of sources.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders

Retrievability:

Information is retrieved by the name of the subject of the request.

Safeguards:

Records are maintained in security containers and only personnel who have a need to know the information are permitted access.

Retention and disposal:

A log entry is made and a file folder established upon the receipt of each request. Copies or summaries of key documents are retained for as long as released material is retained.

System manager(s) and address:

The DIS Assistant for Information at the address listed under location.

Notification procedure:

Requests should be addressed to the SYSMANAGER. The full and the approximate date of earlier requests are necessary for retrieval of information. Information and Legal Affairs Office, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324 may be visited by personnel making inquiries regarding this system. A check of personal identification will be required of all visitors making inquiries for personal records.

Record access procedures:

Access may be obtained through the SYSMANAGER at the address previously listed.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

Record source categories:

Information in this system is obtained from requesters, from other federal agencies with collateral interest in a request, and from records which were the subject of requests.

Systems exempted from certain provisions of the act:

Information in this system may identify all or portions of records previously withheld in accordance with the exemptions of 5 U.S.C. 552(b) or 5 U.S.C. 552a(j) or (k). Any such exemptions will continue on requests of this system submitted under the same law.

V1-02

System name:

V1-02 DIS Personnel Locator System

System location:

Primary System--Administrative Division, Director of Management and Resources, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

Decentralized Segments - Field units including centers.

Categories of individuals covered by the system:

Military and civilian personnel assigned or attached to DIS.

Categories of records in the system:

Primary system contains DISHQ Form 4, DIS Locator Card. Field unit decentralized segments include DISHQ Form 4 or optional documents reflecting the required information.

Authority for maintenance of the system:

5 U.S.C. 301, DoD Directive 5105.42, and DIS Regulation 1-10.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Purposes:

Records are used to maintain a locator system of all personnel assigned to the Defense Investigative Service.

Users:

Records are used by administrative personnel and supervisors in headquarters and field units.

Uses:

To determine current assignment of DIS personnel.

As an aid in distributing communications addressed to individuals.

To make and to verify entries in required personnel rosters, directories, and listings subject to certain restrictions placed on the information by the individuals concerned.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records.

Retrievability:

Filed alphabetically by last name.

Safeguards:

Filed in security containers or locked file cabinets, accessible only to authorized personnel that clearly have a need to know the information.

Retention and disposal:

Records remain in the active file until departure of the individual, when they are placed in the inactive file and destroyed after one year.

System manager(s) and address:

Administrative Division, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

Notification procedure:

Information may be obtained from the primary system by contacting the SYSMANAGER. Information regarding decentralized segments may be obtained from the field unit maintaining portions of these records.

Record access procedures:

Access to any records maintained as a part of this system may be obtained from the DISHQ or field unit maintaining them.

Contesting record procedures:

While not considered applicable, DIS rules are described in DISR 28-4.

Record source categories:

Only the individual on whom records are maintained.

Systems exempted from certain provisions of the act:

None.

V2-01

System name:

V2-01 Inspector General Complaints

System location:

Inspector General, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

Categories of individuals covered by the system:

Past and present civilian employees of the DIS and military personnel currently or formerly assigned to DIS for duty who have made a complaint, or requested assistance from the Inspector General, or whose complaint or request has been referred to the Inspector General for action, assistance or information.

Categories of records in the system:

Documents which have been provided by individual complainants in support of their requests, or which have been provided by others in support of, or in rebuttal to, these requests, such as: letters of reprimand, personal financial statements, medical records, promotion board actions, travel orders, personnel computer printouts, medical bills from civilian sources, accident reports, reports of survey, records of personnel actions, evaluation reports, efficiency reports, test results, courtesy letters, letters of appreciation or commendation, screening board actions, leave and earnings statements, movement orders for household goods.

Authority for maintenance of the system:

5USC301

DoD Dir 5105.42 (paragraph III B5, part VI), Charter for the Defense Investigative Service

DoD Dir 5200.26 (paragraph 5C2), Defense Investigative Program

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The purpose for which information in the system is collected is the resolution of a complaint, the redress of a problem or to provide assistance.

The users are: members of Congress, DIS management officials, various service IG offices, various military personnel offices, boards, and record management offices.

The specific uses are: to correct records; take or recommend disciplinary action; reevaluate or rescind previous actions or decisions; conduct or recommend formal investigations or inquiries; provide assistance or guidelines in following prescribed procedures for specific problems; and to provide advice on how to obtain exception to policy.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders

Retrievability:

Filed by name

Safeguards:

Building employs security guards. Files are contained in a locked file safe and accessible only to the IG staff. Information from this record system is made available to other officials only on a need to know basis.

Retention and disposal:

Destroyed after two years by pulping.

System manager(s) and address:

Inspector General, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

Notification procedure:

Information may be obtained from: Information and Legal Affairs Office, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

Record access procedures:

Requests from individuals should be addressed to: Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

Written requests for information should contain the full name of the individual, current address and telephone number, and the identity of the DIS element with which affiliated. Visits are limited to the Information and Legal Affairs Office.

For personal visits, a check of personal identification will be required.

Contesting record procedures:

The agency's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Assistant for Information at the above listed address.

Record source categories:

DIS personnel office, consolidated civilian personnel offices, DIS comptroller, military personnel offices, military finance offices, military medical record repositories, DIS Investigative Files.

Systems exempted from certain provisions of the act:

None

V4-01

System name:

V4-01 Civilian Employee Personnel Records

System location:

Civilian Personnel Branch, Defense Investigative Service, P. O. Box 1211, Baltimore, MD 21203 , and Civilian Personnel Division, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

Categories of individuals covered by the system:

Civilian employees of the Defense Investigative Service.

Categories of records in the system:

Permanent and temporary records pertaining to the individual's employment.

Authority for maintenance of the system:

Executive Order 10561
FPM Supplement 990-1, Book III, Parts 293 and 294
FPM Chapter 295
5USC301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

USES
Individual's employment history; disclosure for verification of personnel information; details of employee qualifications; eligibility for proposed personnel actions or new employment.
USERS
Personnel specialists
Personnel clerks
DIS supervisors with a clear need for the information.
Accredited investigators with a clear need for the information.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders, or
5 X 8 cards in card file drawers

Retrievability:

Filed alphabetically by last name of employee

Safeguards:

Buildings employ security guards. Records are maintained in locked file cabinets, accessible only to authorized personnel that are properly screened, cleared, and trained.

Retention and disposal:

Records are both permanent and temporary. Permanent records are transferred to the National Personnel Records Center when no longer required by the agency. Temporary records are destroyed when the file leaves the agency, or when utility of the record is no longer significant.

System manager(s) and address:

Civilian Personnel Officer, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324 and Chief, Civilian Personnel Branch, P. O. Box 1211, Baltimore, MD 21203.

Notification procedure:

Information may be obtained from: SYSMANAGERS

Record access procedures:

Requests from individuals should be addressed to: SYSMANAGERS

Written requests for information should contain the full name of the requesting individual, current address and telephone number, if known, and the name of the individual that appears on the desired file. Visits are limited to: SYSMANAGERS offices

For personal visits, the individual should be able to provide some acceptable identification, i.e., driver's license or building pass.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determination by the individual concerned may be obtained from the In5ormation and Legal Affairs Office, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

Record source categories:

Previous employers, references, supervisors, U.S. Veterans Administration, U.S. Civil Service Commission, DIS Civilian Personnel Office, DIS Security Officer, other Federal agencies.

Systems exempted from certain provisions of the act:

None

V4-02

System name:

V4-02 Optional Personnel Management Records (OPMR)

System location:

Primary System--Director of Personnel and Security, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324 and Civilian Personnel Branch, Defense Investigative Service, P. O. Box 1211, Baltimore, MD 21203.

Decentralized Segments - Partial records are maintained at staff directorates, district headquarters, operational centers and field offices. (See DoD appendix for addresses.)

Categories of individuals covered by the system:

Military and civilian personnel assigned or attached to DIS and those being considered for assignment or employment.

Categories of records in the system:

File contains records which may include working documents, copies of correspondence and forms processed in anticipation of, or during, tour of duty with DIS that relate to assignment, security clearance, promotion, duty status, training, special duty, retirement, separation, reenlistment, performance appraisals, matters pertaining to military specialty qualification, manner of performance, morale and discipline, special personnel management and assignment factors and other personnel actions that affect the individual or his assignment with DIS. Qualification records, leave and financial documents, and award recommendations are also among the items that may be included in the records. Decentralized portions also contain emergency notification and locator information, security clearance data, individual workload and productivity measurement records (e.g., DIS Form 45) not necessarily retained by DISHQ Personnel Division activities.

Authority for maintenance of the system:

Executive Order 10561, 5 USC 301, DOD Directive 5105.42, Charter for the Defense Investigative Service (DIS), and other DIS, DOD and CSC directives on records maintenance and disposition

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

PURPOSES
Records are used in fulfilling military and civilian personnel management responsibilities in both field elements and DIS headquarters.
USERS
Records are used by directors, commanders and supervisors at the Field Office, District and DIS headquarters level.
Primary users are the Director of Personnel, the Civilian and Military Personnel Officers and their staffs, and the Director, DIS.
USES
To serve as basis for recommendations for employment, selection, assignment, promotion, awards, training, relief and disciplinary actions.
To record appraisals of performance and performance ratings.
To record reenlistment, retirement, separation and relief from active duty or employment.
To record information on qualifications, schooling, training, experience and career programs affecting personnel actions.
To record morale and disciplinary actions.
To document completed actions, as basis for responding to inquiries, and for use in substantiating and processing subsequent related personnel actions.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records

Retrievability:

Filed alphabetically by last name

Safeguards:

Records filed in security containers or locked file cabinets, accessible only to authorized personnel that clearly have a need to know the information.

Retention and disposal:

Documents in each record are retained for one calendar year following year in which individual departed DIS and then destroyed, unless earlier destruction is prescribed. Manhour documents (DIS Form 45) are maintained for four months only.

