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Test Report Federal Register

Wednesday
April 18, 1984

Selected Subjects

Administrative Practice and Procedure
Immigration and Naturalization Service
Interstate Commerce Commission

Air Pollution Control
Environmental Protection Agency

Aviation Safety
Federal Aviation Administration

Biologics
Food and Drug Administration

Exports
International Trade Administration

Fisheries
National Oceanic and Atmospheric Administration

Flood Insurance
Federal Emergency Management Agency

Food Labeling
Food and Drug Administration

Grant Programs—Transportation
Transportation Department

Health Care
Health Care Financing Administration

Law Enforcement
Postal Service

Loan Programs—Housing and Community Development
Farmers Home Administration

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

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Interstate Commerce Commission

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Organization and Functions (Government Agencies)

Federal Communications Commission

Pesticides and Pests

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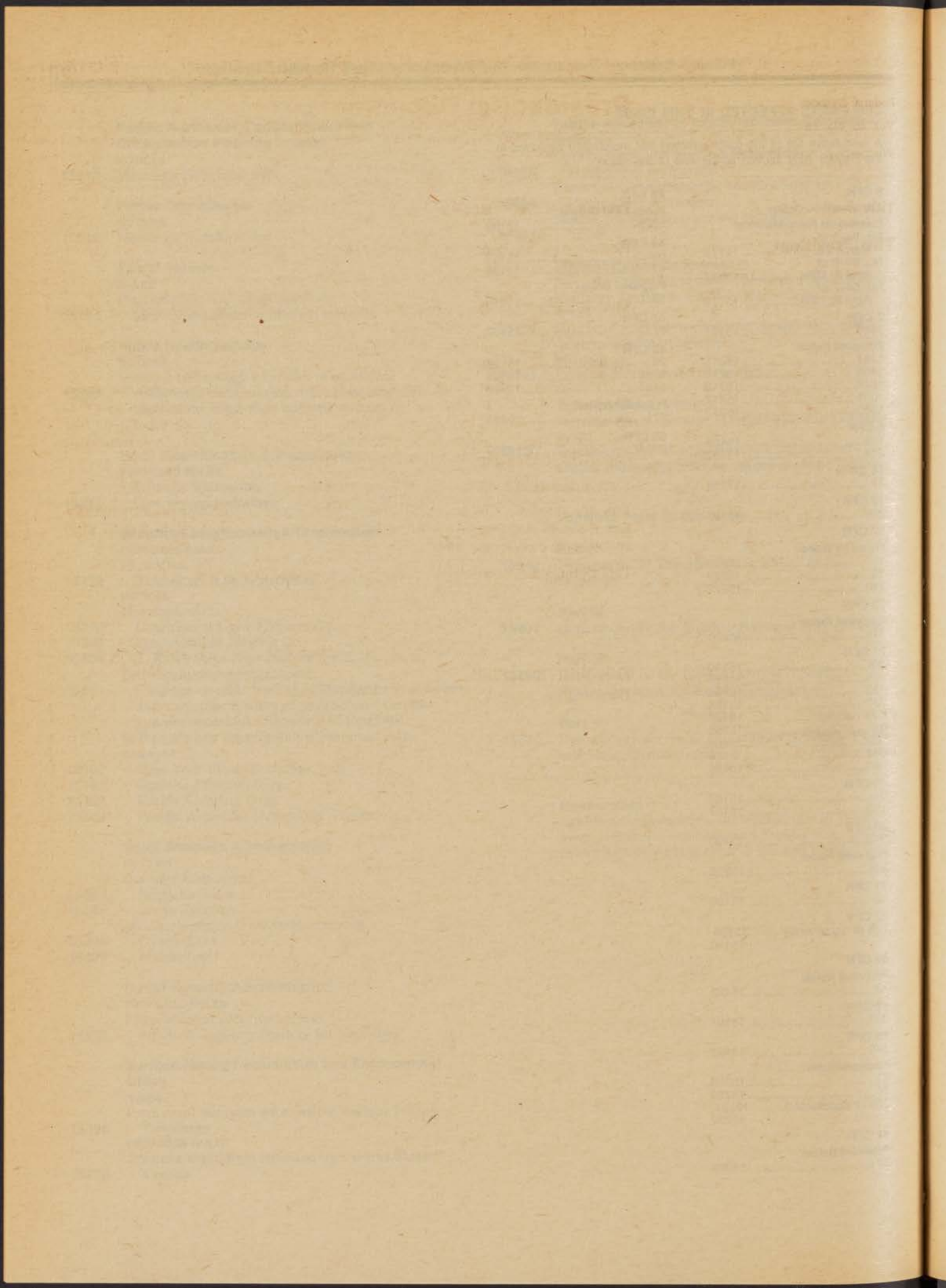
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Presidential Documents

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Presidential Determination No. 84-5 of March 26, 1984

The President

Economic Support Fund Assistance for Grenada

Memorandum for the Honorable George P. Shultz, the Secretary of State

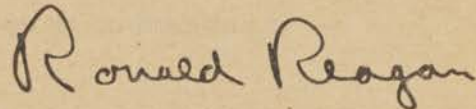
By virtue of the authority vested in me by Section 614(a)(1) of the Foreign Assistance Act of 1961, as amended (the "Act"), I hereby:

(1) determine that the furnishing of up to \$40 million for Grenada under Chapter 4 of Part II of the Act from funds earmarked for Lebanon under P.L. 98-43 (the "Lebanon Emergency Assistance Act of 1983") and P.L. 98-63 (the "Supplemental Appropriations Act, 1983") without regard to such earmarks, is important to the security interests of the United States; and

(2) authorize the furnishing of such assistance.

You are requested to report this determination to the Congress immediately, and none of the assistance provided for herein shall be furnished until after such report has been made.

This determination shall be published in the **Federal Register**.



THE WHITE HOUSE,
Washington, March 26, 1984.

[FR Doc. 84-10577

Filed 4-18-84; 4:28 pm]

Billing code 3155-01-M

Essential Documents

Essential Documents for the Study of the History of the United States

The following documents are essential for the study of the history of the United States. They are arranged in chronological order, from the earliest to the latest. Each document is followed by a brief description of its contents and its significance in the history of the United States.

1. The Declaration of Independence (1776)

2. The Constitution of the United States (1787)

3. The Bill of Rights (1791)

4. The Emancipation Proclamation (1863)

5. The Gettysburg Address (1863)

6. The Lincoln-Douglas Debates (1858)

7. The Dred Scott Decision (1857)

8. The Reconstruction Amendments (1865-1870)

9. The Supreme Court Decision in Plessy vs. Ferguson (1896)

10. The Supreme Court Decision in Brown vs. Board of Education (1954)

11. The Civil Rights Act of 1964

12. The Voting Rights Act of 1965

13. The Supreme Court Decision in Roe vs. Wade (1973)

14. The Supreme Court Decision in Bush v. Gore (2000)

15. The Affordable Care Act (2010)

16. The Supreme Court Decision in Obergefell vs. Hodges (2015)

17. The Supreme Court Decision in Dobbs vs. Jackson Women's Health Organization (2022)

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The End of the World

The End of the World

Presidential Documents

Presidential Determination No. 84-6 of April 3, 1984

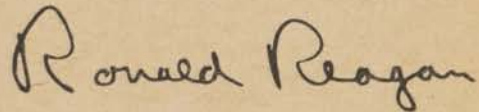
Eligibility of Grenada for Defense Articles and Defense Services Under the Arms Export Control Act

Memorandum for the Honorable George P. Shultz, the Secretary of State

Pursuant to the authority vested in me by Section 3(a)(1) of the Arms Export Control Act, I hereby find that the furnishing of defense articles and defense services to the Government of Grenada will strengthen the security of the United States and promote world peace.

You are directed on my behalf to report this finding to the Congress.

This finding shall be published in the **Federal Register**.



THE WHITE HOUSE,
Washington, April 3, 1984.

cc: The Honorable Caspar W. Weinberger, the Secretary of Defense

[FR Doc. 84-10578

Filed 4-18-84; 4:29 pm]

Billing code 3195-01-M

Editorial Comment

Editorial Comment on the Report of the Committee on the Medical Profession

Following the publication of the report of the Committee on the Medical Profession, the American Medical Association has received many suggestions for its improvement.

Some of the suggestions are: to make the report more concise, to make it more readable, and to make it more useful.

The Committee has taken these suggestions into consideration and has made the necessary changes. The result is a report which is more concise, more readable, and more useful than the original.

The Committee also has made some changes in the format of the report.

The Committee has decided to publish the report in two parts.

W. A. R. R.

THE AMERICAN MEDICAL ASSOCIATION

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Presidential Documents

Presidential Determination No. 84-7 of April 9, 1984

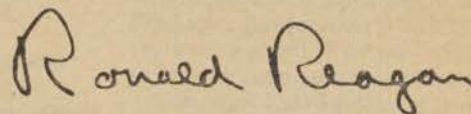
Eligibility of St. Christopher and Nevis for Defense Articles and Defense Services Under the Arms Export Control Act

Memorandum for the Honorable George P. Shultz, the Secretary of State

Pursuant to the authority vested in me by Section 3(a)(1) of the Arms Export Control Act, I hereby find that the furnishing of defense articles and defense services to the Government of St. Christopher and Nevis will strengthen the security of the United States and promote world peace.

You are directed on my behalf to report this finding to the Congress.

This finding shall be published in the **Federal Register**.



THE WHITE HOUSE,
Washington, April 9, 1984.

cc: The Honorable Caspar W. Weinberger, the Secretary of Defense

[FR Doc. 84-10579

Filed 4-18-84; 4:30 pm]

Billing Code 3195-01-M

Rules and Regulations

Federal Register

Vol. 49, No. 76

Wednesday, April 18, 1984

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

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

DEPARTMENT OF AGRICULTURE

Agriculture Marketing Service

7 CFR Part 1040

Milk in the Southern Michigan Marketing Area; Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rules.

SUMMARY: This suspension action makes inoperative from August 1, 1984, through January 31, 1986, the base-excess plan for paying producers for their milk under the Southern Michigan order. The suspension was requested by Michigan Milk Producers Association, a dairy farmer cooperative that represents about 70 percent of the producers supplying the market. During the time that the base-excess plan is suspended, the minimum federal order price to producers will be the uniform price each month. Approximately 85 percent of the market's producers supported suspending the base-excess plan for the duration of the new federal program designed to reduce total milk marketings, which will end early in 1985.

The base-establishing provisions would be reactivated on August 1, 1985. Payments for milk reflecting newly established base would resume with producer milk marketed after January 31, 1986.

EFFECTIVE DATE: August 1, 1984.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-4829.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Notice of Proposed Suspension: Issued January 27, 1984; published February 1, 1984 (49 FR 4004).

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action lessens the regulatory impact of the order on dairy farmers and will not affect milk handlers.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Southern Michigan marketing area.

Notice of proposed rulemaking was published in the Federal Register on February 1, 1984 (49 FR 4004) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon. The proponent cooperative submitted additional information in support of the proposed suspension. Two other dairy cooperative associations and an individual dairy farmer submitted comments in favor of the proposed action. One comment in opposition to the proposed suspension was received from a dairy farmer.

After consideration of all relevant material, including the proposal in the notice, the comments received, and other available information, it is hereby found and determined that the following provisions of the order do not tend to effectuate the declared policy of the Act:

A. From August 1, 1984, through January 31, 1986:

1. In § 1040.32, paragraph (a).
2. In § 1040.61, paragraphs (c), (d), and (e).
3. In § 1040.62(b), the words "the adjusted uniform price, the price for base milk, and the price for excess milk".
4. In §§ 1040.71(a)(1)(ii) and 1040.73(c), the words "for base milk".
5. In § 1040.74 the words "the base price and excess price or".
6. In § 1040.75(a)(1), the words, "base milk and", and the words "or adjusted uniform price".

B. From August 1, 1984, through July 31, 1985:

Sections 1040.90 through 1040.95.

Statement of Consideration

The suspension action would make inoperative beginning August 1, 1984, the order's 12-month base-excess plan for paying producers for their milk. The provisions providing for the establishment of a base by a producer would again become operative on August 1, 1985. The provisions providing for the payments for milk under the base-excess provisions would resume with respect to producer milk marketed after January 31, 1986.

Suspension of the base-excess producer payment plan for an indefinite period of time beginning August 1, 1984, was requested by Michigan Milk Producers Association (MMPA). MMPA represents about 70 percent of the producers supplying the market. In the notice of proposed action, it was noted that a suspension of order provisions for an indefinite period of time was inappropriate and would not be considered. However, interested persons were invited to comment on whether the base-excess producer payment plan should be suspended and what period of time should be covered by any suspension, if such were found to be appropriate.

The base-excess plan should be suspended. The plan is a producer program that has no direct effect on handler costs for milk. Rather, it is a method of dividing returns among producers in a manner designed to encourage a leveling of seasonal production. Producers perceive the base-excess program to be incompatible with the Milk Diversion Program (MDP), which is designed to reduce total milk marketings. The MDP is authorized by the Dairy and Tobacco Adjustment Act of 1983, and provides for incentive payments to dairy farmers who voluntarily contracted to reduce their milk marketings between January 1, 1984, and March 31, 1985, below an established history of production.

It may be, as some producers contend, that producers who did not choose to participate in the MDP would be able to increase their production in the base-forming months and thereby gain an advantage over those who did participate in the MDP. The advantage would lie in being able to market a greater volume of milk as base milk, which receives a higher price. Whether they would do so is a matter for

speculation. Nevertheless, it is clear that the vast majority of producers favor suspending the base-excess program. Since it is a producer program, the views of producers must carry considerable weight in this matter. Thus, suspension of the base-excess program is appropriate. Although an alternative approach would be to terminate the base-excess program, there is no overwhelming reason to do so and no indication that most producers would prefer termination.

The suspension of the base-excess plan provisions should be delayed until August 1, 1984, which is the start of a new base-forming period. This delay in implementation will allow producers who established the current amount of their base pounds in 1983 (before the MDP began) to qualify for the order's uniform price for base milk. In this manner, the dairy farmers who are participating in the MDP will receive the higher base price for proportionately more of their milk. In addition, the suspension of the base-excess plan provisions beginning on August 1, 1984, will remove any incentive for producers not participating in the MDP to establish a higher base while the MDP is operative.

The base-forming provisions of the order should again become operative on August 1, 1985, after the scheduled expiration of the MDP on March 31, 1985. A new base amount would be determined for each producer for the period of August through December 1985 and such base pounds would be the basis for payments for producer milk marketed after January 31, 1986.

Interested parties were asked to comment on the proposed suspension of the base-excess plan. One dairy farmer submitted comments opposing the suspension.

In view of the foregoing, the base-excess producer payment plan should be suspended.

Therefore, good cause exists for making this order effective August 1, 1984.

List of Subjects in 7 CFR Part 1040

Milk marketing orders, Milk, Dairy products.

It is therefore ordered, That the aforesaid provisions of the Southern Michigan order are hereby suspended as follows:

A. From August 1, 1984, through January 31, 1986:

1. In § 1040.32, paragraph (a).
2. In § 1040.61, paragraphs (c), (d), and (e).
3. In § 1040.63(b), the words "the adjusted uniform price, the price for

base milk, and the price for excess milk".

4. In §§ 1040.71(a)(1)(ii) and 1040.73(c), the words "for base milk".

5. In § 1040.74, the words "the base price and excess price or".

6. In § 1040.75(a)(1), the words "base milk and", and the words "or adjusted uniform price".

B. From August 1, 1984, through July 31, 1985:

Sections 1040.90 through 1040.95.

Effective Date: August 1, 1984.

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

Signed at Washington, D.C. on: April 11, 1984.

C. W. McMillan

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 84-10308 Filed 4-17-84; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Parts 103 and 214

Powers and Duties of Service Officers, Availability of Service Records; Nonimmigrant Classes; Petition for Alien To Perform Temporary Services or Labor

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule transfers the authority to make determinations on temporary labor certifications for the Territory of Guam from the Secretary of Labor to the Governor of Guam. This change provides for closer control and monitoring of the certification process and will assure that local employment statistics and other information will be available and used in the certification process.

EFFECTIVE DATE: June 18, 1984.

FOR FURTHER INFORMATION CONTACT:

For General Information: Loretta J. Shogren, Director, Policy Directives and Instructions, Immigration and Naturalization Service, 425 Eye Street NW., Washington, D.C. 20536, Telephone: (202) 633-3048

For Specific Information: Bert C. Rizzo, Immigration Examiner, Immigration and Naturalization Service, 425 Eye Street NW., Washington, D.C. 20536, Telephone: (202) 633-3946.

SUPPLEMENTARY INFORMATION: The present 8 CFR 214.2(h)(3)(i) vests the

Secretary of Labor with the authority to make determinations as to the availability of United States resident workers and whether or not the utilization of alien temporary workers (H-2's) under section 101(a)(15)(H)(ii) of the Immigration and Nationality Act, 8 U.S.C. 1101(a)(15)(H)(ii), will have an adverse impact upon wages and working conditions in the United States.

Prospective employers use temporary labor certifications, which embody these determinations, to support petitions for the employment of temporary alien workers in the United States. While the Service ultimately must judge availability and the possible adverse effect upon American workers, considerable weight is given to the Secretary's determinations. Generally, only in a case when the Secretary issues a notice that the certification cannot be made, will the Service make independent determinations, and even then the Service will consult with the Secretary prior to rendering a decision.

The Service published a proposed rule on May 13, 1983, 48 FR 21593, to transfer the certification authority for the Territory of Guam from the Secretary of Labor to the Governor of Guam. Nineteen comments were received on the proposed rule. Seventeen were from local Guam industries, one from the United States Department of Interior and one from the United States Department of Defense. The proposed rule was strongly supported by all but one commenter. The majority believe that the local government is in a better position than the Secretary of Labor to determine prevailing wage rates and the availability of United States resident workers.

The single negative comment was from a small business owner on Guam. He feared that only large companies will benefit from this change and that it would encourage formation of foreign-based corporations in Guam, but gave no rationale for how this might occur. The Service believes that this rule will not adversely impact small businesses. They will be able to compete on the same basis in the labor market as they currently do. Determinations as to the effect on wages and working conditions and the availability of resident labor will apply to all businesses and workers on Guam. We are unable to discern a connection between the proposed rule and foreign investment on Guam.

Four of the 18 commenters in favor of the rule change suggested modifications. However, the Service has determined that the rule should not be modified. The suggested modifications and our comments follow

(1) At least 50% of the certification board's membership should be composed of private contractors currently in business on Guam.

The Service's proposed regulations did not specify the system by which the Government of Guam would make its determinations as to prevailing wage rates and availability of United States resident workers. The Service will consider whether a certification board would be appropriate and if so, whether the proposed membership would be appropriate, when it reviews the proposed systems of the Governor of Guam made under (iv) of the final regulation.

(2) The phrase "qualified residents in the United States are not available" in section 214.2(h)(3)(ii)(A) should be changed to "qualified residents in the Territory of Guam are not available."

The availability of labor in the United States and the possibility of injuring wages and working conditions of resident workers through the use of foreign labor are recognized in the Immigration and Nationality Act ("Act"). Protection of opportunities for United States resident labor is among the most important concerns of the Act. Therefore, the Act requires that the Governor of Guam make job opportunities on Guam available to residents of the entire United States. In making availability determinations, it is not required that the Governor survey the entire United States for possible workers. A simple inquiry and placement of a job order with the local Job Service office of the Department of Labor will make the availability of job opportunities on Guam known in the remainder of the United States. The response to those job offers will help determine availability of resident workers.

(3) Section 214.2(h)(3)(iii)(D) should be deleted as it is ambiguous and too broad in scope.

Section 214.2(h)(3)(iii)(D) is designed to protect opportunities for United States resident workers, as required by section 101(a)(15)(H)(ii) of the Act. To accomplish the objective of that section of the Act, the Service believes it necessary to require that all resident workers be given the benefit of the same contractual commitments as those offered to foreign workers. For example, two common benefits provided to imported labor are housing and transportation allowances. If these are offered to foreign workers, they must be offered to resident workers as well.

(4) The quarterly reporting requirement of section 214.2(h)(3)(iv) should be reduced to a semi-annual report.

The objective of protecting United States resident labor dictates that the Service proceed carefully in delegating the authority to make temporary labor determinations in these unique circumstances. Therefore, the Service does not view the quarterly reporting requirement as excessive or burdensome. When the system is functioning satisfactorily, the Service will review the reporting requirements and will amend the regulations if appropriate.

Based upon the discussion above and in the preamble to the proposed rule, the Service believes that a functional and fair system of temporary labor certifications can be established for use in the Territory of Guam which utilizes the unique perspective of the Governor's office. Accordingly, the rule is published as proposed, with minor modifications for clarity. Additionally, the final rule provides that a certification issued by the governor may be invalidated where the certification request involved fraud or willful misrepresentation, or where the certification was improvidently issued. Provision for appeal of an invalidation to the Central Appeals Unit is added to 8 CFR 103.1(f)(2).

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that the rule will not have significant impact on a substantial number of small entities. The rule will not be a major rule as defined in section 1(b) of E.O. 12291. It will not have an effect on the economy of \$100 million or more; result in an increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions; or have a significant adverse effect on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects

8 CFR Part 103

Administrative practice and procedure, Authority delegations (government agencies).

8 CFR Part 214

Administrative practice and procedure, Aliens, Crime, Employment, Passports, Visas.

Accordingly, Chapter 1 of Title 8 of the Code of Federal Regulations is amended as follows:

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS, AVAILABILITY OF SERVICE RECORDS

Section 103.1 is amended by adding paragraph (f)(2)(xxvi) to read as follows:

§ 103.1 Delegations of Authority.

(f) * * *

(2) * * *

(xxvi) Invalidation of a temporary labor certification issued by the Governor of Guam under § 214.2(h)(3)(v) of this title.

PART 214—NONIMMIGRANT CLASSES

In § 214.2, paragraph (h)(3) is revised to read as follows:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

(h) * * *

(3) *Petition for alien to perform temporary service or labor.*—(i) *Labor certifications (except Guam).* Every petitioner must attach to every nonimmigrant visa petition to classify an alien under section 101(a)(15)(H)(ii) of the Act, except for employment on Guam, either:

(A) A certification from the Secretary of Labor or the Secretary's designated representative stating that qualified persons in the United States are not available and that the employment of the beneficiary will not adversely affect wages and working conditions of workers in the United States similarly employed; or

(B) A notice that such certification cannot be made. If there is attached to the petition a notice from the Secretary of Labor or the Secretary's designated representative that certification cannot be made, the petitioner shall be permitted to present countervailing evidence that qualified persons in the United States are not available and that the employment policies of the Department of Labor have been observed. All such evidence submitted will be considered in the adjudication of the petition.

(ii) *Labor certifications, Guam.* Every petitioner must attach to every nonimmigrant visa petition to classify an alien under section 101(a)(15)(H)(ii) of the Act for employment of Guam either:

(A) A certification from the Governor of Guam, or the Governor's designated representative within the Territorial Government, stating that qualified residents in the United States are not

available to perform the required services and that the employment of a nonimmigrant alien will not adversely affect the wages and working conditions of United States resident workers who are similarly employed on Guam; or

(B) A notice detailing the reasons why the certification required in paragraph (h)(3)(ii)(A) of this section cannot be made. If there is attached to the petition a notice from the Governor of Guam or the Governor's designated representative that certification cannot be made, the petitioner shall be permitted to present countervailing evidence that qualified persons in the United States are not available. All such evidence submitted will be considered in the adjudication of the petition.

(iii) *Criteria for Guam labor certifications.* The Governor of Guam shall establish systematic methods for determining the prevailing wage rates and working conditions for individual occupations of Guam and for making determinations as to availability of qualified United States residents. Wage and working condition determinations need only be made for those occupations where a prospective employer requests a certification to file with a nonimmigrant visa petition based on section 101(a)(15)(H)(ii) of the Act. The system to determine wages and working conditions must provide for consideration of wage rates and employment conditions for occupations in both the private and public sectors, in Guam and/or in the United States (as defined in section 101(a)(38) of the Act), and may not consider wages and working conditions outside of the United States. If the systems will include utilization of advisory opinions and consultations, any officially sanctioned group must reflect a balance of the interests of the private and public sectors, government, unions and management. All aspects of the systems must be appropriate to carry out the purposes of and be consistent with the Immigration and Nationality Act. The system must require that the prospective employer:

(A) Advertise the availability of the position for a minimum of 3 consecutive days in the newspaper of largest daily circulation on Guam;

(B) Place a job offer with an appropriate agency of the Territorial Government which operates as a job referral service to the unemployed at least 30 days in advance of the need for the services to commence;

(C) Report to the appropriate agency or Governor's designated representative the names of all United States resident workers who applied for the position,

indicating those hired or the job-related reasons for not hiring;

(D) Offer all special considerations to all United States resident workers that the employer provides to nonimmigrant alien workers, such as the payment of transportation expenses;

(E) Meet the prevailing wage rates and working conditions determined under the wages and working conditions system by the Governor or his designated representative; and

(F) Agree to meet all Federal and Territorial requirements relating to employment, such as nondiscrimination, occupational safety, and minimum wage requirements.

(iv) *Approval and publication of employment systems on Guam.* The Commissioner of Immigration and Naturalization must approve the system to determine prevailing wages and working conditions and the system to determine availability of United States resident workers and any future modifications of the systems prior to implementation. If the Commissioner, in consultation with the Secretary of Labor, finds the systems or modified systems meet the requirements of this subsection, the Commissioner shall publish them in the *Federal Register* and the Governor shall publish them as a public record in Guam. The Governor shall notify the Commissioner of all determinations under the wages and working condition system, including the specific data used in the computations. This information must be submitted quarterly beginning on the first day following the third full month after approval of the wages and working conditions system.

(v) *Invalidation of temporary labor certification issued by the Governor of Guam.*—(A) *General.* A temporary labor certification issued by the Governor of Guam or the Governor's designated representative may be invalidated by a district director if it is determined by the district director or a court of law that the certification request involved fraud or willful misrepresentation. A temporary labor certification can also be invalidated if the district director determines that the certification was improvidently issued.

(B) *Notice of intent to invalidate.* If the district director intends to invalidate a temporary labor certification, a notice of intent shall be served upon the applicant employer, detailing the reasons for the intended invalidation. The applicant employer shall have 10 days in which to file a written response in rebuttal of the notice of intent. The district director shall consider all evidence submitted upon rebuttal in reaching a decision.

(C) *Appeal of invalidation.* An applicant employer may appeal the invalidation of a temporary labor certification in accordance with Part 103 of this chapter.

(vi) *U.S. Virgin Islands.* After September 29, 1982, visa petitions filed under section 101(a)(15)(H)(ii) of the Act for employment in the U.S. Virgin Islands may be approved only for entertainers or athletes for periods not to exceed 45 days.

(vii) *Multiple beneficiaries.* When the petitioner seeks the services of more than one beneficiary and all the beneficiaries are not included in a single certification, a separate visa petition must be submitted for the beneficiary or beneficiaries covered in each certification.

(viii) *Statement of need.* A statement shall be furnished by the petitioner, with the visa petition, describing in detail the situation or conditions which make it necessary to bring the alien to the United States and whether the need is temporary, seasonal, or permanent. If the need is temporary or seasonal, the statement shall indicate whether the situation or conditions are expected to be recurrent.

(Secs. 103 and 214, Immigration and Nationality Act, as amended; 8 U.S.C. 1103 and 1184)

Dated: February 22, 1984.

Alan C. Nelson,
Commissioner, Immigration and
Naturalization Service.

[FR Doc. 84-10323 Filed 4-17-84; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 84-ANM-1]

Revised Transition Area; Nucla, Colorado

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The amendment revises the description of the Nucla, Colorado, transition area, the current description makes reference to the Nucla NDB which has never been commissioned. This action corrects the description.

EFFECTIVE DATE: April 18, 1984.

SUPPLEMENTARY INFORMATION: The Nucla, Colorado, transition area was established to ensure segregation of aircraft operating in instrument weather

conditions, and other aircraft operating in visual weather conditions or instrument weather conditions. The Nucla NDB has not been certified and is, therefore, unusable.

The description of the transition area will require new points of reference for accuracy. The geographical area and associated airspace encompassed by the transition area will remain unchanged.

Since this action involves only editorial changes in the description of the transition area and makes no substantive change, notice and public procedure herein are unnecessary and good cause exists for making the amendment effective in less than 30 days.

FOR FURTHER INFORMATION CONTACT:

Art Corwin, Airspace & Procedures Specialist, ANM-532, FAA Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington, 98168. The telephone number is (206) 431-2532.

List of Subjects in 14 CFR Part 71

Transition areas, Control zones, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended effective 0901 G.m.t., when published, as follows:

§ 71.181 Nucla, Colorado [Revised]

That airspace extending from 700 feet above the surface within a 9.5 mile radius of the NUCLA-Hopkins Field (lat. 38°14'22" N; 108°33'42" W) and within the area bounded by a line beginning at the 9.5 mile radius at lat. 38°22'30" N; long. 108°34'00" W; to lat. 38°30'00" N; long. 108°40'00" W; to lat. 38°24'00" N; long. 108°53'30" W; to lat. 38°11'00" N; long. 108°43'00" W; where the line will intersect the 9.5 mile radius; and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at lat. 38°34'00" N; long. 108°19'30" W; to lat. 37°34'00" N; long. 108°15'00" N; to lat. 37°32'30" N; long. 108°25'00" W; to lat. 37°57'30" N; long. 109°00'00" W; to lat. 38°34'00" N; long. 109°07'45" W; thence to the point of beginning.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); (49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); (Sec. 1165 of the Federal Aviation Regulations and 14 CFR 11.69))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current.

For this reason and the reasons given earlier in the preamble, it, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (14 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory elevation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Seattle, Washington.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 84-10283 Filed 4-17-84; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 399

[Docket No. 40444-4044]

Amendments to the Commodity Control List

AGENCY: Office of Export Administration International Trade Administration, Commerce.

ACTION: Final rule

SUMMARY: This rule, which neither expands nor limits the provisions of the Export Administration Regulations, amends export controls of the Commodity Control List (Supplement No. 1 to § 399.1) concerning restrictions on the use of General (export) License GLV and the availability of special licensing procedures for exporting certain commodities. These amendments are necessary due to the inadvertent insertion and/or elimination of text in the publication of a substantially revised format of the Commodity Control List (47 FR, December 29, 1982, 58122-58194).

EFFECTIVE DATE: April 18, 1984.

FOR FURTHER INFORMATION CONTACT: Vincent Greenwald, Exporter Services Division (telephone: (202) 377-3856).

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements

In connection with various rulemaking requirements, the Office of Export Administration has determined that:

1. Since this regulation involves a foreign affairs function, the provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed

rulemaking, the opportunity for public participation and a delay in effective date are inapplicable.

2. This rule does not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

3. This rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

4. This rule is exempt from the requirements of Executive Order No. 12291 (46 FR 13193, February 19, 1981), "Federal Regulation."

Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis.

List of Subjects in 15 CFR Part 399

Exports.

Accordingly, Commodity Group 5, Electronics and Precision Instruments, of the Commodity Control List (Supplement No. 1 to § 399.1) of the Export Administration Regulations (15 CFR Parts 368-399), is amended as follows:

1. ECCN 1502A is amended by revising the *Special Licenses Available* paragraph to read as follows:

1502A Communication, Detection or Tracking Equipment * * *

Special Licenses Available: A Distribution License is available for shipment of police model infrared viewers to countries listed in Supp. No. 2 to Part 373. Other special licenses, as well as a Distribution License, may be available for other equipment in the LIST below; see Part 373.

2. ECCN 4516B is amended by deleting the word "modulators" in the *Units* paragraph.

3. The *Special Licenses Available* paragraph of ECCN 1522A is revised to read as follows:

1522A Lasers and Laser Systems, Including Equipment Containing Them

Special Licenses Available: See Part 373. (Note: Special licenses are not available for equipment of the following description: machine tools containing or designed to contain lasers described in ECCN 1522A; single aperture lasers with an output greater than one thousand Joules per nanosecond; and tunable diode lasers.)

4. ECCN 1555A is amended by revising the *Special Licenses Available* paragraph to read as follows:

1555A Electron Tubes and Specialized Components and Parts Thereof, * * *

Special Licenses Available: A Distribution License is available for shipment of equipment defined in paragraphs (a) and (c) of the LIST below to countries listed in Supp. Nos. 2 or 3 to Part 373. Other special licenses, as well as a Distribution license, may be available for other equipment in the LIST; see Part 373.

Authority: Secs. 203, 206 Pub. L. 95-223, Title II 91 Stat. 1626, 1628 (50 U.S.C. 1702, 1704) Executive Order No. 12470 of March 30, 1984 (49 FR 13099, April 3, 1984).

Dated: April 9, 1984.

John K. Boidock,

Director, Office of Export Administration,
International Trade Administration.

[FR Doc. 84-10316 Filed 4-17-84; 8:45 am]

BILLING CODE 3510-DT-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 610, 620, 630, 640, 650, 660, and 680

[Docket No. 83N-0235]

General Biological Products Standards; Equivalent Methods

AGENCY: Food and Drug Administration.
ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the biologics regulations to allow manufacturers of any licensed biological product to use modified test methods or manufacturing processes that are found by the Director, Office of Biologics Research and Review, Center for Drugs and Biologics, to be equal or superior to the test methods or manufacturing processes specified in the regulations under 21 CFR Parts 610 through 680. Because the regulation is applicable to all biological products, FDA also is removing from the additional standards for specific products all similar provisions for permitting equivalent methods or processes.

DATE: Effective May 18, 1984.

FOR FURTHER INFORMATION CONTACT: Michael L. Hooton, Center for Drugs and Biologics (formerly National Center for Drugs and Biologics) (HFN-368), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1306.

SUPPLEMENTARY INFORMATION: The biologics regulations prescribe test

methods and manufacturing processes for licensed biological products to assure their safety, purity, potency, and effectiveness (21 CFR Parts 610 and 620 through 680). Most of the regulations for specific products now include provisions that permit manufacturers to use an alternative test method or manufacturing process, if the method or process is found by the Director, Office of Biologics Research and Review, Center for Drugs and Biologics, to be equal or superior to the method or process described in the regulations. These provisions are known as the "equivalent methods" provisions.

In the Federal Register of October 17, 1983 (48 FR 47009), FDA proposed to amend the biologics regulations to consolidate into new § 610.9 *Equivalent methods and processes* in Part 610 all of the equivalent methods provisions for specific products that are in Part 610 and Parts 620 through 680. FDA proposed that the requirements in new § 610.9 for obtaining FDA's approval for an equivalent method or process be essentially the same as the procedures that now are in Part 610 and Parts 620 through 680. FDA proposed that these equivalent methods provisions for specific products now in Part 610 and Parts 620 through 680 be removed.

The biologics regulations for certain specific tests, such as the test for Mycoplasma (21 CFR 610.30), now do not include provisions to permit the use of equivalent methods or processes. Also, the regulations for certain licensed biological products now do not include provisions to permit use of equivalent methods or processes. These products include Whole Blood (Human), Red Blood Cells (Human), Platelet Concentrate (Human), Single Donor Plasma (Human), Cryoprecipitated Antihemophilic Factor (Human), Immune Serum Globulin (Human), Antibody to Hepatitis B Surface Antigen, Reagent Red Blood Cells, Hepatitis B Surface Antigen, Limulus Amebocyte Lysate, Trivalent Organic Arsenicals, and Blood Group Substances. FDA proposed that equivalent methods or processes be permitted for the tests and products described above.

FDA provided 60 days for interested persons to submit comments on the proposal of October 17, 1983, and FDA received two letters of comment. Both letters supported adoption of the proposed rule and both also suggested inclusion of additional requirements.

1. One comment recommended that proposed § 610.9 be revised to include the criteria that FDA uses to determine the suitability of equivalent methods for each of various groups of products, such

as vaccines and blood products composed of complex substances of biological origin, or products composed essentially of a single active chemical substance, such as products produced by recombinant DNA technology.

FDA disagrees with the comment. FDA does not believe that it is possible or practical to provide in the regulations the criteria suggested by the comment. For example, FDA may approve a manufacturer's product license application for a product. A second manufacturer later may submit, and FDA may approve, a product license application for the same product but using a different manufacturing process. Thus, because of the diversity of approved methods and processes, the criteria used by the agency to review and approve equivalent methods for products are not suitable for codification in the Code of Federal Regulations.

2. One comment suggested that proposed § 610.9 be revised to include several requirements in addition to those that were proposed. Some of these suggested additions are consistent with FDA's proposed "NDA Rewrite" published in the Federal Register of October 19, 1982 (47 FR 46622). The comment suggested that a manufacturer with an approved product license for a product should be allowed to implement minor changes in test methods or manufacturing processes for the product without obtaining prior agency approval through submission of a product license amendment. When such minor changes are made, the manufacturer should be required to describe in a periodic report to FDA each of the changes made and its date of implementation. However, before a manufacturer implements a major change, such as a new analytical method or a new manufacturing process, the manufacturer should submit to FDA a product license amendment and obtain agency approval. If within 45 days after its filing FDA does not deny approval of a manufacturer's product license amendment, the manufacturer should be allowed to implement the amendment without FDA approval.

FDA believes that the suggestions have merit, but rejects them at this time. These and similar suggestions currently are being evaluated as part of FDA's retrospective review of all of the general regulations for biological products. (See the Federal Register of July 14, 1981; 46 FR 36333.) When the retrospective review is completed, FDA's proposed changes in the regulations, if any, will be published in the Federal Register for public comment. Furthermore, these suggested changes are outside the scope of this rulemaking.

FDA finds that both comments support adoption of this proposal as a first step in improving the regulations for biologic products. Accordingly, FDA is adopting the proposal without change, except that in the final rule the reference to the Director, Office of Biologics, is changed to read the Director, Office of Biologics Research and Review, to reflect a recent reorganization within FDA's Center for Drugs and Biologics (See 49 FR 10168; March 19, 1984.)

The agency has determined pursuant to 21 CFR 25.24(d)(10) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

The agency has reexamined the economic impact of this rule and has determined that it does not require either a regulatory impact analysis, as specified in Executive Order 12291, or a regulatory flexibility analysis as defined in the Regulatory Flexibility Act (Pub. L. 96-354). Specifically, this rule will provide manufacturers of all licensed biological products an opportunity to apply for use of a test method or manufacturing process that is modified from that prescribed in the biologics regulations. Although the immediate effect of the rule is neutral; i.e., it neither adds nor removes requirements from the standards for licensed biological products, a manufacturer may benefit from the flexibility permitted under the rule by gaining FDA approval of a modified method or process other than that prescribed under the biologics regulations. Therefore, the agency concludes that the rule is not a major rule as defined in Executive Order 12291. Further, the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act.

List of Subjects in 21 CFR Parts 610 through 680

Biologics, Blood, Labeling.

Therefore, under the Public Health Service Act (sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Parts 610, 620, 630, 640, 650, 660, and 680 are amended as follows:

PART 610—GENERAL BIOLOGICAL PRODUCTS STANDARDS

1. In Part 610:

a. By adding new § 610.9 to Subpart B to read as follows:

§ 610.9 Equivalent methods and processes.

Modification of any particular test method or manufacturing process or the conditions under which it is conducted as required in this part or in the additional standards for specific biological products in Parts 620 through 680 of this chapter shall be permitted only under the following conditions:

(a) The manufacturer presents evidence, in the form of a product license amendment, demonstrating that the modification will provide assurances of the safety, purity, potency, and effectiveness of the biological product equal to or greater than the assurances provided by the method or process specified in the general standards or additional standards for the biological product; and

(b) Approval of the modification is received in writing from the Director, Office of Biologics Research and Review (HFN-800), Center for Drugs and Biologics, 5600 Fishers Lane, Rockville, MD 20857.

§ 610.11 [Amended]

b. In § 610.11 *General safety*, by removing paragraph (f) and marking it "reserved."

§ 610.12 [Amended]

c. In § 610.12 *Sterility*, by removing paragraph (g)(3) and marking it "reserved."

§ 610.13 [Amended]

d. In § 610.13 *Purity*, by removing paragraph (c).

PART 620—ADDITIONAL STANDARDS FOR BACTERIAL PRODUCTS

§§ 620.7, 620.15, 620.25, 620.36, and 620.49 [Removed]

2. In Part 620, by removing §§ 620.7, 620.15, 620.25, 620.36, and 620.49. (All are titled "Equivalent methods.")

PART 630—ADDITIONAL STANDARDS FOR VIRAL VACCINES

§§ 630.6, 630.18, 630.37, 630.57, 630.67, 630.76, and 630.87 [Removed]

3. In Part 630, by removing §§ 630.6, 630.18, 630.37, 630.57, 630.67, 630.76, and 630.87. (All are titled "Equivalent methods.")

PART 640—ADDITIONAL STANDARDS FOR HUMAN BLOOD AND BLOOD PRODUCTS

4. In Part 640:

§ 640.2 [Amended]

a. In § 640.2 *General requirements*, by removing the last sentence in paragraph (b).

§§ 640.86 and 640.96 [Removed]

b. By removing §§ 640.86 and 640.96. (Both are titled "Equivalent methods.")

PART 650—ADDITIONAL STANDARDS FOR DIAGNOSTIC SUBSTANCES FOR DERMAL TESTS

§§ 650.7 and 650.16 [Removed]

5. In Part 650, by removing §§ 650.7 and 650.16. (Both are titled "Equivalent methods.")

PART 660—ADDITIONAL STANDARDS FOR DIAGNOSTIC SUBSTANCES FOR LABORATORY TESTS

§ 660.25 [Amended]

6. In Part 660, by removing paragraph (d) from § 660.25 *Potency test without reference preparations*.

PART 680—ADDITIONAL STANDARDS FOR MISCELLANEOUS PRODUCTS

§ 680.5 [Removed]

7. In Part 680, by removing § 680.5 *Equivalent methods*.

Effective date. This regulation is effective on May 18, 1984.

(Sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262))

Dated: April 5, 1984.

William F. Randolph,
Acting Associate Commissioner for
Regulatory Affairs.

[FR Doc. 84-10298 Filed 4-17-84; 8:45 am]

BILLING CODE 4180-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 51 and 150

[T.D. 7905]

Excise Tax Regulations Under the Crude Oil Windfall Profit Tax Act of 1980; Base Prices of Tier 2 and 3 Oil

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to final rule.

SUMMARY: This document contains corrections to the Federal Register publication beginning at 48 FR 35092 of the final regulations that were the subject of Treasury Decision 7905. T.D. 7905 relates to the determination of base prices of tier 2 and 3 oil for purposes of the windfall profit tax on domestically produced crude oil imposed by title I of

the Crude Oil Windfall Profit Tax Act of 1980.

EFFECTIVE DATE: Except as otherwise stated in the amendments that constitute T.D. 7905, the regulations that are the subject of this correction are effective with respect to tax liability for windfall profit tax on crude oil removed from the premises after September 30, 1980.

FOR FURTHER INFORMATION CONTACT: Donald W. Stevenson of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, Washington, D.C. 20224 (Attn: CC:LR:T), telephone 202-566-3297 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

On August 3, 1983, the Federal Register published final regulations (48 FR 35092) relating to the determination of base prices of tier 2 and 3 oil for purposes of the windfall profit tax on domestically produced crude oil imposed by title I of the Crude Oil Windfall Profit Tax Act of 1980. The regulations were issued under the authority of sections 4989(d), 4997(b) and 7805 of the Internal Revenue Code of 1954 (94 Stat. 233, 26 U.S.C. 4989(d); 94 Stat. 249, 26 U.S.C. 4997(b); 68A Stat. 917, 26 U.S.C. 7805).

Need for a Correction

As published, the amendatory language of T.D. 7905, beginning at the bottom of page 35093, right column, has raised some questions with regards to the 1984 revision of Title 26 CFR. This correction notice restates the amendatory language of T.D. 7905 in a format that resolves those uncertainties.

Correction of Publication

Accordingly, the publication of Treasury Decision 7905, which was the subject of FR Doc. 83-21096, is corrected by revising the amendatory language that begins at the bottom of the right column on page 35093 to read as follows:

PART 51—[AMENDED]

§ 51.4989-1 [Amended]

Paragraph 1. The proposed regulations under section 4989(d)(1) of the Internal Revenue Code of 1954, the text of which is set out as temporary regulations § 51.4989-1(c)(1)-(7), are adopted as final regulations under § 51.4989-1(c)(1)-(7).

Par. 2. Paragraph (c)(2) of § 51.4989-1 is amended by removing "March 1, 1980." and adding in its place "April 1, 1980.", and by removing "§ 150.6050C-1" and adding in its place "§ 51.6050C-1".

Par. 3. Paragraph (c)(3) of § 51.4989-1 is amended by removing "March 1,

1980." and adding in its place "April 1, 1980."

Par. 4. Paragraph (c)(7) of § 51.4989-1 is amended by removing "§ 150.4995-1" everywhere it appears and adding in those places "§ 51.4995-1", and by removing "§ 150.4995-3" everywhere it appears and adding in those places "§ 51.4995-3".

§ 150.4989-1 [Amended]

Par. 5. Paragraphs (c)(1)-(7) of § 150.4989-1 are removed.

Dated: April 13, 1984.

George H. Jelly,
Director, Legislation and Regulations
Division.

[FR Doc. 84-10326 Filed 4-17-84; 8:45 am]

BILLING CODE 4830-01-M

Office of the Secretary

31 CFR Part 10

Regulations Governing the Practice of Attorneys, Certified Public Accountants, Enrolled Agents, and Enrolled Actuaries Before the Internal Revenue Service; Clarification of Effective Date

AGENCY: Department of the Treasury.

ACTION: Clarification of effective date.

SUMMARY: This notice clarifies the effective date of the final regulations governing practice before the Internal Revenue Service in 31 CFR Part 10 to set standards for providing opinions used in the promotion of tax shelters. Such regulations were published in the Federal Register on February 23, 1984 (49 FR 6719).

FOR FURTHER INFORMATION CONTACT: Mr. Leslie S. Shapiro, Director of Practice, Department of the Treasury, Washington, D.C. 20220, (202) 535-6787 (non toll free).

SUPPLEMENTARY INFORMATION:

Clarification

A number of inquiries have been received concerning the effective date of the final tax shelter opinion regulations. The final rule states the following:

These final regulations are effective with respect to tax shelter opinions provided after May 23, 1984. This is interpreted to mean that the regulations will apply only to tax shelter opinions provided by practitioners to clients after May 23, 1984. Opinions furnished clients before that time will not be subject to the provisions of the regulations. However, any tax shelter offering material or sales promotion effort used before May 24, 1984 and modified on or after that date will require compliance

with the regulations by a practitioner if the modification relates to a matter which is required to be included in any tax shelter opinion issued after May 23, 1984.

Dated: April 13, 1984.

Peter J. Wallison,
General Counsel, Department of the Treasury.

[FR Doc. 84-10345 Filed 4-17-84; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment

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 USS RENTZ (FFG 46) and USS ROBERT G. BRADLEY (FFG 49) are vessels of the Navy which, due to their special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with their special functions as naval frigates and (2) has found that USS RENTZ (FFG 46) and USS ROBERT G. BRADLEY (FFG 49) are members of the FFG 7 class of ships, certain exemptions for which have been previously granted under 72 COLREGS, Rule 38. The intended effect of this rule is to warn mariners in waters where the 72 COLREGS apply.

EFFECTIVE DATE: April 5, 1984.

FOR FURTHER INFORMATION CONTACT: Captain Richard J. McCarthy, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332, Telephone number: (202) 325-9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in Executive Order 11964 and 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS RENTZ (FFG 46) and USS ROBERT G. BRADLEY (FFG 49) are vessels of the Navy which, due to their special construction and purpose, cannot comply fully with 72 COLREGS: Rule 21(a) regarding the arcs

of visibility of their forward masthead lights; Annex I, section 2(a)(i), regarding the height above the hull of their forward masthead lights; and Annex I, section 3(b), regarding the horizontal relationship of their sidelights to their forward masthead lights, without interfering with their special functions as Navy frigates. The Secretary of the Navy has also certified that the above-mentioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Notice is also provided to the effect that USS RENTZ (FFG 46) and USS ROBERT G. BRADLEY (FFG 49) are members of the FFG 7 class of ships for which certain exemptions, pursuant to 72 COLREGS, Rule 38, have been previously authorized by the Secretary of the Navy. The exemptions pertaining to that class, found in the existing tables of § 706.3, are equally applicable to these two ships. 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 public interest since it is based on technical findings that the placement of lights on these ships in a manner differently from that prescribed herein will adversely affect the ships' abilities to perform their military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (Water), and Vessels.

Accordingly, 32 CFR Part 706 is amended as follows:

PART 706—[AMENDED]

§ 706.2 [Amended]

1. Table One of § 706.2 is amended by adding the following vessels for which navigational light certifications are being herewith issued by the Secretary of the Navy:

Vessel	Number	Distance in meters of forward masthead light below minimum required height. Annex I, section 2(a)(i).
USS RENTZ	FFG 46	1.6
USS ROBERT G. BRADLEY	FFG 49	1.6

2. Table Four of § 706.2 is amended by adding to the existing paragraph 8 the following vessels for which navigational light certifications are being issued herewith by the Secretary of the Navy:

8. On the following ships the arc of visibility of the forward masthead light required by Rule 23(a)(1) may be obstructed through 1.6° arc of visibility at the points 021° and 339° relative to the ship's head.

Vessel	Number
USS RENTZ	FFG 46
USS ROBERT G. BRADLEY	FFG 49

3. Table Four of § 706.2 is amended by adding to the existing paragraph 9 the following vessels for which navigational light certifications are being issued herewith by the Secretary of the Navy:

9. Sidelights on the following ships do not comply with Annex I, section 3(b):

Vessel	Number	Distance of sidelights forward of masthead light in meters
USS RENTZ	FFG 46	2.75
USS ROBERT G. BRADLEY	FFG 49	2.75

Authority: E.O. 11964; 33 U.S.C. 1605.

Dated: April 5 1984.

John Lehman,
Secretary of the Navy.

[FR Doc. 84-10307 Filed 4-17-84; 8:45 am]

BILLING CODE 3810-AE-M

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment

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 USS MINNEAPOLIS-ST. PAUL (SSN 708) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special function as a naval submarine and (2) has found that USS MINNEAPOLIS-ST. PAUL (SSN 708) is a

member of the SSN 688 class of ships, exemptions for which have previously been granted under 72 COLREGS Rule 38. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: April 3, 1984.

FOR FURTHER INFORMATION CONTACT:

Captain Richard J. McCarthy, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 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 USS MINNEAPOLIS-ST. PAUL (SSN 708) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS: Rule 21(c) requiring that the sternlight show an unbroken light over an arc of the horizon of 135 degrees and so fixed as to show the light 67.5 degrees from right aft on each side of the vessel; Annex I, section 2(a)(i), pertaining to the height of the masthead light; Annex I, section 2(k), pertaining to the height and relative positions of the anchor lights; Annex I, section 3(b), pertaining to the location of the sidelights. Full compliance with the above-mentioned 72 COLREGS provisions would interfere with the special functions and purposes of the ship. The Secretary of the Navy has also certified that the above-mentioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements. Notice is also provided to the effect that USS MINNEAPOLIS-ST. PAUL (SSN 708) is a member of the SSN 688 class of ships for which certain exemptions, pursuant to 72 COLREGS, Rule 38, have been previously authorized by the Secretary of the Navy. The exemptions pertaining to that class, found in the existing tables of section 706.3, are equally applicable to USS MINNEAPOLIS-ST. PAUL (SSN 708). 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 public interest since it is based on technical findings that the placement of lights on this ship in a manner differently from that prescribed

herein will adversely affect the ship's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navy Department,

Navigation (Water), and Vessels.

PART 706—[AMENDED]

Accordingly, 32 CFR Part 706 is amended as follows:

§ 706.2 [Amended]

1. Table Three of § 706.2 is amended to indicate certifications issued by the Secretary of the Navy by inserting the following entry:

Vessel	Number	Masthead light, arc of visibility; Rule 21(a)	Sidelights, arc of visibility; Rule 21(b)	Stern light, arc of visibility; Rule 21(c)	Sidelights, distance inboard of ship's sides in meters; section 3(b), Annex I	Stern light, distance forward of stern in meters; Rule 21(c)	Forward Anchor light, height above hull in meters; section 2(k), Annex I	Anchor lights, relationship of aft light to forward light in meters; section 2(k), Annex I
MINNEAPOLIS-ST. PAUL	SSN 706			209°	4.2	6.2	3.5	1.7 below.

2. Table One of § 706.2 is amended to indicate certifications issued by the Secretary of the Navy by insertion of the following entry:

Vessel	Number	Distance in meters of forward masthead light below minimum required height; section 2(a)(i), Annex I
USS MINNEAPOLIS-ST. PAUL	SSN 708	3.5

Authority: E.O. 11964; 33 U.S.C. 1805.

Dated: April 3, 1984.

John Lehman,
Secretary of the Navy.

[FR Doc. 84-10306 Filed 4-17-84; 8:45 am]

BILLING CODE 3810-AE-M

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972, Amendment

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 USS OLYMPIA (SSN 717) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain

provisions of the 72 COLREGS without interfering with its special function as a naval submarine and (2) has found that USS OLYMPIA (SSN 717) is a member of the SSN 688 class of ships, exemptions for which have previously been granted under 72 COLREGS, Rule 38. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: April 3, 1984.

FOR FURTHER INFORMATION CONTACT: Captain Richard J. McCarthy, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332 Telephone number: (202) 325-9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1805 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 USS OLYMPIA (SSN 717) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS: Rule 21(c) requiring that the sternlight show an unbroken light over an arc of the horizon of 135 degrees and so fixed as to show the light 67.5 degrees from right aft on each side of the vessel; Annex I, section 2(a)(i), pertaining to the height of the masthead light; Annex I, section 2(k), pertaining to the height and relative positions of the anchor lights; Annex I, section 3(b), pertaining to the location of the sidelights. Full compliance with the above-mentioned 72 COLREGS provisions would interfere

with the special functions and purposes of the ship. The Secretary of the Navy has also certified that the above-mentioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements. Notice is also provided to the effect that USS OLYMPIA (SSN 717) is a member of the SSN 688 class of ships for which certain exemptions, pursuant to 72 COLREGS, Rule 38, have been previously authorized by the Secretary of the Navy. The exemptions pertaining to that class, found in the existing tables of section 706.3, are equally applicable to USS OLYMPIA (SSN 717). 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 public interest since it is based on technical findings that the placement of lights on this ship in a manner differently from that prescribed herein will adversely affect the ship's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (Water), and Vessels.

PART 706—[AMENDED]

Accordingly, 32 CFR Part 706 is amended as follows:

§ 706.2 [Amended]

1. Table Three of § 706.2 is amended to indicate certifications issued by the Secretary of the Navy by inserting the following entry:

Vessel	Number	Masthead light, arc of visibility; Rule 21(a)	Sidelights, arc of visibility; Rule 21(b)	Stern light, arc of visibility; Rule 21(c)	Sidelights, distance inboard of ship's sides in meters; section 3(b), Annex I	Stern light, distance forward of stern in meters; Rule 21(c)	Forward Anchor light, height above hull in meters; section 2(k), Annex I	Anchor lights, relationship of aft light to forward light in meters; section 2(k), Annex I
USS OLYMPIA	SSN 717			209°	4.2	6.1	3.4	1.7 below

2. Table One of § 706.2 is amended to indicate certifications issued by the Secretary of the Navy by insertion of the following entry:

Vessel	Number	Distance in meters of forward masthead light below minimum required height; section 2(a)(1), Annex I
USS OLYMPIA	SSN 717	3.5

Authority: E.O. 11964; 33 U.S.C. 1605.

Dated: April 3, 1984.

John Lehman,

Secretary of the Navy.

[FR Doc. 84-10305 Filed 4-17-84; 8:45 am]

BILLING CODE 3810-AE-M

POSTAL SERVICE

39 CFR Part 233

Rewards

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This final rule amends Postal Service regulations to add new reward categories pertaining to: The murder or manslaughter of a postal employee, contraband postage, and destruction of mail. The rule also increases the maximum amount of reward for information and services leading to the arrest and conviction of any person for an assault on a postal employee.

EFFECTIVE DATE: April 18, 1984.

FOR FURTHER INFORMATION CONTACT:

C. P. Nelson, (202) 245-5449.

SUPPLEMENTARY INFORMATION: To carry out the changes described above, the Postal Service adds a new 39 CFR 233.2(b)(1)(viii) to show that murder or manslaughter of a postal employee is now included among the postal offenses for which rewards for information and services are authorized. Also revised are § 233.2 (b)(1)(v) and (b)(1)(vi) to show that offenses pertaining to contraband postage and destruction of mail are now rewardable. The text of Notice 96 which follows paragraph (b)(2) of § 233.2 is also revised.

List of Subjects in 39 CFR Part 233

Law enforcement, Crime, Postal Service.

PART 233—INSPECTION SERVICE AUTHORITY

Accordingly, 39 CFR is amended as follows:

In § 233.2, paragraph (b)(1)(viii) is added, paragraphs (b)(1)(v) and

(b)(1)(vi) are revised and the text of Notice 96 in the note following paragraph (b)(2) is revised to read as follows:

§ 233.2 Circulars and rewards.

(b) * * *

(1) * * *

(v) Destroying, obstructing or retarding the passage of mail.

(vi) Altering, counterfeiting, forging, unlawful uttering or passing of postal money orders; or the unlawful use, counterfeiting or forgery of postage stamps or other postage; or the use, sale or possession with intent to use or sell, any forged or counterfeited postage stamp or other postage.

(vii) * * *

(viii) Murder or manslaughter of a postal employee.

(2) * * *

Note.—* * *

The United States Postal Service offers a reward up to the amounts shown for information and services leading to the arrest and conviction of any person for the following offenses:

Murder or Manslaughter, \$25,000. The unlawful killing of any officer or employee of the Postal Service while engaged in or on account of the performance of their official duties.

Robbery, \$10,000. Robbery or attempted robbery of any custodian of any mail, or money or other property of the United States under the control and jurisdiction of the United States Postal Service, if such custodian is wounded or killed, or the custodian's life jeopardized; but not to exceed \$5,000 if the custodian is not wounded or killed, or his life jeopardized.

Bombs or Explosives, \$10,000. Mailing or causing to be mailed any bombs or explosives which may kill or harm another, or injure the mails or other property, or the placing of any bomb or explosive in a postal facility, vehicle, depository or receptacle established, approved or designated by the Postmaster General for the receipt of mail.

Assault on Postal Employees, \$5,000. Forcibly assaulting any officer or employee of the Postal Service while engaged in or on account of the performance of their official duties; but not to exceed \$1,000 if there is no deadly weapon used.

Burglary of Post Office, \$5,000. Breaking into, or attempting to break into a post office, station, branch, or a building used wholly or partially as a post office with intent to commit a larceny or other depredation in that part used as a post office.

Poisons, Controlled Substances, or Hazardous Materials, \$1,000. Mailing or causing to be mailed any poison, controlled substances or hazardous materials.

Theft of Mail, \$1,000. Theft or attempted theft of any mail, or the contents thereof, or the theft of money or any other property of the United States under the custody and control of the United States Postal Service

from any custodian, postal vehicle, railroad depot, airport, or other transfer point, post office or station or receptacle or depository established, approved, or designated by the Postmaster General for the receipt of mail.

Offenses Involving Postal Money Orders or Postage, \$1,000. Altering, counterfeiting, forging, unlawful uttering or passing of postal money orders; or the unlawful use, counterfeiting or forgery of postage stamps or other postage; or the use, sale or possession with intent to use or sell, any forged or counterfeited postage stamp or other postage.

Destruction or Obstruction of Mail, \$1,000. Destroying, obstructing or retarding the passage of mail, or any carrier or conveyance carrying the mail.

Related Offenses

The United States Postal Service also offers rewards as stated above for information and services leading to the arrest and conviction of any person:

1. for being an accessory to any of the above crimes;

2. for receiving or having unlawful possession of any mail, money or property secured through the above crimes;

3. for conspiracy to commit any of the above crimes.

GENERAL PROVISIONS

1. The Postal Inspection Service investigates the above described crimes. Information concerning these violations, and requests for applications for rewards, should be furnished to the nearest Postal Inspector.

2. The term "custodian" as used herein includes any person having lawful charge, control, or custody of any mail matter, or any money or other property of the United States under the control and jurisdiction of the United States Postal Service.

3. The amount of any reward will be based on the importance of services rendered, character of the offender, risks and hazards involved, time spent, and expenses incurred. Amounts of rewards shown above are the maximum amounts which will be paid. Maximum rewards will be paid only when services rendered contributed significantly to the arrest and conviction of the offender.

4. The Postal Service reserves the right to reject a claim for reward where there has been collusion, criminal involvement, or improper methods have been used to effect an arrest or to secure a conviction. It has the right to allow only one reward when several persons were convicted of the same offense, or one person was convicted of several of the above offenses.

5. A written claim for reward payment must be submitted to the nearest Postal Inspector within six months from the date of conviction of the offender, or the date of formally deferred prosecution or the date of his death, if killed in committing a crime or resisting lawful arrest for one of the above offenses.

[39 U.S.C. 401(2), 404(a)(8), 410(b)(2)]

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 84-10322 Filed 4-17-84; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 1F2567, 2F2628/R658; PH-FRL 2565-3]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Pendimethalin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for the combined residues of the herbicide pendimethalin and its metabolite in or on certain raw agricultural commodities. This regulation to establish maximum permissible levels for residues of pendimethalin in or on the commodities was requested by the American Cyanamid.

EFFECTIVE DATE: Effective on April 18, 1984.

ADDRESS: Written objections, identified by the document control number [PP 1F2567, 2F2628/R658], may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Robert Taylor, Product Manager (PM) 25, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460. Office location and telephone number: Rm. 245, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1800).

SUPPLEMENTARY INFORMATION: EPA issued notices published in the Federal Register which announced that the American Cyanamid, PO Box 400, Princeton, NJ 08540, submitted the following pesticide petitions (PP) proposing to amend 40 CFR 180.361 by establishing tolerances for the combined residues of the herbicide pendimethalin [*N*-(1-ethylpropyl)-3,4-dimethyl-2,6-dinitrobenzenamine] and its metabolite 4-[[1-ethylpropyl] amino]-2-methyl-3,5-dinitrobenzyl alcohol in or on certain raw agricultural commodities.

1. PP 1F2567. Published in the Federal Register of October 27, 1981 (46 52417) proposing tolerances for the combined

residues of pendimethalin and its metabolite in or on lima beans (snap, dry), bean foliage and straw at 0.1 part per million (ppm).

2. PP 2F2628. Published in the Federal Register of March 10, 1982 (47 FR 10286) proposing tolerances for the combined residues of pendimethalin and its metabolite in or on sweet corn fodder, forage, and grain at 0.1 ppm.

There were no comments received in response to the notices of filing.

The pesticide is considered useful for the purposes for which the tolerances are sought. The data submitted in the petitions and other relevant material have been evaluated. The data considered include acute studies, a 21-day dermal study (rabbits) with no-observed-effect level (NOEL) of 1 mg/kg/day; a 90-day feeding study (rats) with a NOEL of 25 mg/kg/day; a 90-day feeding study (dogs) with a NOEL of 62.5 mg/kg/day; a 2-year chronic feeding study (dogs) with a NOEL of 12.5 mg/kg/day; a 3-generation reproduction study (rats) with a NOEL of 25 mg/kg/day; a teratology study (rats-no teratogenic or fetotoxic effects observed at doses up to 500 mg/kg/day); a teratology study (rabbits-no teratogenic effects observed at doses up to, and including, 60 mg/kg/day); a cataractogenic study which was negative at up to 3,000 ppm (HDT); and three mutagenic studies (dominant lethal, host mediated assay, and Ames test) all negative for mutagenic effects.

The accepted daily intake (ADI) based on the 90-day rat feeding study (NOEL of 25 mg/kg/day) and using a 2000-fold safety factor is calculated to be 0.0125 mg/kg/day. The maximum permitted intake (MPI) for a 60-kg human is calculated to be 0.75 mg/day. The theoretical maximum residue contribution (TMRC) for existing tolerances is calculated to be 0.0113 mg/day. The current action will use 0.69 percent of the ADI. Published tolerances use 1.50 percent of the ADI.

The herbicide pendimethalin contains a nitrosoamine contaminant. The Agency's toxicologists have performed a risk assessment for the nitrosoamine contaminant in the product and the calculations indicate that if the nitrosoamine contaminant were not in excess of 135 ppm, the associated upper level of risk would not exceed 1×10^{-6} (1/1,000,000). Data submitted to the Agency show that the level of nitrosoamine contaminant is below the level calculated.

In the 2-year rat feeding/oncogenicity study, there were increased incidence of endometrial adenocarcinoma of the uterus at the high dose (5,000 ppm). This study allows the conclusion that

ingestion of pendimethalin at 5,000 ppm may be associated with the development of neoplasms in the uterus. Endometrial adenocarcinomas have been reported to be associated with dosing of *N*-nitroso compounds. To address this question, and because of other study deficiencies, EPA has required American Cyanamid to repeat the rat feeding/oncogenicity study using commercial grade pendimethalin.

The nature of the residues of pendimethalin in plants and animals is adequately understood. An adequate analytical method, gas chromatography with an electron capture detector, is available for enforcement purposes. No residues are likely to result in eggs, milk, meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep. There are currently no actions pending against the continued registration of pendimethalin.

Title 40, § 180.361 of the Code of Federal Regulations, gives the chemical name "*N*-(1-Ethylpropyl)-3,4-dimethyl-2,6-dinitrobenzenamine" for the American National Standards Institute (ANSI) common name "pendimethalin". With this rule, the common name pendimethalin is adopted.

Based on the information cited above, the Agency has determined that the establishment of the tolerances for residues of the pesticide in or on the commodities will protect the public health. Therefore, the tolerances are established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the Federal Register, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulations deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in

the Federal Register of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2)))

Dated: March 30, 1984.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.361 is revised to read as follows:

§ 180.361 Pendimethalin; tolerances for residues.

(a) Tolerances are established for the combined residues of the herbicide pendimethalin [N-(1-ethylpropyl)-3,4-dimethyl-2,6-dinitrobenzenamine] and its metabolite 4-[(1-ethylpropyl)amino]-2-methyl-3,5-dinitrobenzyl alcohol in or on the following raw agricultural commodities:

Commodities	Parts per million
Beans, lima (dry, snap).....	0.1
Beans, forage.....	0.1
Beans, hay.....	0.1
Corn, fodder.....	0.1
Corn, forage.....	0.1
Corn, fresh (including sweet, K + CWHR).....	0.1
Corn, grain.....	0.1
Cottonseed.....	0.1
Peanuts.....	0.1
Peanut, hay.....	0.1
Peanut, forage.....	0.1
Rice, grain.....	0.05
Soybeans.....	0.1
Soybeans, forage.....	0.1
Soybeans, hay.....	0.1
Sunflower, seeds.....	0.1

(b) Tolerances are established for the combined residues of the herbicide pendimethalin [N-(1-ethylpropyl)-3,4-dimethyl-2,6-dinitrobenzenamine] and its metabolite 4-[(1-ethylpropyl)amino]-2-methyl-3,5-dinitrobenzyl alcohol and 3-[(1-ethylpropyl)amino]-6-methyl-2,4-dinitrobenzyl alcohol in or on the following raw agricultural commodities:

Commodities	Parts per million
Peanut, hulls.....	0.25

[FR Doc. 84-9960 Filed 4-17-84; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6528

[A-030682, A-033854, A-049677, AA-50511]

Alaska; Transfer of Jurisdiction; Revocation of Public Land Order 1102, As Amended; Partial Revocation of Public Land Orders 1345, 1523, and 2993

Correction

In FR Doc. 84-8449 appearing on page 12264 in the issue of Thursday, March 29, 1984, make the following correction:

On page 12264, second column, under the first heading for "Seward Meridian, Alaska", fifth line, insert a comma before the last "S".

BILLING CODE 1505-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Modified base (100-year) flood elevations are finalized for the communities listed below.

These modified elevations will be used in calculating flood insurance premium rates for new buildings and their contents and for second layer coverage on existing buildings and their contents.

DATES: The effective dates for these modified base flood elevations are indicated on the following table and amend the Flood Insurance Rate Map(s) (FIRM) in effect for each community listed prior to this date.

ADDRESSES: The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed on the following table.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of modified flood elevations for each community listed. These modified elevations have been published in newspaper(s) of local circulation and ninety (90) days have elapsed since that publication. The Administrator has resolved any appeals resulting from this notification.

Numerous changes made in the base (100-year) flood elevations on the Flood Insurance Rate Maps (FIRM) for each community make it administratively infeasible to publish in this notice all of the changes contained on the maps. However, this rule includes the address of the Chief Executive Officer of the community, where the modified base flood elevation determinations are available for inspection.

The modifications are made pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 65.

For rating purposes, the revised community number is shown and must be used for all new policies and renewals.

The modified base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations, together with the flood plain management measures required by 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State or regional entities.

These modified base flood elevations shall be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for second layer coverage on existing buildings and their contents.

The changes in the base flood elevations are in accordance with 44 CFR 65.4.

State	County	Location	Date and Name of Newspaper where notice was published	Chief Executive Officer of Community	Effective date of Modification	Community No.
South Dakota	Pennington	Town of New Underwood FEMA 6590.	Dec. 23, 1983, Dec. 30, 1983 <i>Rapid City Journal</i>	Honorable I.L. Oliff, Mayor, town of New Underwood, Box 278; New Underwood, S. Dak.	Dec. 16, 1983	460092C

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 65

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Administrator).

Dated: April 10, 1984.

Jeffrey S. Bragg,
Administrator, Federal Insurance
Administration.

[FR Doc. 84-10249 Filed 4-17-84; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are finalized for the communities listed below.

The base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM) showing base (100-year) flood elevations, for the community. This date may be obtained by contacting the office where the maps are available for inspection indicated on the table below:

ADDRESSES: See table below:

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of flood elevations for each community listed. Proposed base flood elevations or proposed modified base flood elevations have been published in the *Federal Register* for each community listed.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR Part 67. An opportunity for the community or

individuals to appeal the proposed determination to or through the community for a period of ninety (90) days has been provided.

The Agency has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies for reasons set out in the proposed rule that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, this rule is not a major rule under terms of Executive Order 12291, so no regulatory analyses have been proposed. It does not involve any collection of information for purposes of The Paperwork Reduction Act.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and Flood Insurance Rate Map available at the address cited below for each community.

The modified base flood elevations are finalized in the communities listed below. Elevations at selected locations in each community are shown. Any appeals of the proposed base flood elevations which were received have been resolved by the Agency.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD). Modified
California	Riverside County (unincorporated areas); FEMA-6568.	Murrieta Creek at Temecula	100 feet upstream from center of Rancho California Road.	*1,008
Maps are available for review at the Flood Control Department, 1995 Market Street, Riverside, California.				
Connecticut	Weston, Town, Fairfield County (Docket No. FEMA-6576).	Saugatuck River	Downstream of Davis Hill Road. Approximately 300 feet upstream of Davis Hill Road. Confluence with Jennings's Brook	*118 *120 *124
		Jennings's Brook	Downstream of footbridge located 700 feet upstream of Cobble Dam. Confluence with Saugatuck River	*125 *124
Maps available for inspection at the Town Hall, Weston, Connecticut.				
Florida	City of Port Orange, Volusia County (Docket No. FEMA-6574).	Intercoastal River.	Waterway/Hallifax At 3,000 feet due east of the intersection of Ridgewood Avenue and Ocean Avenue. At 5,500 feet due east of the intersection of Fox Place and Ridgewood Avenue.	*8 *7

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD). Modified
			At the intersection of Fox Place and Ridgewood Avenue.	*7
Maps available for inspection at the City Clerk's Office, 209 Dunlawton Avenue, Port Orange, Florida.				
Georgia	(Uninc.) Rockdale County (Docket No. FEMA-6547).	Honey Creek	Just upstream of Turner Hill Road About 0.5 mile upstream of Turner Hill Road	*778 *785
Maps available for inspection at P.O. Box 289, Conyers, Georgia.				
Idaho	Kootenai County (Unincorporated Areas), FEMA-6576.	Nettleton Gulch French Gulch	50 feet upstream from the centerline of 15th Street 40 feet upstream from the centerline of Galena Road	*2,187 *2,184
Maps are available for review at Engineering Services, 501 Government Way, Coeur d'Alene, Idaho.				
Maryland	Harford County (FEMA Docket No. 6581).	Bush River Gunpowder River	Eastern shoreline north of CONRAIL to Park Beach Drive extended (north). Northern shoreline Western shoreline from Birch Avenue extended to the Bush River Yacht Club. Western shoreline from Bush River Yacht Club to Baker Avenue West (extended). Western shoreline north of CONRAIL Shoreline from confluence of Foster Branch to confluence with Gunpowder Falls.	*10 *10 *10 *10 *10 *10
Maps available for inspection at the Harford County Building, 45 South Main Street, Bel Air, Maryland.				
Minnesota	(C) Brooklyn Park, Hennepin County (Docket No. FEMA-6547).	Shingle Creek	Just upstream of 77th Avenue North (near Douglas Drive). Just upstream of West Broadway	*865 *869
Maps available for inspection at 5800 85th Avenue North, Brooklyn Park, Minnesota.				
Missouri	City of St. Joseph, Buchanan County (Docket No. FEMA-6576).	One Hundred and Two River Missouri River	Just upstream of Cook Road Just upstream of State Highway 8 Just upstream of Burlington Northern Railroad About 0.35 mile downstream of Burlington Northern Railroad. Northern corporate limits Western corporate limits	*859 *855 *854 *852 *821 *814
Maps available for inspection at the City Hall, Zoning and Planning Department, Room 201, Eleventh and Frederick Avenue, St. Joseph, Missouri.				
New York	Glen Cove, City, Nassau County (Docket No. FEMA-6574).	Long Island Sound	Shell Drive (extended west) Crescent Beach Road (extended west)	*17 *17
Maps available for inspection at the City Hall, Bridge Street, Glen Cove, New York.				
New York	Perinton, Town, Monroe County (Docket No. FEMA-6576).	Thomas Creek	Approximately 90' downstream of Baird Road Upstream of Baird Road Downstream of O'Connor Road Upstream of Turk Hill Road Culvert Approximately 3,730' upstream of CONRAIL	*397 *400 422 *461 *463
Maps available for inspection at the Perinton Town Hall, 1350 Turk Hill Road, Fairport, New York.				
Ohio	City of Louisville, Stark County (Docket No. FEMA-6581).	East Branch Nimishillen Creek	Approximately 1.54 miles downstream of Conrail States Route 153 North Chapel Street Approximately 0.52 mile upstream of North Chapel Street	*1,084 *1,102 *1,104 *1,109
Maps available for inspection at City Hall, 215 S. Mill Street, Louisville, Ohio.				
Oklahoma	Broken Arrow, City, Tulsa & Wagoner Counties (Docket No. FEMA-6563).	Hailey Creek Middle Branch Hailey Creek	Missouri-Kansas-Texas Railroad (upstream side) 61st Street (upstream side) Dover Street (downstream side) Approximately 100 feet downstream of Detroit Street Approximately 100 feet upstream of Detroit Street Missouri-Kansas-Texas Railroad (downstream side)	*700 *717 *719 *697 *698 *705
Maps available for inspection at the City Hall, Broken Arrow, Oklahoma.				
Pennsylvania	East Fallowfield, Township, Chester County (Docket No. FEMA-6563).	Buck Run	Upstream corporate limits	*447
Maps available for inspection at the East Fallowfield Township Building, Coatesville, Pennsylvania.				
Pennsylvania	Mill Hall, Borough, Clinton County (Docket No. FEMA-6574).	Fishing Creek	Approximately 230' upstream of CONRAIL Upstream of Church Street Upstream corporate limits	*577 *594 *595
Maps available for inspection at the Mill Hall Borough Council Room, 215 Beech Creek Avenue, Mill Hall, Pennsylvania.				
Pennsylvania	New Hope, Borough, Bucks County (Docket No. FEMA-6581).	Delaware River Aquetong Creek	Downstream corporate limits Confluence of Aquetong Creek Upstream corporate limits Confluence with Delaware River	*67 *70 *73 *70
Maps available for inspection at the Borough Hall, 41 North Main Street, New Hope, Pennsylvania.				
Tennessee	City of Columbia, Maury County (Docket No. FEMA-6568).	Duck River	About 2.0 miles upstream of 5th Street About 1.6 miles downstream of Industrial Park Drive	*589 *575

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD). Modified
		Little Bigby Creek.....	At confluence with Duck River..... Just downstream of Hampshire Pike..... Just downstream of New Experiment Lane..... Just upstream of Louisville and Nashville Railroad..... Just upstream of Trotwood Avenue (U.S. 43)..... About 2.0 miles upstream of U.S. Route 43.....	*577 *580 *595 *602 *610 *627
Maps available for inspection at the Engineering Department, City Hall, 707 North Main Street, Columbia, Tennessee.				
Texas.....	Castle Hills, City, Bexar County (Docket No. FEMA-6561).	Olmos Creek.....	Downstream corporate limits..... Upstream of Interstate Route 410..... Upstream corporate limits.....	*773 *780 *814
Maps available for inspection at the Castle Hills City Hall, 6915 West Avenue, San Antonio, Texas.				
Texas.....	DeSoto, City, Dallas County (Docket No. FEMA-6574).	Tenmile Creek.....	Approximately 1,000' upstream of Beckley Avenue.....	*533
Maps available for inspection at the City Hall, 119 South Hampton Street, DeSoto, Texas.				
Texas.....	Garland, City, Dallas County (Docket No. FEMA-6574).	Rowlett Creek.....	Approximately 400 feet downstream of the confluence with Stream 2D1..... Approximately 300 feet downstream of Miller Road..... Just upstream of Miller Road..... Upstream of Frontage Road..... Downstream of Rowlett Road..... Upstream of Rowlett Road..... At the downstream limit of detailed study..... Just upstream of Centerville Road..... Approximately 600 feet downstream of Buckingham Road..... Approximately 1,300 feet upstream of Buckingham Road..... At Jupiter Road.....	*439 *442 *444 *463 *472 *476 *452 *481 *573 *588 *608
Maps available for inspection at the City Hall, 200 North Fifth Street, Garland, Texas.				
Texas.....	Lancaster, City, Dallas County (Docket No. FEMA-6574).	Tenmile Creek..... Stream 3A5.....	Upstream corporate limits..... Approximately 1,290 feet upstream of Belt Line Road.....	*529 *526
Maps available for inspection at the City Hall, Lancaster, Texas.				
Vermont.....	Waitsfield, Town, Washington County (Docket No. FEMA-6574).	Mill Brook.....	Approximately 80' upstream of State Route 17..... Upstream corporate limits located approximately 160' upstream of State Route 17.....	*752 *758
Maps available for inspection at the Town Clerk's Office, Waitsfield, Vermont.				
Virginia.....	Smyth County (Docket No. FEMA-6522).	Middle Fork Holston River.....	Downstream side of State Route 714 bridge..... Upstream side of Norfolk and Western Railway bridge..... Upstream side of Snider Branch Road bridge..... Confluence of Nicks Creek..... Upstream side of Hickory Lane bridge.....	*2,200 *2,204 *2,209 *2,275 *2,304
Maps available for inspection at the County Building, Marion, Virginia.				
Wisconsin.....	City of Fort Atkinson, Jefferson County (Docket No. FEMA-6574).	Rock River.....	At the downstream corporate limits (approximately 11,900 feet downstream of Robert Street). Upstream side of Robert Street Bridge..... At confluence of Bark River..... Upstream corporate limits (approximately 5,700 feet upstream of State Highway 106).	*784 *785 *786 *786
Maps available for inspection at the Building Inspector's Office, 101 North Main Street, Fort Atkinson, Wisconsin.				
Wisconsin.....	Village of Johnson Creek, Jefferson County (Docket No. FEMA-6574).	Johnson Creek.....	At downstream corporate limit (approximately 0.6 mile downstream of Chicago and North Western Railroad). At upstream corporate limit (approximately 0.7 mile upstream of Chicago and North Western Railroad).	*760 *782
Maps available for inspection at the Village Hall, 110 Milwaukee Street, Johnson Creek, Wisconsin.				
Wisconsin.....	Unincorporated Areas of Outagamie County (Docket No. FEMA-8581).	Wolf River..... Bear Creek..... Fox River..... Black Otter Creek.....	Just upstream of City of New London corporate limits..... Just upstream of County Highway S..... About 5.6 miles upstream of State Highway 54..... About 0.1 mile upstream of State Highway 76..... About 1.45 miles upstream of State Highway 76..... About 22.9 miles above mouth near intersection of Hass Road and County Highway 22..... Just downstream of Cedars Lock Dam..... Just upstream of Cedars Lock Dam..... Just downstream of City of Appleton corporate limits (approximately 2.4 miles upstream of Cedars Lock Dam). About 950 feet downstream of Village of Hortonville western corporate limits. Just upstream of Village of Hortonville corporate limits (Black Otter Lake).	*762 *784 *770 *764 *767 *610 *694 *702 *704 *764 *782

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD). Modified
Maps available for inspection at the Planning and Zoning Department, County Courthouse, 410 South Walnut Street, Appleton, Wisconsin.				
Wisconsin	(C) Richland Center, Richland County (Docket No. FEMA-8508).	Pine River	About 6,200 feet downstream Bohmann Drive	*720
		Center Creek	At upstream corporate limits	*739
		Brush Creek	Mouth at Pine River	*733
			Mouth at Pine River	*736

Map available for inspection at 182 North Central Avenue, Richland Center, Wisconsin.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); Executive Order 12127, 44 FR 19367; and delegation of authority to the Administrator)
Dated: April 10, 1984.

Jeffrey S. Bragg,

Administrator, Federal Insurance Administration.

[FR Doc. 84-10321 Filed 4-17-84; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

Amendment of the Commission's Rules to Reflect a Reorganization of the Common Carrier Bureau

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Common Carrier Bureau is being realigned to more evenly proportion oversight of its Divisions between the two Deputy Chiefs. The International Facilities Planning Division and the International Facilities Authorization and Licensing Division are being renamed. The Economics Division is being disbanded. A new Industry Analysis Division is established. An Operations Branch is created within the Mobile Services Division.

EFFECTIVE DATE: March 29, 1984.

FOR FURTHER INFORMATION CONTACT: Richard D. Goodfriend, (202) 632-7513.

List of Subjects in 47 CFR Part 0

Organization and functions (Government Agencies).

Order

In the matter of amendment of Part 0 of the Commission's Rules to reflect a Common Carrier Bureau.

Adopted: March 29, 1984.

Released: April 6, 1984.

By the Managing Director.

1. The Commission has under consideration proposed changes in the organization of the Common Carrier Bureau. Implementation of the proposed changes would require amendment of

§ 0.92 of the Commission's Rules and Regulations.

2. Briefly, it is proposed to realign the structure within the Office of the Bureau Chief to more evenly proportion the oversight of Divisions between the two Deputy Chiefs, rename the International Facilities Planning Division and the International Facilities Authorization and Licensing Division, disband the Economics Division, establish a new Industry Analysis Division, and establish an Operations Branch within the Mobile Services Division.

3. The amendments adopted herein pertain to agency organization. The prior notice and comment procedures and effective date provision of Section 4 of the Administrative Procedure Act, 5 U.S.C. 553, are therefore inapplicable. Authority for the amendments adopted herein is contained in Section 4(i) and 5(b) of the Communications Act of 1934, as amended.

4. In view of the foregoing, it is ordered, effective March 29, 1984, that Part 0 of the Rules and Regulations is amended as set forth in the Appendix hereto.

Federal Communications Commission.

Edward J. Minkel,

Managing Director.

Appendix

PART 0—[AMENDED]

Part 0 of Chapter 1 of Title 47 of the Code of Federal Regulations is hereby amended as indicated below.

Section 0.92 is revised to read as follows:

§ 0.92 Units of the Bureau.

(a) Office of the Bureau Chief.

(b) Deputy Bureau Chief for Operations.

(1) Enforcement Division.

(2) Domestic Facilities Division.

(3) Tariff Division.

(4) Hearing Division.

(c) Deputy Bureau Chief for Policy.

(1) Accounting and Audits Division.

(2) Policy and Program Planning Division.

(3) Industry Analysis Division.

(4) Mobile Services Division.

(d) Assistant Bureau Chief for Management.

(e) Assistant Bureau Chief for International.

(1) Conference Staff.

(2) International Policy Division.

(3) International Facilities Division.

[FR Doc. 84-10289 Filed 4-17-84; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 29

[OST Docket No. 72, Notice No. 82-3]

Suspension and Debarment of Participants in DOT Financial Assistance Programs

AGENCY: Department of Transportation.

ACTION: Final rule.

SUMMARY: This rule sets forth procedures that would enable the Department of Transportation (DOT) to deny any individual, corporation or other business entity the opportunity to participate in programs receiving DOT financial assistance, including contracts awarded pursuant to grants, because of serious misconduct or improper use of federal financial assistance funds.

The rule is designed to help insure maximum integrity in programs receiving DOT financial assistance. At the same

time, it takes into account the need to protect the due process rights of program participants when the necessity arises for taking administrative action to suspend or debar an individual or company from participation in the programs.

DATE: This rule is effective May 18, 1984.

FOR FURTHER INFORMATION CONTACT: Paul B. Larsen, (202) 426-4710, Office of the General Counsel, Washington, D.C. 20590.

SUPPLEMENTARY INFORMATION: Under present procedures, neither the Office of the Secretary nor the operating administrations of DOT, with the exception of the Federal Highway Administration (FHWA), have procedures for suspending or debarbing individuals or companies doing business with recipients of DOT financial assistance when those individuals or companies have been involved in fraud or other corrupt practices associated with Federally assisted activity. This rule applies to suspensions and debarments of persons doing business with recipients of DOT financial assistance initiated after the effective date of the rule regardless of the date of the cause giving rise to a suspension or debarment. Debarments of persons doing business with recipients of FHWA grantees initiated before the effective date of this rule shall be governed by 23 CFR Part 16.

In a notice of proposed rulemaking (NPRM), published December 13, 1982, DOT proposed the adoption of a debarment and suspension rule which would be uniformly applicable to all Departmental programs of financial assistance. As proposed in the NPRM, the rule adopted herein is comprehensive in scope. It applies to contractors and subcontractors at any level including suppliers, fee appraisers, inspectors, real estate agents and brokers, consultants, architects, engineers, attorneys, and to affiliates of those contractors. The rule contains no provisions applicable to debarment and suspension in direct government contracting. In addition, the rule does not provide for suspension or debarment of a person or entity with respect to that person or entity acting as a Departmental grantee or a party to a DOT cooperative agreement. In developing this rule, the Department concentrated on adopting a flexible procedure which would assure a party a fair opportunity to challenge a suspension or debarment. At the same time, the parties to proceedings under the rule will not be bound by formal rules of evidence or procedure. This should help minimize the expenditure of

time and funds associated with participation in suspension and debarment actions.

The Assistant Secretary for Administration will maintain a list of suspended, debarred, or voluntarily excluded persons, and each administration will establish procedures applicable to distribution of list information. Distribution will not be mandatory where an administration determines that there will be no applicability to its recipients of financial assistance.

It should be noted that the rule follows, in principle, the Department of Housing and Urban Development (HUD) suspension and debarment regulations, 24 CFR Part 24, already in effect for a number of years.

Summary of Comments

There were fourteen comments filed in the public docket. Five of the comments were filed by headquarters and chapter offices of the Associated General Contractors of America. Two were filed by law firms which represent contracting organizations, three were filed by State departments of transportation (Colorado, Virginia, and Oklahoma), three were filed by private companies, and one was filed by the Metropolitan Atlanta Rapid Transit Authority. With the exception of the comments filed by the State of Colorado, all of the comments were critical in varying degrees of the proposed rule.

Several comments described suspensions and debarments as being punitive actions taken outside of the judicial system. However, suspension or debarment of a contractor who has behaved irresponsibly is not punishment. These are widely employed procedures used to assist government in conserving public funds. The purpose of the process is to maximize effective management by precluding the participation of contractors who contribute to the waste of government program resources. The courts have approved suspension and debarment regulations such as those of the Department of Housing and Urban Development. (See *The Dowling Group v. Williams*, No. 82-1775 (D.D.C. 1982); *American Fidelity Fire Insurance Co. v. Harris*, 456 F.Supp. 606 (D.D.C. 1978); *Hot Mix v. Adams*, No. 77-1295 (6th Cir. 1979); *Peter Kiewit v. U.S. Army Corps of Engineers*, No. 82-1461 (D.C. Cir. 1983).)

Several comments stated that the procedures set forth in the rule would fall short of affording parties due process. These comments indicate a misunderstanding of the proposal's hearing provisions. Due process rights

would clearly be provided. In each case, there will be an opportunity for a hearing. In the case of debarments, only when an action is based on a criminal conviction will a party be limited to submitting documentary evidence and written briefs for consideration by a hearing officer. In the case of suspensions, the rule is similar where the suspension is based on a criminal indictment or information except that the hearing officer must grant an oral hearing upon a request showing good cause therefor.

Some comments argued that suspension prior to the conduct of a hearing is not legal. However, such suspensions have been upheld by the courts. See *American Fidelity Fire Insurance Co. v. Harris*, 456 F.Supp. 606 (D.D.C. 1978); *Trap Rock Industries v. Kohl*, 284 A.2d 161 (1971).

Some comments stated that the grounds for suspension are too vague. However, it would not be possible to enumerate all factors which reflect on a contractor's responsibility and which may be viewed as a reasonable basis for suspension. It is necessary that an element of discretion remain with the debarbing official. A related comment stated that DOT should always be required to explain, in detail, the basis for a suspension. This will not always be possible because of restrictions on providing information about pending criminal investigations and indictments.

Several comments expressed concern about possible retroactivity of the rule. As indicated above, this rule governs all suspensions and debarments initiated subsequent to the effective date of this rule regardless of the date of the cause giving rise to the suspension or debarment. (However, debarments of persons doing business with FHWA grantees initiated before the effective date of this rule will be governed by 23 CFR Part 16.) Such retroactive application is clearly permitted because the constitutional prohibition on *ex post facto* application (U.S. Const. Art. 1 sec. 9) is limited to criminal prosecutions. See *Galvan v. Press*, 74 S.Ct. 737, 347 U.S. 522 (1954); *Ambrosia Brewing Co. v. Bowles*, 147 F.2d 550 (1944). Suspensions and debarments of contractors are not criminal sanctions. A statute or regulation intended to protect the public from unfit persons is not rendered *ex post facto* legislation by the fact that it disqualifies a person by reason of past acts or omissions. The government has a legal right to regulate whom it wishes to do business with. See *Hot Mix v. Coleman*, No. 76-386-NA-CV (M.D. Tenn. 1977), *aff'd Hot Mix v. Adams*, No. 77-1295 (6th Cir. 1979); *Gonzales v.*

Freeman, 334 F.2d 570, 574 (1964).

Furthermore retroactive application is consistent with the suspension and debarment provisions of other government agencies, for example, HUD, 23 CFR Part 24, EPA, 47 FR 35940 (1982); and OFPP, 47 FR 28854 (1982).

Some comments showed confusion with regard to the roles and responsibilities of Department officials. Therefore, changes have been made to the rule to clarify that the person initiating the debarment, the hearing officer, and the administrator will be three different persons. The initial determination will be made by an initiating official who will be designated by the administrator. The hearing officer is yet a different person acting in an entirely impartial capacity. The administrator, or yet another delegate, will serve as a final reviewing authority.

Many comments objected to the discretion available to the Department with respect to whether to proceed with a debarment, in particular the ability to take into account mitigating factors in making a determination to debar or reinstate a party. It was argued, for example, that this discretion gives any company, which either is the only one of its kind or is very large, complete freedom to do as it pleases with the assurance that DOT will not suspend or debar it because it is indispensable. This discretion is necessary; it allows the Department to consider all the circumstances of a particular case, including cooperation with law enforcement authorities, effect on the availability of competitive bidders in a region, and seriousness of the offense. All agencies have administrative discretion in carrying out their programs. However, it should be noted that such administrative discretion is clearly limited by the courts to exclude arbitrary action. *Gonzales v. Freeman*, 334 F.2d 570 (D.C. Cir. 1964); *Scanwell v. Shaffer*, 424 F.2d 859 (D.C. Cir. 1970).

One comment stated that, in calculating the maximum period of debarment, the period should automatically be reduced by any term of a suspension. This comment cannot be adopted, because the purpose of debarment is to induce present responsibility in the contractors, not to punish. A debarred person is not necessarily more responsible because he or she was previously suspended. This is so, for example, when a suspended person continues the practices for which suspended, thereby indicating lack of present responsibility. Suspensions and debarments are not analogous to and cannot be treated as criminal sentences.

Some comments argued that, upon the request of a debarred person, there

should be a right to an oral hearing on the question of reinstatement. That right cannot be given because of the potential for frivolous requests, resulting in time-consuming oral hearings. However, DOT will carefully consider all requests for mitigation or reinstatement on the basis of a written record and may afford an oral hearing if appropriate.

Several comments objected to the effect on "innocent" employees of the suspension or debarment of a corporation or the effect on an "innocent" corporation of violations by individuals. According to the law of corporations, a corporation is a legal entity which cannot always be divided for purposes of attributing violations. *United States v. Dotterweich*, 320 U.S. 277 (1943). Thus, "innocent" persons cannot always be singled out from, or protected, in cases of violations involving corporations.

The Virginia Department of Highways and Transportation recommended that a decision by a state to reinstate a contractor be determinative of the Department's decision on the matter. Because many contractors are indicted for violations in more than one state, we cannot agree that a reinstatement decision by a single state should dictate reinstatement by DOT. DOT's responsibilities may differ in many significant respects from those of a state agency because DOT may be concerned with a contractor's performance in several states, and in several modes of transportation. State recommendations, however, will receive close consideration by the Department.

Several comments objected to debarment based on debarment by another agency. The implication of these comments is that the DOT debarment would be automatic. This is not the case. Debarment by another agency is only a ground for debarment and will be subject to the same due process procedures as cases involving other grounds. However, a DOT debarment initiated by one element of the Department generally will mean debarment from participation in the financial assistance programs of all Departmental elements.

A number of changes have been made to the rule as a result of comments made to the docket:

(1) It was suggested that the maximum time allowed between the completion of an investigation and the initiation of a debarment was excessively long. The period was reduced from three years to one year;

(2) It was suggested that the right of the DOT legal representative to make an exception to the time limit for initiating

debarment was unfair. Consequently, it has been deleted;

(3) One comment objected to the thirty-day period for giving a contractor notice of a suspension and its basis. The rule now provides for immediate notice of the suspension, the basis for the suspension, and the right to a hearing;

(4) One comment noted that the definition of "affiliate" was confusing. The rule now includes a definition in line with that of the 1982 Office of Federal Procurement Policy (OFPP) policy letter on government-wide debarment, suspension, and ineligibility (47 FR 28854);

(5) The requirement of a set period before requests for reinstatement may be made was dropped as inappropriate.

(6) One comment proposed a limitation on the time an administrator may take to review a suspension or debarment decision. A sixty-day time limitation has been adopted;

(7) Several comments suggested the inclusion in the rule of a definition of "adequate evidence." the definition of that term used in the OFPP policy letter has been adopted;

(8) One comment recommended that actions be consolidated only when agreed to by the parties involved. The rule now has a provision on consolidation of actions adopting the approach of the Federal Rules of Civil Procedure, Rule 42;

(9) Finally, in response to several comments, the rule clarifies that the questions of present responsibility and of preserving adequate compensation will be considered in determining whether a proposal to debar is in the public interest.

In addition to these substantive changes, a number of technical changes have been made in the rule. They have been made in an attempt to improve clarity and consistency and to eliminate duplication in certain provisions. An example is Subpart D, Reconsideration, Voluntary Exclusion and Exception for Certain Projects, which now applies to both suspensions and debarments. In addition, some provisions were omitted as unnecessary, for example, the listing of statutory debarments under the Walsh-Healy Contracts Act, the Davis-Bacon Act and Department of Labor Regulations.

Regulatory Evaluation

This regulation is classified as a "non-major" regulation under executive Order 12291. This regulation also has been evaluated under the Department of Transportation's Regulatory Policies and Procedures; the regulation is not significant under those procedures, and

its economic impact is expected to be so minimal that a further economic evaluation is not warranted.

Regulatory Flexibility Act Determination

It is certified that this regulation would not have a significant economic impact on a substantial number of small entities. As stated above, the economic impact of the rule is expected to be minimal. In this connection, debarment and suspension measures are triggered only by serious misconduct and, therefore, are avoidable. The Department has no reason to believe that small entities, in particular, would be seriously affected by this rule.

Environmental Impact

This regulation does not require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321, *et seq.*)

List of Subjects in 49 CFR Part 29

Administrative practice and procedure, Government contracts, Loan programs—transportation, Grant programs—transportation, Fraud.

Authority: Section 322 of title 49, United States Code.

Issued in Washington, D.C. on April 12, 1984.

Elizabeth Hanford Dole,

Secretary of Transportation.

Accordingly, the Department of Transportation adopts a new Part 29 of the Regulations of the Secretary of Transportation (49 CFR Part 29) to read as set forth below:

PART 29—DEBARMENTS, SUSPENSIONS AND VOLUNTARY EXCLUSIONS

Subpart A—General Provisions and Definitions

Sec.

- 29.1 Policy.
- 29.3 Purpose.
- 29.5 Authority.
- 29.7 Authorized measures.
- 29.9 Voluntary exclusion.
- 29.11 Applicability.
- 29.13 Definitions.
- 29.15 Hearing Officer.
- 29.17 Initiation of measures.

Subpart B—Suspensions

- 29.21 Initiation of suspension.
- 29.23 Grounds for suspension.
- 29.25 Suspension of affiliates.
- 29.27 Period of suspension.
- 29.29 Items to be considered.
- 29.31 Notice of suspension.
- 29.33 Hearing.
- 29.35 Review by Administrator.

Subpart C—Debarment

- 29.41 Grounds for debarment.
- 29.43 Debarment of affiliates.

Sec.

- 29.45 Decision to debar.
- 29.47 Period of debarment.
- 29.49 Notice of proposed debarment.
- 29.51 Hearing.
- 29.53 Review by Administrator.
- 29.55 Reinstatement.

Subpart D—Reconsideration, Voluntary Exclusion and Exception for Certain Projects

- 29.61 Reconsideration based on newly discovered evidence.
- 29.63 Voluntary exclusion.
- 29.65 Exceptions for certain projects.

Subpart E—DOT Unified List

- 29.71 Establishment and maintenance.
- Appendix A—Programs to Which This Part Applies

Authority: 49 U.S.C. 322.

Subpart A—General Provisions and Definitions

§ 29.1 Policy.

It is essential to the accomplishment of the Department's mission that recipients of its financial assistance do business under a DOT financial assistance program only with participants who properly use federal financial assistance program funds. Accordingly, participation in DOT financial assistance programs shall be denied to those participants who have been suspended or debarred under this part.

§ 29.3 Purpose.

This part sets forth rules for the debarment of and other measures against participants or affiliates where it is demonstrated that government funds may not be properly utilized or the federal interest would not be safeguarded. These measures shall be used to protect the public interest and are not intended to be sanctions, penalties, or forms of punishment. These measures do not apply to states, state agencies, local governments or entities which do not act, or intend to act, as contractor or subcontractor to a recipient. These measures do not apply to suspension or debarment with respect to direct government contracting or to a person acting as a DOT grantee or a party to a DOT cooperative agreement.

§ 29.5 Authority.

This part is issued pursuant to section 322 of title 49, United States Code, which authorizes the Secretary of Transportation to prescribe regulations to carry out the duties and powers of the Secretary.

§ 29.7 Authorized measures.

This part sets forth rules for the imposition of the following:

(a) *Suspension*. Suspension is the action taken under subpart B of this part

to disqualify a person temporarily from participation in DOT financial assistance programs.

(b) *Debarment*. Debarment is the action taken under subpart C of this part, after opportunity for a hearing, as provided under § 29.51, to deny a person participation in DOT financial assistance programs for a period generally not to exceed three years.

§ 29.9 Voluntary exclusion.

Voluntary exclusion is the denial of participation in any DOT financial assistance program as a result of an agreement voluntarily entered into, under § 29.63 of this part, between the Department and the person to be excluded.

§ 29.11 Applicability.

This part applies to participants or affiliates in any program for which DOT financial assistance is authorized under a law administered by the Department, including, but not limited to, those listed in appendix A to this part. A person is subject to the measures set forth in this part, if cause for imposing the measures is shown and the procedures provided in this part are followed. A person may be subject to measures under this part whether or not he or she was participating in a DOT financial assistance program at the time of the conduct on which the measure is based and whether or not that person acted individually, in behalf of others, or in a private or public capacity. This part applies to suspensions and debarments of persons doing business with recipients of DOT financial assistance initiated after its effective date regardless of the date of the cause giving rise to the suspension or debarment. Debarments of persons doing business with recipients of the Federal Highway Administration initiated before the effective date of this part shall be governed by 23 CFR Part 16. Where the Department is required by statute, regulation, or Executive Order to follow administrative suspension or debarment procedures that may differ from the requirements of this part, the statutory, regulatory or Executive Order procedures shall take precedence.

§ 29.13 Definitions.

(a) *Adequate evidence* means information sufficient to support the reasonable belief that a particular act or omission has occurred.

(b) *Administrator* means the head of an operating administration. With respect to DOT financial assistance programs administered by the Office of the Secretary, administrator means the

Assistant Secretary for Administration. An administrator may delegate any of his or her functions under this part and authorize successive redelegations within his or her operating administration. However, the functions of an administrator, under § 29.35 or § 29.53, may not be delegated to an official who has acted as initiating official in the case at hand.

(c) *Affiliates*. Persons are affiliates if, directly or indirectly, (i) either one controls or can control the other, or (ii) a third controls or can control both.

(d) *Day* means a calendar day.

(e) *Department or DOT* means the Department of Transportation or an element of the Department as indicated by the context.

(f) *DOT Financial Assistance* means any grant, loan, cooperative agreement, contract, or any other arrangement between DOT and a recipient by which the Department provides or otherwise makes available assistance in the form of—

- (1) Funds;
- (2) Services of federal personnel;
- (3) Real or personal property or any interest in or use of such property including—
 - (i) Transfers or leases of such property for less than fair market value or for reduced consideration; or
 - (ii) Proceeds from a subsequent transfer or lease of such property if the federal share or its market value is not returned to the federal government; or
- (4) Loan Guarantees.

(g) *DOT Unified List* means a list compiled, maintained, and distributed by the Assistant Secretary for Administration in accordance with subpart E of this part.

(h) *Initiating Official* means an employee designated by an administrator.

(i) *Notice* means notification in writing and sent by registered or certified mail, return receipt requested, to the last known address of the addressee.

(j) *Operating Administrations* include—

- (1) U.S. Coast Guard.
- (2) Federal Aviation Administration.
- (3) Federal Highway Administration.
- (4) Federal Railroad Administration.
- (5) National Highway Traffic Safety Administration.
- (6) Urban Mass Transportation Administration.
- (7) St. Lawrence Seaway Development Corporation.
- (8) Maritime Administration.
- (9) Research and Special Programs Administration.
- (10) The Office of the Secretary.

(k) *Participant* means a person or an officer or employee of a person who directly or indirectly participates, may participate, or has participated in DOT financial assistance programs through an agreement of that person with a recipient or contractor of any tier. The term includes, but is not limited to, contractors, suppliers, fee appraisers, inspectors, real estate agents and brokers, consultants, architects, engineers, and attorneys.

(l) *Person* means an individual, corporation, partnership, unincorporated association, or other public or private entity.

(m) *Recipient* means any state, territory, possession, the District of Columbia, or the Commonwealth of Puerto Rico, or any political subdivision or instrumentality thereof; any public or private agency, institution, organization, entity, or individual, in any state, territory, possession, the District of Columbia, or the Commonwealth of Puerto Rico, to whom DOT financial assistance is extended, directly or through another recipient, for any program, including any successor, assignee, or transferee thereof.

§ 29.15 Hearing Officer.

Judges of the DOT Board of Contract Appeals, augmented by administrative law judges as necessary, are designated as hearing officers for purposes of this part.

§ 29.17 Initiation of measures.

(a) Anyone may contact the appropriate operating administration concerning the existence of a cause under Subpart B or C. An initiating official shall review the matter and may also refer the matter to the DOT Inspector General for further investigation. If, after his or her review, the initiating official reasonably believes that a cause exists under Subpart B or C, he or she may proceed in accordance with the appropriate subpart.

(b) Recipients shall advise the appropriate operating administration concerning the existence of a cause under Subpart B or C. Failure to do so may result in loss or impairment of DOT financial assistance.

Subpart B—Suspension

§ 29.21 Initiation of suspension.

The initiating official may suspend any participant or affiliate pursuant to this subpart after coordination with the appropriate DOT legal office.

§ 29.23 Ground for suspension.

(a) The initiating official may suspend any participant or affiliate upon

adequate evidence for any of the following causes—

(1) Commission of fraud or any criminal offense as an incident to obtaining, seeking to obtain, or performing government business or a public contract;

(2) Commission of any criminal offense indicating a lack of business integrity or business honesty that seriously and directly affects the question of present responsibility including, but not limited to, embezzlement, theft, forgery, bribery, falsification or destruction of records, false statement, fraud, receiving stolen property, violation of the Organized Crime Control Act of 1970, or violation of federal or state antitrust statutes arising out of submission of bids or proposals;

(3) Violation of any agreement for voluntary exclusion or any settlement made under this part; or

(4) Commission or omission of an act of such serious or compelling nature that the act indicates a serious lack of business integrity or honesty. Such commissions or omissions include, but are not limited to—

(i) The violation of any applicable law, regulation, or obligation relating to the performance of obligations incurred pursuant to an agreement with a recipient under a DOT financial assistance program; or

(ii) Making, or procuring to be made, any false statement or using deceit for the purpose of influencing in any way any action of the government.

(b) An outstanding indictment or information is adequate evidence of suspected criminal conduct and may be the basis for the imposition of a suspension.

§ 29.25 Suspension of affiliates.

(a) *General*. Suspension may include any affiliate of a participant. A determination to include an affiliate in a particular suspension must be made on a case-by-case basis. Among the factors to be considered in making this determination are the affiliate's knowledge of or participation in the conduct which is the basis for the suspension.

(b) *Notice and procedure*. Where an affiliate is suspended, the affiliate shall be afforded the rights pertaining to notice and hearing provided in this subpart. In addition, when notice of suspension is given under § 29.31 to two or more persons who are affiliates of one another, each affiliate shall be provided the notice given to any other affiliate.

§ 29.27 Period of Suspension.

(a) *Temporary Period.* A suspension shall be for a temporary period pending the completion of any investigation or any administrative or judicial proceedings as may ensue.

(b) *Time Limitation on Decision to Suspend.* In any case involving a suspected violation of federal or state law where prosecutive action has not been initiated within twelve months from the date of the notice of suspension, the suspension shall be terminated unless the prosecuting official requests an extension of the suspension. Notice of the proposed termination of the suspension shall be given to the prosecuting official not less than thirty days prior to the expiration of the twelve-month period. In no event shall a suspension exceed eighteen months unless prosecutive action has been initiated within that period.

(c) *Waiver of Time Limitation.* The time limitation for suspension contained in this section may be waived by the affected party.

§ 29.29 Items to be considered.

Suspension is a drastic action and, as such, shall not be based on an unsupported accusation. In each case the decision of the initiating official to suspend shall be discretionary and shall be in the public interest, including the interest in doing business with participants who are presently responsible and the interest in preserving adequate competition.

§ 29.31 Notice of suspension.

Immediately after the suspension decision, the suspended person shall be furnished notice of the suspension by the initiating official. The notice shall include the following information—

(a) The specific acts or omissions on which the suspension is based. These may be described in general terms without disclosing the government's evidence, if greater specificity would: (1) interfere with enforcement proceedings; (2) deprive a person of a right to a fair trial or an impartial adjudication; (3) constitute an unwarranted invasion of personal privacy; (4) disclose the identity of or information furnished solely by a confidential source; (5) disclose investigative techniques and procedures; or (6) endanger the life or physical safety of law enforcement personnel.

(b) The provisions of §§ 29.27 and 29.33 regarding period of suspension and right to a hearing; and

(c) A statement that the participant may be represented by counsel, if desired.

§ 29.33 Hearing.

(a) *Request for hearing.* Upon written request, a suspended person is entitled to a hearing, on the suspension, before a hearing officer, as provided under subsection (b) of this section. A suspended person is entitled to a hearing within 30 days of receipt of the written request by DOT. The request may be made at any time during the period of suspension. The location of the hearing shall be determined by the hearing officer, in consideration of the convenience of the parties and the public interest. The hearing officer shall conduct proceedings and issue a decision under this section in an expeditious manner.

(b) *Hearing procedures.* (1) Where a suspension is based solely upon an indictment or information, the suspended person shall be limited to an opportunity to submit documentary evidence and written briefs, except that, where good cause is shown as to why an oral hearing should be held, the hearing officer shall grant a request for such a hearing.

(2) When an official with appropriate authority in the Department of Justice, the DOT Office of Inspector General, the Federal Bureau of Investigation, or other investigative or law enforcement agency of the federal or a state government establishes, by affidavit or sworn testimony, that disclosure of evidence which is the basis for a suspension would result in significant harm to other litigation or proceedings or to an investigation of allegations which, if proven, would constitute a violation of a criminal statute, the evidence may be presented to the hearing officer *in camera*. In such circumstances, the hearing officer shall determine whether any disclosure to the suspended person would be in the public interest and whether an opportunity to respond may be granted to the suspended person. The Department shall retain the right to withdraw such evidence from the record after the hearing officer's *in camera* determination in order to avoid disclosure to the suspended person.

(3) All witnesses shall testify under oath or affirmation. Department witnesses, if any, shall be called first and may be cross-examined by the suspended person. The person's witnesses may also be cross-examined by any party.

(4) A record shall be made of the proceeding. A transcription of the record shall be made available to a party at the expense of the requesting party.

(5) Where appropriate, and if the parties agree, a suspension hearing may be consolidated with a debarment hearing involving the same issues.

(6) The hearing officer shall sustain the suspension if he or she finds: (i) that there is adequate evidence of a cause listed in § 29.23 and (ii) that the suspension complies with § 29.27. The hearing officer shall provide notice of his or her determination to all parties.

§ 29.35 Review by Administrator.

Within fifteen days after receipt of the notice of the determination under § 29.33(b)(6), the suspended person may file a request for review by the administrator. If the administrator, within his or her discretion, denies the request for review, the determination of the hearing officer shall be final. Where a review is granted, the determination by the administrator shall be final. The administrator's determination shall be made within sixty days after he or she receives the request for review. The administrator's determination shall recite the grounds upon which it is made. Notice of the decision shall be sent to all parties.

Subpart C—Debarment**§ 29.41 Grounds for debarment.**

Debarment may be imposed on any participant or affiliate for any of the following causes—

(a) Conviction for any cause which is a ground for suspension as set forth in § 29.23(a)(1) or § 29.23(a)(2);

(b) For any cause which is a ground for suspension as set forth in § 29.23(a)(3) or § 29.23(a)(4);

(c) Violation of a law or regulation relating to personal or organizational conflicts of interest as an incident to obtaining, attempting to obtain, or in the performance of a contract under a DOT financial assistance program;

(d) A willful or serious failure to perform or a record of unsatisfactory performance, in accordance with the terms of one or more agreements with a recipient of DOT financial assistance, provided that such failure or unsatisfactory performance has occurred within a reasonable period of time preceding the determination to debar;

(e) Violation of any contractual provision against receipt of contingent fees;

(f) Entering into an agreement with a person named on the DOT Unified List so as to cause the listed person to become, directly or indirectly, a participant in a DOT financial assistance program where it is known, or should have been known, that the person was on the list; or

(g) Disqualification from participation in direct or indirect contracting by any federal agency.

§ 29.43 Debarment of affiliates.

(a) *General.* Debarment may include any affiliate of a participant. A determination to include an affiliate in a particular debarment shall be made on a case-by-case basis. Among the factors to be considered in making this determination are the affiliate's knowledge of or participation in the conduct which is the basis for the debarment.

(b) *Notice and procedure.* Where debarment of an affiliate is proposed, the affiliate shall be afforded the rights pertaining to notice and hearing provided in this subpart. In addition, when notice of proposed debarment is given under § 29.49(a) to two or more persons who are affiliates of one another, each affiliate shall be provided the notice given to any other affiliate.

§ 29.45 Decision to debar.

(a) *Whether to debar.* An initiating official may propose the debarment of a participant or affiliate for any cause set forth in § 29.41 after coordination with the appropriate DOT legal office. However, the existence of any of these causes does not necessarily require that a party be excluded from DOT financial assistance programs. In each case, even if the offense or violation is of a criminal, fraudulent, or other serious nature, the proposal to debar shall be discretionary and shall be in the public interest, including the interest in doing business with participants who are presently responsible and the interest in preserving adequate competition.

(b) *Seriousness of the cause for debarment.* Among the factors to be considered in determining the seriousness of an offense or the failure or inadequacy of performance are whether the cause for debarment is based on a criminal conviction and whether the acts or omissions to act were willful. For purposes of this part, willfulness includes conduct that the person knew was in violation of applicable rules, statutes, regulations, or contract provisions.

(c) *Time limitations on decision to debar.* The notice of a proposed debarment shall be given within one year of—

- (1) A criminal conviction and sentencing, or
- (2) Completion of an investigation or audit which is a basis for the debarment action, or
- (3) Discovery of the cause on which the debarment action is based, whichever occurs last.

§ 29.47 Period of debarment.

(a) *Generally.* Except where subsection (b) or (c) of this section applies, the following periods of debarment may be imposed—

- (1) Up to three years for any debarment action; or
- (2) Where the debarment is based on Debarment by another federal agency, a period not to exceed the remainder of the original debarment period.

(b) *Repeated debarments.* If a person was previously debarred—

- (1) For any cause and is again debarred, the second debarment may be up to six years except where subsection (b)(2) of this section applies;
- (2) Because of a criminal conviction or a willful violation and is again debarred because of a criminal conviction or willful violation, the second debarment may be for an indefinite period; or,
- (3) Twice for the same cause, any subsequent debarment may be for an indefinite period.

§ 29.49 Notice of proposed debarment.

(a) *Notice of proposed debarment.* When a debarment is proposed, the initiating official shall give notice to the participant stating—

- (1) The specific acts or omissions which form the basis of the action;
- (2) That the party may, on request, obtain a hearing under § 29.51;
- (3) That the party may be represented by counsel;
- (4) The period of proposed debarment and that the debarment is effective when: (i) The final determination is issued, if no hearing is requested and the time to request a hearing has expired; or (ii) when the debarment order is issued by the hearing officer, if a timely request has been made for a hearing; and
- (5) That, if the person is under suspension, the suspension continues until the debarment proceedings are resolved unless the order of suspension is overturned. If suspension and debarment actions are taken simultaneously, the notice also shall include all of the information required by § 29.31.

(b) *Amendments.* The matters of fact and law alleged in a notice may be amended by the initiating official at any stage of the proceedings.

§ 29.51 Hearing.

(a) *Request for hearing.* A request for a hearing before a hearing officer shall be filed within twenty days of receipt of the notice given under § 29.49. If no request has been filed within the twenty-day period, it shall be conclusively presumed that the opportunity to be heard has been

waived, and the initiating official shall make a final determination and provide notice thereof to the participant.

(b) *Hearing before Hearing Officer.*

(1) Where the proposed action is not based solely upon a conviction and evidence in support thereof, the person shall be afforded, at his option, (i) an oral hearing before a hearing officer, (ii) the opportunity to submit documentary evidence and written briefs for consideration by a hearing officer, or (iii) both.

(2) Where the proposed action is based solely upon a conviction and evidence in support thereof, the person shall be limited to the opportunity to submit documentary evidence and written briefs for consideration by a hearing officer.

(c) *Oral hearing.* The hearing officer shall—

(1) Arrange as prompt a hearing as practicable;

(2) Determine the location of the hearing place considering the convenience of the parties and the public interest;

(3) Provide notice of the time and place of the hearing to all parties, and include therein a statement indicating the nature of the proceedings and their purpose;

(4) Whenever practicable, consolidate hearings involving common questions of law and fact concerning more than one participant or affiliate to avoid unnecessary cost or delay;

(5) Permit, at his or her discretion, any member of the public having an interest in the matter being heard to participate in the hearing at his or her own expense. Such participation shall be limited to the following—

(i) Receiving advance notice of hearings;

(ii) Filing written briefs on the issues presented; and

(iii) Testifying when requested by the hearing officer.

(6) Require all witnesses to testify under oath or affirmation. Department witnesses, if any, shall be called first and may be cross-examined by the person against whom debarment is proposed. This person's witnesses may also be cross-examined by any party; and

(7) Make a record of the proceeding, and make a transcription of the record available to a party at the expense of the requesting party.

(d) *Determination.* The hearing officer may debar if—

(1) The Department has established the existence of a cause under § 29.41 by a preponderance of the evidence;

(2) The debarment was proposed within the time limitations prescribed in § 29.45(c);

(3) The debarment properly takes into account § 29.45(b);

(4) The period of debarment is consistent with § 29.47.

(e) *Distribution.* The hearing officer shall expeditiously provide notice of his or her determination to all parties.

§ 29.53 Review by Administrator.

A person debarred under § 29.51 may, within fifteen days after receipt of the notice of the determination, file a request for review by the administrator. If the administrator, within his or her discretion, denies the request for review, the determination of the hearing officer shall be final. Where a review is granted, the determination by the administrator shall be final. The administrator's determination shall be made within sixty days after the date the administrator receives the request for review. The administrator's determination shall recite the grounds upon which it is made. Notice of the decision shall be sent to all parties.

§ 29.55 Reinstatement.

(a) *Filing a request for reinstatement.* A person debarred under this part may file a request for reinstatement at any time. The request shall be in writing and addressed to the initiating official.

(b) *Procedure.* The initiating official may limit the debarred person to an opportunity to submit documentary evidence and written briefs or, in his or her discretion, may grant a request for an oral hearing. The initiating official may refer the matter to a hearing officer who shall consider the documentary evidence and briefs and, if the initiating official so directs, conduct an oral hearing. The hearing officer shall make a report and recommendation to the initiating official as to whether reinstatement is warranted under the standards of subsection (c) of this section. In no event shall the original determination of debarment be reopened under this section.

(c) *Decision and basis.* The decision whether to reinstate a debarred person shall be a matter within the discretion of the initiating official and shall be made in the public interest. In making the decision, the initiating official shall consider such factors as (1) the seriousness of the causes upon which the debarment was based; (2) the relevant conduct or performance of the debarred person subsequent to the debarment, including any restitution by the debarred person for losses sustained as a result of acts or omissions constituting the causes referred to in

paragraph (c)(1) of this section; and (3) evidence of the debarred person's understanding of the requirements of relevant statutes and regulations and a commitment to comply with them. The initiating official shall recite the grounds upon which the decision is made and may, as a condition to making the decision effective, require compliance with reasonable conditions, including, where appropriate, restitution of the type referred to in paragraph (c)(2) of this section.

Subpart D—Reconsideration, Voluntary Exclusion, and Exception for Certain Projects

§ 29.61 Reconsideration based on newly discovered evidence.

(a) *Request for Reconsideration.* A suspended or debarred person may seek reconsideration of a suspension or debarment at any time based on newly discovered evidence not available at the time of the consideration of the case by the initiating official or at the hearing. The request shall specifically describe the new evidence, its relevance, and the reasons why it was previously unavailable. Within sixty days after the date the requesting party becomes aware of the newly discovered evidence, the request shall be filed with the hearing officer or, if there was no hearing before the original determination, with the initiating official. The suspended or debarred person shall serve a copy of the request and all supporting documents on the Department's legal representative by certified mail, return receipt requested. The Department's legal representative may file a response within twenty days of receipt.

(b) *Decision to reconsider.* The initiating official or the hearing officer, as the case may be, may grant the request to reconsider only if he or she concludes that the new evidence was previously unavailable and that the evidence would probably materially affect the original determination.

(c) *Right to hearing.* If reconsideration is granted under this section, the requesting party has the right to a hearing even though no hearing on the original matter was requested. The hearing shall be limited to the opportunity to submit, in written form, the newly discovered evidence and briefs unless the hearing officer concludes that an oral hearing is necessary.

§ 29.63 Voluntary exclusion

(a) *Agreement for voluntary exclusion.* When in the best interest of the federal government, and provided

that allegations of fraud or criminal activity are not involved, an initiating official, instead of taking administrative action, may enter into an agreement with a participant providing for voluntary exclusion from DOT financial assistance programs for a specified period of time. Agreements for voluntary exclusion are entered into for the benefit of both parties and do not constitute administrative suspension or debarment measures. However, violations of an agreement for voluntary exclusion may result in administrative action under this part.

(b) *Separate listing.* The name of the person entering into an agreement under subsection (a) of this section shall be included on the DOT Unified List under a separate heading entitled "Voluntary Exclusions."

§ 29.65 Exception for certain projects.

In limited circumstances, a person suspended or debarred under this part may nevertheless be permitted to participate in a project under a DOT financial assistance program. Such participation may be permitted only if the appropriate official of the operating administration that administers the financial assistance program determines, in writing, that such participation is clearly in the best interest of the federal government, based upon factors such as the unique value of the person's services; the degree to which the conduct upon which the suspension or debarment is based reflects upon the person's capacity to participate successfully in the project; and any overriding need for the person's participation. The determination shall specify the factors on which it is based.

Subpart E—DOT Unified List

§ 29.71 Establishment and maintenance.

The Assistant Secretary for Administration shall maintain a consolidated list ("DOT Unified List"), containing the name, address, and a brief description of the type of business in which engaged of persons suspended, debarred, or voluntarily excluded under this part. Each administrator shall appoint a liaison officer responsible for assisting the Assistant Secretary in keeping the list current. The Assistant Secretary shall establish procedures applicable to obtaining, maintaining, and distributing list information. Each administrator shall establish procedures applicable to distribution of list information.

Appendix A—Programs to Which This Part Applies

1. Projects which receive financial assistance under the federal-aid highway and related programs (23 U.S.C. 101, *et seq.*).
2. Projects which receive financial assistance under the highway safety programs (23 U.S.C. 402, *et seq.*).
3. Projects which receive financial assistance in connection with uncodified provisions of federal-aid highway acts.
4. Projects which receive financial assistance for the support of basic scientific research by nonprofit institutions of higher education and nonprofit organizations whose primary purpose is the conduct of scientific research (42 U.S.C. 1891).
5. Projects which receive financial assistance in connection with the Airport and Airway Improvement Act of 1982 (49 U.S.C. 2201, *et seq.*).
6. U.S. land acquired for public airports under—
 - a. The Airport and Airway Improvement Act of 1982 (49 U.S.C. 2201, *et seq.*); and
 - b. Section 13(g) of the Surplus Property Act of 1944, as amended (50 U.S.C. 1622(g)).
7. Financial assistance provided in connection with the Urban Mass Transportation Act of 1944, as amended. (49 U.S.C. 1601 *et seq.*).
8. Financial assistance provided in connection with urban transportation programs, title 23 United States Code (Highways).
9. Financial assistance provided in connection with the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801).
10. Financial assistance to Amtrak under section 601 of the Rail Passenger Service Act (45 U.S.C. 601).
11. Financial assistance for planning, preservation, and conversion of rail passenger terminals of historical or architectural significance pursuant to 49 U.S.C. 1653.
12. Financial assistance to states for rail freight assistance programs pursuant to 49 U.S.C. 333.
13. Financial assistance to states for participation in enforcement of FRA rail safety regulations pursuant to section 206 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 435).
14. Guarantees under the Emergency Rail Service Act of 1970 (45 U.S.C. 661 *et seq.*).

[FR Doc. 84-10392 Filed 4-17-84; 8:45 am]

BILLING CODE 4910-62-M

INTERSTATE COMMERCE COMMISSION**49 CFR Part 1160**

[Ex Parte No. 55 (Sub-No. 43A)]

Acceptable Forms of Requests for Operating Authority (Motor Carriers and Brokers of Property)**AGENCY:** Interstate Commerce Commission.**ACTION:** Notice of final rules.

SUMMARY: In accordance with the mandate of the United States Court of Appeals for the Fifth Circuit, the Commission adopts modifications to the existing rules governing applications for operating authority filed by motor carriers and brokers of property. In this proceeding, we set forth guidelines to assist applicants in responding to their expanded competitive options through appropriate requests for operating authority.

Pursuant to the rules adopted here, applicants must generally establish each element of the statutory "fitness" provisions—fitness, willingness, and ability—as prerequisites to the authorization of any motor carrier service. Applicants seeking general commodities authority normally will be authorized to provide such operations restricted against service to bulk commodities and household goods, unless they specifically demonstrate their fitness, willingness, and ability to provide those respective specialized services.

The rules provide that applicants may frame their requests for authority in terms of any reasonably broad commodity or commodity group. Common carrier applicants seeking to define their territorial service range in terms of nationwide authority normally will be restricted against providing service to Alaska and Hawaii, unless they establish their specific fitness, willingness, and ability to serve the non-contiguous States and a corresponding public demand or need for such service.

EFFECTIVE DATE: These rules will be effective May 18, 1984.

FOR FURTHER INFORMATION CONTACT:

Suzanne Higgins, (202) 275-7181

or

Howell I. Sporn, (202) 275-7691

SUPPLEMENTARY INFORMATION: In this decision the Commission adopts final rules governing the acceptable forms of requests for operating authority filed by motor carriers and brokers of property. The rules set forth in the appendix to this decision give full effect to the mandate of the Court of Appeals for the Fifth Circuit in *American Trucking Associations, Inc. v. I.C.C.*, 659 F.2d 452 (5th Cir. 1981) [ATA I], clarified and enforced by mandamus, 669 F.2d 957 (5th Cir. 1982) [ATA II], *cert. denied*, — U.S. —, 103 S.Ct. 1272 (1983).

Final Rules on bulk restrictions in specified commodities grants will not be issued pending further evidence and consideration.

Additional information is contained in the Commission's decision. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th and

Constitution Ave., NW, Washington, DC 20423; or call (202) 289-4357 in the DC metropolitan area, or (800) 424-5403 toll-free outside the DC area.

Environmental and Energy Considerations

We adopt our preliminary finding in the NPR, 48 FR at 36288, that the new rules will not have any significant impact upon the quality of the human environment or conservation of energy resources.

NTTC observes that our policy disallowing restrictions on specified commodity authority permits carriers to transport hazardous materials in bulk form without a preliminary showing of their specialized experience and abilities relevant to such service, contrary to environmental safety interests and principles of the National Environmental Protection Act. These arguments have been thoroughly considered by this Commission. See No. MC-147228 (Sub-No. 3)F, *Robert D. Bowhay, Extension—Chemicals* (not printed), decision of the entire Commission, decided November 23, 1981.

Moreover, as we acknowledged in announcing our lack of jurisdiction over hazardous waste transportation, No. MC-C-10799, *Petition for Declaratory Order—Transportation of Hazardous Wastes* (not printed), decided June 24, 1982, Congress has vested DOT and the Environmental Protection Agency with primary hazardous transportation safety controls. We may properly defer to their expertise and involvement in the area of safety regulation.

In all other respects comments generally responsive to environmental and energy considerations confirm that implementation of the rules adopted here will enable carriers to realize improved operational efficiency, thus contributing to the conservation of energy resources.

Regulatory Flexibility Analysis

No comments were submitted on any matter warranting a departure from our preliminary conclusion that the rules adopted here will have a significant positive economic impact upon a substantial number of small carrier and shipper entities. See NPR, 48 FR at 36288.

We specifically reaffirm our prior assessment "that the . . . rules will serve as a valuable instructive device to apprise small carriers and first-time applicants of the types of broadly defined service alternatives which might best promote their operating efficiencies and enhance their competitive service

posture." *Id.* Small carriers developing their service descriptions will be able to realize their full competitive potential in a manner conducive to operational economies and service flexibility. Small shipping entities, likewise, will benefit from carriers' ability to accommodate fluctuating market conditions and service needs.

The rules afford applicants greater latitude to design service descriptions that reflect their particular service and competitive interests. The rules will be flexibly applied to take proper account of each applicant's fitness, willingness, and ability to meet the service needs of specific commodities and to provide the territorial coverage involved in the authority.

The rules do not impose additional reporting, recordkeeping, or compliance requirements upon small entities. Nor do the rules duplicate, overlap, or conflict with any existing Federal rule.

Adoption of Rules

Accordingly, we adopt the rules set forth in the appendix to this decision. The rules promulgated here shall be codified in the Code of Federal Regulations, Title 49, Sections 1160.100 through 1160.106.

The action in this proceeding is taken pursuant to 49 U.S.C. §§ 10101, 10321, 10922, 10923, 10924, and 11102, and 5 U.S.C. 553.

List of Subjects in 49 CFR Part 1160

Motor carriers, Property brokers, Administrative practice and procedure.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett and Gradison. Chairman Taylor dissented in part and will submit a separate expression at a later date. Commissioner Gradison did not participate.

James H. Bayne,
Acting Secretary.

Appendix

PART 1160—HOW TO APPLY FOR OPERATING AUTHORITY

Title 49 of the Code of Federal Regulations, Part 1160, is amended by adding a new Subpart F as follows:

Subpart F—Rules for Determining Scope of Applications for Operating Authority—Motor Carriers and Brokers of Property

- Sec.
- 1160.100 Scope of this subpart.
 - 1160.101 Commodity descriptions.
 - 1160.102 Intermediate point service.
 - 1160.103 Round-trip service.
 - 1160.104 Territorial authority.

- Sec.
- 1160.105 Contract carriers.
 - 1160.106 Fitness-only authority.

Authority: 49 U.S.C. 10101, 10321, 10922, 10923, 10924, 11102, and 5 U.S.C. 553.

§ 1160.100 Scope of this subpart.

This subpart contains rules designed to assist motor common and contract property carriers and brokers in filing applications for new operating authority. The rules indicate the types of commodity and territorial descriptions that encourage efficient and competitive transportation.

§ 1160.101 Commodity descriptions.

(a) *General commodities carriers.* Authority to transport general commodities will be restricted against the transportation of classes A and B explosives, commodities in bulk, and household goods, unless the applicant specifically demonstrates its fitness, willingness, and ability to perform these specialized services. Other restrictions on general commodities authority are considered unduly restrictive and will not normally be imposed.

(b) *Named commodities or limited classes of commodities.* Authority to transport a named commodity or limited class of commodities shall not normally contain any commodity or service restrictions. An applicant seeking such authority shall frame its request using:

(1) The two-digit Standard Transportation Commodity Code on file with the Commission; or

(2) One or more of the broad generic grouping contained in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (1952) and 766 (1953); or

(3) A broad class description generally accepted by the Commission, such as commodities in bulk, commodities which because of their size and weight require special equipment, oilfield commodities as described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459 (1946), or commodities dealt in by a particular business; or

(4) Any other reasonably broad commodity description that the applicant shows will permit responsive service, allow operational flexibility, and promote competition and efficiency in the industry.

§ 1160.102 Intermediate point service.

Regular-route authority shall encompass service to all intermediate points on the service route. An applicant may also seek authorization to serve specified off-route points.

§ 1160.103 Round-trip service.

Certificates or permits shall not be

restricted to one-way authority. Authority to transport the necessary materials, equipment, and supplies used in the manufacture, sale, or distribution of the involved commodities is implied in all service authorizations.

§ 1160.104 Territorial authority

(a) *County-wide minima.* Authorities shall be expressed in terms of service areas at least as large as a county (*i.e.*, a county in any State, a judicial district in Alaska, a parish in Louisiana, any city, town, or village which is not administratively part of a county, or commercial zones as defined by the Commission).

(b) *Nationwide authority.* A common carrier receiving authority to serve the 48 contiguous States will not be authorized to serve Alaska and Hawaii unless it individually demonstrates (i) its fitness, willingness, and ability to serve those two States and (ii) a public demand or need for its service in those States.

(c) *Facilities restrictions.* Authority shall not be restricted to service at particular plantsites and/or facilities.

§ 1160.105 Contract carriers.

Permits to operate as a contract carrier to serve a single named shipper or class of shippers (industry or industries) shall authorize service "between points in the United States."

§ 1160.106 Fitness-only authority.

Service descriptions to be used in the respective fitness-only categories shall be as follows:

(a) *Transportation to any community not regularly served by a motor carrier.* To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting [commodity group] _____, between [the specified community(ies)] _____, on the one hand, and, on the other, points in the United States.

(b) *Transportation service as a direct substitute for abandoned rail service.* To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting general commodities, between [the abandoned community(ies)] _____, on the one hand, and, on the other, points in the United States.

(c) *Transportation for the United States Government.* To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting, for or on

behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the United States.

(d) *Transportation of shipments weighing 100 pounds or less.* To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting shipments weighing 100 pounds or less if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the United States.

(e) *Transportation by either a common or a contract carrier of food and other edible products and related farm items.* (1) For common carriage.—To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the United States. (2) For contract carriage.—To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the United States, and continuing contract(s) with _____ (person, class of persons, industry, or industries).

(f) *Motor carrier brokers for transportation of property.* To operate, in interstate or foreign commerce, as a *broker of general commodities* (except household goods), between points in the United States.

(g) *Transportation for the United States Government of used household goods which transportation is incidental to a pack-and-crate service on behalf of the Department of Defense.* To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *used household goods* for the account of the United States Government incidental to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the United States.

[FR Doc. 84-10324 Filed 4-17-84; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1165

[Ex Parte No. MC-142 (Sub-No. 1)]

Removal of Restrictions From Authorities of Motor Carriers of Property

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: The Commission issues final rules that modify the existing restriction removal rules in compliance with the mandate of the United States Court of Appeals for the Fifth Circuit in *American Trucking Ass'n. v. ICC*, 659 F.2d 452 (5th Cir. 1981), clarified and enforced by mandamus in 669 F.2d 957 (5th Cir. 1982). This proceeding was instituted by a notice of proposed rulemaking published at 48 FR 36290, August 10, 1983. The new rules require restriction removal applicants to make a showing of fitness, willingness, and ability and also allow applicants to use an alternative commodity description, other than the tripartite commodity classification standards, if the carrier's circumstances warrant. The rules bring the restriction removal rules into compliance with the Fifth Circuit's findings.

EFFECTIVE DATE: These rules will be effective May 18, 1984.

FOR FURTHER INFORMATION CONTACT: Robin Williams Denick, (202) 275-7697 or

Howell I. Sporn, (202) 275-7691

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th and Constitution Ave., NW, Washington, DC 20423; or call (202) 289-4357 in the DC metropolitan area; or (800) 424-5403 Toll-free outside the DC area.

Environmental and Energy Considerations

In our previous notice we stated that the proposed revised rules did not appear to affect significantly the quality of the human environment or conservation of energy resources. NTTC disagrees with our position and urges us to find that implementation of our proposal would require an environmental assessment and an environmental impact statement as it applies to bulk transportation. NTTC argues that special controls are needed for the transportation of hazardous materials in bulk and that our proposed rules (*i.e.*, fitness examination) would enable carriers to handle chemicals and

other hazardous materials without adequate safeguards.

An environmental impact statement is not required each time bulk operations are authorized. First, motor carrier licensing proceedings do not have any cause-and-effect relationship with the quality of our human environment within the meaning of the National Environmental Policy Act (NEPA). See *IML Freight, Inc., Extension—Containerized Freight*, 118 M.C.C. 31, 33 (1973); *Roy L. Jones, Inc., Extension—Antipollution Control Commodities*, 118 M.C.C. 253, 266-268 (1973). Second, the Commission's regulations, 49 CFR 1105.6(c)(4), state that environmental impact statements are not necessary in motor licensing proceedings. Accordingly, we conclude that they should also not be required in the less formal, restriction removal proceedings. Energy and environmental issues can be raised by the parties or by the Commission on its own motion in individual restriction removal applications.

Regulatory Flexibility Analysis

We noted in our previous analysis that the restriction removal rules have permitted motor carriers to use expeditious procedures in reasonably broadening categories of property; eliminated unreasonable or excessively narrow territorial limitations, or other restrictions that the Commission deems to be wasteful of fuel, inefficient, or contrary to the public interest; authorized service to intermediate points; and provided for round trip operations where one-way authority exists. We stated that numerous small entities have already used the procedures to reform their authorities, and concluded that the rules, as modified, would continue to have a significant economic impact upon a substantial number of small entities by allowing them greater opportunities to compete more effectively in the marketplace. We have not received any comments to the contrary.

The rules adopted here will not require the filing of reports or recordkeeping by small entities. The rules will not duplicate, overlap, or conflict with any existing Federal rules.

We conclude then that the adoption of these rules will maintain congressional goals for expeditious removal of restrictions, meet the court's directives in *American Trucking Ass'n. v. ICC*, 659 F.2d 452 (5th Cir. 1981), clarified and enforced by mandamus in 669 F.2d 957 (5th Cir. 1983), and allow small carriers to improve their operating efficiency.

Adoption of Rules

Accordingly, we adopt the revised rules as set forth in the appendix below. This action is taken under the authority of 49 U.S.C. 10321, and 10922(i) and 5 U.S.C. 553.

List of Subjects in 49 CFR Part 1165

Administrative practice and procedure, Buses, Motor Carriers.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett and Gradison. Chairman Taylor dissented in part and will submit a separate expression at a later date. Commissioner Gradison did not participate.

James H. Bayne,
Acting Secretary.

Appendix

PART 1165—[AMENDED]¹.

Title 49 CFR Part 1165, is amended as follows:

1. Section 1165.2 is revised to read as follows:

§ 1165.2 Applicability of rules.

Applications may be filed under these rules to remove restrictions or to broaden authority in certificates and permits issued pursuant to applications filed before (the effective date of the rules). Motor carriers of passengers may file applications under these rules to remove intermediate point restrictions in certificates issued pursuant to applications filed before November 19, 1982.

2. Section 1165.10(a) is amended by redesignating subsection 1165.10(a) as 1165.10(a)(1) and by adding a new paragraph, (a)(2). Section 1165.10(b) is amended by redesignating paragraph (6) as paragraph (7) and adding a new paragraph (6). These revisions read as follows:

§ 1165.10 Form and content of application.

(a) (1) *Form and filing requirements.* * * *

(2) *Verification.* A verified statement must accompany applications submitted by motor carriers of property. The oath should read:

¹ After adoption of the initial restriction removal rules in December 1980, numerous sections and paragraphs of 49 CFR Part 1165 (formerly 49 CFR Part 1137) have been amended or revised. In implementing section 7 of the Bus Regulatory Reform Act of 1982, the Commission adopted rules enabling passenger carriers to remove restrictions in outstanding certificates that limit service along certificated interstate routes. Ex Parte No. MC-142 (Sub-No. 3), *Removal of Restrictions from Authorities of Motor Carriers of Passengers—Intermediate Points*, 47 FR 53286, November 24, 1982, 133 M.C.C. 35 (1982). At present the heading of 49 CFR Part 1165 reads: REMOVAL OF RESTRICTIONS FROM AUTHORITIES OF MOTOR CARRIERS OF PROPERTY AND PASSENGERS.]

I, (fill in name), verify under penalty of perjury under the laws of the United States of America that the information contained in this application is true and correct. Further, I certify that I am qualified and authorized to file this application. I am aware of the penalties for misstatements or omissions of material facts, at 18 U.S.C. 10101 and 18 U.S.C. 1621. (Signature and date).

If an individual other than the applicant prepares and signs the application, the applicant must separately verify its restriction removal application by including the following paragraph under the verified statement:

I, (fill in name), verify under penalty of perjury under the laws of the United States of America that the information in this application is true and correct. I am aware of the penalties for misstatements or omissions of material facts, at 18 U.S.C. 10101 and 18 U.S.C. 1621. (Signature and date).

(b) * * *

(6) A brief statement, where the applicant is a motor carrier of property, affirmatively indicating that it is fit, willing, and able to perform the broader service to be authorized.

3. The first sentence ² of § 1165.11 is revised to read as follows:

§ 1137.11 Notice.

Notice to the public of the filing of an application under these rules will be given by the Commission through publication of a caption summary in the *ICC Register*. * * *

4. In § 1165.12, the introductory text and paragraph (a)(1) are revised to read as follows:

§ 1165.12 Participation of interested persons.

Comments (an original and one copy) shall be filed with the Commission within 25 days of the date of publication in the *ICC REGISTER* or other official means of publication. The envelope containing the comments and the comments, shall be clearly marked "RESTRICTION REMOVAL COMMENTS."

(a) Comments on applications filed by motor carriers of property. Any interested person may comment on the applicant's proposal. Comments may address either or both:

(1) The merits of the particular proposal, including in property applications the reasonableness of the sought commodity expansion, and applicant's fitness, willingness, and

² Use of the *ICC Register* for notices of the filings of motor carrier related applications was established in Ex Parte No. MC-163, *Procedures for Providing Notice of Specified Applications through an ICC Register in Lieu of Federal Register Notice*, 48 FR 32175, July 14, 1983.

ability to perform operations under the broadened authority, or

5. Section 1165.21 is revised to read as follows:

§ 1165.21 Commodity descriptions.

(a) *General commodities carriers.* Where a carrier is authorized to transport general commodities, restrictions precluding the transportation of Classes A and B explosives are not considered unduly restrictive and are not normally subject to removal under these procedures. Other restrictions on the commodities that a general commodities carrier may transport are considered unduly restrictive and usually may be removed under these procedures. In order to remove the household goods or commodities in bulk restrictions, a general commodities carrier must make a specific showing of its fitness, willingness, and ability to transport those commodities.

(b) *Named commodities or limited classes of commodities.* Where a carrier is authorized to transport one or more named commodities, the authority is considered unduly restrictive and may normally be broadened under these procedures. Where a carrier is authorized to transport a limited class of commodities, except as indicated in paragraph (c) of this section, the authority may normally be broadened under these procedures. Commodity classes that carry designations of three digits or more in the Standard Transportation Commodity Code are normally considered unduly narrow. Use of these procedures is normally appropriate for applications that seek—

(1) To expand such a commodity authorization to the two-digit STCC level; or

(2) To replace such an authorization with a commodity description such as the broad generic groupings contained in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (1952) and 766 (1953); or

(3) To replace such an authorization with a broader class description generally accepted by the Commission, such as commodities in bulk, commodities which because of their size or weight require special equipment, or oilfield commodities as described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459 (1946); or

(4) To replace such an authorization with a broad commodity description other than those in paragraphs (b)(1), (2), or (3) of this section, upon a showing that use of any of the above three commodity classifications would either

require the transportation of commodities unrelated to those previously authorized or would require the institution of a different type of service and that the carrier is not fit or is unwilling or is unable to provide the service.

(c) *Commodities dealt in by a particular business.* Where a carrier is authorized to transport "such commodities as are dealt in by" a particular industry, such as mail order houses or retail grocery stores, the authority is not considered excessively narrow, and applications for modification should not normally be filed under these procedures.

[FR Doc. 84-10325 Filed 4-17-84; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 280

[Docket No. 40447-404]

Pacific Tuna Fisheries

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final rule; technical amendment.

SUMMARY: NOAA issues this rule to clarify the status of the U.S. yellowfin tuna regulations while the member countries of the Inter-American Tropical Tuna Commission (Commission) renegotiate the management regime in the eastern Pacific. The only requirement contained in Part 280 that still is in effect is that operators of U.S. vessels maintain a clear and accurate fishing logbook, (§ 280.17). This requirement is necessary to support the scientific research of the Commission so that the Commission can continue to make management recommendations to the member countries. Most of the remaining sections of Part 280 are reserved pending an agreement between the member countries.

DATE: Effective April 18, 1984.

FOR FURTHER INFORMATION CONTACT: James J. Morgan, Resource Management Branch, NMFS, 213-548-2518.

SUPPLEMENTARY INFORMATION:

Background

The authority for the United States to participate in the Inter-American Tropical Tuna Commission and to issue regulations resulting from recommendations made by the Commission is given by the Tuna

Conventions Act of 1950 (Act of September 7, 1950, 64 Stat. 777, as amended October 15, 1962, 76 Stat. 923; 16 U.S.C. 951-961). The principal duties of the Commission are: (a) To study the biology of the tunas and related species of the eastern Pacific Ocean with a view to determining the effects that fishing and natural factors have on their abundance, and (b) to recommend appropriate conservation measures so that the stocks of fish can be maintained at levels which will afford maximum sustainable catches if and when Commission research shows such measures to be necessary.

Although a quota was agreed upon annually for the Commission's Yellowfin Regulatory Area (CYRA) for the 1980 through 1983 fishing seasons as a result of the recommendations of the Commission, there has been no agreement among the member countries on implementation of the quota for any of those years. At their annual meeting held October 19-20, 1983, in Ottawa, Canada, member governments of the Commission agreed to an annual quota on the total catch of yellowfin tuna for the 1984 fishing season; however, there is again no mechanism to implement the quota because a management regime for 1984 was not approved by all major countries fishing in the CYRA.

In the absence of such an agreement between the member governments, it is necessary to notify U.S. fishermen that U.S. regulations, with the exception of the logbook requirement, will not become effective until an agreement is achieved. The U.S. continues to support the work of the commission and will require U.S. fishermen only to maintain a clear and accurate logbook as specified in 50 CFR 280.17. When a new management regime is adopted by the member countries, new regulations will be implemented based upon the final form of the agreement and following a public hearing.

Changes in Part 280

Regulations contained in 50 CFR Part 280 apply to the management regime as it existed in 1979. To conform these regulations with the present situation in the eastern tropical Pacific [during this negotiating period,] the following changes are being made.

1. Section 280.1, Definitions, has been retained. A definition of authorized officer and a definition of the act referred to in the regulations has been added. In addition, the definition of authorized officer has been changed to comply with present enforcement practices of utilizing special agents and the Coast Guard. Definitions not needed at this time have been removed.

2. Section 280.2, Basis and Purpose, has been retained.

3. Sections 280.3 through 280.16 are reserved.

4. Section 280.17, Recordkeeping and written reports, has been rewritten with the same requirements for the logbooks as previously existed and a paragraph has been added, previously addressed in § 280.19, allowing authorized officers to inspect the logbooks.

5. Section 280.18, Person and vessels exempted, has been retained.

6. Sections 280.19 through 280.20 are reserved.

The Assistant Administrator for Fisheries, NOAA, finds that it is unnecessary to provide notice and opportunity for comment on this regulatory action or to delay for 30 days its effective date. This action revokes most of the regulations in Part 280. They have never had legal effect, but have confused the public.

List of Subjects in 50 CFR Part 280

Fish, Fisheries, Reporting and Recordkeeping requirements.

Dated: April 13, 1984.

Joseph W. Angelovic,

Deputy Assistant Administrator for Science and Technology, National Marine Fisheries Service.

For the reasons stated in the preamble, 50 CFR Part 280 is revised to read as follows:

PART 280—PACIFIC TUNA FISHERIES

Sec.

280.1 Definitions.

280.2 Basis and purpose.

280.3—280.16 [Reserved]

280.17 Recordkeeping and written reports.

280.18 Persons and vessels exempted.

280.19—280.20 [Reserved]

Authority: 64 Stat. 777, as amended October 15, 1962, 76 Stat. 923; 16 U.S.C. 951-961.

§ 280.1 Definitions

The terms used in this part have the following meanings:

Act means the Tuna Conventions Act of 1950, 64 Stat. 777, as amended October 15, 1962, 76 Stat. 923; 16 U.S.C. 951-961.

Assistant Administrator means the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, or a designee.

Authorized officer means:

(a) Any commissioned, warrant, or petty officer of the United States Coast Guard;

(b) Any certified enforcement or special agent of the National Marine Fisheries Service;

(c) Any officer designated by the head of any Federal or State agency which has entered into an agreement with the Secretary of Commerce and the Commandant of the Coast Guard to enforce the Act; or

(d) Any Coast Guard personnel accompanying and acting under the direction of any person described in paragraph (a) of this definition.

Commission means the Inter-American Tropical Tuna Commission established pursuant to the Convention.

Convention means the Convention for the Establishment of an Inter-American Tropical Tuna Commission, signed at Washington, D.C., May 31, 1949, by the United States of America and the Republic of Costa Rica (1 U.S.T. 230).

Fishing vessel means any vessel, boat, ship, or other craft which is used for, equipped to be used for, or of a type which is normally used for fishing or for assisting or supporting a vessel engaged in fishing, except purse seine skiffs.

Mingled species means—

(a) Any species of billfish or shark; or
(b) The following species of the family Scombridae: Skipjack (*Genus* *uthynnus*), bigeye tuna (*Thunnus obesus*), bluefin tuna (*Thunnus thynnus*), albacore (*Thunnus alalunga*), or Pacific bonito (*Sarda chiliensis*).

Yellowfin tuna means the species *Thunnus albacares*.

§ 280.2 Basis and purpose.

(a) At a special meeting held at Long Beach, California on September 14, 1961, the Commission recommended to the Governments of Costa Rica, Ecuador, Panama, and the United States of America, parties to the Convention, that they take joint action to limit the annual catch of yellowfin tuna from the eastern Pacific Ocean by fishermen of all nations during the calendar year 1962. This recommendation was made pursuant to paragraph 5 of Article II of

the Convention on the basis of scientific investigations conducted by the Commission over a period of time dating from 1951. The most recent years of this period were marked by a substantial increase in fishing effort directed toward the yellowfin tuna stocks, resulting in a rate of exploitation of these stocks greater than that at which the maximum sustainable yield may be obtained. The Commission's recommendation for joint action by the parties to regulate the yellowfin tuna fishery has as its objective the restoration of these stocks to a level of abundance which will permit maximum sustainable catch and the maintenance of the stocks in that condition in the future.

(b) At each annual meeting held since 1962, the Commission affirmed its conclusions regarding the need for regulating the yellowfin tuna fishery in the eastern Pacific Ocean and at each meeting recommended to the parties at the Convention that they take joint action to:

(1) Establish a prescribed tonnage limit on the total catch of yellowfin tuna by the fishermen of all nations during each calendar year from an area of the eastern Pacific Ocean defined by the Commission;

(2) Establish open and closed seasons for yellowfin tuna under prescribed conditions.

(3) Permit the landing of an incidental catch by weight of yellowfin tuna when landed with one or more of the following fishes usually caught mingled with yellowfin tuna that are taken on a fishing trip begun after the close of the yellowfin tuna fishing season: Skipjack tuna, bigeye tuna, bluefin tuna, albacore tuna, bonito, the billfishes, and the sharks; and

(4) Obtain from governments not parties to the Convention, but having vessels which operate in the fishery,

cooperation in effecting the recommended conservation measures.

(c) The regulations in this part are designed to implement the Commission's recommendations for the conservation of yellowfin tuna so far as they affect vessels and persons subject to the jurisdiction of the United States.

§ 280.3-280.16 [Reserved]

§ 280.17 Recordkeeping and written reports.

(a) The master or other person in charge of a fishing vessel or a person authorized in writing to serve as the agent for either person must:

(1) Keep an accurate log of all operations conducted from the fishing vessel, entering for each day the date, noon position (stated in latitude and longitude or in relation to known physical features), and the tonnage of fish aboard by species. The record and bridge log maintained at the request of the Commission shall be sufficient to comply with this paragraph provided the items of information specified are accurately entered in the log.

(b) Any authorized officer has the power to inspect without warrant or other process, at any reasonable time, the records and logs of any fishing vessel which are required by § 280.17(a)(1).

§ 280.18 Persons and vessels exempted.

Nothing contained in § 280.2 to § 280.18 applies to:

(a) Any person or vessel authorized by the Commission, the Assistant Administrator, or any State of the United States to engage in fishing for research purposes.

(b) Any person or vessel engaged in sport fishing for personal use.

§ 280.19-280.20 [Reserved]

[FR Doc. 84-10421 Filed 4-17-84; 8:45 am]
BILLING CODE 3510-22-M

Proposed Rules

Federal Register

Vol. 49, No. 76

Wednesday, April 18, 1984

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

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

7 CFR Part 1747

Lien Accommodations (Telephone Program)

AGENCY: Rural Electrification Administration, USDA.

ACTION: Proposed Rule.

SUMMARY: The Rural Electrification Administration (REA) proposes to add Part 1747, Lien Accommodations, to 7 CFR Chapter XVII. This new part will contain the lien accommodation policy of the REA telephone program for purposes which are not included in the Rural Electrification Act of 1936, as amended, (RE Act). The primary objective of the proposal is to enable telephone borrowers to attract the outside capital necessary to finance projects designed to aid in the development of rural areas as determined by the Administrator. Certain standards and limitations will apply. The proposal will impact all present and future REA telephone borrowers.

DATE: Public comments must be received by REA no later than June 18, 1984.

ADDRESS: Comments may be mailed to John N. Rose, Director, Telecommunications Management Division, Rural Electrification Administration, Room 2847, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. Comments received may be inspected at Room 2847 between 8:15 a.m. and 4:45 p.m.

FOR FURTHER INFORMATION CONTACT: John N. Rose, Acting Chief, Loans and Management Branch, Telecommunications Management Division, Room 2847, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number (202) 382-8530. The Draft Regulatory Impact Analysis describing the options considered in developing

this proposed rule is available on request from the above-named individual.

SUPPLEMENTARY INFORMATION: This proposed action has been issued in conformance with Executive Order 12291, Federal Regulation. The action will not (1) have an annual effect on the economy of \$100 million or more; (2) result in a major increase in costs or prices for customers, individual industries, Federal, State or local Government agencies; or (3) result in significant adverse effects on competition, employment, investment or productivity, and therefore has been determined to be "not major."

This program is listed in the Catalog of Federal Domestic Assistance as 10.851—Rural Telephone Loans and Loan Guarantees, and 10.852—Rural Telephone Bank Loans.

Background

Currently REA encourages borrowers to submit requests for accommodations or subordinations of the Government's liens or mortgages for purposes provided in the RE Act. REA considers such requests on a case by case basis. REA has not encouraged borrowers to submit requests that REA accommodate the Government's liens on the borrowers' systems for projects not eligible for financing under the RE Act. This proposed revision will establish criteria under which REA will consider accommodating the Government's lien in order that borrowers may engage in projects not provided for in the RE Act.

Therefore, REA proposes to amend 7 CFR Chapter XVII by adding the following new Part 1747:

PART 1747—LIEN ACCOMMODATIONS

Sec.

1747.1 General.

1747.2-1747.9 [Reserved]

1747.10 Policy.

1747.11-1747.19 [Reserved]

1747.20 Criteria.

Authority: 7 U.S.C. 901 et seq.

§ 1747.1 General.

REA encourages borrowers to submit requests for accommodations or subordinations of Government's liens or mortgages for the purposes provided in the Rural Electrification Act of 1936, as amended (RE Act). REA considers such requests on a case by case basis. This part sets forth REA policy with respect

to sharing the Government's security through the accommodation of the Government's lien on telephone borrowers' systems in order to enable these borrowers to finance certain projects which are not eligible for loans under the RE Act.

§ 1747.2-1747.9 [Reserved]

§ 1747.10 Policy.

The Administrator will consider requests to share the Government's security through a lien accommodation or other appropriate security arrangement in order to enable telephone borrowers with sufficient net worth positions to finance projects designed to aid in the development of rural areas as determined by the Administrator. For the purposes of this part, (a) the "net worth" of a borrower means the total of Line A-27 "Total Capital Stock," Line A-30, "Total Memberships and Capital Certificates," and Line A-36, "Total Retained Earnings or Margins and Capital Credits," all as set forth in Part A of REA Form 479, "Financial and Statistical Report for Telephone Borrowers," and (b) the "total assets" of a borrower means the amount set forth on Line A-24, "Total Assets and Other Debits" on Part A of REA Form 479.

§ 1747.11-1747.19 [Reserved]

§ 1747.20 Criteria.

(a) The Administrator will consider requests that the Government provide a lien accommodation on the borrower's system only on a case by case basis after a determination is made in each case that (1) the project will enhance the creditworthiness of the borrower and will result in the extension of the lien of the Government's mortgage to additional property having a fair market value of not less than the amount of debt for which the lien accommodation is provided, and (2) the lien accommodation is otherwise in the best interests of the Government. The lien accommodation, if granted by the Government, shall be for loans which, in the aggregate, are not greater than:

(i) 150% of the borrower's net worth if such net worth is 15% or less of the borrower's total assets;

(ii) 175% of the borrower's net worth if such net worth is more than 15% but less than 30% of the borrower's total assets; and

(iii) 200% of the borrower's net worth if such net worth is 30% or more of the borrower's total assets

(b) In considering whether to provide a lien accommodation and the amount and terms, and conditions thereof, the Administrator shall consider among other matters the following:

(1) Whether the lien accommodation is necessary to obtain financing of the project;

(2) Whether the project could reasonably be undertaken and financed independently of the borrower by an organization affiliated with the borrower;

(3) Whether the project will be designed and constructed in accordance with sound engineering practices;

(4) Whether the project involves substantial risks, taking into account the size of the project and the size of the borrower; and

(5) Whether RE Act beneficiaries will receive benefits from the project.

List of Subjects in 7 CFR Part 1747

Loan programs—communications, Telecommunications, Telephone.

Dated: April 6, 1984.

Harold V. Hunter,
Administrator.

[FR Doc. 84-10316 Filed 4-17-84; 8:45 am]

BILLING CODE 3410-15-M

Farmers Home Administration

7 CFR Parts 1930, 1944, 1951 and 1965

Predetermined Amortization Schedule System (PASS) Account Servicing

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Farmers Home Administration (FmHA) proposes to implement a new regulation governing servicing of loan payments made on a predetermined amortization schedule system (PASS) in a new automated accounting system being developed for multiple family housing (MFH) loans and grants. The present daily interest accrual system (DIAS) applies subsidized loan payments as if they are amortized at the subsidized (interest credit) rate, usually 1 percent. This creates an inequity because principal for subsidized loans is reduced faster than principal for nonsubsidized loans. This action is taken in response to general public requests for a payment application method consistent with practices in the private sector and Office of Inspector General (OIG) audits requiring a change in FmHA payment

application methods so subsidized and nonsubsidized loans are treated equitably. The intended effect is to change the method of applying loan payments from daily interest accrual to an amortization schedule for all new loans, transfers, reamortizations and voluntarily converted loans after the effective date of the regulation.

DATES: Comments must be received on or before June 18, 1984.

ADDRESSES: Submit written comments in duplicate to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6348, South Agriculture Building, 14th and Independence Avenue SW., Washington, DC 20250. All written comments made pursuant to the notice will be available for public inspection during regular work hours at the above address. The collection of information requirements contained in this rule have been submitted to OMB for review under § 3504(h) of the Paperwork Reduction Act of 1980. Submit comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Farmers Home Administration, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT:

Mrs. Jeanine L. Johnson, Real Estate Loan Specialist, Multi-Family Housing Servicing and Property Management Division, FmHA, USDA, Room 5321, South Agriculture Building, 14th Street and Independence Avenue, SW., Washington, DC 20250, telephone (202) 382-1599.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under USDA procedures established in Departmental Regulation 1512-1 which implements Executive Order 12291, and has been determined "nonmajor." It will not result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment investment, productivity, innovation, or on the ability of United States based enterprises to compete with foreign-based enterprises in domestic or export markets.

Farmers Home Administration proposes to implement a new loan collection system whereby multiple family housing (MFH) loan payments will be applied based on a predetermined amortized payment schedule. It will benefit the Government as follows:

1. Borrower payments will be applied based on a predetermined amortized payment schedule which is the method most commonly used by private lenders and other Government agencies.

2. Subsidized loans will have a preestablished subsidy credit factor determined by subtracting the amortized payment at the interest credit rate from the amortized payment at the promissory note rate. This subsidy credit factor will remain constant for the life of the loan, reduced only by "overage," which is additional interest.

3. Payments will be applied to principal based on the predetermined amortized payment schedule at the promissory note interest rate.

4. Late fees will be charged on payments after a 10 day grace period. This will provide incentive to borrowers to keep payments current.

FmHA initially considered two alternatives:

1. The first alternative was to continue to administer payments on a daily interest accrual method, i.e., daily interest accrued and collected on the unpaid principal balance and to continue to apply interest credit payments as if the loan was amortized at the interest credit rate.

Under the present system, payments on most interest credit loans are reduced to 1 percent from the promissory note (or market) rate, which has been as high as 13.50 percent. FmHA would continue applying payments on these accounts as if the loan was amortized at 1 percent. This results in a much greater application to principal. (Example: On a \$750,000 loan at 12 percent amortized over 49 years, the application to principal for the first year under the present system would be \$11,994.50. Under the proposed system the application to principal for the same period would be \$274.50; a difference of \$11,720.) This will continue providing an additional advantage to borrowers with interest credit loans in an accelerated build-up of equity. When the borrower sells the project this equity will be returned to the borrower as profit. Under the daily interest accrual method, the Government assesses no late charge. Therefore, there is no incentive for the borrower to make scheduled payments when they are due.

An additional disadvantage to borrowers will continue. Under the present system the borrower does not know how payments are applied to principal and interest until "end of year" statements are issued.

Borrowers presently have difficulty understanding FmHA's system for applying loan payments. This method of

payment application is not common in the private sector nor is it used by other Government agencies which insure loans. FmHA State and District staff personnel spend considerable time explaining to borrowers and their accountants why payments are applied as they are.

2. The second alternative was for FmHA to convert to a predetermined amortized payment schedule system. Principal would be applied on a predetermined amortized payment schedule at the promissory note interest rate. A monthly subsidy factor would be established and subtracted from interest, and later principal, due on each payment, to reduce the payment to the interest credit level. A late fee would be charged for any payment not received by the tenth day after the due date.

The effect of this action would be that FmHA would institute loan administration practices which are consistent with lending practices common in the private sector. Borrowers and other members of the private sector should have little difficulty understanding how payments are applied, since most are familiar with predetermined amortized payment schedules on other real estate type loans.

Borrowers would be able to project payment applications to principal and interest based on an amortization schedule. This should simplify submitting required management reports and filing tax returns. Institution of a late fee would provide an incentive for borrowers to make payments when due.

The new accounting system will facilitate establishment of "tenant data files" in the data base in Kansas City. The Finance Office will generate a monthly billing based on the tenant data and also generate a report to the borrower giving tenant data for each apartment unit. This will replace a report presently prepared by the borrower and will significantly reduce the public reporting burden.

There will be a financial benefit to the Government in: (1) The increased interest collected on each loan; and, (2) the additional principal the Government will collect when the loan is paid in full. Using the example in alternative one, and assuming a "net" interest benefit to the Government after borrower tax deductions, there is a potential net increase in interest of \$7,342,580 per year, assuming 1253 new loans per year.

FmHA has chosen the second alternative which will treat subsidized and nonsubsidized payment application equitably, provide a loan accounting system consistent with the private sector, and provide incentives

for borrowers to make timely loan payments. Since implementation of the PASS system requires a new automated multihousing accounting procedure, numerous other benefits will be gained including improved account servicing for borrowers, an improved rental assistance tracking system, and tenant files established on the Finance Office data base so more effective reports will be available to Congress and FmHA National, State and District Offices.

The loan collection and servicing procedures proposed in this new accounting systems implement recommendations in the President's Private Sector Survey on Cost Control (PPSSCC) commonly called the Grace Commission.

This document has been reviewed according to 7 CFR Part 1940, Subpart G, "Environmental Program." It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of human environment and according to the National Environmental Policy Act of 1969, Pub. L. 91-190, an Environmental Impact Statement is not required.

FmHA proposes to revise paragraph VII F of Exhibit B to Subpart C of Part 1930 to establish a procedure so data from the tenant certification is used to establish tenant files on the Finance Office data base. The tenant files will be used to produce a monthly payment statement which will be mailed to each borrower. A new requirement is incorporated. The borrower will be required to pay full overage for any tenant with an expired tenant certification. The borrower may not pass the additional cost on to the tenant.

FmHA proposes to add paragraph XIII B 2 a (4) to Exhibit B to Subpart C of Part 1930 specifying that late fees may not be paid from project income.

Some of the proposed changes to Exhibit E to Subpart C of Part 1930 are as follows:

1. Paragraphs VI B 3 is revised to allow modified rental assistance agreements to add or subtract rental assistance units from a project or to reinstate suspended rental assistance units under certain conditions.

2. Paragraph VII B is revised to make tracking rental assistance the responsibility of the Finance Office not the District Director. This tracking will include periodic reports on rental assistance account balances and the expected life of the contract based on average usage.

3. Paragraph X A is revised to include authorization to deduct rental assistance due the borrower from the scheduled loan payment. Any rental assistance due

exceeding the amount of the required loan payment will be automatically issued to the borrower by check.

Some of the proposed changes to Subpart D of Part 1944 are as follows:

1. All Labor Housing (LH) loans closed, transferred, reamortized or projects receiving subsequent loans must be converted to PASS in § 1944.159(c).

2. In § 1944.176(d)(2) payments on the promissory note may be scheduled in annual or monthly installments.

3. Section 1944.176(d)(3) is revised. FmHA will no longer include in the loan interest accruing during construction when construction is by multiple advance. Instead, interest during construction will be capitalized and a new principal amount will be established when the maximum debt limit has been reached or when the project is ready for full operation, whichever comes first.

Some of the proposed changes to Subpart E of Part 1944 are as follows:

1. In 1944.215(c)(1) the provision is removed for deferred principal payments during construction financed by multiple advances. In the new accounting system, interest will accrue during the period of multiple advances. When construction is substantially complete and the project is ready for full occupancy, the accrued interest will be capitalized, establishing a new loan amount.

2. In § 1944.212(m) and § 1944.215(c) the provision for interest during construction on multiple advance loans is changed. FmHA will no longer include interest in the loan to pay "interest only" installation during construction by multiple advance. Instead, at the end of the construction period or when the maximum debt limit is reached, whichever happens sooner, the interest will be capitalized and a new principal amount will be established. Monthly loan payments will start one month from the date interest is capitalized. If there is a remaining obligation balance it will be cancelled.

3. In § 1944.213(a)(3) all borrowers must agree in writing to provide funds from their own resources to pay any cost for completing construction after the maximum debt limit is reached.

4. A new requirement is added in § 1944.236(c)(5). All new loans will be closed on the predetermined amortization schedule system (PASS). If a subsequent loan is made on a project with loans on DIAS, all other project loans must be converted to PASS.

5. Section 1944.238, paragraph 1. of Exhibit A and paragraph 1.f. of Exhibit A-6 are changed to require borrowers to

provide their social security or tax identification number. The number will become part of the project case number. This is a requirement in Section 4 of Public Law 97-365 dated October 25, 1982, known as the Debt Collection Act of 1982.

In Exhibit B to Subpart E of Part 1944 FmHA proposes to change the effective dates of interest credit payments by revising paragraphs VI C and VII A. Interest credit will no longer become effective during the construction period. Interest credit may now become effective the first day of the month following substantial completion of construction when the project is ready for full operation. This corresponds with the date construction interest will be capitalized.

In Subpart A of Part 1951 FmHA proposes to make all MFH loans subject to the "direct payment" process in Subpart K of Part 1951.

FmHA proposes a new regulation, Subpart K of Part 1951. This new regulation gives the servicing and collection procedures for the Predetermined Amortization Schedule System (PASS). Some of the proposed procedures are:

1. Section 1951.501 describes loan programs and recipients covered by PASS. They include recipients of Farm Labor Housing (LFH), Rural Rental Housing (RRH), Rural Cooperative Housing (RCH), and Rural Housing Site Loans (RHS). All loans, credit sales, reamortizations and transfers closed after the effective date of this regulation will be on PASS, as well as all present borrowers voluntarily converting to PASS.

2. Section 1951.506(a) provides for a new "direct payment" process. Tenant files will be established in the new accounting system. A direct payment coupon and a listing of the tenant data will be generated on the 16th of each month prior to the payment due date and sent to the borrower. The borrower will mail the payment to the District Office. The tenant data will be updated and mailed to the District Office with any new tenant certifications for review and verification. This direct payment system will provide a 40 day payment cycle from rent collection to charging of the late fee.

3. Section 1951.510 (a) and (b) describes payment application of regular payments. Under PASS all payments will be due the first day of the month. The first payment on a loan must be at least 30 days from loan closing. All months will be counted as 30 days.

4. In § 1951.510(c) past due payments and late fee charges are discussed. Payments will be considered past due

on the second day of the month. However, borrowers have a ten day grace period in which a payment may be received in the District Office. On the eleventh day, a project late fee of 6 percent of the combined payment(s) shown on the promissory note(s), assumption agreement(s) or reamortization and/or deferred agreement(s) for the project will be charged to the account. (Finance Office will allow sufficient time for payments to process before the account will be charged.) A full project late fee will be charged for any unpaid portion of the combined scheduled payment(s) exceeding \$15.00. The project late fee will be charged one time only, for each regular payment. Late fees may not be paid from project income. However, under certain conditions the State Director or National Office may waive late fees. When a payment is received, late fees will be credited first.

5. In § 1951.510(d) subsidy credits are discussed. When a regular payment is received on a loan the Finance Office will credit the loan account with the full amount of subsidy for that month. The subsidy is the difference between the loan payment amortized at the promissory note rate and the loan payment amortized at the interest credit rate. The subsidy credit remains constant for the life of the loan. Subsidy credit will be applied first to interest due and then to principal. Subsidy credit will not be applied to late fees or additional charges to the account such as taxes or insurance which have been paid by the Government on the borrowers' behalf.

6. In § 1951.510(h) borrowers will be allowed to make voluntary additional principal (VAP) payments on the loan provided the scheduled loan payments are current. VAP payments will be applied only to principal and may be made in any amount. VAP payments will not affect the scheduled payment status of the loan.

7. Conversion to PASS is discussed in § 1951.517. After the effective date of this regulation conversion to PASS will be required on all multiple family housing (MFH) loans on a project at transfer, reamortization or when a subsequent loan is made. Conversion will be at the present principal balance. There are two types of voluntary conversion. Present borrowers who signed an option to convert before the effective date of this regulation will have their loans converted retroactive to the date of the promissory note, transfer (new terms) or reamortization. Present borrowers may choose to convert their loans to PASS voluntarily after the effective date of this regulation. Those

loans will be converted at the present principal balance. Also, loans voluntarily converted must be paid current before conversion and all required reserve accounts must be current under existing agreements.

FmHA proposes to revise Subpart B to Part 1965 to incorporate references to Subpart K of Part 1951.

The FmHA programs and projects which are affected by this regulation are subject to intergovernmental consultation in the manner delineated in FmHA Instruction 1940-J, "Intergovernmental Review of Farmers Home Administration Programs and Activities," available in any FmHA Office.

CFDA numbers and titles: 10.405, Farm Labor Housing Loans and Grants; 10.415, Rural Rental Housing Loans; 10.411, Rural Housing Site Loans; and, 10.427 Rural Rental Assistance Payments.

Approval has been requested from the Office of Management and Budget for the reporting and recordkeeping requirements contained herein.

List of Subjects

7 CFR Part 1930

Accounting, Administrative practice and procedure, Grant programs—housing and community development, Loan programs—housing and community development, Low- and moderate-income housing—rental, Reporting and recordkeeping requirements.

7 CFR Part 1944

Administrative practice and procedure, Aged, Farm Labor Housing, Grant programs—housing and community development, Handicapped, Loan programs—housing and community development, Low- and moderate-income housing—rental, Migrant labor, Mortgages, Nonprofit organizations, Rent subsidies, Rural housing.

7 CFR Part 1951

Account servicing, Credit, Loan programs—agriculture, Loan programs—housing and community development, Low- and moderate-income housing loans—servicing, Mortgages.

