

federal register

WEDNESDAY, OCTOBER 1, 1975



highlights

PART I:

CFR CHECKLIST

OFR announces revision dates and prices of 1975 Code of Federal Regulations..... 45157

OIL

Commerce/DIBA continues short supply controls on petroleum and petroleum products; effective 9-29-75... 45159

OIL IMPORTS

FEA notice regarding payment of license fees..... 45229

PIPELINE SAFETY

DOT/Materials Transportation Bureau issues proposal for offshore gas pipelines; comments by 10-31-75..... 45192

OUTER CONTINENTAL SHELF

Interior restricts joint bidding on oil and gas leases..... 45171

ENDANGERED SPECIES

Interior/FWS proposes addition of Red Hills salamander; comments by 12-1-75..... 45175

ENVIRONMENT

EPA review and comments of Federal agency actions impacting the environment..... 45221

CONTINUED INSIDE

PART II:

FEDERAL ELECTIONS

FEC publishes advisory opinions on campaign violations (3 documents)..... 45292, 45293, 45295

FEC proposes allocation of campaign expenditures and contributions, comments by 10-13-75..... 45297

PART III:

PRIVACY ACT OF 1974

The following agencies and departments issue rules, proposals, and/or notices implementing the Act:

CIA (2 documents), effective 9-27-75..... 45322, 45325

Commission of Fine Arts, comments by 10-30-75..... 45306

Commodity Futures Trading Commission..... 45317

Community Services Administration (2 documents), effective 9-27-75..... 45300, 45328

Energy Research and Development Administration (2 documents), effective 9-27-75..... 45308, 45321

Health, Education, and Welfare Department..... 45348

Nuclear Regulatory Commission..... 45332

Tennessee Valley Authority (3 documents), effective 9-27-75..... 45313, 45326, 45327

PRIVACY ACT PUBLICATIONS

The following government agencies have submitted Privacy Act documents to the Office of the Federal Register for publication. These documents are available for public inspection at the Federal Register Office, 1100 L St., NW., Rm. 8401. They will be published according to the following schedule. See also this issue of the FEDERAL REGISTER for Privacy Act documents filed on or before Sept. 26.

<i>Agency</i>	<i>1975 Date of Issue</i>
Nuclear Regulatory Commission—notices.....	Oct. 1
Interior Department—notices (2 documents).....	*
Community Services Administration—rules, notices.....	Oct. 1
National Archives & Records Service.....	*
Health, Education, and Welfare Department—notices.....	Oct. 1
Commission of Fine Arts—proposed rules.....	Oct. 1
Commission of Fine Arts—notices.....	Oct. 2
Tennessee Valley Authority—rules, notices.....	Oct. 1
Commodity Futures Trading Commission—notices.....	Oct. 1
Energy Research & Development Administration—rules.....	Oct. 1
Energy Research & Development Administration—notices.....	*
State Department—rules, notices.....	Oct. 2
General Services Administration—notices.....	*
U.S. Railway Association—rules, notices.....	Oct. 2
Housing & Urban Development—notices.....	*
Agency for International Development—rules, notices.....	Oct. 2
Commerce Department—notices.....	Oct. 2
Central Intelligence Agency—rules, notices.....	Oct. 2
Advisory Commission on Intergovernmental Relations—proposed rules, notices.....	Oct. 3
Treasury Department—rules.....	Oct. 2
Treasury Department—notices.....	*
Federal Energy Administration—rules, adoption of notices.....	Oct. 2
Defense Department/Navy—proposed rules, notices.....	Oct. 3
Defense Department—notices.....	*
Federal Reserve System—rules.....	Oct. 2
Railroad Retirement Board—rules, notices.....	Oct. 2
Water Resource Council—rules, notices.....	Oct. 2
Postal Service—rules.....	Oct. 2
Postal Service—notices.....	*
Transportation—rules.....	Oct. 2
Federal Maritime Commission—notices.....	*
Federal Trade Commission—notices.....	Oct. 3
Federal Communications Commission—notices.....	Oct. 3
Civil Rights Commission—rules, notices.....	Oct. 2
Pension Benefits Guarantee Corporation—rules.....	Oct. 3

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

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HIGHLIGHTS—Continued

AUTOMOBILE SAFETY

DOT/NHTSA proposes modification of certain test procedures and braking standards; comments by 11-17-75. 45200