System manager(s) and address:

Director of Personnel and Security, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

Notification procedure:

Information may be obtained from: SYSMANAGER

Record access procedures:

Access to partial decentralized segments may be obtained from District/Field Office headquarters. Requests from an individual for information pertaining to himself from the centralized repository should be addressed to the SYSMANAGER at the above address.

Written requests for information should contain the full name of the individual, current address and telephone number, grade, SSN, unit and period of assignment with DIS. Visits should be made to the SYSMANAGER.

For personal visits, a check of personal identification will be required.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the Information and Legal Affairs Office, 1900 Half St., S. W., Washington, D. C. 20324.

Record source categories:

Sources of information other than from the individual are servicing Civilian Personnel Offices (CPO), the Military Departments and the individual's commander or supervisor.

Systems exempted from certain provisions of the act:

None

V4-04

System name:

V4-04 Civilian Applicant Records

System location:

Civilian Personnel Division, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

Civilian Personnel Branch, Defense Investigative Service, P. O. Box 1211, Baltimore, MD 21203.

Categories of individuals covered by the system:

Applicants for positions with the Defense Investigative Service.

Categories of records in the system:

Temporary record of applicants' stated interest in and/or qualifications for employemnt.

Authority for maintenance of the system:

FPM Chapter 333
FPM Chapter 332
5USC301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

USES

Identification of applicants, and determination of eligibility for positions with DIS disclosure to other agencies for verification.

USERS

Personnel specialists of DIS and the CSC
Personnel clerks
Supervisors with a clear need for this information
Accredited investigators.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in files, looseleaf binders
Paper files of 3 X 5 cards.

Retrievability:

Filed by type of position for which the applicant applied, or
Filed alphabetically by last name of applicant, or
Filed numerically by Sequential Control Number.

Safeguards:

Buildings employ security guards. Records are maintained in files, accessible only to authorized personnel that are properly screened, cleared, and trained.

Retention and disposal:

Records are temporary, and are destroyed in accordance with DIS Records Disposition Schedule.

System manager(s) and address:

Civilian Personnel Officer, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.and Chief, Civilian Personnel Branch, Defense Investigative Service, P. O. Box 1211, Baltimore, MD 21203.

Notification procedure:

Information may be obtained from: SYSMANAGERS

Record access procedures:

Requests from individuals should be addressed to: SYSMANAGERS

Written requests for information should contain the full name of the individual, current address and telephone number, and the name of the individual that appears on the desired file. Visits are limited to: SYSMANAGERS offices.

For personal visits, the individual should be able to provide some acceptable identification, eg., driver's license or building pass.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the Information and Legal Affairs Office, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

Record source categories:

Civilian Personnel Officers
Personnel clerks
Civilian personnel specialists
U.S. Civil Service Commission.
Subject Individual.

Systems exempted from certain provisions of the act:

None

V4-05

System name:

V4-05 Military Personnel Management Information System (MILPERS)

System location:

Director of Personnel and Security, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

Categories of individuals covered by the system:

All military personnel currently assigned or attached to DIS and those projected for assignment.

Categories of records in the system:

File contains computer records consisting of: (a) Identification Data on the individual; (b) Assignment Data; (c) Duty Information; (d) Basic Personnel Data; (e) Personal Data; (f) Agent qualifications.

Authority for maintenance of the system:

DOD Directive 5105.42, Charter for the Defense Investigative Service.
5 USC 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Personnel Managers in DIS: To monitor manning posture of DIS elements, statistical reporting, to respond to requests for personnel data from internal DIS, DOD and Congressional sources, determine qualification and eligibility for specific assignments, training or reassignments within DIS, locator reference, strength accountability, verification of manually prepared personnel actions.

Administrative Personnel in DIS: To prepare personnel actions, i.e., award recommendations, retirement applications, etc., as locator reference file, mail routing, for input of data to central file to produce consolidated reports for DISHQ staff elements.

Commanders/Supervisors in DIS: To monitor manning situation for unit under jurisdiction, determine qualification of personnel for special duty assignment or duty in selected areas, meet administrative reporting requirements.

DIS Security Officer: To monitor gains and losses to insure currency of files and security briefing/debriefing, determining periodic

revalidation requirements, respond to queries concerning security clearance or access information.

DIS Headquarters Staff: To make decisions on policy and procedural matters, determine agent qualifications, security access, and complete administrative actions.

In the event that records maintained in this system indicate a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed 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, or the granting of benefits by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Computer magnetic tape and paper output in folders or binders

Retrievability:

Filed by Social Security Number (SSN)

Safeguards:

Magnetic tape storage is within a secured area accessible only to authorized personnel.

Paper products are secured in cabinets and only personnel with a need to know are granted access to these documents.

Retention and disposal:

Magnetic tape records are retained on active file until individual's departure from DIS and then on historical file for 3 years. After 3 years, erased from computer file and output reports reflecting personnel data on the individual destroyed by shredding or chemical decomposition. Paper products are retained for one year following the departure of the individual.

System manager(s) and address:

Director of Personnel (D0150), Defense Investigative Service, 1000 Independence Ave. S.W., Washington, DC 20314

Notification procedure:

Information may be obtained from: SYSMANAGER

Record access procedures:

Access to partial decentralized segments may be obtained from District/Field Office headquarters. Requests from an individual for information pertaining to himself from the centralized repository should be addressed to the SYSMANAGER at the above address.

Written requests for information should contain the full name of the individual, current address and telephone number, grade, SSN, unit and period of assignment with DIS. Visits should be made to the office of the SYSMANAGER

For personal visits, a check of personal identification will be required.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the Information and Legal Affairs Office, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

Record source categories:

Sources of information other than from the individual are Military Departments and the individual's commander or supervisor.

Systems exempted from certain provisions of the act:

None

V4-06

System name:

V4-06 Civilian Personnel Management Information System (CPMIS)

System location:

Primary System-Information Services Division (D0830), Personnel Investigations Center, P.O. Box 1211, Baltimore, MD 21203

Decentralized Segments-Civilian Personnel Division and various DIS Headquarters elements.

Categories of individuals covered by the system:

Civilian employees of the DIS.

Categories of records in the system:

Records consisting of: identification and employment data; special qualifications and other information found in the Official Personnel Record

Authority for maintenance of the system:

Title 5, United States Code
Section 301 (Agency Regulations)
Section 1302 (regulations)
Section 2951 (reports to the Commission)
Section 4118 (training)
Section 4308 (performance rating)
Section 4506 (incentive awards)
Sections 5113, 5115, and 5338 (classification)
Section 6311 (leave)
Sections 8334(f), 8342(b), 8343(a), and 8347 (retirement)
Section 8716 (life insurance)
Section 8913 (health insurance)
Civil Service Rules, sections 7.2, 5.1, 5.2 and 5.3
Executive Order 10561, September 13, 1954
Executive Order 9830, section 01.2(e) and (f), February 24, 1947 as amended
Executive Order 10800, section 2(d), January 15, 1959
Executive Order 10988, section 14, January 17, 1962
Executive Order 11222, section 405, May 8, 1965
Executive Order 11246, Section 104, September 24, 1965 as amended
DOD Directive 5105.42, Charter for the Defense Investigative Service

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Uses
CSC, DOD and internal reports on employment characteristics of civilian employees
The identification of personnel with selected characteristics or special qualifications.
Users
Personnel Specialists and Clerks.
DIS Commanders and supervisors with a need to know.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Computer magnetic tape and paper output in folders or binders.

Retrievability:

Filed by date of listing, organization of assignment, name or Social Security Number (SSN).

Safeguards:

Magnetic tape storage is within a secured area accessible only to authorized personnel.

Paper products are secured in cabinets and only personnel with a need to know are granted access to these documents. Personnel with access are properly screened, cleared and trained.

Retention and disposal:

Magnetic tape records and paper products of this system are retained until individual's departure from DIS and then on historical file for 90 days.

System manager(s) and address:

Civilian Personnel Officer, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

Notification procedure:

Information may be obtained from: SYSMANAGER

Record access procedures:

Requests from individuals should be addressed to: SYSMANAGER

Written requests for information should contain the full name of the individual, current address and telephone number, and the name of the individual that appears on the desired listing. Visits are limited to SYSMANAGER or Civilian Personnel Branch (D0154), Bldg. 320, Fort Holabird, Baltimore Maryland

For personal visits, a check of personal identification will be required.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the Information and Legal Affairs Office, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

Record source categories:

Notifications of Personnel Action, SF-50 and 50a, Payroll Change Notices, SF1126, Personnel Qualifications Statements, SF-171 and certificates of training.

Systems exempted from certain provisions of the act:

None

V4-07

System name:

V4-07 Adverse Actions, Grievance Files and Administrative Appeals

System location:

Civilian Personnel Branch, Defense Investigative Service, P. O. Box 1211, Baltimore, MD 21203 and Civilian Personnel Division, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

Categories of individuals covered by the system:

Affected civilian employees of the Defense Investigative Service

Categories of records in the system:

Notifications of Personnel Actions

Findings of inquiry into allegations of grievance or complaints

Authority for maintenance of the system:

FPM Chapter 751

FPM Chapter 752 and 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

USES

Consideration by examiner and appellate levels of the specifics of each case within and outside of DIS.

In preparing the instant case and subsequent cases for consideration.

USERS

Personnel Specialists and clerks.

DIS and U.S. Civil Service Commission appellate personnel.

Management staff of DIS with a clearly demonstrable need to know specifics of the case.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders

Retrievability:

Filed alphabetically with the Official Personnel Folder

Filed by functional code in personnel office files

Safeguards:

Buildings employ security guards. Records are maintained in file cabinets, accessible only to authorized personnel who are properly screened, cleared and trained.