7 CFR Part 1965

Administrative practice and procedure, Low- and moderate-income housing—rental, Mortgages.

Accordingly, FmHA proposes to amend Part 1930, Subpart C, Part 1944, Subparts D and E, Subpart A, Part 1951, and Part 1965, Subpart B, and add

Subpart K to Part 1951, Chapter XVIII of Title 7 of the Code of Federal Regulations as follows:

PART 1930—GENERAL

Subpart C—Management and Supervision of Multiple Family Housing Borrowers and Grant Recipients

1. Exhibit B is amended by revising paragraph VII F and adding paragraph XIII B 2 a (4) to read as follows:

EXHIBIT B—MULTIPLE HOUSING MANAGEMENT HANDBOOK

VII * * *

F *Certification of Tenant Income.* 1. The borrower must initially submit Form FmHA 444-8 or the acceptable HUD Form for each tenant to the District Office. The Initial signed tenant certification will be submitted to the FmHA District Office immediately when the tenant occupies the unit. The District Office will verify the information and forward the necessary data from the tenant certification to the Finance Office. The Finance Office will enter the data into the tenant files for the project. The Finance Office will also store the required recertification date for each tenant.

2. Each tenant must be recertified no later than the twelfth month after the previous certification. Tenants receiving Section 8 Assistance will be recertified according to HUD regulations. Ninety (90) days prior to the required certification date the Finance Office will notify the borrower that a recertification of the tenant is required and the due date. The borrower will have until the required date to notify the tenant, process Form FmHA 444-8, submit it to the District Office and have the new data entered into the Finance Office tenant file.

3. On the project's monthly payment statement, the Finance Office will credit interest credit and rental assistance only for tenants with current tenant certifications. For tenant's without current tenant certifications, the borrower will be required to pay full overage and may not pass the additional cost on to the tenants. However, the borrower does have recourse to eviction if the tenant certificate is late due to lack of cooperation on the part of the tenant.

* * * * *

XIII * * *

B. * * *

2. * * *

a. * * *

(4) *Unauthorized Disbursements.* Late fees charged the borrower according to Subpart K of Part 1951 of this chapter, may not be paid from project income. When late fees are deducted by FmHA from payments made from project income, the project General Operating Account must be reimbursed from nonproject income of the owner or management agent or deducted from the owner's return on investment.

2. Exhibit E is amended by revising paragraphs VI B 3, VII B X A, and XIV to read as follows:

Exhibit E—Rental Assistance Program

* * * * *

VI * * *

B * * *

3 *Modification of agreements.* RA agreements may be modified:

a. To add or subtract RA units assigned to a project.

b. To reinstate a suspended RA agreement to a new borrower in the same project after a voluntary conveyance or a foreclosure and a credit sale within the Multi-Family Housing program.

c. To transfer a suspended RA agreement to a new borrower and new project after a liquidation through sale outside of the program or after the loan is paid in full.

* * * * *

VII * * *

B. The Finance Office (FO) will track the use of RA and ensure that RA is not disbursed or credited to a borrower's account in excess of the RA obligation. Quarterly and annually, the FO will provide the District Director with an RA payment and obligation status report for each project. The annual version of this report will be filed in Position 2 of the project case file and maintained indefinitely.

* * * * *

X * * *

A. Regular monthly rental assistance payments.

1. *Borrower Responsibilities.*

a. Any RA due the borrower will be deducted from the scheduled loan payment and the balance of the loan payment must be submitted to the Finance Office with Form FmHA 1944-9A which has been generated by the Finance Office. If the RA due the borrower exceeds the scheduled loan payment an RA check for the excess will automatically be issued by the Finance Office.

b. Each month, the borrower must forward to the District Director a separate Form FmHA 1944-9B and any new form FmHA 444-8, "Tenant Certification," for each project according to the instructions attached to the Form.

2. *District Director responsibilities.*

a. When a form FmHA 1944-9B and new Forms FmHA 1944-9B are received, the District Director will:

(1) Review the FmHA 1944-8 and verify that the information contained on the forms is correctly computed based on information contained on the form.

(2) Review the adjustments made by the borrower on FmHA 1944-9B and ensure that they are supported by the Forms FmHA 444-8 and reflected on FmHA 1944-9A.

(3) Forward tenant data from the Forms FmHA 444-8 to the Finance Office.

b. The District Director should verify the accuracy of the borrower's address shown on Forms FmHA 440-57, "Acknowledgment of Obligated Funds/Check Request," and FmHA 450-14, "Annual Statement of Loan Account." When the address shown on these forms is not correct, the District Director will complete Form FmHA 450-10, "Advice of Borrower's Change of Address or Name,"

correcting the borrower's address, and mail with the Form FmHA 1944-9A, following the same procedure specified in paragraph X B.1. of this exhibit. When a borrower has more than one project within a county, all checks must be sent to the same address.

* * * * *

XIV *Terminating Existing Rental Assistance Agreement Obligated in Prior and/or Current Fiscal Years.*

A. When Obligated Funds are Fully Disbursed. RA agreements will be automatically terminated by the Finance Office when all obligated funds shown on the agreement are fully disbursed to the borrower. The Finance Office will enter a final payment code on Form FmHA 1944-9A when the last RA payment is processed.

B. Prior to Full Disbursement of Obligated Funds.

1. *Prior Fiscal Year Obligation.* Prior fiscal year obligations may not be terminated, they will be suspended using procedures in paragraph IV of this exhibit.

2. *Current Fiscal Year Obligations.* The State Director is authorized to terminate RA agreements prior to the disbursement of obligated funds if the funds were obligated during the current fiscal year. The undisbursed funds for the RA obligation will be returned to the current fiscal year obligation authority.

* * * * *

3. Exhibit E is further amended by redesignating paragraphs XV through XVII as paragraphs XVI through XVIII respectively, and adding a new paragraph XV to read as follows:

Exhibit E—Rental Assistance Program

* * * * *

XV *Suspending and Reinstating Rental Assistance Agreements.*

A. When a project receiving RA is voluntarily conveyed to the Government, liquidated through sale outside of the program, or the loan is paid in full, the RA agreement will immediately be suspended by the State Director. This suspension will be effective upon recordation of the deed of conveyance or the receipt of payment in full. No appeal rights will be given to the tenants but they will be notified according to the requirements of § 1965.90 of Subpart B of Part 1965 of this chapter. The RA agreement may be reinstated in accordance with paragraph VI B 3 of this exhibit.

B. When servicing a project account according to § 1965.85 of Subpart B to Part 1965 of this chapter and the account is accelerated, the RA payments to the borrower may be suspended. The RA payments may be reinstated to the same borrower when the defaults are corrected and the State Director reinstates the borrower's account. The RA agreement may be reinstated to a new borrower in accordance with Paragraph VI B 3 of this exhibit.

C. When notifying the Finance Office of a suspension or reinstatement the State Director will complete Form FmHA 1944-26,

"Request for Obligation of Rental Assistance," according to the FMI. When reinstating an RA agreement with a new borrower, a new Form FmHA 1944-27 will be completed for the new borrower with Section 10 indicating that it is a modified agreement.

Exhibit E-1 [Removed]

4. Exhibit E-1 is removed.

PART 1944—HOUSING

Subpart D—Farm Labor Housing Loan and Grant Policies, Procedures and Authorizations

5. In § 1944.158 paragraph (j) is revised to read as follows:

§ 1944.158 Loan and grant purposes.

(j) Pay interest which will accrue during the estimated construction period if interim financing is used. In the case of multiple advances, loan funds will not be used for construction interest. Accrued interest during the construction period will be capitalized when construction is substantially complete and the project is ready for full operation.

6. In § 1944.159 paragraph (c) is added to read as follows:

§ 1944.159 Rates and terms.

(c) *Amortization Schedule.* All LH loans closed, transferred or reamortized after (effective date of Subpart K of Part 1951 of this chapter) will be on a predetermined amortization schedule system (PASS). All loans on any project receiving a subsequent loan after (effective date of Subpart K of Part 1951 of this chapter) must be converted to PASS. Accounting and processing payments for PASS loans will be handled under regulations in Subpart K of Part 1951 of this chapter.

7. In § 1944.171 paragraph (e) is revised to read as follows:

§ 1944.171 Preparation of completed loan and/or grant docket.

(e) *Submission of docket to State Office.*

(1) The loan and/or grant docket needing State Office approval, including comments and recommendations by the District Director, will be submitted to the State Office. The State Director will prepare and include in the docket a memorandum to the District Director which will either require additional information if the material submitted is inadequate or will set forth the

conditions of loan approval. The proposed conditions of loan approval must indicate if construction will be financed by multiple advances or interim financing.

(i) Loans for multiple advance construction will include the cost of construction less the cost of interest during construction. To determine the recommended loan amount the District Director should determine the authorized loan amount including construction interest, then subtract the estimated construction interest from the loan amount. Interest during construction will be capitalized as authorized in § 1944.158 (j) of this subpart.

(ii) Loans for interim financed construction may include the cost of interest during construction as authorized in § 1944.158 (j) of this Subpart.

(2) The advice of OGC should be obtained for all loans and/or grants to organizations and associations of farmers and their comments included in the memorandum to the State Director. If the State Director determines that the loan and/or grant should be approved, the State Director will approve the loan and/or grant and sign the memorandum to the District Director.

§ 1944.173 [Amended]

8. In § 1944.173 paragraph (b)(6) the first sentence is removed.

9. In § 1944.176 paragraphs (d)(2), (d)(3), and (d)(5) are revised to read as follows:

§ 1944.176 Loan and/or grant closing.

(d) * * *

(2) Form FmHA 440-16, "Promissory Note," will be used for all LH loans except those secured by bonds. Payments on LH loans will be scheduled on an annual or monthly basis in accordance with the expected schedule of income from the project. If periodic payments are desired on an annual note they may be scheduled on Form FmHA 440-9.

(3) In the case of multiple advances only, payments will be deferred for the period of construction and any remaining period until the project is operational. When construction is substantially complete and/or the project is ready for full operation or interest plus principal reaches the "Maximum Debt at Amortization Effective Date (AED)", the accrued interest on advances will be capitalized establishing a new loan amount. The Maximum Debt at AED will be established according to § 1944.157

(a)(7)(iii) of this Subpart. The borrower's payment of principal and interest will be established according to the Forms Manual Insert (FMI), for Form FmHA 440-16, "Promissory Note." At loan closing the Finance Office (FO) will be notified of the projected AED and the Maximum Debt at AED on Form FmHA 440-57, "Acknowledgement of Obligated Funds Check Request." When the AED is reached or the Maximum Debt at AED is reached, FO will:

(i) Capitalize the construction interest. When there is a remaining obligation balance, the remaining obligation will be cancelled by the Finance Office.

(ii) Notify the District Office of the new loan amount and the borrower's scheduled loan payment.

(iii) Issue an amortization schedule on the loan.

(iv) Prepare and forward to the District Office Form FmHA 1944-7, "Interest Credit and Rental Assistance Agreement" if rental assistance has been obligated for the project.

(v) The District Office will complete Form FmHA 440-16 and FmHA 1944-7 according to the FMIs.

(5) After loan closing the original note and copies will be distributed according to the FMI.

10. Exhibit H is amended by revising paragraphs (5)(i) and (5)(ii) to read as follows:

Exhibit H—Information Pertaining To Preparation of Notes or Bonds and Bond Transcript Documents for Public Body Applicants

(5) * * *

(i) *First preference—Form 440-16.* If legally permissible, use Form FmHA 440-16 "Promissory Note."

(ii) *Second preference—single instrument with amortized installments.*

If Form FmHA 440-16 is not legally permissible, use a single instrument showing on the face the full amount of the loan and providing for amortized installments with provisions for entering the date and amount of each FmHA advance on the reverse thereof or on an attachment to the instrument. Form FmHA 440-16 should be followed to the extent possible. The first amortized payment will be due one amortized payment period following the AED. See the FMI for Form FmHA 440-16 for specific instructions.

Subpart E—Rural Rental Housing Loans, Policies, Procedures, and Authorizations

11. In § 1944.212 paragraph (m) is revised to read as follows:

§ 1944.212 Loan purposes.

(m) Pay interest which will accrue on the RRH loan during the estimated construction period if interim financing is used. In the case of multiple advances, loan funds will not be used for construction interest and accrued interest during construction will be capitalized when construction is substantially complete and project is ready for full operation.

12. In § 1944.213 paragraph (a)(3) is added to read as follows:

§ 1944.213 Limitations.

(a) * * *

(3) For all applicants, the amount of the loan after capitalized construction interest is taken into consideration will not exceed the loan limits in paragraphs (a)(1) and (a)(2) of this section. All borrowers must agree in writing to provide funds from their own resources to pay any cost for completing construction after the maximum debt limit is reached.

13. In § 1944.215 paragraph (c) is revised to read as follows:

§ 1944.215 Special conditions.

(c) *Deferred Principal Payments.* (1) In the case of multiple advances only, payments for principal may be deferred for the period of construction. Accrual on interest may not be deferred. When construction is substantially complete and the project is ready for full operation or interest plus principal reaches the "Maximum Debt at Amortization Effective Date (AED)" the accrued interest on advances will be capitalized establishing a new loan amount. The Maximum Debt at AED will be established according to § 1944.213(a) of this subpart. The borrower's monthly payment of principal and interest will be established according to the FMI for Form FmHA 440-16.

(2) At loan closing the Finance Office (FO) will be notified of the projected AED and the Maximum Debt at AED on Form FmHA 440-57, "Acknowledgement of Obligated Funds/Check Request." When the final advance on the loan is issued or the Maximum Debt at AED is reached, FO will:

(i) Capitalize the construction interest as of the last day of the month. When there is a remaining obligation balance, the remaining obligation will be cancelled by the Finance Office.

(ii) Notify the District Office of the new loan amount and the borrower's monthly loan payments.

(iii) Issue an amortization schedule on the loan.

(iv) Prepare and forward to the District Office Form FmHA 1944-7, "Interest Credit and Rental Assistance Agreement," if interest credit was indicated on Form FmHA 1940-1. Interest credit will not be implemented until the District Office notifies FO of the effective date.

(v) The District Office will complete the Form FmHA 440-16 and FmHA 1944-7 according to the FMIs.

14. In § 1944.232 paragraph (d)(1) is revised to read as follows:

§ 1944.232 Preparation of completed loan docket.

(d) * * *

(1) Prior to presenting the properly assembled application to the approval official, the District Director will: (i) Provide comments and recommendations of loan approval. Proposed conditions of loan approval must indicate if construction will be financed by multiple advances or interim financing.

(A) Loans for multiple advance construction will include the cost of construction less the cost of interest during construction. To determine the recommended loan amount the District Director should determine the authorized loan amount including construction interest, then subtract the estimated construction interest from the loan amount. Interest during construction will be capitalized as authorized in § 1944.212(m) of this subpart.

(B) Loans for interim financed construction may include the cost of interest during construction as authorized in § 1944.212(m) of this subpart.

(ii) Obtain the written analysis and recommendations of the FmHA State Office Architect/Engineer.

(iii) Obtain the analysis and recommendations of the Multiple Family Housing Coordinator. This analysis will include a review of and recommendation concerning the proposed conditions of loan approval.

15. In § 1944.236 paragraphs (c)(2) and (c)(3) are revised and paragraphs (c)(5) and (c)(6) are added to read as follows:

§ 1944.236 Loan closing.

(c) * * *

(2) The amount to be shown on the note will be the same as shown on Form FmHA 1940-1 or the new adjusted amount of the loan after increase or

decrease, as appropriate. The note will be dated the date of loan closing except as authorized in Part 1807 of this chapter (FmHA Instructions 427.1).

(3) Payments on RRH loans will be scheduled on the note in accordance with the FMI. As provided in § 1944.215(c) of this subpart the principal installments may be deferred, until construction is substantially complete and the project is ready for full operation.

(5) After (effective date of regulation) all loans will be closed on the predetermined amortization schedule system (PASS) as specified in Subpart K of Part 1951 of this Chapter. If the loan is a subsequent loan, all other loans on the project must be converted to PASS.

(6) All RRH loans to be secured by revenue bonds or other forms of security other than a real estate mortgage or deed of trust will be forwarded to the National Office prior to loan approval with all necessary information for review and further instructions.

16. Section 1944.238 is revised to read as follows:

§ 1944.238 Assigning case numbers, project numbers and initial and subsequent loan codes.

A borrower may obtain financing for more than one project. The borrower's social security or tax identification number must be provided with each loan application.

(a) The loan approval official will assign the borrower's case number using the state and county codes where the project will be located and the borrower's social security number or tax identification number. See the FMI for Form FmHA 1940-1 for specific instructions.

(b) Each project will be assigned a project number by the Finance Office. When the same social security or tax identification number is identified in a future case number anywhere in the nation, the Finance Office will assign project numbers sequentially.

(c) When the total number of units financed are build or purchased at one place at one time the loan will be coded as the initial loan on the project.

(d) A subsequent loan will be coded when an additional loan or loans are necessary to complete, improve, repair and/or expand the project planned with the initial loan as indicated in § 1944.237 of this subpart.

17. In Exhibit A, the first two sentences of Paragraph No. 1 under the

heading "Applying for a Loan," are revised to read as follows:

Exhibit A—How to Bring Rental Housing to Your Town

APPLYING FOR A LOAN

1. *Identification of the applicant.* The name, social security or tax identification number, address, and occupation of an individual or organization applying for an insured RRH loan must be provided. Providing the social security or tax identification number is mandatory and a loan may be denied for refusal to furnish the number.

18. Paragraph 1. f. of Exhibit A-6 is revised to read as follows:

Exhibit A-6 Information To Be Submitted With Preapplication for Rural Rental Housing (RRH) Loans

f. The social security or tax identification number will be required of the following. The loan will be denied for refusal to furnish the required social security or tax identification number.

(i) In the case of an individual, the social security number of the applicant must be provided and also that of the spouse, when they have joint responsibility for the loan.

(ii) In the case of a partnership, the tax identification number of the partnership must be provided whenever available, and the social security numbers of all the general partners and their spouses.

(iii) In the case of a limited partnership, the tax identification number of the limited partnership is required. The social security number of all the general partners and their spouses should be secured, if at all possible.

(iv) In the case of a company corporation, or nonprofit organization the tax identification number of the organization is required. The social security number of the officers should be secured, if at all possible.

19. Exhibit B is amended by adding paragraph II G and revising paragraphs VI C, VII A and VII C to read as follows:

Exhibit B—Interest Credit on Insured RRH and RCH Loans

II ***

G "Surcharge." Twenty-five (25) percent of the established rent in a Plan I project which is added to the rent of an ineligible tenant.

VI ***

C *Vacancies.* When all construction is not completed but, some of the units are ready for occupancy and the contractor consents in writing to permit occupancy, the State Director may authorize the rental of those completed units to eligible tenants at the rent they would be paying should the FmHA loan be closed. All income generated must be

deposited in an escrow account, except those amounts necessary for the management of the units, until the project is completed. Once all units are completed and the loan is closed, or at AED, the accumulated amount of funds will be transferred to the project reserve account.

VII ***

A *Interest Credit and Rental Assistance Agreement.* Interest credit may become effective the first day of the month following substantial completion of construction when the project is ready for full operation. When the District Director determines that the project is ready for full operation the borrower and the District Director should execute Form FmHA 1944-7. A separate Form FmHA 1944-7 will be executed for each loan on the project. Effective dates for other loan closing and servicing actions will be according to the FMI for FmHA 1944-7.

C *Borrowers who are not receiving interest credit.* If an eligible borrower did not execute a Form FmHA 1944-7 according to paragraph VII A of this exhibit, interest credit may be instituted at any time during the life of the loan provided the borrower agrees to the requirements of Form FmHA 1944-7 and this exhibit. When Form FmHA 1944-7 is executed it will be effective for the next payment due.

PART 1951—SERVICING AND COLLECTIONS

Subpart A—Account Servicing Policies

20. Section 1951.6 is amended by adding paragraphs (g) and (h) to read as follows:

§ 1951.6 Handling payments.

(g) *Borrowers with RRH, RCH or LH loans on a Predetermined Amortization Schedule System (PASS).* Loans on PASS will be administered under Subpart K of this part.

(h) *Borrowers with RRH, RCH or LH loans administered under this Subpart.* RRH, RCH, or LH loans on a daily interest accrual system (DIAS) administered under this Subpart are subject to the direct billing and payment requirements in § 1951.506 of Subpart K of Part 1951 of this chapter.

21. Subpart K is added to read as follows:

Subpart K—Predetermined Amortization Schedule System (PASS) Policies

Sec.

1951.501 General.
1951.502 [Reserved]
1951.503 Authorities and responsibilities.
1951.504 Definitions.
1951.505 [Reserved]
1951.506 Processing payments.
1951.507 Maintaining borrower accounts.

Sec.

1951.508–1951.509 [Reserved]
1951.510 Payment application.
1951.511 [Reserved]
1951.512 Changes in the application of loan payments.
1951.513 Overpayments and refunds to borrowers.
1951.514 Recoverable and nonrecoverable cost charges.
1951.515 Promissory notes for borrowers who convert to PASS.
1951.516 [Reserved]
1951.517 Conversion from DIAS to PASS.
1951.518–1951.550 [Reserved]

Subpart K—Predetermined Amortization Schedule System (PASS) Policies

§ 1951.501 General.

(a) This subpart prescribes the policies, authorizations, and procedures for implementing PASS for all of the following Farmers Home Administration (FmHA) Multi-Family Housing (MFH) loan recipients includes Farm Labor Housing (LH), Rural Rental Housing (RRH) including Rural Cooperative Housing (RCH) and Congregate Housing, and Rural Housing Site Loans (RHS). The following are applicable:

(1) All MFH loans, credit sales, reamortizations, and transfers closed on or after the effective date of this regulation.

(2) All RRH loan recipients converting from the Daily Interest Accrual System (DIAS) to PASS according to § 1951.517 of this subpart.

(b) Seasonal and individual LH loans may be closed under monthly or annual payment schedules. Instructions for scheduling payments are according to the Forms Manual Insert (FMI) for Form FmHA 440-16, "Promissory Note."

(c) All MFH loan recipients not described in § 1951.501(a) of this subpart will continue to be subject to the servicing and collection requirements of Subpart A of Part 1951 of this chapter. For the purposes of this subpart, all references to "County Supervisor" in Subpart A of Part 1951 shall be construed to mean "District Director."

§ 1951.502 [Reserved]

§ 1951.503 Authorities and responsibilities.

District Directors are responsible for administering this subpart under the general guidance and supervision of the State Director. The District Office Management System will be full used to accomplish this responsibility.

§ 1951.504 Definitions and statements of policy.

(a) *Advance regular payment.* Regular payments made at election of the borrower to pay the account ahead of

schedule. These payments may be either full or partial payments.

(b) *Amortization Schedule.* An amortization schedule is the projected application of periodic payments to principal and interest at the promissory note rate so the debt will be paid in full over the number of periods specified in the promissory note, assumption agreement (new terms), or reamortization agreement. Computation is based on a 30-day month and a 360-day year.

(c) *Conversion.* The act of changing a borrower's account from DIAS to PASS.

(d) *Daily Interest Accrual System (DIAS).* A system whereby interest is charged daily from the date a payment is received in the District Office to the next date a payment is received. A daily interest accrual factor is computed by multiplying the outstanding principal balance by the effective interest rate and dividing by 365 days. Computation is always based on a 365 day year. Interest on each payment is charged on the actual number of days that a principal balance is outstanding.

(e) *District Director.* For the purpose of this subpart the term includes the Assistant District Director, and other qualified District staff who may be delegated responsibilities according to § 1930.143 of Subpart C of Part 1930 of this chapter, and the provisions of Subpart F of Part 2006 of this chapter (available in any FmHA office). In the case of LH loans still being serviced in the County Office, this definition also includes qualified County Office staff. This definition further includes the Area Loan Specialists in Alaska, Island Directors in Hawaii, Directors of Western Pacific Territories, and other qualified staff members in Alaska, Hawaii, and Western Pacific Territories, respectively.

(f) *Extra payment.* Extra payments are applied all to principal on the end of the loan and are funds derived from:

(1) Sale of basic chattel or real estate security, including rental or lease of real estate security of a depreciating or depleting nature.

(2) Refinancing of real estate debt.

(3) Mineral royalties.

(4) Cash proceeds of real property insurance as provided in Subpart A of Part 1806 of this chapter (FmHA Instruction 428.1).

(5) Sale of real estate not mortgage to the Government, pursuant to a condition of loan approval.

(6) Transactions of a similar nature which reduce the value of the security for the loan(s).

(g) *Project late fee.* The amount charged a borrower's project account for a delinquent payment according to

§ 1951.510(c)(1) of this subpart, or when an uncollectible regular payment has been processed according to § 1951.506(c) of this subpart.

(h) *Overage.* This term refers to both "overage" and "surcharge" described in Exhibit B to Subpart E of Part 1944 of this chapter.

(i) *Payment effective date.* The payment effective date is the day of the month on which payments will be effectively applied to the account by the Finance Office regardless of the payment reception date. On PASS all payments will be applied as of the first day of the month.

(j) *Payment reception date.* The day of the month the payment is received in the District Office.

(k) *Predetermined Amortization Schedule System (PASS).* System whereby FmHA will apply loan payments based on an amortization schedule.

(l) *Promissory note installment.* The unrounded amortized installment shown on the promissory note, conversion agreement, assumption agreement or reamortization agreement, whichever is currently in effect.

(m) *Recoverable costs.* Additional project costs such as vouchered insurance or taxes which FmHA requires a borrower to pay.

(n) *Refund payment.* Payments from unused loan funds which are applied to principal on the end of the loan account.

(o) *Regular payment.* All monthly payments scheduled according to PASS. Does not include extra payments, advance regular payments, refund payments or voluntary additional principal payments.

(p) *Subsidized installment.* The promissory note installment reduced by the terms of Form FmHA 1944-7, "Interest Credit and Rental Assistance Agreement." The subsidized installment is the unrounded amortized installment computed at the subsidized interest rate.

(q) *Subsidy credit.* The difference between a borrower's monthly promissory note installment and the monthly subsidized installment.

(r) *Voluntary additional principal payment.* Payments applied all to principal which are made at the election of the borrower and with FmHA approval. Funds for voluntary additional principal payments are derived from sources other than extra payment sources. Payments will be applied to current loans only.

§ 1951.505 [Reserved]

§ 1951.506 Processing payments.

(a) *Regular payments.* Regular payments and advance regular payments will be processed as follows:

(1) All payments will be based on tenants in residences as of the first day of the month in which the payment statement is generated.

(2) The borrower must mail all Forms FmHA 444-8, "Tenant Certification," to the District Director no later than the first day of the month in which they become effective. They will be reviewed and when certified correct, data from the Form FmHA 444-8 will be immediately forwarded to the Finance Office where the information will be entered into the project tenant file.

(3) On the 16th day of each month, the Finance Office will generate and mail to each borrower Forms FmHA 1944-9 A and B, "Statement of Payment and Tenant Data," showing the current monthly payment due, unpaid late fees, overage, rental assistance due the borrower, and delinquent payments, if any, due on the first day of the following month. This payment statement will be determined as follows:

(i) The statement on Form FmHA 1944-9A will be based on data from Forms FmHA 444-8, processed to the project tenant files in the Finance Office.

(ii) Interest credit and rental assistance will be calculated only on units with current Forms FmHA 444-8. Interest credit will be calculated on units vacant on the first day of the month. The borrower will not receive interest credit or rental assistance for occupied units without submitting a current Form FmHA 444-8 as required in paragraph VII F 3 of Exhibit B to Subpart C of Part 1930 of this chapter.

(iii) Rental assistance due the borrower will be deducted from the regular payment due and credited to the borrower's loan account. When the rental assistance exceeds the regular payment due, a check will be automatically issued to the borrower.

(4) Upon receipt of Forms FmHA 1944-9 A and B the borrower will submit to the District Office Form FmHA 1944-9A with the payment indicated or adjusted as indicated below.

(5) Simultaneously the borrower will:

(i) Verify the "first of the month" tenant data shown on Form FmHA 1944-9B. Adjustments may be made on the current monthly statement for tenants who were in residence the first of the current month but were not shown on Form FmHA 1944-9B. Adjustments will be made from data submitted on Form

FmHA 444-8 and according to instructions on Forms FmHA 1944-9 A and B.

(ii) Forward to the District Office, Forms FmHA 1944-9 A and B and any new or revised Forms FmHA 444-8.

(6) The District Director will verify that data on Forms FmHA 444-8 supports changes on FmHA 1944-9 A and B. The District Director will forward Form FmHA 1944-9A to the Finance Office with the borrower's payment and supporting Forms FmHA 444-8.

(b) *Other payments.* Payments made through the District Office will be processed according to Subpart B of Part 1951 of this chapter (available in any FmHA office).

(c) *Uncollectible payment.*

(1) When the Finance Office receives an uncollectible payment, it will be resubmitted through the Federal Reserve System. If it is again returned uncollectible, the Finance Office will reverse the payment and any credited overage from the borrower's account and charge the project account a late fee, provided a late fee has not been previously charged for that month and the payment is a regular payment. A new Form FmHA 1951-26, "Transaction Record," reflecting the uncollectible payment and the late fee, the uncollectible item and a transmittal memorandum will be mailed to the District Office.

(2) The District Office will return the uncollectible item to the borrower after it is fully redeemed. The borrower will make the redemption payment by sending a cashier's check or a money order to the District Office. The payment effective date for payments other than refunds and extra payments will be the first day of the month during which the replacement payment is received in the District Office.

§ 1951.507 Maintaining borrower accounts.

(a) *Accounts of active borrowers.* The foundation for proper and timely debt payment is sound budgeting and monthly review of income and expenses by the borrower and, as necessary, the District Office staff. Account maintenance, therefore, must begin with initial planning and must be an integral part of ongoing analysis, planning and follow-up management assistance.

(b) *Accounts of collection-only borrowers.* Collection only accounts will be serviced according to § 1951.7(b) of Subpart A of this part.

(c) *Notifying borrowers of late fees and past due payments.* The Finance Office will automatically notify each borrower of late fees for payments which were unpaid on the 10th day of

the month. A copy of the notice will be mailed to the District Office servicing the account.

(d) *Subsequent servicing.* Delinquent accounts will be serviced according to the respective program requirements. Accounts will also be serviced according to Subpart B of Part 1951 of this chapter.

(e) *Maintaining records of accounts in District Office.* Records of accounts will be maintained in the District Office. Form FmHA 1905-6, "Management System Card—Multifamily Housing," or other systems authorized by FmHA regulations will be maintained for each project.

(1) The Finance Office will provide Form FmHA 1951-26 for each transaction on the borrower's account, including all loan payments, overage or surcharges, rental assistance, project late fee charges, recoverable cost changes, and corrections to the account required in § 1951.506 of this subpart. These transaction records will be retained in the fold of the management card until Form FmHA 1951-14, "Annual Statement of Account," is received and all transactions are accounted for and reconciled with District Office records.

(2) Form FmHA 1905-6 for projects on PASS will be flagged with an orange signal between Position "5" and "RRH".

§§ 1951.508-1951.509 [Reserved]

§ 1951.510 Payment application.

(a) *Regular payment due date.* The regular payment due date is the first day of each month. All months will be counted as 30 days.

(b) *First regular payment.* (1) The first regular payment after loan closing for transfers (new terms), reamortizations, voluntary conversions, credit sales, or loans closed after interim financing must be at least one (1) month from closing. For example, if a loan is closed on January 31, the first payment will be due March 1. For multiple advance loans the first payment must be at least one (1) month after the final advance.

(2) For transfers (same terms) payments on loans already on PASS will be due on the next scheduled due date. Payments on loans converting to PASS will be due at least 30 days following closing of the transfer (same terms).

(c) *Delinquent payments.* (1) A loan payment is considered delinquent the first day following the due date if it is not received by the District Office. However, borrowers will be allowed a ten (10) day grace period following the due date to make their payment.

(2) The project account will be charged a late fee when the regular payment is not received in the District

Office on the tenth (10) day of the month the payment is due or when the payment is applied by the Finance Office and does not fully satisfy the regular payment for each loan of the project. Late fees collected by the Finance Office will be deposited in the Rural Housing Insurance Fund (RHIF).

(i) The project late fee is six percent of the combined regular payment(s) shown on the promissory note conversion agreement, assumption agreement or Reamortization and/or Deferral Agreement.

(ii) A project late fee will be charged for any unpaid portion of the combined regular payment(s) exceeding \$15.00.

(iii) A project late fee will be charged one time only, for each regular payment.

(iv) Project late fees may not be paid from project income as specified in paragraph XIII B 2 a (4) of Exhibit B to Subpart C to Part 1930 of this chapter.

(v) Exceptions may be made to late fee charges only as follows:

(A) The State Director may allow an exception for three (3) monthly late fee charges in any 12-month period for a nonprofit organization or public body borrower. For each exception requested, the borrower must provide a written explanation of the circumstances which caused the late payment and what actions will be taken to bring the account current.

(B) Upon recommendation to do so by the State Director, the National Office may authorize exceptions to late fees for borrowers not specified by paragraph (c)(2)(v)(A) of this section and those borrowers specified by paragraph (c)(2)(v)(A) of this section who have late fees exceeding the State Director's exception authority. For each exception requested, the borrower must provide the State Director with a written explanation of the circumstances which caused the late payment and what actions are being taken to bring the account current. When the State Director determines that the application of a late fee would place an unfair burden on the borrower, the State Director will submit a request for an exception to the late fee to the National Office. The request will include an explanation of the circumstances, a recommendation for action and all relevant case file material. The National Office will review the request and notify the State Director what action must be taken on the account.

(C) When an exception to late fees is granted, the District Director will notify the Finance Office on Form FmHA 1944-9, "Multiple Housing Certification and Payment Transmittal," completed according to the FMI.

(3) When a regular payment continues to be delinquent on the first of the month following the delinquent payment due date, interest will be charged on the unpaid principal at the note rate until all regular payments, recoverable cost charges and late fees have been paid current. This interest will be in addition to scheduled interest of the regular payment and will take the account off the amortization schedule. The account may be brought back on the amortization schedule by making a voluntary additional principal payment in the amount of the additional interest charged.

(d) *Subsidy credit.* When the Finance Office receives the regular payment, subsidy credit will be applied to the loan account before any payment or other credit is applied to the account. Subsidy credit will be applied first to accrued interest and then to principal after all interest is paid. Subsidy credit will not be applied to late fees or recoverable cost charges.

(e) *Regular payments.* Regular payments will be applied as follows:

- (1) All project late fees due.
- (2) Any unamortized recoverable costs due.
- (3) Overage.
- (4) All other interest due.
- (5) Principal.
- (6) Audit receivables.
- (7) Any remaining regular payment will be applied as an advance regular payment unless specifically designated otherwise.

(f) *Advance regular payments.* These payments affect the payment status of the loan. The loan account must be current before a payment can be applied as an advance payment. The payment effective date will be the due date of the next regular payment which is not fully paid.

(g) *Extra and refund payments.* Both will be applied to principal as of the due date of the last payment or the current payment, whichever is later.

(h) *Voluntary additional principal payments.* These payments can only be credited to the account when it is current. Voluntary additional principal payments are credited all to principal, as of the payment effective date, and do not affect the payment status of the loan.

(i) *Projects with initial and subsequent loan(s).* Regular payments on projects with an initial and subsequent loan(s) will be applied according to the items prioritized by § 1951.510 (e) of this subpart. Each priority item will be paid for all project loans before moving to the next item. Payments will be applied for each priority item in accordance with the

loan number, beginning with the initial loan and ending with the highest numbered subsequent loan.

(j) *Final payments.* Final payments will be applied on the next payment due date or the final due date shown on the promissory note or assumption agreement, whichever is sooner. The District Office must contract the Finance Office for the amount of the final payment. Final payment should be accepted under conditions specified in § 1965.90 of Subpart B to Part 1965 of this chapter.

§ 1951.511 [Reserved]

§ 1951.512 Changes in the application of loan payments.

(a) *Authority to change payments.* District Office employees with State Director authorization according to § 1930.143 of Subpart C to Part 1930 of this chapter are authorized to approve reapplication of loan payments between accounts when payments have been applied in error. All authorization for reapplication of payments must conform to the policies expressed in this subpart. No change may be made if the loan is paid in full, the cancelled note or notes have been returned to the borrower, and the security instruments have been satisfied.

(b) *Methods for changing application of loan payments.* (1) The District Office will make a copy of Form FmHA 1944-9 or Form FmHA 1944-9A, which submitted the original payment to the Finance Office.

(2) The required changes should be marked on Form FmHA 1944-9 or Form FmHA 1944-9A in red and the form should be marked "CORRECTED COPY".

(3) The reason for the required change should be noted on the form.

(4) Copies of any justifying documentation should be attached to the corrected copy. (Copies should also be maintained in the District Office files.)

(5) The bottom right hand corner of the form should be signed:

"Approved by _____
(Signature of authorizing person)".

(6) The corrected copy and all attached documentation should be mailed in a separate envelope to the Finance Office, Multifamily Housing Unit, marked "Open Addressee Only".

(7) A copy of the corrected form should be retained in the District Office until the change in application has been processed.

(c) *Changes by the Finance Office in application of remittance.* (1) When reapplication of collections is made by the Finance Office, Form FmHA 451-8, "Journal Voucher for Loan Account

Adjustments," will be prepared. Form FmHA 1951-26 will be forwarded to the District Office to show the reapplication.

(2) When necessary, the Finance Office will correct improperly prepared Form FmHA 1944-9 or Form FmHA 1944-9A. If necessary the Finance Office will contact the District Office for correct data to ensure correct application of payments.

§ 1951.513 Overpayments and refunds to borrowers.

Overpayments and refunds to borrowers will be processed according to § 1951.513 of Subpart A of this part.

§ 1951.514 Recoverable and nonrecoverable cost charges.

The District Director will service recoverable and nonrecoverable cost items according to § 1951.14 of Subpart A of this part.

§ 1951.515 Promissory notes for borrowers who convert to PASS.

Promissory notes in the hands of investors when a loan is converted to PASS will be repurchased by the Finance Office and forwarded to the District Office for storage.

§ 1951.516 [Reserved]

§ 1951.517 Conversion from DIAS to PASS.

(a) *Conversion prior to (effective date of this regulation).* Any existing RRH loan recipient electing to convert to PASS before (effective date of this regulation); or, any recipient of a new loan, credit sale, or transfer (new terms) closed between November 1, 1983 and the day preceeding effective date of this regulation, electing to convert to PASS, will be converted on (effective date of this regulation) as if the loan had been on an amortization schedule from the date of the loan, transfer (new terms), or reamortization (new terms), whichever occurred later.

(b) *Conversion on or after (effective date of this regulation).* (1) *Required conversion.* After (effective date of this regulation) all MFH loans, transfers or reamortizations must be closed on PASS. All borrowers receiving subsequent loans must convert all initial and subsequent loans on the project to PASS.

(2) *Voluntary conversion.* District Directors may approve voluntary conversion of any account from DIAS to PASS when the following conditions are met:

(i) The loan account and reserve account are current at the time of conversion.

(ii) Conversion does not result in a rent increase.

(3) *Processing conversions.* The following actions must be taken to convert an account from DIAS to PASS:

(i) Form FmHA 1951-29, "Conversion Agreement," will be completed according to the FMI.

(ii) When the borrower is to continue to receive interest credit following conversion, the current interest credit agreement will be cancelled and a new Form FmHA 1944-7 will be prepared, attached to Form FmHA 1951-29 and submitted to the Finance Office, Attention: Multifamily Housing Unit.

(iii) On the back of the original note or assumption agreement (new terms), below all signatures and endorsements, the District Director will insert the following: "A Form FmHA 1951-29 dated _____ 19____, in the principal sum of \$____, has been given to modify the payment schedule of the note."

(4) *Principal balance to be converted.* For transfers and reamortizations, the principal balance to be converted to PASS will be established according to the FMI for Form FmHA 1960-9, "Assumption Agreement MFH," and the following:

(i) For transfers or reamortizations (new terms) any unpaid interest and late fees will be capitalized and a new payment schedule will be established on that principal balance.

(ii) For transfers or reamortizations (same terms), all unpaid interest and late fees due through the date of transfer will be paid before closing by the transferor. The new payment schedule will be established on the remaining principal balance.

§§ 1951.518-1951.550 [Reserved]

PART 1965—REAL PROPERTY

Subpart B—Security Servicing for Multiple Housing Loans

22. Section 1965.65 is amended by adding paragraph (a)(5) to read as follows:

§ 1965.65 *Transfer of real estate security and assumption of loans.*

(a) * * *

(5) All transfers are subject to the payment application system conversion requirements of Subpart K of Part 1951 of this Chapter.

23. Section 1965.85 is amended by adding paragraph (b)(1)(iv)(G) to read as follows:

§ 1965.85 *Default and liquidation.*

* * *

(b) * * *

(1) * * *

(iv) * * *

(G) Requesting an exception to the late fee charged to the account according to Subpart K of Part 1951 of this chapter, when appropriate.

* * *

(42 U.S.C. 1980; 7 CFR 2.23; 7 CFR 2.70)

Dated: February 29, 1984.

Charles W. Shuman,

Administrator, Farmers Home Administration.

[FR Doc. 84-10309 Filed 4-17-84; 8:45 am]

BILLING CODE 3410-07-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 1 and 33

Commodity Options; Margins; Extension of Comment Period

AGENCY: Commodity Futures Trading Commission.

ACTION: Extension of comment period.

SUMMARY: On March 9, 1984, the Commodity Futures Trading Commission ("Commission") published in the *Federal Register* a Notice of Proposed Rulemaking which set forth proposed amendments to Commission regulation 33.4(a)(2) governing payment of option premiums. The Commission also proposed conforming amendments to its minimum financial requirements. 49 FR 8937. The comment period on the proposed rules is scheduled to expire on April 9, 1984. By letter dated April 3, 1984, the Futures Industry Association, a national trade association of over 100 futures commission merchants, requested that the comment period be extended for forty-five days so that it may fully comment on all of the issues raised by the Notice of Proposed Rulemaking. The Commission has determined to grant the request to so extend the comment period.

DATE: The comment period has been extended through May 24, 1984.

ADDRESS: Interested persons should submit comments to the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581.

FOR FURTHER INFORMATION CONTACT: Karen Matteson, Attorney Advisor, Division of Trading and Markets, at the above address. Telephone: (202) 254-8955.

Issued in Washington, D.C. on April 12, 1984 by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 84-10361 Filed 4-17-84; 8:45 am]

BILLING CODE 6351-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-20854; File No. S7-13-84]

Exemption of Securities Underlying Certain Options From Registration Under Section 12(a)

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule amendments and solicitation of public comments.

SUMMARY: The Commission is proposing for comment amendments to Rule 12a-6 ("Rule") under the Securities Exchange Act of 1934 ("Act") which exempts securities underlying certain options from registration under Section 12(a) of the Act. If adopted, the amendments would extend the exemption to securities that are not listed or registered on a national securities exchange if their quotation information is disseminated through the National Association of Securities Dealers Automated Quotations System ("NASDAQ"). The Commission is also publishing for comment an alternative amendment to Rule 12a-6 that would only extend the exemption to certain over-the-counter ("OTC") stocks included in indices on which options are traded.

DATE: Comments must be received on or before June 1, 1984.

ADDRESSES: Interested persons should submit three copies of their written data, views and comments to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, DC 20549 and should refer to File No. S7-13-84. All submissions will be made available for public inspection at the Commission's Public Reference Room, 450 Fifth Street, N.W., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Sharon D. Lawson, (202) 272-2855 or Alden Adkins (202) 272-2843, Division of Market Regulation, 450 Fifth Street, N.W., Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission is today proposing for comment amendments to Rule 12a-6 (the "Rule") under the Act. If adopted, these

amendments would exempt from the registration requirements under Section 12(a) of the Act NASDAQ stocks that underlie certain options. The Commission is also proposing for comment, as an alternative, a more limited amendment that would only extend the exemption to certain OTC stocks included in indices that are subject to listed options trading.

I. Background

Section 12(a) of the Act requires registration of all securities in which transactions will be effected on a national securities exchange. The trading of an option on a security, or an index of securities, could be deemed to constitute or involve, in some circumstances, transactions in such securities. Accordingly, to trade options, an exchange must register the underlying security pursuant to Section 12(a) of the act unless such securities are exempted from registration.

In April 1973, the Commission adopted Rule 12a-6 in connection with the commencement of listed options trading on the Chicago Board Options Exchange, Incorporated ("CBOE").¹ Rule 12a-6 provides an exemption from the registration requirements of section 12(a) of the Act for securities underlying options where (1) the related option is itself registered and listed on a national securities exchange; (2) the exchange which lists the option limits its activity in the underlying security to exercise transactions; and (3) the underlying security is listed and registered on a national securities exchange, other than the one seeking to list the option, at the time that the option is issued.

In the release announcing the adoption of the Rule, the Commission stated that the purpose of the Rule was to relieve any exchange which lists options of the need to register the underlying securities pursuant to Section 12(a) of the Act or to apply for unlisted trading privileges pursuant to Section 12(f) of the Act where the exchange has provided for comparable disclosure with regard to the listed options and their underlying securities. Furthermore, the Commission acknowledged that subsection (b)(3) of the rule effectively excluded OTC securities from the exemption.²

Nevertheless, the Commission stated that it was actively considering "whether and to what extent options on unlisted securities should be traded on the exchanges and/or in the OTC markets."³ Thus, the Commission contemplated extending the exemption to OTC securities from the inception of the Rule.

In February 1977, the Commission proposed to delete subsection (b)(3) from Rule 12(a)(6)⁴ in response to rule proposals submitted by the Pacific Stock Exchange, Inc. ("PSE") and CBOE to trade options on OTC securities.⁵ In the release proposing the amendment, the Commission stated that the deletion of subsection (b)(3) would provide for equal treatment of listed and OTC securities that underlie options with respect to filings with the Commission, and, in general, would facilitate exchange trading in options on OTC securities. The proposed amendment to Rule 12a-6, however, was never adopted due to the commencement of the options moratorium in July 1977 and the subsequent withdrawal of the exchange proposals.⁶

Currently, the CBOE, American Stock Exchange, Inc. ("Amex"), PSE, Philadelphia Stock Exchange, Inc. ("Phlx") and New York Stock Exchange, Inc. ("NYSE") have pending before the Commission proposed rule changes pursuant to Section 19(b)(1) of the Act that would permit the listing and exchange trading of options on securities that are not listed or registered on a national securities

exchange under Section 12(a) of the Act but are designated as national market system securities meeting Tier I criteria as set forth in Rule 11Aa2-1 under the Act ("NASDAQ/NMS Tier securities").⁷ In connection with these proposals, the CBOE, Phlx and PSE also requested that the Commission amend Rule 12a-6 under the Act.⁸

In response to these exchange proposals and their requests to amend Rule 12a-6, the Commission has decided to propose for comment amendments to the Rule. Under the proposed amendments, Section 12(a) would no longer effectively bar exchange trading of options on NASDAQ securities. However, actual exchange trading of options on NASDAQ/NMS Tier I securities would only be permitted if the Commission approves the pending exchange proposals. In this regard, the Commission is today publishing a release soliciting comments on a number of issues raised by proposals by both the exchanges and the National Association of Securities Dealers, Inc. ("NASD") to trade options on OTC stocks.⁹

II. Proposed Amendments

A. Options on NASDAQ Stocks

The Commission proposes to amend subsection (b)(3) of Rule 12a-6 in order to exempt from registration under Section 12(a) of the Act NASDAQ stocks which underlie exchange listed options.¹⁰

The OTC markets have substantially changed since Rule 12a-6 was adopted in 1973. For example, transactions on NASDAQ stocks that are designated as national market system securities are last sale reported and quoted on a firm basis as to price and size. In addition, with limited exceptions for insurance and investment companies, securities are eligible for designation as national

¹ See Securities Exchange Act Release No. 10123 (April 26, 1973) at note 1.

² Securities Exchange Act Release No. 13247 (February 7, 1977), 42 FR 9030 (February 14, 1977).

³ See Securities Exchange Act Release No. 12703 (August 12, 1976) (File No. SR-CBOE-76-16), 41 FR 35584 (August 23, 1976) and Securities Exchange Act Release No. 12539 (June 11, 1976) (File No. SR-PSE-76-17), 41 FR 24787 (June 18, 1976).

In conjunction with these proposals the PSE and CBOE filed applications for unlisted trading privileges, pursuant to Section 12(f)(1)(C) of the Act, in certain OTC issues that were proposed to underlie exchange traded options. As an alternative to a Commission determination on these applications, the exchanges requested that the Commission rescind subsection (b)(3) of Rule 12a-6. The Commission decided that an amendment to the Rule was the appropriate course of action for two reasons. First, the exchanges did not intend to make a market in the prospective underlying OTC securities. Second, the exchanges' applications for unlisted trading privileges were filed simply as a technical predicate to permit them to trade options on certain OTC stocks.

⁴ See Securities Exchange Act Release No. 13760 (July 18, 1977), 42 FR 38035 (July 28, 1977). In that release, the Commission announced that it did not expect to approve any self-regulatory organization rule proposals that would initiate new programs for the trading of standardized options. Subsequently, the exchanges withdrew their proposals to trade options on OTC stocks. See Securities Exchange Act Release No. 15027 (August 3, 1978).

⁷ Notice of CBOE's proposal was given in Securities Exchange Act Release No. 20471, December 9, 1983, 48 FR 55939, December 16, 1983; notice of Amex's proposal was given in Securities Exchange Act Release No. 20498, December 16, 1983; 48 FR 56675, December 23, 1983; notice of PSE's proposal was given in Securities Exchange Act Release No. 20538, January 6, 1984, 49 FR 1808, January 13, 1984; notice of Phlx's proposal was given in Securities Exchange Act Release No. 20690, February 23, 1984, 49 FR 7884, March 1, 1984; and notice of NYSE's proposal was given in Securities Exchange Act Release No. 20691, February 23, 1984, 49 FR 7682, March 1, 1984.

⁸ NYSE and Amex understand that an amendment to Rule 12a-6 is a precondition to approval of their proposals as well as those of the other exchanges.

⁹ See Securities Exchange Act Release No. 20853 (April 12, 1984).

¹⁰ To qualify for an exemption NASDAQ securities would also have to meet the other requirements set forth in the Rule.

¹ Securities Exchange Act Release No. 10123 (April 26, 1973), 38 FR 11448 (May 8, 1973).

² At the time Rule 12a-6 was promulgated last sale information was not available on any OTC stock. Accordingly, the exclusion of OTC stocks from the rule was due, in part, to the manipulative and surveillance concerns presented by trading options on stocks that lacked last sale and quotation information.

market system securities only if they are registered under the Act.¹¹ Moreover, most of the additional stocks quoted on NASDAQ are registered under Section 12(g) of the Act.¹² This is significant because the information that must be provided by the issuer to register securities under Section 12(g) is substantially similar to the information required to register a security on a national securities exchange. Issuers whose securities are not registered under the Act are subject to alternative disclosure requirements assuring that information about the issuers of those securities is available to the public.¹³ Accordingly, the amendments proposed today as consistent with the purposes of Rule 12a-6 because information, similar to that required to register a security on a national securities exchange under Section 12(a), generally will be available with respect to NASDAQ stocks underlying an option.¹⁴ Moreover, the Commission will continue to ensure that adequate information is available on NASDAQ stocks that underlie options through its authority under Section 19b-2 to review proposed rule filings of the exchanges.¹⁵

The amendments, if adopted, would remove the statutory obstacles to exchange trading of options on NASDAQ stocks. Commission approval of these amendments, however, would not authorize any exchange to trade and list options on NASDAQ/NMS Tier I securities or any NASDAQ stock. Actual exchange trading of options on NASDAQ/Tier I securities can only be permitted after Commission approval of the pending exchange proposal to list and trade options on these stocks. As noted above, a separate release

soliciting comments on the feasibility of the exchange proposals to trade options on NASDAQ/NMS Tier I stocks has been issued by the Commission.

The Commission believes that the proposed amendments to the rule will provide it with the flexibility to respond to changes and development in the exchange and OTC markets. However, in light of the fact that the exchanges have only proposed to trade options on NASDAQ/NMS Tier I stocks, commentators are invited to comment on whether the rule should only be amended to grant an exemption to NASDAQ/NMS Tier I securities that underlie options.¹⁶ In addition, the Commission continues to believe that the lack of last sale reporting in securities underlying options is best addressed through a case-by-case review of the exchange proposals to trade options on NASDAQ stocks. Nevertheless, since the proposed amendments to the rule would eliminate statutory obstacles to trading options on NASDAQ stocks that lack last sale information, commentators may wish to address whether the rule should limit the exemption to NASDAQ securities that have last sale reporting.¹⁷

Although the Commission believes that, to be eligible for options trading, OTC stocks should at the very least be quoted on the NASDAQ system, commentators are requested to address as an alternative whether subsection (b)(3) of the Rule should be deleted. Commentators addressing this issue should discuss whether deleting subsection (b)(3) is consistent with both the purposes of the Rule and Section

12(a) under the Act. In addition, commentators may wish to discuss whether Rule 12a-6 should be rescinded in its entirety.

B. OTC Stocks that Comprise an Index Option

1. *Introduction.* The Commission is also proposing for comment a more limited set of amendments to Rule 12a-6 that would codify an existing staff interpretation concerning options on stock indices that are partly comprised of OTC stocks.¹⁸ The amendment, if approved, would exempt from registration under Section 12(a) of the Act OTC stocks that comprise part of a stock index which underlies an option, so long as no one or more of the OTC stocks in the index constitutes more than 50 percent of the total weighting of the index.

In November 1983, the Commission approved a proposal by the PSE to trade options on a High Technology Index.¹⁹ In the order approving this proposal, the Commission acknowledged that the index option raised an interpretive question under Section 12(a) because of the inclusion of OTC stocks. As discussed above, Section 12(a) prohibits trading in any security on an exchange unless that security is registered or exempted from registration. Trading in an index option could be deemed trading in the securities included in the index, thus requiring registration of all the securities comprising an index option. However, the Commission concluded that for purposes of Section 12(a), exchange trading of an option on an index similar in composition to the PSE's High Technology Index would not constitute exchange trading of each of the securities comprising the index. The following factors were significant in making this determination. First, the PSE High Technology Index is a 100 stock index comprised of 45 OTC stocks which constitute 31 percent of the total index value. Second, no one OTC stock accounts for more than 1.2 percent of the total index value. Thus, the index is not dominated by any one or more of its constituent OTC stocks.

2. *Proposed Amendment.* The Commission proposes to amend Rule 12a-6 to exempt from the registration

¹¹ See Rule 11Aa2-1.

¹² See Section II B.1.a. of Schedule D of the NASD's Rules of Fair Practice.

¹³ See note 14, *infra*.

¹⁴ The NASD's rules authorize inclusion on the NASDAQ system of the securities of insurance companies meeting the conditions of Section 12(g)(2)(6) of the Act and investment companies registered under the Investment Company Act of 1940. Such issuers are subject to comprehensive disclosure under state law and the federal securities laws, respectively. Foreign issuers of securities eligible for inclusion in the NASDAQ system are subject to varying disclosure requirements, depending on when the issuer's securities were first quoted on the NASDAQ system. See Securities Exchange Act Release No. 20264 (October 6, 1983), 48 FR 46736 (October 14, 1983).

¹⁵ In order for any NASDAQ stock to underlie an exchange traded option, it would also have to satisfy the existing exchange rules establishing eligibility standards for listing options. The eligibility standards require, in general, a minimum of 7,000,000 publicly held shares, 6,000 shareholders, trading volume of at least 2,400,000 shares for the 12 months preceding listing, and a minimum per share price of \$10 for the three months preceding listing.

¹⁶ In addition, as noted in note 14, *supra*, a variety of securities are authorized to be quoted on the NASDAQ System that are not registered under Section 12(g) of the Act. Commentators are requested to consider whether it would be appropriate to limit the class of OTC stocks eligible for options trading under Rule 12a-6 to those that are registered pursuant to the Act.

¹⁷ As noted above, in order to underlie options NASDAQ stocks would also have to meet the exchanges' quality of market and certain other standards for listing options. See note 15. The current exchange eligibility standards would effectively preclude a NASDAQ stock that lacks last sale reporting from underlying an exchange traded option. In addition, the Commission must review and approve any proposed rule change that could have the effect of permitting exchange traded options on securities lacking last sale reporting. Accordingly, although the statutory obstacle to exchange traded options on any OTC stocks, including stocks lacking last sale reportings, would be removed by the amendments proposed today, this should not be viewed as an indication by the Commission that it is today proposing to permit options on all OTC stocks. Rather, the proposed amendments to the Rule would allow the Commission to respond more effectively to the continuing changes in the securities markets.

¹⁸ Of course, if the Commission approves the proposed amendment of subsection (b)(3) of the Rule as discussed above, it would be unnecessary to amend the Rule as herein proposed. Amendment of subsection (b)(3) as proposed would exempt from the registration requirements of Section 12(a) any NASDAQ securities that comprise an index option.

¹⁹ Securities Exchange Act Release No. 20423, November 29, 1983; 48 FR 55690, December 14, 1983.

requirements of Section 12(a) of the Act certain OTC stocks that comprise an index option. The proposed amendment would apply to constituent securities defined as a security that is part of a group or index of securities that relate to or is the subject of an option. An exemption from the registration requirements of Section 12(a) of the Act for constituent securities that underlie an index option would be provided where: (1) No one or more of the OTC stocks in the index constitute more than 50 percent of the total weighting of the index; and (2) the related option is itself listed or registered on a national securities exchange. The proposed amendment is designed to provide guidance to the options industry regarding index options comprised of OTC stocks and is consistent with the position taken by the Commission in approving the PSE's High Technology Index. However, all of the OTC securities included in the PSE's index are national market system securities and, therefore, last sale reports are available for transactions in these securities. Accordingly, in approving the PSE's index the Commission did not focus on whether, and under what circumstances, an index option can be comprised of OTC stocks that are not last sale reported. In light of this, the Commission requests comment on whether exchange trading should only be allowed with respect to options on a stock index if there is last sale reporting for transactions in all of the stocks in the index. Commentators should also consider whether a last sale reporting requirement for all securities comprising an index is best addressed by the Commission through case-by-case review of exchange proposals to trade options on stock indices.

III. Regulatory Flexibility Act Status

Pursuant to 5 U.S.C. 605(b), the Chairman of the Commission has certified that the proposed amendment to Rule 12a-6 would not, if adopted, have a significant economic impact on a substantial number of small entities. This certification, including the reasons therefor, is attached to the Release.

IV. Statutory Basis

The amendments to Rule 12a-6 are being proposed pursuant to Sections 2, 3(a)(12), 6, 11A, 12 and 23(a)(1) of the Act.

List of Subjects in Part 240

Reporting and recordkeeping requirements, Securities.

V. Text of Rule

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

On the basis of the above discussion, the Commission is proposing to amend Part 240 of Title 17, Chapter II of the Code of Federal Regulations in either of the following two ways:

A. By revising paragraph (b)(3) of § 240.12a-6 as follows:

§ 240.12a-6 Exemption of securities underlying certain options from Section 12(a).

(b) * * *

(3) Such underlying security is:

(i) Duly listed and registered on another national securities exchange at the time the option is issued; or

(ii) Duly quoted on the National Association of Securities Dealers Automated Quotations System ("NASDAQ") at the time the option is issued.

B. In the alternative, the Commission is proposing to amend the Rule by revising paragraph (a)(1), and adding new paragraphs (a)(3) and (c) as follows:

§ 240.12a-6 Exemption of securities underlying certain options from Section 12(a).

(a) * * *

(1) The term "option" shall include any put, call, spread, straddle, or other option or privilege of buying a security or group or index of securities from, or selling a security or group or index of securities to, another without being bound to do so, but such term shall not include any such option where the writer is: the issuer of the security which may be purchased or sold upon exercise of the option, or is a person that directly, or indirectly, through one or more intermediaries, controls, or is controlled by or is under common control with such issuer;

(3) The term "constituents security" means a security that is part of a group or index of securities that relates to or is the subject of an option.

(c) Any constituent security shall be exempt from the operation of Section 12(a) of the Act if all the following terms and conditions are met:

(1) One of more securities that are not listed or registered on a national securities exchange do not constitute more than 50 percent of the total weighting of a group or index; and

(2) The related option is duly listed and registered on a national securities exchange.

By the Commission.

Dated: April 12, 1984.

George A. Fitzsimmons,
Secretary.

Regulatory Flexibility Act Certification

I, John S.R. Shad, Chairman of the Securities and Exchange Commission, hereby certify pursuant to 5 U.S.C. 605(b) that the proposed amendments to Rule 12a-6 set forth in Securities Exchange Act Release No. 20854, if promulgated will not have a significant economic impact on a substantial number of small entities. Specifically, in the event that exchanges are permitted to trade options on securities quoted on NASDAQ, such exchanges will be able to do so without having to register those securities pursuant to Section 12(a) of the Securities Exchange Act of 1934 if certain requirements are met. The alternative amendment to Rule 12a-6 would only exempt from the registration requirements of Section 12(a) certain over-the-counter securities included in indices on which options are traded. The proposed amendments would not have a significant economic impact on any exchanges including small exchanges as that term is defined in Rule 0-10(e). Furthermore, small exchanges do not presently trade options.

April 6, 1984.

John S.R. Shad,
Chairman.

[FR Doc. 84-10393 Filed 4-17-84; 8:45 am]
BILLING CODE 8010-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 416

[Reg. No. 16]

Supplemental Security Income for the Aged, Blind, and Disabled; Eligibility, Suspensions and Terminations; Public Emergency Shelters for the Homeless

AGENCY: Social Security Administration, HHS.

ACTION: Proposed rules.

SUMMARY: These proposed rules provide that aged, blind, and disabled residents of public emergency shelters for the homeless throughout a month may be eligible for Supplemental Security Income (SSI) benefits for as many as three months in any 12-month period.

These rules will reflect section 1611(e)(1)(D) of the Social Security Act, as added by section 403 of Pub. L. 98-21, which provides this exception to the general limitation on SSI eligibility for individuals who are residents of a public institution throughout a month. This provision was effective for months beginning with May 1983.

DATE: Comments must be received on or before June 18, 1984.

ADDRESSES: Comments should be submitted in writing to the Commissioner Social Security, Department of Health and Human Services, P.O. Box 1585, Baltimore, Maryland 21203 or delivered to 3-A-3 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235 between 8:00 a.m. and 4:30 p.m. on regular business days. Comments received may be inspected during these same hours by making arrangements with the contract person shown below.

FOR FURTHER INFORMATION CONTACT: Harry J. Short, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, Telephone 301-594-7457.

SUPPLEMENTARY INFORMATION: Section 1611(e)(1)(A) of the Social Security Act (the Act) provides that, with certain limited exceptions, no person may be eligible for benefits for months throughout which he or she is an inmate (i.e. resident) of a public institution. Sections 1611(e)(1)(B) and (C) provide exceptions to section 1611(e)(1)(A) for residents of certain medical institutions which receive payments for the cost of an individual's care from Medicaid and residents of publicly operated community residences having 16 or fewer residents. Under section 1611(e)(1), prior to enactment of Pub. L. 98-21 (the Social Security Amendments of 1983) residents of public emergency shelters for the homeless throughout a month were ineligible for SSI benefits while similar residents of private emergency shelters could be eligible for SSI benefits.

To provide for equal treatment of residents of public and private emergency shelters, section 1611(e)(1)(D) of the Act as added by section 403 of Pub. L. 98-21 provides for another exception to the general limitation on SSI eligibility for residents of public institutions throughout a month. Section 1611(e)(1)(D) of the Act provides that aged, blind, or disabled individuals who are residents of a public emergency shelter for the homeless throughout a month may be eligible for SSI benefits for up to 3 months in any 12-month period. This statutory provision is

effective for months beginning with May 1983.

Regulatory Provisions

These proposed regulations apply to aged, blind, and disabled residents of public emergency shelters for the homeless and implement section 403 of Pub. L. 98-21, the Social Security Amendments of 1983.

Section 1611(e)(1)(D) of the Act, as added by section 403 of Pub. L. 98-21 requires the Secretary of Health and Human Services (the Secretary) to define by regulation the term "public emergency shelter for the homeless". These proposed regulations will, therefore, revise § 416.201 (General definitions and terms used in Subpart B) to include a discussion as to what we mean by "public emergency shelter for the homeless". In developing this definition of "public emergency shelter for the homeless", we were guided by the definition of "institution" we use in the SSI program (also discussed in § 416.201). That is, the shelter must provide some treatment and services in addition to food and shelter. Further, since this provision is an exception to the limitation on eligibility for residents of public institutions, we have defined "public emergency shelter for the homeless" as a public institution or part of a public institution used by or designated by the Federal government, a State, or political subdivision to be used to make available on a temporary basis a place to sleep, food, and some services or treatment to individuals with no currently available place to reside within the State or political subdivision.

The proposed regulations also revise § 416.201 to include a discussion of what we mean by "any 12-month period". We have defined "any 12-month period" in terms of the current full calendar month and the immediately preceding 11 consecutive full calendar months, since the use of any standard base such as a calendar year or a fiscal year could result in an individual being paid benefits for as many as 6 consecutive months throughout which he or she resides in a public emergency shelter for the homeless. Such a result seems contrary to section 1611(e)(1)(D) of the Act which provides that a resident of such a shelter not be paid benefits for more than 3 months in any 12-month period. For example, an eligible individual enters a public emergency shelter on the last day of September. The first full calendar month throughout which the individual is a resident of the shelter is therefore October. The individual remains in the shelter until April of the following year. Were we to use a calendar year as our measure of

the 12-month period, he or she could receive a benefit under this provision for October, November, and December (3 months of the first 12-month period) and a benefit for January, February, and March (3 months of the second 12-month period). Under the definition we have adopted, that same individual would receive benefits under this provision for October, November, and December of the first year and would receive no benefits under this provision for January, February or March of the following year. Similarly, the use of a 12-month period beginning with the first month of an individual's eligibility under this provision (with the next 12-month period beginning on the anniversary of that month) could result in an individual being paid benefits for as many as 6 consecutive months throughout which he or she resides in a public emergency shelter for the homeless. Section 1611(e)(1)(D) of the Act very clearly provides that a resident of such a shelter not be paid benefits for more than 3 months in any 12-month period.

We propose to revise the rules in § 416.211 to reflect the provisions of section 1611(e)(1)(D) of the Act. That is, to provide another exception to the rule that a person is not eligible for SSI benefits for any months throughout which he or she is a resident of a public institution. This exception provides that an individual who is a resident of a public emergency shelter for the homeless throughout a month can be eligible for SSI benefits for any full calendar month in which he or she is a resident of such shelter, for up to 3 months in any 12-month period.

These proposed amendments revise § 416.1325 to show that an individual will not have his or her benefits suspended because he or she is a resident of a public institution for as many as 3 full calendar months in a 12-month period, if such individual is a resident of a public emergency shelter for the homeless throughout a month. In addition, because of such situations, these proposed amendments also revise § 416.1325 to provide for suspension of benefits beginning with the month after an individual has received benefits for the maximum 3 full calendar months in a 12-month period, as a resident of a public emergency shelter throughout a month if such individual is not otherwise eligible for benefits.

Regulatory Procedures

Executive Order 12291

These proposed regulations have been reviewed under Executive Order 12291 and we have determined that they do

not create costs of \$100 million or more yearly, or otherwise meet the threshold of the Executive Order. This change will result in some increase in benefit payments since we may be called upon to pay as many as 3 months additional benefits to individuals residing in public emergency shelters throughout a full calendar month who otherwise would not have been eligible for benefits during such months but for the provision of section 1611(e)(1)(D) of the Act. However, these program costs are due primarily to decisions made in the legislative process. Cost impacts directly resulting from the regulations themselves are minor. For this reason, the Secretary has determined that the regulations are not a "major rule" under Executive Order 12291, and a regulatory impact analysis is not required.

Paperwork Reduction Act

These regulations will impose no new reporting or recordkeeping requirements requiring clearance by the Office of Management and Budget.

Regulatory Flexibility Act

We certify that these regulations will not have a significant economic impact on a substantial number of small entities since they primarily effect only aged, blind, or disabled individuals receiving, or applying for, SSI benefits. States which will be affected are those which supplement the Federal SSI benefit and those States where Medicaid eligibility is tied to SSI eligibility. However, a regulatory flexibility analysis as required under Pub. L. 92-354, the Regulatory Flexibility Act, is not required.

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

List of Subjects in 20 CFR Part 416

Administrative practice and procedure, Aged, Blind, Disabled, Public assistance programs, Supplemental Security Income (SSI).

Dated: November 15, 1983.

Martha A. McSteen,

Acting Commissioner of Social Security.

Approved: April 3, 1984.

Margaret M. Heckler,

Secretary of Health and Human Services.

PART 416—[AMENDED]

Part 416 of Chapter III of Title 20 of the Code of Federal Regulations is amended to read as follows:

1. The authority citation for Subpart B of Part 416 reads as follows:

Authority: Secs. 1102, 1602, 1611, 1614, and 1631 of the Social Security Act as amended,

secs. 211 and 212 of Pub. L. 93-86, 49 Stat. 647 as amended, 86 Stat. 1465, 86 Stat. 1446, 86 Stat. 1471, and 86 Stat. 1475, (42 U.S.C. 1302, 1381a, 1382, 1382c, and 1383).

2. Section 416.201 is amended by adding in alphabetical order two new definitions as follows:

§ 416.201 General definitions and terms used in the subpart.

"Any 12-month period" means a period of 12 full calendar months beginning with the current full calendar month throughout which (as defined in § 416.211) an individual is residing in a public emergency shelter for the homeless (as defined in this section) and including the immediately preceding 11 consecutive full calendar months.

"Public emergency shelter for the homeless" means a public institution or that part of a public institution used or designated by the Federal government, a State or a political subdivision of a State, to be used primarily for making available on a temporary basis, a place to sleep, food, and some services or treatment to persons having no currently available place to reside within the State of political subdivision.

3. Section 416.211 is amended by adding a new paragraph (d) to read as follows:

§ 416.211 You are a resident of a public institution.

* * *

(d) *Exception for residents of public emergency shelters for the homeless.* For months after April 1983, if you are a resident of a public emergency shelter for the homeless (defined in § 416.201) you may be eligible for SSI benefits for any 3 months throughout which you reside in the shelter in any 12-month period (defined in § 416.201). The 3 months do not need to be consecutive.

Example: You were receiving SSI benefits when you lost your home and you were forced to enter a public emergency shelter for the homeless. You entered the shelter on June 10, 1983. You remained a resident of the shelter until October 10, 1983. Since you were not in the shelter throughout the month of June, you will be eligible to receive your benefit for June without having this month count towards the 3 month period as defined in § 416.201. The last full month throughout which you resided in the shelter was September. Therefore, if you meet all eligibility requirements, you will also be paid benefits for July, August, and September (3 months during the 12-month period September 1983 back to October 1982). In determining your eligibility for July we used the 12 months between July 1983 and August

1982. In determining your eligibility for August we used the 12 months between August 1983 and September 1982 and for September we used the 12 months between September 1983 and October 1982. You will receive your SSI benefit for October, when you left the shelter, since you were not a resident of the shelter throughout that month, if you are otherwise eligible.

4. The authority citation for Subpart M of Part 416 reads as follows:

Authority: Secs. 1102, 1611-1615, and 1631 of the Social Security Act, as amended, 49 Stat. 647, as amended, 86 Stat. 1466-1477 (42 U.S.C. 1302, 1382-1382d, 1383), unless otherwise noted.

5. Section 416.1325 is revised to read as follows:

§ 416.1325 Suspension due to status as a resident of an institution.

(a) *General.* Except as provided in § 416.211(b), (c), and (d) an individual is ineligible for benefits for the first full calendar month in which he or she is a resident of a public institution (as defined in § 416.201) throughout the calendar month, and his or her payments are suspended effective with such first full month. Such ineligibility continues for each full calendar month such individual is so institutionalized.

Example: R entered a public hospital on May 5. The hospital did not receive title XIX payments (i.e., Medicaid) on his behalf. He remained in the hospital until July 29. R was ineligible for payments for June, and his payments were subject to suspension effective with that month. Such institutionalization would not preclude payment to R for July if he otherwise reestablishes his eligibility as of July.

(b) *Residents of public emergency shelters for the homeless.* A resident of a public emergency shelter for the homeless (see § 416.201) may be eligible for benefits for any 3 months throughout which he or she is a resident of the shelter in any 12-month period (see § 416.201). The 3 months do not have to be consecutive. An individual is ineligible and his or her payments will be suspended effective with the fourth full calendar month in any 12-month period in which the individual resides in the shelter. Such ineligibility continues for each full calendar month thereafter within the 12-month period that the individual remains a resident of the shelter.

[FR Doc. 84-10354 Filed 4-17-84; 8:45 am]

BILLING CODE 4190-11-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 916

Public Comment Procedures and Opportunity for Public Hearing on Proposed Modifications to the Kansas Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule.

SUMMARY: OSM is announcing procedures for a public comment period and for requesting a public hearing on the substantive adequacy of program amendments submitted by Kansas as amendments to the State's permanent regulatory program (hereinafter referred to as the Kansas program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

The amendments consist of proposed changes to the Kansas statute to establish a fee fund and provide for the collection of permit fees from coal operators and changes to the Kansas regulations to provide public notice for meetings of the Mined Land Conservation and Reclamation Board. This notice sets forth the times and locations that the Kansas program and the proposed amendments will be available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendments, and the procedures that will be followed for the public hearing.

DATES: Written comments not received by 4:30 p.m., May 18, 1984 will not necessarily be considered in the decision on whether the proposed amendments should be approved and incorporated into the Kansas regulatory program. A public hearing on the proposed amendments has been scheduled for May 15, 1984. Any person interested in speaking at the hearing should contact Mr. Richard Rieke at the address or telephone number listed below by May 8, 1984. If no person has contacted Mr. Rieke by that date to express an interest in the hearing, the hearing will not be held. If only one person requests the opportunity to speak at the public hearing, a public meeting, rather than a hearing, may be held and the results of the meeting included in the Administrative Record.

ADDRESSES: The public hearing is scheduled for 10:00 a.m. at the Kansas City Field Office, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106.

Written comments and requests for a hearing should be directed to Mr. Richard Rieke, Director, Kansas City Field Office, Office of Surface Mining, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106; Telephone: (816) 374-5527.

Copies of the Kansas program, the proposed modifications to the program, a listing of any scheduled public meetings, and all written comments received in response to this notice will be available for public review at the OSM Field Office listed above and at the OSM Headquarters Office and the office of the State regulatory authority listed below, during normal business hours Monday through Friday, excluding holidays.

Office of Surface Mining, Room 5124, 1100 "L" Street, N.W., Washington, D.C. 20240.

Mined Land Conservation and Reclamation Board, 107 West 11th Street, Pittsburg, Kansas 66762.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Rieke, Director, Kansas City Field Office, Office of Surface Mining, Fifth Floor, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106; Telephone: (816) 374-5527.

SUPPLEMENTARY INFORMATION:**I. Background**

The Kansas program was conditionally approved by the Secretary of the Interior on January 21, 1981 (46 FR 5892). Information pertinent to the general background, revisions, modifications, and amendments to the Kansas program submission, as well as the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Kansas program can be found in the January 21, 1981, *Federal Register*.

II. Submission of Revisions

By letter dated March 16, 1984, Kansas submitted proposed amendments consisting of:

- (1) Senate Bill 812 amending K.S.A. 49-420 to provide for the disposition and investment of moneys in the mined-land reclamation fund;
- (2) Senate Bill 816 amending K.S.A. 49-406 to establish permit fees for coal operators; and
- (3) Revisions to Kansas regulation K.A.R. 47-1-10 to specify public notice requirements for meetings of the Mined

Land Conservation and Reclamation Board.

The full text of the proposed amendments is available for review at the addresses listed above. Upon request to OSM's Field Office Director, each person may receive, free of charge, one single copy of the proposed program amendments. The Director now seeks public comment on whether the proposed amendments are no less effective than the Federal regulations. If approved, the amendments will become part of the Kansas program.

III. Procedural Requirements

1. *Compliance with the National Environmental Policy Act:* 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 rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM and exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules would be met by the State.

3. *Paperwork Reduction Act:* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 916

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Authority: Pub. L. 95-87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*)

Dated: April 12, 1984.

Carson W. Culp,
Acting Director, Office of Surface Mining.

[FR Doc. 84-10372 Filed 4-17-84; 8:45 am]

BILLING CODE 4310-05-M

**ENVIRONMENTAL PROTECTION
AGENCY****40 CFR Part 52**

(A-10-FRL 2566-7)

**Approval and Promulgation of State
Implementation Plan; Oregon****AGENCY:** Environmental Protection
Agency (EPA).**ACTION:** Proposed rule.

SUMMARY: The purpose of this notice is to invite public comment on EPA's proposal to approve the total suspended particulate (TSP) primary standard and secondary standard control strategies for Medford, Oregon. The TSP control strategies were submitted by the State of Oregon Department of Environmental Quality (DEQ) as revisions to the State Implementation Plan (SIP) pursuant to the requirements of Part D of the Clean Air Act (hereinafter referred to as the Act).

DATE: Comments will be accepted until May 18, 1984.

ADDRESSES: Copies of the materials submitted to EPA may be examined during normal business hours at:

Air Programs Branch, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101-3188

State of Oregon, Department of Environmental Quality, 522 SW Fifth, Yeon Building, Portland, Oregon 972907.

COMMENTS SHOULD BE ADDRESSED TO:

Laurie M. Kral, Air Programs Branch M/S 532, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101-3188.

FOR FURTHER INFORMATION CONTACT:

Michael J. Schultz, Air Programs Branch, M/S 532, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101-3188, Telephone (206) 442-1985, (FTS) 399-1985.

SUPPLEMENTARY INFORMATION:**I. Introduction**

The information in this Notice is divided into three sections. The section entitled "Background" outlines the requirements of the Act regarding TSP nonattainment areas and summarizes the current air quality situation in Medford. The section entitled "Plan Revision" describes the TSP nonattainment area plans proposed for action herein. The section entitled "Proposed Action" summarizes the actions which EPA is today proposing and calls for comments.

II. Background

The 1977 Amendments to the Act required States to submit, and EPA to promulgate, a list of areas which did not meet any primary or secondary NAAQS (Section 107(d) of the Act). On March 3, 1978 (43 FR 8962) EPA promulgated the list for Oregon in 40 CFR, Part 81, Section 338. This list designated the Medford-Ashland Air Quality Maintenance Area (AQMA) as nonattainment for secondary TSP standards but attainment for primary standards. On January 10, 1980 (45 FR 2044), in response to a request from the Oregon Department of Environmental Quality (DEQ), EPA revised the Medford TSP designation to nonattainment for both secondary and primary standards.

The 1977 Amendments to the Act also required States to make revisions to their SIPs to provide for attainment and maintenance of the NAAQS in those areas which did not meet the standards (Part D of the Act). These revisions were to be submitted to EPA by January 1, 1979, and approved by EPA by July 1, 1979 (Section 129(c) of the 1977 Amendments and Section 110(a)(2)(I) of the Act). However, due to the late designation of nonattainment for primary TSP standards, the due date for the Medford primary standard SIP revision was twelve months from redesignation, or January 10, 1981. Since no SIP was submitted, there has been a moratorium on the construction of major stationary sources of TSP since July 10, 1981. This moratorium was automatically imposed pursuant to the provisions of § 110(a)(2)(I) of the Act.

The requirements for a Part D (nonattainment area) SIP are contained in Section 172 of the Act. These requirements are described in a General Preamble published in the April 4, 1979 *Federal Register* (44 FR 20372) and supplemented on July 2, 1979 (44 FR 38583), August 28, 1979 (44 FR 50371), September 17, 1979 (44 FR 53761), and November 23, 1979 (44 FR 67182). General requirements for all SIPs are contained in 40 CFR Part 51.

On November 8, 1981 (46 FR 55101) EPA approved DEQ rules which established more stringent particulate matter emission requirements for the following sources in the Medford-Ashland AQMA: Wood waste boilers, veneer dryers, air conveying systems, wood particle dryers at hardboard and particleboard plants, wigwam waste burners, charcoal producing plants, and open burning. These rules became the cornerstone for the attainment strategy.

III. Plan Revision

The nonattainment area (Medford-Ashland AQMA), located in Southwestern Oregon, covers approximately 228 square miles and encompasses the towns of Medford, Ashland, White city, Central Point, Eagle Point, Jacksonville, Phoenix, and Talent. The DEQ air monitoring surveillance network for TSP currently has four sites in the nonattainment area. During the 1979 through 1981 period, the two Medford and White City monitors showed exceedences of the primary standards. The annual standard of 75 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) was exceeded by as much as $24 \mu\text{g}/\text{m}^3$ and the 24-hour standard of $260 \mu\text{g}/\text{m}^3$ was exceeded (Medford site only) by up to $35 \mu\text{g}/\text{m}^3$. Although TSP air quality data has shown recent signs of improvement, some of this improvement has been attributed to the depressed economic condition of the wood products industry.

An emissions inventory for the 1979-80 period showed a total of 9,175 tons per year of particulate matter being emitted from sources in the nonattainment area. Approximately 64 percent of these emissions were attributed to area sources.

In January 1981 DEQ completed a comprehensive study to identify the sources responsible for the violations of TSP standards in Medford and White City. That study, the Medford Aerosol Characterization Study (MACS), identified the contribution of sources by the unique "chemical fingerprints" of their emissions (the chemical mass balance technique). The results of the MACS were used to calibrate an airshed dispersion model which was then used to project the impacts of growth and alternative control strategies. The MACS indicated that during the 1979-80 period, the major sources of TSP were vegetation burning (including wood stoves)—31%, soil and road dust—30%, the wood products industry—20%, and miscellaneous (motor vehicles, construction, etc.)—19%.

An advisory committee representing a wide range of interests from the community was established in February 1981 to advise DEQ on which potential control strategies were most effective and acceptable to industry and the public. Approximately 30 public meetings were held during the 21-month strategy development period. Several hearings were held in Medford and Ashland during 1982 to adopt local ordinances. State public hearings were held on February 25, 1983 and April 8, 1983. The plan was adopted by the

Environmental Quality Commission (EQC) on these two dates and submitted to EPA on April 25, 1983 as a revision to the Oregon SIP.

A MACS concentration of 97 $\mu\text{g}/\text{m}^3$ (annual geometric mean) was used as the design concentration. Air quality projections indicate that the annual standards will be more difficult to attain than the 24-hour standards. Thus, control strategies focus on the annual standards.

The DEQ determined that if no additional control measures were implemented after completion of the MACS, particulate concentrations would be expected to increase to 105 $\mu\text{g}/\text{m}^3$ by December 31, 1984, the projected attainment date for primary standards. Thus, a 30 $\mu\text{g}/\text{m}^3$ reduction would be needed to meet the primary particulate standard of 75 $\mu\text{g}/\text{m}^3$ in 1984 and a 45 $\mu\text{g}/\text{m}^3$ reduction would be needed to meet the secondary standard of 60 $\mu\text{g}/\text{m}^3$.

Recent documentation suggests that the control strategy being implemented is working. During 1981, only one of the four TSP monitors in the area showed a violation (marginal) of the annual primary standard; no violations of the 24-hour primary standard were noted. In 1982 no violations of either annual or 24-hour primary standards were recorded. During the first two quarters of 1983 no exceedences of the short term primary standard were noted at any of the four monitoring sites. A recently submitted RFP report shows emission reductions to be on schedule. Additional emission reductions were noted due to the depressed economy.

A. Primary Standard Control Strategy.

The DEQ, local advisory committee, and County Board of Commissioners used the MACS source impact analysis, projected emission trends, and an analysis of energy and economic impacts to develop the Medford-Ashland particulate control strategy. The strategy focuses on controlling sources within the three major categories of TSP sources mentioned earlier in Part III—wood products industry, vegetative burning (including wood stoves), and road dust.

The adopted control strategy calls for attainment of the primary TSP standard by December 31, 1984. A TSP reduction of 32 $\mu\text{g}/\text{m}^3$ is identified, 2 $\mu\text{g}/\text{m}^3$ more than necessary to demonstrate attainment. Contributions to this improvement are as follows: (1) 14 $\mu\text{g}/\text{m}^3$ from industrial control measures (12 $\mu\text{g}/\text{m}^3$ from the regulations approved in 1981 and 2 $\mu\text{g}/\text{m}^3$ from new measures), (2) 16 $\mu\text{g}/\text{m}^3$ from "vegetative burning control measures" which focus on wood

stove emissions, and (3) 2 $\mu\text{g}/\text{m}^3$ from soil and road dust control measures. Projected reductions wood stove emissions arise primarily from compliance with ordinances for home weatherization, firewood moisture controls, and curtailment of wood stove use during stagnant meteorological conditions.

B. Secondary Standard Control Strategy

Attainment of TSP secondary standards is projected by the year 200. EPA considers this date to be as expeditious as practicable considering the: (1) Conservative baseline value used in modeling, (2) projected growth in emissions, and (3) meteorology characterized by frequent and strong inversions during the fall and winter months. Control measure must offset growth in emissions 13 $\mu\text{g}/\text{m}^3$ (on top of the 32 $\mu\text{g}/\text{m}^3$ reduction which is projected in the primary standard attainment strategy). These measures include both legally adopted statutes, and timetables calling for expeditious adoption and implementation of additional programs. Principal measures identified include an extension of the home retrofit weatherization programs, a wood stove certification program, and additional soil and road dust control measures. Requirements for home weatherization (to be completed between 1984 and 1990) are in place by virtue of an adopted ordinance. On July 6, 1983, the Governor signed into law a statewide wood stove certification program which restricts the sale of wood stoves after July 1, 1986 to those that meet emission standards. Rules for additional industrial or non-industrial controls, if needed, are scheduled for adoption by April 1988 and implementation by July 1990. Finally, needed soil and road dust control measures are scheduled for implementation by 1990.

IV. Proposed Action

EPA proposes to approve both the primary standard and secondary standard TSP attainment plans for Medford which were submitted on April 25, 1983.

Under Executive Order 12291, today's action is not "Major." It has been submitted to the Office of Management and Budget (OMB) for review. Any comments from OMB to EPA, and any EPA response, are available for public inspection at the addresses above.

Under 5 U.S.C. Section 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8706)

Interested parties are invited to comment on all aspects of these proposed revisions to the Oregon SIP and nonattainment area designations. Comments should be submitted, preferably in triplicate, to the address listed in the front of this Notice. Public comments postmarked by May 18, 1984, will be considered in any final action EPA takes on this proposal.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

(Secs. 107(d), 110, 171(2), 172 and 301(a) of the Clean Air Act (42 U.S.C. 7407(d), 7410(a), 7501(2), 7502 and 7601(a))

Dated: January 11, 1984.

Ernesta B. Barnes,
Regional Administrator.

[FR Doc. 84-10350 Filed 4-17-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 65

[A-5-FRL 2567-2]

Proposed Disapproval of a Delayed Compliance Order Issued by the Michigan Department of Natural Resources to the Riverside Correctional Facility

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Proposed rulemaking.

SUMMARY: The USEPA proposes to disapprove a Delayed Compliance Order (DCO) issued by the Michigan Department of Natural Resources to the Riverside Correctional Facility. The Order permits the facility to emit particulate matter, in excess of allowable limits, from its three coal-fired boilers in Ionia, Michigan. USEPA is proposing to disapprove the DCO because it fails to meet the requirements of Section 113(d) of the Clean Air Act (the Act).

DATE: Written comments must be received on or before May 18, 1984.

ADDRESSES: Copies of the State order, supporting material, and public comments received in response to this rulemaking are available for inspection at the following address: U.S. Environmental Protection Agency, Air and Radiation Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

Comments on this proposed action should be addressed to: Gary Gulezian, Chief, U.S. Environmental Protection Agency, Region V, Air and Radiation

Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Maggie Greene, U.S. Environmental Protection Agency, Region V, Air and Radiation Branch, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6029.

SUPPLEMENTARY INFORMATION: On September 12, 1983, the Michigan, Department of Natural Resources submitted a DCO for the Riverside Correctional Facility in Ionia, Michigan. The Order under consideration addresses particulate matter emissions up until July 31, 1984 from three coal-fired boilers at the facility. Under the Order particulate emission rates from the three boilers are not to exceed 0.65 pounds particulate per 1,000 pounds of exhaust gases (corrected to 50 percent excess air) and visible emissions are not to exceed 40 percent opacity. Michigan's Administrative Code 1980 AACs, R336.1331, which was approved by USEPA as part of the Michigan's State Implementation Plan (SIP), limited particulate emissions to 0.45 pounds particulate per 1,000 pounds of exhaust gases (corrected to 50 percent excess air) and visible emissions to 20 percent opacity (except as otherwise provided in Michigan Rule 301), and required compliance by July 1, 1981. USEPA's criteria for approval of DCO's are set forth in Section 113(d) of the Clean Air Act, as amended August 1977, and in an April 26, 1983 memorandum from Kathleen M. Bennett, who at the time, was the Assistant Administrator for Air, Noise and Radiation. USEPA evaluated the Order using these criteria and proposes to disapprove the DCO because of the following deficiencies:

1. A DCO must include reasonable and practicable interim controls. This DCO specifies an interim limit for particulate and visible emissions, but the submittal does not specify how these lower emissions will be met. Although the State of Michigan has informed USEPA that these limits will be achieved by operating permit constraints and improved maintenance, no evidence was submitted that a permit containing these conditions was issued, and three are no provisions in the DCO for assuring that the lower emission rates are being met.

2. A DCO must include reasonable requirements for monitoring and reporting. This DCO requires only the reporting of stack test and visible emission data demonstrating final compliance. There are no interim reporting requirements and no provisions for monitoring of any type.

3. The Order must require final compliance as expeditiously as practicable but no later than July 1, 1979, or three years after the date for final compliance specified in the SIP, whichever is later. This DCO does not fulfill this requirement. The final compliance date specified in the SIP is July 1981. The proposed final compliance date in the DCO is July 31, 1984. Therefore, this criteria is not met by the DCO.

All interested persons are invited to submit written comments on the proposed rulemaking. Written comments received by the date specified above will be considered in determining whether EPA disapproves the order. After the public comment period, the Administrator of USEPA will publish in the Federal Register the Agency's final action on the order in 40 CFR Part 65.

List of subjects in 40 CFR Part 65 Air pollution control.

(42 U.S.C. 7413, 7601)

Dated: April 6, 1984.

Valdas V. Adamkus,
Regional Administrator.

[FR Doc. 84-10348 Filed 4-17-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 3F2765/P334; PH-FRL 2565-2]

Pendimethalin; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes to establish a tolerance for the combined residues of the herbicide pendimethalin and its metabolite in or on the raw agricultural commodity sugarcane. This proposed regulation, to establish maximum permissible level for residues of pendimethalin in or on sugarcane, was requested by the American Cyanamid.

DATE: Written comments, identified by the document control number [PP 3F2765/P334] must be received on or before May 18, 1984.

ADDRESS:

By mail submit comments to:

Information Services Section (TS-757C), Program Management and Support Division, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

In person, bring comments to:

Information Services Branch (TS-757C), Rm. 236, CM#2, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part of all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT:

By mail: Robert Taylor, Product Manager (PM) 25, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 245, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1800).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the Federal Register of December 22, 1982 (47 FR 57127) which announced that the American Cyanamid, PO Box 400, Princeton, NJ 08540, submitted pesticide petition 3F2765 proposing to amend CFR 180.361 by establishing a tolerance for the combined residues of the herbicide pendimethalin [N-(1-ethylpropyl)-3,4-dimethyl-2,6-dinitrobenzenamine alcohol in or on the raw agricultural commodity sugarcane at 0.05 parts per million (ppm)].

There were no comments received in response to the notice of filing.

The petition was subsequently amended to include the metabolite 4-[(1-ethylpropyl) amino]-2-methyl-3,5-dinitrobenzyl alcohol in the tolerance expression and increasing the tolerance to 0.10 ppm. Because of the increased level, this tolerance is being repropose to allow public comments.

Elsewhere in this issue of the Federal Register, EPA issued a final rule [PP 1F2567, 2F2678/R658] which established tolerances for the herbicide in or on certain raw agricultural commodities and adopted the American National Standards Institute common name "pendimethalin" vice the chemical name "N-(1-ethylpropyl)-3,4-dimethyl-2,6-dinitrobenzenamine" as stated in 40 CFR 180.361.

The pesticide is considered useful for the tolerance is sought. The data

submitted in the petitions and other relevant material have been evaluated. The data considered include acute studies, a 21-day dermal study (rabbits) with no-observed-effect level (NOEL) of 1 gm/kg/day; a 90-day feeding study (rats) with a NOEL of 25 mg/kg/day; a 90-day feeding study (dogs) with a NOEL of 62.5 mg/kg/day; a 2-year chronic feeding study (dogs) with a NOEL of 12.5 mg/kg/day; a 3-generation reproduction study (rats) with a NOEL of 25 mg/kg/day; a teratology study (rats—no teratogenic or fetotoxic effects observed at doses up to 500 mg/kg/day); a teratology study (rabbits—no teratogenic effects observed at doses up to, and including, 60 mg/kg/day, a cataractogenic study which was negative at up to 3,000 ppm (HDT)); and three mutagenic studies (dominant lethal, host mediated assay, and Ames test) all negative for mutagenic effects.

The accepted daily intake (ADI) based on the 90-day rat feeding study (NOEL of 25 mg/kg/day) and using a 2,000-fold safety factor is calculated to be 0.0125 mg/kg/day. The maximum permitted intake (MPI) for a 60-kg human is calculated to be 0.75 mg/day. The theoretical maximum residue contribution (TMRC) for existing tolerances is calculated to be 0.0113 mg/day. The current action will use 0.69 percent of the ADI. Published tolerances use 1.50 percent of the ADI.

The herbicide contains a nitrosoamine contaminant. The Agency's toxicologists have performed a risk assessment for the nitrosoamine contaminant in the product and the calculations indicate that if the nitrosoamine contaminant were not in excess of 135 ppm, the associated upper level of risk would not exceed 1×10^{-6} (1/1,000,000). Data submitted to the Agency show that the level of nitrosoamine contaminant is below the level calculated.

In the 2-year rat feeding/oncogenicity study, there were increased incidence of endometrial adenocarcinoma of the uterus at the high dose (5,000 ppm). This study allows the conclusion that ingestion of the herbicide at 5,000 ppm may be associated with the development of neoplasms in the uterus. Endometrial adenocarcinomas have been reported to be associated with dosing of *N*-nitroso compounds. To address this question, and because of other study deficiencies, EPA has required American Cyanamid to repeat the rat feeding/oncogenicity study using commercial grade of pendimethalin.

The nature of the residues of pendimethalin in plants and animals is adequately understood. An adequate analytical method, gas chromatography with an electron capture detector, is

available for enforcement purposes. Because no detectable residues are expected in feed items, residues of the herbicide and its benzyl alcohol metabolites are not likely to occur in meat, milk, poultry, and eggs. There are currently no actions pending against the continued registration of pendimethalin.

Based on the information cited above, the Agency has determined that the establishment of the tolerance for residues of the pesticide in or on the commodity will protect the public health. Therefore, it is proposed that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide under FIFRA, as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the *Federal Register* that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number [PP 3F2765/P334]. All written comments filed in response to this proposed rulemaking will be available in the Information Services Section (TS-757C) at the address given above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the *Federal Register* of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2)))

Dated: March 30, 1984.

Douglas D. Camp,

Director, Registration Division, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, it is proposed that 40 CFR 180.361(a) be amended by adding and alphabetically inserting the commodity sugarcane to read as follows:

§ 180.361 Pendimethalin; tolerances for residues.

(a) * * *

Commodities	Parts per million
Sugarcane.....	0.1

[FR Doc. 84-9959 Filed 4-17-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 2E2738/P336 PH-FRL 2566-3]

Diiflubenazuron; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Rule.

SUMMARY: This document proposes that a tolerance be established for residues of the insecticide diiflubenazuron in or on the raw agricultural commodity pasture grass. The proposed regulation to establish a maximum permissible level for residues of the insecticide in or on the commodity was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4).

DATE: Comments must be received on or before May 3, 1984.

ADDRESSES: Written comments by mail to: Information Services Section (TS-757C), Program Management and Support Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

In person, bring comments to: Rm. 238, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information." Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A sanitized copy of any material containing Confidential Business Information must be provided

by the submitter for inclusion in the public record. Information not marked "confidential" may be disclosed publicly by EPA without prior notice.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs (703-557-1192).

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition 2E2738 to EPA on behalf of Dr. Robert H. Kupelian, National Director, IR-4 Project and the Agricultural Experiment Station of California.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for residues of the insecticide diflubenzuron (*N*-[[[4-chlorophenyl] amino] carbonyl]-2,6-difluorobenzamide] in or on the raw agricultural commodity pasture grass at 3.0 parts per million (ppm). The petition was later amended to propose a tolerance of 1.0 ppm.

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicological data considered in support of the proposed tolerance include a 13-week dog feeding study with a no-observed-effect level (NOEL) of 4.0 milligrams (mg)/kilogram (kg) (160 ppm), the highest dose tested (HDT); a 13-week and an 80-week mouse feeding study with a NOEL of 1.1 mg/kg (8.0 ppm) for sulphhemoglobin; a 3-generation rat reproduction study with a NOEL of 8.0 mg/kg (160 ppm) (HDT); a mouse reproduction study with a NOEL of 7.5 mg/kg (50 ppm) (HDT); a mutagenicity test (Ames) with TA-100, and TA-1537 strains of *Salmonella* (up to 1,000 micrograms did not result in mutagenic effects); *in vivo* cytogenetic mouse study with no evidence of mutagenic effect up to 1,500 mg/kg (HDT); *in vitro* mouse-lymphoma cell studies (negative); and rat and rabbit teratology studies with NOEL's of 4,000 mg/kg (HDT) for maternal toxicity, fetal toxicity, and teratogenic effects. The NOEL for plasma testosterone levels in male rats in a 14-day study was 15 mg/kg/day (300 ppm). Higher doses produced transient decreases in plasma testosterone.

Oncogenicity studies in two species (rat and mouse) are currently lacking, but are considered desirable. One of these studies must also include an evaluation of chronic feeding effects. These data gaps are currently being

filled by industry. A long-term feeding study in a nonrodent, e.g., dog, is also considered desirable.

The NOEL of 1.1 mg/kg/day was based on the depression of sulphhemoglobin in the mouse, considered the most sensitive species tested for this effect. A safety factor of 100 was applied to the NOEL resulting in a provisional acceptable daily intake (PADI) of 0.011 mg/kg of body weight (bw)/day. The maximum permitted intake (MPI) for a 60-kg human is calculated to be 0.66 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5-kg daily diet is calculated to be 0.035 mg/day; the current action will not increase the TMRC.

The nature of the residue is adequately understood, and an adequate analytical method, gas chromatography with electron capture detector, is available for enforcement purposes. Existing tolerances are adequate to cover secondary residues resulting from grazing of livestock on treated pasture grass; harvesting or feeding of treated hay is prohibited. There are currently no actions pending against the continued registration of this chemical.

Based on the above information considered by the Agency, the tolerance established by amending 40 CFR 180.377 would protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 15 days after publication of this notice in the Federal Register that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. As provided for in the Administrative Procedure Act (5 U.S.C. 553(d)(3)), the comment period is shortened to less than 30 days because of the necessity to expeditiously provide a means for control of insects infesting pasture grass. Comments must bear a notation indicating the document control number, [PP 2E2738/P336]. All written comments filed in response to this petition will be available in the Program Management and Support Division, at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

Dated: April 5, 1984.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, it is proposed that 40 CFR 180.377 be amended by adding and alphabetically inserting the raw agricultural commodity pasture grass, to read as follows:

§ 180.377 Diflubenzuron; tolerances for residues.

Commodities	Parts per million
Grass, Pasture.....	1.0

[FR Doc. 84-10347 Filed 4-17-84; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 474

[HSQ-109-P]

Medicare Program; Utilization and Quality Control Peer Review Organizations; Imposition of Sanctions on Health Care Practitioners and Providers of Health Care Services

AGENCY: Health Care Financing Administration (HCFA), Office of the Inspector General (OIG), Department of Health and Human Services.

ACTION: Proposed Rule.

SUMMARY: This proposal would implement the portion of the Peer Review Improvement Act of 1982 that imposes certain obligations on health care practitioners and other persons who provide health care services to Medicare beneficiaries. The proposal would also establish sanctions that the Secretary may impose for violations of the obligations. The proposal would also impose certain responsibilities on utilization and quality control peer review organizations and provides that an exclusion sanction recommended to the Secretary by utilization and quality control peer review organizations would automatically become effective if the Secretary fails to act within a 120-day review period. These regulations are intended to assure that the public receives medically necessary, quality health services.

DATES: To assure consideration, comments should be received by May 18, 1984.

ADDRESS: Address comments in writing to: Health Care Financing Administration, U.S. Department of Health and Human Services, Attention: HSQ-109-P, P.O. Box 20676, Baltimore, Maryland 21207.

If you prefer, you may deliver your comments to Room 309-G Hubert H. Humphrey Building, 200 Independence Ave., SW., Washington, D.C., or to Room 132, East High Rise Building, 6325 Security Boulevard, Baltimore, Maryland.

Comments will be available for public inspection as they are received, beginning approximately three weeks after publication, in Room 309-G of the Department's offices at 200 Independence Ave., SW., Washington, D.C. 20201, on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (202-245-7890).

FOR FURTHER INFORMATION CONTACT:

Anthony J. Tirone (HCFA), (PRO process), (301) 594-9208
William M. Libercci (OIG), (Department process), (301) 594-5035.

SUPPLEMENTARY INFORMATION:**I. Background**

The Peer Review Improvement Act of 1982 (Title I, Subtitle C of the Tax Equity and Fiscal Responsibility Act of 1982 (Pub. L. 97-248)) amended Part B of Title XI of the Social Security Act (the Act) by establishing the Utilization and Quality Control Peer Review Organization (PRO) program.

Congress originally enacted Part B of Title XI, which established the Professional Standards Review

Organization (PSRO) program in 1972. The purpose of the PSRO program is to assure that health care services and items for which payment may be made in whole or part under the Medicare program are medically necessary, conform to appropriate professional standards, and are delivered in the most efficient and economical manner possible.

The PRO legislation, enacted on September 3, 1982, seeks to redirect, simplify and enhance the cost-effectiveness of the peer review program under Medicare. On February 27, 1984 we published final regulations that defined those organizations eligible to become a PRO, for the purpose of establishing the PRO program under Medicare (see 49 FR 7202).

II. Legislative Requirements

Section 143 of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) amends sections 1151 through 1163 of the Social Security Act. As amended, section 1156 of the Act imposes certain obligations upon health care practitioners and other persons who furnish or order services under Medicare. Section 1156 of the Act also provides for sanctions if the Secretary determines that the obligations were not met. These obligations are to assure that the services are—

(1) Provided economically and only when, and to the extent they are medically necessary;

(2) Of a quality that meets professionally recognized standards of health care; and

(3) Supported by the appropriate evidence of medical necessity and quality in the form and fashion that the reviewing PRO may reasonably require (including copies of the necessary documentation and evidence of compliance with pre-admission or pre-procedure review requirements) to assure that the practitioner or other individual is meeting these obligations.

The requirement that a practitioner or other person furnish evidence of compliance with pre-admission or pre-procedure review requirements is necessary because the pre-admission and pre-procedure review could be a critical element in the process of review in the PRO's area.

Section 1156 of the Act also specifies certain related responsibilities for utilization and quality control peer review organizations that contract with the Secretary. These include the responsibility to recommend exclusion sanctions or, in lieu of exclusions, monetary penalties for health care practitioners or other persons who do

not comply with their obligations under the statute.

Finally, section 1156 of the Act authorizes the Secretary to make decisions, based upon the PRO recommendations, to exclude practitioners or other persons from the Medicare program or, in lieu of exclusion, require a monetary penalty as a condition for their continued eligibility to receive reimbursement under the program.

III. Proposed Changes to Regulations

A. We would amend 42 CFR Part 474 by establishing a Subpart A, "General Provisions" to include current § 474.0, a Subpart B to include current §§ 474.1-474.17 applicable to sanctions under the PSRO program and a new Subpart C, "Sanctions Under the PRO Program".

B. We would add and revise definitions of terms used in the new Subpart C. We would also remove definitions from Part 474 that duplicate those now found in 42 CFR Part 400, a part of Subchapter A, General Provisions for 42 CFR Chapter IV (48 FR 12526, March 25, 1983).

1. The Act specifies at section 1154(a)(1)(C) that a PRO is required to determine whether services and items proposed to be provided on an inpatient basis could, consistent with the provision of appropriate medical care, be provided "more economically on an outpatient basis or in an inpatient health care facility of a different type". Therefore, we would use the term "economically" to indicate that services are provided at the least expensive medically appropriate type of setting or level of care (§ 474.0).

2. Section 1156(a) of the Act provides that certain obligations be imposed upon any health care practitioner and any other person who provides health care services for which payments may be made under the Medicare program. As specified in Section 1156(a) of the Act the term "other person" in these regulations would include a hospital or other health care facility, organization, or agency that furnishes services for which reimbursement may be made under the Medicare program.

IV. Discussion**A. PRO Review Process**

PROs would be required to review professional activities to ensure that services and items provided under Medicare meet the standards specified in section 1154 of the Act. To carry out the statutory requirements in section 1156(b) of the Act, we would require PROs to review the activities of

practitioners and other persons who furnish or order health care services or items and, when warranted, make determinations that obligations under proposed § 474.30 were violated and that corrective action is needed (proposed §§ 474.34 and 474.36). The statute also provides at section 1156(c) of the Act, that the PRO has an obligation to inform, educate, and enlist the support of other professional and governmental organizations to assure that the practitioner or other person complies with the statutory obligations.

In accordance with section 1156(b) of the Act, a practitioner's or other person's failure to comply substantially with an obligation in a substantial number of cases, or a practitioner's or other person's violation of an obligation in a gross and flagrant manner must be reported to the Secretary. The PRO would deal with violations that do not meet the "substantial number" or "gross and flagrant" criteria as part of its peer review process specified in section 1154(a) of the Act, rather than the formalized process specified at proposed §§ 474.36 and 474.38.

Section 1156(b) of the Act requires the PRO to give notice and an opportunity for discussion to the offending practitioner or other person once the PRO identifies either a substantial violation in a substantial number of cases or a gross and flagrant violation. The notice and opportunity for discussion are necessary before the PRO could make a final determination that a practitioner or other person has failed to comply substantially with an obligation in a substantial number of cases or grossly and flagrantly violated an obligation in one or more instances.

Under these proposed regulations, when a PRO identifies a substantial violation that occurred in a substantial number of cases, the PRO would be required to send the practitioner or other person an initial notice containing the following information: the practitioner's statutory obligations, the identified violation, the PRO's authority to report violations to the Secretary, a suggested method and time frame for correction (if the PRO believes that this would be appropriate), the possible sanction, and an invitation to submit additional information or to meet with the PRO to discuss the violation within 20 days of the date on the notice. A summary of the information used by the PRO in reaching its determination must also accompany this notice. After the notification, the practitioner or other person could discuss with PRO representatives the basis of the determination and an acceptable time frame for any necessary

corrective action. If corrective action is not taken within the time frame agreed to by the petitioner and the PRO, the PRO would send the practitioner or other person a second notice in writing.

This second notice would include the *determination* of a violation and the sanction to be recommended by the PRO to the Office of the Inspector General (OIG), Department of Health and Human Services, the Secretary's designee. The PRO may recommend exclusion from Medicare or, in lieu of exclusion, a monetary penalty (section 1156(b) (1) and (3) of the Act). The specific sanction recommended would be based on all relevant factors including the type of offense involved, the severity of the offense, the number and types of previous sanctions imposed on the practitioner or other person and the deterrent value. This second notice would also inform the practitioner or other person that he or she could submit additional information to the PRO in writing or request a meeting within 30 days of the date of the notice. The PRO would also send a copy of the material used by the PRO to arrive at its determination.

The PRO may affirm, modify, or reverse its recommended determination on the basis of additional information provided by the practitioner or other person. If after reviewing the additional information, the PRO still determines that a substantial violation has occurred in a significant number of cases, the PRO would send its report and recommendations to the OIG. The PRO report would contain the specific sanction being recommended (exclusion or in lieu of exclusion, monetary penalty) and the period of exclusion or the amount of the penalty (proposed § 474.40). Concurrently, the PRO would send the practitioner or other person a final notice advising of the final determination and a copy of the PRO report that is being forwarded to the OIG. This final notice would also advise the practitioner or other person that he or she has 30 days from the date on the notice to submit any additional material directly to the OIG. This final notice would further advise that any material received after the 30-day period would not be considered by the OIG (proposed § 474.39). Similarly, if the practitioner or other person does not submit additional information in writing or request a meeting, the PRO would send its report and the specific sanction being recommended to the OIG and concurrently send the practitioner or other person the final notification previously mentioned.

The requirement for three separate notices and opportunities for discussion, would apply to a substantial violation in a substantial number of cases but not to gross and flagrant violations. The imminent danger to patients upon which a gross and flagrant finding is predicated precludes a period of correction.

If a gross and flagrant violation is identified, the PRO would not provide the initial notice nor a period of correction that would have been provided if a substantial violation in a substantial number of cases had been found (proposed § 474.36(b)). In this case, the PRO would immediately make the determination that an obligation was violated and send notice to the practitioner or other person as specified in proposed § 474.38. If the violation identified is not resolved to the PRO's satisfaction, the PRO would send the final notice described in proposed § 474.39.

In all cases in which a PRO would make the final determination that an obligation was violated, it would be required to submit a report to the OIG and recommend a specific sanction against the affected practitioner or other person (proposed § 474.40).

The OIG would review the PRO report and either agree or disagree with the recommendations in the report. The practitioner or other person could submit additional material to the OIG for consideration in this review. The additional material would have to be submitted within the 30-day period specified in the PRO's final notice to the practitioner or other person. If the OIG agrees with the PRO determination it could, as specified in section 1156(b)(1) of the Act, exclude the practitioner or other person from the Medicare program. In lieu of exclusion, the OIG could require a practitioner or other person to pay a monetary penalty as a condition for continued participation in the Medicare program. These sanctions are in addition to any other sanctions that the Secretary may impose under law.

Section 1156(b) of the Act requires the Secretary, rather than the PRO, to make the determination that the practitioner or other person is unable or unwilling substantially to comply with the statutory obligations before invoking a sanction. A PRO's recommendation regarding a practitioner or other person being "unable or unwilling substantially to comply" is necessary to assist the OIG in making its determination. In view of this, we would require a PRO to include in its report a

recommendation to the OIG as to whether or not the practitioner or other person was unable or unwilling substantially to comply.

B. Exclusion Sanctions and Monetary Penalties

Section 1156 of the Act gives the Secretary the authority to review PRO recommendations and—

- (1) Agree or disagree with the recommendation;
- (2) Determine whether the practitioner or other person has demonstrated an unwillingness or inability to substantially comply with the obligations violated;
- (3) Exclude an individual from receiving reimbursement under the Medicare program;
- (4) Fix the period of exclusion; and
- (5) Impose a monetary penalty in lieu of exclusion.

As provided in section 1156(b)(1) of the Act, the sanction of exclusion against practitioners or other persons for the provision of unnecessary or poor quality services would become effective 120 days after a PRO submits a recommendation for exclusion to the OIG, unless the OIG specifically rejects the recommendation. This 120-day provision would not apply to recommendations for a monetary penalty.

The statutory requirement that the Secretary should act within 120 days from receipt of an exclusion recommendation is a new provision that did not exist in the PSRO legislation.

Since an exclusion could become effective 120 days after receipt of the recommendation, any delay in the OIG's review process would work to the detriment of a practitioner or other person once a recommendation is received from a PRO. Therefore, unlike the provisions of the PSRO regulations at § 474.10(c), we have decided not to provide the opportunity for the Secretary to issue a proposal to exclude with a comment period. We do believe, however, that the practitioner or other person should have an opportunity to submit additional information to the Secretary after a PRO has made its decision that a sanction is warranted.

In order to provide this opportunity and make a decision within the 120-day period we would allow the practitioner or other person to submit any additional material to the OIG within 30 days from the date on the PRO final notice recommending a sanction to the OIG. As mentioned earlier, the PRO final notice would inform the practitioner or other person that material received by the OIG after the 30-day period would not be considered.

In view of the statutory requirements there would be no opportunity to extend the period for submitting additional information. The OIG would review the PRO report and any additional material submitted by the affected party and prepare the Secretary's decision.

In reviewing a PRO recommendation, the OIG would consider all relevant factors including whether the PRO followed its procedures. If the OIG decides that a sanction is not warranted, the OIG would notify the PRO that recommended the sanction and the affected practitioner or other person that the recommendation is not accepted.

The Secretary, through the OIG, should act on recommendations from PROs to exclude practitioners or other persons from the Medicare program within 120 days after the recommendation is submitted. Such action would clearly constitute a Secretarial decision. However, failure of the Secretary to act within the 120-day period would also be considered a Secretarial decision for purposes of appeal rights, since the PRO recommendation to exclude would become effective just as if the Secretary had formally agreed with the PRO recommendation. Therefore, in both instances the sanctioned party would have the right to appeal the action pursuant to section 1156(b)(4) of the Act.

If the OIG decides to impose a monetary penalty or, within the 120-day review period, to impose an exclusion sanction, it would notify the practitioner or other person of the adverse determination and of the sanction to be imposed. This notification would be provided at least 15 days before the effective date of the sanction. The OIG would ensure that the public is notified in accordance with section 1156(b)(2) of the Act by publishing a notice in a newspaper of general circulation in the PRO area identifying the sanctioned practitioner or other person, the obligation violated, and the sanction imposed. If the sanction is exclusion, the notice would also provide the effective date and the duration. Medicare contractors, State agencies and other appropriate authorities would also be advised of the sanction (proposed § 474.52(e)).

If the exclusion sanction becomes effective because a decision was not made within 120 days after submission of the PRO recommendation, then the OIG would ensure that action is taken to notify the appropriate entities and implement the exclusion as if a decision to exclude had been made.

The PRO could recommend and the OIG could impose a monetary penalty (in lieu of an exclusion) on a practitioner

or other person as a condition for retaining eligibility to receive reimbursement under the Medicare program. The amount of the penalty could not exceed the actual or estimated costs of the improper or unnecessary services furnished or ordered (section 1156(b)(3) of the Act). When the OIG imposes a monetary penalty, it would either require the practitioner or other person to pay the monetary assessment within 6 months of the date of notice or would have it deducted from any sums owed to the practitioner or other person by the Federal government. Upon notice from the OIG, HCFA would notify the appropriate fiscal intermediaries or carriers to either effect exclusion or collect the monetary penalty.

C. Effect of an Exclusion Sanction

Payment under Medicare would not be made to a practitioner or other person who has been excluded from the program for services or items furnished on or after the effective date of the exclusion. Further, payment would not be made for services or items ordered by an excluded practitioner or other person. For example, a hospital would not be paid for the services it provides to patients when the services were ordered by an excluded practitioner or other person. The PRO would be responsible for identifying those services or items ordered by an excluded practitioner or other person where payment would be denied and for reporting such findings to HCFA. Assignment of a beneficiary's claim for services or items furnished or ordered on or after the effective date of exclusion would not be valid. However, the following exceptions would apply:

(1) Payment would be made for services provided up to 30 days after the effective date of exclusion for inpatient hospital or skilled nursing facility services furnished to a beneficiary who was admitted before the effective date of exclusion. Payment would also be made for home health services furnished through the end of the calendar year in which the exclusion became effective, when these services are furnished under a plan established before the effective date of exclusion.

(2) Payment would be made for the first claim submitted by the beneficiary for services or items furnished by an excluded practitioner or other person on or after the effective date of exclusion. HCFA would immediately notify the beneficiary of the exclusion. Payment would extend to services or items provided up to 15 days after the notice of exclusion is sent to the beneficiary.

These exceptions are the same ones that exist under the current PSRO program and are intended to protect the beneficiary from financial loss and to ensure that the beneficiary's plan of treatment is not unduly jeopardized.

An exclusion of a practitioner or other person for more than one year would usually result in the termination of the provider agreement. The effective date of termination would be determined under the provisions described at 42 CFR 489.53 and 489.55.

A practitioner or other person dissatisfied with the OIG's determination of an exclusion of monetary penalty would be entitled to a hearing and review by the Appeals Council in accordance with the provisions of section 205(b) of the Act. A practitioner or other person dissatisfied with the decision of the Appeals Council or administrative law judge (if a request for Appeals Council review is denied) may file a civil action in accordance with the provisions of section 205(g) of the Act.

D. Duration of an Exclusion Sanction

One effected, an exclusion from the Medicare program will continue until:

1. The OIG's decision to exclude is reversed by a hearing decision; or
2. The OIG determines and notifies the public that the basis for the exclusion no longer exists and there is reasonable assurance that the problems will not recur.

If an exclusion is imposed for a specific period (for example, 1 year) the affected practitioner or other person could apply for reinstatement at the end of the exclusion period. The application for reinstatement would start an investigation by the OIG to determine whether the problems that resulted in the exclusion have been corrected. Reinstatement would not be an automatic occurrence. If a practitioner or other person does not apply for reinstatement, he or she will remain excluded.

V. Impact Analyses

A. Executive Order 12291

Executive Order 12291 requires that a regulatory impact analysis be performed for any "major" regulatory; that is, a regulation that will result in an economic impact of \$100 million or more, or a regulation that meets other criteria specified in section 1(b) of the Order.

Under these proposed regulations, a PRO could recommend certain sanctions to the OIG when a practitioner or other person fails to meet obligations specified at section 1156(a) of the Act.

The PRO could recommend an exclusion sanction or, in lieu of exclusion, a monetary penalty. An exclusion sanction would become automatically effective 120 days after a PRO submits a recommendation for exclusion to the OIG, if a decision is not made within the 120-day period. This proposal does not represent a major change from our current sanction activities. Although this proposal would expedite the review and completion of sanction cases, the incremental impact of these proposal regulations would be negligible. Therefore, we have determined that a regulatory impact analysis is not required because these proposed regulations do not meet the criteria for a "major" regulation.

B. Regulatory Flexibility Act

The Secretary certifies under 5 U.S.C. 605(b), as enacted by the Regulatory Flexibility Act of 1980 (Pub. L. 96-354), that these proposed regulations would not result in a significant impact on a substantial number of small entities.

We do not expect these proposed regulations to cause a significant increase in our sanction activity. We have only imposed administrative sanctions in particularly abusive situations. Therefore, these proposed sanction regulations would affect relatively few practitioners or other persons. Accordingly, we believe that these proposed regulations would not result in a significant impact on a substantial number of small entities.

C. Reporting and Recordkeeping Requirements

Sections 474.36(b), 474.38(b), 474.40(b), and 474.40(c) contain information collection requirements to which PROs must adhere. We will be submitting all proposed requirements in these regulations to the Office of Management and Budget for review under the requirements of the Paperwork Reduction Act of 1980 (Pub. L. 96-511).

VI. Response to Comments

Because of the large number of comments we receive on proposed regulations, we cannot acknowledge or respond to them individually. However, in preparing the final rule, we will consider all comments and respond to them in the preamble to that rule.

VII. Effect of Final Rule on PRO Contracts

We are now engaged in selecting organizations to serve as PROs pursuant to recently issued Requests for Proposals (RFPs). Should any of the contracting requirements have to be revised as a result of changes made to

regulations following our consideration of public comments, we will amend the RFPs, or if contracts have been entered into, we will undertake to amend the contracts accordingly.

VIII.

List of Subjects in 42 CFR Part 474

Health care, Health professions, Penalties, Professional Standards Review Organizations (PSRO), Reporting and recordkeeping requirements, Sanctions, Utilization and Quality Control Peer Review Organizations (PRO).

PART 474—IMPOSITION OF SANCTIONS ON HEALTH CARE PRACTITIONERS AND PROVIDERS OF HEALTH CARE SERVICES

We propose to amend 42 CFR Part 474 as follows:

1. The table of contents and the authority statement are revised to read as follows:

Subpart A—General Provisions

Sec.

474.0 Scope and definitions.

Subpart B—Sanctions Under the PSRO Program

474.1 Statutory obligations of practitioners and providers.

474.2 Sanctions.

474.3 PSRO responsibilities.

474.4 Action on potential violation.

474.5 Factors in PSRO determination of a violation.

474.6 Basis for recommended sanction.

474.7 Notice and review of PSRO determination of violation.

474.8 PSRO report to the Statewide Council or to HCFA.

474.9 Role and functions of the Statewide Council.

474.10 Action by HCFA on receipt of the report.

474.14 Effective dates of exclusion.

474.15 Reinstatement after exclusion.

474.17 Right to judicial review.

Subpart C—Sanctions Under the PRO Program

PRO Responsibilities Concerning Violations of Obligations by Practitioners and Other Persons

474.30 Statutory obligations of practitioners and other persons.

474.32 Sanctions.

474.34 PRO responsibilities.

474.36 Action on identification of a violation.

474.38 Action on determination of a violation.

474.39 Final PRO determination of a violation.

474.40 PRO report to OIG.

474.41 Basis for recommended sanction.

Review of PRO Report by the OIG Sec.

474.42 Action following receipt of the report.
**Exclusions or Monetary Penalties Due to
Noncompliance With Obligations Under
Section 1156(a) of the Act**

474.52 Notice of sanction.

474.54 Effect of an exclusion on Medicare
payments and services.

474.56 Reinstatement after exclusion.

474.58 Appeals.

Authority: Section 1102 of the Social Security Act, 42 U.S.C. 1302, Subpart B is also issued under section 150 of Pub. L. 97-248, 42 U.S.C. 1320c note. Subpart C is also issued under section 1156 of the Social Security Act, 42 U.S.C. 1320c-5.

2. A new Subpart A entitled "General Provisions" is established to include the current § 474.0.

3. Section 474.0 is amended by revising paragraphs (a) and (b) to read as follows:

§ 474.0 Scope and definitions.

(a) *Scope.* This part implements section 150 of Pub. L. 97-248 (PSROs) and section 1156 of the Act (PROs) by:

(1) Setting forth certain obligations imposed on practitioners and providers of services under Medicare;

(2) Establishing criteria and procedures for the reports required from Professional Standards Review Organizations, Statewide Councils, and Utilization and Quality Control Peer Review Organizations when there is failure to meet those obligations;

(3) Specifying the policies and procedures for making determinations on violations and imposing sanctions; and

(4) Defining the procedures for appeals by the affected party and the procedures for reinstatements.

(b) *Definitions.* As used in this part, unless the context indicates otherwise:

"Economically" means that services are provided at the least expensive medically appropriate type of setting or level of care.

"Exclusion" means that items or services furnished or ordered by a specified health care practitioner, provider, or other person during a specified period will not be reimbursed under Medicare.

"Health care services" or "Services" means services or items for which payment may be made (in whole or in part) under the Medicare program.

"Obligation" means any of the obligations specified at section 1156(a) of the Act.

"OIG" means the Office of the Inspector General, Department of Health and Human Services.

"Other person" means a hospital or other health care facility, an organization, or an agency that furnishes

health care services for which payment may be made under the Medicare program.

"Physician" means a doctor of medicine or osteopathy or another individual who is authorized under State or Federal law to practice medicine and surgery or osteopathy.

"Practitioner" means a physician or other health care professional licensed under State law to practice his or her profession.

"PRO" means a Utilization and Quality Control Peer Review Organization.

"PRO area" means the geographic area subject to review by a particular PRO.

"Provider" means a hospital or other health care facility, agency, or organization.

"PSRO" stands for Professional Standards Review Organization.

"PSRO area" means the geographic area subject to review by a particular PSRO.

"Sanction" means an exclusion or monetary penalty that the Secretary may impose on a practitioner or other person as a result of a recommendation from a PRO.

"Statewide Council" means the Statewide Professional Standards Review Council.

4. A new Subpart B entitled "Sanctions Under the PSRO Program" is established to include current §§ 474.1-474.17.

5. A new Subpart C including §§ 474.30-474.58 is added to read as follows:

Subpart C—Sanctions Under the PRO Program

PRO Responsibilities Concerning Violations of Obligations by Practitioners and Other Persons

§ 474.30 Statutory obligations of practitioners and other persons.

It is the obligation of any health care practitioner or other person who furnishes or orders health care services that may be reimbursed under Medicare, to assure that to the extent of his or her authority, those services are—

(a) Furnished economically and only when and to the extent medically necessary;

(b) Of a quality that meets professionally recognized standards of health care; and

(c) Supported by evidence of the medical necessity and quality of the services in the form and fashion that the reviewing PRO may reasonably require (including copies of the necessary documentation and evidence of compliance with pre-admission or pre-

procedure review requirements) to assure that the practitioner or other person is meeting the obligations imposed by section 1156(a) of the Act.

§ 474.32 Sanctions.

In addition to any other sanction provided under law, a practitioner or other person may be—

(a) Excluded from Medicare; or

(b) In lieu of exclusion and as a condition for continued participation in Medicare, required to pay an amount not in excess of the cost of the improper or unnecessary services that were furnished or ordered. The practitioner or other person will be required either to pay the monetary assessment within 6 months of the date of notice or have it deducted from any sums owned to the practitioner or other person by the Federal Government.

§ 474.34 PRO responsibilities.

(a) The PRO must use its authority or influence to enlist the support of other professional or government agencies to ensure that each practitioner or other person complies with the obligations specified in § 474.30.

(b) The PRO must identify situations where the obligations specified in § 474.30 are violated and afford the practitioner or other person reasonable notice and opportunity for discussion in accordance with §§ 474.36 and 474.38.

(c) The PRO must submit a report to the OIG after the notice and opportunity provided under paragraph (b) of this section, if the PRO determines that the practitioner or other person has—

(1) Failed substantially to comply with any obligation in a substantial number of cases; or

(2) Grossly and flagrantly violated any obligations in one or more instances.

(d) The PRO report to the OIG must comply with the provisions of § 474.40.

(e) The PRO must deny services or items ordered by an excluded practitioner or other person when the PRO identifies such services or items and reports such findings to HCFA.

§ 474.36 Action on identification of a violation.

When a PRO identifies a violation, it must determine whether the violation is gross and flagrant.

(a) If the PRO determines that the violation is gross and flagrant it must proceed in accordance with the provisions specified at § 474.38.

(b) If the PRO determines that the violation is a substantial failure to comply in a substantial number of cases, it must send the practitioner or other

person an initial notice containing the following information:

- (1) The obligation involved.
- (2) The situation, circumstances, or activity that resulted in a violation.
- (3) The authority and responsibility of the PRO to report violations of obligations.

(4) At the discretion of the PRO, a suggested method for correcting the situation and a time period for corrective action by the practitioner or other person.

(5) The sanction that the PRO could recommend to the OIG if the violation continues.

(6) An invitation to submit additional information to or discuss the problem with representatives of the PRO within 20 days of the date of the notice.

(7) A summary of the information used by the PRO in arriving at its determination.

§ 474.38 Action on determination of a violation.

(a) *Written notice.* The PRO must give written notice to the practitioner or other person if it determines that—

- (1) A substantial violation has occurred in a substantial number of cases; or
- (2) A violation is gross and flagrant in one or more cases.

(b) *Contents.* The notice to the practitioner or other person must contain the following information:

- (1) The determination of a violation.
- (2) The obligation violated.
- (3) The basis for the determination.
- (4) The sanction the PRO will recommend to the OIG.

(5) The right of the practitioner or other person to submit to the PRO within 30 days of the date on the notice, additional information or a written request for a meeting with the PRO to review and discuss the determination, or both.

(6) A copy of the material used by the PRO in arriving at its determination.

(c) *Review of PRO determination.*

(1) The PRO may, on the basis of additional information received, affirm, modify, or reverse its determination.

(2) The PRO must give written notice to the practitioner or other person, of any action it takes as a result of the additional information received, as specified in § 474.39.

§ 474.39 Final PRO determination of a violation.

If the issue is not resolved to the PRO's satisfaction as specified in § 474.38(c), the PRO must—

- (a) Submit its report and recommendation to the OIG; and
- (b) Send the affected practitioner or other person a concurrent final notice,

with a copy of the PRO report that is being forwarded to the OIG, advising that—

- (1) The PRO recommendation has been submitted to the OIG;
- (2) The practitioner or other person has 30 days from the date on this final notice to submit any additional material to the OIG at its central office location; and
- (3) Due to the 120-day statutory requirement specified at § 474.42(d), the period for submitting additional information will not be extended and any material received by the OIG after the 30-day period will not be considered.

§ 474.40 PRO report to OIG.

(a) *Manner of reporting.* If the PRO determines that a substantial violation has occurred in a substantial number of cases or that a gross and flagrant violation has occurred, it must submit a report and recommendation to the OIG at the regional office with jurisdiction.

(b) *Content of report.* The PRO report must include the following information—

(1) Identification of the practitioner or other persons and when applicable, the name of the director, administrator, or owner of the entity involved;

(2) The type of health care services involved;

(3) A statement of facts describing each failure to comply with an obligation with specific dates, places, circumstances, and any other relevant information;

(4) Pertinent documentary evidence;

(5) Copies of written correspondence and written summaries of oral exchanges with the practitioner or other person regarding the violation;

(6) The PRO's determination that the practitioner or other person has violated an obligation under section 1156(a) of the Act and that the violation is substantial and has occurred in a substantial number of cases or is gross and flagrant;

(7) The professional qualifications of the PRO's medical reviewers; and

(8) The PRO's sanction recommendation.

(c) *PRO Recommendation.* The PRO must specify in its report—

- (1) The sanction recommended;
- (2) The amount of the monetary penalty recommended, if applicable;

(3) The period of exclusion recommended, if applicable; and

(4) A finding as to whether the practitioner or other person is unable or unwilling substantially to comply with the obligation that was violated.

§ 474.41 Basis for recommended sanction.

The type of sanction recommended by the PRO must be based on a consideration of—

- (a) The type of offense involved;
- (b) The severity of the offense;
- (c) The practitioner's or other person's previous record; and
- (d) The practitioner's or other person's previous record; and
- (e) Any other factors that the PRO considers relevant (for example, the duration of the problem).

Review of PRO Report by the OIG

§ 474.42 Action following receipt of the report.

(a) *Acknowledgement.* The OIG will inform the PRO of the date it received the PRO's report and recommendation.

(b) *Review.* The OIG will review the PRO report and recommendation to determine whether—

(1) The PRO is following its procedures;

(2) A violation has occurred; and

(3) The practitioner or other person has demonstrated an unwillingness or lack of ability substantially to comply with an obligation.

(d) *Rejection of the PRO recommendation.* If the OIG decides that a sanction is not warranted, it will notify the PRO that recommended the sanction and the affected practitioner or other person that the recommendation is rejected.

(e) *Decision of sanction.* If the OIG decides that a violation of obligations has occurred, it will determine the appropriate sanction by considering—

(1) The recommendation of the PRO;

(2) The type of offense;

(3) The severity of the offense;

(4) The previous sanction record of the practitioner or other person;

(5) The availability of alternative sources of services in the community;

(6) Any prior problems the Medicare carrier or intermediary has had with the practitioner or other person;

(7) Whether the practitioner or other person is unable or unwilling to comply substantially with the obligations; and

(8) Any other matters relevant to the particular case.

(f) *Exclusion sanction.* If a decision is not made by the 120th day after receipt by the OIG, the exclusion sanction recommended will become effective. This 120-day provision does not apply to PRO recommendations for monetary penalties.

Exclusions or Monetary Penalties Due to Non-compliance with Obligations under Section 1156(a) of the Act

§ 474.52 Notice of sanction.

(a) The OIG will notify the practitioner or other person of the adverse determination and of the sanction to be imposed.

(b) The sanction will be effective 15 days from the date the notice is received by the practitioner or other person. The date of receipt is presumed to be 5 days after the date on the notice, unless there is a reasonable showing to the contrary.

(c) The notice will specify—

(1) The legal and factual basis for the determination;

(2) The sanction to be imposed;

(3) The effective date and, if appropriate, the duration of the exclusion;

(4) The appeal rights of the practitioner or other person; and

(5) In the case of exclusion, the earliest date on which the OIG will accept a request for reinstatement.

(d) The OIG will notify the public by publishing a notice in a newspaper of general circulation in the PRO area that will identify the sanctioned practitioner or other person, the obligation that has been violated, the sanction imposed and, if the sanction is exclusion, the effective date and duration.

(e) Notice of the sanction will also be provided to the following entities as appropriate:

(1) The PRO that originated the sanction report.

(2) PROs in adjacent areas.

(3) State Medicaid fraud control units and State licensing bodies.

(4) Appropriate Medicare contractors and State agencies.

(5) Hospitals, skilled nursing facilities, home health agencies, and health maintenance organizations (HMOs).

(6) Medical societies and other professional organizations.

(7) Medicare carriers and intermediaries, health care prepayment plans, and other affected agencies and organizations.

(f) If an exclusion sanction is effected because a decision was not made within 120 days after submission of the PRO recommendation, notification will be as follows:

(1) The OIG will notify the practitioner or other person that the exclusion from the Medicare program is effective 15 days after receipt of the notice.

(2) As soon as possible after the 120th day, the OIG will issue a notice to the practitioner or other person affirming the PRO recommendation or modifying

the recommendation based on the OIG's review of the case.

§ 474.54 Effect of an exclusion on Medicare payments and services.

(a) *General provisions.* Except as provided under paragraphs (b) and (c) of this section—

(1) Payment will not be made under Medicare to an excluded practitioner or other person for services or items furnished or ordered during the period of exclusion;

(2) Payment will not be made under Medicare to any provider for services or items ordered by the excluded practitioner or other person when the practitioner's or other person's order was a necessary precondition for payment under Medicare; and

(3) Assignment of a beneficiary's claim for services or items furnished or ordered by an excluded practitioner or other person on or after the effective date of exclusion will not be valid.

(b) *Exceptions.* (1) For inpatient hospital or skilled nursing services or items furnished to a beneficiary who was admitted before the effective date of exclusion, payment will be available for services or items provided up to 30 days after the effective date.

(2) For home health services or items furnished under a plan established before the effective date of exclusion, payment will be available for services or items furnished through the end of the calendar year in which exclusion became effective.

(c) *Denial of payments to beneficiaries.* If a beneficiary submits claims for services or items furnished or ordered by an excluded practitioner or other person on or after the effective date of exclusion—

(1) HCFA will pay the first claim submitted by the beneficiary and immediately give notice to the beneficiary of the exclusion; and

(2) The beneficiary's right to payment will extend to services or items furnished or ordered by the excluded practitioner or other person up to 15 days after the date on the notice.

(d) *Effective date of termination of provider agreement.* The effective date of termination of a Medicare provider agreement will be determined under the provisions described at §§ 489.53 and 489.55 of this chapter.

§ 474.56 Reinstatement after exclusion.

Exclusion shall remain in effect until—

(a) The OIG determines, in accordance with § 420.130 of this chapter, that the basis for the exclusion no longer exists and there is reasonable

assurance that the problems will not recur; or

(b) The OIG's decision to exclude is reversed by a hearing decision.

§ 474.58 Appeals.

(a) *Right to administrative review.*

(1) A practitioner or other person dissatisfied with OIG's decision or wishing to appeal an exclusion that results from a decision not being made within 120 days is entitled to a hearing and review by the appeals council in accordance with section 205(b) of the Act.

(2) OIG's determination will continue in effect unless revised by a hearing decision.

(b) *Right to judicial review.* Any practitioner or other person dissatisfied with a decision of the Appeals Council or an administrative law judge (if a request for Appeals Council review is denied), may file a civil action in accordance with the provisions of section 205(g) of the Act.

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare—Hospital Insurance and No. 13.774, Medicare—Supplementary Medical Insurance)

Dated: September 15, 1983.

Carolyn K. Davis,

Administrator, Health Care Financing Administration.

Dated: September 15, 1983.

R. P. Kusserow,

Inspector General, Department of Health and Human Services.

Approved: March 19, 1984.

Margaret M. Heckler,

Secretary.

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FEDERAL EMERGENCY MANAGEMENT AGENCY 44 CFR Part 67

[Docket No. FEMA-6581]

Proposed Flood Elevation Determination

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule; Correction.

SUMMARY: This document corrects a Notice of Proposed Determination of the base (100-year) flood elevations for selected locations in the unincorporated areas of Unicoi County, Tennessee, previously published at 49 FR 1777, on January 13, 1984. This notice provides a more accurate representation of the Flood Insurance Study and Flood Insurance Rate Map for Unicoi County, Tennessee.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 278-0230.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the unincorporated areas of Unicoi County, Tennessee, previously published at 49 FR 1777 on January 13, 1984, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 383 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a)).

The following location description and base flood elevations have been amended as follows. The remainder of the Notice of Proposed Base Flood Elevations remains unchanged.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

Source of flooding and location	*Elevation in feet (NGVD)
Nolichovsky River: Just downstream of U.S. Highway 23 and 19W By-pass	*1,645
Norther Indian River: Just downstream of State Highway 23 and 19W By-pass (upstream crossing)	*1,675

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); Executive Order 12127, 44 FR 19367; and delegation of authority to the Administrator)

Dated: April 10, 1984.

Jeffrey S. Bragg,

Federal Insurance Administrator, Federal Insurance Administration.

[FR Doc. 84-10320 Filed 4-17-84; 8:45 am]

BILLING CODE 6719-03-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

Federal Motor Vehicle Safety Standards Occupant Crash Protection

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Denial of petition for rulemaking.

SUMMARY: This notice denies a petition for rulemaking submitted by Kathleen Weber and John W. Melvin to amend Safety Standard No. 208, *Occupant Crash Protection*, to require the installation of Type 2 safety belts (lap and shoulder combination belts) in the rear outboard seating positions of passenger cars. Petitioners argued that this approach should be taken, in lieu of requiring tether anchorages for child restraint systems in rear seats of passenger cars, because Type 2 belts can be used with child booster seats. Petitioners also argued that installation of Type 2 belts in rear seating positions would offer added protection for a wider range of vehicle occupants (i.e., adults as well as children).

This petition is being denied because the agency believes that child restraint systems and child booster seats equipped with tethers offer greater protection for children when those tethers are attached than when those seats and systems are held in place by Type 2 belts. Additionally, the benefits, if any, to be gained by replacing the Type 1 belts with Type 2 belts for adults would not justify the additional cost of requiring the installation of Type 2 belts in these positions.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Nelson, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, Phone: (202) 426-2264, 400 Seventh Street, S.W., Washington, D.C. 20590.

SUPPLEMENTARY INFORMATION: Safety Standard No. 208, *Occupant Crash Protection* (49 CFR 571.208), currently permits manufacturers to install either Type 1 seat belts (lap belts) or Type 2 seat belts (lap and shoulder combination belts) in the rear seating positions of passenger cars. The agency recently received a petition for rulemaking from Kathleen Weber and John W. Melvin to amend the standard to require the installation of Type 2 belts in the rear outboard seating positions of passenger cars. The petitioners argued that this approach is preferable to requiring tether anchorages for child restraint systems in rear seating positions. (The agency issued a proposal in December 1980 which would require the installation of tether anchorages in rear seats to facilitate the use of child restraint systems, 45 FR 81625). The petitioners stated that their reasoning is based on current market trends in child restraint designs, convenience factors and potential benefits for a larger population.

The petitioners' first argument is that the trend in child restraints is away from ones equipped with tethers

because of the inconvenience of installing tether anchorages and because of problems in day to day use. Petitioners state that of the 25 models of child restraints currently on the market, only three models require the use of tether straps.

Petitioners' second argument is that for a new type of child restraint system, child booster seats, Type 2 belt systems are just as effective as add-on harnesses and are more convenient and likely to be used. The petitioners also noted a study conducted by Transport Canada which indicates that add-on harnesses use in conjunction with child booster seats can lead to a submarining problem (i.e., in tests conducted by that group, child test dummies slid out from under the harnesses).

Third, petitioners stated that the full range of the traveling population would benefit from Type 2 belts in rear seating positions. They noted that trips involving families, car pools and other shared rides often involves adults riding in rear seats, and that these adults, as well as children, would receive greater protection with Type 2 belts (the great majority of manufacturers install only lap belts in rear seats).

After carefully considering the petitioners' arguments, the agency has determined that the petition should be denied. Prior to January 1, 1981, when Safety Standard No. 213, *Child Restraint Systems* (49 CFR 571.213), became effective, tethered child restraints were selected by consumers by a ratio of 3 to 1 over untethered restraints (Tennessee Child Passenger Safety Program, 1978, DOT HS-805-017). Since that time, consumer preference for untethered restraints has shown an increase as suggested by petitioners. However, even with the present trend, it is estimated that at least 50 percent of the current child restraint systems in use require tether straps or a tether is recommended for maximum protection. For these reasons, the agency does not believe that efforts to promote the use of child restraints with tethers or the provision of child restraint tether anchorages should be terminated in favor of requiring Type 2 belts in rear seats.

Further, the installation of Type 2 belts in the rear outboard seating positions would make the installation of the conventional child safety seat much less convenient than with the current Type 1 belt. This would occur because the shoulder portion of a Type 2 belt would have to be placed behind the restraint, or otherwise moved out of the way, since most child restraints are designed to be used only with lap belts. This is an important consideration in

view of the fact that 44 States and the District of Columbia have laws requiring the use of child safety seats. These State use laws make it desirable that compliance be accomplished as smoothly as possible.

The petitioners' objection to the use of child booster seats with add-on harnesses relates solely to the submarining problem noted in tests conducted by Transport Canada. This agency's tests of booster seats with 3-year-old and 6-year-old child test dummies restrained by add-on shoulder harnesses did not show the submarining problem that was encountered in the Canadian tests (DTNH 22-80-C-02059 and DOT-HS-7-01679 in NHTSA Docket). Based on the agency's review of the Canadian tests, it is believed that the submarining problem resulted from the use of early test dummies that had very stiff lumbar/neck components. Later test dummies had much more flexible components which permit a slight rotation forward of the dummy's torso during the crash test, which reduces the tendency to submarine. The agency believes that these later, more flexible dummies are more representative of the human body, and there would not be a significant submarining problem with add-on harnesses when used by actual children.

The agency also does not agree with petitioners that booster seats used in conjunction with Type 2 belts are as effective as booster seats equipped with shoulder harnesses (which must be tethered to the vehicle). Children as well as adults, have a much greater capacity to withstand loads on their shoulders than on their chests. This is particularly true for very young children whose chest cavities are very flexible and vulnerable to chest belt loads until the chest bones are fully calcified. A Type 2 belt system would create these chest belt loads, whereas the add-on harness concentrates loads on the more sturdy shoulders of children. Given these facts, the agency does not wish to initiate a rulemaking proceeding, requiring Type 2 belts in rear seats, that would discourage the installation of tether anchorages which would facilitate the use of child restraint systems and tethered shoulder harnesses.

The agency does not disagree with petitioners' argument that Type 2 belts in rear seats might give some added degree of protection to adults. However, the Type 1 belts that are currently installed by a majority of manufacturers have been demonstrated to have an effectiveness of 50 to 60 percent (DOT-HS-805-884, in NHTSA Docket). Type 2

belts would not likely be substantially more effective than this, i.e., would not likely exceed 60 percent. Based on 1983 economics, the consumer cost per vehicle for replacing the current lap belts in rear seats with Type 2 belts would range from a low figure of approximately \$10 for the addition of a detachable, manually adjusted shoulder belt, to \$20 for a system that adjusts automatically by means of a retractor (i.e., the type of shoulder belt required in front outboard seating positions in passenger cars).

The agency does not believe that the cost of requiring Type 2 belts in rear seating positions can be justified based on increased belt usage or belt effectiveness. Moreover, the agency does not believe that petitioners' approach to the child restraint issue offers the maximum possible protection for children. In light of these considerations, the petition is hereby denied.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on April 12, 1984.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 84-10410 Filed 4-17-84; 8:45 am]

BILLING CODE 4910-59-M

Notices

Federal Register

Vol. 49, No. 76

Wednesday, April 18, 1984

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

Office of the Secretary

Forms Under Review by Office of Management and Budget

April 13, 1984.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96-511 applies; (9) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, Room 108-W Admin. Bldg., Washington, D.C. 20250, (202) 447-4414.

Comments on any of the items listed should be submitted directly to: Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, Attn: Desk Officer for USDA.

If you anticipate commenting on a submission but find that preparation time will prevent you from doing so promptly, you should advise the OMB

Desk Officer of your intent as early as possible.

Revised

- Agricultural Marketing Service Reporting and Recordkeeping Requirements Under 7 CFR, Part 29 On Occasion Small Businesses: 13,124 responses; 2,617 hours; not applicable under 3504(h)
- Lionel Edwards (202) 447-2567
- Agricultural Stabilization and Conservation Service Part 1430 Dairy Products ASCS 142-143, 146, 147, 148 CCC 150 Quarterly Farms, Individuals: 670,000 responses; 178,333 hours; not applicable under 3504(h)
- Clarence Domire (202) 447-7673

New

- Food and Nutrition Service School Food Purchase Study One Time Study State or Local Governments: 800 responses; 9,900 hours; not applicable under 3504(h)
 - Michael Puma (703) 756-3117
 - Agricultural Stabilization and Conservation Service Warehouseman's Report of Space Availability KC-140 Semi-monthly Businesses or Other For-profit: 900 responses; 225 hours; not applicable under 3504(h)
 - Earl Saar (816) 926,6451
 - Susan B. Hess, Acting Department Clearance Officer.
- [FR Doc. 84-10378 Filed 4-17-84; 8:45 am]
BILLING CODE 3410-01-M

Policy Advisory Committee for the Science and Education Research Grants Program; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the Office of Grants and Program Systems announces the following meeting:

Name: Policy Advisory Committee for the Science and Education Research Grants Program.

Date: May 30, 1984.

Time: 9:00 a.m.

Place: U.S. Department of Agriculture, Room 104-A, Administration Building,

14th and Independence Avenue, SW., Washington, D.C. 20250.

Type of meeting: Open to the public. Persons may participate in the meeting as time and space permit.

Comments: The public may file written comments before or after the meeting with the contact person listed below.

Purpose: To advise the Secretary of Agriculture with respect to the research to be supported, priorities to be adopted and emphasized, and the procedures to be followed in implementing those programs of research grants to be awarded competitively.

Contact person for agenda and more information: Anne Holiday Schauer, Associate Chief, Competitive Research Grants Office, Office of Grants and Program Systems, U.S. Department of Agriculture, Room 112, West Auditors Building, Washington, D.C. 20251, telephone: 202-475-5022.

Done at Washington, D.C. this 11th day of April, 1984.

Anne Holiday Schauer,
Executive Secretary, Policy Advisory Committee.

[FR Doc. 84-10374 Filed 4-17-84; 8:45 am]

BILLING CODE 3410-MT-M

Agricultural Marketing Service

Flue-Cured Tobacco Advisory Committee; Renewal

Notice is hereby given that the Secretary of Agriculture has renewed the Flue-Cured Tobacco Advisory Committee for an additional period of two years.

This Committee represents all segments of the flue-cured tobacco industry. It recommends opening dates and selling schedules for the flue-cured marketing area which aid the Secretary in making an equitable apportionment and assignment of tobacco inspectors.

Membership of the Committee is balanced and consists of 38 representatives of the flue-cured area—21 producers, 9 warehousemen, and 8 buyers.

The Committee shall report to the Director, Tobacco Division, Agricultural Marketing Service.

Authority for this Committee will expire two years from date of filing unless the Secretary formally

determines that continuance is in the public interest.

This notice is given in compliance with the Federal Advisory Committee Act, (Pub. L. 92-463).

Dated: April 13, 1984.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 84-10373 Filed 4-17-84; 8:45 am]

BILLING CODE 4310-02-M

Cooperative State Research Service

Committee of Nine; Meeting

In accordance with the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776), the Cooperative State Research Service announces the following meeting:

Name: Committee of Nine.

Date: May 23-24, 1984

Time: 8:00 a.m.-4:00 p.m.

Place: U.S. Department of Agriculture, Room 023 West Auditors Building, Washington, D.C.

Type of meeting: Open to the public. Persons may participate in the meeting as time and space permit.

Comments: The public may file written comments before or after the meeting with the contact person listed below.

Purpose: To evaluate and recommend proposals for cooperative research on problems that concern agriculture in two or more States, and to make recommendations for allocation of regional research funds appropriated by Congress under the Hatch Act for research at the State agricultural experiment stations.

Contact person for agenda and more information: Dr. Estel H. Cobb, Recording Secretary, U.S. Department of Agriculture, Cooperative State Research Service, Washington, D.C. 20250; telephone: 202/447-4329.

Done at Washington, D.C., this 10th day of April 1984.

John Patrick Jordan,

Administrator, Cooperative State Research Service

[FR Doc. 84-10375 Filed 4-17-84; 8:45 am]

BILLING CODE 3410-22-M

Animal and Plant Health Inspection Service

[Docket No. 84-024]

Bird Quarantine Facilities

The Deputy Administrator for Veterinary Services has determined that adequate personnel are available to provide services for one additional privately operated bird quarantine

facility in Brownsville, Texas, and for six additional privately operated bird quarantine facilities in Miami, Florida. This document announces that applications for selection for consideration for approval of one additional privately operated bird quarantine facility in Brownsville, and six additional privately operated bird quarantine facilities in Miami may now be submitted. In order to be selected for consideration, applications must be received by the Import/Export Animals and Products Staff, VS, APHIS, USDA, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, on or before June 18, 1984.

This action is taken pursuant to the regulations in 9 CFR 92.11(f)(5) (referred to below as the regulations) which were recently established (See 48 FR 46355-46358, 49 FR 9708-9711) and which set forth provisions for selection of applicants for consideration for approval of privately operated bird quarantine facilities.

The regulations in § 92.11(f)(5)(i) provide the following with respect to the number of applications that may be submitted:

If there is more than one announced opening at a port of entry, an applicant may submit more than one application but may not submit more applications than the number of announced openings.

Accordingly, applicants may submit only one application for Brownsville and may submit up to six applications for Miami.

The regulations in § 92.11(f)(5)(i) also provide the following requirements for applications:

"An applicant shall submit a completed BA Form 17-11,¹ "Application for Approval of Quarantine Facilities for Birds," or shall submit a document which states that it is an application for approval of a quarantine facility for birds and which includes the following information (the same as that called for by VS Form 17-11):

(A) Applicant's name, address, and telephone number;

(B) Status of applicant, such as individual, partnership, or corporation (if incorporated, include State where incorporated and date of incorporation);

(C) Name, title, and address of intended operators, partners, officers, directors, holders or owners of 10 per centum or more of voting stock, and employees in a managerial or executive capacity;

(D) (Optional) Address where the bird quarantine facility will be located;

(E) (Optional) A drawing of the floor plan for the facility showing the location of bird holding areas, equipment storage areas, office

areas, clothes storage and change areas, feed storage areas, necropsy room (showing entry and refrigeration), washing areas for equipment, shower areas, ventilation arrangements, and entries and exits;

(F) (Optional) Whether the water source of the facility will be public or private;

(G) (Optional) Whether disposal of waste from the facility will be by sewer or incinerator, or both;

(H) Whether priority status is requested, and, if so, the extenuating circumstances relied on for such request; and

(I) Date; certification by signature of the intended operator, partner, or officer; and title of such individual after the following language: "Application is hereby made for approval of a USDA Approved Quarantine Facility for bird importations. I certify that the information provided herein is true and correct to the best of my knowledge and belief, and agree to comply with the applicable regulations in 9 CFR Part 92."

In addition, the regulations in § 92.11(f)(5)(ii) through (vi) provide the following procedures for consideration for approval of privately operated bird quarantine facilities:

(ii) If the number of applications for bird quarantine facilities at a specified port of entry does not exceed the number of announced openings, each application shall be considered for approval of a facility at that port of entry.

(iii) If the number of applications for bird quarantine facilities at a specified port of entry exceeds the number of announced openings, priority status for selection shall be given to applications from operators of currently approved facilities who request to transfer operations from a facility at a port of entry where they currently operate to a facility at a port of entry specified in the announcement if the Deputy Administrator, Veterinary Services, determines that there is a change in circumstances beyond the control of the operator which makes it impracticable to continue operations at the currently approved facility, such as termination of services from a Government agency or termination of services from airlines. The following procedures shall apply for selection for consideration of applications eligible for priority status at a specified port of entry:

(A) If the number of applications eligible for priority status does not exceed the number of announced openings, each application eligible for priority status shall be considered for approval of a facility at that port of entry.

(B) If the number of applicants with one or more applications eligible for priority status at a specified port of entry is fewer than the number of openings but the number of applications eligible for priority status exceeds the number of openings, each applicant with one or more applications eligible for priority status shall first be selected for consideration for approval of one facility at that port of entry. Then, if there is a sufficient number of remaining openings at that port of entry, each applicant who submitted two or more applications eligible for priority status shall be selected for

¹ VS Form 17-11 is available from the Import/Export Animals and Products Staff, VS, APHIS, USDA, Federal Building, 6505 Belcrest Road, Hyattsville, Maryland 20782.

consideration for approval of a second facility. However, if the number of applicants who submitted two or more applications eligible for priority status exceeds the number of remaining openings, the applicants to be selected for consideration for approval for a second opening shall be determined based on a drawing. The proceeding shall continue in this manner until there are no more openings.

(C) If the number of applicants with one or more applications eligible for priority status exceeds the number of announced openings, each of these applicants (regardless of the number of applications submitted) will be eligible to be selected for consideration for approval of no more than one new facility at that port of entry, and the selection of such applicants to be considered for approval shall be determined based on a drawing.

(iv) The following procedures shall apply for consideration of applications not included as eligible for priority status if one or more openings remain for bird quarantine facilities at a specified port of entry after all applications eligible for priority status have been selected for consideration (applicants selected for consideration for approval based on priority status are not eligible to be considered under these provisions for remaining openings in the same drawing in which they received priority status):

(A) If the number of applicants is fewer than the number of remaining openings but the number of applications exceeds the number of remaining openings, each applicant shall first be selected for consideration for approval of one facility at that port of entry. Then, if there is a sufficient number of remaining openings, each applicant who submitted two or more applications shall be selected for consideration for approval of a second facility. However, if the number of applicants who submitted two or more applications exceeds the number of remaining openings, the applicants to be selected for consideration for approval for a second opening shall be determined based on a drawing. The proceeding shall continue in this manner until there are no more openings.

(B) If the number of applicants exceeds the remaining number of announced openings, an applicant (regardless of the number of applications submitted by such applicant) will be eligible to be selected for consideration for approval of no more than one new facility at that port of entry, and the selection of such applicants to be considered for approval shall be determined based on a drawing.

(v) If a drawing is to be held, the participants in the drawing shall be notified by registered or certified mail of the date, place, and time of the drawing so that they may attend; however, attendance by participants is not required.

(vi) Applicants selected for consideration for approval of a bird quarantine facility shall be notified of such selection by registered or certified mail. As a condition of approval as a bird quarantine facility, the facility must comply with the requirements set forth in this section within 18 months from the date of notification. The Deputy Administrator, Veterinary Services, may refuse approval of

any bird quarantine facility if an intended operator or a person responsibly connected with the business of the quarantine facility is or has been convicted of any crime set forth in paragraphs (f)(6)(ii)(B) or (f)(6)(ii)(C) of this section. Before a decision is made with respect to the eligibility of any facility for approval, a personal inspection of the facility shall be made by a Veterinary Medical Officer of Veterinary Services, to determine whether it complies with the standards set forth in this section. Approval of any bird quarantine facility shall be contingent on a determination made by the Deputy Administrator, Veterinary Services, that adequate personnel are available to provide services, required by the facility if approved.

Additional provisions concerning privately operated quarantine facilities are set forth in 9 CFR 92.11(a) and (f). These provisions, among other things, contain certain minimum requirements concerning location, construction, sanitation, security, and operational procedures.

For further information contact: Dr. Samuel S. Richeson, Import/Export Animals and Products Staff, VS, APHIS, USDA, Room 843, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8172.

Done at Washington, D.C., this 13th day of April, 1984.

K. R. Hook,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 84-10377 Filed 4-17-84; 8:45 am]

BILLING CODE 3410-34-M

CIVIL AERONAUTICS BOARD

Application for an All-Cargo Air Service Certificate

In accordance with Part 291 (14 CFR Part 291) of the Board's Economic Regulations effective November 8, 1978, notice is hereby given that the Civil Aeronautics Board has received an application, Docket 41932 from Salair, Inc., 7595 Perimeter Road South, Seattle, Washington 98108 for an all-cargo air service certificate to provide domestic cargo transportation.

Under the provisions of § 291.12(c) of Part 291, interested persons may file an answer in opposition to this application within twenty-one (21) days after publication of this notice in the *Federal Register*. An executed original and six copies of such answer shall be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. It shall set forth in detail the reasons for the position taken and must relate to the fitness, willingness, or ability of the applicant to provide all-cargo air service or to comply with the Act or the Board's orders and

regulations. The answers shall be served upon the applicant and state the date of service.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 84-10425 Filed 4-17-84; 8:45 am]

BILLING CODE 6320-01-M

[Docket No. 40662]

Aero West Airlines, Inc.; Fitness Investigation; Target Date

Section 399.62 of the Board's Policy Statements provides that in hearing cases Administrative Law Judge shall issue a notice of the target date for completion of the initial or recommended decision within 20 days of the submission of closing briefs or the conclusion of oral argument to the Judge. In accordance with that provision, notice is hereby given that the Judge shall endeavor to issue the supplemental initial decision in this proceeding on or before May 31, 1984.

Dated at Washington, D.C., April 12, 1984.

Ronnie A. Yoder,

Administrative Law Judge.

[FR Doc. 84-10429 Filed 4-17-84; 8:45 am]

BILLING CODE 6320-01-M

[Docket 42072]

Pacific East Air, Inc., Refund Practices Enforcement Proceeding; Assignment of Proceedings

This proceeding has been assigned to Administrative Law Judge William A. Kane, Jr. Future communications should be addressed to him.

Dated Washington, D.C., April 12, 1984.

Elias C. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 84-10426 Filed 4-17-84; 8:45 am]

BILLING CODE 6320-01-M

[Docket 41996]

Silvas Air Lines Fitness Investigation; Hearing

Notice is hereby given that a hearing in the above-entitled matter will commence on April 30, 1984, at 10:00 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., April 13, 1984.

John M. Vittone,

Administrative Law Judge.

[FR Doc. 84-10427 Filed 4-17-84; 8:45 am]

BILLING CODE 6320-01-M

[Docket 42088]**Elliott Travel Service, Inc., d.b.a. Travelers Choice and Jarid M. Schubiner; Violations of Part 380; Assignment of Enforcement Proceeding**

This proceeding has been assigned to Administrative Law Judge John M. Vittone. Future communications should be addressed to him.

Dated: Washington, D.C., April 12, 1984.
Elias C. Rodriguez,
Chief Administrative Law Judge.

[FR Doc. 84-10428 Filed 4-17-84; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE**International Trade Administration****Computer Systems Technical Advisory Committee; Partially Closed Meeting**

A meeting of the Computer Systems Technical Advisory Committee will be held May 1, 1984, 3:00 p.m., Herbert C. Hoover Building, Room 1092, 14th Street and Constitution Avenue, N.W., Washington, D.C. The Committee advises the Office of Export Administration with respect to technical questions which affect the level of export controls applicable to computer systems or technology.

General Session

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Review of progress on Committee's 1984 annual plan.
4. Report on current work program of the subcommittees:
 - a. Foreign Availability,
 - b. Hardware, and
 - c. Licensing Procedures.
5. New Business.
6. Action items underway.
7. Action items due at next meeting.

Executive Session

8. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 6, 1984, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, Pub.

L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Telephone: 202-377-4217. For further information or copies of the minutes contact Margaret A. Cornejo 202-377-2583.

Dated: April 12, 1984.

James K. Pont,
Deputy Director, Office of Export Administration.

[FR Doc. 84-10313 Filed 4-17-84; 8:45 am]

BILLING CODE 3510-DT-M

Electronic Instruction Technical, Advisory Committee; Closed Meeting

A meeting of the Electronic Instrumentation Technical Advisory Committee was initially established on October 23, 1973, and rechartered on January 5, 1984, in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

Time and place: May 3, 1984, at 9:30 a.m., Herbert C. Hoover Building, Room 3708, 14th Street and Constitution Avenue, N.W., Washington, D.C. The meeting will continue to its conclusion on May 4, 1984, in Room 3708, Herbert C. Hoover Building.

Agenda: The Committee will meet only in executive session to discuss matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

Supplementary Information: Notice of Determination to close meetings or portions of meetings of the Committee to the public on the basis of 5 U.S.C. 552b(c)(1) was approved on February 6, 1984, in accordance with the Federal Advisory Committee Act. A copy of the Notice is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, telephone: 202-377-4217. For further information contact Mrs. Margaret A. Cornejo 202-377-2583.

Dated: April 13, 1984.

Milton M. Baltas,
Director of Technical Programs, Office of Export Administration.

[FR Doc. 84-10312 Filed 4-17-84; 8:45 am]

BILLING CODE 3510-DT-M

Foreign Availability Subcommittee of the Computer Systems Technical Advisory Committee; Partially Closed Meeting

A meeting of the Foreign Availability Subcommittee of the Computer Systems

Technical Advisory Committee will be held May 1, 1984, 9:00 a.m., Herbert C. Hoover Building, Room 1092, 14th Street and Constitution Avenue, N.W., Washington, D.C. The Foreign Availability Subcommittee was formed to ascertain if certain kinds of equipment are available in non-COCOM and Communist countries, and if such equipment is available, then to ascertain if it is technically the same or similar to that available elsewhere.

Agenda (9:00 a.m.-11:00 a.m.)

1. Introduction of members and guests.
2. Opening remarks by Subcommittee Chairman.
3. Presentation of papers or comments by the public.
4. Decontrol of scientific instruments—4529B items.
5. Decontrol of medical instruments—4529B items.
6. Recommendations of industry committee on technology transfer.
7. Foreign availability provisions in the Senate Act 979.

Executive Session (11:00 a.m.-12:00 p.m.)

8. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 6, 1984, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, P.L. 94-409, that the matters to be discussed, in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, telephone: 202-377-4217. For further information or copies of the minutes contact Margaret A. Cornejo 202-377-2583.

Dated: April 12, 1984.

James K. Pont,
Deputy Director, Office of Export Administration.

[FR Doc. 84-10314 Filed 4-17-84; 8:45 am]

BILLING CODE 3510-DT-M

[A-588-038]

Bicycle Speedometers From Japan, Preliminary Results of Administrative Review of Antidumping Finding**AGENCY:** International Trade Administration, Commerce.**ACTION:** Notice Of Preliminary Results Of Administrative Review Of Antidumping Finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on bicycle speedometers from Japan. The review covers 28 of the 34 known manufacturers and/or exporters of this merchandise to the United States and generally two consecutive periods from November 1, 1980 through October 31, 1982. The review indicates the existence of dumping margins for certain firms in particular periods.

As a result of the review, the Department has preliminarily determined to assess dumping duties equal to the calculated differences between United States price and foreign market value on each of their sales during the periods of review. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: April 18, 1984.

FOR FURTHER INFORMATION CONTACT: Valerie Newkirk or Susan Crawford, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377-1130.

SUPPLEMENTARY INFORMATION:**Background**

On July 2, 1982, the Department of Commerce ("the Department") published in the Federal Register (47 FR 28978-82) the final results of its last administrative review of the antidumping finding on bicycle speedometers from Japan (37 FR 24826, November 22, 1972) and announced its intent to conduct its next administrative review. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

Imports covered by the review are shipments of bicycle speedometers including double gear hub drive and single gear hub drive speedometers used on exercisers, currently classifiable under items 711.9300, 711.9820 and 732.4200 of the Tariff Schedules of the United States Annotated.

During the course of the review the Department received information from interested parties concerning the

"CELC" digital speedometer and determined that for the purposes of this finding these speedometers are within the scope of the finding.

The review covers 28 of the 34 known manufacturers and/or exporters of Japanese bicycle speedometers to the United States and generally two consecutive periods from November 1, 1980 through October 31, 1982.

We are deferring our analysis of the following firms until our next administrative review: Asahi Keiki Seisakusho Co., Ltd./Nippon (Nihon) Seiki Co., Ltd./Royal Industries Limited; Asahi/Yagami Corporation/Constellation Universal Corporation Limited; Asahi/Yagami; Asahi/Nippon Seiki/Noma Enterprises Co., Ltd.; Asahi/Nippon Seiki/N.S. International Ltd.; and Asahi/N.S. International Ltd.

Twenty-one firms did not ship bicycle speedometers to the United States during the review periods. The estimated antidumping duties cash deposit rates for those firms will be based on the most recent rate for each firm.

United States Price

In calculating United States price the Department used purchase price, as defined in section 772 of the Tariff Act. Purchase price was based on the packed ex-go-down port, FOB or CIF price to either unrelated purchasers in the United States or unrelated Japanese trading companies for export to the United States, as appropriate. Where applicable, we made deductions for foreign inland freight, shipping charges, ocean freight and insurance. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used home market price, as defined in section 773 of the Tariff Act, since sufficient quantities of such or similar merchandise were sold in the home market to provide a basis for comparison. Home market price was based on the packed delivered price to unrelated purchasers, with adjustments, where applicable, for foreign inland freight, differences in credit, advertising, and packing costs. No other adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of our comparison of United States price to foreign market value, we preliminarily determine that the following margins exist:

Manufacturer/Exporter	Time Period	Margin (Percent)
Edner Inc.	11/1/80-10/31/81	1.0
	11/1/81-10/31/82	1.0
Hatsune Electric Industrial Co., Ltd.	11/1/80-10/31/81	1.0
	11/1/81-10/31/82	1.0
Honda Lock K. K.	11/1/80-10/31/81	1.0
	11/1/81-10/31/82	1.0
Kaken Corp. (Kagaku-Giken)/A&A Japan Ltd.	11/1/80-10/31/81	1.9.38
	11/1/81-10/31/82	1.9.38
Kuwahara Co., Ltd.	11/1/80-10/31/81	1.0
	11/1/81-10/31/82	1.0
Marui Ltd.	11/1/80-10/31/81	1.25.89
	11/1/81-10/31/82	1.25.89
Maruka Machinery	11/1/80-10/31/81	1.0
	11/1/81-10/31/82	1.0
Nissan Cycle Co.	11/1/80-10/31/81	1.25.89
	11/1/81-10/31/82	1.25.89
Senden International Corp. (Sankyo International)/Sankyo Electric Co.	11/1/80-10/31/81	1.25.89
	11/1/81-10/31/82	1.25.89
Senden International Corp. (Sankyo International K.K.)/Nichebel Fuji Cycle Co., Ltd./Toshoku Ltd.	11/1/80-10/31/81	1.25.89
	11/1/81-10/31/82	1.25.89
Senden International Corp. (Sankyo International K.K.)/Sanyei Corporation	11/1/80-10/31/81	1.25.89
	11/1/81-10/31/82	1.25.89
Sanyei Corporation	11/1/80-10/31/81	1.25.89
	11/1/81-10/31/82	1.25.89
Sanyo Electric Co., Ltd./Fujimoto Trading Co., Ltd.	11/1/80-10/31/81	1.92
	11/1/81-10/31/82	1.92
Sanyo Electric Co., Ltd./Inoue Trading Co.	11/1/80-10/31/81	1.15.18
	11/1/81-10/31/82	1.15.18
Sanyo Electric Co., Ltd./Marui Ltd.	11/1/80-10/31/81	1.24.16
	11/1/81-10/31/82	1.24.16
Sanyo Electric Co., Ltd./Nichebel Fuji Cycle Co., Ltd./Toshoku Ltd.	11/1/80-10/31/81	1.17.24
	11/1/81-10/31/82	1.17.24
Sanyo Electric Co., Ltd./Sanyo Electric Trading Co.	11/1/80-10/31/81	1.5.76
	11/1/81-10/31/82	1.5.76
Sanyo Electric Co. Ltd./Tokyo Pac Sales	11/1/80-10/31/81	1.2.87
	11/1/81-10/31/82	1.2.87
Sanyo Electric Co., Ltd./Yagami Corp.	11/1/80-10/31/81	1.25.89
	11/1/81-10/31/82	1.25.89
Shin-ei Trading Co., Ltd.	11/1/80-10/31/81	1.0
	11/1/81-10/31/82	1.0
Taiyo Electric Co./Yagami Corporation	11/1/80-10/31/81	1.7.0
	11/1/81-10/31/82	1.7.0
Tsuyama Mfg. Co., Ltd.	11/1/81-10/31/82	0
Tsuyama Mfg. Co., Ltd./Yagami Corporation	11/1/81-10/31/82	2.11
Tsuyama Mfg. Co., Ltd./Shinwa Trading Co.	11/1/81-10/31/82	0
Tsuyama Mfg. Co., Ltd./Mitsui & Co., Ltd.	11/1/81-10/31/82	0
Tsuyama Mfg. Co., Ltd./Kozaki Trading Co.	11/1/81-10/31/82	0.24
Tsuyama Mfg. Co., Ltd./Tano & Co., Ltd.	11/1/81-10/31/82	0
Tsuyama Mfg. Co., Ltd./Asia Machinery Trading Co.	11/1/81-10/31/82	0

¹ No shipments during the period.

Interested parties may submit written comments on these preliminary results within 30 days of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made no later than 5 days after the date

of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisal instructions on each exporter directly to the Customs Service.

Further, as provided by § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties based upon the most recent of the above margins shall be required on all shipments of Japanese bicycle speedometers from these firms. Since the margin for Tsuyama Mfg. Co., Ltd./Kozaki Trading Co. is less than 0.5 percent, and therefore *de minimis* for cash deposit purposes, the Department shall waive the deposit requirement for this combination. For the firms that we are deferring in this review, the cash deposit is based upon the most recent rate for these firms, which is 25.89 percent.

For any future entries from a new exporter not covered in this or prior reviews, whose first shipments occurred after October 31, 1982, and who is unrelated to any reviewed firm, a cash deposit of 2.11 percent shall be required. These deposit requirements and waiver are effective for all shipments of Japanese bicycle speedometers entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Dated: April 9, 1984.

Alan F. Holmer,
Deputy Assistant Secretary for Import
Administration.

[FR Doc. 84-10396 Filed 4-17-84; 8:45 am]

BILLING CODE 3510-DS-M

[A-351-401]

Certain Large Diameter Carbon Steel Welded Pipes From Brazil; Initiation of Antidumping Investigation

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the U.S. Department of Commerce, we are initiating an antidumping investigation to determine whether certain large diameter carbon steel welded pipes from Brazil are being, or are likely to be, sold in the United States at less than fair value. We are notifying the U.S. International Trade Commission (ITC) of this action so that it may determine whether imports of the merchandise are materially injuring, or threatening to materially injure, a U.S. industry. The allegation of sales at less than fair value includes an allegation that home market sales are being made at less than the cost of production in Brazil. Also, critical circumstances have been alleged under section 773(e) of the Tariff Act of 1930, as amended (19 U.S.C. 1673) (the Act). If our investigation proceeds normally, the ITC will make its preliminary determination on or before May 7, 1984, and we will make ours on or before August 28, 1984.

EFFECTIVE DATE: April 18, 1984.

FOR FURTHER INFORMATION CONTACT:

Alain Letort, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone: (202) 377-5050.