BLACK LUNG DISEASE

HEW/SSA issues proposal regarding benefit payments; comments by 10-31-75. 45190

FLAMMABLE FABRICS

CPSC policy statement regarding exports. 45219

HAZARDOUS MATERIALS

DOT/Materials Transportation Bureau proposes changes pertaining to cargo aboard aircraft; hearing 10-23-75, comments by 11-6-75. 45197

INTEREST RATES

USDA/CCC announces rate for certain commodity, storage facility, and drying equipment loans. 45211
Treasury announces rate on certain notes. 45204

ANIMAL FEED

HEW/FDA sets allowable tolerances of certain pesticides. 45163

INVESTMENT ADVISERS

SEC adopts maintenance requirements for books and records of nonresidents; effective 10-31-75. 45162

REGULATORY GUIDES

NRC announces issuance and availability. 45243

MEETINGS—

DOD: Board of Advisers of the Industrial College of the Armed Forces and the Board of Consultants of the National War College, 10-29 and 10-30-75. 45204
Air Force: USAF Scientific Advisory Board, 10-22-75. 45204
Defense Manpower Commission, 10-17-75. 45221
FEA: Consumer Affairs/Special Impact Advisory Committee, 10-16-75. 45229
HEW/Alcohol, Drug Abuse, and Mental Health Administration: Board of Scientific Counselors, 10-23 and 10-24-75. 45213
NSF: Advisory Panels for Neurobiology and Psychology, 10-20 and 10-21-75. 45236
Postal Rate Commission, 10-2-75. 45237
DOT: Citizens' Advisory Committee on Transportation Quality, 10-16 and 10-17-75. 45217
USDA/Forest Service: Rott National Forest Grazing Advisory Board, 10-24-75. 45211
FEA: Conference to Discuss Power Plant Productivity, 11-4-75. 45229

contents

AGRICULTURAL MARKETING SERVICE

Rules

Milk marketing orders:
Louisville - Lexington - Evansville marketing area. 45158

Proposed Rules

Egg research and promotion order. 45176
Filberts grown in Oreg. and Wash. 45175
Potato research and promotion plan. 45176

AGRICULTURE DEPARTMENT

See also Agricultural Marketing Service; Commodity Credit Corporation; Forest Service; Soil Conservation Service.

Rules

Authority delegations by Secretary and General Officers:
Assistant Secretary for Administration. 45158
Deputy Assistant Secretary for International Affairs and Commodity Programs. 45157

Notices

Kootenai National Forest, Mont.; boundary change. 45211
Lands, transfer of jurisdiction; Superior National Forest. 45211

AIR FORCE DEPARTMENT

Notices

Meetings:
Scientific Advisory Board. 45204

ALCOHOL, DRUG ABUSE AND MENTAL HEALTH ADMINISTRATION

Notices

Meetings:
Board of Scientific Counselors. 45213

ANTITRUST DIVISION, JUSTICE DEPARTMENT

Notices

Competitive impact statements and proposed consent judgments; U.S. versus listed companies:
Cities Service Co., et al. 45204

CENTRAL INTELLIGENCE AGENCY

Rules

Privacy Act. 45322

Notices

Privacy Act; systems of records. 45325

CIVIL AERONAUTICS BOARD

Notices

Hearings, etc.:
Delta Air Lines, Inc. 45217
International Air Transport Assoc. (2 documents). 45218

COAST GUARD

Rules

Marine inspection zones and captains of port areas; Third Coast Guard District. 45167

Security zones:

Boston Harbor, Mass. 45168
Governors Island, N.Y. 45169

Proposed Rules

Drawbridge operations:
New York. 45191

COMMERCE DEPARTMENT

See Domestic and International Business Administration; National Oceanic and Atmospheric Administration.

COMMODITY CREDIT CORPORATION

Notices

Farm storage and drying equipment loan program; interest rate announcement. 45211

COMMODITY FUTURES TRADING COMMISSION

Notices

Privacy Act; systems of records. 45317

COMMUNITY SERVICES ADMINISTRATION

Rules

Privacy Act. 45300

Notices

Privacy Act; systems of records. 45328

CONSUMER PRODUCT SAFETY COMMISSION

Notices

Flammable Fabric Act, noncomplying goods; policy on exportation. 45219
Power lawn equipment; extension of time. 45220

CUSTOMS SERVICE

Rules

Articles assembled abroad with U.S. components; correction. 45163

CONTENTS

DEFENSE DEPARTMENT

See also Air Force Department.