Retention and disposal:

Records are both permanent and temporary. Permanent records are filed in the Official Personnel Folder. Temporary records are destroyed when the individual leaves DIS, or they are no longer needed. Individual records may be retained indefinitely in subjective reference files.

System manager(s) and address:

Civilian Personnel Officer, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324 and Chief, Civilian Personnel Branch, Defense Investigative Service, P. O. Box 1211, Baltimore, MD 21203.

Notification procedure:

Information may be obtained from: SYSMANAGERS

Record access procedures:

Requests from individuals should be addressed to: SYSMANAGERS

Written requests for information should contain the full name of the individual, current address and telephone number, and the name of the individual that appears on the desired file. Visits are limited to SYSMANAGERS offices.

For personal visits, a check of personal identification will be required.

Contesting record procedures:

The agency's rules for access to records, contesting contents, and appealing initial determinations by the individual concerned may be obtained from the Information and Legal Affairs Office, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

Record source categories:

Supervisors, complainants, investigators, appropriate law enforcement agencies, servicing civilian personnel offices, appellate agencies.

Systems exempted from certain provisions of the act:

None

V4-08

System name:

V4-08 EEO Complaints

System location:

Primary System Director of Personnel and Security, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324 and Civilian Personnel Branch, Defense Investigative Service, P.O. Box 1211, Baltimore, MD 21203

Decentralized Segments - at Districts, DIS Headquarters and Centers by EEO Counselors

Categories of individuals covered by the system:

Persons involved in complaints and DIS civilian employees who have been officially counselled.

Categories of records in the system:

Temporary records pertaining to the individual's complaint of discrimination.

Authority for maintenance of the system:

FPM 713

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

USES

To determine effectiveness of EEO Program.

To determine validity of and trends in complaints.

As a basis for corrective action if a finding of discrimination is made.

USERS

EEO officials

Personnel Specialists and clerks

EEO Counselors at Headquarters, Centers and Districts

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders

Retrievability:

Alphabetically by last name of complainant

Safeguards:

Records are maintained in locked file cabinets accessible only by authorized personnel that are properly screened, cleared and trained.

Retention and disposal:

Records are temporary and destroyed within two years following the resolution of the complainant. Primary system records may be retained in subjective reference files.

System manager(s) and address:

Director of Personnel and Security, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

Notification procedure:

Information may be obtained from: SYSMANAGERS

Record access procedures:

Requests from individuals for access to centralized records should be addressed to Defense Investigative Service, Director of Personnel and Security, 1900 Half St., S. W., Washington, D. C. 20324.

Written requests for information should contain the full name of the individual, current address and telephone number, and the name of the individual that appears on the desired file. Visits are limited to Information and Legal Affairs Office, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

For personal visits, a check of personal identification will be required.

Access to decentralized segments (counselling records) by individuals concerned may be obtained locally.

Contesting record procedures:

DIS rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from In5ormation and Legal Affairs Office, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

Record source categories:

Civilian employees of this agency

Systems exempted from certain provisions of the act:

None

V4-09

System name:

V4-09 Merit Promotion Plan Records

System location:

Civilian Personnel Branch, Defense Investigative Service, P. O. Box 1211, Baltimore, MD 21203 and Civilian Personnel Officer, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

Categories of individuals covered by the system:

Civilians who have applied for certain vacancies within the Defense Investigative Service

Categories of records in the system:

Temporary records pertaining to the individual's consideration for promotion

Authority for maintenance of the system:

FPM Chapter 335

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

USES

To identify eligible candidates for specific promotion opportunities.

USERS

Personnel specialists and clerks of this agency.

Supervisors of this agency with interest in the particular promotion action

Accredited investigators with a clear need for the information.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders

Retrievability:

Appraisals filed alphabetically by employees last name

Promotion panel computations filed by announcement number

Safeguards:

Buildings employ security guards. Records are maintained in locked cabinets, accessible only to authorized personnel that are properly screened, cleared and trained.

Retention and disposal:

Records are destroyed two years after the effective date of the establishment of the promotion register

System manager(s) and address:

Chief Personnel Officer, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324 and Civilian Personnel Branch, P. O. Box 1211, Baltimore, MD 21203.

Notification procedure:

Information may be obtained from: SYSMANAGERS

Record access procedures:

Requests from individuals should be addressed to: SYSMANAGERS

Written requests for information should contain the full name of the individual, current address and telephone number, and the name of the individual that appears on the desired file. Visits are limited to SYSMANAGES offices.

For personal visits, a check of personal identification will be required.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the Information and Legal Affairs Office, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

Record source categories:

Evaluation of ranking panel members, supervisory appraisals, appraisal of potential by supervisor.

Systems exempted from certain provisions of the act:

None

V4-10

System name:

V4-10 Incentive Awards

System location:

Civilian Personnel Office, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

Categories of individuals covered by the system:

Civilian and military personnel of the Defense Investigative Service or persons outside of DIS making suggestions relating to DIS functions.

Categories of records in the system:

Temporary records relating to proposed awards and suggestions.

Authority for maintenance of the system:

5 USC 301

FPM Chapter 451

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

USES

Records are used to provide basis for recommending action on proposed awards including but not limited to awards for length of service, quality step increases, sustained superior performance, special act and service, meritorious and exceptional service, outstanding performance, and similar awards.

USERS

Executive Secretary, Incentive Awards Committee, and committee members and coordinators of suggestions.

Personnel specialists and clerks

Accredited investigators of the U. S. Civil Service Commission

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders

Retrievability:

Suggestions filed by number.

Award actions are filed alphabetically by last name of individual.

Safeguards:

Building employs security guards. Records are maintained in file cabinets, accessible only to authorized personnel that are properly trained, cleared and screened.

Retention and disposal:

Records are temporary and are destroyed when no longer required for a maximum of two years.

System manager(s) and address:

Civilian Personnel Office, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

Notification procedure:

Information may be obtained from: SYSMANAGERS

Record access procedures:

Requests from individuals should be addressed to: SYSMANAGERS

Written requests for information should contain the full name of the individual, current address and telephone number, and the name of the individual that appears on the desired file. Visits are limited to SYSMANAGERS offices.

For personal visits a check of personal documents will be required.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the Information and Legal Affairs Office, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

Record source categories:

Reports of evaluating officials, committee determinations.

Systems exempted from certain provisions of the act:

None

V5-01

System name:

V5-01 Investigative Files System

System location:

Defense Investigative Service, Investigative Files Division, P. O. Box 1211, Baltimore, MD 21203 has primary control over the system and is responsible for the maintenance of completed investigative records. The Special Investigations Center, 1900 Half St., S. W., Washington, D. C. 20324 maintains limited categories of these records. DIS operational centers; District Offices; Field Offices; Resident Agencies and various DIS headquarters staff elements originate and have temporary control over portions of records.

Categories of individuals covered by the system:

Military personnel who are on active duty, applicants for enlistment or appointment and reservists and National Guardsmen; DoD civilian personnel who are paid from appropriated funds; industrial or

contractor personnel who are working in private industry in firms which have contracts involving access to classified DoD information or installations; Red Cross personnel and personnel paid from nonappropriated funds who have DoD affiliation; ROTC cadets; former military personnel; individuals residing on, having authorized official access to, or conducting or operating any business or other functions at any DoD installation or facility.

Individuals not affiliated with the Department of Defense when, during the previous year, their activities have directly threatened the functions, property or personnel of the DoD or they have engaged in, or conspired to engage in, criminal acts on DoD installations or directed at the DoD.

Categories of records in the system:

Official Reports of Investigations (ROI's) prepared by DIS or other DoD, Federal, state or local official investigative activities

DIS Information Summary Reports (ISR's) which record unsolicited information received by DIS concerning a person or incident which is of direct interest to other DoD components or Federal agencies. (When such information is received by DIS it is reported as it was received, without investigation or confirmation, by ISR and transmitted to the interested activity.)

Attachments to ROI's or ISR's including exhibits, subject or interviewee statements, police records, medical records, fingerprint cards, credit bureau reports, employment records, education records, release statements, summaries of or extracts from other similar records or reports.

Case control and management documents which are not reports of investigation, but that serve as the basis for investigation, or serve to guide and facilitate investigative activity, including documents providing the data to open and conduct the case, such as the Personnel Security Investigation Request; documents, initiated by the subject such as personnel history documents, and fingerprint records; and documents used in case management and control, such as release statements, case transfer forms, and documents directing the inquiry.

DIS file administration and management documents accounting for the disclosure, control and access to a file, such as warning sheets, separators, forwarding correspondence and accounting records required by 5 U.S.C. 552 and 552a.

Cross references to chronological correspondence files disclosing unfavorable and administrative action taken based on DIS investigations.

Authority for maintenance of the system:

Section 301 of 5 U.S.C. Departmental Regulations

Section 310 of 44 U.S.C. Records Management

Sections 2, 3, 4, 5, 6, 8 and 9, Executive Order 10450, Security Requirements for Government Employment.

Section 6(A), Executive Order 11652, Classification and Declassification of National Security Information and Material.

Sections III and V, DoD Directive 5105.42, Charter for the Defense Investigative Service.

Section IIIA, DoD Directive 5200.2b, Defense Investigative Program.

Section IV A and B, DoD Directive 5200.27, Acquisition of Information Concerning Persons and Organizations not Affiliated with the Department of Defense.

Section IX, DoD Directive 5210.7, Department of Defense Civilian Applicant and Employee Security Program.

Section I, DoD Directive 5210.8, Policy on Investigation and Clearance of DoD Personnel for Access to Classified Defense Information.

Section VII, DoD Directive 5210.9, Military Personnel Security Program

Section V A 2., DoD Instruction 5210.25, Security Acceptability of American National Red Cross Employees at Department of Defense Installations and Activities.

Section I, DoD Instruction 5210.26, Investigation of American National Red Cross Employees on Duty at Department of Defense Installations and Activities in the Zone of Interior.

Encl 3, paragraphs b 2 and 3, DoD Directive 5210.41, Security Criteria and Standards for Protecting Nuclear Weapons.