SUPPLEMENTARY INFORMATION:

Petition

On March 21, 1984, we received a petition filed in proper form from counsel for Berg Steel Pipe Corporation, on behalf of the U.S. industry producing certain large diameter carbon steel welded pipes. In compliance with the filing requirements of section 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleges that imports of the subject merchandise from Brazil are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (19 U.S.C. 1673) (the Act), and that these imports are materially injuring, or threatening to materially injure, a U.S. industry. The allegation of sales at less than fair value is supported by comparisons of the estimated prices at which Brazilian pipe producers purchase the plate used in the manufacture of the subject merchandise (obtained from published price lists of Brazilian plate producers), plus the cost of processing the plate based on petitioner's own and industry experience, with the f.a.s. value of this merchandise imported into the United States (as reported by the U.S. Department of Commerce, Bureau of Census). Using this comparison,

petitioner showed dumping margins of approximately 34.00 to 46.00 percent. The allegation of sales at less than fair value includes an allegation that home market sales are being made at less than the cost of production in Brazil. Also, critical circumstances have been alleged under section 733(e) of the Act.

Initiation of Investigation

Under section 732(c) of the Act, we must determine, within 20 days after a petition is filed, whether a petition sets forth the allegations necessary for the initiation of an antidumping investigation and whether it contains information reasonably available to the petitioner supporting the allegation of sales at less than fair value. We have examined the petition on certain large diameter carbon steel welded pipes and we have found that the petition meets those requirements. Therefore, in accordance with section 732 of the Act, we are initiating an antidumping investigation to determine whether certain large diameter carbon steel welded pipes from Brazil are being, or are likely to be, sold at less than fair value in the United States. We will also determine whether "critical circumstances" exist in this case. Although the petitioner alleged that home market sales of the subject merchandise are being made at less than the cost of production in Brazil, it provided no home market or third country prices on which to base its allegation. Therefore, at this time, we will not undertake to determine whether there are sales at less than the cost of production. If our investigation proceeds normally, the ITC will make its preliminary determination by May 7, 1984, and we will make ours on or before August 28, 1984.

Scope of the Investigation

The merchandise covered by this investigation is "Certain Welded Large Diameter Carbon Steel Pipes" of circular cross section, with an outside diameter greater than 16 inches, not suitable for use in boilers, superheaters, heat exchangers, condensers, and feedwater heaters, and not cold drawn; as currently provided for in items numbers 610.3211 and 610.3251 of the *Tariff Schedules of the United States Annotated* (TSUSA). This merchandise includes American Petroleum Institute (A.P.I.) and non-A.P.I. line pipe, but does not include A.P.I. nor non-A.P.I. welded carbon steel oil well casing.

Notification to ITC

Section 732(d) of the Act requires us to notify the U.S. International Trade

Commission of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all non-privileged and non-confidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by May 7, 1984, whether there is a reasonable indication that imports of certain large diameter carbon steel welded pipes from Brazil are materially injuring, or threatening to materially injure, a U.S. industry. If that determination is negative, the investigation will terminate; otherwise, the investigation will proceed according to the statutory procedures.

Dated: April 10, 1984.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-10357 Filed 4-17-84; 8:45 am]

BILLING CODE 3510-DS-M

[A-427-072]

Viscose Rayon Staple Fiber From France; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on viscose rayon staple fiber from France. The review covers the two known exporters and one third-country (Netherlands) reseller of this merchandise to the United States and consecutive periods from March 1, 1981 through February 28, 1983. The review indicates the existence of dumping margins for two firms.

As a result of the review, the Department has preliminarily determined to assess dumping duties equal to the calculated differences between United States price and foreign market value on the two firms' sales during the periods of review. Where

company-supplied information was inadequate we used the best information available for assessment and estimated antidumping duties cash deposit purposes.

Interested parties are invited to comment on those preliminary results.

EFFECTIVE DATE: April 18, 1984.

FOR FURTHER INFORMATION CONTACT: Ron Nichols or John R. Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377-5255/3601.

SUPPLEMENTARY INFORMATION:

Background

On May 24, 1983, the Department of Commerce ("the Department") published in the *Federal Register* (48 FR 23292) the final results of its last administrative review of the antidumping finding on viscose rayon staple fiber from France (44 FR 17156, March 21, 1979) and announced its intent to begin immediately the next administrative review. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

Imports covered by the review are shipments of viscose rayon staple fiber, except solution dyed, in noncontinuous form, not carded, not combed and not otherwise processed, wholly of filaments (except laminated filaments and plexiform filaments). This merchandise is currently classifiable under items 309.4320 and 309.4325 of the Tariff Schedules of the United States Annotated.

The review covers the two exporters of French viscose rayon staple fiber, Rhone-Poulenc Textile and Achille Bayart et Cie, and the one known third-country (Netherlands) reseller, B.V. Textielfabriek Huizen, and consecutive periods from March 1, 1981 through February 28, 1983.

Achille Bayart et Cie did not ship this merchandise to the United States during the periods. For this firm the estimated antidumping duties cash deposit rate is the most recent rate for the firm. The responses of the two other firms, Rhone-Poulenc Textile and B.V. Textielfabriek Huizen, were inadequate for the period March 1, 1981 through February 28, 1982, and we used the best information available to determine the assessment rate for that period. The best information available is the most recent rate for the two firms. Neither of these

firms shipped this merchandise to the United States during the period March 1, 1982 through February 28, 1983. For these firms the estimated antidumping duties cash deposit rate is the rate established for the period March 1, 1981 through February 28, 1982.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that the following margins exist:

	Time period	Margin (percent)
Manufacturer/exporter: Rhone-Poulenc Textile	03/01/81-02/28/82 03/01/82-02/28/83	24 1 24
Rhone-Poulenc Textile/Achille Bayart et Cie	03/01/81-02/28/83	1 24
Manufacturer/third- country reseller (country): Rhone-Poulenc Textile/B.V. Textielfabriek Huizen (Netherlands)	03/01/81-02/28/82 03/01/82-02/28/83	24 1 24

¹ No shipments during the period.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all appropriate entries. The Department will issue appraisement instructions directly to the Customs Service.

Further, as provided for by section 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties of 24 percent shall be required on all shipments of French viscose rayon staple fiber entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Dated: April 9, 1984.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-10365 Filed 4-17-84; 8:45 am]

BILLING CODE 3510-DS-M

[C-333-401]

Cotton Shop Towels from Peru; Initiation of Countervailing Duty Investigation

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the U.S. Department of Commerce, we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in Peru of cotton shop towels, as described in the "Scope of Investigation" section below, receive benefits which constitute bounties or grants within the meaning of the countervailing duty law. If our investigation proceeds normally, we will make our preliminary determination on or before June 21, 1984.

EFFECTIVE DATE: April 18, 1984.

FOR FURTHER INFORMATION CONTACT: Andrew Debicki, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone: (202) 377-5403.

SUPPLEMENTARY INFORMATION:

Petition

On March 28, 1984, we received a petition from counsel for Milliken and Company, on behalf of the U.S. industry producing cotton shop towels. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleges that manufacturers, producers, or exporters in Peru of shop cotton towels receive bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (the Act).

Since Peru is not a "country under the Agreement" within the meaning of section 701(b) of the Act, and the merchandise is dutiable, section 303(b)(3) of the Act applies to this investigation. Therefore, the domestic industry is not required to allege that, and the U.S. International Trade Commission is not required to determine whether, imports of these products

cause or threaten material injury to a U.S. industry.

Initiation of Investigation

Under section 702(c) of the Act, we must determine, within 20 days after a petition is filed, whether a petition sets forth the allegations necessary for the initiation of a countervailing duty investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition on cotton shop towels from Peru, and we have found that the petition meets the requirements.

Therefore, we are initiating a countervailing duty investigation to determine whether the manufacturers, producers, or exporters in Peru of cotton shop towels, as described in the "Scope of Investigation" section of this notice, receive bounties or grants. If our investigation proceeds normally, we will make our preliminary determination by June 21, 1984.

Scope of Investigation

The product covered by this investigation is cotton shop towels. This merchandise is currently classified under item number 336.2740 of the *Tariff Schedules of the United States Annotated* (TSUSA).

Allegations of Bounties or Grants

The petition alleges that manufacturers, producers, or exporters in Peru of cotton shop towels receive the following benefits which constitute bounties or grants:

- Certificate of Tax Rebate System (CERTEX).
- Nontraditional Export Fund (FENT).
- Law for the Promotion of Exports of Nontraditional Goods (the Export Law).
- Articles 8 and 9 (the Export Law). Tax credits, pursuant to Decree Law 183550 (General Law of Industries), based upon upgraded industrial priority level.
- Article 12 (the Export Law). Depreciation of fixed assets at rates above normal depreciation rate.
- Article 13 (the Export Law). Exemptions from income taxes on exporter earnings capitalized within set time period.
- Article 14 (the Export Law). Tax benefits for the increase of permanent jobs.
- Article 16 (the Export Law). Suspension of duties on imported capital goods for enterprises exporting a percentage of annual production of nontraditional goods.
- Article 23 (the Export Law). Exemptions from taxes for the formation

of consortia for exportation of nontraditional goods.

• Article 31 (the Export Law). Preferential shipping rates to exporters of nontraditional goods.

We are not investigating the following because this program, as described in the petition, is not a bounty or grant:

• Article 24 (the Export Law). Petitioner alleges that the government of Peru provides a benefit to exporters through the exemption from duties on raw materials and intermediate products to be used exclusively in the manufacture of exports.

Because there is no allegation that the duty exemption is not limited to items physically incorporated into exported products, we have no reason to believe that this program constitutes a bounty or grant.

Dated: April 12, 1984.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc 84-10364 Filed 4-17-84; 8:45 am]

BILLING CODE 3510-DS-M

[C-351-037]

Cotton Yarn From Brazil; Final Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final results of administrative review of countervailing duty order.

SUMMARY: On November 2, 1983, the Department of Commerce published the preliminary results of its administrative review of the countervailing duty order on cotton yarn from Brazil. The review covers the period January 1, 1982 through December 31, 1982.

We gave interested parties an opportunity to comment on the preliminary results. After review of all timely comments received, the Department has determined the net subsidy during the period of review to be 15.16 percent.

EFFECTIVE DATE: April 18, 1984.

FOR FURTHER INFORMATION CONTACT: Lorenza Olivas or Brian Kelly, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On November 2, 1983, the Department of Commerce ("the Department") published in the Federal

Register (48 FR 50592) the preliminary results of its administrative review of the countervailing duty order on cotton yarn from Brazil (42 FR 14089, March 15, 1977). The Department has now completed that administrative review, in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of the Review

Imports covered by the review are shipments of Brazilian cotton yarn. Such merchandise is currently classifiable under items 300.6000 through 302.9800 of the Tariff Schedules of the United States Annotated.

The review covers the period January 1, 1982 through December 31, 1982 and five programs that we previously found countervailable: (1) Preferential financing for exports; (2) income tax exemptions for export earnings; (3) the export credit premium for the Industrial Products Tax ("IPI"); (4) fiscal benefits for special export programs; and (5) preferential export financing under CIC-CREGE 14-11. The review also covers twelve additional programs that the petitioner alleged confer subsidies on exports of Brazilian cotton yarn.

In this review, we have followed the calculation methods used in the notice of preliminary results of this review. At the same time, the Department recognizes that there may be other reasonable methods of measuring benefits for our use in this and other cases. Specifically, in the preliminary affirmative countervailing duty determination on certain carbon steel products from Brazil (49 FR 5157, February 10, 1984), we adopted several new methods. The Department has asked for comments on that proposed methodology.

The preliminary results in this review of the order on cotton yarn were published and comments received prior to the Department's publication of the preliminary determination on certain carbon steel products. We believe it is inappropriate to apply the new methodology in this section 751 review until the methodology is adopted, possibly in the final determination in the pending steel case. Further, future acceptance of the methodology does not indicate that the existing methodology is not also a reasonable way to calculate the benefits. (See also notice of final results of administrative review on float glass from Belgium, 47 FR 32467, July 27, 1982.)

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. We received timely comments from the petitioner, the

American Yarn Spinners Association, Inc.

Comment 1: The petitioner contends that, for purposes of calculating the cash deposit of estimated countervailing duties attributable to the preferential financing program, the Department used noncontemporaneous interest rates to measure the differential between the commercial and the preferential rates. The Department compared a commercial rate in effect on January 3, 1983 with a preferential rate in effect on June 10, 1983.

Department's Position: We used the latest information available in determining the cash deposit rate. In the recent section 736(c) review of the antidumping case in carbon steel wire rod from Brazil, the respondents submitted information that the interest rate charged in June 1983 by the Banco do Brasil for discounting accounts receivable was slightly lower than the rate charged in January. (See Post-hearing Brief of Companhia Siderurgica Belgo-Mineira and Companhia Siderurgica da Guanabara-Cosigua, February 13, 1984, at 7.) The difference does not affect the weighted-average margin.

Comment 2: The petitioner contends that exporters of cotton yarn do not pay the export tax to offset the IPI credit premium until well after receipt of the credit. Such a lag constitutes an interest free loan to the exporters, i.e., a countervailable benefit. Moreover, because of the high rate of inflation, the delayed payment of the tax is worth far less in real terms than the amount of IPI credit premium exporters receive.

Department's Position: We agree in part. In our notice of preliminary results we stated that the IPI credit premium has been offset by an export tax since June 26, 1981. We have since discovered that, while this tax has been imposed since June, 1981, it was not collected until December 1982.

We consider that lag in collection to have conferred a benefit to the producers equivalent to an interest free loan, in the amount of the tax owed, rolled over monthly until the tax was actually paid. Under current practice, the offset tax is to be paid 45 days after the end of the month in which the shipment earning the premium occurred. For purposes of calculating the benefit, we consider the interest free loan to begin on the date the tax was due, 45 days after the end of the month of shipment.

As a commercial benchmark we have used the monthly Banco do Brasil rate for discounts of accounts receivable. The monthly rate in 1982 was 4.97 percent. We calculated the *ad valorem*

benefit to be 7.76 percent. For purposes of the cash deposit of estimated countervailing duties, we believe the tax is now collected within the 45 days and the potential benefit under this program therefore is zero.

Comment 3: The petitioner argues that the Department can only really answer the issues in Comment 2 through verification.

Department's Position: The Department maintains that neither section 751 of the Tariff Act nor the Commerce Regulations requires verification of information submitted in the course of an administrative review. We have long held that verification in section 751 administrative reviews is discretionary. See, e.g., "Final Results of Administrative Review of Countervailing Duty Order" on bicycle tires and tubes from Korea (48 FR 32205, July 14, 1983). The Department has appealed the decision of the Court of International Trade requiring the Department to verify in every review (*A1 Tech Specialty Steel v. United States*, Slip Ops. 83-119 and 83-120 (November 21, 1983)).

Committee 4: The petitioner contends that the offset tax on exports of cotton yarn to the United States, even if immediately paid, would not eliminate the subsidy benefit conferred by the IPI program, since exporters of cotton yarn continue to receive cash payments for exports to other countries.

Department's Position: The petitioner's contention assumes that the money received from subsidies on exports of cotton yarn goes into a common fund from which companies can draw to continue subsidizing exports of cotton yarn to the United States. The petitioner's argument maintains that an export subsidy on particular shipments of a particular product, exported to a particular country, benefits the sales of other shipments of that product or other products to other countries. We disagree. An export subsidy provides an incentive encouraging sales to the particular export market. To neutralize the incentive, the Department assesses a countervailing duty equal to the subsidy. If one ignores the incentive effect and accepts that the money received from the export subsidy goes into a common fund, then the export product or market to which the subsidy is actually tied receives no more benefit from the subsidy than any other product or market. We would have to allocate the benefit attributable to all types of subsidies on all products to all countries (including the domestic market) over total sales of all products to all countries

(including to domestic market) when determining countervailing duties.

The Department believes it is more logical to assume that subsidies are designed to benefit the market to which they are tied and that a rational business will use those benefits accordingly. Thus, by collecting an offset tax to exports of cotton yarn to the United States, the Government of Brazil has eliminated a subsidy benefit on exports to the United States and removed any unfair incentive to export to the United States.

Comment 5: The petitioner argues that, for purposes of determining the cash deposit of estimated countervailing duties, the Department must consider the effect that alleged new subsidies provided after the review period will have on exporters of cotton yarn. By ignoring this possible effect, the Department has applied a double standard, since the Department took into account reported changes in the preferential financing program after the review period that lowered the estimated countervailing duty deposit rate and is unwilling to do the same for changes that increase the deposit rate.

Department's Position: In determining the potential benefit attributable to the preferential financing program, we had firm information with which to calculate a rate for estimated duty deposit purposes, while we did not have sufficient information for the alleged new programs. Furthermore, we have no knowledge that exporters of cotton yarn received benefits from these programs established in 1983. The Department will consider in the next administrative review any possible subsidies to exporters of cotton yarn resulting from these new programs.

Final Results of the Review

Based on our analysis of the timely comments, we determine the aggregate net subsidy to be 15.16 percent for the period January 1, 1982 through December 31, 1982. On August 3, 1981, the International Trade Commission ("the ITC") notified the Department that the Government of Brazil had requested an injury determination for this order under section 104(b) of the Trade Agreements Act of 1979. Should the ITC find that there would be material injury or threat of material injury to an industry in the United States if the order were revoked, the Department will instruct the Customs Service to assess countervailing duties in the amount of estimated duties required to be deposited on all unliquidated entries of Brazilian cotton yarn entered, or withdrawn from warehouse, for consumption on or after August 3, 1981

and through the date of the ITC's notification to the Department of its determination.

Further, as provided by section 751(a)(1) of the Tariff Act, the Department will instruct the Customs Service to collect a cash deposit of estimated countervailing duties of 2.72 percent of the entered value on all shipments of cotton yarn entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This deposit requirement shall remain in effect until publication of the final results of the next administrative review. The Department intends to begin immediately the next administrative review.

The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible after the Department's receipt of the information in the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Dated: April 12, 1984.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-10363 Filed 4-17-84; 8:45 am]

BILLING CODE 3510-DS-M

Export Trade Certificate of Review

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of issuance of export trade certificate of review.

SUMMARY: The Department of Commerce has issued an export trade certificate of review to Micro Products Company ("Micro Products"). This notice summarizes the conduct for which certification has been granted.

ADDRESS: The Department requests public comments on this certificate. Interested parties should submit their written comments, original and five (5) copies, to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 5618, Washington, D.C. 20230.

Comments should refer to the certificate as "Export Trade Certificate of Review, application number 83-00034."

FOR FURTHER INFORMATION CONTACT: Charles S. Warner, Director, Office of Export Trading Company Affairs,

International Trade Administration, 202/377-5131, or Eleanor Roberts Lewis, Assistant General Counsel for Export Trading Companies, Office of General Counsel, 202/377-0937. These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 ("the Act") (Pub. L. 97-290) authorizes the Secretary of Commerce to issue export trade certificates of review. The regulations implementing the Act are found at 48 FR 10595-604 (March 11, 1983) (to be codified at 15 CFR Part 325). A certificate of review protects its holder and the members identified in it from private treble damage actions and government criminal and civil suits under federal and state antitrust laws for the export conduct specified in the certificate and carried out during its effective period in compliance with its terms and conditions.

Standards for Certification.

Proposed export trade, export trade activities, and methods of operation may be certified if the applicant establishes that such conduct will:

1. Result in neither a substantial lessening of competition or restraint of trade within the United States nor a substantial restraint of the export trade of any competitor of the applicant;
2. Not unreasonably enhance, stabilize, or depress prices within the United States of the goods, wares, merchandise, or services of the class exported by the applicant;
3. Not constitute unfair methods of competition against competitors engaged in the export of goods, wares, merchandise, or services of the class exported by the applicant; and
4. Not include any act that may reasonably be expected to result in the sale for consumption or resale within the United States of the goods, wares, merchandise, or services exported by the applicant.

The Secretary will issue a certificate if he determines, and the Attorney General concurs, that the proposed conduct meets these four standards. For a further discussion and analysis of the conduct eligible for certification and of the four certification standards, see "Guidelines for the Issuance of Export Trade Certificates of Review," 48 FR 15937-15940 (April 13, 1983).

Description of Certified Conduct

The Office of Export Trading Company Affairs received an application for an export trade certificate of review from Micro Products on November 23, 1983. The application was deemed submitted on

November 28, 1983. A summary of the application was published in the *Federal Register* on December 12, 1983. (48 FR 55305-55306). Based on analysis of the information contained in the application and other information in their possession, the Department of Commerce has determined, and the Department of Justice concurs, that the following export trade, export trade activities, and methods of operation specified by Micro Products meet the four standards of the Act:

Export Trade

Products

Electric resistance welding machines, components and related accessories.

Related Services

All services related to the sale and maintenance of the Products, including advertising and marketing of Products and providing technical assistance to end-users or representatives.

Export Markets

The Export Markets include all parts of the world except the United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

Export Trade Activities and Methods of Operation

Micro Products is certified:

(a) To enter into and terminate any number of nonexclusive independent agreements with separate Suppliers to act as an Export Intermediary.

(b) To enter into and terminate any number of exclusive independent agreements with separate Suppliers wherein:

(1) Micro Product agrees not to represent in the Export Markets any competitors of such Supplier as an Export Intermediary unless authorized by the Supplier.

(2) The Supplier agrees not to sell, directly or indirectly through any other intermediary, into the Export Markets in which Micro Products represents the Supplier as an Export Intermediary, or

(3) both (1) and (2) above.

(c) To enter into and terminate any number of nonexclusive agreements with Export Intermediaries.

(d) To enter into and terminate any number of exclusive agreements with Export Intermediaries wherein:

(1) Micro Products agrees to deal in Products and Related Services in the Export Markets only through that person,

(2) That person agrees not to represent Micro Product's competitors in the Export Markets or not to buy from Micro Product's competitors, or

(3) Both (1) and (2) above.

(e) To enter into and terminate exclusive and nonexclusive agreements with individual buyers in the Export Markets to act as a Purchasing Agent with respect to particular transactions.

(f) For Micro Products itself or while acting as an Export Intermediary for Suppliers separately, to:

(1) Establish prices and quantities at which Products will be acquired, sold, or resold for or in the Export Markets,

(2) Establish the price and other terms of sale at which Related Services will be acquired, sold or resold for or in the Export Markets,

(3) Allocate foreign territories or customers among Micro Products' Export Intermediaries or to a Supplier and that Supplier's Export Intermediaries, or

(4) Any combination of (1), (2) and (3) above.

Micro Products may engage in the activities in (f) by agreement with Micro Products' Export Intermediaries, by independent agreement with separate Suppliers or by agreement with that Supplier's Export Intermediaries, or on the basis of its own determination.

(g) For invitations to bid or sales opportunities in the Export Markets, to

(1) Contact separately Suppliers specified in the invitation to bid or the purchase specifications,

(2) Distribute, subject to Term and Condition "(a)" below, to Suppliers separately information about the bid, bid requirements, bidding dates, and any other information necessary in order for Micro Products to compile a responsive bid,

(3) Solicit and receive independent quotations for the Products and Related Services from Suppliers separately, provided Micro Products does not reveal to any Supplier the quotation of any other Supplier or the identity of the Supplier that provided the quotation.

(4) Enter into independent agreements with Suppliers separately whereby Micro Products will submit a response to the bid invitation or request for quotation, or

(5) Any combination of (1) through (4) above.

Definition

For purposes of this certificate, the following terms are defined:

(a) "Export Intermediary" means:

(1) "Broker"—a person that locates buyers in the Export Markets for the Supplier or that locates Suppliers for buyers in the Export Markets on a

straight commission or cost-plus commission basis and that, in so acting, offers provides or engages in some or all Related Services;

(2) "Distributor"—a person that purchases Products for its own account from a Supplier or that may establish the resale price or maintain an inventory of Products for prospective, unidentified sales and that, in so acting, offers, provides or engages in some or all Related Services; or

(3) "Sales Representative or Agent"—a person that identifies and locates Products for sale, gives advice on or chooses among prospective buyers in the Export Markets, advises on or negotiates prices, quantities and other sales terms and conditions, sells products for its own account or for the account of others and that, in so acting, offers, provides or engages in some or all Related Services.

(b) "Purchasing Agent"—a person that identifies and locates Products for purchase, gives advice on or chooses among prospective Suppliers, advises on or negotiates prices, quantities and other purchase terms and conditions, purchases Products for its own account or for the account of others and in so acting, offers, provides or engages in some or all Related Services.

(c) "Supplier"—a person that produces or sells Products to be exported from the United States or Related Services.

The Office of Export Trading Company Affairs is issuing this notice pursuant to 15 CFR 325.5(c), which requires the Department of Commerce to publish a summary of a certificate in the *Federal Register*. Under Section 305(a) of the Act and 15 CFR 325.10(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

A copy of each certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility, Room 4001-B, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. The certificates may be inspected and copied in accordance with regulations published in 15 CFR Part 4. Information about the inspection and copying of records at this facility may be obtained from Patricia L. Mann, the International Trade Administration Freedom of Information Officer, at the above address or by calling (202) 377-3031.

Dated: April 13, 1984.

Irving P. Margulies,
General Counsel.

[FR Doc. 84-10396 Filed 4-17-84; 8:45 am]

BILLING CODE 3510-DR-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

New TSUSA Numbers Required on Export Visas for Certain Cotton and Man-Made Fiber Textile Products from the Philippines; Correction

April 13, 1984.

On January 19, 1984, a notice was published in the *Federal Register* (49 FR 2287), which announced that certain of the TSUSA numbers identifying traditional (T) products in Category 335pt., among other categories, produced or manufactured in the Republic of the Philippines, had been changed as follows, effective on January 1, 1984:

Category 335(T) will add TSUSA numbers 383.3455 and 383.3464.

In that announcement TSUSA number 383.3464 should be replaced with 383.3468.

Walter C. Lenahan,

Chairman, Committee for the Implementation
of Textile Arrangements.

[FR Doc. 10294 Filed 4-17-84; 8:45 am]

BILLING CODE 3510-DR-M

Request for Public Comment on Bilateral Textile Consultations With the Government of India To Review Trade in Categories 337 (Cotton Playsuits) and 359pt. (Cotton Overalls)

April 13, 1984.

On March 27, 1984, the Government of the United States requested consultations with the Government of India with respect to Categories 337 and 359pt. (only TSUSA 379.6410 and 383.5035). This request was made on the basis of Paragraph 16 of the Agreement between the Governments of the United States and India relating to trade in Cotton, Wool and Man-Made Fiber Textiles and Textile Products of December 21, 1982. Paragraph 16 provides for consultations when the orderly development of trade between the two countries may be impeded by imports due to market disruption, or the threat thereof.

The purpose of this notice is to advise the public that if no solution is agreed upon in consultations between the two governments, CITA, pursuant to paragraph 16 of the Agreement, may establish specific limits for the entry and withdrawal from warehouse for

consumption of cotton textile products in Categories 337 and 359pt. (only TSUSA 379.6410 and 383.5035), produced or manufactured in India and exported to the United States during the period beginning on March 27, 1984 and extending through December 31, 1984, which will not be less than the following:

Category	Minimum Prorated Twelve-Month Level (March 27, 1984- December 31, 1984)
337.....	50,220 dozen.
359pt.....	84,963 dozen.

The Government of the United States has decided, pending agreement on a mutually satisfactory solution, to control imports in these categories during the 90-day consultation period which began on March 27, 1984 and extends through June 25, 1984 at the following levels:

Category	Ninety-Day Levels (March 27, 1984- June 25, 1984)
337.....	19,146 dozen.
359pt.....	32,392 dozen.

The United States remains committed to finding a solution concerning these categories. Should such a solution be reached in consultations with the Government of India, further notice will be published in the *Federal Register*.

In the event the levels established for Categories 337 and 359pt. (only TSUSA 379.6410 and 383.5035) during the ninety-day period are exceeded, such excess amounts, if they are allowed to enter at the end of the restraint period, shall be charged to the prorated twelve-month levels described above.

Summary market statements for each of these categories follow this notice.

A description of the textile categories in terms of T.S.U.S.A. number was published in the *Federal Register* on December 13, 1982 (47 FR 55790), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924) and December 14, 1983 (48 FR 55607), and December 30, 1983 (48 FR 57584).

EFFECTIVE DATE: April 18, 1984.

Anyone wishing to comment or provide data or information regarding the treatment of Categories 337 and 359pt. (only TSUSA 379.6410 and 383.5035) under the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement with the Government of India, or to comment on domestic production or availability of textile products included in these categories, is invited to submit such comments or information in ten copies to Mr. Walter

C. Lenahan, Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230. Because the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C., and may be obtained upon written request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

SUPPLEMENTARY INFORMATION: On December 16, 1983 a letter was published in the *Federal Register* (48 FR 55891) to the Commissioner of Customs from the Chairman of the Committee for the Implementation of Textile Agreements which established levels of restraint for certain categories of cotton, wool and man-made fiber textiles and textile products, produced or manufactured in India and exported during the twelve-month period which began on January 1, 1984. In the letter published below, pursuant to the terms of the bilateral agreement, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs, pending agreements on a different solution, to prohibit entry for consumption or withdrawal from warehouse for consumption of cotton textile products in Categories 337 and 359pt. (only TSUSA 379.6410 and 383.5035) exported during the indicated ninety-day period, in excess of the designated levels of restraint.

Walter C. Lenahan,
Chairman, Committee for the Implementation
of Textile Agreements.

India—Market Statement

Category 337—Cotton Playsuits
March 1984.

Imports of Category 337 from India were 67,273 dozen during the year ending January 1984. This level was more than five times the level of a year earlier when imports were

12,476 dozen. January 1984 imports from India were 13,665 dozen compared with only 1,096 dozen in January 1983. Imports from the countries which ship larger quantities than India are subject to specific limits under the bilateral agreements except those from one country which was called late in 1983 and consultations on the 1984 level have not been concluded.

U.S. production of Category 337 declined from 3,550,000 dozen in 1981 to 3,194,000 dozen in 1981 to 1,829,000 dozen in 1983 and to 1,939,000 dozen during the year ending January 1984. The ratio of imports to domestic production increased from 48.4 percent in 1981 to 58.5 percent in 1982 and continued at about that high level in 1983.

Category 359pt.—Cotton Coveralls, Overalls and Jumpsuits¹

U.S. imports of Category 359pt. from India totaled 1,051,300 pounds during the year ending January 1984 compared with only 281,100 pounds a year earlier. India is the second largest supplier of these garments and accounts for 26.5 percent of the total imports.

The increase in imports from India was sharp and substantial. These imports were entered into a market which was being adversely affected by imports. Domestic production declined from 699,000 dozen in 1981 to 650,000 dozen in 1982. Imports also declined in 1982 but sharply increased to a record 278,000 dozen in 1983. The previous record of 230,000 dozen was set in 1981. The ratio of imports to domestic production declined from 32.9 percent in 1981 to 26.6 percent in 1983. However, based on the 61 percent increase in imports, the 1983 ratio was at a level higher than the previous record of 32.9 percent set in 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229.

Dear Mr. Commissioner: This further amends, but does not cancel, the directive of December 13, 1983 from the Chairman of the Committee for the Implementation of Textile Agreements which directed you to prohibit entry of certain cotton, wool and man-made fiber textiles and textile products, produced or manufactured in India and exported during 1984.

Effective on April 18, 1984, paragraph one of the directive of December 13, 1983 is hereby further amended to include the following limits for cotton textile products in Categories 337 and 359pt.¹, produced or manufactured in India and exported during the ninety-day period which began on March 27, 1984 and extends through June 25, 1984:

Category	Ninety-day level of restraint ²
337.....	19,146 dozen.
359pt. ¹	32,392 dozen.

¹ In Category 359, only TSUSA 379.6410 and 383.5035.
² The levels have not been adjusted to reflect any imports exported after March 26, 1984.

Textile products in Categories 337 and 359pt.¹ which have been exported to the

United States before March 27, 1984 shall not be subject to this directive.

Textile products in Categories 337 and 359pt.¹ which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

The action taken with respect to the Government of India and with respect to imports of cotton textile products from India has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84-10419 Filed 4-17-84; 8:45 am]

BILLING CODE 3510-DR-M

Import Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in the Philippines, Effective January 1, 1984; Correction

April 13, 1984.

On December 21, 1983 a notice was published in the Federal Register (48 FR 56425), which established import restraint levels for certain cotton, wool and man-made fiber textile products, produced or manufactured in the Republic of the Philippines and exported during 1984. In footnote 1 of the letter to the Commissioner of Customs dated December 16, 1983, which followed that notice, TSUSA number 383.3464 should be deleted and TSUSA number 383.3468 inserted in its place.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84-10420 Filed 4-17-84; 8:45 am]

BILLING CODE 3510-DR-M

COMMODITY FUTURES TRADING COMMISSION

New York Mercantile Exchange Natural Gas Futures Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the terms and conditions of proposed commodity futures contract.

SUMMARY: The New York Mercantile Exchange ("NYMEX") has applied for designation as a contract market in

natural gas. The Commodity Futures Trading Commission ("Commission") has determined that the terms and conditions of the proposed futures contract are of major economic significance and that, accordingly, making available the proposed contract for public inspection and comment 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 June 18, 1984.

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 the NYMEX Natural Gas futures contract.

FOR FURTHER INFORMATION CONTACT: Richard Shilts, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. (202) 254-7303.

A copy of the terms and conditions of the NYMEX's proposed natural gas futures contract will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254-6314.

Other materials submitted by the NYMEX in support of its application for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. § 552) and the Commission's regulations thereunder (17 CFR Part 145 (1982)). Requests for copies of such materials should be made to the FOIA, Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

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 NYMEX in support of its application, should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, by June 18, 1984. Such comment letters will be publicly available except to the extent that they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C. on April 12, 1984.

Jane K. Stuckey,
Secretary of the Commission.

[FR Doc. 84-10359 Filed 4-17-84; 8:45 am]

BILLING CODE 6351-01-M

CONSUMER PRODUCT SAFETY COMMISSION

Safety Standard for Architectural Glazing Materials; Advisory Opinion of Compliance Concerning Issuance of Certificates

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of Advisory Opinion.

SUMMARY: The Consumer Product Safety Commission is issuing an advisory opinion concerning the obligation of manufacturers, importers and private labelers of products subject to the architectural glazing standard to issue certificates of compliance with the standard for those products. This advisory opinion interprets provisions of the Consumer Product Safety Act governing issuance of certificates of compliance with a consumer product safety standard as they apply to products subject to the architectural glazing standard. The Commission also withdraws parts of two previous advisory opinions concerning issuance of certificates of compliance with the architectural glazing standard. The Commission is taking this action to set forth in one document all current guidance concerning certification responsibilities of manufacturers, importers, private labelers, and other parties involved in the sale and distribution of materials and products subject to the architectural glazing standard.

DATE: This advisory opinion is effective upon publication in the Federal Register.

INFORMATION CONTACT: Wade Anderson, Division of Regulatory Management, Directorate for Compliance and Administrative Litigation, Consumer Product Safety Commission, Washington, D.C. 20207, telephone (301) 492-6400.

SUPPLEMENTARY INFORMATION: The Consumer Product Safety Commission issued the Safety Standard for Architectural Glazing Materials (16 CFR Part 1201) in accordance with provisions of the Consumer Product Safety Act (CPSA, 15 U.S.C. 2051 *et seq.*) in 1977. This standard is intended to eliminate or reduce unreasonable risks of injury associated with glazing materials used in certain products if those glazing

materials are broken by accidental human impact.

This consumer product safety standard is applicable to glazing materials used in doors, storm doors, bathtub doors and enclosures, shower doors and enclosures, and sliding glass (patio) doors, and to those products if they contain glazing materials. The standard became effective on July 6, 1977, and is applicable to the glazing materials and products described above which are manufactured after that date.

The standard prescribes tests to ensure that glazing materials subject to its provisions either will not break when impacted with a specified energy, or will break with characteristics which are less likely to present unreasonable risks of injury than glazing materials which do not meet the requirements of the standard.

Requirements for Certification

Section 14(a) of the CPSA (15 U.S.C. 2063(a)) requires the manufacturer, importer, or private labeler of a product which is subject to a consumer product safety standard to issue a certification of compliance with the applicable standard, and to base that certification upon either a test of each item, or a reasonable testing program.

Section 14(a) requires that the certificate of compliance must include: (1) the name of the manufacturer, importer, or private labeler issuing the certificate; (2) the date and place of manufacture of the product; (3) the identification of any consumer product safety standard which is applicable to the product; and (4) a statement that the product conforms to all applicable consumer product safety standards.

Section 14(a) requires further that the certificate of compliance "shall accompany the product or shall otherwise be furnished to any distributor or retailer to whom the product is delivered."

Section 14(b) authorizes the Commission to issue regulations to prescribe reasonable testing programs to support certificates of compliance with consumer product safety standards. Section 14(c) of the CPSA authorizes the Commission to issue regulations to require labeling of products with some or all of the information prescribed for the certificate of compliance by section 14(a) of the CPSA.

In the Federal Register of December 16, 1977 (42 FR 63586), the Commission proposed a regulation to prescribe reasonable testing programs to support certificates of compliance with the architectural glazing standard, and to prescribe the form and content of labels to set forth the information required to

be included in the certificate of compliance for materials and products subject to the architectural glazing standard.

However, the Commission did not issue any final rule based on that proposal, and withdrew the proposal by notice published in the Federal Register of May 9, 1983 (48 FR 20762).

Consequently, the only requirements for issuance of certificates of compliance of materials and products subject to the architectural glazing standard are those specified by section 14(a) of the CPSA.

Advisory Opinions

After the Commission issued the architectural glazing standard, manufacturers of materials and products subject to the standard, and other parties who distribute and sell those materials and products, requested advice from the Commission about the application of the certification requirements of section 14 of the CPSA to those materials and products. In response to those inquiries, the Commission has issued five advisory opinions about the requirements of section 14 of the CPSA for issuance of certificates of compliance with the architectural glazing standard. Those advisory opinions are designated 248, dated April 15, 1977; 284A, dated June 28, 1977; 248B, dated July 12, 1977; 255, dated November 4, 1977; and 280, dated February 23, 1978. Copies of these advisory opinions are available in the Commission's public reading room, 8th floor, 1111 18th Street, NW., Washington, D.C. or by calling the Office of the Secretary, (301) 492-6800.

The Commission has reexamined all of these advisory opinions and concludes that most of the guidance which they contain correctly interprets the provisions of section 14 of the CPSA as they apply to materials and products subject to the architectural glazing standard.

However, the Commission observes that Advisory Opinions 248 and 248A state in part that the certification of compliance with the architectural glazing standard may not consist entirely of a permanent label on the glazing material, and must instead be in a document which is separate from the glazing material or product subject to the standard. Upon reconsideration, the Commission does not believe that the language of section 14 of the CPSA requires that the certification of compliance must necessarily be in the form of a document which is separate from the material or product which is subject to the standard. The

Commission now concludes that in the absence of regulations to establish the form and content of the certificate of compliance for materials and products subject to the architectural glazing standard, that certificate of compliance may be in the form of a permanent or nonpermanent label on the glazing material or product, or a separate document which accompanies the material or product or is otherwise furnished to each distributor or retailer, as long as all of the information required by section 14 is included.

With that change, the Commission hereby consolidates, revises, and reissues the guidance contained in Advisory Opinions 248, 248A, 248B, 255, and 260, as follows:

1. Section 14(a) of the CPSA requires that each manufacturer, importer, or private labeler of a product which is subject to a consumer product safety standard issued under that act must issue a certificate of compliance which:

(a) certifies that the product conforms to all applicable consumer product safety standards;

(b) identifies any consumer product safety standard applicable to the product;

(c) states the name of the manufacturer, importer, or private labeler issuing the certificate of compliance; and

(d) includes the date and place of manufacture of the product.

Section 14(a) of the CPSA provides further that the certificate of compliance shall accompany the product or otherwise be furnished to any distributor or retailer to whom the product is delivered. Section 14(a) of the CPSA also provides that the certificate of compliance required by that section must be based upon a test of each product or upon a reasonable testing program.

2. In the absence of regulations issued under provisions of section 14(b) of the CPSA to establish reasonable testing programs to support certificates of compliance with the Safety Standard for Architectural Glazing Materials (16 CFR Part 1201), any person or firm issuing a certificate of compliance for an item of glazing material subject to the architectural glazing standard which is not based upon a test of each product, must devise and implement a "reasonable testing program" to support that certificate of compliance.

3. In the absence of regulations issued under provisions of section 14(c) of the CPSA, the certificate of compliance for an item of glazing material or product incorporating glazing material which is subject to the architectural glazing standard may be in the form of a

permanent or nonpermanent label on the item of glazing material or product subject to the standard, or a document which is separate from the item of glazing material or product incorporating glazing material, as long as all information required by section 14(a) of the CPSA is included in the certificate of compliance. Examples of certificates of compliance in the form of a separate document include certificates of compliance on invoices, statements, bills of lading, or letters. A certificate of compliance in the form of a separate document may be applicable to all shipments of complying products to be delivered for a specified period of time. The label or document bearing the certificate of compliance may also include information which is not required by section 14(a), such as information about conformance with voluntary standards, the thickness of the glazing material, or the particular item of equipment used in the production of the glazing material.

4. In the absence of regulations issued under provisions of section 14(a)(2) of the CPSA, each manufacturer, importer, or private labeler of a product which incorporates glazing material and which is subject to the architectural glazing standard must issue a certificate of compliance for that product and include all information required by section 14(a)(1) of the CPSA for that product. Any person or firm issuing a certificate of compliance for a product which is subject to the standard incorporating an item of glazing material which has been certified by its manufacturer to meet the requirements of the standard may rely on that certificate of compliance for the item of glazing material and is not required to perform testing to support the certificate of compliance for the product incorporating glazing material.

5. The certificate of compliance must certify that an item of glazing material or product incorporating glazing material which is subject to the Safety Standard for Architectural Glazing Materials (16 CFR Part 1201) conforms to all applicable requirements of that standard. The letters and figures "16 CFR 1201" may be used to identify the architectural glazing standard and to certify compliance with its requirements. The letters and figures "16 CFR 1201(I)" may be used to certify that the glazing material or product incorporating glazing materials meets the requirements of the standard for Category I products. (See 16 CFR 1201.2(a)(3).) The letters and figures "16 CFR 1201(II)" may be used to certify that the glazing material or product incorporating glazing material meets the requirements of the standard for

Category II products. (See 16 CFR 1201.2(a)(4).)

6. In the absence of regulations issued under provisions of section 14(c) of the CPSA, the date and place of manufacture of the glazing material or product incorporating glazing material may be in code.

7. While only the manufacturer, importer, or private labeler of a consumer product must issue a certificate of compliance with an applicable consumer product safety standard, all persons in the chain of distribution of that product are responsible to ensure that the certificate of compliance accompanies the product or is otherwise furnished to distributors and retailers of the product.

To the extent that this advisory opinion is inconsistent with Advisory Opinions 248, 248A, 248B, 255, 260, or any other previously issued advisory opinion concerning requirements for certificates of compliance with the architectural glazing standard, it supersedes those previously issued opinions. To the extent that this advisory opinion is not inconsistent with any previously issued advisory opinion concerning requirements for certification of compliance with the architectural glazing standard, it supplements those previously issued opinions.

Dated: April 12, 1984.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 81-10288 Filed 4-17-84; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Renewal of the Board of Visitors, Equal Opportunity Management Institute

Under the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Board of Visitors, Equal Opportunity Management Institute, has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington, Headquarters Services, Department of Defense.

April 13, 1984.

[FR Doc. 84-10327 Filed 4-17-84; 8:45 am]

BILLING CODE 3810-01-M

Defense Logistics Agency**Public Availability of Identification Lists**

AGENCY: Defense Logistics Agency, Defense.

ACTION: The Defense Logistics Agency plans to make available to the public Identification Lists.

SUMMARY: Notice is hereby given that the Defense Logistics Agency, an agency of the Department of Defense, plans to make Identification Lists (ILs) available to the public. This action is being taken voluntarily by the Defense Logistics Agency in an effort to increase competition for Defense procurement.

The ILs, which are published in a microfiche format by the Defense Logistic Service Center (DLSC), a field activity of the Defense Logistics Agency, located in Battle Creek, Michigan, contain narrative descriptions of the more than 4,000,000 items that have been assigned a National Stock Number (NSN) by DLSC. There are 230 separate ILs. For each NSN, there is a physical description, including in some cases dimensions and tolerances, a generalized drawing of the item and a list of possible manufacturing sources for the item. Information in the ILs has been gathered over a period of 30 years from sources both inside and outside the Government.

The Defense Logistics Agency plans to make all the information contained in the ILs available to the public on 30 April 1984. Individuals and companies who have supplied information contained in the ILs that is considered proprietary and was provided the Government with the expectation that it would be held in confidence have until April 30, 1984 to identify such information. Individuals and companies who believe that information they have provided is proprietary and confidential must identify by National Stock Number the items subject to this claim, the specific information subject to the claim and indicate when and under what circumstances it was furnished the Government.

To be considered by DLA, these claims must be made in writing and must reach DLA Headquarters, Attention DLA-SCC, Room 4D558, Cameron Station, Alexandria 22314 by April 30, 1984. We will review these claims as quickly as possible and, before releasing information to the public concerning items subject to a claim of confidentiality, will advise the claimant.

DATE: To be considered, all claims that

information furnished is proprietary and was provided the Government in confidence, must be received by DLA April 30, 1984.

ADDRESSES: Further information about the ILs is available from DLA-SCC, Room 4D558, Cameron Station, Alexandria, Virginia 22314. Office hours are between 7:45 a.m. and 4:15 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Brian Schutsky, DLA-SCC, Cameron Station, Alexandria, Virginia 22314; Phone (202) 274-6491.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public that the ILs will be made available to the public upon request after April 30, 1984 unless before that time companies and individuals who may have provided information contained in the ILs identify such information and formally object to its release.

Dated: 12 April 1984.

R. G. Bruner,
Executive Director, Technical and Logistics Services, Defense Logistics Agency.

[FR Doc. 84-10304 Filed 4-17-84; 8:45 am]

BILLING CODE 3620-01-M

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. CP84-306-000]

Consolidated Gas Transmission Corp.; Application

April 13, 1984.

Take notice that on March 19, 1984, Consolidated Gas Transmission Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP84-306-000 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing long-term storage service for Texas Eastern Transmission Corporation (Texas Eastern) and Transcontinental Gas Pipe Line Corporation (Transco) and the acquisition, relocation, construction and operation of transmission and related facilities in Allegheny, Clinton, Greene, Washington, and Westmoreland Counties of Pennsylvania, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant asserts that it has more than adequate gas supplies enabling it to perform the storage service proposed in this application and that it is

providing the proposed storage service to Transco and Texas Eastern for use in their system supply in order to allow them to meet their projected long-term requirements. Applicant proposes to provide long-term storage service on a firm basis under its Rate Schedule GSS for Texas Eastern and Transco, commencing on April 1, 1986 and continuing through March 31, 2006. It is understood that the proposed storage service for Texas Eastern would have an annual storage quantity of 19,000,000 dt equivalent of natural gas and a storage demand quantity of 190,000 dt equivalent of gas per day and the service to Transco would have an annual storage capacity quantity of 10,000,000 dt equivalent and a storage demand quantity of 100,000 dt equivalent of gas per day.

Applicant proposes a three-year facilities construction program. In 1984, the first year of the program, Applicant proposes a) to acquire and operate approximately 40.5 miles of existing 24-inch line from its affiliate, The Peoples Natural Gas Company (Peoples) located between the Lambert measuring station and Colvin Junction, in Washington County, Pennsylvania, b) to relocate the measuring, regulating, and related facilities which comprise Lambert Station to Colvin Junction, and establish a new delivery point to Peoples at that location and, c) to construct and operate approximately 24.1 miles of 24-inch transmission pipeline and related facilities from Colvin Junction to Tonkin Junction in Westmoreland County, Pennsylvania. Applicant stated it would operate the pipeline facilities acquired from Peoples and the new facilities as an extension of its existing line, TL-342 and that this first phase of the project would connect the two separate portions of Applicant's transmission system.

It is explained that the transfer of the pipeline from Peoples involves the following steps: (1) Transfer of the pipeline from Peoples to Consolidated Natural Gas Company, (Consolidated Natural) its sole stockholder by declaring a property dividend; (2) Consolidated would then transfer the pipeline to Applicant; and (3) as consideration, Applicant would issue to Consolidated Natural, its sole stockholder, shares of Applicant's capital stock equal to the value of the pipeline. The value of the line is estimated to be \$1,816,560.

In 1985, the second phase, Applicant proposes to construct a new 5,800 horsepower compressor station at Tonkin Junction. In 1986, during the third

and final phase, Applicant proposes to install an additional 6,700 horsepower compressor unit at its existing Finnefrock compressor station in Clinton County, Pennsylvania.

Applicant states that the proposed facilities would enable it to render the proposed storage service and improve the capability of its existing transmission system. The application further states that the estimated cost of the proposed facilities is \$40,135,060 and that the project would be financed from funds on hand or from Applicant's parent corporation, Consolidated Natural.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 4, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-10330 Filed 4-17-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES84-37-000]

El Paso Electric Co.; Application

April 13, 1984.

Take notice that on April 2, 1984, El Paso Electric Company (Applicant) filed an application with the Federal Energy Regulatory Commission seeking authority pursuant to Section 204 of the Federal Power Act to issue and sell up to an additional 1,500,000 shares of Common Stock, no par value, pursuant to the Applicant's Dividend Reinvestment and Stock Purchase Plan and applying for an exemption of such issuance and sale from the competitive bidding requirements of the Commission.

Any person desiring to be heard or to make any protest with reference to the application should file a motion to intervene or protest on or before May 2, 1984, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-10331 Filed 4-17-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES84-36-000]

El Paso Electric Company; Application

April 13, 1984.

Take notice that on April 2, 1984, El Paso Electric Company (Applicant) filed an application with the Federal Energy Regulatory Commission seeking authority pursuant to Section 204 of the Federal Power Act to issue up to an additional 200,000 shares of Common Stock, no par value, pursuant to the Applicant's Amended Employee Stock Purchase Plan and applying for an exemption of such issuance and sale from the competitive bidding requirements of the Commission.

Any person desiring to be heard or to make any protest with reference to the application should file a motion to intervene or protest on or before May 2, 1984, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). The application is

on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-10332 Filed 4-17-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES84-35-000]

El Paso Electric Company; Application

April 13, 1984.

Take notice that on April 13, 1984, El Paso Electric Company filed an application with the Federal Energy Regulatory Commission seeking authority pursuant to Section 204 of the Federal Power Act to issue short-term obligations and commercial paper, not to exceed in the aggregate \$200,000,000 face value at any one time outstanding and to mature no later than December 31, 1985.

Any person desiring to be heard or to make any protest with reference to the application should file a motion to intervene or protest on or before May 2, 1984, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-10333 Filed 4-17-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-303-000]

Gas Company of New Mexico; Application

April 13, 1984.

Take notice that on March 9, 1984, Gas Company of New Mexico (Applicant), P.O. Box 28400, Albuquerque, New Mexico 87125, filed in Docket No. CP84-303-000 an application pursuant to § 284.127 of the Commission's Regulations for approval of a transportation arrangement providing for the transportation of natural gas on behalf of El Paso Natural Gas Company (El Paso), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that under its blanket certificate, it is authorized to render transportation service on a self-executing basis, provided such transportation service meets with the requirements of Section 311(a)(2) of the

Natural Gas Policy Act of 1978 and § 284.121, *et seq.*, of the Commission's Regulations. Applicant further states it understands that the transportation service it now contemplates rendering on behalf of El Paso meets all of the requisites set forth in the Commission's Regulations, save one. It is explained that § 284.122(b)(1) provides that, to be self-executing, the transportation service in question must involve the delivery of gas "directly or indirectly to an interstate pipeline, intrastate pipeline, or local distribution company, which receives such natural gas for its system supply for resale." It is submitted that § 284.122(b)(2) provides that transactions which do not satisfy this requirement may nevertheless be authorized by the Commission in its discretion under § 284.127. Consequently, Applicant asserts, the transportation service it proposes to render may not qualify under § 284.122(b), thus requiring Applicant to secure advance approval under § 284.127 before undertaking the proposed service.

It is asserted that Applicant proposes to engage in a transportation service on behalf of El Paso, as part of a larger transportation service which El Paso plans to render on behalf of Arizona Public Service Company (APSC) for ultimate delivery by APSC to Chemonics, Inc., dba Arizona Argochemical Company (Argochem). It is stated that pursuant to an excess gas sales contract dated March 8, 1984, between APSC and Southern Union Gathering Company (Gathering Company), APSC would purchase natural gas for ultimate delivery to Argochem for use as feedstock in the manufacture of fertilizer at its Phoenix, Arizona, plant. It is further stated that the gas would be made available to APSC in either Northwest New Mexico at the "Chaco Delivery Point" in San Juan County, and/or Southeast New Mexico, at various "Southeast New Mexico Wellhead Delivery Points" consisting of all locations in Lea, Eddy and Chaves Counties, where Gathering Company receives gas from wellhead supplies.

It is asserted that the gas sold to APSC by Gathering Company at the Chaco Delivery Point would be delivered directly from Gathering Company to El Paso through the existing interconnection of their facilities. It is further asserted that at all other delivery points, natural gas would be delivered by Gathering Company into the pipeline system to Applicant. Applicant states that it would receive the gas on behalf of El Paso and transport and redeliver

such gas to El Paso at existing interconnections between the facilities of Applicant and those of El Paso in Lea County, New Mexico. It is further stated that following receipt from Applicant, El Paso would transport the gas to APSC's system and APSC would transport the gas to Argochem's fertilizer plant in Arizona.

It is estimated that Applicant would transport an average of 2.1-4.2 billion Btu per day. It is further asserted that Applicant would charge a transportation rate equal to the approved rate contained in its Rate Schedule 61 on file with the New Mexico Public Service Commission. It is further stated that the term of the proposed service would extend for two years from the date of initial deliveries following authorization. It is submitted that the service may continue for an indefinite period thereafter. However, Applicant indicates that under no circumstance would the transportation service continue beyond a period of two years from initial deliveries, absent requisite authorization from the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 5, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 385.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-10334 Filed 4-17-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-326-000]

The Inland Gas Company, Inc.; Application

April 13, 1984.

Take notice that on March 29, 1984, The Inland Gas Company, Inc. (Inland), 340 17th Street, Ashland, Kentucky 41101, filed in Docket No. CP84-326-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and

operation of certain natural gas facilities and delivery points to Pine Mountain Asphalt Company, Inc. (Pine Mountain), and BCR Paving Company (BCR), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Inland proposes to construct and operate 0.1 mile of 2-inch pipeline and interconnecting measuring and regulating facilities in Boyd County, Kentucky, in order to establish a delivery point to Pine Mountain, a new direct sale customer. It is explained that Pine Mountain is constructing an asphalt plant in Boyd County, Kentucky, which would require the proposed gas service.

The facilities proposed herein to serve Pine Mountain are estimated to cost \$17,300. Inland states that it would provide the necessary right-of-way and Pine Mountain would reimburse up to \$7,000 of the facility costs. Over a five-year period, Inland would return all or a part of Pine Mountain's reimbursement based upon the volumes of gas transported through the pipeline proposed herein, it is asserted.

Inland also proposes to construct and operate interconnecting measuring and regulating facilities in Lawrence County, Ohio, in order to establish a delivery point to BCR, a new direct sale customer. Inland states that BCR is constructing an asphalt plant in Lawrence County, Ohio, which would require the proposed gas service.

The facilities proposed herein to serve BCR are estimated to cost \$11,000. Inland would provide the necessary right-of-way to construct the proposed facilities, it is submitted.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 4, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act

and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Inland to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-10335 Filed 4-17-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP84-322-000]

Lone Star Gas Company, a Division of ENSERCH Corporation; Petition for a Declaratory Order

April 13, 1984.

Take notice that on March 27, 1984, Lone Star Gas Company, a Division of ENSERCH Corporation (Lone Star), 301 South Harwood Street, Dallas, Texas 75201, filed in Docket No. CP84-322-000 a petition pursuant to Rule 207 of the Commission's Rules of Practice and Procedure (18 CFR 385.207) for a declaratory order confirming that the Commission's programs related to transportation arrangements utilizing intrastate and interstate facilities are fully applicable to Lone Star's intrastate and interstate facilities, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Lone Star states that it seeks a declaratory order that the direct connection and utilization of its interstate and intrastate transmission facilities would be treated by the Commission as though they were owned by separate but affiliated corporations without the intrastate facilities becoming subject to the jurisdiction of the Commission, and that certain proposed transportation contemplated to occur between the intrastate and interstate facilities of Lone Star would not cause the intrastate facilities of Lone Star to become subject to the jurisdiction of the Commission.

Lone STAR avers that it owns and operates intrastate facilities, Lone Star (Intrastate), located wholly within the

State of Texas, consisting of transmission lines, gathering lines, compressor stations, and related properties, and that it also owns and operates interstate facilities, Lone Star (Interstate), located partially in Texas and partially in Oklahoma, also consisting of transmission lines, gathering lines, compressor stations, and related properties.

It is stated that the rates and services of Lone Star (Intrastate) are regulated by the Texas Railroad Commission. It is further stated that although the facilities and operations of Lone Star (Interstate) are certificated by the Commission, its rates and services in Oklahoma are regulated by the Oklahoma Corporation Commission and in Texas, by the Texas Railroad Commission.

Lone Star further avers that gas originating in the transmission facilities of Lone Star (Intrastate) is not delivered into the transmission facilities of Lone Star (Interstate), nor is gas originating in the facilities of Lone Star (Interstate), nor is gas originating in the facilities of Lone Star (Interstate) delivered into the facilities of Lone Star (Intrastate). The only present connections between the jurisdictional and non-jurisdictional transmission segments are the distribution systems that are dually served by Lone Star (Interstate) and Lone Star (Intrastate), according to Lone Star.

Lone Star requests issuance of a declaratory order providing that:

- (1) The Commission's Regulations and transportation policies that authorize transportation by interstate pipelines for intrastate pipelines, distributors, producers, and end users or authorize transportation by intrastate pipelines for interstate pipelines, distributors, producers, or end users, are fully applicable to transportation services that utilize Lone Star's interstate facilities and its intrastate facilities; and
- (2) The Commission's Regulations and transportation policies that preclude the Commission's jurisdiction from attaching to intrastate pipelines performing transportation service, are equally applicable to the intrastate facilities of Lone Star utilized for the same type of transportation services.

Any person desiring to be heard or to make any protest with reference to said petition should on or before May 4, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.2110). All protests filed with the Commission will be considered by it in determining

the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-10336 Filed 4-17-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket Nos. ER84-138-000, ER84-169-000]

Southern California Edison Company; Refund Compliance Filing

April 13, 1984.

Take notice that on March 2, 1984, Southern California Edison Company (Edison) submitted for filing its Refund Report pursuant to the Commission's letter orders dated January 24, 1984, and January 31, 1984.

The Commission granted Edison's request to make refunds, with interest reflecting reduced rates for certain firm and interruptible transmission.

The Commission further directed Edison to file, within 15 days after refunds had been made, a compliance report showing the monthly revised billing determinants and revenues under the billed rate and under the revised rates, and the monthly interest computed together with a summary of such information for the total refund period.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 27, 1984. 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 motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-10339 Filed 4-17-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CI83-269-014]

Tenneco Oil Company et al.; Petition To Amend

April 13, 1984.

Take notice that on March 22, 1984, Tenneco Oil Company, Houston Oil & Minerals Corporation, Tenneco Exploration, Ltd., Tenneco Exploration II, Ltd., and TINCOR, Ltd. (Tenneco Oil), of P.O. Box 2511, Houston, Texas 77001, pursuant to Sections 4 and 7 of the Natural Gas Act filed in Docket No. CI83-269-014 a petition to amend the orders issuing certificates of public convenience and necessity and permitting and approving abandonment in Docket Nos. CI83-269-000 through CI83-269-010 (the Tenneflex orders). The petition to amend requests the Commission to (1) extend Tenneflex authority to certain additional Outer Continental Shelf (OCS) blocks and to an additional seller, Tenneco West, Inc., a producing affiliate of Tenneco Oil, (2) authorize sales, abandonments of sales, and transportation of gas subject to the Natural Gas Policy Act of 1978 (NGPA) Section 102(d) which is not contractually committed to any purchaser, or, in the alternative, remove the November 10, 1983, cut-off date for contractual commitment, to permit any gas released from contractual commitment, regardless of the date of such commitment, to be sold or transported under Tenneflex, and (3) extend Tenneflex authority so as to permit petitioners to market gas attributable to their joint interest owners which is produced from OCS blocks covered by Tenneflex, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Tenneflex is a limited-term experimental special marketing program, designed by the Commission as a step toward encouraging gas producers to respond to the current surplus of natural gas supplies by reducing prices. The Tenneflex special marketing program permits Tenneco Oil to sell certain released gas to marginal markets. The Commission has conditioned the program to ensure that participating pipelines and their core market customers also benefit from the program.

Petitioners state that they wish to amend the program by placing additional Outer Continental Shelf (OCS) gas supplies into the program. Petitioners state that current demand for Tenneflex gas exceeds supply. Petitioners seek qualification of an additional eleven blocks in the OCS. Petitioners also request that Tenneflex

authority be extended to Tenneco West, Inc., a producing affiliate of Tenneco Oil.

The current Tenneflex program restricts sales to reserves contractually committed to pipeline or local distributor company purchasers on or before November 10, 1983. Petitioners seek removal of this restriction to permit spot sales of Section 102(d) gas, regardless of whether the gas is or has been committed or dedicated to interstate commerce. In the alternative, petitioners request removal of the November 10, 1983, cut-off date to allow sales of gas contractually committed to pipeline or local distribution company purchasers since the cut-off date.

Petitioners further request authority to market gas attributable to their joint interest owners, produced from the OCS blocks from which service has heretofore been certificated and the eleven additional blocks proposed in this amendment, under the Tenneflex program. Petitioners state that granting such authority to include other producers would further the Commission's goals in approving Tenneflex.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 4, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-10340 Filed 4-17-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP83-58-000]

State of New Mexico et al.; Well Category Determinations

In the matter of State of New Mexico, Section 108 NGPA Determination, Tenneco Oil Exploration and Production Company, Warren No. 1 Well, FERC JD No. 81-40571, State Docket No. NM0861-81, Lodewick No. 3 Well, FERC JD No. 7913745, State Docket No. NM0861-81, J. C. Gordon Federal No. 1, State Docket No. NM1295-80, FERC ID No. 81-

05664, Docket No. GP83-58-000; Notice of Petition To Reopen and Vacate Final Well Category Determinations and Request To Withdraw.

Issued: April 13, 1984.

On May 31, 1983, Tenneco Oil Exploration and Production Company filed with the Federal Energy Regulatory Commission (Commission) a petition to reopen and a request to withdraw its applications for final well category determinations that natural gas from the Warren No. 1 Well, Lodewick No. 3 Well, and the J. C. Gordon Federal No. 1 Well, all located in San Juan County, New Mexico, qualifies as stripper well natural gas under section 108 of the Natural Gas Policy Act of 1978 (NGPA).¹ These determinations by the State of New Mexico were filed with the Commission on July 8, 1981, July 26, 1979, and November 19, 1980, respectively, and became final 45 days after filing.²

Tenneco states that the subject wells failed to qualify because production from these wells exceeded the maximum efficient rate of flow of 60 Mcf per day of non-associated natural gas during the qualifying 90-day production period.

The Commission hereby gives notice that the question of whether refunds plus interest as computed under § 154.102(c) will be required is a matter which is subject to review and final determination of the Commission.

Within 30 days of publication in the Federal Register, any person may file a protest to Tenneco's petition or a petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. If you wish to become a party to this proceeding, you must file a petition to intervene. See Rule 214 or 211.³

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-10342 Filed 4-17-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP84-29-000]

State of Oklahoma et al.; Well Category Determination

In the matter of State of Oklahoma, Oklahoma Corporation Commission, Golden Oil Company, Old Kerr # 1 Well, FERC J.D. No. 8306607, Docket No. GP84-29-000; Notice of Petition To Reopen and Vacate Final Well Category Determination and Request to Withdraw.

¹ 15 U.S.C. 3301-3432 (1982).² NGPA section 503(d) and 18 CFR 275.212(a).³ 18 CFR 385.214 or 385.211 (1983).

Issued: April 13, 1984.

On February 6, 1984, Golden Oil Company (Golden) filed a petition with the Federal Energy Regulatory Commission (Commission) to reopen and withdraw its application for determination that the Old Kerr #1 well qualifies as a new, onshore production well under section 103 of the National Gas Policy Act of 1978 (NGPA).¹ An affirmative determination was made for the Old Kerr #1 well by the Oklahoma Corporation Commission (OCC), and became final on December 12, 1982.²

Golden states that it discovered during review of its records and a field inspection that the Old Kerr #1 well was never connected to a producing gas line and that there has never been any gas sold from this well.

The Commission gives notice that the question of refunds, plus interest, as computed under § 154.102(c), will be required is a matter which is subject to review and final determination by the Commission.

Any person may file a protest to Golden's petition or a petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington D.C. 20426, within 30 days of publication of this notice in the Federal Register. If you wish to become a party to this proceeding, you must file a petition to intervene. See Rules 211 or 214.³

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-10337 Filed 4-17-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. GP83-57-000]

State of Oklahoma et al.; Notice of Petition To Reopen and Vacate Final Well Category Determination and Request To Withdraw

Issued: April 13, 1984.

In the matter of State of Oklahoma, Section 108 NGPA Determination, Tenneco Oil Exploration and Production Company, Hattie Harrell No. 4 Well, FERC JD No. 80-24335, Docket No. GP83-57-000.

On May 31, 1983, Tenneco Oil Exploration and Production Company (Tenneco) filed with the Federal Energy Regulatory Commission (Commission) a petition to reopen and a request to withdraw its application for a final well category determination that natural gas from the Hattie Harrell No. 4 Well, located in Stephens County, Oklahoma, qualifies as stripper well natural gas

under section 108 of the Natural Gas Policy Act of 1978 (NGPA).¹ This determination by the Oklahoma Corporation Commission became final on May 19, 1980.²

Tenneco states that the data submitted for the 90-day qualifying period ending "January, 1979" was incorrect because the well was inactive during the qualifying period. Tenneco claims that the well did not produce "at its maximum efficient rate of flow during the 90-day production period upon which the application is based." Finally, Tenneco states that all the gas was sold to Aminoil USA, Inc.

The Commission gives notice that the question of whether refunds plus interest as computed under § 154.102(c) will be required is a matter which is subject to the review and final determination of the Commission.

Within 30 days of publication in the Federal Register, any person may file a protest to Tenneco's petition or a petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. If you wish to become a party to this proceeding, you must file a petition to intervene. See Rules 214 or 211.³

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-10341 Filed 4-17-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. GP84-28-000]

State of Texaco et al.; Notice of Petition To Reopen and Vacate Final Well Category Determination and Request To Withdraw

Issued: April 13, 1984.

In the matter of State of Texas, Railroad Commission of Texas, Worldwide Energy Corporation, W.K. Hoffman B-9 well, FERC J.D. No. 8338116, Docket No. GP84-28-000.

On March 22, 1984, the Worldwide Energy Corporation (Worldwide) filed a petition with the Federal Energy Regulatory Commission (Commission) to reopen and withdraw its application for determination that natural gas from Worldwide's W.K. Hoffman B-9 well qualifies as natural gas produced from a new onshore reservoir under section 102(c)(1)(C) of the Natural Gas Policy Act of 1978 (NGPA).¹ An affirmative

determination was made for the W.K. Hoffman well by the Texas Railroad Commission (Texas) and became final on July 8, 1983.²

Worldwide states that the reason it is seeking to reopen and withdraw its application is that it made an error in its application for a well determination. Worldwide claims that it erroneously stated on the Texas Form F-1 well determination application that the subject reservoir was not penetrated before April 20, 1977 by an old well from which natural gas or oil was produced or could have been produced in commercial quantities.

The Commission hereby gives notice that the question of whether refunds, plus interest, as computed under § 154.102(c), will be required is a matter which is subject to review and final determination of the Commission.

Any person may file a protest to Worldwide's petition or a petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, D.C. 20426, within 30 days of the publication of this notice in the Federal Register. If you wish to become a party to this proceeding, you must file a petition to intervene. See Rules 211 or 214.³

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-10338 Filed 4-17-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. G-P83-59-000]

State of Texas et al.; Notice of Petition To Reopen Final Well Category Determination and Request for Withdrawal of Application

In the matter of State of Texas, NGPA Section 107 Determination, William Perlman, Ada Cauthorn No. 4-1 Well, FERC JD No. 82-41108, Docket No., GP83-59-000, April 13, 1984.

On August 29, 1983, William Perlman (Perlman) filed with the Federal Energy Regulatory Commission (Commission) a petition to reopen and a request to withdraw its application for a final well category determination under § 275.202 of the Commission's regulations.¹ Under the final determination, natural gas from the Ada Cauthorn No. 4-1 Well, located in Sutton County, Texas, qualifies as recompletion tight formation gas under section 107(c)(5) of the Natural Gas Policy Act of 1978 (NGPA).² This

¹ 15 U.S.C. 3301-3432 (1982).

² NGPA section 503 (d) and 18 CFR 275.202(a).

³ 18 CFR 385.214 or 385.211 (1983).

¹ 15 U.S.C. 3301-3432 (1982).

² NGPA section 503(d) and 18 CFR 275.202(a).

³ 18 CFR 385.214 or 385.211 (1983).

⁴ 15 U.S.C. 3301-3432 (1982).

¹ NGPA section 503(d) and 18 CFR 275.202(a).

² 18 CFR 385.211 or 385.214 (1983).

³ 18 CFR 275.202 (1983).

⁴ 15 U.S.C. 3301-3432 (1982).

affirmative determination made by the railroad Commission of Texas (Texas) became final on August 14, 1982, under NGPA section 503(d) and § 275.202(a) of the Commission's regulations.

Perlman states that the Ada Cauthorn No. 4-1 Well (Cauthorn Well) was completed and perforated in the Windsor (Canyon) Field in 1973 at a depth of 6,181 feet to 6,864 feet. The well produced a total of 542 Mcf of gas, all in 1975, from these perforations. In 1979, the Cauthorn Well was recompleted in the Shurley Ranch (Canyon) Field and perforated at a depth of 4,678 feet to 4,690 feet. Gas was first produced from these perforations in October 1979.

Perlman also states that when he filed the section 107 application in 1979, he was uncertain as to whether the formations in the Windsor (Canyon) Field were to be included in the Commission's designated tight formation for the Canyon Sandstone, but believed that the recompletion of the Cauthorn Well qualified production from the well as recompletion tight formation gas.

Section 271.703(a)(3) of the Commission's regulations defines recompletion tight formation gas as, among other things, gas produced from a well for which surface drilling began before July 16, 1979, and which was not completed for production in the designated tight formation before July 16, 1979. Perlman contends that because the Commission in 1980 included the entire Canyon interval, from 2,675 feet to 8,953 feet, within the designated tight formation, the Cauthorn well produced from the designated tight formation prior to July 16, 1979, and therefore cannot qualify as recompletion tight formation gas. For this reason, Perlman asks the Commission to reopen and vacate the section 107 determination and to permit Perlman to withdraw his application for this determination.

The Commission hereby gives notice that the question of whether refunds, plus interest computed under § 154.102(c) * will be required is a matter which is subject to the review and final determination of the Commission.

Any person desiring to be heard or to make any protest to the requested reopening and withdrawal, should file, within 30 days after this notice is published in the Federal Register, a motion to intervene or a protest under Rules 214 or 211 of the Commission's Rules of Practice and Procedures. Filings should be made with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. All protests filed will be considered but will not make the

protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-10343 Filed 4-17-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. GT84-14-000]

Natural Gas Pipeline Company of America; Change in FERC Gas Tariff

April 12, 1984.

Take notice that on March 5, 1984, Natural Gas Pipeline Company of America (Natural) submitted for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the below listed tariff sheets to be effective April 1, 1984:

Nineteenth Revised Sheet No. 301
Nineteenth Revised Sheet No. 302
Twentieth Revised Sheet No. 303
Nineteenth Revised Sheet No. 304
Eighteenth Revised Sheet No. 305
Sixth Revised Sheet No. 306
Seventh Revised Sheet No. 307
Seventh Revised Sheet No. 308
Sixth Revised Sheet No. 309

Natural states that the purpose of this filing is to set out the Buyer's quantity entitlements under section 22 of the General Terms and Conditions of Natural's FERC Gas Tariff for the service year April 1, 1984 through March 31, 1985. It is respectfully requested that the Commission's regulations be waived to the extent necessary to permit the revised sheets as submitted herein to become effective April 1, 1984, the beginning of the 1984-85 service year.

The monthly Quantity Entitlements of Sheet Nos. 301 through 309 have been changed, where required, to reflect requested changes in such entitlements by Natural's fifteen (15) DMQ-1 and thirty-four (34) G-1 customers. The Daily Quantity Entitlements have also been revised, where necessary, to reflect the revisions resulting from the contractual changes authorized in Docket No. CP82-355 on October 6, 1983 (certificate accepted in full, March 2, 1984). Other customers requesting changes in Daily Quantity Entitlements were accommodated where feasible by Natural. The Monthly and Daily Quantity Entitlements on these sheets provide sufficient gas volumes to allow each customer to fully meet (within contractual limits) its reported requirements. The proposal in the tariff sheets will have an impact on customers' share of costs in Natural's rate proceedings pursuant to the Commission's rate design opinion in Docket No. RP81-49.

A copy of this filing has been mailed to Natural's jurisdictional customers and interested state regulatory agencies.

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, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before April 19, 1984. 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. 84-10423 Filed 4-17-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RP84-64-000]

Transcontinental Gas Pipe Line Corp.; Proposed Changes in FERC Gas Tariff

April 9, 1984.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, on April 4, 1984, tendered for filing certain tariff sheets to Second Revised Volume No. 1 and Original Volume No. 2 of its FERC Gas Tariff, as follows:

To Second Revised Volume No. 1

First Revised Sheet No. 13-A
First Revised Sheet No. 13-B

To Original Volume No. 2

First Revised Sheet No. 349-A
Fifth Revised Sheet No. 617-A
Third Revised Sheet No. 743-A
Sixth Revised Sheet No. 910-A
Fifth Revised Sheet No. 1018-A
Second Revised Sheet No. 1572-A
Fifth Revised Sheet No. 1724-A
Third Revised Sheet No. 2063-A
Fifth Revised Sheet No. 2169-A
Third Revised Sheet No. 2209-A
First Revised Sheet No. 2215-A
Fourth Revised Sheet No. 2236-A
Sixth Revised Sheet No. 2242-A
Tenth Revised Sheet No. 499

The above-listed revised tariff sheets are designed to replace certain of the transportation rates proposed in Transco's new Rate Schedules T-I and T-II filed September 30, 1983 in Docket No. RP83-137, as adjusted by a filing of March 1, 1984 in that docket, and which were proposed to become effective April 1, 1984.

* 18 CFR 154.102(c) (1983).

Transco states that the long-haul interruptible rates contained on the referenced sheets, which rates apply to quantities in excess of firm contract levels and quantities for non-customers, are based upon the 100% load factor sales rates in the respective zone, less the cost of gas and fuel components of such sales rates. Further, Transco states that the proposed rates are designed in the same manner as was required by the Commission in the March 23, 1984 "Tempo" order, *Tennessee Gas Pipeline Company*, Docket Nos. CP83-502-001, *et al.* Transco states that while the "Tempo" order applies facially only to special marketing programs approved by the Commission, Transco has reflected this method in all of its long-haul transportation rates. Transco's filing also explains that transco does not necessarily agree with the Commission's rationale in the "Tempo" order, and that Transco reserves the right, at the hearing which it requests be held, to contend that interruptible transportation rates should be based upon the assignment of less than all fixed costs to such services.

As a result of the changed basis of Transco's long-haul transportation rates, Transco states that it has also made certain changes in its other market area transportation rates, including (1) the rates for forward hauls within the market area, which have been changed to one-half of the average of the long-haul rates into the three zones, and (2) the rates for back hauls in the market area, which have been changed to one-half of the forward haul rates.

Transco requests that the instant filing be suspended for one day and made effective contemporaneously with the effective date of any Commission order in Docket Nos. CP83-279-012, *et al.*, extending transco's special marketing programs, subject to refund to the affected transportation customers. Transco further requests that the instant filing be set for hearing on the issue of the appropriate rate level. In addition, Transco undertakes that it will make refunds to the affected transportation customers, with interest in accordance with Section 154.67(c)(2)(iii) of the Commission's Regulations from the date of payment to the date of refund, of the amount, if any, collected from and after the effective date of the instant filing in excess of the rates ultimately approved by the Commission. In order to permit the instant filing to become effective as proposed herein, Transco requests that the Commission waive such of its Regulations as may be necessary to that end.

Transco states that copies of the filing were served upon the Company's customers and interested State Commissions.

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, N.E., Washington, D.C. 20426, in accordance with Rule 2.14 and Rule 2.11 of the Commission's Rules of Practice and Procedure (18 CFR § 385.211 and 385.214). All such petitions or protests should be filed on or before April 17, 1984. 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. 84-10424 Filed 4-17-84; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Issuance of Decisions and Orders; Week of March 26 Through March 30, 1984

During the week of March 26 through March 30, 1984, the decisions and orders summarized below were issued with respect to applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy.

Remedial Order

Giant Industries, Inc., 3/30/84, BRO-1281

Giant Industries, Inc. objected to a Proposed Remedial Order which the Economic Regulatory Administration issued to the firm on June 25, 1980. In the PRO, ERA alleged that during the period November 1, 1974 through December 31, 1977, Giant failed to comply with regulations pertaining to the correct reporting of crude oil receipts and runs to stills for purposes of the Entitlements Program, 10 CFR 211.87, which resulted in the issuance to the firm of excessive entitlements valued at \$861,424.11. After considering Giant's objections, DOE concluded that the PRO, with modifications, should be issued as a final order. The important issues discussed in the Decision and Order include (i) what is adequate notice to a recipient of a PRO of the factual and legal basis of the charges against it; and (ii) whether the actions of a refiner's crude oil suppliers should be considered when the refiner is charged with reporting miscertified crude oil tier information to the Entitlements Program.

Requests for Exceptions

John T. Howe, Inc., 3/29/84, HEE-0068

John T. Howe, Inc. filed an Application for Exception in which the firm sought to be relieved from the requirement to file Form EIA-782B and Form EIA-172. In considering the request, the DOE found that the firm had not satisfied the criteria for exception relief. The OHA held that mere inconvenience does not constitute a hardship, inequity or unfair distribution of burdens, and that the benefit to the nation of the data outweighed the burden to the firm providing it to the DOE. Accordingly, exception relief was denied.

Motions for Discovery

Brent Explorations, Inc., 3/26/84, HRD-0188, HRH-0188

Brent Explorations, Inc. (Brent) filed a Motion for Discovery and a Motion for Evidentiary Hearing on December 5, 1983. The motions were filed in connection with Brent's Statement of Objections to a Proposed Remedial Order that was issued to the firm by the Office of Enforcement on May 6, 1983. In considering the Motion for Discovery, the DOE determined that Brent had already received the material sought in the initial portion of its motion, and that the remaining discovery sought by the firm did not constitute relevant and material evidence as a matter of law. With regard to Brent's Motion for Evidentiary Hearing, the DOE determined there were no genuine disputed issues of fact with respect to the matter for which the firm requested a hearing be convened. Accordingly, the Motions were denied.

MAPCO Inc., 3/26/84, BRD-1457

MAPCO Inc. filed a Motion for Discovery in connection with a Statement of Objections to a Proposed Remedial Order issued to the firm by the Economic Regulatory Administration. In the PRO, the ERA alleges that MAPCO improperly classified crude oil produced from two properties as stripper well crude oil and as a result overcharged the purchasers of this crude oil. In its Motion for Discovery, MAPCO sought discovery which related to the contemporaneous construction of an aspect of the property definition. It also sought discovery related to the showing required to demonstrate that a well produced crude oil. These discovery requests were denied because they related to legal rather than factual issues. The firm also requested information concerning certain statements in the the PRO which are disputed by MAPCO. This section of the Motion for Discovery was granted in part because such discovery would be helpful in the resolution of disputed factual issues.

Petrotech Trading Company, David Hooper, John Troland, David Ratliff, Kenneth Rogers, 3/29/84, HRD-0105, HRD-0106, HRH-0106, HRH-0108, HRD-0108, HRZ-0133

Petrotech Trading Company, David Hooper, John Troland, David Ratliff and Kenneth Rogers filed motions for discovery and evidentiary hearing in connection with a Proposed Remedial Order issued to them. In considering these requests, the DOE determined that Messrs. Troland and Ratliff should be permitted limited administrative record discovery of certain rulemakings

concerning the crude oil reseller "layering" regulation at 10 C.F.R. § 212.186. The DOE also determined that an evidentiary hearing should be convened regarding the refund liability of the parties named in the PRO for specific portions of the alleged overcharges. The DOE denied the remaining discovery and an evidentiary hearing requests on the grounds that they were burdensome, unnecessary, or failed to relate to material factual disputes. The DOE also denied a motion by Kenneth Rogers to have himself dismissed as a party to the PRO proceeding. The DOE found that the PRO established a *prima facie* case of regulatory liability for Mr. Rogers and that the merits of his objections to these findings should be considered in the PRO proceeding.

Interlocutory Orders

Crown Central Petroleum Corporation, 3/30/84, HRZ-0190

Crown Central Petroleum Corporation filed its second motion to dismiss a Proposed Remedial Order (PRO) that the Office of Special Counsel issued to the firm on September 23, 1983. In the motion, Crown argues that the PRO should be dismissed because (1) it fails to provide Crown with sufficient information to apprise the firm of the allegations against it, and thus fails to establish a *prima facie* case of alleged violations, as required by 10 CFR 205.192A, and (2) it contains an illegal remedial requirement that Crown audit its crude oil producing activities to determine whether violations occurred that were outside the scope of the audit which forms the basis of the PRO. The Office of Hearings and Appeals rejected Crown's arguments holding that (1) the PRO gave sufficient notice of the allegations against Crown and established a *prima facie* case of pricing violations, (2) self-audit requirements are not illegal as a matter of law, and (3) the validity of the particular self-audit requirement in the PRO should be considered in the proceedings on the merits of the PRO. Accordingly, the motion to dismiss was denied.

Gulf Oil Corporation, 3/29/84, HRZ-0186

Gulf Oil Corporation filed a motion requesting that the Office of Hearings and Appeals recuse itself from further consideration of a Proposed Remedial order (PRO) issued to Gulf, and that the Secretary of Energy appoint an independent administrative law judge to adjudicate the PRO proceedings. Gulf claimed that OHA had prejudged the merits of the PRO, or at least given the appearance that it had done so, and that OHA therefore had to be disqualified from further consideration of the PRO. Specifically, Gulf contended that the PRO was based almost solely on statements and exhibits which Gulf had provided to OHA in connection with an application for exception. Gulf further charged that a memorandum sent by an OHA Deputy Director to ERA contained an assessment by OHA that Gulf had violated the DOE price regulations. Gulf also maintained that statements in briefs filed by DOE attorneys could be attributed to OHA and that these statements demonstrated that OHA had prejudged the merits of the PRO.

In considering the motion, the DOE found that OHA had not, in reality or appearance, prejudged the merits of the PRO. The DOE noted that, as Gulf itself acknowledged, neither the proposed nor final decisions in the prior exception proceeding made any statement concerning the lawfulness of Gulf's actions. The DOE found that the PRO was based on ERA's ongoing audit of Gulf as well as on the exception materials. In addition, the DOE found that nothing in the Deputy Director's memorandum indicated prejudgment, and that any views expressed were the author's and were not attributable to OHA as an institution. The DOE also found that OHA is not bound in a pending PRO proceeding by positions taken by DOE attorneys in litigating separate matters. Accordingly, Gulf's Motion was denied.

Office of Special Counsel, 3/30/84, HRZ-0189

The Office of Special Counsel sought an order compelling Texaco Inc. to provide more complete answers to certain interrogatories to which the firm had agreed to respond. The interrogatories related to the historical consistency of Texaco's property designations for purposes of the crude oil pricing regulations. OHA found that Texaco's answers to some of the interrogatories were deficient and therefore granted OSC's request in part.

Applications for Refund

Tenneco Oil Company/Airport Service Station, 3/30/84, RF7-110

The DOE issued a Decision and Order concerning an Application for Refund filed by Airport Service Station on behalf of itself and Munford Oil Company. These firms are reseller-retailers of motor gasoline, No. 2 fuel oil and kerosene located in Hertford, North Carolina. The firms applied for a refund from the Tenneco Oil Company consent order fund based upon the small claims method outlined in *Office of Special Counsel*, 9 DOE ¶ 82,538 (1982). The DOE determined that on the basis of information supplied by the firm, Airport Service Station should be granted a refund of \$159 plus a proportional share of the accrued interest.

National Helium Corporation/Farmland Industries, Inc./Controller of the State of California/Atlantic Richfield Company, 3/27/84, RF3-1, RF3-2, RF3-3

Atlantic Richfield Co., Farmland Industries, Inc., and the State of California applied for refunds from the monies that National Helium Corporation paid into an escrow account pursuant to a DOE consent order that settled alleged price violations in NHC's sales of natural gas liquids during the period September 1973 through December 1979. ARCO was the only direct purchaser of NHC's NGLs during the consent order period. The DOE found that NHC's prices exceeded average market prices for only 15% of its NGL sales, and that the remainder of the firm's prices were lower than average market prices. The DOE concluded that while ARCO was competitively injured with respect to the 15% of its NGL purchases from NHC, it also obtained substantial cost benefits from its purchases from NHC during the entire consent order period. The DOE therefore granted ARCO a refund which equaled one

half of its proportional injury, or approximately 7.5% of the amount of the NHC escrow account funds.

Farmland purchased 13% of the NGLs that ARCO purchased from NHC during the consent order period. The DOE granted Farmland 13% of the refund monies available after the refund to ARCO, on the condition that Farmland will redistribute the refunds received to its member cooperatives who were the end-users of the NGLs. The remaining NHC escrow account funds will be distributed in a second stage refund proceeding which will be initiated in the future. California's refund request was submitted on behalf of unidentifiable end-users and consumers. Such a request pertained to the second stage refund proceeding. California's refund request was therefore denied in its current form, but will be considered in the second stage proceeding.

Standard Oil Company (Indiana)/Magic Car Wash et al., 3/28/84, RF21-7758 et al.

The DOE issued a Decision and Order concerning 15 Applications for Refund filed by retailers of Amoco motor gasoline. All of these firms elected to apply for a refund based on the presumption of injury and the formulae outlined in *Office of Special Counsel*, 10 DOE 85,048 (1982). In considering these applications, the DOE concluded that each of the 15 applicants should receive a refund based on the total volume of its Amoco motor gasoline purchases. The refunds granted in this proceeding total \$28,612.

Upham Oil and Gas Company/Odessa L.P.G. Transport Company, Inc., 3/28/84, RF18-2

Odessa L.P.G. Transport Company, Inc. filed an application for refund seeking a portion of the funds obtained by the DOE under a consent order with Upham Oil and Gas Company. In considering the refund application, the OHA determined that during certain portions of the consent order period, Odessa had paid Upham prices for natural gas liquid products that exceeded average market prices for those products at the level of distribution concerned. Based on this finding, OHA concluded that Odessa was competitively injured as a result of its purchases of NGLs from Upham. The Odessa refund application was accordingly approved in part. The refund granted in this proceeding was \$94,418, plus a pro rata share of the interest accrued on the Upham consent order fund.

Standard Oil Company (Indiana)/Parkway Service Stations, 3/30/84, RF21-9708

The DOE issued a Decision and Order concerning an Application for Refund filed by Parkway Service Stations, a retailer of Amoco motor gasoline. Parkway elected to apply for refund based upon the presumption of injury and the formulae outlined in *Office of Special Counsel*, 10 DOE ¶ 85,048 (1982). In considering this application, the DOE concluded that Parkway should receive a refund based upon the total volume of its Amoco motor gasoline purchases. The refund granted in this proceeding totals \$4,425.

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1E-234, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Dated: April 9, 1984.

George B. Breznay,
Director, Office of Hearings and Appeals.

[FR Doc. 84-10329 Filed 4-17-84; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-30239; PH-FRL 2565-6]

Certain Companies, Applications To Register Pesticide Products

AGENCY: Environment Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of applications to register certain pesticide products containing active ingredients not included in any previously registered products pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended.

DATE: Comment by May 18, 1984.

ADDRESS: By mail submit comments identified by the document control number [OPP-30239] and the registration/file number, attention Product Manager (PM) named in each application at the following address: Information Service Section (TS-757C), Program Management and Support Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

In person, deliver comments to: Environment Protection Agency, Rm. 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202. Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA

without prior notice to the submitter. All written comments will be available for public inspection in Rm. 236 at the address given above, from 8 a.m., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: By mail Registration Division (TS-767C), Attn: (Product Manager (PM) named in each registration), Office of Pesticide Programs, 401 M St., SW., Washington, D.C. 20460.

In person: Contact the PM named in each registration at the following office location/telephone number:

Product manager	Office location/telephone No.	Address
Henry Jacoby, PM-21.	RM. 229, CM#2 (703-557-1900).	EPA, 1921 Jefferson Davis Hwy, Arlington, VA 22202.
Timothy Gardner, PM-17.	RM. 207, CM#2 (703-557-2690).	Do.
Arturo Castillo, PM-32.	RM. 244, CM#2 (703-557-3965).	Do.
John Lee, PM-31.	RM. 252, CM#2 (703-557-3663).	Do.

SUPPLEMENTARY INFORMATION: EPA received applications as follows to register pesticide products containing active ingredients not included in any previously registered products pursuant to the provisions of section 3(c)(4) of FIFRA. Notice of receipt of these applications does not imply a decision by the Agency on the applications.

I. Products Containing Active Ingredients Not Included in Any Previously Registered Products

1. File symbol: 352-EUP-RR1. Applicant: E. I. du Pont de Nemours and Co., Wilmington, DE 19898. Product name: DU PONT™ DPX H6573 Fungicide. Fungicide. Active ingredient: Bis(4-fluorophenyl)methyl (1H-1,2,4-triazol-1-ylethyl)silane 40%. Proposed classification/Use: Non-proposed. For experimental use on peanuts to control early and late leafspot. (PM-21).

2. File Symbol: 3125-GLR. Applicant: Mobay Chemical Corp., PO Box 4913, Kansas City, MO 64120. Product name: Baythroid™ 2. Insecticide. Active ingredient: Cyano(4-fluoro-3-phenoxyphenyl)methyl 3-(2,2-dichloroethenyl)-2,2-dimethyl-cyclopropanecarboxylate 25%. Proposed classification/Use: General. For control of insect pests on cotton, peanuts, and soybeans. Type registration: Conditional. (PM-17).

3. File Symbol: 1935-GN. Applicant: Stauffer Chemical Co., Westport, CT 06881-0850. Product name: R-32104™ Biocide. Manufacturing Use. Active ingredient: 3-(4-Methylphenyl sulfonyl)-2-propenenitrile 92%. Proposed classification/Use: General. For use in

formulating of pesticides for bacteria/slime control in water cooling towers and pulp and paper mills. Type registration: Conditional. (PM-32).

4. File Symbol: 1448-OE. Applicant: Buckman Laboratories, Inc., 1256 N. McLean Blvd., Memphis, TN 38108. Product name: Busan 1024. Microbicide. Active ingredient: Sodium salt of 1-carboxymethyl-3,5,7-triaza-1-azoniatricyclodecane chloride 40%. Proposed classification/Use: General. As an industrial preservative and microbicide. (PM-31).

Notice of approval or denial of an application to register a pesticide product will be announced in the Federal Register. The procedure for requesting data will be given in the Federal Register if an application is approved.

Comments received within the specified time period will be considered before a final decision is made; comments received after the time specified will be considered only to the extent possible without delaying processing of the application.

Written comments filed pursuant to this notice, will be available in the Program Management and Support Division (PMSD) office at the address provided from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays. It is suggested that persons interested in reviewing the application file, telephone the PMSD office (703-557-3262), to ensure that the file is available on the date of intended visit.

(Sec. 3(c)(4) of FIFRA, as amended)

Dated: April 4, 1984.

Robert V. Brown,
Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 84-9963 Filed 4-17-84; 8:45 am]

BILLING CODE 6560-50-M

[PF-373; PH-FRL 2564-5]

Certain Companies; Pesticide Tolerance Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received pesticide petitions relating to the establishment of tolerances for residues of certain pesticide chemicals in or on certain commodities.

ADDRESS: By mail submit comments identified by the document control number [PF-373] and the petition number, attention Product Manager (PM) named in each petition, at the following address:

Information Services Section (TS-757C), Program Management and Support Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460

In person, bring comments to:

Information Services Section (TS-757C), Environmental Protection Agency, Rm. 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. All written comments will be available for public inspection in Rm 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT:

By mail: Registration Division (TS-767C), Attn: (Product Manager (PM) named in each petition), Environmental Protection Agency, Office of Pesticide Programs, 401 M St., SW., Washington, D.C. 20460.

In person: Contact the PM named in each petition at the following office location/telephone number:

Product manager	Office location/ telephone No.	Address
PM-16, William Miller.	Rm. 211, CM#2 (703-557-2600).	EPA, 1921 Jefferson Davis Hwy, Arlington, VA 22202.
PM-21, Henry Jacoby.	Rm. 229, CM#2 (703-557-1900).	Do.
PM-23, Richard Mountfort.	Rm. 202, CM#2 (703-557-1830).	Do.
PM-12, Jay Ellenberger.	Rm. 202, CM#2 (703-557-2386).	Do.

SUPPLEMENTARY INFORMATION: EPA has received pesticide (PP) and feed additive petitions (FAP) relating to the establishment of tolerances for residues of certain pesticide chemicals in or on certain commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each petition.

I. Initial Filings

1. **4F3051.** Chevron Chemical Co., 940 Hensley St., Richmond, CA 94804-0036. Proposes to amend 40 CFR 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 sunflower seed at 0.1 part per million (ppm). The proposed analytical method for determining residues in extraction with ethyl acetate, cleanup using either gel permeation chromatography or a silica gel column chromatography, and measurement by gas chromatography, using either a thermionic or flame photometric detector. (PM-16, William Miller).

2. **FAP 4H5429.** Chevron Chemical Co. Proposes amending 21 CFR 561.20 by establishing a regulation permitting the combined residues of the insecticide acephate and its metabolite in or on the feed commodity sunflower hulls at 0.2 ppm. (PM-16, William Miller).

3. **FAP 3H5401.** Ciba-Geigy Corp., PO Box 11422, Greensboro, NC 27409. Proposes to amend 21 CFR 561.273 by establishing a regulation permitting the combined residues of the fungicide metalaxyl [*N*-(2,6-dimethylphenyl)-*N*-(methoxyacetyl) alanine methyl ester] and its metabolites containing the 2,6-dimethylaniline moiety, and *N*-[2-(hydroxymethyl)-6-methylphenyl]-*N*-(methoxyacetyl) alanine, each expressed as metalaxyl in or on the feed commodities apple pomace (dry) at 2.0 ppm and apple pomace (wet) at 0.4 ppm. (PM-21, Henry Jacoby).

4. **PP 4F3054.** Dow Chemical, PO Box 1706, Midland, MI 48640. Proposes amending 40 CFR Part 180 by establishing a tolerance for the herbicide 3,6-dichloro-2-pyridinecarboxylic acid in or on the raw agricultural commodity forage grasses at 100.0 ppm. The proposed analytical method for determining residues is gas chromatography. (PM-23, Richard Mountfort.)

5. **PP 4F3052.** FMC Corp., 2000 Market St., Philadelphia, PA 19103. Proposes amending 40 CFR Part 180 by establishing tolerances for the combined residues of the pesticide chemical carbosulfan [2,3-dihydro-2,2-dimethyl-7-benzofuranyl [(dibutyl-amino) thio] methylcarbamate] and 2,3-dihydro-2,2-dimethyl-benzofuranyl-*N*-methylcarbamate (carbofuran), its carbamate metabolites 2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofuranyl-*N*-methylcarbamate, and 2,3-dihydro-2,2-dimethyl-3-keto-7-benzofuranyl-*N*-methylcarbamate; its phenolic metabolites, 2,3-dihydro-2,2-dimethyl-7-benzofuranol, 2,3-dihydro-2,2-dimethyl-3-oxo-7-benzofuranol, 2,3-dihydro-2,2-dimethyl-3,7-benzofurandiol and its metabolite di-*N*-butylamine in or on the following raw agricultural commodities:

a. *Milk* at .12 ppm total, of which no more than .01 ppm is carbosulfan *per se*, .02 ppm is carbamate metabolites, .08 ppm is its phenolic metabolites, and .01 ppm is the dibutylamine metabolites.

b. *Eggs and poultry* at 1.1 ppm total, of which no more than .05 ppm is carbosulfan and its cholinesterase metabolites, and .05 ppm is the dibutylamine metabolite.

c. *Corn grain* at .2 ppm total, of which .05 ppm is carbosulfan *per se*, .05 ppm is carbamate metabolites, .05 ppm phenolic metabolites, and .05 ppm of the dibutylamine metabolite.

d. *Corn fodder and forage* at 7.25 ppm total, of which .05 ppm is carbosulfan *per se*, 2.0 ppm is carbamate metabolites, 5.0 ppm is phenolic metabolites, and .2 ppm of the dibutylamine metabolite.

e. *Fat, meat, and meat byproducts of cattle, goats, hogs, horses, and sheep* at .07 ppm total, of which no more than .01 ppm is carbosulfan, .02 ppm is carbamate metabolites, .03 is phenolic metabolites, and .01 ppm is the dibutylamine metabolite. (PM-12, Jay Ellenberger.)

(Secs. 408(e) 68 Stat. 514 (21 U.S.C. 346a(e)) and 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)))

Dated: April 2, 1984.

Robert Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 84-9804 Filed 4-17-84; 8:45 am]

BILLING CODE 6560-50-M

[OPP-30074; PH-FRL 2564-8]

Ethylene Oxide; Revised Labeling for Pesticide Products Containing Ethylene Oxide Which Are Registered for the Sterilization of Equipment and Supplies in Hospitals and Health Care Facilities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Agency has recently requested that registrants of pesticide products containing ethylene oxide (EtO) which are registered for use in the sterilization of equipment and supplies used in hospitals and health care facilities make certain changes in the approved labeling for such products. These label changes will specifically affect workplace design and practice in hospitals and health care facilities performing sterilization necessary for routine patient care. Users will have to conform to most of the label changes when they appear on EtO product

labels. Certain label changes however, will not be effective until July 1, 1986. Those changes with later effective dates are described in this notice and will also appear on the amended product labeling. Registrants of small canisters, cylinders or containers which are registered solely for use with specific sterilization equipment also marketed by the registrant have not been requested to make label changes at this time.

FOR FURTHER INFORMATION CONTACT:

By mail: Walter I. Waldrop, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 711C, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7400).

SUPPLEMENTARY INFORMATION:

I. Background

The Agency issued a "Notice of Rebuttable Presumption Against Registration (RPAR) and Continued Registration of Pesticide Products Containing Ethylene Oxide" which was published in the Federal Register of January 27, 1978 (43 FR 3801). This notice cited multitest evidence of mutagenicity and possible reproductive effects in experimental animals as the basis of presumptions against continued registration for pesticide products registered with EPA which contained EtO as an active ingredient. Since the publication of the notice, additional evidence concerning the possible adverse effects of EtO has been reported. This new evidence has persuaded the Agency to develop certain label changes directed at workplace design and practice in hospitals and health care facilities to reduce exposure to EtO of workers who are involved in equipment and supply sterilization procedures necessary for routine patient care. The changes contained in this notice are limited to hospital and health care facility use. The Agency decided to focus on this use first because hospital and health care facility workers are the single largest group of workers exposed to EtO and are believed to be occupationally exposed to the highest levels of EtO. However, registrants of small canisters, cylinders and containers used in hospitals or health care facilities and which are registered solely for use with specific sterilization equipment also marketed by the registrant have not been requested to make these label changes. The EtO product label changes affecting

workplace design and practice for these specialized sterilization units differ slightly from the label changes for the generally larger cylinders used in most hospital sterilization procedures. Label amendments for these specialized types of EtO products will be developed in the near future.

Exposure reduction measures for other workers who use EtO for sterilization and fumigation, such as workers in manufacturing facilities, museums, libraries, etc., and in protecting certain food crops will be addressed at a later date. Exposure reduction measures for these uses will be implemented either through interim label changes similar to those required for the hospital and health care facility use of EtO or through informal channels, such as information bulletins, etc.

Two specific groups will be directly affected by the amended labeling requirements described in this notice. First, certain registrants of products containing EtO used for the sterilization of equipment and supplies in hospitals and health care facilities have been requested to make the label changes contained in this notice. All procedures and requirements for EtO registrants have been detailed in a certified letter sent to each registrant by EPA.

The second group to be affected by the amended labeling described in this notice will be hospital and health care facility staff who must modify their workplace design and practices to comply with the label requirements described in this notice. The Agency is issuing this notice in part to provide affected hospitals and health care facilities and personnel with advance notice of forthcoming label changes and an opportunity to begin to implement those changes that may require modifications of existing workplace design or practice. The Agency anticipates that EtO products bearing these new label requirements will begin to appear in the market place approximately six months from the date of this notice. Failure of affected hospitals and health care facilities to comply with these new label requirements will place them in violation of section 12 of FIFRA.

The Agency also intends to pursue the comprehensive evaluation of all EtO data and, upon completion of this evaluation, to issue a "Preliminary Notice of Determination Concluding the RPAR Process." This notice will cover all of the uses of EtO discussed in the January 27, 1978 PRAP Notice. Following public comment on the Agency's preliminary notice, the Agency will

develop its final position on EtO. This final position may include additional label modifications.

The Agency has decided to seek interim label changes at this time because it will take additional time to develop the final position on all EtO uses and it is evident from available information that exposure reduction measures should be implemented as soon as practical.

The Department of Labor, Occupational Safety and Health Administration (OSHA), has established a current permissible exposure limit (PEL) for EtO in the workplace of 50 parts EtO per million parts of air; 8-hour time weighted average (TWA). In the Federal Register of April 21, 1983 (48 FR 17284), OSHA proposed to reduce the PEL for EtO to a TWA of 1 part per million (ppm). The basis for this action was new data that indicated that the 50 ppm level was inadequate for employee health protection. As of the publication of this notice, OSHA has not established a new PEL for EtO. EPA has consulted with OSHA on the product label changes contained in this notice and will continue to work cooperatively with OSHA on any future label changes for other EtO pesticide products and to assure that all regulatory actions are implemented in a complementary and consistent manner. EPA supports the proposed OSHA exposure limit of 1 ppm to the extent that monitoring equipment sensitive to that level is available and is using the 1 ppm as an exposure reduction goal.

II. New Evidence

The new evidence received by the Agency includes studies indicating that EtO may present an unacceptably high cancer risk at current levels of exposure. A two-year inhalation study conducted on rats demonstrated that EtO exposure levels of 33 and 100 parts per million resulted in a dose-related increase in primary brain neoplasms for both males and females. The study also showed an increased incidence of peritoneal mesothelioma in male rats at air levels of 50 and 100 ppm (Ref. 1). Preliminary results of a chronic rat inhalation study, conducted by NIOSH (Ref. 2), indicate an increased incidence of brain tumors (gliomas) in male rats and a dose-response relationship with borderline statistical significance for leukemia. In addition, EPA's Carcinogen Assessment Group has evaluated three epidemiologic studies of persons occupationally exposed to EtO, and has concluded that these studies provide evidence for an association between the

occurrence of cancer and EtO exposure (Ref. 3).

Evidence of the mutagenicity of EtO has also continued to accumulate and the Agency believes that EtO poses a mutagenic risk to exposed humans. The compound is a direct-acting alkylating agent of DNA and has been shown to produce mutagenic effects in many species throughout the animal and plant kingdoms, including cells of mammals. The chemical has been demonstrated to reach the genetic components of the gonads in animals and produce genetically transmissible conditions following peritoneal injection of liquid EtO into the abdomen of test animals (Ref. 4).

New evidence also augments the concern that EtO may produce adverse reproductive effects. Experimental animal studies show decreased fertility at a dose level of 100 ppm in a one-generation reproduction study in rats (Ref. 5). It has been reported that EtO-exposed hospital workers show an increased incidence of spontaneous abortions (Ref. 6). However, the author has subsequently reported that the EtO levels during the period of the study were not known. Further, the data were based on a 1979 survey of hospital workers who were employed between 1955 and 1975 (Ref. 7). The interpretation of these findings is difficult and will require further investigation to clarify them.

As noted earlier, the Agency has limited these label changes to EtO products used in hospitals and health care facilities for the sterilization of equipment and supplies because these workers are the single largest group of workers and are believed to be occupationally exposed to the highest levels of EtO. The following table presents a summary of all the pesticidal uses of EtO, the annual pounds used and estimated number of operators.

TABLE 1.—SUMMARY OF ESTIMATED ETHYLENE OXIDE FUMIGATION USE AND POTENTIAL OPERATOR EXPOSURE

Site	EtO pounds $\times 10^3$ /year	Estimated number of operators
Manufacturing facilities production of sterile disposables (medical).....	3.3-5.7	3,000-4,500
Hospitals (1976 figures).....	882-1,000	11,000-26,000
Medical clinics.....	111	1,150
Dental clinics.....	65.5	400
Doctors (private).....	37	750
Dentists (Private).....	7.3	80
Veterinarians (private) and clinic (estimated).....	0.1	NA. ¹
Museums.....	0.7	15
Libraries/archives.....	1.9	40
Research laboratories:		
Animal breeding.....	50	25-30
Drug/medical device.....	550-900	NA. ¹
Microbiological/cancer.....	5-25	NA. ¹

TABLE 1.—SUMMARY OF ESTIMATED ETHYLENE OXIDE FUMIGATION USE AND POTENTIAL OPERATOR EXPOSURE—Continued

Site	EtO pounds $\times 10^3$ /year	Estimated number of operators
Railroad cars.....	2	5-10
Beehives (States, USDA).....	1-2	30
USDA high containment research labs.....	4.3	10-15
USDA APHIS quarantine POE.....	0.7	200-300
Spices.....	750	60
Black walnuts.....	3.2	10
Cosmetics.....	24	25
Dairy packaging.....	32	30
Total.....	5.8-6.7	

¹ NA.—Not available.

Exposure to EtO during sterilization is quite variable within a given hospital and health care facility and also varies greatly from one hospital or health care facility to another. Some hospitals/health care facilities may have several sterilization cycles per day involving a number of different sterilization units, whereas, in other hospitals/health care facilities, there may be only one sterilizer unit which is run infrequently. Other important variables affecting exposure include the nature of the sterilization equipment, its installation, design and layout of the room housing the sterilizer, nature and frequency of maintenance activities, sterilizer operator practices, and the type and functioning capacity of the ventilation systems. Thus, exposures to EtO of sterilizer personnel are highly variable; some sterilizer personnel are exposed every day, and others may be exposed intermittently, or infrequently.

Major emissions of EtO into the workroom air occur during discharge of EtO into floor drains, following opening of the door of the sterilization equipment after completion of a cycle, and during the change of gas cylinders. Additional exposure may result from off-gassing of EtO from sterilized articles during aeration, leaks in the sterilizer system, and releases during maintenance of equipment (Ref. 8).

All of these variables affect exposure of workers to EtO and make it extremely difficult to determine the precise worker exposure levels. However, exposures to EtO have been recorded at 250 ppm for several minutes following the opening of the sterilizer door at the termination of a sterilization cycle, and 8-hour time-weighted averages (TWA) of up to 160 ppm have been recorded (Ref. 9). These extremes include exposure levels that have produced adverse effects in experimental animals.

Some exposed workers have complained of clinical symptoms of the upper respiratory tract and central nervous system following reported

exposures to EtO (Ref. 10). These symptoms are well recognized to be induced from exposures to EtO. Some hospital workers have shown increases in sister chromatid exchanges in peripheral blood lymphocytes following exposures to EtO (Ref. 11), which may indicate that EtO vapors are able to enter the human body and induce biological effects.

Although the risks of exposure to EtO are of concern, the benefits of the use of EtO as a sterilant of hospital and health care facility equipment and supplies are also significant. Heat and radiation can be used to sterilize some items, but there are many items that can only be sterilized with EtO. Some of these items include electronic equipment, prostheses, disposable syringes and tubing, scopes, etc. There are no chemical alternatives that are as efficacious as EtO. In addition, these alternative chemicals have also been demonstrated to pose health risks to humans.

The benefits to human health of continued use of EtO for hospital/health care facility sterilization are clearly recognized. However, the Agency also believes that the risks to human health from exposures to EtO are unreasonable at the levels which likely exist in many hospitals and health care facilities. Thus, as noted earlier, while the Agency continues its evaluation of all pesticidal uses of EtO, it has also decided to introduce interim product label changes that will require modification in workplace design and practice in hospitals and health care facilities as outlined in this notice.

These product label changes will require modifications in workplace design and practice have been developed by the Agency following the review of consultant reports on means and costs of reducing worker exposures (Refs. 8 and 12), a review of available scientific and technical data, site visits to several hospitals using EtO in sterilization chambers, and extensive discussions with individuals knowledgeable in current technology available to control the release of EtO in hospitals.

III. Product Label Changes That Will Require Modifications in Workplace Design and Practice in Hospitals and Health Care Facilities

A. Introduction

The following modifications are intended to reduce the exposure of hospital and health care facility workers to EtO to 1 ppm, or as close to that level as practicable. To achieve this, he

Agency has requested that registrants change EtO product labeling to require users to modify workplace design and workplace practice. The modifications in workplace design focus on the installation of certain equipment such as gas line hand valves, a "capture box" as part of the sterilizer drainage system, installation of aerators, and installation and/or upgrading of ventilation systems. Modifications in ventilation systems are directed toward those points where high concentrations of EtO are most likely to occur, e.g. during the change of gas cylinders, during removal of treated items from sterilizers, and at the floor drain which receives the discharge from the sterilizer. Workplace practice modifications focus on the adoption of systematic worker routines that will reduce both the time of worker exposure to EtO and the levels of exposure.

Users of EtO for the sterilization of equipment and supplies in hospitals and health care facilities must comply with the amended label language when it appears on a registered EtO product. The Agency expects new product labels to begin showing up in the market place approximately six months from the date of this notice. All modifications in workplace design and practice will be effective when they appear on product labeling, except for certain changes in workplace design that will not be required until July 1, 1986. Those changes that are not required until July 1, 1986 will be specifically noted on the product labeling.

EPA understands that many hospitals have already begun to make the changes in workplace design and practice outlined in this notice. EPA anticipates that hospitals and health care facilities affected by this notice will now begin to implement these changes in order to avoid any interruption of EtO usage when the amended product labels begin appearing in the market place.

Following in Units B.1. and B.2. of this notice is a description of the amended label wording. This description differs from the actual label language since the label language will not contain all the narrative explanation of Agency intent and rationale as provided in this notice.

Also, the suggestion in this notice that a written log be kept documenting the date of leak detection checks and any maintenance procedures undertaken (Unit B.2.e.) is not included in the amended label language.

As noted earlier in this notice, registrants of small canisters, cylinders or containers which are registered solely for use with specific sterilization equipment also marketed by the registrant have not been requested to make these label changes. It is likely

that many hospitals and health care facilities use these small canisters, cylinders and containers and therefore would not have to make the changes outlined in this notice for those pieces of equipment. Label changes for these specialized products will be forthcoming in the near future. If hospital or health care facility staff have questions about which products are and are not subject to these label changes, they should call or write the contact person for this notice.

B. Label Modifications

1. Workplace Design

a. *Installation of gas line hand valves.* Hand valves must be installed on the gas supply line at the connection to the supply cylinders to minimize leakage during cylinder change.

b. *Installation of capture boxes.* Sterilizer operations result in a gas/water discharge at the completion of the process. This discharge is routinely piped to a floor drain which is generally located in an equipment or an adjacent room. When the floor drain is not in the same room as the sterilizer and workers are not normally present, all that is necessary for compliance is that the room be well ventilated.

The installation of a "capture box" will be required for those work place layouts where the floor drain is located in the same room as the sterilizer or in a room where workers are normally present. A "capture box" is a piece of equipment that totally encloses the floor drain where the discharge from the sterilizer is pumped. The "capture box" is to be vented directly to a non-recirculating or dedicated ventilation system. Sufficient air intake should be allowed at the bottom of the box to handle the volume of air that is ventilated from the top of the box. The "capture box" can be made of metal, plastic, wood or other equivalent material. The box is intended to reduce levels of EtO discharged into the workroom atmosphere. The use of a "capture box" is not required if: (1) The vacuum pump discharge floor drain is located in a well ventilated equipment or other room where workers are not normally present or (2) the water sealed vacuum pump discharges directly to a closed sealed sewer line (check local plumbing codes).

If it is impractical to install a vented "capture box" and a well ventilated equipment or other room is not feasible, a box that can be sealed over the floor drain may be used if: (1) The floor drain is located in a room where workers are not normally present and EtO cannot leak into an occupied area, and (2) the

sterilizer in use is less than 12 cubic feet in capacity (check local plumbing codes).

c. *Ventilation of aeration units.* i. *Existing aeration units.* Existing units must be vented to a non-recirculating or dedicated system or vented to an equipment or other room where workers are not normally present and which is well ventilated. Aerator units must be positioned as close as possible to the sterilizer to minimize the exposure from the off-gassing of sterilized items.

ii. *Installation of new aerator units (where none exist).* New aerator units must be vented as described above for existing aerators. Aerators must be in place by July 1, 1986.

d. *Ventilation during cylinder change.* Workers are likely to be exposed to short but relatively high levels of EtO during the change of gas cylinders. To reduce exposure from this route, users must select one of three alternatives designed to draw off any gas that may be released when the line from the sterilizer to the cylinder is disconnected:

i. Location of cylinders in a well ventilated equipment or other room where workers are not normally present.

ii. Installation of a flexible hose (at least 4" in diameter) connected to a non-recirculating or dedicated ventilation system and located in the area of cylinder change in such a way that the hose can be positioned at the point where the sterilizer gas line is disconnected from the cylinder.

iii. Installation of a hood that is part of a non-recirculating or dedicated system and is positioned approximately one foot above or behind the point where the change of cylinders takes place.

e. *ventilation of sterilizer door area.* One of the major sources of exposure to EtO occurs when the sterilizer door is opened following the completion of the sterilization process. In order to reduce this avenue of exposure, a hood or metal canopy closed on each end must be installed over the sterilizer door. The hood or metal canopy must be connected to a non-recirculating or dedicated ventilation system or one that exhausts gases to a well ventilated equipment or other room where workers are not normally present. A hood or canopy over the sterilizer door is required for use even with those sterilizers that have a purge cycle and must be in place by July 1, 1986.

f. *Ventilation of sterilizer relief valve.* Sterilizers are typically equipped with a safety relief device to release gas in case of increased pressure in the sterilizer. Generally, such relief devices are used on pressure vessels. Although these pressure relief devices are rarely

opened for hospital and health care facility sterilizers, it will be required that they be designed to exhaust vapor from the sterilizer by one of the following methods:

i. Through a pipe connected to the outlet of the relief valve ventilated directly outdoors at a point high enough to be away from passers by, and not near any windows that open, or near any air conditioning or ventilation air intakes.

ii. Through a connection to an existing or new non-recirculating or dedicated ventilation system.

iii. Through a connection to a well ventilated equipment or other room where workers are not normally present.

g. *Ventilation systems.* Each hospital and health care facility affected by this notice that uses EtO for the sterilization of equipment and supplies must have a ventilation system which enables compliance with the requirements of sections (b) through (f) in the manner described in those sections and within the timeframes allowed. Thus, each affected hospital and health care facility must have or install a non-recirculating or dedicated ventilation system, or have available a well ventilated equipment or other room where workers are not normally present in which to vent EtO.

h. *Installation of alarm systems.* An audible and visual indicator alarm system must be installed to alert personnel of ventilation system failure, i.e. when the ventilation fan motor should be on but is not working.

2. Workplace Practices

All the workplace practices discussed in this unit must be permanently posted near the door of each sterilizer prior to use by any operator.

a. *Changing of supply line filters.* Filters in the sterilizer liquid line must be changed as necessary by the following procedure:

i. Close the cylinder valve and the hose valve.

ii. Disconnect the cylinder hose (piping) from the cylinder.

iii. Open the hose valve and bleed slowly into a proper ventilating system at or near the in-use supply cylinders.

iv. Vacate the area until the line is empty.

v. Change the filter.

vi. Reconnect the lines and reverse the valve position.

vii. Check hoses, filters, and valves for leaks with a fluorocarbon leak detector (for those sterilizers using the 88 percent chlorofluorocarbon, 12 percent ethylene oxide mixture (12/88)).

b. *Restricted access area.* i. Areas involving use of EtO must be designated as restricted access areas. They must be

identified with signs or floor marks near the sterilizer door, aerator, vacuum pump floor drain discharge, and in-use cylinder storage.

ii. All personnel must be excluded from the restricted area when certain operations are in progress, such as discharging a vacuum pump, emptying a sterilizer liquid line, or venting a non-purge sterilizer with the door ajar, or during other operations where EtO might be released directly into the face of workers.

c. *Door opening procedures.* i. *Sterilizers with purge cycles.* A load treated in a sterilizer equipped with a purge cycle should be removed immediately upon completion of the cycle (provided no time is lost opening the door after cycle is completed). If this is not done, the purge cycle must be repeated before opening the door.

ii. *Sterilizers without purge cycles.* For a load treated in a sterilizer not equipped with a purge cycle, the sterilizer door must be ajar 6" for 15 minutes, and then fully opened for at least another 15 minutes before removing the treated load. The length of time of the second period should be established by peak monitoring for one hour after the two 15-minute periods suggested. If the level is above 10 ppm time weighted average for 8 hours, more time should be added to the second waiting period (door wide open). However, in no case may the second period be shortened to less than 15 minutes.

d. *Chamber unloading procedures.* i. Procedures for unloading the chamber must include the use of baskets or rolling carts, or baskets and rolling tables to transfer treated loads quickly, thus avoiding excessive contact with treated articles, and reducing the duration of exposures.

ii. If rolling carts are used, they should be pulled not pushed by the sterilizer operators to avoid off-gassing exposure.

e. *Maintenance.* A written log should be instituted and maintained documenting the date of each leak detection and any maintenance procedures undertaken. This is a suggested use practice and is not required.

i. *Leak detection.* Sterilizer door gaskets, cylinder and vacuum piping, hoses, filters, and valves must be checked for leak under full pressure with a fluorocarbon leak detector (for 12/88 systems only) every two weeks by maintenance personnel. Also, the cylinder piping connections must be checked after changing cylinders. Particular attention in leak detection should be given to the automatic solenoid valves that control the flow of

EtO to the sterilizer. Specifically, a check should be made at the EtO gasline entrance port to the sterilizer, while the sterilizer door is open and the solenoid valves are in a closed position.

ii. *Maintenance procedures.* Sterilizer/aerator door gaskets, valves, and fittings must be replaced when necessary as determined by maintenance personnel in their bi-weekly checks; in addition, visual inspection of the door gaskets for cracks, debris, and other foreign substances should be conducted daily by the operator.

Note.—Fluorocarbon detectors cannot be used for testing the aerator because it is under negative pressure and EtO will not register on such a detection device.

IV. Estimated Incremental Costs Associated With Implementation of Required Modifications

The costs of implementing the exposure reduction measures contained in this notice are of concern to the Agency. Consequently, EPA has made cost estimates which are contained in Table 2. Because of the differences in equipment, facility design, use patterns, and work practices among the hospitals and health care facilities estimates of incremental costs can be developed only within a wide range. These estimates must consider the specific control measures which are applicable, their initial and recurring costs, and the incremental cost of treatment. The estimates presented are developed for typical facilities. Where individual hospitals and health care facilities already have in place some of the modifications, their incremental costs would be reduced commensurately.

These modifications generally apply to most units; however, their costs are a function of particular facility design and use patterns. The costs in Table 2 are estimates of those direct costs that would be incurred if modifications were done by internal staff. The cost incurred if modifications were made by an independent contractor would be significantly higher.

TABLE 2.—Estimated incremental direct costs associated with implementation of proposed modifications for ethylene oxide use in hospitals

[Estimated costs in dollars]		
Proposed modification	Initial	Annual
1. Workplace design:		
a. Gas line hand valve.....	15 each	None
b. "Capture box".....	50	None
c. Material handling devices.....	200 to 800 Per chamber	100 to 200 Per chamber

TABLE 2.—Estimated incremental direct costs associated with implementation of proposed modifications for ethylene oxide use in hospitals—Continued

[Estimated costs in dollars]

Proposed modification	Initial	Annual
d. Vent system to existing aerator	500 to 2,000	50 to 200
e. Aerators	3,500 to 17,000	80 to 870
f. Local exhaust systems	4,500 to 5,500	1,400 to 4,300
g. Alarm systems		
2. Workplace practices:		
a. General improvements		500 to 2,000 Per location
b. Maintenance and EIO leak detection		300 to 2,000 Per chamber

Source: EPA Estimates.

V. Summary

The Agency has developed the label changes described in this notice in order to reduce the exposure of hospital and health care facility workers to EtO. While available data indicate that there is reason for concern about exposure to EtO at levels that may be occurring in many hospitals' and health care facilities' sterilization procedures, the benefits of EtO use make it essential that it remain available for use.

As noted earlier in this notice, users of EtO for hospital and health care facility sterilization procedures must comply with the changes in this notice when and as they appear on product labeling. Certain products, however, are not subject to these label changes at this time. These products are small canisters, cylinders and containers which are registered solely for use with specific sterilization equipment also marketed by the registrant. Users who do not comply with label changes when they appear on product labels will be in violation of section 12 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended.

VI. References

- (1) Garman, R. H. and Snellings, W. M., Final Report, Ethylene Oxide Two-Year Inhalation Study on Rats. Bushy Run Research Center, June 7, 1983.
- (2) Lynch, D. W., Lewis, J. R. and Moorman, W. J., Chronic Inhalation Toxicity of Ethylene Oxide and Propylene Oxide in Rats and Monkeys. A preliminary report, presented at the 21st Annual Society of Toxicology meeting, Boston, Massachusetts, Feb. 22-26, 1982.
- (3) Singh, D. V. Evaluation of the Carcinogenicity of Ethylene Oxide. Memo to Ann Barton, Jan. 27, 1983.
- (4) Genersso, W. M., Cain, K. T., Krishna, M., Shen, C. W., and Gryden, R. M. Heritable Translocation and Dominant-Lethal Mutation Induction with Ethylene Oxide in Mice. Mutation Research 73:133-142.

(5) Snellings, W. M., Zelenak, J. A., Weil, C. S. Effects on Reproduction in Fischer 344 Rats Exposed to Ethylene Oxide by Inhalation for One Generation. Toxicology and Applied Pharmacology, 63, 382-388, 1982.

(6) Hemminki, K., Mutanen, P., Saloniemi, I., Niemi, M. L., Vaino, N. Spontaneous Abortions in Hospital Staff Engaged in Sterilizing Instruments with Chemical Agents. British Medical Journal, Vol. 285, p. 1461-1463, Nov. 20, 1982.

(7) Hemminki, K., British Medical Journal, Vol. 286, p. 1976-1977, June 18, 1983.

(8) Mitigation of Worker Exposure to Ethylene Oxide, Mitre Corp., March 1981. EPA Contract #68-01-5944.

(9) Draft Final Report, Hospital Worker Exposure to Ethylene Oxide, Versar, Inc., August, 1983. EPA Contract #68-01-6271, Task Nos. 57 and 58.

(10) Garry, V. F., Hozier, J., Jacobs, D., Wade, R. L., and Gray, D. G. 1979. Ethylene Oxide: Evidence of Human Chromosomal Effects. Environmental Mutagenesis, 1:375-382.

(11) Yager, J., Hines, C., Spear, R., 1983. Exposure to Ethylene Oxide at Work Increases Sister Chromatid Exchanges in Human Peripheral Lymphocytes. Science 219:1221-1223.

(12) The Costs of Measures to Mitigate Worker Exposure to Ethylene Oxide, Mitre Corp., August 1981. EPA Contract #68-01-5965.

The references cited in this notice are available for public inspection in: Rm. 236, CM #2, 1921 Jefferson Davis Highway, Arlington, VA.

Dated: March 30, 1984.

Edwin L. Johnson,
Director, Office of Pesticide Programs.

[FR Doc. 84-10069 Filed 4-17-84; 8:45 am]

BILLING CODE 6560-50-M

[PP 3G2790/T441; PH-FRL 2566-2]

Acephate; Establishment of Temporary Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has established a temporary tolerance for the combined residues of the insecticide acephate and its metabolite in or on the raw agricultural commodity apples. This temporary tolerance was requested by Chevron Chemical Company.

DATE: This temporary tolerance expires March 13, 1986.

FOR FURTHER INFORMATION CONTACT:

By mail: William Miller, Product Manager (PM) 16, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number:

Rm. 211 CM #2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-2600).

SUPPLEMENTARY INFORMATION: Chevron Chemical Company, 940 Hensley St., Richmond, CA 94804, has requested in pesticide petition PP 3G2790, the establishment of a temporary tolerance for the combined residues of the insecticide acephate and its cholinesterase-inhibiting metabolite methamidophos, in or the raw agricultural commodity apples at 2.0 parts per million (ppm).

This temporary tolerance will permit the marketing of the above raw agricultural commodity when treated in accordance with the provisions of experimental use permit 239-EUP-108 which is being issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, (Pub. L. 95-396, 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 tolerance will protect the public health. Therefore, the temporary tolerance has been established on the condition that the pesticide be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active ingredient to be used must not exceed the quantity authorized by the experimental use permit.

2. Chevron Chemical Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must 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 tolerance expires March 13, 1986. Residues not in excess of this amount remaining in or on the raw agricultural commodity after this 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 experience with or scientific data on this pesticide indicate that such revocation is necessary to protect the public health.

The Office of Management and Budget has exempted this notice from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 610-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

(Sec. 408(j); 68 Stat. 516, (21 U.S.C. 346(j)))
Dated: April 8, 1984.

Robert V. Brown,
Director, Registration Division, Office of
Pesticide Programs.

[FR Doc. 84-10346 Filed 4-17-84; 8:45 am]

BILLING CODE 6560-50-M

[OPP-180646; PHL-FRL 2568-7]

**Arkansas, Mississippi, and Texas;
Receipt of Applications for Specific
Exemptions To Use a Pesticide for an
Unregistered Use; Solicitation of
Public Comment**

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received specific exemption requests from the Arkansas State Plant Board, Mississippi Department of Agriculture and Commerce, and the Texas Department of Agriculture (hereafter referred to as the "Applicants" collectively or by State individually) for specific exemptions to use the active ingredient (a.i.) 1-[[2-(2,4-dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl] methyl]-H-1,2,4-triazole, plus its metabolites containing the dichlorobenzyl moiety (TILT, EPA Reg. No. 100-617) on rice to control sheath blight caused by *Rhizoctonia solani*, as well as brown spot caused by *Bipolaris oryzae*, narrow brown spot caused by *Cercospora oryzae*, leaf smut caused by *Entylom oryzae*, stem rot caused by *Sclerotium oryzae*, blast caused by *Pyricularia oryzae* and sheath spot caused by *Rhizoctonia oryzae*. Arkansas, Mississippi and Texas Plan to treat 350,000, 50,000 and 275,000 acres of rice, respectively. EPA is soliciting comment before making the decision whether or not to grant these specific exemptions. 84p-1352.

DATE: Comments must be received on or before April 27, 1984.

ADDRESS: Written comments by mail to: Information Services Section, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection

agency, 401 M St., SW., Washington, D.C. 20460.

In person, bring comments to: Rm 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. All written comments will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT:

By mail: Libby Welch, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460.

Office location and telephone number: RM. 716C, CM#2, 1921 Jefferson Davis Highway, Arlington, VA. (703-557-1192).

SUPPLEMENTARY INFORMATION: Pursuant to section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), the Administrator may, at his discretion, exempt a State agency from any registration provision of FIFRA if he determines that emergency conditions exist which require such exemption.

The Applicants have requested the Administrator to issue specific exemptions to permit the use of TILT, EPA Reg. No. 100-617) on rice to control sheath blight caused by *Rhizoctonia solani*, as well as brown spot caused by *Bipolaris oryzae*, narrow brown spot caused by *Cercospora oryzae*, leaf smut caused by *Entylom oryzae*, stem rot caused by *Sclerotium oryzae*, blast caused by *Pyricularia oryzae* and sheath spot caused by *Rhizoctonia oryzae* throughout Arkansas, Mississippi and Texas. Information in accordance with 40 CFR Part 166 was submitted as part of these requests. TILT is currently registered for use on grasses grown for seed.

The emergency situation which the Applicants describe is virtually identical to the situation described by the State of Louisiana in an earlier notice which was published in the Federal Register of March 28, 1984 (49 FR 11874).

Arkansas, Mississippi, and Texas plan to treat 350,000 acres using 98,438 lbs. a.i., 50,000 acres using 18,800 lbs. a.i., and 275,000 acres using 93,500 lbs. a.i., respectively. Application periods range from June 15 through August 20, 1984, in Arkansas; May 15 through September 30, 1984, in Mississippi; and April 30 through September 30, 1984, in Texas. The Applicants indicate that treatment of affected acreage with TILT in 1984 could save growers at least \$50 million in Arkansas, \$2.4 million in Mississippi, and from \$9.4 to \$20.1 million in Texas.

This notice does not constitute a decision by EPA on these applications. Use of the pesticide TILT has been determined to be of public interest, and therefore, the Agency has decided that public notice and opportunity for public comment pursuant to 40 CFR 166.10 is called for as a part of the information adjudication for specific exemptions. Accordingly, interested persons may submit written views on this subject to the Program Management and Support Division at the address given above. The comments must be received on or before April 27, 1984, and should bear the identifying notation "OPP-180646." All written comments filed pursuant to this notice will be available for public inspection in Rm. 236, Crystal Mall No. 2, at the address given above, from 8:00 a.m. to 4 p.m., Monday through Friday, except legal holidays.

The Agency, accordingly, will review and consider all comments received during the comment period in determining whether to issue these emergency exemptions requested by Arkansas, Mississippi, and Texas.

Dated: April 9, 1984.

Edwin L. Johnson,
Director, Office of Pesticide Programs.

[FR Doc. 84-10508 Filed 4-16-84; 12:57 pm]

BILLING CODE 6560-50-M

**FEDERAL COMMUNICATIONS
COMMISSION**

**Telecommunications Industry
Advisory Group Definitions and Rules
Subcommittee Meeting**

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of meetings of the Telecommunications Industry Advisory Group's (TIAG) Definitions and Rules Subcommittee scheduled to meet on Thursday, May 3, 1984, Tuesday, May 15, 1984, and Wednesday, May 16, 1984. The meetings will be open to the public and the time and location are:

Tuesday, May 3, 1984—9:00 a.m.

Bellcore
2101 L Street, NW., 6th Floor Conference
Room, Washington, D.C.

Tuesday, May 15, and Wednesday, May 16,
1984—10:00 a.m.

AT&T
1120 20th Street, NW., 10th Floor Conference
Room, Washington, D.C.

The agenda is as follows:

- I. General Administrative Matter
- II. USOA Implementation Issues
- III. Nonregulated Activity Costing Issues
- IV. Other Business
- V. Presentation of Oral Statements
- VI. Adjournment

With prior approval of Subcommittee Chairman John Utzinger, oral statements, while not favored or encouraged, may be allowed if time permits and if the Chairman determines that an oral presentation is conducive to the effective attainment of the Subcommittee objectives. Anyone not a member of the Subcommittee and wishing to make an oral presentation should contact Mr. Utzinger (203-965-2830) at least five days prior to the meeting.

William J. Tricarico,
Secretary, Federal Communications
Commission.

[FR Doc. 84-10291 Filed 4-17-84; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Information Collection Submitted to OMB for Review

AGENCY: Federal Deposit Insurance
Corporation.

ACTION: Notice of information collection
submitted to OMB for review and
approval under the Paperwork
Reduction Act of 1980.

SUMMARY: Title of information
collection: Financial Report for
Prospective Directors and Officers of
Existing or Proposed Banks (OMB No.
3064-0006).

Background: In accordance with
requirements of the Paperwork
Reduction Act of 1980 (44 U.S.C. Chapter
35), the FDIC hereby gives notice that it
has submitted to the Office of
Management and Budget a form SF-83,
"Request for OMB Review," for the
information collection system identified
above.

ADDRESSES: Written comments
regarding the submission should be
addressed to Judy McIntosh, Office of
Information and Regulatory Affairs,
Office of Management and Budget,
Washington, D.C. 20503 and to John
Keiper, Federal Deposit Insurance
Corporation, Washington, D.C. 20429.

FOR FURTHER INFORMATION CONTACT:

Requests for a copy of the submission
should be sent to John Keiper, Federal
Deposit Insurance Corporation,
Washington, D.C. 20429, telephone (202)
389-4351.

SUPPLEMENTARY INFORMATION: The
FDIC is requesting OMB to extend the
expiration date of a currently approved
information collection without any
change in the substance or in the
method of collection. The current
expiration date of the collection is July
31, 1984. The collection is entitled
Financial Report for Prospective
Directors and Officers of Existing or
Proposed Banks (OMB No. 3064-0006).
The financial report, from FDIC 6200/06,
is submitted to FDIC by each individual
director or officer of a proposed or
operating bank applying for Federal
deposit insurance as a state non-
member bank. The information is used
by the FDIC to evaluate the general
character of bank management. The
reporting burden, which is two hours per
report, remains unchanged.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,
Executive Secretary.

[FR Doc. 84-10311 Filed 4-17-84; 8:45 am]

BILLING CODE 6714-01-M

FEDERAL RESERVE SYSTEM

Bank of Boston Corporation; Formation of, Acquisition by, and Mergers of Bank Holding Companies; and Acquisitions of Nonbanking Companies

The company listed in this notice has
applied under § 225.14 of the Board's
Regulation Y (49 FR 794) for the Board's
approval under section 3 of the Bank
Holding Company Act (12 U.S.C. 1842)
to become a bank holding company or to
acquire voting securities of a bank or
bank holding company. The listed
company has also applied under
§ 225.23(a)(2) of Regulation Y (49 FR 794)
for the Board's approval under section
4(c)(8) of the Bank Holding Company
Act (12 U.S.C. 1843(c)(8)) and § 225.21(a)
of Regulation Y (49 FR 794) to acquire or
control voting securities or assets of a
company engaged in a nonbanking
activity that is listed in § 225.25 of
Regulation Y as closely related to
banking and permissible for bank
holding companies, or to engage in such
an activity. Unless otherwise noted,
these activities will be conducted
throughout the United States.

The application is available for
immediate inspection at the Federal
Reserve Bank indicated. Once the

application has been accepted for
processing, it will also be available for
inspection at the offices of the Board of
Governors. Interested persons may
express their views in writing 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 interests, or unsound
banking practices." Any request for a
hearing on this question must be
accompanied by 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 the proposal.

Comments regarding the application
must be received at the Reserve Bank
indicated or the offices of the Board of
Governors not later than May 10, 1984.

A. Federal Reserve Bank of Boston
(Richard E. Randall, Vice President) 600
Atlantic Avenue, Boston, Massachusetts
02106:

1. *Bank of Boston Corporation*,
Boston, Massachusetts; to acquire 100
percent of the voting shares of RIHT
Financial Corporation, Providence,
Rhode Island, thereby indirectly
acquiring Rhode Island Hospital Trust
National Banks, and 100 percent of the
voting shares of National Columbus
Bancorp, Inc., (a subsidiary of RHIT),
Providence, Rhode Island, thereby
indirectly acquiring Columbus National
Bank of Rhode Island.

Bank of Boston has also applied to
engage in nonbanking activities through
the acquisition of the following
companies: RIHT Mortgage Corporation,
Charlotte, North Carolina (making and
servicing loans); Hospital Trust of
Florida, N.A., Palm Beach, Florida (trust
company activities, primarily in the
state of Florida); RIHT Life Insurance
Company, Phoenix, Arizona
(underwriting credit life and credit
accident and health insurance, primarily
in the state of Rhode Island); The
Washington Row Company, Providence,
Rhode Island; (making and servicing
loans in the state of Rhode Island and
Connecticut; and HT Investors, Inc.,
Providence, Rhode Island (investment
advisory services).

Board of Governors of the Federal Reserve System, April 13, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-10316 Filed 4-17-84; 8:45 am]

BILLING CODE 6210-01-M

Meridian Bancorp, Inc.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23 (a)(2) or (f) of the Board's Regulation Y (49 FR 794) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (49 FR 794) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing 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 interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by 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 the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 8, 1984.

A. Federal Reserve Bank of Philadelphia (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Meridian Bancorp, Inc.*, Reading, Pennsylvania; to acquire American Business Credit Corporation, Blue Bell, Pennsylvania, and thereby engage in commercial lending activities, specifically asset-based financial

services in the form of revolving loans secured by accounts receivables and inventories, and term loans secured by machinery, equipment, and other fixed assets.

Board of Governors of the Federal Reserve System, April 13, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-10300 Filed 4-17-84; 8:45 am]

BILLING CODE 6210-01-M

Meridian Bancorp, Inc., et al.; Applications to Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (49 FR 794) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (49 FR 794) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing 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 interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by 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 the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 8, 1984.

A. Federal Reserve Bank of Philadelphia (Thomas K. Desch, Vice

President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Meridian Bancorp, Inc.*, Reading, Pennsylvania; to engage *de novo* through its subsidiary, Meridian Mortgage Corporation, in the sale of credit life and accident and health insurance directly related to extensions of credit made by Meridian Mortgage Corporation.

B. Federal Reserve Bank of Minneapolis (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *S.B.T. Financial, Inc.*, Townsend, Montana; to engage *de novo* in data processing services for individuals, partnerships and corporations. The data processing services will consist of the preparation of financial and payroll information. These activities will be offered in the city of Townsend, and the counties of Broadwater, Lewis & Clark, Meagher, Gallatin, and Jefferson, all in Montana.

Board of Governors of the Federal Reserve System, April 13, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-10301 Filed 4-17-84; 8:45 am]

BILLING CODE 6210-01-M

North American Bank Corporation, et al., Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (49 FR 794) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. 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.

Unless otherwise noted, comments regarding each of these applications must be received not later than May 10, 1984.

A. Federal Reserve Bank of Boston
(Richard E. Randall, Vice President) 600
Atlantic Avenue, Boston, Massachusetts
02106:

1. *North American Bank Corporation*,
Farmington, New Hampshire; to acquire
100 percent of the voting shares of
Farmington National & Savings Bank,
Farmington, New Hampshire.

B. Federal Reserve Bank of Chicago
(Franklin D. Dreyer, Vice President) 230
South LaSalle Street, Chicago, Illinois
60690:

1. *Citizens Bancorporation*,
Sheboygan, Wisconsin; to acquire North
Side Bancorp, Inc., Racine, Wisconsin,
thereby indirectly acquiring 80 percent
of the voting shares of North Side Bank
of Racine, Racine, Wisconsin, and 80
percent of the voting shares of North
Side Bank of Caldonia, Racine
Wisconsin.

2. *Northwest Illinois Bancorp, Inc.*,
Freeport, Illinois; to acquire 83.77
percent of the voting shares of Rock City
Bank, Rock City, Illinois; 70 percent of
the voting shares of The Whaples and
Farmers State Bank, Neponset, Illinois;
80.60 percent of the voting shares of
State Bank of Scales Mound, Scales
Mound, Illinois; and 85.55 percent of the
Bank of Pecatonica, Pecatonica, Illinois.
Comments on this application must be
received not later than May 11, 1984.

C. Federal Reserve Bank of Dallas
(Anthony J. Montelaro, Vice President)
400 South Akard Street, Dallas Texas
75222:

1. *Texas Community Bankers, Inc.*,
Iredell, Texas; to become a bank holding
company by acquiring 80 percent of the
voting shares of Iredell State Bank of
Iredell, Texas, Iredell, Texas.

**D. Federal Reserve Bank of San
Francisco** (Harry W. Green, Vice
President) 101 Market Street, San
Francisco, California 94105:

1. *Cashmere Valley Bancshares, Inc.*,
Cashmere, Washington; to become a
bank holding company by acquiring 100
percent of the voting shares of
Cashmere Valley Bank, Cashmere,
Washington, and 100 percent of the
voting shares of Columbia Valley Bank,
East Wenatchee, Washington (in
organization). Comments on this
application must be received not later
than May 11, 1984.

Board of Governors of the Federal Reserve
System, April 13, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-10302 Filed 4-17-84; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Transfer Policy Studies; Applications for Grants

Pursuant to section 1110A of the
Social Security Act, the Assistant
Secretary for Planning and Evaluation
(hereafter the Assistant Secretary) is
seeking applications from researchers
affiliated with non-profit organizations
for grants for research in the area of
transfer policy.

A. Type of Application Requested

This announcement seeks
applications for projects to develop and
conduct a program of research and
analysis relating to the relationships
between family structure on the one
hand, and education, employment, and
welfare use of youth and young adults
on the other. The following paragraphs
describe the general area of interest in
greater detail. Applications should be
for projects that will address the issues
discussed below; other closely related
issues may also be included if they are
clearly demonstrated to be relevant to
the general area of interest.

As part of the Transfer Policy Studies
grant awards in FY 1982, Harvard
University was awarded a grant to
study the direct impacts of government
policies on youth employment and
education and the effects of transfer
policies on family structure. As a result
of the findings of that study, it is now
clear that the interrelationships among
youth employment, schooling, welfare
use, and family structure are much more
complex than had originally been
thought.

In particular, it is now clear that
higher AFDC payments are likely to
increase the probability that women
with children live independently;
further, higher payments are also
somewhat more likely to increase the
probability of divorce or separation. If
this greater independence (as opposed
to living in a subfamily arrangement in
the parent's household) leads to
increased educational attainment and
higher employment of the mothers, then
AFDC may well be encouraging self-
sufficiency. If the reverse is true,
however, the "independence" effect may
be resulting in increased dependence.
Further, it is possible that living in an
independent household may result in
reduced educational attainment of the
children in that family, thereby possibly
increasing intergenerational welfare
dependence.

The applicants should therefore
address the following topic in depth:

*What are the interrelationships among
employment, schooling, welfare use, and
family structure? Example of questions
that may be addressed include: What is
the impact of the living arrangements of
not-currently-married mothers, on the
mother's employment and schooling and
on the schooling of her children? Does
living in a subfamily lead to higher or
lower educational attainment for the
head of the subfamily or for her children
than does living independently? Does it
lead to higher rates of employment than
for similar families living
independently? Higher earnings? Higher
welfare dependence (measured either as
participation rates or as percentage of
income from welfare)?*

In order to understand these family
dynamics, it is clear that the research
will have to address the relationship
between factors affecting the
employment of single women (such as
education, the availability of jobs, etc.)
on the one hand and welfare use and
marriage and divorce/separation
decisions on the other. (For example,
whether the low employment rate of
young black men leads to a lower
marriage rate or a higher rate of welfare
use for young black women is clearly
relevant to understanding family
structure and living arrangements.)
Exploring these subjects involves both
theoretical modeling of family structure
and behavior and empirical
investigation of trends in marriage,
schooling, employment, and welfare use.

Analysis of these questions will most
likely come from analyses of a number
of different and complementary data
sources, including both cross-sectional
data such as Current Population Surveys
as well as longitudinal data sets such as
the National Longitudinal Surveys and
the Panel Study of Income Dynamics
and may involve analysis of both
microdata and trends in aggregate time
series. (Researchers should note,
however, that subfamilies were not
identified properly on the Current
Population Surveys until 1983.) Other
sources might include data derived from
experimental or demonstration
programs. Applicants are invited to
proposed research with data that are not
listed explicitly in this grant
announcement. It is not appropriate, at
this time, to propose solely to synthesize
existing research.

1. Potential Users

Potential users of the research include
employers, federal government policy
makers, state and local sponsors of
employment and education and training
programs, non-profit agencies assisting

low-skilled workers with employment problems, and future researchers.

2. Types of Projects Excluded

In consideration of the intent of this announcement applications concentrating primarily on the concerns of a local service delivery organization will not be considered for funding.

3. Content and Organization of Application

The application must begin with the required application forms and an abstract of the application. Failure to include the abstract may result in delays in processing the application. The abstract should summarize the proposal in not more than two pages. Each application should carefully describe the issues to be examined, hypotheses to be tested, methodology proposed for testing the hypotheses, data sources to be used, and anticipated products of the research, as well as relating the expected products to policy issues. Resumes of staff should be included, as should a full budget for the proposed project.

B. Applicable Regulations

1. "Grant Programs Administered by the Office of the Assistant Secretary for Planning and Evaluation" (45 CFR Part 63), which was published in the *Code of Federal Regulations* on October 1, 1980.

2. "Administration of Grants" (45 CFR Part 74), which was published in the *Code of Federal Regulations* on June 9, 1981.

C. Effective Date and Duration

1. The grant awarded pursuant to this announcement is expected to be made on or about July 15, 1984.

2. In order to avoid unnecessary delays in the preparation and receipt of applications, this notice is effective immediately. The closing dates for applications are specified in Sections F and G below.

3. Applicants may present a work plan and budget covering either a one-year or a fifteen-month period.

D. Statement of Funds Availability

1. A total of \$250,000 has been set aside for one or more grants to be awarded as a result of this announcement. The government estimates that the cost of a project in this area is \$125,000 to \$150,000 but recognizes that meritorious projects may cost more or less than this amount.

2. Nothing in this application should be construed as committing the Assistant Secretary to dividing available funds among all qualified applicants or to make any award.

E. Applications Processing

1. Applications will be initially screened for relevance to the needs defined in section A (as well as additional areas of interest persuasively shown to be relevant by the grantee). If judged relevant, the application will then be reviewed by a government review panel, possibly augmented by outside experts. Three (3) copies of each application are required. Applicants are encouraged to send an additional seven (7) copies of their application to ease processing, but applicants will not be penalized if these extra copies are not included.

2. Applications will be judged as to eligibility, quality, and relevance, according to the criteria set forth in item 5.

3. An unacceptable rating on any individual criterion may render the application unacceptable. Consequently, applications should take care to ensure that all criteria are fully addressed in the application.

4. Applications should be as brief and concise as is consistent with the information requirements of the reviewers. Applications should be limited to 30 double-spaced typed pages, exclusive of forms, abstract, resumes, and the proposed budget; they should neither be unduly elaborate nor contain voluminous supporting documentation.

5. *Criteria for evaluation.* Evaluation of applications will employ the following criteria. The relative weights are shown in parentheses.

a. The potential usefulness of the objectives and anticipated results of the proposed project for providing individuals and organizations concerned with the issues discussed in Section A above with improved bases for making decisions about these issues. (20 points.)

b. The potential usefulness of the proposed project for the advancement of scientific knowledge. (30 points.)

c. The clarity of statement of objectives, methods, and anticipated results. (5 points.)

d. The appropriateness and soundness of methodology, including research design, statistical techniques, modeling strategies, choice of data, and other procedures. (25 points.)

e. The qualifications and experience of personnel. (20 points.)

F. Applications Sent by Mail

Applications may be sent by either the U.S. Postal Service or a commercial carrier. Applications sent by U.S. Postal Service will be considered to be received on time by the Grants Officer if the application was sent by first class, registered or certified mail not later than

May 29, 1984, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service.

Applications sent by a commercial carrier will be considered to be received on time by the Grants Officer if sent not later than May 29, 1984 as evidenced by a receipt from the commercial carrier.

G. Hand-Delivered Applications

An application to be hand-delivered must be taken to the Grants Officer at the address listed at the end of this announcement. Hand-delivered applications will be accepted daily between 9:00 a.m. and 4:30 p.m., Washington, D.C., time, except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after close-of-business on Friday, May 30, 1984.

H. Disposition of Applications

1. *Approval, disapproval, or deferral.* On the basis of the review of the application, the Assistant Secretary will either (a) approve the application whole or in part; (b) disapprove the application; or (c) defer action on the application for such reasons as lack of funds or a need for further review.

2. *Notification of disposition.* The Assistant Secretary will notify the applicants of the disposition of their application. A signed notification of grant award will be issued to the contact person listed in block 4 of the application to notify the applicant of the approved application.

I. Application Instructions and Forms

Copies of applications should be submitted to: Grants Officer, Office of the Assistant Secretary for Planning and Evaluation, Department of Health and Human Services, 200 Independence Avenue, SW., Room 457F, Hubert H. Humphrey Building, Washington, D.C. 20201, Phone (202) 245-1794. Questions concerning the preceding information should be submitted to the Grants Officer at the same address. Neither questions nor requests for applications should be submitted after May 9, 1984. Copies of the papers prepared by the initial grantee (Harvard University) are available for inspection between 9:30 a.m. and 4:30 p.m., Washington, D.C., time, except Saturdays, Sundays, and Federal holidays, in room 457F, Hubert H. Humphrey Building, 200 Independence Ave., SW., Washington, D.C. Papers may be purchased from the HHS Evaluation Documentation Center, Phone (202) 245-6445. The papers prepared are listed below:

- (1) The Dynamics of Children's Living Arrangements
- (2) Single Mothers and Their Living Arrangements
- (3) The Impact of Welfare on Family Structure and Living Arrangements
- (4) Income Maintenance and the School and Work Decisions of Youth
- (5) Two-Year Colleges, Vocational Schools, and Labor Market Value
- (6) Military Hiring and the Civilian Employment of Youth
- (7) Military Service and the Civilian Earnings of Youth
- (8) The Effects of the Minimum Wage on Young Men and Women
- (9) Summer Youth Employment Program: Private Job Supplement or Substitute?

The papers most relevant to this announcement are (2) and (3).

J. Federal Domestic Assistance Catalog

This announcement is not listed in the Federal Domestic Assistance Catalog.

Dated: April 12, 1984.

Robert J. Rubin,

Assistant Secretary for Planning and Evaluation.

[FR Doc. 84-10389 Filed 4-17-84; 8:45 am]

BILLING CODE 4150-04-M

Food and Drug Administration

Arthritis Advisory Committee; Notice of Renewal

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration announces the renewal of the Arthritis Advisory Committee by the Secretary of Health and Human Services. This notice is issued under the Federal Advisory Committee Act.

DATE: Authority for this committee will expire on April 6, 1986, unless the Secretary formally determines that renewal is in the public interest.

FOR FURTHER INFORMATION CONTACT: Richard L. Schmidt, Committee Management Office (HFA-306), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2765.

Dated: April 12, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84-10293 Filed 4-17-84; 8:45 am]

BILLING CODE 4100-01-M

[Docket No. 84D-0006]

Compressed Medical Gases; Current Good Manufacturing Practice Revised Guideline

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a revised guideline on the preparation of compressed medical gases. The guideline describes practices and procedures that FDA views as acceptable in complying with the current good manufacturing practice (CGMP) regulations for drug products. The practices and procedures described in the guideline are designed to facilitate compliance with the CGMP regulations and to assure the quality of compressed medical gases.

ADDRESSES: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. Requests for copies of the revised guideline to the Division of Drug Quality Compliance (HFN-323), Center for Drugs and Biologics (formerly National Center for Drugs and Biologics), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Frank D. Korun, Center for Drugs and Biologics (HFN-323), Food and Drug Administration, 5600 Fishers Lane; Rockville, MD 20857, 301-443-7289.

SUPPLEMENTARY INFORMATION: FDA is announcing the availability of a revised guideline on the production of compressed medical gas drug products. The guideline describes practices and procedures that constitute compliance with 21 CFR Parts 210 and 211 of the CGMP regulations for drugs. The revised guideline has been prepared by the Center for Drugs and Biologics.

A notice of the availability of the original compressed medical gas guideline (June 1981) was published in the Federal Register of August 18, 1981 (46 FR 41859). The guideline has been revised as a result of comments received from the Compressed Gas Association, which represents a large number of producers of compressed medical gas drug products. A copy of the comments is on file with the Dockets Management Branch (address above). No other comments were received on the guideline.

The guideline has been revised as follows:

1. The word "specific" has been removed from paragraph 1 of the "Guidance" part of the "Equipment Design, Size, and Location" section of

the guideline. As worded in the original guideline, the use of manifolds for filling mixtures would be limited to one specific mixture (e.g., oxygen/nitrogen). Many firms use manifolds to fill different mixtures and, because some mixtures are filled infrequently, it would be too costly in space and equipment to have separate manifolds for each mixture. Eliminating the word "specific" clarifies the agency's intent to permit the use of the same manifold to fill different mixtures.

2. The phrase "by moving the cylinders from one gas manifold to another and filling them by means of an adapter" has been deleted from paragraph 1 of the same part of the guideline because the practice of moving individual cylinders from one gas manifold to another could result in the loss of identity of the cylinders during the move. For purposes of clarification, the following sentence has been added to paragraph 2 of the same part: "Other than for laboratory functions, adapters should be used only when filling containers on manifolds dedicated to the filling of mixtures." Also, the word "cylinder" has been changed to "container" in paragraphs 2 and 3 of this part of the guideline to clarify the agency's intention to refer to both cryogenic vessels and also high-pressure compressed gas cylinders.

3. When medical gas containers are filled concurrently on the same line as industrial containers, container quality inspection tests should be done on all containers whether the container is being used for medical or industrial gas. Therefore, paragraph 3 of the "Guidance" part of the "Equipment Design, Size, and Location" section has been revised to state that all containers filled concurrently on the same line should be prepared in accordance with the "Testing and Approval or Rejection of Drug Product Containers and Closures" and the "Drug Product Containers" sections of this guideline.

4. The dead ring test, which is used to determine if the gas cylinder walls have been weakened by interior rust, is only performed on cylinders manufactured to 3A or 3AA specifications, and cannot be performed on cryogenic vessels nor on clustered cylinders, e.g. cradles that require special periodic hydrostatic testing. The wording in paragraph 3 of the "Guidance" part of the "Testing and Approval or Rejection of Drug Product Containers and Closures" section has been revised to reflect these points.

5. As explained under the "Requirements" part of the "Drug Product Containers" section the CGMP regulations require that drug product

containers be clean. The "Guidance" part of this section suggests that a vacuum equal to 25 or more inches of mercury be pulled on each cylinder prior to filling with the compressed medical gas to assure that the cylinder is clean. However, cryogenic vessels are seldom completely emptied and need not be evacuated before filling. A statement to this effect has been added to the "Guidance" part of this section.

6. The agency does not require an identity test for nitrogen when it is in a mixture because nitrogen is almost completely inert and testing for it in mixtures is very difficult unless sophisticated equipment is available. For purposes of clarification, a statement has been added to the first paragraph of the "Guidance" part of the "Testing and Release of Distribution" section of the guideline stating that identity testing is not required for nitrogen.

7. Paragraph 1 of the "Guidance" part of the "Testing and Release for Distribution" section of the original guideline stated that in the case of a single compressed medical gas put into cylinders on multi-cylinder manifold, at least one cylinder from each manifold filling is test for all appropriate specifications, including identity and strength, each time the cylinders are changed on the manifold. The phrase "all appropriate specifications," which could be interpreted to mean that complete U.S. Pharmacopeia monograph testing be done, should not have been included in this paragraph. The agency's intent was that only identity and strength testing be done, and the phrase "all appropriate specifications" has been deleted.

8. The words "soaps water" in paragraph 7 of the "Guidance" part of the "Testing and Release for Distribution" section of the guideline have been changed to "leak detection," because soapy water is only one possible leak detection solution that may be used in some cases.

9. The entire paragraph from the "Component Records" section of the guideline that gives an example of a method of reconciliation of bulk compressed gas components has been deleted. The compressed medical gas industry uses several methods of reconciliation and the agency believes no example should be given in this guideline because it may cause manufacturers to be hesitant in applying a more suitable procedure.

This notice and the revised guideline are issued under § 10.90(b) (21 CFR 10.90(b)), which provides for the use of guidelines to establish procedures or standards of general applicability that

are not legal requirements but are acceptable to the agency. The agency advises that the compressed medical gas guideline complies with the requirements of the CGMP regulations and may be relied upon by producers of compressed medical gases to meet those regulations. If a person chooses to depart from the practices and procedures set forth in the guideline, that person may discuss the matter further with the agency to prevent an expenditure of money and effort on activities that may later be determined to be unacceptable by FDA.

The agency notes that this revised guideline supersedes the June 1981 guideline. FDA will mail copies of the revised guideline to all those who were sent the June 1981 guideline.

Interested persons may submit written comments on the guideline to the Dockets Management Branch (address above). Additional comments are welcome and will be considered in determining the future need for amending the guideline. Two copies of comments should be submitted, except that individuals may submit one copy. Comments should be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch, between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 11, 1984.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 84-10297 Filed 4-17-84; 8:45 am]

BILLING CODE 4160-01-M

Public Health Service

National Center for Health Services Research; Assessment of Medical Technology

The Public Health Service (PHS) through the Office of Health Technology Assessment (OHTA) announces that it is coordinating assessments of what is known of the safety, clinical effectiveness, appropriateness, and use of allogeneic bone marrow transplantation for indications other than aplastic anemia or leukemia. This notice also addresses autologous bone marrow transplantation. Specifically, we are interested in the medical indications for the procedures, their clinical acceptability, the modalities used in preparation of the patients, as well as the immunosuppressive regimens used when this technology is applied.

PHS assessments consist of a synthesis of information obtained from appropriate organizations in the private sector and from PHS agencies and

others in the Federal Government, and are based on the most current knowledge concerning the safety and clinical effectiveness of a technology. Based on these assessments, PHS recommendations will be formulated to assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person or group wishing to provide OHTA with information relevant to these assessments should do so in writing no later than July 1, 1984, or approximately 90 days from the date of publication of this notice.

The information being sought is a review and assessment of past, current, or planned research related to these technologies, a bibliography of published, controlled clinical trials and other well-designed clinical studies, and other information related to characterization of the patient population most likely to benefit from, and the clinical acceptability and effectiveness of these technologies. Proprietary information is not being sought.

Written material should be submitted to: Harry Handelsman, D.O., Office of Health Technology Assessment, Park Building, Room 3-10, 5600 Fishers Lane, Rockville, Maryland 20857.

Further information is available from Dr. Harry Handelsman, Health Science Analyst, at the above address or by telephone (301) 443-4990.

Dated: April 5, 1984.

Enrique D. Carter,

Acting Director, Office of Health Technology Assessment, National Center for Health Services Research.

[FR Doc. 84-10388 Filed 4-17-84; 8:45 am]

BILLING CODE 4160-17-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Presidential Commission on Indian Reservation Economies: Hearings, Site Visits and Commission Meeting

AGENCY: Presidential Commission on Indian Reservation Economies, Interior.

ACTION: Notice of meetings.

SUMMARY: This notice sets forth the dates, time and location of forthcoming hearings and site visits of the Presidential Commission on Indian Reservation Economies for May 1984:

1. May 10, 1984 (Thursday)—Hearing Sheraton Anchorage Hotel, 401 East 6th Avenue, Anchorage, Alaska 99501 Time: 9:00 a.m.—5:00 p.m.

2. May 11, 1984 (Friday)—Site Visit

Tlingit-Haida/Sea Alaska, Clan
Celebration, Juneau, Alaska

3. May 13, 1984 (Sunday)—Commission Meeting

Hotel Meridian, 50 3rd Street, San
Francisco, California 94103

Time: 1:00 p.m.—5:00 p.m.

4. May 14, 1984 (Monday)—Private Sector Hearing

Hotel Meridian, 50 3rd Street, San
Francisco, California 94103

Time: 9:00 a.m.—5:00 p.m.

5. May 15, 1984 (Tuesday)—State/Local Governments

Hotel Meridian, 50 3rd Street, San
Francisco, California 94103

Time: 9:00 a.m.—5:00 p.m.

The purpose of the hearings will be to receive both oral and written testimony from Indian leaders, Indian businessmen and other representatives from the tribal, public and private sectors, and State/Local Governments concerning the development and sustainment of viable economic enterprises within Indian reservation environments. The site visits will enable the Commission to witness first hand both problems and successes associated with economic and business development on Indian reservations.

Parties interested in testifying at a hearing should present their testimony in writing either in advance of the hearing or at the onsite registration for the hearing. An oral summary of the testimony may be given at the hearing. Those desiring to submit written testimony and make an oral presentation should submit in writing a brief statement of the general nature of the testimony to be presented, the names and addresses of proposed participants and an indication of the approximate time required to make their presentation. This information should be sent to Sandra Gjelle, Director, Office of Public Hearings, Presidential Commission on Indian Reservation Economies, Suite 765, 1717 H Street, Northwest, Washington, D.C. 20006. Questions regarding testimony or registration procedures may also be directed to Ms. Gjelle at (202) 653-2436. The agenda for oral testimony will be completed five days in advance of each hearing.

Any person attending a hearing who has not requested an opportunity to speak five days in advance of the meeting, will be allowed to make an oral presentation at the conclusion of the hearing, if time permits and at the discretion of the Co-Chairman.

FOR FURTHER INFORMATION CONTACT:

Eric Rudert, Deputy Director,
Presidential Commission on Indian
Reservation Economies, 1717 H Street,
Northwest, Suite 765, Washington, D.C.
20006. Telephone (202) 653-2436.

Eric Rudert,

Deputy Director, Presidential Commission on
Indian Reservation Economies.

[FR Doc. 10199 Filed 4-17-84; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management**Designation of an Area of Critical Environmental Concern; Butte District, Montana**

AGENCY: Bureau of Land Management,
Interior.

ACTION: Designation of public lands
within the Headwaters Resource Area
as the Sleeping Giant Area of Critical
Environmental Concern (ACEC).

SUMMARY: Pursuant to the authorities in
the Federal Land Policy and
Management Act (FLPMA) of October
21, 1976 (Section 202(c)(3) and in 1601.6-
7, I hereby designate the following
described lands as the Sleeping Giant
Area of Critical Environmental Concern.

Principal Meridian Montana

T. 13N., R. 3W.,

Sec. 2, lots 3, 4, 8, 9, 10;

Sec. 2, SW $\frac{1}{4}$ NW $\frac{1}{4}$; NW $\frac{1}{4}$ SW $\frac{1}{4}$; NE $\frac{1}{4}$
SW $\frac{1}{4}$; S $\frac{1}{2}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 3, lots 1, 2, 3, 4;

Sec. 3, S $\frac{1}{2}$ N $\frac{1}{2}$; S $\frac{1}{2}$;

Sec. 4, lots 1, 2, 3, 4;

Sec. 4, S $\frac{1}{2}$ N $\frac{1}{2}$; S $\frac{1}{2}$;

Sec. 6, lots 1, 2, 3, 4, 5, 6, 7;

Sec. 6, S $\frac{1}{2}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$; E $\frac{1}{2}$ SW $\frac{1}{4}$;
SE $\frac{1}{4}$;

Sec. 8, all;

Sec. 9, all;

Sec. 10, all;

Sec. 11, lots 1, 2, 6, 7;

Sec. 11, NW $\frac{1}{4}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$; NW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 13, lots 5, 6, 7, 8, 11, 12;

Sec. 13, SW $\frac{1}{4}$; W $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 14, lots 4, 5, 6, 7;

Sec. 14, NW $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 14N., R. 3W.,

Sec. 16, Those portions of Lots 5, 6, & 10
conveyed by Deed recorded by State of
Montana in Book 301 of Deeds, Page 788,
records of Lewis and Clark County,
Montana

Sec. 21, fractional E $\frac{1}{2}$;

Sec. 22, lots 3, 4, 5, 6;

Sec. 22, S $\frac{1}{2}$ N $\frac{1}{2}$; N $\frac{1}{2}$ S $\frac{1}{2}$; S $\frac{1}{2}$ SW $\frac{1}{4}$;

Sec. 23, lots 3, 6;

Sec. 23, SW $\frac{1}{4}$ NW $\frac{1}{4}$;

Sec. 26, lots 3, 6, 7;

Sec. 27, lots 6, 14;

Sec. 27, fractional N $\frac{1}{2}$ N $\frac{1}{2}$;

Sec. 27, fractional W $\frac{1}{2}$ W $\frac{1}{2}$;

Sec. 28, all;

Sec. 29, all;

Sec. 30, lots 1, 2, 3, 4;

Sec. 30, E $\frac{1}{2}$; E $\frac{1}{2}$ W $\frac{1}{2}$;

Sec. 31, lots 1, 2, 3, 4;

Sec. 31, E $\frac{1}{2}$; E $\frac{1}{2}$ W $\frac{1}{2}$;

Sec. 32, all;

Sec. 33, all;

Sec. 34, lots 1, 9, 10, 23, 24, 25;

Sec. 34, SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 35, lots 2, 3, 6, 7;

T. 14N., R. 4W.,

Sec. 24, NW $\frac{1}{4}$ SW $\frac{1}{4}$; S $\frac{1}{2}$ SW $\frac{1}{4}$;

Sec. 25, all;

Sec. 26, N $\frac{1}{2}$ NE $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$;

Sec. 36, all.

The Sleeping Giant ACEC contains
approximately 12,048 acres of public
land.

SUPPLEMENTARY INFORMATION:

Designation of the Sleeping Giant ACEC
will provide added recognition of the
high recreation and wildlife values of
the area. The proximity of the Sleeping
Giant ACEC to the population centers of
Great Falls and Helena, and its
association with Holter Lake and the
Gates of the Mountains Wilderness
suggest that future management
emphasis will be directed toward
maintaining and enhancing the
recreation, scenic and wildlife values of
the area.

FOR FURTHER INFORMATION CONTACT:

Lyle Fox, Headwaters Area Manager,
Bureau of Land Management, Butte
District, P.O. Box 3388, Butte, Montana
59702, (406) 494-5059.

Dated: April 9, 1984.

Jack A. McIntosh,

District Manager.

[FR Doc. 84-10293 Filed 4-17-84; 6:45 am]

BILLING CODE 4310-DN-M

Availability of Draft Management Framework Plan Amendment/Environmental Impact Statement on Rangeland Management in the Roswell Resource Area

AGENCY: Bureau of Land Management,
Interior.

ACTION: Notice of availability and public
hearing.

SUMMARY: Pursuant to section 102(2)(c)
of the National Environmental Policy
Act of 1969, the BLM has prepared a
Draft Management Framework Plan
Amendment/Environmental Impact
Statement (MFP/EA/EIS) to consider the
issue of rangeland management.

The rangeland management issue
involves the amount of vegetation
allocated to grazing and other uses, the
proposed categorization of allotments to
determine the intensity of grazing
management, support facilities,
monitoring and evaluation and

maintenance of rangeland developments. A general implementation schedule has been outlined; standard operating procedures and interrelationships with other agencies in the Resource Area are discussed.

DATES: The public is invited to make written comment on the document on or before July 17, 1984.

ADDRESS: Comments should be addressed to Linda Rundell, MFPA/EIS Team Leader, BLM Roswell Resource Area, P.O. Drawer 1857, Roswell, New Mexico 88201.

FOR FURTHER INFORMATION CONTACT: Linda Rundell, MFPA/EIS Team Leader, at the above address; telephone (505) 624-1790 or FTS 476-9204.

SUPPLEMENTARY INFORMATION: A limited number of additional copies are available at the address listed above. Public reading copies are available for review at the BLM State Office, Office of Public Affairs, Joseph M. Montoya Federal Building and U.S. Post Office, Santa Fe, New Mexico and at the university libraries of Eastern New Mexico University in Portales and Roswell, New Mexico State University in Las Cruces and Texas Tech University in Lubbock, Texas.

Reviewers should retain the Draft MFPA/EIS for future reference, as the final MFPA/EIS may not reprint the full text of the Draft MFPA/EIS. (The Draft MFPA/EIS will be incorporated by reference in the final statement.)

Public hearing: June 15, 1984, Roswell Inn, Rio Grande Room, 1815 North Main, Roswell, New Mexico, with two sessions beginning at 2 p.m. and 7 p.m. to receive oral or written comments on the merits of the proposed action, preferred alternative, other alternatives and on the adequacy of the Draft

MFPA/EIS.

During the public hearings, oral comments will be limited to 10 minutes and should be accompanied with a written text. Anyone wanting to register for the public hearings to present oral comments should contact Linda Rundell, MFPA/EIS Team Leader, or Phil Kirk, Roswell Resource Area Manager, phone (505) 624-1790, no later than June 13, 1984.

Monte G. Jordan,
Associate State Director.

[FR Doc. 84-10362 Filed 4-17-84; 8:45 am]

BILLING CODE 4310-FB-M

Minerals Management Service

Request for Information on Future Oil and Gas Activity in the Central and Eastern Gulf of Mexico Military Warning Areas

The Department of the Interior (DOI) conducts oil and gas lease sales on the Outer Continental Shelf in the Central and Eastern Gulf of Mexico planning areas. The DOI recognizes that the Department of Defense (DOD) also uses these areas for naval carrier training operations, specifically Warning Areas 155 (W-155) and 174 (W-174) as shown on the map included as part of this Notice.

• To address long-term joint use of these warning areas, the DOI proposes the following schedule of actions leading to an agreement between the DOI and DOD.

By May 11, 1984, hold a meeting in New Orleans, Louisiana, of representatives of the Minerals Management Service, the Navy, and oil and gas operators to discuss naval activities in the two warning areas and how these activities may be affected by oil and gas exploration, development, and production operations. Attention

specifically will focus on feasibility of drilling "windows", available subsea production technology, limitations on spacing of drilling platforms, and restrictions on leasing for a specific time period.

• By June 1, 1984, comments are requested from the industry on possible technological solutions which would provide for joint use of the warning areas.

• By July 15, 1984, complete a joint DOI-DOD report outlining naval and industry uses of W-155 and W-174 and alternative approaches to joint use.

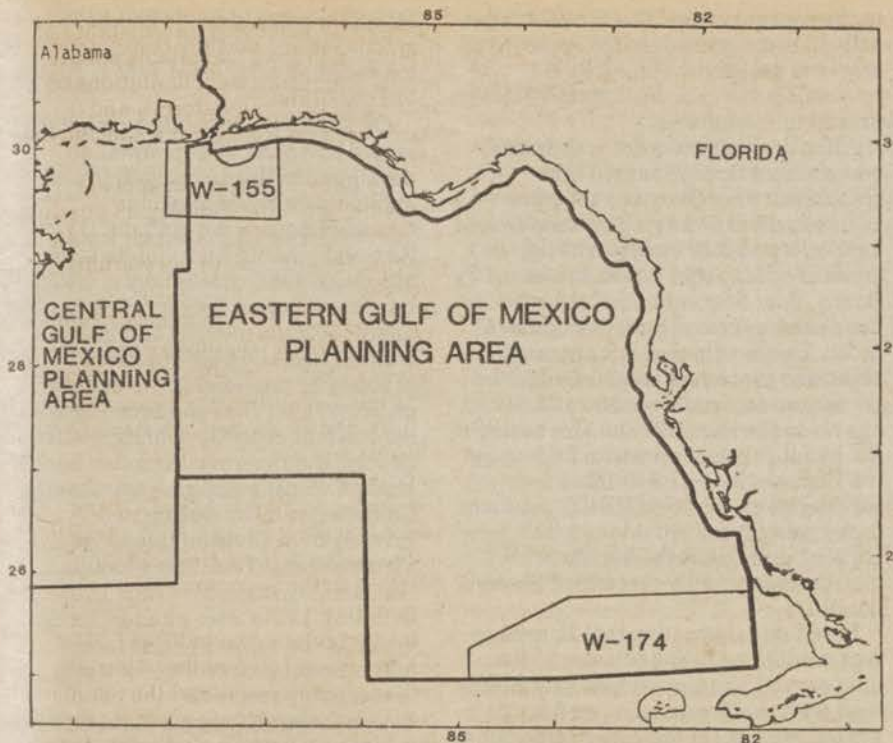
• By August 15, 1984, DOI and DOD officials will meet to discuss alternatives.