Notices

Meetings:

Board of Advisers of the Industrial College of the Armed Forces and the Board of Consultants of the National War College 45204

DEFENSE MANPOWER COMMISSION

Notices

Meetings 45221

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

Rules

Export licensing; petroleum and petroleum products 45159

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Rules

Interpretations; redesignations of rules 45321
Privacy Act 45308

ENVIRONMENTAL PROTECTION AGENCY

Rules

Air pollution; standards of performance for new stationary sources and emission standards for hazardous pollutants (2 documents) 45170, 45171

Proposed Rules

Air quality implementation plans: Virgin Islands 45202

Notices

Environmental impact statements; agency comments (2 documents) 45221, 45224
Air pollution; standards of performance for new stationary sources and national emission standards for hazardous pollutants 45227

FEDERAL AVIATION ADMINISTRATION

Rules

Control zones 45158

Proposed Rules

Jet routes 45192

FEDERAL COMMUNICATIONS COMMISSION

Notices

Mexican broadcast station notification list; correction 45229
Hearings, etc.:
Sowell Aviation Co., Inc., et al. 45228

FEDERAL ELECTION COMMISSION

Proposed Rules

Campaign expenditures and contributions; allocation procedures 45297

Notices

Advisory opinions (3 documents) 45292, 45293, 45295

FEDERAL ENERGY ADMINISTRATION

Notices

Meetings:

Conference to Discuss Power Plant Productivity 45229

Meetings:

Consumer Affairs/Special Impact Advisory Committee 45229

Oil imports; payment of license fees 45229

FEDERAL INSURANCE ADMINISTRATION

Rules

National flood insurance program: Flood elevation determinations: Florida (2 documents) 45165
Louisiana 45166
Special hazard areas (4 documents) 45166-45167

FEDERAL MARITIME COMMISSION

Notices

Agreements filed:

Associated North Atlantic Freight Conferences 45230
Tampa Port Authority and Eller & Co., Inc.; correction 45231
Pacific Westbound Conference; wastepaper and woodpulp from U.S. west coast to far east; intent to make environmental assessment 45230

FEDERAL POWER COMMISSION

Notices

Environmental statements:

Duke Power Co. 45235
Texas Gas Transmission Corp. 45235
Hearings, etc.:
Arkla Exploration Co., et al. 45231
Iowa Public Service Co. 45231
National Fuel Gas Supply Corp. 45231
Northern Indiana Public Service Co. 45231
Northern Natural Gas Co. and Northern Illinois Gas Co. 45232
Requests for waiver of requirements to file Form 69 reports (3 documents) 45232
South Georgia Natural Gas Co. 45233
Transcontinental Gas Pipe Line Corp. 45234
Virginia Electric and Power Co. 45234

FEDERAL REGISTER OFFICE

Rules

CFR Checklist; 1975 issuances 45157

FEDERAL RESERVE SYSTEM

Rules

Truth in lending:

Open end credit accounts; specific disclosures; correction 45158

Notices

Applications, etc.:

First Community Bancorp 45235
First National Boston Corp. 45235
Michigan National Corp. 45235
Southern Illinois Bancorp., Inc. 45236

FINE ARTS COMMISSION

Proposed Rules

Privacy Act of 1974; implementation 45306

FISH AND WILDLIFE SERVICE

Proposed Rules

Endangered and threatened species:

Red Hills salamander 45175

FOOD AND DRUG ADMINISTRATION

Rules

Animal drugs, feeds, and related products:

Carbadox, pyrantel tartrate 45164
Trichlorfon oral liquid 45164

N' - (2,4 - dimethylphenyl) - N - [12,4 - dimethylphenyl - imino] methyl - N - methylmethanimidamide; correction 45165

Food and feed additives; approval of certain insecticide 45163

Proposed Rules

Privacy Act, implementation; correction 45190

Notices

Food additives; petitions filed or withdrawn:

Dow Chemical U.S.A. 45213

In vitro diagnostic products for human use; requests for data on products to be used in anti-rubella antibody tests; correction 45214

Over-the-counter miscellaneous external and internal drug products; correction 45213

Privacy Act of 1974; systems of records; correction 45214

FOREST SERVICE

Notices

Meetings:

Routt National Forest Grazing Advisory Board 45211

GOVERNMENT PRINTING OFFICE

Notices

Meetings:

Depository Library Council to the Public Printer 45236

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Alcohol, Drug Abuse, and Mental Health Administration; Food and Drug Administration; Social Security Administration.