Section III, DoD Directive 5210.45, Personnel Security in the National Security Agency.

Section VII, DoD Directive 5210.55, Selection of Department of Defense Military and Civilian Personnel for Assignment to Presidential Support Activities.

Section IV, C, DoD Directive 5220.6, Industrial Personnel Security Clearance Program.

Section V B, DoD Instruction 5220.28, Application of Special Eligibility and Clearance Requirements in the SIOP-ESI Program for Contractor Employees.

Section 1 (a) and 2, Executive Order 10865, Safeguarding Classified Information Within Industry.

Section III, DoD Instruction 5030.34, Agreement between the Department of Defense concerning Protection of the President and Other Officials.

Paragraph 10, Director of Central Intelligence Directive No. 1/14, Uniform Personnel Security Standards and Practices Governing Access to Sensitive Compartmented Information C.

Section II, DSA Regulation 5705.2, Criminal Investigative Support to the Defense Supply Agency.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Purpose for which collected.

Personnel security investigative information is collected to insure that the acceptance or retention of persons to sensitive DoD positions, or granting individuals access to classified information, including those employed in defense industry, is clearly consistent with national security.

Criminal investigative information is collected on request to identify offenders, provide facts and evidence upon which to base prosecution and effect the recovery of property which has been wrongfully appropriated.

Information contained in ISR's (see description in RECORD-CATEGORY) regarding criminal, personnel security, counterintelligence, or intelligence matters, when received, is disseminated to appropriate Federal agencies or other DoD components.

Criminal and personnel security information is collected during reciprocal investigations conducted for other DoD and federal investigative elements (or in limited instances, criminal information for local, or state law enforcement agencies) for maintenance and use by the requesting activity.

Information regarding alleged security violations is collected on request to establish whether or not a compromise occured and to identify the personnel involved.

Criminal information received by DIS personnel in the course of their duties which is of direct interest to a local law enforcement agency and therefore furnished to that agency orally or by letter.

Users of DIS investigative information are:

(1) DIS personnel in the course of their official duties.

(2) Other accredited DOD investigative components, DOD agencies, elements of the Military Departments designated by the departments and representatives of the Secretary of Defense and the Joint Chiefs of Staff.

(3) Accredited Federal criminal and civil law enforcement and intelligence agencies.

(4) State and local official criminal law enforcement agencies.

(5) Other accredited federal agencies conducting investigations to evaluate suitability for employment or access to classified information.

(6) Congressional committees and the Government Accounting Office.

Specific uses of DIS investigative records are:

To determine the loyalty, suitability, eligibility, and general trustworthiness of individuals for access to Defense information and facilities by the first two categories of users, above.

To determine the eligibility and suitability of individuals for entry into and retention in the Armed Forces by the second category of users, above.

To provide information pertinent to the protection of persons under the provisions of 18 U.S.C. 3056, by the first three categories of users, above.

For use in criminal law enforcement investigations including statutory violations, counterintelligence, as well as counterespionage and other security matters by the first through fourth and the sixth categories of users, above.

In the event that records maintained in this system indicate a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

To provide information in judicial or adjudicative proceedings including litigation, or in accordance with a court order by the first three categories of users, above.

To make statistical evaluations of DIS investigative activities by the first, second and sixth categories of users, above.

To respond to Freedom of Information and Privacy Act access requests, by the first category of users, above.

To provide information in response to Inspector General, and EEO or other complaint investigations and Congressional inquiries by the first, second and sixth categories of users, above.

To determine the eligibility and suitability of an individual for personnel actions in the Armed Forces of the United States, as deemed appropriate by the second category of users, above.

A record such as identification data, from this system of records may be disclosed as a routine use to a federal, state local or foreign agency maintaining relevant information or to business enterprises to obtain employment records if necessary to obtain information relevant to an assigned investigation.

A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, 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 by any agency of the first, second, third or fifth categories of users, above.

Transfers of information from this record system to other DoD components is a routine intra-agency use under the provisions of 5 U.S.C. 552a3(b)(1).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders, microfilm, magnetic tape or supplementary index cards.

Retrievability:

Investigations are centrally retrievable through the DIS Case Control System (DCCS) or the Defense Central Index of Investigations (DCII) systems described separately in this notice. Reciprocal investigations jurisdictions, may be retrieved only through a limited manual disclosure accounting system

Safeguards:

Completed investigative records are maintained and stored in power files, open shelves and filing cabinets which are housed in secured areas accessible only to authorized personnel who are properly screened and have a need to know. Information contained on magnetic tape is secured in the same manner as the DCII, described separately. Recipients of investigative information are responsible for safeguarding information within the guidelines provided by DIS.

Retention and disposal:

Retention of closed DIS investigative files is authorized for 30 years maximum, except as follows: (1) Files which have resulted in adverse action against an individual will be retained permanently, (2) Files developed on persons who are being considered for affiliation with the Department of Defense will be destroyed within one year if the affiliation is not completed. In cases involving a pre-appointment investigation, if the appointment is not made due to information developed by investigation, the file will be retained permanently. If the appointment is not made for some other reasons not related to the investigation, the file will be destroyed within one year; (3) Information within the purview of the Department of Defense Directive 5200.27, 'Acquisition of Information Concerning Persons and Organizations Not Affiliated with the Department of Defense', is destroyed within 90 days after acquisition by DIS unless its retention is required by law or unless its retention has been specifically authorized by the Secretary of Defense or through the Chairman, DIRC.

Generally, ISR's and reciprocal investigations are retained for only 60 days.

Partial duplicate records of personnel security investigations are retained for 60 days by DIS field elements. Partial duplicate records in criminal and special investigations are retained for one year.

System manager(s) and address:

Director, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

Notification procedure:

Requests should be addressed to Information and Legal Affairs Office, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324. The full name, date and place of birth, and social security account number are necessary for retrieval of information. More information or a notarized statement verifying the identity of requesters may be required. Information5and Legal Affairs Office, 1900 Half St., S. W., Washington, D. C. 20324 may be visited by personnel making inquiries regarding this system. A check of personal identification will be required of all visitors making such inquiries.

Record access procedures:

Access may be obtained through the Information Office at the address listed above.

Contesting record procedures:

DIS rules for contesting and appealing initial determinations may be obtained from the Assistant for Information at the address listed above

Record source categories:

Categories of sources of records.

Subjects of investigations.

Records of other DoD activities and components.

Federal, state, county and municipal records.

Employment Records of private business and industrial firms.

Educational and disciplinary records of schools, colleges, universities, technical and trade schools.

Hospital, clinic and other medical records.

Records of commercial enterprises such as real estate agencies, credit bureaus, loan companies, credit unions, banks and other financial institutions which maintain credit information on individuals, transportation companies, (airlines, railroad, etc.)

The interview of individuals who are thought to have knowledge of the subject's background and activities.

The interview of witnesses, victims and confidential sources.

The interview of any individuals deemed necessary to complete the DIS investigation.

Miscellaneous directories, rosters and correspondence.

Any other type of record deemed necessary to complete the DIS investigation

Systems exempted from certain provisions of the act:

In accordance with subsection 3j(2) of the Act, information maintained by the Special Cases Division of DIS may be exempted from the provisions of subsections (c)(3) and (4); (d); (e)(1), (2) and (3); (e)(5) and (8); and (g). Information maintained by, or at the direction of, this unit includes criminal investigations for which the DIS has primary responsiblity and certain ISR's and reciprocal investigations, and security or counterintelligence information which may be used in criminal prosecution. The withholding of this information will be to allow the DIS Special Cases Division, a criminal law enforcement component, to conduct effective investigations into alleged unlawful activity or crime conductive situations without jeapordizing such investigations. Knowledge of the investigations of the Special Cases Division could enable subjects to take actions to prevent detection of criminal activities, conceal evidence, or to escape prosecution. It could also lead to intimidation of or harm to sources, informants, witnesses and their families. Information from this system will be withheld only to the extent that its release would interfere with such investigations.

Under subsection 3k(1) of the Act, properly classified material contained in DIS investigatory files is exempt from the provisions of subsection (d). This exemption will protect information, the disclosure of which would have an adverse effect on the national defense or foreign policy.

Under subsection 3k(2) of the Act, other investigatory material including certain reciprocal investigations and counterintelligence information is exempt from subsection (c) (3), (d), (e) (4) (G,H andI) and (f) until such time as action is taken regarding allegations, and after that time only to the extent that the information would identify a confidential source who furnished information under an express promise that the identity of the source would be held in confidence (or prior to the effective date of the Act under an implied promise). This exemption will permit the DIS to conduct certain law enforcement investigations effectively and to protect the identities of sources who would not otherwise provide information.

Protective Service: Under subsection 3k(3) of the Act, DIS investigatory material maintained in connection with assisting the US Secret Service (USSS) to provide protective services to the President of the United States or other individuals pursuant to section 3056 of Title 18 is exempt from subsections (c) (3), (d), (e) (1), (e) (4), (g, h and i), and (f). This exemption provision will enable DIS to continue its support of the US Secret Service without compromising the effectiveness of either activity.

Under subsection 3k(5) of the Act, personnel security investigatory material from subsections (c) (3), (d) and (f), is exempt to the extent that the disclosure of such material would reveal the identity of a confidential source as described above. This exemption provision will allow DIS to collect information from certain sources who would otherwise be unwilling to provide information necessary to personnel security investigations.

V5-02

System name:

V5-02 Defense Central Index of Investigations (DCII)

System location:

Central Facility:

Information Services Division, Personnel Investigations Center, PO Box 1211, Baltimore, Maryland 21203.

Remote Terminal Locations:

Crime Records Directorate, US Army Criminal Investigations Command, 2301 Chesapeake Avenue, Baltimore, Maryland 21222 Air Force of Special Investigations, Bolling AFB, Washington, D. C. 20332.