• By September 1, 1984, DOI and DOD officials will agree on a joint use policy or the matter will be elevated for decision to the Departmental Secretaries.

By this Notice, the industry, other Federal Agencies, and the public are invited to provide information on joint use of the two warning areas by the DOI and DOD. Comments are due by June 1, 1984, to the Chief, Offshore Leasing Management Division, Minerals Management Service, Mail Stop 645, 12203 Sunrise Valley Drive, Reston, Virginia 22091. Hand deliveries may be made to Room 2515, Department of the Interior Building, 18th and C Streets, NW., Washington, D.C. 20240. A copy of comments should also be sent to the Regional Manager, Gulf of Mexico Region, P. O. Box 7944, 3301 N. Causeway Blvd., Metairie, Louisiana 70011. For further information, contact the Regional Manager at (504) 837-4720 or Chris Oynes, Acting Chief, Offshore Leasing Management Division at (202) 343-6906.

Dated: April 12, 1984.

William D. Bettenberg,
Director, Minerals Management Service.



MILITARY WARNING AREAS W - 155 AND W - 174

[FR Doc. 84-10351 Filed 4-17-84; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

Alaska Region; Subsistence Resource Commission Meetings

AGENCY: National Park Service, Alaska region.

ACTION: Subsistence Resource Commission meetings.

SUMMARY: The Alaska Regional Office of the National Park Service announces a forthcoming organizational meeting of the following Subsistence Resource Commissions:

Cape Krusenstern National Monument
Kobuk Valley National Park
Gates of The Arctic National Park
Denali National Park
Lake Clark National Park
Wrangell-St. Elias National Park

The following agenda items will be discussed:

- (1) Authorities, responsibilities, and operating requirements of the Commission and the National Park Service.
- (2) National park/monument

statement for management, general management plan, fish and game regulations, subsistence issues, and data availability.

(3) Commission organization/administration, objectives, guidelines, and chairperson selection.

DATES: The meetings will begin at 9:00 a.m. on the following dates:

Subsistence Resource Commission and Dates

Cape Krusenstern—May 3-4
Kobuk Valley—May 3-4
Gates of the Arctic—May 3-4
Denali—May 10-11
Lake Clark—May 10-11
Wrangell-St. Elias—May 15-16

ADDRESS: The meetings will be held in the following locations:

Subsistence Resource Commission and Meeting Place

Cape Krusenstern—Kotzebue
Kobuk Valley—Kotzebue
Gates of the Arctic—Kotzebue
Denali—Anchorage
Lake Clark—Anchorage
Wrangell-St. Elias—Glennallen

FOR FURTHER INFORMATION CONTACT:

Mack Shaver, Superintendent,
Northwest Areas, P.O. Box 287,
Kotzebue, Alaska 99752, Phone (907)
442-3890

Richard Ring, Superintendent, Gates of the Arctic National Park and Preserve,
P.O. Box 74680, Fairbanks, Alaska
99707, Phone (907) 456-0350

Bob Cunningham, Superintendent,
Denali National Park and Preserve,
P.O. Box 9, McKinley Park, Alaska
99755, Phone (907) 683-2294

Paul Haertel, Superintendent, Lake Clark National Park and Preserve, 701
C Street, Box 61, Anchorage, Alaska
99513, Phone (907) 271-3751

Chuck Budge, Superintendent, Wrangell-St. Elias National Park and Preserve,
P.O. Box 29, Glennallen, Alaska 99588,
phone (907) 822-5235; or

Lou Waller, Subsistence Coordinator,
National Park Service, Alaska Region,
2525 Gambell Street, Room, 107,
Anchorage, Alaska 99503-2892, Phone
(907) 271-4638

SUPPLEMENTARY INFORMATION: The subsistence Resource Commissions are authorized under Title VIII, Section 808, of the Alaska National Interest Lands Conservation Act Pub. L. 96-487.

Dated: April 9, 1984.

Robert L. Peterson,

Acting Regional Director, Alaska Region.

[FR Doc. 84-10360 Filed 4-17-84; 8:45 am]

BILLING CODE 4310-70-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 603-TA-9]

Certain Hydrogenerators From Japan; Preliminary Investigation

AGENCY: International Trade Commission.

ACTION: Institution of preliminary investigation.

SUMMARY: Notice is hereby given that, on April 11, 1984, the U.S. International Trade Commission voted to institute a preliminary investigation under section 603(a) of the Trade Act of 1974 to investigate the alleged existence of unfair methods of competition and unfair acts in the importation into the United States or in the sale of certain hydrogenerators from Japan. The Commission will also investigate the effects, if any, that the said methods and acts have upon the domestic hydrogenerator industry.

Authority: This preliminary investigation is being instituted pursuant to section 603(a) of the Trade Act of

1974 (19 U.S.C. 2482(a)) and § 201.7 of the Commission's Rules of Practice and Procedure (19 CFR 201.7).

Scope of the investigation: The alleged unfair methods of competition and unfair acts to be investigated are—

1. A combination or conspiracy to restrain trade and commerce in the United States.
2. Monopolization, a conspiracy to monopolize or attempt to monopolize trade and commerce in the United States.
3. A combination or conspiracy in restraint of the import trade and commerce of the United States.
4. A combination or conspiracy to allocate customers or markets; and
5. The bidding on and/or sale, either individually or in concert, of hydrogenators in the United States at predatory prices.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sulzer, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, 701 E. Street NW., Room 126, Washington, D.C. 20436, telephone 202-523-4693.

By order of the Commission.

Issued: April 13, 1984.

Kenneth R. Mason,
Secretary.

[FR Doc. 84-10418 Filed 4-17-84; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-125]

Certain Wooden Handle Kitchen Utensils and Gadgets; Issuance of Cease and Desist Order and Revocation of Order for Entry Under Bond

AGENCY: International Trade Commission.

ACTION: Issuance of cease and desist order; revocation of order for entry under bond.

Authority: 19 U.S.C. 1337; 19 CFR 211.56(c).

SUPPLEMENTARY INFORMATION: A consent order was issued by the Commission on March 23, 1983, in connection with the above-captioned investigation, which finalized a settlement of the investigation agreed to by all the parties. The consent order required that respondents Four Star International Trading Co. and G & S Metal Products Co., Inc. cease manufacturing and selling in the United States any utensils with wooden handles reasonably resembling those of complainant Bonny Products, Inc. A picture of respondents' utensil with a new handle design, which was approved for sale and distribution, was attached

to the consent order. The consent order established a procedure for approval of any new design developed by respondents in case the approved design proved unmarketable.

After the consent order was issued, complainant Bonny learned that respondent Four Star was soliciting sales of utensils having an unapproved handle, a possible violation of the consent order. After it was contacted by Bonny, Four Star submitted the new handle for approval under the consent order. The handle was not approved under the procedure established in the consent order, and Four Star did not appeal to the Commission. The basis for the handle's rejection was a finding by the Commission's Unfair Import Investigations Division (UIID), pursuant to the procedures provided in the consent order, that the handle in question reasonably resembled Bonny's handle.

Based on information that Four Star was continuing to solicit sales of the unapproved handle, complainant Bonny filed with the Commission on May 3, 1983, a request for temporary emergency enforcement of the consent order and for institution of a formal enforcement proceeding under § 211.56(c) of the Commission's rules and paragraph 6 of the consent order. Responses and new evidence were submitted by respondents.

On July 14, 1983, the Commission revoked the consent order with regard to respondent Four Star and issued an order for entry under bond (TEO) against utensils with the accused handle, utensils with the handle that was the subject of the original complaint, and any utensil with a handle like complainant's. Also excluded were utensils originating with Four Star that had handles that reasonably resembled those of complainant.

The Commission also instituted a formal enforcement proceeding pursuant to § 211.56(c) of the Commission rules to investigate complainant's allegations of violation of the March 23, 1983, consent order and to determine what, if any, permanent relief is necessary. The Commission delegated the authority to preside at the hearing to an administrative law judge (presiding officer).

The presiding officer issued a recommended determination on October 17, 1983, in which she found that respondent Four Star had violated the consent order by not completing the procedure contained therein before importing the utensils with the accused handle into the United States and that the accused handle does not reasonably

resemble complainant's handle. She recommended that the consent order be extended an additional year with regard to Four Star only.

On March 20, 1984, after reviewing the record compiled and information developed in this investigation and enforcement proceeding, the Commission determined that: (1) Respondent Four Star violated the March 23, 1983, consent order issued in this investigation by importing wooden handle kitchen utensils and gadgets without following the approval procedures provided in the consent order; (2) Four Star continued to violate the consent order by soliciting sales and importing unapproved wooden handle kitchen utensils and gadgets after the Commission's Unfair Import Investigation Division issued its statement that Four Star's handle "reasonably resembles" complainant's handle; (3) Four Star's handle design which is the subject of this formal enforcement proceeding does not "reasonably resemble" the handle design for which complainant claims a common-law trademark; and (4) the public interest factors enumerated in section 337(f) (19 U.S.C. 1337(f)) do not preclude issuance of a cease and desist order against Four Star prohibiting importation of kitchen utensils or gadgets with wooden handles that reasonably resemble complainant's handle for which complainant claims a common-law trademark or that are identical to respondents' handle that was the subject of the complaint in this investigation.

Thus, on April 12, 1984, the Commission revoked the TEO issued by July 14, 1983, and issued a cease and desist order that will remain in effect until July 1, 1985. The cease and desist order prohibits respondent Four Star and any related persons or entities from exporting to, importing into, selling, or distributing in the United States, either directly or through others, imported wooden handle kitchen utensils or gadgets which are identical to respondents' handle that was the subject of the complaint or which have a wooden handle in a form reasonably resembling that of complainant.

The imported articles which are prohibited from exportation to, importation into, sale, or distribution in the United States shall be entitled to entry under bond in the amount of 300 percent of the entered value of the subject articles from the day after this order is received by the President pursuant to subsection (g) of section 337 of the Tariff Act of 1930, until such time as the President notifies the Commission

but, in any event, not later than 60 days after the date of receipt of this action.

Copies of the Commission's Action and Order, cease and desist order, the Commission's Opinion, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT: Carol McCue Verratti, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0079.

By order of the Commission.

Issued: April 12, 1984.

Kenneth R. Mason,
Secretary.

[FR Doc. 84-10417 Filed 4-17-84; 8:45 am]

BILLING CODE 7020-02-M

[332-182]

Position and Competitiveness of the United States in World Coal Trade

AGENCY: International Trade Commission.

ACTION: Institution of an investigation under section 332(b) of the Tariff Act of 1930 (19 U.S.C. 1332(b)) for the purpose of assessing the position and competitiveness of the United States in world coal trade, and scheduling of a hearing in connection therewith.

EFFECTIVE DATE: April 5, 1984.

FOR FURTHER INFORMATION CONTACT: Ms. Cynthia B. Foresio, Energy and Chemicals Division, U.S. International Trade Commission, Washington, D.C. 20436 (telephone 202-523-1230).

Background and scope of investigation: The Commission instituted the investigation on its own motion. The United States leads the rest of the world's nations in total recoverable coal reserves and has been an important factor in world coal trade. Developments in both the United States and other coal-rich nations could impact the future position and competitiveness of the U.S. coal industry. The United States has the potential of using its reserves to become relatively less dependent on other energy sources including crude petroleum imports as well as to use the reserves to produce chemical feedstocks. Coal is provided for in item 521.31 of the Tariff Schedules of the United States.

The Commission expects to complete its study by March 1985.

Public hearing: A public hearing in connection with the investigation will be held in Norfolk, Va. beginning at 10:00 a.m. on October 23-24, 1984. All persons shall have the right to appear by counsel or in person, to present information, and to be heard. Requests to appear at the public hearing should be filed with the Secretary, United States International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, not later than October 5, 1984.

Written submissions: In lieu of or in addition to appearance at the public hearing, interested persons are invited to submit written statements concerning the investigation. Commercial or financial information which a party desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of section 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested parties. To be ensured of consideration by the Commission, written statements should be received by the close of business on October 5, 1984. All submissions should be addressed to the Secretary at the Commission's office in Washington, D.C.

By order of the Commission.

Issued: April 12, 1984.

Kenneth R. Mason,
Secretary.

[FR Doc. 84-10415 Filed 4-17-84; 8:45 am]

BILLING CODE 7020-02-M

[332-183]

Shift From U.S. Production of Commodity Petrochemicals to Value-Added Chemical Products and the Possible Impact on U.S. Trade

AGENCY: International Trade Commission.

ACTION: Institution of an investigation under section 332(b) of the Tariff Act of 1930 (19 U.S.C. 1332(b)) for the purpose of gathering and presenting information on the chemical industries of the United States and other traditional chemical-producing nations in relation to the development of world-scale capacity for the production of certain commodity petrochemicals in those nations which have significant reserves of feedstock materials.

EFFECTIVE DATE: April 5, 1984.

FOR FURTHER INFORMATION CONTACT:

Mr. Eric Land, Energy and Chemicals Division, U.S. International Trade Commission, Washington, D.C. 20436 (telephone 202-523-0491).

Background and scope of investigation: In April 1983 the Commission released a study, investigation No. 332-161, which indicated that the traditional petrochemical-producing areas of the world, including the United States, are expected to have a lower future share of the world's production capacity for certain commodity building-block petrochemicals by 1990. One possible response for the U.S. chemical industry to this development would be to switch from the current industry concentration on large-scale production of the commodity building-block petrochemicals to the smaller-scale production of value-added chemical products. The information obtained in this investigation would be used to analyze the current position and competitiveness of the U.S. chemical industry within the context of the shifting chemical industry orientations along with other relevant contexts.

The Commission expects to complete its study by March 1985.

Public hearing: While there is no public hearing for this study, written submissions from interested parties are invited. Although the Commission is not actively seeking proprietary company data, commercial or financial information which a party desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested parties. To be ensured of consideration by the Commission in this study, written statements should be submitted at the earliest practicable date, but no later than July 27, 1984. All submissions should be addressed to the Secretary at the Commission's office in Washington, D.C.

By order of the Commission.

Issued: April 12, 1984.

Kenneth R. Mason,
Secretary.

[FR Doc. 84-10416 Filed 4-17-84; 8:45 am]

BILLING CODE 7020-02-M

Agency Form Submitted for OMB Review

AGENCY: International Trade Commission.

ACTION: In accordance with the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Commission has submitted a proposal for the collection of information to the Office of Management and Budget for review.

SUPPLEMENTARY INFORMATION:

Purpose of Information Collection

The proposed information collection is for use by the Commission in connection with investigation No. 332-181, Conditions of Competition Between Certain Domestic and Imported Fabricated Structural Steel Products, instituted under the authority of section 332(b) of the Tariff Act of 1930 (19 U.S.C. 1332(b)).

Summary of Proposals

- (1) Number of forms submitted: two.
- (2) Title of form: Conditions of Competition Between Certain Domestic and Imported Fabricated Structural Steel Products—Questionnaires for U.S. Producers and Purchasers.
- (3) Type of request: new.
- (4) Frequency of use: nonrecurring.
- (5) Description of respondents: firms which produce or purchase fabricated structural steel products.
- (6) Estimated number of respondents: 750.
- (7) Estimated total number of hours to complete the forms: 16,250.
- (8) Information obtained from the form that qualifies as confidential business information will be so treated by the Commission and not disclosed in a manner that would reveal the individual operations of a firm.

Additional Information or Comment

Copies of the proposed form and supporting documents may be obtained from Deborah McNay, (USITC, tel. no. 202-523-0445). Comments about the proposals should be directed to the Office of Information and Regulatory Affairs of OMB, Attention: Francine Picoult, Desk Officer for U.S. International Trade Commission (tel. no. 202-395-7231). If you anticipate

commenting on a form but find that time to prepare comments will prevent you from submitting them promptly you should advise OMB of your intent as soon as possible. Copies of any comments should be provided to Charles Ervin (United States International Trade Commission, 701 E Street, NW., Washington, D.C. 20436).

By order of the Commission.

Issued: April 13, 1984.

Kenneth R. Mason,
Secretary.

[FR Doc. 84-10381 Filed 4-17-84; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-170]

Certain Bag Closure Clips; Receipt of Initial Determination Terminating Respondent on the Basis of Consent Order Agreement

AGENCY: U.S. International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondent on the basis of a consent order agreement: Westwood Imports.

SUPPLEMENTARY INFORMATION: This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon the parties on April 11, 1984.

Copies of the initial determination, the consent order agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

Written Comments

Interested persons may file written comments with the Commission concerning termination of the aforementioned respondent. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E Street, NW., Washington, D.C. 20436, no later than 10 days after publication of this notice in the Federal Register. Any person

desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

FOR FURTHER INFORMATION CONTACT: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202-523-0176.

By order of the Commission.

Issued: April 11, 1984.

Kenneth R. Mason,
Secretary.

[FR Doc. 84-10380 Filed 4-17-84; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-170]

Certain Bag Closure Clips; Receipt of Initial Determination Terminating Respondent on the Basis of Consent Order Agreement

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondent on the basis of a consent order agreement: Aluminum Housewares.

SUPPLEMENTARY INFORMATION: This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon the parties on April 10, 1984.

Copies of the initial determination, the consent order agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

Written Comments

Interested persons may file written comments with the Commission concerning termination of the

aforementioned respondent. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E Street, NW., Washington, D.C. 20436, no later than 10 days after publication of this notice in the **Federal Register**. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

FOR FURTHER INFORMATION CONTACT: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202-523-0176.

By order of the Commission.

Issued: April 10, 1984.

Kenneth R. Mason,

Secretary.

[FR Doc. 84-10384 Filed 4-17-84; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-170]

Certain Bag Closure Clips; Receipt of Initial Determination Terminating Respondent on the Basis of Consent Order Agreement

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondent on the basis of a consent order agreement: Wall-Collins, Ltd.

SUPPLEMENTARY INFORMATION: This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon the parties on April 11, 1984.

Copies of the initial determination, the consent order agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E

Street NW., Washington, D.C. 20436, telephone 202-523-0161.

Written Comments

Interested persons may file written comments with the Commission concerning termination of the aforementioned respondent. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E Street NW., Washington, D.C. 20436, no later than 10 days after publication of this notice in the **Federal Register**. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

FOR FURTHER INFORMATION CONTACT: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202-523-0176.

By order of the Commission.

Issued: April 11, 1984.

Kenneth R. Mason,

Secretary.

[FR Doc. 84-10411 Filed 4-17-84; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-166]

Certain Computerized Jacquard, Pattern Cutting Systems

Notice is hereby given that the prehearing conference and the hearing in this proceeding scheduled for April 30, 1984, at the Waterfront Center, Room 201, 1010 Wisconsin Avenue, NW., Washington, D.C. 20007 (49 FR 11893), are cancelled.

The prehearing conference is rescheduled to commence at 9:00 a.m. on April 30, 1984, in Hearing Room F, Interstate Commerce Commission Building, 12th & Constitution Avenue, NW., Washington, D.C. The hearing will commence immediately thereafter.

Issued: April 10, 1984. The Secretary shall publish this notice in the **Federal Register**.

Janet D. Saxon,

Administrative Law Judge.

[FR Doc. 84-10412 Filed 4-17-84; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-163]

Certain Nutating Valve Actuators and Components Thereof; Commission Determination Not To Review Initial Determination Terminating Investigation

AGENCY: International Trade Commission.

ACTION: The Commission has determined not to review an initial determination (I.D.) terminating this investigation with prejudice based on withdrawal of the complaint by complainant.

Authority: 19 U.S.C. 1337, 47 FR 25134, June 10, 1982, and 48 FR 20225, May 5, 1983 (to be codified at 19 CFR 210.53(c) and (h)).

SUPPLEMENTARY INFORMATION: The Commission has received neither a petition for review of the I.D. nor comments from other Government agencies.

FOR FURTHER INFORMATION CONTACT: Tim Yaworski, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0311.

By order of the Commission.

Issued: April 11, 1984.

Kenneth R. Mason,

Secretary.

[FR Doc. 84-10413 Filed 4-17-84; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-189]

Certain Optical Waveguide Fibers; Investigation

AGENCY: International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337 and 19 U.S.C. 1337a.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on March 7, 1984, pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and 9 U.S.C. 1337a, on behalf of Corning Glass Works, Houghton Park, Corning, New York 14830. A supplement to the complaint was filed on March 27, 1984. The complaint, as supplemented, alleges unfair methods of competition and unfair acts in importation of certain optical waveguide fibers into the United States, or in their sale, by reason of (1) the alleged coverage of such fibers by claims 1 and 2 of U.S. Letters Patent 3,659,915 and (2) the alleged manufacture abroad of such fibers by a process covered by claims 1, 3 and 8 of U.S. Letters Patent 3,933,454. The

complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The complainant requests the Commission to institute an investigation and, after a full investigation, to issue a permanent exclusion order.

Authority: The authority for institution of this investigation is contained in 19 U.S.C. 1337 and 1337a, and in § 210.12 of the Commission's Rules of Practice and Procedure (19 CFR 210.12).

Scope of Investigation

Having considered the complaint, the U.S. International Trade Commission, on April 5, 1984, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, an investigation be instituted to determine whether there is a violation of subsection (a) of section 337 in the unlawful importation of certain optical waveguide fibers into the United States, or in their sale, by reason of (1) the alleged coverage of such fibers by claims 1 and 2 of U.S. Letters Patent 3,659,915 and (2) the alleged manufacture abroad of such fibers by a process covered by claims 1, 3 and 8 of U.S. Letters Patent 3,933,454, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is Corning Glass Works, Houghton Park, Corning, New York 14830.

(b) The respondents are the following companies, alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Sumitomo Electric Industries, Ltd., New Sumitomo Building, 15, Kitahama 5-chome, Higashi-ku, Osaka, 541 Japan
Sumitomo Electric U.S.A., Inc., 551 Madison Avenue, New York, New York 10022

(c) Jeffrey L. Gertler, Unfair Import Investigations Division, U.S. International Trade Commission, 701 E Street NW., Room 125, Washington, D.C. 20436, shall be the Commission investigative attorney, a party to this investigation; and

(3) For the investigation so instituted, Donald K. Duvall, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding officer.

Responses must be submitted by the named respondents in accordance with

§ 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.21). Pursuant to §§ 201.16(d) and 210.21(a) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice, and to enter both an initial determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 156, Washington, D.C. 20436, telephone 202-523-0471.

FOR FURTHER INFORMATION CONTACT: Jeffrey L. Gertler, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, telephone 202-523-0115.

By order of the Commission.

Issued: April 9, 1984.

Kenneth R. Mason,
Secretary.

[FR Doc. 84-10382 Filed 4-17-84; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-159]

Certain Poultry Cut Up Machines; Commission Decision Not To Review Initial Determination Terminating All Respondents on the Basis of Two Consent Orders; Issuance of Consent Orders and Termination of Investigation

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has determined not to review an initial determination (I.D.) to terminate this investigation as to all respondents on the basis of two consent orders.

Authority: 19 U.S.C. 1337, 47 FR 25134, June 10, 1982, and 48 FR 20225, May 5, 1983 (partially codified at 19 CFR 210.53(c) and (h)).

SUPPLEMENTARY INFORMATION: Notice of the I.D. was published in the Federal Register of March 22, 1984, 49 FR 10719. No petitions for review or agency or public comments were received.

FOR FURTHER INFORMATION CONTACT: Tim Yaworski, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0311.

By order of the Commission.

Issued: April 12, 1984.

Kenneth R. Mason,
Secretary.

[FR Doc. 84-10414 Filed 4-17-84; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-145 (Final)]

Certain Steel Valves and Certain Parts Thereof From Japan

AGENCY: International Trade Commission.

ACTION: Institution of a final antidumping investigation and scheduling of a hearing to be held in connection with the investigation.

EFFECTIVE DATE: April 2, 1984.

SUMMARY: As a result of an affirmative preliminary determination by the U.S. Department of Commerce that there is a reasonable basis to believe or suspect that imports from Japan of certain steel valves and certain parts thereof,¹ provided for in item 680.17 of the Tariff Schedules of the United States, are being, or are likely to be, sold in the United States at less than fair value (LTFV) within the meaning of section 731 of the Tariff Act of 1930 (19 U.S.C. 1673), the United States International Trade Commission hereby gives notice of the institution of investigation No. 731-TA-145 (Final) under section 735(b) of the act (19 U.S.C. 1673d(b)) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of such merchandise. Unless the investigation is extended, the Department of Commerce will make its final dumping determination in the case on or before June 13, 1984, and the Commission will make its final injury

¹ The term "certain steel valves and certain parts thereof" means wedge gate, swing check, and globe valves and specified parts of such valves, all the foregoing of steel. The parts covered by this investigation are machined valve bodies and partially completed valves, the latter consisting of machined valve bodies imported with one or more of the following parts: bonnet, stem, wedge, handle, or seat rings. Bellows seal valves and non-machined valve bodies are specifically excluded.

determination by July 30, 1984 (19 CFR § 207.25).

FOR FURTHER INFORMATION CONTACT:

George L. Deyman (202-523-0481),
Office of Investigations, U.S.
International Trade Commission.

SUPPLEMENTARY INFORMATION:

Background

On November 7, 1983, the Commission determined, on the basis of the information developed during the course of its preliminary investigation, there was a reasonable indication that industries in the United States were materially injured by reason of alleged LTFV imports from Japan of steel wedge gate, globe and swing check valves and certain parts thereof (other than bellows seal valves and non-machined valve bodies). The preliminary investigation was instituted in response to a petition filed on September 22, 1983, by counsel for the Valve Manufacturers Association Fair Trade Council and 11 U.S. producers.

Participation in the Investigation

Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's Rules of Practice and Procedure (19 CFR 201.11), not later than 21 days after the publication of this notice in the Federal Register. Any entry of appearance filed after this date will be referred to the Chairman, who shall determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Upon the expiration of the period for filing entries of appearance, the Secretary shall prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to the investigation, pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)). Each document filed by a party to this investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service (19 CFR 201.16(c)).

Staff Report

A public version of the staff report containing preliminary findings of fact in this investigation will be placed in the public record on June 1, 1984, pursuant to § 207.21 of the Commission's rules (19 CFR 207.21).

Hearing:

The Commission will hold a hearing in connection with this investigation beginning at 10:00 a.m., on June 19, 1984, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on June 4, 1984. All persons desiring to appear at the hearing and make oral presentations should file prehearing briefs and attend a prehearing conference to be held at 10:00 a.m., on June 8, 1984, in room 117 of the U.S. International Trade Commission Building. The deadline for filing prehearing briefs is June 12, 1984.

Testimony at the public hearing is governed by § 207.23 of the Commission's rules (19 CFR 207.23). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. All legal arguments, economic analyses, and factual materials relevant to the public hearing should be included in prehearing briefs in accordance with § 207.22 (19 CFR 207.22). Posthearing briefs must conform with the provisions of § 207.24 (19 CFR 207.24) and must be submitted not later than the close of business on June 26, 1984.

Written Submissions

As mentioned, parties to this investigation may file prehearing and posthearing briefs by the dates shown above. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before June 26, 1984. A signed original and fourteen (14) true copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the Commission's rules (19 CFR 201.8). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired shall be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform

with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6).

For further information concerning the conduct of the investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 207, Subparts A and C (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201).

This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20).

By order of the Commission.

Issued: April 10, 1984.

Kenneth R. Mason,
Secretary.

[FR Doc. 84-10383 Filed 4-17-84; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-173]

Certain Values; Commission Decision Not To Review Initial Determination Terminating Respondent Almex Alaska

AGENCY: International Trade Commission.

ACTION: The Commission has determined not to review an initial determination (I.D.) terminating Almex Alaska as a respondent in this investigation.

Authority: Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and §§ 210.53(c) and 210.53(h) of the Commission's Rules of Practice and Procedure (19 CFR 210.53(c) and (h)).

SUPPLEMENTARY INFORMATION:

Comments concerning the I.D. were solicited from Government agencies on March 19, 1984. The Commission has received neither a petition for review of the I.D. nor comments from the agencies.

FOR FURTHER INFORMATION CONTACT: Carol McCue Verratti, Esq., Office of the General Counsel, U.S. International Trade Commission, tel. 202-523-0079.

By order of the Commission.

Issued: April 10, 1984.

Kenneth R. Mason,
Secretary.

[FR Doc. 84-10385 Filed 4-17-84; 8:45 am]

BILLING CODE 7020-02-M

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

Advisory Committee on Actuarial Examinations; Meeting

Notice is hereby given that the Advisory Committee on Actuarial Examinations will meet in Room 3411, Internal Revenue Service Building, 1111

Constitution Avenue, NW, in Washington, D.C. on May 17, 1984, beginning at 8:30 a.m.

The purpose of the meeting is to discuss topics and questions which may be recommended for inclusion on future Joint Board examinations in actuarial mathematics and methodology referred to in Title 29 U.S. Code, section 1242(a)(1)(B). In addition, there will be a discussion of the concept of open book examinations, pre-set pass scores on examinations and the transition period under the restructured examination program.

A determination as required by section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) has been made that the portion of the meeting dealing with the discussion of questions which may appear on the Joint Board's examinations falls within the exceptions to the open meeting requirement set forth in Title 5 U.S. Code, section 552b(c)(9)(B), and that the public interest requires that such portion be closed to public participation.

The portion of the meeting dealing with the discussion of the concept of open book examinations, pre-set pass scores and the transition period under the restructured examination program will commence at 10:00 a.m. and will continue for as long as necessary but not beyond 12:00 noon. This portion of the meeting will be open to the public as space is available.

Time permitting, after discussion of the agenda items by Committee members, interested persons may make statements germane to the subjects under consideration. Persons wishing to make oral statements are requested to notify the Committee Management Officer in writing prior to the meeting in order to aid in scheduling the time available, and should submit the written text or, at a minimum, an outline of comments they propose to make orally. Such comments will be limited to ten minutes in length. Any interested person also may file a written statement for consideration by the Joint Board and Committee by sending it to the Committee Management Officer.

Notifications and statements should be received no later than May 11, 1984. They should be sent to Mr. Leslie S. Shapiro, Joint Board for the Enrollment of Actuaries, c/o U.S. Department of the Treasury, Washington, D.C. 20220. Telephone inquiries may be directed to Mr. Shapiro at (202) 535-6787.

Dated: April 13, 1984.

Leslie S. Shapiro,

Advisory Committee Management Officer,
Joint Board for the Enrollment of Actuaries.

[FR Doc. 84-10344 Filed 4-17-84; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Application; Sterling Drug, Inc.

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on January 23, 1984, Sterling Drug, Inc., 33 Riverside Avenue, Rensselaer, New York 12144, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the Schedule II controlled substance Pethidine (meperidine) (9230).

Any other such applicant and any person who is presently registered with DEA to manufacture such substance may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, N.W., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than May 18, 1984.

Dated: April 10, 1984.

Gene R. Haislip,
Deputy Assistant Administrator, Office of
Diversion Control, Drug Enforcement
Administration.

[FR Doc. 84-10352 Filed 4-17-84; 8:45 am]

BILLING CODE 4410-09-M

NUCLEAR REGULATORY COMMISSION

Applications for Licenses To Export and Import Nuclear Facilities or Materials

Pursuant to 10 CFR 110.70(b) "Public notice of receipt of an application" please take notice that that Nuclear Regulatory Commission has received the following applications for export and import licenses. Copies of the applications are on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, NW., Washington, D.C.

A request for a hearing or petition for leave to intervene may be filed within 30 days after publication of this notice in the *Federal Register*. Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, the Secretary, U.S. Nuclear Regulatory Commission, and the Executive Secretary, U.S. Department of State, Washington, D.C. 20520.

In its review of applications for licenses to export production or utilization facilities, special nuclear materials or source material, noticed herein, the Commission does not evaluate the health, safety or environmental effects in the recipient nation of the facility or material to be exported. The table below lists all new major applications.

Dated this 11th day of April 1984 at Bethesda, Maryland.

For the Nuclear Regulatory Commission.

James V. Zimmerman,
Assistant Director, Export/Import and
International Safeguards, Office of
International Programs.

NRC EXPORT AND IMPORT APPLICATIONS

Name of applicant, date of application, date received, application number	Material type	Material total element (kilograms)	Material total isotope (kilograms)	End-use	Country of destination
Mitsui & Company, March 21, 1984, March 23, 1984, XSNM02127	3.95% enriched uranium.	24,229	749	Reload fuel for Onagawa 1, 2nd reload.	Japan.
Transnuclear, Inc., March 30, 1984, March 30, 1984, XSNM02128	3.30% enriched uranium.	26,405.9	871.395	Reload fuel for ASCO 1.	Spain.
General Electric Co., March 29, 1984, April 2, 1984, XSNM02131	4.0% enriched uranium.	24,422	728	Reload fuel for Fukushima 1, Unit 2.	Japan.
Mitsui & Co. (U.S.A.), Inc., March 29, 1984, April 2, 1984, XSNM02132	3.95% enriched uranium.	23,895	739	Reload fuel for Fukushima 1, Unit 3.	Do.

NRC EXPORT AND IMPORT APPLICATIONS—Continued

Name of applicant, date of application, date received, application number	Material type	Material total element (kilograms)	Material total isotope (kilograms)	End-use	Country of destination
Transnuclear, Inc., April 2, 1984, April 2, 1984, XSNM02133	93.3% enriched uranium.	38.095	35.543	Reload fuel for the HFR-Petten	Netherlands.
Marubeni America Corp., April 5, 1984, April 6, 1984, XSNM02135	3.95% enriched uranium.	9,642	298	Reload fuel for Shilmane 1	Japan.
Marubeni America Corp., April 5, 1984, April 6, 1984, XSNM02136	3.95% enriched uranium.	2,564	75	Reload fuel for Shilmane 1	Do.
Westinghouse Electric, April 6, 1984, April 6, 1984, ISNM84004	2.410% enriched uranium.	420.078	10.125	Return of fuel rods for repair or replacement for Maanshan 2.	From Taiwan.
Mitsui & Co. (U.S.A.), Inc., April 3, 1984, April 6, 1984, XSNM02137	4.0% enriched uranium.	7,206	208	Reload fuel for Tokai 2	Japan.

[FR Doc. 84-10379 Filed 4-17-84; 8:45 am]
BILLING CODE 7590-01-M

Regulatory Guide; Issuance, Availability

The Nuclear Regulatory Commission has issued a revision to a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 5.11, Revision 1, "Nondestructive Assay of Special Nuclear Material Contained in Scrap and Waste," describes procedures acceptable to the NRC staff for the use of nondestructive assay in the measurement of scrap and waste components generated in the processing of special nuclear material.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of active guides may be purchased at the current Government Printing Office price. A subscription service for future guides in specific divisions is available through the Government Printing Office. Information on the subscription service and current prices may be obtained by writing to the U.S. Nuclear Regulatory

Commission, Washington, D.C. 20555, Attention: Publications Sales Manager.

(5 U.S.C. 552(a))

Dated at Silver Spring, Maryland this 11th day of April 1984.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Director, Office of Nuclear Regulatory Research.

[FR Doc. 84-10380 Filed 4-17-84; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Diablo Canyon Nuclear Power Plant Units 1 and 2; Meeting Cancelled

The ACRS Subcommittee on Diablo Canyon Nuclear Power Plant Units 1 and 2 scheduled for April 19, 1984, has been *cancelled*. Notice of this meeting was published April 6, 1984 (49 FR 13774).

Dated: April 16, 1984.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 84-10544 Filed 4-17-84; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

Issuance of Policy Letter No. 84-1, "Federally Funded Research and Development Centers (FFRDCs)"

Correction

In FR Doc. 84-9760 beginning on page 14462 in the issue of Wednesday, April 11, 1984, make the following corrections:

1. On page 14462, third column, under "F. Meaning of Terms", first paragraph, sixth line, delete the word "best".

2. On page 14465, first column, paragraph 6a, sixth line, "Economic" should have read "Economy".

BILLING CODE 1505-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-20853; File Nos. SR-NASD-80-10; Amex-83-33; CBOE-83-53; NYSE-84-4; PSE-84-2; and Phlx-83-27]

Over-the-Counter Trading of Standardized Options and Exchange Trading of Options on Over-the-Counter Securities

ACTION: Extension of comment period and request for additional comments.

SUMMARY: The Commission has published notice of proposed rule changes submitted by the National Association of Securities Dealers, Inc. and five securities exchanges to trade options on over-the-counter securities. In view of the significant issues raised by these proposals, the Commission has determined to extend to June 15, 1984, the period for public comment on the proposals and to solicit additional written submissions of data, views and comments from interested persons, particularly with respect to the issues discussed in this release.

DATES: Comments should be received by June 15, 1984.

ADDRESSES: Interested persons should submit 15 copies of their views and comments to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 450 Fifth Street N.W., Washington, DC 20549, and should refer to File Nos. SR-NASD-80-10 or Amex-83-33, CBOE-83-53, NYSE-84-4, PSE-84-4, or Phlx-83-27, as appropriate. All submissions will be made available for public inspection at the Commission's Public Reference Room.

FOR FURTHER INFORMATION CONTACT: Alden Adkins or Sharon D. Lawson, Division of Market Regulation, 450 Fifth Street N.W., Washington, DC 20549, (202-272-2843 and 202-272-2855).

SUPPLEMENTARY INFORMATION:

I. Introduction

On June 12, 1980, the National Association of Securities Dealers, Inc. ("NASD") pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") submitted to the Commission a proposed rule change to establish an over-the-counter ("OTC") market in standardized put and call options on certain individual securities.¹ On June 28, 1982, the NASD submitted to the Commission Amendment No. 1 to this proposed rule change. Amendment No. 1, among other things, proposed to establish an OTC market in standardized put and call options on certain stock indices.² On December 1, 1982, the NASD submitted to the Commission Amendment No. 2 to the proposed rule change. Amendment No. 2 provided for the OTC trading of additional stock indices.³ In addition, on December 22, 1983, the NASD submitted to the Commission several documents describing the proposed rule change, as amended; proposing certain changes to the proposal; and discussing certain issues raised in previous comments on the proposal.⁴

From November 1983 to February 1984, the Chicago Board Options Exchange, Incorporated ("CBOE"); American Stock Exchange, Inc. ("Amex"); Pacific Stock Exchange, Inc. ("PSE"); Philadelphia Stock Exchange, Inc. ("Phlx"), and New York Stock Exchange, Inc. ("NYSE") filed with the Commission pursuant to Section 19(b)(1) of the Act proposed rule changes to permit the listing and exchange trading of standardized options on securities that are not listed and registered on a national securities exchange under Section 12(a) of the Act ("OTC securities") but are designated as national market system securities under Rule 11Aa2-1(b)(1) under the Act

("NASDAQ/NMS Tier I securities").⁵ In connection with their proposed rule changes, the CBOE, Phlx and PSE have requested that the Commission amend Rule 12a-6 under the Act, which effectively bars exchange trading of options on OTC securities.⁶ In a separate release the Commission has proposed amendments to Rule 12a-6.⁷ Those amendments, if approved, would remove the Rule's effective ban on exchange trading of options on OTC securities; Commission approval of those amendments would not, however, authorize any exchange to list and trade such options. Authorization of the actual exchange trading of options on OTC securities can be provided only by Commission approval of the exchanges' proposals described and discussed in this release.

In this release, the Commission describes the NASD proposal and the proposals submitted by the exchanges to list and trade options on NASDAQ/NMS Tier I securities. The purpose of this release is to extend the comment period on these proposals to June 15, 1984, and to solicit additional written submissions of data, views and comment regarding these proposals.

II. The NASD Proposal

A. Overview

The NASD proposes to display quotations in standardized put and call options on designated stocks ("NASDAQ options") and stock indices ("NASDAQ index options"). These quotations, to be displayed in the NASD's NASDAQ System, would be made by options market makers registered as such with the NASD. The options would be standardized as to exercise price, expiration date, and unit of trading, and would be registered with the Commission under the Securities Act

of 1933 and in various states by the Options Clearing Corporation ("OCC"). NASDAQ options and index options would be exercisable through OCC, which would serve as issuer and guarantor of these options. The NASD proposal includes a provision for last sale reporting of completed transactions in NASDAQ options and index options contracts. In addition, the NASD proposes to establish an automated small customer order (three contracts or less) NASDAQ options execution system, and an "order confirmation transaction" feature that will "lock in" customer trades for more than three contracts in NASDAQ options and index options for price reporting, surveillance and clearing purposes. The NASD proposes to allow one entity to make markets contemporaneously in both NASDAQ options and their underlying securities, so long as certain conditions are satisfied. In addition, the NASD proposes to implement special surveillance measures to monitor trading in its proposed options.

B. Specific Features of the NASD Proposal

1. *Eligible Underlying Securities.* To be eligible to underlie a NASDAQ option, a security must be (a) a designated national market system security under Rule 11Aa2-1 of the Act, (b) displayed on the NASDAQ system and (c) either registered with the Commission under Section 12(g)(1) of the Act or issued by an insurance company meeting the conditions of Section 12(g)(2)(G) of the Act.⁸

The security must also satisfy certain criteria identical to those established by exchanges for stocks underlying individual stock options;⁹ and the issuer

⁸ The NASD also proposes to allow a security registered on a national securities exchange to underlie a NASDAQ option if that security is not a "covered security" under Rule 19c-3 under the Act and if the security does not at the time of qualification for NASDAQ options trading underlie an exchange traded option issued by the OCC. The NASD has agreed to a deferral of Commission consideration of this portion of its proposal. For this reason, the Commission is not at this time soliciting comment on this aspect of the NASD's proposal.

⁹ These eligibility criteria require in general: (1) A minimum public float of 7 million shares; (2) at least 6,000 beneficial owners of the security; (3) aggregate trading volume of at least 2.4 million shares during the 12 months preceding authorization of the option; and (4) a closing price of \$10.00 per share on each business day for the 3 months preceding authorization of the option.

The NASD also proposes "maintenance criteria" for stocks underlying NASDAQ options that are identical to those used by the options exchanges. These criteria require that no new series be introduced in an option if, among other things, the underlying stock falls below certain volume, float and price levels.

¹ Notice of the proposed rule change was given in Securities Exchange Act Release No. 16979, July 15, 1980; 435 FR 53295, August 11, 1980.

² Notice of Amendment No. 1 was given in Securities Exchange Act Release No. 18917, July 26, 1982; 47 FR 33575, August 3, 1982.

³ Notice of Amendment No. 2 was given in Securities Exchange Act Release No. 19330, December 13, 1982; 47 FR 57812, December 29, 1982.

⁴ Submission of December 22, 1983, accompanied by letter dated December 22, 1983 from Gordon Macklin, President, NASD, to Douglas Scarff, Director, Division of Market Regulation, SEC (the "December submission"). The December submission was not made pursuant to Section 19(b)(1) of the Act and Rule 19b-4 thereunder; while the changes it proposes to the proposed rule change will eventually have to be filed as amendment to the proposed rule change pursuant to Rule 19b-4, the contents of this submission are included in the description and discussion of the NASD proposal set forth below.

⁵ Notice of CBOE's proposal was given in Securities Exchange Act Release No. 20471, December 9, 1983; 48 FR 55939, December 16, 1983; notice of Amex's proposal was given in Securities Exchange Act Release No. 20496, December 16, 1983; 48 FR 56875, December 23, 1983; notice of PSE's proposal was given in Securities Exchange Act Release No. 20538, January 6, 1984; 49 FR 1806, January 13, 1984; notice of Phlx's proposal was given in Securities Exchange Act Release No. 20690, February 23, 1984; 49 FR 4684, March 1, 1984; and notice of NYSE's proposal was given in Securities Exchange Act Release No. 20691, February 23, 1984; 49 FR 7682, March 1, 1984.

⁶ Rule 12a-6 essentially allows an exchange to trade an option on a security without registering that security under Section 12(a) of the Act only if, among other things, the security is registered under Section 12(a) on some other national securities exchange. Amex and the NYSE also understand that an amendment to Rule 12a-6 is a necessary precondition to approval of their proposals.

⁷ See Securities Exchange Act Release No. 20654 (April 12, 1984).

of the security must consent to the inclusion of that security in the NASDAQ option program.¹⁰

2. Proposed NASDAQ Options Automated Execution System. The proposed NASDAQ Options Automatic Execution System ("NOAES") would automatically execute orders in NASDAQ stock and index options. This system would permit the automatic execution at the best NASDAQ displayed bid or offer of customer orders for up to three contracts. Participation in NOAES for a particular NASDAQ options class would be mandatory for all NASDAQ market makers in that option. All NASDAQ options quotations displayed, therefore, will reflect prices at which automatic executions may be effected. Each market maker will be able to enter "exposure limits" that act to specify the maximum number of contracts that the firm will be willing to buy or sell via automatic execution. Until the exposure limit is exhausted, however (*i.e.*, reaches zero) the market maker must accept one automatic execution for up to three contracts at his stated quotation if such quotation is the best quotation in the system.

If more than one market maker is displaying the best bid or offer, orders entered without designating a preferred market maker will be automatically executed on a rotating basis against each market maker at that price. Preferred orders, *i.e.*, ones designating a particular market maker, would also be allowed. A preferred order will be executed against the preferred market maker if his quote is equal to the best NOAES price and his exposure limit has not been exhausted. A firm would not be allowed to designate itself as the preferred market maker. If the preferred order cannot be executed against the preferred market maker, the system will execute against the next market maker in the rotation at the best NOAES price.

The NOAES system will also permit the entry of preferred pre-opening orders. Preferred orders entered before the NOAES opening (which will occur at approximately 10:00 a.m., subject to the opening of trading in the underlying security) will be stored in the system and, if executed, will be executed at the best NOAES opening price. Each NOAES market maker will also be given the opportunity to decide

how many of the pre-opening orders preferenced to him he wishes to accept for automatic execution at the best NOAES opening price. In the event a participating market maker elects not to accept for automatic execution all pre-opening orders preferenced to him, those orders will be retained in the NOAES system and executed automatically after the opening on a rotating basis against other NOAES market makers.

The NOAES system will automatically forward trade data from execution reports to the Options Price Reporting Authority ("OPRA") for dissemination to the distribution vendors. In addition, NOAES will forward to the clearing facility execution reports for both sides of the trade, resulting in a "locked-in" trade for clearing purposes.

3. NASDAQ Options Orders Not Automatically Executed. Under the NASD proposal, use of NOAES for small customer orders is voluntary and, as noted above, the system may not be used for orders larger than three contracts. Under the NASD proposal, there would be established an order confirmation transaction ("OCT") feature by which these orders would be reported. The order entry firm would contact a NASDAQ options market maker by phone and negotiate a trade. The "sell" side of the transaction would then be required to enter into the NASDAQ System an OCT message within 90 seconds. The trade will be reported to OPRA upon entry of the OCT message. The "buy" side of the transaction will have 90 seconds in which to accept the message.

If the message is accepted, the transaction becomes a "locked-in" trade to be reported to OCC at the end of the trading day. If a member fails to respond to an OCT message, the message will be retained in NOAES for reconciliation at the close of the trading day. All OCT messages, whether accepted or not, would be captured by the system.

Each side to a transaction would also be able to "break" the trade by mutual agreement in the event an incorrect OCT message is inadvertently accepted by the contra-party. Such "broken" trades will also be captured by the system.

4. Side-by-Side or Integrated Market Making. Under the NASD proposal, market makers in securities underlying NASDAQ options would be able to make markets simultaneously in NASDAQ options to those securities. The NASD proposes to impose specific requirements on these "side-by-side" market makers who, in addition, would be bound by rules applicable to all members. The specific rules that would

apply to side-by-side market makers are as follows:

(1) In order for a member to make a market simultaneously in an underlying security and the options relating to that security, there would have to be at least 10 registered market makers in the underlying security and at least 5 registered market makers in each option group¹¹ in respect to which side-by-side market making is intended.

(2) Once begun, side-by-side market making in new options series would not be allowed if there were fewer than 7 registered NASDAQ market makers displaying quotations on the NASDAQ system in the underlying security or fewer than 3 registered NASDAQ options market makers displaying quotations on the NASDAQ system in the NASDAQ options group. Side-by-side market making would not be allowed until there were again 10 market makers in the underlying security and 5 in the options group.

(3) Side-by-side market makers would be obligated to quote continuously markets for all options series in which they were also making markets in the underlying security through the completion of all expiration cycles open for trading when the market maker started side-by-side market making. Should a side-by-side market maker elect to commence quotations in options series in a subsequent expiration cycle, the market maker's continuous quotation obligation would extend through the expiration of the cycle. If any side-by-side market maker failed to abide by this commitment, his registration as an options market maker in the options group would be revoked and he would not be permitted to re-register as a market maker in such options until the expiration of both the near term expiration cycle and the expiration cycle which follows.¹²

¹¹ Under the NASD proposal, an option "group" is defined as all options contracts of the same class of options having the same exercise price and unit of trading but separate expiration dates.

¹² The NASD also states that any side-by-side market maker who fails to abide by these commitment rules could have its market maker registration in the underlying security revoked for a period of time through the NASD's disciplinary procedures. The NASD also states that any side-by-side market maker whose options quotations in a side-by-side class were withdrawn during the fifteen days preceding expiration of an options series may be found in violation of Article III, Section 1 of the NASD's Rules of Fair Practice, which obligates members to act in accordance with high standards of commercial honor and just and equitable principles of trade.

Members who elect not to become side-by-side market makers would not be bound by the commitment rule, and, while obligated to render firm quotations, would not be required to quote all open options series in options classes in which they were registered.

¹⁰ In addition to commenting on the specific issues discussed below, commentators might discuss the competitive implications of this proposed provision that the issuer's consent be required before NASDAQ options are traded on an otherwise eligible security.

(4) Side-by-side market makers would be required to report information with respect to transactions and positions in conventional, over-the-counter options covering those securities in which NASDAQ options markets were being made.

(5) In effecting a NASDAQ options transaction with or for a customer, a side-by-side market maker would be required to disclose such function on the confirmation sent to the customer.

5. *Other Options Rules.* The proposed NASDAQ options rules incorporate a number of other provisions contained in exchange rules covering standardized options on individual stocks. These include rules establishing position and exercise limits (2,500 or 4,000 contracts, identical to those used by the options exchanges); authorizing the NASD to impose limitations on the total number of uncovered short positions in a given class of options; authorizing the NASD to impose limitations on transactions in, or exercises of, one or more series of options in the interest of fair and orderly markets for options or their underlying securities; prohibiting market makers from entering into any options contract with the issuer, or any controlling person or affiliate of the issuer if the option covers securities of the issuer; and requiring reports concerning each account (member, associated person or customer) having an aggregate position of 200 or more options contracts on the same side of the market.

The NASD also proposes to apply to trading in NASDAQ options the same prohibitions against fictitious and pre-arranged trades, manipulation, and front-running as currently apply to exchange trading in options.

6. *NASDAQ Index Options.* The NASD also proposes to trade options on stock indices. The proposal contains two broad or market indices—a NASDAQ composite index, to be comprised of all NASDAQ stocks, and an NASDAQ NMS composite index, to be comprised of all NMS stocks. The NASD also proposes six sub-indices of each of these two broad indices. The NASD has not yet specified the stocks that would be included in these sub-indices, nor has it indicated how these indices would be calculated.

The NASDAQ index options would be cash-settled. Market makers in these index options would be registered as such with the NASD. The NASD has proposed to apply to NASDAQ index options margin requirements that are identical to those applied to exchange-traded index options.¹³ The NASD has

not yet specified in its rule filing the specific obligations of index options market makers, or position and exercise limits for NASDAQ index options.

7. *Surveillance.* The NASD states that it intends to implement a fully automated options trail that would include the following: locked-in options transaction information including class, series, price, size, time, buyer and seller, and retail identifier, for all options trading; individual options market maker quotations, including all upticks and downticks in the actual time sequence they occur; trade reports containing information on options, including transaction price, size, time, buyer and seller, retail identifier, and class and series information; daily options reports for members showing proprietary and customer account information on all positions of 200 contracts or more; and opening and closing interest information as provided by OCC. The NASD states that a substantial portion of the options audit trail data would be collected through the proposed automated execution (NOAES) and order confirmation (OCT) facilities described above.

In its December submission, the NASD stated that it is developing its equity audit trail for NMS securities by combining information collected through its price reporting system and the clearing process. The NASD Board of Governors at a meeting on March 16, 1984, voted to implement an equity audit trail for all NMS securities. The NASD has not yet worked out the full details of this equity audit trail, but expects to complete an audit trail "concept document" by June 1984.¹⁴

The NASD also describes the monitoring systems and reports it would modify or create to use the data collected in these audit trails. These systems would be comparable to those designed by the options exchanges and would be designed to detect known violations. In addition, these systems would monitor for specific possible problems raised by side-by-side trading such as stock option manipulation and fair pricing of customer orders. This section of the NASD submission is not

FR 9523, March 13, 1984. Under this proposal, margin for market or "broad-based" index options would be set at premium plus 10 percent of contract value minus out-of-the-money amounts, with a minimum required deposit of 2 percent of the contract value. Margin for industry or "narrow-based" index options would be 30 percent of contract value plus or minus in- or out-of-the-money amounts, with a minimum required deposit of \$250.00.

¹⁴ See letter dated March 22, 1984, from Frank J. Wilson, Executive Vice President, Legal and Compliance, NASD to Douglas Scarff, Director, Division of Market Regulation, SEC.

described in detail here, but is available at the Commission or the NASD for those who are interested in reviewing it.

C. Request for Comments

The Commission invites comment on the specific aspects of the NASD proposal discussed below. We also encourage commentators to comment upon aspects of the NASD proposal not addressed here. Commentators are requested to be as specific as possible in recommending any changes they believe may be needed to the NASD proposal. The Commission will, of course, also consider comments previously made¹⁵ regarding the NASD proposal. Previous commentators are encouraged to take into account any pertinent changes in the over-the-counter market and in the NASD proposal in submitting additional comments.

One major development in the OTC market since the submission of the NASD's proposal has been the advent of last sale reporting for certain OTC securities. Under Rule 11Aa2-1 ("Rule") under the Act, adopted by the Commission in February 1981,¹⁶ certain actively traded OTC securities were mandatorily designated as NMS securities, while certain additional OTC securities meeting less stringent standards could be designated as NMS securities at the election of the issuer. The primary effect of designation as an NMS security at the present time is to require that transactions in the security be reported on a real time basis and that quotations in the security be firm for the size publicly displayed.

The first NMS securities were designated on April 1, 1982. Since that time, 831 securities have become designated and subject to last sale reporting in the OTC market. As the numbers of NMS securities have expanded, the NASD and the Commission have monitored the effects of the last sale reporting process¹⁷ and have engaged in ongoing surveillance of trade reporting practices. In general, this monitoring has shown that market maker firms are meeting satisfactorily the Rule's reporting standards and that OTC last sale reporting is taking place in an accurate and reliable manner.

Despite the high overall quality of last sale reporting for NMS securities, the Commission believes that last sale reporting during peak periods of trading

¹³ See File No. SR-NASD-80-10.

¹⁶ See Securities Exchange Act Release No. 17549 (February 17, 1981), 46 FR 13992.

¹⁷ The NASD engaged in an extensive study of the results of last sale reporting during February through April 1983. See Securities Exchange Act Release No. 19797 (May 20, 1983), 48 FR 24823.

¹⁵ See File No. SR-NASD-84-4, Securities Exchange Act Release No. 20719, March 6, 1984, 49

activity, such as the first and last hours of trading, can be further improved. The continued reliance by many firms on reporting by traders means that as the pace of trading accelerates during high pressure periods, the quality and timeliness of trade reporting may suffer at times. If options were to trade on an NMS security, it would be particularly important that last sale reports for the underlying security accurately reflect the activity and direction of the underlying market in that security. Consequently, the Commission urges that market makers in NMS securities to take steps to reduce their reliance on trader reporting, through greater use of existing alternative facilities or restructuring their reporting systems.¹⁸

The NASD staff, recognizing the special importance of ensuring the timeliness and accuracy of last sale reports in the context of options trading, has concurred in a Commission staff suggestion that the NASD should ensure that conditions conducive to accurate last sale reporting pertain for firms that propose to engage in side-by-side market making. In this regard, the NASD staff has agreed to submit to the NASD Board a Commission staff suggestion that firms seeking to engage in side-by-side trading submit for NASD review a detailed description of their reporting procedures and systems in order to ensure that these procedures will sustain accurate trade reporting.

In view of the NASD's tentative concurrence in these steps to ensure further reporting accuracy, and the generally satisfactory quality of OTC last sale reporting to date, the Commission preliminarily relieves that the information provided by NMS last sale reporting is sufficiently timely and accurate to support options trading on NMS securities. However, in addition to the comments requested below on specific aspects of the NASD's proposal, the Commission invites comment on the concept of prior review by the NASD of

reporting facilities as a condition to registration as a side-by-side market maker.

In addition, the Commission requests comment on the following issues:

1. *Side-by-Side Trading.* Previous commentators have questioned the propriety of side-by-side market making in options and their underlying securities. The Amex, for instance, has stated that:

A dual market maker would have strong economic incentives to trade options on the basis of non-public market information gained through his activity in the underlying stock (or vice versa), and to try to manipulate the price of the underlying stock in order to increase the profitability of his options positions. The dual market maker in stocks and options would also have a greater ability to act on those incentives than someone who functioned as a market maker only in one of the two types of securities. . . . At the same time that dual market making would increase the opportunities to engage in questionable practices, it would diminish the feasibility of performing effective surveillance.¹⁹

The NASD argues that the informational and competitive advantages of side-by-side market makers are greatly reduced in the competitive, over-the-counter market maker environment²⁰ and that existing regulatory and surveillance activities can be adapted to the regulation of options trading in a side-by-side market maker environment. Furthermore, the NASD argues that significant efficiencies are obtainable through the integration of market making in the underlying security and the related option. Finally, the NASD notes that the firms most likely interested in committing capital to NASDAQ options market making will be those who already have developed trading expertise and retail interest through market making activities in the underlying security. Therefore, the NASD states that if side-by-side market

making is not permitted, it is unlikely that the NASDAQ options program will be implemented.²¹

We invite additional comment on this issue, and encourage commentators to address the following specific questions:

(a) Commentators are invited to address the concerns raised by Amex with regard to the informational advantages possessed by side-by-side market makers and the NASD's rejoinder that these concerns are not applicable in the context of its current proposal. Does the NASD proposal prescribe the conditions that must pertain in order for a market to be sufficiently "competitive" to overcome any informational and competitive advantages that might be attributable to side-by-side market makers over other market participants? In this connection, commentators should discuss the minimum number of stock and options market makers in the underlying security and the options group that should be required. In addition, commentators should consider whether there are other approaches to addressing this problem that might be employed instead of or in conjunction with the minimum market maker requirements, such as standards to assure that no single market maker dominated the market for the underlying security, or to assure that there were several market makers that were in fact active in the market for the underlying stock on a regular or continuous basis. Commentators might also consider whether the rules for eligibility for underlying stocks help assure that NASDAQ options will be traded only on those stocks that are traded in a competitive environment. In particular, the Commission requests comments on the usefulness of an initial pilot NASDAQ options program limited to the top 20 NMS stocks, in terms of volume or other criteria, that were eligible for side-by-side market making.

(b) Are the regulations the NASD proposes to impose upon side-by-side market makers adequate?²² In this connection, commentators are encouraged to discuss the adequacy of the NASD's proposed commitment rule and the related penalties. In addition, commentators might address whether additional regulatory requirements might be imposed upon side-by-side market makers, such as are imposed

¹⁸ The Commission notes that the NASD currently offers a computer-to-computer interface that allows trade reports to be simultaneously entered into a firm's in-house order handling system and submitted to the NASD for trade reporting purposes. The NASD has informed the Commission that several major firms use this interface now, and a number of others have recently expressed interest in using the interface. Firms using this interface thus are able to use their clerks for both the necessary input into their own systems, and for trade reporting. Alternatively, firms could employ additional clerks to relieve traders of the task of reporting trades through their existing NASDAQ terminals. Separately, the NASD is developing a Small Order Execution System that will automatically execute and report orders of 300 shares or less entered into the system. This system should significantly reduce the number of individual trades handled by traders, while improving the reliability of their reports.

¹⁹ Letter dated November 29, 1980, from Richard O. Scribner, Executive Vice President, Amex, to George A. Fitzsimmons, Secretary, SEC.

²⁰ As the NASD points out, the 1978 Special Study of the Options Market (the "Options Study"), recognizing the competitive market making system used in the over-the-counter market maker is likely to have the market information and competitive advantages or opportunities to engage in manipulative or other improper practices of the nature and dimension of those that integration would create for a unitary stock specialist on a primary stock exchange with a centralized stock limit order book to which he has access." At the same time, the Options Study observed that " . . . the opportunity to trade against the orders of retail customers in an OTC market may present market information and competitive advantages and regulatory concerns that do not have counterparts in exchange markets." Report of the Special Study of the Options Market to the Securities and Exchange Commission, H. Rep. No. IFC-3, 96th Cong., 1st Sess. (Comm. Print 1978) at pp. 955-956.

²¹ The complete NASD arguments on this issue are contained in the December submission which is available at the Commission for public inspection.

²² In addition, commentators are requested to consider whether any of the conditions proposed by the NASD are excessive to control the informational and other concerns raised by side-by-side trading.

upon competitive market makers at the exchanges employing a competitive market maker system.²³ Market makers who are not side-by-side market makers are required to enter firm quotes, but are not otherwise bound by the commitment rules and penalties to which side-by-side market makers are subject. Among other things, this means that such market makers are not required to make markets in all options series overlying a particular stock and that, if the stock is not eligible for side-by-side market making, some options series might not have published quotes from any market maker. Commentators should discuss whether non-side-by-side market makers should be required to enter quotes in all options series, and, if not, whether some other provision can be made to assure that continuous and competitive markets are available in all options series.

(c) Does the NASD proposal provide for the specific surveillance needs side-by-side trading would entail, both on the options and equity side?

(d) The NASD has stated that its NASDAQ options program would not have adequate support without side-by-side market making. The Commission solicits comment regarding whether NASD members would be interested in trading NASDAQ options in the event side-by-side market making were not permitted with respect to a large number of, or any, options classes.

2. *NOAES and OCT.* The proposed NOAES would be the first small order automatic execution system for options, and NASD has stated that it would provide a prime source of data for the NASD's options audit trail. Likewise, the "order confirmation transaction" feature would be a source of a substantial portion of the NASD's options audit trail.

Comment is requested regarding NOAES and OCT as proposed, both regarding these systems' merits as execution and confirmation systems, respectively, and with a view to the contribution such systems will make to the creation of an options audit trail data base. For example, the NOAES proposal would provide for the "preferencing" of orders, in which a particular firm would be designated for execution of automated orders. A firm would not, however, be allowed to preference itself, so that it could not use NOAES to capture retail order flow it

originates.²⁴ The preferencing feature then, would appear to be useful primarily to permit firms to reduce any risk that they are trading with financially unsound market makers. Commentators might discuss the desirability of this preferencing feature, and whether the lack of ability to self-preference serves as an appropriate inducement to smaller market makers to participate in NOAES or rather is unfair to market makers with retail order flow.

Comment is also requested regarding the merits of the proposed NOAES opening procedures, under which preferred orders not accepted by the preferred market maker do not receive a guaranteed execution at the best NOAES opening, but instead are held in NOAES for a post-opening automated execution. In this regard, the NASD proposal would permit a market maker to adjust its exposure limits up to the time trading opens, e.g., in response to orders above the three contract limit received prior to the opening. Commentators should address whether this could result in inferior executions for NOAES orders submitted before the opening. If so, consideration should be given to whether any alternatives are available that would not expose market makers to uncertain obligations or result in disadvantaging OCT orders submitted before the opening.

Finally, consistent with exchange stock small order execution systems, only customer orders can be entered through the NOAES system. This limitation appears to reflect concerns regarding potential market maker exposure if other market professionals possessing substantial market information are permitted to automatically execute against his quote. Comment is requested regarding the desirability of this limitation.²⁵

²⁴ "Self-preferencing" is also prohibited in SOES, NASD's automated small order stock execution system.

²⁵ A unique feature of the NASD proposal would be the use, for the first time in U.S. markets, of firm quotations for options. Quotations would be firm both with respect to orders entered through NOAES system and outside of NOAES.

In the past, the options exchanges have expressed the view that firm quotations are not feasible for options trading. See, e.g., letter dated September 22, 1980, from Walter E. Auch, Chairman and Chief Executive Officer, CBOE, to George A. Fitzsimmons, Secretary, SEC (File No. S7-772). Commentators are requested to evaluate this position in light of the NASD proposal.

The NASD relies on firm quotations to impose price discipline on market participants and as a check against manipulation. Outside of NOAES, however, there appears to be no obligation for quotes to be firm for more than a single contract. Commentators are urged to consider whether firm quotations under these circumstances will accomplish the objectives intended by the NASD. It should be noted that, although quotations in size

3. *Surveillance.* The NASD states that it intends to establish complete options and equity audit trails and a surveillance system comparable to those of the options exchanges. Commentators might discuss the adequacy of the NASD's proposed overall surveillance system, particularly with a view to the special surveillance needs created in a side-by-side trading environment.

4. *Spreads and Other Multi-Part Orders.* The NASD has indicated that one advantage of side-by-side trading is that it might result in more efficient executions of combination stock/options orders. It should be noted that most stock/options and option spread, straddle and combination orders are entered at net debits or credits, rather than by separately pricing each component of the order. The NASDAQ options proposal includes no provision for the entry of quotes by market makers at net prices on such combination orders. Given the frequency of such orders in the exchange options markets, commentators are urged to consider whether it is feasible for the NASDAQ options program to incorporate quotations for combination orders and, if not, to assess the impact of the absence of such quotes on the efficiency of the NASDAQ options market.

5. *Warrants Precedent.* In discussing the utility and lack of manipulative concerns of side-by-side market making, the NASD relies substantially on the experience of the NASD and the exchanges in trading warrants side-by-side with the stocks to which those warrants relate. In particular, the NASD asserts that the absence of known problems involving manipulation, frontrunning or other abuses in trading warrants in a side-by-side environment, suggests that such problems are unlikely in similar options trading. While warrants differ from standardized stock options in a number of respects, including their terms to maturity, their relatively higher prices and the smaller amount of trading activity in them, they nevertheless possess essential characteristics that are largely the same as options. Commentators are requested to assess the usefulness of the warrants trading experience as a precedent for side-by-side trading, with regard to such matters as likelihood of or incentives for manipulation, misuse of market information and the efficiencies of side-by-side trading.

can now be entered in the NASDAQ system for stocks, virtually no market makers have taken advantage of this feature.

²³ CBOE and the PSE, which employ a competitive market maker system, as well as the options exchanges employing a specialist system, impose certain maximum spread and price continuity limitations upon their market makers. See, e.g., CBOE Rule 8.7(b)(i) and (ii).

6. *Indices.* Previous comment has pointed out the lack of many essential ingredients in the index options portion of the NASD proposal, such as the absence of the list of component stocks in the subindices, the absence of a description of the way in which the indices will be calculated, and the absence of position and exercise limit rules.²⁶ Before the Commission may approve the NASD proposal, the NASD will have to submit to the Commission rules in these areas for publication under Section 19(b) of the Act. Commentators are invited to comment on those aspects of the index options proposal that the NASD has submitted, as well as any other matters involving NASDAQ index options. Comment is specifically requested regarding the appropriateness of trading options on broad and narrow-based indices that are comprised of stocks that do not have last sale reports available.²⁷ In addition, commentators might discuss the economic utility of having both NASDAQ and NMS sub-indices on identical industry sectors.

III. The Exchange Proposals

A. Introduction

The CBOE, Amex PSE, Phlx and NYSE propose to list options on OTC stocks that have been designated as national market system securities pursuant to Tier I criteria under Rule 11Aa2-1(b)(1) under the Act ("Exchange proposals"). Under the exchange proposals, OTC securities would qualify for options trading on an exchange if they meet both the Tier I criteria under rule 11Aa2-1 and the exchanges' existing numerical options eligibility standards.²⁸

The CBOE, PSE and Phlx have also requested that the Commission amend rule 12a-6 under the Act.²⁹ Rule 12a-6 effectively prohibits the exchange trading of options on securities not listed and registered under section 12(a) of the Act and thus effectively bars an exchange from trading options on OTC securities.³⁰

In 1976 and 1977, the CBOE, Amex, PSE and Midwest Stock Exchange ("MSE") also proposed to list standardized options on underlying securities traded exclusively in the OTC market.³¹ These proposals, however, were voluntarily withdrawn pursuant to an agreement between the Commission and the self-regulatory organizations that were participating in a moratorium on the introduction of new options products.³²

At the time the original proposals to trade options on OTC stocks were submitted, there was no real-time transaction reporting for OTC stocks. As indicated in the section relating to the NASD proposal, real-time last sale reporting is now required for transactions in NMS securities and the exchanges propose to trade options on NMS securities only. Although the changes in the OTC market brought about by the development of the national market system may alleviate some of the initial concerns the Commission had over exchange trading of options on OTC securities, the current proposals by the exchanges to list and trade options on NASDAQ/NMS Tier I securities presents a number of significant issues upon which the Commission is inviting public comment.

B. Request for Comments

The Commission invites comments on the specific questions presented below. Commentators are requested to be as specific as possible in recommending any changes they believe may be needed to the Exchange proposals. We also encourage commentators to discuss aspects of the exchange proposals not specifically addressed here.

1. Allocation of Options. (a)

Introduction. The trading of standardized options with the same underlying security on more than one marketplace, with reliance on the market to allocate trading interest in those options to the various marketplaces, is referred to as "multiple trading". Beginning in February 1976, the Commission permitted limited

experimentation in multiple trading. In aggregate, 22 options on individual listed stocks in the past have been multiple-traded and currently 12 stock options are multiply traded. Expansion of multiple trading of options on individual listed stocks has been prohibited since the commencement of the options moratorium in July 1977.

Neither the exchanges nor the NASD seek permission explicitly to trade options on stocks on which options are traded in another marketplace. Nonetheless, the Commission feels that these proposals raise a number of questions with respect to the manner in and extent to which options on over-the-counter securities should be allocated among markets.

First, in the event that the Commission concluded that it was appropriate for options on NMS securities to be traded both by the NASD and the exchanges, this would raise questions as to whether and under what circumstances both the NASD and an exchange should be permitted to trade options on the same underlying NMS stock. Second, apart from that question, consideration must be given to whether, among the exchanges, the Commission should extend the ban on expanding, multiple trading of options on listed stocks to also cover options on NMS stocks.

(b) *Previous Commission Statements Regarding the Allocation of Options on Individual Securities.* In its 1980 release announcing the termination of the options moratorium, the Commission identified certain potential benefits that could result from relying on the market, rather than the Commission or the exchanges, to allocate options trading activity among the exchanges:

[A]n expansion of multiple trading in options may be beneficial to public investors and market professionals. In addition to the direct effects of intermarket competition in terms of increased depth and liquidity, multiple markets provide brokers and dealers with alternative markets in which to execute orders for a particular options class, thereby assuring that securities market participants are given an effective means of influencing market centers to provide more efficient pricing, execution and clearing services. Moreover, without the discipline provided through competition among market makers and among market centers resulting from multiple trading, the Commission would have to assume an undesirable oversight role in the allocation of securities to particular markets.³³

The Commission also noted certain concerns that historically have been

²⁶ See e.g., letter dated August 24, 1982, from Richard O. Scribner, Executive Vice President, Amex, to George A. Fitzsimmons, Secretary, SEC.

²⁷ The NASDAQ Composite Index and the sub-indices of the composite index presumably would be comprised of a large number of stocks as to which there are no last sale reports.

²⁸ The exchanges' eligibility standards are described at n. 9 above.

²⁹ The NYSE and Amex understand that an amendment to rule 12a-6 is a necessary precondition to approval of their proposals as well as the proposals of the other exchanges.

³⁰ The Commission has published today a companion release seeking comments on proposed amendments to Rule 12a-6. See Securities Exchange Act release No. 20854. These amendments, if

approved, would remove the current statutory ban on exchange trading of options on OTC stocks.

³¹ Notice of CBOE's proposal was given in Securities Exchange Act Release No. 12703, August 12, 1976, 41 FR 35894, August 23, 1976; notice of Amex's proposal was given in Securities Exchange Act Release No. 13095, December 22, 1976, 42 FR 2145, January 10, 1977; notice of PSE's proposal was given in Securities Exchange Act Release No. 12539, June 11, 1976, 41 FR 24787, June 18, 1976; notice of MSE's proposal was given in Securities Exchange Act Release No. 130406, March 25, 1977, 42 FR 19200, April 12, 1977.

³² See Securities Exchange Act Release No. 15026 (August 3, 1978) and Securities Exchange Act Release No. 14878 (June 22, 1978).

³³ Securities Exchange Act Release No. 16701 at pages 26-27, March 26, 1980 ("Moratorium Termination Release") [45 FR 21426, April 1, 1980].

associated with multiple trading of equity options. For example, the Commission noted that, to the extent multiple trading results in a significant dispersion of order flow among markets, it could raise concerns regarding market fragmentation, resulting in potential price disparities (particularly at the opening) and difficulties by brokers in obtaining best execution of their customer's orders. Moreover, the Commission stated that, because of the "primary market" phenomenon,³⁴ any meaningful order-by-order price competition resulting from multiple trading likely would be transitory at best.³⁵ The Commission also was concerned that expansion of multiple trading of equity options in the then current market environment might adversely affect to a material degree the financial condition of the Phlx and the PSE,³⁶ thereby jeopardizing the ability of these regional exchanges to participate as meaningful competitors in the continuing development of a national market system for stocks.³⁷

The Commission concluded that, under appropriate circumstances, the benefits of multiple trading of equity options appeared to outweigh the potential adverse consequences. Nevertheless, the Commission expressed the view that the near term development of market integration facilities might create a fairer, more efficient market structure within which multiple trading could occur and deferred further action on multiple trading to afford the self-regulatory organizations ("SRO") an opportunity to

examine whether and to what extent the development of such facilities would alleviate market fragmentation concerns and maximize competitive opportunities.³⁸ On September 2, 1981, a joint SRO task force formed to address the feasibility of such market integration facilities submitted its final report to the Commission, which, in general, concluded that market integration facilities for equity options are not feasible.³⁹ The Commission has not revisited its deferral decision since the receipt of the final report.

On December 2, 1981, the Commission issued a release in which it determined to permit the market, rather than the Commission or the exchanges, to allocate non-equity options.⁴⁰ In deciding to rely on the market to allocate options on non-equity securities, the Commission addressed industry concerns over market fragmentation and unfair competition. It concluded that the benefits of multiple trading of non-equity options outweighed the possible negative effects. First, the Commission stated that allowing multiple trading of non-equity options is the approach most likely to promote competition and result in the development of options contracts best suited to the economic needs of market participants. Second, the Commission stated that multiple trading should enhance price competition among the exchange markets, at least until a primary market in a particular option emerged. Third, the Commission concluded that multiple trading of non-equity options could increase inter-market competition with respect to the quality of markets and the quality of execution and back office services. Fourth, since no potential market was substantially reliant on revenue flow from the trading of non-equity options, in the Commission's view the existing market structure would not be disrupted, and a marketplace's financial stability or ability to participate in other areas of the securities markets would not be jeopardized by the multiple listing of non-equity options. Fifth, the Commission found that fragmentation concerns associated with order-by-order

price competition among competing markets would only be a short-term effect, because it was likely that a predominant market would emerge for each non-equity option.

The Commission, in its orders approving exchange proposals to trade options on stock indices, noted that the issues involved with respect to multiple trading of stock indices are substantially similar to those involved in the allocation of the previously considered non-equity options. Accordingly, the Commission stated that it was inclined to extend its market allocation policy regarding non-equity options to stock index options.⁴¹

Because options on individual NMS stocks are not currently traded, the multiple trading of options on such securities would not in the Commission's view radically disrupt the existing market structure. For the same reasons, no marketplace's financial ability to participate in other areas of securities markets would be jeopardized by the multiple trading of options on NMS securities. On the other hand, the NASD's entry into the listed options market is effectively barred by the existing ban on the multiple trading of listed options; the allocation of options on NMS securities might, therefore, impose insurmountable competitive burdens on the NASD's participation in the standardized individual stock options market.

Given the advantages the Commission has identified are obtained from multiple trading and the limited risk of significant long-term market fragmentation or radical effect on existing markets, the Commission preliminarily believes that its present position on the multiple trading of new options products should be extended to options on NMS securities.

The Commission is nevertheless requesting comment on this question.

(c) *Solicitation of Comments.* As noted above, two different types of market allocation issues arise in connection with the exchange and NASD proposals: trading both over-the-counter and on an exchange of an option on the same underlying NMS stock and trading on more than one exchange of options on the same underlying NMS stock. The Commission is soliciting comment on the issues raised by both of these types of multiple trading.⁴² In

³⁴ The primary market phenomenon refers to the tendency of one exchange ultimately to receive the preponderance of trading volume in a particular option. Since most large retail firms generally designate one market to which they automatically route virtually all of their retail order flow in a particular options class, largely on the basis of the relative trading volume attracted by each exchange, primary market designation in effect becomes a "self fulfilling prophecy," and accordingly, any real intermarket competition for public order flow occurs for the short term only. See Options Study, at 853.

³⁵ Moratorium Termination Release at 27-31.

³⁶ *Id.* at n. 47. At the same time, the Commission made it clear that it did not regard the perpetuation of any particular exchange or exchanges to be a legitimate objective of any options allocation policy. This view is supported by the Commission's mandate under the Act. Although the Act requires the Commission to balance the perceived anti-competitive effects of a regulatory policy or decision against the purposes of the Exchange Act that would be achieved thereby and the costs of doing so, it does not impose an obligation on the Commission to justify its actions as the least anticompetitive approach to achieving its objectives. See Options Study at 870.

³⁷ These possible effects of multiple trading were also analyzed in detail in the Options Study. Options Study, at 800-843. The Options Study, however, declined to formulate any specific recommendations on the multiple trading issue.

³⁸ To assist the SROs and expedite their deliberations, the moratorium termination release contained a discussion of several possible options market integration facilities, including a system similar to the Intermarket Trading System ("ITS") and the individualized routing of retail orders, as well as possible implementation of an order exposure system for public options orders.

³⁹ See letter from Nicholas A. Giordano, President, Phlx, to George Simon, Associate Director, Division of Market Regulation (September 2, 1981).

⁴⁰ Securities Exchange Act Release No. 18297 (December 2, 1981); 46 FR 80376 (December 9, 1981).

⁴¹ Securities Exchange Act Release Nos. 19264 and 20075, November 22, 1982 and August 12, 1983; 47 FR 53981 and 48 FR 37556, November 29, 1982 and August 18, 1983.

⁴² The possible multiple trading of options on NMS stocks raises at least one question in addition

responding to the questions below, commentators are asked to specify how if at all their responses differ in regard to each of these two circumstances or a combination of them.

(1) In the absence of market integration facilities, what are the potential market fragmentation effects of the multiple trading of the options being proposed? What is the likely duration of any such effects? To what extent, if any, is the primary market phenomenon likely to occur if multiple trading of these options is allowed in the absence of market linkage facilities?

(2) Unlike the exchange options markets, the NASD proposal would require quotations in NASDAQ options to be firm for at least one contract. The Commission requests comment regarding whether the availability of firm quotations in at least one market enhances the feasibility of a market linkage system for OTC options.

(3) The NASD proposal contains elements of a market linkage system, such as electronic inter-dealer and dealer-broker communication linkages and a firm quotation policy, that would appear to have possible application between OTC and exchange markets. Please discuss the feasibility of extending the NASD's system and rules for competing market makers, as proposed or as they might be modified, between competing marketplaces.

(4) The multiple trading of options on NMS securities, if permitted, would result for the first time in direct competition in standardized options among exchange and OTC market makers. Comment is requested regarding the competitive and regulatory implications resulting from OTC market makers (including integrated retail firms) making markets in competition with exchange market makers.

(5) As with non-equity and stock index options, it would appear that no

to those listed in the text above; viz. whether or not exchange off-board trading restrictions should continue to apply if multiple trading between the exchanges and the NASD is permitted. Some of the exchanges have rules that forbid the trading off the exchange of options on stocks on which the exchange offers options. See, e.g., CBOE Rule 6.49. These off-board trading restrictions were initially adopted to assure that all transactions in standardized options (except accommodation liquidations) occurred on an exchange floor. By their terms, however, these rules could also be applied to prevent exchange members from trading multiple traded standardized options on the NASDAQ system. The Commission preliminarily believes that as a precondition to Commission approval of any exchange proposal to trade options on NMS stocks an exchange would have to amend any off-board trading restriction it may have to allow its members to trade standardized options over-the-counter. The Commission welcomes, however, any comments on this preliminary position.

market has made substantial investments in a market for options on NMS stocks in reliance on an exclusive franchise for any such options, or that any existing market structure would be disrupted if the market were relied on to allocate such options. The Commission would appreciate any information that would support or dispute this conclusion. If the primary market phenomenon does occur, what financial effect would this have on the different exchanges and the NASD? Please quantify to the extent possible.

(6) NASD entry into the market for options on listed stocks is currently barred because of the existing system for the allocation of those options among exchanges. In light of this, what effect, if any, would the allocation of options on NMS securities have on the ability of the OTC market to be a competitive force in the market for individual stock options? Is the NASD placed at unfair competitive advantage if exchanges are permitted to trade options on OTC stocks while the continued deferral of multiple trading effectively bars the NASD from trading options on listed securities traded on options exchanges.

2. *Surveillance.* The New York Stock Exchange, Inc., which is the primary market for the vast majority of the stocks underlying individual listed stock options trading, is currently developing a complete audit trail for those underlying stocks. The Commission has indicated its belief that the availability of underlying stock audit trail information will greatly enhance the options exchanges' ability to detect intermarket manipulations. In light of the NASD's commitment to build an audit trail for NMS stocks, commentators are requested to discuss whether implementation of an adequate equity audit trail and equity surveillance system should be a precondition to any trading of standardized options on NMS securities.⁴³ Commentators should address any special surveillance problems which may arise if options on NMS stocks are multiply traded either on the OTC market and exchanges, or on several exchanges.

3. *Unlisted Trading Privileges.* Subject to a limited exception,⁴⁴ the

⁴³ Aside from audit trail and surveillance considerations, it would appear that there are few if any obstacles to prompt implementation of the exchange OTC options proposals. Implementation of the NASD proposal, however, would appear to be several months away at the earliest. Commentators are urged to address the competitive implications of asynchronous Commission consideration of the exchange and NASD proposals, particularly in light of the "primary market phenomenon."

⁴⁴ See, e.g., In the Matter of Pacific Resources, Inc., Securities Exchange Act Release No. 17584,

Commission has not granted exchange applications for unlisted trading privileges on stocks traded exclusively over-the-counter. The Commission has indicated that this policy is to remain in effect pending resolution of the market structure issues raised by such trading.⁴⁵

In another context, the Commission has observed that the trading of derivatives of securities can serve as a surrogate or alternative to investment in the security itself.⁴⁶ This would appear particularly to be the case where an option is deep-in-the-money. On the other hand, given the relative infrequency with which exchange-traded options are exercised, it would appear that investors generally are not now using stock options as a vehicle for actually acquiring or disposing of the underlying security.

Commentators are requested to address the relationship, if any, of the Commission's policy on exchange unlisted trading privileges of OTC stocks to the exchange proposals to trade options on NMS stocks.

All interested persons are invited to submit in writing no later than June 15, 1984, 15 copies of their views concerning the proposed rule change to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. All communications should refer to File No. SR-NASD-80-10 or Amex-83-33, CBOE-83-53, NYSE-84-4, PSE-84-2 or Phlx-83-27, as appropriate. All communications will be available for public inspection at the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC 20549.

Dated: April 12, 1984.

By the Commission.

George A. Fitzsimmons,
Secretary.

[FR Doc. 84-10390 Filed 4-17-84; 8:45 am]

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February 2, 1981; and In the Matter of Xonics, Inc., Securities Exchange Act Release No. 19609, March 17, 1983.

⁴⁵ *Id.*

⁴⁶ In a number of comment letters to the Commodity Futures Trading Commission ("CFTC") with respect to applications by boards of trade for designation as contract market for stock index futures, the Commission has noted that stock index futures have the potential to be used as surrogates for investments in individual equity securities, particularly to the extent that there exist regulatory differences that might make the derivative market attractive for reasons other than the economic characteristics of the product. See, e.g., letter to David Horner, Acting Director, Division of Economics and Education, CFTC, from Douglas Scarff, SEC, dated November 29, 1983.

[Release No. 34-20851; File No. SR-NYSE-84-12]

Self-Regulatory Organizations, Proposed Rule Change by New York Stock Exchange, Inc.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on April 2, 1984, the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would extend the effectiveness of NYSE Rule 103A until September 30, 1984. Rule 103A authorizes the Market Performance Committee of the NYSE to withdraw NYSE approval of a member's registration as specialist in one or more stock(s) if the specialist has consistently received evaluations by Floor brokers on the quarterly Specialist Performance Evaluation Questionnaire which are below a minimum level of acceptable performance.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change—Purpose

The purpose of the proposed rule change is to extend the effectiveness of Rule 103A to September 30, 1984.

Prior to that time the Exchange intends to enhance, codify, and file with the Commission its procedures for specialist performance review and counselling. That filing will also reiterate the Exchange's request that

Rule 103A be approved as a permanent Rule of the Exchange.

As described in more detail in File No. SR-NYSE-81-11, Rule 103A authorizes the Market Performance Committee of the NYSE to withdraw NYSE approval of a member's registration as specialist in one or more stocks if the specialist has consistently received evaluations by Floor brokers on the quarterly Specialist Performance Evaluation Questionnaire which are below a minimum level of acceptable performance.

The statutory basis for the rule change is Section 6(b)(5) of the Securities Exchange Act of 1934 as amended ("the Act") which, among other things, requires Exchange rules to be designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling and processing information with respect to and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and in general to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

This rule change will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others.

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions

should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communication relating to the proposed rule change between the Commission and any person, other than those with the provisions of 5 U.S.C. 522, will be available for inspection and copying in the Commission's Public Reference Branch, 450 Fifth Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted with 21 days after the date of this publication. For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,
Assistant Secretary.

[FR Doc. 84-10391 Filed 4-17-84; 8:45 am]
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[Release No. 23282 (70-6973)]

The Connecticut Light and Power Co.; Proposed Issuance and Sale of First Mortgage Bonds and Preferred Stock

April 12, 1984.

The Connecticut Light and Power Company ("CL&P"), Selden Street, Berlin, Connecticut 06037, an electric utility subsidiary of Northeast Utilities, a registered holding company, has filed a declaration with this Commission pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 promulgated thereunder.

CL&P proposes to issue and sell, at any time or from time to time through March 31, 1985, (a) up to \$110,000,000 principal amount of first and refunding mortgage bonds, in one or more series, and (b) up to 2,000,000 shares (\$50,000,000 aggregate par value) of its Class A Preferred Stock, \$25 par value, in one or more series.

Presently, CL&P expects that it will effect two debt issues prior to March 31, 1985. There are four different kinds of debt instruments presently being considered: (1) The conventional first mortgage bonds, proposed in this proceeding; (2) a term note coupled with

an interest rate swap contract; (3) "Eurobonds;" and (4) pollution control notes. From these four kinds of debt instruments, CL&P will select the type of debt instrument to be issued shortly before the proposed time of each issue, taking into account market conditions and the anticipated effective interest cost of the different kinds of debt instruments. The total principal amount of first mortgage bonds proposed in this proceeding will not exceed \$110,000,000, less any amounts raised by the alternative forms of financing noted above (which are the subject of other proceedings). The first mortgage bonds of each series would have a maturity of not less than five nor more than thirty years. The interest rate, the price, exclusive of accrued interest, if any, and the underwriters' compensation will be determined through the receipt of competitive proposals.

The proposed preferred stock may have either a fixed dividend rate or an adjustable dividend rate, as determined at the time of issue. The dividend rate or the method of calculating the dividend rate (if a series is offered with an adjustable dividend rate), the price, exclusive of accrued dividend, if any, to be paid to CL&P (which shall not be less than \$25 nor more than \$25.688 per share), and the underwriters' compensation will be determined through the receipt of competitive proposals. An adjustable dividend rate would be subject to a maximum rate of 16% per annum and a minimum rate of 6% per annum. CL&P has been advised that the effective dividend cost of an issue of preferred stock with an adjustable dividend rate offers the potential for savings, as compared with the effective dividend cost of a conventional fixed dividend rate issue of preferred stock. In addition, adjustable dividend rate issues bear redemption provisions that, on balance, are more favorable to the issuers than conventional issues with fixed dividend rates.

It is stated that in issuing and selling the preferred stock and, if it so elects, the first mortgage bonds, CL&P expects to comply with Rule 50 under the Act, as modified by the Commission's September 2, 1982, Statement of Policy with respect thereto (HCAR No. 35-22623), by using alternative methods to develop and procure two or more competitive offers for the purchase of such securities. CL&P believes, however, that the sale of such securities may require special assistance from underwriters if market conditions at the proposed time of offering of the securities are unfavorable. Accordingly,

CL&P may seek an exemption from Rule 50 so that it may offer the preferred stock or the first mortgage bonds, or both, through a negotiated public offering.

The net proceeds from the issue and sale of the bonds and preferred stock will be used to repay, in part, short-term borrowings (consisting of bank loans and commercial paper) and construction trust borrowings which were incurred or are expected to be incurred to finance CL&P's construction program and, in the case of short-term borrowings, for general working capital purposes. As of March 26, 1984, CL&P had no short-term borrowings and its construction trust borrowings were approximately \$113,637,000.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by May 8, 1984, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Office of Public Utility Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 84-10404 Filed 4-17-84; 8:45 am]

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[Release No. 34-20849; File No. SR-OCC-84-3]

Options Clearing Corp.; Filing and Immediate Effectiveness of a Proposed Rule Change

April 11, 1984.

The Options Clearing Corporation ("OCC"), on March 7, 1984, submitted to the Commission a proposed rule change, pursuant to Rule 19b-4 under the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), that amends OCC's By-Laws relating to OCC's foreign currency options. The Commission is publishing this notice to solicit comments from persons interested in the proposed rule change.

OCC proposes to amend Article XV, Section 1(g) of its By-Laws, concerning units of trading¹ for foreign currency options. First, where the underlying foreign currency of a foreign currency option is the French franc, the rule change designates 125,000 francs as the unit of trading. OCC states that this rule change will facilitate the trading of options on the French franc.² Second, where the underlying currency is not specified in Section 1(g)(i)-(vi), i.e., it is not the British pound, Canadian dollar, Deutsche mark, Japanese yen, Swiss franc, or French franc, the unit of trading will be designated by the options exchange on which the option trades. OCC states that this rule change will eliminate the need for OCC to file rule changes whenever an Exchange is authorized by the Commission to begin trading new foreign currency options. Instead, OCC will notify clearing members and the Commission of additional underlying currencies by issuing information memoranda, OCC's customary method of notifying its member of important information.

Additionally, the proposal modifies Article XV, Section 1(h) of OCC's By-laws relating to premiums³ for foreign currency options. For the French franc, the premium is the premium per unit, expressed in hundredths of a United States dollar, multiplied by the units of trading and by the number of contracts subject to the transaction. For foreign currencies not specified in Section 1(g)(i)-(vi), the premium is the premium per unit of foreign currency, expressed in fractions of U.S. dollars, designated by the exchange on which such option is traded, multiplied by the unit of trading and by the number of contracts.

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Securities Exchange Act of 1934 and Rule 19b-4 thereunder. At any time

¹ The "unit of trading" refers to the amount of units of the underlying foreign currency which is the minimum number to be the subject of a single option contract. OCC By-Law Article I, Section 1(nn). For example, where the underlying currency is Canadian dollars, the unit of trading is 50,000 Canadian dollars. OCC By-Law Article XV, Section 1(g)(ii).

² The Commission has not yet approved a Philadelphia Stock Exchange ("Phlx") proposal to authorize trading of options on the French franc. The Commission, however, believes that OCC's proposal should be published at this time for several reasons. First, Phlx cannot use OCC to clear and settle French franc options until the Phlx proposal is approved. Second, the Commission desires to provide the public with a meaningful opportunity to comment on OCC's proposal before the end of the abrogation period under Section 19(b)(3)(A) of the Act.

³ The premium is the price of an option contract agreed upon by the buyer and seller of the contract. OCC By-law Article I, Section 1(aa).

within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate the proposed rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission within twenty-one days from the date of publication in the *Federal Register*. Persons desiring to make a written submission should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street NW., Washington, D.C. 20549. Reference should be made to File No. SR-OCC-84-3.

Copies of the submission, with accompanying exhibits, and of all written comments will be available for public inspection at the Securities and Exchange Commission's Public Reference Room, 450 Fifth Street NW., Washington, D.C. Copies of the filing will also be available at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 84-10405 Filed 4-17-84; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 34-20848; File No. SR-PCC-84-4]

Pacific Clearing Corp.; Order Granting Approval of Proposed Rule Change

April 11, 1984.

On February 21, 1984, the Pacific Clearing Corporation ("PCC") filed a proposed rule change with the Commission pursuant to Section 19(b)(2) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(2), and Rule 19b-4 thereunder. Notice of the proposed rule change was given by Securities Exchange Act Release No. 20758 (March 16, 1984) 49 FR 11040 (March 23, 1984). No comment letters were received.

The proposed rule change amends PCC's guidelines for approving foreign and domestic banks and trust companies as issuers of letters of credit for PCC participants fund purposes.¹

¹ In making these amendments, PCC is responding to a January 19, 1984 letter from the Institute of Foreign Bankers, Inc., commenting on certain PCC standards for approving letter of credit issuers. See File No. SR-PCC-83-06, which was approved by the

First, PCC proposes to amend its procedures under Rule XXX, Section 1(b) relating to the approval of issuers. PCC proposes to require that any domestic issuer be regulated and examined by federal or state authorities having regulatory authority over banks or trust companies.

Second, the proposal amends PCC's Application for Approval and Agreement of Issuers of Letter(s) of Credit by expanding the classes of eligible foreign issuers. Previously, a non-U.S. institution had to have a "P-1" rating from Moody's Investor Service ("Moody's") or an "A-1" rating by Standard & Poor's Corporation ("S&P") for letters of credit issued to support commercial paper or other short-term obligations. If it did not satisfy this requirement, it nonetheless could apply to be an issuer, subject to limiting terms imposed by the PCC board. Under the proposal, a non-U.S. financial institution additionally may qualify as a letter of credit issuer if: (1) Any commercial paper of short-term obligations issued by the foreign institution's parent or an affiliated entity has a "P-1" Moody's rating or an "A-1" S&P rating; (2) any such commercial paper or short-term obligations issued by non-affiliated entities and supported or guaranteed by the non-U.S. institution has such a rating; or (3) the institution, its parent or an affiliated entity has an "Aaa" Moody's rating or a "AAA" S&P rating on its long-term obligations.² PCC states that without the proposal's modifications, many large, well-capitalized foreign financial institutions would be unable to qualify as letter of credit issuers.

In its filing, PCC states that the proposed rule change is consistent with Section 17A of the Securities Exchange Act of 1934. More specifically, PCC believes that the proposed rule change furthers Sections 17A(b)(3) (A) and (F) of the Act, in that it assures the safeguarding of securities and funds in the custody or control of PCC or for which PCC is responsible by improving the standards for acceptance of letters of credit.

The Commission agrees with PCC that the proposal is consistent with the Act. First, the proposed requirement that domestic issuers only be financial institutions regulated and examined by bank regulatory authorities should help

Commission in Securities Exchange Act Release No. 20615 (February 1, 1984), 49 FR 4574 (February 7, 1984). The Commission in that release approved PCC's letter of credit program.

² These additional PCC standards are based on those discussed in Securities Exchange Act Release No. 19954 (July 18, 1983), 48 FR 33578 (July 22, 1983) (File No. SR-OCC-83-13).

to ensure that those issuers are financially sound. Under the proposal, this assurance would be provided even if domestic issuers are not "banks" under federal or state law. Second, although the proposal would expand the classes of eligible foreign issuers, that expansion should enable PCC to ensure a wider diversification of letter of credit issuers. Enhanced diversification reduces the risk that PCC or its members may become overly dependent on any one issuer or class of issuers. Third, the proposal includes appropriate criteria to ensure that only financially sound institutions can qualify as letter of credit issuers. Those criteria are keyed to high ratings by recognized financial ratings services. The Commission, in several releases, has discussed and has approved the use of financial ratings criteria in the clearing agency letter of credit context.³

The Commission therefore finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 84-10402 Filed 4-17-84; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 34-20850; File No. SR-PSDTC-84-4]

The Pacific Securities Depository Trust Co.; Order Granting Approval of Proposed Rule Change

April 11, 1984.

On February 21, 1984, the Pacific Securities Depository Trust Company ("PSDTC") filed a proposed rule change with the Commission pursuant to Section 19(b)(2) of the Securities Exchange Act of 1934 ("the Act"), 15 U.S.C. 78s(b)(2), and Rule 19b-4 thereunder. Notice of the proposed rule change was given by Securities Exchange Act Release No. 20755 (March

³ See, e.g., Securities Exchange Act Release Nos. 18052 (August 21, 1981), 46 FR 43341 (August 27, 1981) (approving National Securities Clearing Corporation's letter of credit program); 19422 (January 12, 1983), 48 FR 2481 (January 19, 1983) (approving aspects of OCC's letter of credit program); and 20615 (February 1, 1984), 49 FR 4574 (February 7, 1984) (approving PCC's letter of credit program).

15, 1984), 49 FR 11046 (March 23, 1984). No comment letters were received.

The proposed rule change amends PSDTC's guidelines for approving foreign and domestic banks and trust companies as issuers of letters of credit for PSDTC participants fund purposes.¹ First, PSDTC proposes to amend its procedures under Article XI, Section 11.1, relating to the approval of issuers. PSDTC proposes to require that any domestic issuer be regulated and examined by federal or state authorities having regulatory authority over banks or trust companies.

Second, the proposal amends PSDTC's Application for Approval and Agreement of Issuers of Letter(s) of Credit by expanding the classes of eligible foreign issuers. Previously, a non-U.S. institution had to have a "P-1" rating from Moody's Investor Service ("Moody's") or an "A-1" rating by Standard & Poor's Corporation ("S&P") for letters of credit issued to support commercial paper or other short-term obligations. If it did not satisfy this requirement, it nonetheless could apply to be an issuer, subject to limiting terms imposed by the PSDTC board. Under the proposal, a non-U.S. financial institution additionally may qualify as a letter of credit issuer if: (1) Any commercial paper or short-term obligations issued by the foreign institution's parent or an affiliated entity has a "P-1" Moody's rating or an "A-1" S&P rating; (2) any such commercial paper or short-term obligations issued by non-affiliated entities and supported or guaranteed by the non-U.S. institution has such a rating; or (3) the institution, its parent or an affiliated entity has an "Aaa" Moody's rating or a "AAA" S&P rating on its long-term obligations.² PSDTC states that without the proposal's modifications, many large, well-capitalized foreign financial institutions would be unable to qualify as letter of credit issuers.

In its filing, PSDTC states that the proposed rule change is consistent with Section 17A of the Securities Exchange

Act of 1934. More specifically, PSDTC believes that the proposed rule change furthers Sections 17A(b)(3) (A) and (F) of the Act, in that it assures the safeguarding of securities and funds in the custody or control of PSDTC or for which PSDTC is responsible by improving the standards for acceptance of letters of credit.

The Commission agrees with PSDTC that the proposal is consistent with the Act. First, the proposed requirement that domestic issuers only be financial institutions regulated and examined by bank regulatory authorities should help to ensure that those issuers are financially sound. Under the proposal, this assurance would be provided even if domestic issuers are not "banks" under federal or state law. Second, although the proposal would expand the classes of eligible foreign issuers, that expansion should enable PSDTC to ensure a wider diversification of letter of credit issuers. Enhanced diversification reduces the risk the PSDTC or its members may become overly dependent on any one issuer or class of issuers. Third, the proposal includes appropriate criteria to ensure that only financially sound institutions can qualify as letter of credit issuers. Those criteria are keyed to high ratings by recognized financial ratings services. The Commission, in several releases, has discussed and has approved the use of financial ratings criteria in the clearing agency letter of credit context.³

The Commission therefore finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 84-10403 Filed 4-17-84; 8:45 am]

BILLING CODE 8010-01-M

¹ See, e.g., Securities Exchange Act Release Nos. 18052 (August 21, 1981), 46 FR 43341 (August 27, 1981) [approving National Securities Clearing Corporation's letter of credit program]; 19422 (January 12, 1983), 48 FR 2481 (January 19, 1983) [approving aspects of OCC's letter of credit program]; and 20616 (February 1, 1984), 49 FR 4576 (February 7, 1984) [approving PSDTC's letter of credit program].

¹ In making these amendments, PSDTC is responding to a January 19, 1984 letter from the Institute of Foreign Bankers, Inc., commenting on certain PSDTC standards for approving letter of credit issuers. See File No. SR-PCC-83-11, which was approved by the Commission in Securities Exchange Act Release No. 20615 (February 1, 1984), 49 FR 4574 (February 7, 1984). The Commission in that release approved PSDTC's letter of credit program.

² These additional PSDTC standards are based on those discussed in Securities Exchange Act Release No. 19954 (July 18, 1983), 48 FR 33578 (July 22, 1983) (File No. SR-OCC-83-13).

[Release No. 23281 (70-6956)]

Pennsylvania Electric Co.; Proposed Sale of Property Which Was Formerly a Hydroelectric Generating Plant

April 11, 1984.

Pennsylvania Electric Company ("Penelec"), 100 Broad Street, Johnstown, Pennsylvania 15907 an electric utility subsidiary of General Public Utilities Corporation ("GPU"), a registered holding company, has filed with this Commission, an application-declaration pursuant to Sections 9, 10, and 12(d) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 44 promulgated thereunder.

Penelec proposes to sell to American Hydro Power Company ("Hydro"), a nonaffiliate, the Warrior Ridge property ("Warrior Ridge"), which was formerly a hydroelectric generating plant. As of December 31, 1983, the net book cost to Penelec of Warrior Ridge was approximately \$85,741. The original undepreciated cost of Warrior Ridge was approximately \$602,849. In addition, Penelec has charged to construction in progress a total of \$390,627, representing expenditures for preliminary engineering studies on station restoration, structural modifications and additions and the preparation of specifications for new turbines.

Hydro is a Pennsylvania general partnership, which intends to obtain a license from the FERC to operate Warrior Ridge as a hydroelectric station, if Hydro does not qualify for an exemption therefrom. Hydro plans to restore the plant to commercial operation (with a capacity of at least 1500 KW) on or before September 1986.

On January 3, 1984, Penelec and Hydro signed an agreement which provided that Hydro would pay \$350,000 to Penelec by the 120th day after Warrior Ridge is placed into commercial service, but in no event will the payment be made later than September 30, 1986. Hydro's obligation will be evidenced by its promissory note to Penelec secured by a mortgage on the Warrior Ridge property or other "method" acceptable to Penelec. Penelec is also to receive a sum equal to 25% (within 15 days of Hydro's receipt) of any amounts obtained by Hydro from the Electric Power Research Institute ("EPRI") if and to the extent EPRI awards Hydro a grant for a field evaluation of a small hydroelectric plant using modular components.

Under the agreement, Penelec will

purchase from Hydro all the electricity produced from Warrior Ridge for a 20 year period at the initial rates of 9.67 cents per KWH during on peak hours and 4.83 cents per KWH during off peak hours. Although these rates exceed the rates currently charged to the GPU companies under the Pennsylvania-New Jersey-Maryland ("PJM") interconnection agreement, the GPU companies (including Penelec) being net purchasers from PJM, it is expected that at some future time during the 20 year energy purchase period, such rates will be less than those charged by PJM. To that end, the parties will establish a "recapture pool", to which payment made by Penelec in excess of the prevailing PJM rate will be credited and against which payments made by Penelec below the prevailing PJM rate will be debited. (The agreement also provides for capacity credits and debits to the pool.) The net credit balance will bear interest at the rate of return allowed Penelec by the Pennsylvania Public Utility Commission (currently 10.91%), and will be settled at the end of the 20 year period or any earlier termination under the agreement. To the extent that payments credited to the recapture pool are charged to Penelec's customers as energy costs, the proceeds, if any, received by Penelec at termination of the recapture pool will be credited to Penelec's customers as a reduction of energy cost. Hydro has agreed to arrange for a letter of credit or surety bond to guarantee payment to Penelec. If and when the net credit balance of the recapture pool is reduced to zero, Penelec will then pay for electricity produced at Warrior Ridge at the prevailing PJM rate, less a discount of between 5% and 10% depending upon when, during the 20 year term, the balance of the pool is reduced to zero.

Penelec believes this proposed transaction will be favorable to Penelec, its stockholders and its customers in that it will enable Penelec to avoid the cost of maintaining, rehabilitating or removing the existing facility, and to realize a modest pre-tax gain (over its net book value) for Warrior Ridge. It also expects that the electricity it receives from Hydro will be at rates which, over a 20 year period, be competitive with those available from P-J-M.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by May 7, 1984, to the Secretary, Securities and Exchange Commission, Washington,

D.C. 20549, and service a copy on the applicant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed, with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Office of Public Utility Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 84-10406 Filed 4-17-84; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 13879; (812-5754)]

T. Rowe Price New Income Fund, Inc., et al.; Application

April 11, 1984.

Notice is hereby given that T. Rowe Price New Income Fund, Inc., T. Rowe Price Prime Reserve Fund, Inc., T. Rowe Price Short-Term Bond Fund, Inc., T. Rowe Price Tax-Exempt Money Fund, Inc., T. Rowe Price Tax-Free Income Fund, Inc., T. Rowe Price Tax-Free Short-Intermediate Fund, Inc., T. Rowe Price U.S. Treasury Money Fund, Inc. and any other mutual funds to be formed in the future by T. Rowe Price Associates, Inc. (the "Funds" or "Applicants"), 100 East Pratt Street Baltimore, Maryland 21202 filed an application on January 23, 1984, and an amendment thereto on February 22, 1984, for an order pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") declaring that Anthony W. Deering shall not be deemed an "interested person" of the Funds or their investment adviser, T. Rowe Price Associates, Inc. ("Price Associates"), within the meaning of Section 2(a)(19) of the Act solely by reason of his election to and service as a director on the board of directors of Kleinwort, Benson (North America) Corporation ("KBNA"). KBNA is a broker-dealer registered under the Securities Exchange Act of 1934 (the "1934 Act"), and a corporate affiliate of both Kleinwort, Benson Incorporated ("KBI"), a broker-dealer registered under the 1934 Act, and Kleinwort, Benson International Investment Limited ("KBII"), an investment adviser registered under the Investment Advisers Act of 1940. 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, and to the Act for the text of those provisions from which exemption is being sought.

Each of the Funds is a Maryland corporation and one of eleven no-load, diversified, open-end management investment companies registered under the Act for which Price Associates serves as investment adviser. Mr. Deering, a director of all seven existing Funds, is the Senior Vice President and Chief Financial Officer of the Rouse Company, which is a mortgage banker and real estate developer. Mr. Deering has advised the Funds that he has been proposed for election to the board of directors of KBNA.

Applicants state that it is the Funds' understanding that KBNA is a wholly-owned subsidiary of Kleinwort, Benson Limited ("KBL"), a merchant bank in the United Kingdom. The sole shareholder of KBL is Kleinwort, Benson Lonsdale Limited, an English public company. KBL owns all of the common stock of KBII, which provides investment advisory services to United Kingdom and international institutions and individuals. KBL also owns all of the common stock of Sharps, Pixley Holdings Incorporated ("SPH"), a holding corporation. SPH owns all of the common stock of KBI. All of the First Preferred Stock of KBI is owned by Sharps, Pixley Incorporated, a bullion dealer whose shares are beneficially owned by SPH.

Applicants state that KBNA has advised Mr. Deering that despite its status as a registered broker-dealer, KBNA does not engage in any underwriting, market making or distribution of securities, and that the sole purpose for which KBNA registered as a broker-dealer was to enable it to act as a broker-dealer for an investment company unrelated to the Funds. Applicants further state that KBNA no longer engages in the activities of a broker-dealer, but maintains its registration as such to provide flexibility should its management determine that KBNA will perform such activities in the future. The underwriting, market making and securities distribution functions of the "KB Group" are carried out through KBI.

Applicants state that if Mr. Deering becomes a director of KBNA, there will be no conflict of interest with his fiduciary obligation to the Funds. Because KBNA does not perform any underwriting, market making or distributional functions, under no circumstances would there be cause for the Funds to utilize the services of KBNA. Applicants further state that

even if KBNA distributed securities, the Funds would have no need for such services since T. Rowe Price Marketing, Inc. ("Price Marketing") serves as the distributor of the Funds pursuant to underwriting agreements between Price Marketing and each of the Funds. Applicants state that although KBNA, KBI and KBII have some directors and officers in common, Mr. Deering will not become an officer or director of KBI or KBII. As a director of KBNA, he will have no authority or responsibility for the management of the operations of these KBNA affiliates.

Applicants represent that (1) all of the mutual funds advised by Price Associates or Rowe Price-Fleming International, Inc., including those of which Mr. Deering is not a director (collectively, the "Price Funds"), undertake that so long as Mr. Deering has any relationship to KBNA or any of its affiliates, none of the Price Funds will knowingly purchase any securities from or through, or sell any securities to or through KBNA or KBI or any entity which may at any time be affiliated with KBNA or KBI, or seek investment advisory services from KBII, or any entity which may at any time be affiliated with KBII; (2) none of the Price Funds has, in the past, done any business with or used the services of KBNA, KBI or KBII; (3) inasmuch as Price Marketing serves as the distributor of each of the Price Funds pursuant to underwriting agreements between Price Marketing and each of the Price Funds, neither KBNA nor KBI will distribute the securities of any of the Price Funds; (4) the Price Funds will not purchase any debt or equity securities of KBNA or KBI.

Applicants represent that the Price Funds do not believe that any of the foregoing undertakings will adversely affect the Price Funds' ability to pursue their investment objectives or to carry on their business as described in the prospectus of each Price Fund.

Applicants state that Mr. Deering is a person of recognized integrity, judgment, independence, competence and standing. Applicants assert that the loss of Mr. Deering as a non-interested director would deprive the Funds of an individual with a long-standing commitment to the Funds and with proven financial expertise.

Applicants state that they believe it is in the public interest, as well as in the interest of the Funds and their stockholders, that Mr. Deering be permitted to continue in the status of a non-interested director of the Funds after his accession to membership on the board of directors of KBNA. In addition, Applicants state that there is

nothing in Mr. Deering's proposed relationship with KBNA that would impair his independence, or put him in a position to act in a manner inconsistent with his fiduciary obligation to the Funds and their stockholders.

Accordingly, Applicants have requested that the Commission issue an order pursuant to Section 6(c) declaring that Mr. Deering shall not be deemed to be an interested director of the funds solely by reason of his election to and service as a director on the board of directors of KBNA. Applicants submit that the requested order is 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 wishing to request a hearing on the application may, not later than May 7, 1984, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for the request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 84-10401 Filed 4-17-84; 9:45 am]
BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 2123, Amdt. No. 1]

Declaration of Disaster Loan Area; North Carolina

The above numbered declaration (49 FR 14231) is amended in accordance with the President's declaration of March 30, 1984, to include Lenoir, Gates, Nash, and Perquimans Counties in the State of North Carolina as a result of damage from severe storms and tornadoes beginning on or about March 28, 1984. All other information remains the same, i.e., the termination date for filing applications for physical damage is the close of business on May 31, 1984,

and for economic injury until the close of business on December 31, 1984.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: April 5, 1984.

Bernard Kulik,

Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 84-10399 Filed 4-17-84; 8:45 am]
BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 2122, Amdt. No. 1]

Declaration of Disaster Loan Area; South Carolina

The above numbered declaration (49 FR 14232) is amended in accordance with the President's declaration of March 30, 1983, to include Chesterfield County in the State of Carolina as a result of damage from severe storms and tornadoes beginning on or about March 28, 1984. All other information remains the same, i.e., the termination date for filing applications for physical damage is the close of business on May 31, 1984, and for economic injury until the close of business on December 31, 1984.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: April 5, 1984.

Bernard Kulik,

Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 84-10400 Filed 4-17-84; 8:45 am]
BILLING CODE 8025-01-M

Region I Advisory Council; Public Meeting

The Small Business Administration, Region I Advisory Council, located in the geographical area of Hartford, Connecticut, will hold a public meeting at 10:00 a.m., on Wednesday, May 9, 1984, at the residence of Richard Gretsche, 44 Castle Hill Road, Newtown, Connecticut, to discuss such matters as may be presented by members, staff of Small Business Administration, or others present.

For further information, write or call John P. Burke, District Director, U.S. Small Business Administration, One Hartford Square West, Suite 201, Hartford, Connecticut 06106, (203) 722-2511.

Dated: April 12, 1984.

Jean M. Nowak,

Director, Office of Advisory Councils.

[FR Doc. 84-10397 Filed 4-17-84; 8:45 am]
BILLING CODE 8025-01-M

Region IV Advisory Council; Public Meeting

The Small Business Administration, Region IV Advisory Council, located in the geographical area of Jackson, Mississippi, will hold a public meeting at 1:30 p.m., on Wednesday, April 18, 1984, at the Small Business Administration Office, Room 335A Federal Building, 100 West Capitol Street, Jackson, Mississippi, to discuss such matters as may be presented by members, staff of Small Business Administration, or others present.

For further information, write or call Jack Spradling, District Director, U.S. Small Business Administration, 322 Federal Building, 100 West Capitol Street, Jackson, Mississippi 39269, telephone (601) 960-4363.

Dated: April 12, 1984.

Jean M. Nowak,

Director, Office of Advisory Councils.

[FR Doc. 84-10398 Filed 4-17-84; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****Advisory Circular on Interpretation of Failure for Static Structural Test Programs**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Draft advisory circular (AC) availability and request for comments.

SUMMARY: This AC provides information and guidance concerning the interpretation of failure for static structural test programs applicable to Parts 23, 25, 27, 29, and 31 of the Federal Aviation Regulations.

DATES: Commenters must identify File AC 20-XX; Subject: Interpretation of Failure for Static Structural Test Programs, and comments must be received on or before June 4, 1984.

ADDRESS: Send all comments on the proposed draft AC to: Federal Aviation Administration, ATTN: Regulations and Policy Office (ACE-110), 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph W. Burrell, Aerospace Engineer, Regulations and Policy Office (ACE-110), Aircraft Certification Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106; Commercial Telephone (816) 374-6941, or FTS 758-6941.

SUPPLEMENTARY INFORMATION: Any person may obtain a copy of this proposed draft AC by writing to: Federal Aviation Administration, Aircraft Certification Division, Regulations and Policy Office (ACE-110), 601 East 12th Street, Kansas City, Missouri 64106.

Comments invited: Interested parties are invited to submit comments on the proposed draft AC. The proposed draft AC and comments received may be inspected at the offices of the Regulations and Policy Office (ACE-110), Room 1656, Federal Office Building, 601 East 12th Street, Kansas City, Missouri, between the hours of 7:30 a.m. and 4:00 p.m. on weekdays, except Federal holidays.

Issued in Kansas City, Missouri, on April 5, 1984.

Barry D. Clements,

Manager, Aircraft Certification Division.

[FR Doc. 84-10285 Filed 4-17-84; 8:45 am]

BILLING CODE 4910-13-M

National Airspace Review; Meeting

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of Task Group 3-1 of the Federal Aviation Administration National Airspace Review Advisory Committee. The agenda for this meeting is as follows: A review of the use and content of airport information service broadcasts to identify essential and nonessential information and maintain a short and concise broadcast format.

DATE: Beginning Monday, May 14, 1984, at 11 a.m., continuing daily, except Saturdays, Sundays, and holidays, not to exceed one week.

ADDRESS: The meeting will be held at the Federal Aviation Administration, conference room 7A/B, 800 Independence Avenue, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: National Airspace Review Program Management Staff, room 1005, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, 426-3560. Attendance is open to the interested public, but limited to the space available. To insure consideration, persons desiring to make statements at the meeting should submit them in writing to the Executive Director, National Airspace Review Advisory

Committee, Associate Administrator for Air Traffic, AAT-1, 800 Independence Avenue, SW., Washington, D.C. 20591, by May 7. Time permitting and subject to the approval of the chairman, these individuals may make oral presentations of their previously submitted statements.

Issued in Washington, D.C., on April 11, 1984.

John Watterson,

Acting Manager, Special Projects Staff, Office of the Associate Administrator for Air Traffic.

[FR Doc. 84-10284 Filed 4-17-84; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY**Fiscal Service**

[Dept. Circ. 570, 1983 Rev., Supp. No. 19]

Surety Companies Acceptable of Federal Bonds

A certificate of authority as an acceptable surety on Federal bonds is hereby issued to the following company under Sections 9304 to 9308 Title 31 of the United States Code. An underwriting limitation of \$1,846,000 has been established for the company.

Name of Company:

Rockwood Insurance Company

Business Address:

654 Main Street, Rockwood, PA 15557

State of Incorporation:

Pennsylvania

Certificates of authority expire on June 30 each year, unless renewed prior to that date or sooner revoked. The certificates are subject to subsequent annual renewal so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1983 Revision, at page 30539 to reflect this addition. Copies of the circular, when issued, may be obtained from the Operations Staff, Banking and Cash Management, Department of the Treasury, Washington, DC 20226.

Dated: April 10, 1984.

W. E. Douglas,

Commissioner.

[FR Doc. 84-10292 Filed 4-17-84; 8:45 am]

BILLING CODE 4610-35-M

Sunshine Act Meetings

Federal Register

Vol. 49, No. 76

Wednesday, April 18, 1984

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

CIVIL AERONAUTICS BOARD

[M-403 Amdt. 2, Apr. 10, 1984]

Addition of item 3b and 24, and closure of a portion of item 3 at the April 10, 1984 meeting.

TIME AND DATE: 10:00 a.m., April 10, 1984.

PLACE: Room 1027 (Open), Room 1012 (Closed), 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT: 3. Docket 40269, *Visit USA Fare/Export Inland Contract Rate Investigation*: Questions for Decision and Options Memorandum. (OGC) 3b. Review of Regent Air Corp. Status. (OGC)

24. Discussion of Germany. (BIA) **STATUS:** 3—(Portion Closed). 3b—(Open). 24—(Closed).

PERSON TO CONTACT: Phyllis T. Kaylor, The Secretary, (202) 673-5068.

Phyllis T. Kaylor, Secretary.

[FR Doc. 84-10394 Filed 4-13-84; 4:37 pm]

BILLING CODE 6320-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, April 23, 1984,

the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors, pursuant to sections 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Memorandum and Resolution re: Penn Square Bank, National Association, Oklahoma City, Oklahoma.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Application for consent to establish a remote service facility:

Michigan Bank-Mid South, Litchfield, Michigan, for consent to establish a remote service facility at 100 East Michigan Avenue, Albion, Michigan.

Application for consent to relocate an approved but unopened branch:

Commonwealth Bank, Torrance, California, for consent to relocate an approved, but unopened, branch from 18662 MacArthur Boulevard to 4867 MacArthur Boulevard, Irvine, California.

Recommendation regarding the Corporation's assistance agreement with an insured bank pursuant to section 13 of the Federal Deposit Insurance Act:

Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(4) and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4) and (c)(9)(B)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550-17th Street, N.W., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: April 18, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,
Executive Secretary.

[FR Doc. 84-10512 Filed 4-18-84; 1:03 pm]

BILLING CODE 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, April 23, 1984, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Application for Federal deposit insurance:

Rainbow Finance Corporation, an operating noninsured industrial bank, located at 77 Merchant Street, Honolulu, Hawaii.

Applications for consent to purchase assets and assume liabilities and establish branches:

Brunswick State Bank, Brunswick, Nebraska, an insured State nonmember bank, for consent to purchase certain assets of and assume the liability to pay deposits made in Winnetoon Cooperative Credit Association, Winnetoon, Nebraska, an operating noninsured

institution, and for consent to establish the sole office of Winnetoon Cooperative Credit Association as a branch of Brunswick State Bank.

Citytrust, Bridgeport, Connecticut, an insured State nonmember bank, for consent to purchase certain assets of and assume the liability to pay deposits made in four branches of County Federal Savings and Loan Association of Westport, Westport, Connecticut, a non-FDIC-insured institution, and for consent to establish those four offices as branches of Citytrust.

Applications for consent to establish a branch:

First Continental Bank of Maryland, Silver Spring, Maryland, for consent to establish a branch at 5272 River Road, Bethesda, Maryland.

First Commercial Bank, Asheville, North Carolina, for consent to establish a branch at 125 7th Avenue, West, Hendersonville, North Carolina.

First Commercial Bank, Asheville, North Carolina, for consent to establish a branch within Ingles Supermarket #77, U.S. Highway 176, Spartanburg Highway, Hendersonville, North Carolina.

Adair State Bank, Adair, Oklahoma, for consent to establish a branch at the intersection of Poplar Avenue and Third Street, Foyil, Oklahoma.

Hamilton Bank, Lancaster, Pennsylvania, for consent to establish a branch at 3516-3520 Market Street, Hampden Township, Camp Hill, Pennsylvania.

Application for consent to establish a remote service facility:

Citizens State Bank, Owensboro, Kentucky, for consent to establish a remote service facility in Villa Point Shopping Center, Highway 54, East Owensboro, Kentucky.

Application for consent to relocate a branch:

First Trust and Savings Bank, Davenport, Iowa, for consent to relocate a branch from 1733 East Kimberly Road to 2322 East Kimberly Road, Davenport, Iowa.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Memorandum and Resolution re: Farmers State Bank of Lewistown, Lewistown, Illinois.

Memorandum and Resolution re: Community Bank, Harford, South Dakota.

Memorandum and Resolution re: Carroll County Bank, Huntingdon, Tennessee.

Memorandum and Resolution re: Seminole State National Bank, Seminole, Texas.

Reports of committees and officers:

Minutes of actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications, requests, or actions involving administrative enforcement proceedings approved by the Director or an Associate Director of the Division of Bank Supervision and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Reports of the Director, Office of Corporate Audits and Internal Investigations:
Audit Report re: Summary of Four Liquidation Site Audits (dated March 14, 1984)

Audit Report re: American City Bank, Los Angeles, California—AP-336 (dated March 16, 1984)

Discussion Agenda:

Memorandum and Resolution re: Proposed revised amendments to Part 337 of the Corporation's rules and regulations, entitled "Unsafe and Unsound Banking Practices," which would (1) define bona fide subsidiary, (2) limit an insured State nonmember bank's permissible direct and indirect investments in its securities subsidiary or subsidiaries, (3) require notice of intent to invest in a securities subsidiary, (4) limit the permissible securities activities of insured State nonmember bank subsidiaries, and (5) place certain other restrictions on loans, extensions of credit, and other transactions between insured State nonmember banks and their subsidiaries or affiliates that engage in securities activities.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, NW., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: April 16, 1984.

Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.

[FR Doc. 84-10513 Filed 4-16-84; 8:45 am]

BILLING CODE 6714-01-M

4

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10:00 a.m., Wednesday, April 18, 1984.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Westmoreland Coal Company, Docket No. WEVA 82-152-R; (Issues include whether the administrative law judge erred in concluding that the operator violated 30 CFR § 75.202, a mandatory safety standard dealing with roof control.)

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653-5632.
Jean Ellen,
Agenda Clerk.

[FR Doc. 84-10497 Filed 4-16-84; 8:45 am]

BILLING CODE 6735-01-M

5

FEDERAL RESERVE SYSTEM

TIME AND DATE: 11:00 a.m., Monday, April 23, 1984.

PLACE: 20th Street and Constitution Avenue, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne,
Assistant to the Board; (202) 452-3204.

Dated: April 13, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-10387 Filed 4-13-84; 4:24 pm]

BILLING CODE 6210-01-M

6

FOREIGN CLAIMS SETTLEMENT COMMISSION

[F.C.S.C. Meeting Notice No. 4-84]

Announcement in Regard to Commission Meetings and Hearings.

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings and oral hearings for the transaction of Commission business and other matters specified, as follows:

Date, Time, and Subject Matter

Wed., April 25, 1984 at 10:30 a.m.;

Consideration of Proposed Decisions in the Second Czechoslovakian Claims Program and Final Decision on hearings on the record. Oral Hearings on objections to decisions issued under the Second Czechoslovakian Claims Program:

Wed., April 25, 1984 at 10:30 a.m.; CZ-2-0361—Philip Clovicko; CZ-2-0430—Herbert Handelsman; CZ-2-0022—Richard Opalek; CZ-2-0043—Ann Forgac; CZ-2-1377—Blanka Kahan.

Wed., April 25, 1984 at 2:00 p.m.; CZ-2-1180—David & Bela Blumenfeld; Atty Horace W.K. Borchardt; CZ-2-0097—Paul Hirsch; Atty Martin Gonzales; CZ-2-0215; CZ-2-0216; Sidney Gelb; CZ-2-0989—Helen Zmarzlak.

Thurs., April 26, 1984 at 9:00 a.m.; CZ-2-0391—Ann Cermak; CZ-2-1428—Edwin Rubin; Atty Edward Rubin; CZ-2-1535—Anton Zajdlík; CZ-2-1574—Samuel Frey; Atty Harvey Strelzin; CZ-2-1591—Leona Kohn; CZ-2-0689—Denna Viboch.

Thurs., April 26, 1984 at 2:00 p.m.; CZ-2-0360—Mary Hanecak; CZ-2-0078—Otto Lederer; CZ-2-1146—Angela Belacek; CZ-

2-1251—Frank Louda; Atty Timothy Dickinson; CZ-2-1343—Denes Gellert; CZ-2-0668—Zoltan Fuchs; Atty Andrew Reiner.

Subject matter listed above not disposed of at the scheduled meeting, may be carried over to the following business day.

All meetings are held at the Foreign Claims Settlement Commission, 1111—20th Street, NW., Washington, DC. Requests for information, or advance notices of intention to observe a meeting may be directed to: Administrative Officer, Foreign Claims Settlement Commission, 1111—20th Street, NW., Room 409, Washington, DC 20579. Telephone: (202) 653-6155.

Dated at Washington, DC, on April 10, 1984.

Judith H. Lock,

Administrative Officer.

[FR Doc. 84-10496 Filed 4-18-84; 8:45 am]

BILLING CODE 4410-01-M

7

NATIONAL COUNCIL ON THE HANDICAPPED TIME AND DATE:

9:00 a.m.—5:00 p.m., April 30, 1984.

9:00 a.m.—5:00 p.m., May 1, 1984.

9:00 a.m.—12:00 p.m., May 2, 1984.

PLACE: Ballroom B & C, J. W. Marriott Hotel at National Place, 1331 Pennsylvania Avenue, NW., Washington, DC.

STATUS: Open meeting.

MATTERS TO BE CONSIDERED: General business including:

Development Disabilities
Development of a Program Evaluation System
NIHR Program Update
RSA Program Update

PLEASE NOTE: Any person requiring an interpreter or other special services, please contact NCH staff no later than April 25, 1984.

CONTACT FOR MORE INFORMATION:

Harvey C. Hirschi, Executive Director, NCH, 202-732-1276.

Harvey C. Hirschi,

Executive Director, National Council on the Handicapped

[FR Doc. 84-10551 Filed 4-18-84; 3:47 pm]

BILLING CODE 6820-BS-M

8

NATIONAL TRANSPORTATION SAFETY BOARD

[NM-84-12]

**"FEDERAL REGISTER" CITATION OF
PREVIOUS ANNOUNCEMENT:** 49 FR 14242,
April 10, 1984.

**PREVIOUSLY ANNOUNCED TIME AND DATE
OF MEETING:** 9 a.m., Tuesday, April 17,
1984.

CHANGE IN MEETING: A majority of the Board determined by recorded vote that the business of the Board required revising the agenda of this meeting and that no earlier announcement was possible. The following open item was added to the agenda:

1. Letter to the aviation industry regarding airline passenger education and the frequent flyer training concept.

**CONTACT PERSON FOR MORE
INFORMATION:** Sharon Flemming (202)
382-6525.

H. Ray Smith, Jr.,

Federal Register Liaison Officer.

April 16, 1984.

[FR Doc. 84-10548 Filed 4-18-84; 3:47 pm]

BILLING CODE 4910-58-M

9

NATIONAL TRANSPORTATION SAFETY BOARD

[NM-84-15]

TIME AND DATE: 11 a.m., Wednesday,
April 18, 1984.

PLACE: NTSB Board Room, 8th Floor, 800 Independence Ave., S.W., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED: A majority of the Board determined by recorded vote that the business of the Board required holding this meeting at this time and that no earlier announcement was possible.

1. Briefing on alcohol data of the Fatal Accident Reporting System of the National Highway Traffic Safety Administration.

CONTACT PERSON FOR MORE

INFORMATION: Sharon Flemming (202)
382-6525.

H. Ray Smith, Jr.,

Federal Register Liaison Officer.

April 16, 1984.

[FR Doc. 84-10549 Filed 4-18-84; 3:47 pm]

BILLING CODE 7533-01-M

10

NATIONAL TRANSPORTATION SAFETY BOARD

[NM-84-16]

TIME AND DATE: 10 a.m., Wednesday,
April 25, 1984.

PLACE: NTSB Board Room, 8th Floor, 800 Independence Ave., S.W. Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED: 1. Briefing on airline safety overwater by

representatives of the International Airline Passengers Association, Inc., and others.

CONTACT PERSON FOR MORE

INFORMATION: Sharon Flemming (202)
382-6525.

H. Ray Smith, Jr.,

Federal Register Liaison Officer.

April 16, 1984.

[FR Doc. 84-10550 Filed 4-18-84; 3:47 pm]

BILLING CODE 4910-58-M

11

NUCLEAR REGULATORY COMMISSION

DATE: Thursday, April 12, 1984

(Revised), Friday, April 13, 1984

(Revised) and Week of April 16, 1984

PLACE: Commissioner's Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open and Closed.

MATTERS TO BE DISCUSSED:

Thursday, April 12

3:00 p.m.

Affirmation/Discussion and Vote (Public Meeting) (New Item) a. Information Collection Requirements; Display of OMB Control Numbers.

Friday, April 13

10:00 a.m.

Interpretation of 10 CFR 55.25(b) on Reactor Operator Examinations (Public Meeting) (New Item).

2:00 p.m.

Discussion/Possible Vote of Diablo Canyon Criticality and Low Power Operation (Public Meeting) (Time Change).

Week of April 16

Wednesday, April 18

10:00 a.m.

Briefing on Steam Generator Generic Requirements (Public Meeting) (Tentative).

2:00 p.m.

Briefing of EEO Program (Public Meeting).

ADDITIONAL INFORMATION: Affirmation of Consideration of the Complicating Effects of Earthquakes on Emergency Planning at Diablo Canyon was held on April 3. Affirmation of License Fees—Final Rule scheduled for April 5 was postponed. Continuation of Discussion on QA Report to Congress and Status of QA Initiatives scheduled for April 13, postponed.

TO VERIFY THE STATUS OF MEETINGS

CALL: (Recording)—(202) 634-1498.

CONTACT PERSON FOR MORE**INFORMATION:** Julia Corrado (202) 634-1410.Julia Corrado,
Office of the Secretary.

[FR Doc. 84-10546 Filed 4-16-84; 3:47 pm]

BILLING CODE 7590-01-M

12

NUCLEAR REGULATORY COMMISSION**DATE:** Week of April 23, 1984.**PLACE:** Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C.**STATUS:** Open and Closed.**MATTERS TO BE DISCUSSED:***Monday, April 23*

2:00 p.m.

Review of Options in Role of the Staff/Ex Parte (Public Meeting).

Tuesday, April 24

10:30 p.m.

Discussion of Possible Steps to Avoid Licensing Delays (Public Meeting).

Wednesday, April 25

10:00 a.m.

Discussion of Enforcement Action (Closed—Ex. 5 & 7).

2:00 p.m.

Staff Briefing on Status of Midland (Public Meeting).

Thursday, April 26

10:00 a.m.

Discussion of Completed TMI Investigations (Public Meeting)

11:00 a.m.

Staff Evaluation of Completed TMI Investigations and Position on Management (Public Meeting).

Friday, April 27

10:00 a.m.

Discussion of Proposed Rule—Use of HEU Fuel (Public Meeting).

2:00 p.m.

Briefing on Proposed Rulemaking on Operator Licensing and on Training and Qualifications of Plant Personnel; Staff Reaction to Industry Proposals (Section 306 NWPA) (Public Meeting).

ADDITIONAL INFORMATION: Briefing on Steam Generator Generic Requirements schedule for April 18, postponed.**TO VERIFY STATUS OF MEETINGS CALL:** (Recording)—(202) 634-1498.**CONTACT PERSON FOR MORE INFORMATION:** Walter Magee, (202) 634-1410.Walter Magee,
Office of the Secretary.

[FR Doc. 84-10547 Filed 4-16-84; 3:47 am]

BILLING CODE 7590-01-M

13

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL**AGENCY HOLDING THE MEETING:** Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).**ACTION:** Notice of meeting to be held pursuant to the Government in the Sunshine Act (5 U.S.C. 552b).**STATUS:** Open. An executive session to discuss pending litigation and personnel matters will follow the meeting on April 26.**TIME AND DATE:** April 25 and 26, 1984, 9:00 a.m.**PLACE:** Doric Tacoma Motor Hotel, 242 St. Helens Avenue, Tacoma, Washington.**MATTERS TO BE CONSIDERED:**

Presentation on Model Conservation Standards

Concurrence on Protected Areas Study

Preliminary Council Decisions on Draft

Amendments of the Columbia River Basin Fish and Wildlife Program

Public Comment on Third Set of Issue Papers on Amendment of the Columbia River Basin Fish and Wildlife Program
Presentation on Bonneville Power Administration's FY 86-87 Program Plans
Staff Presentation on Death Spiral Issue Paper

Council Business

Public comment will follow each item.

FOR FURTHER INFORMATION CONTACT:

Ms. Bess Wong (503) 222-5161.

Edward Sheets,
Executive Director.

[FR Doc. 84-10431 Filed 4-16-84; 10:45 am]

BILLING CODE 0000-00-M

14

PAROLE COMMISSION

National Commissioners (the Commissioners presently maintaining offices at Chevy Chase, Maryland, Headquarters.)

TIME AND DATE: Wednesday, April 18, 1984—2:00 p.m.**PLACE:** Room 420-F, One North Park Building, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.**STATUS:** Closed pursuant to a vote to be taken at the beginning of the meeting.**MATTERS TO BE CONSIDERED:** Referrals from Regional Commissioners of approximately 4 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.**CONTACT PERSON FOR MORE****INFORMATION:** Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission (301) 492-5987.

Dated: April 16, 1984.

Joseph A. Barry,

General Counsel, United States Parole Commission.

[FR Doc. 84-10535 Filed 4-16-84; 2:49 pm]

BILLING CODE 4410-01-M

FOIA Report

**Wednesday
April 18, 1984**

Part II

Department of Transportation

Office of the Secretary

**Privacy Act of 1974; Periodic Publication
of all Systems of Records; Notice**

DEPARTMENT OF TRANSPORTATION**Office of the Secretary****Privacy Act of 1974; Periodic Publication of All Privacy Act Systems of Records**

This preamble is to introduce the periodic publication in the Federal Register of the Systems of Records of the Department of Transportation as of January 31, 1984. The Privacy Act (Pub. L. 93-579) requires such publication. Variations from the last publication are mostly changes of address or organizational designations, except that a short statement has been added to the routine use paragraph of 53 systems which permits their disclosure solely to collect debts owed to the Federal Government. DOT/OST 042 has been changed to DOT/RSPA 08 to correctly reflect the current location of the Pipeline Safety Program.

Since the publication on 12-7-81, the following systems have been deleted by Federal Register announcements: DOT/CG-509; DOT/FAA 800, 802, 803, 804, 805; DOT/FHWA 222; DOT/FRA 116; DOT/NHTSA 406, 410, 412, 461, 465, 468. Changes were made to DOT/OST 100, DOT/FRA 104, and DOT/All-2, which were republished for comment. The following additional deletions are announced by this publication: DOT/CG 686; DOT/NHTSA 408, 416, 460, 469 and 470; DOT/MA 023; DOT/OST 90; DOT/UMTA 181 and 182. All deletions are as a result of discontinued programs.

The following new Systems of Records have been announced since the last periodic publication in the Federal Register: DOT/CG 631, Family Advocacy Case System, DOT/OST 063, Civil Rights Case Tracking System, and DOT/OST 064, Mobility Assignment Candidate File. Published here for the first time is DOT/NHTSA 471, "The National Driver Register Advisory Committee." Comments will be accepted on this system. If there are no comments, it will become effective on May 18, 1984.

The Maritime Administration has joined the Department since the last publication adding DOT/MA-1 through DOT/MA-29 Systems of Records to the Department's list. This publication in the Federal Register for 1984 supersedes the previous publication on December 7, 1981, FR Vol. 46, pages 59740-59869.

Issued in Washington D.C., on March 27, 1984.

Jon H. Seymour,
Deputy Assistant Secretary for
Administration

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 DOT/FHWA 204 FHWA Motor Carrier Safety Proposed Civil and Criminal Enforcement Cases
 DOT/FHWA 209 Driver Accident Record Cross-Reference File
 DOT/FHWA 210 Occupational Safety and Health Accident Reporting System

DOT/FHWA 211 Motor Carrier Accident File - Property and Passenger
 DOT/FHWA 212 Medals of Honor File
 DOT/FHWA 213 Driver Waiver File
 DOT/FHWA 215 Travel Advance File
 DOT/FHWA 216 Travel Voucher - Change of Duty Station
 DOT/FHWA 217 Accounts Receivable
 DOT/FHWA 219 Employee Utilization (monthly report)
 DOT/FHWA 220 Payroll Administration
 DOT/FRA 100 Alaska Railroad Examination of Operating Personnel
 DOT/FRA 101 Alaska Railroad Personnel and Pay Management Information System
 DOT/FRA 102 Alaska Railroad Security and Freight Claims Investigatory Files
 DOT/FRA 104 Statement of Employment and Financial Interest
 DOT/FRA 105 Employee Travel Records
 DOT/FRA 106 Occupational Safety and Health Reporting System
 DOT/FRA 112 Personnel and Pay Management Information System
 DOT/FRA 113 Regional Personnel Convenience Files
 DOT/FRA 114 Transportation Test Center Employee Service Record File
 DOT/FRA 115 Travel Advance Records
 DOT/FRA 118 Transportation Test Center Cost Tracking System
 DOT/FRA 130 Railroad Safety--Noncompliance by Individuals
 DOT/FRA 131 Office of Safety Investigations Files
 DOT/MA 001 Attendance, Leave and Payroll Records of Employees and Certain Other Persons
 DOT/MA 002 Accounts Receivable
 DOT/MA 003 Freedom of Information and Privacy Request Records
 DOT/MA 004 Visitor Logs and Permits for Facilities Under Department Control
 DOT/MA 005 Travel Records (Domestic and Foreign) of Employees and Certain Other Persons
 DOT/MA 006 Executive Correspondence Files
 DOT/MA 007 Litigation, Claims and Administrative Proceeding Records
 DOT/MA 008 Property Accountability Files
 DOT/MA 009 Records of Cash Receipts
 DOT/MA 010 Employees Personnel Files Not Covered by Notices of Other Agencies
 DOT/MA 011 Biographical Files
 DOT/MA 012 Applications to U.S. Merchant Marine Academy (USMMA)
 DOT/MA 013 Cadet Files, State Maritime Academies

DOT/MA 014 Citizenship Statements and Affidavits
 DOT/MA 015 General Agent's Protection and Indemnity and Second Seaman's Insurance; WSA and NSA
 DOT/MA 016 Marine Training School Registrants
 DOT/MA 017 Waivers of Liability to Board Reserve Fleet Vessels and Other Craft Located at U.S. Merchant Marine Academy
 DOT/MA 018 National Defense Executive Reserve
 DOT/MA 019 Non-Attorney Practitioner Applications and 'Section 807 Reports'
 DOT/MA 020 Seamen's Awards for Service, Valor, etc.
 DOT/MA 021 Seaman's Employment Analysis Records
 DOT/MA 022 Seaman's Unclaimed Wages (Vietnam Conflict)
 DOT/MA 024 USMMA Non-Appropriated Fund Employees
 DOT/MA 025 USMMA Graduates
 DOT/MA 026 USMMA Midshipmen Deposit Account Records
 DOT/MA 027 USMMA Midshipman Grade Transcripts
 DOT/MA 028 USMMA Midshipman Medical Files
 DOT/MA 029 USMMA Midshipman Personnel Records
 DOT/NHTSA 400 National Highway Safety Advisory Committee Membership/Nominee Files
 DOT/NHTSA 401 Docket System
 DOT/NHTSA 402 Highway Safety Literature Personal Author File
 DOT/NHTSA 403 Active Contract Run
 DOT/NHTSA 404 Alcohol Projects
 DOT/NHTSA 409 Federal Motor Vehicle Safety Standards (FMVSS) Compliance
 DOT/NHTSA 411 General Public Correspondence System
 DOT/NHTSA 413 Odometer Rollback
 DOT/NHTSA 415 Motor Vehicle Defects
 DOT/NHTSA 417 National Driver Register (NDR)
 DOT/NHTSA 422 Temporary Exemption Petitions
 DOT/NHTSA 423 Vendor Edit Table Listing (Employees)
 DOT/NHTSA 424 Offerors Mailing List
 DOT/NHTSA 427 Statement of Employment and Financial Interest
 DOT/NHTSA 431 Civil Penalty Enforcement Files
 DOT/NHTSA 432 EEO Counseling Program and Discrimination Complaint File
 DOT/NHTSA 433 Injuries, Illnesses, Motor Vehicle Accidents and Property Damages

DOT/NHTSA 434 Government Driver Licenses
 DOT/NHTSA 435 Investigations and Security
 DOT/NHTSA 436 Contract Grievance Records
 DOT/NHTSA 447 Drinking Driver Tracking System
 DOT/NHTSA 451 Medical Records and Research Data
 DOT/NHTSA 454 Alcohol Behavior Research
 DOT/NHTSA 455 Debt Complaint File
 DOT/NHTSA 457 Suitability Files
 DOT/NHTSA 458 Investigations of Alleged Misconduct or Conflict of Interest
 DOT/NHTSA 459 Stockton Increased DUI Enforcement/DUI Citation and Arrest File
 DOT/NHTSA 463 Motor Vehicle and Motor Vehicle Equipment Import
 DOT/NHTSA 466 National Highway Traffic Safety Administration Employee
 DOT/NHTSA 467 Driver Programs Data System
 DOT/NHTSA 471 National Driver Register Advisory Membership/Nominee Files
 DOT/OST 003 Allegations of Infringement of United States Patents
 DOT/OST 004 Board for Correction of Military Records (BCMR)
 DOT/OST 006 Confidential Statement of Employment and Financial Interests
 DOT/OST 008 Departmental Advisory Committee Files
 DOT/OST 010 Departmental Personnel Management Information System
 DOT/OST 011 Discrimination Complaint Investigative Files
 DOT/OST 012 Files Relating to Personnel Hearings
 DOT/OST 013 Employee Management Files
 DOT/OST 014 Employment Applications Files
 DOT/OST 016 General Investigations Record System
 DOT/OST 018 Identification Media Record Systems
 DOT/OST 019 Individual Personal Interests in Intellectual Property
 DOT/OST 024 Parking Permit Application File
 DOT/OST 025 Parking Permit Management System
 DOT/OST 026 Payroll Management System
 DOT/OST 028 Personnel Convenience Files
 DOT/OST 030 Personnel Management Files
 DOT/OST 032 Management Operating Records System
 DOT/OST 034 Personnel Records
 DOT/OST 035 Personnel Security Record System

DOT/OST 037 Records of Confirmation Proceeding Requirements for Proposed Executive Appointments to the Department of Transportation
 DOT/OST 041 Secretariat Information Retrieval System (SIRS)
 DOT/OST 043 Telephone Directory and Local System
 DOT/OST 044 Travel and Transportation Management File
 DOT/OST 045 Unsolicited Contract or Research and Development Proposals Embodying Claims of Proprietary Rights
 DOT/OST 046 Visit Control Records System
 DOT/OST 056 Garnishment Files
 DOT/OST 057 Honors Attorney Recruitment Files
 DOT/OST 058 Public Information Distribution System
 DOT/OST 059 Files of the Board for Correction of Military Records (BCMR) for the Coast Guard
 DOT/OST 061 Records of Official Time Granted Employees for Performing Representational Functions.
 DOT/OST 062 Biographies of Key Officials Book
 DOT/OST 063 Civil Rights Case Tracking System
 DOT/OST 064 Mobility Assignment Candidate File
 DOT/OST 100 Investigative Record System
 DOT/OST 101 Office of Inspector General, Management Information System
 DOT/RSPA 01 Funds Management Records
 DOT/RSPA 02 National Defense Executive Reserve (NDER) File
 DOT/RSPA 03 Security Management Records
 DOT/RSPA 04 Transportation Research Activities Information Service (TRAIS)
 DOT/RSPA 05 Transportation Research Information Service on line (TRIS-On-Line)
 DOT/RSPA 06 Executive Team Cadre Listings and Emergency Alerting Schedules for Continuity of Operations Plan of the Office of the Secretary, and the Operating Elements of the Department of Transportation and Similar Listings Designed for Management Convenience within DOT and the Operating Elements.
 DOT/RSPA 07 Time and Attendance Report (FHWA Form 320 (7-73) for the Office of Emergency Transportation (DOT)
 DOT/RSPA 08 Technical Pipeline Safety Standards Committee
 DOT/SLS 151 Claimants under Federal Tort Claims Act
 DOT/SLS 152 Data Automation Program Records

DOT/SLS 153 Employees' Compensation Records
 DOT/SLS 155 Emergency Operating Records (Vital Records)
 DOT/TSC 700 Automated Management Information System
 DOT/TSC 701 Employee Travel Records
 DOT/TSC 702 Legal Counsel Information Files
 DOT/TSC 703 Occupational Safety & Health Reporting System
 DOT/TSC 704 Stand-By Personnel Information
 DOT/TSC 706 Automated Planning System
 DOT/TSC 707 Automated Manpower Distribution System
 DOT/TSC 708 Combined Federal Campaign Information
 DOT/TSC 709 Minority Information Files
 DOT/TSC 711 Blood Donor Information File
 DOT/TSC 712 Automated Payroll/Personnel/Communications/Security System
 DOT/TSC 713 Employee Payroll - Manpower Distribution System
 DOT/TSC 714 Health Unit Employee Medical Records
 DOT/TSC 715 Bi-Weekly Personnel Status Report
 DOT/TSC 716 UMTA Technology Sharing Mailing List
 DOT/UMTA 175 Personnel Convenience Files
 DOT/UMTA 176 Blood-Donor File
 DOT/UMTA 177 UMTA-Sponsored Reports Author File
 DOT/UMTA 178 Minority Recruitment File
 DOT/UMTA 180 Occupational Safety and Health Accident Reporting System
 DOT/UMTA 190 Employee Travel Records
 DOT/UMTA 191 Travel Advance File
 DOT/UMTA 192 Urban Transportation Planning System (UTPS) Address File
 DOT/UMTA 193 Docket
 DOT/UMTA 194 Litigation and Claims Files
 DOT/UMTA 195 Confidential Statement of Employment and Financial Interests

Department of Transportation

The following listing is the 1984 publication of Systems of Records required by the Privacy Act of 1974. This replaces the Privacy Act Issuances, Annual Publication of the Department of Transportation, published by the **Federal Register** on December 7, 1981, Part III, beginning page 59740, Vol. 46.

Notice of Systems of Records

The identification of the operating unit or units within the Department to which the particular system of records pertains appears as 'DOT/' followed by a designating abbreviation. The abbreviations and their meanings are as follows:

OST - Office of the Secretary of Transportation
CG - United States Coast Guard
FAA - Federal Aviation Administration
FHWA - Federal Highway Administration
FRA - Federal Railroad Administration
MA - Maritime Administration
NHTSA - National Highway Traffic Safety Administration
RSPA - Research and Special Programs Administration
SLS - Saint Lawrence Seaway Development Corporation
TSC - Transportation Systems Center
UMTA - Urban Mass Transportation Administration

Prefatory Statement of General Routine Uses

The following routine uses apply to, except where otherwise noted or where obviously not appropriate, each system of records set forth below.

1. In the event that a system of records maintained by the Department to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. A record from this system of records may be disclosed, as a routine use, to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses if necessary to obtain information relevant to a Department decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

3. A record from this system of records may be disclosed, as a routine use, to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the

reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

4. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

5. The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

6. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In such cases, however, the Congressional office does not have greater right to records than the individual. Thus, the disclosure may be withheld from delivery to the individual where the file contains investigative or factual information or to other materials which are being used, or are expected to be used, to support prosecution or fines against the individual for violations of a statute, or of regulations of the Department based on statutory authority. No such limitations apply to records requested for Congressional oversight or legislative purposes; release is authorized under 49 C.F.R. 10.35(9).

7. One or more records from a system of records may be disclosed routinely to NARS (GSA) in records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

8. Access to Systems of Records of the Department is authorized to member(s) of the Office of Inspector General where the records are considered '...pertinent to the DOT programs or operations being reviewed. Existing orders or (internal) directives contrary to this provision are hereby superseded.' The Secretary of Transportation by the foregoing has clarified the role of Inspector General personnel 'who have need for the record(s) in the performance of their duties.'

9. The Department may make available to another agency or instrumentality of any governmental jurisdiction, including State and local governments, listings of names from any System of Records in the Department for use in law enforcement activities, either civil or criminal, or to expose fraudulent

claims, regardless of the stated purpose for the collection of the information in the System of Records. These enforcement activities are generally referred to as 'matching' programs because two lists of names are checked for match using automated assistance.

This routine use is advisory in nature and does not offer unrestricted access to Systems of Records for such law enforcement and related antifraud activities. Each request will be considered on the basis of its purpose, merits, cost effectiveness and alternatives using 'Revised Supplemental Guidance for Conducting Matching Programs' published by the Director, Office of Management and Budget, dated May 11, 1982.

Appendix I.—Location of CG Districts and Headquarters Units

1. *Commander*
1st Coast Guard District
150 Causeway Street
Boston, MA 02114
2. *Commander*
2nd Coast Guard District
1430 Olive Street
St. Louis, MO 63103
3. *Commander*
3rd Coast Guard District
Governors Island
New York, NY 10004
4. *Commander*
5th Coast Guard District
Federal Building
431 Crawford Street
Portsmouth, VA 23705
5. *Commander*
7th Coast Guard District
51 S.W. 1st Ave.
Miami, FL 33130
6. *Commander*
8th Coast Guard District
Hale Boggs Federal Building
500 Camp Street
New Orleans, LA 70130
7. *Commander*
9th Coast Guard District
1240 East 9th St.
Cleveland, OH 44199
8. *Commander*
11th Coast Guard District
Union Bank Building
400 Océangate Building
Long Beach, CA 90822
9. *Commander*
12th Coast Guard District
Government Island
Alameda, CA 94501
10. *Commander*
13th Coast Guard District
Federal Bldg
915 Second Ave.
Seattle, WA 98174
11. *Commander*
14th Coast Guard District

Prince Kalaniana'ole
Federal Building
300 Ala Moana Building
Honolulu, HI 96580
12. *Commander*
17th Coast Guard District
P.O. Box 3-5000
Juneau, Alaska 99802
13. *Superintendent*
U.S. Coast Guard Academy
New London, CT 06320
14. *Commanding Officer*
U.S. Coast Guard Yard
Curtis Bay,
Baltimore, MD 21226
15. *Commanding Officer*
US Coast Guard
Training Center
Governors Island
New York, NY 10004
16. *Commanding Officer*
U.S. Coast Guard Training Center
Cape May, NJ 08204
18. *Commanding Officer*
U.S. Coast Guard
Supply Center
830 3rd Ave
Brooklyn, NY 11232
19. *Commanding Officer*
U.S. Coast Guard Institute
P.O. Substation 18
Oklahoma City, OK 73169
20. *Commanding Officer*
U.S. Coast Guard
Aircraft Repair & Supply Center
Elizabeth City, NC 27909
21. *Commanding Officer*
U.S. Coast Guard Aviation
Training Center
Mobile, AL 36608
22. *Commanding Officer*
U.S. Coast Guard Radio
Station NHM)
7223 Telegraph Rd.
Alexandria, VA 22310
23. *Commanding Officer*
U.S. Coast Guard Reserve
Training Center
Yorktown, VA 23690
25. *Commander Coast Guard*
Activities, Europe
London
Box 50
FPO New York, NY 09510
26. *Commanding Officer*
U.S. Coast Guard
Training Center
Petaluma, CA 94952
27. *Commanding Officer* U.S. Coast
Guard Aviation Technical Training
Center
Elizabeth City, NC 27909
28. *Commanding Officer*
U.S. Coast Guard
Electronics Engineering
Center
Wildwood, NJ 08260
29. *Commanding Officer*
Research & Development Center

Avery Point
Groton, CT 06340
30. *Commanding Officer*
Pay and Personnel Center (PPC)
444 S.E. Quincy St.
Topeka, KS 66683

DOT/ALL-1**SYSTEM NAME:**

System Name: DOT Grievance
Records Files.

SYSTEM LOCATION:

System Location: Records are maintained in the personnel office which services the aggrieved employee if the grievance was processed under DOT 3770.2, Agency Administrative Grievance System, pursuant to 5 CFR Part 771. If processed under a negotiated grievance procedure from an approved labor agreement on behalf of a member, of a group of members, of a recognized collective bargaining unit, or if processed by the union, the grievance record shall be maintained in the office of the official administering the labor agreement pertaining to the collective bargaining unit.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Current and former DOT employees who have submitted grievances with their respective administrations under DOT Order 3770.2, of grievances pertaining to members of DOT Collective Bargaining Units which were submitted in accordance with negotiated grievance procedures.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: The system contains records relating to grievances filed by or on behalf of DOT employees within the Department of Transportation. Grievance case files contain relevant documents used in the processing of grievances under systems applicable to DOT employees, including statements of employees, witnesses, reports of interviews and hearings, factfinders and/or arbitrator's findings and recommendations, copies of decisions and correspondence and exhibits. Grievances in DOT may be submitted and processed through individually negotiated grievance systems contained in various labor agreements applicable to different collective bargaining units throughout the agency, or as prescription in DOT 3770.2, which is the Agency Administrative Grievance System applicable to DOT headquarters employees and all employees of DOT operating administrations, except where operating administrations have

promulgated their own grievance systems.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: These records and information in these records may be used:

To disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or 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 purpose(s) of the request and identify the type of information requested.

To disclose information to a Federal agency in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance of a license, grant, or other benefits by the requesting agency, to the extent that the information is relevant and necessary to requesting the agency's decision on the matter.

To provide information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual. To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court.

By the National Archives and Records Service (General Services Administration) in records management inspections conducted under authority of 44 USC 2904 and 2906.

By the agency maintaining the records or the Office of Personnel Administration (OPM), in the production of summary descriptive statistics and 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 officials.

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 a pending judicial or administrative proceeding.

To provide information to officials of labor organizations recognized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting work conditions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: These records are maintained in file folders.

RETRIEVABILITY:

Retrievability: These records are retrieved by the names of the individuals on whom they are maintained, or by names and local identification of unions.

SAFEGUARDS:

Safeguards: These records are maintained in lockable metal filing cabinets to which only authorized personnel have access.

RETENTION AND DISPOSAL:

Retention and Disposal: These records may be disposed of 3 years after closing of the case. Disposal is by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address:
Director of Personnel, M-10
U.S. Department of Transportation
400 7th Street, S.W., Room 9401
Washington, D.C. 20590

NOTIFICATION PROCEDURE:

Notification Procedure: It is required that individuals submitting grievances be provided, on request, a copy of the record under the grievance process. They may, however, contact the agency personnel or 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 of the case and kind of action taken.

Organizational component involved.

Statement as to whether the grievance was processed under administrative or negotiated grievance procedures.

RECORD ACCESS PROCEDURES:

Record Access Procedure: It is required that individuals submitting grievances be provided, on request, a copy of the record under the grievance process. However, after the action has been closed an individual may request access to the official copy of the grievance file by contacting the agency personnel or designated office where the action was processed.

Individuals must provide the following information for their records to be located and identified.

Name.

Date of Birth.

Approximate date of closing of the case and kind of action taken.

Organization component involved.

Statement as to whether the grievance was processed under administrative or negotiated grievance procedures.

Individuals requesting access must also follow the DOT Rules regarding identification, (Title 49, Part 10, Section 10.37) to ensure he or she is who they claim to be.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure:

Reviews of requests from individuals seeking amendment of their records which have been the subject of a judicial or quasi-judicial action will be limited in scope. Review of amendment requests of these records will be restricted to determining if the record accurately documents the action of the agency ruling on the case, and will not include a review of the merits of the action, determination, or finding. Individuals wishing to request amendment to their records to correct factual errors should contact the agency personnel or designated office where the grievance was processed. Individuals must furnish the following information for their records to be located and identified.

Name.

Date of Birth.

Approximate date of closing of the case and kind of action taken.

Organizational component involved.

Statement as to whether the grievance was processed under administrative or negotiated grievance procedures.

Individuals requesting amendment must also follow the Department of Transportation Privacy Act Regulations regarding amendments, Title 49, Part 10, Sections 10.41, 10.43, 10.45, and 10.51.

RECORD SOURCE CATEGORIES:

Record Source Categories: Information in this system of records is provided

By the individual on whom the records is maintained.

By testimony of witnesses.

By agency officials.

From related correspondence from organization or persons.

DOT/ALL-2

SYSTEM NAME:

System Name: Safety Management Information System (SMIS). DOT/ALL. Title refers to data concerning occupational safety and health.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
Office of the Assistant Secretary for Administration,
400 7th St., S.W.,
Washington, D.C., 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: All Federal, Civilian/Military Employees of the Department of Transportation and DOT Real and Personal Property.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: All DOT Occupational Safety and Health Loss Management Reporting Records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Issue reports and statistical information to the U.S. Department of Labor, OSHA. Provides information for safety and health program management analysis and functions and interface with workmens compensation charges, and maintain a 5-year OSHA requirement for record retention.

General routine uses apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Magnetic Tape and Disks.

RETRIEVABILITY:

Retrievability: The records are retrieved by case identifying number, and can be accessed by employees who have a need for the record in the performance of their duties, primarily headquarters and regional safety program managers.

SAFEGUARDS:

Safeguards: The records cannot be accessed without a code name, a specific control number and a password. Regional and headquarters safety program managers have access to the records.

RETENTION AND DISPOSAL:

Retention and Disposal: The records are kept 5 years then disposed of by blanking or erasing the magnetic tape or disk.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Office of Installation and Logistics (M-60),
Chief, Internal Occupational Safety and Health Branch,
Department of Transportation,
Office of the Secretary,
400 7th St., S.W.,
Washington, D.C. 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Data may be provided by written request, signed by the individual whose record(s) are being requested. Direct requests to: Chief, Internal Occupational Safety and Health Branch at the above address.

RECORD ACCESS PROCEDURES:

Record Access Procedures: Individuals may gain access to their records by a request to their Regional Safety Manager, Headquarters Safety Manager or the System Manager given above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedures: If the individual is not satisfied by the safety manager within their operating element of DOT, they may contest their records with the Office of Installations and Logistics. If resolution is still not satisfactory to the individual an appeal may be filed with the Secretary of Transportation addressed to the General Counsel: Department of Transportation, Office of the Secretary, Office of the General Counsel, 400 7th Street, S.W., Washington, D.C. 20590.

RECORD SOURCE CATEGORIES:

Record Source Categories: All records are derived from reports in a format consistent with the requirements

established by the guidelines of the U.S. Department of Labor.

DOT/ALL-3**SYSTEM NAME:**

System Name: Application for U. S. Government Motor Vehicle Operator's Identification Card (Government Drivers License). DOT/ALL.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT), Office of the Secretary (OST),
Transportation Branch (M-444),
400 7th Street, SW, Room 2318,
Washington, DC 20590. Corresponding application offices in all other DOT subordinate Administrations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: This system of records contains information regarding all DOT employees who are licensed to operate government vehicles.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Application for operator's Identification Card.
Physical fitness inquiry.
Accident Reports.
NHTSA Vehicle Driver Register Report.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Determine qualifications and fitness for issuance, retention, revocation or renewal of operators license.
Limited access to issuing official and those persons whose official duties require such access.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: The records are maintained in a locking filing cabinet in folders, at each location within OST and Administrations.

RETRIEVABILITY:

Retrievability: These records are filed in alphabetical order with a cross reference by permit number in a log.

SAFEGUARDS:

Safeguards: Limited access to issuing official and those persons whose official duties require such access.

RETENTION AND DISPOSAL:

Retention and Disposal: Retained for 3 years after separation, retirement or

transfer of individual or expiration of license and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief,
Transportation Branch,
Department of Transportation,
Office of the Secretary,
Chief, Transportation Branch 400 7th
Street, SW, Room 2318, Washington,
DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Inquiries may be addressed to:
Department of Transportation,
Office of the Secretary,
Transportation Branch, M-444,
400 7th Street, SW, Room 2318,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Individuals who desire access to the information about themselves in this system of records should contact, or address their inquiries to, the system manager or to the appropriate office with their own organization.

CONTESTING RECORD PROCEDURES:

Record Contest Procedure: To contest a record, contact the System Manager.

RECORD SOURCE CATEGORIES:

Record Source Categories:
Applications received from individuals for operator's license.
Accident reports received from individuals.

DOT/CG 501**SYSTEM NAME:**

System Name: Auxiliary Management Information System (AUXMIS). DOT/CG.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
United States Coast Guard (CG),
Office of Boating, Public & Consumer Affairs (G-B)
2100 2nd Street, SW, Room 4304,
Washington, DC 20593.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: All present Coast Guard Auxiliarists.
All Auxiliarists disenrolled since 1974.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Personal information (name, address, birthdate, Social Security Number (SSN), phone number).
Auxiliary qualifications information (Instructor, Examiner, Specialty).

Auxiliary Activities information (patrols conducted, classes taught). Information on boats, radio stations or aircraft owned by Auxiliarists.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Cumulative unit and individual activity summaries for use as a management tool by all Auxiliary units.

Identification cards for all Auxiliary members.

Alphabetical nationwide cross-reference listing for use by headquarters and district office staffs.

Mailing labels for district mailings to Auxiliarists.

An annual member summary of all information on each member which is mailed directly to the member concerned.

Used by:

District Directors of Auxiliary.

Chief Director of Auxiliary.

All elected and appointed officers of the Auxiliary.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: AUXMIS master records contain personal and activity information concerning USCG Auxiliarists and Director of Auxiliary (DIRAUX). Each person's record consists of 500 characters. The approximately 50,000 records which are stored in the system presently are stored on both magnetic tape and magnetic disk.

RETRIEVABILITY:

Retrievability: The current AUXMIS master file residing on magnetic disk is retrieved by number and name of the individual and can be accessed by those Directors of Auxiliary with access to the CDC-3300 system at any time. Those DIRAUX without access to the CDC-3300 can request inquiries to be done at the central site by the Office of Boating Safety.

SAFEGUARDS:

Safeguards: The master files cannot be accessed without the proper control cards. All DIRAUX and Chief, Director of Auxiliary have the means available to access the master files.

RETENTION AND DISPOSAL:

Retention and Disposal: Retention of weekly tape files is 180 days at which time they are erased

Retention of disk files is 1 week, and then updated.

Retention of the year-end tape file is permanent.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief Director of Auxiliary, G-BAU, Department of Transportation, United States Coast Guard, 2100 2nd Street, SW, Washington, DC 20593.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation

United States Coast Guard

Headquarters,

Management Analysis Division, G-CMA,

2100 2nd Street, SW,

Washington, DC 20593.

Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Individuals in the Auxiliary have their record available on a quarterly basis in the Flotilla Roster produced for their flotilla. All information except the Social Security Number and date of birth is on the Flotilla Roster. On an annual basis, the member receives a personal report concerning himself only which contains all elements of his record. At any time during the year, members of the Auxiliary can request through the DIRAUX where attached for access to their member's jacket retained by DIRAUX or can request a report in the annual report format.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Record content can be contested at any time, and if error is found all DIRAUX have the means to correct individual records. Members are provided the means to correct their own addresses, SSN's, names and phone numbers and occupations.

RECORD SOURCE CATEGORIES:

Record Source Categories: All records pertaining to Auxiliarists are derived from forms which are filled out by the individuals involved on a voluntary basis.

DOT/CG 503

SYSTEM NAME:

System Name: Motorboat Registration. DOT/CG.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT), United States Coast Guard (CG),

Commandant (G-B)
2100 2nd Street, SW,
Washington, DC 20593.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Boat owners registering for the issuance of boat identification numbers for boats recorded in the States of Washington, Alaska, and New Hampshire and in American Samoa.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Tapes; (Computer listings on disk with information on boat owner: name, address, and boat information).

Printouts- Same.

Office files- Same.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Used by:

Authorized Coast Guard Personnel involved in the Coast Guard boating safety program.

To renew old registrations to issue new number to all motorboats.

The purpose of the numbering system is for identification of recreational boats in case of accident, loss, theft, or abandonment.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage:

All records are maintained in file cabinets.

RETRIEVABILITY:

Retrievability: By name/number.

SAFEGUARDS:

Safeguards: Only authorized office personnel have access to subject files. All personnel screened prior to allowing access. Building secured and guarded after duty hours.

RETENTION AND DISPOSAL:

Retention and Disposal: Records are retained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Office of Boating, Public and Consumer Affairs
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Notification Procedure: Contact:
Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

Written request must be signed by the individual whose record(s) are being requested.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Procedures may be obtained by visiting Coast Guard Headquarters or writing to:
Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Record Source Categories: Individual applicant.

DOT/CG 505**SYSTEM NAME:**

System Name: Recreational Boating Law Enforcement Case Files. DOT/CG.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
United States Coast Guard (CG),
Coast Guard District Offices and
Headquarters unit offices for records of incidents in their localities.
Addresses in Appendix I.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Owners/operators of vessels found in violation of Federal recreational boating laws or regulations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Case files containing names of violators, their addresses and social security numbers, together with descriptions of boats and notations of the alleged violations of Federal boating laws, and copies of correspondence relating to the disposition of any penalty involved.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Information contained in this system is used by authorized Coast Guard employees in performance of their duties to determine the appropriate enforcement action to be

taken by the Coast Guard in individual cases as well as providing a record of repeated offenders.

See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 USC 552a(b)(12). Disclosures may be made from this systems to 'consumer reporting agencies' (collecting on behalf of the U.S. Govt.) as defined in the Fair Credit Reporting Act (15 USC 1681a(f)) or the Federal Claims Collection Act of 1982 (31 USC 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Information in this system is maintained on index cards, in logbooks, and in file folders.

RETRIEVABILITY:

Retrievability: Information is retrieved by name of individual in alphabetical file.

SAFEGUARDS:

Safeguards: Information available only to authorized personnel. Files maintained in office in building which is secured during non-working hours and which has a roving guard patrol.

RETENTION AND DISPOSAL:

Retention and Disposal: Records in system maintained for three years before disposal by mutilation or burning.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Office of Boating, Public and Consumer Affairs
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Procedures may be obtained by writing to or visiting the Commandant (G-CMA) at the address in 'System Manager', or by visiting the local Coast Guard District or Unit where incident occurred.

Proof of identity will be required prior to release of records. A military

identification card, driver's license or similar document is considered suitable identification.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Notification Procedure.'

RECORD SOURCE CATEGORIES:

Record Source Categories: Information obtained from reports of Coast Guard boarding officers and marine safety investigations as well as from reports by citizens concerning possible violations of law or regulation.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Exemptions: Portions of this system may be exempt from disclosure under the provisions of 15 USC 552a (K)(2) which provide in part, that investigatory material compiled for law enforcement purposes may be withheld from disclosure to the extent that the identity of the source of the information would be revealed by disclosing the investigatory record, and the source has received an express guarantee that his identity would be held in confidence, or, prior to the effective date of this section, if the source received an implied promise that his identity would be held in confidence.

DOT/CG 507**SYSTEM NAME:**

System Name: Coast Guard Supplement to the Manual of Courts Martial Investigations. DOT/CG.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-L),
2100 2nd Street, SW, Washington, DC 20593.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Military and civilian employees of the Coast Guard and other individuals who may be involved in any Coast Guard investigation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Investigations into injuries to Coast Guard personnel, mishaps involving vessels, aircraft and vehicles.

Incidents involving fires, explosions, for loss or destruction of classified material.
Circumstances involving equipment failures and property damage, loss, or destruction.

Circumstances involving violation of standards of conduct personnel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Used by authorized Coast Guard personnel in connection with the performance of their official duties which include, but are not limited to:

- Accident prevention.
- Payment of disability benefits.
- Improvement of internal Coast Guard procedures and practices.
- Reports are used in connection with the resolution of claims against the Coast Guard as well as claims asserted by the government.
- Reports are transmitted to the Veterans Administration to assist that agency in determining entitlement to benefits administered by it.
- See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Records maintained in storage cabinets in division files for three years and then forwarded to the Federal Records Depository.

RETRIEVABILITY:

Retrievability: Card index maintained permitting access to individual investigations by listing identifiable data such as name of person, vessel or other facility involved in investigation.

SAFEGUARDS:

Safeguards: Authorized personnel are granted access to these records in connection with the performance of their official duties.

Records are disclosed to members of the public under the provisions of the FOIA. These requests are considered on a case by case basis.

RETENTION AND DISPOSAL:

Retention and Disposal: Records are maintained in division files for three years and then forwarded to Federal Records Depository

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief Counsel, Department of Transportation, United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593.

NOTIFICATION PROCEDURE:

Notification Procedure: Written request must be signed by the individual. Write to or visit:

Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

RECORD ACCESS PROCEDURES:

Record Access Procedure: All individuals whose conduct is the subject of these investigations are designated at the outset as parties to these investigations and accorded their rights as such. Following completion of the investigative reports, parties will be provided with copies upon request.

At all subsequent times parties may have access to the investigative records by writing to or visiting Commandant (G-CMA), at the address in 'Notification Procedure' above or the local unit to which assigned. Proof of identity may be required prior to release of records. Military identification, driver's license or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: A party has the right to make argument and/or submit statements on his own behalf during the course of an investigation or subsequent to its conclusion. Write or visit locations as indicated in 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Record Source Categories: Coast Guard investigating officers, military and civilian personnel.

DOT/CG 508

SYSTEM NAME:

System Name: Claims and Litigation. DOT/CG.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT), United States Coast Guard (CG), Commandant (G-L), 2100 2nd Street, SW, Washington, DC 20593.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Individuals, corporations, insurance companies, estate administrators.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Suits and claims for and against the Coast Guard.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Used by cognizant Coast Guard personnel, and attorneys handling cases.

For review purposes and determination as to the validity of claims. See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: File cabinets.

RETRIEVABILITY:

Retrievability: Two card index files, one alphabetic and one numeric, maintained for cross reference.

SAFEGUARDS:

Safeguards: Access is limited to Coast Guard and civilian employees of the Claims and Litigation Division granted in connection with official duties.

RETENTION AND DISPOSAL:

Retention and Disposal: Records maintained for five years and then forwarded to the Federal Records Center. Card index files retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief Counsel, Department of Transportation, United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593.

NOTIFICATION PROCEDURE:

Notification Procedure: Written request must be signed by the individual. Write or visit: Department of Transportation, United States Coast Guard Headquarters, Commandant (G-CMA), 2100 2nd Street, SW, Washington, DC 20593.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' above. Proof of identity may be required prior to affording access to records: A military identification card, a drivers license or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Record Source Categories: Information obtained from Coast Guard military and civilian personnel.

members of the public, and Coast Guard investigating officers.