Notices

Inpatient hospital; increase deductible 45216

Privacy Act of 1974; systems of records and proposed routine uses 45348

Debarment, proposed; University of Texas at Austin 45214

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See also Federal Insurance Administration.

Notices

Authority delegations:

Assistant Regional Administrator for Indian Programs, Region IX, San Francisco 45217

INTERIOR DEPARTMENT

See Fish and Wildlife Service; Land Management Bureau.

INTERSTATE COMMERCE COMMISSION

Rules

Car service orders:

Illinois Central Gulf Railroad Co. et al. 45174

CONTENTS

Notices		NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION		SOCIAL SECURITY ADMINISTRATION	
Fourth section applications for relief	45239	Notices		Proposed Rules	
Hearings assignments (2 documents)	45237	Hearing:		Black lung benefits; entitlement	45190
Motor carriers:		Commercial fishing operations	45213	SOIL CONSERVATION SERVICE	
Alternate route deviation notices (2 documents)	45256	NATIONAL SCIENCE FOUNDATION		Notices	
Applications and certain other proceedings	45257	Notices		Environmental statements on watershed projects; availability, etc.:	
Filing of intrastate applications	45238	Meetings:		Flint Creek, N.Y.	45212
Irregular route property carriers; gateway elimination	45239	Advisory Panels for Neurobiology and Psychobiology	45236	Pine Run, Penn.	45213
JUSTICE DEPARTMENT		NUCLEAR REGULATORY COMMISSION		TENNESSEE VALLEY AUTHORITY	
See Antitrust Division.		Notices		Rules	
LAND MANAGEMENT BUREAU		Applications, etc.:		Privacy Act	45313
Rules		Alabama Power Co.	45227	Notices	
Oil and gas leasing; Outer Continental Shelf; qualified joint bidders	45171	Florida Power and Light Co.	45231	Privacy Act:	
MANAGEMENT AND BUDGET OFFICE		Northern States Power Co.	45237	Proposed routine uses	45327
Notices		Privacy Act; systems of records	45332	Systems of records	45326
Clearance of reports; list of requests	45237	Regulatory guides; issuance and availability	45243	TRANSPORTATION DEPARTMENT	
MATERIALS TRANSPORTATION BUREAU		POSTAL RATE COMMISSION		See also Coast Guard; Federal Aviation Administration; Materials Transportation Bureau; National Highway Traffic Safety Administration.	
Proposed Rules		Notices		Notices	
Shippers and carriers of hazardous materials; prohibition and penalties	45197	Meetings:		Meetings:	
Offshore pipeline facilities; transportation of natural and other gas	45192	Employees of PRC with employees of Postal Service	45238	Citizen's Advisory Committee on Transportation Quality	45217
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION		RECLAMATION BUREAU		TREASURY DEPARTMENT	
Proposed Rules		Notices		See also Customs Service.	
Braking standards and consumer information item	45200	Power reallocation; Parker-Davis and Colorado River Storage		Notices	
Notices		Projects	45209	Notes, Treasury:	
Motor vehicle safety standards; temporary exemption petitions:		SECURITIES AND EXCHANGE COMMISSION		Series G-1978	45204
Lafer Automotive of Brazil; control location, identification and illumination, etc.	45217	Rules		VETERANS ADMINISTRATION	
		Investment advisers, etc.:		Rules	
		Books and records to be maintained by investment advisers	45162	Adjudication; pensions, compensation, dependency, etc.:	
		Proposed Rules		Deletion of obsolete terms	45169
		Off-board trading rules, amendment or abrogation of; postponement of oral hearings	45203		

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month. A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

1 CFR		17 CFR		PROPOSED RULES:	
Ch. I	45157	275	45162	117	45191
7 CFR		PROPOSED RULES:		36 CFR	
2 (2 documents)	45157, 45158	240	45203	PROPOSED RULES:	
1046	45158	18 CFR		1002	45306
PROPOSED RULES:		301	45313	38 CFR	
982	45175	19 CFR		3	45169
1207	45176	210	45163	40 CFR	
1251	45176	20 CFR		60	45170
10 CFR		PROPOSED RULES:		61	45171
708	45308	410	45190	PROPOSED RULES:	
715	45321	21 CFR		52	45202
11 CFR		123	45163	43 CFR	
PROPOSED RULES:		520	45164	3300	45171
107	45297	558	45164	45 CFR	
12 CFR		561 (2 documents)	45163, 45165	1006	45300
226	45158	PROPOSED RULES:		49 CFR	
14 CFR		4	45190	1033	45174
71	45158	7	45190	PROPOSED RULES:	
PROPOSED RULES:		24 CFR		103	45197
75	45192	1916 (3 documents)	46165-45166	192	45192
103	45197	1920 (4 documents)	45166-45167	571	45200
15 CFR		32 CFR		50 CFR	
370	45159	1901	45322	PROPOSED RULES:	
377	45159	33 CFR		17	45175
		3	45167		
		127 (2 documents)	45168-45169		