Naval Investigative Service Headquarters, Hoffman Building #1, 2461 Eisenhower Avenue, ATTN: Code 30, Alexandria, Virginia 22331

Defense Industrial Security Clearance Office, P. O. Box 2499, Columbus, Ohio 43216 (DISCO)

US Army Investigative Records Repository, Building 4452, Fort Meade Maryland 20755 . DIS Personnel Investigations Center, P. O. Box 1211, Baltimore, MD 21203.

Categories of individuals covered by the system:

Any person described as a subject, a victim, or a cross-reference in an investigation completed by or for a DOD investigative organization when that investigation is retained by the organization and the name is submitted for central indexing.

Categories of records in the system:

DCII MASTER INDEX

Composed of locator references to investigations conducted by or for DOD investigative organizations and retained by them. Index records contain the name and other personal identifying information on individuals who were indexed.

FILE TRACING

Reference to an investigation maintained by one of the investigative records repositories. It identifies the individual by name and personal identifiers, the custodian of the file, the year indexed and the number used by the repository to locate the file.

OPEN CASE TRACING

A record input by either Army investigative activities or DIS reflecting the existence of an investigation in progress. It identifies the subject individual by name and personal identifiers, the location of the open investigation, the year indexed and the number used to locate the investigative file.

NAC PENDING TRACING

Record of a National Agency Check (NAC) investigation in progress. It identifies the subject individual by name, personal identifiers, the case number, the category of the requester of the NAC, and the type of NAC being run.

NAC HISTORY TRACING

A record of completed favorable, or incomplete, national agency checks. It identifies the individual by name and personal identifiers, the date the NAC was completed and the agencies that were checked.

DCII NAME ONLY INDEX (NOI)

Composed of names of persons who are referenced but not fully identified in investigative files. A Name Only Index record identifies the individual by name and lists the custodian agency of the file, year indexed and the number used by the repository to locate the file. Positive identification is impossible from the index and may well be impossible from the case file itself. DIS has placed no records in this index.

Authority for maintenance of the system:

5 U.S.C. 301 Departmental Regulations

44U.S.C. 3101 Records Management

Memorandum, Secretary of Defense, May 27, 1965

Memorandum, Secretary of Defense, December 3, 1965, subject: Establishment of a Central Index of DOD Investigations.

DOD Directive No. 5105.42, April 18, 1972, subject: Charter for Defense Investigative Service (DIS).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

File tracing information is collected and maintained in the DCII so that authorized users may determine the existence and location of DOD investigative records.

NAC history information is maintained for authorized users in granting clearances, access to defense installations, entry into military service or employment in sensitive civilian positions.

Categories of users:

Components listed under the LOCATION caption are the principal users and (with the exception of DISCO) the file custodians. Listed terminal holders (with the exception of DISCO) may release general DCII information to users of their investigative records or listed in their investigative records systems descriptions in this register.

It should be noted that information contained in the system is regarded as the property of the submitting activities. DIS can neither monitor, nor assume responsibility for the propriety or accuracy of the data in the system, other than that portion belonging to DIS.

Transfer of information from this records system to other DOD components is a routine intra-agency use under the provisions of 5 U.S.C. 552a3(b)(1). The use of the DCII by terminal holders to advise requesters of the possible location of information, where there is no disclosure of personal information from the DCII, does not require an accounting.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Master Index data is maintained in direct access storage devices, disk and data cell. It is also contained on magnetic tape for continuity of operations purposes to permit processing at alternate locations in the event of computer failure.

Name Only Index data is maintained on magnetic tape and microfiche. Each contributor is provided his portion on a quarterly basis.

Retrievability:

Master Index records are accessed through name and at least one personal identifier (PID). Personal identifiers are: date of birth, place of birth, social security number and the last four (4) digits of military service number. Inquiries may enter the system in card form or by being keyed in at remote terminals. A non-standard retrieval capability also exists which permits retrieval without PID, or on parts of a name, and produces references to all individuals by that name. It should be noted that in many cases, the subject's SSAN is necessary to make a positive identification.

Name Only Index records are accessed through the name or some portion thereof. Records are retrieved based on an exact match with the name submitted. Inquiries may enter the system only in card form.

Safeguards:

Generalized validation is provided in batch retrieval through program edits to prevent unauthorized access.

User terminals with access to the Master Index are located in controlled access areas. Access to the system is limited to specified time of the day. Terminals are connected via dedicated data circuits which prevent access from standard dial-up telephones.

Activities must be a part of DOD and accredited on the basis of authorized requirements before a new terminal is established or before batch requests will be honored and processed. Terminal holders, and organizations authorized access by other means, are responsible for insuring that individuals and organizations to whom they disclose index information have appropriate authority and need to know.

The computer room is located within a building controlled by security personnel at all times. Identification badges are required for entrance. Access to the computer room is controlled by a combination lock on the entrance. Critical backup files are stored in locked fireproof data safes.

Retention and disposal:

Retained for as long as files are retained. When the record repository disposes of the file, they are responsible to delete all index tracings pertaining thereto, in accordance with established procedures. Processing of a deletion transaction flags the computer record which precludes it being given out thereafter. Such flagged records are eliminated from the system during periodic file restructuring procedures.

Open Case Tracings. Retained for as long as the investigation is open. When the investigation is completed, the contributor replaces the open case tracing with a file tracing as described above.

NAC History Tracings. Retained for a period of four (4) years from the date of completion and then automatically deleted unless specific action is sooner taken to delete the record. Should a subsequent favorable NAC be completed, the entering of a new history record will delete the first history record.

NAC Pending Tracings. Retained until completion of the NAC at which time they are replaced by a NAC History or file tracing, unless sooner deleted by the originator.

System manager(s) and address:

Director, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

Notification procedure:

Information may be obtained from: Information and Legal Affairs Office, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

Information Required: Full name and all maiden and alias names under which files may be maintained and personal identifiers listed

under RETRIEVABILITY. Note, Social Security Account Numbers may be necessary for positive identification of certain records.

Office Which May be Visited: Information an5 Legal Affairs Office, 1900 Half St., S. W., Washington, D. C. 20324.

Proof of Identity: Check of personal documents.

Record access procedures:

Access may be obtained through the Information Office at the address previously listed.

Contesting record procedures:

The agency's rules for access to records, contesting contents and appealing initial determinations by the subject individual may be obtained from the Assistant for Information, at the above address.

Record source categories:

DOD investigative organizations listed under the LOCATION caption, excluding DISCO, and additionally:

Defense Supply Agency, ATTN: DSAH-T Cameron Station, Alexandria, Virginia 22314.

Director of Security, National Security Agency, ATTN: M-552 Fort Meade, Maryland 20755

Assistant Chief of Staff of Intelligence, Department of the Army, ATTN: Counterintelligence Division, Washington, D. C. 20315 (ACSI)

Systems exempted from certain provisions of the act:

In accordance with Subsection 3(j)(2) of the Act, certain references from criminal law enforcement components contained in this system of index records may be exempted from the provisions of subsections (c)(3), (c)(4), (d) and (e)(8). this exemption will allow the contributing components to conduct effective investigations into alleged unlawful activity or crime conductive situations and use the DCII without jeopardizing such investigations. Knowledge of investigations by criminal law enforcement components would enable suspects and subjects to take actions to prevent detection of criminal activities, conceal evidence or to escape prosecution. It could also lead to intimidation of or harm to informants, witnesses, sources and their families. information from this system will be withheld only to the extent that its release would interfere with such investigations.

V5-03

System name:

V5-03 National Agency Check (NAC) Case Control System (NCCS)

System location:

Information Services Division (D0830) Personnel Investigations Center, P.O. Box 1211, Baltimore, Maryland 21203

Categories of individuals covered by the system:

Any person the subject of an active or recently completed National Agency Check conducted by DIS.

Categories of records in the system:

NCCS MASTER FILE

Composed of records of NAC's which are being conducted for DOD activities. Records contain the name and other personal identifying information, the type of NAC, requester category, and case number.

NCCS HISTORY FILE

Consists of records of completed NAC's. Records contain the name and other personal identifying information, the type of NAC, requester category, case number and date closed.

Authority for maintenance of the system:

5 U.S.C. 301, Departmental Regulation

44 U.S.C. 3101, Records Management

DOD Dir 5210.8, 15 February 1962, Policy on Investigation and Clearance of DOD Personnel for Access to Classified Defense Information.

DOD Directive 5105.42, 18 April 1972, Charter for the Defense Investigative Service (DIS).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

PURPOSES FOR WHICH COLLECTED

The NCCS Master File records are retained to aid in case management and for the production of statistical reports.

The NCCS History File is used to obtain case management data and statistical reports.

CATEGORIES OF USERS

DIS Case Control Centers and the Defense Industrial Security Clearance Office

SPECIFIC USES

To determine the existence, location and status of the case file. Control of workload and prepare statistical reports.

AUTOMATED INTERFACES

The Defense Central Index of Investigations (DCII) System as described separately in this notice.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

The NCCS Master File is maintained on magnetic tape.

Retrievability:

Records may be accessed through name or case control number. Queries may enter the system in either card or tape form or indirectly through the DCII.

Safeguards:

As described in the DCII system description, this notice.

Retention and disposal:

Monthly history tapes are retained for two years.

System manager(s) and address:

Director, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

Notification procedure:

Information may be obtained from: Information and Legal Affairs Office, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

INFORMATION REQUIRED

Full name and all maiden or alias names under which files may be maintained.

Personal Identifiers which include date and place of birth, social security number, and last four digits of military service number.

OFFICES WHICH MAY BE VISITED Information and Legal Affairs Office, 1900 Half St., S. W., Washington, D. C. 20324.

PROOF OF IDENTITY

Routine check of personal documents.

Record access procedures:

Information Office at above address.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the Assistant for Information at the address listed above.

Record source categories:

DIS Case Control Centers.