DOT/CG 509**SYSTEM NAME:**

System Name: Non-Judicial Punishment Report. DOT/CG.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT), United States Coast Guard (CG), Commandant (G-L), 2100 2nd Street, SW, Washington, DC 20593.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Coast Guard military personnel who have been subject to non-judicial punishment proceedings under Article 15 of the Uniform Code of Military Justice.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Records of Proceedings under Article 15, Uniform Code of Military Justice.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Used by Coast Guard Personnel, in connection with military justice administration.

Records provide statistical data concerning the number of proceedings held, units holding proceeding, offenses committed, punishments imposed, and background data of individuals concerned.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: File cabinet.

RETRIEVABILITY:

Retrievability: By name.

SAFEGUARDS:

Safeguards: Records are made available to authorized personnel. Records are maintained in building with limited access during non-working hours and with roving security patrol.

RETENTION AND DISPOSAL:

Retention and Disposal: New system, disposal procedures not as yet established. Back-up material disposed of after introduction into system.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief Counsel, Department of Transportation,

United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation, United States Coast Guard Headquarters, Commandant (G-CMA), 2100 2nd Street, SW, Washington, DC 20593.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Procedures may be obtained by writing to or visiting Commandant (G-CMA), at the address in 'Notification Procedure' above or the local Coast Guard District Office in the area in which the individual is assigned to duty.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Record Source Categories: Information from individual service records and from proceedings conducted.

DOT/CG 510**SYSTEM NAME:**

System Name: Records of trial: Special, General and Summary Courts-Martial. DOT/CG.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT), United States Coast Guard (CG), Commandant (G-L), 2100 2nd Street, SW, Washington, DC 20593.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Any individual who is tried by court martial in the Coast Guard.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Records of trial.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: These are public records available to anyone. Review. See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practice:

STORAGE:

Storage: Maintained in file cabinets.

RETRIEVABILITY:

Retrievability: Filed alphabetically by name of individual.

SAFEGUARDS:

Safeguards: Maintained in file cabinets in building with limited access during non-working hours and with roving security patrol.

RETENTION AND DISPOSAL:

Retention and Disposal: Retained permanently. Maintained for two years, reviewed by System Manager and then transferred to Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief Counsel, Department of Transportation, United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation, United States Coast Guard Headquarters, Commandant (G-CMA), 2100 2nd Street, SW, Washington, DC 20593.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Procedures may be obtained by writing to or visiting Commandant (G-CMA) at address in 'Notification Procedure' above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Record Source Categories: Trial proceedings and subsequent statutory reviews - Court of Military Review, Court of Military Appeals and Chief Counsel of the Coast Guard.

DOT/CG 511**SYSTEM NAME:**

System Name: Legal Assistance Case File System. DOT/CG.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT), United States Coast Guard (CG), Commandant (G-L), 2100 2nd Street, SW, Washington, DC 20593. System is also located at: United States Coast Guard District Legal Offices and

Legal Offices of Coast Guard Units. See Appendix I for addresses of the District and other legal offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Clients of officers assigned to render legal assistance regarding the personal affairs of Coast Guard military members.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Records contain information concerning the matters handled by these officers for clients.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: The information is used on behalf of clients in providing legal assistance.

These records are also used to prepare statistical reports concerning a legal officer's time utilization.

The Prefatory Statement of Routine Uses applies to records in this system only to the extent that their disclosure would not constitute a violation of the judicially recognized privilege attaching to attorney-client communications and of the ethical and professional responsibilities of lawyers under the American Bar Association's Code of Professional Responsibility.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Normally, written records kept in file folders.

RETRIEVABILITY:

Retrievability: Alphabetical indexes by name of member.

SAFEGUARDS:

Safeguards: Kept in office space or filing cabinets which are normally locked during non-working hours. Building patrolled by roving security guards after duty hours.

RETENTION AND DISPOSAL:

Retention and Disposal: Records retained as long as needed to serve client or as long as deemed necessary by the legal officer. Disposal is by whatever means considered appropriate by the legal officer, depending on the contents of the record involved.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief Counsel, Department of Transportation, United States Coast Guard Headquarters,

2100 2nd Street, SW,
Washington, DC 20593.
District or unit legal offices:
Senior Counsel, for records maintained at the particular location (See Appendix I for addresses).

NOTIFICATION PROCEDURE:

Notification Procedure: Requests for determination whether this system contains records concerning an individual should be made in writing or in person to:

Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

RECORD ACCESS PROCEDURES:

Record Access Procedure: These records are available in the Office of Chief Counsel at Coast Guard Headquarters or within the legal offices in the various Coast Guard districts or units, dependent on where legal assistance was rendered.

A military identification card or other comparable identification will be required to be shown by persons seeking access to their legal assistance records.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: The agency's rules for contesting the contents of these records or for appealing initial determinations by the custodian thereof not to disclose any part of these records shall be controlling. These rules may be obtained by writing: Commandant (G-CMA) at the address listed in 'Notification Procedure.'

RECORD SOURCE CATEGORIES:

Record Source Categories: Information in this record system is obtained from the client involved and as a result of any subsequent investigation by the legal officer on behalf of the client.

DOT/CG 516

SYSTEM NAME:

System Name: Coast Guard Military Discrimination Complaints. DOT/CG.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-H),
2100 2nd Street, SW,
Washington, DC 20593.
Records are also maintained at:
Each District Office and Headquarters
Unit at the addresses in Appendix I.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Coast Guard Military Personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Files contain discrimination complaints filed by Coast Guard military personnel or their representatives and correspondence resulting therefrom.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Department of Transportation, Office of Civil Rights: Used for investigations of complaints and arriving at decisions for resolution of complaints.
Coast Guard Headquarters Military Personnel Office: Used for information in making personnel administration decisions.
Coast Guard Headquarters, Commandant, Vice Commandant, Congressional Liaison: Used to answer correspondence being sent to Congressional representatives, federal and state officials, and nationally recognized organizations who are representing the individual.
Coast Guard Headquarters, Office of Civil Rights and the Military Equal Opportunity Division: Used to take care of discrimination complaints and the correspondence precipitated therefrom and maintain a file on it.
All Coast Guard Commands: Used to bring a complaint to a satisfactory conclusion, where possible.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: File folders kept in file cabinets.

RETRIEVABILITY:

Retrievability: System is kept by alphabetical file, service number and/or social security number, rank/rate, and Coast Guard unit.

SAFEGUARDS:

Safeguards: During normal working hours access to records is controlled by office personnel; during non-working hours the building is guarded by a roving security patrol.

RETENTION AND DISPOSAL:

Retention and Disposal: Files are kept permanently.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Office of Civil Rights,
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW, Washington, DC
20593.

NOTIFICATION PROCEDURE:

Notification Procedure: Contact the following office in writing or in person:
Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.
Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local office where the record is filed.

Prior written notification of personal visits is required to insure that the records will be available at the time of visit.

Proof of identity will be required prior to affording access to records. A military identification, driver's license or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Record Source Categories: From individuals or their representatives submitting complaints, congressional correspondence, personnel service, records, Coast Guard Headquarters and Coast Guard units correspondence, individuals and organizations volunteering information pertinent to complaints.

DOT/CG 517**SYSTEM NAME:**

System Name: Complaints of Discrimination. DOT/CG.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-H),
2100 2nd Street, SW,
Washington, DC 20593.
Each District and Headquarters Unit:
See addresses in Appendix I.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Civilian employees (including non-appropriated funds employees) and applicants for employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Various memoranda, letters, statements, statistics and other information related to the situation which prompted the person to allege discrimination.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Investigating and processing complaints of discrimination by personnel in Office of Civil Rights, Investigators, Hearing Examiners, Employee Representatives, Coast Guard Officials.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Typed, hand-written, printed material stored in folders in metal filing cabinets.

RETRIEVABILITY:

Retrievability: Indexed by name and Coast Guard installation.

SAFEGUARDS:

Safeguards: Screening of personnel, need to know basis.
After duty hours, building is secured and roving security guards are on duty.

RETENTION AND DISPOSAL:

Retention and Disposal: Maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Office of Civil Rights,
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Notification Procedure: Contact the following office in person or in writing:
Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.
Written requests must be signed by the individual.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Procedure may be obtained by writing to or visiting the Commandant (G-CMA) at the address in 'Notification Procedure' or the local activity where the complaint was filed.

Prior written notification of personal visits is required to insure that the records will be available at the time of visit.

Proof of identity will be required prior to release of records. A military identification card, drivers license or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Record Source Categories: Interviews with complainant, employees, management officials; personnel records, internal Coast Guard memoranda.

DOT/CG 525**SYSTEM NAME:**

System Name: Active Duty Military Payroll System. DOT/CG.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-F)
2100 2nd Street, SW,
Washington, DC 20593.
System is used throughout the Coast Guard. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Active duty military members.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Pay and allowances records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Prepare check tapes. Prepare listings and reports for various USCG offices.
Reports of funds expended.
Reports of earnings to state and city taxing authorities.
Listing of earnings to appropriate taxing authorities.
W-2 and federal tax reporting to the Internal Revenue Service.
FICA reporting.
Produce runs for reconciliation of allotments.
Produce mailing labels.

Used by Coast Guard employees in performance of official duties in preparing and maintaining the Active Duty Military Payroll System. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 USC 552a(b)(12). Disclosures may be made from this systems to 'consumer reporting agencies' (collecting on behalf of the U.S. Govt.) as defined in the Fair Credit Reporting Act (15 USC 1681a(f)) or the Federal Claims Collection Act of 1982 (31 USC 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Records are filed manually in cabinets. Check tapes are retained in tape library.

RETRIEVABILITY:

Retrievability: Records are indexed alphabetically, check tapes are indexed by tape number.

SAFEGUARDS:

Safeguards: Access is limited to user staff members. Secured building after duty hours.

RETENTION AND DISPOSAL:

Retention and Disposal: Pay records are retained until closed (6 months) and then transferred to Headquarters, Pay Systems Branch. Payroll listings are retained for 3 years and then transferred to a Federal Records Center. Tapes retained for 6 years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Office of Comptroller
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Notification Procedure Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.
Written request must be signed by individual.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Procedure may be obtained by writing to or visiting

the Commandant (G-CMA) at the address in 'Notification Procedure', or the local Coast Guard District for the area in which an individual's duty station is located. See Appendix I for addresses.

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Record Source Categories: Information is obtained from the individual, Coast Guard personnel and payroll offices and the Department of Defense.

DOT/CG 526

SYSTEM NAME:

System Name: Adjudication and Settlement of Claims System. DOT/CG.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-F)
2100 2nd Street, SW,
Washington, DC 20593.
Partial systems are located at Coast Guard Districts and Units. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Active duty military members.
Reserve military members.
Retired military members.
Civilian employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Claims arising out of disputes concerning amounts of pay received.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: To reach a final decision as to entitlements of claimants. To use as precedential data in the resolution of similar questions in the future.
Used by authorized Coast Guard officials and officials of the IRS, GAO, and the Civil Service Commission, as required.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Records are stored manually in file folders.

RETRIEVABILITY:

Retrievability: Claims in the file are filed and retrieved by claimant name.

SAFEGUARDS:

Safeguards: Access is limited to authorized officials by screening of personnel. Maintained in Government building having roving security guards after duty hours.

RETENTION AND DISPOSAL:

Retention and Disposal: After adjudication and settlement, most submissions are disposed of. A limited number of such submissions are retained for precedential value, as required.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Office of Comptroller,
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.
Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Procedure may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedures' or the local Coast Guard District or Unit administrative officer for the area in which an individual's duty station is located. See Appendix I for locations. Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Record Source Categories: Sources include: the individual, CG payroll offices, legal staff, investigators, Office of Personnel, Comptroller General (GAO) and congressional correspondence.

DOT/CG 527**SYSTEM NAME:**

System Name: Allotment System (Military). DOT/CG.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
United States Coast Guard (CG),
Military Pay Center,
6501 Lafayette Ave.,
Riverdale, MD 20840.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Active Duty Military Members.
Retired Military Members.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Allotment deductions from active duty military pay and retired military pay.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Used by authorized personnel to prepare tapes and vouchers for cutting checks and bonds for submission to banks, charity organizations, dependents or other institutions and firms as authorized by individuals.

Various reports as required by USCG offices.
See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 USC 552a(b)(12). Disclosures may be made from this systems to 'consumer reporting agencies' (collecting on behalf of the U.S. Govt.) as defined in the Fair Credit Reporting Act (15 USC 1681a(f)) or the Federal Claims Collection Act of 1982 (31 USC 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Main records are maintained on microfilm, others are filed manually in file folders.

RETRIEVABILITY:

Retrievability: Microfilm records are indexed alphabetically/SSN, file folders

by ACO number and alphabetically.
Retrieved by name/number.

RETENTION AND DISPOSAL:

Retention and Disposal: Files are maintained until individual is discharged from service or expires. Records are then shipped to a Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Office of Comptroller,
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Notification Procedure: Contact the following office in person or in writing: Department of Transportation, United States Coast Guard Headquarters, Commandant (G-CMA), 2100 2nd Street, SW, Washington, DC 20593. Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local Coast Guard District or unit for the area in which an individual's duty station is located.

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Record Source Categories: Sources include: the individual and USCG payroll offices.

DOT/CG 528**SYSTEM NAME:**

System Name: Centralized Reserve Pay and Retirement System. DOT/CG.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
United States Coast Guard (CG),
Pay and Personnel Center(PPC)
444 S.E. Quincy St.
Topeka, KS 66683
System is also located at District Offices and other Field Units. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: United States Coast Guard Reserve Members.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Master Pay and Retirement Point Credits Record.
Master Personnel Data Accounting Record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Used to prepare monthly payroll and all associated listings.

Used also:

For preparation of budgets.

For accounting purposes.

To compute pay and points.

The compilation of data.

Permanent pay and points records (retirement data).

W-2 wage and federal tax reporting.

To report earnings to state and city taxing authorities.

Used by authorized Coast Guard, IRS, GAO, and other Agency Officials as required.

See Prefatory Statement of General Routine Uses; 3 through 5 do not apply.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 USC 552a(b)(12). Disclosures may be made from this systems to 'consumer reporting agencies' (collecting on behalf of the U.S. Govt.) as defined in the Fair Credit Reporting Act (15 USC 1681a(f)) or the Federal Claims Collection Act of 1982 (31 USC 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Microfilm of payroll retained in Reserve Pay Branches and Districts. Records are filed manually in filing cabinet.

RETRIEVABILITY:

Retrievability: Records are indexed alphabetically by name of Reservist and CG Unit Number.
Records are retrieved by name/number.

SAFEGUARDS:

Safeguards: Access is limited to user staff members.
Stored in secured building after duty hours.

RETENTION AND DISPOSAL:

Retention and Disposal: Microfilm and records are retained until member is discharged or retired. Three years subsequent to retirement or discharge, records are transferred to a Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Office of Comptroller,
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.
Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local Coast Guard District or Unit administrative officer for the area in which an individual's duty station is located.

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Record Source Categories: Sources include:
The District Commander and Office of Reserve.
The individual.
Unit Commanding Officers.
District Commanders.
Office of the Reserve.

DOT/CG 529**SYSTEM NAME:**

System Name: Civilian Payroll System. DOT/CG.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
United States Coast Guard (CG),
Federal Aviation Administration (FAA),

Aeronautical Center (AAC-24),
P.O. Box 25735,
Oklahoma City, OK 73125.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Civilian employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records Earnings and leave.
Retirement records.
Pay files.
Allotment deductions.
Accounts receivable and accounts payable.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Used for the preparation of payroll checks and bonds.
To report federal withholding tax to the Internal Revenue Service.
To report earnings to state and city taxing authorities.
To report FICA withholding to the Social Security Administration.
Used also to prepare report of retirement contributions, allotment payments, and various reports for CG Headquarters and District Offices (budgeting, accounting, management, etc).
Used by authorized Coast Guard, FAA, IRS, GAO, and Civil Service Commission in the performance of their official duties.
See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 USC 552a(b)(12). Disclosures may be made from this systems to 'consumer reporting agencies' (collecting on behalf of the U.S. Govt.) as defined in the Fair Credit Reporting Act (15 USC 1681a(f)) or the Federal Claims Collection Act of 1982 (31 USC 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Manually filed in file folders, records maintained on tape.

RETRIEVABILITY:

Retrievability: Records indexed by pay periods, alphabetically, and by tape number. Records are retrieved by name/number.

SAFEGUARDS:

Safeguards: Access is limited to authorized personnel.

Stored in Government building with a roving security guard after duty hours.

RETENTION AND DISPOSAL:

Retention and Disposal: Records retained for 3, 4 and 10 years then transferred to a Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Office of Comptroller,
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.
Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local Coast Guard District or Unit office for the area in which an individual's duty station is located.

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar documents will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Sources include:
The individual.
Personnel Offices.
Payroll Offices.

DOT/CG 530

SYSTEM NAME: Closed Out Military Pay Record System. DOT/CG.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
United States Coast Guard (CG),
Pay and Personnel Center (PPC)
444 S.E. Quincy St.
Topeka, KS 66683

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Active duty military members, retired military members, and separated military

members. Categories of Records: Closed out active duty pay records of active duty members, retired members, and separated members and correspondence relating thereto.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Used by authorized Coast Guard and other agency personnel for auditing and settlement of claims (over/under payments).

Source of data permitting responses to general and Congressional inquiries and for submitting reports to the General Accounting Office. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 USC 552a(b)(12). Disclosures may be made from this systems to 'consumer reporting agencies' (collecting on behalf of the U.S. Govt.) as defined in the Fair Credit Reporting Act (15 USC 1681a(f)) or the Federal Claims Collection Act of 1982 (31 USC 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Records are filed manually in file folders.

RETRIEVABILITY:

Records are indexed and retrieved by name/number.

SAFEGUARDS:

Safeguards: Access is limited to authorized Coast Guard or other agency personnel.

Records are stored in building having roving security guards.

RETENTION AND DISPOSAL:

Retention and Disposal: Pay records of retirees and separated members maintained separately for one year after date of retirement or separation, then transferred to a Federal Records Center for retention until records become disposable 10 years after final separation or retirement of member.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Office of Comptroller,
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation,

United States Coast Guard
Headquarters,

Commandant (G-CMA),

2100 2nd Street, SW,

Washington, DC 20593.

Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Procedure may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local Coast Guard District or Unit administrative office for the area in which an individual's duty station is located.

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Record Source Categories: Sources include:

The individual.

Coast Guard Payroll Offices.

Responsible agencies.

Congressional correspondence.

DOT/CG 532

SYSTEM NAME:

System Name: FICA Wage and Tax System for Military Pay. DOT/CG.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),

United States Coast Guard (CG),

Pay and Personnel Center (PPC)

444 S.E. Quincy St.

Topeka, KS 66683

and at:

Each District and Headquarters Unit.

See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Active duty military members.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Wages paid and federal taxes withheld, FICA wages withheld.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Control processing and reporting of FICA to the Social Security Administration.

W-2 wage and tax data to IRS are forwarded using magnetic tapes for reporting purposes.

Information is used by authorized Coast Guard personnel.

See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 USC 552a(b)(12). Disclosures may be made from this systems to 'consumer reporting agencies' (collecting on behalf of the U.S. Govt.) as defined in the Fair Credit Reporting Act (15 USC 1681a(f)) or the Federal Claims Collection Act of 1982 (31 USC 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Record listings are filed manually, semi-annually.

Magnetic tapes are filed in tape library.

RETRIEVABILITY:

Retrievability: Listings are indexed by date; tapes are indexed by tape number. Retrieved by name/number.

SAFEGUARDS:

Safeguards: Access is limited to user staff members. Maintained in building which is secured after duty hours.

RETENTION AND DISPOSAL:

Retention and Disposal: Listings retained for 2 years, then transferred to a Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Office of Comptroller,

Department of Transportation,

United States Coast Guard

Headquarters,

2100 2nd Street, SW,

Washington, DC 20593.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation,

United States Coast Guard

Headquarters,

Commandant (G-CMA),

2100 2nd Street, SW,

Washington, DC 20593.

Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Procedure may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local Coast Guard District or unit office for the area in which an individual's duty station is located.

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Record Source Categories: Sources include:

- The individual.
- Coast Guard payroll offices.

DOT/CG 533**SYSTEM NAME:**

System Name: Retired Pay and Personnel System. DOT/CG.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
United States Coast Guard (CG),
Pay and Personnel Center (PPC)
444 S.E. Quincy St.
Topeka, KS 66683

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Annuitants.
Lighthouse Keeper Retirees.
Honorary Retirees.
USCG Retirees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Pay and personnel data of military retirees, annuitants, lighthouse keepers and retirees.
Personnel data of honorary retirees.
Accounts receivable and accounts payable.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Produce various listings and reports provided to USCG offices.
Produce checks.
W-2 wage and federal tax reporting to the Internal Revenue Service.
Reports of earnings to state and city taxing authorities.
Listing of currently retiring officers, home addresses and mailing labels used by authorized USCG and USCG affiliated organizations.
Reports and information exchanged with the Veterans Administration,

Civil Service Commission, Social Security Administration, the Department of Defense and the Red Cross.

See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 USC 552a(b)(12). Disclosures may be made from this systems to 'consumer reporting agencies' (collecting on behalf of the U.S. Govt.) as defined in the Fair Credit Reporting Act (15 USC 1681a(f)) or the Federal Claims Collection Act of 1982 (31 USC 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Records are filed manually in file folders.

Microfilm is stored in the retired pay branch.

Check tapes are filed in tape library.

RETRIEVABILITY:

Retrievability: Records and microfilm are indexed alphabetically, check tapes are indexed by tape number.

Retrieved by name/number.

SAFEGUARDS:

Safeguards: Access is limited to user staff members under supervisory control.
Stored in government building having roving security guard after duty hours.

RETENTION AND DISPOSAL:

Retention and Disposal: Records are retained in the Retired Pay Branch for 3 years subsequent to retiree's or annuitant's death, then forwarded to a Federal Records Center.

Magnetic tapes are retained 18 months, microfilm for 6 years (required by GAO) then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Office of Comptroller,
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.
Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure.'

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Record Source Categories: Sources include:

- The individual.
- Coast Guard personnel offices.
- Coast Guard payroll offices.

DOT/CG 534**SYSTEM NAME:**

System Name: Travel and Transportation of Household Effects. DOT/CG.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-F),
2100 2nd Street, SW,
Washington, DC 20593.
System is also located at each District Office and Headquarters unit. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Active duty military members, retired military members, and civilian employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Travel claims, transportation claims, government bills of lading, application for shipment of household effects.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Vouchers submitted for payment of claims, for audit of claims for payment, to account for cost of moving household goods, advice of shipment of household goods, for reporting of funds expended, and for payment of household and transportation claims.

Used by authorized Coast Guard personnel and personnel of the General Accounting Office (GAO) in connection with the performance of official duties.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Filed manually in file folders.

RETRIEVABILITY:

Retrievability: Records are retrieved by schedule numbers and/or individual name.

SAFEGUARDS:

Safeguards: Access is limited to user staff members.

Stored in a building which is secured after duty hours.

RETENTION AND DISPOSAL:

Retention and Disposal: Records are kept for 3 years, then transferred to a Federal Records Center.

Exception: Schedule 98-Ts (Freight and Transportation) are forwarded to General Accounting Office (GAO) after 3 months.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Office of Comptroller,
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington DC 20593.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.
Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local Coast Guard District or unit office for the area in which an individual's duty station is located.

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Record Source Categories: Sources include:
The individual who is the subject of the record.
Ground freight and transportation carriers and agents.
Airline companies.
Personnel offices.
Other responsible agencies.

DOT/CG 535

SYSTEM NAME:

System Name: Nonappropriated Fund System (NAFA). DOT/CG.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-FNM),
2100 2nd Street, SW,
Washington, DC 20593.
System is also located at:
District and Headquarters Units. See Appendix I for Locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Civilian employees.
Active duty military members.
Retired military members.
Military dependents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Payroll records.
Accounting records for NAFA loans.
Purchase slips for articles sold in Base Exchange (BX) that cost more than 75 dollars.
Listing of bad checks.
Lay away purchase list.
Job applications.
Personnel records.
Credit books kept by ships and isolated shore units.
Correspondence.
Membership applications.
Accounts receivable.
Investigatory reports involving abuse of facilities.
Purchase listings and sales slips for specific items.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Payroll for NAFA employees.
Personnel actions.
Accounting purposes.
Budget and inventory controls.
Used by members and employees of USCG in the performance of their official duties related to the management, supervision and administration of nonappropriated funds.

Officials and employees of other agencies, attorney general's office or Congress in the performance of their official duties related to the management, supervision and administration of nonappropriated funds.

Billing, reservations, protection of funds.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Automated records may be stored on tape, disc, drums and punched cards.

Manual records may be stored in file folders and/or credit ledgers, card files, and notebooks.

RETRIEVABILITY:

Retrievability: Records are indexed alphabetically and by social security number, membership number or unit number.

SAFEGUARDS:

Safeguards: Access is limited to authorized personnel. Building is secured after duty hours.

RETENTION AND DISPOSAL:

Retention and Disposal: Records are retained until usefulness has expired and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Office of Comptroller,
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.
Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local Coast Guard District or Unit office for the area in which an individual's work station is located.

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as in 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Record Source Categories: Sources include:

- The individual.
- Previous employees.
- Educational institutions.
- Employment agencies.
- Civilian and military investigative reports.
- General correspondence.

DOT/CG 536

SYSTEM NAME:

System Name: Contract and Real Property File System. DOT/CG.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT), United States Coast Guard (CG), Commandant (G-F), 2100 2nd Street, SW, Washington, DC 20593. Systems are also located at various District and Headquarters Units. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Individuals or companies doing business with the Coast Guard.
Employees of prime and sub-contractors.
Individuals requiring use of CG property.
Military members and civilian employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Contracts and related files.
Real property and leased family housing files.
Bidders list.
Minority compliance records.
Payment schedule records.
Witness fees records.
Various payment files relating to Admiralty and Tort claims.
Personnel claims.
Collection register.
Open purchase order file.
Correspondence files and vendor lists.
Information on employees of contractors, job level and pay of these employees.
Permits, licenses and easements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Used to determine compliance of contractors with minimum wages for certain skills and trades on government contracts.
Used to aid in record keeping of payments and collections.
Used to determine potential for contracting with the government.
Used to record issuance of personal property and maintain inventories.
Used to determine contractor responsibilities and liability.
Used by Coast Guard officials of the General Accounting Office (GAO) in performance of duties.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Manually filed in file folders. Maintained on tape/card three ring binders, and in hard cover books.

RETRIEVABILITY:

Retrievability: Retrieved by individual/company name, number, construction job, and/or location.

SAFEGUARDS:

Safeguards: Access restricted to authorized personnel only; some records in locked safe and/or filing cabinet. Maintained in building having roving security guard after duty hours.

RETENTION AND DISPOSAL:

Retention and Disposal: Some records retained indefinitely; some retained 3, 4 or 6 years, then destroyed or forwarded to a Federal Records Center for an additional 7 years.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Office of Comptroller,
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.
Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local Coast Guard District or Unit office for the area in which the contract was submitted or property is located.

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as above 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Record Source Categories: Sources include:

- Individuals.
- Contractors.
- Contract employees.
- Bidders.
- Financial institutions.
- Insurance companies.
- Community associations.
- Other agencies.
- Bills.
- Letters.
- Collection receipts.
- Electronic accounting machine listings.

DOT/CG 537

SYSTEM NAME:

System Name: FHA Mortgage Insurance for Servicemen.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT), United States Coast Guard (CG), Commandant (G-F), 2100 2nd Street, SW, Washington, DC 20593.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: U.S. Coast Guard Military Personnel who have applied for Federal Housing Administration Mortgage Insurance.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Selected aspects of FHA Mortgage Insurance Records for military personnel, including copies of Form DD-802, 'Request for and Certificate of Eligibility' and Form DD-803, 'Certificate of Termination'.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Used to enable management to verify that billings from FHA are correct, and payable from

Coast Guard funds. Users are authorized Coast Guard personnel.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Records are filed manually in closed file cases.

RETRIEVABILITY:

Retrievability: Folders are filed by named individual, alphabetically. Copies of documents are filed chronologically in the folders together with a record of payment.

SAFEGUARDS:

Safeguards: Access is limited to user staff members. After duty hours the building is patrolled by roving security guards.

RETENTION AND DISPOSAL:

Retention and Disposal: Files are maintained as long as a member is covered by an insured mortgage loan; 3 years after, files are forwarded to Federal Records Center. Destroyed 4 years after case files are closed.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Office of Comptroller, Department of Transportation, United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593.

NOTIFICATION PROCEDURE:

Notification Procedure: Contact Commandant (G-CMA), U.S. Coast Guard Headquarters, Washington, DC 20593. The written request should include the requestors name in full and signature.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Procedures may be obtained by writing Commandant (G-CMA), at the address above, or by visiting the Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC. Proof of identity will be required prior to affording an individual access to his records. A military identification card, a drivers license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Record Source Categories: From individual concerned and the Federal Housing Administration.

DOT/CG 561

SYSTEM NAME:

System Name: Port Safety Reporting System Individual Violation Histories. DOT/CG.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT), United States Coast Guard (CG), Commandant (G-WPE), 2100 2nd Street, SW, Washington, DC 20593. System is also located at: Offices of the District Commanders. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Masters, operators, owners, agents, shippers, charterers and/or pilots of commercial vessels and barges, reported for violations of United States port safety regulations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Computerized listings, by name, giving specific violations, date, place and penalty assessed.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Determining penalties to be assessed by Coast Guard hearing officers; execution of judgments by U. S. attorneys as necessary. See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Magnetic tape or disc.

RETRIEVABILITY:

Retrievability: By name.

SAFEGUARDS:

Safeguards: Restricted access data processing area. Program access by password. Source documents and printouts are stored in locked rooms or file cabinets.

RETENTION AND DISPOSAL:

Retention and Disposal: Disposed of 3 years after final disposition of case. Paper files destroyed by mutilation, shredding or burning. Magnetic tapes are obliterated by writing over magnetic surface till content is rendered useless and unreadable.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Office of Marine Environment and Systems, Department of Transportation, United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation, United States Coast Guard Headquarters, Commandant (G-CMA), 2100 2nd Street, SW, Washington, DC 20593. Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' above or the local Coast Guard District, at the address in Appendix I, where the violation occurred.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Record Source Categories: Report of Violation, Form CG-2636, prepared by Coast Guard officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Exemptions: Portions of this system may be exempt from disclosure under the provisions of 5 USC 552a (k)(2), which provide in part, that investigatory material compiled for law enforcement purposes may be withheld from disclosure to the extent that the identity of the source of the information would be revealed by disclosing the investigatory record, and the source has received an express guarantee that his identity would be held in confidence or, prior to the effective date of this section, if the source received an implied promise that his identity would be held in confidence.

DOT/CG 571

SYSTEM NAME:

System Name: Physical Disability Separation System. DOT/CG.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT), United States Coast Guard (CG), Commandant (G-KDE), 2100 2nd Street, SW, Washington, DC 20593.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: USCG active duty personnel and USCG personnel separated or retired for physical disability.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Central Physical Evaluation Board files. Formal Physical Evaluation Board files. Physical Review Council files. Physical Disability Appeal Board files.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Used by: Coast Guard officials in connection with physical disability separation and retirement proceedings. The Veterans Administration for assistance in determining the eligibility of individuals for benefits administered by that agency and available to USPHS or DOD medical personnel in connection with the performance of their official duties. See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: File folders.

RETRIEVABILITY:

Retrievability: By name of individual.

SAFEGUARDS:

Safeguards: Roving guard patrol. Restricted personnel access by screening.

RETENTION AND DISPOSAL:

Retention and Disposal: Retained two years after disposition then transferred to Federal Records Center, St. Louis, MO.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Office of Health Services, Department of Transportation, United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation, United States Coast Guard Headquarters, Commandant (G-CMA), 2100 2nd Street, SW, Washington, DC 20593. Written request must include a notarized statement attesting that the

individual requesting the notification is in fact the individual about whom information is requested.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure.'

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure' above.

RECORD SOURCE CATEGORIES:

Record Source Categories: Information in records developed through proceedings of administrative bodies listed in 'Categories of Records' above.

DOT/CG 572**SYSTEM NAME:**

System Name: USCG Military Personnel Health Record System. DOT/CG.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT), United States Coast Guard (CG), Commandant (G-KMA-6), 2100 2nd Street, SW, Washington, DC 20593.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: USCG active duty personnel. USCG active duty personnel dependents. Dependents of USCG active duty personnel. Department of Defense active duty personnel and dependents. Dependents of USCG and DOD retired personnel and their dependents. Members of USCG Reserve.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Records of medical and dental treatment.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Used by medical staff in affording medical and dental treatment to personnel listed in 'Categories of Individuals' above. Provided to the Social Security Administration and Veteran's Administration for use in determining an individual's entitlement to benefits administered by those agencies. Records are provided to the Department of Health, Education and Welfare for purposes of the Federal Medical Care recovery set. Records are available to the Public Health Service or DOD medical

personnel in connection with medical treatment of individuals at USPHS or DOD facilities.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: File folders.

RETRIEVABILITY:

Retrievability: Name and military identification number.

SAFEGUARDS:

Safeguards: Roving guard patrol. Room in which records are located is locked when unattended. Access limited to these records at all times by personnel screening.

RETENTION AND DISPOSAL:

Retention and Disposal: Retained so long as individual is assigned to the particular area. Transmitted to new duty station upon transfer of member/sponsor. Incorporated into personnel record file system upon transfer, separation, or retirement.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Office of Health Services, Department of Transportation, United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation, United States Coast Guard Headquarters, Commandant (G-CMA), 2100 2nd Street, SW, Washington, DC 20593. Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local District or Headquarters Unit Office for the area in which assigned. See Appendix I for locations. See Appendix II for details pertaining to release of medical records.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Record Source Categories: Medical facilities where treatment received and from the individual.

All Field Units with Medical Personnel assigned. See Appendix I for locations.

DOT/CG 573**SYSTEM NAME:**

System Name: U.S. Public Health Services (USPHS) Commissioned Officer Corps Staffing and Recruitment Files. DOT/CG.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT), United States Coast Guard (CG), Commandant (G-KMA), 2100 2nd Street, SW, Washington, DC 20593.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Personnel records of USPHS commissioned officers assigned to duty with the Coast Guard.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Personnel records, Commissioning applications, assignment preference, reference questionnaires, background information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Used to assist administrators in assigning personnel to area requiring their specific skills. Used to monitor career development of personnel assigned to program. See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: File folders.

RETRIEVABILITY:

Retrievability: By name of individuals.

SAFEGUARDS:

Safeguards: During working hours access is controlled by office personnel; during non-working hours building is patrolled by roving security patrol.

RETENTION AND DISPOSAL:

Retention and Disposal: Records are retained during period of an individual's assignment to the Coast Guard. Thereafter, records are destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager:

Chief, Office of Health Services, Department of Transportation, United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation, United States Coast Guard Headquarters, Commandant (G-CMA), 2100 2nd Street, SW, Washington, DC 20593. Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure'. Proof of identity will be required prior to release of records. A military identification card, driver's license or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Record Source Categories: Previous employers, educational institutions, references, Coast Guard Medical Administrators and the individual.

DOT/CG 574**SYSTEM NAME:**

System Name: Drug and Alcohol Abuse Prevention Program Record System. DOT/CG.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT), United States Coast Guard (CG), Commandant (G-PS), 400 7th Street, SW, Washington, DC 20590.

All Coast Guard units have portions of duplicate case folders on individuals involved in the program. See Appendix I for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Active duty Coast Guard officers, enlisted personnel and reserve personnel; retired and separated Coast Guard personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Annotations on file cards of drug abuse, drug exemptions, drug rehabilitation, alcohol

rehabilitation and waiver for enlistment in the Coast Guard cases.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Used to:

Determine the extent of the drug and alcohol problem in the Coast Guard. Evaluate program effectiveness.

Maintain the integrity of the Coast Guard employees in performance of their official duties.

Assist the U.S. Navy Department in consonance with inpatient treatment at Navy Rehabilitation Center.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Records are maintained on file cards (5'x8') and message file.

RETRIEVABILITY:

Retrievability: File cards are indexed by name; message file by date/time group.

SAFEGUARDS:

Safeguards: Files are stamped 'For Official Use Only' and maintained in locked filing cabinet.

RETENTION AND DISPOSAL:

Retention and Disposal: Disposal schedules are under development and will be in accord with disposal schedules of the Military Personnel Record System.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Office of Personnel, Department of Transportation, United States Coast Guard Headquarters, 400 7th Street, SW, Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation, United States Coast Guard Headquarters, Commandant (G-CMA), 400 7th Street, SW, Washington, DC 20590. Written request must be signed by individual.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local

Coast Guard District or unit office for the area in which an individual's duty station is located. See Appendix I for locations.

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Record Source Categories: Reports of drug exemption; reports of civil and military offenses involving drugs or alcohol; reports of Coast Guard Intelligence Investigation, recommendation for inpatient drug or alcohol rehabilitation.

Individual personnel, medical, and security records.

DOT/CG 586

SYSTEM NAME:

System Name: Chemical Transportation Industry Advisory Committee. DOT/CG.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT), United States Coast Guard (CG), Commandant (G-M), 2100 2nd Street, SW, Washington, DC 20593.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Committee members.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Address, phone number. Biographical sketch. Committee information. Minutes of meetings.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Arranging meetings, keeping records of committee business, determine committee membership. Used by Coast Guard personnel in the performance of official duties. See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: File folders.

RETRIEVABILITY:

Retrievability: By committee name/individual name.

SAFEGUARDS:

Safeguards: Personnel screening prior to granting access. Building has roving security after hours.

RETENTION AND DISPOSAL:

Retention and Disposal: Permanently retained.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Office of Merchant Marine safety. Department of Transportation, United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation, United States Coast Guard Headquarters, Commandant (G-CMA), 2100 2nd Street, SW, Washington, DC 20593. Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure.'

Proof of identity will be required prior to granting access. A military identification card, driver's license or similar document is considered suitable identification.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Record Source Categories: From the individual of record.

DOT/CG 587

SYSTEM NAME:

System Name: Investigation of Violations of Marine Safety Laws or Regulations. DOT/CG.

SYSTEM LOCATION:

System Location: District Offices - See Appendix I for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Persons who have violated or who are suspected of violating marine safety or related laws or regulations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Reports of violation and supporting documents.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Evaluation by Coast Guard personnel for law enforcement purposes.

Evaluation by other agencies, state, local and foreign governments for purposes of law enforcement, and other purposes which the agency may deem necessary for their mission. For use in civil litigation. For insurance purposes. Use by the general public. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 USC 552a(b)(12). Disclosures may be made from this systems to 'consumer reporting agencies' (collecting on behalf of the U.S. Govt.) as defined in the Fair Credit Reporting Act (15 USC 1681a(f)) or the Federal Claims Collection Act of 1982 (31 USC 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: File folders.

RETRIEVABILITY:

Retrievability: Records pertaining to violations of law or regulation are retrieved by individual name or vessel name.

SAFEGUARDS:

Safeguards: Destroyed three years after case is closed.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Office of Merchant Marine Safety, Department of Transportation, United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation, United States Coast Guard Headquarters, Commandant (G-CMA), 2100 2nd Street, SW, Washington, DC 20593. Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Procedures may be obtained by writing to or visiting (G-CMA) at the address in 'Notification Procedure' or the local Coast Guard District for the area in which the alleged violation occurred.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Record Source Categories: Coast Guard investigating records compiled as a result of vessel casualty. Investigations by other law enforcement agencies. Vessel operator complaints. Deficiencies noted during Coast Guard inspections.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Exemptions: Portions of this system may be exempt from disclosure under the provisions of 5 USC 552a (K)(2) which provide in part, that investigatory material compiled for law enforcement purposes may be withheld from disclosure to the extent that the identity of the source of the information would be revealed by disclosing the investigatory record, and the source has received an express guarantee that his identity would be held in confidence, or, prior to the effective date of this section, if the source received an implied promise that his identity would be held in confidence.

DOT/CG 589**SYSTEM NAME:**

System Name: U. S. Merchant Seamen's Records.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT), United States Coast Guard (CG), Commandant (G-MVP), 2100 2nd Street, SW, Washington, DC 20593. Portions of these records may be located at the Marine Inspection Office or the Marine Safety Office where the seaman was documented.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: U. S. Merchant Seamen.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Personnel File. Shipping Articles. Locator List. Log Books. Seamen's License Records. Fingerprint Records.

**Disciplinary Records.
Security Records.****ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Routine Uses: Used by Coast Guard officials in administering the Commercial Vessel Safety Program to determine qualifications for the issuance of licenses, documents, and certificates; to determine disciplinary action; to provide duplicate records of service or documents to the seaman, his next of kin or his agent; to provide information to other Federal Agencies, such as the Veterans' Administration, the Social Security Administration, etc. in connection with benefits and services administered by those agencies; to provide information to private organizations when considered beneficial to the seaman; to provide information to Federal, State, and local investigative and law enforcement officials as provided for by law.

See Prefatory Statement of General Routine Use.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 USC 552a(b)(12). Disclosures may be made from this systems to 'consumer reporting agencies' (collecting on behalf of the U.S. Govt.) as defined in the Fair Credit Reporting Act (15 USC 1681a(f)) or the Federal Claims Collection Act of 1982 (31 USC 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: The personnel file will be stored on updateable microfiche and limited personal data will reside on computer disks and magnetic tapes. The above media will be continuously updated as new or additional data is received. The remainder of the records will be stored in file folders in paper form.

RETRIEVABILITY:

Retrievability: The personnel file on microfiche will be accessed from its storage cabinet by a coded identifier of the location of the record within the cabinet. The data on the computer record will be retrieved by direct terminal access with the selection of data elements determined by the authorized user. Retrieval will be by name and cross indexed under ID (i.e., 'Z', 'BK', or Social Security Number).

SAFEGUARDS:

Safeguards: Personnel files on microfiche are stored in the locked retrieval cabinet. The data on the computer file can be retrieved only via 'password' identifier with users being permitted access only to that portion of the overall file that has previously been determined as meeting their needs. The file folders are maintained in locked rooms.

RETENTION AND DISPOSAL:

Retention and Disposal: Personnel files are held 3 years for unlicensed personnel and 10 years for licensed personnel after last activity, then transferred to a holding area where they may be destroyed after 60 years of inactivity. Shipping Articles are held 3 years then transferred to a Federal Records Center where they are considered historical data and are not destroyed. Disciplinary Records are maintained in paper form. Administrative Law Judge's Decisions and Orders and Appeal File are transferred to a Federal Records Center after 5 years. Commandant's Decision on Appeal and National Transportation Safety Board Decisions and Orders are retained. Disciplinary Record Cards are destroyed upon notice of death.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Office of Merchant Marine Safety, Department of Transportation, United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation, United States Coast Guard Headquarters, Commandant (G-CMA), 2100 2nd Street, SW, Washington, DC 20593. In order to determine if a record for an individual exists, it is necessary that the applicant furnish the complete name in which the document was issued, the serial number of the document (i.e., 'Z', 'BK', and/or Social Security Number), and his date and place of birth. A written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Procedures may be obtained by writing Commandant (G-CMA) or visiting at the address in 'Notification Procedure' or the Marine Inspection Office or Marine Safety Office where the document was issued for locally maintained portions.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Record Source Categories: Personnel File - Date furnished by the seamen, U.S. Coast Guard officials, other Federal Agencies and employer. Shipping Articles - Vessels' operators, seamen, masters of vessels, State Department, and Coast Guard officials. Disciplinary Records - Furnished by the Investigating Officers at the various Marine Inspection and Marine Safety Offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Exemptions: Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a (k)(2), which provide, in part that investigatory material compiled for law enforcement purposes may be withheld from disclosure to the extent that the identity of the source of the information would be revealed by disclosing the investigatory record, and the source has received an express guarantee that his identity would be held in confidence, or, prior to the effective date of this section, if the source received an implied promise that his identity would be held in confidence.

DOT/CG 591**SYSTEM NAME:**

System Name: Merchant Vessel Documentation System (Manual and Automated): DOT/CG.

SYSTEM LOCATION:

System Location: Automated system is located at:
Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (C-MVD),
2100 2nd Street, SW,
Washington, DC 20593.
Manual systems are located at:
Coast Merchant Vessel Documentation
Offices,
(See section E.W., Standard
Distribution List - COMDTNOTE 5605
for office locations).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Vessel owners.
Mortgagees.
Vessel buyers and sellers.
Lien claimants.
Vessel builders.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records:
Vessel owner information.

Vessel information.

Instruments of record (bills of sale, mortgages, etc.).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Establishing eligibility for documentation of vessels.
Issuance of marine documents.
Recordation of bills of sale, mortgages, etc.
Publication of the annual MERCHANT VESSELS OF THE UNITED STATES.
Publication of the monthly supplement to MERCHANT VESSELS OF THE UNITED STATES.
Used by:
Coast Guard.
Other Governmental agencies.
Financial institutions and other money leaders.
Anyone having business with or an interest in a documented vessel.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Index of owners maintained by Commandant (G-MVD).
All other records maintained at home port of vessel by vessel name.

RETRIEVABILITY:

Retrievability: Upon furnishing name of vessel owner to Commandant (G-MVD), vessel name is established and request for information referred to appropriate home port.
Records retrieved at home port by use of vessel name.

SAFEGUARDS:

Safeguards: Personnel screening.

RETENTION AND DISPOSAL:

Retention and Disposal: Listings of vessel owners constantly updated by additions and deletions (automated).
Field office vessel folders transferred to FRC 2 years after change of vessel's home port or 2 years after removal of vessel from documentation (manual).

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Office of Merchant Marine Safety,
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation.

United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

Written requests must be signed by the individual whose records are the subject.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Procedures may be obtained by writing or by visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local Coast Guard District Office.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Record Source Categories: Vessel owners, Mortgagee, lien claimants, Vessel sellers and buyers, Coast Guard admeasures and vessel builders.

DOT/CG 592**SYSTEM NAME:**

System Name: Registered/Applicant Pilot Eligibility Folder. DOT/CG.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
United States Coast Guard (CG),
Ninth Coast Guard District,
Great Lakes Pilotage Staff,
1240 East Ninth Street,
Cleveland, OH 44199.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: United States registered pilots and applicant pilots suitably registered to perform pilotage duties aboard foreign vessels on the Great Lakes.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Application for registration, renewal of registration, annual report of physical examination, Coast Guard license data, examination for registration.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Used by Department of Transportation, U. S. Coast Guard, F.B.I., pilot associations and corporations.
Used for pilot registration, training program needs, retirements, statistical compilations, and negotiations with Canadian authorities to assure equitable participation by U.S. registered pilots with Canadian registered pilots.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: File folders.

RETRIEVABILITY:

Retrievability: By name and pilot registration number.

SAFEGUARDS:

Safeguards: Screened by office personnel prior to use. Locked in cabinets during non-working hours.

RETENTION AND DISPOSAL:

Retention and Disposal: Permanent.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Great Lakes Pilotage Staff,
Ninth Coast Guard District,
1240 East Ninth Street,
Cleveland, OH 44199.

NOTIFICATION PROCEDURE:

Notification Procedure: Same as 'System Manager' above.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Same as 'System Manager' above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'System Manager' above.

RECORD SOURCE CATEGORIES:

Record Source Categories:
Individual's original application for U.S. pilot's registration and individual's yearly report of medical examination.

DOT/CG 611

SYSTEM NAME:

System Name: Intelligence and Security Investigative Case System.
DOT/CG.

SYSTEM LOCATION:

System Location: Department of Transportation(DOT),
United States Coast Guard(CG),
Commandant (G-OIS),
2100 2nd Street, SW,
Washington, DC 20593.
Systems are also located in Coast Guard District Offices at the addresses listed in Appendix I.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: U. S. Coast Guard military personnel, merchant marine personnel, port and dock workers, and persons under

investigation for violations of laws and regulations administered by the Coast Guard.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Personnel security investigations, national agency check results, criminal investigations, counterintelligence investigations, computerized case control system.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Used by authorized Coast Guard personnel for:
Security clearances.
Actions by commanders under the Uniform Code of Military Justice.
Career advancement of U.S. Coast Guard military personnel.
Approval of merchant seamen documents.
Access of individuals to port facilities.
Used by:
Appropriate federal, state or local agencies for criminal law enforcement and prosecution by the United States government.
National Agency Checks and background investigations.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Investigative dossiers and 3x5 card retrieval system.

RETRIEVABILITY:

Retrievability: By name and/or case number.

SAFEGUARDS:

Safeguards: Alarm controlled spaces, locked and/or limited access file cabinets and office spaces.
Using receipt control, automatic data processing (ADP) system cannot be penetrated for data through terminals, or otherwise, located outside the U.S. Coast Guard computer center without use of proper administrative controls.
Release of dossiers to accredited personnel on 'need-to-know' basis only.

RETENTION AND DISPOSAL:

Retention and Disposal: Dossiers retained 50 years from date of birth. Deceased, retirees and others separated are held one year from separation.
Dossiers are retired to the Washington National Federal Records Center for further retention of 30 years.

3x5 cards are annotated to recall retired dossiers if necessary. Computer printouts are retained for 10 years then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager:
Chief, Office of Operations,
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.
Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Procedures may be obtained by writing to, or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local Coast Guard District Office, location in Appendix I, for the area in which an individual's duty station is located.

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Record Source Categories: National Agency Checks, background investigations, criminal investigations, interviews, records, checks, observations, statements.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Exemptions: Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a (k)(2), which provides in part that investigatory material compiled for law enforcement purposes may be withheld from disclosure to the extent the identity of the source of the information would be revealed by disclosing the investigatory record, and the source has received an express promise that his identity would be held in confidence, or, prior to the effective date of this section, if the source received an implied

promise that his identity would be held in confidence.

Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a(k)(5) which provides, in part, that investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of the source who furnished information to the Government under an express promise that the identity of the source would be held in confidence or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a (k)(7), which provide, in part, that evaluation material used to determine potential for promotion in the armed services may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of a source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

DOT/CG 612

SYSTEM NAME:

System Name: Port Security Card System. DOT/CG.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT), United States Coast Guard Headquarters (CG), Commandant (G-OIS), 2100 2nd Street, SW, Washington, DC 20593. Records also located at each District Office. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Persons regularly employed on vessels and water front facilities, or persons having regular public or private business with the operation, maintenance, or administration of vessels and cargoes or waterfront facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Applications for port security cards awaiting processing.

Processed applications indicating those granted or denied port security cards.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Used by Authorized Coast Guard officials to determine eligibility for issuance of Port Security Cards

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Paper files, 3x5 cards.

RETRIEVABILITY:

Retrievability: By name.

SAFEGUARDS:

Safeguards: Maintained in file cabinets in secure areas. Personnel are screened prior to granting access.

RETENTION AND DISPOSAL:

Retention and Disposal: Retained for 8 years, then destroyed by mutilating, shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Office of Operations, Department of Transportation, United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation, United States Coast Guard Headquarters, Commandant (G-CMA), 2100 2nd Street, SW, Washington, DC 20593. Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local Coast Guard District or unit office for the area in which the application was filed.

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document

will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Record Source Categories: Individual applications.

National Agency checks.

Other records already at Coast Guard Headquarters, if any.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Exemptions: Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a(k)(2), which provide, in part, that investigatory material compiled for law enforcement purposes may be withheld from disclosure to the extent that the identity of the source of the information would be revealed by disclosing the investigatory record and the source has received an express guarantee that his identity would be held in confidence, or, prior to the effective date of this section, if the source received an implied promise that his identity would be held in confidence.

DOT/CG 622

SYSTEM NAME:

System Name: Military Training and Education Records. DOT/CG.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT), United States Coast Guard (CG), Commandant (G-PTE), 2100 2nd Street, SW, Washington, DC 20593. Records are also located at District and Headquarters Units. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Coast Guard Military Personnel (Commissioned Officers, Commissioned Warrant Officers, Cadets, and Enlisted Personnel.)

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: General Service Correspondence Course. Off-Duty Education Records. Professional Training Records. Non-traditional Educational Support Records. Achievement and Aptitude Test Results. Academic Performance Records. Correspondence Course Rate Advancement Records. Military Performance Records. Admissions Processing Records. Grade Reporting Records. Cadet Academic Status Records. Transcript Maintenance

Records. Cadet Discipline Status
Records. Military Personnel Records.
Military Training Schedules Records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Evaluation and measurement of training performance. Statistical summaries. Input to personnel records. Partial criteria for selection and admission to service/professional schools. Partial criteria for selection to postgraduate education programs. Criteria for admission to the Coast Guard. Criteria for retention in service Schools. Criteria for promotion. The above information is used by authorized Coast Guard personnel in the performance of Official duties. See Prefatory Statement of General Routine Uses, 3 through 5 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: File folders stored in file cabinets. Portions are stored on ADP equipment.

RETRIEVABILITY:

Retrievability: Retrieved by name, rate, class number, cadet code number, and Social Security Number.

SAFEGUARDS:

Safeguards: Records are kept in file cabinets in offices that are locked during off-duty hours. Those records stored in ADP equipment may only be accessed through use of a user access code.

RETENTION AND DISPOSAL:

Retention and Disposal: Personal History, Service History and School Conduct and Military Performance records are kept for one year. Academic and Correspondence Course records are kept for five years. Aptitude and Achievement Test results, as a part of Training and Education records, are kept for five years. Records are destroyed by mutilating, shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Office of Personnel, Department of Transportation, United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation, United States Coast Guard Headquarters, Commandant (G-CMA), 2100 2nd Street, SW,

Washington, DC 20593. Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Procedures may be obtained by writing to or visiting (G-CMA) at the address in 'Notification Procedure', or by visiting the local activity where assigned for training. Prior written notification of personal visits is required to insure that the applicable record will be available. Proof of identity is required prior to release of records. A military identification card, driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedures'.

RECORD SOURCE CATEGORIES:

Record Source Categories: Official military personnel records, test results, instructors and supervisors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Exemptions: Portions of this system of records may be exempt from disclosure under the provisions of 5 U.S.C. 552a(k)(5), which provide, in part, that investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the government under an express promise that the identity of the source would be held in confidence or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence. Portions of this system of records may be exempt from disclosure under the provisions of 5 U.S.C. 552a(k)(6), which provides, in part, that testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service may be withheld from disclosure to the extent that disclosure of these records would compromise the objectivity or fairness of the testing or examination process. Portions of this system of records may be exempt from disclosure under the provisions of 5 U.S.C. 552a(k)(7), which provide, in part, that evaluation material used to determine potential for promotion in the armed services may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished

information to the government under an express promise that the identity of a source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

DOT/CG 624

SYSTEM NAME:

System Name: Personnel Management Information System (PMIS)

SYSTEM LOCATION:

System Location: Commanding Officer Pay and Personnel Center (PPC)
444 S.E. Quincy St.
Topeka, KS 66683

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: All regular Coast Guard personnel on active duty. All Reserve Coast Guard personnel on extended active duty and Reserve personnel on initial active duty for training.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: A single computer record which currently contains about 450 data elements on each member. Some data elements are used only for enlisted, others only for officers. The file contains personal information such as name, place of birth, rank, location, etc. The file also contains pay date elements which will form the basis for deriving pay entitlements for Coast Guard military personnel under the Joint Uniform Military Pay System (JUMPS).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: The file is used to produce a number of reports used throughout the Coast Guard. Types of reports are:
Locator Listing for Headquarters and Districts,
Personnel Roster for the unit to assist in verifying information,
Number of personnel in pay grades for advancement levels and budget expenditures,
Current reports for this system of records are listed in the Reports Distribution Manual generated by the Coast Guard for this system,
Queires and batch processing are used to recruitment levels,
Various Coast Guard offices receive the locator listing and management reports,
Government agencies other than Coast Guard categories,

See prefatory statement of General Routine Uses, 3 through 5 do not apply.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 USC 552a(b)(12). Disclosures may be made from this systems to 'consumer reporting agencies' (collecting on behalf of the U.S. Govt.) as defined in the Fair Credit Reporting Act (15 USC 1681a(f)) or the Federal Claims Collection Act of 1982 (31 USC 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: The storage is on computer disks with tape backups. The file is updated once a week. Once a month the file is dumped to a tape file for historical purposes.

Decentralized segments are maintained at each District Office and at Personnel Support Centers. See Appendix A1 for locations.

RETRIEVABILITY:

Retrievability: Retrieval from the system is by use of name or Social Security Number or a combination of personal and non-personal characteristics.

Users retrieve information direct from the file through card input or direct terminal access. Data elements to be retrieved and method of use are selected by the user.

An extract file containing summary records is produced monthly for use on a 'time sharing' system. Retrieval of information from this extract is by direct terminal access only. Data elements to be retrieved and method of use are selected by the user.

SAFEGUARDS:

Safeguards: The computer provides privacy and access limitations by requiring a user name and password match. In addition each element of the file has its own level of accessibility which must be held by the user. Only those staff components at Headquarters with a need to have access to the file are given user names and passwords. Access to the 'Time Share' extract is similarly controlled. The backup tapes and monthly dumps also have limited access in that users must justify the need before they are provided the tape numbers.

RETENTION AND DISPOSAL:

Retention and Disposal: End-of-Year system backup tapes and day to day

transaction tapes are retained indefinitely. Statistical and other report extract tapes are recycled into the system and consequently destroyed. Paper working files are disposed of in accordance with current record disposal instructions.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief,
Office of Personnel,
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Notification Procedure: Inquiries should be directed to:

Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Procedure may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure'. Prior written notification of personal visits is required to insure that the records will be available at the time of visit. Proof of identity will be required prior to release of records. A military identification card, driver's license or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Record Source Categories: The data to update the file comes from copies of official service record entries prepared by field units. The data is entered on tape for update of the computer files.

DOT/CG 625

SYSTEM NAME:

System Name: Officer Selection and Appointment System. DOT/CG.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-PMR),
2100 2nd Street, SW,
Washington, DC 20593.

Records are also located at each District and Headquarters Unit. Use Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Applicants for Coast Guard Officer Candidate School or direct commission programs of the Coast Guard.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Information in the system is supplied by applicants and also by persons, other than the applicants, who submit information pertinent to the suitability of the applicants for commissioned service in the Coast Guard.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Officials and employees of the Coast Guard in the performance of their duties in managing and contributing to the recruitment and appointment of men and women for officer programs in the regular and reserve components of the Coast Guard.

The Attorney General of the United States or his authorized representatives in connection with litigation, fraudulent enlistment or other matters under the jurisdiction of such agencies.

Official employees of the Veterans Administration and Selective Service Administration in the performance of their official duties related to enlistment and reenlistment eligibility and related benefits.

The Senate or the House of Representatives of the United States or any committee or subcommittee on matters within their jurisdiction requiring disclosure of files or records of personnel covered by this system. See Prefatory Statement of General Routine Uses, 3 through 5 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Paper records are stored in file folders.

RETRIEVABILITY:

Retrievability: The system is indexed alphabetically by name of applicant and is retrieved by name.

SAFEGUARDS:

Safeguards: Records kept in file cabinets locked after working hours. Buildings have 24-hour security guards and limited access.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Retention and Disposal: Application files for nonselected officer candidate applicants are destroyed after six months and nonselected applicants for direct commission are destroyed after one year. Files for all selected applicants are placed in the selectee's officer personnel folder.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Office of Personnel,
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Procedure may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or to the applicable Coast Guard District Office. A letter request should contain full name, address, social security number, approximate date of application, and signature. Proof of identification will consist of military identification card, driver's license or other official identification.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Record Source Categories: Coast Guard recruiting personnel and employee processing application. Medical personnel conducting physical examination and private physicians providing consultations or patient history. Character and employer references named by applicants. Educational institutions, staff and faculty members. Selective Service Commission. Local state and Federal law enforcement agencies. Prior or current military service record. Commanding officer of Coast Guard unit, if active duty. Coast Guard offices charged with personnel security clearance functions. Other Coast Guard officials and employees in the performance of their

official duties and as specified by current instructions and regulations promulgated by competent authority.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Exemptions: Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a(k)(5), which provide, in part, that investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a(k)(7), which provide, in part, that evaluation material used to determine potential for promotion in the armed services may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of a source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

DOT/CG 626

SYSTEM NAME:

System Name: Official Officer Service Records. DOT/CG.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-PO),
2100 2nd Street, SW,
Washington, DC 20593.
Certain records in the system are maintained at:
National Personnel Records Center,
9700 Page Boulevard,
St. Louis, MO 63132.
Portions of the official service record, e.g., health record, security status jacket and leave record are maintained at the officer's unit.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: All Commissioned officers of the Coast

Guard on active duty, permanent or disability retired lists.

Regular officers who sign and do not accept a Reserve commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: General file & service record card.
Fitness File & Officer Summary Records.
Medical File.
Medical History for officers on the Temporary Disability Retired List.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Fulfillment of normal administrative procedures including assignment, promotion, training, etc. Physical Evaluation Boards. Board for Correction of Military Records. Answering of Congressional and personal inquiries initiated by the individual whose record is concerned. Preparation of forms, statements, compilations and computations necessary in the daily personnel administration of each individual entering, reentering or leaving the Coast Guard. (Routine personnel administration requires copies of this and other service record material to be included in administrative files physically separated from the record; however, the original of this material will be included in the official service record maintained at Coast Guard Headquarters). Furnishing of information (authorized and specified by the individual concerned) to other agencies or individuals (specified by the individual concerned) normally concerned with employment, educational or veteran's benefits, claims or applications. Furnishing specified material in an officer's service record pursuant to the order of a court of competent jurisdiction. Used by: Authorized Coast Guard Personnel. Personnel from other Federal Agencies in the conduct of official business, as authorized by the Chief, Officer Personnel Division or his designated representative. See Prefatory Statement of General Routine Uses, 3 through 5 do not apply.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 USC 552a(b)(12). Disclosures may be made from this systems to 'consumer reporting

agencies' (collecting on behalf of the U.S. Govt.) as defined in the Fair Credit Reporting Act (15 USC 1681a(f)) or the Federal Claims Collection Act of 1982 (31 USC 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Records are maintained on paper and are assembled and filed in one official service record per member and stored on open shelf files in a room with controlled access.

RETRIEVABILITY:

Retrievability: Individual records are indexed and retrievable by name and/or last four digits of member's service number.

SAFEGUARDS:

Safeguards: During working hours physical access to records is controlled by the Officer Records Branch (G-PO-4). Records are maintained in a central storage area locked behind two separate doors during non-working hours in the building, which has roving and static security patrols.

RETENTION AND DISPOSAL:

Retention and Disposal: Each individual record is maintained at Coast Guard Headquarters until three months after retirement/resignation, after which it is shipped to the:

National Personnel Records Center
(Military Personnel Records),
9700 Page Boulevard,
St. Louis, MO 63132.

After the separation documents are received, records of Reserve Officers released from active duty and Regular Officers who resign and accept Reserve Commissions are sent to the Department of Transportation, United States Coast Guard Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Office of Personnel,
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Notification Procedure: Inquiry requests for a determination as to whether this system contains records on an individual should be made by that individual, in person or in writing, to:

Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

Requestors in person will be required to show a valid I.D. card.

Written request must include the member's name, rank, Social Security Number, and period of service.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local activity to which assigned for locally maintained portions of subject records. Proof of identity will be required prior to release of records. A military identification card, driver's license or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure.' 14

Record Source Categories: Personal interview and voluntary submissions by individuals.

Training/Educational Reports.

Fitness Reports.

USCG District Offices and other operating units of the Coast Guard.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Exemptions: Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a(k)(5), which provide, in part, that investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information may be withheld from disclosure, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a(k)(7), which provide, in part, that evaluation material used to determine potential for promotion in the armed services may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the government under

an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

DOT/CG 627

SYSTEM NAME:

System Name: Enlisted Recruiting Selection Record System. DOT/CG.

SYSTEM LOCATION:

System Location: Primary System: Department of Transportation (DOT), United States Coast Guard (CG), Commandant (G-P), 2100 2nd Street, SW, Washington, DC 20593. Decentralized segments are maintained at: Coast Guard District offices and Coast Guard recruiting offices. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Records and correspondence pertaining to prospective applicants, applicants for regular and reserve enlisted programs, and any other individuals who have initiated correspondence pertaining to enlistment in the United States Coast Guard.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Records and correspondence in both automated and non-automated forms concerning personal history, education, professional qualifications, mental aptitude, physical qualifications, character and interview appraisals, National Agency Checks and certifications, service performance and congressional or special interests.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Officials and employees of the U.S. Coast Guard in the performance of their duties in managing and contributing to the recruitment program of the Coast Guard Reserve.

The Comptroller General or any of his authorized representatives, upon request, in the course of the performance of duties of the General Accounting Office relating to the management or quality of military recruitment.

The Attorney General of the United States or his authorized representatives in connection with litigation, fraudulent enlistment or other matters under the jurisdiction of such agencies.

Officials and employees of other Departments and agencies of the Executive Branch of government, upon request, in the performance of their official duties related to the management or quality of military recruitment.

Officials and employees of the Veterans Administration and Selective Service System in the performance of their official duties related to enlistment and reenlistment eligibility and related benefits.

The Senate or the House of Representatives of the United States or any committee or subcommittee on matters within their jurisdiction requiring disclosure of files or records of personnel covered by this system.

Such contractors and their employees as are or may be operating in accordance with an approved official contract with the U.S. Government. See Prefatory Statement of General Routine Uses; 3 through 5 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Automated records are stored on magnetic tape.
Paper records are stored in file folders.

RETRIEVABILITY:

Retrievability: Alphabetically by name of subject and social security number.

SAFEGUARDS:

Safeguards: Records are accessible only to authorized personnel within the Coast Guard recruiting organization and are handled with security procedures appropriate for documents marked 'For Official Use Only'.

RETENTION AND DISPOSAL:

Retention and Disposal: Records are normally maintained for two years and then disposed of by mutilating, shredding, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Office of Personnel,
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation,
United States Coast Guard
Headquarters,

Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Procedures may be obtained by writing to, or visiting, Commandant (G-CMA) at the address in 'Notification Procedure' or the appropriate local office where the record, or portion thereof, is filed.

Prior written notification is required to insure that records will be available at time of visit.

Proof of identity will be required prior to affording access to records. A military identification card, driver's license, or similar document, will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Record Source Categories: Coast Guard recruiting personnel and administrative staff.
Medical personnel or private physicians providing consultations or patient history.
Character and employer references.
Educational institutions, staff and faculty members.
Selective Service System.
Local, state, and Federal law enforcement agencies.
Prior or current military service records.
Members of Congress.
Other officials and employees of the Coast Guard, Department of Defense and components thereof, in the performance of their duties and as specified by current instructions and regulations promulgated by competent authority.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Exemptions: Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a(k)(5), which provide, in part, that investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualification for Federal civilian employment, military service, Federal contracts, or access to classified information may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a (k)(7), which provide, in part, that evaluation material used to determine for promotion in the armed services may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of a source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

DOT/CG 628

SYSTEM NAME:

System Name: Officer, Enlisted, and Recruiter Selection Test File. DOT/CG.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-PE),
2100 2nd Street, SW,
Washington, DC 20593.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Civilian or military personnel who have taken the following tests:
U.S. Navy Officer Qualification (OQT).
U.S. Navy and U.S. Marine Corps Aviation Selection (AST).
U.S. Navy Basic Test Battery (BTB) (retests).
The Cooperative Tests for Advanced Electronic Training (AET TESTS).
The 16 Personality Factor Test used for screening of enlisted personnel for recruiting duty.
Professional Examination for Merchant Mariners.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Card files, answer sheets.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: The records are kept to provide the test results if an applicant (civilian or military) applies for an officer program or is already in military and interested in certain training programs.

Internal users:
Officer Recruiting, Enlisted Recruiting, Enlisted Personnel, Training Programs, Merchant Marine, Commanding Officer, Enlisted

Personnel District, Personnel offices, Training Centers and Academy. Other Government Agencies: U.S. Navy Recruiting, U.S. Marine Corps, U.S. Navy Bureau of Medicine and Surgery.

See Prefatory Statement of General Routine Uses; 3 through 5 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: File folders, case files.

RETRIEVABILITY:

Retrievability: By name.

SAFEGUARDS:

Safeguards: Combination - type safe, locked files.

Test results are given only on a need to know basis to authorized personnel. Only custodian of safes and alternate custodian have access.

RETENTION AND DISPOSAL:

Retention and Disposal: Test answer sheets are destroyed after 2 years.

Card file - destroyed after 4 years.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Office of Personnel,
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure.'

Proof of identity will be required prior to release of records. A military identification card, driver's license or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Record Source Categories: Individuals concerned and United States Coast Guard recruiting officials.

U.S. Marine Corps officials.
U.S. Navy Recruiting officials,
U.S. Navy Bureau of Medicine Surgery officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Exemptions: Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552(k)(6), which provides, in part, that testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service may be withheld from disclosure to the extent that disclosure of these records would compromise the objectivity or fairness of the testing or examination process.

Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a (k) (5), which provide, in part, that investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a (k)(7), which provide, in part, that evaluation material used to determine potential for promotion in the armed services may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of a source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

DOT/CG 629

SYSTEM NAME:

System Name: Enlisted Personnel Record System. DOT/CG.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-PE),
2100 2nd Street, SW,

Washington, DC 20593.

Decentralized segments of the system are located at each District office and Headquarters Unit. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: All enlisted members of the Coast Guard now serving on active duty (including enlisted members of the Reserve on extended active duty), and members who have been temporarily or permanently retired or discharged.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Enlisted contract package, record of emergency data, leave records, performance ratings, administrative remarks, medical records.

All other requisite Coast Guard personnel forms, and pertinent miscellaneous correspondence.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: For use in formulating all Coast Guard personnel actions including, but not limited to, assignment, promotion, re-enlistment, retirement, discharge, determination of entitlement to pay and allowances, correction of records, and disciplinary actions.

Data is provided to the Veterans

Administration for determination of an individual's eligibility for benefits administered by that agency and to medical facilities maintained by the Department of Health, Education and Welfare in conjunction with medical treatment afforded an individual.

See Prefatory Statement of General Routine Uses; 3 through 5 do not apply.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 USC 552a(b)(12). Disclosures may be made from this systems to 'consumer reporting agencies' (collecting on behalf of the U.S. Govt.) as defined in the Fair Credit Reporting Act (15 USC 1681a(f)) or the Federal Claims Collection Act of 1982 (31 USC 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Records are maintained in enlisted files record jackets and stored in file cabinets.

RETRIEVABILITY:

Retrievability: Records are retrievable by name of individual or the last three digits of the individual's social security number.

SAFEGUARDS:

Safeguards: Records maintained at Coast Guard Headquarters are located in a central storage area, locked behind two separate doors during non-working hours, in a building with a roving security patrol.

Records at field units are maintained in Government office buildings with off-duty hours security.

During working hours, access to records is controlled by office personnel.

RETENTION AND DISPOSAL:

Retention and Disposal: Individual records are maintained at CG Headquarters until six months after an enlisted member is discharged, permanently retired for physical disability, or retired for years of service, after which records are transmitted for permanent storage to the:

National Personnel Records Center,
(Military Personnel Records) GSA,
9700 Page Boulevard,
St. Louis, MO 63132.

In the case of members transferred to the Reserve, their records are sent to Commandant (G-RA-2) after separation documents are received.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Office of Personnel,
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW.,
Washington, DC 20593.
Written request must be signed by individual.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Procedures may be obtained by writing to, or visiting, Commandant (G-CMA) at the address in 'Notification Procedure' or the local Coast Guard District or unit administrative officer for the area in which an individual's duty station is located.

Proof of identity will be required prior to affording an individual access to records. A military identification card,

a driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Record Source Categories:
Information is obtained from the individual, and Coast Guard Officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Exemptions: Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a(k)(5), which provide, in part, that investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a(k)(7), which provide, in part, that evaluation material used to determine potential for promotion in the armed services may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

DOT/CG 630**SYSTEM NAME:**

System Name: Coast Guard Family Housing, DOT/CG.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-P),
2100 2nd Street, SW,
Washington, DC 20593.
Decentralized segments are maintained at:
Each District and Headquarters Unit.
See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Military and civilian personnel of all pay grades who make application for government and/or government leased housing. Military personnel who make application in locating community housing, married officers and married E-3 or above (over 2 years service). Certain government employees occupying government housing. Military or civilian personnel who have corresponded with the President, a Congressman, or the Commandant concerning family housing.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Applicants name, pay grade, marital status, current address and dependent information maintained for the Coast Guard Housing Administration Information and Liaison (HAIL) System.

Includes family housing survey: computer data summaries are maintained for the family housing survey.

Copies of correspondence from individual to the President, a Congressman or the Commandant, inquiry sheets, and replies maintained for Congressional correspondence files.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: For use by authorized Coast Guard employees in performance of their duties in placing the applicant in government owned or leased housing or community housing.

Assessing housing needs of District and Headquarters Units.

Answering inquiries from individuals, Congressmen or the Commandant concerning family housing.

Preparing budgets.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: File folders.

RETRIEVABILITY:

Retrievability: By name of individual, Coast Guard District and date received.

SAFEGUARDS:

Safeguards: Records are maintained in locked file cabinets and desk file drawers.

RETENTION AND DISPOSAL:

Retention and Disposal: Records are maintained until the applicant is placed in housing and then destroyed. Records concerning Congressional correspondence are maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Office of Personnel, Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.
Written request must be signed by individual whose record is being requested.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local Coast Guard District Office. See address in Appendix I.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Record Source Categories: Information is obtained from applicants, individuals who complete family housing survey forms, initiate correspondence concerning family housing and Coast Guard Officials.

DOT/CG 631**SYSTEM NAME:**

System Name: Family Advocacy Case Record System

SYSTEM LOCATION:

System Location: Commandant (G-PS)
U.S. Coast Guard Headquarters
2100 2nd St. S.W.
Washington, D.C. 20593
Decentralized segments are maintained at Coast Guard medical facilities where an incident occurs and at the duty station of the military sponsors.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: All beneficiaries entitled to care at Coast Guard 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:

Categories of Records: 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.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: May be used by officials and employees having duties relating to health and medical treatment of members and former members of the uniformed services, civilians, and dependents receiving medical care under Coast Guard auspices, for determining qualifications and suitability of Coast Guard personnel for various programs, duty assignments, and fitness for continued military service; and performance of research studies and compilation of statistical data.

Officials and employees of other components of the Department of Transportation 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 research concerning family member abuse and neglect.

Federal, state or local government agencies when it is deemed appropriate to utilize civilian resources in the counseling and treatment of individuals of 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. See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Records may be stored in file folders, microfilm, magnetic tape, punched cards, machine lists, discs, and other computerized or machine readable media.

RETRIEVABILITY:

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:

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:

Retention and Disposal: Family advocacy case records are maintained at the activity cognizant of the case. If the case remains open upon transfer of military sponsor, the case record is transferred to the military sponsor's new command. The original case record is transferred to the System Manager upon closure of the case or separation of the military sponsor; the records are then destroyed after 5 years from date case record was opened. Central registry records are permanently retained under the control of Commandant (G-PS).

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address:
Chief, Office of Personnel
Department of Transportation
United States Coast Guard
Headquarters,
2100 2nd Street, S.W.
Washington, D.C. 20593

NOTIFICATION PROCEDURE:

Notification Procedures: 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 treatment, and alleged reporting of incident. The requester may visit the office of the Commandant (G-PS), U.S. Coast Guard, 2100 Second Street S.W., Washington, D.C. and the commanding officers of the individual and the medical treatment facilities to obtain information on

whether or not the system contains records pertaining to him or her. Armed Forces I.D. card or other type of identification bearing the picture and signature of the requester will be considered adequate proof of identity.

RECORD ACCESS PROCEDURES:

Record Access Procedures: Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in Notification Procedures or the local Coast Guard District or unit office for the area in which an individual's duty station is located. Proof of identity will be required prior to affording an individual access to records. A military identification card will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedures: Same as 'Record Access Procedures.'

RECORD SOURCE CATEGORIES:

Record Source Categories: Reports from physicians and other 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:

Systems Exempted: 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).

DOT/CG 632

SYSTEM NAME:

System Name: Uniformed Services Identification and Privilege Card Record System. DOT/CG.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT), United States Coast Guard (CG), Commandant (G-PS), 2100 2nd Street, SW, Washington, DC 20593.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Dependents of U.S. Coast Guard personnel (active, retired, reserve and deceased). Former Coast Guard personnel who have been rated by the Veterans Administration as one-hundred

percent disabled and their eligible dependents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Applications for Uniformed Service Identification and Privilege Card (DD-1172). Verification for eligibility to possess the Identification and Privilege Cards (DD-1173). Pertinent miscellaneous correspondence.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Used by authorized Coast Guard employees to verify that applicant is entitled to be issued an Identification and Privilege Card. Verification provided to other Armed Forces authorized personnel as required. See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Maintained in file folders.

RETRIEVABILITY:

Retrievability: Alphabetical by name.

SAFEGUARDS:

Safeguards: Maintained in file cabinets. During working hours access to records is controlled by office personnel. During non-working hours building is patrolled by roving security guards.

RETENTION AND DISPOSAL:

Retention and Disposal: Retained for 10 years after which they are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Office of Personnel, Department of Transportation, United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation, United States Coast Guard Headquarters, Commandant (G-CMA), 2100 2nd Street, SW, Washington, DC 20593. Written request must contain, full name, social security number (SSN) and be signed by individual.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Procedures may be obtained by writing to, or visiting, Commandant (G-CMA) at the address in 'Notification Procedure.' Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Record Source Categories: Information is supplied by the sponsor and/or his dependents.

DOT/CG 633

SYSTEM NAME:

System Name: Coast Guard Civilian Personnel Security Program. DOT/CG.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT), United States Coast Guard (CG), Commandant (G-PS/6), 2100 2nd Street, SW, Washington, DC 20593. Decentralized segments are located at: Each District Office and Headquarters Unit. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Coast Guard Civilian Personnel. Applicants for civilian positions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Records of civilian security clearance granted. Correspondence and requests concerning civilian personnel security actions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: For use in determining eligibility for access to classified information under Executive Order 11652 and suitability for sensitive positions.

Categories of users include use by Coast Guard employees in performance of official duties and use by investigative agents of other federal agencies. See Prefatory Statement of General Routine Uses; 3 through 5 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: File folder - 3x5 Index cards.

RETRIEVABILITY:

Retrievability: Records are retrieved by name of individual.

SAFEGUARDS:

Safeguards: Records are kept in locked cabinets and safes. Individual identification is required for users of records.

RETENTION AND DISPOSAL:

Retention and Disposal: Upon termination of employment investigative files for civilians, which serve as a basis for security clearances, are returned to the Civil Service Commission.

A name record of type of investigation is kept for 5 years and then destroyed by burning.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Office of Personnel,
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.
Written request must be signed by the individual whose record is being requested.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local office or unit. See addresses in Appendix I.

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Record Source Categories: Civilian Personnel:

Civil Service Investigative Reports, Personnel Security Clearance requests and forms SF-85, SF-86 and SF-171.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Exemptions: Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a(k)(5), which provide, in part, that investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a (k) (7), which provide, in part, that evaluation material used to determine potential for promotion in the armed services may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of a source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

DOT/CG 635**SYSTEM NAME:**

System Name: Coast Guard Mutual Assistance. DOT/USCG.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-PS-3),
2100 2nd Street, SW,
Washington, DC 20593.
Decentralized segments are located at: Each District Office or Headquarters Unit. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Enlisted military personnel (active duty and retired) and dependents.
Officer personnel (active duty and retired) and dependents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Card Index.

Loan applications forms filed by month.
Educational loan file.
Organization financial records.
Bad debts listing.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Used by authorized Coast Guard officials in approving loan and grant applications.

See Prefatory Statement of General Routine Uses; 3 through 5 do not apply.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 USC 552a(b)(12). Disclosures may be made from this systems to 'consumer reporting agencies' (collecting on behalf of the U.S. Govt.) as defined in the Fair Credit Reporting Act (15 USC 1681a(f)) or the Debt Collection Act of 1982 (31 USC 3711(d)(4)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Index boxes and file folders.

RETRIEVABILITY:

Retrievability: By name.

SAFEGUARDS:

Safeguards: Maintained in separate correspondence files.

All correspondence regarding an applicant is considered privileged and personnel are screened prior to access.

No loan records or correspondence are placed in service record of individual. Periodic inspections are performed.

RETENTION AND DISPOSAL:

Retention and Disposal: Administrative and financial data relating to CG Mutual Assistance Cases are disposed of four years after date of last transaction.

All other records and correspondence are disposed of after four years.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Office of Personnel,
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation,

United States Coast Guard

Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

Written requests must be signed by individual whose record is being requested. Give date and place assistance is believed to have been received.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local Coast Guard District office or unit for the area in which an individual's duty station is located. See Appendix I for addresses.

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Record Source Categories: Individual requesting loan or grant.

DOT/CG 636**SYSTEM NAME:**

System Name: Personal Affairs
Record System Coast Guard Military
Personnel. DOT/CG.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-PS),
2100 2nd Street, SW,
Washington, DC 20593.
Decentralized segments at:
Each District and Headquarters Unit.
See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Active duty and retired Coast Guard military personnel who have been subject to damage arising out of domestic relations disputes, alleged personal indebtedness, and claims of alleged paternity.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Case files containing complaint concerning alleged personal indebtedness, complaints arising out of domestic relations disputes, claims of alleged paternity. Files contain correspondence including investigative steps, response to complaints and follow up

correspondence on recurring complaints. Index card files contain summary of material contained in case file for each reference.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: For use in attempting to resolve complaints in an expeditious manner.

For reference in development of future policy.

Information is used by:
Authorized Coast Guard employees in performance of the duties.

Complainant and/or authorized representatives.

See Prefatory Statement of General Routine Uses; 3 through 5 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Case file and card index file.

RETRIEVABILITY:

Retrievability: Alphabetical listing.

SAFEGUARDS:

Safeguards: Kept in locked filing cabinet.

Personnel are screened prior to granting access.

RETENTION AND DISPOSAL:

Retention and Disposal: Maintained for 5 years after action completed and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Office of Personnel,
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.
Written requests must be signed by the individual whose record is being requested.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local Coast Guard District Office or unit for

the area in which an individual's duty station is located. See Appendix I for addresses.

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Record Source Categories:
Information is obtained from complainants, their legal representatives and Coast Guard officials.

DOT/CG 637**SYSTEM NAME:**

System Name: Appointment of Trustee or Guardian for Mentally Incompetent Personnel. DOT/CG.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
United States Coast Guard
Headquarters (CG),
Commandant (G-PS),
2100 2nd Street, SW,
Washington, DC 20593.
Decentralized segments are located at:
Each District and Headquarters Unit.
See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Active duty and retired Coast Guard military personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Case files containing information relating to the mental incompetency of certain Coast Guard personnel.

Records used to assist Coast Guard Officials in appointing trustees for mentally incompetent Coast Guard persons.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Authorized Coast Guard employees in performance of their duties, prospective appointees, including but not limited to relatives, lawyers, physicians or other designated representatives.

Veterans Administration upon request for the determination of eligibility for benefits administered by that agency. See Prefatory Statement of General Routine Uses; 3 through 5 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Locked file cabinet.

RETRIEVABILITY:

Retrievability: Alphabetical listing.

SAFEGUARDS:

Safeguards: Stored in locked file cabinets.

Access restricted to representatives of incompetent.

Identification required, such as, a military identification card, valid state driver's license, or other picture identification card.

RETENTION AND DISPOSAL:

Retention and Disposal: Maintained for 5 years after action is completed then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Office of Personnel,

Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.
Written request must be signed by trustee or guardian.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local Coast Guard District office or unit having custody of the records. See Appendix I for addresses.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Record Source Categories: Coast Guard officials, legal representatives of individuals and/or individuals concerned, and complainants.

DOT/CG 638**SYSTEM NAME:**

System Name: Drug and Alcohol Abuse Prevention Program Record System. DOT/CG.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-PS),
2100 2nd Street, SW,
Washington, DC 20593.
All Coast Guard units have portions of duplicate case folders on individuals involved in the program. See Appendix I for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Active duty Coast Guard officers, enlisted personnel and reserve personnel.
Retired and separated Coast Guard personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Annotations on file cards of drug abuse, drug exemptions, drug rehabilitation, alcohol rehabilitation and waiver for enlistment in the Coast Guard cases.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Used to:
Determine extent of drug and alcohol problem in the Coast Guard.
To evaluate program effectiveness.
Maintain the integrity of the Coast Guard drug exemption program by authorized Coast Guard employees in performance of their official duties.
Assist the U.S. Navy Department in consonance with inpatient treatment at Navy Rehabilitation Centers.
See Prefatory Statement of General Routine Uses; 3 through 5 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Records are maintained on file cards (5"x8") and message file.

RETRIEVABILITY:

Retrievability: File cards are indexed by name; message file by date/time group.

SAFEGUARDS:

Safeguards: Files are stamped 'For Official Use Only' and maintained in locked filing cabinet.

RETENTION AND DISPOSAL:

Retention and Disposal: Disposal schedules are under development and will be in accord with disposal schedules of the Military Personnel Record System.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Office of Personnel,
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.
Written request must be signed by individual.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local Coast Guard District or unit office for the area in which an individual's duty station is located. See Appendix I for addresses.

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Record Source Categories: Reports of drug exemption.
Reports of civil and military offenses involving drugs or alcohol.
Reports of Coast Guard Intelligence Investigation.
Recommendation for inpatient drug or alcohol rehabilitation.
From individual personnel, medical, and security records.

DOT/CG 639**SYSTEM NAME:**

System Name: Request for Remission of Indebtedness. DOT/CG.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-PS),
2100 2nd Street, SW,
Washington, DC 20593.
Decentralized segments are located at: Each District and Headquarters Unit.
See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Active Duty Enlisted Coast Guard Personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Files containing correspondence, requests with endorsements, research material, paneling action, Commandant's decisions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: For use in making determinations based on the best interests of the individual and the Government.

Categories of users are Coast Guard Officials in performance of their official duties.

See Prefatory Statement of General Routine Uses; 3 through 5 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Locked filing cabinets.

RETRIEVABILITY:

Retrievability: Alphabetical listing.

SAFEGUARDS:

Safeguards: Locked filing cabinets.

RETENTION AND DISPOSAL:

Retention and Disposal: Retained for 5 years after decision is made, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Office of Personnel,
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.
Written requests must be signed by individual.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local Coast Guard District or unit for the area

in which an individual's duty station is located.

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Record Source Categories:
Information is obtained from individual and Coast Guard Officials.

DOT/CG 640**SYSTEM NAME:**

System Name: Outside Employment of Active Duty Coast Guard Personnel.
DOT/CG.

SYSTEM LOCATION: DEPARTMENT OF TRANSPORTATION (DOT),

United States Coast Guard (CG),
Commandant (G-PS),
2100 2nd Street, SW,
Washington, DC 20593.
Decentralized segments are located at:
Each District Office and Headquarters Unit. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Active Duty and Reserve Coast Guard Personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records:
Correspondence relating to individual's request for part time employment.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: For use by Coast Guard officials in determining in questionable cases whether an individual should hold a particular job or position. Both the legality and the propriety of the request are considered.

See Prefatory Statement of General Routine Uses; 3 through 5 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Locked filing cabinet.

RETRIEVABILITY:

Retrievability: Alphabetical listing.

SAFEGUARDS:

Safeguards: Kept in locked filing cabinet.

Access restricted to individuals who request outside employment, and authorized Coast Guard officials. Proper identification is required.

RETENTION AND DISPOSAL:

Retention and Disposal: Retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Office of Personnel,
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.
Written requests must be signed by the individual whose record(s) is being requested.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' above or the local Coast Guard District Office or unit for the area in which an individual's duty station is located. See addresses in Appendix I.

Proof of identity will be required, prior to affording an individual access to records. A military identification card, a driver's license or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Record Source Categories:
Information is obtained from the individual and Coast Guard officials.

DOT/CG 671**SYSTEM NAME:**

System Name: Biographical Statement. DOT/CG.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-B),
2100 2nd Street, SW,
Washington, DC 20593.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Key DOT officials, USCG officers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Individual biographical data.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Public Affairs Staff - uses records for publicity.

Personnel Office - uses records for promotion.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Paper forms and correspondence are stored in filing cabinets.

RETRIEVABILITY:

Retrievability: By name.

SAFEGUARDS:

Safeguards: Personnel are screened prior to granting access.

Stored in building having roving security guards during non-working hours.

RETENTION AND DISPOSAL:

Retention and Disposal: Transferred to historical file upon termination of active duty.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager:
Chief, Office of Boating, Public and Consumer Affairs.
Department of Transportation,
U. S. Coast Guard Headquarters
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593. Written request must be signed by individual.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure.'

Proof of identity will be required prior to granting access. A military identification card, drivers license, or

similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Record Source Categories: Individual named in file.

DOT/CG 676**SYSTEM NAME:**

System Name: Official Coast Guard Reserve Service Record. DOT/CG.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-RA),
2100 2nd Street, SW,
Washington, DC 20593. For official records on discharged, retired, and separated former members:
General Services Administration (GSA),
National Personnel Records Center (Military Personnel Records),
9700 Page Boulevard,
St. Louis, MO 63132.
Decentralized segments are located at:
Each Coast Guard District Reserve office (for District records).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Reserve officer and enlisted personnel (not on extended active duty) in an active, inactive, retired, discharged, separated or former member status; including those Reservists released from extended active duty to fulfill a specified term of obligated inactive reserve service. Enrolled and disenrolled members of the Temporary Coast Guard Reserve.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Official career history of each Reservist including (as applicable):
Enlistment contract or Oath of Office.
Record of Emergency Data.
Training Courses/Educational achievements.
Rate/Grade/Rating qualifications.
Leave record.
Performance of duty marks/fitness reports.
Medals and commendations.
Record of sea duty/duty outside continental United States.
Statements of creditable and former service (including pay base date).
Statements and computations of retirement points.
Official orders.
Correspondence pertaining to any/all of the above.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**Routine Uses:**

Fulfillment of normal administrative personnel procedures, including examining and screening for completeness and accuracy of records and correspondence pertaining thereto.

Screening of service records for advancement, promotion, or retention of individual Reservists by various Reserve Boards.

Answering of Congressional and personal inquiries initiated by the individual whose record is concerned.

Preparation of forms, statements, compilations and computations necessary in the daily personnel administration of each individual entering, reentering or leaving the Coast Guard Reserve. Routine personnel administration requires copies of this and other service record material to be included in administrative files physically separated from the record; however, the original copy of this material will be included in the official service record maintained at Coast Guard Headquarters.

Furnishing of information (authorized and specified by the individual concerned) to other agencies or individuals (specified by the individual concerned) normally concerned with employment, educational or Veterans benefits, claims, or applications.

Furnishing specified material in a Reservist's service record pursuant to the order of a court of competent jurisdiction.

Used by:

Individual upon whom records are kept (personal review).

File clerks and personnel from the Office of Reserve, Administration, Training, and Programs Divisions in the normal performance of their duties.

Other personnel within the Coast Guard in the normal performance of their duties, as authorized by the Chief, Reserve Administration Division or his designated representative.

See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 USC 552a(b)(12). Disclosures may be made from this systems to 'consumer reporting agencies' (collecting on behalf of the U.S. Govt.) as defined in the Fair Credit

Reporting Act (15 USC 1681a(f)) or the Federal Claims Collection Act of 1982 (31 USC 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Records maintained on paper assembled and filed in one official service record per member.

RETRIEVABILITY:

Retrievability: Individual Service Records are indexed and retrievable by name and/or triple terminal digit of member's service number.

SAFEGUARDS:

Safeguards: Service records are maintained in a central storage area locked behind two separate doors. During non-working hours the building security consists of roving and static security patrols. During working hours physical access to records is controlled by Records Control Branch personnel.

RETENTION AND DISPOSAL:

Retention and Disposal: Individual records are maintained at CG Headquarters until six months after an enlisted member's separation from the service (three months for officers), after which it is transmitted for permanent storage to the:

Military Personnel Record Center (MPRC)
National Personnel Records Center (NPRC),
9700 Page Boulevard,
St. Louis, MO 63132.
In the case of retired members, the service record is shipped to NPRC upon retirement.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager:
Chief, Office of Reserve (G-R),
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Notification Procedure: Inquiry requests for determination whether this system contains records on an individual should be made by that individual, in person or in writing to:
Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

Written requests must be signed by the individual and must include the member's name, social security number and/or reserve number.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Procedures for access may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the District Office in which an individual's duty station is located.

Proof of identity will be required prior to affording an individual access (may consist of a military identification, driver's license, or other suitable identification.)

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Record Source Categories: Information contained in a member's service record is obtained from the individual concerned, CG Headquarters, District offices and other CG units.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Exemptions: Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a(k) (5), which provide, in part, that investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a (k) (7), which provides, in part, that evaluation material used to determine potential for promotion in the armed services may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

Portions of this system of records may be exempt from disclosure under the

provisions of 5 USC 552 (k) (6), which provides, in part, that testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service may be withheld from disclosure to the extent that disclosure of these records would compromise the objectivity or fairness of the testing or examination process.

DOT/CG 677

SYSTEM NAME:

System Name: Coast Guard Reserve Personnel Mobilization System. DOT/CG.

SYSTEM LOCATION:

System Location: Department of Transportation, (DOT),
United States Coast Guard (CG),
Commandant (G-RP),
2100 2nd Street, SW,
Washington, DC 20593.
Commander Reserve in each Coast Guard District Office (except 17th).
Each District and Headquarters Unit.
See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Reserve officer and enlisted personnel (not on extended active duty) in an Active or Retired status; including those Reservists released from extended active duty to fulfill a specified term of obligated inactive Reserve service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records:
Mobilization and qualification cards and orders.
Initial, Annual, and Retired Screening and Qualification Questionnaires.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Fulfillment of normal administrative procedures including the examining and screening for completeness and accuracy of records, correspondence pertaining thereto as a basis for assignment to active duty for training; special active duty for training or extended active duty and mobilization billets.

Users of these Records are Coast Guard employees in performance of official duties.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage Records maintained on paper, punched cards and magnetic tape

RETRIEVABILITY:

Retrievability: Individual Reservists are indexed by name and/or social security account number.

SAFEGUARDS:

Safeguards: Safeguards and controls afforded this system of records are similar to those normally employed 'For Official Use Only' material, both at Headquarters and District Offices.

Records are maintained in locked secure areas when not in use and personnel screening is employed prior to granting access.

RETENTION AND DISPOSAL:

Retention and Disposal: Individual records are maintained at CG Districts and at Headquarters throughout the members active Reserve status and during any period in a Retired Status thereafter (as applicable, and for as long as that member is considered a mobilizable resource).

A 'dead file' is often maintained for those Reservists transferred, discharged, or otherwise separated (this procedure varies from District to District.)

The majority of records in this system (in any form) are generally destroyed immediately after the expiration of their useful life, except those retained in the aforementioned 'dead files' (which are subsequently destroyed one year after placement in the file). The major exceptions to this policy are the Screening and Qualification Questionnaires, which are filed in the Reservists District Service Record. Records are destroyed by mutilating, shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager:
Chief, Office of Reserve (G-R),
Department of Transportation,
United States Coast Guard
Headquarters
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Notification Procedures: Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.
Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Records Access Procedures:
Individual should contact Commandant

(G-CMA) in person or in writing at the address in 'Notification Procedure'.

For records maintained at the District, individual should contact the Commander (R) at the District to which the individual is assigned. Refer to Appendix I for addresses.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedures: Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Record Source Categories:
Information contained in this system of records is obtained from the following sources: the individual himself, CG Headquarters, and CG District Offices.

DOT/CG 678**SYSTEM NAME:**

System Name: Reserve Personnel Management Information System (Automated).

SYSTEM LOCATION:

System Location: Department of Transportation (DOT)
United States Coast Guard (CG)
Commandant (G-RA)
2100 2nd Street, S. W.
Washington, DC 20593

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Reserve officers and enlisted personnel in an active or inactive status, including retired reservist, and those reservists released from extended active duty to fulfill a specific term of inactive obligated service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Included in RPMIS are the following data concerning each Coast Guard Reservist in this system which are necessary to administer the Coast Guard program: Name, social security number, present and last five grades or rates, educational background, civilian and military, foreign language and proficiency, history of unit assignments and dates assigned, duty status, date of birth, date of enlistment, appointment or extension, AFQT scores, source of entry, date of commission, prior service, date of expiration of obligation, anniversary data on pay base date, aviation pay and administrative pay, training rating, reserve category and class, training/pay category, data on ADT for last five years, number of dependents, Federal withholding exemptions, Selective Service induction certification, date of completion of Ready obligation, officer experience indicator, last screening date and result, civilian occupation, date of

last National Agency Check, Background Investigation and security clearance, domestic emergency volunteer, date of last physical and immunization, data on special active duty for training and extended active duty, annual training date, total retirement points and satisfactory years of service for retirement purpose, current year retirement point accounting data, including inactive duty training participation, correspondence course activity, taxable wages paid and withholdings, uniform allowances, Servicemens Group Life Insurance (SGLI) information, mailing address, and work and home phone number.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: The RPMIS is used for the personnel administration of individual reservists and the overall management of the reserve program. See prefatory Statement of General Routine Uses. The Master Personnel File provides status and qualification listings, expiration of enlistment and physical reports, strength management reports, unit and district roster, and advancement and promotion reports. The Pay and Point File provides point count statements, budgeting reports, inactive duty and active duty pay, and retirement eligibility listings. The addresses of individual reservists are used for mailing paychecks, earning statements, 'The Reservist', and Annual Screening Questionnaires. Records in this system are routinely disclosed to the Treasury Department to complete payroll checks. Used by: Authorized personnel from the Office of Reserve and the Office of the Comptroller, authorized personnel on the staff of the various district commanders in the normal performance of their official duties, the Deputy Assistant Secretary of Defense for Manpower, Logistics and Reserve Affairs and others as authorized by Chief, Office of Reserve or his representative.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 USC 552a(b)(12). Disclosures may be made from this systems to 'consumer reporting agencies' (collecting on behalf of the U.S. Govt.) as defined in the Fair Credit Reporting Act (15 USC 1681a(f)) or the Federal Claims Collection Act of 1982 (31 USC 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: The storage is on computer disks with magnetic tape backups. The file is updated weekly.

RETRIEVABILITY:

Retrievability: Individual records in the system are retrieved by Social Security Number.

SAFEGUARDS:

Safeguards: Magnetic tapes are stored in locked storage areas when not in use and are accounted for at all times during actual use. Personnel screening is employed prior to granting access.

RETENTION AND DISPOSAL:

Retention and Disposal: Magnetic tapes are used, corrected and updated until the tapes become physically deteriorated after which they are destroyed. A reservist's address is maintained on file for approximately one year after discharge, to allow for processing of annual point statements and W-2 forms. Audit trails are maintained indefinitely and the Master Personnel file and Pay and Points file are continually updated.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Office of Reserve, Department of Transportation, United States Coast Guard Headquarters, Commandant (G-R), 2100 2nd Street, S.W., Washington, DC 20593.

NOTIFICATION PROCEDURE:

Notification Procedure: Requests to determine if this system contains information on any individual should be made in person or in writing to: Department of Transportation, United States Coast Guard Headquarters, Commandant (G-CMA), 2100 2nd Street, S.W., Washington, DC 20593. Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Record Access Procedures: Procedures for access to records may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedures'. Prior written notification of personal visit will insure that the record will be available at the time of visit. Proof of identity will be required prior to release of records. A military identification or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedures'.

RECORD SOURCE CATEGORIES:

Record Source Categories: Information contained in the system is obtained from the individual, Coast Guard Headquarters and district offices, and the various operating units of the Coast Guard.

DOT/CG 691**SYSTEM NAME:**

System Name: Master Chief Petty Officer of the Coast Guard Individual Grievance and Correspondence File. DOT/CG.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT), United States Coast Guard (CG), Commandant (G-CMCP), 2100 2nd Street, SW, Washington, DC 20593.

System is also maintained at: Each District and Headquarters Unit which has a Senior Enlisted Advisor assigned. See Appendix I for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Enlisted Coast Guard Personnel who have filed a grievance or requested information through the Master Chief Petty Officer of the Coast Guard (at Headquarters) or the Senior Enlisted Advisors at field units.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Correspondence and other related information compiled during the process of resolving alleged grievance.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Used by Master Chief Petty Officer, Commandant/Vice Commandant, Special Assistant, Administrative Aide and other authorized officials, to resolve enlisted personnel problems and inquiries. See Prefatory Statement of General Routine Uses; 2 through 5 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: File folders in locked file cabinet.

RETRIEVABILITY:

Retrievability: By name.

SAFEGUARDS:

Safeguards: Locked room and file cabinets. Screening of personnel prior to granting access.

RETENTION AND DISPOSAL:

Retention and Disposal: Kept until individual is discharged or retired at which time the records are destroyed by mutilating, shredding and burning.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Master Chief Petty Officer of the Coast Guard, Department of Transportation, United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation, United States Coast Guard Headquarters, Commandant (G-CMA), 2100 2nd Street, SW, Washington, DC 20593. Written requests must be signed by the individual.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' above or the local activity where the complaint was filed. See Appendix I for addresses.

Prior written notification of personnel visits is required to insure that the records will be available at the time of visit.

Proof of identity will be required prior to release of records. A military identification card, driver's license or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Record Source Categories: Information received from individuals and Coast Guard Units.

DOT/FAA 801**SYSTEM NAME:**

System Name: Aircraft Registration System DOT/FAA.

SYSTEM LOCATION:

System Location: Aircraft Registration Branch, Aeronautical Center, Oklahoma City, OK 73125. Portions of these records are located in:

General Aviation District Offices (GADO's).
Air Carrier District Offices (ACDO's).
Flight Standards District Offices (FSDO's).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: This system identifies aircraft owners, partners, corporations, lien holders, operators, and lessees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: This system consists of a series of records that identify:

- Aircraft types.
- Current certification status and ownership of registered aircraft.
- Aircraft to be registered, or aircraft that have been registered and are now temporarily deregistered.
- These records contain information about:
 - N - Number assignment.
 - Airworthiness of aircraft.
 - Bills of sale.
 - Applications for certification of amateur aircraft.
 - Major repairs and alterations maintenance inspection forms.
 - Revalidation and use forms.
 - Lien and collateral documents.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

- Routine Uses: To determine that aircraft are registered in accordance with the provisions of the Federal Aviation Act of 1958.
- To support investigative efforts of investigation and law enforcement agencies of Federal, State, and foreign governments.
- To serve as a repository of legal documents used by individuals and title search companies to determine the legal ownership of an aircraft.
- To provide aircraft owners and operators information about potential mechanical defects or unsafe conditions of their aircraft in the form of airworthiness directives.
- To provide supporting information in court cases concerning liability of individual in law suits.
- To serve as a data source for management information for production of summary descriptive statistics and analytical studies in support of agency functions for which the records are collected and maintained.
- To respond to general requests from the aviation community or the public for statistical information under the Freedom of Information Act or to locate specific individuals or specific

aircraft for accident investigation, violation, or other safety related requirements.

- To provide data for the automated aircraft registration master file.
- To provide data for development of the aircraft registration statistical system.
- To prepare an Aircraft Registry in magnetic tape and microfiche form required by ICAO agreement containing information on aircraft owners by name, address, N-Number, type of aircraft, used for internal FAA safety program purposes and also available to the public (individuals, aviation organizations, direct mail advertisers, State and local governments, etc.) upon payment of user charges reimbursing the Federal Government for its costs.
- See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Records are maintained in file folders, magnetic tape, punch cards, and on microfiche.

RETRIEVABILITY:

Retrievability: Records are filed by registration number, but may be retrieved by name of the current individual aircraft owners.

SAFEGUARDS:

Safeguards: Records are stored in open shelves in a room that is open only to authorized employees and by special permission.

Magnetic tapes are maintained in secure data processing area accessed by pass only.
Backup records for microfiche are maintained in remote storage.

RETENTION AND DISPOSAL:

Retention and Disposal: If records are microfiched: (1) Original Records. Destroy original records after microfiche is determined to be an adequate substitute for paper records; (2) Microfiche of Original Records. Destroy when it is determined that the aircraft is no longer in existence.
If records are not microfiched: Destroy when it is determined that the aircraft is no longer in existence.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address: For official agency records, contact: Manager, Aircraft Registration Branch, Aeronautical Center, Oklahoma City, OK 73125.
Chief of the nearest GADO, ACDO, or FSDO.

NOTIFICATION PROCEDURE:

Notification Procedure: Individual owners of currently registered aircraft who wish to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Individual owners of currently registered aircraft who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate, 800 Independence Avenue, SW, Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Record Source Categories: Information is collected from individuals, manufacturers of aircraft, maintenance inspectors, mechanics, and FAA officials.

DOT/FAA 802

SYSTEM NAME:

System Name: Airman Certification System DOT/FAA.

SYSTEM LOCATION:

System Location: Airman Certification Branch, Aeronautical Center, Oklahoma City, OK 73125.
Copies or temporary files are maintained in the originating General Aviation District Office (GADO), Air Carrier District Office (ACDO), or Flight Standards District Office (FSDO) until required action or certification is completed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Individuals seeking to be certified, airmen seeking additional certifications or additional ratings, individuals denied certification, airmen holding inactive certificates, airmen who have had certificate revoked, and flight attendants engaged in international air transport.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Application for certification; written examination, application for written examination, results of written test, application for inspection authority, certificates held, ratings, stop orders.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: To determine that airmen are certified in accordance with the provisions of the Federal Aviation Act of 1958.

Repository of documents used by individual and potential employers to determine validity of airmen qualifications.

To support investigative efforts of investigation and law enforcement agencies of Federal, State, and local governments.

Supporting information in court cases concerning individual status and/or qualifications in law suits.

To provide data for the Comprehensive Airman Information System (CAIS).

To provide documents for microfilm and microfiche backup records.

To prepare an Airman Directory in magnetic tape and paper form containing information on airmen by name, address, and certificate status, used for internal FAA safety program purposes and also available to the public (individuals, aviation organizations, direct mail advertisers, State and local governments, etc.) upon payment of user charges reimbursing the Federal Government for its costs.

To verify U.S. citizenship, certify qualified applicants, and provide them with a crew member certificate to be used in lieu of a passport in International Civil Aviation Organization member countries.

To answer inquiries regarding crew member certification.

The U.S. Department of State uses these applications and any supporting documents to verify U.S. citizenship. See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Records are maintained in microfilm, microfiche, magnetic disk, magnetic tape, file folders, and notebook listings.

RETRIEVABILITY:

Retrievability: Records are maintained in alphabetic order cross referenced with social security number and airman number.

SAFEGUARDS:

Safeguards: Records are stored in a data processing facility.

Data are retrieved via a terminal, which requires operation numbers and individual passwords.

Accessible only to limited numbers of authorized persons.

Backup microfilm and microfiche are kept in locked vault.

RETENTION AND DISPOSAL:

Retention and Disposal: Source documents are destroyed after being microfilmed and key punched.

Magnetic tapes and disks are being continually updated, destruction is not authorized.

Source document crew member certifications are in storage at the Fort Worth Federal Records Center, destruction not authorized.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address: For official FAA Certification Records, contact:

Chief, Airman Certification Branch, Aeronautical Center, Oklahoma City, OK 73125 or request assistance from the originating GADO, ACDO, or FSDO.

NOTIFICATION PROCEDURE:

Notification Procedure: Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate, 800 Independence Avenue, SW, Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Record Source Categories: The individual to whom the record pertains. Written test scores are derived from answers given by individuals. Action filed by FAA personnel.

DOT/FAA 803

SYSTEM NAME:

System Name: General Aviation Medical Accident System DOT/FAA.

SYSTEM LOCATION:

System Location: Aeromedical Certification Branch, Aeronautical Center, Oklahoma City, OK 73125. Biomedical and Behavioral Sciences Division,

Office of Aviation Medicine, 800 Independence Avenue, SW, Washington, DC 20591.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Pilots involved in all general aviation aircraft accidents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Reports of fatal accidents, autopsies, toxicological studies, AME's reports, medical record printouts, nonfatal reports, injury reports, accident name cards, magnetic tape records of fatal accidents, psychological autopsy, and consulting pathologist summary of findings.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: To identify and monitor airman having accidents or incidents, analyze medical data for regulatory purposes, research studies of causes of accidents, promote aviation safety.

Data are supplied to the National Transportation Safety Board (NTSB) under requirements of FAA accident investigation authority delegated to it by the Board.

Supporting information in court cases concerning individual medical fitness or medical mishap that may or may not relate to the cause of the accident. Repository of legal documents that relate to individual's physical status or condition used to determine statistically the validity of FAA Medical Standards.

As a data source for management information for producing summary descriptive statistics and analytical studies in support of agency functions for which the records are collected. Used in developing professional papers that are distributed to various aviation and medical groups for evaluation and study.

To inform the aviation community of medical findings related to flight safety.

To provide data for the automated Medical Accident System. See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Records are maintained in file folders, punch cards, magnetic tape, and computer listings.

RETRIEVABILITY:

Retrievability: Records are filed by accident number cross referenced by name of pilot.

Computer listings are maintained in name order.

Magnetic tapes are in accident number order and are cross referenced by name.

Records are quite often retrieved by name.

SAFEGUARDS:

Safeguards: Records are stored in lockable file cabinet in secured work area.

Computer listings are maintained in metal file drawers in secured area.

Magnetic tape is retained in a secured automatic data processing facility.

RETENTION AND DISPOSAL:

Retention and Disposal: Records of fatal accidents are transferred to Fort Worth Federal Records Center when 5 years old and destroyed when 25 years old.

Accident name cards are destroyed when 50 years old.

Magnetic tape record - destruction not authorized.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address: For official medical accidents records, contact:

Chief, Aeromedical Certification Branch,
Aeronautical Center,
Oklahoma City, OK 73125.

NOTIFICATION PROCEDURE:

Notification Procedure: Individuals wishing to see their records may appear in person or submit in writing a request identifying records desired. For identification an individual must submit his or her name, date of birth, sex, social security number or Airman number.

Letter should be addressed to:
Chief, Aeromedical Certification Branch,
Aeronautical Center,
Oklahoma City, OK 73125.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Individuals who desire to access information about themselves in the system records should contact or address their inquiries to:

Chief, Aeromedical Certification Branch,
Aeronautical Center,
Oklahoma City, OK 73125.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Individuals who desire to contest information about themselves contained in this system of records should contact

or address their inquiries to the Administrator or his delegate,
800 Independence Avenue, SW,
Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Record Source Categories: Information is obtained from aviation medical examiners (AME), pathologists, accident investigation medical laboratories, law enforcement officials, and FAA employees.

DOT/FAA 804**SYSTEM NAME:**

System Name: General Aviation Aircraft Accident System (GAADS)
DOT/FAA.

SYSTEM LOCATION:

System Location: This system is a computerized record maintained by the: Safety Data Branch,
Flight Standards National Field Office,
P. O. Box 25802
Oklahoma City, OK 73125.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Crewmembers involved in aircraft accidents and incidents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: NTSB reports of aviation accident investigations, NTSP Form 6120.19 for preliminary reports and NTSB Form 6120.4 for final reports; and FAA reports of aviation accident investigations, FAA Form 80205. Data elements which are maintained in the computer for final reports of events include the crewmember certificate number and event case number. In addition, crewmember names are maintained temporarily for preliminary data, until the report becomes final.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: To identify and monitor airman involved in accidents. To analyze facts surrounding accidents to determine whether or not FAA regulations have been violated for FAA enforcement actions and certifications.

To supply data to the National Transportation Safety Board (NTSB) as required by the delegated authority for accident investigation from the Board.

As a source of descriptive statistical data in analytical studies in support of agency functions.

Used in the development of professional papers that are distributed to various aviation

organizations and the general public as required.

To provide data for the Automated Comprehensive Airman Information System (CAIS).
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Records are maintained on magnetic tapes, in file folders, and on magnetic disk on a commercial timesharing computer.

RETRIEVABILITY:

Retrievability: Data are retrieved by name, date of birth and sex, social security numbers, airman numbers, and accident number.

SAFEGUARDS:

Safeguards: Magnetic disk and magnetic tape - data can only be retrieved by computer operators with access codes.

File folders are maintained in a secured work area - files when not in use are kept in locked cabinets accessible to persons with a need to know.

RETENTION AND DISPOSAL:

Retention and Disposal: Hard copy input files are destroyed after 3 to 5 years by shredding the documents. Magnetic tapes are updated monthly, records retained up to 10 years, magnetic disk updated continuously.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address: Chief, Safety Data Branch, AFO 580,
Flight Standards National Field Office,
P. O. Box 25032
Oklahoma City, OK 73125.

NOTIFICATION PROCEDURE:

Notification Procedure: Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Individuals who desire to contest information about themselves contained in this system of records should contact

or address their inquiries to the Administrator or his delegate, 800 Independence Avenue, SW, Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Record Source Categories: Data are collected from individuals, manufacturers of aircraft, maintenance inspectors, accident investigators, witnesses to accident, and involved passengers.

DOT/FAA 805

SYSTEM NAME:

System Name: Administrative Action and Legal Enforcement System DOT/FAA.

SYSTEM LOCATION:

System Location: Portions of this system are maintained in the:

Office of the Chief Counsel, FAA, 800 Independence Avenue, SW, Washington, DC 20591.

and the: Safety Data Branch, Aeronautical Center, Oklahoma City, OK 73125.

Originals and copies of some records are maintained in field offices and Flight Standards and Regional Counsel's offices in the Region of occurrence.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Records in this system are on individuals against whom FAA has taken administrative action or legal enforcement action for violation of certain Federal Aviation Regulations.

Individuals or companies holding Federal Aviation Administration certificates.

Persons charged with violating FAA regulations.

Persons allegedly violating FAA regulations.

Applicants who have been denied airman medical certificates.

Persons denied certificates or allegedly violating FAA regulations who have appealed to the National Transportation Safety Board (NTSB) or the courts.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Safety Compliance Notices.

Letters of Reprimand.

Letters of Correction.

Final action legal documents in enforcement cases.

Enforcement and airman medical denial cases on appeal to NTSB.

Summary of violation reports and enforcement actions.

Correspondence of Regional Counsels in enforcement cases.

Violation reports on alleged FAA certificate violations other than medical certificates. These reports include certificate number and/or social security numbers of alleged violators.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Records relating to final legal enforcement and administrative actions are disclosed, upon request, to members of the public and other government agencies.

Disclosed to the Department of Justice and the NTSB.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: These records are stored in file cabinets and on magnetic tape.

RETRIEVABILITY:

Retrievability: Records in this system are filed chronologically and cross indexed alphabetically by name.

SAFEGUARDS:

Safeguards: Records are kept in lockable file cabinets. Magnetic tape is kept in a secured data processing facility.

RETENTION AND DISPOSAL:

Retention and Disposal: Aeronautical Center records are transferred to the Federal Records Center after 6 years where they are destroyed after 4 years. Washington records are sent to the Federal Records Center when the case is closed where general aviation cases are destroyed after 1 year and Air Carrier cases are destroyed after 2 years.

Monthly ADP printouts are destroyed each month. Annual printouts are retained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address: For official agency legal enforcement action records:

Regional counsel and Flight Standards offices in the region of occurrence or the chief of the field office that made the charge maintain selected records.

For violation history and administrative action records:

Chief, Safety Data Branch, Aeronautical Center, Oklahoma City, OK 73125 and Flight Standard office and Regional Counsel in the region of occurrence.

NOTIFICATION PROCEDURE:

Notification Procedure: Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate, 800 Independence Avenue, SW, Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Record Source Categories: Regional counsel, NTSB, Flight Standards personnel, Aeronautical Center personnel, Office of Chief Counsel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Exemptions: System is exempt from certain subsections of the Privacy Act. The purpose of these exemptions is to protect investigatory materials compiled for law enforcement purposes. Disclosure of such material would hamper law enforcement by prematurely disclosing the knowledge of illegal activity and the evidentiary basis for possible enforcement actions. The exemption rule may be found on page 49887 of the Friday, October 24, 1975, issue of the Federal Register.

DOT/FAA 806

SYSTEM NAME:

System Name: Federal Aviation Administration Employee Payable System DOT/FAA.

SYSTEM LOCATION:

System Location: Financial Systems and Accounting Operations Divisions, Washington, D.C., Central Payroll Operations Facility, Mike Monroney Aeronautical Center, Oklahoma City, Oklahoma, and each region and center accounting division. Working copies of certain of these records are held by the organizations employing the personnel and at emergency operations facilities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: All employees of the Federal Aviation Administration, all civilian employees of

the Office of the Secretary, Department of Transportation, the Transportation System Center, the Federal Highway Administration, the National Highway Traffic Safety Administration, the Research and Special Programs Administration, the National Transportation Board, and Civilians who work for the United States Coast Guard, Federal Railroad Administration, Urban Mass Transportation, and the Office of the Inspector General.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: This system contains those records required to insure that an employee receives his or her pay and benefits required by law. It includes Employee Master Record, Annual Leave Payroll Register, FAA Bond Deductions and Bond Issuances, Union Dues, FICA Records, City Withholdings, State Withholdings, Federal Withholdings, Retirement, Leave Without Pay, Pay Scale, Contributions, Travel Orders, Travel Advances, Travel Vouchers, Time and Attendance, Overtime, claims relating thereto; home address, indebtedness amounts, payment history, and description.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: This System is used to:

- Calculate pay and allowances due to employees.
- Prepare annual report and reconcile with Gen. Ledger Accounts.
- Record permanent pay changes.
- Record temporary pay changes.
- Notify employees of pay adjustments processed.
- Record travel advances and allowances.
- List leave earned, taken, and/or lost and new balances for employees.
- Test run against Employee Master Record to reflect missing T&A cards of employees.
- Summarize earnings, deductions, and leave by pay periods, and produce statement for employee information.
- Provide management information on an as required, ad hoc basis.
- Produce history of checks and bonds to be issued and magnetic tape sent to Treasury for their issuance.
- Report dues deducted by individuals to Unions.
- Report amounts withheld to credit financial institutions, charitable organizations and professional associations.
- Quarterly summary of earnings and deductions.
- Adjudicate claims for reimbursements which are sent to GAO.

Extract list of FICA employees for reporting earnings and deductions to IRS.

Report State and local tax withholding to various States and local taxing authorities and to IRS.

Provide home address information for employee communications to FAA officials.

Provide statistical data of U.S. Savings Bond and Combined Federal Campaign participation.

Provide to commercial credit bureaus data relating to delinquent debts such as, amount, name, social security number, last known address, reason for indebtedness.

See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 USC 552a(b)(12). Disclosures may be made from this systems to 'consumer reporting agencies' (collecting on behalf of the U.S. Govt.) as defined in the Fair Credit Reporting Act (15 USC 1681a(f)) or the Federal Claims Collection Act of 1982 (31 USC 3701(a)(3)) and to debt collection agencies as defined by inference in the Federal Collection Act of 1966 (31 USC 3711 Section 3(f)(1) as amended.)

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Records are stored on punch cards, magnetic tape, magnetic disk, microforms, and in file folders. Storage is at the geographic location of the servicing accounting office and the central payroll operations facility.

RETRIEVABILITY:

Retrievability: Records are maintained by employee name. Social Security Account Numbers. Retrieval is often accomplished by use of telecommunications.

SAFEGUARDS:

Safeguards: Magnetic tape and disk files are kept with limited accessibility by agency personnel. Other files are retained mainly in unsecured work area but are locked during non-duty hours.

RETENTION AND DISPOSAL:

Retention and Disposal: Employee Retirement records are retained until such time as the employee leaves the agency whereupon these records are transferred to the OPM. Original payment vouchers and supporting documentation are usually retained on

site for a period of three years, and then are stored in GSA Records Centers before destruction when ten years and three months old. Certain payroll records are retained permanently at the GSA National Personnel Records Center and others are destroyed after GAO audit or when no longer useful. See FAA Order 1350.15A for records in the 2710 and the 2730 series for specific details on individual records covered by this system.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address:
Uniform Payroll System Operations Manager (UPSOM),
Mike Monroney Aeronautical Center,
Oklahoma City, Oklahoma. Uniform Accounting Systems Manager, AAA-410
Accounting Systems Branch
800 Independence Ave., S.W.
Washington, DC 20591

NOTIFICATION PROCEDURE:

Notification Procedure: Individuals wishing to know if their records appear in this system may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate, 800 Independence Avenue, SW, Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Record Source Categories: Data are collected from the individual employees, time and attendance clerks, and FAA offices.

DOT/FAA 807

SYSTEM NAME:

System Name: Police Warrant File and Central Files DOT/FAA.

SYSTEM LOCATION:

System Location:
Police Branches,
Washington National and Dulles International Airports.
Civil Aviation Security Division,
Aeronautical Center,
Oklahoma City, OK 73125.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Individuals failing to pay Violation Notices and individuals involved in a situation requiring a police report.

Individuals cited for parking and a traffic violation.

Individuals having criminal records.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Individual Case File, file cards with warrant numbers, arrest records, traffic accident records, injury reports, loss, theft and complaints reports, traffic violations notice files.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: These records are used to carry out such required functions as: Check for wanted individuals and vehicles.

Vehicle registration information.

Prior offense status, to testify in court hearings, to assist in case preparation by U.S. Attorney's Office.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Records are maintained in file folders. Stored in metal file cabinets.

RETRIEVABILITY:

Retrievability: Data are retrievable by individual name and/or cross referenced to a warrant number as a case file number.

SAFEGUARDS:

Safeguards: Files are retained in a secured work area accessible only by consent of guard on duty.

RETENTION AND DISPOSAL:

Retention and Disposal: Warrants are disposed of when warrant has been paid, case files are kept permanently. Records of citations destroyed after 1 year.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address:
Director, Metropolitan Washington Airports.
Washington National Airport,
Hangar 9,
Washington, DC 20001.
Manager, Civil Aviation Security
Division,
Aeronautical Center,
Oklahoma City, OK 73125.

NOTIFICATION PROCEDURE:

Notification Procedure: Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate, 800 Independence Avenue, SW, Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Record Source Categories: Agency employees, arresting officers, investigating officers, other agencies, witnesses.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Exemptions: System is exempt from certain subsections of the Privacy Act. The purpose of the exemption is to prevent compromise or impairment of criminal investigations conducted by the Airport Police Branches. The exemption rule may be found on page 49887 of the Friday, October 24, 1975, issue of the Federal Register.

DOT/FAA 809**SYSTEM NAME:**

System Name: Motor Vehicle Operator/Examiner System DOT/FAA.

SYSTEM LOCATION:

System Location: These records are maintained in the offices of those organizations throughout the FAA who have vehicle licensing and operations functional responsibility.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: This system of records contains information regarding all FAA employees who are licensed to drive and/or operate government vehicles.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: This system of records contains license applications which include the most recent 5-year record of traffic violations (except parking), arrests or summons, traffic accidents, suspensions or revocations of drivers licenses; tests, safe driving

awards; physical qualifications; and related correspondence.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Determine qualifications and fitness for issuance, revocation, or renewal of operator's identification card.

Processing of tort claims.

Source of data for legal inquiry.

Prepare analytical and statistical studies and reports.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: These records are maintained in file cabinets and computers.

RETRIEVABILITY:

Retrievability: These records are indexed by name.

SAFEGUARDS:

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

Retention and Disposal: These records are destroyed 3 years after separation of the employee or 3 years after rescission of authorization to operate government-owned vehicles whichever is earlier.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address:
Local FAA Motor Vehicle Management Officers.

NOTIFICATION PROCEDURE:

Notification Procedure: Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate, 800 Independence Avenue, SW,

Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Record Source Categories: Information contained in this system comes from the individual and other public sources.

DOT/FAA 810

SYSTEM NAME:

System Name: Discrimination Complaint Files DOT/FAA.

SYSTEM LOCATION:

System Location: These records are maintained at FAA regional and center Civil Rights Offices and at the FAA Office of Civil Rights in Washington, D.C. 5

Categories of Individuals: This system of records contains information regarding FAA employees, and applicants for FAA employment, who are directly or indirectly involved in a discrimination complaint filed with FAA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Case files developed in processing complaints of discrimination.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Investigation of alleged discrimination.
Preparation of analytical and statistical studies and reports.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: These records are maintained in approved security files and containers.

RETRIEVABILITY:

Retrievability: These records are retrieved by name.

SAFEGUARDS:

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

Retention and Disposal: These records are destroyed 5 years after the final decision is rendered.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address: Director, Office of Civil Rights, ACR-1, FAA,

800 Independence Avenue, SW, Washington, DC 20591.
and regional and center Civil Rights Offices.

NOTIFICATION PROCEDURE:

Notification Procedure: Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate, 800 Independence Avenue, SW, Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Record Source Categories: Information contained in this system comes from complaints filed by complainants; EEO counselor reports; investigative reports; and departmental decisions.

DOT/FAA 811

SYSTEM NAME:

System Name: Employee Health Record System DOT/FAA.

SYSTEM LOCATION:

System Location: These records are maintained at DOT regional, center and Washington medical facilities or other government health units servicing the employees' geographic locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: This system of records contains information regarding DOT employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: This system of records contains documents constituting the basic medical record of a DOT employee, including medical examination reports, laboratory findings, correspondence, retirement, fitness for duty examinations, health and physical training records, and related papers.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: To document employee health unit visits and nature of

complaint or physical examination findings, treatment rendered and case disposition. To be used by agency officials and consultants to determine employee fitness for duty or employment.

To monitor the physical condition of employees enrolled in the DOT Employee Fitness Program.

To prepare analytical and statistical studies and reports.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: These records are maintained in approved security files and containers, on magnetic tape and magnetic disk.

RETRIEVABILITY:

Retrievability: These records are indexed by name and social security number.

SAFEGUARDS:

Safeguards: Access to and use of these records in manual or automated form is limited to those persons whose official duties require such access. This record management principle is reinforced by appropriate physical, technical and administrative safeguards as prescribed by FAA Security directives applicable to both manual and automated record systems.

RETENTION AND DISPOSAL:

Retention and Disposal: These records are destroyed 20 years after the date of last entry.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address: Regional Flight Surgeon within region where examination was conducted.
Manager, Aeromedical Clinical Branch, AAC-160
Aeronautical Center, Oklahoma City, Oklahoma.
Manager, Clinical Specialties Division, Washington, DC 20591
Manager, DOT Employee Fitness Center, Washington, DC 20590
Manager, Occupational Health Division, AAM-400 Washington, DC 20591

NOTIFICATION PROCEDURE:

Notification Procedure: Individuals wishing to know if their records appear in this system of records may inquire in

person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegatee, 800 Independence Avenue, S.W., Washington, DC 20591 or the Assistant Secretary for Administration or his delegatee, Department of Transportation, 400 Seventh Street, S.W., Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Record Source Categories: Information contained in this system comes from the employee and from attending physicians and nurses and from associated medical reports.

DOT/FAA 812

SYSTEM NAME:

System Name: System Error Reporting Program DOT/FAA

SYSTEM LOCATION:

System Location: FAA, Air Traffic Service, Evaluation Staff, Washington, D.C. Regional Air Traffic Division, and all Air Traffic field facilities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Any Air Traffic Control Specialist involved in a system error.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Reports/computer printouts before July 19, 1976, which can contain name of individual, performance appraisal data, disciplinary actions, age, grade, date of birth, physical examination, medical information and home address. Reports/computer printouts after July 19, 1976, which can contain name of individual, age, grade, entrance on duty FAA, and entrance on duty at the facility.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Statistical analysis for policy development and release to the public under the Freedom of Information Act.

Released for investigative purposes to the NTSB in the case of accident/incident/or violation.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: All data are stored on magnetic tape or disk file and file folders.

RETRIEVABILITY:

Retrievability: Data is filed in random order within the computer with selections capable of being made by name of region, facility, date of occurrence, or name of individual. File folders are indexed by a regional system error number, facility system error number, and date of occurrence.

SAFEGUARDS:

Safeguards: Security code for computer program is limited to those who have a need to know.

RETENTION AND DISPOSAL:

Retention and Disposal: Records are maintained as active files for 2-1/2 years, then stored on magnetic tapes indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address: Chief, Evaluation Staff, AAT-20, Air Traffic Service, FAA, Washington, DC 20591 the FAA Regional Air Traffic Division Chiefs, and field facilities where error occurred.

NOTIFICATION PROCEDURE:

Notification Procedure: Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegatee, 800 Independence Avenue, SW, Washington, DC 20591.

DOT/FAA 813

SYSTEM NAME:

System Name: Civil Aviation Security System DOT/FAA.

SYSTEM LOCATION:

System Location: These records are maintained at FAA Civil Aviation Security Field Offices, regional Civil Aviation Security Divisions, and at the Office of Civil Aviation Security in Washington, D.C.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: This system of records contains information regarding hijackers, potential hijackers, saboteurs, potential saboteurs, extortionists, terrorists, and other individuals who have been involved or might be involved in crimes against civil aviation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: This system of records contains information regarding hijacking; civil aviation sabotage incidents; potential or suspected hijackers; civil aviation saboteurs; explosives or devices found on aircraft, at airports, or at civil aviation offices or facilities; attempts to board aircraft or enter airport sterile areas with concealed weapons; and other civil aviation criminal acts.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses:

Source of data regarding air piracy/civil aviation sabotage threats for dissemination to airport and air carrier security officers. Preparation of alerts, bulletins, and summaries on incidents affecting civil aviation security and threats to civil aviation for distribution to interested government and aviation organizations. Preparation of summaries for development/change of security procedures in civil aviation for distribution to interest government and aviation-oriented organizations. Respond to authorized inquiries. Preparation of analytical and statistical studies and reports for distribution to interested government and aviation-oriented organizations and the public upon request. See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: These records are maintained in approved security files and containers.

RETRIEVABILITY:

Retrievability: These records are indexed by name and/or incident.

SAFEGUARDS:

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

Retention and Disposal: These records are maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address: Manager, Aviation Security Division, ACS-100
Office of Civil Aviation Security,
Federal Aviation Administration,
800 Independence Avenue, SW,
Washington, DC 20591, and regional
Civil Aviation Security organizations.

NOTIFICATION PROCEDURE:

Notification Procedure: Individuals wishing to see their records may appear in person or submit in writing a request identifying record desired.

For identification an individual must submit his or her name to the System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Individuals who desire information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate, 800 Independence Avenue, SW, Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Record Source Categories: Information contained in this system comes from other FAA records; Federal, State, or local agencies; foreign sources; public record sources; and third parties.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Exemptions: System is exempt from certain subsections of the Privacy Act. The purpose of these exemptions is to protect investigatory material compiled for law enforcement purposes and to prevent the disclosure of material

authorized to be kept secret in the interest of the national defense or foreign policy in accordance with 5 U.S.C. (552 (b)(1) and 552a (k)(1). Disclosure of investigatory material would hamper law enforcement by prematurely disclosing the knowledge of illegal activity and the evidentiary basis for possible enforcement actions. The exemption rule may be found on page 22564 of the Friday, June 4, 1976, issue of the Federal Register.

DOT/FAA 814**SYSTEM NAME:**

System Name: Equal Employment Opportunity Minority/Female Statistical Reporting System DOT/FAA.

SYSTEM LOCATION:

System Location: These records are maintained at FAA regional and center Civil Rights Offices and at the FAA Office of Civil Rights in Washington, D.C.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: This system of records contains information on all FAA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: This system of records contains information (187 data elements) such as name, organization, social security number, racial background, etc.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Monitor and evaluate status and progress of minority/female employment.

Preparation of analytical and statistical studies and reports.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: These records are in the form of magnetic tape and computer listings and are stored in magnetic tape security areas and in file cabinets.

RETRIEVABILITY:

Retrievability: These records are retrieved by name or Social Security Number.

SAFEGUARDS:

Safeguards: Access to data in this system is limited to the Director, Office of Civil Rights, or to those authorized by him.

RETENTION AND DISPOSAL:

Retention and Disposal: This system is updated monthly and the replaced master tape is reused in the normal data processing manner.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address: Director, Office of Civil Rights, FAA,
800 Independence Avenue, SW,
Washington, DC 20591 and regional
and center Civil Rights Offices.

NOTIFICATION PROCEDURE:

Notification Procedure: Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate, 800 Independence Avenue, SW, Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Record Source Categories: Personal observation.
Self identification.
Manpower records.
Organization records.

DOT/FAA 815**SYSTEM NAME:**

System Name: Investigative Record System. DOT/FAA.

SYSTEM LOCATION:

System Location: These records are maintained at FAA regional Civil Aviation Security Divisions and center Investigations and Security Divisions, and the Office of Civil Aviation Security in Washington, D.C., and Federal Records Centers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Current and former applicants for FAA employment. Current and former FAA employees. Individuals considered for access to classified information or restricted areas and/or security determinations as contractors, employees of

contractors, experts, instructors, and consultants to Federal programs.
 Aircraft owners.
 Flight Instructors.
 Pilots.
 Mechanics.
 Designated FAA representatives.
 Other individuals certificated by FAA.
 Individuals involved in tort claims against the FAA.
 Employees, grantees, subgrantees, contractors, subcontractors, and applicants for FAA funded programs.
 Other individuals who are of investigative interest to FAA, law enforcement, or investigative agencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Results of investigations and inquiries conducted by the Office of Civil Aviation Security; FAA regional Civil Aviation Security Divisions and center Investigations and Security Divisions; information received in various formats from, and results of investigations conducted by Federal, State, and local investigative or law enforcement agencies which relate to the mission and function of the Office of Civil Aviation Security and field elements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: In the event of an indication of any violation or potential violation of the law, whether civil, criminal, or regulatory in nature, and whether arising by statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency whether Federal, State, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing. Such referral shall also include, and be deemed to authorize,

- (1) any and all appropriate and necessary uses of such records in a court of law and before an administrative board or hearing, including referrals related to probation and parole matters, and
- (2) such other inter-agency referrals as may be necessary to carry out the receiving agency's assigned law enforcement duties, or general crime prevention and detection efforts.

To authorized officers and employees of FAA and other agencies and departments of the Federal Government, and the District of Columbia Government, having an interest in the individual for employment purposes, including a

security clearance or access determination, and a need to evaluate qualifications, suitability, and loyalty to the United States Government.

To officials from FAA and DOT administrative, operating and regulatory components who require access to the record to fulfill their responsibilities contained in Executive Orders, Civil Service Commission Regulations, Federal Aviation Regulations and Orders or Federal statutes.

To authorized representatives of Federal agencies and departments who require access to the file pursuant to an investigation or inquiry conducted under appropriate statutes, Executive Orders or administrative procedures of Federal Government. This can include investigations completed by FAA and referred to other Federal agencies for further investigation, prosecution or administrative action.

To authorized officers and employees of FAA having the responsibility to grant security clearance, make determinations regarding access to classified information or restricted areas, or to evaluate qualifications, suitability, or loyalty to the United States Government, in connection with performance of a service to the Federal Government under a contract or other agreement.

To authorized representatives of U.S. air carriers where air safety might be affected.

As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals).

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: These records are stored in approved security file cabinets and containers.

RETRIEVABILITY:

Retrievability: These records are indexed alphabetically by name.

SAFEGUARDS:

Safeguards: Access to and use of these records are limited to those

persons whose official duties require such access.

RETENTION AND DISPOSAL:

Retention and Disposal: These records are destroyed or retired to the area Federal Records Center and then destroyed in accordance with FAA Order 1350.15, Records Organization Transfer and Destruction Standards.

The retention and destruction period for each record varies depending on the type of record, category of investigation, or significance of the information contained in the record. All records are destroyed by approved methods.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address: The FAA Investigative Record System is decentralized and requests for such records should be directed to the appropriate System Manager as follows: For the Washington Metropolitan area,

excluding Eastern Region jurisdiction:
 Director of Civil Aviation Security
 800 Independence Avenue, SW,
 Washington, DC 20591.

For the geographical area under the jurisdiction of the various regions:
 Manager, Civil Aviation Security
 Division, of the appropriate region.
 (See the FAA National Field
 Directory, 1000.23F, for addresses).

For the jurisdiction of the FAA
 Technical Center
 Manager, Investigations and Security
 Division,

FAA Technical Center
 Atlantic City, NJ 08405.

For the jurisdiction of the Mike
 Monroney Aeronautical Center:
 Manager, Investigations and Security
 Division,
 Aeronautical Center,
 Oklahoma City, OK 73125.

NOTIFICATION PROCEDURE:

Notification Procedures: An individual may inquire as to whether the system contains a record pertaining to him or to her by addressing a written request to any of the Systems Managers identified above. The request should include the full name and date and place of birth of the individual, and any available information regarding the type of record involved, and the category of individual under which the requester feels he or she fits.

RECORD ACCESS PROCEDURES:

Record Access Procedures: Individuals who wish to gain access to such records should contact the System Manager. However investigative data compiled for law enforcement purposes may be exempt from the access

provision pursuant to 5 U.S.C. 552a(k)(2) and (k)(5).

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate, 800 Independence Avenue, SW, Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Record Source Categories: These records contain information obtained from interviews, review of records, and other authorized, applicable investigative techniques.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Exemptions: System is exempt from certain subsections of the Privacy Act. The purpose of the exemption is to protect materials classified in the national interest and to protect investigatory materials compiled for law enforcement purposes. Exemptions have been published in the Federal Register for this system. The exemptions may be applied pursuant to 5 U.S.C. 552 a(k)(1), (k)(2), and (k)(5).

DOT/FAA 816

SYSTEM NAME:

System Name: Tort Claims and Personal Property Claims Record System DOT/FAA.

SYSTEM LOCATION:

System Location: These records are maintained at regional and center FAA Counsel Offices and Logistics Divisions.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: This system of records contains information regarding tort and property claimants who have filed claims against the Government/FAA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: This system of records contains reports, vouchers, witness statements, legal decisions, and related material pertaining to claims by or against the Government resulting from FAA transactions, other than litigation cases.

Approved claims are sent to the Accounting Division for certification and payment by Treasury check.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Investigation purposes. Reference purposes.

Court action.

Doubtful claims are sent by Accounting Division to GAO for adjudication. Some larger claims go to Department of Justice for approval or disapproval. See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: These records are stored in approved file cabinets and containers.

RETRIEVABILITY:

Retrievability: These records are indexed by name.

SAFEGUARDS:

Safeguards: Access to and use of these records are limited to those person whose official duties require such access.

RETENTION AND DISPOSAL:

Retention and Disposal: These records are destroyed 3 years after the final decision is rendered.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address: Regional and center counsels and/or motor vehicle organization element.

NOTIFICATION PROCEDURE:

Notification Procedure: Individuals who wish to know if they appear in this system should contact the system manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Individuals who wish to gain access to their records should contact the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Associate Administrator for Administration, 800 Independence Avenue, SW, Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Record Source Categories: Claimant, investigation reports, and courts.

DOT/FAA 817

SYSTEM NAME:

System Name: Emergency Operations Staffing Assignment DOT/FAA.

SYSTEM LOCATION:

System Location: These records are maintained at region, center, and Washington headquarters.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: This system of records contains information on FAA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: This system of records contains information such as name, address and telephone numbers.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: To contact FAA personnel for emergency readiness purposes.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: These records are stored in file folders and/or file cabinets.

RETRIEVABILITY:

Retrievability: These records are retrieved by name.

SAFEGUARDS:

Safeguard: Access to data in this system is limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

Retention and Disposal: These records are destroyed when superseded or obsolete.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address: Region, center and Washington headquarters Emergency Planning Officers.

NOTIFICATION PROCEDURE:

Notification Procedure: Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate, 800 Independence Avenue SW, Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Record Source Categories: Employees and employees records.

DOT/FAA 818**SYSTEM NAME:**

System Name: Statement of Employment and Financial Interest DOT/FAA.

SYSTEM LOCATION:

System Location: These statements are filed at FAA regional, center and Washington headquarters locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Selected FAA employees, GS-13 and above, occupying positions as reflected in Part 99 of the DOT Regulations. This regulation can be found in FAA Order 3750.3A and is identified in this directive as Appendix C.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: This system of records contains information regarding an employee's present position; his connections or financial interest, if any, with corporations, companies, firms or other business enterprises, partnerships, nonprofit organizations, and educational or other institutions; names of creditor; interest in real property or rights in lands; and names of other persons who are authorized by the employee to supply further information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: To enable Reviewing Officials to determine whether or not an employee's functions or assignments, actual or proposed, could result in a conflict of interest.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: These records are maintained in file folders and secure files.

RETRIEVABILITY:

Retrievability: These records are indexed by the names of the individuals.

SAFEGUARDS:

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

Retention and Disposal: These records are maintained up to 2 years after the employee is separated. At this time, all his statements and supplements are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address: The employee's Reviewing Official maintains control of these statements.

NOTIFICATION PROCEDURE:

Notification Procedure: An employee may inquire about the status of his Confidential Statement of Employment and Financial Interest file at any time. All inquiries should be directed to the employee's Reviewing Official or his supervisor.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Employees who wish to gain access to their records should contact their Reviewing Official.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate, 800 Independence Avenue, SW, Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Record Source Categories: Information contained in this system either comes from the individual or from those designated as authorized sources.

DOT/FAA 819**SYSTEM NAME:**

System Name: Psychological Support for Air Traffic Controller Health Program and Air Traffic Controller Applicant Screening System DOT/FAA.

SYSTEM LOCATION:

System Location: Behavioral Science Division, Office of Aviation Medicine, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591. Regional Flight Surgeons in region where individual is employed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Air Traffic Control Specialist, applicants for air traffic control specialist.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Psychological test results.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: To assist the agency in determining an individual's fitness to be a controller.

To assist the agency in establishing Job Standards.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: These records are maintained in file folders on magnetic tape and on punch cards and answer sheets.

RETRIEVABILITY:

Retrievability: Files are retrieved by name, date of birth, and sex.

SAFEGUARDS:

Safeguards: File cabinets are kept locked when not in use.

Magnetic tape and computer program used with the tapes are under the control of those who have a need to know.

Answer sheets are destroyed after input to computer.

Punch cards are stored in card files.

RETENTION AND DISPOSAL:

Retention and Disposal: Records are retained as historical statistical records.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address: Chief, Behavioral Science Division, Office of Aviation Medicine, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591. Regional Flight Surgeons in region where individual is employed.

NOTIFICATION PROCEDURE:

Notification Procedure: Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Individuals who desire access to the information

about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate, 800 Independence Avenue, SW, Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Record Source Categories: All the data in this system are collected from the individual applicants and controllers.

DOT/FAA 820

SYSTEM NAME:

System Name: Pending legislation (Employee's) - Private Relief and Public/Private Laws (Employee's) Private Reliefs DOT/FAA.

SYSTEM LOCATION:

System Location: This system of records is located in the Office of Chief Counsel, Federal Aviation Administration, 800 Independence Avenue, S. W., Washington, D. C. 20591.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: FAA employees for whom private relief legislation has been introduced in Congress.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Travel information, litigation reports, collection vouchers, and real estate contracts.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: This system is for reference in order to formulate FAA's position on proposed private relief legislation for FAA employees. All information is released to the Office of Management and Budget. See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Information is stored in file cabinets.

RETRIEVABILITY:

Retrievability: Data are indexed and retrieved by name of employee and employee number.

SAFEGUARDS:

Safeguards: No special safeguards required.

RETENTION AND DISPOSAL:

Retention and Disposal: Records are transferred to Federal Records Center or destroyed when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address: Legislative Assistant, Legislative Staff, Office of Chief Counsel, FAA, 800 Independence Avenue, SW, Washington, DC 20591.

NOTIFICATION PROCEDURE:

Notification Procedure: Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate, 800 Independence Avenue, SW, Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Record Source Categories: Data are obtained from members of Congress and FAA records.

DOT/FAA 821

SYSTEM NAME:

System Name: Litigation Information Management Systems DOT/FAA.

SYSTEM LOCATION:

System Location: This system of records is maintained within the Office of the Chief Counsel, FAA, 800 Independence Avenue, S. W., Washington, D. C. 20591.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: This file contains information on Litigants, Claimants, Witnesses, Decedents, Plaintiff's Attorney, FAA Attorney and Department of Justice Attorney.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Litigation and claim pleadings, discovery material, related documents (including

background data on individual, or decedent involved), memoranda, correspondence, and other material necessary to respond to claims or prepare for litigation or hearings. Types of claims or litigation: Aircraft accidents, auto accidents, personnel and general litigation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: The documents are produced or used in and for litigation and claims. These documents are disclosed to the Department of Justice. See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Data are stored in lockable and unlockable file cabinets, individuals attorneys' offices, binders, index files and in computers.

RETRIEVABILITY:

Retrievability: Access is by name, location of accident, and/or docket number.

SAFEGUARDS:

Safeguards: Data from these files are retrievable only by persons within the Office of the Chief Counsel or Regional Counsels.

RETENTION AND DISPOSAL:

Retention and Disposal: Litigation files are kept for 2 years after case is closed, then sent to the Federal Records Center. All other records in this system are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address: Chief, Litigation Division, Office of Chief Counsel, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591.

NOTIFICATION PROCEDURE:

Notification Procedure: Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate, 800 Independence Avenue, SW, Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Record Source Categories: Employees of the Office of Chief Counsel, Federal courts, individuals and their attorney, FAA records, litigation files, etc.

DOT/FAA 822**SYSTEM NAME:**

System Name: Aviation Medical Examiner System DOT/FAA.

SYSTEM LOCATION:

System Location: Aeromedical Education Branch, Civil Aeromedical Institute, Aeronautical Center, Oklahoma City, OK 73125. Regional Flight Surgeons in all regional headquarters.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Private physicians appointed as Aviation Medical Examiners and selected military units through agreement with the Surgeon Generals.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: The system includes records necessary to the operation of the system to establish qualifications of physicians, identification as to location within the system, actual performance in support of the system and records pertaining to training received from the system.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: By the Aeromedical Education Branch, AME Section, to determine training needs.
By Regional Flight Surgeons to evaluate the physician's performance in the AME System and determine reappointments.
By the Office of Aviation Medicine in Washington, D.C., in policy determination.
By General Aviation District Offices in locating and obtaining support of qualified AMEs.
By private organizations needing to contact and utilize the physician's services in his capacity of an AME.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:**Policies and Practices:****STORAGE:**

Storage: File folders, magnetic tapes, and hard copy.

RETRIEVABILITY:

Retrievability: Information stored by Region, State, Name, and Control Number.

SAFEGUARDS:

Safeguards: File rooms with restricted access, three-combination safe with access by authorized personnel.

RETENTION AND DISPOSAL:

Retention and Disposal: Paper designated examiner case files are retained until the physician is designated. Paper records of designations are transferred to the Federal Records Center after 10 years and destroyed after 25 years. Magnetic tapes of designations are updated continuously.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address: Records from Master files: Manager, Aeromedical Education Branch, Aeronautical Center, Oklahoma City, OK 73125. Regional files from Regional Flight Surgeon within Region wherein the AME is appointed.

NOTIFICATION PROCEDURE:

Notification Procedure: Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate, 800 Independence Avenue, SW, Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Record Source Categories: Information is obtained from the Aviation Medical Examiners themselves.

DOT/FAA 823**SYSTEM NAME:**

System Name: Working Level Personnel Folder System DOT/FAA.

SYSTEM LOCATION:

System Location: This system of records is found at all FAA field offices physically separated from the Personnel Office which maintains the employee's Official Personnel Folder.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: This system contains information regarding FAA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: This system contains only information regarding the employee's experience, education, training, special qualifications and skills, position description, performance appraisals and conduct.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: To assist local supervisors in managing their personnel more effectively.

To assist in the development and implementation of a viable employee productivity improvement program. See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:**Policies and Practices:****STORAGE:**

Storage: These files are stored in file cabinets.

RETRIEVABILITY:

Retrievability: These files are retrieved by name.

SAFEGUARDS:

Safeguards: Access and use of these files are limited to those whose official duties require such access.

RETENTION AND DISPOSAL:

Retention and Disposal: These files are destroyed 3 months after transfer or termination of service.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address: FAA Field Office Supervisors.

NOTIFICATION PROCEDURE:

Notification Procedure: Individuals wishing to know if their records appear in this system of records may inquire in

person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate, 800 Independence Avenue, SW, Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Record Source Categories: Information in this system of records either comes from the individual to whom it applies or is derived from information he supplied.

DOT/FAA 824

SYSTEM NAME:

System Name: Medical Exemptions - Public Dockets DOT/FAA.

SYSTEM LOCATION:

System Location: Department of Transportation, The Office of the Chief Counsel, FAA, 800 Independence Avenue, SW, Washington, DC 20591.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Persons petitioning for a medical exemption under Federal Aviation Regulations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Petitions for exemption, supporting and supplementary documentation submitted by petitioners, correspondence, and the grant or denial of the exemption.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Compliance with statutory and regulatory provisions for public accessibility to rulemaking actions.

Disclosure to general public and other agencies.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Original and copies of records in file folders.

RETRIEVABILITY:

Retrievability Retrieved by exemption number, docket number, or alphabetical listing of petitioner names.

SAFEGUARDS:

Safeguards: Access through request to Docket Specialist.

RETENTION AND DISPOSAL:

Retention and Disposal: Dockets are retained indefinitely; destruction not authorized.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address: Docket and Regulations Specialist, Office of the Chief Counsel, FAA, 800 Independence Avenue, SW, Washington, DC 20591.

NOTIFICATION PROCEDURE:

Notification Procedure: Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate, 800 Independence Avenue, SW, Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Record Source Categories: Office of Aviation Medicine, FAA, 800 Independence Avenue, SW, Washington, DC 20591.

DOT/FAA 825

SYSTEM NAME:

System Name: Petitions for Rulemaking - Public Dockets DOT/FAA.

SYSTEM LOCATION:

System Location: Located in the Office of the Chief Counsel, Federal Aviation Administration, Washington, D.C. 20591.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Persons petitioning for a change in the Federal Aviation Regulations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Petitions for rulemaking, correspondence, documents showing disposition of the petition and public comments on any resulting NPRM.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Compliance with statutory and regulatory provisions for public accessibility to rulemaking actions.

Disclosure to general public and other government agencies.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Original and copies of records are stored in unlocked file cabinets.

RETRIEVABILITY:

Retrievability: Retrieved by exemption number, docket number, or alphabetical listing of petitioner names.

SAFEGUARDS:

Safeguards: Access through request to Dockets Specialist.

RETENTION AND DISPOSAL:

Retention and Disposal: Transferred to Federal Records Center when inactive; destruction not authorized.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address: Docket and Regulations Specialist, Office of the Chief Counsel, FAA, 800 Independence Avenue, SW, Washington, DC 20591.

NOTIFICATION PROCEDURE:

Notification Procedure: Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate, 800 Independence Avenue, SW, Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Record Source Categories: Petitions for rulemaking.

DOT/FAA 826**SYSTEM NAME:**

System Name: Petitions for Exemption (Other than Medical Exemption) - Public Dockets DOT/FAA.

SYSTEM LOCATION:

System Location: Located in the Office of the Chief Counsel, FAA, Washington, D.C.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Persons petitioning for an exemption (other than medical) under the Federal Aviation Regulations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Petitions for exemptions, supplementary information, correspondence and the grant or denial of the exemption.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Compliance with statutory and regulatory provisions for public accessibility to rulemaking actions.

Disclosure to general public and other government agencies.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Original and copies of records stored in unlocked file cabinets.

RETRIEVABILITY:

Retrievability: Retrieved by exemption number, docket number, or alphabetical listing of petitioner names.

SAFEGUARDS:

Safeguards: Access through request to Dockets Specialist.

RETENTION AND DISPOSAL:

Retention and Disposal: Transferred to Federal Records Center when inactive; destruction not authorized.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address: Rules Docket Section, AGC-204 Office of the Chief Counsel, FAA, 800 Independence Avenue, SW, Washington, DC 20591.

NOTIFICATION PROCEDURE:

Notification Procedure: Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate, 800 Independence Avenue, SW, Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Record Source Categories: Petitions for exemptions.

DOT/FAA 827**SYSTEM NAME:**

System Name: Environmental Litigation Files DOT/FAA.

SYSTEM LOCATION:

System Location: Located in the Office of the Chief Counsel, FAA, Washington, D.C.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Litigants, witnesses, plaintiff's attorney, FAA attorney, Department of Justice Attorney, etc.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Information on litigation, pleadings, discovery material, related documents. (including background data on individual involved), memoranda, correspondence, and other material necessary to respond to claim or prepare for litigation or hearings.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Litigation; documents are produced or used in and for litigation and are disclosed to the Department of Justice.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: File folders stored in locked and unlocked file cabinets and individual attorney's offices.

RETRIEVABILITY:

Retrievability: Retrieved by caption of the particular litigation.

SAFEGUARDS:

Safeguards: Access by Office of Chief Counsel personnel only.

RETENTION AND DISPOSAL:

Retention and Disposal: Files are kept for 2 years after case has been closed and then sent to Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address: Manager, Airports/Environmental Law Branch, AGC-130 Office of the Chief Counsel, FAA, 800 Independence Avenue, SW, Washington, DC 20591.

NOTIFICATION PROCEDURE:

Notification Procedure: Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate, 800 Independence Avenue, SW, Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Record Source Categories: Federal courts, individuals and their attorneys, FAA records, litigation files, etc.

DOT/FAA 828**SYSTEM NAME:**

System Name: Physiological Training System DOT/FAA.

SYSTEM LOCATION:

System Location: Aeromedical Education Branch,
Civil Aeromedical Institute,
Aeronautical Center,
Oklahoma City, OK 73125.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: The training is primarily of benefit to pilots. It is also recommended for other air crew personnel, Air Traffic Controllers, Aviation Medical Examiners, and other personnel from the national aviation system.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: The system includes records necessary to establish qualifications of eligibility to receive physiological training, maintain accountability of funds required for training and transfer of funds to involved agencies, and to provide proper evidence of training.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: By the Aeromedical Education Branch, Airman Education Section to determine training qualifications.

By the Accounting Division, General Accounting Branch, for receipt and transfer of training funds.

By the Aeromedical Education Branch, Airman Education Section, to provide proper evidence of training.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Card file, and file folders.

RETRIEVABILITY:

Retrievability: Information files by name and location of training.

SAFEGUARDS:

Safeguards: Files access restricted to Aeromedical Education Branch personnel.

RETENTION AND DISPOSAL:

Retention and Disposal: Files are retained for 5 years after completion of training and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address: Chief, Aeromedical Education Branch,

Aeronautical Center,
Oklahoma City, OK 73125.

NOTIFICATION PROCEDURE:

Notification Procedure: Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate, 800 Independence Avenue, SW, Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Record Source Categories: Information is obtained from the individuals themselves.

DOT/FAA 829**SYSTEM NAME:**

System Name: Working Level Files for Employees assigned overseas (Permanently and TDY) and Employees Transferred to an International Organization DOT/FAA.

SYSTEM LOCATION:

System Location: These records are maintained in the FAA Office of International Aviation Affairs (OIAA), Washington, D.C.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: All employees that go on overseas assignments, for OIAA, ICAO, and employees on temporary foreign travel for FAA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: This system of records contains: name; date and place of birth; names and dates of birth of dependents; position title; grade and salary; marital status, education; knowledge of foreign language(s); home address and phone number; country and medical clearances (DSL-820 and DS-823), medical waivers, listing of all employees cleared or issued medical waivers by Department of State; professed religion; check, savings, allotment, and savings bonds mailing information; information concerning shipment of household and personal

effects, storage, automobile and allowances; training records (Foreign Service Institute and Agency for International Development); tort claims; travel vouchers; SF-50 (for employees transferred to an International Organization).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Used to obtain country clearances for overseas assignments. To provide AID and DOS with required information relating to medical and emergency evacuation, emergency travel, etc. To compile reports and provide listings to the Department of State (verbal and written). To obtain approval for foreign travel, passport and visa services. To enroll employees in training. To prepare travel orders and vouchers. To determine allowable allowances and other benefits. To provide information to embassies in countries of assignment. To obtain medical and security clearances. To intercede for employees concerning salary, personnel actions, allowances, leave and benefits. To verify medical claims. See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: These files are stored in locked cabinets.

RETRIEVABILITY:

Retrievability: Retrieved by name.

SAFEGUARDS:

Safeguards: Access and use are limited to those whose official duties require such access.

RETENTION AND DISPOSAL:

Retention and Disposal: Are destroyed 3 years after termination of employee's service.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address: Executive Officer, Office of International Aviation Affairs, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591.

NOTIFICATION PROCEDURE:

Notification Procedure: Individuals wishing to know if their records appear

in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate, 800 Independence Avenue, SW, Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Record Source Categories: Information in this system of records either comes from the individual to whom it applies or is derived from information he supplied.

DOT/FAA 830

SYSTEM NAME:

System Name: Representatives of the Administrator DOT/FAA.

SYSTEM LOCATION:

System Location: This system is located and maintained as a decentralized system with all designations being maintained at General Aviation District Offices, Air Carrier District Offices, Flight Standards District Offices, Manufacturing Inspection District Offices and Satellite offices, Aircraft Certification Divisions, Flight Standards Divisions, Aircraft Certification offices, Air Traffic and Aviation Medicine Headquarters, regional or field offices that designate Air Traffic Control Tower Operator Examiners, Aviation Medical Examiners, Forensic Pathologists, and the International field offices where designations were made with lists of certain categories of representatives maintained by individual FAA Regional Offices to whom the designating field offices report, and with master lists of certain categories of representatives maintained at the Aeronautical Center and FAA Headquarters, Washington, D.C.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Aviation Medical Examiners, Pilot Examiners, Technical Personnel Examiners, designated Engineering Representatives, designated Manufacturing Inspection Representatives, Designated Mechanic

Examiners, Designated Parachute Riggers, Examiners, Designated Airworthiness Representatives.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Records on qualification, certification, and appointment authorization.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: To provide a data base for management use of the numbers and qualifications of individuals designated as representatives.

To facilitate written and oral communication between the FAA and its representatives.

To provide the public with the names and addresses of certain categories of representatives who may provide service to them.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Records are maintained in file folders and card files.

RETRIEVABILITY:

Retrievability: Records are filed by designee name and retrieved by same.

SAFEGUARDS:

Safeguards: Records are stored in lockable file cabinets.

RETENTION AND DISPOSAL:

Retention and Disposal: Records are retained during the life of the designated, then destroyed 2 years after expiration of the designation.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address: Manager of the office where the designation was made.

NOTIFICATION PROCEDURE:

Notification Procedure: Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Individuals who desire to contest information about themselves contained in this system of records should contact

or address their inquiries to the Administrator or his delegate, 800 Independence Avenue, SW, Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Record Source Categories: Information in this system of records either comes from the individual to whom it applies or is derived from information he supplied.

DOT/FAA 831

SYSTEM NAME:

System Name: Standard Procedure Uniform Reporting System (SPUR) DOT/FAA.

SYSTEM LOCATION:

System Location: This system is located at all General Aviation District Offices (GADO), Air Carrier District Offices (ACDO), Flight Standards District Offices (FSDO) in all regions.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Pilots, mechanics, parachute rigger examiners, flight instructors, authorized inspectors, air taxi operators, and avionics repairmen.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Accident reports, supplement reports, remedial checks, violations, records of inspections, surveillance and certification.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Aids supervisors in developing work plans and work measurements to accomplish agency mission.

Release to state aviation authorities for seminars and workshops.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Posted on big board in office and in file cabinets in office.

RETRIEVABILITY:

Retrievability: Data are retrieved by name of individual to be examined.

SAFEGUARDS:

Safeguards: Data are available only in the conduct of official business.

RETENTION AND DISPOSAL:

Retention and Disposal: When the individual is no longer affiliated with the agency, or no further action is required.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address: Manager of the GADO, ACDO, FSDO in region where individual is operating or assigned.

NOTIFICATION PROCEDURE:

Notification Procedure: Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate, 800 Independence Avenue, SW, Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Record Source Categories: By the applicant, by inspector surveillance, or by being reported by an FAA official.

DOT/FAA 832**SYSTEM NAME:**

System Name: Pilot/Flight Engineer/Navigator Flight Record System DOT/FAA.

SYSTEM LOCATION:

System Location: Headquarters Aircraft Management Staff Washington National Airport Aviation Standards National Field Office Washington, D.C. Aeronautical Center, Oklahoma City, Oklahoma; FAA Technical Center Atlantic City, New Jersey; and all regional offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: All FAA pilots, flight engineers and navigators assigned to FAA Flight Programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Flight check records, list showing flight time, certifications and flight logs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: These records are used by flight program management personnel to determine qualifications of crewmembers to:
Fly agency aircraft.
Utilize rental aircraft.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Records are stored on magnetic tape, cardex files, and in file folders.

RETRIEVABILITY:

Retrievability: Records are retrieved by employee name and crewmember number.

SAFEGUARDS:

Safeguards: Records are stored in a restricted, controlled-access area and are used only in the conduct of official business.

RETENTION AND DISPOSAL:

Retention and Disposal: Cardex and folder files are destroyed one year after pilot's separation and transfer from agency. Magnetic tape is updated periodically.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address: Manager, Planning and Scheduling Branch, AAC-850. Aeronautical Center, Oklahoma City, OK 73125. Manager, Flight Programs Division Aviation Standards National Field Office Oklahoma City, OK 73125 or Aircraft Management Branch in region where employed.

NOTIFICATION PROCEDURE:

Notification Procedure: Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Individuals who desire to contest information about themselves contained in this system of records should contact

or address their inquiries to the Administrator or his delegate, 800 Independence Avenue, SW, Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Record Source Categories: Flight check records submitted by the individual to whom the record pertains; reports submitted by the pilot in command of each flight.

DOT/FAA 833**SYSTEM NAME:**

System Name: Housing Management Monthly Report, RIS: AL-4930-3 DOT/FAA.

SYSTEM LOCATION:

System Location: Alaskan Regional Office, 701 C Street, Box 14 Anchorage, AK 99513.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Names of employees occupying FAA owned or leased housing. Names of employees and agencies who lease FAA housing in Alaska.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Housing records, leases, maintenance bills, damage reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Maintain percentage of occupancy. Maintain up-to-date record of maintenance cost. Maintain up-to-date list of persons occupying FAA units. Provide above information to Sector Managers. Provide above information to local station. See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Filing cabinet, Real Estate and Utilities Branch AAL-58B.

RETRIEVABILITY:

Retrievability: Station location. Unit numbers. Name of employee. Number of dependents. Pay period rental rate.

SAFEGUARDS:

Safeguards: Retrieved only by agency personnel and used only in the conduct of official business.

RETENTION AND DISPOSAL:

Retention and Disposal: Monthly records are destroyed upon receipt of next month's ADP run.

End of year reports are retained.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address:
Housing Management Officer, AAL-58B
701 C Street, Box 14
Anchorage, AK 99513.

NOTIFICATION PROCEDURE:

Notification Procedure: Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate, 800 Independence Avenue, SW, Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Record Source Categories: Employees. Employees of other agencies that lease housing from FAA.

DOT/FAA 834**SYSTEM NAME:**

System Name: Commissary Billing DOT/FAA.

SYSTEM LOCATION:

System Location: FAA,
Alaskan Region,
Anchorage, Alaska.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: FAA Employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Commissary Billing Invoices.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Bill FAA employees for goods received from the FAA Commissary.

Commissary sales analysis.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: File folders.
Data processing tapes.

RETRIEVABILITY:

Retrievability: Organization, Voucher Number, Name.

SAFEGUARDS:

Safeguards: Restricted computer room access and used only in the conduct of official business.

RETENTION AND DISPOSAL:

Retention and Disposal: Billing statement tape held for 30 days after last use, then erased.

Matching listing held 2 years, then sent to storage.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address:
Chief, Accounting Division, AAL-20,
FAA,
701 C Street, Box 14 Anchorage, AK
99513.

NOTIFICATION PROCEDURE:

Notification Procedure: Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate, 800 Independence Avenue, SW, Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Record Source Categories: Individuals requesting goods from the FAA Commissary.

DOT/FAA 835**SYSTEM NAME:**

System Name: Work Scheduling and Management System DOT/FAA.

SYSTEM LOCATION:

System Location: This system of records is located at all levels of supervision and management within FAA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Agency employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: This system contains records required by supervisors and managers to assign and record the assignment of projects, shifts, and other duties to agency employees such as:

Duty rosters.

List of employees by watch, shift, unit, or other work group.

Work, training, and leave schedules. In addition, it may contain information about certificated schools, airman repair stations, and other similar aviation related people and activities needed to help supervisors assign work related to these organizations and people.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: This system of records is used to:

Assign tasks and projects to individual employees or groups of employees.

Assign workers to shift and hours of duty.

Assign individuals to training, leave, and other administrative activities.

Record work assigned and performed by individual employees or groups of employees.

Record available work force and their status and distribution.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Records are maintained on display boards, black boards, loose leaf notebooks, file folders, and similar informal storage devices.

RETRIEVABILITY:

Retrievability: Records are retrievable by name, organization, project title, or other similar work-related identifier.

SAFEGUARDS:

Safeguards: Files are controlled by the supervisor and are used only in the conduct of official business.

RETENTION AND DISPOSAL:

Retention and Disposal: These records are continuously changed and purged as work assignments change and people are reassigned.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address: Supervisors of field offices, regions and centers, and Washington organizations.

NOTIFICATION PROCEDURE:

Notification Procedure: Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate, 800 Independence Avenue, SW, Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Record Source Categories: Information is obtained from personnel records and from the individual employee.

DOT/FAA 837**SYSTEM NAME:**

System Name: Photographs and Biographical Information DOT/FAA.

SYSTEM LOCATION:

System Location: Office of Public Affairs,
FAA,
800 Independence Avenue, SW,
Washington, DC 20591.
And
Public Affairs Offices at the following
FAA Regions and Centers:
Aeronautical Center,
P.O. Box 25082,
Oklahoma City, OK 73125.
Alaskan Region,
701 C Street, Box 14,
Anchorage, AK 99513
Central Region,
601 East 12th Street,
Kansas City, MO 64106.
Eastern Region,
Federal Bldg., JFK International
Airport,
Jamaica, NY 11430.
Great Lakes Region,

2300 E. Devon Avenue,
Des Plaines, IL 60018.
FAA Technical Center
Atlantic City, NJ 08405.
New England Region,
12 New England Executive Park,
Burlington, MA 01803.
Northwest Region,
FAA Building, Boeing Field,
Seattle, WA 98108.
Pacific-Asia Region,
P.O. Box 4009,
Honolulu, HI 96813.
Rocky Mountain Region,
10455 E. 25th Ave.
Aurora, CO 80010.
Southern Region,
P.O. Box 20636,
Atlanta, GA 30320.
Southwest Region,
P.O. Box 1689,
Fort Worth, TX 76101.
Western Region,
P.O. Box 92007,
World Way Postal Center,
Los Angeles, CA 90009.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: FAA employees and other individuals who may appear with them in candid photographs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Biographical data; portrait and candid photographs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: The system is maintained to provide information to the public--particularly the news media--and for use in employee publications. See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Records are stored in file cabinets.

RETRIEVABILITY:

Retrievability: Records indexed alphabetically by name or subject.

SAFEGUARDS:

Safeguards: Access through request to the System Manager. These records are used only in the conduct of official business.

RETENTION AND DISPOSAL:

Retention and Disposal: Materials retained as long as individual or event is newsworthy, following which they are

destroyed. In certain cases, material is retained for historical purposes.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address: Assistant Administrator for Public Affairs and Public Affairs Officers at above addresses.

NOTIFICATION PROCEDURE:

Notification Procedure: Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedures: Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedures: Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate, 800 Independence Avenue, SW, Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Record Source Categories: FAA employees and other individuals who may appear with them in candid photographs.

DOT/FAA 838**SYSTEM NAME:**

System Name: Congressional/
Employment Inquiry Files DOT/FAA.

SYSTEM LOCATION:

System Location: Office of Personnel and Training, Personnel Staffing and Benefits Branch, Personnel Programs Division, and Employment Branch, Personnel Management Operations Division, Washington, D. C. 20591.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Current and former FAA employees and applicants for FAA employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Correspondence submitted by, or on behalf of, an individual including applications, resumes, reference letters and inquiries on the status of circumstances surrounding the application, employment situation or separation from FAA employment. Responses to such correspondence.

Staff recommendations and supporting information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Used by FAA officials to provide information to a Congressional office from the record of the individual in response to an inquiry from a Congressional office made at the request of that individual.

Used by FAA officials for referral to the appropriate FAA action office for preparation of recommendations and responses to inquiries.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: The records are maintained in file folders.

RETRIEVABILITY:

Retrievability: The records are indexed by individual's name.

SAFEGUARDS:

Safeguards: The records are located in lockable metal file cabinets with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Retention and Disposal: The records are retained for 2 years from the date of the most recent inquiry with the exception of International Civil Aviation Organization (ICAO) records. Inquiries from ICAO concerning employees being considered for transfer or detail to ICAO are retained until the employee separates from FAA. They are then disposed of by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address: Chiefs, Employment Branch, APT-150, and Personnel Staffing and Benefits Branch, APT-220, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591.

NOTIFICATION PROCEDURE:

Notification Procedure: Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Individuals who desire access to the information about themselves in this system of

records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate, 800 Independence Avenue, SW, Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Record Source Categories: Information in this system of records either comes from the individual to whom it applies or is derived from information the individual supplied or was supplied on his/her behalf. Other information may be supplied by FAA officials.

DOT/FAA 839

SYSTEM NAME:

System Name: Printing Branch Distribution System DOT/FAA.

SYSTEM LOCATION:

System Location: FAA Office of Management Systems, Data Processing Center, AMS-350 400 7th St., S.W. Washington, DC 20591.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Individuals or governmental agencies interested in receiving Federal Aviation Documents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Names and addresses of those individuals and/or governmental organizations wishing to be placed on the mailing lists for FAR's, AC's, NPRM's, the AIM, and various miscellaneous publications.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: To serve as a comprehensive mailing list of individuals and/or governmental agencies for dissemination of all and/or specific parts of FAR's, AC's, NPRM's, the AIM, and various miscellaneous publications.

Subject system of records correlates or matches specific consumer information require to subject category information contained in the FAR's, AC's, NPRM's, the AIM, and miscellaneous publications, thereby reducing printing costs and, at the same time, satisfying the particular needs and interests of the recipients of desired information.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Records are stored on magnetic tape.

RETRIEVABILITY:

Retrievability: Records are retrieved by record identification numbers (state code, city code, first five characters of last name of customer, and first initial of customer).

SAFEGUARDS:

Safeguards: Magnetic Tape - Data can only be retrieved by computer operators as authorized by the System Manager or delegate.

Requests for disclosure of and access to records are screened carefully and must satisfy the 'need-to-know' policy. The file room is open to agency personnel only.

RETENTION AND DISPOSAL:

Retention and Disposal: Magnetic tapes are updated annually as a result of canvassing, and retention and disposal of records are governed by consumer requests, in writing.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address: Manager, Systems Support Division, AMS-100, Office of Management Systems, FAA, 800 Independence Avenue, SW, Washington, DC 20591.

NOTIFICATION PROCEDURE:

Notification Procedure: Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Records Procedure: Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate, 800 Independence Avenue, SW, Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Record Source Categories:
Information is obtained from:
Aviation Medical Examiners.
General aviation public.
Consumers and consumer organizations.
Other government agencies.
Libraries.
Army, Navy, Air Force, etc.

DOT/FAA 840**SYSTEM NAME:**

System Name: Federal Aviation Administration (FAA) Maintenance Base Personnel Training Records System DOT/FAA.

SYSTEM LOCATION:

System Location: All FAA maintenance bases.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: FAA maintenance base personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Dates of attendance for all types of training, including: on-the-job training; formal classroom training; maintenance orientation; special situation training; new employee indoctrination; management training; and non-resident training.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: By agency officials, supervisors, and foremen to determine qualifications of repairmen and inspectors.

By agency officials to determine training requirements.
See Prefatory Statement of Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Records are stored in file cabinets and file folders.

RETRIEVABILITY:

Retrievability: Records are indexed by employee name alphabetically, and are retrieved by name.

SAFEGUARDS:

Safeguards: Records are stored in steel file cabinets which are locked when not in use.

RETENTION AND DISPOSAL:

Retention and Disposal: Records are retained for the duration of employment

as a maintenance base employee; are transferred with the employee when appropriate; and are destroyed by burning or shredding upon termination of employment.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s): Supervisors of FAA maintenance bases.

NOTIFICATION PROCEDURE:

Notification Procedure: Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate, 800 Independence Avenue, SW, Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Record Source Categories: Agency training records, and supervisor's training certifications.

DOT/FAA 841**SYSTEM NAME:**

System Name: NAFEC Manpower Requirements Information System (MARQUIS) DOT/FAA.

SYSTEM LOCATION:

System Location: National Aviation Facilities Experimental Center (NAFEC), Atlantic City, NJ 08405.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: All center personnel (except tenants and contractors) by specialized skills.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Identification data, education level and history, current technical assignment (including expected completion date), skills (derived from specialized skills indexed), training and work experience background, and licenses and certificates.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: To locate employees with the skills or combination of skills

needed for specified current or future program assignments.

Identify employees qualified for detail or possible reassignment to new, special, or higher priority program activities.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Stored on magnetic tapes, selected printouts in file folders in EMS staff and personnel management staff offices.

RETRIEVABILITY:

Retrievability: Selected according to skill requirement, name, employee number, location, grade, job title and series, education level, current technical assignment skill(s) and training and work experience background.

SAFEGUARDS:

Safeguards: Authorized by Chief, Engineering Management Staff, (NAFEC), ANA-4.

User ID number for access to data banks and printouts are stored in a secure cabinet in ANA-4. These records are used only in the conduct of official business.

RETENTION AND DISPOSAL:

Retention and Disposal: Magnetic tape storage updated continuously. Printouts destroyed after use.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address: Chief, Engineering Management Staff, ANA-4, NAFEC, Atlantic City, NJ 08405.

NOTIFICATION PROCEDURE:

Notification Procedure: Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Individuals who desire access to the information about themselves contained in this system of records should contact or address inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Individuals who desire to contest information about themselves contained in this system of records should contact

or address their inquiries to the Administrator or his delegate, 800 Independence Avenue, SW, Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Record Source Categories: Individual center employees.

DOT/FAA 842

SYSTEM NAME:

System Name: Federal Air Marshal Program Management System DOT/FAA.

SYSTEM LOCATION:

System Location: Civil Aviation Security Service, Air operations Security Division, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: This system of records contains information on present FAA employees who have been or are participants in the Federal Air Marshal program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of records: This system consists of a variety of records necessary to manage the Federal Air Marshal program.

These records include information about the medical/physical fitness, weapons proficiency and training qualifications of each individual. Also included in the system are documents pertaining to deputation as Deputy U.S. Marshal, equipment issued and other related papers and background information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Information in this system is used to:
Record qualifications of Air Marshals (weapon, physical, medical).
Maintain current record of weapon and equipment issued.
Record training completed.
Record previous experience, background information.
Record schedule assignments.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Records are maintained in file folders.

RETRIEVABILITY:

Retrievability: Records are indexed by name of individual.

SAFEGUARDS:

Safeguards: Records are maintained in approved security files and containers. Access to and use of these records is limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

Retention and Disposal: Records are kept indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address: Chief, Air Operations Security Division, ACS-100, Civil Aviation Security Service, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591.

NOTIFICATION PROCEDURE:

Notification Procedure: Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Individuals who desire access to the information about themselves contained in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate, 800 Independence Avenue, SW, Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Record Source Categories: Information is obtained from the individual to whom it applies, from other FAA records which contain information supplied by the individual, and from results of training.

DOT/FAA 843

SYSTEM NAME:

System Name: FAA World Magazine Address System

SYSTEM LOCATION:

System Location: DOT/M-482.2, Washington, D. C.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Non-FAA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Address labels, master list (names, addresses)

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Mailing of FAA World to retirees, governmental and union offices, libraries, industry PR offices, publication exchanges and DOT internal distribution.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices: This is a limited list supplementing FAA Employee home address distribution.

STORAGE:

Storage: Standard card and Xerox list.

RETRIEVABILITY:

Retrievability: By name or routing symbol.

SAFEGUARDS:

Safeguards: Card and Xerox list available only to authorized DOT personnel.

RETENTION AND DISPOSAL:

Retention and Disposal: Periodic canvassing and culling.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address: Assistant Administrator, Office of Public Affairs, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591.

NOTIFICATION PROCEDURE:

Notification Procedure: Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate, 800 Independence Avenue, SW, Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Record Source Categories: All sources, on a voluntary basis.

DOT/FAA 844**SYSTEM NAME:**

System Name: FAA Airplane Noise Complaint System, DOT/FAA.

SYSTEM LOCATION:

System Location: Federal Aviation Administration Office of Environmental Quality 800 Independence Avenue, SW Washington, DC 20591

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Individuals who complain to the FAA about airplane noise at Dulles and National Airports in the Washington, DC area and in the vicinity of JFK Airport in New York.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Name, address, date, time of day of complaint, and category of complaint which may include one or more of the following: (a) Excessive noise (b) Structure disturbance; e.g., vibrating windows (c) Activity interruption; e.g., sleep disturbance (d) Perceived danger (e) Animal disturbance (f) Flying too low (g) Other; e.g., caused earache

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Magnetic Tape. Original record of complaint will be destroyed following transfer of information to tape.

RETRIEVABILITY:

Retrievability: By last name, address, complaint category, time of complaint.

SAFEGUARDS:

Safeguards: Directly concerned employees will be briefed in the provisions and requirements of the Privacy Act of 1974. These employees will be counseled as to the absolute requirements for confidentiality of the records under their control. They will be informed that appropriate disciplinary action will be taken for failure to comply with this requirement. Access to the system of records will be possible only to those agency employees with knowledge of a regularly changed password. The password will be conceived by the System Manager and divulged only to directly concerned employees. The original record will be destroyed following transfer of information to magnetic tape.

RETENTION AND DISPOSAL:

Retention and Disposal: Records are kept indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Director, Office of Environmental Quality, AEQ-1, Federal Aviation Administration, 800 Independence Avenue, SW Washington, DC 20591 In order to increase the level of safety of the proposed system of records, no other individuals will be designated for the position of System Manager.

NOTIFICATION PROCEDURE:

Notification Procedure: Individuals wishing to know if information pertaining to them appears in this system of records may inquire in person or in writing to the System Manager. The inquirer's name and address will be required in order to ascertain whether the system contains a record about that individual.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: All anticipated disclosures of records in the FAA Airplane Noise Complaint System will be to those officers and employees of the DOT and FAA who have a need for the record in the performance of their duties, thus bringing the system within the scope of 5 U.S.C. 552a(b)(1). No routine uses under 552a(b)(3) are anticipated other than those set forth in the Prefatory Statement of Routine Uses applicable to all DOT/FAA Systems of Records, which appeared in the Federal Register on September 19, 1977, (42 F.R. 47038).

RECORD ACCESS PROCEDURES:

Record Access Procedures: Individuals who desire access to information about themselves in this system of records should either contact in person or address their written inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedures: Individuals who desire to contest information about themselves in this system of records should contact or address their inquiries to the Administrator or his delegate at the following address: Department of Transportation Federal Aviation Administration, Office of the Administrator, 800 Independence Avenue, SW Washington, DC 20591

RECORD SOURCE CATEGORIES:

Record Source Categories: Information is obtained from individual noise complaints, on a voluntary basis.

No specific forms will be used to obtain this information.

DOT/FAA 845**SYSTEM NAME:**

System Name: Correspondence Control and Information System, DOT/FAA

SYSTEM LOCATION:

System Location: Federal Aviation Administration
Office of the Administrator,
Administrative Staff
800 Independence Ave., S.W.
Washington, D.C. 20591

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Individuals who write, or are referred in writing by a second party, to the Administrator, to the Deputy Administrator, and their immediate offices; individuals who write, or are referred in writing by a second party to the Secretary, to the Deputy Secretary, and their immediate offices and the correspondence which has been referred to the Federal Aviation Administration; individuals who are the subject of an action requiring approval or action by one of the forenamed, such as appeals, actions, training, awards, foreign travel, promotions, selections, grievances, description, application of waivers from the Federal Aviation Administration.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Correspondence submitted by, or on behalf of, an individual, including resumes, letters of reference, etc; responses to such correspondence; staff recommendations on actions requiring approval or action by the Administrator, the Deputy Administrator, the Secretary and the Deputy Secretary.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Referral to the appropriate action office within or outside the Department or agency for preparation of a response.

Referral to the appropriate agency for actions involving matters or law, of regulations beyond the responsibility of the agency or Department such as the Department of Justice in matters of law enforcement.

As a data source for management information, such as briefing material on hearings, trend analysis, responsiveness, etc.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Computer Magnetic disk.

RETRIEVABILITY:

Retrievability: Access is by suspense date, correspondence date, subject matter, last name and location of originator and addressee, constituent's name, action office, and type.

SAFEGUARDS:

Safeguards: Terminal access through the system's software is limited to the Administrator's Administrative Staff.

RETENTION AND DISPOSAL:

Retention and Disposal: Hard copies are destroyed after material is microfilmed.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address:
Manager, Administrative Staff
Office of the Administrator
Federal Aviation Administration
800 Independence Avenue, S.W.
Washington, D.C. 20591

NOTIFICATION PROCEDURE:

Notification Procedure: Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator, or his delegate, at the following address:

Federal Aviation Administration
Office of the Administrator
800 Independence Avenue, S.W.
Washington, D.C. 20591

RECORD SOURCE CATEGORIES:

Record Source Categories: Correspondence from individuals, their representatives, or sponsors. Response to incoming correspondence. Related material for background as appropriate.

DOT/FAA 846**SYSTEM NAME:**

System Name: Airport Solicitation Permit Application File, DOT/FAA

SYSTEM LOCATION:

System Location: Federal Aviation Administration
Operations Office
Washington National Airport
Washington, D.C. 20001
Federal Aviation Administration
Operations Office
Dulles International Airport
Washington, D.C. 20041

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Completed applications for Airport Solicitation Permits; documentation of each solicitor's authority to represent the organization for which he or she claims to be soliciting.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Preparation and issuance of Airport Solicitation Permits, which indicate the solicitor's name and the organization for which he is soliciting. Permits will be issued by airport operations personnel. Disclosure to members of the public upon request, to permit the public to be informed as to who is soliciting at the airport and for what cause.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Application forms and any attached documentation are retained at the Operations Offices of National and Dulles Airports.

RETRIEVABILITY:

Retrievability: Applications are maintained in chronological order, not by name. There is no means for retrieval of records pertaining to a particular individual other than manual search of the entire file.

SAFEGUARDS:

Safeguards: The file is in the custody of the Duty Operations Officer.

RETENTION AND DISPOSAL:

Retention and Disposal: Applications will normally be destroyed within 60 days of the date submitted.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address:
Chief, Operations Division
Washington National Airport
Federal Aviation Administration
Washington National Airport
Washington, D.C. 20001
Chief, Operations Division
Dulles International Airport
Federal Aviation Administration

Dulles International Airport
Washington, D.C. 20041

NOTIFICATION PROCEDURE:

Notification Procedure: Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record access procedures'.

RECORD SOURCE CATEGORIES:

Record Source Categories: Application forms and related documentation furnished by airport solicitors.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority of Maintenance of the System: Authority for the operation of this system is Pub. L. 96-193, enacted February 18, 1980.

DOT/FAA 847**SYSTEM NAME:**

System Name: General Air Transportation Records on Individuals, DOT/FAA

SYSTEM LOCATION:

System Location: Records are maintained primarily at:
Department of Transportation (DOT)
Federal Aviation Administration (FAA)
Mike Moroney Aeronautical Center
Oklahoma City, Oklahoma 73125
Portions of these records are located in:
Department of Transportation
Federal Aviation Administration
800 Independence Avenue, S.W.
Washington, D.C. 20591
General Aviation District Offices (GADO's).
Flight Standards District Offices
Air Carrier District Offices (ACDO's).
International Field Offices
Civil Aviation Security Field Offices (CASFO's).
FAA regional offices.
(Contact your nearest FAA office for location).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Current certificated airmen, airmen whose certificates have expired, airmen rejected for medical certification, airmen

with special certification, airmen who are deceased, and others requiring medical certification.

Air traffic controllers in air route traffic control centers, terminals, and flight service stations and applicants for these positions.

Applicants for airmen certificates, airmen seeking additional certifications or additional ratings, individuals denied certification, airmen holding inactive certificates, airmen who have had certificates revoked, and airmen and flight attendants engaged in international air transportation.

Persons who are involved in aircraft accidents or incidents: pilots, crew members, passengers, persons on the ground, and witnesses.

Individuals against whom the Federal Aviation Administration has taken administrative action or legal enforcement action for violation of certain Federal Aviation Regulations (FAR) or Department of Transportation Hazardous Materials Regulations (HMR). These include individuals or companies holding Federal Aviation Administration certificates, persons charged with violating FAR's and/or HMR's, and persons allegedly violating FAR's who have appealed to the National Transportation Safety Board (NTSB) or the courts.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: All categories of records include identifying information such as name(s), date of birth, place of residence, mailing address, social security number, airman certificate number, home telephone number. Other records in this system are:

General Air Transportation Records on Individuals files are the official repository of records, documents, and papers required in connection with the issuance of airmen certificates by the Federal Aviation Administration. Additionally, the records in the system are on individuals against whom the FAA has taken Administrative action or legal enforcement action for violation of certain Federal Aviation Regulations or Hazardous Materials Regulations. (These files are maintained in local district or field offices, regional offices, the Aeronautical Center and the FAA headquarters in Washington, D.C., depending on the kind of action being undertaken).

Records that are required to determine the physical condition of an individual with respect to the medical standards established by FAA.

Records concerning applications for certification, written examinations, applications for written examinations, results of written tests, applications for inspection authority, certificates held, ratings, stop orders, and requests for duplicate certificates.

Reports of fatal accidents, autopsies, toxicological studies, aviation medical examiner reports, medical record printouts, nonfatal reports, injury reports, accident name cards, magnetic tape records of fatal accidents, physiological autopsy, and consulting pathologist's summary of findings.

Records of accident investigations, preliminary notices of accident, injury reports, engineering analyses, witness statements, investigators' analyses, pictures of accident scenes.

Records concerning safety compliance notices, letters of warning, letters of correction, final action legal documents in enforcement cases, enforcement in airmen medical denial cases on appeal to NTSB, investigations of alleged violations and reports of enforcement actions, correspondence of Regional Counsels, Office of Chief Counsel, and others in enforcement cases, violation reports on alleged FAA certificate violations other than medical certificates.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: These records and information in these records may be used:

To provide information for Federal, state, foreign and local agencies maintaining civil, criminal, or other relevant information; or other pertinent operational purposes such as validating airmen qualifications by supplying relevant information to an agency concerning the hiring or retention of employee or the issuance of a grant or other benefit.

To provide statistical reports for internal use, to Congress, other Federal agencies, and the public.

To locate specific individuals for a variety of personnel management functions.

To serve as a repository of documents used by individual and potential employers to determine validity of airmen qualifications.

To verify U.S. Citizenship, certify qualified applicants, and provide them with a crew member certificate to be used in lieu of a passport in International Civil Aviation Organization member countries.

To supply data to the National Transportation Safety Board (NTSB)

under requirements of the FAA accident investigation authority delegated to it by the Board.

To serve as a repository of legal documents that relate to individuals' physical status or condition used to determine statistically the validity of FAA medical standards.

To develop professional papers that are distributed to various aviation and medical groups for evaluation and study.

To inform the aviation community of medical findings related to flight safety.

To inform airmen of meetings and seminars conducted by the FAA regarding aviation safety.

To provide information for determining eligibility for airman medical certification, for review of requests for exemptions from medical requirements, and for review of certificate denials.

To provide information concerning administrative and legal enforcement actions of alleged violations of certain Federal Aviation Regulations and Hazardous Materials Regulations to government agencies, the aviation industry, and the public upon request.

The general routine uses in the prefatory statement apply to all of these files.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 USC 552a(b)(12). Disclosures may be made from this system to 'consumer reporting agencies' (collecting on behalf of the U.S. Govt.) as defined in the Fair Credit Reporting Act (15 USC 1681a(f)) or the Federal Claims Collection Act of 1982 (31 USC 3701(a)(3)) and to debt collection agencies as defined by inference in the Federal Collection Act of 1966 (31 USC 3711 section 3(f)(1) as amended).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: These records are maintained in file folders, on lists and forms, and in computer processable storage media. Records are also stored on microfiche.

RETRIEVABILITY:

Retrievability: These records are retrieved by various combinations of name, birth date, social security account number, airmen certificate number, or other identification number of the individual of whom the records are maintained. Records are also indexed

by sex. Records are also filed by accident number and/or incident number, and administrative action or legal enforcement numbers.

SAFEGUARDS:

Safeguard: Personal information in this system of records is processed in both hard copy and digital environments. Applicable safeguards for each are described in the following subparagraphs:

Manual records: Strict information handling procedures have been developed to cover the use, transmission, storage, and destination of personal data in hard copy form. These are periodically reviewed for compliance.

Automated Processing (FAA Systems): Computer processing of personal information is conducted within established FAA computer security regulations. A risk assessment of the FAA computer facility used to process this system of records has been accomplished.

Automated Processing (Commercial Time Sharing Contractor): A limited amount of personal information covered by this system of records will be processed at a commercial facility. This data is of low sensitivity to disclosure. A comprehensive security review of the contractor installation was accomplished by the FAA security organization. Computer programs operated on commercial time share systems that contain data on individuals have multiple security levels and record element restrictions to prevent release of data to unauthorized parties.

RETENTION AND DISPOSAL:

Retention and Disposal: All records and files are retained and/or disposed of in accordance with the provisions of Order 1350. 15A, Records Organization, Transfer, and Destruction Standards.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address: Records Concerning Aviation Medical Certification: Manager, Aeromedical Certification Branch, Mike Monroney Aeronautical Center, Oklahoma City, Oklahoma 73125.

Records From Regional Files: Regional Flight Surgeon within the region where examination was conducted. FAA Certification Records and General Airmen Records: Manager, Airmen Certification Branch, Mike Monroney Aeronautical Center, Oklahoma City, Oklahoma 73125. Requests for assistance may be made to the originating GADO, ACDO, or FSDO. Records Concerning General Aviation Accidents and Incidents and Air

Carrier Incidents: Aviation Standards National Field Office, Attn: Chief, National Safety Data Branch, Mike Monroney Aeronautical Center, Oklahoma City, Oklahoma 73125.

Records Concerning Administrative and Legal Enforcement Action: FAA Enforcement Information System Data Bases for Administrative and Legal Enforcement Actions: Aviation Standards National Field Office, Attn: Chief, National Safety Data Branch (AVN-120), Mike Monroney Aeronautical Center, Oklahoma City, Oklahoma 73125.

Official FAA Enforcement Files: The Office of the Chief Counsel, the Office of the Regional Counsel, or the investigating FAA field office, as appropriate. (The address of the appropriate FAA legal or field office maintaining the official agency enforcement file may be obtained from (AVN-120)

(See or call your local FAA office in the area in which you reside for any proper address not specifically listed above).

NOTIFICATION PROCEDURE:

Notification Procedure: Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the system manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Individuals who desire access to information about themselves in this system of records should contact or address their inquiries to the system manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Associate Administrator for Administration or his delegate at the following address: Department of Transportation Federal Aviation Administration 800 Independence Avenue, S.W. Washington, D.C. 20591

RECORD SOURCE CATEGORIES:

Record Source Categories: Medical Information: Information is obtained from Aviation Medical examiners, individuals themselves, consultants, hospitals, treating or examining physicians, other Government agencies, tests taken by the individual, special studies such as blood test, and in some rare cases, records are supplied by other persons or other agencies.

Airmen Certification Records: Information is obtained from the

individual to whom the records pertain. Written test scores are derived from answers given by individuals. Actions filed by FAA personnel.

General Aviation Accident/Incident Records and Air Carrier Incident Records: Information is obtained from Aviation Medical Examiners, pathologists, accident investigations, medical laboratories, law enforcement officials, and FAA employees. Data is also collected from manufacturers of aircraft, maintenance inspectors, accident investigators, witnesses to accidents, and involved passengers. Administrative Action and Legal Enforcement Records: Regional Counsels, National Transportation Safety Board, Civil Aviation Security personnel, Flight Standards personnel, Aeronautical Center personnel, and the Office of Chief Counsel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Systems Exempted from Certain Provisions of the Act: Portions of the records are exempted from certain subsections of the Privacy Act. The purpose of these exemptions is to protect investigatory materials compiled for law enforcement by prematurely disclosing the knowledge of illegal activity and evidential basis for possible enforcement actions. The exemption rule may be found on page 8999 of the February 11, 1980, issue of the Federal Register.

DOT/FHWA 202

SYSTEM NAME:

System Name: University and Industry Programs Coding and Filing System. DOT/FHWA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT), Federal Highway Administration (FHWA), National Highway Institute, 400 7th Street, SW, Room 4136, Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Current and prior year candidates for FHWA fellowships/scholarships employees of FHWA and State and local transportation agencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Applications for fellowships. Transcripts of grades.

Follow-up evaluation reports.
Study progress reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Applications and transcripts used by fellowship selection panel.

Study progress reports and follow-up evaluation reports used by the National Highway Institute in program evaluation.

See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 USC 552a(b)(12). Disclosures may be made from this systems to 'consumer reporting agencies' (collecting on behalf of the U.S. Govt.) as defined in the Fair Credit Reporting Act (15 USC 1681a(f)) or the Federal Claims Collection Act of 1982 (31 USC 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: File folders.

RETRIEVABILITY:

Retrievability: Name.

SAFEGUARDS:

Safeguards: Stored in file cabinets.

RETENTION AND DISPOSAL:

Retention and Disposal: 5 years - discarded in trash.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Administrative Assistant, Department of Transportation, Federal Highway Administration, National Highway Institute, 400 7th Street, SW, Room 4206, Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Any individual that has applied for a fellowship/scholarship may obtain such information by written request to the Institute. The requestor should know the year of his application.

RECORD ACCESS PROCEDURES:

Record Access Procedure: May be obtained from the 'System Manager' at the address given above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: May be obtained from the 'System Manager' at the address given above.

RECORD SOURCE CATEGORIES:

Record Source Categories: The information comes from individual applications, reports prepared by the individuals and their faculty advisors, and college transcripts.

DOT/FHWA 204

SYSTEM NAME:

System Name: FHWA Motor Carrier Safety Proposed Civil and Criminal Enforcement Cases. DOT/FHWA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT).

Federal Highway Administration (FHWA).

All FHWA Regional Offices. (See 49 CFR Part 7 Appendix D for addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Officers, agents or employees of motor carriers, including drivers who have been the subject of investigation for Motor Carrier Safety regulation violations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: This system of records contains information pertaining to Motor Carrier safety regulation violations and identifying features.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: These records and information in the records are used for referral to U.S. Attorney civil proceedings or referred to other agencies for criminal or civil investigation of other Federal violations. Prefatory Statement of General Routine Uses, 5 does not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: File folders in the Regional Counsel's Office.

RETRIEVABILITY:

Retrievability: These records are indexed by names of motor carriers or individuals.

SAFEGUARDS:

Safeguards: The records are marked 'Confidential.' Only Office of Chief Counselor Regional Counsel Office employees or Bureau of Motor Carrier Safety (BMCS) employees have access to the files.

RETENTION AND DISPOSAL:

Retention and Disposal: The records are retained for one year and then are sent to the Central Files for an additional three year period.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: FHWA
Office of the Chief Counsel
400 7th Street, S.W., Room 4224
Washington, D.C. 20590
FHWA, Regional Counsel,
FHWA, Regional Offices (See 49 CFR Part 7 Appendix D for addresses)

NOTIFICATION PROCEDURE:

Notification Procedure: Same as 'System Manager'.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Same as 'System Manager'.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'System Manager'.

RECORD SOURCE CATEGORIES:

Record Source Categories: Individuals, motor carrier files, and BMCS files, etc., as gathered by BMCS investigators.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Exemptions: Pursuant to (k) (2), of 5 U.S.C. 552a this system of records is exempt from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I) and (f).

DOT/FHWA 208

SYSTEM NAME:

System Name: Application for U.S. Government Motor Vehicle Operator's Identification Card (U.S. Government Drivers License). DOT/FHWA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT).
Federal Highway Administration (FHWA),
Office of Management Systems, HMS-4,
400 7th Street, SW, Room 4317
Washington, DC 20590.
System is also maintained at:
All FHWA Regional and Division Offices (See 49 CFR Part 7 Appendix D for addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: FHWA employees who have applied for Federal Government Drivers License.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Application for Operator's Identification card, Form FHWA-133, and Physical Fitness Inquiry for Motor Vehicle Operators, Standard Form 47.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Identification of FHWA drivers, and qualification of the driver. See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: The records are maintained in a file cabinet in folders.

RETRIEVABILITY:

Retrievability: The system is indexed alphabetically by name of applicant.

SAFEGUARDS:

Safeguards: Personnel screening.

RETENTION AND DISPOSAL:

Retention and Disposal: Records are retained until expiration of licensing period.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Occupational Safety Engineer,
Department of Transportation,
Federal Highway Administration,
400 7th Street, SW,
Washington, DC 20590.
Executive Officer in Regions;
Administrative Managers in Divisions
(See 49 CFR Part 7 Appendix D for addresses).

NOTIFICATION PROCEDURE:

Notification Procedure: The requester must provide his name, organizational element, and proper identification to the address in 'System Manager' above.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Same as in 'System Manager' above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as in 'System Manager' above.

RECORD SOURCE CATEGORIES:

Record Source Categories: The information is provided by the individual on his application for an FHWA U.S. Government drivers license.

DOT/FHWA 209**SYSTEM NAME:**

System Name: Driver Accident Record Cross-Reference File. DOT/FHWA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
Federal Highway Administration (FHWA),
FHWA Regional Office,
Associate Regional Administrator for Motor Carrier Safety
Room 210, Mohawk Building,
222 SW Morrison Street,
Portland, OR 97204.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: All Motor Carrier drivers who have had commercial accidents in the Region 10 geographic area and drivers from motor carriers based in Region 10 who have had commercial accidents anywhere in the United States.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Data tapes cross-referenced to motor carrier files.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: To identify commercial drivers who have been involved in one or more commercial accidents. See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Data tapes.

RETRIEVABILITY:

Retrievability: Filed alphabetically by driver's name.

SAFEGUARDS:

Safeguards: Personnel screening of those individuals requesting driver accident information.

RETENTION AND DISPOSAL:

Retention and Disposal: Data maintained continuously on tape.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager:
Associate Regional Administrator for Motor Carrier Safety
FHWA Regional Office,
Room 210, Mohawk Building,
222 SW Morrison Street,
Portland, OR 97204.

NOTIFICATION PROCEDURE:

Notification Procedure: May be obtained upon request by supplying name to the address in 'System Manager' above.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Same as in 'System Manager' above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as in 'System Manager'.

RECORD SOURCE CATEGORIES:

Record Source Categories: Accident information on the cards and data tapes is transposed from the Motor Carrier Safety Accident Forms (MCS 50-T) and State Police Accident Reports.

DOT/FHWA 210**SYSTEM NAME:**

System Name: Occupational Safety and Health Accident Reporting System. DOT/FHWA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
Federal Highway Administration (FHWA),
Office of Management Systems, HMS-4,
400 7th Street, SW, Room 4317,
Washington, DC 20590. Duplicate copies may be retained in Regional and Division offices (See 49 CFR Part 7 Appendix D for addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Any FHWA employee involved in an occupational accident.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: The system contains all type of occupational accidents such as, employees' injuries, occupational illnesses, motor vehicle, property damage, fire and explosion, vessel, train, and incidents not resulting in injuries or property damage.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: The use and purpose of the information is to obtain information for accident prevention. See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: The records are maintained in a file cabinet in folders.

RETRIEVABILITY:

Retrievability: The system is indexed by organizational element and name.

SAFEGUARDS:

Safeguards: Personnel screening.

RETENTION AND DISPOSAL:

Retention and Disposal: Records are retained for five years as required by Occupational Safety and Health Act of 1970, as amended, Title 29, U.S.C., Part 1960, Safety and Health Provisions for Federal Employees. The records are then forwarded to the Records Center of Archives and Records Services, GSA.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Occupational Safety Engineer,
Department of Transportation,
Federal Highway Administration,
Office of Management Systems,
400 7th Street, SW, Room 4317,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: The requester must provide his name, organizational element, and/or date of the accident, and proper identification to address in 'System Manager' above.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Same as in 'System Manager' above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as in 'System Manager' above.

RECORD SOURCE CATEGORIES:

Record Source Categories: The information is obtained from individuals involved in the accident, and by investigation by the individual's supervisors. Management obtains the information through investigation.

DOT/FHWA 211**SYSTEM NAME:**

System Name: Motor Carrier Accident File - Property and Passenger. DOT/FHWA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
Federal Highway Administration (FHWA),
400 7th Street, SW,
Washington, DC 20590.
(Hard copy is located in Room 4432-
Magnetic tape storage is located in Room 2401.)
Hard copy is also stored in the Federal Records Center.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Accidents reported by motor carriers of passengers and property.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Motor Carrier Accident Report Form.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Compilation of data concerning accident frequency and causation.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Hard copy and magnetic tape.

RETRIEVABILITY:

Retrievability: Indexed by carrier name.

SAFEGUARDS:

Safeguards: Personnel screening.

RETENTION AND DISPOSAL:

Retention and Disposal: Retained indefinitely - continuing data reference for comparison purposes.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager:
Department of Transportation,
Federal Highway Administration,
Bureau of Motor Carrier Safety
Compliance Analysis Branch
400 7th Street, SW, Room 3408
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Same as in 'System Manager' above.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Same as in 'System Manager' above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as in 'System Manager' above.

RECORD SOURCE CATEGORIES:

Record Source Categories:
Information supplied by motor carrier.

DOT/FHWA 212**SYSTEM NAME:**

System Name: Medals of Honor File. DOT/FHWA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
Federal Highway Administration (FHWA),
Bureau of Motor Carrier Safety,
Operations Division,
400 7th Street, SW, Room 3408,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Nominees and recipients of Presidential Medals of Honor for Lifesaving on Highways.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Description of incidents, Investigator's report, and related correspondence.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Determination of applicability of Medals of Honor criteria, background information for preparation of Medal presentation.
See Prefatory Statement of General Routine Uses, 1, 2, 4, 9 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: File folder, one file drawer.

RETRIEVABILITY:

Retrievability: Indexed by name of nominee/recipient.

SAFEGUARDS:

Safeguards: Personnel screening.

RETENTION AND DISPOSAL:

Retention and Disposal:
Approximately two years retention after presentation or denial.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Operations Division,
Department of Transportation,
Federal Highway Administration,
Bureau of Motor Carrier Safety,
400 7th Street, SW, Room 3408,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Same as in 'System Manager' above.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Same as in 'System Manager' above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as in 'System Manager' above.

RECORD SOURCE CATEGORIES:

Record Source Categories: Medal of Honor Nomination.

DOT/FHWA 213**SYSTEM NAME:**

System Name: Driver Waiver File.
DOT/FHWA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
Regional Driver Waiver Specialist,
Associate Regional Administrator for
Motor Carrier Safety,
(See 49CFR7, Appendix D for
Addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Operators of interstate commercial vehicles transporting certain commodities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Application for waiver (usually involving physical disability).
Final disposition of request for waiver.
Waiver renewal.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Control of physically impaired operators of commercial motor vehicles.
See Prefatory Statement of General Routine Uses, 5 does not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: File folder, entire file cabinet.

RETRIEVABILITY:

Retrievability: Information retained by name.

SAFEGUARDS:

Safeguards: File is classified as non-confidential. Accessible to certain employees of Regulations Division, Bureau of Motor Carrier Safety.

RETENTION AND DISPOSAL:

Retention and Disposal: Files are retained while waiver is active. Inactive waiver files are purged each year.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Driver Requirements Branch,
Department of Transportation,
Federal Highway Administration,
Bureau of Motor Carrier Safety,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Same as in 'System Manager' above.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Same as in 'System Manager' above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as in 'System Manager' above.

RECORD SOURCE CATEGORIES:

Record Source Categories:
Information obtained from Application for Waiver or Waiver Renewal.

DOT/FHWA 215**SYSTEM NAME:**

System Name: Travel Advance File.
DOT/FHWA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
Federal Highway Administration (FHWA),
Office of Fiscal Services,
400 7th Street, SW,
Washington, DC 20590.
All FHWA Regional Offices (See 49 CFR Part 7 Appendix D for addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Recipients of travel advances.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Record of travel advances and repayments.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: To control repayment of travel advances.
See Prefatory Statement of General Routine Uses, disclosure to consumer reporting agencies:

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 USC 552a(b)(12). Disclosures may be made from this systems to 'consumer reporting agencies' (collecting on behalf of the U.S. Govt.) as defined in the Fair Credit Reporting Act (15 USC 1681a(f)) or the Federal Claims Collection Act of 1982 (31 USC 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Maintained on a 5 x 8 inch form.

RETRIEVABILITY:

Retrievability: Indexed by name.

SAFEGUARDS:

Safeguards: Records are maintained in a locked file.

RETENTION AND DISPOSAL:

Retention and Disposal: Schedule 9, Travel and Transportation Records, of the General Records Schedules (FPMR 101-11.4).

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Voucher Review & Disbursement Section,
Department of Transportation,
Federal Highway Administration,
Office of Fiscal Services,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Same as System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Same as System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as System Manager.

RECORD SOURCE CATEGORIES:

Record Source Categories: Individual on whom the record is maintained.

DOT/FHWA 216**SYSTEM NAME:**

System Name: Travel Voucher - Change of Duty Station. DOT/FHWA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
Federal Highway Administration (FHWA),
Office of Fiscal Services,
400 7th Street, SW,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Employees reimbursed for change of duty station travel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Record of travel expenses claimed for change of duty station.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Record of travel expenses for change of duty station.
See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 USC 552a(b)(12). Disclosures may be made from this systems to 'consumer reporting agencies' (collecting on behalf of the U.S. Govt.) as defined in the Fair Credit Reporting Act (15 USC 1681a(f)) or the Federal Claims Collection Act of 1982 (31 USC 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Maintained on a 8 x 10 inch form.

RETRIEVABILITY:

Retrievability: Indexed by name.

SAFEGUARDS:

Safeguards: Supervised by the Chief, Voucher Review & Disbursements Section.

RETENTION AND DISPOSAL:

Retention and Disposal: Schedule 9, Travel and Transportation Records, of the General Records Schedules (FPMR 101-11.4).

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Voucher Review & Disbursements Section, Department of Transportation, Federal Highway Administration, Office of Fiscal Services, 400 7th Street, SW, Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Same as in 'System Manager' above.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Same as in 'System Manager' above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as in 'System Manager' above.

RECORD SOURCE CATEGORIES:

Record Source Categories: Individual on whom the record is maintained.

DOT/FHWA 217**SYSTEM NAME:**

System Name: Accounts Receivable. DOT/FHWA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT), Federal Highway Administration (FHWA), Office of Fiscal Services, 400 7th Street, SW,

Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Individuals indebted to the Federal Highway Administration.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Amount of indebtedness.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: To control accounts receivable.

See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 USC 552a(b)(12). Disclosures may be made from this systems to 'consumer reporting agencies' (collecting on behalf of the U.S. Govt.) as defined in the Fair Credit Reporting Act (15 USC 1681a(f)) or the Federal Claims Collection Act of 1982 (31 USC 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Maintained in indexed loose-leaf book.

RETRIEVABILITY:

Retrievability: By name.

SAFEGUARDS:

Safeguards: Supervised by Chief, General Ledger and Funds Control Section.

RETENTION AND DISPOSAL:

Retention and Disposal: Schedule 7, Expenditure Accounting Records, of General Records Schedules (FPMR-101-11.4).

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, General Ledger & Funds Control Section, Department of Transportation, Federal Highway Administration, Office of Fiscal Services, 400 7th Street, SW, Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Same as in 'System Manager' above.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Same as in 'System Manager' above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as in 'System Manager' above.

RECORD SOURCE CATEGORIES:

Record Source Categories: Employer.

DOT/FHWA 219**SYSTEM NAME:**

System Name: Employee Utilization (monthly report). DOT/FHWA.

SYSTEM LOCATION:

System Location: Department of Transportation, Federal Highway Administration, Data Systems Division, 400 7th Street, SW, Room 2410, Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: All computer programmers and systems analysts in the Data Systems Division (DSD), FHWA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Working file (internal).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Basis for reimbursable charges for services to other organizational elements (computer program maintenance and/or development).

Basis for Planning Staff projections of current and future workloads; estimates, etc.

Can be used to evaluate employee proficiency and productivity. See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Computer printouts and magnetic tape.

RETRIEVABILITY:

Retrievability: Organization, two digit employee numbers, Project #, operation code, date.

SAFEGUARDS:

Safeguards: Secure building.

RETENTION AND DISPOSAL:

Retention & Disposal: Magnetically recorded data is erased on a quarterly basis.

Printouts are usually destroyed on a monthly or quarterly basis.

One complete historical printout is retained by the planning staff for long range reference.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Data System Division,
Department of Transportation,
Federal Highway Administration,
400 7th Street, SW, Room 2418,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Same as in 'System Manager' above.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Same as in 'System Manager' above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as in 'System Manager' above.

RECORD SOURCE CATEGORIES:

Record Source Categories: Data Systems Division computer programmers and system analysts provide this information on a weekly basis - accounting for their various work activities plus leave, training, etc.

DOT/FHWA 220

SYSTEM NAME:

System Name: Payroll Administration.
DOT/FHWA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
Federal Highway Administration (FHWA),
Office of Fiscal Services,
400 7th Street, SW,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Employees of the following Headquarters Elements: Federal Highway Administration.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Contains all data relative to payroll employees. Includes time, attendance, leave, gross pay and payroll deduction records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Payrolling and Leave Administration.
The purpose of each use of categories of records within the DOT/FHWA Payroll Administration is to enable the administration of the payroll function and related financial matters in accordance with applicable laws and regulations and to comply with

the requirements of the Comptroller General.

System Uses:

1. For providing a permanent record of actions taken pertinent to the administration of pay, leave and allowances.
 2. For any of the routine uses specified in the Prefatory Statement.
- See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 USC 552a(b)(12). Disclosures may be made from this systems to 'consumer reporting agencies' (collecting on behalf of the U.S. Govt.) as defined in the Fair Credit Reporting Act (15 USC 1681a(f)) or the Federal Claims Collection Act of 1982 (31 USC 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: File Folders.

RETRIEVABILITY:

Retrievability: By name.

SAFEGUARDS:

Safeguards: Supervised by Chief, Payroll & Employee Records Section.

RETENTION AND DISPOSAL:

Retention and Disposal: Schedule 2 of General Records Schedules Payrolling and Pay Administration Records (FPMR 101-11.4).

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Payroll & Employee Records Section,
Department of Transportation,
Federal Highway Administration,
Office of Fiscal Services,
400 7th Street, SW,
Washington, DC 20590.
Appropriate Finance Officer in FHWA Region 8 or 10.

NOTIFICATION PROCEDURE:

Notification Procedure: Same as in 'System Manager' above.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Same as in 'System Manager' above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as in 'System Manager' above.

RECORD SOURCE CATEGORIES:

Record Source Categories: Individual on whom the record is maintained, Office of Personnel and Training, Federal, State and City Tax Regulations.

DOT/FHWA 221

SYSTEM NAME:

System Name: Panel for the Santa Monica Demonstration Project.

SYSTEM LOCATION:

System Location: Held by Market Facts, Inc.,
100 So. Wacker Dr.,
Chicago, IL 60606,
for the Urban Planning Division,
Federal Highway Administration,
Department of Transportation,
400 7th Street, SW,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: A random sample of residents from the Los Angeles area.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Names, addresses and telephone numbers are located on the questionnaire. Information from the questionnaire is stored on magnetic tape and can be accessed by an identifying number (interview number). A list of names, addresses and phone numbers associated with the interview number are separately filed. The questionnaire contains information regarding: Transportation commute patterns, frequency of mode use, trip characteristics, and satisfaction with various ways of traveling. Perceptions and importance ratings of modal attributes; tradeoff data on required service levels, Intentions to alter commuting behavior in response to various transportation system modifications, Perceptions of service changes based on transportation management actions, Perceived similarity of transportation modifications, Sociodemographic information, e.g., age, race, income, sex, children.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Names are associated with the interview numbers after interviews are recorded. Information from the questionnaire is analyzed statistically without reference to any specific individual. The Urban Planning Division will use the data obtained from the surveys in the development of mode choice models, to assess transportation system modifications and to calibrate systematically induced mode shift models. Both the statistical analyses and statistical data will be made available

to interested administrators in the Department of Transportation, Department of Energy as well as to the California State Department of Transportation and the Southern California Association of Governments. Other researchers interested in the Santa Monica transportation system management evaluation will also be given access to purely statistical information. Names, addresses and telephone numbers are retained for the sole purpose of locating the sample to be re-interviewed a second time.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: The questionnaire is stored in a locked file cabinet in the Chicago Office of Market Facts, Inc. Two individuals have keys to the cabinet, Mr. Frank Griffiths, V.P. of Market Facts, and Mr. Bob Kranz, project analyst. There are three complete copies of the master list with names, and addresses and phone numbers; one is held by the field supervisor in Los Angeles, one by Mr. Bob Kranz, and by Mr. Frank Griffiths. The names and addresses were placed on labels to be attached to the questionnaires, under the supervision of Mr. Frank Griffiths. No additional copies are to be made without approval of the Urban Planning Division, DOT. Magnetic tapes are stored in the tape libraries at Market Facts, Inc., and at the Department of Transportation. Again data from the tape can only be identified with an individual when the interview number is matched against a master list.

RETRIEVABILITY:

Retrievability: Questionnaire information is stored on tape and is retrievable only through and identifying number (Interview number). This must be matched with a list of interview numbers if it is necessary to associate with names. The questionnaires themselves can be accessed from the files only under the supervision of Mr. Frank Griffiths.

SAFEGUARDS:

Safeguards: All identifying materials are under lock; only two individuals directly working on the project have keys to the files; a guard is on duty 24 hours a day. The list which assign names to interview numbers is kept separately from the data stored on tape.

RETENTION AND DISPOSAL:

Retention and Disposal: The record list of names and interview numbers

will be retained until Phase II interviewing and coding is completed. The questionnaire will be kept in locked-storage for three years to ensure accessibility if significant errors in transcription were to be determined.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Mary Lynn Tischer
HHP-22,
Urban Planning Division,
FHWA,
DOT,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Inquiries should be directed to the System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Contact System Manager for information on procedures for gaining access to records.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedures: Contact System Manager for information on procedures for contesting records.

RECORD SOURCE CATEGORIES:

Record Source Categories: Private list with no transmission expected.

DOT/FRA 100

SYSTEM NAME:

System Name: Alaska Railroad Examination of Operating Personnel.
DOT/FRA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
Federal Railroad Administration (FRA),
The Alaska Railroad,
Pouch 7-2111,
Anchorage, Alaska 99510.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Alaska Railroad operating employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Examination papers on rules and safety practices.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Determination of employees understanding of safety practices and rules of the Alaska Railroad.
Qualification for employment.
Review for promotion.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Kept under lock and key. Only authorized Alaska Railroad officials can handle the examinations.

RETRIEVABILITY:

Retrievability: By name.

SAFEGUARDS:

Safeguards: Access to examinations limited to Alaska Railroad officials only.

RETENTION AND DISPOSAL:

Retention and Disposal: Examinations kept during employment of individual with Alaska Railroad; upon termination, disposed of by destruction by either burning or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Operations Officer,
Department of Transportation,
Federal Railroad Administration,
The Alaska Railroad,
Pouch 7-2111,
Anchorage, Alaska 99510.

NOTIFICATION PROCEDURE:

Notification Procedure: Individuals may request from the System Manager whether or not this system of records pertains to him.

RECORD ACCESS PROCEDURES:

Record Access Procedure: The System Manager may allow an individual to review his score on the examination.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Contest of these records, if appropriate, is through the System Manager.

RECORD SOURCE CATEGORIES:

Record Source Categories: Official examination papers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Exemptions: This system is exempted under Section 552a(K)6, 'testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal Service the disclosure of which would compromise the objectivity or fairness of the testing or examination process.'

DOT/FRA 101

SYSTEM NAME:

System Name: Alaska Railroad Personnel and Pay Management Information System. DOT/FRA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT), Federal Railroad Administration (FRA), The Alaska Railroad, Pouch 7-2111, Anchorage, Alaska 99510.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Alaska Railroad officials and employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Time, attendance and leave. Payroll data. Payroll computation and history. Personnel records. Personnel Management Records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Personnel Status Reports. Personnel Strength Reports. Payroll computation and related reports. Record of leave accrued and used. Labor distribution and accounting reports. Personnel management and budget reports. Reports to Internal Revenue Service (IRS), U.S. Treasury, Civil Service Commission (CSC), etc. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 USC 552a(b)(12). Disclosures may be made from this systems to 'consumer reporting agencies' (collecting on behalf of the U.S. Govt.) as defined in the Fair Credit Reporting Act (15 USC 1681a(f)) or the Federal Claims Collection Act of 1982 (31 USC 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Integrated data based on mag-tape.

RETRIEVABILITY:

Retrievability: By Name or I.D. Number.

SAFEGUARDS:

Safeguards: Access to the data base is limited to computer programs. Outputs from computer programs are disclosed only to employees or officials in discharge of their official duties. Primary control is achieved through a separation

of functions wherein no one person is responsible for the input processing and auditing of any given transaction.

RETENTION AND DISPOSAL:

Retention and disposal: Individual records are deleted from the automated data base at the end of the calendar year in which Alaska Railroad employment is terminated. Input document and printed outputs are disposed of by burning or shredding or transfer to a records center in accordance with established records disposition schedules.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: General Manager, Department of Transportation, Federal Railroad Administration, The Alaska Railroad, Pouch 7-2111, Anchorage, Alaska 99510.

NOTIFICATION PROCEDURE:

Notification Procedure: The individual who feels that this system of records pertains to him may present himself to the General Manager, The Alaska Railroad requesting confirmation.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Contact the system manager for access.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: In case of contest employee is instructed to first contact the immediate supervisor. Procedures are established which permit an employee to pursue an appeal to the General Manager, The Alaska Railroad, then to the U.S. Civil Service Commission.

RECORD SOURCE CATEGORIES:

Record Source Categories: Official Personnel Folders. Time, attendance and leave records. Organizational code structure. Computations and historical record of pay.

DOT/FRA 102**SYSTEM NAME:**

System Name: Alaska Railroad Security and Freight Claims Investigatory Files. DOT/FRA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT), Federal Railroad Administration (FRA), The Alaska Railroad, Pouch 7-2111, Anchorage, Alaska 99510.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Employees of the Alaska Railroad.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Investigatory files.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Used in routine investigatory work for the DOT/Alaska Railroad Security and Freight Claims division. Review by General Manager or his designee. Review by General Counsel, Alaska Railroad. May be forwarded to U.S. Attorney to assist in prosecution where warranted. See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Locked in fire class C Safe with combination lock.

RETRIEVABILITY:

Retrievability: By name.

SAFEGUARDS:

Safeguards: In addition to the combination safe only two officials of the railroad maintain the combination.

RETENTION AND DISPOSAL:

Retention and Disposal: Records are maintained in the official safe for two years, then transferred to secured holding area for two years and then destroyed by burning or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Security and Claims, Department of Transportation, Federal Railroad Administration, The Alaska Railroad, Pouch 7-2111, Anchorage, Alaska 99510.

NOTIFICATION PROCEDURE:

Notification Procedure: Individual may confirm through the System Manager whether or not the System contains records on him or her.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Access of records requires the individual to contact in person or in writing the System Manager. The records in this system are exempted by Section 552(k)(2) if investigatory matter is being pursued in a court case.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: However, contest procedures through the System Manager and the the General Manager are available if the investigatory files are maintained for general purposes. Confidentiality of sources will be maintained.

RECORD SOURCE CATEGORIES:

Record Source Categories: Personal information provided by individual. Confidential Statements. Photographs.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Exemptions: This system of records is exempted under Section 552a(1) (2); 'investigatory material compiled for law enforcement purposes other than material within the scope of subsection (j)(2) of this section: Provided, however, that if any individual is denied any right, privilege, or benefit that he would otherwise be entitled by Federal Law, or for which he would otherwise be eligible, as a result of the maintenance of such material, such material shall be provided to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.'

DOT/FRA 103**SYSTEM NAME:**

System Name: Application for Operator's (Vehicle) Identification Card. DOT/FRA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT), Federal Railroad Administration, Office of Administrative Operations, RAD-40, 400 7th Street, SW, Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: FRA employees applying for GSA motor vehicle operator license.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Applications for motor vehicle operator license. Physical fitness inquiry.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: To issue operator's license. Ensure applicants meet requirements. See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Copies of basic documents.

RETRIEVABILITY:

Retrievability: By name.

SAFEGUARDS:

Safeguards: Kept in file drawer.

RETENTION AND DISPOSAL:

Retention and Disposal: Retained for three years. Disposal by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Acting Director, Office of Administrative Operations, RAD-40, Department of Transportation, Federal Railroad Administration, 400 7th Street, SW, Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Inquiries may be addressed to the System Manager either in person or in writing.

RECORD ACCESS PROCEDURES:

Record Access Procedures: Access of records requires the individual to contact in person or write the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Contest of a record is also through the System Manager, if resolution is not possible through the System Manager an appeal may be filed in writing with the Secretary of Transportation addressed to the General Counsel as follows: Department of Transportation, Federal Railroad Administration, Office of the Chief Counsel, 400 7th Street, SW, Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Record Source Categories: Applications received from individuals for operator's license. Physical fitness inquiry completed by applicant and signed by physician.

DOT/FRA 104**SYSTEM NAME:**

System Name: Statement of Employment and Financial Interest DOT/FRA.

SYSTEM LOCATION:

System Location: Department of Transportation, Federal Railroad Administration, Office of the Chief Counsel, 400 7th Street, S.W. Room 5101, Washington, D.C. 20590

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: FRA Permanent Employees-GS-13 and above, supervisors, procurement personnel, and safety inspectors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Standard Forms on Employment and Financial Interest.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Review of Financial Interest to Employment. Administrative References. See Prefatory Statement of General Routine Uses.

STORAGE:

Storage: All records are maintained on standard form in a locked file cabinet located in the Chief Counsel's Office.

RETRIEVABILITY: RECORDS ARE INDEXED BY NAME.

Safeguards: Physical security consists of locked file cabinet; records provided to individuals only after physical screening.

RETENTION AND DISPOSAL:

Records are maintained until new or amended forms are received. Upon receipt of new statements old records are removed and destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief Counsel, Department of Transportation, Federal Railroad Administration, Office of Chief Counsel, 400 7th Street, S.W. Room 5101, Washington, D.C. 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Requests for information about this system should be addressed to the System Manager either in person or in writing. Prior employees must provide notarized signature or provide valid security number.

RECORD ACCESS PROCEDURES:

Record Access Procedures: Access to records require the individual to contact in person or write the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedures: Contest of a record is first through the System Manager. FRA procedures are in Appendix F to 49 CFR Part 10.

RECORD SOURCE CATEGORIES:

Record Source Categories: Information is provided by the individual on Standard Form DOT F 3700.1, Confidential Statement of Employment and Financial Interest, and Form 278, Financial Disclosure Report.

DOT/FRA 105**SYSTEM NAME:**

System Name: Employee Travel Records. DOT/FRA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT), Federal Railroad Administration (FRA), Office of Financial and Administrative Services, RAD-40, 400 7th Street, SW, Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: All FRA employees. Private persons issued invitational travel orders to confer on government problems.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Travel logs. Individual travel folders.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Provide back-up to support FRA General Accounting Ledger. Analysis of travel trends. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 USC 552a(b)(12). Disclosures may be made from this systems to 'consumer reporting agencies' (collecting on behalf of the U.S. Govt.) as defined in the Fair Credit Reporting Act (15 USC 1681a(f)) or the Federal Claims Collection Act of 1982 (31 USC 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Records are maintained in a file drawer secured with lock and key.

RETRIEVABILITY:

Retrievability: System is indexed by name.

SAFEGUARDS:

Safeguards: Physical security maintained by secured file system. Individuals requesting individual travel folders are screened by accounting personnel.

RETENTION AND DISPOSAL:

Retention and Disposal: Records are maintained three years then forwarded to the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Accounting Officer, Department of Transportation, Federal Railroad Administration, Accounting Division, 400 7th Street, SW, Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Requests for information about this system should be addressed to the System Manager either in person or in writing.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Access of records requires the individual to contact in person or in writing the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Initial contest of any record will be with the System Manager; if resolution at this level is not satisfactory the individual may file an appeal in writing with the Secretary of Transportation addressed as follows:

Department of Transportation, Federal Railroad Administration, Office of the Chief Counsel, 400 7th Street, SW, Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Record Source Categories: Individual Travel Vouchers.

DOT/FRA 106**SYSTEM NAME:**

System Name: Occupational Safety and Health Reporting System. DOT/FRA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT), Federal Railroad Administration (FRA), Office of Administration, Office of Management Systems, RAD-20.

400 7th Street, SW, Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: FRA employees (injury-illnesses). FRA employees involved in government property accidents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Federal Occupational Injuries and Illnesses Survey (Standard Form OSHA-102). Departmental Accident/Injury Reports DOT Forms 3902.1-8.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Maintain accident records per departmental orders. Provide data to Office of the Secretary. Develop causative trends. Use for corrective accident prevention. See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Maintained on copies of basic documents.

RETRIEVABILITY:

Retrievability: By name.

SAFEGUARDS:

Safeguards: Physical security consists of file drawer with data; records provided to authorized individuals by FRA Safety Manager after physical screening.

RETENTION AND DISPOSAL:

Retention and Disposal: Records are retained for five years. Documents are then destroyed by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: FRA Safety Manager, Department of Transportation, Federal Railroad Administration, Office of Administration, Office of Management Systems, RAD-20, 400 7th Street, SW, Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Inquiries may be addressed to the Systems Manager either in person or in writing. If written the individual must provide a notarized signature, or provide a valid social security number.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Access to records requires the individual to contact in person or write the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Contest of a record is also through the System Manager. If a change is valid after System Manager review it will be made as requested. If resolution is not possible at this level an appeal may be filed in writing with the Secretary of Transportation addressed as follows:

Department of Transportation,
Federal Railroad Administration,
Office of the Chief Counsel,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Record Source Categories: Documents provided by the individual.

DOT/FRA 109**SYSTEM NAME:**

System Name: Office of Safety Past Employees Files. DOT/FRA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
Federal Railroad Administration (FRA),
Office of Safety, RSS-2,
400 7th Street, SW,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individual: Past employees of the Office of Safety.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Personnel information provided from Office of Safety Personnel Convenience File. Standard Form 7-B listing name, salary, position title, organization, etc.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses:
Provides historical reference on past Office of Safety employees.
Verification of employment of past employees.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Record maintained by locked conserv-a-file.

RETRIEVABILITY:

Retrievability: By name.

SAFEGUARDS:

Safeguards: Physical security maintained by locked conserv-a-file. Personnel are screened by Secretary, Associate Administrator or Deputy Administrator to insure that records are not released to unauthorized personnel.

RETENTION AND DISPOSAL:

Retention and Disposal: Record maintained current at all times. No disposal.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Deputy Associate Administrator for Safety,
Department of Transportation,
Federal Railroad Administration,
Office of Safety, RRS-2,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Requests for information about this system may be addressed to the System Manager either in person or in writing.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Access of records requires the individual to contact in person or in writing the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Initial contest of any record will be with the System Manager if resolution at this level is unsatisfactory. The individual may file an appeal in writing with the Secretary of Transportation addressed as follows:

Department of Transportation,
Federal Railroad Administration,
Office of the Chief Counsel,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Record Source Categories: Standard GSA Forms, SF-50, SF-1126.

DOT/FRA 112**SYSTEM NAME:**

System Name: Personnel and Pay Management Information System. DOT/FRA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
Federal Railroad Administration (FRA),
Office of Personnel and Training, RAD-10,
400 7th Street, SW, Room 8125,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Employees of the Federal Railroad Administration.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Payroll data. Personnel records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Personnel Status Reports.
Personnel Strength Reports.
Payroll computations and related reports.
Personnel Management and Budget Reports.
See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 USC 552a(b)(12). Disclosures may be made from this systems to 'consumer reporting agencies' (collecting on behalf of the U.S. Govt.) as defined in the Fair Credit Reporting Act (15 USC 1681a(f)) or the Federal Claims Collection Act of 1982 (31 USC 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Integrated data based on magnetic tape, reports are prepared on computer readable form.

RETRIEVABILITY:

Retrievability: By name or I.D. number.

SAFEGUARDS:

Safeguards: Access to programs limited to employees or officials of the Transportation Computer Center (TCC).

RETENTION AND DISPOSAL:

Retention and Disposal: Individual records are deleted from automated data base at end of calendar year in which separation occurs.

Computer readable programs are destroyed in accordance with established internal procedures.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Director, Office of Personnel and Training, RAD-10,
Department of Transportation,
Federal Railroad Administration,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Any individual who feels that this system of records pertains to him may visit or write the System Manager at the address in 'System Manager: requesting confirmation.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Contact the System Manager for access.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Employee should, in case of contest, contact the System Manager. Procedures are established which permit an employee to pursue appeal through agency levels to U.S. Civil Service Commission.

RECORD SOURCE CATEGORIES:

Record Source Categories: Official personnel folders.
Time, attendance and leave records.
Organizational code structure.
Computations and historical records.

DOT/FRA 113**SYSTEM NAME:**

System Name: Regional Personnel Convenience Files. DOT/FRA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
Region 1, Federal Railroad Administration,
150 Causeway Street,
Boston, Mass. 02114
Region 2, Federal Railroad Administration (FRA),
Independence Building, Room 1020,
434 Walnut Street,
Philadelphia, PA 19106.
Region 3, Federal Railroad Administration,
Suite 440, North Tower,
1720 Peachtree Rd., N.W.
Atlanta, GA 30309.
Region 4, Federal Railroad Administration,
536 South Clark Street,
Chicago, IL 60605.
Region 5, Federal Railroad Administration,
819 Taylor Street, Room 11A23,
Fort Worth, TX 76102.
Region 7, Federal Railroad Administration,
911 Walnut Street,
Rm. 1807, Federal Building,
Kansas City, MO 64106
Region 6, Federal Railroad Administration,
2 Embarcadero, Suite 630,
San Francisco, CA 94111.
Region 8, Federal Railroad Administration,

421 Southwest Fifth Avenue
Portland, Oregon 97204

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Federal Supervisory Inspectors.
Federal Safety Inspectors.
Federal clerical personnel.
Regional Directors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Standard Form 52.
Standard Form 171.
Performance evaluations.
Within grade increases.
Travel authority and vouchers.
Use of Government-owned vehicles and authority.
Training records.
Payroll and leave records.
Copies of commendations and awards.
Work measurement records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses:
For the individual's use:
Schedule training.
Statistics to recommend personnel actions.
Administrative reference material.
Budgetary information material.
Technical information material.
Work territory assignments.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:**Policies and Practices:****STORAGE:**

Storage: Records are maintained from copies of original documents.

RETRIEVABILITY:

Retrievability: The system is indexed by name.

SAFEGUARDS:

Safeguards: Physical security is maintained by locked file cabinets. Any individual requesting data is screened by the Regional Director's secretary.

RETENTION AND DISPOSAL:

Retention and Disposal: Personnel records are retained until employee is terminated, retired, or transferred. Records are then disposed of as trash. Records used for budgetary purposes are retained for 1 year then disposed of.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: The responsible System Manager for each regional

system is the Regional Director. The location is identical to those previously listed.

NOTIFICATION PROCEDURE:

Notification Procedure: The individual may present himself to the Regional Office (Regional Director) to inquire about whether this system of records applies to him either in person or in writing.

RECORD ACCESS PROCEDURES:

Record Access Procedure: An individual may gain access to his records by request to the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Contest of these records will be at the Regional level, if resolution is not satisfactory to the individual at that level an appeal may be filed in writing with the Secretary of Transportation addressed as follows:

Department of Transportation,
Federal Railroad Administration,
Office of the Chief Counsel,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Record Source Categories:
Informational copies provided by the individual.
Informational copies provided by Office of Personnel.
Informational copies generated by ongoing work programs.

DOT/FRA 114**SYSTEM NAME:**

System Name: Transportation Test Center Employee Service Record File. DOT/FRA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
Federal Railroad Administration (FRA),
Transportation Test center,
Pueblo, CO 81001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Federal employees of the Transportation Test Center.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Personal data submitted by individuals.
Personnel actions.
Training data.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Record of personal data on SF 7.
 Computer service computations dates.
 Review performance ratings.
 Follow-up dates for within-grade pay increases.
 Training data used to determine training needs.
 Awards information.
 Used to prepare manpower and budget reports and requests.
 Used in preparing requests for personnel actions.
 See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Service records are maintained by a clerk during working hours. File cabinet is secured by lock during non-duty hours.

RETRIEVABILITY:

Retrievability: By name.

SAFEGUARDS:

Safeguards: Physical Security is maintained by locked file cabinet. Physical screening is insured by clerk who cannot release records without approval.

RETENTION AND DISPOSAL:

Retention and Disposal: Each individual's service record is maintained until termination of employment. After termination record is maintained for one year and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager:
 Director, Transportation Test Center,
 Department of Transportation,
 Federal Railroad Administration,
 Transportation Test Center,
 Pueblo, CO 81001.

NOTIFICATION PROCEDURE:

Notification Procedure: The individual who feels that this system of records pertains to him may write or present himself to the Director, Transportation Test Center (System Manager) requesting confirmation.

RECORD ACCESS PROCEDURES:

Record Access Procedure: An individual may gain access to his records by request to the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Contest of these records, if appropriate, may be

settled by informal communication. If this is unsatisfactory to the individual, the person may file an appeal in writing with the Secretary of Transportation addressed as follows:

Department of Transportation,
 Federal Railroad Administration,
 Office of the Chief Counsel,
 400 7th Street, SW,
 Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Record Source Categories:
 Information supplied by employee.
 Personnel actions, SF 50.
 Evaluation and training forms.
 Information supplied by supervisors.

DOT/FRA 115**SYSTEM NAME:**

System Name: Travel Advance Records. DOT/FRA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
 Federal Railroad Administration (FRA),
 Office of Financial and Administrative Service, RAD-40,
 400 7th Street, SW,
 Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: All FRA employees.
 Private persons traveling on government request.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories or Records: Travel Advance Card.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Maintain accounting records.
 Ensure collection of amounts due to the U.S.
 See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 USC 552a(b)(12). Disclosures may be made from this systems to 'consumer reporting agencies' (collecting on behalf of the U.S. Govt.) as defined in the Fair Credit Reporting Act (15 USC 1681a(f)) or the Federal Claims Collection Act of 1982 (31 USC 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Maintained in file drawer.

RETRIEVABILITY:

Retrievability: By name.

SAFEGUARDS:

Safeguards: Records controlled by Accounting Division personnel.

RETENTION AND DISPOSAL:

Retention and Disposal: Retained three years then forwarded to Federal Record Center with other accounting records.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Accounting Officer,
 Department of Transportation,
 Federal Railroad Administration,
 Accounting Division,
 400 7th Street, SW,
 Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Individuals may contact the System Manager to confirm whether or not the system contains a record on them.

RECORD ACCESS PROCEDURES:

Record Access Procedure: An individual may gain access to his records by request to the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Content of these records may be settled with the System Manager. If this is unsatisfactory to the individual, the person may file an appeal in writing with the Secretary of Transportation addressed as follows:

Department of Transportation,
 Federal Railroad Administration,
 Office of the Chief Counsel,
 400 7th Street, SW,
 Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Record Source Categories: Travel advance card signed by individual, forwarded to Accounting Division.

DOT/FRA 116**SYSTEM NAME:**

System Name: Work Measurement System. DOT/FRA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
 Federal Railroad Administration (FRA),
 Associate Administrator for Safety (RRS-1),
 400 7th Street, SW, Room 5418,
 Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: All employees of the Federal Railroad Administration.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Work Measurement Reports submitted by individuals.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses:
Staffing and manpower justifications.
Budget presentations.
Review of performance efficiency and effectiveness to FRA objectives.
Reports to BLS, JFMIP, and other interested productivity oriented agencies.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Magnetic tape (mag-tape).

RETRIEVABILITY:

Retrievability: By payroll identification number.

SAFEGUARDS:

Safeguards: Computer safeguards maintained by DOT Transportation programs are sensitive file retrieval computer systems.

RETENTION AND DISPOSAL:

Retention and Disposal: Mag-tape is kept for 5 years, computer printouts retained 2 years. Disposal by usual disposal methods.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Associate Administrator for Safety (RRS-1), Department of Transportation, Federal Railroad Administration, 400 7th Street, SW, Room 5418, Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Inquiries may be addressed to the System Manager either in person or in writing.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Access of records requires the individual to contact in person or write the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Contest of a record is also through the System

Manager. If resolution is not possible through the System Manager, an appeal may be filed in writing with the Secretary of Transportation addressed as follows:

Department of Transportation,
Federal Railroad Administration,
Office of the Chief Counsel,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Record Source Categories: Input from FRA employees on FRA Form F 53, Work Measurement Report.

DOT/FRA 118**SYSTEM NAME:**

System Name: Transportation Test Center Cost Tracking System. DOT/FRA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT), Federal Railroad Administration (FRA), Transportation Test Center, Pueblo, CO 81001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Operations and Maintenance (O&M) contractor employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Employee weekly time cards.
Employee work order charges.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: For the individual's use.
Administrative reference material.
Budgetary information material.
Technical information material.
DOT/FRA and other Government agencies that need Project/Work Order Cost Accounting Data.
Statistical purposes such as labor utilization assessment.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: O&M contractor employee labor distribution records are stored on magnetic tape files.

RETRIEVABILITY:

Retrievability: The system is indexed by name and employee clock number.

SAFEGUARDS:

Safeguards: Primary system record input and output control is assigned to the Operations and Maintenance Contractor Accounting Office which functions as a single point interface with data processing operations.

RETENTION AND DISPOSAL:

Retention and Disposal: Employee labor distribution records are retained in fiscal year transaction history files on magnetic tapes. Input document (employee time cards) and printed output are disposed of after three years from termination of the O&M contract.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Director, Transportation Test Center, Department of Transportation, Federal Railroad Administration, Pueblo, CO 81001.

NOTIFICATION PROCEDURE:

Notification Procedure: Any individual who wishes to inquire about whether this system of records applies to him may request confirmation from the System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: An individual may gain access to his records by request to the System Manager who will notify the appropriate O&M Project Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Contest of record content will be with the System Manager. If resolution at this level is not satisfactory the individual may file an appeal in writing with the Secretary of Transportation addressed as follows:

Department of Transportation,
Federal Railroad Administration,
Office of the Chief Counsel,
400 7th Street, SW, Room 5101,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Record Source Categories: Employee time cards.

DOT/FRA 130**SYSTEM NAME:**

System Name: Railroad Safety-Noncompliance by Individuals.

SYSTEM LOCATION:

System Location: Federal Railroad Administration, Office of Chief Counsel, Enforcement Division (RCC-40), 400 Seventh Street, S.W., Washington, D.C. 20590.

SECURITY CLASSIFICATION:

Security Classification: None.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Individuals that fail to comply with certain railroad safety statutes and regulations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Facts and circumstances surrounding rail safety violations by individuals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority for Maintenance of the System: Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.), Federal Railroad Safety Act of 1970 (45 U.S.C. 421 et seq.), 18 U.S.C. 1001.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Records will be reviewed by the Enforcement Division and may form the basis of, or support for, civil and/or criminal enforcement action against the individual(s) involved.

Records may be released to the Department of Justice where criminal sanctions are sought against the individual(s) involved, or where litigation becomes necessary for the collection of a civil penalty. Prefatory General Routine Uses 3 and 5 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: File folders, locked file cabinet.

RETRIEVABILITY:

Retrievability: The names of the individual and his or her employer are the identifiers used to retrieve a record from this system.

SAFEGUARDS:

Safeguards: Disclosure of records is limited to FRA employees involved in collection and legal review of compliance information. Safeguards include locked building, guard service and locked file cabinet.

RETENTION AND DISPOSAL:

Retention and Disposal: Each record will be retained at the offices of the Enforcement Division for a period of three years following final disposition.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address:
Legal Technician,
Enforcement Division,
Office of Chief Counsel,
FRA,
400 Seventh Street, S.W.,
Washington, D.C. 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Inquiries should be directed to:
Assistant Chief Counsel,
Enforcement Division,
Office of Chief Counsel,
FRA,
400 Seventh Street, S.W.,
Washington, D.C. 20590.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Contact (202-426-8285) or write to System Manager for information on procedures for gaining access to records.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Write the Privacy Act Officer, Office of Management Systems, FRA, 400 Seventh Street, S.W., Washington, D.C. 20590. Reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Record Source Categories: Information is obtained directly from the individual and from other persons with personal knowledge of the facts and circumstances involved.

DOT/FRA 131**SYSTEM NAME:**

System Name: Office of Safety Investigation Case File System

SYSTEM LOCATION:

System Location: Department of Transportation,
Federal Railroad Administration,
Office of Safety,
RRS-11,
400 7th Street, S.W.,
Washington, D.C. 20590.

SECURITY CLASSIFICATION:

Security Classification: None

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Individuals who are employed by railroads, Officers of Unions representing Railroad Employees, Individual Citizens, Officials of State, County and City Governments, Lawyers representing Individuals and Civic Groups, Officers of Railroads and other parties interested in Railroad Safety.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq), Federal Railroad Safety Act of 1970 (45 U.S.C. et seq), Hours of Service Act (45 U.S.C. 61 et seq), Safety Appliance Act (45 U.S.C. 1 et seq).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Prefatory General Routine Uses 3, 5, and 6 do not apply. Records will be reviewed by the Associate Administrator for Safety and his staff to form this basis for accomplishment of the mission of the FRA's Office of Safety.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: file folders, locked and secured in office
automated tracking system, entry by Identification Password only.

SAFEGUARDS:

Safeguards: Disclosures of records is limited to FRA employees involved directly with investigations, their review, or in prosecution of violators, except where disclosures are provided for by the General Routine Uses. Physical safeguards include locked building, office and guard service.

RETENTION AND DISPOSAL:

Retention and Disposal: Each record file will be retained at the Office of Safety Programs. File records will be retained for a period of three years and automated tracking system will be retained for a period of five years.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address:
Chief,
Program Guidance and Enforcement Division,
Federal Railroad Administration,
Office of Safety,
400 Seventh Street, S.W.,
Washington, D.C. 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Inquiries should be made direct to:
Associate Administrator for Safety,
Federal Railroad Administration,
400 Seventh Street, S.W.,
Washington, D.C. 20590.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Contact the System Manager for Access.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Write The Privacy Act Officer, Office of Management Systems, Federal Railroad Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. Reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Record Source Categories: Information is obtained directly from the individual and from other persons with personal knowledge of the facts and circumstances involved.

DOT/MARAD-1**SYSTEM NAME:**

System Name: Attendance, Leave and Payroll Records of Employees and Certain Other Persons.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT)
Maritime Administration (MarAd)
Division of Accounting Operations
400 7th Street, S.W.
Room 4429
Washington, D.C. 20590

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: All Maritime Administration employees and certain other employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Name, date of birth, social security number and employee number, service computation date, grade, step, and salary; organization (code), retirement or FICA data, as applicable; federal, state, and local tax deductions, as appropriate; optional Government life insurance deduction(s), health insurance deduction and plan or code; cash award data; jury duty data; military leave data; pay differentials; union dues deductions; allotments, by type and amount; financial institution code and employee account number; leave status and leave data of all types (including annual, compensatory, jury duty, maternity, military retirement advisability, sick, transferred, absence without leave, and without pay); time and attendance records including number of regular, overtime, holiday, Sunday, and other hours worked; pay period number and ending date; cost of living allowances; mailing address; co-owner and/or beneficiary of bonds, marital status and number of dependants; and 'Notification of Personnel Action.' The individual records listed herein are included only as pertinent or applicable to the individual employee.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Transmittal of data to U.S. Treasury and employee-designated financial institutions to effect issuance of paycheck to employees and distribution of pay according to employee directions for saving bonds, allotments, and other authorized purposes.

Reporting: tax withholding to Internal Revenue Service and appropriate state and local taxing authorities; FICA deductions to the Social Security Administration; dues deduction to labor unions; withholding for health and life insurance to the insurance carriers and the U.S. Office of Personnel Management; charity contribution deductions to agents of charitable institutions; annual W-2 statements to taxing authorities and the individual; wage, employment, and separation information to state unemployment compensation agencies, to the Department of Labor to determine eligibility for unemployment compensation, and to housing authorities for low-cost housing applications; injury compensation claims to Office of Workers Compensation Program at the Department of Labor. Also see Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 USC 552a(b)(12). Disclosures may be made from this systems to 'consumer reporting agencies' (collecting on behalf of the U.S. Govt.) as defined in the Fair Credit Reporting Act (15 USC 1681a(f)) or the Federal Claims Collection Act of 1982 (31 USC 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Manual and automated.

RETRIEVABILITY:

Retrievability: By name or social security number.

SAFEGUARDS:

Safeguards: Physical, technical, and administrative security is maintained, with all storage equipment and/or rooms locked when not in use. Admittance, when open, is restricted to authorized personnel only. All payroll personnel and computer operators and programmers are instructed and

cautioned on the confidentiality of the records.

RETENTION AND DISPOSAL:

Retention and Disposal: Retained on site until after GAO audit, then disposed of, or transferred to Federal Records Storage Center in accordance with the fiscal record programs approved by GAO, as appropriate, or General Record Schedules of GSA.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address: Chief, Division of Accounting Operations
Department of Transportation
Maritime Administration
400 7th Street, S.W.
Washington, D.C. 20590

NOTIFICATION PROCEDURE:

Notification Procedure: Secretary, Maritime Administration
Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590
Written request, signed by individual, should provide name, social security number, and time and organization unit of employment.

RECORD ACCESS PROCEDURES:

Record Access Procedures: Requests from individuals should be addressed to the same address as stated in Notification section above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedures: The Department's rules for access, for contesting, and appealing initial determinations by the individual concerned appear in 49 CFR Part 10. Use above address for desired location.

RECORD SOURCE CATEGORIES:

Record Source Categories: The individual.
Those authorized by individual to furnish information.
Supervisors.
Timekeepers.
Personnel Offices.
IRS.

DOT/MARAD-2**SYSTEM NAME:**

System Name: Accounts Receivable.

SYSTEM LOCATION:

System Location: Department of Transportation
Maritime Administration
Division of Accounting Operations
400 7th Street, S.W.
Washington, D.C. 20590

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Debtors owing money to MarAd, including employees, former employees, business firms, general public and institutions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Name and address; amount owed, and service, overpayment or other accounting therefor; invoice number, if any.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Billing debtors, reporting delinquent debts to credit bureaus, referrals to the General Accounting Office and the Department of Justice, reporting to Office of Personnel Management for liquidating debts from retirement and other benefits. Also see Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 USC 552a(b)(12). Disclosures may be made from this systems to 'consumer reporting agencies' (collecting on behalf of the U.S. Govt.) as defined in the Fair Credit Reporting Act (15 USC 1681a(f)) or the Federal Claims Collection Act of 1982 (31 USC 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Manual.

RETRIEVABILITY:

Retrievability: By name, and invoice number as appropriate.

SAFEGUARDS:

Safeguards: Physical security; handling by authorized personnel only.

RETENTION AND DISPOSAL:

Retention and Disposal: Retained until payment is received and account is audited, then disposed of in accordance with Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address:
Chief, Division of Accounting
Operations
Maritime Administration
Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590

NOTIFICATION PROCEDURE:

Notification Procedure: Secretary, Maritime Administration

Department of Transportation
400 7th Street, S.W.

Washington, D.C. 20590

Written request, signed by individual should provide name and address, and invoice number as appropriate.

RECORD ACCESS PROCEDURES:

Record Access Procedures: Requests from individuals should be addressed to the same address as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 49 CFR Part 10. Use above address.

RECORD SOURCE CATEGORIES:

Record Source Categories: The individual.
Those authorized by the individual to furnish information.
Contracting officer as appropriate.
Accounting records.

DOT/MARAD-3**SYSTEM NAME:**

System Name: Freedom of Information and Privacy Request Records.

SYSTEM LOCATION:

System Location: Office of the Secretary, Maritime Administration
Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Individuals who have requested records under the Freedom of Information and/or Privacy Acts contained in files maintained by the organizational units shown in the System Location paragraph above.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Incoming requests; correspondence developed during processing of requests; initial and final determination letters; records summarizing pertinent facts about requests and action taken; copy or description of records released; description of records denied (copies of records denied are often kept with these files).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Used by DOT and MarAd management and legal personnel to assure that each request receives an appropriate reply and to compile data

for the required annual reports on activities under the Acts. Also see Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Paper records in file folders.

RETRIEVABILITY:

Retrievability: Chronologically by date of initial determination.

SAFEGUARDS:

Safeguards: Privacy Act request records are stored in file cabinets in secured premises with access limited to those whose official duties require access. Freedom of Information Act request records are generally available to the public with the exception of records denied.

RETENTION AND DISPOSAL:

Retention and Disposal: Records are disposed of in accordance with the appropriate records disposition authorization approved by the Archivist of the United States.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address:
Secretary, Maritime Administration
U.S. Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590

NOTIFICATION PROCEDURE:

Notification Procedure: Same individual and address for each as shown in System Manager section above.

Written request, signed by individual, should provide name and address.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Requests from individuals should be addressed to same address as stated above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 49 CFR Part 10. Use above address.

RECORD SOURCE CATEGORIES:

Record Source Categories: The individual. Records derived from processing Freedom of Information and Privacy Act requests.

DOT/MARAD-4**SYSTEM NAME:**

System Name: Visitor Logs and Permits for Facilities Under Department Control.

SYSTEM LOCATION:

System Location: Beaumont Reserve Fleet, Beaumont, Texas; James River Reserve Fleet, Fort Eustis, Virginia; Suisun Bay Reserve Fleet, Benicia, California; and U.S. Merchant Marine Academy, Kings Point, New York.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Non-Federal visitors, Federal personnel entering facilities after duty hours, and employees seeking parking and firearm permits.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Name, address, place of birth, citizenship, physical characteristics, type and number of firearms and amount of ammunition, purpose of visit, affiliation, time in and time out, license numbers, and records of violations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Paper records in file folders.

RETRIEVABILITY:

Retrievability: Filed alphabetically by name, or date and time.

SAFEGUARDS:

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Retention and Disposal: Retained on site for five years, then disposed of in accordance with unit's Record Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address: Superintendent of respective Reserve Fleets and Chief, Fire and Security, U.S. Merchant Marine Academy, Kings Point, New York.

NOTIFICATION PROCEDURE:

Notification Procedure: Secretary, Maritime Administration
Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590
Written request, signed by individual, should provide name and address, date of visit or type of permit, as appropriate.

RECORD ACCESS PROCEDURES:

Record Access Procedures: Requests from individuals should be addressed to the same address as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 49 CFR Part 10. Use above address.

RECORD SOURCE CATEGORIES:

Record Source Categories: The individual.
Those authorized by the individual to furnish information.
Employees.

DOT/MARAD-5**SYSTEM NAME:**

System Name: Travel Records (Domestic and Foreign) of Employees and Certain Other Persons.

SYSTEM LOCATION:

System Location: Division of Accounting Operations
Maritime Administration
Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590
U.S. Merchant Marine Academy Travel Clerk
U.S. Merchant Marine Academy
Kings Point, New York 11024

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Employees, Consultants, Advisory Committee Members, and official guests of the Department.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Name, address, social security number; destination, itinerary, mode and purpose of travel; dates; expenses including amounts advanced (if any), amounts claimed, and amounts reimbursed; travel orders, travel vouchers, receipts, and passport record card.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Transmittal to U.S. Treasury for payment, to State Department for passports. Also see Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 USC 552a(b)(12). Disclosures may be made from this systems to 'consumer reporting agencies' (collecting on behalf of the U.S. Govt.) as defined in the Fair Credit Reporting Act (15 USC 1681a(f)) or the Federal Claims Collection Act of 1982 (31 USC 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Manual.

RETRIEVABILITY:

Retrievability: Filed by name, social security number, or travel order number.

SAFEGUARDS:

Safeguards: Records are located in lockable metal file cabinets or in secured rooms or secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Retention and Disposal: Retained according to GSA Federal Travel Regulations, and then disposed of according to unit's Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address: Chief, Division of Accounting Operations,
MarAd
Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590
U.S. Merchant Marine Academy Travel Clerk
U.S. Merchant Marine Academy
Kings Point, NY 11024

NOTIFICATION PROCEDURE:

Notification Procedure: Secretary, Maritime Administration
Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590
Written request, signed by individual, should provide name, travel order number, if known, and date of travel.

RECORD ACCESS PROCEDURES:

Record Access Procedures: Requests from individuals should be addressed to the same address as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 49 CFR Part 10. Use above address.

RECORD SOURCE CATEGORIES:

Record Source Categories: The individual.
Those authorized by the individual to furnish information.
Supervisors.
Finance (or accounting) office standard references.

DOT/MARAD-6**SYSTEM NAME:**

System Name: Executive Correspondence Files.

SYSTEM LOCATION:

System Location: Office of Maritime Administrator
Department of Transportation
Maritime Administration
400 7th Street, S.W.
Washington, D.C. 20590

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Individuals who correspond with top-level officials in MarAd and express views or seek information or assistance. Freedom of Information Act or Privacy Act requests are not indexed in this system.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: The system may include the name and address of correspondent, summary of subject matter, original correspondence, official response, referral letters, memoranda or notes concerning subject of the correspondence, or copies of any enclosures. The records in the system are arranged chronologically by date of official Agency action, numerically by control number assigned to each items of correspondence and by name of correspondent.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Used by personnel in the Office of the Maritime Administrator and administrative offices to assure that each request receives an appropriate and timely reply and to prepare statistical reports for management on

correspondence volume or topics of public interest.

Information from or copies of the records may be provided to the original addresses of the original correspondence. Also see Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Maintained in paper form.

RETRIEVABILITY:

Retrievability: By control number, by correspondent's name, by subject, and by date.

SAFEGUARDS:

Safeguards: Paper records are stored in file cabinets on secured premises with access limited to personnel whose official duties require access.

RETENTION AND DISPOSAL:

Retention and Disposal: Records are disposed in accordance with the appropriate records disposition schedule approved by the Archivist of the United States.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address:
Maritime Administrator
Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590

NOTIFICATION PROCEDURE:

Notification Procedure: Secretary,
Maritime Administrator
Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590

Written requests, signed by individual, should provide the correspondent's name as included in original correspondence, or provide any items listed under the retrievability section above.

RECORD ACCESS PROCEDURES:

Record Access Procedures: Request for access and disclosures should be addressed to the same address as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedures: The Department's rules for access, for contesting contents, and for appealing initial determination by the individual concerned appear in 49 CFR Part 10. Use above address.

RECORD SOURCE CATEGORIES:

Record Source Categories: The correspondent, referral source,

Department employees involved in processing the correspondence, and other individuals, as required to prepare an appropriate response.

DOT/MARAD-7**SYSTEM NAME:**

System Name: Litigation, Claims and Administrative Proceeding Records.

SYSTEM LOCATION:

System Location: Office of Chief Counsel
Maritime Administration
Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Individuals the subject of any litigation which MarAd is involved; individuals who make administrative claims or appeals against MarAd; individuals the subject of claims and administrative actions brought by MarAd. Individuals who may have provided statements or other evidence with respect to any of the above.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Names, addresses, social security account numbers, statements of claims and analyses thereof, investigatory reports, opinions of law, and pleadings, motions, depositions, rulings, opinions citation particulars (description of vehicle, date of birth, physical characteristics, driving permit or license data, vehicle license data, etc.) and other litigation and claims documentation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Paper records in file folders.

RETRIEVABILITY:

Retrievability: Filed alphabetically by name.

SAFEGUARDS:

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Retention and Disposal: Records are disposed of according to unit's Record Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address:
Chief Counsel, Maritime Administration
Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590

NOTIFICATION PROCEDURE:

Notification Procedure: Secretary,
Maritime Administration
Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590
Written request, signed by individual,
should provide name, address, social
security number, case number; date of
claim, organization unit in which
employed, as appropriate.

RECORD ACCESS PROCEDURES:

Record Access Procedures: Requests
from individuals should be addressed to
the same address as stated in the
Notification section above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedures: The
Department's rules for access, for
contesting contents and appealing initial
determinations by the individual
concerned appear in 49 CFR Part 10. Use
above address.

RECORD SOURCE CATEGORIES:

Record Source Categories: Subject
claimant or plaintiff.
Those authorized by the foregoing to
furnish information.
Whatever sources pertinent to the
nature of the case.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Systems Exempted: Pursuant to 5 USC 552a (k)(1), (k)(2) and (k)(5), all investigatory material and material subject to the provisions of 5 USC 552(b)(1) in the record which meets the criteria of these sub-sections is exempted from the notice, access, and contest requirements (under 5 USC 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)) of the agency regulations because of the necessity to exempt this information and material in order to prevent disclosure of classified information as required by Executive Order 12065 in the interest of the national defense and foreign policy and in order for the Department's legal staff to properly perform its functions.

DOT/MARAD-8**SYSTEM NAME:**

System Name: Property
Accountability Files.

SYSTEM LOCATION:

System Location: Office of
Management Services and
Procurement
Maritime Administration
Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590
Department of Administrative Service
and procurement
U.S. Merchant Marine Academy
Kings Point, NY 11024
Office of Ship Operations
Division of Reserve Fleet
Maritime Administration
Department of Transportation
400 7th Street, S.W.
Washington, DC 20590
James River Reserve Fleet, Fort Eustis
Virginia; Beaumont Reserve Fleet,
Beaumont, Texas; Suisun Bay Reserve
Fleet, Benicia, California
National Maritime Research Center
U.S. Merchant Marine Academy
Kings Point, NY 11024

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Employees,
general public, institutions, and anyone
who charges out or signs for property or
other materials.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Name;
telephone number; identification of
property or equipment; home and
business address; employee I.D. number;
position; job title; grade; organization;
explanation for items not accounted for,
correspondence; clearances; and, key
number.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: See Prefatory Statement
of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 USC 552a(b)(12). Disclosures may be made from this systems to 'consumer reporting agencies' (collecting on behalf of the U.S. Govt.) as defined in the Fair Credit Reporting Act (15 USC 1681a(f)) or the Federal Claims Collection Act of 1982 (31 USC 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Paper copy of file folders and
trays.

RETRIEVABILITY:

Retrievability: Filed alphabetically by
name.

SAFEGUARDS:

Safeguards: Records are located in
lockable metal file cabinets, or lockable
desks, or in metal file cabinets in
secured rooms or secured premises with
access limited to those whose official
duties require access.

RETENTION AND DISPOSAL:

Retention and Disposal: Retained until
property is accounted for, then disposed
of in accordance with Record Control
Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address:
Chief, Supply Operations Division
Department of Transportation
Maritime Administration
400 7th Street, S.W.
Washington, D.C. 20590
Administrative Services Office
U.S. Merchant Marine Academy
Kings Point, NY 11024
Director, National Maritime Research
Center
U.S. Merchant Marine Academy
Kings Point, NY 11024
Chief, Division of Reserve Fleet
Maritime Administration
Department of Transportation
400 7th St, S.W.
Washington, DC 20590
Superintendent, James River Reserve
Fleet, Fort Eustis, Virginia;
Superintendent,
Beaumont Reserve Fleet, Beaumont,
Texas;
Superintendent, Suisun Bay Reserve
Fleet, Benicia, California

NOTIFICATION PROCEDURE:

Notification Procedure: Secretary
Maritime Administration
U.S. Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590
Written request, signed by individual,
should provide name and address.

RECORD ACCESS PROCEDURES:

Record Access Procedures: Requests
from individuals should be addressed to
the same address as stated in the
Notification section above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedures: The
Department's rules for access, for
contesting contents, and appealing
initial determinations by the individual

concerned appear in 49 CFR Part 10. Use above address.

RECORD SOURCE CATEGORIES:

Record Source Categories: Subject individual.
Those authorized by the individual to furnish information.
Book cards.
Supply person providing the equipment.

DOT/MARAD-9

SYSTEM NAME:

System Name: Records of Cash Receipts.

SYSTEM LOCATION:

System Location: Director, Office of Financial Management
Maritime Administration
Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Individuals paying for goods or services, reimbursing overpayments, or otherwise delivering cash to the Department.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Individual's name, the goods or services purchased, amount, date, check number, division or office, bank deposit, treasury deposit number.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Manual and machine readable.

RETRIEVABILITY:

Retrievability: Name and/or account or case number.

SAFEGUARDS:

Safeguards: Records are located in lockable metal file cabinets or in secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Retention and Disposal: Permanently maintained.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address:
Director, Office of Financial Management
MarAd
Department of Transportation
400 7th St., S.W.
Washington, D.C. 20590

NOTIFICATION PROCEDURE:

Notification Procedure: Secretary, Maritime Administration
Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590
Written request, signed by individual, should provide name, address, date of receipt, and check number or case number.

RECORD ACCESS PROCEDURES:

Record Access Procedures: Requests from individuals should be addressed to the same address as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 49 CFR Part 10.

RECORD SOURCE CATEGORIES:

Record Source Categories: Subject individual. Those authorized by the individual to furnish information.

DOT/MARAD-10

SYSTEM NAME:

System Name: Employees Personnel Files Not Covered by Notices of Other Agencies.

SYSTEM LOCATION:

System Location: Director, Office of Personnel
Maritime Administration
Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Current and former employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: All personnel records in MarAd which are subject to the Privacy Act but are not covered in the notices of systems of records published by the Office of Personnel Management, Merit Systems Protection Board, or Equal Employment Opportunity Commission. The records of this system may include, but are not limited to: Employee Development; Incentive Awards; Employee Relations; Grievance Records; Medical; Career

Management Program; Ship Personnel; Employee Overseas Assignments; Minority Group Statistics Program; Work Performance and Appraisal Records; including supervisory records which have been disclosed; Re-Employment and Priority Placement Programs; Within-Grade Denials (Reconsideration File); and, Automated Employee Information System.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: To provide information to officials or 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. Also see Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Manual and machine-readable.

RETRIEVABILITY:

Retrievability: Filed by name and/or social security number.

SAFEGUARDS:

Safeguards: Records are located in lockable metal file cabinets or in secured rooms or secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Retention and Disposal: Retained according to Unit's Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address:
Director, Office of Personnel
Maritime Administration
U.S. Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590

NOTIFICATION PROCEDURE:

Notification Procedure: Secretary, Maritime Administration
Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590
Written request, signed by individual, should provide name, social security number, and time and organization unit of employment.

RECORD ACCESS PROCEDURES:

Record Access Procedures: Requests from individuals should be addressed to the same address as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 49 CFR Part 10. Use above address.

RECORD SOURCE CATEGORIES:

Record Source Categories: Subject individual and those authorized by the individual to furnish information.

Others involved in references of the individual.

Physicians.

Employee's supervisor.

DOT/MARAD-11**SYSTEM NAME:**

System Name: Biographical Files.

SYSTEM LOCATION:

System Location: Office of Public Affairs, Maritime Administration

Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Key present and former Maritime Administration personnel, and members of Advisory Board to the U.S. Merchant Marine Academy.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Biographical information which may include date and place of birth; education; military service; present position; employment history; field of research; publications; inventions and patents; awards and honors; memberships and affiliations; present and past residences; telephone numbers; names, ages, and addresses of family members; hobbies and outside interests; and photograph of individual.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Distributed to the press, other government agencies, and the general public for use in connection with written articles, oral interviews, speaking engagements, retirement and obituary notices, and other purposes of public information. Also see Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 USC 552a(b)(12). Disclosures may be made from this systems to 'consumer reporting agencies' (collecting on behalf of the U.S. Govt.) as defined in the Fair Credit Reporting Act (15 USC 1681a(f)) or the Federal Claims Collection Act of 1982 (31 USC 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Paper records in file folders or notebooks.

RETRIEVABILITY:

Retrievability: By name alphabetically or by position or work unit.

SAFEGUARDS:

Safeguards: Records are located in locked metal file cabinets or locked rooms during non-business hours.

RETENTION AND DISPOSAL:

Retention and Disposal: Records retention and disposal is in accord with operating unit's Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address:
Public Affairs Officer, Maritime Administration
Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590

NOTIFICATION PROCEDURE:

Notification Procedure: Secretary, Maritime Administration
Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590

RECORD ACCESS PROCEDURES:

Record Access Procedures: Written requests, signed by individual, should be addressed to the same address of the desired location as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 49 CFR Part 10. Use above address for desired location.

RECORD SOURCE CATEGORIES:

Record Source Categories: The individuals.

Other sources such as news releases, articles and publications relating to the subject individuals.

DOT/MARAD-12**SYSTEM NAME:**

System Name: Applications to U.S. Merchant Marine Academy (USMMA).

SYSTEM LOCATION:

System Location: Office of Admissions
U.S. Merchant Marine Academy
Kings Point, Long Island, NY 11204

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Applicants for admission to the Academy.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Contains name; address; name of nominating Congressman and his congressional district; social security number; citizenship; sex; marital status; scholastic background; names of relatives who attended the Academy; high school record; personality record (compiled by high school authorities); seaman's experience; military service data; and biographical sketch. (Form: KP 2-65).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: See Prefatory Statement of General Routine Uses. Also, the Member of Congress or other nominating authority is advised of the outcome of an individual's candidacy.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Manual and automated.

RETRIEVABILITY:

Retrievability: Filed alphabetically by last name.

SAFEGUARDS:

Safeguards: Access to and use of these records is limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Retention and Disposal: If admitted, the application becomes part of the Midshipman's Personnel Record for permanent retention. The file is transferred to the Federal Records Center after 5 years. If not admitted, it is retained for one year and destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address:
Director, Office of Admissions, see
address above.

NOTIFICATION PROCEDURE:

Notification Procedure: Secretary,
Maritime Administration
Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590
Written request, signed by individual,
should provide name of applicant.

RECORD ACCESS PROCEDURES:

Record Access Procedures: Subject
individual, the individual's high school
officials, references, and those
authorized by the individual to furnish
information.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedures: The
Department's rules of access, for
contesting contents, and appealing
initial determinations by the individual
concerned appear in 49 CFR Part 10. Use
above address.

RECORD SOURCE CATEGORIES:

Record Source Categories: Subject
individual.
The individual's high schools officials.
References.
Those authorized by the individual to
furnish information.

**SYSTEMS EXEMPTED FROM CERTAIN
PROVISIONS OF THE ACT:**

Systems Exempted: Pursuant to 5 USC
552a(k)(5), all investigatory material in
the record which meets the criteria of 5
USC 552a(k)(5) is exempted from the
notice, access, and contest requirements
(under 5 USC 552a(c)(3), (d), (e)(1),
(e)(4)(G), (H), and (I), and (f)) of the
agency regulations in order to fulfill
commitments made to protect the
confidentiality of sources, and to
maintain access to sources of
information which are necessary to
determine applicant's suitability for
civilian employment and military
service.

DOT/MARAD-13**SYSTEM NAME:**

System Name: Cadet Files, State
Maritime Academies.

SYSTEM LOCATION:

System Location: Office of Maritime
Labor and Training
Maritime Administration
Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590

**CATEGORIES OF INDIVIDUALS COVERED BY THE
SYSTEM:**

Categories of Individuals: Current and
former cadets enrolled in the State
Maritime Academies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Name; service
number; date of change in pay;
reenrollment or reinstatement;
disenrollment; date of graduation; and
service obligation. (Forms: MA-1005,
MA-850 and MA-890).

**ROUTINE USES OF RECORDS MAINTAINED IN
THE SYSTEM, INCLUDING CATEGORIES OF
USERS AND THE PURPOSES OF SUCH USES:**

Routine Uses: See Prefatory Statement
of General Routine Uses.

**POLICIES AND PRACTICES FOR STORING,
RETRIEVING, ACCESSING, RETAINING AND
DISPOSING OF RECORDS IN THE SYSTEM:**

Policies and Practices:

STORAGE:

Storage: Paper records in file folders.

RETRIEVABILITY:

Retrievability: Filed alphabetically by
last name.

SAFEGUARDS:

Safeguards: Records are located in
lockable file cabinets or in metal file
cabinets in secured rooms or secured
premises with access limited to those
whose official duties require access.

RETENTION AND DISPOSAL:

Retention and Disposal: The records
are retained until six years after
graduation and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address:
Director, Office of Labor and Training
Maritime Administration
Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590

NOTIFICATION PROCEDURE:

Notification Procedure: Secretary,
Maritime Administration
Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590
Written request, signed by individual,
should provide Cadet's name and
State School attended.

RECORD ACCESS PROCEDURES:

Record Access Procedures: Requests
from individuals should be addressed to
the same address as stated in the
Notification section above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedures: The
Department's rules for access, for

contesting contents, and appealing
initial determinations by the individual
concerned appear in 49 CFR Part 10. Use
above address.

RECORD SOURCE CATEGORIES:

Record Source Categories: The subject
student.
State Merchant Marine Academies.
Those authorized by the student to
furnish information.

DOT/MARAD-14**SYSTEM NAME:**

System Name: Citizenship Statements
and Affidavits.

SYSTEM LOCATION:

System Location: Division of Ship
Disposals and Foreign
Transfers (bidders on surplus vessels)
Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590
Office of Chief Counsel, Maritime
Administration (for all other purposes)
Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590

**CATEGORIES OF INDIVIDUALS COVERED BY THE
SYSTEM:**

Categories of Individuals: Officers
and shareholders of non-personal
applicants and individual applicants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Name; date
and place of birth; nationality; and
naturalization data.

**ROUTINE USES OF RECORDS MAINTAINED IN
THE SYSTEM, INCLUDING CATEGORIES OF
USERS AND THE PURPOSES OF SUCH USES:**

Routine Uses: See Prefatory Statement
of General Routine Uses.

**DISCLOSURE TO CONSUMER REPORTING
AGENCIES:**

Disclosures pursuant to 5 USC
552a(b)(12). Disclosures may be made
from this systems to 'consumer reporting
agencies' (collecting on behalf of the
U.S. Govt.) as defined in the Fair Credit
Reporting Act (15 USC 1681a(f)) or the
Federal Claims Collection Act of 1982
(31 USC 3701(a)(3)).

**POLICIES AND PRACTICES FOR STORING,
RETRIEVING, ACCESSING, RETAINING AND
DISPOSING OF RECORDS IN THE SYSTEM:**

Policies and Practices:

STORAGE:

Storage: Paper records in file folders.

RETRIEVABILITY:

Retrievability: Filed alphabetically by
applicant's name, name of individual or
vessel name.

SAFEGUARDS:

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Retention and Disposal: The records are transferred to the Federal Records Center after five years where they are retained for twenty years or the time period of the ship mortgage, whichever is longer.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address: Chief, Division of Ship Disposals and Foreign Transfers and Office of the Chief Counsel, addresses are same as above.

NOTIFICATION PROCEDURE:

Notification Procedure: Secretary, Maritime Administration
Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590
Written request, signed by individual, should provide name of applicant, or name of individual, or name of vessel, the program under which filed and the date.

RECORD ACCESS PROCEDURES:

Record Access Procedures: Requests from individuals should be addressed to the same address as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 49 CFR Part 10. Use above address.

RECORD SOURCE CATEGORIES:

Record Source Categories: Subject applicant and individual. Those authorized by the foregoing to furnish information.

DOT/MARAD-15**SYSTEM NAME:**

System Name: General Agent's Protection and Indemnity and Second Seaman's Insurance: WSA and NSA.

SYSTEM LOCATION:

System Location: Office of Marine Insurance
Maritime Administration
Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Individuals (e.g., seamen, passengers, stevedores) filing claims against general agents for death, disability, loss of personal effects, detention and repatriation and property damage.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Claimant's name; address; mariner's document number; sea service record; disciplinary records; selective service classification; names of parents; marriage and divorce data; social security number; alien registration and citizenship data; medical information; next-of-kin; wages per month; birth date; witness statements; investigator's report; names of counsel; and executors and administrators of estates (Forms: MA-574, MA-570, MA-269, MA-26 and 270).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: To evaluate filed claims, negotiate settlements, award money, contest or to initiate lawsuits; and to arrange for proper medical treatment by establishing seaman's eligibility for acceptance under regulations of Public Health Service, U.S. Department of Health and Human Services, or other appropriate medical facilities. Users are the Office of Marine Insurance; adjustors and attorneys acting for the Government; Office of Worker's Compensation Programs, U.S. Department of Labor; the Marine Index Bureau, 17 Battery Place, New York, N.Y. (a contract service centralizing data on seamen claims); and hospitals of the Public Health Service, U.S. Department of Health and Human Services, or, when appropriate, other medical facilities providing treatment to the individual. Also see Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Paper records in file folders.

RETRIEVABILITY:

Retrievability: Filed alphabetically by seaman's name and vessel's name.

SAFEGUARDS:

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Retention and Disposal: The records are transferred to the Federal Records Center after one year where they are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address: Director, Office of Marine Insurance, see above address.

NOTIFICATION PROCEDURE:

Notification Procedure: Secretary, Maritime Administration
Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590
Written request, signed by individual, should provide seaman's name, vessel name, and date of incident.

RECORD ACCESS PROCEDURES:

Record Access Procedures: Requests from individuals should be addressed to the same address as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 49 CFR Part 10. Use above address.

RECORD SOURCE CATEGORIES:

Record Source Categories: Subject individual.
The individual's attorney.
Adjustors, investigators.
Attorneys.
Office of Marine Insurance.
Witness.
The Marine Index Bureau.
Those authorized by the individual to furnish information.

DOT/MARAD-16**SYSTEM NAME:**

System Name: Marine Training School Registrants.

SYSTEM LOCATION:

System Location: MA regional offices: Eastern-26 Federal Plaza, New York, N.Y. 10007; Central-No. 2 Canal Street, New Orleans, LA 70130; Western- 211 Main Street, RM 1112, San Francisco, CA 94105; and, Great Lakes, 2300 E. Devon Avenue Des Plaines, IL 60018.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Each seafarer enrolling in an agency training course.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Name; address; position title; owner's document number; social security number; certificate number; sponsoring organization; course completed; date of course completion; course grade; date of birth; and telephone number. (Forms: MA-1005 and 1006).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: See Prefatory Statement of General Routine Uses. In addition, the information is used by the U.S. Coast Guard for verification of attendance and performance.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Paper records in file folders.

RETRIEVABILITY:

Retrievability: Filed alphabetically by student's name.

SAFEGUARDS:

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose duties require access.

RETENTION AND DISPOSAL:

Retention and Disposal: The records are transferred to the Federal Records Center one year after graduation or termination and disposed of 60 years after date of enrollment.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address: Training Facility Registrar where the training was taken, see address above.

NOTIFICATION PROCEDURE:

Notification Procedure: Secretary, Maritime Administration
Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590
Written request, signed by individual, should provide name, date and facility attended, course description.

RECORD ACCESS PROCEDURES:

Record Access Procedures: Requests from individuals should be addressed to the same address as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual

concerned appear in 49 CFR Part 10. Use address above.

RECORD SOURCE CATEGORIES:

Record Source Categories: The student.
The training instructors.
Those authorized by the individual to furnish information.

DOT/MARAD-17**SYSTEM NAME:**

System Name: Waivers of Liability to Board Reserve Fleet Vessels and Other Craft Located at U.S. Merchant Marine Academy.

SYSTEM LOCATION:

System Location: Beaumont Reserve Fleet, Beaumont, Texas; James River Reserve Fleet, Fort Eustis, Virginia; and Suisun Bay Reserve Fleet, Benicia, California; U.S. Merchant Marine Academy, Kings Point, Long Island, New York 11024.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: All individuals boarding Reserve Fleet vessels.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Name, affiliation, date, and signature (Form: MA-118).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Paper records in file folders.

RETRIEVABILITY:

Retrievability: Filed alphabetically by name.

SAFEGUARDS:

Safeguards: Records are located in lockable metal file cabinets or metal file cabinets in secured rooms or in secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Retention and Disposal: Records are maintained for three years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address: Superintendent of Respective Reserve

Fleets; and U.S. Merchant Marine Academy, Kings Point, New York 11024.

NOTIFICATION PROCEDURE:

Notification Procedure: Secretary, Maritime Administration
Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590
Written request, signed by individual, should provide the name of the visitor.

RECORD ACCESS PROCEDURES:

Record Access Procedures: Requests from individuals should be addressed to the same address as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 49 CFR Part 10. Use above address.

RECORD SOURCE CATEGORIES:

Record Source Categories: Subject individual. Those authorized by the individual to furnish information.

DOT/MARAD-18**SYSTEM NAME:**

System Name: National Defense Executive Reserve.

SYSTEM LOCATION:

System Location: Division of National Security Plans, Maritime Administration
Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Nominees and members of the National Defense Executive Reserve.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Name; home address; photograph; brief career history; names of close relatives; marital status; previous Government experience; previous residences; current and recent employment; citizenship; social security number; business and residence telephone numbers; security clearance; statement of understanding; request for appointment; appointment affidavits; secrecy agreement; sex; date and place of birth; education; and professional and other memberships.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Transferring data to the Federal Preparedness Agency pursuant to E.O. 11179. Also see Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Paper records in file folders.

RETRIEVABILITY:

Retrievability: Filed alphabetically by last name.

SAFEGUARDS:

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Retention and Disposal: Retained until one year after individual's appointment is terminated or until death and then discarded.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address: Chief, Division of National Security Plans, Maritime Administration, see above address.

NOTIFICATION PROCEDURE:

Notification Procedure: Secretary, Maritime Administration
Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590
Written request, signed by individual, should provide name.

RECORD ACCESS PROCEDURES:

Record Access Procedures: Requests from individuals should be addressed to the same address as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 49 CFR Part 10. Use above address.

RECORD SOURCE CATEGORIES:

Record Source Categories: The individual.
Those authorized by the individual to furnish information.
The investigator performing personal and security investigation.
Sources contacted by the investigator.

DOT/MARAD-19

SYSTEM NAME:

System Name: Non-Attorney Practitioner Applications and 'Section 807 Reports.'

SYSTEM LOCATION:

System Location: Office of the Secretary, Maritime Administration
Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Those representing others in agency proceedings.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Name; home address; compensation paid; expenses incurred; exact nature of the representation (Forms: MA-807-1, 807-2). Education; experience; employment history for last five years; date and place of birth; citizenship; past Federal service; involvement in litigation alleging fraud; and Communist, Fascist, etc. affiliations (Form: MA-327).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Paper records in file folders.

RETRIEVABILITY:

Retrievability: Filed alphabetically by name of practitioner and by name of principal.

SAFEGUARDS:

Safeguards: Records are located in metal file cabinets in secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Retention and Disposal: Records are retained in accordance with general retention schedule.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address: Secretary, Maritime Administration
Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590

NOTIFICATION PROCEDURE:

Notification Procedure: Secretary, Maritime Administration, see above address.

Written request, signed by individuals, should provide name of practitioner.

RECORD ACCESS PROCEDURES:

Record Access Procedures: Requests from individuals should be addressed to the same address as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 49 CFR Part 10. Use above address.

RECORD SOURCE CATEGORIES:

Record Source Categories: Subject individual.

The individual's principal.

Those authorized by the individual to furnish information.

DOT/MARAD-20

SYSTEM NAME:

System Name: Seamen's Awards for Service, Valor, etc.

SYSTEM LOCATION:

System Location: Office of Maritime Labor and Training
Maritime Administration
Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Seamen given awards for service, valor, etc.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Name; address; mariner's document number; social security number; names of ships and dates of service.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Records are stored in paper copy in file folders and on magnetic tape.

SAFEGUARDS:

Retrievability: Files are maintained alphabetically by name of seaman.

SAFEGUARDS:

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Retention and Disposal: Paper records containing letters of commendation, name of seamen, address, name of vessel and mariner's document number are transferred to the Federal Records Center immediately, where they are retained for 75 years.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address:
Director, Office of Maritime Labor and Training
Maritime Administration
Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590

NOTIFICATION PROCEDURE:

Notification Procedure: Secretary, Maritime Administration
Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590
Written request, signed by individual, should provide seaman's name and name of vessel.

RECORD ACCESS PROCEDURES:

Record Access Procedures: Requests from individuals should be addressed to the same address as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 49 CFR Part 10. Use above address.

RECORD SOURCE CATEGORIES:

Record Source Categories: Subject individual.
The individual's co-workers.
Witnesses to incidents.
Those authorized by the individual to furnish information.

DOT/MARAD-21**SYSTEM NAME:**

System Name: Seaman's Employment Analysis Records.

SYSTEM LOCATION:

System Location: Transportation Computer Center

Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Current and recent merchant seamen.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Social security number; date of birth; records of U.S. Coast Guard issued documents; voyage employment information (e.g., ship and date signed on); and maritime schools attended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Records are stored on magnetic tape.

RETRIEVABILITY:

Retrievability: Filed by social security number.

SAFEGUARDS:

Safeguards: In addition to technical securities, the records are located in secured rooms or premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Retention and Disposal: Basic biographical data are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address:
Director, Office of Maritime Labor and Training
Maritime Administration
Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590

NOTIFICATION PROCEDURE:

Notification Procedure: Secretary, Maritime Administration
Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590
Written request, signed by individual, should provide name and social security number.

RECORD ACCESS PROCEDURES:

Record Access Procedures: Requests from individuals should be addressed to the same address as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 49 CFR Part 10. Use above address.

RECORD SOURCE CATEGORIES:

Record Source Categories: Magnetic tape is produced from information received from the U.S. Coast Guard.

DOT/MARAD-22**SYSTEM NAME:**

System Name: Seaman's Unclaimed Wages (Vietnam Conflict).

SYSTEM LOCATION:

System Location: Division of Accounting Operations
Maritime Administration
Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Seamen owed wages for service aboard Government vessels operated by general agents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Name; social security number; employing general agent; and wages due and owing.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: These records are disclosed to the U.S. Treasury for the purpose of reporting wages owed. Also see Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Paper records in file folders.

RETRIEVABILITY:

Retrievability: Paper records are filed alphabetically by name and by social security number.

SAFEGUARDS:

Safeguards: Paper records are secured in lockable metal file cabinets. Records are located in secured areas with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Retention and Disposal: Retained until such time as claim is resolved or wages are disbursed.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address: Chief, Division of Accounting Operations, see above address.

NOTIFICATION PROCEDURE:

Notification Procedure: Secretary, Maritime Administration
Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590
Written request, signed by individual, should provide name and social security number.

RECORD ACCESS PROCEDURES:

Record Access Procedures: Requests from individuals should be addressed to the same address as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 49 CFR Part 10. Use above address.

RECORD SOURCE CATEGORIES:

Record Source Categories: The general agents.

DOT/MARAD-24**SYSTEM NAME:**

System Name: USMMA Non-Appropriated Fund Employees.

SYSTEM LOCATION:

System Location: a. Office of the Commandant of Midshipmen; b. Office of the Director of Athletics; c. Office of the General Manager, Ship's Service; d. Officer's Club; e. Junior Officer's Mess; f. Petty Officers Club; g. Fiscal Control Office; and h. Department of Administrative Services and Procurement, (address for a. through h. above) U.S. Merchant Marine Academy, Kings Point, N.Y. 11024.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: All current and former employees of non-appropriated fund activities since 1970.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Name; telephone number; social security number; address; date of birth; height; weight; birthplace; employment history; special qualifications; education summary; references; personnel actions showing positions held and salary paid;

insurance coverage; and letters of commendation or reprimand.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 USC 552a(b)(12) Disclosures may be made from this systems to 'consumer reporting agencies' (collecting on behalf of the U.S. Govt.) as defined in the Fair Credit Reporting Act (15 USC 1681a(f)) or the Federal Claims Collection Act of 1982 (31 USC 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Paper records in file folders.

RETRIEVABILITY:

Retrievability: Filed alphabetically by employees name.

SAFEGUARDS:

Safeguards: Records are located in lockable metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Retention and Disposal: Records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address: a. Commandant of Midshipmen, USMMA; b. Director of Athletics, USMMA; c. General Manager, Ship's Service; d. President, Officer's Club; e. Manager, Junior Officers Mess; f. President, Petty Officers Club; g. Head, Department of Budget and Accounts; and h. Head, Department of Administrative Services and Procurement, see above address.

NOTIFICATION PROCEDURE:

Notification Procedure: Secretary, Maritime Administration
Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590
Written request, signed by individual, should provide name of employee and date of employment.

RECORD ACCESS PROCEDURES:

Record Access Procedures: Requests from individuals should be addressed to the same address as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 49 CFR Part 10. Use above address.

RECORD SOURCE CATEGORIES:

Record Source Categories: Subject employee.
Those authorized by the employee to furnish information.
Past employers and references.
The employee's supervisor.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Systems Exempted: Pursuant to 5 USC 552a(k)(5), all investigatory material in the record which meets the criteria of 5 USC 552a(k)(5) is exempted from the notice, access and contest requirements (under 5 USC 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f)) of the agency regulations in order to fulfill commitments made to protect the confidentiality of sources, and to maintain access to sources of information which are necessary to determine suitability for employment.

DOT/MARAD-25**SYSTEM NAME:**

System Name: USMMA Graduates.

SYSTEM LOCATION:

System Location: Office of External Affairs
U.S. Merchant Marine Academy
Kings Point, NY 11024

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: All graduates of USMMA, since 1942, and some parents of graduates.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Name, address (home and business); vocation; class year; social security number; employee's name and address; years of maritime service, at sea and ashore; military service; maritime licenses; post-graduate education; honors and awards; and union affiliation. Graduate registration for job-placement also contains graduate's preferred salary and job location.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: To make employment referrals, to compile statistical reports for Congress and its Members on the professional progress of the graduates, and to mail alumni publications, notices

and announcements. The users are the Director, Office of External Affairs and his immediate administrative staff, prospective employers, Congress and its Members, the United States Merchant Marine Academy Alumni Association, Inc., the United States Merchant Marine Academy Foundation, Inc. and the commercial contractor providing automated services for the United States Merchant Marine Academy Foundation, Inc. Also see Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Paper records in file folders and basic information are on magnetic tape.

RETRIEVABILITY:

Retrievability: Filed alphabetically by name, and by social security number.

SAFEGUARDS:

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access. Records on tape also are subject to physical securities, including those maintained by contract.

RETENTION AND DISPOSAL:

Retention and Disposal: The records are kept indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address: Director, Office of External Affairs
U.S. Merchant Marine Academy
Kings Point, N.Y. 10024

NOTIFICATION PROCEDURE:

Notification Procedure: Secretary, Maritime Administration
Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590
Written request, signed by individual, should provide name.

RECORD ACCESS PROCEDURES:

Record Access Procedures: Requests from individual should be addressed to the same address as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned in 49 CFR Part 10. Use above address.

RECORD SOURCE CATEGORIES:

Record Source Categories: A questionnaire voluntarily returned by graduates every few years.
Graduates asking to be registered for job-placement.
Families of graduates.
Public and private employment of graduates.
Persons nominating graduates for alumni awards.
United States Merchant Marine Academy Alumni Association, Inc.
Published articles naming graduates.

DOT/MARAD-26

SYSTEM NAME:

System Name: USMMA Midshipmen Deposit Account Records.

SYSTEM LOCATION:

System Location: Department of Budgets and Accounts
U.S. Merchant Marine Academy
Kings Point, NY 11024

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: All current midshipmen.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Name, social security number, and all midshipmen activity fee deposits to the Academy.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Paper records in file folders.

RETRIEVABILITY:

Retrievability: Filed by class year and then alphabetically by name.

SAFEGUARDS:

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or in secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Retention and Disposal: Maintained for one year after graduation or separation, and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address: Assistant Head, Department of Budgets and Accounts, see above address.

NOTIFICATION PROCEDURE:

Notification Procedure: Secretary, Maritime Administration
Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590
Written request, signed by individual, should provide name of midshipman and dates of attendance.

RECORD ACCESS PROCEDURES:

Record Access Procedures: Requests from individuals should be addressed to the same address as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 49 CFR Part 10. Use above address.

RECORD SOURCE CATEGORIES:

Record Source Categories: Midshipmen.
Those authorized by midshipman to furnish information.
Department of Budgets and Accounts personnel.

DOT/MARAD-27

SYSTEM NAME:

System Name: USMMA Midshipman Grade Transcripts.

SYSTEM LOCATION:

System Location: Registrar's Office
U.S. Merchant Marine Academy
Kings Point, NY 11024

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: All present and past midshipmen.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Name; social security number; courses taken; grades received; and cumulative average.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Sent to other schools or employers when requested by the midshipman. Users are the midshipman, the Academy registrar, other schools and employers. Also see Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Paper records in file folders, paper records in file drawers, microfilm records, and magnetic tape.

RETRIEVABILITY:

Retrievability: Filed alphabetically by midshipman's name.

SAFEGUARDS:

Safeguards: Records are located in lockable metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Retention and Disposal: Transfer to Federal Records Center five years after graduation. Dispose of sixty years after graduation.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address:
Registrar's Office
U.S. Merchant Marine Academy
Kings Point, N.Y. 10024

NOTIFICATION PROCEDURE:

Notification Procedure: Secretary,
Maritime Administration
Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590
Written request, signed by individual,
should provide name of midshipman.

RECORD ACCESS PROCEDURES:

Record Access Procedures: Requests from individuals should be addressed to the same address as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 49 CFR Part 10. Use above address.

RECORD SOURCE CATEGORIES:

Record Source Categories: The midshipman.
Those authorized by the midshipman to furnish information.
Faculty.
Registrar's staff.

DOT/MARAD-28**SYSTEM NAME:**

System Name: USMMA Midshipman Medical Files.

SYSTEM LOCATION:

System Location: Medical Department
U.S. Merchant Marine Academy
Kings Point, NY 11024

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: All midshipmen.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Complete medical history prior to and during enrollment at the Academy.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Paper records in file folders.

RETRIEVABILITY:

Retrievability: Filed alphabetically by midshipman's name.

SAFEGUARDS:

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or in secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Retention and Disposal: Radiographic file salvage five years after graduation. All other documents combine within MA-18 Midshipmen Personnel Records after graduation. If not appointed as Midshipman, the record is retained for one year and destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address:
Medical Officer
U.S. Merchant Marine Academy
Kings Point, N.Y. 11024

NOTIFICATION PROCEDURE:

Notification Procedure: Secretary,
Maritime Administration
Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590
Written request, signed by individual,
should provide name of applicant or midshipman and date of application or appointment.

RECORD ACCESS PROCEDURES:

Record Access Procedures: Requests from individuals should be addressed to the same address as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedures: The Department's rules for access, for

contesting contents, and appealing initial determinations by the individual concerned appear in 49 CR Part 10. Use above address.

RECORD SOURCE CATEGORIES:

Record Source Categories: Subject applicant or midshipman.
Those authorized by foregoing to furnish information.
Individual's physician.
Academy medical officers.
Contract medical personnel.
Private and other medical personnel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Systems Exempted: Pursuant to 5 USC 552a(k)(5), all investigatory material in the record which meets the criteria of 5 USC 552a(k)(5) is exempted from the notice, access, and contest requirements (under 5 USC 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I) and (f)) of the agency regulations in order to fulfill commitments made to protect the confidentiality of sources, and to maintain access to sources of information which are necessary to determine suitability for civilian employment and military service.

DOT/MARAD-29**SYSTEM NAME:**

System Name: USMMA Midshipman Personnel Records.

SYSTEM LOCATION:

System Location: Office of the Commandant of Midshipman
U.S. Merchant Marine Academy
Kings Point, NY 11024

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: All current and former midshipmen since inception of the Academy in 1942. Also, all cadet corps personnel from 1938 to 1942.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Nominations to U.S. Merchant Marine Academy; College Board Scores; high school transcript; name; address; social security number; parent's name and address and occupation; relatives who attended USMMA; number of brothers and sisters; medical report; height; weight; color of hair; color of eyes; complexion; commendations; record of disciplinary cases; resignation notice; graduation certification; and report of deficiencies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 USC 552a(b)(12). Disclosures may be made from this systems to 'consumer reporting agencies' (collecting on behalf of the U.S. Govt.) as defined in the Fair Credit Reporting Act (15 USC 1681a(f)) or the Federal Claims Collection Act of 1982 (31 USC 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:**Policies and Practices:****STORAGE:**

Storage: Paper records in file folders.

RETRIEVABILITY:

Retrievability: Filed alphabetically by midshipman's name.

SAFEGUARDS:

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or in secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Retention and Disposal: Retained on site for five years after graduation, then disposed of in accordance with the unit's record control schedule.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address: Commandant of Midshipmen, see above address.

NOTIFICATION PROCEDURE:

Notification Procedure: Secretary, Maritime Administration
Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590
Written request, signed by individual, should provide name and period of attendance.

RECORD ACCESS PROCEDURES:

Record Access Procedures: Requests from individuals should be addressed to the same address as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedures: The Department's rules for access, for contesting content, and appealing initial determinations by individuals concerned appear in 49 CFR Part 10. Use above address.

RECORD SOURCE CATEGORIES:

Record Source Categories: The subject midshipman.

Faculty administrators and midshipman corps officers who provide copies to the midshipman. Former employers, teachers, and school authorities, and references. Government or private physicians. U.S. Navy Security Officers. Those authorized by the midshipman to furnish the information.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Systems Exempted: Pursuant to 5 USC 552a(k)(5), all investigatory material in the record which meets the criteria of 5 USC 552a(k)(5) is exempted from the notice, access, and contest requirements (under 5 USC 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f)) of the agency regulations in order to fulfill commitments made to protect the confidentiality of sources, and to maintain access to sources of information which are necessary to determine suitability for civilian employment and military service.

DOT/NHTSA 400**SYSTEM NAME:**

System Name: National Highway Safety Advisory Committee Membership/Nominee Files. DOT/NHTSA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
400 7th Street, SW, Room 5221,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Members, past members, and nominees for membership on a committee dealing with highway safety.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Biographical information (date and place of birth; education; current and past experience). Appointment papers (oath; withholding form). Photograph. Travel vouchers. Compensation payment forms. Miscellaneous correspondence from and to members.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Files are maintained on members and nominees for use in specific situations, i.e., biographical information to be used for meetings, conferences, news articles when pertinent and when needed for

recommendations for membership on committee.

Used only by support staff members. See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:**Policies and Practices:****STORAGE:**

Storage: File folders.

RETRIEVABILITY:

Retrievability: By individual name.

SAFEGUARDS:

Safeguards: Locked files.

RETENTION AND DISPOSAL:

Retention and Disposal: Records are stored indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Executive Secretary,
Department of Transportation,
National Highway Traffic Safety Administration,
400 7th Street, SW, Room 5215,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation,
National Highway Traffic Safety Administration,
Office of the Executive Secretary,
Privacy Act Coordinator,
400 7th Street, SW, Room 5217,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Record Access Procedure: See 'Notification Procedure' above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: See 'Notification Procedure' above.

RECORD SOURCE CATEGORIES:

Record Source Categories: All information has been obtained from the individual upon appointment to the advisory committee, or, in the case of nominees, on that individual's behalf by another person or organization.

DOT/NHTSA 401**SYSTEM NAME:**

System Name: Docket System. DOT/NHTSA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
Office of Administrative Operations
Technical Reference Division

400 7th Street, SW, Room 5708
Washington, DC 20590

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Individuals who have commented on notices of NHTSA appearing in the Federal Register.

Authors of reports which are added to the docket as background information.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Summary of the nature of the comment or the report, date written and filed, author affiliation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: To gather information on responses to rules promulgated by NHTSA. Users are both NHTSA staff members and public.

Other uses include searching for background data on standards, determining areas for further research, and preparation for litigation. Prefatory Statement of General Routine Uses apply where feasible.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Manual File.

RETRIEVABILITY:

Retrievability: By individual name.

SAFEGUARDS:

Safeguards: Records are maintained in a Technical Reference Library.

RETENTION AND DISPOSAL:

Retention and Disposal: Indefinitely held.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Technical Reference Division,
Department of Transportation,
National Highway Traffic Safety Administration,
Office of Administrative Operations,
Room 5108
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation,
National Highway Traffic Safety Administration,
Office of Administrative Operations
Technical Reference Division
400 7th Street, SW, Room 5108
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Same as 'Notification Procedure' above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Notification Procedure' above.

RECORD SOURCE CATEGORIES:

Record Source Categories: From letters freely sent to NHTSA by the public; publications used by engineers in writing standards.

DOT/NHTSA 402

SYSTEM NAME:

System Name: Highway Safety Literature Personal Author File. DOT/NHTSA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
DIALOG Information Services, Inc.
3460 Hillview Ave.
Palo Alto, CA 94304.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Writers of technical articles and reports who have authored publications selected for inclusion in the abstract journal Highway Safety Literature.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Bibliographic information giving title of article, book, or paper written; journal or other publication in which it appears; date of publication; abstract.

The file is similar in nature to the card catalog of a library.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Users are principally NHTSA staff members and their contractors who require literature searches prior to performing research. See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Magnetic tape.

RETRIEVABILITY:

Retrievability: By individual name.

SAFEGUARDS:

Safeguards: Records are stored in file cabinets.

RETENTION AND DISPOSAL:

Retention and Disposal: Records are maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Technical Services Division,
Department of Transportation,
National Highway Traffic Safety Administration,
400 7th Street, SW, Room 4109,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation,
National Highway Traffic Safety Administration,
Technical Reference Branch,
400 7th Street, SW, Room 4109,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Same as 'Notification Procedure' above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Notification Procedure' above.

RECORD SOURCE CATEGORIES:

Record Source Categories: Publications related to highway safety.

DOT/NHTSA 403

SYSTEM NAME:

System Name: Active Contract Run. DOT/NHTSA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
400 7th Street, SW, Room 5301,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: NHTSA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: List of names of contract specialists and contract technical managers managing active NHTSA contracts and agreements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Used in routine contract administration. See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Computer.

RETRIEVABILITY:

Retrievability: By individual name.

SAFEGUARDS:

Safeguards: Records are maintained in a secured office.

RETENTION AND DISPOSAL:

Retention and Disposal: Retained for life of contract; destroyed when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Director, Office of Contracts and Procurement, Department of Transportation, National Highway Traffic Safety Administration, 400 7th Street, SW, Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation, National Highway Traffic Safety Administration, Director, Office of Contracts and Procurement, 400 7th Street, SW, Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Department of Transportation, National Highway Traffic Safety Administration, Director, Office of Contracts and Procurement, 400 7th Street, SW, Washington, DC 20590.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Department of Transportation, National Highway Traffic Safety Administration, Director, Office of Contracts and Procurement, 400 7th Street, SW, Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Record Source Categories: Employee job assignments.

DOT/NHTSA 404**SYSTEM NAME:**

System Name: Alcohol Projects. DOT/NHTSA.

SYSTEM LOCATION:

System Location: In connection with the Alcohol Safety Action Program of the: Department of Transportation (DOT), National Highway Traffic Safety Administration (NHT);

Systems of records are maintained at various locations, as follows: ASAP Staff Office and ASAP Probation,

The following offices in Nassau County, New York: Nassau County Police Dept., Nassau County Traffic Safety Board, Nassau County Central Traffic Court, N.Y. Dept. of Motor Vehicles.

Mississippi State University, Social Science Research Center, Mississippi State, MS 39762. Hennepin County ASAP, 625 Second Avenue South, Room 404, Minneapolis, MN 55402. STR Project, 11a Government Center, Minneapolis, MN 55402. Data Processing, City Hall, Stockton, CA 95202. Bureau of Motor Vehicle Services,

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Vehicle operators having committed alcohol-related driving violations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: DMV records, police arrest and citation records, court and probation records, various official and social services rehabilitation records, and voluntary personal interviews.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses:

Records are used to evaluate the status of activities within a project, including the status of different groups for purposes of subsequent comparison and analysis, such as recidivism rates. Reports and management information are compiled, using statistical and comparative analysis of the records, which may be released to relevant authorities monitoring the progress of the project.

Data contained in these systems of records may be routinely distributed to the lower courts, police departments, public health services, probation authorities, or juvenile and rehabilitation services within the system if that agency's purpose for maintaining the records is compatible with the Project usage.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Punch-card, disk, paper files, magnetic tape.

RETRIEVABILITY:

Retrievability: Individual name, ID number, social security number.

SAFEGUARDS:

Safeguards: Locked file cabinet, code and restricted access.

RETENTION AND DISPOSAL:

Retention and Disposal: Two years after project termination.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Program Development Division (NTS-21), Department of Transportation, National Highway Traffic Safety Administration, Office of Driver and Pedestrian Programs, 400 7th Street, SW, Room 5130, Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Same as Location.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Letter of request to the System Manager (see address above) with notarized statement as to personal identification.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: See address of 'System Manager' above.

RECORD SOURCE CATEGORIES:

Record Source Categories: Local law enforcement, court, health, and motor vehicle division records.

DOT/NHTSA 406**SYSTEM NAME:**

System Name: Diagnostic Inspection Demonstration Project. DOT/NHTSA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT), National Highway Traffic Safety Administration (NHTSA), Computer Sciences Corporation, 6231 Leesburg Pike, Falls Church, VA 22046. State Demonstration Project Office, Huntsville, AL. Demonstration Project Office, Washington, DC. State Demonstration Project Office, Chattanooga, TN. Demonstration Project Office, San Juan, PR. State Demonstration Project Office, Phoenix, AZ.

Department of Transportation,
Commonwealth of Puerto Rico,
San Juan, PR.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Auto vehicle owners.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: For each automobile inspected in the program, the diagnostic inspection records contain pass/fail/advise information on each safety or emissions related item inspected at each state inspection facility. These inspection items include:

Federal vehicle-in-use inspection standards and EPA emission standards.

Individual state statutory inspection requirements.

Other inspection items as added by each participating state.

In addition to these P/F/A results, quantitative data are included on emissions, front-end alignment and engine analysis. The original hard copy also contains the name and address of participating motorists. System repair cost records contain the parts and labor costs associated with the inspection results. Most of the original repair cost data-forms contain the name and address of the repair facility as well as the name and address of the participating motorist.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: The system is routinely used monthly by CSC to perform in-progress evaluations for NHTSA project personnel on the evaluation areas specified in Title III of the Motor Vehicle Information and Cost Savings Act (Pub.L. 92-513).

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Magnetic tape, punched card, and hard copy original data forms.

RETRIEVABILITY:

Retrievability: Computer stored data are indexed by vehicle identification number (VIN), vehicle year, vehicle make/model code, and inspection site code; the hard copy original data forms are indexed by VIN and cross-indexed by vehicle owner name and address.

SAFEGUARDS:

Safeguards: For computer stored information standard security established by CSA users of INFONET is used, computer system access is limited to authorized users; the hard copy original data forms are stored in locked file cabinets after handling and keypunching by authorized project personnel.

RETENTION AND DISPOSAL:

Retention and Disposal: All records will be retained by the contractor for the duration of the contract; at the conclusion of the contract the contractor will furnish to NHTSA all data forms, data tape records, and punched cards developed and received as a result of the contract.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Engineering and Demonstration Division,
Department of Transportation,
National Highway Traffic Safety Administration,
Office of State Vehicle Program,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Apply to applicable address in 'System Location' above.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Same as 'System Manager' above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'System Manager' above.

RECORD SOURCE CATEGORIES:

Record Source Categories: State and local vehicle records; gathered from voluntary interviews.

DOT/NHTSA 409

SYSTEM NAME:

System Name: Federal Motor Vehicle Safety Standards (FMVSS) Compliance. DOT/NHTSA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
Office of Vehicle Safety Compliance
400 7th Street, S.W.
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Individuals suspected of violation of FMVSS.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Data gathered regarding alleged non-compliance of FMVSS.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Information is used to assist investigations of alleged violators, and in the effort to secure proper compliance.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Paper file, microfilm, disc.

RETRIEVABILITY:

Retrievability: Fiscal year, date, name, number.

SAFEGUARDS:

Safeguards: Stored in locked file cabinets in a security room.

RETENTION AND DISPOSAL:

Retention and Disposal: Indefinite or until obsolete.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Director, Office of Vehicle Safety Compliance,
Department of Transportation,
National Highway Traffic Safety Administration,
400 7th Street, SW,
Washington, DC 20590. 11

Notification Procedure: Write or visit applicable office at address in 'System Location' above.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Same as 'System Manager' above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'System Manager' above.

RECORD SOURCE CATEGORIES:

Record Source Categories: Manufacturers, importation officials, dealers, purchasers, inspector, informants.

DOT/NHTSA 410

SYSTEM NAME:

System Name: General Public Inquiries. DOT/NHTSA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),

National Highway Traffic Safety Administration (NHTSA),
Office of the Executive Secretary,
Room 5127
Office of Public Affairs and Consumer Participation
Room 5232
400 7th Street, SW
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Inquiries from the general public.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Control cards identifying incoming correspondence from individuals who are requesting information, jobs, device - testing, etc.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Reference purposes. See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Filed in trays in file cabinet.

RETRIEVABILITY:

Retrievability: By individual name or control number.

SAFEGUARDS:

Safeguards: Conserva-Files; locked when not in use.

RETENTION AND DISPOSAL:

Retention and Disposal: Records are retained for one year and are then disposed of.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Executive Secretary,
Department of Transportation,
National Highway Traffic Safety Administration,
Office of the Executive Secretary,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation,
National Highway Traffic Safety Administration,
Office of the Executive Secretary,
Privacy Act Coordinator,
400 7th Street, SW,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Same as 'Notification Procedure'.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Notification Procedure'.

RECORD SOURCE CATEGORIES:

Record Source Categories: Individuals and organizations.

DOT/NHTSA 411

SYSTEM NAME:

System Name: General Public Correspondence System. DOT/NHTSA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
Office of the Executive Secretary,
400 7th Street, SW, Room 5221.
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Individuals who have requested information or advice.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Files containing correspondence with individuals who have requested information or advice on promoting devices.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Reference purposes. See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: In file folders.

RETRIEVABILITY:

Retrievability: By individual name.

SAFEGUARDS:

Safeguards: Conserva-Files; locked when not in use.

RETENTION AND DISPOSAL:

Retention and Disposal: Records are retained for one year and are then disposed of.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Executive Secretary,
Department of Transportation,
National Highway Traffic Safety Administration,
Office of the Executive Secretary,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation,
National Highway Traffic Safety Administration,
Office of the Executive Secretary,
Privacy Act Coordinator,
400 7th Street, SW,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Record Access Procedure: See 'Notification Procedure' above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: See 'Notification Procedure' above.

RECORD SOURCE CATEGORIES:

Record Source Categories: Individuals.

DOT/NHTSA 412

SYSTEM NAME:

System Name: Manpower Training File. DOT/NHTSA.

SYSTEM LOCATION:

System Location: Office of Governor's Highway Safety Representative in each State.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Persons receiving highway safety training under 23 USC 402.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Type and length of training and completion dates.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Aggregation for report to Congress on total individuals trained. See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: File folders.

RETRIEVABILITY:

Retrievability: By individual name.

SAFEGUARDS:

Safeguards: Records are stored in file cabinets.

RETENTION AND DISPOSAL:

Retention and Disposal: Records are retained for 3 years; then sent to State Archives.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Manpower Development Division, N42-22, Department of Transportation, National Highway Traffic Safety Administration, 400 7th Street, SW, Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Write or visit the System Manager in the applicable State Traffic Safety Commission Office.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Same as 'Notification Procedure' above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Notification Procedure' above.

RECORD SOURCE CATEGORIES:

Record Source Categories: Applications filed by individual or employer.

DOT/NHTSA 413**SYSTEM NAME:**

System Name: Odometer Rollback. DOT/NHTSA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT): National Highway Traffic Safety Administration (NHTSA): Director, Odometer Fraud Staff Associate Administrator for Enforcement, 400 7th Street, SW, Room 4109, Washington, DC 20590. Automated Sciences Group, Inc., Summit Office Building, Suite 713, 8555 16th Street, Silver Spring, MD 20910.

DOT/NHTSA 468**SYSTEM NAME:**

System Name: New Jersey Novice Driver Evaluation Project

SYSTEM LOCATION:

System Location: New Jersey Division of Systems and Communications River Road West Trenton, New Jersey

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Category of Individuals: Selected New Jersey drivers under the age of 20, during the period 1975 through 1983.

CATEGORIES OF RECORDS IN THE SYSTEM:

Category of Records: Driver license number, biographical information, DMV records, driver education/driver improvement records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: The data will be used to evaluate the effectiveness of New Jersey's Probationary Driver Program in reducing the incidence of accidents and violations among novice drivers. Statistical comparisons will be made of group accident and violation rates to determine overall component effectiveness of the project. No use will be made of any single individual's data. See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Records will be maintained on storage mediums of magnetic tape and disc.

RETRIEVABILITY:

Retrievability: Driver license number

SAFEGUARDS:

Safeguards: Data will not be available to any public source. Records are maintained in a secure area with controlled access through the use of both an account number and an access privacy code.

RETENTION AND DISPOSAL:

Retention and Disposal: All subject data will be retained until project termination. At that time, de-identified copies of the analysis file will be submitted to Office of Driver and Pedestrian Programs, NHTSA, Washington, D.C., and to other research organizations specifically requesting the de-identified data, as per NHTSA approval.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Contract Technical Manager Demonstration Evaluation Division, NTS-12 400 7th Street, S.W. Washington, D.C. 20590

NOTIFICATION PROCEDURE:

Notification Procedure: Same as above.

RECORD ACCESS PROCEDURES:

Access and Contests: Same as 8 above.

RECORD SOURCE CATEGORIES:

Record Source Categories: New Jersey: Driver License Records State Police Accident Records Municipal Police Accident Reports High School Driver Education Records

Municipal Court Reporting System Probationary Driver Program Records**DOT/NHTSA 471****SYSTEM NAME:**

System Name: National Driver Register Advisory Committee - Membership/Nominee Files DOT/NHTSA

SYSTEM LOCATION:

System Location: Department of Transportation National Highway Traffic Safety Administration Executive Secretariat 400 7th Street, SW, Room 5221 Washington, DC 20590

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: This system of records contains information regarding members, past members, and nominees for membership on a committee dealing with the National Driver Register.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Files containing information on biographical data (Date and place of birth, education, current and past experience), political affiliation, appointment papers (oath, withholding forms), photographs, travel vouchers, compensation payment forms, and miscellaneous correspondence from and to members.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Files are maintained on members and nominees for use in specific situations, i.e., biographical information to be used for meetings, conferences, news articles when pertinent, and when needed for recommendations for membership on committees. Files are used only by support staff members. See Prefatory Statement of General Routine Uses, except number 9.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: File folder storage.

RETRIEVABILITY:

Retrievability: By individual name.

SAFEGUARDS:

Safeguards: Locked files.

RETENTION AND DISPOSAL:

Retention and Disposal: Records are stored indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Committee Management Coordinator
Department of Transportation
National Highway Traffic Safety Administration
400 7th Street, SW, Room 5221
Washington, DC 20590

NOTIFICATION PROCEDURE:

Notification Procedure: Same as 'System Manager' above.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Same as 'System Manager' above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'System Manager' above.

RECORD SOURCE CATEGORIES:

Record Source Categories: All information has been obtained from the individual upon appointment to the advisory committee, or in the case of nominees, on that individual's behalf by another person or organization.

DOT/OST 003

SYSTEM NAME:

System Name: Allegations of Infringement of United States Patents. DOT/OST.

SYSTEM LOCATION:

System Location: Office of the Secretary of Transportation,
Office of the General Counsel,
400 7th Street, SW, Room 10424,
Washington, DC, 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Individuals who believe that an agency of the Department of Transportation is infringing a United States patent owned by the individual.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Copies of correspondence alleging that agencies of the Department of Transportation have infringed, or are infringing, United States patents owned by the originators of the correspondence. Copies of replies by the Department Patent Counsel to the originator of the allegation. Copies of correspondence forwarding the allegation to the particular Department agency accused for their comment; their replies to Patent Counsel. Copies of correspondence between the Department of Transportation and the

Department of Justice concerning the allegations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Used as a record of allegations and Patent Counsel's actions thereon.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: File folders stored in file cabinets.

RETRIEVABILITY:

Retrievability: Indexed individually by name in alphabetical sequence.

SAFEGUARDS:

Safeguards: Records are disclosed only to individuals with established legal interest or legal 'need to know.'

RETENTION AND DISPOSAL:

Retention and Disposal: Transfer to Federal Records Center two years after close of file; Destroy 25 years after close of file.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Mail Address:
Patent Counsel, C-15,
U.S. Department of Transportation,
Washington, DC 20590.
Office Location:
400 7th Street, SW, Room 10424

NOTIFICATION PROCEDURE:

Notification Procedure: Apply to System Manager

RECORD ACCESS PROCEDURES:

Record Access Procedures: Apply to System Manager

CONTESTING RECORD PROCEDURES:

Contesting record procedure: Apply to System Manager

RECORD SOURCE CATEGORIES:

Record source categories: Patent owners.

DOT/OST 004

SYSTEM NAME:

System Name: Board for Correction of Military Records (BCMR). DOT/OST.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
Office of the Secretary (OST),
Office of the General Counsel,
400 7th Street, SW, Room 10424,

Washington, D.C. 20590

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Military personnel requesting the Board for Correction of Military Records to correct their military records.

CATEGORIES OF RECORDS IN THE SYSTEM:

Category of Record: Copies of actions of the General Counsel acting under delegated authority approving or disapproving BCMR cases.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Used as a record of the General Counsel's action in individual BCMR cases.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: File folders stored in file cabinets (Conserv-a-File).

RETRIEVABILITY:

Retrievability: Indexed individually by name in alphabetical sequence.

SAFEGUARDS:

Safeguards: Files are kept in the office of the Assistant General Counsel. Requests are referred to the Executive Secretary, BCMR.

RETENTION AND DISPOSAL:

Retention and Disposal: Retire in 3 years; destroy in 6 years.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Mail Address:
Assistant General Counsel for
Environmental, Civil
Rights and General Law, C-10,
U.S. Department of Transportation
Washington, D.C. 20590
Office Location:
400 7th Street, SW, Room 10424

NOTIFICATION PROCEDURE:

Notification: Contact System Manager

RECORD ACCESS PROCEDURES:

Record Access Procedure: Contact System Manager

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Record source categories: Official agency records; hearings, documentary material from outside the agency.

DOT/OST 006**SYSTEM NAME:**

System Name: Confidential Statement of Employment and Financial Interests. DOT/OST.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT), Office of the Secretary (OST), Office of the General Counsel, 400 7th Street, SW, Room 10424, Washington DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Employees of the Department of Transportation in supervisory or other positions where a conflict of interest or the appearance of a conflict of interest might occur. Also included in this category are Consultants and Experts of the Department of Transportation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Information on employment and financial interests and debts.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: The information to be furnished is required by Executive Order 11222 and the regulations of the Office of Personnel Management (OPM) issued thereunder and may not be disclosed except as the OPM or the agency head may determine. The purpose of the use of this information is to avoid a conflict of interest or the appearance of a conflict of interest in DOT employees.

Prefatory Statement of General Routine Uses 1, 4 and 6 apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Accordion - type file folder.

RETRIEVABILITY:

Retrievability: Indexed individually by name in alphabetical sequence.

SAFEGUARDS:

Safeguards: Records are stored in safe.

RETENTION AND DISPOSAL:

Retention and Disposal: Records are kept 3 years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Mail Address: Deputy General Counsel, C-2, U.S. Department of Transportation, Washington, D.C. 20590.
Office Location: 400 7th Street, SW, Room 10428 11
Notification Procedure: Inquiries may be addressed to the Deputy General Counsel either in person or in writing. If written the individual must provide a notarized signature.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Access to records requires the individual to contact in person or write the Deputy General Counsel.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Contest of a record is also through the Deputy General Counsel.

RECORD SOURCE CATEGORIES:

Record Source Categories: Statements of employment and financial interests, creditors, interests in real property are submitted by employees and consultants of the Department of Transportation. Initial requests for submission of statements are through the Office of Personnel and Training.

DOT/OST 008**SYSTEM NAME:**

System Name: Departmental Advisory Committee Files. DOT/OST.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT), Office of the Secretary (OST), Office of the Executive Secretary, 400 7th Street, SW, Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Present and former members of Departmental Advisory Committees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Membership file listing name, address, occupation, committee name, and term of appointment.
Biographical information on committee members.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: To prepare reports required by the Congress and the Office of Management and Budget.
To answer inquiries on the membership status of individuals received from Departmental elements as well as

from public and private organizations and individuals.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: File folders.

RETRIEVABILITY:

Retrievability: Alphabetically by committee name.

SAFEGUARDS:

Safeguards: Files kept in locked room, accessible only by permission of the Committee Records Manager.

RETENTION AND DISPOSAL:

Retention and Disposal: Maintained indefinitely.
Retired to Federal Records Center within five years after a committee becomes inactive.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Executive Secretary/DOT Committee Management Officer,
Department of Transportation, Office of the Secretary, Office of the Executive Secretary, 400 7th Street, SW, Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Inquiries should be directed to the System Manager. Full, correct name of advisory committee, if known, will facilitate location of information.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Contact System Manager for information on procedures for gaining access to records.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Contact System Manager for information on procedures for contesting records. Appeals should be directed to the Secretary of Transportation, if request for modification or deletion is denied.

RECORD SOURCE CATEGORIES:

Record Source Categories: Information supplied by the Committee Sponsor.

DOT/OST 010**SYSTEM NAME:**

System Name: Departmental Personnel Management Information System. DOT/OST.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
Transportation Computer Center,
400 7th Street, SW, Room 2401,
Washington, DC 20590.
Informatics, Inc.,
Six Kings Bridge Road,
Fairfield, New Jersey 07006.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Federal civilian employees of the U. S. Department of Transportation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Personnel Records and Training Records

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Issue automated records to the Office of Personnel Management.
Submit personnel reports, summaries and name listings to the Office of Personnel Management, Office of Management and Budget, U. S. Department of Commerce, U.S. Congress, and other government agencies.
Develop statistical summaries and name listings for use in performing personnel management functions and other manpower and budgetary functions of the Department.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Magnetic Tapes and Disks.

RETRIEVABILITY:

Retrievability: Social Security Number.

SAFEGUARDS:

Safeguards: Transportation Computer Center maintains both physical security and personal access by retrieve/access procedures and secured storage and operative areas.

RETENTION AND DISPOSAL:

Retention and Disposal: The personnel records are maintained for a 3 year period while the training records will be maintained for a 10 year period. The records disposed by blending the magnetic tapes or disks.

SYSTEM MANAGER(S) AND ADDRESS:

Department of Transportation,
Office of the Secretary,

Personnel Systems Division (M-15)
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: The individual may address the Office of Personnel and Training (Director of Personnel and Training), in person or in writing, at the above address.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Same as 'Notification Procedure'.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Contest of these records will be to the Office of Personnel and Training. If resolution is not satisfactory to the individual, an appeal may be filed with the Secretary of Transportation addressed to the General Counsel as follows:
Department of Transportation,
Office of the Secretary,
Office of the General Counsel,
400 7th Street, SW, Room 10428,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Record Source Categories: Standard Form 50 (Notification of Personnel Action).
Standard Form 52 (Request for Personnel Action).
Standard Form 171 (Personnel QUALIFICATIONS Statement).
Standard Form 1126 (Pay Change Action).
Optional Form 170 (Training) and other internal training forms.
Internal Forms (Minority Identification Record).

DOT/OST 011**SYSTEM NAME:**

System Name: Discrimination Complaint Investigative Files. DOT/OST.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
Office of the Secretary (OST),
Departmental Office of Civil Rights,
Complaints Division,
2100 Second Street, SW, Rm 5300,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Complaints of discrimination by employees of, and applicants to, the Department. Complaints of discrimination by individuals affected by departmental programs for which the Department has compliance responsibility.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Formal complaint.
Personnel record information.
Racial-ethnic data.
Investigative reports.
Affidavits.
Departmental decision.
Hearing transcript, if hearing is held.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Internal Complaints:
Investigation and adjudication of complaint by the Departmental Office of Civil Rights.
Referral to the General Counsel and, upon request, to the appropriate U.S. Attorney's Office, if complainant files suit in court.
Referral to the Civil Service Commission (CSC) if complainant requests a hearing or appeals a Departmental decision.
Referral to the CSC for investigation of complaint.
Information copies to the Civil Rights Office of the employee's administration and to the employee.
External Complaints:
Referral to Office of Federal Contract Compliance (OFCC) of discrimination complaints relating to employment.
Referral to operating administration with compliance responsibility of class-action complaints, for purpose of a compliance review.
Investigation by Departmental Office of Civil Rights personnel of Title VI complaints.
Referral, upon request, to Department of Justice, which has overall program responsibility for Title VI enforcement.
Referral to General Counsel when conciliation fails and sanction action is anticipated.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: File folders.

RETRIEVABILITY:

Retrievability: Alphabetically within operating administration.

SAFEGUARDS:

Safeguards: Maintained in locked file cabinets in a locked room.

RETENTION AND DISPOSAL:

Retention and Disposal: Maintained three years, then retired to NARS.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Director of Civil Rights,
Department of Transportation,
Office of the Secretary,
Director of Civil Rights,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Inquiries should be directed to the System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Contact System Manager for information on procedures for gaining access to records.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Contact System Manager for information on procedures for contesting records. Appeals should be directed to the Secretary of Transportation, if request for modification or deletion is denied.

RECORD SOURCE CATEGORIES:

Record Source Categories: Information provided by the complainant.
Personnel files and employment records.
Interviews with witnesses.

DOT/OST 012**SYSTEM NAME:**

System Name: Files Relating to Personnel Hearings. DOT/OST.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
Office of the Secretary (OST),
Office of the General Counsel,
400 7th Street, SW, Room 10424,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Category of Individual: Certain employees of the Office of the Secretary who have availed themselves of the opportunity for a hearing in certain personnel matters.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: A record of the legal services performed and reference material for future cases.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Used by agency management in the preparation and conduct of administrative hearings.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: File folders stored in file cabinets (Conserv-a-File).

RETRIEVABILITY:

Retrievability: Indexed individually by name in alphabetical sequence.

SAFEGUARDS:

Safeguards: Files are kept in the office of the Assistant General Counsel.

RETENTION AND DISPOSAL:

Retention and Disposal: Retire in 3 years; destroy in 6 years.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Mail Address:
Assistant General Counsel for
Environmental, Civil Rights and
General Law, C-10,
U.S. Department of Transportation,
Washington, D.C. 20590.
Office Location:
400 7th Street, SW, Room 10424

NOTIFICATION PROCEDURE:

Notification Procedure: Apply to System Manager

RECORD ACCESS PROCEDURES:

Record Access Procedures: Apply to System Manager

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Record Source Categories: Official agency records; hearings; documentary material from outside the agency.

DOT/OST 013**SYSTEM NAME:**

System Name: Employee Management Convenience Files - Office of Inspector General Regional Offices.

SYSTEM LOCATION:

System Location: Regional Manager,
Office of Inspector General (OIG),
DOT/OST,
Kendall Square, 55 Broadway, Room 1055
Cambridge, MA 02142
Regional Manager, OIG, DOT/OST
26 Federal Plaza, Room 14-130
New York, NY 10278
Regional Manager, OIG, DOT/OST
31 Hopkins Plaza, Room 1628
Baltimore, MD 21201
Regional Manager, OIG, DOT/OST

Suite 400 North, 1776 Peachtree Road,
NW

Atlanta, GA 30309.

Regional Manager, OIG, DOT/OST
Room 1400B

165 N. Canal Street

Chicago, IL 60606

Regional Manager, OIG, DOT/OST
Room 9A27

Federal Office Building

819 Taylor Street,

Fort Worth, TX 76102.

Regional Manager, OIG, DOT/OST

601 East 12th Street, Room 113

Kansas City, MO 64106

Regional Manager, OIG, DOT/OST

211 Main Street, Suite 1022

San Francisco, CA 94105

Regional Manager, OIG, DOT/OST

Federal Office Building

915 Second Avenue,

Room 644

Seattle, WA 98174.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Present employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Performance Evaluation Records, Position Descriptions, SF-171s.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Employment, pay and performance evaluations.
Used by supervisor and administrative personnel in preparation of personnel documents.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Safe and File cabinets.

RETRIEVABILITY:

Retrievability: By name.

SAFEGUARDS:

Safeguards: Locked safe and files.

RETENTION AND DISPOSAL:

Retention and Disposal: Retained for current employment. Destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Office of Planning and Resources Management, JP-20,
Department of Transportation,
Office of the Secretary,
Office of Inspector General,

400 7th Street, SW, Room 9210,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation,
Office of the Secretary,
Office of Inspector General,
Assistant Inspector General for Policy,
Planning and
Resources, JP-1,
400 7th Street, SW, Room 9210,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Current employees may have access to contents through the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Current employees may contest contents through the System Manager.

RECORD SOURCE CATEGORIES:

Record Source Categories: Subject, supervisor, responsible official, personnel and payroll offices.

DOT/OST 014

SYSTEM NAME:

System Name: Employment Applications Files. DOT/OST.

SYSTEM LOCATION:

System Location: The following Secretarial Offices located at:
400 7th Street, SW,
Washington, DC 20590:
Office of the Deputy Secretary, S-2.
Special Assistants to the Secretary, S-3 through S-9.
Office of the Executive Secretary, S-10.
Contract Appeals Board, S-20.
Office of Civil Rights, S-30.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Prospective employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Resumes, employee applications, samples of work and letters of recommendation and referral. (Note: Not all items are held in all offices.)

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Consideration for in-house employment.
Where appropriate, referral to other offices and agencies for consideration of employment.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: File folders.

RETRIEVABILITY:

Retrievability: Filed alphabetically by name, except in the Office of Civil Rights of the Department, where they are filed alphabetically by name within occupational series.

SAFEGUARDS:

Safeguards: Files are accessible only with the permission of each System Manager.

RETENTION AND DISPOSAL:

Retention and Disposal: Files are retained as long as position(s) for which individual(s) is (are) being considered remain(s) viable.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Senior official of each office listed.

NOTIFICATION PROCEDURE:

Notification Procedure: Inquiries should be directed to the appropriate System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Contact the appropriate System Manager for information on procedures for gaining access to records.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Contact the appropriate System Manager for information on procedures for contesting records. Appeals should be directed to the Secretary of Transportation, if request for modification or deletion is denied.

RECORD SOURCE CATEGORIES:

Record Source Categories: Applicant. Referring individual. Other agencies, including the Civil Service Commission. DOT officials. Office of Personnel Operations. (Note: Not all sources are used by all offices.)

DOT/OST 016

SYSTEM NAME:

System Name: General Investigations Record System. DOT/OST.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
Office of the Secretary (OST),
Security Staff, M-441

400 7th Street, SW,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: DOT employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Incident reports covering occurrences relating to the security of DOT personnel and headquarters buildings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority for Maintenance: The information contained in the incident reports is collected and maintained in accordance with the mission and functions of the Office of Investigations and Security for the protection of DOT employees and headquarters buildings.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: These records may be disseminated to DOT Officials in the administration of their responsibilities. See Prefatory Statement of General Routine Uses, 5 and 9 do not apply.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 USC 552a(b)(12). Disclosures may be made from this systems to 'consumer reporting agencies' (collecting on behalf of the U.S. Govt.) as defined in the Fair Credit Reporting Act (15 USC 1681a(f)) or the Federal Claims Collection Act of 1982 (31 USC 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Paper records in case folders in manual filing system.

RETRIEVABILITY:

Retrievability: By name or incident title.

SAFEGUARDS:

Safeguards: Files are maintained in a locked room with appropriate access controls. Access to the files is restricted to authorized personnel on a 'need-to-know' basis, with appropriate access controls.

RETENTION AND DISPOSAL:

Retention and Disposal: Material held indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Security Staff,
M-441
Department of Transportation,
Office of the Secretary,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Same as
'System Manager'.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Same as
'System Manager'.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as
'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Record Source Categories: These
records contain information obtained
from interviews, review of records and
other authorized techniques.

**SYSTEMS EXEMPTED FROM CERTAIN
PROVISIONS OF THE ACT:**

Systems Exempted from Certain
Provisions of the Act: Investigative data
compiled for law enforcement purposes
may be exempt from the access
provisions pursuant to 5 USC 552a (j)(2),
(k)(1) or (2).

DOT/OST 018**SYSTEM NAME:**

System Name: Identification Media
Record Systems. DOT/OST.

SYSTEM LOCATION:

System Location: Department of
Transportation (DOT),
Office of the Secretary (OST),
Security Staff, M-441
400 7th Street, SW,
Washington, DC 20590.
Commandant (GOIS),
U.S. Coast Guard Headquarters,
Washington, D.C. 20590; and each
District Office.
Federal Aviation Administration,
Office of Civil Aviation Security
800 Independence Avenue, SW,
Washington, D.C. 20591; and FAA
Regional and Center Civil Aviation
Security Divisions.
Federal Highway Administration,
Operations and Services Division,
400 7th Street, SW,
Washington, DC 20590; and all FHWA
Regional Offices.

**CATEGORIES OF INDIVIDUALS COVERED BY THE
SYSTEM:**

Categories of Individuals: Present
employees, and contractor employees, in
the Office of the Secretary, U.S. Coast
Guard, Federal Aviation Administration,
Federal Highway Administration,

Federal Railroad Administration,
Administration, National Highway
Traffic Safety Administration, Urban
Mass Transportation Administration, St.
Lawrence Seaway Development
Corporation, Research and Special
Programs Administration, and Maritime
Administration.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Applications,
photographs, receipts for DOT
identification cards, and official
credentials; temporary building passes;
and application for other passes needed
for official duties.

**ROUTINE USES OF RECORDS MAINTAINED IN
THE SYSTEM, INCLUDING CATEGORIES OF
USERS AND THE PURPOSES OF SUCH USES:**

Routine Uses: Records are maintained
for control and accountability of DOT
identification cards, credentials, and
issued to DOT Civilian employees,
contractor employees for identification
purposes and admittance to the DOT
facilities or for other official duties.
other official duties.

See Prefatory Statement of General
Routine Uses.

**POLICIES AND PRACTICES FOR STORING,
RETRIEVING, ACCESSING, RETAINING AND
DISPOSING OF RECORDS IN THE SYSTEM:**

Policies and Practices:

STORAGE:

Storage: Alphabetically filed card
forms in manual filing system.

RETRIEVABILITY:

Retrievability: By name.

SAFEGUARDS:

Safeguards: Application cards stored
in locked drawers and/or in a locked
room with limited access.

RETENTION AND DISPOSAL:

Retention and Disposal: Applications,
including photographs and identification
media, are destroyed upon termination
of employment.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Security Staff,
M-441
Department of Transportation,
Office of the Secretary,
400 7th Street, SW,
Washington, DC 20590.
For USCG: Commandant (GOIS),
U.S. Coast Guard Headquarters,
Washington, DC 20590.
For FAA: Director, Civil Aviation
Security
Federal Aviation Administration,
800 Independence Avenue, SW,
Washington, DC 20591.
For FHWA: Chief, Operations and
Services Division,

Federal Highway Administration,
400 7th Street, SW,
Washington, DC 20590.
All FHWA Regional Offices

NOTIFICATION PROCEDURE:

Notification Procedure: Same as
'System Manager'.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Same as
'System Manager'.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as
'System Manager'.

RECORD SOURCE CATEGORIES:

Record Source Categories: Individual
on whom the record is maintained.

DOT/OST 019**SYSTEM NAME:**

System Name: Individual Personal
Interests in Intellectual Property. DOT/
OST.

SYSTEM LOCATION:

System Location: Department of
Transportation (DOT),
Office of the Secretary (OST),
Office of the General Counsel,
400 7th Street, SW, Room 10424,
Washington, DC 20590.

**CATEGORIES OF INDIVIDUALS COVERED BY THE
SYSTEM:**

Categories of Individuals: Inventors
employed by or having contractual
relationships with the Department of
Transportation and other Government
agencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Invention
disclosures, Government Patents Branch
cases, patent applications, issued
patents, and license agreement files.

**ROUTINE USES OF RECORDS MAINTAINED IN
THE SYSTEM, INCLUDING CATEGORIES OF
USERS AND THE PURPOSES OF SUCH USES:**

Routine Uses: Used by Patent Counsel
and his staff as a record of
determination of rights in inventions,
determination of novelty and
patentability, determination of patent
coverage, and allocation of rights in
issued patents.

See Prefatory Statement of General
Routine Uses.

**POLICIES AND PRACTICES FOR STORING,
RETRIEVING, ACCESSING, RETAINING AND
DISPOSING OF RECORDS IN THE SYSTEM:**

Policies and Practices:

STORAGE:

Storage: File folders stored in file
cabinets.

RETRIEVABILITY:

Retrievability: Indexed individually by name in alphabetical sequence.

SAFEGUARDS:

Safeguards: Records are disclosed only to individuals who have legal interest in the records or legal 'need to know.'

RETENTION AND DISPOSAL:

Retention and Disposal: Transfer to Federal Records Center two years after close of file; destroy 25 years after close of file.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Mail Address:
Patent Counsel, C-15,
U.S. Department of Transportation,
Washington, D.C. 20590.
Office Location:
400 7th Street, SW, Room 10424.

NOTIFICATION PROCEDURE:

Notification Procedure: Apply to System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Apply to System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedures'.

RECORD SOURCE CATEGORIES:

Record Source Categories: Individual inventors, technical evaluators, and United States Patent and Trademark Office.

DOT/OST 022**SYSTEM NAME:**

System Name: National Defense Executive Reserve (NDER) File. DOT/RSPA.

SYSTEM LOCATION:

System Location Office of Emergency Transportation (OET) (DPB-30). Department of Transportation, 400 7th Street, SW, Washington, D.C. 20590. Some records are held only in the Office of Emergency Transportation while others are held at various locations in the custody of officials in the several regions, as indicated in the paragraph labeled 'Categories of Records' below. Holdings of the Regional Directors-designate and Deputy Directors-designate are partial duplications of the Regional Emergency Transportation Coordinator(RETCO) files and may be accessed through the applicable RETCO. The RETCO and the Regional Emergency Transportation Representative(RETREP) for each

region may be contacted directly at the addresses shown below. The Regional Director-designate and Deputy Director-designate for each region may be contacted by addressing mail in care of the RETCO for that region at the address shown in the following list:

Regions 1 and 2,
150 Causeway Street,
Boston, MA 02114.
Region 3,
1633 Federal Building,
Baltimore, MD 21201.
Region 4,
P.O. Box 20638,
Atlanta, GA 30320.
Region 5,
18209 Dixie Highway,
Homewood, IL 60430.
Region 6,
P.O. Box 1689,
Ft. Worth, TX 76101.
Region 7,
P.O. Box 19715,
Country Club Sta.,
Kansas City, MO 64141.
Region 8,
Denver Federal Center,
Denver, CO 80225.
Region 9,
630 Sansome Street,
San Francisco, CA 94126.
Region 10,
Federal Bldg.,
Rm. 3588,
915 Second Ave.,
Seattle, WA 98174.
Alaska Region,
P.O. Box 14, 701 C Street,
Anchorage, AK 99513.
Emergency Facilities Liaison Officer,
FAA Records Center,
West King Street and South Maple
Avenue,
Martinsburg, WV 25401.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Category of Individual: Upper, middle, and lower management members of the transportation industry, university professors, lawyers, labor leaders, and businessmen who are candidates for membership in NDER, active members of NDER, or who are former members whose membership has been terminated by death, resignation or involuntary release, and emeritus members.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records Personnel and security forms completed by individuals consisting of applications, statements of understanding by employers, security and identification data from individuals, certificates of appointment and reappointments (located at DOT/RSPA/OET and RETCOs only); names and

addresses of individuals for directory (maintained at DOT/RSPA/OET only); name and address card file (maintained at DOT/OST/OET only); card file with name, date of appointment and date of reappointment (in OET only); lists of reservists in process including active and Emeritus members and former members showing steps in process, numerical sequence, unit assignment, name date of designation, state of residence, date of separation and reason (in OET only); contact file of those previously nominated but not appointed, or once in program but not no longer members, with date and reason for non-affiliation (in OET only); personal data sheet for each individual which presents summary of pertinent data including photograph to assist professional staff in evaluating the member and assigning member on appointment and reappointment or during active membership (this record held at all locations).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses Internal personnel management of the NDER for the Department of Transportation, which includes staff action and exchange of data with the Office of the Director, Federal Emergency Management Agency, which is responsible for the entire National Defense Executive Reserve Program. Available to the Secretary, any Secretarial Officer, head of an operating administration, or their designated subordinates who require access in the pursuit of their duties. Available to director and staff members of OET, to RETCO's and their staff members, to Regional Directors-designate and Deputies and the Emergency Facilities Liaison Officer, FAA Records Center (for storage purposes only) who require access in pursuit of their duties.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Individual records are maintained in a manual system in a locked file room consisting of a filing jacket with the individual's name tabbed and containing all papers pertaining to him or her, except the following which are maintained as stated.

Directory - stored in bulk in steel containers.

Mailing List - maintained in standard card file.
 Chronological File - maintained in standard card file.
 Contact File - maintained in standard card file.
 Personal Data Sheets - maintained in separate loose leaf note books or in personnel jackets at option of holder.

RETRIEVABILITY:

Retrievability Indexed alphabetically by name. Retrieved manually.

SAFEGUARDS:

Safeguards Maintained in metal file containers or other standard office equipment.

RETENTION AND DISPOSAL:

Retention and Disposal Held for five years from date of separation and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Director of Emergency Transportation, Research and Special Programs Administration (DPB-30), Department of Transportation (Room 8330), Washington, D.C. 20590.

NOTIFICATION PROCEDURE:

Notification Procedure Inquiries may be addressed to any of the offices and officials listed under 'System Locations'. Individuals requesting such information must sign the request personally and include in the text of the request suitable identification. Alternatively, personal visits to the above locations with presentation of suitable identification will enable individual to learn of and have access to his or her record.

RECORD ACCESS PROCEDURES:

Record Access Procedures Individual may secure or obtain information on procedures for gaining access to records by (1) referral to the information sheet issued to him or (2) addressing a written query to the offices cited under 'System Location' above (except the Emergency Facilities Liaison Officer, FAA Records Center, West King Street and South Maple Avenue, Martinsburg, WV 25401, which maintains duplicate files in storage only) or (3) presenting himself or herself in person to those offices.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedures Same as 'Record Access Procedures'.

RECORD SOURCE CATEGORIES:

Record Source Categories Personal data submitted by the individual; data from his or her employer; recommendations from colleagues; mailing data from existing distribution system.

DOT/OST 024**SYSTEM NAME:**

System Name: Parking Permit Application File, and Vanpooling Application Files, DOT/OST.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT), Office of the Secretary (OST), Parking Management Office, M-444.3, 400 7th Street, SW, Room 2322, Washington, DC 20590.
 Federal Highway Administration, Ridesharing Branch, HHP-33, 400 7th Street, S.W., Room 3311 Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: DOT parking permit holders (Washington, DC), DOT carpool members and DOT van pooling applicants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Parking permit application forms and van pool application forms.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Determine criteria for permit issuance, record change data, record garage violations and periodic review and revalidation. Used by parking management office personnel only.

See Prefatory Statement of General Routine Uses.

Vanpooling applicants are matched up as to area and work hours and records of van pools are maintained.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 USC 552a(b)(12). Disclosures may be made from this systems to 'consumer reporting agencies' (collecting on behalf of the U.S. Govt.) as defined in the Fair Credit Reporting Act (15 USC 1681a(f)) or the Federal Claims Collection Act of 1982 (31 USC 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Stored in lockable visible edge file in a security locked workroom.

RETRIEVABILITY:

Retrievability: Indexed sequentially by permit number; vanpool applications are alphabetical by name and organized for retrieval by 'home-cell' numbers for areas.

SAFEGUARDS:

Safeguards: Only Parking Management Office personnel have access to these records; for van pools only Public Transportation Management Office personnel have access to applications.

RETENTION AND DISPOSAL:

Retention and Disposal: Record cards are retained for 3 years locally, sent to the Federal Records Center for 2 more years, and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: For Parking Permit File:

Chief, Transportation Branch, M-444, Department of Transportation, Office of the Secretary, Office of Administration Operations, 400 7th Street, SW, Room 2318, Washington, DC 20590.
 For Van Pooling Application File: Chief, Ride Sharing Branch, HHP-33, Federal Highway Administration, 400 7th Street, S.W., Room 3311 Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Individual may review only his own application card upon presentation of valid DOT ID card at the addresses given under 'System Location'.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Same as Notification Procedure.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: No contest - individual can change recorded data at will.

RECORD SOURCE CATEGORIES:

Submitted by individual.

DOT/OST 025**SYSTEM NAME:**

System Name: Parking Permit Management System, DOT/OST.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT), Office of the Secretary (OST), Parking Management Office, M-444.3, 400 7th Street, SW, Room 2322, Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: DOT parking permit holders (Washington Headquarters) and DOT car pool members (Washington Headquarters).

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Status record (of permits) and member record (of carpools).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records used for ADP report and listing production.

Listings are used by the parking vendor for billings and Parking Management Office for system administration.

Additionally, a carpool location listing is produced for use in forming and enlarging carpools. This is for use by the general public.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Parking Management office personnel enter data password control.

RETRIEVABILITY:

Retrievability: Indexed sequentially by permit number.

SAFEGUARDS:

Safeguards: Only Parking Management Office personnel and the parking vendor have access to general listings. The carpool location listing is for use by the general public, but is secured in the parking office.

RETENTION AND DISPOSAL:

Retention and Disposal: Data is deleted and not retained on ADP once individual leaves system. Record copies of monthly reports and listings are retained locally for 3 years, forwarded to the Federal Records Center for 2 more years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief Transportation Branch, M-444, Department of Transportation, Office of the Secretary, 400 7th Street, SW, Room 2318, Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Individual may review data upon presentation of valid DOT ID card.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Same as Notification Procedure.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: No contest - individual can change data at will.

RECORD SOURCE CATEGORIES:

Record Source Categories: Only source is from parking permit application.

DOT/OST 026**SYSTEM NAME:**

System Name: Payroll Management System. DOT/OST.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT), Office of the Secretary (OST), Accounting Operations Division, M-45, 400 7th Street SW, Room 2228, Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Office of the Secretary

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Gross to net payroll.
Payroll master.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Support for payment of payroll.
See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 USC 552a(b)(12). Disclosures may be made from this systems to 'consumer reporting agencies' (collecting on behalf of the U.S. Govt.) as defined in the Fair Credit Reporting Act (15 USC 1681a(f)) or the Federal Claims Collection Act of 1982 (31 USC 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: ADP listing.

RETRIEVABILITY:

Retrievability: Alpha-numeric by employee.

SAFEGUARDS:

Safeguards: People given access are screened by responsible management personnel.

RETENTION AND DISPOSAL:

Retention and disposal: Federal records retention schedule.

Retained for 1 year - destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Accounting Operations Division, M-45, Department of Transportation, Office of the Secretary, Accounting Operations Division, M-45, 400 7th Street, SW, Room 2227, Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation, Office of the Secretary, Accounting Operations Division, M-45, 400 7th Street, SW, Room 2227, Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Same as 'Notification Procedure'.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same address as 'Notification Procedure'.

RECORD SOURCE CATEGORIES:

Record Source Categories: Time and attendance records.
Personnel actions (SF So)

DOT/OST 028**SYSTEM NAME:**

System Name: Personnel Convenience Files. DOT/OST.