Systems exempted from certain provisions of the act:

None

V5-04

System name:

V5-04 Defense Case Control System (DCCS)

System location:

Information Services Division, (D0830), Personnel Investigation Center, P.O. Box 1211, Baltimore, Maryland 21203

Categories of individuals covered by the system:

Any person or activity the subject of an ongoing or recently completed Defense Investigative Service (DIS) investigation.

Categories of records in the system:

The DCCS Master file is composed of records of investigations which are being or have been conducted for DOD activities. personal identifying information on individuals who have been investigated. Records contain the name and other personal identifying information on individuals who are investigated.

The DCCS History File consists of records of investigations that have been closed. Records contain the name and other

The DCCS Investigative Assignment File (IAF) consists of records of leads assigned to DIS field elements for those investigations in progress as reflected in the DCCS Master file. Records contain the name, social security number, case control number, the investigative leads assigned and their status.

Authority for maintenance of the system:

5 U.S.C. 301, Departmental Regulations

44 U.S.C. 3101, Records Management

DOD Directive No. 5105.42, April 18, 1972, Charter for the Defense Investigative Service (DIS).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

PURPOSES

The DCCS Master File contains open cases and cases closed during the prior 15 days to aid in case management and for the production of statistical reports.

The DCCS History File contains a record of all closed cases to obtain case management data and statistical reports.

The DCCS assignment files are used by DIS field elements to control local aspects of the investigation.

CATEGORIES OF USERS

DIS case control centers and field elements.

The Defense Industrial Security Clearance Office

SPECIFIC USES

To determine the existence, location and status of the cases.

To control workload and prepare statistical reports.

To inform federal agencies or requesters of investigations regarding the status of on-going cases.

AUTOMATED INTERFACES

The DCII System as described separately in this notice.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

The DCCS Master File in Direct Access Storage Devices (DASD). A copy of the Master File is also contained on magnetic tape for continuity of operations to permit processing at alternate locations in the event of computer failure.

The DCCS History File is contained in magnetic tape.

DCCS Investigative Assignment Files are retained in paper form.

Retrievability:

Master and History File Records are accessed primarily through the case control number. Records can also be accessed through Military Service Number or Social Security Number. Queries may enter the system in card form and from magnetic tape or indirectly through the DCII.

Lead assignment (IAF) data is retrievable by name of individual or case control number.

Safeguards:

For the Master and History Files as described in the DCII system description, this notice.

IAF documents.

Retention and disposal:

Monthly history tapes are retained for two years. IAF records are retained one year after completion of field leads.

System manager(s) and address:

Director, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

Notification procedure:

Information may be obtained from: Information and Legal Affairs Office, Defense Investigative Service, Washington, D. C. 20324.

INFORMATION REQUIRED:

Full name and all maiden or alias names under which files may be maintained.

Personal Identifiers which include date and place of birgh, social security number, and last four digits of military service number.

OFFICES WHICH MAY BE VISITED Information and Legal Affairs Office, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

PROOF OF IDENTITY:

Routine check of personal documents.

Record access procedures:

Information Office, at above address.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the Assistant for Information.

Record source categories:

DIS Case Control Centers

Systems exempted from certain provisions of the act:

In accordance with Subsection 3(j)(2) of the Act, certain references contained in this system of case control records may be exempted from the provisions of subsections (c)(3), (c)(4), (d) and (e)(8). This exemption will allow the DIS Special Cases Division, a criminal law enforcement component, to conduct effective investigations into alleged unlawful activity or crime conductive situations and use the DCCS without jeapordizing such investigations. Knowledge of the investigations of the Special Cases Divisions could enable subjects to take actions to prevent detection of criminal activitites, conceal evidence, or to escape prosecution. It could also lead to intimidation of or harm to sources, informants, witnesses and their families. Information from this system will be withheld only to the extent that its release would interfere with such investigations.

V5-05

System name:

V5-05 Subject and Reference Locator Records.

System location:

A decentralized system maintained by Defense Investigative Service field units.

Categories of individuals covered by the system:

Military personnel and civilian employees of the Department of Defense.

Categories of records in the system:

Personnel, locator, assignment rosters and housing records furnished by Army, Navy, Air Force and Marine Corps posts, bases and stations in the U.S. and Puerto Rico and retained for periods longer than they are retained by originating activities. Examples of such records are Army Locator/Organizational Rosters (A0102.03a DAAG) and Army Housing Files(A1511.01aDAPE).

Authority for maintenance of the system:

10 U.S.C. 133, E.O. 10450, E.O. 10865, DoD Directive 5105.42.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records are maintained by DIS investigative elements for use in locating supervisors, coworkers and character references of subjects of DIS investigations and to identify or verify the locations and assignments of subjects when this information cannot be obtained through other local sources. Information from this system may be provided to law enforcement agencies for the same purposes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper listings in files or binders, computer products, microfiche, index cards.

Retrievability:

By name and other identifying data.

Safeguards:

Maintained in locked cabinets or locked rooms and only DIS personnel have access.

Retention and disposal:

Records are retained for a maximum of five years.

System manager(s) and address:

Director, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

Notification procedure:

Requests should be addressed to Information and Legal Affairs Office, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324. The full name, date and place of birth, social security account number, military service numbers are required and the name and location of the post, base, or station and periods of assignment or employment so that a thorough search can be conducted. A notarized statement verifying the identity of requesters is required. Information and Legal Affairs Office, Defense Investigative Service, Washington, D. C. 20324 may be visited by personnel making inquiries regarding this system. A check of personal identification will be required of all visitors making such inquiries.

Record access procedures:

Access may be obtained through the Information Office at the address listed above.

Contesting record procedures:

DIS rules for access to records and for contesting and appealing initial determinations are contained in 32 CFR Part 298a and DIS Regulation 28-4.

Record source categories:

Military personnel offices, training schools and housing offices for installations.

Systems exempted from certain provisions of the act:

NONE

V6-01

System name:

V6-01 Personnel Security Files

System location:

Primary System-- Defense Investigative Service, Security Division, 1900 Half St., S. W., Washington, D. C. 20324.

Decentralized System - Partial records are maintained at working locations as a part of the Optional Personnel Management Record System described separately in this notice.

Categories of individuals covered by the system:

Every DIS employee, civilian and military, without exception.

Categories of records in the system:

Individual's Certificate of Security Clearance, Security Briefing Statement, Certificates of Clearance from other Services, Defense Central Investigations Index (DCII) check results, summaries of adverse information, debriefing statements, and similar related documents varying in certain cases. Sufficient individual identifying data to confirm identities is also contained in this system.

Authority for maintenance of the system:

Requesting agency, to the extent that the information is relevant and 5 U.S.C. 301 (Departmental Regulations) and DoD Directive 5210.7, Department of Defense Civilian Applicant and Employee Security Program and DoD Directive 5210.8, Policy on Investigations and Clearances of DoD Personnel for Access to Classified Defense Information.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Uses

Files are to provide a basis for granting security clearances.

Files are also used to provide information of security clearances for individuals attending official activities of other offices on classified matters.

They also are used to provide security clearances information to other governmental offices where change of employment is being considered.

In the event that records maintained in this system indicate a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed as a 'routine use' to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as employment records, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, or other benefit.

Users

Director of Personnel and his office.

DIS Security officer and his office.

All Supervisors, Commanders, and Office Chiefs, but only for confirming clearance level information.

Security officials of other DoD elements or governmental agencies when required for clearance verification or pre-employment consideration. consideration.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Individual files are established when an application for employment or assignment to the DIS is first received. As an investigation is completed and adjudicated, a clearance certificate is filed. If the file is unfavorable and the individual is not accepted, the file is placed in the 'dead' file section and retained for one year.

Storage:

Paper records in file folders.

Retrievability:

Filed alphabetically by last name.

Safeguards:

For the primary system building employs security guards (Federal Protective Service). Records are maintained in locked containers in areas accessible only to authorized personnel who have a need to know.

Retention and disposal:

Records are maintained for the period of time an individual is assigned to the DIS and for one year afterwards. Disposal is as classified waste.

System manager(s) and address:

Security Division, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

Notification procedure:

Information regarding the primary system may be obtained from: Security Officer, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

Record access procedures:

Access to the decentralized records may be obtained at any time. Requests for access to the primary system from individuals should be addressed to: Information and Legal Affairs Office, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

Written requests for information should contain the full name of the individual, current address and telephone number. Visits are limited to Information and Legal Affairs Office, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

For personal visits, a check of peronal documents will be conducted.

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determinations may be obtained from the Assistant for Information Office at the above address.

Record source categories:

Application and related forms from the individual, summaries of information from background investigations of the individual.

Systems exempted from certain provisions of the act:

None

V6-02

System name:

V6-02 Special Compartmented Intelligence (SCI) Access file.

System location:

Security Division, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

Categories of individuals covered by the system:

DIS personnel who have been granted Special Access to SCI information.

Categories of records in the system:

A roster is maintained of personnel holding access clearances and a certificate of clearance for each such individual.

Authority for maintenance of the system:

DIAM 50-1 (C).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

USES

The SCI Access File is used to determine who in DIS has an SCI clearance.

Data is used also to monitor the program within DIS.

USERS

DIS Security Officer, and his office.

Chief, DIS Special Investigations Center, to determine SCI clearance for assignment of investigative duties entailing access.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

All data is maintained in one file folder. The roster is provided by DIA. Copies of clearance certificates are maintained for each individual having the special access. When a person is taken off this access and has been debriefed, this is noted in the file.

Storage:

Paper records in file folder.

Retrievability:

Roster is in alphabetical order; clearances are filed in chronological order.

Safeguards:

Files are maintained in an authorized security container within a locked room. The Federal Protective Service controls entrance to the building.

Retention and disposal:

Records are maintained for the period that the individual is granted the special access and then for one year thereafter.