SYSTEM LOCATION:

System Location The following Secretarial Offices located at the Department of Transportation (DOT), Office of the Secretary (OST), 400 7th Street, SW, Washington, DC 20590:
Immediate Office of the Secretary, S-1.
Office of the Deputy Secretary, S-2.
Special Assistants to the Secretary, S-3 through S-9.
Executive Secretary, S-10.
Contract Appeals Board, S-20.
Departmental Office of Civil Rights (except for the Complaints Division), S-30.
White House Fellow, S-9.
Additionally:
Departmental Office of Civil Rights, Complaints Division, S-35, 2100 2nd Street, SW, Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Employees, past and present.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: The following documents are kept in all offices:

Copies of orders, vouchers, and related documentation for local and non-local travel. Copies of some of the following documents are kept in all offices: except the Immediate Office of the Secretary and the Offices of the Deputy Secretary, Deputy Under Secretary, the White House Fellow and Special Assistants to the Secretary, for whom such documents are maintained by the Office of the Executive Secretary:

Standard Form 52, Request for Personnel Action.
Standard Form 7-B, Employee Record Position Descriptions.
Performance evaluations.
Training records.
Payroll and leave records.
Commendations and awards.
Savings Bond and CFC campaign records.
Security classification documents.
Monthly Personnel Roster.
Savings Bond and CFC campaign records are maintained for reference in connection with future campaigns. All other records are maintained for effective budgetary, manpower, and employee management and also for the use of the individual (not all items and not in all offices).
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Hard copy in file folders and binders.

RETRIEVABILITY:

Retrievability: By name.

SAFEGUARDS:

Safeguards: Data available only by request of the senior official, his deputy, or secretaries to them, of the office or division in which the information is maintained. Provided only on a need-to-know basis.

RETENTION AND DISPOSAL:

Retention and Disposal: Personnel records are retained until employee leaves.

Payroll records are retained three years.

Travel records normally retained at least one year.

Records are disposed of following minimal period of retention on a space-needed basis.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Senior official of each office listed.

NOTIFICATION PROCEDURE:

Notification Procedure: Inquiries should be directed to the employee's supervisor.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Contact supervisor for information on procedures for gaining access to records.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Contact supervisor for information on procedures for contesting records.

Appeals should be directed to the Secretary of Transportation, if request for modification or deletion is denied by the senior official of the employee's office. Further appeal, if necessary, should be to the Secretary of Transportation.

RECORD SOURCE CATEGORIES:

Record Source Categories: Information provided by the employee. Informational copies provided by Personnel Operations Division. Material generated within the employing office.

DOT/OST 030

SYSTEM NAME:

System Name: Personnel Management Files. DOT/OST.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT).
Office of the Secretary (OST).
Office of the Assistant Secretary for Policy, and International Affairs,
400 7th Street, SW,
Washington, DC 20590

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Current employees.
Prospective employees.
Prior employees - three years (payroll/time cards only).

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Basic recruitment, employment, status and pay records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Employment, pay and performance decisions.
Use by subject, supervisor, responsible official; administrative personnel in preparation; personnel and payroll offices in processing.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Copies of basic documents.

RETRIEVABILITY:

Retrievability: By name.

SAFEGUARDS:

Safeguards: Locked files with personnel screening for access.

RETENTION AND DISPOSAL:

Retention and Disposal: Retained only for control purposes, pending official action by Personnel or Payroll offices or management officials.

Pay records are retained for 3 years, then destroyed by burning or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Assistant Secretary for Policy, and International Affairs, and the Directors of the subordinate offices for records maintained in their respective offices.

all of which are located at the:
Department of Transportation,
Office of the Secretary,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Inquiries: Oral request by current employees to the System Manager. Written or direct inquiry by prior employees or applicants to:

Department of Transportation,
Office of the Secretary,
Director Management Staff, P-5,
400 7th Street, SW,
Washington, DC 20590.

Must provide notarized signature or social security number.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Current employees may have access to contents through the System Manager.

For all other inquiries - Office Director, P-5 at the address under Notification Procedure.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Present employees may request changes through the System Manager, as above. If request denied, may refer to Review Officer, P-5, then to OST Review Officer. For all other inquiries - Office Director, P-5.

RECORD SOURCE CATEGORIES:

Record Source Categories: Subject, supervisor, responsible official, personnel and payroll offices.

DOT/OST 032**SYSTEM NAME:**

System Name: Management Operating Record System. DOT/OST.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT), Office of the Secretary (OST), Security Staff, M-441, 400 7th Street, SW, Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Current employees of the Security Staff, OST, DOT.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: This system of records contains current employee Time and Attendance Cards, Travel Orders and Vouchers and Position Descriptions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: This system of records is maintained for internal administrative management and operating purposes by the M-441 Chief.

Time and Attendance Cards are maintained for M-441 employees pay purposes and are forwarded to the Payroll Office.

Travel Orders are maintained for M-441 employees authorized to travel on DOT business and are forwarded to Travel Office and the Accounting Office to arrange necessary transportation and payment of expenses.

Travel Vouchers are maintained on M-441 employees to provide an ongoing tabulation of the Office's travel expenses.

Position Descriptions are maintained for positions within M-441 and are utilized internally by the Director and Division Chiefs for reference and to assure effective employee utilization. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 USC 552a(b)(12). Disclosures may be made from this systems to 'consumer reporting agencies' (collecting on behalf of the U.S. Govt.) as defined in the Fair Credit Reporting Act (15 USC 1681a(f)) or the Federal Claims Collection Act of 1982 (31 USC 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Standard forms in individual folders in manual filing system.

RETRIEVABILITY:

Retrievability: By employee name.

SAFEGUARDS:

Safeguards: This system of records is stored in a locked room with limited access.

RETENTION AND DISPOSAL:

Retention and Disposal: Records are maintained while an individual is an employee of the Security Staff and are destroyed upon transfer or termination.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Security Staff, M-441, Department of Transportation, 400 7th Street, SW, Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Same as 'System Manager'.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Same as 'System Manager'.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'System Manager'.

RECORD SOURCE CATEGORIES:

Record Source Categories: Employee and office generated statements and forms.

DOT/OST 034**SYSTEM NAME:**

System Name: Personnel Records. DOT/OST.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT), Office of the Secretary (OST), Office of the General Counsel, 400 7th Street, SW, Room 10428, Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Attorney and Clerical Employees of the Office of the General Counsel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Standard Form 52, Within Grade Increases, Travel Authority and Vouchers.

Training Records.
Payroll and Leave Records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: For the individual's use. Schedule training. Statistics to recommend personnel actions. Administrative reference material. Budgetary information material. Technical information material. Work Territory assignments. See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: File cards in a locked safe.

RETRIEVABILITY:

Retrievability: Individual names filed alphabetically.

SAFEGUARDS:

Safeguards: Physical security consists of filing records in a locked safe.

RETENTION AND DISPOSAL:

Retention and Disposal: Personnel records retained in active files duration of appointment, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Mail Address: Deputy General Counsel, C-2, U.S. Department of Transportation, Washington, D.C. 20590. Office Location: 400 7th Street, SW, Room 10428.

NOTIFICATION PROCEDURE:

Notification Procedure: Contact System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Contact System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Contact System Manager.

RECORD SOURCE CATEGORIES:

Record Source Categories: Informational copies provided by the Office of Personnel & Training.

DOT/OST 035**SYSTEM NAME:**

System Name: Personnel Security Record System. DOT/OST.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT), Office of the Secretary (OST), Security Staff, M-441, 400 7th Street, SW, Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: DOT applicants, employees, former employees; candidates and designees to the DOT unit of the National Defense Executive Reserve, and detailees to DOT from other Federal agencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Records of personnel security processing, personal data on investigative and employment forms completed by the individual, reports of investigations, records of security and suitability determinations, records of access authorizations granted, documentation of security briefings/debriefings received, record of security violations by the individual.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Used by Departmental personnel security officers for making security determinations and granting access authorizations, by Departmental personnel management officials for making suitability determinations, by representatives of other Federal agencies with which the individual is seeking employment, and by Federal agencies conducting official inquiries to the extent that the information is relevant and necessary to the requesting agency's inquiry, and by Departmental officials, to the extent necessary, to identify the individual to sources from whom information is requested for any of the foregoing purposes to inform the source of the nature and purpose of the request and to indicate the type of information requested.

See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 USC 552a(b)(12). Disclosures may be made from this systems to 'consumer reporting agencies' (collecting on behalf of the U.S. Govt.) as defined in the Fair Credit Reporting Act (15 USC 1681a(f)) or the Federal Claims Collection Act of 1982 (31 USC 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Completed forms and typed pages in individual folders in a manual filing system, and on a manual system control cards.

RETRIEVABILITY:

Retrievability: By name.

SAFEGUARDS:

Safeguards: Stored in locked room with proprietary lock or in approved security safe. Access limited to authorized staff members.

RETENTION AND DISPOSAL:

Retention and Disposal: Retained during employment in the Department, retained in accordance with GSA Records Schedule 18 after employment is terminated, authorized destruction done by secure means used for classified materials.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Security Staff, M-441, Department of Transportation, Office of the Secretary, 400 7th Street, SW, Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Same as System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Same as System Manager. However, information compiled solely for the purpose of determining suitability, eligibility, or qualification for Federal civilian employment or access to classified information may be exempted from the access provisions pursuant to 5 USC 552a(k)(5).

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Record Source Categories: Investigative sources contacted in full field, National Agency Check and Written Inquiry and similar investigations; investigative reports reviewed at other Government agencies; personal history statements, employment applications and other data provided by the individual and/or other agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Exemptions: Information compiled solely for the purpose of determining suitability, eligibility, or qualification for federal civilian employment or access to classified information may be exempted

from the access provisions pursuant to 5 USC 552a(k)(1) and/or(5).

DOT/OST 037**SYSTEM NAME:**

System Name: Records of Confirmation Proceeding Requirements for Proposed Executive Appointments to the Department of Transportation. DOT/OST.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT), Office of the Secretary (OST), Office of the Assistant General Counsel for Environmental, Civil Rights and General Law, 400 7th Street, SW, Room 10424, Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Individuals nominated for top executive positions of the Department of Transportation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Financial data and biographical data.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Data submitted to the General Counsel as reviewing official by subject individual for use by the Senate Commerce Committee to determine if there would be a conflict of interest, or the appearance of a conflict of interest, in subject's appointment to the Department of Transportation. See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Legal sized documents located in locked safe.

RETRIEVABILITY:

Retrievability: Individual names filed alphabetically.

SAFEGUARDS:

Safeguards: Physical security consists of filing records in safe; data released to Senate Commerce Committee and authorized officials only of the Department.

RETENTION AND DISPOSAL:

Retention and Disposal: Records are retained for 3 years then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Mail Address:
Deputy General Counsel, C-2,
U.S. Department of Transportation,
Washington, DC 20590.
Office Location:
400 7th Street, SW, Room 10428.

NOTIFICATION PROCEDURE:

Notification Procedure: Inquiries may be addressed to the Deputy General Counsel at the address above, either in person or in writing. If written the individual must provide a notarized signature.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Access to records requires the individual to contact in person or write the Deputy General Counsel.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Contest of a record is also through the Deputy General Counsel.

RECORD SOURCE CATEGORIES:

Record Source Categories: Documents are provided by subject individual.

DOT/OST 039**SYSTEM NAME:**

System Name: Safety Management Information System (SMIS).DOT/OST.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
Office of the Secretary (OST),
Transportation Computer Center,
Department of Transportation (DOT),
400 7th Street, SW, Room 2401,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Federal Civilian/Military Employees of the Department of Transportation;
Contractors working on DOT premises;
DOT Real & Personal Property.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Accident Reporting Records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Issue automated records to the U.S. Dept. of Labor, OSHA.
Submit quarterly accident statistics data to DOT operating administrations.
Develops statistical summaries & special analysis listings for use in programming safety management functions, departmental level budget

function as it relates to OWCP, and maintains 5 year OSHA requirement for accident record retention.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Magnetic Tapes and Disks.

RETRIEVABILITY:

Retrievability: Name/Social Security Number/Accident Report Number/Special Project Data Programming.

SAFEGUARDS:

Safeguards: Transportation Computer Center maintains both physical security and personnel security. Retrieve/access procedures. The records are disposed of by blanking/erasing the magnetic tape or disk.

RETENTION AND DISPOSAL:

Retention and Disposal: Kept 5 years then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Director of Personnel and Training, TAD-10,
Department of Transportation,
Office of the Secretary,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Quarterly management analysis delivered to safety managers or all operative administrators. Special data may be provided by request in written form to:
Director TAD 10,
Office of Personnel & Training,
at the above address.

RECORD ACCESS PROCEDURES:

Record Access Procedure: An individual may gain access to his record by request to the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Contest of these records will be to the Office of Personnel and Training. If resolution is not satisfactory to the individual, an appeal may be filed with Secretary of Transportation addressed to the General Counsel as follows:
Department of Transportation,
Office of the Secretary,
Office of the General Counsel,
400 7th Street, SW, Room 10428,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Record Source Categories: DOT Form 3902.1,

DOT Form 3902.2,
DOT Form 3902.3,
DOT Form 3902.4,
DOT Form 3902.5,
DOT Form 3902.6,
DOT Form 3902.7,
DOT Form 3902.8.

DOT/OST 040**SYSTEM NAME:**

System Name: Security Management Records. DOT/RSPA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
Research and Special Programs Administration (RSPA),
Office of Emergency Transportation (OET),
400 7th Street, SW, Room 8330,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: All members of OET.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Jacket file of all security clearance records of all personnel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Management by Director OET and Security Officer of security classification levels required by missions and functions of OET.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Maintained in single folder with all pertinent items included alphabetically.

RETRIEVABILITY:

Retrievability: Alphabetically by name.

SAFEGUARDS:

Safeguards: Restricted to use by Director of Emergency Transportation and the OET Security Officer. File maintained in a locked 3-combination safe.

RETENTION AND DISPOSAL:

Retention and Disposal: Retained during period of employment. Transferred with the individual or returned to Security Office of OST.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Director of
Emergency Transportation,
Department of Transportation,
Research and Special Programs
Administration (DPB-30),
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Inquiries may be addressed to the office listed under 'System Location'. Individuals requesting such information must sign the request personally. Alternatively, personal visits to the above location with presentation of necessary identification will enable individual to have access to his record.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Individual may secure information on procedures for gaining access to records by (1) addressing a written query to the office cited under System Location above or (2) presenting himself in person to that office.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Record Source Categories: Data from individual, and from Director of Investigations and Security, Department of Transportation.

DOT/OST 041**SYSTEM NAME:**

System Name: Secretariat Information Retrieval System (SIRS) Secretary's Automated Management Information System (SAMIS), DOT/OST. SAMIS will totally replace SIRS in 1984.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
Office of the Secretary (OST),
Office of the Executive Secretary,
400 7th Street, SW,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Individuals who write, or are referred in writing by a second party, to the Secretary, Deputy Secretary, Deputy Under Secretary, and their immediate offices.

Individuals who are the subject of an action requiring approval or action by one of the forenamed, such as appeal actions, training, awards, foreign travel, promotions, selections, grievances, and discipline.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records:
Correspondence submitted by, or on behalf of, an individual, including resumes, letters of reference, etc.
Responses to such correspondence.
Staff recommendations on actions requiring approval or action by one of the forenamed.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Referral to the appropriate action office within or outside the Department for preparation of a response.

Referral to the appropriate agency for actions involving matters of law or regulation beyond the responsibility of the Department, such as the Civil Service Commission for employee appeals, the Department of Justice in matters of law enforcement, etc.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Computer microdisc and -selectively - on microfilm for all records since 1/1/74.

In hard copy for all records prior to 1/1/74.

RETRIEVABILITY:

Retrievability: Indexed by name of correspondent, referring individual, and subject category (e.g., 'employment' for applicants) from 1/1/74 on.

Indexed by name of correspondent prior to 1/1/74.

SAFEGUARDS:

Safeguards: Computer microfilm records, and remote reader terminals, which permit random access to the system records, are locked after office hours.

During office hours computer is accessible only through terminals operated by, and under the surveillance of, authorized employees of the Executive Secretary.

RETENTION AND DISPOSAL:

Retention and Disposal: Hard-copy records for 1967-1969 and duplicate microfilms for 1974-1979 are in the custody of National Archives and Records Service (NARS).

Microfilm Records from 1980 and following are retained in the Departmental headquarters building. Records are retired to NARS on a space-needed basis.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: The Executive Secretary at the address above.

NOTIFICATION PROCEDURE:

Notification Procedure: Inquiries should be directed to the System Manager. Helpful information, in addition to the individual's name, includes date(s), subject matter, and addressee(s) of the incoming correspondence, and date(s) and author(s) of the response(s).

RECORD ACCESS PROCEDURES:

Record Access Procedure: Contact System Manager for information on procedures for gaining access to records.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Contact System Manager for information on procedures for contesting records. Appeals should be directed to the Secretary of Transportation, if request for modification or deletion is denied.

RECORD SOURCE CATEGORIES:

Record Source Categories: Correspondence from individual, his representative or sponsor.

Responses to incoming correspondence.

Related material provided for background as appropriate.

DOT/OST 043**SYSTEM NAME:**

System Name: Telephone Directory and Locator System. DOT/OST.

SYSTEM LOCATION:

System Location: Opportunity Systems, Inc. (OSI),
1406 'L' St., NW
Washington, DC 20005.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Department of Transportation (DOT) headquarters employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Alphabetic Employee Master Records and GSA Metrocentrex Locator Records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Departmental Alphabetic Directory production, DOT Mail Room, DOT Locator Service, and GSA Metrocentrex Locator Service. Used by DOT Telephone Directory Representatives, DOT Mail room.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Magnetic tape storage via batch processing. Source data returned to DOT.

RETRIEVABILITY:

Retrievability: Can retrieve on social security number or on name.

SAFEGUARDS:

Safeguards: Only DOT & OSI personnel have access to tapes.

RETENTION AND DISPOSAL:

Retention and Disposal: Tapes are retained through three (3) cycles, grandfather, father, son, and then scratched. Source materials are retained until the next update is completed.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Publishing and Graphics Division, M-48, Department of Transportation, Office of the Secretary, Office of Administrative Services, 400 7th Street, SW, Room 2317, Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedures: Contact Publishing and Graphics Division at the address above.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Contact Publishing & Graphics Division, M-48 at the address above.
Individual may review own data upon presentation of valid DOT ID card.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Individual may change own data at any time.

RECORD SOURCE CATEGORIES:

Record Source Categories: DOT F 1700.1 - DOT Form prepared for each employee.

DOT/OST 044

SYSTEM NAME:

System Name: Travel and Transportation Management File. DOT/OST.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT), Office of the Secretary (OST), Accounting Operations Division, M-45, 400 7th Street, SW, Room 2223,

Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: All travelers visits using OST travel funds.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Travel Vouchers.
Travel Authorizations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Subsidiary Accounting Records.
Records used by:
Accounting Operations Division employees.
See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 USC 552a(b)(12). Disclosures may be made from this systems to 'consumer reporting agencies' (collecting on behalf of the U.S. Govt.) as defined in the Fair Credit Reporting Act (15 USC 1681a(f)) or the Federal Claims Collection Act of 1982 (31 USC 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Open files.

RETRIEVABILITY:

Retrievability: Alphabetically by employee name.

SAFEGUARDS:

Safeguards: Persons given access are screened by responsible management personnel.

RETENTION AND DISPOSAL:

Retention and Disposal: Destroy after 4 years.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Accounting Operations Division, M-45, Department of Transportation, Office of the Secretary, 400 7th Street, SW, Room 2227, Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation, Office of the Secretary, Accounting Operations Division, M-45, 400 7th Street, SW, Room 2227, Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Same as 'Notification Procedure'.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Notification Procedure'.

RECORD SOURCE CATEGORIES:

Record Source Categories: Program Offices.

DOT/OST 045

SYSTEM NAME:

System Name: Unsolicited Contract or Research and Development Proposals Embodying Claims of Proprietary Rights. DOT/OST.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT), Office of the Secretary (OST), Office of the General Counsel, 400 7th Street, SW, Room 10424, Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Individuals who believe they have original and innovative ideas in the field of transportation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Copies of descriptions of proposed innovations or inventions and methods of carrying out the proposal. Evaluations by Patent Counsel of the adequacy and propriety of restrictive markings on the proposals and correspondence of the Patent Counsel pertaining thereto.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Used as a record of Patent Counsel's action in individual unsolicited proposal cases.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: File folders stored in file cabinets (Conserv-a-File).

RETRIEVABILITY:

Retrievability: Indexed individually by name and subject in alphabetical sequence.

SAFEGUARDS:

Safeguards: Records are disclosed only in accordance with the terms of

restrictive markings agreed upon between submitter and DOT.

RETENTION AND DISPOSAL:

Retention and Disposal: Transfer to storage when three years old; Destroy after six years.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Mail Address:
Patent Counsel, C-15,
U.S. Department of Transportation,
Washington, D.C. 20590.
Office Location:
400 7th Street, SW, Room 10424.

NOTIFICATION PROCEDURE:

Notification Procedure: Apply to System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Apply to System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Record Source Categories: Forwarded by individual or by the DOT office to whom unsolicited proposal was addressed.

DOT/OST 046

SYSTEM NAME:

System Name: Visit Control Records System. DOT/OST.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
Office of the Secretary (OST),
Security Staff, M-441
400 7th Street, SW, Room 10401,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: DOT employees, Industrial Security contractor employees, non-employee visitors to DOT facilities during security hours.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Record of clearance certification (level, date granted and basis) on employees to visit facilities or attend meetings involving classified information. Record of security clearance data for visitors to DOT facility from other agencies and from contractors. Record of individuals other than employees who are authorized access to DOT facilities during security hours.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Confirming to the proper authorities the security clearance for individuals requiring access to classified information; identifying individuals authorized to be present in DOT facilities during security hours. See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices: 9A
Storage: Visitor forms and letters.

RETRIEVABILITY:

Retrievability: By name.

SAFEGUARDS:

Safeguards: Stored in locked room with proprietary lock, available only to authorized staff members.

RETENTION AND DISPOSAL:

Retention and Disposal: Maintained until expiration of visit, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Security Staff, M-441
Department of Transportation,
Office of the Secretary,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Same as above.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Same as above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as above.

RECORD SOURCE CATEGORIES:

Record Source Categories: Security clearance information furnished by personnel security officers. Visit data furnished by individual.

DOT/OST 048

SYSTEM NAME:

System Name: Transportation Research Activities Information Service (TRAIS).DOT/OST.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
Office of the Secretary (OST),
Transportation Systems Center (TSC),
Kendall Square,
Cambridge, MA 02142.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Program/Project Managers and research investigators.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Notification of Technical Research and Development.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Information on on-going and completed research and development accomplishments. See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Computer disc storage and magnetic tape.

RETRIEVABILITY:

Retrievability: Retrievable by keywords and unique accession number assigned by Data Base Administrator; batch process or on-line interaction.

SAFEGUARDS:

Safeguards: Physical security - user identification and passwords.

RETENTION AND DISPOSAL:

Retention and Disposal: Up to three-year retention and then tape is reused which destroys previous data.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief,
Transportation Research Activity
Information Services Branch, TST-25.1,
Department of Transportation,
Office of the Secretary,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Same as System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Same as System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as System Manager.

RECORD SOURCE CATEGORIES:

Record Source Categories: Contract Awards from Contracting Offices, Publication of Technical Report.

DOT/OST 049**SYSTEM NAME:**

System Name: Transportation Research Information Service on line (TRIS-On-Line).DOT/OST.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT), Office of the Secretary (OST), System physically located at the: Battelle Laboratories, Columbus, OH

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Program/Project Managers and authors of reports.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Notification of Technical Research and technical reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Information on on-going and completed research and development accomplishments. See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Computer disc storage and magnetic tape.

RETRIEVABILITY:

Retrievability: Retrievable by keywords and accession number assigned by Data Base Administrator, batch or on-line interaction.

SAFEGUARDS:

Safeguards: Physical security - User identification keywords and passwords.

RETENTION AND DISPOSAL:

Retention and Disposal: Up to five year accessibility, tape goes to archival storage.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Transportation Research Information Services Branch, TST-25.1, Department of Transportation, Office of the Secretary, 400 7th Street, SW, Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Same as System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Same as System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as System Manager.

RECORD SOURCE CATEGORIES:

Record Source Categories: Contract awards received from Contracting Offices, Publication of Technical Reports.

DOT/OST 050**SYSTEM NAME:**

System Name: Emergency Alerting Schedules. DOT/RSPA.

SYSTEM LOCATION:

System Location: These records are located in the national headquarters of the Offices of the Secretary; the heads of operating administrations, regional offices of the Regional Emergency Transportation Coordinators, the Regional Administrators, Directors and Commanders of the operating administrations and in headquarters of operating administrations divisions, district commands, and other field offices of the Department.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Professional and clerical employees and military members of the U.S. Government, Directors - designate and Deputy Directors - designate and members of the National Defense Executive Reserve who have been given emergency billet assignments within the Department of Transportation Emergency Structure.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: The Alerting Charts and Schedules show names and office and home telephone numbers of individuals in calling sequence and are listed by national headquarters and by regional offices; also contain similar listings designed for management convenience within DOT and the operating elements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: For identification of individuals required to insure viability of DOT in the immediate preattack - transattack - postattack period of a national defense emergency. Available to the Secretarial Officers, heads of operating administrations or designated subordinates (national and regional) and to individuals listed.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Publication is maintained in stock, in listings in each office of record, and in standard filing equipment in locked file rooms.

RETRIEVABILITY:

Retrievability: Manually by position listing.

SAFEGUARDS:

Safeguards: Metal file containers or other standard office equipment secured in a locked file room during office duty hours.

RETENTION AND DISPOSAL:

Retention and Disposal: Retained until republished then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Director of Emergency Transportation, DPB-30, Department of Transportation, Research and Special Programs Administration, 400 7th Street, SW, Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Inquiries may be addressed to any of the offices listed under 'System Locations'. Individuals requesting such information must sign the request and include suitable identification.

Alternatively, personal visits to the above locations with presentation of the above credentials will enable individual to learn of and have access to his or her record.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Individual may secure or obtain information on procedures for gaining access to records by (1) referral to the information sheet issued to him or (2) addressing a written query to the offices cited under System Location, (except the Facility Manager, FAA Records Center, West King Street and South Maple Avenue, Martinsburg, WV 25401, who maintains duplicate files in storage only) or (3) presenting himself to those offices.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedures'.

RECORD SOURCE CATEGORIES:

Record Source Categories: Office or Agency of employment.

DOT/OST 054**SYSTEM NAME:**

System Name: Time and Attendance Report (FHWA Form 320 (7-73)) for the Office of Emergency Transportation. DOT/RSPA.

SYSTEM LOCATION:

System Location: Department Transportation (DOT), Research and Special Programs Administration, Office of Emergency Transportation (OET), (DPB-30), 400 7th Street, SW, Room 8330, Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Professional and clerical employees, permanent and temporary, and consultants employed in OET.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Record consists of a computer punch card with a tissue carbon.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Used to maintain record of attendance at duty station and leave accounts of employees concerned. See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Records are maintained alphabetically in desk of the administrative secretary to the Director.

RETRIEVABILITY:

Retrievability: Maintained alphabetically; retrieved manually.

SAFEGUARDS:

Safeguards: Maintained in a locked file room in a building under 24 hour guard; admission by building pass only.

RETENTION AND DISPOSAL:

Retention and Disposal: Hard copy forwarded to paymaster every pay period; tissue retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Director of Emergency Transportation, DPB-30, Department of Transportation, Research and Special Programs Administration, 400 7th Street, SW, Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Inquiries may be addressed to the System Manager. Individuals requesting such information must sign the request and provide suitable identification.

Alternatively, a personal request to the System Manager or his representative will enable the individual to have access to his record.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Individual may obtain information on procedures for gaining access by addressing a written query to the system manager or by presenting himself to the office cited in location above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Individual may obtain information on contest by request to the System Manager.

RECORD SOURCE CATEGORIES:

Record Source Categories: Individuals concerned. Personnel and pay account records.

DOT/OST 055**SYSTEM NAME:**

System Name: Application for U. S. Government Motor Vehicle Operator's Identification Card (Government Drivers License). DOT/OST.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT), Office of the Secretary (OST), Transportation Branch (M-444), 400 7th Street, SW, Room 2318, Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: This system of records contains information regarding all OST employees who are licensed to operate government vehicles.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Application for operator's Identification Card. Physical fitness inquiry. Accident Reports. NHTSA Vehicle Driver Register Report.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Determine qualifications and fitness for issuance, retention, revocation or renewal of operators license.

Limited access to issuing official and those persons whose official duties require such access. See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: The records are maintained in a locking filing cabinet in folders.

RETRIEVABILITY:

Retrievability: These records are filed in alphabetical order with a cross reference by permit number in a log.

SAFEGUARDS:

Safeguards: Limited access to issuing official and those persons whose official duties require such access.

RETENTION AND DISPOSAL:

Retention and Disposal: Retained for 5 years after separation, retirement or transfer of individual or expiration of license and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Transportation Branch, Department of Transportation, Office of the Secretary, Chief, Transportation Branch 400 7th Street, SW, Room 2318, Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Inquiries may be addressed to: Department of Transportation, Office of the Secretary, Transportation Branch, TAD-444, 400 7th Street, SW, Room 2318, Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Individuals who desire access to the information about themselves in this system of records should contact, or address their inquiries to, the system manager.

CONTESTING RECORD PROCEDURES:

Record Contest Procedure: To contest a record, contact the System Manager.

RECORD SOURCE CATEGORIES:

Record Source Categories: Applications received from individuals for operator's license. Accident reports received from individuals.

DOT/OST 056**SYSTEM NAME:**

System Name: Garnishment Files. DOT/OST.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),

Office of the Secretary (OST),
Office of the General Counsel,
Office of the Assistant General
Counsel for Environmental,
Civil Rights and General Law,
400 7th Street, SW, Room 10424,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Employees of the Department of Transportation, including members of the Coast Guard, whose pay is sought to be attached under section 459 of the Social Security Act, 42 U.S.C. 659.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Correspondence and court orders, and copies thereof, concerning attachment of employees' pay.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Used as record of garnishments and Garnishment Attorney's action thereon.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: File folders stored in the Garnishment Attorney's office.

RETRIEVABILITY:

Retrievability: Indexed individually by name in alphabetical order.

SAFEGUARDS:

Safeguards: Records are disclosed only to individuals with established legal interest or legal 'need to know'.

RETENTION AND DISPOSAL:

Retention and Disposal: Retained for as long as the attachment of pay continues and thereafter as needed for precedential value.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Mail Address: Garnishment Attorney, C-10, U.S. Department of Transportation, Washington, DC 20590.
Office Location: 400 7th Street, SW, Room 10424.

NOTIFICATION PROCEDURE:

Notification Procedure: Apply to System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Apply to System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Apply to System Manager.

RECORD SOURCE CATEGORIES:

Record Source Categories: Data is obtained from state courts and agencies, private attorneys, present and former spouses of employees, and federal pay records.

DOT/OST 057

SYSTEM NAME:

System Name: Honors Attorney Recruitment Files. DOT/OST.

SECURITY CLASSIFICATION:

System Location: Department of Transportation (DOT), Office of the Secretary (OST), Office of the General Counsel, 400 7th Street, SW, Room 10428, Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Third-year law students and recent law school graduates.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Resumes, transcripts, copies of Personnel Form 171.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Used by General Counsel, Chief Counsels, and their staffs in filling job vacancies for attorneys. See also Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: File folders in file cabinets.

RETRIEVABILITY:

Retrievability: Indexed individually by name in alphabetical order.

SAFEGUARDS:

Safeguards: Records are disclosed only to individuals who have legal interests in the records or legal 'need-to-know'.

RETENTION AND DISPOSAL:

Retention and Disposal: Retained at system location for 5 years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Mail Address: Special Assistant to the General Counsel, C-4,

U.S. Department of Transportation, Washington, DC 20590.
Office Location: 400 7th Street, SW, Room 10428.

NOTIFICATION PROCEDURE:

Notification Procedure: Contact the System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Contact the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Record Source Categories: Law students, recent law school graduates, General Counsel, Chief Counsels and their staffs.

DOT/OST 059

SYSTEM NAME:

System Name: Files of the Board for Correction of Military Records (BCMR) for the Coast Guard. DOT/OST.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT), Office of the Secretary (OST), Office of the General Counsel, Board for Correction of Military Records, 400 7th Street, SW, Room 10402, Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Individuals who have filed applications for relief before the Board.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Applications and related documents, Board decisions, and official military records of applicants.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Used by the Chairman, the Board, the Executive Secretary and Staff in determining whether to grant relief to applicants.

Used by the Coast Guard in presenting its views to the Board concerning pending cases. Also used by applicant and his representative.

Used by the General Counsel and his staff in determining whether to approve decisions of the board. See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Storage: File folders stored in file cabinets.

RETRIEVABILITY:

Retrievability: Indexed individually by name in one of two alphabetical sequences representing pending and closed cases. Also indexed by docket number. Pending cases filed by docket number; closed cases filed alphabetically.

SAFEGUARDS:

Safeguards: Records are disclosed only to the applicant, his representative, interested members of Congress, and the Coast Guard.

RETENTION AND DISPOSAL:

Retention and Disposal: Transfer of official military record of individual separated from service to Federal Records Center when case closed; transfer of official military record of Active or Reserve member to Coast Guard Headquarters when case closed; re-tention of application file in all cases.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Mail Address: Executive Secretary, Board for the Correction of Military Records, C-60, U.S. Department of Transportation, Washington, DC 20590. Office Location: 400 7th Street, SW, Room 10402.

NOTIFICATION PROCEDURE:

Notification Procedure: Apply to System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Apply to System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Record Source Categories: U.S. Coast Guard, Veterans Administration, individual applicants.

DOT/OST 061

SYSTEM NAME:

System Name: Records of Official Time Granted Employees for Performing Representational Functions.

SYSTEM LOCATION:

System Location: All DOT locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Security Classification: None.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Individuals: All employees representing other DOT employees, pursuant to such employees' right to representation under statute, regulation, executive order, or the terms of a collective bargaining agreement.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Categories of Records: This system records the amount of official time granted to individuals to perform employee representational functions, and the purpose for which the official time was used. Routine Uses: Information in these records may be used: 1. By agency officials and officially recognized labor unions for review to assure that the use of official time is in accordance with applicable government/agency policy and regulations. 2. Preparation of analytical and statistical studies and reports. 3. See prefatory statement of general routine uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Records are maintained in file folders, punch cards, magnetic tape, discs, or by other electronic means.

RETRIEVABILITY:

Retrievability: These records are retrieved by name or by category of use.

SAFEGUARDS:

Safeguards: Access to and use of these records are limited to agency personnel whose official duties require such access, and to officially recognized labor unions with respect to employees within the units that they represent. Safeguards include locked buildings, guard service, and locked file cabinets.

RETENTION AND DISPOSAL:

Statistical information from these records may be made available to other agencies or to the interested public. Retention and Disposal: These records are destroyed after three years.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: The Personnel Officer of each DOT facility, or the Chief, Labor-Management Relations Division, Office of Personnel and Training, Office of the Assistant Secretary for Administration, U.S.

Department of Transportation, 400 7th Street SW., Washington, D.C. 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Inquiries should be directed to the System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Contact or write to the System Manager for information on procedures for gaining access to records.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Contact or write the System Manager. Reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Record Source Categories: Federal employees.

DOT/OST 062

SYSTEM NAME:

System Name: Biographies of Key Officials Book DOT/OST

SYSTEM LOCATION:

System Location: Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: This system of records contains information regarding DOT key officials. The key officials included in the book are subject to change because of personnel changes or at the request of the Secretary.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: This record contains basic biographical information and pictures of persons holding key positions within the Department of Transportation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: To provide the Secretary with the professional experience and educational background of his/her key executives, which allows him/her to become more familiar with top executives.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: These records are maintained in locked file cabinets in a locked room.

RETRIEVABILITY:

Retrievability: The book is indexed first by organization, then position title and name.

SAFEGUARDS:

Safeguards: Access to and use of this record is limited to the Secretary and to those persons whose official duties require such access. (Not releasable under the Freedom of Information Act without the permission of those individuals in the book.)

RETENTION AND DISPOSAL:

Retention and Disposal: These records are destroyed one year after the person has left the covered position.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address: Mail Address:
Department of Transportation
Office of the Secretary
Executive Personnel Management
Division (M-13)
400 7th Street, S.W.
Washington, D.C. 20590
Office Location: Nassif Building Room 9103

RECORD ACCESS PROCEDURES:

Record Access Procedure: Employees who wish to gain access or contest their records should contact the System Manager(s).

NOTIFICATION PROCEDURE:

Notification Procedure: Contact System Manager.

RECORD SOURCE CATEGORIES:

Record Source Categories: Information in this system of records either comes from the individual to whom it applies or is derived from information he supplied.

DOT/OST 063

SYSTEM NAME:

System Name: Civil Rights Case Tracking System

SYSTEM LOCATION:

System Location: Office of Civil Rights
U.S. Department of Transportation
Room 9201
400-7th Street, S.W.
Washington, D.C. 20590

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Records in this system will be maintained on individuals who have submitted complaints of alleged civil rights violations to the Department of Transportation or any of the Administrations within the Department of Transportation, including:

The Office of the Secretary of Transportation
The U.S. Coast Guard
The Federal Aviation Administration
The National Highway Traffic Safety Administration
The Federal Highway Administration
The Federal Railroad Administration
The Urban Mass Transportation Administration
The St. Lawrence Seaway Development Corporation
The U.S. Maritime Administration
The Research and Special Programs Administration

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Records maintained in the system will be categorized by source of complaint (internal or external to the Department of Transportation) and by basis of complaint (race, sex, age, etc.).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Records will be accessed for the purpose of producing reports and statistical profiles showing the progress of investigations and the status of complaints. The use of reports generated from these records will be within the Department of Transportation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Records will be stored in machine readable form on disk. All stored disks will be kept in the Office of Civil Rights and will be secured at all times. Computer access to the records will be controlled by means of identification numbers and passwords known only to the users and systems manager. Only employees of the Office of Civil Rights and the Transportation Computer Center will have access to the records.

RETRIEVABILITY:

Retrievability: Records can be retrieved individually in order to examine the status and progress of the investigation pertaining to the complaint.

SAFEGUARDS:

Safeguards: Access to and use of these records are limited to agency personnel whose official duties require such access, and to officially recognized labor unions with respect to employees within the units that they represent. Safeguards include locked buildings,

guard service and locked file cabinets. Statistical information from these records may be made available to other agencies or to the interested public without the person to whom the record pertains being identified.

RETENTION AND DISPOSAL:

Retention and Disposal: Records will be purged from the electronic storage system at periodic intervals and transferred to printed documents for storage and eventual retention in the archives.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address: The official in the Department of Transportation responsible for the system of records is the Director of Civil Rights, Department of Transportation, Room 10215, 400 7th Street, S.W., Washington, D.C. 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: An individual who wishes to be notified if the system of records contains a record pertaining to him may apply in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedures: An individual who wishes to review the contents of a record pertaining to him may apply in writing to the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedures: Contact or write the System Manager. Reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Record Source Categories: The sources used for records in this system are the complainant, witnesses of alleged violations of civil rights statutes and regulations, written documents pertinent to such investigations, and other records maintained by the Department of Transportation.

DOT/OST 064

SYSTEM NAME:

System Name: Mobility Assignment Candidate File

SYSTEM LOCATION:

System Location: Office of the Secretary/Office of Personnel and Training

SECURITY CLASSIFICATION: NONE

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Employees of the Department who apply for listing in the file.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: The records will consist of an SF-171, Personal Qualifications Statement, a copy of the employee's most recent performance appraisal, a statement of interest and availability, and an endorsement by the supervisor.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Information in these records may be used:

1. By Agency officials to consider employees for temporary assignments.
2. Preparation of analytical and statistical studies and reports.
3. General routine use number 4 applies.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Records are maintained in file folders or magnetic disks.

RETRIEVABILITY:

Retrievability: These records are retrieved by name or by category of use.

SAFEGUARDS:

Safeguards: Access to and use of these records are limited to agency personnel whose official duties require such access. Safeguards include locked buildings, guard service, and locked file cabinets. Statistical information from these records may be made available to other agencies or to the interested public.

RETENTION AND DISPOSAL:

Retention and Disposal: These records are destroyed after one year.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager(s) and Address: The Chief, Special Programs Staff, Office of Personnel and Training, Office of the Assistant Secretary for Administration, U.S. Department of Transportation, 400 7th Street, SW, Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Inquiries should be directed to the System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedures: Contact or write the System Manager to arrange for access to the record.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedures: Contact or write the System Manager. Reasonable identify the record and specify the information be contested. If error is found, the record will be corrected.

RECORD SOURCE CATEGORIES:

Record Source Categories: Federal employees and supervisors.

DOT/OST 100**SYSTEM NAME:**

System Name: Investigative Record System DOT/OIG

SYSTEM LOCATION:

System Location: Department of Transportation (DOT), Office of the Secretary (OST), Office of Inspector General (OIG), 400 7th St., S.W., Washington, D.C. 20590. OIG Regional Offices in Baltimore, MD, Atlanta, GA, Chicago, IL, Fort Worth, TX, San Francisco, CA, and Federal Records Center, Washington, DC.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Present and former DOT employees, DOT contractors and employees as well as grantees, subgrantees, contractors, subcontractors and their employees and recipients of DOT monies, and other individuals or incidents subject to investigation within the purview of the Inspector General Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Results of investigations and inquiries conducted by Inspector General (OST); reports of investigations conducted by other departmental, Federal, State and local investigative agencies which relate to the mission and function of the Inspector General; reports and indices relating to 'hotline' complaints; and investigative case index card files.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: The information contained in the Investigative Records System is collected and maintained in the administration of the Inspector General Act of 1978 (Pub. L. 95-452) to investigate, prevent and detect fraud and abuse in departmental programs and operations. Material gathered is used for prosecutive, civil or

administrative actions. These records may be disseminated, depending on jurisdiction, to:

DOT Officials in the administration of their responsibilities.

Other Federal, State, local or foreign agencies or administrations having interest or jurisdiction in the matter.

See also Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Paper records in case folders in manual filing system and on index cards.

RETRIEVABILITY:

Retrievability: By name or incident title.

SAFEGUARDS:

Safeguards: Investigative files and case index files are maintained in several spaces with appropriate access controls. Access to investigative files is restricted to authorized investigative personnel on a 'need to know' basis.

RETENTION AND DISPOSAL:

Retention and Disposal: Investigative material is destroyed by secure means used for classified materials. Central OIG investigative files are maintained in OIG Headquarters, from where the files are transferred to Washington Federal Records Center (FRC) at prescribed intervals and destroyed in accordance with the following schedule:

Lead Cases. Case files and temporary contents are destroyed 90 days after transmittal of the investigative report and permanent case documents to the case control office.

Official Case Folders. Official Investigative Case Folders are maintained for a period of 2 years in OIG Headquarters upon completion of legal or administrative action and transferred to the Washington, D.C. Federal Records Center (FRC), where they are held and destroyed 10 years from the date of case origin.

Investigative and Hotline Indices. Destroyed 20 years after date of creation.

OIG Hotline Files. Transferred to FRC 2 years after completion of legal or administrative action. Destroyed 10 years from date of origin.

General Investigative and Hotline Files. Retained in OIG Headquarters and Field Offices. Destroyed when 2 years old.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Inspector General (J-1),
Department of Transportation,
Office of the Secretary,
400 7th St., S.W.,
Washington, D.C. 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Same as 'System Manager.'

RECORD ACCESS PROCEDURES:

Record Access Procedures: Same as 'System Manager.' Investigative data compiled for law enforcement purposes may be exempt from the access provisions pursuant to 5 U.S.C. 552a (j)(2), (k)(1), or (k)(2). The identity of an employee or other personal source who makes a complaint or provides information to the OIG via the OIG 'Hotline' complaint center may be exempt from disclosure pursuant to Section 7(b) of the Inspector General Act of 1978 (Pub. L. 95-452).

CONTESTING RECORD PROCEDURES:

Contesting Record Procedures: Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Record Source Categories: These records contain information obtained from interviews, review of records and other authorized investigative techniques.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Systems Exempted: Investigative data compiled for law enforcement purposes may be exempt from the access provisions pursuant to 5 U.S.C. 552a (j)(2), (k)(1) or (k)(2).

DOT/OST 101**SYSTEM NAME:**

System Name: Office of Inspector General, Management Information System (OIG/MIS).

SYSTEM LOCATION:

System Location: Office of Inspector General,
Management Information Staff,
Room 9210, 400 7th Street, S.W.,
Washington, D.C. 20590.
Using the Computer Sciences
Corporation Infonet Timesharing
System, Beltsville, Maryland.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Management Information Staff,
Office of Resources and Management,
JP-10
Office of the Inspector General,
Room 9202, 400 7th Street, S.W.,
Washington, D.C. 20590.

NOTIFICATION PROCEDURE:

Notification Procedures: Department of Transportation,
Office of Inspector General,
Room 9200, 400 7th Street, S.W.,
Washington, D.C. 20590
Attn: Assistant Inspector General for
Policy, Planning and Resources.

DOT/TSC 716**SYSTEM NAME:**

System Name: UMTA/Technology
Sharing Mailing List. DOT/TSC.

SYSTEM LOCATION:

System Location: Department of
Transportation (DOT),
Transportation Systems Center (TSC),
Office of Information Resources
Technology Sharing Office, DTS-151
Kendall Square
Cambridge, MA 02142

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Government officials and transportation professionals who have requested reports or have been selected by UMTA or TSC to receive reports and conference notifications.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: These records contain names, jobtitles, organizations, suborganizations and addresses. In addition, there are special categories which allow for entering the following information for each record in the data base: Organization Affiliation, Modal Information Need/Type of Document, and Subject Informational Need.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: To identify target audiences who have a need for specific project results or who have expressed an interest in receiving copies of project documentation; and to disseminate programmatic results in an efficient and effective manner. Uses of special codes -- organizational affiliation, modal informational need, and subject informational need -- will allow for a more efficient selection of audiences for specific types of reports, will permit analyses of information needs, and estimates of report quantities needed. To communicate plans for scheduled conferences to likely participants and disseminate conference proceedings if applicable. To prepare mailing labels. Records are subject to examination by federal officials concerned with the dissemination of programmatic results or conference notification, but are not disclosed to members of the public

(except through publication in conference proceedings of names of individuals who actually participated in each conference).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Records are maintained in a computerized data base. Disc and tape records, paper copies of coding forms, and listings of specific target groups identified to receive a publication are maintained at the U.S. Department of Transportation's Transportation Systems Center (TSC). Upon request, a listing of the target audience for a specific publication may be forwarded to the appropriate federal official responsible for the dissemination of the report.

RETRIEVABILITY:

Retrievability: By any attribute contained in the data base -- alphabetically by name, address or special attribute codes.

SAFEGUARDS:

Safeguards: Access is restricted to UMTA and TSC officials who are involved in the dissemination of programmatic results and/or notification of planned conferences. Terminal operators or contractors, if designated by TSC, may access the system to enter data, generate edit checks to assure data has been entered correctly, and generate paper copies of specific audiences for examination by a federal official. Access to the electronic data base is controlled by the computer telephone number, and name of individual responsible for the data base. Internally, the system is software protected so that people without these combinations of codes cannot even examine the data, let alone use it or modify it. Names are removed when the Postal Service reports an incorrect address with no forwarding address or when individuals request removal.

RETENTION AND DISPOSAL:

Retention and Disposal: Records are kept on tape and disc. Deleted names and addresses are discarded completely.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Technology
Sharing Office, DTS-31,
Department of Transportation
Transportation Systems Center
Kendall Square
Cambridge, MA 02142

NOTIFICATION PROCEDURE:

Notification Procedure: Individuals may contact system manager to confirm whether or not their name and address is contained in the system.

RECORD ACCESS PROCEDURES:

Record Access Procedures: Same as notification procedure.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedures: Contest of this data will be made to the System Manager. If administrative resolution is not satisfactory to the individual, appeals may be filed in writing with the Secretary of Transportation addressed to the General Counsel as follows:

Department of Transportation
Office of the Secretary
Office of the General Counsel
400 7th Street, SW
Washington, DC 20590

RECORD SOURCE CATEGORIES:

Record Source Categories: Names of individuals who attended conferences and individuals who have requested conference proceedings. Names of individuals who have requested copies of publications pertaining to specific projects. Various Departmental mailing lists such as: Transit Properties, Planning Agencies, Transportation and Planning Associations.

DOT/UMTA 175**SYSTEM NAME:**

System Name: Personnel Convenience Files. DOT/UMTA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
Urban Mass Transportation Administration (UMTA),
Systems are located at:
Region I,
Regional Administrator, UMTA,
c/o Transportation Systems Center,
Technology Building
55 Broadway,
Cambridge, MA 02142.
Region II,
Regional Administrator, UMTA,
26 Federal Plaza, Suite 14-110
New York, NY 10278
Region III,
Regional Administrator, UMTA,
434 Walnut Street, Suite 1010,
Philadelphia, PA 19106.
Region IV,
Regional Administrator, UMTA,
1720 Peachtree Road, NW, Suite 400,
Atlanta, GA 30309.
Region V,
Regional Administrator, UMTA,
300 South Wacker Drive - Suite 1720

Chicago, IL 60606.

Region VI,
Regional Administrator, UMTA,
819 Taylor Street, Suite 9A32,
Fort Worth, TX 76102.

Region VII,
Regional Administrator, UMTA,
6301 Rockhill Road - Suite 100,
Kansas City, MO 64131.

Region VIII,
Regional Administrator, UMTA,
Prudential Plaza - Suite 1822,
1050 17th Street,
Denver, CO 80265.

Region IX,
Regional Administrator, UMTA,
211 Main Street
San Francisco, CA 94111,

Region X,
Regional Administrator, UMTA,
915 Second Avenue,
Suite 3142, Federal Building,
Seattle, WA 98174.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: UMTA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Standard Form 171.
Resumes.
Personnel Action Forms.
Position Descriptions.
Performance evaluation forms.
Written performance standards.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Personal Use.
Personnel Reference Manual.
Statistical Information.
Technical Information.
See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 USC 552a(b)(12). Disclosures may be made from this systems to 'consumer reporting agencies' (collecting on behalf of the U.S. Govt.) as defined in the Fair Credit Reporting Act (15 USC 1681a(f)) or the Federal Claims Collection Act of 1982 (31 USC 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Records are originals or copies of documents.

RETRIEVABILITY:

Retrievability: Retrieved by name.

SAFEGUARDS:

Safeguards: Maintained in locked file cabinets.

RETENTION AND DISPOSAL:

Retention and Disposal: Retained until termination of employment and then shredded.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Appropriate Associate Administrator or Regional Office (addresses same as in 'System Location').

NOTIFICATION PROCEDURE:

Notification Procedure: Inquiries are addressed to the System Manager (addresses same as in 'System Location').

RECORD ACCESS PROCEDURES:

Record Access Procedure: Access is permitted by written or personal request.

Direct control is maintained by the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Contest of these records is at the Headquarters' level, addressed as follows:

Department of Transportation,
Urban Mass Transportation Administration,
Attention: Office of Personnel, UAD-60,
400 7th Street, SW,
Washington, DC 20590. Unsatisfactory resolution by the individual may be appealed in writing to the Secretary of Transportation addressed as follows:
Department of Transportation,
Urban Mass Transportation Administration
Office of the Administrator,
400 7th Street, SW, Room 9324,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Personnel Action Forms as completed by the employee or prospective employee.

DOT/UMTA 176**SYSTEM NAME:**

System Name: Blood-Donor File. DOT/UMTA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
Urban Mass Transportation Administration (UMTA),
Office of Administration,
Office of Personnel, UAD-30
400 7th Street, SW, Room 7405,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: UMTA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Record of employee's donation to UMTA/Red Cross Blood Program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Computing participation in Blood Program identifying donors by blood types.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Records are maintained by telephone cardex.

RETRIEVABILITY:

Retrievability: Access by name.

SAFEGUARDS:

Safeguards: Maintained in locked office during non-work hours.

RETENTION AND DISPOSAL:

Retention and Disposal: Only information on current employees is maintained. Card and information slips are destroyed in the year following blood quota/program year.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: UMTA Blood Program Coordinator (Director of Personnel, address as above in 'System Location').

NOTIFICATION PROCEDURE:

Notification Procedure: Verbal notification from System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Upon verbal request to System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Record access not contested. Contact System Manager to contest content.

RECORD SOURCE CATEGORIES:

Record Source Categories: Red Cross Donor Registration Forms as completed by UMTA employee.

DOT/UMTA 177**SYSTEM NAME:**

System Name: UMTA-Sponsored Reports Author File. DOT/UMTA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
Urban Mass Transportation Administration (UMTA),
Office of Technical Assistance,
Information Services Staff, URT-7
400 7th Street, S.W.
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals:
Contributing authors of UMTA sponsored reports.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Author's name and address of organization at time of report submission to UMTA.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: For technical information dissemination.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Records are maintained on card file.

RETRIEVABILITY:

Retrievability: Access by author's name or corporate author.
Access by author's organization.
Access by NTIS number
Access by report title.
Access by project number.
Access by geographical location of research.

SAFEGUARDS:

Safeguards: Available for use under control of System Manager.
Card files are maintained in a locked office.

RETENTION AND DISPOSAL:

Retention and Disposal Retained as archive files of UMTA-sponsored report information.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Information Service Staff, URT-7, (address as in 'System Location' above).

NOTIFICATION PROCEDURE:

Notification Procedure: Inquiries are addressed to the System Manager, URT-7 (address as in 'System Location' above).

RECORD ACCESS PROCEDURES:

Record Access Procedure: Access is permitted by written or personal request. Direct control is maintained by the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Contest of these records is at the Headquarter's level, (i.e., to the System Manager).

Unsatisfactory resolution by the individual may be appealed in writing to the Secretary of Transportation addressed as follows:

Department of Transportation,
Urban Mass Transportation Administration,
Office of the Administrator,
400 7th Street, SW, Room 9324,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Record Source Categories: Authors of UMTA-sponsored reports.

DOT/UMTA 178**SYSTEM NAME:**

System Name: Minority Recruitment File. DOT/UMTA. 4

System Location: Department of Transportation (DOT),
Urban Mass Transportation Administration (UMTA),
Office of Civil Rights,
400 7th Street, SW, Room 7410
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Minority applicants interested in UMTA employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Resumes and Personal Qualifications Statements (S.F. 171).

Summary sheets summarizing general information on each applicant.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Referrals for UMTA position vacancies.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Records are maintained in original and photocopied form.

RETRIEVABILITY:

Retrievability: Retrieved by number assigned to applicant.

SAFEGUARDS:

Safeguards: Source documents are maintained in the Office of Civil Rights storage facilities.

Only persons authorized by the Director of Civil Rights or the Chief, Division of Internal Programs, are permitted access to these files.

RETENTION AND DISPOSAL:

Retention and Disposal: Records held for a year's period at which time applicants are requested to update their forms; those forms updated are retained and the forms of those non-responding destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Director, Office of Civil Rights, UCR-1
Department of Transportation,
Urban Mass Transportation
Administration,
Office of Civil Rights,
400 7th Street, SW, Room 7410
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Inquiries are addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Access is permitted by written or personal request. Direct control is maintained by the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Contest of these records is at Headquarter's level (i.e., to the System Manager at the address shown in 'System Manager' above).

Unsatisfactory resolution by the individual may be appealed in writing to the Secretary of Transportation addressed as follows:

Department of Transportation,
Urban Mass Transportation
Administration,
Office of the Administrator,
400 7th Street, SW, Room 9324,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Record Source Categories: Resumes and Personal Qualifications Statements (S.F. 171) submitted by applicants. Resumes and Personal Qualifications Statements (S.F. 171) submitted by the DOT Office of Civil Rights, DOT modal administrations, and other Federal agencies. Established recruitment sources, e.g., community organizations, national civil rights groups, professional

societies, colleges and universities, etc.

DOT/UMTA 180**SYSTEM NAME:**

System Name: Occupational Safety and Health Accident Reporting System. DOT/UMTA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
Urban Mass Transportation
Administration (UMTA),
Personnel Office, UAD-30,
400 7th Street, SW, Room 47405,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Any UMTA employee involved in an accident while on duty status which results in injury to an individual or property damage.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: This system contains documents pertaining to occupational accidents involving injury to employees and/or non-employees. It will also contain documents pertaining to accidents involving employees of UMTA when no injury is involved but property damage has occurred.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Accumulate accident information and statistics per DOT Order.

Develop accident cause trends.
For accident reports.
For accident prevention program.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Records are maintained in a metal file cabinet.

RETRIEVABILITY:

Retrievability: Folders are in alphabetic order by name.

SAFEGUARDS:

Safeguards: File cabinets are located in records room which has a security approved lock on door.

RETENTION AND DISPOSAL:

Retention and Disposal: Records are maintained for five years and then destroyed by tearing or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Director, Office of Personnel, UAD-30
Department of Transportation,
Urban Mass Transportation
Administration,
400 7th Street, SW, Room 7405,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Inquiries should be addressed to the System Manager at the address above.

If in person, proper identification will be required.

If written, notarized signature and social security number of the individual involved in the accident must be presented.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Same as 'Notification Procedure.'

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Notification Procedure.'

RECORD SOURCE CATEGORIES:

Record Source Categories: Individuals involved in accidents.
Witnesses to accidents.
Supervisor of the UMTA employee involved in an accident.
Doctors of medical facility where treated.

DOT/UMTA 190**SYSTEM NAME:**

System Name: Employee Travel Records. DOT/UMTA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
Urban Mass Transportation
Administration (UMTA),
Office of Financial Management,
Accounting Division, UFM-20
400 7th Street, SW
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: All UMTA employees.
Private persons, congressional committee members or other persons issued invitational travel orders to confer on government matters.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Individual travel folders.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Maintain accounting records.

Analysis of travel trends.

See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 USC 552a(b)(12). Disclosures may be made from this systems to 'consumer reporting agencies' (collecting on behalf of the U.S. Govt.) as defined in the Fair Credit Reporting Act (15 USC 1681a(f)) or the Federal Claims Collection Act of 1982 (31 USC 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Records are maintained in a file cabinet secured with lock and key.

RETRIEVABILITY:

Retrievability: System is indexed by name.

SAFEGUARDS:

Safeguards: Individuals requesting individual travel folders are screened by Accounting Branch personnel.

Records are maintained by Accounting Branch personnel in secured file.

RETENTION AND DISPOSAL:

Retention and Disposal: Retained three years, then forwarded to Federal Records Center with other accounting records.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Accounting Division, UFM-20
Urban Mass Transportation Administration (UMTA),
Office of Financial Management,
Accounting Division, UFM-20
400 7th Street, SW
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Individuals may contact the System Manager to confirm whether or not the system contains a record on them.

RECORD ACCESS PROCEDURES:

Record Access Procedure: An individual may gain access to his records by request to the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Content of these records may be settled with the

System Manager. If this is unsatisfactory to the individual, the person may appeal in writing to the Secretary of Transportation addressed to the following:

Department of Transportation,
Urban Mass Transportation Administration,
Office of the Chief Counsel,
400 7th Street, SW, Room 9320,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Record Source Categories: Travel orders, individual travel vouchers.

DOT/UMTA 191**SYSTEM NAME:**

System Name: Travel Advance File.
DOT/UMTA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
Urban Mass Transportation Administration (UMTA),
Office of Financial Management,
Accounting Division, UFM-20
400 7th Street, SW,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Recipients of travel advances.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Records of travel advances and liquidation and repayment thereof.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Maintain accounting records.

Ensure collection of amounts due the United States.

See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 USC 552a(b)(12). Disclosures may be made from this systems to 'consumer reporting agencies' (collecting on behalf of the U.S. Govt.) as defined in the Fair Credit Reporting Act (15 USC 1681a(f)) or the Federal Claims Collection Act of 1982 (31 USC 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Maintained on 5 x 8 card form.

RETRIEVABILITY:

Retrievability: By name.

SAFEGUARDS:

Safeguards: Records are maintained by Accounting Branch personnel in locked file.

RETENTION AND DISPOSAL:

Retention and Disposal: Retained three years then forwarded to Federal Records Center with other accounting records.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Accounting Division, UFM-20
Urban Mass Transportation Administration (UMTA),
Office of Financial Management,
Accounting Division, UFM-20
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Individuals may contact the System Manager to confirm whether or not the system contains records on them.

RECORD ACCESS PROCEDURES:

Record Access Procedure: An individual may gain access to his records by request to the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Content of these records may be settled with the System Manager. If this is unsatisfactory to the individual, the person may appeal in writing to the Secretary of Transportation, addressed to the following:

Department of Transportation,
Urban Mass Transportation Administration,
Office of the Chief Counsel,
400 7th Street, SW, Room 9320,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Record Source Categories: Travel advance card signed by individual.

DOT/UMTA 192**SYSTEM NAME:**

System Name: Urban Transportation Planning System (UTPS) Address File.
DOT/UMTA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
Urban Mass Transportation Administration (UMTA),
Office of Technical Assistance
Office of Methods and Support,
Methods Division, URT-41

400 7th Street, SW, Room 6107.
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: UTPS users. Persons indicating continuing interest in UTPS developments. Federal Highway Administration (FHWA) Planning Package users.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Individual's name, business address, telephone number, UTPS or FHWA Planning Package version date, UTPS course/symposium/conference attendance.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: For technical information dissemination. See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Records are maintained in a computer file.

RETRIEVABILITY:

Retrievability: Access by computer terminal by any item.

SAFEGUARDS:

Safeguards: Available for use under the control of the System Manager. Computer file is protected by account number and code words.

RETENTION AND DISPOSAL:

Retention and Disposal: Records are retained until notified that individual no longer desires information and then record is destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Methods Division, URT-41
Urban Mass Transportation Administration (UMTA),
Office of Technical Assistance
Office of Methods and Support,
Methods Division, URT-41
400 7th Street, SW, Room 6107.
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Inquiries are addressed to the System Manager, UTP-40 (address same as above).

RECORD ACCESS PROCEDURES:

Record Access Procedure: Direct control is maintained by the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Contest of these records is at Headquarter's level (i.e. the System Manager). Individual may appeal adverse decision to the Secretary of Transportation, addressed as follows:

Department of Transportation,
Urban Mass Transportation Administration,
Office of the Administrator,
400 7th Street, SW, Room 9324,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Record Source Categories: UTPS order forms, UTPS course registration forms, letter and/or verbal request to be placed on mailing list.

DOT/UMTA 193

SYSTEM NAME:

System Name: Docket. DOT/UMTA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
Urban Mass Transportation Administration (UMTA),
Office of the Chief Counsel,
400 7th Street, SW, Room 9228
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Individuals who have commented on notices of UMTA appearing in the Federal Register; authors of reports which are added to the Docket as background information.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Summary of the nature of the comment or the report, date written and filed, author affiliation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: To gather information in response to rules promulgated by UMTA. Users are both UMTA staff members and the public. See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Legal-size file folders stored in file cabinets.

RETRIEVABILITY:

Retrievability: By name and Docket number assigned at the time of receipt.

SAFEGUARDS:

Safeguards: None required. Publicly available file.

RETENTION AND DISPOSAL:

Retention and Disposal: Indefinite.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Docket Clerk, Office of the Chief Counsel,
Department of Transportation,
Urban Mass Transportation Administration,
400 7th Street, SW, Room 9228
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Record Access Procedure: Same as 'System Manager.'

RECORD ACCESS PROCEDURES:

Notification Procedure: Same as 'System Manager.'

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'System Manager.'

RECORD SOURCE CATEGORIES:

Record Source Categories: Correspondence freely sent by the public to UMTA.

DOT/UMTA 194

SYSTEM NAME:

System Name: Litigation and Claims Files. DOT/UMTA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
Urban Mass Transportation Administration (UMTA),
Office of the Chief Counsel,
400 7th Street, SW, Room 9228
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Persons who are involved in litigation or claims actions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Litigation and claim pleadings, discovery material, related documents (including background data on individuals involved), memoranda, correspondence, and other material necessary to respond to claims or prepare for litigation or hearings.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: The documents are produced or used in and for litigation and claims.

These documents are disclosed to the Department of Justice.
See Prefatory Statement for General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Legal-size file folders stored in lockable and unlockable file cabinets and individual attorney's offices.

RETRIEVABILITY:

Retrievability: Retrieved by caption of the particular litigation.

SAFEGUARDS:

Safeguards: Data from these files are retrievable only by persons within the Office of the Chief Counsel.

RETENTION AND DISPOSAL:

Retention and Disposal: Litigation files are kept for two years after case is closed, then sent to Federal Records Center. All other records in the system are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief Counsel,
Department of Transportation,
Urban Mass Transportation
Administration,
400 7th Street, SW, Room 9320,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the System Manager.

RECORD SOURCE CATEGORIES:

Record Source Categories: Federal courts, individuals and their attorneys, UMTA records, litigation files, etc.

DOT/UMTA 195

SYSTEM NAME:

System Name: Confidential Statement of Employment and Financial Interests.
DOT/UMTA.

SYSTEM LOCATION:

System Location: Department of Transportation, (DOT),
Urban Mass Transportation
Administration, (UMTA),
Office of the Chief Counsel,
400 7th Street, SW, Room 9228
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Employees of the Urban Mass Transportation Administration in supervisory positions where a conflict of interest or the appearance of a conflict of interest might occur. Also included in this category are consultants and experts of the Urban Mass Transportation Administration.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Information on employment and financial interests and debts.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Users: The information to be furnished is required by Executive Order 11222 and the regulations of the Office of Personnel Management issued thereunder and may not be disclosed except as the Commission or the agency head may determine.

The purpose of the use of this information is to avoid a conflict of interest or the appearance of a conflict of interest in UMTA employees.

See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 USC 552a(b)(12). Disclosures may be made from this systems to 'consumer reporting agencies' (collecting on behalf of the U.S. Govt.) as defined in the Fair Credit Reporting Act (15 USC 1681a(f)) or the Federal Claims Collection Act of 1982 (31 USC 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Legal size folders.

RETRIEVABILITY:

Retrievability: Indexed by name in alphabetical sequence.

SAFEGUARDS:

Safeguards: Records are stored in locked file cabinet.

RETENTION AND DISPOSAL:

Retention and Disposal: Records are kept 3 years and then transferred to Federal Records Center for 6 years.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief Counsel,
Department of Transportation,
Urban Mass Transportation
Administration,
Office of the Chief Counsel,
400 7th Street, SW, Room 9228,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation,
Urban Mass Transportation
Administration,
Office of the Chief Counsel,
400 7th Street, SW, Room 9228,
Washington, DC 20590.
Inquiries may be addressed to the Chief Counsel either in person or in writing. If written the individual must provide a notarized signature.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Access to records requires the individual to contact in person or write the Chief Counsel at the address in 'Notification Procedure.'

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Contest of a record is also through the Chief Counsel.

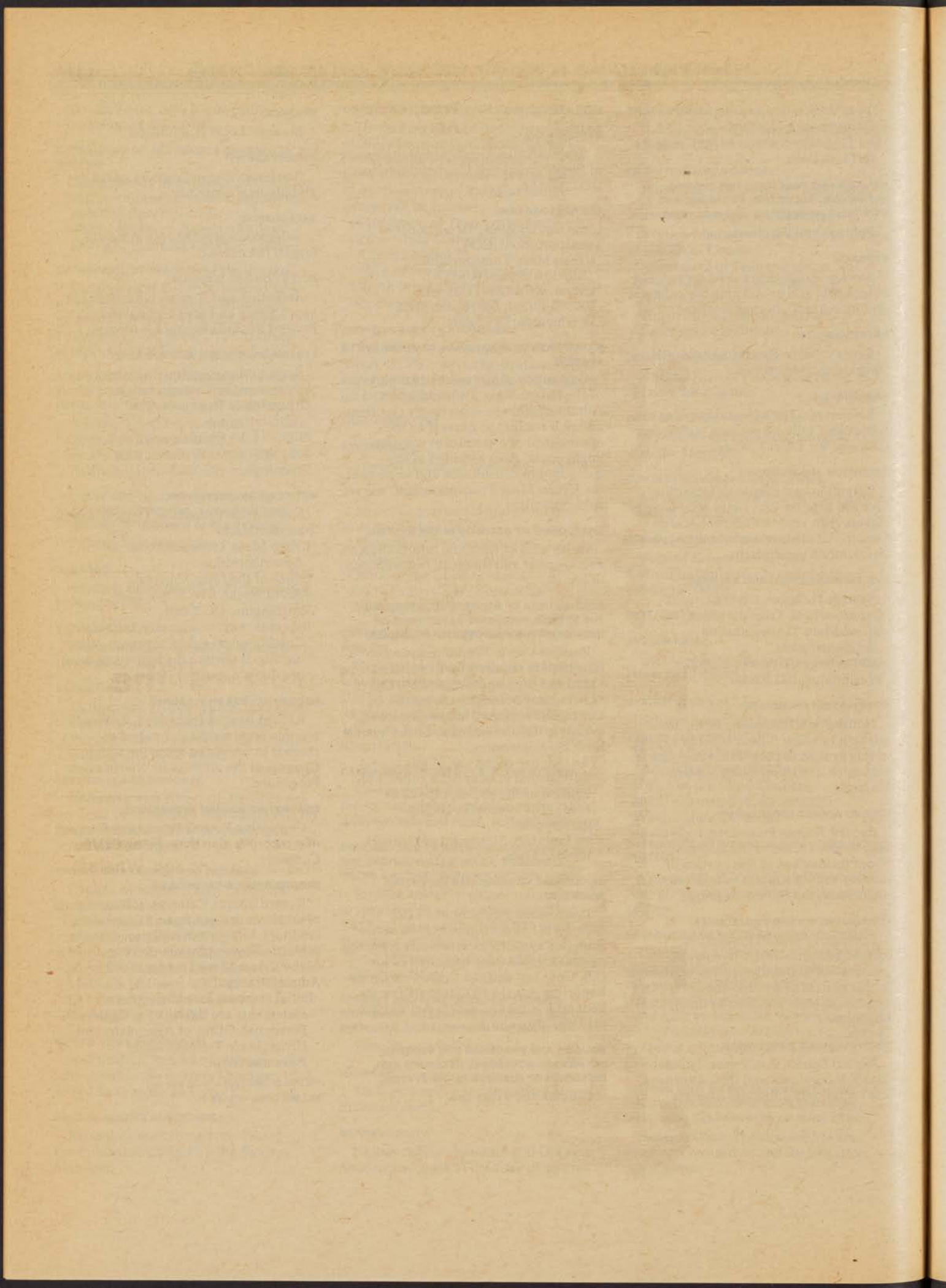
RECORD SOURCE CATEGORIES:

Record Source Categories: Statements of employment and financial interests, creditors, interests in real property are submitted by employees and consultants of the Urban Mass Transportation Administration.

Initial requests for submission of statements are through the Office of Personnel, Office of Administration, Urban Mass Transportation Administration.

[FR Doc. 84-9023 Filed 4-17-84; 8:45 am]

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Federal Register

Wednesday
April 18, 1984

Part III

Department of the Interior

National Park Service

36 CFR Part 13

Glacier Bay National Park and Preserve,
Alaska; Protection of Humpback Whales;
Proposed Rule

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 13

Glacier Bay National Park and Preserve, Alaska; Protection of Humpback Whales

AGENCY: National Park Service, Interior.

ACTION: Proposed rule.

SUMMARY: The National Park Service is proposing permanent regulations for the protection of the humpback whale, an endangered species, at Glacier Bay National Park and Preserve. These regulations would establish a permit system, vessel operating restrictions, and a mechanism for designating whale waters and vessel limits; in addition, they would prohibit the harvest of certain species of fish and crustaceans which are prey species of the humpback whale. These regulations would replace temporary regulations which expired in 1983.

DATE: Written comments, suggestions, or objections will be accepted until May 18, 1984.

ADDRESS: Comments should be addressed to: Superintendent, Glacier Bay National Park and Preserve, Bartlett Cove, Gustavus, Alaska 99826.

FOR FURTHER INFORMATION CONTACT: Michael Tollefson, Superintendent, Glacier Bay National Park and Preserve, Bartlett Cove, Gustavus, Alaska 99826, Telephone: (907) 697-3341.

SUPPLEMENTARY INFORMATION:**Background**

Glacier Bay, a marine body of water within Glacier Bay National Park and Preserve, has been recognized since the early 1960's as a summer feeding ground for the humpback whale, a declining species placed on the Endangered Species list in 1970. Research conducted in the 1970s established that 10-24 whales used the Bay for summer feeding during the several years prior to 1978. This pattern drastically changed in 1978, however, when approximately 17 of 20 identified whales abandoned the Bay shortly after entering it. Only three whales remained for the summer. This reduced level of whale use occurred again 1979. On August 6, 1979, in accordance with the Endangered Species Act, the National Park Service ("NPS" or "Service") requested a formal consultation with the National Marine Fisheries Service ("NMFS") to assess the problem. NMFS concluded that the uncontrolled increase of vessel traffic, especially erratically traveling craft, may have altered humpback behavior,

and that a continued increase in vessel traffic was likely to further jeopardize the existence of the humpback whale in Southeast Alaska. NMFS recommended that vessel traffic be restricted to 1976 levels, additional research be conducted, and regulations be promulgated to address vessel routing, maneuvering, and speed.

Responding to the NMFS opinion, the Service published two sets of regulations in 1980 to protect the humpback whale in Glacier Bay. One set concerned cruise ship activity as well as vessel routing, maneuvering, and speed. See 45 FR 32228 (May 15, 1980) (codified at 36 CFR 7.23 (b)-(d) (1982)). In summary, these regulations limited the entry of cruise ships into Glacier Bay to 89 vessels during the whale season (June 1 through August 31), with not more than two entries per day. Regardless of the size or type of vessel, all motorized vessels were prohibited from intentionally positioning themselves closer than one-fourth nautical mile from a whale, or otherwise pursuing or attempting to pursue a whale. In the event of a vessel-whale encounter, these regulations established certain vessel operation requirements to restore the one-fourth nautical mile separation with minimal disturbance to the whale. Finally, the regulations authorized the superintendent to designate areas in Glacier Bay as "whale waters" where vessels were required to maintain a constant speed (not to exceed 10 knots) and course, except to avoid coming within 1/4 nautical mile of a whale.

The second set of regulations addressed small boat activity and a limited category of commercial fishing in Glacier Bay. See 45 FR 32234 (May 15, 1980), 45 FR 85471 (December 30, 1980) (codified at 36 CFR 7.23 (e)-(f) (1982); 46 FR 50370 (October 13, 1981) (codified at 36 CFR 7.23(g) (1982)). These regulations limited small vessel entries into Glacier Bay to 538 (339 private vessels) during the whale season. They also prohibited commercial harvesting of major organisms upon which humpback whales feed.

The Service intended these two sets of regulations to be temporary pending the completion of more conclusive research on the whales at Glacier Bay. Upon completion of the research, the Service intended again to request formal consultation with NMFS and thereafter to propose appropriate changes in the regulations. In order to review the research data, obtain an opinion from NMFS, and develop appropriate regulations, the Service extended the temporary regulations applicable to vessel operations and entries until August 31, 1983, and the regulations

dealing with whale prey species until December 31, 1983, 48 FR 21947 (May 16, 1983). Thus, the Service prevented an "unregulated situation" for the humpback whale in Glacier Bay, a situation which NMFS warned could have disrupted the whale's behavior contrary to the mandates of the Endangered Species Act and other law.

On June 22, 1983, NMFS issued its second Biological Opinion which stated in part:

Based on our recent review of new research as well as additional information, NMFS concludes that current NPS operational and total vessel numbers restrictions are not likely to jeopardize the continued existence of the Southeast Alaska stock of humpback whales. We also reiterate the conclusion in our 1979 Biological Opinion that if the amount of vessel use were allowed to increase without limit in Glacier Bay, or if present vessel operational restrictions were removed the associated disturbance would be likely to jeopardize the continued existence of the Southeast Alaska humpback whale stock.

The amount of vessel use that would have the effect of total displacement from Glacier Bay cannot now be defined or predicated. We believe some increase in the amount of vessel use can occur without jeopardizing the continued existence of the Southeast Alaska humpback whale stock, provided increases are implemented in a conservative manner and with an appropriate monitoring program.

Consultation must be reinitiated if new information reveals impacts of the proposed activities that may affect the humpback whale, if the identified activities are modified in a manner not considered during the consultation, or if a new species is listed or critical habitat designated that may be affected by the proposed activities.

After reviewing the Biological Opinion, the Service met with NMFS in August, 1983 to clarify certain aspects and to discuss permanent regulations. Based on those meetings, the biological opinion itself, and additional research and monitoring conducted by the National Park Service, the Service has concluded that failure to implement protective regulations would be detrimental to the humpback whale in Glacier Bay and perhaps jeopardize the continued existence of the Southeast Alaska humpback whale stock.

Section by Section Analysis

Since promulgating the temporary regulations, the Service has moved all regulations for Alaska park areas to Part 13 of Title 36 of the Code of Federal Regulations. Consequently, the Glacier Bay whale regulations no longer appear at § 7.23 of title 36. Instead, the regulations proposed herein would be codified, after final promulgation, at 36

CFR 13.65(g)—Whale Protection, Glacier Bay National Park and Preserve.

Section 13.65(b)(1) of the proposed regulations defines various types of vessels, geographic terms, and other terms used in the regulations. The Service expects to use these terms in the various public notices concerning whale protection. In general, these definitions were established by the temporary regulations which expired in 1983. The proposed regulations would add three new terms and revise the meanings of two other terms.

The Service proposes to revise the definition of "pursue" in order to prevent vessels from changing their course or speed so as to approach within one-half nautical mile of a whale. Under the temporary regulations, a vessel could pursue a whale to within one-quarter nautical mile. Recent research has indicated, however, that allowing a vessel to approach as close as one-fourth nautical mile is likely to adversely affect whale behavior.

The Service also proposes definitions for two new terms, "tour vessel" and "private vessel." The proposed regulations would include these categories of vessels in the permit system.

The Service proposes to change the term "commercial fishing" to "commercial fishing vessel," while leaving the intent of the definition the same.

The proposed regulations would add a definition of "vessel use day," a new concept in the permit system. Previously, the permit system was based entirely on the number of motor vessels entering the Bay each day rather than the number of days that vessels used the Bay. On some days, the maximum permitted number of motor vessels entered the Bay, but few vessels left. The resultant accumulation of motor vessels over several days exceeded the level considered to be disruptive to the whales. Therefore, by proposing a motor vessel entrance limit based on the number of motor vessels in the Bay each day rather than merely the number entering each day, the accumulation of vessels should not reach disruptive proportions. The proposed entrance limit would be based on the number of vessels in the Bay. For example, if the limit were 21 vessels, and 21 vessels were already in the Bay on a given day, no more would be allowed to enter. NMFS agrees with the approach of limiting the total number of motor vessels in the Bay at any given time.

In practice, implementation of the "vessel use day" concept in the permitting system would probably allow more vessels to enter the Bay for the

following reason. Local users under the expired permit system often applied for an entry permit to sport fish for one or two of the seven days allowed by the permit. Since the proposed permit system would consider the number of motor vessels within the Bay on any given day, others could utilize the unused days on such a permit.

Section 13.65(b)(2) of the proposed regulations requires the superintendent to establish a permit system, and requires all motor vessels (except commercial fishing vessels engaged in fishing and official vessels of the State or Federal Government) to obtain a permit prior to entering Glacier Bay. The permit system would explain how permits could be obtained, and whom the vessel operator must contact upon entering and leaving the Bay. It would also establish limits on vessel entries as well as the number of vessels in the Bay at any given time when whales are present. The permit system and the allocation of entries and use limits would be announced in accordance with 36 CFR 13.30, which details procedures for closing areas or restricting activities.

The permit system would be based on 1976 vessel entry and use levels as recommended by NMFS in its June 22, 1983, Biological Opinion. These base year figures are set forth in § 13.65(b)(2)(iii). Pursuant to § 13.65(b)(2)(iv), the superintendent could increase vessel entry and use levels by up to 20% above the base year figures. This regulatory section would establish limitations on any such increase, in accordance with the following excerpt from the NMFS Biological Opinion:

We believe that no additional vessel traffic should be allowed unless the number of individual whales that enter Glacier Bay remains equal to or is greater than the 1982 level. If under these conditions, the NPS proposes to increase total vessel use from the present level, NMFS believes that an additional increase of no more than 20 percent for the large ship and small vessel categories would be prudent * * * A minimum of two years should be allowed for monitoring and evaluating the effects of such an increase before additional increases are proposed * * * We caution NPS that we are unable to determine the amount of additional vessel traffic in Glacier Bay to which the whales could adjust.

As NMFS suggests, the Service would take a conservative approach in setting any percentage increase within the regulatory guidelines. The whale would be given the benefit of any doubt. The superintendent could always decrease the number of entries if necessary to prevent harm to the humpback whale.

The Service realizes that the public needs to know entry permit levels as early as possible. Commercial operators and visitors to the area must have advance notice in order to plan their activities. Since cruise ship companies book tours well in advance of the summer season, they might suffer serious inconvenience or even financial hardship in the absence of adequate notice of the availability of entry permits. It is not possible, however, for the superintendent to set rigid, long range entry levels and still to react to significant changes in whale activity. Moreover, the Service must review whale activity during a full season before setting entry limits for the next. For these reasons, the Service expects to set entry and use levels, designate whale waters, and provide the details of the permit system for the following year by means of temporary restrictions promulgated on or about September 30 of the preceding year in accordance with 36 CFR 13.30(d). The date of September 30 would allow 30 days from the end of whale season for the Service to analyze research, monitor data and make the necessary determinations. In addition, it would allow potential permittees time to make known their needs for the next season. (For the 1984 whale season, however, the Service must establish the temporary restrictions this spring. The Service's 1984 proposal is discussed below.) In promulgating annual restrictions, the Service would be guided, *inter alia*, by consultation with NMFS, the Alaska Department of Fish and Game and other public agencies, input received during public hearings on the restrictions as well as during the General Management Plan, and ongoing research and whale monitoring.

Research has been and will continue to be an important factor throughout the Service's decisionmaking on the humpback whale in Glacier Bay. In the expired regulations, the Service relied heavily on the 1979 NMFS Biological Opinion and the research data on which it was based. In the regulations proposed today, the Service relies on the 1983 NMFS Biological Opinion and accompanying research. The proposed regulations would further direct the superintendent to consider ongoing research and whale monitoring in determining appropriate vessel use of the Bay each year. The Service has established a whale monitoring program which will remain an integral part of the management of Glacier Bay for many years. In addition, the Service contracted for a study of whale prey species. NMFS conducted this study in the summer of 1983. A final report is

expected in the spring of 1984. Finally, the Service has earmarked funds for whale behavior research during the summer of 1984. As funds are available, prey research projects will continue for several years.

Section 13.65(b)(3) of the proposed regulations contains operating restrictions designed to prevent vessels from approaching or pursuing whales. With modifications, these restrictions come from the expired temporary regulations. The most significant of the modifications would allow only those commercial fishing vessels which are actively trolling or setting long lines to come within one-fourth nautical mile of a whale. Previously all commercial fishing vessels were allowed within that distance regardless of their fishing methods. Fishing methods other than trolling and setting long lines involve erratic actions that might disrupt whales located within a one-quarter nautical mile radius of the activity.

Section 13.65(b)(4) of the proposed regulations contains a process for designating whale waters and establishing vessel use restrictions within those waters. Upon entering the Bay, the whales select feeding sites where they may remain for several days or even weeks. When it becomes obvious, through the whale monitoring process, that a whale has selected a feeding area, those waters would be declared "whale waters". The public would be notified in accordance with the provisions of 36 CFR 13.30(d) by (1) posting notices in public places in the surrounding communities, (2) holding a public meeting in the nearby community, (3) publishing notice in the United States Coast Guard *Notice to Mariners*, (4) providing maps and information to local and statewide newspapers, and (5) informing all permittees. Appropriate vessel use restrictions would be included in the process to prevent vessels from influencing whale behavior. Typically, these restrictions would require a reduced speed of ten knots or less and a steady, or mid-channel, course when in whale waters. As in the past, the Service would attempt to designate the minimum area necessary to provide for the whale's needs without severely restricting normal boating activities. When the whale moves on, new whale waters would be designated, and the former whale waters designation would be removed. By necessity, the Service must be able to initiate the designation process quickly. Obviously, a whale may appear in the Bay overnight and show every indication of remaining in an area for an extended stay. In this

situation, the time between notice and public meeting could be as short as a single day. Most elements of the designation process have been utilized previously and have worked well.

Section 13.65(b)(5) of the proposed regulations lists the various genera which have been identified as whale prey at some time in their life cycle. This list is not all inclusive, but represents those genera which could be pursued by fishermen with consequent impact upon the whale's food supply.

1984 Whale Season Restrictions

The Service cannot provide the extensive lead time for the 1984 whale season that it will provide for future whale seasons. In accordance with the procedures of 36 CFR 13.30(d) concerning temporary restrictions, and contemporaneously with the permanent regulations proposed herein, the Service is announcing its proposed 1984 vessel entry and use levels, whale water designations, and permit system details through publication in the State and local media and the following discussion. The Service will conduct an informal public hearing on the proposed 1984 restrictions in Gustavus, Alaska on April 28.

Proposed Temporary Restrictions for June 1-August 31, 1984

I. Permit System Details

A. The number of cruiseship, tour vessel, and charter vessel entries will be limited by means of concession agreements. Private vessels will be limited by vessel permits. Private motor vessel permits will be issued up to 60 days in advance on a first come basis for up to seven calendar days. (Local private vessels—those individuals from Gustavus, Hoonah, Pelican and Elfin Cove—will be issued entry permits in accordance with the private vessel permit system. These permits for local private vessels will be valid for seven use days rather than seven calendar days.) Only two consecutive permits may be issued to any vessel operator, except between July 1 and July 15 when only one permit will be issued. Vessels must confirm their permits 48 hours in advance of their scheduled entry. Unconfirmed reservations will be cancelled. These permits can be obtained by contacting the Glacier Bay National Park, Gustavus, Alaska, 99826. Phone (907) 697-3522.

B. Prior to entry or departure of Glacier Bay, a motorized vessel must notify the park office by phone at (907) 697-3522 or marine radio, Channel 16, KWM20, Bartlett Cove.

II. Motor Vessel Entry and Use Levels

A. Cruiseship entries into Glacier Bay are limited:

1. to two vessels per day, with no more than two vessels in the Bay on any given day;

2. a total of 89 vessels.

B. Tour vessel entries into Glacier Bay are limited:

1. to three vessels per day, with no more than three vessels in the Bay on any given day;

2. to the 228 entries currently authorized by concession agreements.

C. Charter vessel entries into Glacier Bay are limited to the 218 authorized in concession agreements.

D. Private vessel entries into Glacier Bay are limited to 339 vessel entries per season, with 21 vessels allowed in the Bay on any one day. Total vessel use days are limited to 1428 during whale season. Four entry permits will be issued each day between June 14 and August 15, and three permits will be issued each day during the remainder of whale season.

III. Whale Water Designation

Whale waters are between the mouth of Glacier Bay and a line drawn from the northern tip of Strawberry Island to the northern tip of Lars Island, including Bartlett Cove and Beardslee Entrance. All motorized vessels in permanent whale waters will maintain speeds of ten knots or less through the water. Also motorized vessels over 16 feet in length, that are not engaged in fishing or under sail, will navigate as close to mid-channel course as possible between the northern and southern limits of these permanent whale waters. Where possible vessels shall remain at least one mile from the shoreline at all times. Vessels shall avoid actions that will result in closing with a whale.

Additional Information

The National Marine Fisheries Service Biological Opinion is included as an addendum to this announcement.

Public Participation

It is the policy of the Department of the Interior that whenever practicable the public will be afforded an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions or objections regarding these proposed regulations to the address noted at the beginning of this rulemaking. To aid the National Park Service in the review and analysis of public comments, commenters should address each section separately, preferably in a separate paragraph.

Draft or revised regulatory language is specifically requested in instances where the proposed regulation is judged to be inadequate.

Public meetings concerning these regulations will be held as follows:

April 25, 1984—Hoonah, Alaska
 April 26, 1984—Gustavus, Alaska
 April 26, 1984—Anchorage, Alaska
 April 27, 1984—Elfin Cove, Juneau, Alaska
 April 28, 1984—Pelican Cove, Alaska

Drafting Information

The following persons participated in the writing of the regulation: Michael Tollefson, Don Chase, Larry Bright, and Gary Vequist, Glacier Bay National Park and Preserve; Robert Babson and Molly N. Ross, Office of the Solicitor, Anchorage; Joseph Alston, Allan Lovaas and J. W. Tanner, National Park Service, Anchorage, Alaska.

Paperwork Reduction Act

The information collection requirements contained in this regulation have been submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3501, *et seq.*, and assigned clearance number 1024-0016.

Compliance With Other Laws

The Service has determined that this rulemaking is not a "major rule" within the meaning of Executive Order 12291 (46 FR 13193, February 19, 1981). In accordance with the Regulatory Flexibility Act (94 Stat. 1164, 5 U.S.C. 601, *et seq.*), the Service has determined that the regulations proposed in this rulemaking will not have a significant economic effect on a substantial number of small entities, nor does it require the preparation of a regulatory analysis. The Service makes this finding because the proposed regulations will impose no significant costs on any class or group of small entities.

As required by the National Environmental Policy Act (42 U.S.C. 4332, *et seq.*), the National Park Service has prepared an environmental assessment and finding of no significant impact. Copies of these documents are available at the address listed at the beginning of this rulemaking.

List of Subjects in 36 CFR Part 13

Aircraft, Alaska, National parks, Penalties, Traffic regulations.

Authority

Act of August 25, 1916 (39 Stat. 535, as amended, 16 U.S.C. 1, *et seq.*); Presidential proclamations Nos. 1733 (43 Stat. 1988), 2330 (53 Stat. 2534), and 4618 (43 FR 57053); Endangered Species Act

of 1973 (87 Stat. 884); 16 U.S.C. 1531; Marine Mammal Protection Act of 1972 (86 Stat. 1027); 16 U.S.C. 1361, Alaska National Interest Lands Conservation Act, 16 U.S.C. 3170(a).

In consideration of the foregoing, it is proposed to amend 36 CFR 13.65 as follows:

PART 13—NATIONAL PARK SYSTEM UNITS IN ALASKA

1. Paragraph (b) is revised to read as follows:

Glacier Bay National Park and Preserve

(b) *Whale Protection.*

(1) *Definitions.* As used in this section: "Charter Vessel" means any motor vessel under 100 tons gross that is rated to carry up to 49 passengers for hire on an unscheduled basis.

"Commercial Fishing Vessel" means any motor vessel conducting fishing activities under the appropriate commercial fishing licenses as required and defined by the State of Alaska.

"Cruise Ship" means any motor vessel at or over 100 tons gross carrying passengers for hire.

"Glacier Bay" means all marine waters within Glacier Bay National Park and Preserve north of an imaginary line between Point Gustavus and Point Carolus.

"Large Vessel" means any motor vessel at or exceeding 100 tons gross.

"Motor Vessel" means any vessel propelled, or capable of being propelled, by machinery (including steam) whether or not such machinery is the principal source of power.

"Mouth of Glacier Bay" means that part of Glacier Bay located on an imaginary line between Point Gustavus and Point Carolus.

"Private Vessel" means any motor vessel used for recreation that is not engaged in commercial transport of passengers, commercial fishing or official business.

"Pursue" means to alter a vessel's course or speed in a manner which results in retaining a vessel at a distance less than one-half nautical mile of a whale.

"Small Vessel" means any motor vessel less than 100 tons gross.

"Tour Vessel" means any motor vessel under 100 tons gross that is rated to carry more than 49 passengers for hire or any small motor vessel regularly scheduled for hire.

"Vessel" includes every type or description of craft, other than a seaplane on the water, used or capable of being used as a means of transportation on the water, including a

buoyant device permitting or capable of free flotation.

"Vessel Use Day" means any continuous period of time that a vessel is in Glacier Bay between the hours of 8 a.m. on one day to 8 a.m. the next day.

"Whale" means any humpback whale (*Megaptera novaeangliae*).

"Whale Season" means the period from June 1 through and including August 31 of each year.

"Whale Waters" means any portion of Glacier Bay having a high probability of whale occupancy, based upon recent sightings and/or past patterns of occurrence.

(2) *Permits.* (i) No motor vessel may enter Glacier Bay without a permit issued pursuant to this section, except:

(A) Commercial fishing vessels engaged in fishing within Glacier Bay.

(B) Motor vessels engaged in official business of the State or Federal Government.

(ii) In accordance with 36 CFR 13.30 and 13.65(b)(4)(iii), the superintendent shall develop, announce, and implement a permit system for motor vessels which details:

(A) How permits can be obtained.

(B) Whom the operator must contact when entering and leaving Glacier Bay.

(C) The maximum number of motor vessel entries to be allowed each day during the whale season.

(D) The maximum number of motor vessels to be allowed in Glacier Bay on any one day during the whale season.

(E) The maximum number of motor vessel entries for the whale season.

(F) The allocation of entry permits among commercial and private motor vessels.

(G) The maximum length of stay in Glacier Bay for motor vessels.

(iii) The permit system will be based on the following figures for 1976 motor vessel use:

(A) Cruiseships are limited to two vessel entries per day with a total of no more than 89 vessel entries during the whale season.

(B) Tour vessels are limited to three vessel entries per day with a total of no more than 228 entries during whale season.

(C) Charter vessels are limited to five vessels within Glacier Bay per day with a total of no more than 218 entries during whale season. The charter vessel use day total for the whale season shall not exceed 426.

(D) Private vessels are limited to twenty-one vessels within Glacier Bay per day with a total of no more than 339 entries during whale season. The private vessel use day total for the whale season shall not exceed 1,428.

(iv) In compliance with June 22, 1983, National Marine Fisheries Service Biological Opinion, the superintendent may increase the vessel entry and use levels by up to 20% for each category of vessel as listed in § 13.65(b)(2)(iii). Any increase in these figures shall be followed by two years during which entries and use levels shall remain at or below the increased figure. The superintendent may lower entry and/or use levels by any percentage to achieve a level which, in the superintendent's judgment, will not be detrimental to the humpback whale.

(3) *Operating Restrictions.* (i) No vessel will intentionally position itself within one-quarter nautical mile of a whale. Vessels accidentally positioned within one-quarter nautical mile of a whale must slow to ten knots or less without changing into a reverse gear unless impact is likely. The vessel course as practicable until one-quarter nautical mile of separation is established. Shifting of gears should be avoided. Commercial fishing vessels actively trolling or setting long lines are exempt from the requirements of this subparagraph.

(ii) No vessel will pursue or attempt to pursue a whale.

(4) *Designation of Whale Waters/Vessel Use Restrictions.* (i) Designation of whale waters within Glacier Bay and establishment of vessel use restrictions therein during whale season shall be established, as necessary, by the superintendent pursuant to the provisions of 36 CFR 13.30.

(ii) Maps of designated whale waters and notices of applicable vessel use restrictions shall be made available to the public at park offices at Bartlett Cove and Juneau, Alaska, and shall be published by the U.S. Coast Guard as a "Notice to Mariners."

(iii) In the designation of whale waters and establishment of vessel use restrictions, the superintendent's decision shall be based upon the following considerations:

(A) Consultation with the National Marine Fisheries Service and the Alaska Department of Fish and Game;

(B) Glacier Bay National Park and Preserve General Management Plan;

(C) Consultation with interested public agencies;

(D) Research and monitoring of whale activity in Glacier Bay;

(E) Public comment;

(F) Vessel traffic patterns;

(G) Such other considerations as may be deemed appropriate.

(iv) Failure to comply with vessel use restrictions established by this subparagraph is prohibited.

(5) *Restricted Commercial Fishing Harvest.* Actively fishing for, or retaining if accidentally caught, herring (*Clupea*), capeline (*Mallotus*), sand lance (*Ammodytes*), euphausiids (*Thalassia*), or shrimp (*Pandalus* and *Pandalopsis*) within Glacier Bay is prohibited throughout the year.

(6) The information collection requirements contained in 13.65(b)(2) have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1024-0016. The information is being collected to allow the superintendent to issue permits to allow vessels into Glacier Bay during the whale season. This information will be used to grant administrative benefits.

2. Paragraphs (c) through (f) of § 13.65 are removed.

Dated: April 4, 1984.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

June 22, 1983.

Mr. Roger Contor,

Regional Director, Alaska Area Office,
National Park Service, 540 West 5th
Avenue, Room 202, Anchorage, Alaska

Dear Mr. Contor:

Enclosed is the Biological Opinion prepared by the National Marine Fisheries Service (NMFS) under Section 7 of the Endangered Species Act of 1973 (ESA), concerning the regulation of vessel traffic and resultant interactions with humpback whales in Glacier Bay National Park and Preserve. This opinion was prepared in response to the National Park Service's (NPS) request to reinstate the Section 7 consultation for the endangered humpback whales in Glacier Bay, Alaska.

Based on our recent review of new research as well as additional information, NMFS concludes that current NPS operational and total vessel numbers restrictions are not likely to jeopardize the continued existence of the southeast Alaska stock of humpback whales. We also reiterate the conclusion in our 1979 Biological Opinion that if the amount of vessel use were allowed to increase without limit in Glacier Bay, or if present vessel operational restrictions were removed, the associated disturbance would be likely to jeopardize the continued existence of the southeast Alaska humpback whale stock.

The amount of vessel use that would have the effect of total displacement from Glacier Bay cannot now be defined or predicted. We believe some increase in the amount of vessel use can occur without jeopardizing the continued existence of the southeast Alaska humpback whale stock, provided increases are implemented in a conservative manner and with an appropriate monitoring program.

Consultation must be reinstituted if new information reveals impacts of the proposed activities that may affect the humpback whale, if the identified activities are modified in a manner not considered during the

consultation, or if a new species is listed or critical habitat designated that may be affected by the proposed activities.

We look forward to continued cooperation during future consultations.

Sincerely yours,

Carmen J. Blondin,

for William G. Gordon,

Assistant Administrator, for Fisheries.

Endangered Species Act—Section 7 Consultation—Biological Opinion

Agency: National Park Service (NPS),
Department of the Interior (DOI).

Activities Considered During
Consultation: National Park Service
regulation of vessel use in Glacier Bay
National Park and Preserve (formerly
Glacier Bay National Monument).

Consultation Conducted by: National
Marine Fisheries Service (NMFS),
Alaska Region.

Date of Issuance: June 22, 1983.

Background: Glacier Bay, located in the southeast Alaska Alexander Archipelago, is within the summer range of the North Pacific humpback whale (*Megaptera novaeangliae*). The number of humpback whales using Glacier Bay has been documented systematically only in the past ten years (Jurasz and Palmer, draft 1981; Baker and Herman, 1983). Since 1973, the total number of whales seen in the Bay each year during June, July, and August has ranged from 10 to 24 (see Table I). In mid-summer, 1978, all but three of an estimated 23 whales abruptly departed from Glacier Bay, and in 1979, the number of whales in the Bay did not exceed five on any day of record. There are various possible explanations as to what may have caused the early departure and reduced whale use of Glacier Bay. The supposition most publicized at the time was that increases in vessel traffic had produced intolerable levels of noise and harassment which resulted in near abandonment of the Bay by humpback whales.

NPS, the federal agency charged with the management of the Glacier Bay National Park and Preserve, has the authority to regulate visitor/vessel use of the Bay. Under NPS stewardship, the level of small craft (vessels less than 100 gross tons) traffic in the Bay increased approximately fourfold between 1968 and 1978. Although large ships (vessels 100 gross tons or larger) have visited Glacier Bay since the late 1800's prior to 1970 such visits were intermittent and ranged from zero to four per year. Large ship visits, which usually occur only during daylight, peaked at 143 vessel-use days in 1977 (see Table II).

Based upon information and observations available in 1979, the NPS

and NMFS concluded that unrestricted vessel use of Glacier Bay may affect the endangered humpback whale. Pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (ESA), the NPS requested formal consultation with NMFS regarding NPS management of vessel traffic in Glacier Bay. On December 3, 1979, NMFS issued a Biological Opinion (Appendix I) to the NPS on actions controlling vessel activity that may affect the humpback whales within Glacier Bay. In that opinion our interpretation of available data was that uncontrolled increases of vessel traffic, particularly of erratically traveling charter/pleasure craft, probably altered the behavior of humpback whales in Glacier Bay and may have been implicated in the departure of the whales from the Bay in 1978. NMFS, therefore, concluded that continued increase in the amount of vessel traffic, particularly charter/pleasure craft, in Glacier Bay was likely to jeopardize the continued existence of the humpback whale population frequenting southeast Alaska.

In that opinion NMFS offered several reasonable and prudent alternatives that could be undertaken by NPS to avoid likelihood of jeopardy. These were:

1. restrict total vessel use of Glacier Bay to 1976 levels;
2. implement regulations to govern vessel routing and vessel maneuvering, to minimize whale/vessel interactions and prohibit the willful pursuit and disturbance of whales and inform vessel operators of such regulations;
3. continue to monitor the humpback population and whale/vessel interactions and fully analyze all current data; and
4. conduct new research to (a) characterize the food and feeding behavior of humpback whales in Glacier Bay and other areas, (b) ascertain the acoustic characteristics of vessels within the Bay and in other areas with the aim of identifying equipment and/or modes of operation which are inimical to the whales, and (c) compare behavioral responses of the humpbacks to vessels in Glacier Bay with those observed in other areas of southeastern Alaska.

Subsequent to the release of our Biological Opinion, the NPS promulgated regulations to implement reasonable and prudent alternatives 1 and 2. These regulations (see Appendix II) are discussed later under *Information on the Proposed Activities*. In addition the NPS has continued to monitor that portion of the humpback population using Glacier Bay as recommended in reasonable and prudent alternative

number 3. Visitor and vessel use data are summarized in Table II.

Research recommended in reasonable and prudent alternative number 4 was undertaken through the National Marine Mammal Laboratory of NMFS in 1981 and 1982. The research was conducted under three separate contracts requiring parallel and coordinated investigations of prey distribution, acoustic environment, and behavior of humpback whales in southeast Alaska, with particular emphasis on Glacier Bay National Park and Preserve.

Based on new information from the research efforts and the experience of administering the regulations for the 1980 through 1982 field seasons, on February 7, 1983, the NPS requested reinitiation of consultation on NPS management of vessel traffic in Glacier Bay.

During the reinitiated consultation, NMFS reviewed the 1979 Biological Opinion, reports from the three research contractors, NPS regulatory activities in Glacier Bay, and other information concerning endangered humpback whales. This biological opinion is based on that review.

The Scope of this Biological Opinion

Since the issuance of our previous biological opinion on this subject, there has been considerable public and scientific debate about how much vessel traffic should be allowed in Glacier Bay. Implicit in the NPS request for reinitiation of consultation is the question of whether vessel traffic in Glacier Bay may be increased from current levels, and if so, to what extent. Therefore, this consultation considers impacts to humpback whale both from existing and increased vessel traffic in Glacier Bay. Similarly, our opinion on the likelihood of jeopardy addresses both of these situations.

Consultation was conducted only for the endangered humpback whale. No other endangered or threatened species for which NMFS is responsible occurs in Glacier Bay. There are no species proposed for listing as endangered or threatened, nor any designated or proposed critical habitat in Glacier Bay.

Information on the Proposed Activities

The NPS has extended the 1981 and 1982 regulations concerning vessel traffic in Glacier Bay through 1983. Under these regulations, vessel use is controlled by grouping vessels into three major management categories. In one category (large ships and private boats), vessels have both seasonal and daily entry quotas. Vessels in a second category (charter and concession boats) have a seasonal entry quota.

Vessels in the third category (fishing vessels and Federal/State vessels) are exempt from seasonal and daily entry quotas. Large ships are scheduled to enter and depart the Bay on the same day, the equivalent of one vessel-use day. The time between entry and departure of small craft is more variable, ranging from 1 to 10 or more vessel-use days. In 1981 and 1982, from June 1 to August 31, large ships (cruise ships, state ferries, or foreign and military vessels over 100 gross tons) were limited to not more than two entries per day with a seasonal maximum of 89 entries for cruise ships and 3 entries for other large ships. During the same period, private/pleasure craft were limited to 21 entries per day with a seasonal maximum of 538 entries. Charter and concession vessels were limited to 1976 entry levels. Fishing vessels and federal/state vessels used for official purposes were exempt from entry quotas. Based on NPS statistics from June 1–August 31, 1982, large ships accounted for 87 vessel-use days (column E, Table II) and small craft (all kinds, including fishing and Federal/State vessels) for 2,794 vessel-use days (columns H+K+M+N, Table II).

The regulations also provide that no motorized vessel, except commercial fishing or charter vessels actively fishing, may intentionally be positioned within one-fourth mile of a whale. No vessel may pursue or attempt to pursue a whale.

Additionally, within "Designated Whale Waters" (areas where recent sightings and/or past patterns indicate a high probability of whale occupancy), all vessels must be operated along a steady course at a constant speed of ten knots or less through the water, unless safety considerations dictate otherwise. All vessels larger than 16 feet in length, with the exception of commercial fishing and charter vessels actively engaged in fishing, are restricted to a mid-channel course (see 45 FR 32228 for the complete text of the regulations).

Biological Background

In the North Pacific, the summer range of the humpback whale encompasses the area from the southern Chukchi Sea south to the subarctic boundary (ca. 40°N) and extends in the east to about Point Conception, California, and in the west to the Sanriku Coast of Honshu Island. Humpbacks range into shallow coastal waters more frequently than other balaenopterids and regularly occur in sheltered inside waters of Prince William Sound and the Alexander Archipelago in southeastern Alaska.

The wintering grounds of humpbacks in the North Pacific are centered in the waters of three areas: (1) Off the coast and adjacent islands of west central Mexico; (2) near the main Hawaiian Islands; and (3) near the Bonin, Ryukyu, and Mariana Islands in the western North Pacific. Some humpbacks that summer in southeastern Alaska are known to migrate to the wintering area off Mexico and other migrate to the wintering area off the Hawaiian Islands. A few are found in southeastern Alaska during all months of the year.

Prior to the rise of modern whaling in the late 1800's, the world population of humpback whales exceeded 100,000 with the majority located in the Southern Hemisphere. The North Pacific population probably numbered roughly 15,000 at the turn of the twentieth century (Rice and Wolman, 1975).

Whaling in southeastern Alaska began with the establishment of two land stations in 1907. The number of humpback whales in southeast Alaska at the start of this earliest exploitation is unknown. Consistent catch records are available only for 1912-1922, during which time 185 humpbacks were taken off southeast Alaska, with a peak catch of 39 in 1916 (Rice and Wolman, 1975). Since 1922, no whaling has been conducted in the waters of southeastern Alaska. However, the humpback whales of these inside waters were exposed to additional exploitation as they migrated across the high seas or through the coastal territorial waters of British Columbia, Washington, California, and Baja California.

By 1966, when humpbacks were given complete legal protection by the International Whaling Commission, the world population of the species had been reduced to about 5,000. The North Pacific population is estimated to be about 1,200 (Rice and Wolman, 1982), of which at least 700 winter in the Hawaiian Islands, and approximately 300 winter in Mexico. Only a few humpbacks have been sighted on the western north Pacific wintering grounds in recent years.

Although humpback whales have been observed to range from Summer Strait northward, little is known of their movements within this range. Some whales may be found in the area throughout the year; however, most arrive in early summer and depart in mid to late fall. Frederick Sound-Stephens Passage and Glacier Bay are known whale concentration areas in which observations have been consistently recorded. As many as 190 and 26 whales have been recorded in these two areas, respectively (Baker and Herman, 1983). Lower Chatham Strait

and western Summer Strait also are known as whale concentration areas, but whale observations have not been recorded consistently in those areas (Mercer, 1977; Consiglieri and Bouchet, 1978). The use of these areas and of specific sites within them varies both during the summer feeding season and between years. It is probable that the primary stimulant for the observed movement is the search for favorable feeding sites where swarms of euphausiids, and schools of herring, capelin, and other small fishes occur. We do not yet know the precise nature of the factors that constitute a favorable feeding area.

Potential Impacts to Endangered Humpback Whales from the Proposed Activity

Vessel traffic in Glacier Bay has the potential to have adverse impacts on endangered humpback whales in the following ways:

1. Noise caused by vessel traffic and the proximity of vessels may disturb whales to the extent the displacement from the Bay occurs; and
2. Physical harm may result from the operation of vessels in areas where whales are present. This harm includes collisions of vessels with whales, entanglement of whales in fishing gear, and deliberate acts of violence to whales by vessel occupants.

The presence of vessels in or adjacent to areas occupied by whales may cause a change in whale behavior, such as cessation of feeding activity, for the duration of the disturbance. Such disturbance levels may cause the whales to leave localized feeding areas temporarily. Repeated disturbance may result in the abandonment of localized feeding areas. Any loss of feeding habitat or interference with feeding activities may affect the ability of these whales to obtain the full summer ration of food necessary for successful reproduction and overwintering. The severity of this loss would depend on the level of interference with feeding activity experienced by whales in Glacier Bay, or on the availability of alternative food supplies outside Glacier Bay.

Vessel/whale collisions have the potential to wound or kill individual whales. Deliberate acts of violence, such as shooting, are unpredictable, but could occur.

Information on the Humpback Whale Derived from NMFS Research

The research conducted during 1981 and 1982 has provided NMFS with documented observations on whale/vessel and whale/prey interactions in

Glacier Bay and nearby waters. Salient points of prey distribution, the acoustic environment, behavior research, and the status of the humpback whale in southeast Alaska are discussed below.

Prey Distribution

Although Glacier Bay generally is acknowledged as an important humpback whale feeding area, little quantitative information on its importance as such an area existed prior to 1981. In the 1981-1982 prey study, statistically significant differences in zooplankton catches and acoustic assessment data were noted between study areas and study years (Wing and Krieger, 1983). Using acoustic backscattering as an index of biomass, Glacier Bay had a higher biomass in 1981 and a lower biomass in 1982 than those from the Stephens Passage/Frederick Sound area during the same years. The interpretation of this variation is complicated by species composition in the water column and the frequent lack of known acoustic target strengths of the recorded prey. Euphausiid catch densities apparently were higher in 1981 and lower in 1982 in Glacier Bay than in Stephens Passage/Frederick Sound. In general, these observations suggest that there is considerable natural variation in abundance of prey species in the areas studied.

Wing and Krieger (1983) also made opportunistic observations on prey density in the presence of humpback whales. Three areas, Bartlett Cove (Glacier Bay), Point Adolphus (Icy Strait), and a border area at the south end of Stephens Passage and northern tip of Frederick Sound, were used consistently by whales. Heavy transient vessel traffic and vessel-related fishing activities occur at these sites. Although in each area the composition of the observed forage species was different, estimated densities consistently were higher in areas where whales were feeding actively than in areas where whales were not feeding at the time of sampling. Although sampling effort was not extensive enough to characterize the whole southeast Alaska feeding area, humpback whales appear to feed in areas of high prey densities. The whales' preferred prey, if any, is unknown.

Acoustic Environment

Radiated noise from large ships was found to be a significant contributor to underwater sound levels in both Glacier Bay and Stephens Passage/Frederick Sound (Malme *et al.*, 1982; Miles and Malme, 1983). The slightly higher occurrence of daytime ship passage in

parts of Glacier Bay produced longer periods of ship dominated ambient noise levels in daytime in that area. Because vessel traffic is not limited to daylight hours in Stephens Passage/Frederick Sound, ambient noise levels there are presumed to be greater at night than in Glacier Bay.

Some acoustical differences were found between Glacier Bay and Stephens Passage/Frederick Sound. For example, in the upper reaches of Glacier Bay there was sporadic seismic noise, probably produced by glacier motion; some acoustic "ducting" was detected, produced by salinity and temperature layering in the water column; and "white" noise was produced by melting effervescing glacier ice. These phenomena, not found in Stephens Passage/Frederick Sound, are not of a kind or degree that would explain the recent reduced number of whales in Glacier Bay because presumably they have occurred since the ice started receding 200 years ago. Ambient noise levels generally were very low in both Stephens Passage/Frederick Sound and Glacier Bay (Knudsen Sea State 2 or less), and ranges of ambient noise levels were greater within areas than between areas.

Radiated noise spectra for large ships which frequent Glacier Bay demonstrate a 20 dB spread in radiated sound energy, with newer diesel powered cruise ships significantly noisier than older, steam turbine powered cruise ships. The effect of vessel-related noise on whale communication is not known. Although sound produced by the diesel powered cruise ships could mask whale sounds totally at a range of 100 m or less, low frequency whale vocalizations can be louder than sounds from steam turbine powered cruise ships and most small craft moving at 10 knot speeds.

Behavior Research

Recent behavioral research (1981-1982), conducted after operational restrictions and traffic regulations were implemented, has shown that whales can be affected by vessels up to 3 kilometers away (Baker *et al.*, 1982; Baker *et al.*, 1983). Measurements of changes in whale respiration rate, dive time, swimming speed and direction of movement were analyzed in relation to speed, distance, direction of travel, and radiated noise of passing vessels. These responses were attributable to several aspects of vessel operation, rather than noise alone.

Two avoidance strategies were noted: horizontal, in which the whales changed directions and moved away from the approaching vessel; and vertical (usually employed in the presence of

vessels within 1 km), in which the whales either dived deeper or stayed down longer. Changes in pod composition (affiliation or disaffiliation) and aerial behaviors such as breaching, and fluke and pectoral slapping also were correlated with the presence of vessels (particularly large vessels) and with close approaches of all vessel types. A high correlation was reported between sudden changes in sound intensity (the result of changes in engine speed or propeller pitch) and the onset of aerial behaviors.

Two examples of prolonged interactions between whales and vessels are noteworthy. Four whales were present in Bartlett Cove, which has the heaviest volume of vessel traffic in Glacier Bay, for five weeks of the 1982 season (Baker *et al.*, 1983). Intermittently, for shorter periods, these four were joined by as many as five additional whales. The whales appeared to be attracted to the area by a school of capelin occupying part of the Cove (Wing and Krieger, 1983). Although some changes in behavior (attributable to vessels) were observed, the heavy vessel traffic did not prevent whales from using the area.

At Pt. Adolphus, across Icy Strait from Glacier Bay, seven to ten whales were observed each day from July 9 to August 15, 1982. The area was documented by Wing and Krieger (1983) to be one of considerable prey abundance. Whales continued feeding in the area, although the area often was occupied by up to a dozen slowly moving (1-2 knots) commercial salmon trolling boats and occasionally was traversed by private, excursion, and research craft. At times the whales were only tens of meters away from fishing boats and apparently were undisturbed (Baker, 1983). This type of interaction between vessels and whales has been observed casually throughout southeast Alaska. Although no quantitative data on whale reactions to fishing vessels are available, in areas like Pt. Adolphus, humpback whales feeding on abundant forage apparently largely ignore slowly moving vessels.

However, there was one incident at Pt. Adolphus involving displacement of a whale from the area following close passes by two high-speed pleasure boats. The subject whale had been tagged and under close observation for 10 days prior to the event. During the 10-day period, the whale did not move more than a few kilometers (2-3 km) along the shore to either side of Pt. Adolphus. After the initial pass of the two high-speed boats, the boats turned around and made a second pass near the whale. Following the second pass, the tagged whale moved 10 kilometers

away and did not return until the next day (Baker, 1983).

Southeast Alaska Humpback Whale Population Status

There is little evidence from which to conclude that the North Pacific humpback whale population is increasing or is larger than 1,200 whales. As part of the Glacier Bay, Stephens Passage/Frederick Sound behavior studies, 34 humpback whales were identified photographically in 1980, 122 in 1981, and 167 in 1982. After accounting for individuals that were sighted more than once, a total of 257 individual humpback whales was obtained. Baker and Herman, (1982) applied a frequency of capture model (Caughley, 1977) to the 1981 photographic data and obtained a population estimate of 324 whales in southeast Alaska for 1981. This is about five times greater than the number reported from a combined aerial/vessel survey of the area in 1975 (Rice, 1977). Much of the difference between the two estimates probably is due to improved observation techniques, increased sighting effort, and possibly shifting whale-use patterns. However, there also is general agreement among southeast Alaska whale researchers that more humpbacks appeared to occupy Stephens Passage/Frederick Sound (the most heavily occupied feeding area in southeast Alaska) in 1981-1982 than five and six years earlier.

Information on the Humpback Whale Derived from Other Research

Humpback whales that summer in southeast Alaska may constitute a separate stock of the north Pacific population. Photographs of whale flukes taken in southeast Alaska and compared to photographs taken in other areas of Alaska showed no evidence of whale movement between areas. A similar situation exists in the North Atlantic. There humpback whales have a common reproductive and wintering area in the Caribbean Sea, and separate summer feeding areas off the northeastern United States and eastern Canadian coasts, with no detectable interchange of whales between the two (Prescott *et al.*, 1981).

In the northwest Atlantic, Whitehead and Lien (In Press) found that the abandonment and subsequent reuse of offshore feeding areas by humpback whales were related to abundance of the offshore capelin stock. Similarly, the 1978 departure of whales from Glacier Bay may have been related in part to changes in the availability of prey in that area.

In another case, a dredge operating continuously in the mouth of the Laguna Guerrero Negro apparently drove gray whales out of the lagoon between 1957 and 1967 (Gard, 1974). The whales returned in substantial numbers after the dredge was removed. This suggests that gray whales may have a tolerance threshold for vessel activity beyond which they will abandon a site. A similar tolerance level to vessel traffic may exist for the humpback whale.

Unregulated vessel traffic in Glacier Bay is thought to have contributed to the abrupt departure of some of the whales frequenting Glacier Bay in 1978. According to Dean *et al.* (1983, draft report), who reported on behavioral research conducted before operational restrictions and traffic regulations were implemented in Glacier Bay, humpback whales have significantly different respiration patterns when vessels were present than when no vessels were present. Between 1976 and 1979, a period of greatly increased vessel traffic in Glacier Bay, those authors noted an increased frequency of shortened blow intervals, longer dive times, and aerial behavior in the presence of vessel related stimuli.

Cumulative Impacts

Humpback whales are exposed to vessel traffic throughout their summer and winter ranges. These whales also frequent the Outer Continental Shelf in the Gulf of Alaska where the Department of Interior is conducting oil and gas leasing. As human activities increase in areas occupied by humpback whales, cumulative effects, including the possible loss or abandonment of habitat may occur.

Increases in the number of commercial and pleasure craft in both southeast Alaska and Hawaii will result in increased incidence of interactions between whales and vessels. In a regulated environment such as Glacier Bay, these interactions can be maintained at a level that should not appreciably add to the overall cumulative impacts. Conversely, uncontrolled increases in vessel traffic probably will result in increased interaction between whales and vessels, or the possible loss or abandonment of habitat and would add to the cumulative impacts. Any increase in vessel traffic allowed by NPS within Glacier Bay probably would add to the level of traffic experienced by humpback whales throughout southeast Alaska and thereby contribute to cumulative impacts.

Conclusions

The current humpback whale population for the north Pacific is approximately 1,200 whales. A recent estimate for southeast Alaska is approximately 300 animals. Whether that number approaches the carrying capacity for the area is unknown. During the summer season, three percent to eight percent of the whales in southeast Alaska may frequent and remain for various amounts of time in Glacier Bay. The normal seasonal and year-to-year distributions and movements of whales in southeast Alaska show variations that probably are related to food availability, various external stimuli, and social interactions. Specific information about these variations and their importance is not available. We conclude, however, the Glacier Bay is an important summer feeding habitat for humpback whales because of the abundance and diversity of forage species generally present.

Southeast Alaska apparently is a discrete feeding area for humpback whales, with no known exchange of whales with any other Alaska feeding area. The relative importance of Glacier Bay to other feeding areas in southeast Alaska varies as both natural and man-caused events affect local productivity and availability of prey. If prey resources decrease and become limiting for humpback whales in other areas, then exclusion of the whales from Glacier Bay would further reduce available food resources.

We believe that the present level of vessel use and operational management of vessels in Glacier Bay are not likely to jeopardize the continued existence of the southeast Alaska humpback whale stock. Based on the information available to us, these levels of vessel use are as follows: for vessels over 100 gross tons (large ships) a maximum of 2 vessels per day with a maximum of 92 vessel-use days from June 1 to August 31; for vessels under 100 gross tons (small craft) a maximum of 40 vessels per day with a maximum of 2,794 vessel-use days from June 1 to August 31. Operational restrictions on vessels are as follows: except for commercial fishing or charter vessels actively fishing, no motorized vessel may intentionally be positioned within one-fourth of a mile from a whale; no vessel may pursue or attempt to pursue a whale; within "Designated Whale Waters" (areas where recent sighting and/or past patterns indicate a high probability of whale occupancy) all vessels must be operated along a steady course at a constant speed of ten knots or less through the water, unless safety

considerations dictate otherwise, except for commercial fishing and charter vessels actively engaged in fishing, all vessels larger than 16 feet in length are restricted to a mid-channel course.

The regulations published by NPS to control vessel use and vessel traffic in Glacier Bay effectively implement the reasonable and prudent alternatives provided in our previous Biological Opinion and, we believe, are the appropriate management tools to protect the humpback whales in Glacier Bay.

Although the amount of vessel traffic that would be likely to displace the whales from Glacier Bay is unknown, NMFS believes that some increase in vessel traffic can occur in Glacier Bay without jeopardizing the southeast Alaska humpback whale stock. This belief is based upon NPS' ability to control both the amount and operation of vessel traffic in the Bay and to monitor the effects of any increase. Below we discuss this in greater detail and offer recommendations on management and monitoring programs.

Based on Baker and Herman (1982, 1983), Dean *et al.* (1983), Gard (1974), and other analyses, we believe the potential relationship between the level of vessel use and the abrupt departure of a major portion of the whales frequenting Glacier Bay in 1978 cannot be dismissed. As stated in the 1979 Biological Opinion, NMFS believes that if the amount of vessel traffic in Glacier Bay was allowed to increase without limit or if the existing restrictions on the operation of vessels within the Bay were removed, the associated disturbance would be likely to jeopardize the continued existence of the southeast Alaska humpback whale stock.

Finally, NMFS concludes that any increase in vessel traffic allowed by NPS within Glacier Bay probably will add to the level of traffic encountered by humpback whales in southeast Alaska and thereby add to cumulative impacts to the humpback whale.

Recommendations

Section 7(a)(1) of the Endangered Species Act requires that Federal Agencies use their authorities in furtherance of the purposes of ESA by carrying out programs for the conservation of endangered and threatened species. To help NPS meet this responsibility with respect to human activities in Glacier Bay, we offer the following recommendations with respect to the endangered humpback whale. Proposed adjustments to the vessel-use management program and monitoring plan should be coordinated with NMFS. This will require a long-term

commitment on the part of NPS and NMFS.

1. *Management.* We believe that no additional vessel traffic should be allowed unless the number of individual whales that enter Glacier Bay remains equal to or is greater than the 1982 level. If under these conditions, the NPS proposes to increase total vessel use from the present level, NMFS believes that an initial increase of no more than 20 percent for the large ship and small vessel categories would be prudent. This would allow a maximum of two large ships per day with a maximum of 111 vessel-use days and a maximum of 48 small craft per day with a maximum of 3,352 vessel-use days during the period June 1–August 31. A minimum of two years should be allowed for monitoring and evaluating the effects of such an increase before additional increases are proposed.

We caution NPS that we are unable to determine the amount of additional vessel traffic in Glacier Bay to which the whales could adjust. If the results of the monitoring program indicate that humpback whales are being displaced from the Bay by vessels, appropriate corrective measures should be undertaken, including the reduction of vessel use in the Bay. In conjunction with total vessel-use limitations, the vessel operational restrictions also should be maintained and expanded for vessel management within the Bay. Based on the conclusions of Baker and Herman (1983), we recommend the following changes be adopted: (a) minimum distances to whales should be increased to avoid predictable disturbances to whales, (b) sudden changes in engine speed or propeller pitch should also be avoided, and (c) the size and location of the area designated as whale waters should conform to the observed movement of the whales.

2. *Monitoring.* We recommend the NPS conduct an appropriate monitoring program with the following emphasis:

a. *Monitoring of Whale Presence.*

Annually NPS should conduct a season-long photographic identification census of humpback whales frequenting Glacier Bay and maintain accurate records of number of whales and general patterns of use in the Bay.

In addition, a daily accounting should be made of the approximate number of whales present during the whale season.

b. *Monitoring of Noise Levels.*

Because noise levels may increase if the present vessel-use levels are increased, or if cruise ships other than those now under permit are admitted, we recommend periodic monitoring of underwater noise levels in areas of

Glacier Bay frequented by vessels and whales.

c. *Monitoring of Prey.*

We recommend that studies to determine prey composition and abundance in relation to whale numbers and distribution within the Bay be continued, without long-term, systematic monitoring of prey resources, the cause(s) of wide and abrupt fluctuations in whale abundance in the Bay will remain undeterminable.

A coordinated study of whale behavior associated with prey species and availability is recommended strongly, the continued residency in 1982 of four whales in Bartlett Cove, in spite of the high levels of vessel traffic, may have been linked to the presence of a preferred food. Some differences in the overall behavior of two whales tagged in 1982 may be attributable to differences in prey availability at their respective locations of Pt. Adolphus and Stephens Passage. Available prey and feeding strategies probably are important variables in a complex equation that determines the response of whales to vessel traffic.

d. *Monitoring of Vessels.* We recommend that vessel use of Glacier Bay continue to be monitored and that accurate records of the types of propulsion systems and proximity of vessels to whales be kept.

3. *Research.*

Additional information is needed on the use of Glacier Bay and other areas in southeast Alaska to explain patterns of abundance, seasonal distributions, habitat uses, and behavioral activities of the humpback whale. Humpback prey preferences presumably exist, but at present are unknown. Additional research on humpback prey and feeding behavior are needed to determine the importance of the composition and density of prey aggregations.

Prey distribution and density are believed to be one of the primary governing factors in whale distribution and density in an undisturbed ecosystem. More research is needed to determine prey density and distribution within glacier Bay in comparison to other areas of southeast Alaska. Recent research has shown prey production to be highly variable, and we still do not know the minimum level of food availability necessary to support whales in Glacier Bay at historic levels.

Noise level measurements of vessel traffic have been correlated with acoustic study results and behavioral observations. Additional data and analyses of these types are needed to understand better the relationship between levels of vessel noise and the responses of whales.

Because Glacier Bay is part of a larger system, photographic identification work in other whale waters of southeast Alaska is also highly desirable. Such information contributes toward understanding migration patterns, feeding areas, site fidelity, or stock identification, and provides an index of whether the area population is stable, increasing or decreasing. When this information is available it will be possible to compare population fluctuations in Glacier Bay with the rest of the southeast Alaska stock.

Cumulative effects of NPS authorized activities in Glacier Bay in relation to vessel use levels experienced throughout southeast Alaska are a concern. Increases in the number of vessels visiting Glacier Bay is likely to increase vessel traffic to, from, and throughout southeast. We encourage NPS to support research to determine the effects vessels traveling to Glacier Bay have on vessel-use levels in nearby humpback whale concentration areas.

We recommend that NPS begin addressing those research needs recommended in this Opinion. The NMFS would like to cooperate with NPS in the planning and conduct of this research. As the lead agency with responsibilities for endangered cetaceans, we offer our expertise in assisting NPS in this endeavor.

Opportunities for Additional Consultation

Formal consultation under Section 7 must be reinitiated if: (a) New information reveals impacts of the proposed activities that may affect the humpback whale; (b) the identified activities are modified in a manner not considered herein; or (c) a new species is listed or critical habitat is designated that may be affected by the proposed activities.

Whether aircraft activity in combination with vessel traffic in Glacier Bay may affect the endangered humpback whale has not been thoroughly considered by this consultation. At this time aircraft operations have not been implicated in the early departure of a portion of the whales frequenting Glacier Bay in 1978. However, if aircraft use increases or if the type and method of aircraft operation changes, and if such changes may affect humpback whales, then NPS regulation of aircraft activity may require additional consultation.

This biological opinion in no way permits the taking of any endangered whales. Taking of such species is prohibited under Section 9 of ESA and Section 102 of the Marine Mammal

Protection Act. Accordingly, no statement concerning incidental takings pursuant to Section 7(b)(4d) of the ESA is appended to this opinion.

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TABLE I.—HUMPBACK WHALE USE IN GLACIER BAY DURING JUNE, JULY, OR AUGUST

Year	Total number of individuals that entered Glacier Bay	Individuals that established residency in Glacier Bay
1973.....	21	*21
1974.....	10	*10
1975.....	10	*10
1976.....	20	*18
1977.....	24	*21
1978 ¹	23	*7
1979.....	13	*3
1980.....	10	*3
1981 ⁴		
1982.....	20	*6

¹ Year of early whale departure.

² Definition of residency: whales were seen and individually identified by C. Jurasz for at least 4 weeks.

³ Definition of residency: whales were seen and individually identified by C. Jurasz for at least 6 days.

⁴ There were no systematic observations of whale occurrence in Glacier Bay in 1981.

⁵ Residency was reported by Baker & Herman (1983) as animals individually identified for at least 4 weeks.

Data Sources: Charles Jurasz 1973-79 (Dean, 1983); NPS 1980 (personal communication, 1983); NMFS 1982 (Baker and Herman, 1983).

TABLE II.—VISITOR/VESSEL USE OF GLACIER BAY

Year	Visitor Days		Large ship ¹		Private/charter boat ²			Fishing vessels ³			Federal/State vessels (official use)		Concession
	Annual	Seasonal	Annual vessel use-days	Seasonal ⁴ vessel use-days	Annual entries	Seasonal ⁴ entries	Seasonal ⁴ vessel use-days	Annual entries	Seasonal ⁴ entries	Seasonal ⁴ vessel use-days	Seasonal ⁴ entries	Seasonal ⁴ vessel use-days	Seasonal ⁴ vessel use-days
A	B	C	D	E	F	G	H	I	J	K	L	M	N
1965.....	1,800	* 1,500									65	112	
1969.....	16,000	* 14,000	1	1	115	106	424	598	179	716	77	165	
1970.....	27,800	22,120	29	4	165	152	608	559	168	670	112	205	
1971.....	23,844	18,779	27	18	133	122	488	355	106	428	85	199	
1972.....	22,731	17,869	21	14	299	275	1,100	400	120	480	108	220	
1973.....	33,028	25,844	29	21	317	292	1,168	352	105	422	83	151	
1974.....	43,976	38,804	86	73	215	198	792	282	85	338	149	242	
1976.....	85,000	65,816	126	89	453	417	1,868	656	197	787	150	255	368
1977.....	120,000	92,257	143	103	534	491	1,864	523	157	628	182	265	
1979.....	108,000	84,800	126	94	699	643	2,572	458	137	550	131	209	
1979.....	122,600	92,803	131	97	680	625	2,500	566	120	480	147	259	
1980.....	130,500	104,489	141	108	441	406	1,624	422	110	440	165	250	460
1981.....	119,400	96,175	120	81	508	467	1,464	326	100	400	142	219	480
1982.....	131,500	104,398	103	87	415	382	1,632	618	110	440	153	262	460

¹ The category of "large ships" includes cruise ships and other large ships (State ferries, foreign, or military vessels) over 100 gross tons. The categories of "private/charter boats", "fishing vessels", "federal/state vessels", and "concession" are considered to be small craft. Though the NPS recognizes many sub-categories, the distinction is made only between large ships and small craft for purposes of this opinion.

² Seasonal use means use during the period June 1 to August 31.

³ For private/charter boats seasonal entries are estimated based on the assumption that 92% of use occurs during the summer season. For the years 1969-1980 private/charter boats seasonal vessel use-days are estimated based on assumption of an average 4-day stay. In 1981-1982 the private/charter boats vessel use-days are from actual count with 240 included as vessel use-days for charter boats.

⁴ Fishing vessel data are from a combination of actual counts plus estimates. Annual entries refer to vessels fishing anywhere within Glacier Bay National Park and Preserve (including the bays on the outer coast). Seasonal entries are estimated based on the assumption that 30% of the annual entries fish within Glacier Bay during the summer season (June 1-August 31). Fishing vessel use days are estimated based on assumption of an average 4-day stay.

⁵ Estimated.

Data Source: National Park Service, Glacier Bay National Park and Preserve staff.

**Appendix I—The National Marine Fisheries Service Biological Opinion
Glacier Bay National Monument
Released December 3, 1979**

**UNITED STATES DEPARTMENT OF
COMMERCE**

**National Oceanic and Atmospheric
Administration**

NATIONAL MARINE FISHERIES SERVICE

Washington, D.C. 20235

December 3, 1979.

Mr. John Chapman,
Superintendent, Glacier Bay National
Monument, National Park Service, P.O.
Box 1089, Juneau, Alaska

Dear Mr. Chapman: This letter responds to your August 4, 1979 request for consultation pursuant to Section 7 of the Endangered Species Act of 1973, as amended, relative to the population of the humpback whale in Glacier Bay, Alaska.

Your problem statement of the same date outlines the basic issue of human activity in Glacier Bay National Monument that might be affecting humpback whales. Section 7 of the Endangered Species Act requires that each federal agency issue that its actions do not jeopardize the continued existence of any listed species or result in the destruction or adverse modification of critical habitat of such species. The consultation process requires our comment and opinion on the problem.

Within this context, our response addresses those National Park Service (NPS) actions controlling human activity that may, in turn, affect the humpback whales within Glacier Bay.

Biological Background

In the North Pacific, the summer range of the humpback whale encompasses the area from Bering Strait south to the Subarctic Boundary (ca. 40° N lat) and extends in the east to about Point Conception, California, and the Sanriku Coast of Honshu Island in the west. Humpbacks range into shallow coastal waters more frequently than do most other baleenopterids and regularly occur in sheltered inside waters of Prince William Sound and the Alexander Archipelago in southeastern Alaska.

The wintering grounds of humpbacks in the North Pacific are centered in three areas: (1) the coast and adjacent islands of west-central Mexico; (2) the main Hawaiian Islands; and (3) the Bonin, Ryukyu, and Mariana Islands in the western North Pacific. Some humpbacks that summer in southeastern Alaska are known to migrate to both the Mexican and Hawaiian wintering grounds, altogether others are found in southeastern Alaska during all months of the year.

Prior to the rise of modern whaling in the late 1800's, the world population of humpback whales exceeded 100,000 mostly in the Southern Hemisphere. The North Pacific population probably numbered roughly 15,000 at the turn of the century.

Whaling in southeastern Alaska began in 1907 with the establishment of two land stations. The number of humpback whales at

the start of this earliest exploitation is unknown. Consistent catch records are available only for 1912-1922, during which time 185 humpbacks were taken, with a peak catch of 39 in 1918.

Since 1922, no whaling has been conducted in the territorial waters of southeastern Alaska. However, the humpback whales of the inside waters were exposed to additional exploitation as they migrated across the high seas or through the coastal territorial waters of British Columbia, Washington, California, and Baja California.

By 1966, when humpbacks were accorded complete legal protection by the International Whaling Commission, the world population of the species had been reduced to about 5,000. The North Pacific population now numbers about 1,000, of which 800 or 700 winter in the Hawaiian Islands, and 200 or 300 winter in Mexico. Only a few humpbacks have been sighted on the western North Pacific wintering grounds in recent years. Since 1966 no trends in abundance have been observed either for the North Pacific population as a whole or on any of its wintering or summering grounds, including southeastern Alaska.

Based upon aerial and vessel surveys, the population that spends the summer in the inside waters of southeastern Alaska numbers at least 70. Photoidentification studies now underway tentatively reveal that the population may exceed 100. Although it ranges throughout the area from Sumner Strait northward, its main concentration areas are Frederick Sound-Stephens Passage, where a minimum of 40 whales occurs, and Glacier Bay, where 20-25 whales occur. Humpback whales congregate in these areas to feed upon the summer blooms of euphausiids, herring, and capelin. Some whales arrive in June and stay on through early September, although as mentioned earlier, other animals appear to remain through the winter months.

When humpback whales historically began occupying Glacier Bay is unknown, but they have occurred there every summer over the past seven years of investigation. Photoidentification techniques indicate that certain individuals repeatedly return to feed there.

The availability of these and other feeding areas in southeastern Alaska has not been constant over the years. Although Glacier Bay has lately been a prominent feeding area, this was not always so since the area was covered by an ice sheet during the 18th century; at that time the humpback population presumably at its maximum pre-exploitation level. There is some indication that a seasonal feeding area in Lynn Canal was avoided by humpbacks coincident with the onset of a herring fishery in 1972. With the cessation of that fishery, humpbacks reoccupied the area in 1979. The possibility cannot be discarded that these events are related.

Present Glacier Bay Situation

The NPS records indicate that during 1976 and 1977, 20-24 individual humpback whales moved into Glacier Bay during June and remained there into August. In 1978 this pattern of use changed when most of the animals departed

by mid-July. In 1979 this use was modified further with fewer whales entering the Bay and very few of those remaining in the Bay. Observations prior to the 1976 are more general in nature, rather than numerical counts of record. Human use of the Bay is reflected in NPS records, to wit:

Year	Visitor days	Large ships	Private boats	Fishing vessels
1965.....	1,800			
1966.....	16,000		115	
1970.....	30,000		165	
1975.....	72,000	113	353	824
1976.....	85,000	123	318	656
1977.....	120,000	142	534	523
1978.....	109,000	123	699	458

Most visitor use is via water access, with cruise ship and recreational craft visitation levels increasing rapidly in recent years.

The recent NPS study indicates that increasing vessel traffic in Glacier Bay may be implicated in the apparent departure of whales from Glacier Bay in 1978 and 1979. Data on the number of observed whale-vessel interactions in Glacier Bay enables calculation of the following "interaction" index (data for 1979 not available):

Year	Whale-vessel interactions	Hours observed	Index (interactions/hour)
1976.....	98	261.1	0.38
1977.....	201	407.1	0.49
1978.....	268	397.5	0.67

Thus the occurrence of whale-vessel interactions increased 29 percent and 76 percent respectively in 1977 and 1978 over the 1976 base level. Despite mitigative regulations in 1979, observers noted that whale-vessel interactions continued at substantial frequencies.

The NPS data indicate that behavior of the humpback whales in Glacier Bay changed significantly in 1978. Comparison of the frequency distributions of behavioral responses indicates that whereas distributions were the same in 1976 and 1977, both years were statistically different from 1978. In 1978, more avoidance behavior occurred than in previous years, suggesting that the whales reacted to the increased level of vessel traffic in 1978. However, the causal mechanism for these reactions (whether it be increased noise or visual stimuli) remains unknown.

All classes of vessels were not implicated equally in the increased level of interactions which occurred in 1978. Cruise ship visitations actually decreased 14 percent in 1978 from the 1977 high, while charter/pleasure craft visitations increased 120 percent between 1976 and 1978. Commercial fishing vessel traffic decreased 30 percent between 1976 and 1978. Charter/pleasure craft were often observed to change direction and travel toward whales for a closer look. Cruise ships and commercial fishing vessels, on the other hand, neither paused for nor actively followed whales. Thus the most likely source for increased interactions would

appear to be the increased visitations by charter/pleasure craft in 1978.

This conclusion seems to agree with the perceptions of scientists examining other similar situations. The workshop on problems related to Hawaiian humpback whales, sponsored by the Marine Mammal Commission in 1977, concluded that vessel traffic not oriented toward whales did not ordinarily seem to disturb them. Indeed, it was concluded that whales seem readily to habituate to constant or familiar noises such as those produced by ships of passage. A recent review on the possible effects of noises emanating from offshore oil and gas development concluded that, unlike the abrupt response to sudden disturbances, most whales become habituated to low-level background noises such as would be associated with ship traffic (Geraci, J. R., and D. J. St. Aubin, "Possible Effects of Offshore Oil and Gas Development on marine Mammals," prepared for the Marine Mammal Commission, August 1979.) Moreover, it was noted that such behavior forms the underlying basis for the success of whale watching cruises. Thus the erratic actions of charter/pleasure craft rather than the more constant action of cruise ships may be the major factor in possible harassment by vessels within Glacier Bay.

Cruise ships also may be implicated as potential sources of disturbance due to the physical setting within Glacier Bay. A direct analogy may be seen in the lagoons of Baja California where gray whales calve. Heavy barges and freighter traffic associated with the salt industry, as well as a dredge operating continuously in the lagoon's mouth, apparently drove gray whales out of Laguna Guerrero Negro between 1957 and 1967. The whales reinvaded in substantial numbers when vessel traffic was eliminated. The continued high use of Laguna Oje de Liebre by gray whales suggests that the movement of salt barges, beginning there in 1967, may not have been such a nuisance. However, since Laguna Oje de Liebre is a much larger area than Laguna Guerrero Negro and has a much wider entrance, the whales there may simply have been able to move and coexist next to the barges. Such luxury of space may not be available to the humpback whales of Glacier Bay and, due to geological configurations of its basin, vessel noise may be accentuated there. These factors may account for the unexpected reaction of humpbacks to cruise ships in Glacier Bay.

The apparent departure of humpback whales from Glacier Bay in 1978 and 1979 may also be due in part to a change in the availability of food. Euphausiids have historically been the primary feed within Glacier Bay in July-August, although little research has been done to compare yearly levels of this feed or to determine what level

is necessary to support the whales. The only available information derives from vertical plankton tows by the REGINA MARIS in August 1979, which indicated that fewer Euphausiids (5 percent) occurred in Glacier Bay as compared to Frederick Sound-Stephens Passage. The humpbacks may have found the Glacier Bay food levels to be too low, particularly in the face of continued high vessel use, and simply departed to search for better concentrations elsewhere.

A similar abandonment of a prime feeding area, the Grand Banks, was observed for the Northwest Atlantic humpback populations and was thought to be associated with the overfishing of capelin stocks there. Consequently, the occurrence and distribution of humpback whales may be generally dependent upon the occurrence and availability of its desired prey species.

In a worst case analysis, Glacier Bay is a feeding ground, and its long-term abandonment would not be conducive to the conservation of the humpback whale. Up to 20 or 25 individual whales would relocate to other areas, increasing competition for food there. In such case a greater expenditure of energy might be required to obtain the same quantities of food than would be required in Glacier Bay. An increased energy expenditure would tend to decrease the likelihood of humpbacks successfully increasing their numbers, since growth and the onset of sexual maturity would be delayed.

Conclusions

Our present interpretation of the available data is that uncontrolled increase of vessel traffic, particularly of erratically traveling charter/pleasure craft, probably has altered the behavior of humpback whales in Glacier Bay and thus may be implicated in their departure from the Bay the past two years. Our conclusion, then, is that continued increase in the amount of vessel traffic, particularly charter/pleasure craft, in Glacier Bay is likely to jeopardize the continued existence of the humpback whale population frequenting Southeast Alaska. The alteration in the distribution of the whales in Southeast Alaska can be expected to appreciably reduce the likelihood of the recovery of the North Pacific humpback population, especially when viewed as an incremental aggravation of the problem of humpback/human interaction in general.

Recommendations

Until research reveals the need for more specific action, if any, we offer the following as reasonable and prudent alternatives that the NPS should institute in Glacier Bay to avoid jeopardizing the continued existence of the North Pacific population of humpback whales:

We recommend that total vessel use of the Bay be restricted to 1976 levels, at the very least, since that year preceded the high point of visitor use in Glacier Bay during 1977. Commercial use of the Bay is predicated on a permit system that should offer good control and accountability of the tour industry. The routing of large vessels is relatively easy to regulate. Recreational craft present the greatest challenge to management control. The continuing increase in the amount of recreational traffic in the Bay lends considerable urgency to establishing effective controls.

Collectively, regulations should address vessel routing and vessel maneuvering. The NPS has already regulated those activities to some extent. Specific routes should be published, but the system should be flexible enough to accommodate changes of areas of concentrated feeding activity.

We further recommend curtailment of vessel operator discretion in pursuing, or approaching, whales. General guidelines prohibiting the pursuit or willful or persistent disturbance of whales through vessel maneuvering probably would offer better enforceability and public compliance than would detailed regulations based on specified distances. Vessel operator behavior should receive a thorough public educational effort, possibly through an informative notice to each vessel.

Finally, we recommend that monitoring of the humpback population and of whale-vessel interactions be continued and that all current data be fully analyzed. New research should also be undertaken (1) to characterize the food and feeding behavior of humpback whales in Glacier Bay and other areas; (2) to ascertain the acoustic characteristics of vessels within the Bay and in other areas with the aim of identifying equipment and/or modes of operation which are inimical to the whales; and (3) to compare behavioral responses of the humpbacks to vessels in Glacier Bay with those observed in other areas of southeastern Alaska.

The conclusions and recommendations stated herein constitute our biological opinion, and we consider consultation on this matter to be at an end. Should significant new information or factors not considered in this opinion arise, however, either we or NPS are obligated to reinstitute consultation.

Sincerely,

Winfred H. Meibohm,
(for) Terry L. Leitzell,
Assistant Administrator for Fisheries.

[FR Doc. 84-10408 Filed 4-17-84; 8:45 am]

BILLING CODE 4310-70-M

30 CFR Part 942

Wednesday
April 18, 1984

Part IV

Department of the Interior

Office of Surface Mining Reclamation and
Enforcement
30 CFR Part 942

Substituted Federal Enforcement of
Portions of the Tennessee Permanent
Regulatory Program and Director's
Findings on Status; Final Rule

DEPARTMENT OF THE INTERIOR**Office of Surface Mining Reclamation and Enforcement****30 CFR Part 942****Substituted Federal Enforcement of Portions of the Tennessee Permanent Regulatory Program and Director's Findings on Status**

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule.

SUMMARY: On August 10, 1982, the State of Tennessee received conditional approval of its permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). On April 8, 1983, the Director, OSM, notified Tennessee's Governor that OSM had reason to believe that serious problems existed that were adversely affecting the implementation, administration, maintenance and enforcement of Tennessee's approved regulatory program. The Director has found that Tennessee is not adequately implementing, administering, maintaining, or enforcing certain parts of its approved program. Therefore, in accordance with the provisions of 30 CFR 733.12(f) the Director, OSM, is instituting Federal enforcement for those portions of Tennessee's program that the State has not adequately enforced.

Because the Director believes that it is preferable that States hold the primary responsibility for regulation of surface coal mining operations, he will provide the State with assistance and guidance as necessary to resolve identified deficiencies and to regain full authority for inspections and enforcement.

This notice also sets forth the Director's findings regarding the State's implementation of the Tennessee program and sets forth remedial actions the State will be required to take to correct program deficiencies.

EFFECTIVE DATE: April 30, 1984.

ADDRESSES: Copies of the Director's decision and the Administrative Record documents referenced in this notice are available for public inspection and copying during regular business hours at:

U.S. Department of the Interior, Office of Surface Mining, Room 5315, 1100 L Street NW., Washington, D.C. 20240, Telephone: (202) 343-4728

U.S. Department of the Interior, Office of Surface Mining, Knoxville Field Office, 530 Gay Street SW., Suite 400, Knoxville, TN 37902

Tennessee Department of Health and Environment, Division of Surface Mining and Reclamation, 305 West Springdale Avenue, Knoxville, TN 37917.

FOR FURTHER INFORMATION CONTACT:

Carl C. Close, Assistant to the Assistant Director, Program Operations and Inspection, Office of Surface Mining, 1951 Constitution Avenue NW., Washington, D.C. 20240, Telephone: (202) 343-4225.

James A. Curry, Director, Knoxville Field Office, Office of Surface Mining, 530 Gay Street SW., Suite 400, Knoxville, TN 37902, Telephone: (615) 673-4504.

SUPPLEMENTARY INFORMATION: On August 12, 1982, the Secretary of the Interior conditionally approved Tennessee's program to administer and enforce the permanent regulatory program under SMCRA. On April 8, 1983, the Director, OSM, notified the Governor that he had reason to believe that the State may not be able to implement, administer, maintain, or enforce its approved program. A more detailed account of the Director's concerns at that time can be found in the May 19, 1983 *Federal Register* at 48 FR 22541-22542. An informal conference with the Division of Surface Mining (DSM) officials was held on May 24, 1983. A transcript of the informal conference has been placed in the Administrative Record (TN-640).

During the informal conference on May 24, 1983, OSM and DSM agreed to work together to develop a schedule of remedial actions acceptable to both agencies to correct DSM's permitting deficiencies.

After Tennessee made a series of modifications to a proposed schedule of remedial actions in accordance with OSM's requests, OSM concurred on the timetable submitted by the State on June 29, 1983. However, the schedule finally agreed upon by the two agencies was legally challenged by an industry group, Facts About Coal in Tennessee (FACT). Negotiations between FACT, DSM and OSM followed and the matter was settled out of court on September 16, 1983. DSM made modifications to the schedule in accordance with the negotiated settlement.

On October 19, 1983, DSM advised the Director that the State had been unable to meet certain deadlines in the agreed upon schedule and, therefore, was submitting a revised schedule.

During the period of time OSM and DSM were negotiating the schedule of remedial actions to correct permitting deficiencies, Governor Alexander wrote the Director on August 22, 1983 to

request OSM's assistance in obtaining staff support from the Tennessee Valley Authority (TVA) to assist DSM in resolving the identified permitting deficiencies (TN-762). On October 18, 1983, OSM finalized a memorandum of understanding with TVA which provides for broad cooperation between the two agencies, including the loan of TVA personnel to OSM to assist the State of Tennessee in correcting permitting deficiencies.

On August 17, 1983, the Director sent Tennessee a second letter pertaining to program deficiencies (TN-703). In that letter the Director advised the Governor that OSM identified problems in the State's implementation of inspection and enforcement and bond requirements of the approved program. The Director specified remedial actions to be taken by the State according to a proposed schedule. The Director requested that the State provide a written response by September 9, 1983. On September 16, 1983, the Director received a letter from Governor Alexander advising him that Tennessee's negotiations with FACT concerning the State's proposed permitting review schedule had delayed the State's response to the Director's August 17, 1983 letter. The Governor requested an extension until October 3, 1983 to provide a response (TN-763). On October 4, 1983, the Tennessee Division of Surface Mining responded in writing to the Director's August 17, 1983 letter (TN-737).

Based on the information Tennessee provided and OSM's review of State records, the Director still had reason to believe that Tennessee may be unable to implement, administer and enforce its program.

On December 21, 1983, the Director announced in the *Federal Register* the scheduling of a public hearing and public comment period (48 FR 56405).

In addition to announcement of the public hearing in the *Federal Register*, announcements were made in newspapers of general circulation in the State of Tennessee and in several newspapers serving population centers in the State's coal regions. Also, copies of the *Federal Register* notice were made available to all operators who had applied for permanent program permits, environmental groups and citizens who have expressed an interest in the State's enforcement of its regulatory program, the Facts About Coal in Tennessee Industry Association, and the Tennessee Valley Authority (TN-807).

The Director's decision to hold a public hearing and solicit public comments was based on unresolved concerns in the following areas:

permitting, inspection and enforcement, and bonding. A more detailed account of the Director's concerns regarding the status of Tennessee's program can be found in the text of the announcement of the public hearing (48 FR 34724).

On January 26, 1984, OSM conducted a public hearing in Knoxville, Tennessee on the status of Tennessee's program. In addition to presenting testimony at the hearing, DSM submitted to OSM information concerning issues raised previously by OSM (TN-768). The public comment period, initially open through January 31, 1984, was extended through February 21, 1984, to allow opportunity for public reaction to the additional information provided by DSM. A copy of the minutes from the public hearing has been placed in the Administrative Record (TN-769).

Between January 26 and February 21, 1984, a substantial number of comments were received from the public. All written comments have been made a part of the Administrative Record either by inclusion in the transcript of the public hearing or as independent comments received by OSM on or before the close of the comment period. All documents relating to the Tennessee permanent regulatory program are available for public review in the Knoxville Field Office (but not including internal memoranda, telephone calls, meeting notes, decisionmaking documents, and advice of counsel).

Director's Findings

On the basis of the record described above, the Director makes the following findings pursuant to Sections 504 and 521(b) of SMCRA and 30 CFR 733.12.

Finding 1—Permitting

On April 8, 1983, the Director informed DSM and Governor Alexander that OSM had identified serious deficiencies in the State's permitting operations. OSM's findings on the State's operations prior to April 8, 1983, and since then are summarized below.

During March 1983, OSM reviewed for administrative completeness 164 out of 174 permanent program permits issued by the State since the approval of the Tennessee regulatory program. OSM determined that the approved applications did not satisfy the requirements of the Tennessee program regulations as follows:

(1) None of the 164 permit applications reviewed were administratively complete;

(2) 160 of the 164 permit applications did not include a determination of the probable hydrologic consequences (PHC) of the proposed mining operation;

(3) 117 of the 164 permit applications did not include the operator's estimated cost to reclaim the site;

(4) 119 of the 164 permit applications did not include an overburden analysis;

(5) None of the 164 permit applications reviewed contained an adequate calculation by DSM of the performance bond.

OSM's initial review of Tennessee's permitting actions focused on the administrative completeness of permit applications approved by DSM. A more comprehensive evaluation of Tennessee's permitting activities was then conducted by an OSM evaluation team. This team reviewed a random sample of 40 permits issued by the State between August 10, 1982, and March 22, 1983. Thirteen permits were reviewed for completeness and adequacy and 27 permits for special issues. The review established that the permit applications approved by the State did not satisfy all requirements of the approved Tennessee program. Listed below are nine permitting deficiencies observed and the frequency of occurrence of each deficiency: no PHC determination (48%); inadequate PHC determination (46%); inadequate or incomplete maps (100%); no written findings (100%); inadequate design for drainage control structures (52%); insufficient or no overburden analysis (73%); inadequate or no estimate of reclamation costs by operator (72%); inadequate technical review by DSM (100%); lack of compliance with public participation and agency coordination requirements (100%).

OSM also found that in the case of 75 interim and 13 permanent program permits, the State issued a letter granting an "administrative update" extending permit terms from one to four years. The permittee paid the annual permit fee for the added years but no other information was submitted nor required by DSM. The State treated these "updates" as permanent program permits.

Between July and December 1983, DSM issued 10 permits. Seven of these (related to 2 surface and 5 underground mines) were reviewed by OSM in January 1984 and all were found to have inadequate and/or incomplete information.

Deficiencies common to all permits were found in the following areas: incomplete or deficient information on soil; incomplete or no water monitoring plans; incomplete or no subsidence control plans for deep mines; incomplete maps; no documentation of agency coordination; inadequate water supply information; no schedule or sequence of pond removal for deep mines; no

information on topsoil handling and excess spoil disposal for deep mines; no information concerning location and sequence of pond removal.

Additional deficiencies in the permits were found in the following areas and instances: incomplete or no compliance plan for existing structures (3 of 7 inadequate); no or inadequate revegetation plans (5 of 7 inadequate); no request for negative determination of prime farmland (6 of 7 inadequate); inadequate information on processing of waste disposal (3 of 4 cases where this was applicable were inadequate); incomplete access haulroad and transportation information (3 of 7 inadequate); no plans for effluent treatment (6 of 7 inadequate); inadequate information on procedures and techniques for underground mining (5 of 7 inadequate); and incomplete information in notice of intent to mine newspaper ads (7 of 7 inadequate).

Complete information was generally found in the following areas where applicable: blasting plans; postmining land use; protection of public parks and historic sites; relocation of public roads; air pollution control; and written findings.

Additional findings relating to OSM's review of the seven permits are as follows:

(1) *Administrative Information:* Recently issued permits were judged to be generally more complete and adequate than those issued earlier, but the recent permits are still deficient in several areas. Omissions or inadequacies were noted with respect to: identification of equitable owners, company directors, shareholders, and subsurface contiguous landowners; identification of previous names of the company; violation information; right of entry information; adequate insurance coverage information; inclusion of insurance rider required in 0400-1-8-.02(3); identification of MSHA number; valid existing rights determinations or valid waivers for permit areas within 300 feet of residence; and NPDES permits.

(2) *Resource Information:* The geological, groundwater and surface information provided by the applicants was judged to be more adequate than that contained in applications previously reviewed by OSM as required in 0400-1-2-.7, 9, 10 and 0400-1-5.7, 9, 10.

(3) *Mining Plan Information:* None of the permit applications which called for the operator's proposed utilization of existing structures (3 out of 7) contained supporting performance evaluation or compliance data as required in 0400-1-

5-33. Complete information on the procedures and techniques to be utilized for underground mines was not provided in any of the permit applications reviewed. Also omitted was information on the location of ponds and on the sequence of pond removal. In at least one case, there was no time schedule of reclamation as required in 0400-1-15-53.

(4) *Topsoil Handling and Excess Spoil Disposal*: Information on topsoil handling and excess spoil was judged to be adequate except on underground permits where entries were located on an old surface mine bench. In these cases there was no explanation of the source or location of topsoil to be used in reclamation to approximate original contour (AOC), and no cost for this soil included in the estimate of reclamation cost as required in 0400-1-1-19, 20 and 0400-1-5-18.

(5) *Revegetation*: Of the seven permits reviewed, only two were considered to have complete information on revegetation. The other five lacked such vital details as soils information, seed bed preparation, seed species and amounts, seeding schedules, and revegetation evaluation procedures as required in 0400-1-1-25 and 0400-1-5-24. Some reference areas shown were located on previously mined land.

(6) *Hydrologic Protection Plan*: None of the seven permits reviewed was considered complete with respect to the hydrologic protection plan, as required in 0400-1-2-23 and 0400-1-5-32, because of the omission of surface water and ground water monitoring plans or written waivers by DSM authorizing the exclusion of such a plan. Plans for effluent treatment were also missing from six of the seven files reviewed. Closedown procedures including plans for removing ponds and sealing entries were presented in minimal detail.

Summary

Since OSM notified the Governor on April 8, 1983, of OSM's findings on the State's permitting operations, DSM has committed additional staff resources to reevaluate the adequacy of permits issued prior to April 8, 1983, and to expedite the review of pending applications. In addition, DSM has revised the permit application form used by applicants. Despite these efforts on the part of the State, the Director still has reason to believe the State is not fully implementing the permitting requirements of the approved program. As described above, OSM identified deficiencies in permits issued by DSM after the Director notified the State on April 8, 1983, of the inadequacies in the State's permitting operations. OSM

determined that the recent permit applications approved by the State were incomplete and did not satisfy the criteria for permit approval set forth in the Tennessee program regulations.

Finding 2—Bond Setting

In March, 1983, OSM made the following findings concerning the State's bond setting practices:

All of 40 permits reviewed by OSM were issued by DSM without adequate consideration and documentation of the factors required for determining bond amounts. Under the Tennessee program, the three standards for determining the minimum bond amount are that the bond "shall be, at least: (a) \$10,000 for the entire area under one permit; (b) \$1,500 per acre or fraction thereof; and (c) sufficient to assure performance of reclamation, restoration, and abatement work required of a person who conducts surface coal mining and reclamation operations under the Act, these Regulations, and the provisions of the permit, if the work had to be performed by the Division in the event of forfeiture."

For the 40 permits reviewed, the State adhered to only two of the three standards for determining minimum bond amount listed in the previous paragraph. Of the permits reviewed by OSM, DSM had set bond at \$1,500 per acre on 67% of the permits, at \$10,000 for the entire permit on 15% of the permits, and at \$2,000 or \$2,500 per acre on 19% of the permits. No documentation was found by OSM that DSM considered the standard that bond be sufficient for the State to accomplish reclamation in the event of forfeiture.

OSM also found that the State did not require applicants to provide reclamation cost estimates, nor were they considered when they were provided by the permit applicant. Over 48% of the permits reviewed did not contain an applicant's estimate of reclamation costs.

Of the permits reviewed which did include the operator's estimate of reclamation costs, 79% of the bonds were set at \$1,500 per acre or \$10,000 total, and 21% of the bonds were set at \$2,000 or \$2,500 per acre. In addition, 43% of all reclamation cost estimates provided by applicants were greater than the \$1,500 per acre minimum. The average bond set by the State (\$1,564/acre) in 83% of these cases was less than the applicant's own cost estimate (\$2,407/acre) by an average of \$843 per acre. DSM files contained no documentation explaining the reason for setting bond amounts below the applicant's cost estimate. Also, no evidence was found that the applicant's

cost estimates were considered in determining bond amount.

In its bond setting analysis, OSM estimated the appropriate bond amount for each permit using as a guide *Reclamation Bond Estimation for Mine Plan Review* prepared for OSM in August, 1981, by Fred C. Hart Associates, Inc. OSM's review revealed that DSM was setting bond at 37% of the amount OSM estimated would be required for the State to reclaim in the event of forfeiture.

On August 17, 1983, OSM advised the Governor that DSM was not setting bond in compliance with permanent program requirements and not requiring that the bond be sufficient to cover costs if the State was required to do the reclamation. OSM requested that DSM review and evaluate bond on all permits for determination of adequacy by February 10, 1984, and to require additional bond on applicable sites on or before March 15, 1984.

DSM replied that it has insufficient resources to reevaluate the adequacy of bond on all permits. DSM stated that it will reevaluate bond only when the operator files his annual report at which time DSM will notify the operator of any additional bond requirements. To date, DSM has issued 133 Notices of Violation (NOV) to operators for failure to file annual reports. As of January 26, 1984, DSM reevaluated the adequacy of the bond for 17 of these operators. Of the 17 permits which DSM has reevaluated, DSM's bond estimate has been increased on four. Two of the four operators have been notified to post additional bond.

OSM recently reviewed DSM's bond setting procedures since August 1983. The results of this review are as follows: DSM is using a new bond calculation methodology which provides for consideration of an operator's good past performance. In many cases, consideration of this factor results in the performance bond being set at an amount less than the estimated cost of reclamation to the State and has never resulted in the performance bond being increased for a poor record.

OSM examined 13 of 17 permits issued between May, 1983 and October, 1983. In each case, the bond was set below the State's estimated cost to reclaim the site. Consideration of the factor for good past performance resulted in the bond being set on the average 25% below the estimated cost to reclaim.

Summary

OSM's review of DSM's bond setting practices indicates that DSM has

developed a new bond setting methodology which results in the bond being set at approximately 75% of the estimated cost of reclamation. Prior to August 1983, DSM was setting bond at approximately 37% of the estimated cost of reclamation. Despite this improvement, OSM finds the State is still not satisfying the State program requirement that the bond be set at an amount sufficient to cover the State's cost to reclaim in the event of forfeiture. In addition, OSM has found that the State has made little progress in reevaluating the adequacy of bond on those permits issued prior to August 1983.

Finding 3—Bond Release

OSM's findings on the State's bond release practices since approval of the State program are as follows:

Partial Bond Releases

DSM released bond partially on 126 permits during the period August 10, 1982 and May 1, 1983 (conclusion of first annual review period). A total of 38 were reviewed by OSM. OSM determined that DSM released bond prematurely on 44% of the permits reviewed. That is, the bond was released prior to completion of Reclamation Phase I or II on the entire site. OSM also found that DSM released too much bond on 13% of the permits reviewed. Further, DSM did not adhere to the required program procedures for releasing bond.

A field inspection of 14 of the 38 sites revealed that a bond release was proper on only 8 of the sites. On the remaining 6 sites, the bond was released prematurely with such deficiencies as inadequate gradework, sparse vegetative cover, slides, open pits, highwalls, inadequate silt control, and toxic material on graded areas.

Total Bond Releases

There were 11 total bond releases by DSM from August 10, 1982 to June 30, 1983.

OSM reviewed seven of these releases. Based on its review, OSM made the following findings which were discussed with DSM on May 25, 1983.

(1) DSM did not comply with its bond release procedures as required by Section 0400-1-10 of the approved Tennessee regulations;

(2) none of the total bond releases followed all the required regulations;

(3) DSM released the entire bond on each of the permits requesting a total release rather than retaining a minimum of 15% of the total bond for the five year liability period required by DSM statute.

Recently OSM reviewed 16 requests for releases made during the period September, 1983 through December, 1983. Seven releases were denied while nine releases were approved. OSM determined that six of the nine approved releases (67%) were premature.

Other procedural problems were noted by OSM as follows: maps submitted with bond release request did not meet scale or color coding requirements (31%); inspections were not made within 30 days of receipt of operator's completion report (62%); proof of newspaper advertisements was not in the file (37%); there was no evidence in the file that all notification letters were sent by the operator (56%); and the retained bond amount was not recalculated in a manner consistent with DSM's new bond setting method (100%).

In its August 17, 1983 letter to the State, OSM requested that DSM review all partial and total bond releases since August 10, 1982. In cases involving premature and excessive release, OSM requested that DSM notify operators of additional bond requirements by November 10, 1983, and require operators to post additional bond on or before January 8, 1984.

In the public hearing held January 26, 1984, DSM testified that it would not review all releases since August 10, 1982, because of insufficient staff and resources. DSM indicated that the adequacy of outstanding bond would be reviewed at the time operators submit annual reports using the new bond setting methodology. To date, DSM has not requested or received additional bond from any operator who received premature or excessive bond releases.

Summary

OSM's recent review of DSM's bond release actions indicates that the State has made little improvement in correcting deficiencies in its bond release practices. DSM is still releasing bond prematurely and in excessive amounts and is failing to adhere to the approved program bond release procedures.

Finding 4—Inspection and Enforcement

Following are OSM's findings on DSM's inspection and enforcement operations since the Secretary's approval of the Tennessee program.

Inspection Frequency

DSM currently has approximately 865 active and inactive mine sites to inspect. By State law, each site requires 4 complete and 8 partial inspections per year. During the first year of primacy, DSM made 39% of the required complete inspections and only 13% of the required

partial inspections. Only 8% of the mine units received the required 12 inspections per year. A total of 224 sites received no inspections by DSM during the first year of primacy.

DSM's inspection and enforcement record for calendar year 1983 shows that the State's inspection requirements were again met on only 8% of its sites. During this period, 173 mine sites received no inspections.

DSM states that since January 1, 1983, it has met the inspection frequency requirements on its active (coal removal) sites. However, OSM's review shows that the State met the requirements on only 32% of those sites.

Complete Inspections, Violation Recognition and Citation: During the first annual review period, OSM advised the State that, based on a review of its inspection reports between August 10, 1982 and April 30, 1983, OSM determined the State was not making complete inspections.

OSM determined that DSM did not issue notices of violations on 257 inspections where the inspector noted violations in his report. This represents 11% of the inspections during the review period.

All reports on complete inspections received by OSM between May 15 and June 20, 1983, were reviewed for adequacy. These reports were selected for two reasons: (1) DSM stated that it was making more complete inspections following the recent training of DSM inspectors and (2) DSM asked OSM to review those complete inspections which were made following the transfer of DSM from the Department of Conservation to the Department of Health and Environment in February, 1983. One hundred and ninety-five inspections were included in the review. OSM determined that 95 reports (48%) were not complete. In general, OSM noted that inspection reports lacked pertinent information about the current status of the mine site and compliance with applicable performance standards.

During the first annual review period, OSM also made the following findings pertaining to the completeness of inspections and violation recognition. OSM observed serious violations while conducting oversight inspections that should have been cited previously by DSM inspectors. Violations were observed on 78% of OSM's oversight inspections but only on approximately 18% of DSM's independent inspections. OSM identified and cited twice as many violations on its independent oversight inspections as DSM identified and cited on inspections conducted independently of OSM.

Recently OSM evaluated the State's efforts in making complete inspections and in writing violations. On 52 of the oversight inspections OSM conducted between August 1 and December 31, 1983, OSM noted 153 violations which the State failed to write on inspections made by the State during the previous three to six months. OSM conducted a total of 207 oversight inspections during this period. On 84 of these sites, DSM had not made an inspection. On 52 of these sites DSM had made an inspection but had failed to write most of the violations noted by OSM during its oversight inspections. In January 1984 OSM inspected 13 out of 100 sites on which the State had made complete inspections in December 1983. On 7 of the 13 sites, OSM inspectors noted 15 violations on which the State failed to take enforcement action. Six of the 13 sites were in compliance. In summary, DSM failed to issue violations when observed 54% of the time on complete inspections made in December 1983.

A special study was conducted by OSM in January 1984, on an additional 12 sites. Nine of the 12 sites visited had received a complete inspection by DSM in the last six months while 12 had received at least 1 complete inspection in the past 12 months. On the 12 permits, OSM observed 63 violations, 27 of which existed during the last complete inspection by the State but were not written.

Summary

OSM has determined that the State has made little progress in addressing the inspection and enforcement problems which were brought to the attention of the Governor and DSM in August 1983. The State is making the required number of inspections on only 8 percent of the inspectable units. In addition, DSM inspectors are not conducting complete inspections on a high percentage of sites and not citing operators for most of the violations noted by OSM during its oversight inspections.

Finding 5—Ten-day Notices

The Director finds that DSM does not take appropriate action on ten-day notices issued by OSM. As a result, OSM has taken direct Federal enforcement in numerous cases.

From August 10, 1982 to May 1, 1983, OSM made 200 oversight inspections resulting in 88 ten-day notices. On 22 of these ten-day notices (25%), the State failed to initially write all violations on the site. On reinspections of these sites at OSM's request or on a joint inspection with OSM, the State wrote all required violations. On 17 of these ten-

day notices (19%) OSM wrote a Federal NOV because the State failed to take appropriate enforcement action. On 49 of OSM's ten-day notices (55%), the State took appropriate enforcement action without OSM assistance.

From May 1, 1983 to December 31, 1983, OSM wrote 65 ten-day notices as a result of 207 oversight inspections. Due to the State's failure to take appropriate action, OSM wrote 25 Federal NOV's on 38 percent of the ten-day notices written for that eight-month period.

Summary

DSM's response to ten-day notices is not improving. During the first ten months of the permanent program, DSM failed to take appropriate action on 19 percent of OSM's ten-day notices. In the past nine months, DSM has failed to take appropriate action on 38 percent of its ten-day notices.

Finding 6—Assessment/Civil Penalties

During the first annual evaluation period (August 10, 1982 through May 1, 1983), 274 NOV's (out of 379) did not receive a civil penalty. There was no pattern in the types of violations not assessed. Serious violations such as highwall elimination, silt control, and haulroad maintenance in many instances were not assessed along with less serious violations pertaining to signs and markers. One hundred and twenty-one assessments (out of 379 total assessments) were sampled in the oversight evaluation period for point assignment consistency. None of the assessments reviewed by OSM for this period included an explanation of how the penalty was determined or why most of the violations (72%) received no assessment.

In addition, OSM determined that DSM did not document the points awarded on any of the Notices of Proposed Assessments. DSM did not adequately document the reasons for reducing the points on a civil penalty following the assessment conference. However, DSM did track assessment conferences through collection and through final disposition.

Assessment of all violations. DSM did not assess any violations issued on 1978, 1979, and 1980 permits during the review period. This practice accounted for 83 NOV's with 123 violations not being assessed.

Prior to January 1983, DSM did not assess a daily penalty on Failure-to-Abate Cessation Orders (CO's) as required under the Tennessee program. Beginning in January, DSM began advising operators of the daily penalty on CO's. Thus, only 28 of the 60 Failure-to-Abate CO's issued during the review

period were assessed a daily penalty. Fifteen Failure-to-Abate CO's were vacated during the review period, thus eliminating the daily penalty.

The State assessed the majority of violations within thirty days of issuance. However, at the time of OSM's review, there was a backlog of 86 violations needing assessment.

OSM recently reviewed the State's civil penalty and assessment process for the period July 1, 1983 through November 15, 1983. Every NOV and CO assessed was included in the review. OSM found that 91 percent of DSM violations received a zero assessment. Although DSM prepared notices of proposed assessment on all violations for this period, there was still inconsistency of point assignment for similar violations.