System manager(s) and address:

Chief, Security Division (D0146), Defence Investigation Service, 1000 Independence Ave. S.W., Washington, DC 20314

Notification procedure:

Information may be obtained from: SYSMANAGER: Security Division, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

Record access procedures:

Requests from individuals should be addressed to: Information and Legal Affairs Office, 1900 Half St., S. W., Washington, D. C. 20324.

Written requests for information should contain the full name of the individual, current address and telephone number. Visits are limited to Information and Legal Affairs Office, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations may be obtained from the Assistant for Information, at the above listed address

Record source categories:

Personnel Security File on the individual.

Systems exempted from certain provisions of the act:

None

V7-01

System name:

Enrollment, Registration and Course Completion Record.

System location:

Defense Industrial Security Institute (DISI) Richmond, Virginia 23297

Categories of individuals covered by the system:

Individuals who are scheduled or who have attended courses of instruction offered by the institute.

Categories of records in the system:

Information may include individual's name and other personal identifying and administrative data pertaining to attendance at the Institute to include employer, course completion, and other similar data.

Authority for maintenance of the system:

5 U. S. C. 301.
DoD Directive 5015.2, 17 September, 1980.
DoD Directive 5105.42 (Charter for Defense Investigative Service).
Executive Order 10865, 20 February 1960.
Executive Order 10909, 7 December 1966.
Defense Investigative Service Regulation 28-1, 1 August 1977.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records are used to prepare class rosters and provide basic administrative information on attendees. Institute personnel are the primary users.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are maintained on index cards and computer diskettes.

Retrievability:

Records are filed alphabetically by last name.

Safeguards:

Records are maintained in file cabinets in a locked room, in areas accessible only to authorized personnel who have a need to know.

Retention and disposal:

Records are retained for ten (10) years.

System manager(s) and address:

Director for Industrial Security, Defense Investigative Service, 1900 Half St., S.W., Washington, DC 20324.

Notification procedure:

Information may be obtained from : SYSMANAGER.

Record access procedures:

Access to records may be obtained through the Office of Information and Legal Affairs, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324, either by mail or personal visit.

For written requests, full name and social security account number are required, and the request must be accompanied by a notarized statement verifying the identity of the requester.

Personal visits should be made to the Information office at the above address. A check of personal identification will be required of all visitors making such inquiries.

Contesting record procedures:

The agency's rules for contesting records may be obtained from the Chief, Office of Information and Legal Affairs, at the above address.

Record source categories:

The employee, the employer and the Defense Industrial Security Institute.

Systems exempted from certain provisions of the act:

None.

V7-02

System name:

Guest/Instructor Identification Records.

System location:

Defense Industrial Security Institute (DISI) Richmond, Virginia 23297

Categories of individuals covered by the system:

Guest speakers and regularly assigned instructors.

Categories of records in the system:

Individual's name, position, biographical data and other background information.

Authority for maintenance of the system:

DoD Directive 5105.42 (Charter for Defense Investigative Service).
Executive Order 10865, 20 February 1960.
Executive Order 10909, 7 December 1960.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Introduction of speakers and instructors. Institute personnel are the primary users.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records are located in file folders or index cards.

Retrievability:

Records are filed alphabetically by last name.

Safeguards:

Records are maintained in file cabinets within a locked room, in areas accessible only to authorized personnel who have a need to know.

Retention and disposal:

Records are reviewed annually with obsolete records destroyed by burning or other means which preclude reconstruction.

System manager(s) and address:

Director for Industrial Security, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

Notification procedure:

Information may be obtained from: SYSMANAGER

Record access procedures:

Access to records may be obtained through the Office of Information and Legal Affairs, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324, either by mail or personal visit.

For written requests, full name and social security account number are neccessary for retrieval of information, and the request must be accompanied by a notarized statement verifying the identity of the requester.

Personal visits should be made to the Information office at the above address. A check of personal identification will be required of all visitors making such inquiries.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations may be obtained from the Chief, Office of Information and Legal Affairs, at the above address.

Record source categories:

The information is provided by the individual.

Systems exempted from certain provisions of the act:

None.

V8-01

System name:

Industrial Personnel Security Clearance File.

System location:

Defense Industrial Security Clearance Office, P. O. Box 2499, Columbus, Ohio 43216.

Categories of individuals covered by the system:

Employees and major stockholders of Goevernment contractors of other DoD-affiliated personnel who have been issued, now possess, are in , or have been in process for personnel security clearances,

eligibility determinations, security assurances or NATO clearance documents.

Categories of records in the system:

The automated portion may include: individual's name and other personal identifying information; date and level of security clearance granted; date and type of investigation and investigatory agency; file or case number and location; sequential record of actions; and other information necessary to facilitate the security clearance process.

The manual portion may include: the clearance application, copy of the investigation, record of clearance, foreign clearance and travel information; clearance processing information, adverse information, and other internal and external correspondence and administration memoranda relative to the clearance.

Authority for maintenance of the system:

DoD Directive 5015.2, 17 September 1980.
DoD Directive 5105.42 (Charter for Defense Investigative Service).
DoD Directive 5210.8, 15 February 1962.
Executive Order 10865, 20 February 1960.
Executive Order 10909, 7 December 1966.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Purpose for which collected:
Records serve as a central repository on the eligibility determination of industrial personnel for access to classified information. The file serves as an administrative record, current record and repository for clearance related reports and information.
Categories of users:
DoD and government contractor employees involved in the personnel clearance process, and authorized Federal government agencies with a need to know.
Specific uses:
Record of authorizations for contractors to grant access to classified information providing the proper clearance level and need to know exists.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Automated records are maintained in computer disc packs, magnetic tapes, and associated data processing files. Manual records are on microfiche, index cards, and hard copy paper records maintained in file folders.

Retrievability:

Records are accessed by Social Security Number, manual records may also be accessed by name.

Safeguards:

Specific codes are required to access the automated records. Manual records are housed in a secured area accessible only to properly screened individuals who have the need to know.

Retention and disposal:

Retention is based on the circumstances of the particular record Automated records are retained 25 months following clearance termination. Retention of manual records is authorized for one year from the date of last clearance action for cases which are not referred for abjudication, or for five years from date of last clearance action for cases which are referred for abjudication.

Destructuon is accomplished by degaussing, burning, or other means which preclude reconstructuon.

System manager(s) and address:

Director for Industrial Security, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

Notification procedure:

Information may be obtained from: SYSMANAGER

Record access procedures:

Access to records may be obtained through the Office of Information and Legal Affairs, Defense Investigative Service, 1900 Half St., S. W., Washington, DC 20324, either in person or by mail. For written requests, full name, date and place of birth, and social security account number are necessary for retrieval of information. More information may be required. A notarized statement verifying the identity of requester is required.

Personal visits should be made to the information office at the above address. A check of personal identification will be required of all visitors making such inquiries.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations may be obtained from the Chief, Office of Information and Legal Affairs, at the above address.

Record source categories:

Categories of sources of records.
Subjects of investigations.
Records of other DoD activities and components.
Federal, state, county, and municipal records.
Employment Records of private business and industrial firms.
Educational and disciplinary records of schools, colleges, universities, technical, and trade schools.
Hospital, clinic and other medical records.
Records of commercial enterprises such as real estate agencies, credit bureaus, loan companies, credit unions, banks and other financial institutions which maintain credit information on individuals, transportation companies, (airlines, railroad, etc.)
The interview of individuals who are thought to have knowledge of the subject's background and activities.
The interview of witnesses, victims and confidential sources.
The interview of any individuals deemed necessary to complete the DIS investigation.
Miscellaneous directories, rosters and correspondence.
Any other type of record deemed necessary to complete the DIS investigation.

Systems exempted from certain provisions of the act:

Under the provisions of 5 U. S. C. 552a(k)(5), of the Privacy Act of 1974, information contained in the records which would reveal the identity of the source who furnished information to the Government under an implied or expressed premise of confidentiality, is exempt from disclosure. This exemption will allow the collection of information from sources who would otherwise be unwilling to provide necessary information.

UNIFORMED SERVICES UNIVERSITY OF HEALTH SCIENCES

REQUESTING RECORDS

Records are retrieved by name or by some other personal identifier. It is therefore especially important for expeditious service when requesting a record that particular attention be provided to the Notification and/or Access Procedures of the particular record system involved so as to furnish the required personal identifiers, or any other pertinent personal information as may be required, to locate and retrieve the record.

BLANKET ROUTINE USES

Certain blanket 'routine uses' of the records have been established, that are applicable to every record system maintained within the Department of Defense, unless specifically stated otherwise within a particular record system. These additional blanket routine uses of the records are published below, only once in the interest of simplicity, economy and to avoid redundancy, before the individual record system notices begin rather than repeating them in every individual record system.

ROUTINE USE - LAW ENFORCEMENT

In the event that a system of records maintained by this component 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 by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

ROUTINE USE - DISCLOSURE WHEN REQUESTING INFORMATION

A record from a system of records maintained by this component 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 component 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.

ROUTINE USE - DISCLOSURE OF REQUESTED INFORMATION

A record from a system of records maintained by this component may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

ROUTINE USE - CONGRESSIONAL INQUIRIES

Disclosure from a system of records maintained by this component may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

ROUTINE USE WITHIN THE DEPARTMENT OF DEFENSE

A record from a system of records maintained by this component may be disclosed as a routine use to other components of the Department of Defense if necessary and relevant for the performance of a lawful function such as, but not limited to, personnel actions, personnel security actions and criminal investigations of the Component requesting the record.

ROUTINE USE - PRIVATE RELIEF LEGISLATION

Relevant information contained in all systems of records of the Department of Defense published on or before August 22, 1975, 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 A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

ROUTINE USE - DISCLOSURES REQUIRED BY INTERNATIONAL AGREEMENTS

A record from a system of records maintained by this Component may be disclosed to foreign law enforcement, security, investigatory, or administrative authorities in order to comply with requirements imposed by, or to claim rights conferred in international agreements and arrangements including those regulating the stationing and status in foreign countries of Department of Defense military and civilian personnel.

ROUTINE USE - DISCLOSURE TO STATE AND LOCAL TAXING AUTHORITIES

Any information normally contained in IRS Form W-2 which is maintained in a record from a system of records maintained by this Component may be disclosed to State and local taxing authorities with which the Secretary of the Treasury has entered into agreements pursuant to Title 5, U.S.Code, Sections 5516, 5517, 5520, and only to those State and local taxing authorities for which an employee or military member is or was subject to tax regardless of whether tax is or was withheld. This routine use is in accordance with Treasury Fiscal Requirements Manual Bulletin Nr. 76-07.

ROUTINE USE - DISCLOSURE TO THE OFFICE OF PERSONNEL MANAGEMENT

A record from a system of records subject to the Privacy Act and maintained by this component may be disclosed to the Office of Personnel Management concerning information on pay and leave, benefits, retirement deductions, and any other information necessary for the Office of Personnel Management to carry out its legally authorized Government-wide personnel management functions and studies.

ROUTINE USE - DISCLOSURE OF INFORMATION TO NARS (GSA)

A record from a system of records maintained by this component may be disclosed as a routine use to the National Archives and Records Service of the General Services Administration in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

ROUTINE USE - DISCLOSURE TO DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

All systems of records relating to compensation, employment or retirement, or extracts therefrom, maintained by this Component may be disclosed as a routine use to the Department of Health, Education, and Welfare for the purpose of comparing such record with records of programs administered by and in the possession of the Department of Health, Education, and Welfare in order to verify information where such verification is required by law or regulation or to identify violations or potential violations of law, whether criminal, civil, or regulatory, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto.

WUSUO1

System name:

Uniformed Services University of the Health Sciences (USUHS) Personnel files.

System location:

A central personnel record file will be maintained at USUHS Personnel/Manpower Directorate, 4301 Jones Bridge Road, Bethesda, Md. 20014. Copies of 171's and curriculum vitae's of applicants and employees will be maintained in the Personnel/Manpower Directorate by the Dean of the School of Medicine, and by the Department Chairperson, having a need for the information. A supplemental file consisting of summary data on each civilian employee will be stored in the computer at Bolling Air Force Base (AFB), Washington, D.C. 20332; for military personnel assigned to USUHS: at Walter Reed Army Medical Center (WRAMC) military personnel office, National Naval Medical Center (NNMC) military personnel office, Andrews Air Force Base (AFB) personnel office and at Public Health Service (PHS) personnel office, Parklawn Bldg., Rockville, Md. 20850. Home phone numbers of key personnel will be provided to other key personnel, and those of students to other students on a need-to-know basis, and only with the express permission of the individual concerned, for an emergency call system. Biographical information on students to be maintained in the Commandant's office.

Categories of individuals covered by the system:

Records will be maintained on all personnel assigned to USUHS full-time and part-time.

Categories of records in the system:

The type of information which will be maintained on employees is as follows: Identity and demographic information (e.g., Social Security Number (SSN), name, sex, address, birth date, minority status, etc.); Academic and experience background data consisting of: (1) Schools attended; (2) Degrees earned; (3) Work experience, awards, etc.; (4) Letters of reference, performance evaluation, etc.; (5) Time and attendance cards; and (6) Biographical data file.

Authority for maintenance of the system:

Title 10, United States Code, Section 136.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

INTERNAL USERS, USES, AND PURPOSES

The System will be used for documenting the work experience of applicants and USUHS personnel and for notification of key personnel in case of emergency during nonworking hours. Biographical data file will be used for providing background information on USUHS students to lecturers.

EXTERNAL USERS, USES, AND PURPOSES

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Material stored in file folders at USUHS, supported by automated copies of pertinent data of each employee's folder which are maintained on magnetic tape and disk at USUHS Personnel/Manpower Directorate, Bethesda, Md. 20014.

Retrievability:

The system will be indexed by name and Social Security Number (SSN). Also, any combination of data in the file can be used to select individual data. Only Personnel/Manpower Directorate personnel will be provided with the password that allows access to the data, and those individuals are authorized access to all data in the file. Records will be available to: The individual concerned. Employees of USUHS on a need-to-know basis. Other agencies of the Government to satisfy requests for routine reports.

Safeguards:

The files will be maintained in securable file cabinets located in a limited access area at the University. The computer hardware, disks,

tapes and other material, are secured in locked cabinets in a controlled and guarded area. Access is via controlled dial-in and is password controlled.

Passwords are changed semiannually, or upon the departure of any person knowing the password.

The automated system is operated by USUHS Personnel/Manpower Directorate personnel and only those personnel will be given the password and user identification information needed to access the computer system. Those persons are authorized access to all fields in the data base. While the file is primarily indexed on Social Security Number (SSN), and name, any combination of fields and data within fields can be used to select individual records.

Retention and disposal:

Indefinite files that are retained while the individual is employed and then retired.

System manager(s) and address:

The personnel officer of the University will be the custodian of this file (business address: 4301 Jones Bridge Road, Bethesda, Md. 20014, telephone: 202-295-3080).

Notification procedure:

Inquiries regarding the personnel files should be directed to the System Manager.

Record access procedures:

Information on the procedures for gaining access to and contesting records will be furnished each employee by the Personnel Office upon entry on duty with USUHS.

Contesting record procedures:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

Record source categories:

Information contained in the file is furnished by the employee, supervisors and references supplied by the employee.

Systems exempted from certain provisions of the act:

None.

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System name:

Uniformed Services University of the Health Sciences (USUHS) Student Record System.

System location:

The file will be maintained in the Registrar's Office, USUHS, 4301 Jones Bridge Road, Bethesda, Maryland 20014.

Supplemental files consisting of student evaluation forms, grades, and course examinations pertaining to their department will be maintained in each department by departmental chairmen, as well as in the Registrar's Office.

Categories of individuals covered by the system:

Records will be maintained on all students who martriculate to the University.

Categories of records in the system:

Grade reports and instructor evaluations of performance/achievement; transcripts summarizing by course title, grade, and credit hours; records of awards, honors, or distinctions earned by students; and data carried forward from the Applicant File System, which includes records containing personal data, e.g., name, rank, Social Security Number (SSN), undergraduate school, academic degree(s), current addresses, course grades, and grade point average from undergraduate work and other information as furnished by nonGovernment agencies such as the American Medical College Admission Service which certifies all information prior to being submitted to the University.

Authority for maintenance of the system:

Public Law 92-426, Chapter 104, Section 2114.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

INTERNAL USERS, USES, AND PURPOSES

The system will be used for: recording internships, residencies, types of assignment and other career performance data on USUHS graduates; providing academic data to each student upon request, e.g., transcripts, individual course grades, grade point average, etc.; providing academic data within the Uniformed Services University of the Health Sciences for official use only purposes; and providing data to the respective Surgeons General when a specific and authorized need requires it.

EXTERNAL USERS, USES, AND PURPOSES

Academic data may be provided to other educational institutions upon the written request of a student.

For other external uses, see Uniformed Services University of the Health Sciences (USUHS) Blanket Routine Uses at the head of this Component's published system notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders are stored at USUHS, supported by automated copies of subsets of each student's folder, which are maintained on magnetic tape and disk at the Air Force Data Services Center (AFDSC) in the Pentagon, Washington, D.C.

Retrievability:

The system will be indexed by name and Social Security Number (SSN). Also any combination of data in the file can be used to select individual records. Only personnel in the Office of the Registrar will be provided with the password that allows access to the data, and those individuals are authorized access to all data in the file.

Safeguards:

Current hardcopy records, prior to processing for computer storage are retained in a safe located in a limited access area at the University. The initial source of automated data on each student is transferred directly from the admission system, WUSU04, when each new class is admitted. Only data for enrolled students is transferred. Teaching facility, instructor, course, and grade information are entered by Registrar personnel as they are received. Transcripts, Course Rosters, and Grade reports are produced at the terminal upon request by the Registrar's personnel. Approval special requests for data can be supported by ad hoc inquiry. Any combinations of data can be used to select individual records for special processing.

The computer facility is operated by the Air Force Data Services Center, the Pentagon, Washington, D.C. The computer hardware, disks, tapes and other materials are secured in an alarmed controlled and guarded area. Access is via access list, escort, or controlled dial-in to the unclassified computers, located in the center. Dial-in access for all system users is password controlled.

All access to AFDSC computers is via user identification and sign-on password, whether from a hardwired terminal or dial-in terminal. Computer software ensures that only properly identified users can access the Privacy Act files on this sytem. Passwords are changed semiannually, or upon the departure of any person knowing the password.

Hardcopy files are stored at the University, and computer files are stored on magnetic tape and disc at the Air Force Data Services Center in the Pentagon, Washington, D.C. The remote terminal retains no data.

The automated system is operated by Data Base Management System. In addition to the sign-on password, this system allows a user to access only those specific files authorized that user. Only Registrar personnel will be given the password and identification information needed to access the computer system. Those persons are authorized access to all fields in the data base. While the file is primarily indexed on Social Security Number (SSN), and name, any combination of fields and data within fields can be used to select individual records.

Retention and disposal:

Records will be maintained permanently.

System manager(s) and address:

The Registrar, USUHS, 4301 Jones Bridge Road, Bethesda, Maryland 20014.

Notification procedure:

Information may be obtained from: Mr. Peter J. Stavish, Registrar, USUHS, Bethesda, Maryland 20014. Telephone: 202-295-2295/6.

Record access procedures:

Requests to review individual student's records may be made by telephone or visit to the Registrar's office, USUHS, 4301 Jones Bridge Road, Bethesda, Maryland 20014.

Written requests should include name, Social Security Number (SSN), and dates attended.

Contesting record procedures:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

Record source categories:

Information is furnished by instructor personnel; the individual concerned; the National Board of Medical Examiners; and the Applicant File System.

Systems exempted from certain provisions of the act:

None.

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