Summary

While DSM is now preparing notices of proposed assessments for all NOV's issued, OSM has determined that the State is still inconsistent in making assessments for similar type violations. Also, the State is now assessing even fewer violations than it did prior to the Director's August 17, 1983 letter to the Governor. The State assessed only 9 percent of the violations issued between July and November 1983.

Finding 7—Staffing

The Director finds that many of DSM's program deficiencies are related to staffing shortages. DSM is in agreement that additional staff would resolve many of the problems identified by OSM.

DSM has made the following staffing commitments as a step toward resolving the problems in its program.

The State has assigned on a temporary basis 50 employees (from other Public Health Divisions) to assist in resolving the State's program deficiencies. These people will be working with DSM on a part-time basis when or as they can be spared from their permanent jobs within Public Health. According to DSM, these people are now on board and are performing the following functions as time permits from their permanent positions:

Permitting: Twenty of the 50 temporary people have been assigned to assist in processing the backlog of permanent program permits.

Inspection: Thirty of the 50 temporary people have been assigned to inspection and enforcement functions. The Director of DSM has advised OSM that the 30 temporary people are county environmentalists and are being trained by DSM to make partial inspections and inspections on sites regulated under

State laws and regulations in effect prior to SMCRA.

In addition, DSM has committed to hiring 11 additional employees for inspection and enforcement functions. These employees would be hired on or after August 10, 1984.

Summary

While the additional staff commitments made by the State will help to address the problems in the permitting, inspection and enforcement areas of the State program, the Director has determined that the State will require additional permanent employees in order for the State to meet its obligations under the approved Tennessee program.

Responses to Agency and Public Comments

Comments have been accepted and considered on the status of the Tennessee Permanent Regulatory Program. The period during which comments were accepted was December 21, 1983 through February 21, 1984. All comments received were considered in evaluating the status of the Tennessee program and determining an appropriate course of action. Responses to the comments are included below. Comments from groups or agencies are identified by name but names of individuals have not been used. The comments received on the status of the Tennessee Permanent Regulatory Program are included in the OSM record under Administrative Record Numbers TN 769, 815, 817, 818, 820, 822, 823, and 829, and 832.

1. Save Our Cumberland Mountains (SOCM) commented that the State regulatory authority should provide effective regulation of the surface mining industry, enforcement of the surface mining law, and protection of individuals and property rights of coal area citizens.

The Secretary agrees with SOCM's comments concerning the purpose of the State regulatory authority. The permanent program approved by OSM has regulations and procedures which address each of these concerns.

2. SOCM stated that some of the deficiencies identified by OSM in the Tennessee Annual Evaluation Report and in the April 8, 1983 and August 17, 1983 letters to the Governor of Tennessee have been adequately addressed by DSM while many have not. SOCM suggested that one step toward resolving these deficiencies would be establishment of definite action schedules by both agencies with accountability to citizen groups.

In the letters to the Governor of Tennessee on April 8, 1983, and August 17, 1983, the Director of OSM specified actions to resolve program deficiencies and timetables to perform the required actions. The director acknowledges that the State has not resolved many of the deficiencies previously identified by OSM and his decision to substitute Federal enforcement of the inspection and enforcement functions of the Tennessee Permanent Program and increase Federal oversight of the other program functions is based on this fact. The Director's decision requires definite actions and timetables by which DSM must resolve its program deficiencies in order to retain primacy.

3. SOCM commented that although DSM has made substantial and impressive improvement in the last year it still has serious problems. SOCM noted that one problem in particular was the excessive time it takes DSM to issue a permit. SOCM also noted that OSM may be partly to blame in this matter as OSM has not provided needed support in terms of money, staffing, and equipment.

The Director agrees that DSM has had difficulty issuing permits in a timely manner. For that reason, OSM has provided DSM technical assistance in the form of a team of Federal technicians to help the State process the backlog of surface mining permit applications. The team has been in place since December 1, 1983. Additionally, OSM has encouraged the State to appropriate funds for additional staff and resources for the purpose of resolving program deficiencies and maintaining an effective regulatory program.

4. SOCM stated that if OSM believes the State could not handle portions of the program that those portions should be taken back and the State allowed to keep primacy in those areas OSM believes it could handle. SOCM suggested that the State be given additional time to resolve its deficiencies and that OSM reconvene the public hearing in six months to judge the State's progress in resolving its problems.

The Director agrees that the State should be given time to resolve its problems with definite timetables and required actions; however, in the critical area of inspection and enforcement where the State has experienced the most serious and continuing problems, OSM will substitute direct Federal enforcement for an unspecified period of time. During the period of substituted Federal enforcement, the State will be required to submit a plan to resolve its program and staffing problems.

5. SOCM commented that OSM has complicated matters by revising its regulations just as the State received primacy. Many of the revised regulations are being challenged in a lawsuit in which SOCM is a plaintiff. SOCM noted that Tennessee has proposed "enabling legislation" to facilitate adoption of OSM's revised regulations. SOCM also noted that OSM does not oppose the State's enabling legislation which causes alarm for SOCM which considers such legislation illegal and premature.

OSM notes that SOCM's remarks pertain to a matter which is outside the scope of this rulemaking. Any statutory or regulation changes by DSM must be approved by OSM prior to implementation by the State. Public comment will be solicited on any changes submitted by the State.

6. The Environmental Policy Institute (EPI), the Legal Education and Assistance Foundation (LEAF), and the Sierra Club made joint comments as follows: Tennessee has failed to demonstrate that it has the personnel and commitment to administer the permitting, bonding, inspection and enforcement, and civil penalty aspects of its program. Tennessee lacks sufficient personnel and fails to provide assurances that it will increase its staff. Their concern is "particularly acute" in the area of inspection and enforcement. EPI, LEAF, and the Sierra Club further commented that DSM needs a general staff increase to carry out the basic functions of the program; that Tennessee has failed to implement, maintain, administer, or enforce its approved program; and that OSM should substitute for the state regulatory authority direct Federal enforcement of the inspection and enforcement, bonding, and permitting functions of the approved program. EPI, LEAF, and the Sierra Club stated that the most serious deficiencies and the least evidence of improvement is in the area of inspection and enforcement. These organizations want the law enforced. They do not advocate either a state program or a Federal program. They request from OSM and DSM definite schedules and actions for resolving program deficiencies. They also request accountability to citizens.

The Director has determined that the most serious program deficiencies are in the inspection and enforcement functions of the State's approved program. Accordingly, he is substituting Federal enforcement for this portion of the program and increasing oversight in all other deficient aspects of the program. During the period of

substituted Federal enforcement of the inspection and enforcement functions of the program and increased oversight, OSM requires the State to submit a plan containing specific actions and timetables for resolving program deficiencies. These actions by the Director and by the State should address the concerns raised by EPI, LEAF, and the Sierra Club at the public hearing and during the comment period. The section entitled *Director's Decision* contains further details concerning OSM's plan to resolve previously identified program deficiencies.

7. The Environmental Policy Institute (EPI) commented that OSM must take decisive action to resolve the problems identified in the 1983 Annual Evaluation Report. EPI noted that if the state cannot correct its problems in a timely manner, then OSM must be prepared to regulate surface mining. EPI recommended the following actions: that OSM establish a strict schedule for the state to correct deficiencies; that the state prepare monthly status reports of efforts to correct deficiencies and that these summaries be made available to the public; that OSM increase its oversight activities and prepare monthly summaries of oversight activities; and that OSM provide assistance to the state as prescribed in section 705(b) of the Act. EPI noted that the entire basis for the Federal law would be undermined if OSM does not fulfill its oversight responsibilities by assuring that the State corrects its problems or if OSM does not assume responsibility for regulating mining in the event DSM does not correct its program problems.

The Director believes that his decision to substitute federal enforcement of the inspection and enforcement function and increased oversight of other functions will address EPI's concerns. See section entitled *Director's Decision* for further details of how the State will be required to address its program deficiencies.

8. ETE Consulting Engineering, Inc., James Burris, Incorporated and Jim York Coal Company commented that the mining industry in Tennessee should be regulated by the State. James Burris, Inc. and Jim York Coal Company noted that Tennessee's problems have been due to the Tennessee law being more stringent than the Federal law. They noted that if the State would repeal its law and replace it with language similar to the Federal law, the administration of the surface mining program would be much improved. James Burris, Inc. commented that other problems resulted from DSM's transfer from the Department of Conservation to the Department of

Health and Environment and from DSM's inability to issue permits in a timely manner.

The Director's decision would leave primacy with the State and would at the same time allow the State additional time to resolve its program problems. DSM would be able to make those changes in its approved program, subject to OSM approval, that the State deemed necessary to implement its program effectively, and to improve the administration of its program.

9. Shamrock, Inc. commented that the unnecessary paperwork and nonsubstantive technical requirements in the permitting process have created the backlog of permits and the delays in issuance of permits.

The Director notes that Tennessee's permitting requirements are necessary to be consistent with the minimum standards established by the Federal law and regulations.

10. Representative Mike Robertson of the Tennessee Legislature commented that primacy "now rests with OSM" and that the State has two regulators. He said that OSM must give the program to the State or become the primary regulator.

The Director disagrees that primacy "rests with OSM". The State was given primacy in August, 1982. OSM has an oversight role to perform which includes monitoring State performance as well as providing assistance. The OSM does not serve as a second or dual regulator. OSM's role is to ensure that DSM performs its primacy role based on the approved program. OSM's monitoring and assistance role necessarily increases when the State does not fulfill the requirements of its approved program.

11. The Tennessee Environmental Council (TEC) commented that the State should be allowed to keep primacy. TEC noted the following improvements DSM has made in its program in the past 12 months: new and experienced leadership; consolidation of field and legal service thereby providing prompt enforcement "tailored to the seriousness of the violation"; improvements in bond-setting procedures; consistent enforcement at active sites; review of backlog of deficient permits; plans for automated data system; and fair and consistent regulation of the surface mining industry.

With respect to the primacy issue, the Director's decision is that the State remain the regulatory authority. The Director acknowledges DSM's appointment of experienced managers to key positions; however, a general and substantial increase of staff and

resources is necessary for the State to resolve its program problems. The Director acknowledges the new bond-setting method has resulted in the State setting higher performance bonds; however, the bond-setting method still allows bond to be set below reclamation costs to the State due to credits DSM gives for past performance and technical risks. With respect to DSM's consistent enforcement at active sites and its commitment to surface mining regulation, the Director finds that DSM is not making complete inspections and is not writing all violations noted during the inspection. With respect to DSM's commitment to an ADP system, OSM has not received a budget request or budget revision/amendment to purchase an automated data system.

12. The Tennessee Conservation League (TCL) commented that the Department of Health and Environment has brought strong leadership to the program. TCL also noted the DSM has made considerable progress in the past twelve months and is on the road to meeting and exceeding the requirements of the Federal surface mining laws. The Tennessee Conservation League urged OSM to allow the State to continue primacy and to continue to provide assistance to the State. OSM acknowledges that DSM has made limited progress in some areas but is still faced with serious program deficiencies, particularly in inspection and enforcement. For that reason, the Director has decided to substitute Federal enforcement of the inspection and enforcement functions and increase oversight and assistance in the other program areas, while allowing the State to retain primacy.

13. The National Wildlife Federation (NWF) commented that citizen groups in Tennessee believe that the State is making progress in the implementation of its program. The NWF questioned the State's ability under present staffing to carry out an effective regulatory program, particularly in inspection and bonding. The NWF also questioned the adequacy of the "improved bonding formula", the discretion of individual inspectors to choose which mines are inspected, the State's failure to inspect tipple, and the operation of deep mines and wildcat mines without proper permits.

The NWF recommended that OSM inspectors be assigned to DSM on a temporary basis to assist the State in meeting its inspection frequency, that OSM explore ways to assist the State, and that OSM place the State on a strict and reasonable schedule to correct its program deficiencies.

The Director had addressed in the findings section of this *Federal Register* notice the questions and concerns raised by the NWF. The Director, in his decision to substitute Federal enforcement of the State inspection and enforcement functions, will be assigning Federal inspectors to make inspections in accordance with the State's approved program. OSM will be providing increased oversight in all other aspects of the State program and will require the State to submit a plan with required actions and a timetable to correct program deficiencies.

14. Facts about Coal in Tennessee (FACT) commented that the coal industry is looking for fair, efficient enforcement of either the Federal law or the State law, something which it is not now receiving. FACT says it has not taken a position as to what action should be taken by the Federal Government in connection with the Tennessee surface mining program. FACT noted that the coal industry cannot serve both OSM and DSM and "that is the dilemma that the Federal Government is putting the industry in today * * *." FACT asked that OSM not bog the State down and not interfere with the State's efficient administration. FACT noted that the coal mining industry intends to comply with the Federal law. He also asked that OSM, DSM and FACT together strive to achieve environmental compliance.

The Director understands the coal mining industry's concerns about a situation in which there appears to be two regulators. DSM has been the primary regulator of the industry, and OSM's function has been one of oversight and assistance to the primary regulator. OSM normally assumes an activist regulatory role only when the State fails to implement portions of its approved program. Here, the State's failure to adequately inspect and enforce under its program necessitated more than ordinary enforcement activity by OSM. OSM's full assumption of inspection and enforcement authority should alleviate the industry's dual enforcement concerns. As DSM resolves its program problems and demonstrates its capability to reassume inspection and enforcement responsibility, OSM's role will be diminished in stages in a manner which will avoid dual enforcement to the maximum extent possible.

15. An individual commented that DSM has the knowledge and the ability to meet the needs of the coal industry.

OSM acknowledges that DSM, if it had sufficient staffing and resources, could resolve its program problems and meet the needs of the industry. The

Director's decision will provide DSM with the opportunity to keep primacy and to present a plan of corrective actions, specific timetables, and additional resources to solve its program problems.

16. A consulting engineer commented that the State does not have the staff or resources to implement its approved program.

OSM agrees that the State does not have the staff or resources to implement its approved program. The Director's decision will provide DSM the opportunity to present to OSM a plan of corrective actions and specific timetables to address these staffing and resource problems.

Director's Decision

Having reviewed and considered all available information on DSM's implementation of the Tennessee program, including the hearing record, OSM's oversight findings, public comment and all other contents of the administrative record in those proceedings, the Director has made the following determination.

Tennessee has made some progress addressing certain problems identified by OSM in the State's implementation of its program. The Director has determined that the steps taken by DSM to resolve the identified program deficiencies demonstrate the State's intent and capabilities in certain areas to administer its regulatory program as approved by the Secretary. For this reason, the Director finds that, at this time, withdrawal of program approval is not indicated.

The Director has also concluded that the reforms made by Tennessee are not extensive enough nor progressing fast enough to ensure that surface coal mining operations in the State will be regulated in full compliance with SMCRA and the approved Tennessee program. The State does not have adequate staff and resources to implement all aspects of its program as required. To ensure that the adverse effects of surface mining are controlled as required under SMCRA and the State program, OSM must assume responsibility for enforcement of parts of the program in Tennessee until the State is able to administer all segments of its program in accordance with the approved provisions. OSM will provide increased oversight and assistance to Tennessee in other program areas to ensure that the progress shown to date will continue.

OSM will directly enforce the inspection and enforcement provisions of the approved State program. This will enable DSM to reallocate its inspection

and enforcement resources and concentrate its efforts in resolving deficiencies in other areas of its program. During the period when OSM conducts full Federal enforcement of the State inspection and enforcement functions, DSM will formulate a plan to correct its inspection and enforcement problems. OSM will increase its monitoring of the State's permitting and bonding operations. Because OSM believes that it is preferable that States hold the primary responsibility for regulation of surface coal mining operations, it will provide the State with assistance and guidance as necessary to resolve identified deficiencies and to regain full authority for inspection and enforcement. The Director will designate a special representative who will be responsible for coordinating such guidance and for working with State officials to help assure that the State has full opportunity to regain these authorities.

The Director has developed a process by which Tennessee would resume full authority for all aspects of its approved program. Failure by Tennessee to seek and obtain such approval or failure by the State to perform satisfactorily in the areas in which it retains enforcement authority will result in additional Federal action. During this interim period, and except as specified, the Secretary's approval of the Tennessee program is not otherwise affected.

Following is a detailed description of the actions to be taken under the Director's decision.

OSM Actions

A. Direct Federal Enforcement of State Program. Starting on the effective date of this decision and until otherwise specified by the Director, OSM shall directly implement, administer and enforce the Tennessee program requirements to the extent outlined below pursuant to the enforcement provisions of the Federal Act and regulations. The authority of the Tennessee Division of Surface Mining (DSM) to implement the Tennessee regulatory program is suspended with regard to those provisions listed below, with the following exception. With respect to enforcement actions initiated by the State prior to the effective date of this notice, DSM shall have authority to take administrative actions to process outstanding violations to a final disposition (including issuing proposed assessments, assessing penalties, holding assessment conferences, holding hearings and collecting penalties). However, any terminations or vacations

of enforcement actions by DSM shall not take effect until approved by OSM.

1. OSM will conduct all inspections of all coal exploration and surface coal mining and reclamation operations on non-Indian and non-Federal lands within the State, including bond release inspections, in accordance with Sections 517, 518, 521, 525 and 526 of the Federal Act, 30 U.S.C. 1267, 1268, 1271, 1275 and 1276 and 30 CFR Parts 842, 843 and 845 and 43 CFR Part 4. With respect to enforcement actions initiated by DSM prior to the effective date of this decision, OSM will conduct follow-up inspections at all sites with outstanding violations on or after the abatement dates specified in the State-issued notices of violation, unless the abatement period has already expired.

2. OSM will issue, modify, enforce and terminate notices of violation, cessation orders and show cause orders in accordance with Sections 517, 518, 521, 525 and 526 of the Federal Act, 30 U.S.C. 1267, 1268, 1271, 1275 and 1276 and 30 CFR Parts 842, 843 and 845 and 43 CFR Part 4. With respect to enforcement actions initiated by DSM prior to the effective date of this decision, OSM will issue a failure to abate cessation order if the operator has not or does not abate the violation by the abatement date set in the State-issued notice of violation. OSM will issue a notice of violation for any violation observed by an OSM inspector which has not been previously cited by the State. OSM will issue a cessation order for any condition or practice which creates an imminent danger to the health or safety of the public, or is causing, or can reasonably be expected to cause significant, imminent environmental harm to land, air or water resources.

3. OSM will impose sanctions, as appropriate, for violations of the State program approved under 30 CFR 936.11 and 936.15 in accordance with sections 517, 518, 521, 525 and 526 of the Federal Act, 30 U.S.C. 1267, 1268, 1271, 1275 and 1276, 30 CFR Parts 842-845 and 43 CFR Part 4.

4. OSM shall promptly inform DSM of the results of all follow-up inspections conducted and of enforcement actions taken which pertain to enforcement actions initiated by DSM prior to the effective date of this decision.

5. OSM will monitor permitting and bonding activities of DSM. If during its review or during the inspection of active operations OSM determines that DSM issued a permit or took other actions with respect to a permit in violation of applicable State laws, regulations, procedures or approved program requirements, OSM will:

a. Notify DSM of the State program provisions which were not implemented properly and a date by which DSM must take corrective measures; failure by the State to respond properly will result in appropriate additional Federal actions.

b. If applicable, notify the permittee of actions that must be taken, including interim steps, to conform to all requirements of the approved program and specify a reasonable time for the operator to take such actions. Failure of the operator to carry out the corrective measures specified by OSM will lead to action to suspend or revoke the operator's permit. Exact procedures for OSM to notify the State or operator of corrective actions to be taken and for suspending or revoking an operator's permit are set forth under a new § 942.17(b) of the OSM rules for the approved Tennessee program set forth below.

6. All activities relating to administrative review of OSM enforcement actions will be carried out pursuant to 43 CFR Part 4.

B. Increased Oversight/Assistance

Permitting and Bonding. DSM will continue to be responsible for all permitting actions, including the review and issuance of new permits and for any permit revisions. It will also continue to be responsible for all bond amount determinations and adjustments and for bond reduction and release.

To ensure that the State's actions in these areas are in compliance with the approved program, OSM will intensify its monitoring of the State's activities and provide feedback to the State on the adequacy of its administration of these program functions. Additionally, OSM may provide technical assistance to the State in correcting deficient permits, issuing new permits, making bond calculations and making bond release determinations. For each bond release request received by DSM, OSM will make the bond release inspection, as noted above under (A)(1) and complete State form DSM-10 recommending approval or disapproval of the release of bond in whole or in part.

Remedial Actions To Be Taken by State

To demonstrate its intent and capability to fully implement the Tennessee program as approved by the Secretary, the State will be required to carry out the following remedial actions. Failure of the State to accomplish any one or more of these remedial measures could lead to OSM taking other actions including direct Federal enforcement of other parts of the Tennessee program and ultimately to the Director's recommending to the Secretary that

approval of the State program be withdrawn.

1. By the effective date of this decision, DSM shall submit to OSM a list of all outstanding enforcement actions specifying the abatement date set for each violation cited.

2. In accordance with the requirements of the approved State program, DSM shall bring to a final disposition all enforcement actions that were initiated by the State prior to the effective date of this decision.

3. Not later than twelve months from the effective date of this decision, Tennessee shall submit to OSM a plan to reassume full authority for implementing the inspection and enforcement functions of the approved program or a specific portion thereof. At a minimum, the proposal must provide substantive provisions to deal with the following problems:

a. *Staffing:* The proposal must demonstrate to the satisfaction of the Director a State commitment to hire a sufficient number of inspection and enforcement personnel to comply with all inspection and enforcement requirements of the approved program. It must affirmatively demonstrate that these personnel will be qualified.

b. *Training, Certification and Supervision:* The proposal must demonstrate to the satisfaction of the Director that these personnel will be trained, certified and supervised to implement all inspection and enforcement requirements of the approved program.

c. *Adherence to Approved Program:* The proposal must include provisions, policy statements, and other affirmative evidence sufficient to assure the Director that Tennessee will be in full compliance at all times with the provisions of its approved program.

4. Starting three months after the effective date of this decision, DSM shall submit to OSM and provide to the public a report once every three months on the State's progress in the following areas:

- a) reevaluating existing permits, including bond adequacy;
- b) reevaluating bond release actions since August 10, 1982;
- c) notifying operators of additional permit application and bond requirements;
- d) processing new permits or permit revisions.

5. By six months after the effective date of this decision, DSM shall submit to OSM a plan to ensure:

- a) that permit applications are reviewed in accordance with all approved program procedures, and that

problems identified by OSM in the State's permitting operations do not reoccur;

b) that bond setting and bond release determinations are made in accordance with all approved procedures and that problems identified by OSM in the State's bond setting and bond release operations do not reoccur;

c) that DSM staff involved in reviewing permit applications have the necessary expertise in all technical disciplines necessary to review permit applications in accordance with approved program requirements.

6. Effective April 30, 1984, the State of Tennessee must require that all new bonds are made payable "to the United States of America or the State of Tennessee." The purpose of this requirement is to enable OSM to obtain the proceeds of bond should forfeiture be required and should OSM be the regulatory authority.

7. By six months after the effective date of this decision, DSM shall submit to OSM a proposed program amendment to establish thresholds within its civil penalty point system to assure consistency in assessments for similar type violations and to assure that serious violations are assessed.

8. Effective April 30, 1984, the State of Tennessee shall take all steps necessary to ensure that all records, documents, correspondence, inspector logs, etc. are made secure and to supply copies of all documents to OSM upon request. The purpose of this requirement is to ensure that records are made available for OSM's use in following up on State enforcement actions.

Resumption of State Authority for Inspection and Enforcement Operations

In order to resume enforcement of any portion of the inspection and enforcement provisions of the State program, DSM must formally petition the Director. The Director will entertain such a petition upon completion of the actions listed under (3) above under "Remedial Actions" and a showing of adequate progress in satisfying the other specified remedial actions.

Prior to making a decision to allow the State to resume responsibility for any portion of the inspection and enforcement operations, the Director will schedule a public comment period and hold a public hearing as outlined under § 942.19 of the OSM rules for the Tennessee program set forth below. On the basis of the information available to him, the Director will determine if the State will be allowed to resume enforcement of a portion of its inspection and enforcement operations.

Assuming the Director makes a favorable decision on the State's request following the public hearing and comment period, the State would assume responsibility for inspection and enforcement operations on certain mines, subject to such conditions as the Director may specify, and direct Federal enforcement would continue at all other mining operations.

After conducting inspection and enforcement operations in part for a specified period of time, the State could again petition the Director to resume inspection and enforcement operations on all mines in the State. Following a second public hearing and comment period, the Director would make a decision to grant or deny the State's request.

Part 733 Action

The proceedings initiated by the Director on April 8, 1983, and August 17, 1983, pursuant to 30 CFR Part 733 will be kept open.

Any additional findings and decisions by OSM pursuant to these proceedings will be published in the *Federal Register* and 30 CFR Part 942 will be amended accordingly.

Funding

The Director has decided that no additional grant funds will be provided to the State for initiation of new projects under the State's approved Abandoned Mined Land program pursuant to Title IV of SMCRA. OSM will review the status of any uninitiated projects which are currently funded under one or more AML construction grants as well as any high-priority proposed projects and take action as appropriate.

Because the State's responsibilities are being modified, OSM will provide notice of termination of the current funding to the State for administration and enforcement of its regulatory program in accordance with 30 CFR 735.21. Upon receipt of this notification, the State may submit an application for a new administration and enforcement grant based on its modified responsibilities.

Additional Determinations

1. *Compliance with the National Environmental Policy Act:* 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 rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 7, and 8 of

Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule will not impose any new requirements; rather, it will ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. *Paperwork Reduction Act:* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 942

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Accordingly, Part 942 is amended as set forth herein.

Dated: April 5, 1984.

Ann D. McLaughlin,
Under Secretary.

Authority: Pub. L. 95-87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*).

PART 942—[AMENDED]

1. A new section 30 CFR 942.17 is added to read as follows:

§ 942.17 Direct Federal Enforcement of State Program

(a) Starting on the effective date of this decision, and until otherwise specified by the Director, OSM shall directly implement, administer and enforce the approved Tennessee regulatory program to the extent specified below. The authority of the Tennessee Division of Surface Mining (DSM) to implement the Tennessee regulatory program is suspended with regard to those program provisions listed under this paragraph, with the following exception. With respect to enforcement actions initiated by the State prior to the effective date of this notice, DSM shall have authority to take administrative enforcement actions to bring outstanding violations to a final disposition (including issuing proposed assessments, assessing penalties, holding informal conferences and hearings, and collecting penalties). However, any termination or vacation of enforcement actions by DSM shall not take effect until approved by OSM.

(1) OSM will conduct all inspections of coal exploration and surface coal mining and reclamation operations on non-Indian and non-Federal lands within the State, including bond release inspections, in accordance with Sections 517, 518, 521, 525 and 526 of the Federal Act, 30 U.S.C. 1267, 1268, 1271, 1275 and 1276 and 30 CFR Parts 842, 843 and 845 and 43 CFR Part 4. With respect to enforcement actions initiated by DSM prior to the effective date of this decision, OSM will conduct follow-up inspections at all sites with outstanding violations on or after the abatement dates specified in the State-issued notices of violation.

(2) OSM will issue, modify, enforce and terminate notices of violation, cessation orders and show cause orders in accordance with Sections 517, 518, 521, 525 and 526 of the Federal Act, 30 U.S.C. 1267, 1268, 1271, 1275 and 1276 and 30 CFR Parts 842, 843 and 845 and 43 CFR Part 4. With respect to enforcement actions initiated by DSM prior to the effective date of this decision, OSM will issue a failure-to-abate cessation order if the operator has not or does not abate the violation by the abatement date set in the State-issued notice of violation. OSM will issue a notice of violation for any violation observed by an OSM inspector which has not been previously cited by the State. OSM will issue a cessation order for any condition or practice which creates an imminent danger to the health or safety of the public, or is causing, or can reasonably be expected to cause significant, imminent environmental harm to land, air or water resources.

(3) OSM will impose civil and criminal sanctions, as appropriate, for violations of the State law, regulations and conditions of permits and exploration approvals, including civil and criminal penalties, in accordance with sections 517, 518, 521, 525 and 526 of the Federal Act, 30 U.S.C. 1267, 1268, 1271, 1275 and 1276 and 30 CFR Parts 842-845 and 43 CFR Part 4.

(4) OSM shall promptly inform DSM of the results of all follow-up inspections conducted by OSM and of enforcement actions taken which pertain to enforcement actions initiated by DSM prior to the effective date of this decision.

(b) If at any time OSM determines that the Tennessee Division of Surface Mining issued a permit or took other actions with respect to a permit in violation of State laws, regulations, procedures or requirements of the Tennessee regulatory program approved by the Secretary, OSM may require the State to take corrective action and may

suspend or revoke an operator's permit in accordance with the following procedures.

(1) OSM will notify DSM in writing of the actions taken which do not appear to be in compliance with the approved program, the remedial actions to be taken and the deadline for accomplishing the remedial measures.

(2) If OSM determines that DSM's failure to comply with approved program requirements has or will likely result in any hazard to the health or safety of the public or harm to the environment, OSM will notify the permittee in writing of actions that must be taken, including interim steps, to conform to all requirements of the approved program and specify a reasonable time for the operator to take such actions.

(3) If the permittee fails to accomplish the remedial measures by the specified date, OSM will initiate action to suspend or revoke the permit.

(4) DSM will have ten business days from the date of receipt of notification from OSM that the State appeared to have violated requirements of the approved program to submit to OSM written evidence that the State has not violated those program requirements. OSM will review any submitted evidence and within 10 business days from OSM's receipt of the evidence send notification to the State of any modifications in the specified remedial measures or timeframes for accomplishing the remedial measures. If the evidence submitted by the State has a bearing on corrective measures required to be taken by a permittee under paragraph (b)(2) above, OSM will notify the permittee in writing within 10 business days from receipt of evidence from the State of any modifications in the corrective actions to be taken or timeframes for completing the corrective actions. Failure by OSM to meet the timeframes shall not void any enforcement action taken by OSM under this paragraph.

(c) Any administrative review of OSM enforcement actions under this section will be carried out pursuant to 43 CFR Part 4.

2. A new section 30 CFR 942.18 is added to read as follows:

§ 942.18 Remedial actions.

As a prerequisite to the Division of Surface Mining reassuming authority to implement the provisions of the Tennessee surface coal mining regulatory program which are being directly enforced by the Office of Surface Mining as specified under 30 CFR 942.17, the Director requires that Tennessee carry out the remedial

measures specified below to demonstrate its intent and capability to fully implement the Tennessee program as approved by the Secretary.

(a) By the effective date of this decision, DSM shall submit to OSM a list of all outstanding enforcement actions specifying the abatement date set for each violation cited.

(b) In accordance with the requirements of the approved State program, DSM shall bring to a final disposition all enforcement actions which were initiated by the State prior to the effective date of this decision.

(c) Not later than twelve months from the effective date of this decision, Tennessee shall submit to OSM a plan to reassume full authority for implementing the inspection and enforcement functions of the approved program or a specific portion thereof. At a minimum, the proposal must provide substantive provisions to deal with the following problems:

(1) Staffing: The State proposal must include demonstration to the satisfaction of the Director of the State's commitment to hiring a sufficient number of inspection and enforcement personnel to fully comply with all inspection and enforcement requirements of the approved program. It must affirmatively demonstrate that these personnel will be qualified.

(2) Training, Certification and Supervision: The proposal must demonstrate to the satisfaction of the Director that these personnel will be trained, certified and supervised to implement all inspection and enforcement requirements of the approved program.

(3) Adherence to Approved Program: The proposal must include provisions, policy statements and other affirmative evidence sufficient to assure the Director that Tennessee will be in full compliance at all times with the provisions of the approved program.

(d) Starting three months after the effective date of this decision, DSM shall submit to OSM a report within 15 days of the end of the period covering the preceding three-month period on the State's progress in the following:

(1) Reevaluating existing permits, including bond adequacy;

(2) Reevaluating bond release actions since August 10, 1982;

(3) Notifying operators of additional permit application and/or bond requirements;

(4) Processing new permits or permit revisions.

(e) By six months after the effective date of this decision, DSM shall submit to OSM a plan to ensure:

(1) that permit applications are reviewed in accordance with all approved program procedures, and that problems identified by OSM in the State's permitting operations do not reoccur;

(2) that bond setting and bond release determinations are made in accordance with all approved procedures and that problems identified by OSM in the State's bond setting and bond release operations do not reoccur;

(3) that DSM staff involved in reviewing permit applications have the expertise in all technical disciplines necessary to review permit applications in accordance with approved program requirements.

(f) Effective April 30, 1984 the State of Tennessee must require that all new bonds are made payable "to the United States of America or the State of Tennessee."

(g) DSM shall submit to OSM a proposed program amendment to establish thresholds within its civil

penalty point system to assure consistency in assessments for similar violations and to assure that serious violations are assessed.

(h) Effective April 30, 1984 the State of Tennessee shall take all steps necessary to ensure that all records, documents, correspondence, inspector logs, etc. are made secure and to supply copies of all documents to OSM upon request.

3. A new section 30 CFR 942.19 is added to read as follows:

§ 942.19 Termination of Federal Enforcement of State Program

(a) The Director will consider returning to Tennessee authority suspended under 30 CFR 942.17(a) provided the following requirements have been met:

(1) the State has accomplished to the satisfaction of the Director all remedial actions specified under 30 CFR 942.18(c) and the State has demonstrated progress in satisfying the other remedial actions specified under 942.18;

(2) the State has petitioned the Director in writing to consider returning authority to the State.

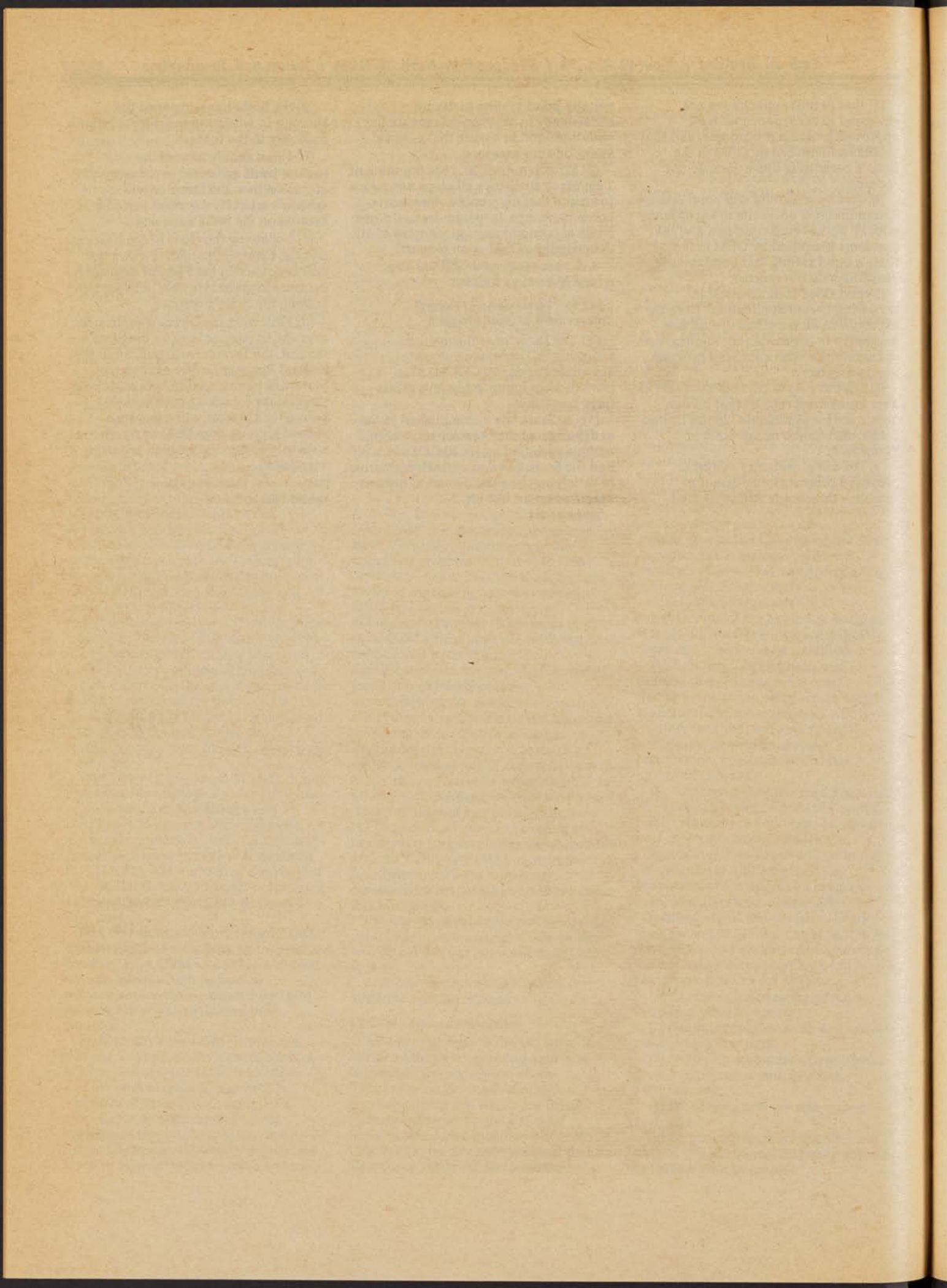
(b) Upon satisfaction of the requirements specified in paragraph (a) of this section, the Director will schedule a public comment period and hearing on the State's request.

(c) Following the close of the hearing and the comment period, the Director will announce in the **Federal Register** his decision to grant in whole or in part, or to deny the State's request.

(d) Following the Director's decision to grant, in part, or to deny the State's request, the Director will publish in the **Federal Register** further actions the State will be required to take and the timeframes for taking such actions before the Director will consider a second request from DSM to return authority to the State which has been suspended.

[FR Doc. 84-10371 Filed 4-17-84; 8:45 am]

BILLING CODE 4310-05-M



**Food
Labeling**

Wednesday
April 18, 1984

Part V

**Department of
Health and Human
Services**

Food and Drug Administration

21 CFR Parts 101 and 105

**Food Labeling; Declaration of Sodium
Content of Foods and Label Claims for
Foods on the Basis of Sodium Content;
Final Rule**

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 101 and 105

[Docket No. 80N-0314]

Food Labeling; Declaration of Sodium Content of Foods and Label Claims for Foods on the Basis of Sodium Content

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food labeling regulations to: (1) Establish definitions for the terms "sodium free," "very low sodium," "low sodium," and "reduced sodium," (2) provide for the proper use of these terms in the labeling of foods, (3) provide for the inclusion of potassium content information in the nutrition labeling format on a voluntary basis, (4) provide for the appropriate use of such terms as "without added salt," "unsalted," and "no salt added," and (5) specify that sodium content of foods be included in nutrition labeling information whenever nutrition labeling appears on food labels. FDA is also issuing a statement of policy on the appropriate use of comparative labeling statements, and is continuing to permit the declaration of sodium content in isolation. This final rule is expected to benefit consumers by providing standard definitions for label descriptors about sodium and providing more sodium content information on food labels.

DATES: Effective July 1, 1985, for all affected products initially introduced or initially delivered for introduction into interstate commerce on or after this date. Voluntary compliance may begin April 18, 1984. Objections to revised 21 CFR 105.69 by May 18, 1984. The Director of the Federal Register approves the incorporation by reference of certain publications at 21 CFR 101.9 effective on April 18, 1984.

For an exception to the effective date regarding information collection regulations, see the paragraph for the Paperwork Reduction Act of 1980 appearing in the preamble of this document.

ADDRESS: Written objections to revised § 105.69 are to be submitted to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: F. Edward Scarbrough, Center for Food Safety and Applied Nutrition (formerly

Bureau of Foods) (HFF-204), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-3117.

SUPPLEMENTARY INFORMATION: In the Federal Register of June 18, 1982 (47 FR 26580), FDA published a proposal to amend the food labeling regulations to: (1) Establish definitions for the terms "sodium free," "low sodium," "moderately low sodium," and "reduced sodium," (2) provide for the proper use of these terms in the labeling of foods, (3) provide for the inclusion of potassium content information in the nutrition labeling format on a voluntary basis, (4) provide for the appropriate use of such terms as "without added salt," "unsalted," and "no salt added," and (5) specify that sodium content of foods be included in nutrition labeling information whenever nutrition labeling appears on food labels. The agency also issued a policy statement on the appropriate use of comparative labeling statements, and announced its intention to continue to allow sodium content to be declared alone on the label.

This final rule differs from the June 18, 1982 proposal in that certain descriptor and the numerical levels defining these terms have been changed in response to comments. Definitions for "sodium free" and "reduced sodium" remain unchanged, except that the declaration of sodium will be zero for products containing less than 5 mg sodium per serving and "sodium free" will not include products containing 5 mg or more of sodium per serving. The regulation defines the term "very low sodium" as being applicable to foods containing 35 mg or less of sodium per serving. This final rule retains the term "low sodium," but uses it to refer to foods containing 140 milligrams (mg) or less of sodium per serving. FDA has deleted the term "moderately low sodium" from the final rule. FDA has also modified the statement of policy that deals with the appropriate use of comparative labeling statements.

FDA received approximately 2,700 comments in response to the proposal. A summary of those comments and the agency's responses are as follows:

Mandatory Versus Voluntary Sodium Labeling

1. One of the major issues addressed by those commenting on the proposal was the merits of a mandatory versus a voluntary sodium labeling program. For the most part, consumers urged adoption of a mandatory rule requiring all food manufacturers to disclose the sodium content of processed foods. Consumer comments frequently stated that the regulated industry would not voluntarily disclose sodium content information

about many of their products that contained substantial amounts of sodium because that information would have a negative or pejorative connotation. Consumer comments suggested that manufacturers would voluntarily label only foods that had a low sodium content and would not declare the amount of sodium on the labels of foods that had a relatively high sodium content. Moreover, according to these comments, the latter group of foods may contribute substantially to the average daily sodium intake of consumers. Consumers also commented that in the absence of a mandatory system the information that is presented would create confusion in the marketplace because products not labeled as to sodium content might be perceived as containing no sodium.

FDA has reviewed all the comments and has concluded that for a number of reasons the voluntary aspects of the proposal do not need to be modified at this time.

FDA has announced that its sodium program has two goals, to increase the amount and effectiveness of sodium content labeling of foods and to reduce the amount of sodium added to processed foods in those cases where such reduction is both safe and technologically feasible. In light of the response received thus far, FDA is confident that food manufacturers will continue and expand efforts voluntarily to increase sodium content labeling. Comments on the proposal have included additional commitments from food manufacturers to provide sodium labeling information. In addition, FDA data show that the number of food commodities bearing sodium content information is increasing and this increase is not just from foods that are low or very low in sodium content (Ref. 10). FDA believes that a reduction in the sodium content of the overall food supply will be much more likely in an atmosphere that encourages the food industry to market a greater variety of foods that are lower in sodium.

FDA wishes to reiterate that it has established a comprehensive monitoring program that is able to measure the progress being made in supplying consumers with sodium content information on food labels and the extent to which the overall sodium content of processed foods is changing as a result of formula or recipe modifications. In the event that the agency's current program does not achieve the desired effects, additional measures will be considered.

2. A consumer organization commented that FDA should require

sodium labeling on all processed foods. According to that comment, food labels lacking sodium content information are misleading, and therefore, misbranded under sections 403 and 201(n) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 343 and 321(n)) because they fail to reveal material consequences which may result from the customary and usual use of the product. The comment contended further that FDA's decision to proceed with a voluntary labeling program is arbitrary and capricious and violates section 706(2)(A) of the Administrative Procedure Act (5 U.S.C. 706(2)(A)).

FDA disagrees with both arguments. In the absence of a specific statutory directive to require sodium labeling, the decision as to what labeling information is necessary to avoid a food's being deemed misbranded turns both on the scientific data demonstrating the gravity of the public health issue, and the Commissioner's policy judgment about what approach will advance the agency's goals and effect the efficient enforcement of the act. As has been amply discussed in the sodium labeling proposal (47 FR 26580) and the Notice of the GRAS Safety Review of Sodium Chloride ("GRAS Notice") (47 FR 26590), FDA has reviewed the available data on the health implications of excessive sodium consumption, and has concluded that, "[a]lthough scientists disagree about the role of [sodium] intake as a basic causative factor in essential hypertension, there is a broad consensus in the scientific community that [sodium] is one of the factors in the development of hypertension in susceptible individuals, and that excess sodium consumption aggravates hypertension" (47 FR 26592). The agency reiterates this position. The agency also recognizes, however, the importance of the various policy considerations explained in detail in the GRAS Notice, such as the traditional role of salt in our food supply, and the practical problems of attempting to limit the amount of sodium that would be permitted to be used in food. Thus, after considering the comments and the available data, FDA continues to believe that the agency should focus its regulatory efforts on providing information to consumers so that they can structure their diets to meet individual health needs, and on working with manufacturers to reduce the amount of sodium in processed foods. The food processing industry is in the best position to reduce the amount of sodium in processed foods and, in conjunction with FDA, to encourage its members to adopt quantitative sodium labeling voluntarily.

The agency's program is legally justifiable and the rationale behind it has been spelled out in detail in this final rule as well as in the sodium labeling proposal (see 47 FR 26592) and the GRAS Notice on salt. Courts have recognized that agencies that are dealing with mixed issues of fact and policy must be accorded broad discretion to determine a workable policy, especially, where, as here, complete scientific data are unobtainable, and "[d]ecision making must in that circumstance depend to a greater extent upon policy judgments and less upon purely factual analysis"; *Industrial Union Department, AFL-CIO v. Hodgson*, 499 F.2d 467, 474 (D.C. Cir. 1974). Moreover, "even as to matters not requiring expertise a court may [not] displace the [agency's] choice between two fairly conflicting views, even though the court would justifiably have made a different choice had the matter been before it *de novo*." *Universal Camera Corp. v. NLRB*, 340 U.S. 474, 488 (1951); *Environmental Defense Fund, Inc. v. Environmental Protection Agency*, 510 F.2d 1292, 1298 (D.C. Cir. 1975). See also *McIlwain v. Hayes*, 690 F.2d 1041 (D.C. Cir. 1982). For these reasons, FDA does not believe that a requirement for mandatory sodium labeling on all foods is scientifically or legally required at this time.

3. Several comments suggested that legislation should be enacted that would mandate sodium content labeling of foods. The comments stated that only by direct legislation could manufacturers be expected to provide quantitative information on sodium labeling.

FDA is aware that there is continuing congressional interest in the sodium issue. The agency's position on this matter is that legislation mandating sodium labeling of all processed foods does not appear necessary at this time because of the voluntary cooperation being demonstrated by food manufacturing companies.

Manufacturers are now providing quantitative information about sodium for about 30 percent of the dollar volume of food sales regulated by FDA and have provided the agency with commitments to do more. Therefore the number of foods bearing quantitative information of sodium is expected to rise dramatically between now and the date this final rule becomes effective. The possibility to pursue legislation is available to the agency, and FDA would consider recommending legislation of the kinds discussed in the comments if the voluntary program proves unsatisfactory.

4. A few industry comments asserted that there was no great consumer interest in having sodium labeling. To support this contention they cited data from the "FDA 1978 Consumer Food Labeling Survey" (Ref. 1). These comments further contended that the record failed to show that any public interest in sodium labeling stems from concern about the scientific issues used as a basis for FDA's proposal, i.e., the relationship between sodium intake and hypertension.

FDA does not find these arguments persuasive. Over 80 percent of the comments received in response to the sodium labeling proposal were from individual consumers. These consumer comments were almost unanimous in either supporting the agency's sodium initiatives or in calling upon FDA to do more in bringing about increased sodium labeling and a reduction of sodium in processed foods. Many of these comments cited personal or family health problems as the basis of their support or interest. Several comments discussed the difficulties they had encountered in adhering to medically prescribed diets restricting sodium intake because of the lack of sodium content information on processed foods or because of the absence of alternative food items containing less sodium. Other comments expressed a view that consumers have a "right to know" the composition, especially the sodium content, of processed foods they are consuming.

FDA's 1978 consumer survey revealed that salt was second only to sugar as a food ingredient consumers sought to avoid. However, these surveys focus on a number of different issues, and generally have not concentrated on sodium-related issues. Since the publication of the sodium labeling proposal, FDA in conjunction with the National Heart, Lung, and Blood Institute (NHLBI), funded a 1982 consumer survey that concentrated heavily on sodium, salt, and hypertension issues (Ref. 2). The survey questionnaires, which were developed in close collaboration with NHLBI, asked consumers about salt consumption habits, use of label information, and problems encountered in trying to reduce sodium consumption, and were designed to generate comprehensive baseline data against which future surveys can be measured. The survey consisted of a 40 minute telephone interview to a national probability sample of 4,000 households.

Data from the 1982 survey reveal that nearly two-thirds of consumers have some degree of concern about their

sodium consumption and almost half are trying to reduce it. Nearly three times more consumers reported using food label information to avoid or to limit consumption of salt than did so in 1978. Over half of the population is aware of publicity concerning sodium and hypertension. These findings represent dramatic changes in public awareness over a relatively short time period and further refute the comments' contention that the public is not concerned about sodium labeling.

Sodium in Nutrition Labeling

5. Food manufacturers and various trade organizations argued that the proposed inclusion of sodium content as mandatory information in nutrition labeling was not in keeping with the concept of a voluntary program. They argued that nutrition labeling was mandatory for certain products because of State and Federal laws governing fortification and nutrition claims. Therefore, FDA's sodium labeling program discriminates unfairly against those food classes for which nutrition labeling is mandatory. Food manufacturers urged that nutrition labeling not trigger sodium content declaration. These comments suggested that this is the only way the program could be considered a truly voluntary program and could be fair to all food manufacturers.

The agency recognizes that nutrition labeling and thus sodium content labeling is required for certain classes of food. Nonetheless, the purpose of nutrition labeling is to provide consumers with information at the point of purchase and use to compare products, to evaluate nutritional claims that have been made for a product, and to prepare a nutritious diet. Sodium content is important information for the consumer to have in order to compare food products, and total sodium intake is a critical factor in selecting a nutritious diet even for persons who do not currently suffer from hypertension. The agency remains convinced that the mandatory inclusion of sodium content declarations in nutrition labeling is a logical and proper extension of the concept of nutrition labeling and that nutrition labeling that did not contain sodium information would present an incomplete nutritional picture to the consumer. Finally, FDA does not believe that the inclusion of sodium content information will pose any significant hardship on those manufacturers who now use nutrition labeling.

6. Some comments argued that nutrition labeling will decrease if sodium is added as a required part of the format.

The agency does not agree. Sodium content for most foods is easily and inexpensively measured. Further, FDA surveys demonstrate that nutrition labeling is a commonly accepted market practice. Currently, more than 40 percent of the dollar volume of food regulated by FDA bears such nutrition labeling and the consumer demand for sodium information is increasing. In the face of these data, FDA is not persuaded that the number of foods providing nutrition labeling will decline significantly, if at all.

Health Issues

In this section, FDA is responding to one comment filed in response to the GRAS Notice on salt, because that comment also bears on the agency's sodium labeling program. The agency will respond by letter to the other comments on the GRAS Notice which do not address these regulations.

7. One comment from a consumer group argued that FDA's decision to defer any change in the regulatory status of sodium chloride constitutes an unreasonable delay in violation of section 706(1) of the Administrative Procedure Act, 5 U.S.C. 551 *et seq.*

FDA does not find this argument persuasive, for a number of reasons. First, the agency voluntarily undertook the GRAS Review to provide a regulatory mechanism for keeping GRAS determinations current with evolving scientific knowledge and methodology. The GRAS regulations do not compel the agency to take any specific action in response to a petition requesting that a substance be removed from GRAS status and classified as a food additive (21 CFR 170.38(b)(1)). Neither 21 CFR 170.38(b)(1) nor 21 CFR 170.30(f), which generally describes the scope of the GRAS review, requires the agency to take action on a particular substance at a particular time. Thus, in deciding to take no further regulatory action on the GRAS status at this time, FDA acted consistently with all applicable regulations.

FDA fully explained its reasons for deferring any action on the GRAS status of salt in the GRAS Notice (47 FR 26950). Among those reasons were important practical considerations that would affect the impact of any efforts by the agency to regulate salt as a food additive. As the agency pointed out, because a person's sodium intake depends on his/her total diet and not on the salt content of any individual food, and because the sodium sensitivity of hypertensive patients varies, "setting some upper level on the amount of salt that can safely be used in a particular food is almost impossible" (47 FR 26593).

Moreover, the existence of prior sanctions for many uses of salt would severely limit the practical effect of regulating salt as a food additive. In light of these factors, the agency determined that restriction of sodium usage in individual foods was not an appropriate regulatory approach.

Although electing not to change the status of salt from GRAS to a food additive, FDA has taken numerous other steps to respond to concerns about the health impact of sodium consumption. These include this sodium labeling regulation which clarifies and standardizes labeling claims concerning sodium content and requires quantitative sodium content labeling in certain circumstances. Another step is FDA's efforts to promote voluntary action by food manufacturers to reduce the sodium content of processed foods and to increase the information concerning the sodium content of such foods provided to consumers on product labels. Coupled with these efforts has been FDA's educational campaign to increase consumer awareness of the relationship between sodium, hypertension, and good health—thereby helping consumers make the most effective use of sodium content labeling—and encouraging a reduction in salt use at home. As these FDA initiatives demonstrate, this is not a case of administrative failure to act or unreasonable delay in violation of 5 U.S.C. 706(1), but rather of an agency's decision to adopt a regulatory approach to an acknowledged public health problem different from the one the commenter would prefer.

8. Several comments noted that there is still debate within the scientific community about whether it is beneficial to the general population to reduce its overall sodium consumption. According to these comments the scientific evidence does not demonstrate that moderate reductions in sodium intake have any ameliorating effects on blood pressure or on the incidence of hypertension. The comments added that, to be beneficial, a dietary restriction of sodium must be fairly drastic because there is no scientific evidence to demonstrate that a moderate reduction in sodium intake is effective in reducing blood pressure in hypertensive patients. Finally, one comment contended that FDA ought not to direct the sodium labeling program at the general population because no more than 30 percent of that population is subject to the development of hypertension, and less than 50 percent of the hypertensive population benefits from sodium restriction.

The agency recognizes that, as with any scientific issue, there are some experts who do not support the prevalent scientific consensus. FDA believes, however, that the great weight of the evidence strongly supports the prevailing consensus that it would be prudent for the general population to reduce sodium consumption whenever possible.

In the preamble to the proposed regulations FDA noted that several nationally recognized medical and scientific professional organizations support this position. These groups include the American Medical Association, NHLBI, the National Academy of Sciences/National Research Council (NAS/NRC), the Federation of American Societies for Experimental Biology (FASEB), the Department of Health and Human Services (DHHS), and the U.S. Department of Agriculture (USDA). In comments submitted in response to the proposal several other professional organizations also expressed their support for encouraging all Americans to reduce their sodium intake. These latter groups include national organizations such as the American Heart Association, the American Public Health Association, the American Dietetic Association, and the American College of Cardiology as well as many State and local health-related organizations and agencies.

It is FDA's position that significant benefits are likely to be derived by the general population by moderating sodium intakes, and no convincing evidence has been presented to demonstrate that a moderate but significant reduction of sodium intake would have any adverse health effects.

There are several studies that suggest that moderate reductions in sodium intake are effective in reducing blood pressure in hypertensive patients (Refs. 3, 4, and 5). These studies indicate that moderate restrictions of sodium reduce blood pressure in many persons having mild hypertension and may do so for some persons with moderate and severe hypertension.

Better dietary control for hypertensives who respond to sodium restriction could help reduce their health care costs and thereby benefit the public health generally as well as those persons specifically. FDA is aware of ongoing studies that are designed to demonstrate whether similar moderation of sodium intake by normotensive persons would help prevent the progressive rise of blood pressure with age that is generally observed in the United States. The agency recognizes that persons who

have severe hypertension usually need drug therapy as well as significant reductions of sodium intake, both of which should be carefully monitored by a physician. There is considerable evidence that sodium restriction, even of a moderate degree, is a useful adjunct therapy to drug treatment. It must be stressed, however, that FDA is in no way advocating self-treatment of hypertension.

FDA does not dispute the fact that many people may not need to restrict their intake of sodium. The agency also recognizes that there is debate about the exact percentage of the population that is considered "sodium sensitive." However, all of the percentage estimates being discussed represent very significant portions of the U.S. population. Even if only 10 to 15 percent of the U.S. population is subject to the development of sodium sensitive hypertension, this represents about 23-35 million people. Further, it is difficult to identify those in the population who should reduce their sodium consumption. If incidence rates remain at current levels, about 65 percent of all U.S. citizens will have developed definite or borderline high blood pressure by the time they are 65 to 74 years of age (Ref. 6). Therefore, the agency remains convinced that the public in general will benefit from a reduction in sodium intake even though some persons do not presently require it.

9. A few comments argued that, even though it is unlikely that any direct harmful effects would result from a mass intervention program centered around one nutrient, there may be some indirect negative effects. According to these comments, other factors such as potassium, calcium, phosphorus, magnesium, fat, age, body conditioning, and obesity may also be involved in the etiology of hypertension, and, by focusing on sodium, FDA is placing undue importance on just one of these factors. Some comments stated that such emphasis on sodium could mislead consumers about the importance of sodium in the food supply. Other comments stated that undue emphasis on sodium could lull consumers into a false sense of security by implying that consumers might avoid hypertensive disease by simply restricting their daily intake of sodium. Other comments argued that, by emphasizing the negative health effects of sodium, the program may lead consumers to avoid very nutritious food products solely on the basis of their sodium content and thereby create unnecessary nutrient imbalances.

The agency recognizes that there are additional factors that may be involved

in the pathogenesis of hypertension. Exercise and weight reduction of obese patients have often been stressed in the agency's public education campaign as important factors in the treatment of hypertension. Caloric value, fat, and calcium content are already required information in nutrition labeling (21 CFR 101.9).

FDA agrees that more research needs to be done to define the role of sodium in hypertension and encourages investigative work that tests hypotheses about additional nutrients and their influence upon hypertension. FDA maintains an ongoing interest in both basic and applied cardiovascular research into the pathogenesis and therapy of hypertension. As this research clarifies the role of other nutrients relative to hypertension, the agency will consider the necessity for other initiatives to address this public health problem.

FDA advises that the final rule provides for the voluntary inclusion of potassium content labeling within the format of the nutrition label. FDA will continue to monitor the potassium content of the food supply through the agency's total diet study (Ref. 7). If further research should indicate that a significant public health problem is associated with potassium consumption or if the potassium content of the food supply should increase to potentially harmful levels as a result of the reduction of sodium in processed foods, the agency will consider the need for additional potassium initiatives. Similarly, FDA is monitoring the calcium, magnesium, and phosphorus content of the food supply. FDA has established U.S. recommended daily allowances (U.S. RDA's) for these latter minerals. Current nutrition labeling regulations provide guidelines for listing them.

The agency does not agree with those comments that contend that the program initiated by FDA will mislead consumers about the health implications of sodium. The labeling initiative is just one aspect of a program addressing a number of critical areas of concern for those suffering from hypertension or susceptible to the development of hypertension. FDA is working with industry, professional associations, consumer groups, and other health-related Federal agencies to increase consumer awareness of the problems associated with hypertension and to help consumers make the most effective use of sodium labeling. The agency's public education campaign points out the role of the physician in the diagnosis and treatment of high blood pressure.

FDA is encouraging industry to reduce voluntarily the amount of sodium added to processed foods and to market a greater variety of foods that are lower in sodium. FDA believes that the concept of nutrition labeling, coupled with an active public education effort, gives the consumer the necessary information to make judicious food selections on the basis of nutrient content.

10. A few comments expressed concern that efforts to encourage the general population to moderate their intake of sodium would lead to medical problems for certain segments of the population. These comments urged that FDA make it clear that pregnant women and persons living in tropical or subtropical environments or persons engaged in physically strenuous occupations need not necessarily moderate their intake of sodium, because such groups have an increased need for sodium in the diet.

The agency is aware of the increased requirements for sodium during the first months of pregnancy. NAS/NRC has estimated the average need to be 3 milliequivalents (mEq) or 69 mg of sodium per day above the needs of nonpregnant individuals (Ref. 8). NAS/NRC also states that the extra needs imposed by pregnancy are more than adequately provided by the current dietary intake, in the absence of other stress. The agency does not consider the increased requirement for sodium during pregnancy to be a problem even for women who seek to moderate their daily intake of sodium. However, the general advisory to moderate sodium intake would not be applicable for pregnant women on extremely restricted diets. These cases are very rare and such women should be under a physician's care for the problems necessitating the restricted diet.

The agency acknowledges that there also is a concern for unacclimatized individuals performing heavy work in hot environments. However, these individuals constitute only a small segment of the population in hot environments and the need for increased levels of sodium is transient and usually disappears in 1 to 2 weeks as a result of the physiological adjustment to the new environment. Nevertheless, moderation of sodium intake may not be advisable for persons when initially engaging in the performance of heavy work in hot environments. FDA believes that it would be inappropriate to extend this exclusion to all individuals residing in tropical and subtropical environments.

11. One comment expressed concern that FDA's sodium initiatives could result in the levels of sodium and

chloride being reduced or eliminated in some baby foods, thus having the same kind of disastrous effect that occurred when insufficient chloride was added to an infant formula. The comment recommended that for processed foods for which the sodium or chloride content falls below an expected normal range, the label of the food bear sodium and chloride content declarations as well as cautionary labeling that supplemental sodium or chloride may be necessary to provide a balanced diet.

FDA advises that the cases of infant illness referred to by the comment were associated with prolonged exclusive use of a chloride-deficient soy-based infant formula. The Infant Formula Act of 1980 requires that an appropriate amount of sodium and chloride be present in infant formula to ensure that the formula meets the requirements for these nutrients. Any formula marketed containing less than the specified levels would be considered adulterated. Therefore, the issue is limited to infant foods other than infant formula. It is the agency's opinion that the endogenous sodium and chloride levels in prepared foods for infants are sufficient to meet the nutritional needs of an infant on a well-balanced diet. Therefore, the agency concludes that the commenter's fear is unfounded and that the recommended cautionary labeling is unwarranted.

Economic Impact

12. A few comments stated that the proposed rule was "not supported by an appropriate economic impact analysis." One comment specifically contended that the estimated first year cost of \$14.7 million and the annual recurring cost of \$0.5 million for compliance with the regulations were underestimated. The comment questioned basing the aggregate initial cost estimate of \$43.5 million to \$48.3 million on the assumption that only one graphic redesign and a single process color film would be required to implement the necessary changes in the nutrition label of a single product.

FDA continues to believe that the basis for its cost estimates (i.e., the Arthur D. Little study) is sound. The agency made two key adjustments to the original cost estimates provided by the Arthur D. Little Co. to reflect more realistic assumptions concerning both the number of firms and labels actually affected by the regulations as well as the likelihood of manufacturers using methods other than direct chemical testing to arrive at a quantitative label declaration of sodium content. FDA believes that, with these adjustments to the original cost estimates, the revised projected estimates realistically portray

the compliance costs of the regulations. The accuracy of the projected cost estimates is dependent upon, and sensitive to, the estimates of the number of firms and products that would require label changes in order to comply. None of the comments provided more reliable estimates of the number of firms and products that would require label changes than those projected in the threshold assessment accompanying the proposal.

Furthermore, FDA does not believe that most food manufacturers would choose to highlight sodium content by the use of another color on a food label. Such an action on the part of a food manufacturer would presumably be done for marketing reasons and would not be considered a compliance cost.

FDA does not agree with the contention that the annual recurring compliance cost (including ongoing costs related to quality control) has been underestimated. An explicit assumption of 2.5 percent of products needing retesting and relabeling per year was made, yielding the \$0.5 million figure for recurring annual cost. In fact, this cost of retesting and relabeling could be minimized if food manufacturers choose judiciously in selecting a sodium content value for the product label. This would take into account batch-to-batch variations and changes in background sodium levels which may occur either over time or from different sources of raw materials.

In summary, the agency concludes that the regulations are supported by an appropriate economic impact analysis of compliance costs, and that these costs have not been underestimated.

13. One comment contended that the hourly figure of \$13 estimated for recurrent legal/labor cost necessary to ensure accurate label changes and regulatory compliance was unrealistic.

The comment has misunderstood the significance of this estimated figure. The hourly figure of \$13 actually represents an estimate of the technical labor cost of performing recurring sodium analyses to ensure compliance. Confusion apparently resulted from placing this figure under a "technical/legal" labor category.

The current technical labor cost is closer to \$17.50 per hour. However, the agency maintains that even a substantial increase of some of the estimated labor costs in the Arthur D. Little study would exert a relatively insignificant impact on estimates of the overall compliance costs of the regulations.

As discussed elsewhere in this document, the agency believes that the

\$14.7 million estimated first year cost is realistic.

14. The same comment objected to the cost figures of \$14.60 and \$7.85 which represent estimated initial and recurring composite labor costs, respectively, to affect product label changes because the comment felt that these figures were too low.

The comment may have misinterpreted the significance of these estimated labor costs. These figures represent costs per stockkeeping unit (SKU) and not costs for each affected product. SKU's represent the number of individual food labels affected. Each SKU has a distinct label. A product may have more than one SKU. For example, the number of distinct ice cream products affected by the regulation as projected by the Arthur D. Little study is 720. This corresponds to a figure of 1,896 SKU's.

15. One comment suggested that the estimated compliance costs do not include any costs for altering marketing programs, changing advertisements, and creating new product labels should a manufacturer decide to omit nutrition labeling altogether.

FDA does not consider costs to alter marketing programs or to change advertisements to be legitimate compliance costs. Marketing programs and advertisements are changed regularly as a natural course of business.

The agency also disagrees that the cost impact analysis did not consider the cost of altering labels to omit use of nutrition labeling. New labels would have to be created for all manufacturers who currently provide nutrition labeling regardless of whether the manufacturer is omitting nutrition labeling or changing it to include sodium information. In fact, the costs would have been over estimated in the former case because initial and recurrent costs related to sodium content declaration would not be applicable to those manufacturers who chose to omit nutrition labeling information from the product label.

Descriptors

In the proposal, FDA defined four sodium-related descriptors to be used on food labels; i.e., "sodium-free," "low-sodium," "moderately low sodium," and "reduced sodium." For the reasons discussed below, the agency is retaining the definitions for "sodium-free" and "reduced sodium," but is revising the other descriptors as follows: (1) The term "moderately low sodium," is deleted, (2) foods containing 140 mg of sodium or less per serving, previously designated as moderately low sodium, may be labeled as "low sodium," and (3)

foods containing 35 mg of sodium or less per serving, previously designated as "low sodium," may be labeled as "very low sodium."

16. One comment suggested that the descriptive labeling portions of the proposal represented an unwarranted intrusion on the rights of "free commercial speech as guaranteed by the Constitution and upheld repeatedly by the U.S. Supreme Court." Although the first amendment does encompass the right to advertise, and to receive information, that amendment does not permit advertising that is itself illegal. The constitution does not protect advertisements that are false and misleading in any way. In the leading case on the commercial speech issue, the Supreme Court noted that "[u]ntruthful speech, commercial or otherwise, has never been protected for its own sake." *Virginia State Board of Pharmacy v. Virginia Citizens Consumer Council, Inc.*, 425 U.S. 748, 771 (1976); *Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 340 (1974). The commercial speech need not be "probably false, or even wholly false, but only deceptive or misleading" to lose its first amendment protection. *Virginia Citizen Consumers Council, Inc.*, supra, 425 U.S. at 771.

Moreover, FDA is not attempting to abridge manufacturers' rights to present truthful and nonmisleading information on their products' labels by establishing definitions for the various descriptors. Under the act, the Secretary has the responsibility and authority to promulgate regulations for the efficient enforcement of the statute (21 U.S.C. 371 (a)). FDA believes that consumers may be misled about the level of sodium contained in a food, or about the value of a food in a sodium moderated or restricted diet, unless these final rules define and set uniform criteria for the use of each descriptor. Thus, these regulations do not represent an unwarranted intrusion on manufacturers' rights to promote their products, but fall within the agency's statutory authority to prevent false and misleading labeling practices.

17. Many comments addressed some aspect of the use of the proposed descriptors on food labels. Some supported the concept as a means of providing consumers with a mechanism for rapid recognition of foods useful in reduced sodium diets. Some comments objected to any use of descriptors and suggested their deletion. Reasons for recommending deletion included the belief that quantitative labeling would eliminate any need for descriptors and the belief that descriptors would not be understood by consumers unless they are defined on the label. A few

comments also expressed concern that FDA intended to require all foods to bear descriptor labeling.

There are a number of foods currently on the market that bear qualitative sodium claims such as "low sodium" or "reduced sodium." However, there is no consistent standard by which all these claims can be evaluated. Manufacturers are currently using various sodium claims for their products. FDA believes that consumers are likely to be confused or misled unless all manufacturers are required to apply the same standards to descriptors and unless these standards are based on a reasonable nutrition rationale. By this regulation, FDA is standardizing the definitions for these descriptors. The agency is not requiring manufacturers to use the defined descriptors, but those who choose to do so must use them in a manner consistent with the established definitions. This will help to ensure that consumers are provided uniform and nonmisleading point-of-purchase sodium information.

FDA does not agree that the use of descriptors should be prohibited or that quantitative labeling eliminates the need for descriptors. Although it may be true that the use of quantitative sodium labeling can be sufficient in some instances, truthful and nonmisleading descriptors are useful and desirable for highlighting products, particularly when quantitative information does not appear on the principal display panel. Indeed, many consumers commenting on the proposal indicated a desire for readily recognizable, easily understood descriptor labeling that expresses relative sodium content. In the 1982 FDA consumer survey, 93 percent of the respondents who reported concern about sodium intake wanted descriptor labeling in addition to quantitative content. Many reported difficulty in understanding quantitative terms (Ref. 2). FDA believes that the definitions established by this final rule will respond to these concerns—the descriptors are simple terms that are easily understood and that will not mislead the consumer.

FDA does not agree that the descriptors need to be defined on the label, because they are primarily designed to attract consumer attention to the product's sodium content. Consumers who are on a sodium restricted diet because of health problems or who want to reduce their sodium intake for general health reasons will still need to refer to the quantitative information that must also be provided on the label.

18. Consumers who commented on the use of descriptors generally supported

the proposed terms and definitions. A few, however, contended that the proposal included too many terms, and that the number of different terms would cause consumer confusion.

FDA recognizes that use of too many similar sounding terms could be confusing and has thus defined only four descriptors in the proposal and in the final regulation. The agency believes that these four terms provide the kinds of sodium information that are most helpful and important to consumers. That is, the descriptors highlight foods that may be useful in moderating sodium intake at a variety of levels or those that may serve as replacements for traditional foods which contain more sodium than the consumer wishes to ingest.

FDA recognizes that a number of descriptive terms, including "low sodium," "sodium free," and "reduced sodium," are currently used in food labeling. By defining some of the most commonly used terms, FDA hopes to ensure greater consistency in their usage and to diminish consumer confusion. FDA believes that manufacturers will want to provide consumers with meaningful and useful information regarding sodium content, and that they can do so most effectively by using the defined descriptors instead of ambiguous, undefined terms.

19. A few comments asked that additional terms, such as "high" and "moderate" or "medium" sodium be defined. One comment also requested that FDA require foods containing greater than 500 mg sodium per serving to bear nutrition labeling to alert consumers to both the sodium content and the fat content as potential health risks, although the comment did not explain the rationale for linking a sodium content of 500 mg or above with a presumed high fat content.

In the preamble to the proposal, the agency explained its rationale for not defining "high sodium" or similar terms. Because there is no general scientific agreement on what "high sodium" is, the agency cannot justify requiring such labeling.

The proposal requested that persons interested in developing definitions for those terms submit their rationale and supporting data for consideration. No new data were submitted, thus the agency is still unable to justify establishing definitions for such terms. In addition, the use of the descriptors established and defined by this final rule is voluntary. FDA considers it highly unlikely that manufacturers would use descriptors such as "high sodium" voluntarily, even if FDA provided definitions. Because FDA

cannot satisfactorily define "high sodium" food, or similar terms, it is also unable to justify a requirement that nutrition labeling be provided for foods containing sodium above a specified level. No evidence was presented to indicate that foods that contain sodium above a given level (e.g., 500 mg) contain other nutrients, such as fat, at levels specifically presenting an additional health concern.

20. One comment requested clarification about what determines whether a food "purports to be or is represented as a food for special dietary use" within the meaning of § 105.69 (21 CFR 105.69).

The regulation defines the term "special dietary use" as applied to food for humans as meaning a use for supplying a particular dietary need (21 CFR 105.3(a)(1)). A food "purports to be or is represented as a food for special dietary use" when claims made on the label or in labeling indicate or suggest that a particular food item is useful in satisfying such a dietary need. Because it is not practicable to list all such claims, determinations of whether a label statement constitutes a claim for special dietary usefulness often must be made on a case-by-case basis.

The agency considers sodium and salt claims as representations for special dietary usefulness. Therefore, foods bearing such claims are subject to the labeling provisions of § 105.69. However, FDA has made an exception in the case of the descriptors defined in this regulation because the agency does not believe that the only usefulness of the descriptors is on the labeling of foods for special dietary use. As stated in the preamble to the proposal, FDA believes that its sodium labeling initiatives will be valuable for the general population, not just those persons who are choosing a food that will be useful in helping them follow a sodium-restricted diet. Accordingly, the descriptors defined in this regulation are set forth in § 101.13 (21 CFR 101.13) rather than § 105.69.

From a practical point of view, whether or not a food is categorized as being for special dietary use is not relevant to determining when quantitative sodium labeling is required. In either instance, quantitative sodium information is required when nutrition labeling is provided or when the defined descriptors are used or when other sodium or salt claims are made.

21. One comment that opposed the use of descriptors suggested that, instead of descriptors, manufacturers be permitted to use a label statement comparing the product's sodium content with that of a "regular" product as listed in USDA Handbook 8 or in similar sources.

FDA advises that most of the descriptors defined in the regulation are already in use in the marketplace. FDA is defining them to promote consistency in their usage and to help reduce consumer confusion. Comparative statements such as those suggested by the comment are not appropriate for all products because not all products with low levels of sodium have higher sodium counterparts that may be used as a basis for comparison. Thus, the agency has intentionally provided for the use of defined descriptors as well as for comparative claims because both approaches help the consumer to identify the relative usefulness of particular foods in reducing sodium intake.

22. A few comments contended that the numerical levels proposed for the descriptors were arbitrary because there were no supportive data to justify them. The comments further argued that numerical levels could not be established for descriptors that would be useful to both the general population and the hypertensive patient. These comments expressed concern that, if the numerical levels were established at too low a level, foods that qualified for these descriptors would not have taste appeal to the general population. On the other hand, if the numerical levels were set too high, foods so labeled might not be suitable for persons on sodium restricted diets.

FDA advises that, although other sodium levels could have been selected for each descriptor, the levels that were chosen were appropriate and had a logical and rational basis. The rationale for the selections is discussed in the preamble to the proposal and in this document.

The agency also recognizes that some products specifically formulated to be low in sodium may not be acceptably palatable to some of the general population. Even patients who must reduce their sodium intake may have difficulties adjusting to the flavor of such foods. However, the comments on the proposal demonstrate that there is a demand for such products by those who, because of specific health problems or general health concerns, want to reduce their sodium intake. Several comments noted that the desire for a "salty" taste diminished after a period of time on a low sodium diet. Also, the 1982 FDA consumer survey revealed that approximately half of all respondents reported buying low sodium type products at least once and 13 percent reported buying them regularly (Ref. 2). Thus, there are indications that those motivated to reduce sodium intake can

and do become accustomed to and develop a preference for foods with less sodium. Other comments suggested alternatives to adding salt that would result in flavorful foods and argued that everyone should be able to decide whether to add salt. Thus, the agency is convinced that the resourcefulness of manufacturers and consumers in seeking alternatives will eventually lead to a better selection of low and reduced sodium products acceptable to the general population as well as those with specific health concerns. In some instances, manufacturers may be able to reduce sodium content gradually to accommodate changes in taste perception by consumers.

23. One comment asked whether the NAS/NRC report, which classified dietary sodium restrictions into the four categories mild, moderate, severe, and extreme was used as a basis for developing the definitions for the proposed descriptors. If so, the comment contended that the apparent parallel between the descriptors and the NAS/NRC classifications was inappropriate because the NAS/NRC classifications were devised to facilitate communications among health professionals, rather than to assist consumers. The comment further asserted that those few persons in need of severe sodium restrictions need more assistance in making appropriate and nutritious food choices that is available from nutrition labeling and that nutrition labeling cannot replace the need for nutrition counseling.

In determining definitions for descriptors, the agency did take into consideration the dietary classification system established by NAS/NRC. However, that classification system was not the sole criterion used. The agency also considered a broad range of other factors, including other classification systems such as the Joint Food and Agriculture Organization/World Health Organization (FAO/WHO) Codex Alimentarius Commission (Codex), Canadian regulations, USDA policies, current labeling trends in the marketplace, consumer demands for more definitive sodium labeling, health issues related to sodium consumption, and the labeling needs of the general population as well as those on sodium restricted diets. FDA does not intend the descriptors to obviate the need for professional dietary counseling, but hopes that they will assist medical professionals in identifying for patients those foods that are appropriate for prescribed dietary needs. Both consumers and health professionals commented that distinctive descriptors

such as those proposed would be useful in the management of medically prescribed dietary sodium restrictions.

24. One comment objected that the agency proposed definitions for the descriptors, contending that the agency did not give sufficient consideration to the fact that some foods could not be reformulated to meet the definitions.

It was not FDA's intent to provide definitions that would allow the descriptors to be used on all foods, nor does the agency expect all foods to be reformulated to reduce sodium content. In fact, many foods currently on the market may bear descriptor labeling without any reformulation. Consumers can continue to purchase and enjoy foods that do not meet the criteria established for descriptor labeling. However, should they choose to lower their sodium intake, they can now do so by choosing foods identified by descriptors as having a low or reduced sodium content, while continuing to select other foods containing more sodium. Likewise, consumers on restricted diets will be able more easily to select suitable foods to fit into their diets. Furthermore, those foods that are reformulated to reduce sodium content but that are unable to meet the definitional criteria for descriptors may be able to bear a statement comparing the reformulated product to the food it is intended to replace. Elsewhere in this document, the agency announces its policy on the use of comparative statements, which has been modified somewhat from that set forth in the proposal.

25. One comment suggested that descriptors should apply to the sodium content of a food "as purchased." However, the comment also argued that, if the directions for preparation of the food require that the consumer add salt so that the sodium content of the product "as served" exceeds the descriptor definition, it would be inappropriate to use the descriptor.

The descriptors apply to foods as purchased. However, the agency advises manufacturers that the use of the descriptor on foods whose directions for preparation call for the addition of salt in a quantity such that the sodium content of the product "as served" exceeds the descriptor definition, would be misleading even though the food "as packaged" might be eligible to use the descriptor. The agency urges manufacturers to modify home preparation directions to indicate, where possible, that salt addition is optional.

26. Several comments raised objections to the agency's policy expressed in the proposal regarding

placement of descriptors on the food label adjacent to or otherwise apart from the statement of identity. These comments contended that this policy was unnecessarily restrictive and of no benefit to consumers.

The agency agrees that additional clarification of its policy may be necessary, but believes that the policy ought to be retained, because it can be of great benefit to consumers if it is presented in clear terms. The purpose of delineating a policy governing placement of descriptors is to avoid the use of these descriptors on food labels in a misleading manner.

The agency has modified its policy regarding the placement of descriptors on the label in certain cases. The agency continues to believe that if a food meets the requirements of a particular descriptor such as "low sodium", does not contain any added sodium, and is low in sodium as ordinarily grown or processed, it is misleading to use the descriptor immediately preceding the statement of identity because it would imply that the food is lower in sodium content than identical foods that are not similarly labeled. For example, the label of a food bearing the statement "low sodium applesauce" would be misleading because it implies that this particular applesauce is different than regular applesauce in that it has less sodium, when, in fact, all applesauce is naturally low in sodium.

However, the agency agrees with the comment that use of the defined descriptors adjacent to or as part of the statement of identity is not in all cases misleading. For example, foods that are fabricated or specially processed to reduce sodium content in a manner that does not alter the basic nature of the food may be properly identified using the descriptor as part of the statement of identity. For example, a product labeled "low sodium tomato soup" or "low sodium peanuts" would not be considered misleading if the soup or the peanuts had been specially prepared with less sodium than the ordinary product and its basic nature remained unchanged.

However, if the fabrication or processing used to lower the sodium content of the food also changed the basic nature of the food (i.e., significant changes in taste or other technical effect), additional labeling may be necessary to inform consumers of these differences.

This approach is not appropriate for a standardized food. Standardized foods that require a given amount of salt or another sodium-containing compound cannot qualify for a descriptor and still

meet the standard. Manipulation of the sodium content for many standardized foods that permit salt as an optional ingredient may alter the basic nature of the food to the extent that it no longer can be marketed as the standardized food. Therefore, use of the descriptor in conjunction with the standardized name for the food would be inappropriate because it does not convey in all respects how it is different from the standardized food.

Sodium Free

27. Several comments expressed general support for the "sodium free" descriptor. A few, however, suggested that higher levels should be used for defining the descriptor, e.g., 10 mg or 25 mg per serving, contending that these levels are also dietetically insignificant.

The agency has traditionally considered that 10 mg or less of sodium per serving is dietetically insignificant for everyone except individuals on severe sodium restriction. FDA also recognizes that even 25 mg of sodium per serving may be considered insignificant for a healthy normotensive person. However, as pointed out in the preamble to the proposal, to avoid creating misconceptions about the meaning of the term "sodium free," FDA has purposely selected a value well below the level of dietetic significance. Accordingly, the agency has not altered the definition.

28. Some comments requested deletion of the term "sodium free" on the ground that it is inaccurate because very few foods are truly sodium free and the descriptor would thus be confusing to consumers. These comments also stated that, by permitting a quantitative declaration of sodium to the nearest 5 mg, it is possible for a food to be labeled "sodium free" and to declare 5 mg sodium per serving in the accompanying quantitative label declaration.

FDA acknowledged in the proposal that there probably are no truly "sodium free" foods because almost all foods contain at least a minute amount of sodium that can be detected by current analytical methodologies. Sodium can be analytically detected and quantified in concentrations of a few parts per million or less. Moreover, even though one may interpret the term to mean that no sodium can be analytically detected in the food, there is natural variability in the sodium content of foods and it is not always possible to assure with analytical certainty that a product contains no sodium. From a practical dietary standpoint, some foods may be considered "sodium free" because they contain a trivial amount of sodium per serving, compared to the total dietary

intake for any particular individual. FDA continues to believe that this descriptor can have particular value to those in the population who want to or who must significantly reduce their sodium intake. Respondents to the 1982 FDA consumer survey reported that "sodium free" was one of the most useful descriptors (Ref. 2). Further, the term "sodium free" is currently used in the marketplace and deserves definition to ensure consistency of usage.

The proposal would have allowed any food containing 5 mg or less sodium per serving to bear the declaration "sodium free." Because quantitative declarations were to be expressed to the nearest 5 mg increment, some "sodium free" foods would have borne a 5 mg quantitative declaration. The agency concurs with those comments that argued that a quantitative declaration other than zero for sodium free foods could be confusing to consumers. Therefore, FDA has modified § 101.13(a)(1) of this final rule to state that the criterion for the "sodium free" declaration is that a product contain less than 5 mg of sodium per serving, and that foods meeting this criterion may declare the sodium content as zero. Foods containing 5 to 35 mg sodium per serving may bear the descriptor "very low sodium" as discussed elsewhere in this document. When this descriptor is used, sodium content must be declared to the nearest 5 mg increment.

29. One comment suggested that, in addition to containing less than 5 mg sodium per serving, a "sodium free" food with a small serving size be required to meet an additional criterion of less than 10 mg sodium per 100 grams (g) of food product. Ten mg sodium per 100 grams of food is the criterion traditionally applied to salt substitutes.

FDA considered but rejected the suggestion for an additional criterion of 10 mg or less sodium per 100 g. Even though 5 mg per serving represents a higher percentage of sodium content for foods normally consumed in very small amounts, such as condiments, such foods do not generally contribute significantly to the total daily intake of sodium for most people.

30. A few comments suggested that the term "sodium free" be deleted because it could easily be confused with "salt free."

The agency is also concerned that consumers may confuse "sodium free" and "salt free." Foods that have no added salt may have significantly amounts of sodium because they contain other sodium-containing ingredients or endogenous sodium. For this reason, FDA advised in the preamble to the proposal that the labels of foods

identified as "salt free" should meet the test for "sodium free" in order to avoid being considered false or misleading. The agency is reiterating this policy in this document.

Low/Very Low Sodium

This section will specifically deal with those comments addressing the "low sodium" descriptor set forth in the proposal. For the reasons discussed below, FDA is changing this descriptor to "very low sodium" but is retaining the criterion of 35 mg or less sodium per serving.

31. Comments generally supported the concept of a "low sodium" descriptor, although a few argued for deletion of the term. Some comments suggested that the term "very low sodium" be substituted for "low sodium" at the proposed 35 mg level, because foods containing the proposed level of sodium to qualify for a "low sodium" descriptor are not important in the diet of the general public who have no need for significant restrictions of sodium.

In preparing the proposal, FDA considered using the terms "low sodium" and "very low sodium" as suggested by the comments. After reviewing the comments on this issue, including suggested changes in numerical levels for defining descriptors, FDA has modified § 101.13(a)(2) of the final rule to define "very low sodium" foods as those containing no more than 35 mg per serving. FDA agrees with those comments that stated that the term "low sodium" as defined in the proposal is too restrictive to be of use to the general population who want only to moderate their intake of sodium. FDA agrees that foods containing 35 mg or less of sodium per serving, although appropriate for any diet, are especially useful for those individuals on medically restricted diets. Therefore, the term "very low sodium" more accurately describes the degree of restriction of a diet prepared solely from foods containing 35 mg or less of sodium per serving.

32. A considerable number of comments favoring the term "low sodium" urged that the definitional level be changed. Suggested changes ranged from 25 mg per serving to 140 mg per serving. One comment suggested that 2 percent of a specified intake be considered significant, as is done for vitamins and minerals in nutrition labeling. The comment then suggested that 2,000 mg sodium per day be used as the standard intake, with 40 mg sodium per serving as the upper limit for "low sodium" foods.

FDA is not persuaded that any of the levels suggested by the comments are more informative or useful to the consumer than the 35 mg proposed by the agency. Moreover, foods that manufacturers choose to label as "very low sodium" foods in compliance with this rule will be especially beneficial to persons on a moderately sodium restricted diet as well as those on very restricted diets. As noted in the proposal, persons on a moderately restricted diet may consume these foods almost at will and have a margin left for consumption of some servings of food higher in sodium. In addition, "very low sodium" foods also will be useful to those members of the general public who might want to use a very low sodium food in an unrestricted diet to reduce their total sodium intake to a more moderate level.

Moderately Low Sodium/Low Sodium

This section will deal specifically with those comments addressing the "moderately low sodium" descriptor set forth in the proposal. For the reasons discussed below, FDA is changing the term "moderately low sodium" to "low sodium" in this final regulation, but is maintaining the level of sodium at 140 mg or less sodium per serving.

33. Comments specifically addressing the descriptor "moderately low sodium" were almost unanimous in their opposition to the phrase. Some comments found the term ambiguous and confusing and did not believe that it would be informative to consumers. Other comments specifically criticized the term because it would mislead consumers into believing that foods so labeled would be useful in a "moderately restricted" diet as defined by NAS/NRC. As discussed elsewhere in this document, a number of comments also criticized the descriptor "low sodium" because the level of sodium (35 mg or less per serving) was too low to be broadly useful to the general public.

After considering these comments, the agency agrees that the term "moderately low sodium" should be replaced in § 101.13(a)(3) of the final rule by the term "low sodium" to describe foods containing 140 mg sodium or less per serving.

FDA did not intend the term "moderately low sodium" as described in the proposal to conform to the "moderately restricted diet" as defined by NAS/NRC. Consumers might equate the descriptor "moderately low sodium" with the "moderate" dietary classification established by NAS/NRC and the agency wants to avoid that potential confusion.

The agency recognizes that in redefining the descriptor for "low sodium" to apply to all foods containing 140 mg or less of sodium per serving a problem is created for products meeting the requirements of the standard of identity for "low sodium cheddar cheese" (21 CFR 133.116) and "low sodium colby cheese" (21 CFR 133.121). The standards of identity for low sodium cheeses permit no more than 96 mg sodium per pound of cheese. This would qualify for use of the descriptor "very low sodium" under the provisions of this final rule. Therefore, the agency will consider and act expeditiously on any petition to amend these standards to be consistent with the terminology set forth in this final rule.

34. A few comments objected to the numerical levels established for this descriptor. Some comments suggested other levels, ranging from 90 mg per serving to 150 mg per serving.

Before redesignating the "moderately low sodium" category to "low sodium," the agency considered the alternative levels suggested by comments, including 90, 115, and 150 mg sodium per serving. However, none of these levels offered any special advantage over the proposed level of 140 mg per serving. The agency's choice of a definitional level was based on consideration of usefulness to the general population, as well as to persons on sodium restricted diets. The 140 mg per serving level closely approximates 6 mEq of sodium (1 mEq = 23 mg). Physicians and dietitians often calculate sodium intake in milliequivalents rather than milligrams when prescribing dietary restrictions; therefore, an upper limit that can be readily converted to milliequivalents is a convenient aid to dietary planning. Although two other suggested levels, 90 mg per serving and 115 mg per serving, also may be readily converted to milliequivalents (4 and 5 mEq of sodium, respectively), the 140 mg per serving level is a rational choice. Over 50 percent of the foods in an FDA survey of the sodium content of food contained 140 mg or less sodium per serving or portion (Ref. 9). A significant proportion of the food supply is, therefore, eligible to bear the "low sodium" descriptor defined by the final regulation. Examples of foods that could be labeled "low sodium" include some hot and cold cereals, many cuts of fresh meat and poultry, some fish, frozen vegetables, and some desserts and snacks such as cookies, cakes, and candy.

Reduced Sodium

As with other descriptors, comments on the proposed use of the term

"reduced sodium" varied considerably, ranging from unqualified support to requests that the category be deleted entirely.

35. Many of the comments that argued for the elimination of the "reduced sodium" category cited the 75 percent reduction requirement as being too severe, unrealistic, or technologically infeasible.

The agency has concluded that it ought not to prohibit the term "reduced sodium" because some foods are currently marketed with the label statement "reduced sodium." FDA cannot prohibit truthful, nonmisleading label claims, but the agency can require that manufacturers use specific terms with a reasonable degree of consistency in order not to mislead consumers. That is the purpose of promulgating a definition for the term "reduced sodium."

The argument that a 75 percent reduction is too severe, unrealistic, or technologically infeasible is not persuasive. FDA intended the "reduced sodium" descriptor to be reserved for those products that have accomplished a very substantial reduction in the level of sodium but that do not qualify for the use of other descriptors. In addition, the feasibility of a 75 percent reduction in sodium has already been demonstrated for a few products such as cheeses and soups. The agency is confident that manufacturers can achieve a 75 percent reduction in sodium for other products as food technology advances and public demand for these foods increases. Food processors who make significant reductions in the sodium level of a food product, yet do not achieve the 75 percent reduction, may still direct consumer attention to the lowered level of sodium through the use of comparative claims. The agency's policy on comparative claims is discussed elsewhere in this document.

36. A few comments expressed the opinion that the term "reduced sodium" might be potentially misleading to consumers because some such foods could still contain relatively high levels of sodium and would thus be inappropriate for "reduced sodium diets." For this reason, those comments called for prohibiting the term, or limiting it to foods with sodium levels reduced by 75 percent and below a specified maximum level.

The agency acknowledges that some consumers could assume that a "reduced sodium" food would be appropriate for any sodium restricted diet, and for this reason FDA is requiring all foods bearing sodium descriptors to also declare the sodium

content. FDA has disseminated educational materials about sodium to the media and to consumers and is currently working with industry groups to develop additional information that will explain each of the descriptors and will urge consumers to make use of the quantitative declarations of sodium content when comparing products. Moreover, many consumers seeking "low sodium" foods will be advised by medical professionals, who will help explain the various types of sodium labeling. FDA is also working to ensure that the medical community is familiar with all aspects of FDA's sodium program. The agency has sent information about the sodium program to physicians, hospital administrators, and third and fourth year medical students—providing information about all aspects of the sodium program, including the various descriptors. Articles on sodium written by FDA officials have also appeared or are scheduled for publication in scientific journals that will be read by the medical community.

FDA does not agree that a maximum limit on the final sodium level should be established for reduced sodium foods, because the agency does not intend that the term "reduced sodium" signify that a food so labeled is appropriate for use in all sodium restricted diets. As explained in the response to comment 35 above, FDA intended the "reduced sodium" descriptor to be reserved for those products that have accomplished a very substantial reduction in the level of sodium but that do not qualify for the use of other descriptors. FDA believes that by defining this term manufacturers will be encouraged to make substantial reductions in sodium levels for foods with higher sodium content, thereby contributing to the overall reduction of sodium in the food supply. The establishment of a maximum limit would discourage such efforts. Finally, any value selected for a maximum limit would necessarily be arbitrary because no data were provided in the comments on the proposal which persuasively support the establishment of a maximum.

37. Several comments pointed out that, in the absence of a definition for "traditional recipe" or a standard to gauge the level of reduction, the term "reduced sodium" could be used in a misleading manner by those manufacturers who traditionally added far more salt to their line of foods than the industry norm.

The agency shares the comments' concern; however, the agency is unable to provide a definition of the term

"traditional recipe" that would be equally meaningful for all food categories. Further, although an industry "norm" may have been determined for some products, it currently is not possible to establish a standard value for each product category.

However, FDA will monitor and evaluate "reduced sodium" labeling to ensure, on a case-by-case basis, that appropriate comparisons are being made. As previously stated, FDA also is requiring a quantitative declaration of sodium content whenever sodium claims are made in order to provide an additional means for consumer comparison.

38. A few comments stated that it is redundant to provide for the use of comparative claims for any reduction in sodium above 10 percent and for a category of "reduced sodium" at a level of 75 percent reduction in sodium. These comments asserted that the label information required to make a comparative claim, including percentage comparison and quantitative sodium labeling, provides the consumer with sufficient information for product comparison and selection and obviates the need for a specific category designated as "reduced sodium." According to the comment, eliminating the "reduced sodium" category would also lower the number of terms with which consumers must deal and would help to reduce consumer confusion.

The agency does not agree that permitting both comparative claims and "reduced sodium" claims is redundant. As explained elsewhere, "reduced sodium" is intended to be a special category over and above those sodium reductions which may be highlighted through the use of comparative claims.

39. Several comments suggested alternative percentage reduction figures, in lieu of the 75 percent reduction. These suggestions ranged from 25 to 50 percent reduction. Many comments recommended defining "reduced sodium" at a 33 percent reduction level because this value parallels that of FDA's "reduced calorie" definition in 21 CFR 105.66.

The agency does not believe that the percentage reduction for "reduced sodium" foods should be determined on the basis of the percentage reduction in calories required for foods to be labeled "reduced calorie," because the public health problems associated with reducing dietary sodium intake and reducing caloric intake are not similar enough to justify using the same criteria. Average daily intakes of sodium are often several times greater than the upper limit of the safe and adequate

daily intake range estimated by NAS/NRC (Ref. 8) and persons requiring sodium restriction are often advised to make substantial reductions in their sodium intake. However, those persons desiring to achieve a weight reduction are generally advised to reduce their caloric intake by only 15 to 20 percent. It is therefore reasonable to require a proportionally greater reduction in sodium before the term "reduced sodium" can be applied than that required for "reduced calories," just as a commonly recommended reduction in sodium intake is greater than that for caloric intake. In both cases, the level of reduction required for label claims is greater than the usual recommended total dietary reduction because the label claims apply to one food, only a portion of the possible total daily diet. In the proposal, the agency emphasized that comments proposing alternative definitions or levels for "reduced sodium" should include data that demonstrate that some other value more effectively prevents consumers from being misled by the label term (47 FR 26586) other than the argument about consistency with the "reduced calorie" regulation. No data were presented to demonstrate that any other percentage value would more effectively inform consumers.

40. One comment proposed that a food that has a 75 percent reduction in sodium content be labeled as "extremely reduced," one that has a 40 percent reduction be labeled as "reduced," and one that has a 25 percent reduction as "moderately reduced."

FDA's 1982 consumer survey documents that consumers object to the use of too many descriptor terms as too confusing (Ref. 2). FDA believes that terms such as "extremely reduced sodium" are inappropriate in that they add to consumer confusion by increasing the number of labeling terms and that any additional information they might convey is not sufficient to justify the proliferation of terms. Accordingly, the agency rejects the suggestion.

41. A few comments recommended that an absolute reduction, such as 100 mg or 120 mg or more per serving rather than a percentage reduction, be used to define "reduced sodium." These comments were concerned that foods initially containing relatively low levels of sodium could be labeled "reduced sodium" after having achieved a reduction in sodium content that is small in absolute milligram terms but that would meet the 75 percent criterion.

The concept of an absolute reduction, such as 100 mg, rather than a percentage reduction being used to define "reduced

sodium" is inappropriate because it has relatively smaller impact at the high levels of sodium content for which the agency intended the term "reduced sodium" to be used. The agency believes that a food with sodium levels that qualify it to use a descriptor such as "low sodium" is more appropriately labeled with that descriptor rather than with the "reduced sodium" descriptor. Therefore, the agency is retaining the concept of a percentage reduction as the basis for "reduced sodium" claims.

42. One comment recommended that FDA prohibit the use of the "reduced sodium" descriptor on products that meet the definitional criteria for either "low sodium" or "very low sodium" labeling, so consumers would learn quickly that the term "reduced sodium" on the label does not necessarily mean a low-in-sodium product.

In the agency's opinion, a food with sodium levels reduced below the upper limit of the "low sodium" descriptor criteria is more properly labeled as "low sodium" rather than "reduced sodium," but FDA does not view the use of both descriptors as misleading if the food meets both sets of criteria. FDA is retaining the definition of the term "reduced sodium" to describe foods that have been formulated to serve as and are represented as direct replacements for foods containing at least four times the sodium content (75 percent reduction). The label of such foods must provide information comparing the sodium content per serving of the reformulated food with that of the food it replaces.

Comparative Claims

Although FDA did not propose regulations governing the use of label statements to show comparative sodium reductions, the preamble of the proposed sodium labeling regulations contained a statement of agency policy regarding such comparative claims. FDA stated that, in order to ensure that consumers are not misled into believing that an inconsequential reduction of sodium content will provide significant health benefits, manufacturers should use comparative label statements only in those cases where the sodium level is at least 10 percent lower than the food for which it is a replacement. Based on a review of comments received, the agency is modifying this statement of policy to state that comparative label statements are appropriately used in cases where at least a 25 percent reduction in the sodium content of a food has been achieved compared to the food for which it is a replacement. The reasons for this change in policy are discussed below.

43. Several comments favored the idea of manufacturers using comparative statements when a food has been reformulated to contain less sodium, but when the reduction in sodium content is insufficient to qualify for the use of the descriptor claims, such as "reduced sodium." Some comments that supported the use of comparative claims requested that the "reduced sodium" category be eliminated because percentage reductions and quantitative sodium content could be provided through the use of comparative claims. Thus, "reduced" is a redundant term.

As was discussed under "reduced sodium," FDA does not find the term "reduced sodium" redundant with the concept of comparative claims. "Reduced sodium" foods represent a special category of foods with very substantially reduced sodium levels, while comparative claims are appropriate for foods with considerably less reduction in the sodium levels. The agency is convinced that both claims have a particular class of products for which they are appropriate. Comparative claims will be appropriate for manufacturers seeking to achieve gradual reductions in sodium content and the "reduced sodium" descriptors will be appropriate for those manufacturers who are able to effect an initial, substantial reduction in sodium content.

44. Some comments that specifically addressed the issue of a certain percentage reduction agreed with the policy of a minimum 10 percent reduction for comparative claims because that approach would encourage gradual reductions to accommodate stepwise decreases in consumer taste preceptions. However, other comments suggested that greater reductions (e.g., 20, 25, or 30 percent) be achieved before claims would be appropriate. Comments stated that in most instances a 10 percent reduction in the amount of sodium in a single food product is not significant. A few comments suggested that manufacturers achieve a 20 percent reduction before making comparative claims to be consistent with FDA's compliance criteria, which allow a 20 percent variability. Comments pointed out that a comparative claim of 10 percent sodium reduction could result in a rather high probability that the product for which the claim is being made actually contains more sodium than the unaltered product. Comments advocating a 25 percent minimum reduction criterion for comparative claims stated that this would be consistent with USDA's policy that currently permits label claims of

"reduced sodium" for foods that contain at least 25 percent less sodium than the food for which it is a replacement.

FDA finds quite persuasive the argument that a 10 percent criterion for comparative claims may be too low. The agency recognizes that a product that claims a 10 percent reduction may actually contain more sodium than is declared on the comparison product if it has a sodium content that is 20 percent higher than its declared value (an acceptable deviation under FDA's compliance criteria). Because of expected statistical distributions, there is a measurable probability that the sodium content of a sample of a product for which a lowered sodium content claim is made will actually exceed the sodium content of a sample of the unaltered product. The size of the probability is a complex function of the claimed level of comparative reduction, the variance of the sodium content of both products, and the declared sodium content. Using FDA's compliance criteria and assuming typical product sodium content variability, it can be calculated that a comparative claim of 10 percent less sodium could result in 12 percent or more of the units containing more sodium than that declared for the "higher" sodium product. With a comparative claim of 25 percent, this probability drops to 1 percent or less, which is a much more acceptable figure.

After careful consideration of these comments, FDA has concluded that the proposed policy of a 10 percent reduction criterion for sodium content has the potential to generate label statements that are misleading. Therefore, FDA is modifying its policy for comparative sodium claims to request manufacturers to achieve a 25 percent reduction in sodium content (based on declared values) before making a comparative claim.

Even with a 25 percent minimum a significant differential exists between the level at which comparative claims are appropriate and the level at which a food may be designated "reduced sodium," maintaining "reduced sodium" as a special category of sodium altered food. The agency believes that the use of comparative claims provides manufacturers with the technological incentive to reduce the sodium content of foods even though it currently may not be possible to achieve sodium levels that are sufficiently low to allow the product to be labeled as "reduced sodium."

45. Several comments also suggested that comparative claims should be made on an absolute basis (e.g., "this product contains 100 mg less sodium per serving

than our regular product"), and that a reduction of at least 50 mg of sodium per serving be achieved before making a comparative claim.

FDA finds the suggestion of an absolute reduction requirement for comparative claims to be inappropriate. Such a policy encourages comparative claims to be made for insignificant reductions in sodium levels, even for products with a substantial sodium content. A percentage reduction for relatively high sodium products is a more reasonable criterion. For foods that are lower in sodium, descriptors such as "low sodium" are more appropriate.

46. One comment expressed the opinion that a full comparative label was unnecessary when making a comparative claim about sodium, because manufacturers must provide comparative information about all nutrients required to be listed by §101.9 (21 CFR 101.9).

FDA advises that, when a sodium comparative claim is made for a product, the labeling must also provide quantitative sodium information in conformance with § 105.69 or § 101.9. Comparative sodium claims, however, do not trigger a requirement for full nutrition labeling or for comparative statements about other nutrients, as long as other nutrients in the food remain unchanged. If the food is reformulated so that it is nutritionally inferior to the food for which it is a substitute, the provisions of § 101.3(e) (21 CFR 101.3(e)) would apply.

47. One comment indicated that 21 CFR 101.13 should be revised to provide for comparative sodium claims. The comment cited the provision for comparative calorie claims in § 105.66(d) as a precedent for the requested formal recognition of the use of comparative sodium claims.

The agency is issuing a statement of policy to provide guidance to food manufacturers on the appropriate use of comparative sodium claims in this final rule, but it is modifying the criterion for making such claims. The agency does not believe that it is necessary, at this time, to include the comparative statement of policy in the regulations. The agency has emphasized repeatedly its reliance on voluntary efforts by the food industry to provide useful sodium information on product labels, and FDA encourages manufacturers to use comparative claims on products for which they are appropriate. If comparative sodium claims are used in a false or misleading manner, the agency will take appropriate regulatory action. As more experience is gained in the use of comparative sodium claims,

FDA may subsequently find it necessary to issue regulations dealing with the use of comparative claims.

Salt Claims Other Than Descriptors

The proposal provided for the proper use of terms such as "without added salt," "unsalted," and "no salt added." Because FDA recognized the potential for such claims to be misleading or confusing for consumers, the agency proposed that these references to salt content be permitted only if "(1) no salt is added to the food during processing; (2) the food that it resembles and for which it substitutes is normally processed with salt; and (3) sodium content information is provided in conformity with 21 CFR 105.69 or 101.9 * * *."

48. Several comments supported the salt claims provisions of the proposal, indicating that such provisions were necessary to prevent the use of confusing and misleading salt claims that imply that the product has a low sodium content.

49. One comment claimed that unsalted foods that have traditionally been identified as such and that are "sodium free," such as "unsalted butter," should not be required to bear nutrition labeling or to provide quantitative sodium information. The comment explained that "unsalted butter" is a traditional, long-standing term used to assist the consumer in identifying butter without salt. The comment also claimed that the term "unsalted" is not a nutrition claim, but is a factual label statement.

This final rule provides that, when a claim is made regarding the processing of a food without salt, the label must also bear quantitative information on sodium content either alone or as a component of nutrition labeling. The agency does not agree that "unsalted" is not a nutrition claim or that there is necessarily a distinction to be made between what constitutes a nutrition claim and what is a factual label statement. Although "unsalted" may indicate a distinction in flavor for some products, FDA believes that consumers, particularly those on sodium restricted diets, generally would perceive the claim to indicate usefulness in such diets. In the past, unsalted foods which were labeled "unsalted" were subject to the labeling provisions of § 105.69, which requires quantitative sodium information. No exemption was provided for "unsalted butter," so that this food should currently bear quantitative sodium information when the "unsalted" claim is made. Thus, for "unsalted butter," labeled as such, this

final rule imposes no new labeling requirements.

50. One comment requested that "no salt added" claims be permitted for products to which salt is added, but later removed, during processing.

FDA does not agree that a "no salt added" claim would be appropriate for such products. Clearly such a claim would be contrary to fact because salt is added during processing and it has not been clearly demonstrated to the agency that virtually all added salt can be or is removed during processing. In the event that added salt is removed from such product to the extent that the finished product contains less than or equal to 140 mg sodium per serving, another more accurate descriptor, depending on the level of sodium remaining (i.e., "sodium free," "very low sodium," or "low sodium"), is available to describe the sodium content of the product.

Manufacturers of products to which sodium is added and later removed during processing who experience problems with using the descriptors defined in this final rule are encouraged to provide the agency with more specific data on the nature of their problems, including data on the sodium content of raw materials and finished products.

51. One comment requested that the agency prohibit the use of claims such as "naturally low in sodium" that are not defined in this final rule.

The agency has not specifically defined the descriptor "naturally low in sodium" and is not attempting to define all such descriptors that could possibly be used to describe sodium content. The agency strongly encourages manufacturers to use only those descriptors defined in this regulation so that consumers are presented with a consistent, understandable system of descriptors. However, this regulation does not address label claims such as "naturally low in sodium." "Naturally low in sodium" implies that no sodium is added to the product and that the level of endogenous sodium does not exceed 140 mg per serving, as with other "low sodium" products. Although such a descriptor could be truthfully used, the agency is relying on manufacturers to use only those descriptors defined in § 101.13(b) so that consumer confusion regarding the descriptors is minimized. The agency emphasizes that it will review label claims on a case-by-case basis to ensure that any terms not defined in this regulation are not false and misleading as they are used on a food label.

52. A few comments objected to proposed § 101.13(b)(2), which permits references to salt content only for foods

that are normally processed with salt. These comments contended that salt claims should also be allowed for new products processed without salt and for products that are not traditionally processed with salt.

The agency recognizes that for new products there may not be a similar food containing added salt with which the new product can be compared. For such products, claims of "no salt added" or similar claims, although literally accurate, may be misleading if the product naturally contains relatively high levels of endogenous sodium or sodium from other sources. The purpose of § 101.13(b)(2) is to ensure that consumers are provided a basis for evaluating the significance of the "no salt added" claim by comparison to a similar product processed with salt and to prevent misleading claims for products traditionally processed without added salt. For example, the agency considers it misleading for canned pineapple to be labeled "no salt added." Such a claim implies that the particular product is different from canned pineapple not bearing the claim when in fact salt traditionally has not been added to such products and the sodium content of the labeled product is not likely to be significantly different from that of similar products not bearing the claim. Thus, the agency is retaining the requirement that salt claims be made on the basis of comparison with foods normally processed with salt.

53. A few comments requested that salt claims be more clearly defined. Some comments suggested that the use of salt claims be restricted to foods for which descriptors such as "sodium free," "low sodium," and "moderately low sodium" could be used.

The agency believes that the established parameters in § 101.13(b) for use of salt claims provide sufficient guidance to reduce the likelihood that such claims are misleading. For foods that could be appropriately labeled with the descriptors defined in § 101.13(a), FDA encourages the use of the defined descriptors, rather than other salt claims, because the former are more direct expressions of the information sought by the consumer and of concern to the agency. To promote consumer understanding, the agency is encouraging manufacturers to establish consistency in their manner of providing sodium information.

54. One comment questioned whether reference to "slightly salted" would be permissible, since sodium declaration would be mandatory.

The agency encourages manufacturers to use appropriate descriptors defined by this regulation, rather than

introducing a broad range of undefined or nonspecific descriptors. "Slightly salted" is an ambiguous and potentially confusing phrase. The agency is not prohibiting the use of such phrases, but will determine on a case-by-case basis if such a phrase is false and misleading.

55. One comment expressed opposition to permitting any use of salt claims because they are potentially misleading and confusing to those consumers who may not know the difference between salt and sodium.

The agency is cognizant of these concerns but, as previously discussed, is not prohibiting the use of salt claims that are not false or misleading. The agency has established in § 101.13(b) parameters for using salt claims and will pursue appropriate regulatory action when it has determined that label statements regarding salt content are false or misleading.

56. One comment contended that foods labeled "unsalted" or "salt free" be required to provide only a shortened form of nutrition labeling.

The agency does not understand what kind of "shortened form" of nutrition labeling the comment is recommending, because no such format has been provided by the agency and the comment did not explain what it meant by the term. Products bearing salt claims such as those mentioned by the comment are required to declare sodium content, either as part of the nutrition label or in isolation.

57. One comment requested that a comparative category "salt reduced from — percent to — percent" be allowed as an incentive to industry to lower the amount of salt in processed food.

The agency agrees with the basic premise of the comment. This is one reason that FDA provided for the use of comparative claims. However, such reductions must be meaningful. As discussed elsewhere in this document, the agency does not regard reduction of sodium content of less than 25 percent as meaningful.

The agency believes that a statement of comparative salt reduction has the potential to be misleading because, even though salt content may have been reduced, the sodium content of the product may be just as high or higher than in the original product. Consumers need to be aware of total sodium content not just salt content because it is the total dietary intake of sodium that is the public health concern.

Compliance Criteria

The agency proposed to amend § 101.9(e)(5) to add a 120 percent compliance rule for sodium labeling,

under which a food would be deemed to be misbranded if its sodium content exceeded the sodium value declared on the label by 20 percent.

58. Some comments expressed support for the 120 percent compliance rule although a few comments objected because it was unrealistic and too restrictive. The comments argued that natural variations in sodium content in some foods and water used in processing are greater than 20 percent and that the 120 percent compliance rule would prevent development of data bases. Recommendations were made to raise the compliance criterion to 25 and 30 percent. The comments also suggested that the 120 percent compliance rule would be suitable provided sodium content could be declared to the nearest 25 mg increment.

The agency recognizes that there is wide variation in the naturally occurring sodium content of some foods and that this variation often is beyond the control of the manufacturer. The 120 percent compliance standard is the same as that for other nutrients, such as carbohydrates, calories, and fat that consumers may want to avoid (21 CFR 101.9(e)(5)). FDA notes that there may also be significant variability of carbohydrates, calories, and fats, but that the compliance standard of 120 percent has been in effect since 1973 and has proven practical and workable. Thus, the agency is not convinced that it is necessary to increase the compliance criteria from 20 to 25 or 30 percent.

As discussed elsewhere in this document, the agency has revised the regulation to provide greater flexibility in the declaration of sodium content by permitting sodium content to be declared to the nearest 10 mg increment when sodium content exceeds 140 mg per serving. This revision coupled with the 120 percent compliance criterion, in most cases, will be sufficient to permit accurate sodium content labeling, even given the expected variations. In addition, as indicated in the preamble to the proposal, the agency does not object to declaration of higher than actual sodium values when produced using current good manufacturing practice. In the event that a firm still anticipates burdensome problems with sodium quantitation resulting from natural, uncontrollable variations in sodium content of water or other raw materials, it is encouraged to work with FDA, individually, on developing a reasonable solution.

59. A few comments objected to the proposed compliance criterion on the basis that it was too lenient. Some comments suggested a 10 percent

compliance criterion, and others wanted the amount of sodium declared to be "exact" or "precise." It was also suggested that the compliance criterion be lowered as data permit.

The agency does not agree that the compliance criterion should be lowered. The agency is acutely aware that a precise declaration of sodium content is not generally possible because of variations in the naturally occurring sodium content of raw materials and variability of analytical methodologies. Moreover, FDA believes that a 120 percent criterion is acceptable from a public health perspective.

60. One comment pointed out that the variability of the sodium content of water was of particular concern to soft drink manufacturers. The comment noted that nutrition labeling currently must be provided on diet soft drinks and, thus, sodium labeling would be required. The comment submitted data on the sodium content of the functional ingredients in soft drinks, indicating that sodium derived from these ingredients can be calculated and would be consistent for each formulation for bottling plants throughout the United States. The commenter also submitted data on the natural variability of the sodium content of water used in soft drink production and on the resulting variability in the sodium content of soft drinks. The commenter stated that currently the labeling of a particular nationally distributed soft drink is identical nationwide, except for the identification of the individual manufacturer, packer, or distributor. The commenter objected to providing different labels to reflect geographical differences in sodium content because of the increased cost to manufacturers and subsequently to consumers and because of the potential for consumer confusion. The commenter also objected to the agency's suggestion that the highest possible sodium level be listed because this would result in the overstatement of the sodium content of virtually all soft drinks, and more than 50 percent of the bottling locations would have to overstate sodium content by more than 275 percent. The commenter requested that sodium labeling remain voluntary, whether provided in isolation or as part of nutrition labeling or that soft drinks be exempted from the requirements of the regulation.

The agency has reviewed the data submitted by the commenter and is not persuaded that the soft drink industry should be exempted from the sodium labeling requirements. Although the data indicate a wide variability in

sodium content of water used in soft drink production, they reveal that 50 percent of the water sources contain less than 3.0 mg sodium per 6 fluid ounces and that 95 percent contain less than 17.7 mg sodium per 6 fluid ounces. Higher sodium levels—up to 52.9 mg per 6 fluid ounces—occur in only 5 percent of the water sources. Likewise, for a typical diet cola soft drink used as an example by the commenter, 90 percent of the products contain sodium in the range of 33 to 43 mg per 6 fluid ounces and only 5 percent fall in the range of from 43 to 84 mg per 6 fluid ounces. Therefore, a single label would accurately reflect the sodium content of all but 10 percent of the product and a second label could apply to the remainder without severely overstating the sodium content. On the other hand the manufacturer could use a single nationwide label with the highest possible sodium level listed which would result in the sodium content being overstated by about 50 mg for a majority of products. While this is not an insignificant amount of sodium, it represents a relatively small portion of the daily sodium intake for all but those persons on extremely sodium restricted diets. It should be noted that, even if sodium were declared based on the highest level of sodium found in any source water, all regular and diet soft drinks would fall into the "low sodium" category. Although FDA is not granting the soft drink industry an exemption from sodium labeling requirements, the agency is willing to work further with the industry in establishing sodium values for soft drinks.

61. Several comments objected to the provision that would allow food labels to overstate their sodium content, because a large percentage of particular products would have to overstate the true sodium content.

The agency has not received sufficient specific data indicating that a large percentage of particular products would have to overstate sodium content significantly in order to comply with this regulation. Thus, the agency is not convinced that the problem of overstating true sodium content is of sufficient magnitude to justify changing the compliance criterion for all foods. As previously indicated, the agency is willing to work with manufacturers who anticipate difficulties in developing sodium labeling for their products and who can provide the agency with sufficient data regarding the nature of the problem.

62. A few comments requested that label declarations be permitted based on "average" values, such as those

available from data banks, or on individual ingredients used in specific recipes. One comment suggested that USDA data be used for declaration of the sodium content of raw agricultural commodities.

Section 101.9(e)(5) provides that the sodium content of a composite sample of a food shall not be greater than 20 percent in excess of the value of sodium declared on the label. Manufacturers are responsible for ensuring compliance with this criterion. The agency does not prohibit the use of label values derived from any source as long as the declared value is an accurate description of the actual sodium content within the framework of the criterion established by this regulation. Manufacturers are cautioned, however, that values contained in handbooks or other sources may not be appropriate for the particular food under consideration. Consequently, manufacturers generally cannot be certain that a label value based solely on such data is in fact representative of their specific product.

63. One comment questioned whether the 120 percent compliance rule applied to the use of the descriptors. The comment requested clarification on whether regulatory action would be taken against a product containing 36 to 42 mg sodium per serving and labeled "low sodium", when 35 mg sodium per serving is the upper limit established for the use of the descriptor?

The 120 percent compliance criterion applies to the sodium value declared on the label, and the use of a descriptor must be consistent with that declared sodium content. Thus, products for which the sodium content is declared in the range of 5 to 35 mg per serving may be labeled "very low sodium." A composite sample of the product would be considered "in compliance" if found to contain no greater than 20 percent in excess of the declared sodium content. A "very low sodium" product found to contain 40 mg sodium per serving would be "in compliance" when the sodium content is declared as 35 mg per serving, but would not be in compliance if the sodium content were declared as 30 mg per serving. On the other hand, use of the "very low sodium" descriptor would not be appropriate on a product for which sodium content is declared as 40 mg per serving, even though 40 mg is within the acceptable range of variability permitted for the declared sodium content.

64. One comment expressed support for the 120 percent compliance rule, but indicated that it should apply to comparative claims as well.

Comparative claims are to be based on declared values of the sodium content of the two products that are being compared and are only appropriate if there is at least 25 percent difference in the labeled values. The 120 percent compliance rule applies to each declared value. It is possible that FDA analysis of samples of the compared products will yield sodium content values differing by less than 25 percent because of product variability.

However, if the measured values are no greater than 120 percent of the declared sodium value and the declared values represent at least a 25 percent difference in sodium content, the comparative claim meets the criteria for such claims as set forth in this document. The 120 percent compliance rule, therefore, can be viewed as indirectly applying to comparative claims. The percentage expressed in comparative statements may be rounded to the nearest 5 percent for label declaration purpose but the minimum difference between the declarations of sodium content should be at least 25 percent before rounding.

65. One comment requested that the agency change the compliance criterion to 5 mg or 20 percent in excess of the declared value, whichever is larger, thus permitting a more lenient compliance criterion at those lower sodium content levels where a 5 mg increment is greater than 20 percent of the sodium content.

The agency does not agree with the requested change because it would provide very little benefit. Only those products containing from 5 mg through 25 mg of sodium per serving would be affected by inclusion of the 5 mg criterion. Such products fall into the "very low sodium" category for which sodium content is declared to the nearest 5 mg increment. Manufacturers concerned about the 120 percent compliance criterion for these products may choose to overstate sodium content slightly to the next higher 5 mg increment. Even with this overstatement, such products would still fall into the "very low sodium" category.

66. A comment suggested that the compliance criterion should be based on an absolute value for variability rather than on a fixed percentage, e.g., ± 20 mg sodium per serving. The comment asserted that a percentage value places greater constraints on products with low levels of sodium and that the absolute value of 20 mg for the compliance criterion is particularly appropriate for products containing less than 100 mg sodium per serving.

The agency does not agree that a compliance criterion allowing understatement of sodium content by as much as 20 mg per serving is necessary

or appropriate for foods containing less than 100 mg sodium per serving. The agency believes that it would not be in the best interest of the consumer to permit a greater understatement of sodium content than is allowed by this rule. The agency urges manufacturers to label the sodium content of foods as accurately as possible and this regulation provides that no action will generally be taken for products that contain less than the declared quantity of sodium, when produced within current good manufacturing practice.

67. A few comments interpreted the proposal as requiring sodium content to be at least 80 percent of the declared value, and objected to establishing a lower limit for compliance criteria. One comment expressed concern that regulatory action would be taken to require relabeling or destruction of products that contain considerably less than the declared quantity of sodium.

The agency has not established a lower limit for the compliance criteria for sodium and will permit reasonable deficiencies of sodium under labeled amounts, within current good manufacturing practice. The agency has clarified this point by revising § 101.9(e)(6) to read " * * * Reasonable deficiencies of calories, fat, or sodium under labeled amounts are acceptable within current good manufacturing practice." The agency is permitting manufacturers to indicate a higher than actual sodium content, if necessary, to accommodate uncontrollable variations in sodium content. However, because of marketplace pressures from consumer interest in lowered sodium content, the agency expects that manufacturers are not likely to overdeclare sodium content routinely. For these reasons, the agency anticipates that regulatory actions because of misleading overstatement of sodium content will be highly unlikely.

Increments

68. Some comments objected to the use of 5 mg increments for the declaration of sodium content information on the label, indicating that the exact amount of sodium should be declared. A few comments requested that the exact amount be shown for each container.

The agency does not agree. Declaring the exact amount of sodium content will not provide any greater benefit from a public health point of view than will be provided under this final rule. Five and ten mg increments are sufficiently precise for controlling sodium intake under most situations. These increments will also provide sufficient information to assist individuals that want to moderate sodium intake in the overall

diet. In addition, given the natural variability of sodium content of food, including water, exact quantitation of sodium content for each container would be an extreme regulatory burden on industry and FDA has never attempted to regulate label declarations in this manner precisely because such specificity is unrealistic.

69. Several comments opposed the requirement to declare sodium to the nearest 5 mg increment because it was an unnecessary and burdensome requirement that would deter voluntary labeling. The comments claimed that such small increments are not necessary for effective medical management of health problems requiring control of sodium and potassium intake or for assisting those desiring to moderate dietary sodium intake. Several comments suggested that sodium should be declared to the nearest 25 mg increment because this value is approximately equal to 1 mEq. The comments suggested that declarations to the nearest 25 mg increment would meet the needs of patients, physicians, and consumers. Some suggestions included declaring 5 mg increments for foods containing 140 mg or less of sodium per serving, but 10 mg increments for foods containing more than 140 mg because, above that level, there would be little consumer benefit to using 5 mg increments. Other comments suggested 10 mg increments for foods containing less than 140 mg of sodium per serving, 20 mg increments for foods containing 140 to 500 mg sodium per serving, and 50 mg for foods containing more than 500 mg. The comments argued that the concept of rounding increments based on different ranges is consistent with FDA's current labeling requirements for other nutrients.

The agency does not agree that 5 mg increments are unnecessarily restrictive for the vast majority of products. Products promoted for special dietary use as a means of regulating sodium intake currently are being labeled according to the provision of § 105.69, which requires declaration to the nearest multiple of 5 mg. The agency does not anticipate that efforts to provide sodium information on "low" and "very low sodium" products for which sodium labeling is not currently provided will be significantly hampered as a result of establishing the 5 mg increment requirement. Further, the requirement to declare sodium content to the nearest 5 mg increment may be advantageous to manufacturers who are concerned about overstating sodium content and to consumers concerned about understatement of sodium

content. For example, a product containing 38 mg sodium per serving would be permitted to declare 40 mg sodium when 5 mg or 10 mg increments are used, but would have to declare 50 mg sodium if the increment of declaration were 25 mg. An overstatement of 12 mg per serving versus 2 mg per serving would not likely be acceptable to many manufacturers. On the other hand, a product containing 37 mg sodium per serving would be required to declare 35 mg, 40 mg, or 25 mg, depending of whether a 5, 10, or 25 mg increment was used. In this case, a 10 mg increment may be unacceptable to manufacturers because sodium content would be declared as 40 mg per serving and the product could not be classified as "very low sodium;" whereas the 5 mg increment would permit declaration of 35 mg per serving and use of the "very low sodium" descriptor. The 25 mg sodium declaration is likely to be unacceptable to consumers who object to excessive understatement of sodium content.

The agency also recognizes that the level of precision for declaring sodium content may be less critical for products that contain higher levels of sodium that do not fall into the "very low sodium" or "low sodium" category. Individuals who need to reduce sodium intake are likely to direct their purchases toward foods that contain 140 mg sodium or less per serving, particularly those highlighted by descriptors defined by this regulation. Those individuals have a need for more precise representation of sodium content. In addition, because the compliance standard is based on a percentage deviation, the range of permissible declarations of sodium content broadens as the sodium content increases, so that the precision of the increments of declaration becomes less significant. For this reason, the agency has revised § 101.9(c)(8) to permit declaration of sodium content to the nearest 10 mg increment for products containing more than 140 mg sodium per serving. Thus, for example, a product containing 144 mg sodium would declare sodium content as 140 mg per serving, whereas 146 mg sodium would be declared as 150 mg sodium.

70. One comment requested that manufacturers be permitted to declare a range of sodium declaration rather than a specific quantity.

The agency does not believe this is a viable option. Declaration of a range of sodium content would be inconsistent with other nutrient declarations, would require more label space, would require an explanatory statement, and might be confusing to consumers. Further, the use

of a range implies that the product composition would be above or equal to the lower value and below or equal to the upper value. Consequently, use of a meaningful range imposes a greater compliance burden on the manufacturers than the single value approach. Thus, the agency has not provided for use of this option.

Sodium Initiatives

Many comments discussed issues related to FDA's sodium initiatives other than labeling. Most of these comments are not germane to this labeling proceeding. A few, however, have a bearing on the labeling issues and are therefore discussed below.

71. A number of comments expressed the view that labeling regulations alone are insufficient to effect a reduction in sodium intake by the public or to provide maximum benefit to those suffering from hypertension. These comments urged FDA to require manufacturers to reduce the amount of sodium in processed food, especially the amount due to added salt.

The issue of sodium reduction in processed foods was discussed in the notice entitled "GRAS Safety Review of Sodium Chloride" that was published in the Federal Register of June 18, 1982 (47 FR 26590) as a companion document to the labeling proposal. In that notice, FDA described the generally recognized as safe (GRAS) safety review procedures and their application to the safety review of salt. The safety conclusion reached by FASEB's Select Committee on GRAS Substances was: "The evidence on sodium chloride is insufficient to determine that the adverse effects reported are not deleterious to the health of a significant proportion of the public when it is used at levels that are now current and in the manner now practiced." (47 FR 26592.) In light of this expert opinion, FDA reviewed the regulatory options available and the practical and legal factors that impinged on the selection of a course of action. The agency's conclusion with regard to the comments' views being addressed here was that it would be exceptionally difficult for FDA to establish maximum levels for the addition of salt to processed foods. Salt is used for a number of technical effects in many foods, often simultaneously providing multiple effects in a single food. The number of foods involved is very large and intake of these foods by individual consumers is highly varied. Additionally, hypertensive patients also may be on widely varying degrees of sodium restriction. Thus, sodium content information on food labels will allow consumers to allocate their sodium

intakes as they choose. Further, because sodium enters the diet from several sources, including the discretionary use of salt in cooking and at the table, specific maximum levels for foods would not necessarily bring about a reduction in sodium intake for the general population. FDA believes that sodium content labeling will provide an incentive to manufacturers to reduce sodium levels in their food products in order to declare the lowest possible sodium values. For these reasons, among others, FDA concluded that the most effective action was to provide sodium labeling information, as addressed by this proceeding, to encourage manufacturers voluntarily to reformulate their products where possible to contain less sodium, and to inform the public of the potential benefits of reduced sodium intake and the utility of label declarations in achieving a lower sodium intake.

72. One comment urged FDA to monitor efforts by companies to lower sodium levels in foods, just as the agency is monitoring the extent to which sodium content information is being made available on food labels. The comment suggested that a publicly acknowledged goal be established for sodium reduction in the food supply and that a list of products reformulated to achieve this goal be made available to the public. The comment further suggested that FDA establish a brand-name sodium-content comparison list in addition to the sodium labeling regulations to assist consumers in food selection.

FDA has a number of programs that will monitor sodium level changes in the food supply. FDA's Food Labeling and Package Survey (FLAPS) is the program primarily responsible for measuring the extent to which manufacturers are using sodium label declarations. The survey provides estimates of both the number of foods providing quantitative declarations of sodium content and the number of foods with sodium-containing ingredients in the ingredient statement. By measuring label changes over time, FLAPS results provide a direct indication of manufacturers' efforts. Another program for monitoring efforts of companies to lower sodium levels in food products is the "Selected Minerals in Foods Survey", which monitors the sodium content of the food supply by laboratory analysis of individual foods that constitute the typical diets for both sexes in different age groups (Ref. 7). Because several food collections occur each year throughout the country, any trends in the sodium content of foods in these diets can be detected.

FDA is still gathering baseline data on the amount of sodium present in the food supply and the technological feasibility for reducing this level. In the agency's view, it would be unwise to establish specific goals for reduction of the sodium level in the overall food supply. Some of the baseline data are being obtained from segments of the food industry that have voluntarily provided data to FDA on sodium reductions. However, much of this information is proprietary and cannot be disclosed to the public. Additionally, publication by FDA of a list of companies providing sodium reduction is not in the best interest of consumers because it might imply that FDA guarantees that such companies are complying in all respects with the requirements of FDA regulations.

With respect to a brand name comparison list, FDA does not promote specific brand name products. Furthermore, FDA's concern is for the total sodium content of the food supply, and no specific food item has been singled out as a target of attention. On the other hand, groups that are independent of the Federal government may publish brand name comparisons, and at least one national publication does so.

73. One comment expressed the belief that efforts to reduce sodium intake and decrease the incidence of hypertension through sodium labeling are exercises in futility. The comment further expressed the view that only when combined with increased intake of potassium, magnesium, and calcium would sodium reduction have an effect on the incidence of hypertension. The comment suggested that the labeling proposal be rewritten to include mandatory listing of potassium and magnesium, and that FDA encourage industry to fortify foods with magnesium as well as to improve the sodium-potassium balance of foods.

FDA advises that the roles of potassium, magnesium, and calcium intake in the development or alleviation of hypertension are under active investigation as are continuing efforts to clarify the role of sodium. FDA notes that calcium is already required in nutrition labeling because of its other, known critical biological functions (21 CFR 101.9(c)(7)(iii)). Magnesium may be voluntarily included in nutrition labeling under current regulations (21 CFR 101.9(c)(7)(iv)), and this proceeding will result in a similar provision for potassium. The voluntary inclusion of these nutrients in nutrition labeling is encouraged. However, until more data on the relationship of calcium, magnesium, and potassium intake to

hypertension are available, it is inappropriate to broaden the agency's initiatives related to hypertension to include these elements.

74. One comment requested that the public education aspect of the sodium initiatives be expanded to include a discussion of all factors considered to have an effect on the development of hypertension. The comment also requested that the agency's monitoring efforts be expanded to include potassium, magnesium, and calcium consumption.

FDA advises that its sodium initiative is intended primarily to address the issues of sodium consumption and the role of sodium in hypertension. For these reasons, the public education efforts have been directed primarily toward providing information on sodium. The agency recognizes that sodium intake is only one factor, albeit an important one, associated with hypertension, and some FDA publications on hypertension explore some of these other factors.

Because of the sodium initiatives, it may erroneously appear to some that the agency's nutritional monitoring efforts only apply to sodium. The sodium aspects of these efforts have been stressed; however, other important nutritional characteristics of the food supply are also analyzed. The Selected Minerals in Food Survey, in particular, monitors the level of 11 different nutrients in diets typical for both sexes in different age groups. Among these nutrients are those addressed by the comment: potassium, calcium, and magnesium.

75. One comment requested that FDA define in its regulations, as part of this proceeding, the procedures the agency will follow in its consumer education campaign.

FDA advises that consumer education efforts, although a part of the sodium initiative, are not properly a part of this rulemaking proceeding to establish criteria for sodium labeling, because they are not "rules", "regulations", or even a statement of policy that would be appropriate for codification in the Code of Federal Regulations (CFR). The public education campaign, although related to the agency's sodium initiatives, is a function separate from regulation or compliance and thus would not be included in the CFR. However, FDA has explained in several public forums the efforts it is taking and will take to educate consumers about sodium and the sodium labeling regulations.

Nutrient Data Bases

76. Although opinion was divided over the use of nutrient data bases for

declaring the sodium and potassium content of individual products, a majority of the comments agreed that additional safeguards are necessary to ensure the effectiveness and accuracy of nutrition information derived from these data bases. Some comments questioned their accuracy and reliability and suggested that FDA be responsible for monitoring their usage. Some comments expressed concern that there are not yet sufficient data for developing data bases or that variability from product to product often precludes their development. One comment requested that FDA provide assurance to manufacturers that regulatory action will not be taken against firms using data base information to express sodium content.

FDA has carefully considered the comments and continues to believe that manufacturer-specific or industrywide data bases are a viable mechanism to provide data for use in labeling foods.

A nutrient data base allows a manufacturer to base quantitative label declarations of nutrient content, such as sodium and potassium levels, on information previously generated rather than on repetitive analyses of production lots of individual products. Manufacturers generally have a standardized process for manufacturing products, which provides assurances that future lots will be similar in nutrient content to previous lots. The data may be from sampling previous production lots of the company's product or from accumulated industrywide data for the product. Using historical data on a product a manufacturer can preprint labels with confidence that future lots will vary from the label declaration within a predetermined and allowable range. Use of a nutrient data base may reduce labeling costs and will probably decrease consumer confusion and increase confidence in the product because the product will bear the same declaration on each purchase occasion. Manufacturers should also analyze the product from time to time to increase confidence in the data base and to be assured that the manufacturing process continues to produce a consistent product.

The agency encourages industry to develop and maintain meaningful data bases but stresses that such initiatives are the responsibility of industry, rather than FDA. The agency will assist industry in evaluating the appropriateness of data bases for use in nutrition labeling and encourages them to submit data base information to the agency for review and evaluation. Although firms are not required to

request FDA review before using a scientifically valid data base and review and evaluation by the agency do not constitute approval, such consultation will help forestall potential compliance problems associated with the use of data bases. When compliance problems do arise after industry has consulted with FDA, the agency will work with manufacturers to resolve the problem, rather than taking immediate regulatory action.

FDA already has explored with several segments of industry the feasibility of establishing and utilizing nutrient data bases for such products as canned vegetables and raw produce to develop nutrition labeling, including sodium quantitation. Data bases which do not include sodium quantitation have been established for the other products such as milk and ice cream and certain snack food items. The agency expects that the use of nutrient data bases by industry will increase as experience is acquired.

Serving Size

77. Several comments supported the proposed revision of § 105.69 to express sodium content only on the basis of milligrams in a specified serving rather than both milligrams per serving and per 100 grams of the food. A few comments, however, were concerned that manufacturers might manipulate serving size declaration to lower the labeled sodium content. These comments suggested that serving sizes be standardized before implementing the regulation.

The agency concludes that it is not possible at this time to standardize serving sizes for all foods on the market and that this final rule ought not be delayed, pending such unlikely action. However, FDA recognizes that manufacturers could adjust the serving size to lower the sodium content per serving. If such adjustments occur and the serving size of a particular product appears unusually low compared to similar products on the market the agency will take appropriate regulatory action. If a serving size were reduced, manufacturers providing full nutrition labeling would have to express a lower content of other nutrients.

Multicomponent Meals

78. A few comments addressed issues of sodium labeling and the use of descriptive terms for multicomponent meals. These comments suggested that the average sodium content of individual components of the meal should serve as the basis for sodium labeling and for use of the descriptive terms. Currently, nutrition labeling for

multicomponent meals is based on the nutrient content of the entire meal.

The agency recognized that, because multicomponent meals currently on the market are unlikely to meet the criteria established by § 101.13 for use of the descriptors on the basis of total sodium content, it may be reasonable to establish different labeling criteria for such meals. However, the agency does not at this time have sufficient information upon which to base an agency policy, nor is the agency aware of currently available multicomponent meals that are sufficiently low in sodium content to warrant establishment of applicable definitions. Therefore, the agency has not attempted to establish defined descriptors for such products. Manufacturers that are marketing or intend to market multicomponent meals which could possibly be considered useful in a sodium restricted diet are encouraged to submit this information to the agency.

Potassium Labeling

79. Although several comments agreed with the proposed provision for voluntary inclusion of potassium content information on the food label, others suggested that no provision be made for voluntary potassium labeling until the medical significance of this nutrient to the general population has been determined. One opinion indicated that it would be premature and inadvisable to provide for potassium labeling because this action would elevate the importance of potassium to that of sodium or essential nutrients with established U.S. RDA's.

The agency disagrees with the suggestions that no provision should be made for voluntary potassium labeling. Potassium is an essential nutrient for which NAS/NRC has estimated a safe and adequate daily dietary intake range (Ref. 8). However, current nutrition labeling regulations contain no provisions for the quantitative declaration of potassium content. Health professionals and consumers, including many of those commenting on the proposed regulation, have called for the inclusion of potassium information in nutrition labeling.

Potassium is widely distributed in foods; meat, milk, and fruits are good sources. Under ordinary circumstances, a safe and adequate potassium intake is obtained from the diet. There is no evidence of potassium deficiency in the general population and no general toxicological concern for potassium intake from foods. By replacing some sodium-containing ingredients with potassium-containing compounds, it is probable that reduced sodium intakes

would be a more important public health factor than increased consumption of potassium. Available data do not suggest any concern about current or anticipated potassium consumption levels.

As discussed in the preamble to the proposal, a number of clinical conditions may require dietary control of potassium under certain circumstances. Label information about potassium would assist patients who have these conditions.

In light of the discussion above, the agency is retaining, in the final regulation, provision for the voluntary inclusion of potassium declarations in nutrition labeling. FDA will continue to monitor the potassium content of the food supply, as well as the presence of potassium declarations in nutrition labeling and will periodically reexamine the possible need for additional potassium labeling initiatives.

80. Several comments expressed the view that the final regulation should be amended to allow for the voluntary declaration of potassium content in isolation. Other comments expressed confusion over the intent of proposed § 101.9(c)(8)(ii) regarding the provision of potassium or potassium and sodium without nutrition labeling.

It was not FDA's intent, in proposed § 101.9(c)(8)(ii), to provide for the declaration of potassium content in isolation without nutrition labeling. Given the significance of the public health problems associated with excess sodium consumption, the provision in § 101.9(a) for sodium content declarations in isolation was intended as an incentive for manufacturers to provide more sodium information on food labels. The agency is aware of no convincing evidence, nor was any submitted by the comments, which would justify a similar requirement for potassium. Therefore, whenever potassium content declarations are made they are to be provided within the format of nutrition labeling as described in § 101.9(c)(8)(ii).

81. A few comments indicated that the proposed requirement for expressing the number of milligrams of potassium per serving of food to the nearest 5 milligram increment was too restrictive and could discourage the voluntary declaration of potassium content in nutrition labeling. Other opinions favored the use of alternative increments such as 25 mg, 10 mg above 140 mg per serving, or a combination of 10 mg at levels less than or equal to 140 mg per serving and 20 mg at levels above 140 mg per serving. One comment pointed out that use of 20 mg increments

would permit easy conversion of "milligrams potassium" to "milliequivalents potassium" because one increment would represent approximately 0.5 mEq (1mEq = 39 mg). Furthermore, the comment contended that provision for the use of variable increments in declarations of potassium content would be consistent with agency policy regarding declarations of other nutrients (e.g., calories).

The agency has considered the merits of the suggestions made by comments favoring the use of variable increments when expressing quantitative declarations of potassium content in conjunction with several additional suggestions responding to the proposed increments for the declaration of sodium content information discussed elsewhere in this document. The agency has responded to comments on sodium increments by revising the regulation to permit declaration of sodium content to the nearest 10 mg for products containing greater than 140 mg of sodium per serving. Although the rationale for revising the regulation in regard to sodium is not strictly applicable to potassium, the agency is modifying its position on declaration of potassium content to be consistent with sodium declaration. Accordingly, when it is declared, quantitative declarations of potassium content shall be expressed to the nearest 5 mg increment at levels of potassium per serving of 140 mg or less and to the nearest 10 mg increment at levels above 140 mg. In addition, for further consistency, the potassium content may be expressed as zero mg per serving if a serving contains less than 5 mg of potassium.

82. A few comments noted that potassium was not included in the proposed amendment of § 101.9(e)(5), which would add a compliance standard for sodium labeling. Some comments suggested that potassium should be included. Another comment noted that the variability inherent in the analytical method used to monitor compliance should always be considered in determinations of misbranding.

It was the agency's intention that the compliance criteria for potassium labeling be those outlined in § 101.9(e)(3) and (4). The wording of those two paragraphs is sufficiently broad, so that no revision is necessary to clarify applicability to potassium. Accordingly, a food with a quantitative declaration of potassium content on the nutrition label shall be deemed to be misbranded unless it meets the following requirements: (1) When potassium has been added to the food, the potassium content of the composite must be at

least 100 percent of the declared value on the label; and (2) when potassium only occurs naturally in the food, the potassium content of the food must be at least 80 percent of the declared value on the label. These criteria take into consideration the variability of the analytical method used in determining the potassium content of the food.

83. A few comments suggested that the use of potassium chloride as a substitute for salt in processed food trigger a mandatory declaration of the potassium content. The comments also recommended that the use of potassium chloride as a substitute for salt be highlighted in some manner, possibly by underlining the name in the ingredient statement or by using a warning statement to alert patients with severe kidney disease. Other comments suggested that listing of potassium chloride in the ingredient statement was sufficient. The comments further argued that the listing of the potassium salt in the ingredient statement together with the analytical value either in nutrition labeling or in the ingredient statement would provide sufficient information for consumers in situations where potassium-containing substances are used to replace salt in foods.

FDA's current policy is that, if not prohibited by a regulation such as a food standard, the use of a potassium salt as a partial substitute for sodium chloride need be reflected only in the ingredient statement, provided such substitution does not change the basic nature of the food (i.e., the substitution does not result in significant changes in taste or other technical aspects). If, however, the use of a potassium salt results in a change in the basic nature of the food, such use must be reflected as part of the product name (e.g., "seasoned with potassium chloride"). FDA is not requiring the declaration of potassium content when potassium salts are used as substitutes for sodium-containing substances. Further, the agency was not provided with information which would justify the requirement of warning statements, nor do current FDA regulations provide for the inclusion of analytical information or underlining in the ingredient statement.

Although many food standards permit the use of potassium chloride as an optional ingredient (e.g., bread, peanut butter, cottage cheese, breaded shrimp, mixed nut, margarine), other standards which do not would have to be amended before such substitution would be permitted. Further, it should be noted that the standards of identity for low-sodium cheddar and colby cheeses

require a label statement highlighting the use of salt substitutes. In the agency's opinion, the physical characteristics of these cheeses, when compared to the normal varieties, are sufficiently changed that the label statement is required to inform fully consumers of this difference.

Regarding salt substitutes for table use, a Drug Efficacy Study Implementation (DESI) announcement was published in the *Federal Register* of June 26, 1968 (33 FR 9352). This announcement stated that salt substitute preparations are regarded by the agency both as foods subject to regulations as foods for special dietary use, and as drugs. Under the drug provisions of the act, the preparations are required to bear a "cautionary statement" to the effect that they should not be used without the advice of a physician. Although the 1968 DESI announcement remains in effect, the agency is currently formulating a revised policy regarding salt substitute products including mandatory potassium labeling for such products. FDA will reexamine the extent of cautionary language which should be required on the labels of these products. Proposed policy changes regarding salt substitutes will be communicated to consumers and industry through an appropriate *Federal Register* publication. In the meantime, the agency will handle deceptive labeling practices involving salt substitutes on a case-by-case basis.

Analytical Methods

84. Several comments addressed the issue of appropriate analytical methods to be used for determination of sodium and potassium content of foods. Some comments noted that the Association of Official Analytical Chemists (AOAC) approved method for sodium analysis utilizing a sodium specific-ion electrode was not mentioned in the proposal. The comments also discussed the use of a potassium specific-ion electrode method, although this is not currently an AOAC approved method. Some comments urged that specific-ion electrode methodology be included in the listing of methods in the regulation because these are also quick, inexpensive methods. Other comments argued that indirect methods should be allowed for sodium, especially for foods where the sodium is derived predominantly from added salt. These comments asserted that indirect methods were less expensive and required less highly skilled personnel. One comment noted that specific methods are not specified in nutrition labeling regulations for other nutrients

and stated that methods for sodium and potassium analysis also should not be specified.

Many comments apparently believed that industry would be required to use the methods cited in the proposal to determine sodium or potassium content of a food. Thus, it should be clarified that the methods cited in the regulation are those that the agency will use to determine compliance with the regulation and industry is not required to use those same methods. The agency has revised § 101.9(c)(8)(i) by changing the mandatory term "shall" with the correct term "will." It is not unusual for the agency to prescribe the methodology it will use for specific analyses so that the regulated industry is properly informed of this aspect of the regulatory procedure. For example, §§ 101.9(e) and 101.25(e) reference AOAC methods for nutrient analyses. Although manufacturers are not required to use those same analytical procedures, they are responsible for ensuring that the declaration of sodium content complies with the regulation and are advised to use a method or technique that provides essentially the same results as the analytical procedures used by FDA.

Rather than listing each specific direct method that may be used, FDA has modified § 101.9(c)(8) (i) and (ii) to indicate that compliance with sodium and potassium labeling regulations will be determined by AOAC approved direct instrumental methods. When such a method does not exist for a particular food, a modification of an AOAC direct instrumental method will be used. The agency may use a potassium specific-ion electrode method when one becomes approved by AOAC or it may use such a method when no AOAC direct instrumental method is available. In view of this more inclusive general language, listing of the specific-ion electrode methods of analysis for sodium and potassium is not necessary.

Alternative Labeling Schemes

85. One comment recommended, as an alternative to the proposed descriptors, that a grading system be used to indicate sodium content and that no quantitative statement about sodium content be required unless the sodium content exceeds 600 mg per serving. The comment suggested that foods be labeled using grades 1 to 5, with "grade 1" designating the lowest sodium content category. The comment also suggested that quantitative declarations be in centigram "units" (1 centigram = 10 mg) rather than in milligrams. Thus, 80 mg per serving would be declared as 8 units per serving.

The agency has considered and rejected the suggestion that descriptors be in terms of "grades" rather than qualitative terms such as "low." The grading scheme assumes that valid levels can be defined for descriptors such as "high sodium." The agency cannot justify establishing such a definition. Furthermore, FDA does not agree that "grade" descriptors will be more meaningful to consumers than qualitative terms such as "low" which are already in use in the marketplace. FDA also does not agree with the idea of using centigram units for several reasons. First, the agency believes that important information will not be conveyed to persons on restricted diets if declarations were in centigrams. Second, it is the agency's opinion that no advantage accrues to consumers from changing a declaration from, for example, 200 mg to 20 "units," because of the massive education program that would be required to explain the new method of measurement. Third, consumers and health professionals are accustomed to computing sodium intake in milligrams. Introduction of a new unit would serve only to complicate further the nutrition label and to increase consumer confusion.

86. Comments also suggested the use of graphics, distinctive logos, symbols and pictorials, and/or distinctive color coding systems either as a replacement for or an adjunct to descriptive terms. One comment described the shelf-labeling initiative of a retail grocery chain in which sodium, fat, and caloric content are qualitatively illustrated for customers through use of uncolored, half-colored, or fully colored squares. Other comments suggested that symbols be used to indicate sodium content. For example, a salt shaker could indicate sodium content, based on the level of salt in the shaker, or a filled salt shaker or some other symbol could be used as a warning to indicate "high sodium" content. The comment noted that such nonverbal communication techniques could be used as a means of communicating with illiterate or non-English-speaking consumers. Several comments also suggested that large print and nonverbal techniques could be used for the benefit of those with poor eyesight, particularly for older consumers who are often those most in need of the information.

As discussed elsewhere in this document, FDA cannot justify a requirement for "high sodium" labeling; and a filled salt shaker or fully colored square is a form of such labeling. The comments submitted no rationale or data to support the use of such labeling.

FDA recognizes the potential usefulness of alternative methods for presenting nutrition information in general and sodium information in particular. The agency is currently undertaking a study that is intended to evaluate alternative means of communicating such information. Further, in the *Federal Register* of April 8, 1983 (48 FR 15236), the agency published a final rule establishing procedures for granting exemptions from nutrition labeling requirements for the purposes of food labeling experiments. The procedures are intended to encourage the generation of data needed to supplement FDA's initiatives to provide consumers with more comprehensible and useful food labeling information.

At this time, the agency is not aware of a satisfactory body of scientific or empirical data from which the effectiveness of alternative labeling techniques such as graphics, format, colors, or symbols can be judged. Additionally, considerable consumer reeducation would be necessary before consumers would associate a specific color or particular symbol with a single attribute of food such as sodium content. Thus, the final rule has not been modified to include criteria for use of alternative methods of communicating sodium information. However, the agency is encouraging manufacturers and other interested groups, in cooperation with FDA, to explore the use of nonmisleading communication systems in conjunction with, or as an alternative to, current nutrition labeling requirements.

FDA has long struggled with the problem of print size for required label statements. Current labeling regulations establish minimum print size (21 CFR 101.2). However, even these sizes may be too small for consumers with poor eyesight. On the other hand, label space for required and optional label statements is limited for many foods, so that it is often difficult to provide the information in the required print size. Although FDA does encourage manufacturers to print important label information in the largest practical type size, it is not likely that the controversial issue of print size requirements will be readily resolved to accommodate everyone's needs.

87. A few comments suggested that a warning statement or some type of warning symbol should be required for foods with high sodium content, so that consumers would be alerted to the potential dangers associated with high sodium consumption and those who desire to reduce their sodium intake

would be aware of foods that should be avoided.

The agency does not agree that a warning statement or symbol would be appropriate. As was discussed elsewhere in this document, FDA does not have sufficient data to establish criteria for defining which foods should be considered "high" in sodium. Further, even foods with the highest sodium content may contribute relatively little to the average intake of sodium if they are consumed infrequently or in small amounts.

88. One comment suggested that proposed §§ 101.9(c)(8)(i) and 101.13(a) be revised to permit manufacturers to include on the label a statement indicating the importance of reduced sodium intake to health.

FDA has been and will continue to be opposed to health-related claims stating or implying that an individual food in the general food supply has specific value in the treatment, prevention, or dietary management of a specific disease. The agency emphasizes that the public health issue relating to sodium is the amount of sodium in a consumer's entire diet, not in one food. Therefore, a medical claim on an individual food item in the general food supply would be considered misleading and as such is not permitted on food labels.

89. Several comments expressed concern that any sodium declaration on a food label would cause the food to be categorized as food for special dietary use. Another comment claimed that FDA's discussion of "low sodium" foods in the proposal indicated that the agency considered such foods to be "special dietary" foods.

The quantitative declaration of sodium content, either in isolation or as part of the nutrition label as prescribed by this regulation, is a representation of dietary usefulness which has been specifically exempted from the requirements of § 105.69 because of its importance to the general population. The agency also is providing that use of the descriptors defined by this regulation on food labels, without more specific claims of dietary usefulness in regulating sodium intake, is exempt from the requirements of § 105.69. As discussed in the proposal, the agency's sodium program is directed toward the entire population. Thus, this sodium labeling regulation is applicable to all foods, rather than just those for special dietary use. Any food on the market may bear quantitative sodium information and, as appropriate, descriptor labeling. Although a number of foods are specifically manufactured to be lower in sodium, many ordinary foods also meet the criteria and may be

labeled with such descriptors. It was pointed out in the proposal that more than 50 percent of the 650 most commonly consumed foods contain 140 mg sodium per serving or less. Likewise, about 35 percent contain 35 mg sodium per serving or less. This latter group of foods includes most fresh, frozen, or dried fruits and vegetables and a few manufactured foods such as pastas and certain cereals.

Sodium in Isolation

90. A number of comments raised questions regarding the agency's policy on placement of quantitative sodium information, when the information is not provided as part of nutrition labeling, and requested clarification on the agency's policy regarding the statement of serving size and applicability of the compliance criteria for sodium labeling in isolation.

FDA stated in the proposal that declaration of sodium content may be made voluntarily and in isolation, without triggering a requirement for full nutrition labeling. This information may be provided on the principal display panel or on the information panel of the food label and must be stated in terms of milligrams of sodium in a specified serving of the food, e.g., "Contains 150 mg sodium per 4 oz serving." The agency has revised § 101.9(c)(8)(i) accordingly. Declaration of sodium content, when provided in isolation, is subject to the same compliance criteria required for sodium content declared as part of the nutrition label.

FDA/USDA Coordination

91. Several comments objected to the lack of uniformity between the proposed regulation and current USDA policies. The comments believe that uniformity between the policies of the two agencies is crucial because many manufacturers operate under the jurisdiction of both agencies and historically the policies and regulations of the two have tended to reflect one another.

The agency agrees that all Federal regulatory policies should be as uniform as possible. It is for this reason that FDA, USDA, and the Federal Trade Commission's Bureau of Consumer Protection cooperated in holding public hearings across the nation in 1978 to elicit public comment on improving food labeling. FDA is continuing to cooperate with other agencies in developing consistent overall labeling strategies and policies. Toward this end, USDA sodium labeling policies were considered in the development of FDA's proposal and USDA personnel were involved in critiques and discussions of the proposal before it was published.

Further, FDA is continuing to consult with USDA to minimize, to the greatest possible extent, any differences in food labeling policies.

FDA recognizes, however, that there are differences between the agency's sodium labeling regulation, as set out below, and USDA's sodium labeling guidelines. For example, USDA does not require sodium content information to be included in nutrition labeling. On the other hand, USDA requires an approved quality control program to verify the accuracy of the sodium labeling value of each product. Because of the different statutes enforced by FDA and USDA and their different regulatory responsibilities and procedures, some differences in the policies of the two agencies may be inevitable. FDA is not persuaded that the differences in the policies of the two agencies are of a nature that would necessitate changing FDA's sodium labeling policies to coincide with USDA's policies. However, FDA will maintain close cooperation with USDA and will coordinate labeling actions to ensure maximum consistency.

92. Several of the comments on USDA/FDA policy differences also discussed the possible impact of the sodium labeling proposal on meat products. These comments expressed the opinion that the proposed regulations would be especially hard on the meat industry because fresh meat cannot qualify for any of the descriptor claims and the sodium level in processed meat cannot be reduced significantly without drastically decreasing shelf life and/or increasing the chances for the growth of *Clostridium botulinum* spores. The comments asserted that promulgation of these regulations would have an adverse effect on consumer acceptance of meat and meat products. The comments recognized that the products being discussed are under USDA jurisdiction but felt that their comments should be considered in FDA's rulemaking proceedings.

As explained above, FDA and the biomedical community are concerned about the total dietary intake of sodium but their concern has never been directed toward any one particular food item or class of foods. Throughout the sodium reduction program the agency has been careful not to "single out" any food group. Further, FDA never intended that all foods could or would meet the criteria for sodium descriptor labeling. However, the agency does not believe that the general public will avoid eating meat simply because it fails to bear a "low sodium" description on the label.

Also, in its efforts to encourage the food industry to make reasonable voluntary reductions in the amounts of sodium added to processed foods, FDA has stressed that reductions should be made without jeopardizing the safety and acceptability of foods. Any reduction that would increase public health risks would fail to meet the test of reasonableness. FDA is encouraged by the meat industry's research efforts to achieve significant sodium reductions in their products within the parameters of safety and acceptability.

Miscellaneous

93. One comment suggested that an exemption from the requirements to provide on-package sodium labeling be provided for certain categories of foods, such as candies, gums, and other foods in small packages and products intended for institutional use. Another comment requested clarification of the requirement for sodium labeling of fresh fruits and vegetables.

In principle, this final rule provides for the voluntary declaration of sodium content. Sodium labeling is not required, except when a sodium or salt claim is made or as part of nutrition labeling when nutrition labeling is required or provided voluntarily. The agency has not received sufficient information regarding specific potential problems associated with sodium labeling of small packages to provide an exemption from this policy on the basis of package size. Further, until specific evidence to the contrary is provided, the agency is assuming that a label with sufficient space to provide nutrition labeling is not likely to be overburdened by the space requirement of the sodium content declaration. Fresh fruits and fresh vegetables currently are exempt from nutrition labeling requirements (21 CFR 101.9(h)(10)) and this exemption extends to the requirements for sodium labeling as part of nutrition labeling.

94. One comment suggested testing of nutrition label information to assess the amount that is usable without being overwhelming.

This issue is often referred to as information overload and is being evaluated as part of FDA's current study of possible nutrition labeling revisions. The study does not assume that sodium content is included but takes into consideration format, print size or boldness, graphics, numerical or verbal description systems, and retention, deletion, or substitution of information.

95. One comment expressed concerns about sodium labeling for foods that have a relatively high sodium content, such as condiments and dressings, but that are usually consumed in such small

amounts that their contribution to overall sodium intake is low. The comment requested that FDA include such information in its consumer information materials.

When sodium content is declared, either in nutrition labeling or in isolation, it must be declared in terms of milligrams of sodium in a specified serving. Therefore, the consumer is aware of the amount of sodium in a specific quantity of the food and will be able to judge the overall contribution of the food in question to the sodium intake in the daily diet. This use of the food label has been stressed in FDA's consumer information material.

96. One comment suggested that the term "serving" should not be used interchangeably with "portion" because it is confusing to do so.

The terms "serving" and "portion" are defined by § 101.9(b)(1) and are not generally interchangeable. A "serving" is "that reasonable quantity of food suited for or practicable of consumption as part of a meal by an adult male engaged in light physical activity, or by an infant or child under 4 years of age when the article purports or is represented to be for consumption by an infant or child under 4 years of age." The term "portion" refers to "the amount of a food customarily used only as an ingredient in the preparation of a meal component * * *."

Units of Declaration

97. Several comments expressed support for declaration of sodium and potassium in terms of milligrams per serving, milligrams per 100 grams, amount per package or can, milliequivalents, quantity per ounce, centigram units, milligrams per calorie, and household measuring terms, such as per cup. The agency has considered the suggested alternative units of declaration and concludes that, at present, none provide any greater benefit to consumers than does declaration in milligrams per serving. The units of declaration are consistent with current requirements for other nutrients in nutrition labeling. As discussed elsewhere, FDA is evaluating alternative methods of presenting nutrition information on the food label. Some of the comments' suggestions are under consideration in this evaluation.

98. Several comments were submitted which, although interesting and informative, were not particularly relevant to the proposal or were considered to be beyond the scope of the proposal. For example, some of those commenting provided additional ideas on how to improve FDA's public education campaign. Others suggested

that FDA extend its activities to regulate other areas that are outside the statutory purview of the agency.

Responses to such comments are not provided in this document. However, some were answered directly by letter.

Effective Date

99. A few comments expressed concern about the effective date of the proposal, indicating that a sufficient phase-in time is necessary to reduce the cost impact.

The effective date of this final rule is July 1, 1985. Voluntary compliance with the regulation may begin April 18, 1984. Sodium labeling must be provided as part of the nutrition label, when nutrition labeling is provided, for all products initially introduced or initially delivered for introduction into interstate commerce on or after July 1, 1985. FDA believes that the period remaining before the effective date is sufficient for most manufacturers to exhaust existing label stocks and to phase in required label changes.

Retrospective Review

FDA is required by the Regulatory Flexibility Act, Executive Order 12291, and the Paperwork Reduction Act of 1980 to review its existing regulations. FDA published a notice in the *Federal Register* of July 14, 1981 (46 FR 36333) announcing the undertaking of a systematic review of its regulations to minimize regulatory burden while maintaining an acceptable level of consumer protection. Among the regulations scheduled for review during the retrospective review process was § 105.69 *Foods used to regulate sodium intake*.

The agency received comments on the sodium labeling regulation in response to the July 14, 1981 notice. The agency also received comments forwarded in response to the request of the President's Task Force on Regulatory Relief. These comments focused particularly on the requirement in § 105.69 for a dual declaration of sodium content as an example of an unnecessary regulatory burden. The agency has reviewed the proposal in light of these comments and has revised § 105.69 to require a declaration of sodium only in terms of milligrams of sodium per serving.

FDA, therefore, concludes that this amendment of § 105.69 satisfies the requirements of the agency's announced systematic regulatory review program for this particular regulation. The regulation will receive periodic reconsideration in accordance with agency priorities.

References

The following information has been placed in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. "FDA 1978 Consumer Food Labeling Survey," U.S. Department of Health, Education, and Welfare, Food and Drug Administration, October 1979.
2. "The Public Response to Labeling of the Sodium Content of Foods," James T. Heimbach, U.S. Food and Drug Administration, Washington, DC, February 1983 (unpublished report).
3. Parijs, J., et al., "Moderate Sodium Restriction and Diuretics in the Treatment of Hypertension," *American Heart Journal*, 85(1):22-34, 1973.
4. Morgan, T., et al., "Hypertension Treated by Salt Restriction," *Lancet*, 1:227-230, February 4, 1978.
5. Parfrey, P. S., et al., "Blood Pressure and Hormonal Changes Following Alteration in Dietary Sodium and Potassium in Mild Essential Hypertension," *Lancet*, 1:59-63, January 10, 1981.
6. "Hypertension in Adults 25-74 Years of Age, United States, 1971-1975," Vital Health Statistics Data from the National Health Survey, Series II, Number 221, National Center for Health Statistics, U.S. Department of Health and Human Services, 1981.
7. Pennington, J. A. T., "Revision of the Total Diet Study Food List and Diets," *Journal of the American Dietetic Association*, 82:166-173, 1983.
8. "Recommended Dietary Allowances," 9th edition, Committee on Dietary Allowances, Food and Nutrition Board, National Research Council, National Academy of Sciences, Washington, DC, 1980.
9. "Defining Low Sodium Foods," Y. Park and E. Hanson, U.S. Food and Drug Administration, Washington, DC, May 1979 (unpublished report).
10. "Quantitative Sodium Labeling in the Retail Food Supply. Source: Food Labeling and Package Survey (FLAPS) I-III: 1978-1982," U.S. Food and Drug Administration, Washington, DC, December 1982.

Environmental Impact

The agency has determined pursuant to 21 CFR 25.24(d)(13) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Economic Impact

Before publication of the proposed rule, FDA examined the economic implications of the proposed regulation in accordance with Executive Order 12291 and the Regulatory Flexibility Act (Pub. L. 96-345, 94 Stat. 1166). This final rule does not differ in any substantive way from the proposal, and therefore

the earlier economic impact assessment is valid for this final rule. The agency concludes that approximately 3,500 food manufacturing firms will incur a total first year cost, adjusted to represent 1983 figures, of as much as \$20.3 million and recurring annual costs of \$0.7 million to comply with this rule. These costs are expected to be passed on through the food distribution chain to consumers in the form of higher retail food costs. The first year cost increase represents about one one-hundredth of one percent (0.01 percent) of consumer expenditures for FDA-regulated food products, or about three one-hundredths of one percent (0.03 percent) of consumer expenditures for the approximately 40 percent of all foods that are nutritionally labeled. The anticipated costs of this rule are not of sufficient magnitude to warrant designation as a major rule under any of the criteria specified under section (b) of Executive Order 12291.

The agency believes that this rule has inherently flexible features that will moderate any significant burdens on small firms. For example, industrywide data bases developed by trade associations help to decrease testing costs and assure participating small manufacturers that the values declared on their product labels are within the allowable variability limit.

The agency conducted a discretionary regulatory flexibility analysis to confirm that the proposed rule would not have a significant impact on small businesses. The final rule does not differ in any substantive way from the proposal. Therefore, the earlier analysis remains valid.

As a result of that analysis, the agency certifies that this rule will not have a significant economic impact on a substantial number of small entities. If sectors of the industry anticipate unique burdens from this rule, FDA is interested in minimizing these burdens by special provisions. The exemption of very small firms, special labeling variations for certain products, or extension of the effective date are alternatives the agency is willing to consider if information on the need for and anticipated cost savings of such flexibilities are reasonably demonstrated.

Copies of the threshold assessment and the regulatory flexibility analysis are on file and available for review in the Dockets Management Branch (address above).

Paperwork Reduction Act of 1980

Section 101.9(c)(8)(i) contains collection of information requirements which are subject to the Office of

Management and Budget's (OMB) review under the Paperwork Reduction Act of 1980. These requirements have not yet been approved by OMB and are therefore not effective. A notice will be published in the *Federal Register* regarding the effective date of these requirements once the approval has been obtained.

List of Subjects

21 CFR Part 101

Food labeling, Collection of information, Incorporation by reference, Misbranding, Nutrition labeling, Warning statements.

21 CFR Part 105

Dietary foods, Food labeling, Infant foods, Nutrition, Vitamins and minerals.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 403, 701, 52 Stat. 1040-1042 as amended, 1047-1048 as amended, 1055 (21 U.S.C. 321, 343, 371)) and under 21 CFR 5.11, Parts 101 and 105 are amended as follows:

PART 101—FOOD LABELING

1. In Part 101:

a. In § 101.9 by revising the introductory text of paragraph (c), revising the last sentence in the introductory text of paragraph (c)(6), removing paragraph (c)(6)(iv), adding new paragraph (c)(8), and revising paragraph (e) (5) and (6), to read as follows:

§ 101.9 Nutrition labeling of food.

(c) The declaration of nutrition information on the label and in labeling shall contain the following information in the following order, except for sodium and potassium which shall follow fat and cholesterol information, using the headings specified, under the overall heading of "Nutrition Information Per Serving (Portion)." The terms "Per Serving (Portion)" are optional and may follow or be placed directly below the terms "Nutrition Information."

(6) *** Fatty acid composition and cholesterol content may also be declared in compliance with § 101.25.

(8)(i) Sodium content" or "Sodium": A statement of the number of milligrams of sodium in a specified serving (portion) of food shall be placed on the nutrition label immediately following the statement on fat content (and fatty acid and/or cholesterol, if stated). In the absence of nutrition labeling, a statement of the number of milligrams of

sodium in a specified serving (portion), i.e., "Contains — milligrams sodium per — serving (portion)" may be provided on the principal display panel or information panel of the label. Sodium content shall be expressed as zero when the serving (portion) contains less than 5 milligrams of sodium, to the nearest 5-milligram increment when the serving (portion) contains 5 to 140 milligrams of sodium and to the nearest 10-milligram increment when the serving (portion) contains greater than 140 milligrams of sodium. Sodium content will be determined by direct instrumental methods of analysis for sodium ions in accordance with the applicable methods in the Official Methods of Analysis of the Association of Official Analytical Chemists (AOAC), 13th ed., 1980, pp. 146, 290, and 871-872, which is incorporated by reference, or if no AOAC method is applicable, by an equivalent direct instrumental analysis method for sodium ion. Copies of the incorporation by reference are available from the Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, DC 20044, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

(ii) Potassium may be declared voluntarily on the label. Information on potassium shall be placed on the label immediately following the sodium content and shall include a statement of the number of milligrams of potassium in a specified serving (portion) of food. Potassium content shall be expressed as zero when the serving (portion) contains less than 5 milligrams of potassium to the nearest 5-milligram increment when the serving (portion) contains less than or equal to 140 milligrams of potassium and to the nearest 10-milligram increment when the serving (portion) contains greater than 140 milligrams of potassium. Potassium content will be determined by direct instrumental methods for potassium ions in accordance with the applicable methods in the Official Methods of Analysis of the Association of Official Analytical Chemists (AOAC), 13th ed., 1980, pp. 18-19, 146, 186-187, 290, and 871-872, which is incorporated by reference, or, if no AOAC method is applicable, by an equivalent direct instrumental analysis method for potassium ion. Copies of the incorporation by reference are available from the Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, DC 20044, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

(e) * * *

(5) A food with a label declaration of calories, carbohydrates, fat, or sodium shall be deemed to be misbranded under section 403(a) of the act if the nutrient content of the composite is greater than 20 percent in excess of the value for that nutrient declared on the label.

(6) Reasonable excesses of a vitamin, mineral, or protein over labeled amounts are acceptable within current good manufacturing practice. Reasonable deficiencies of calories, fat, or sodium under labeled amounts are acceptable within current good manufacturing practice.

* * * * *

b. By adding new § 101.13, to read as follows:

§ 101.13 Sodium labeling.

(a) Certain descriptive terms about the quantitative sodium content of foods may be used on the label and in labeling provided such statements comply with the following rules:

(1) The term "sodium free" may be used on the label and in labeling of foods that contain less than 5 milligrams of sodium per serving.

(2) The term "very low sodium" may be used on the label and labeling of foods that contain 35 milligrams or less of sodium per serving.

(3) The term "low sodium" may be used on the label and in the labeling of foods that contain 140 milligrams or less of sodium per serving.

(4) The term "reduced sodium" may be used on the label and in the labeling of foods that have been formulated to serve as and are represented as direct replacements for foods containing at least four times the sodium content (75 percent reduction). The label of such a food shall provide information comparing the sodium content per serving with that of the food it replaces.

(5) When any of the definitions set forth in paragraphs (a) (1), (2), (3), or (4) of this section are used in labeling or when any other truthful statement about sodium content is used in labeling, quantitative information shall be provided on the label in conformity with § 105.69 or § 101.9 of this chapter.

(b) The term "salt" is not synonymous with "sodium." Salt refers to sodium chloride. References to salt content such as "unsalted," "no salt added," or "without added salt" or an equivalent term may be used on the label and in labeling of food only if:

(1) No salt is added during processing;

(2) The food that it resembles and for which it substitutes is normally processed with salt; and

(3) Sodium content information is provided in conformity with § 105.69 or § 101.9 of this chapter.

PART 105—FOODS FOR SPECIAL DIETARY USE

2. By revising § 105.69, to read as follows:

§ 105.69 Foods used to regulate sodium intake.

If a food purports to be or is represented for special dietary use by man by reason of its use as a means of regulating the intake of sodium or salt (sodium chloride), the label shall bear either nutrition labeling or a statement of the number of milligrams of sodium in a specified serving (portion) of such food, in conformance with the applicable provisions of § 101.9 of this chapter.

The portions of this final rule that revise 21 CFR 101.9 and add new 21 CFR 101.13 are being promulgated under the authority of sections 201, 403, and 701(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 343, 371(a)). Publication of this document constitutes a final action on these changes under section 553 of the Administrative Procedure Act (5 U.S.C. 553).

The portion of this final rule that revises 21 CFR 105.69 is being promulgated under the authority of sections 201, 403, and 701(e) of the Federal Food, Drug, and Cosmetic Act which requires the agency to consider objections to final rulemaking. Any person who will be adversely affected by the revision to 21 CFR 105.69 may, at any time on or before May 18, 1984, submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents

shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. Except for any provisions that may be stayed by the filing of proper objections, compliance with these regulations, including any

required labeling changes, may begin April 18, 1984, and all affected products initially introduced or initially delivered for introduction into interstate commerce on or after July 1, 1985, shall fully comply. Notice of filing of objections or lack thereof will be published in the **Federal Register**.

(Secs. 201, 403, 701, 52 Stat. 1040-1042 as amended, 1047-1048 as amended, 1055 (21 U.S.C. 321, 343, 371))

Mark Novitch,

Acting Commissioner of Food and Drugs.

Margaret M. Heckler,

Secretary of Health and Human Services.

Dated: February 23, 1984.

[FR Doc. 84-10358 Filed 4-17-84; 8:45 am]

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Wednesday, April 18, 1984

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