FEDERAL REGISTER PAGES AND DATES—OCTOBER

<i>Pages</i>	<i>Date</i>
45157-45415	1

reminders

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

Daily List of Public Laws

NOTE: No acts approved by the President were received by the Office of the Federal Register for inclusion in today's

Rules Going Into Effect Today

- DOT/FHA—Collection and compromise of claims; delegation of authority. 40810; 9-4-75
- Federal motor carrier safety regulations; prohibition against operating with overloaded or underinflated tires. 29292; 7-11-75
- Lighting requirements for mobile structure trailers. 36125; 8-19-75
- Sleeper berths; dual occupancy. 31769; 7-29-75
- NHTSA—Federal motor vehicle safety standards; flammability of interior materials. 14318; 3-31-75
- HEW/SRS—State social service programs under Title XX of the Social Security Act. 27352; 6-27-75
- USDA/AMS—Milk in the Nashville area; marketing order. 36105; 8-19-75
- Milk in the Paducah, Ky., marketing area. 37028; 8-25-75

Next Week's Deadlines for Comments On Proposed Rules

- ADVISORY COMMITTEE ON FEDERAL PAY**
Privacy Act of 1974; systems of records; comments by 10-10-75. 41730; 9-8-75
- AGRICULTURE DEPARTMENT**
Agricultural Marketing Service—
Federal Seed Act Regulations, amendments; comments by 10-6-75. 40524; 9-3-75
- Animal and Plant Health Inspection Service—
Viruses, serums, toxins, and analogous products; two new standards for biological products; comments by 10-6-75. 32754; 8-4-75
- Commodity Credit Corporation—
Burley tobacco; grade loan rates for price support on 1975 crop; comments by 10-6-75. 41530; 9-8-75
- CIVIL AERONAUTICS BOARD**
Air carriers; tariffs; simplified air fare information for dissemination to the public; comments by 10-10-75. 30128; 7-17-75
- COMMISSION ON CIVIL RIGHTS**
Maryland State Advisory Committee; to be held in Baltimore, MD (open), 10-9-75. 42914; 9-17-75
- Michigan State Advisory Committee; to be held in Lansing, Mich. (open) 10-7-75. 42914; 9-17-75

- Oklahoma State Advisory Committee; to be held in Oklahoma City, Okla. (open), 10-10 and 10-11-75. 42914; 9-17-75
- Pennsylvania State Advisory Committee; to be held in Philadelphia, Pa. (open), 10-8-75. 42914; 9-17-75

DEFENSE DEPARTMENT

- Office of the Secretary—
Department of Defense Wage Committee; to be held in Washington, DC (closed), 10-7-75. 42906; 9-17-75

ENVIRONMENTAL PROTECTION AGENCY

- Alabama; approval and promulgation of implementation plans; comments by 10-6-75. 40854; 9-4-75
- District of Columbia; revision to implementation plan; comments by 10-6-75. 40855; 9-4-75
- Effluent limitations guidelines; certain segments of the pulp, paper and paperboard point source categories; comments by 10-7-75. 41299; 9-5-75
- Florida; Implementation plans, correction; extension of time; comments by 10-6-75. 40855; 9-4-75

FEDERAL COMMUNICATIONS COMMISSION

- Minnesota FM broadcast stations; table of assignments; comments by 10-6-75. 34391; 8-15-75
- New Hampshire and Vermont FM broadcast stations; table of assignments; comments by 10-9-75. 34393; 8-15-75
- Pennsylvania FM broadcast stations; table of assignments; comments by 10-6-75; reply comments by 10-28-75. 34394; 8-15-75
- Power limitations; TV translator stations; comments by 10-9-75. 37054; 8-25-75
- Private Land Mobile Advisory Committee to be held in Washington, DC; 10-10-75. 42916; 9-17-75
- Standard FM, and television broadcast stations; multiple ownership; time extension for reply comments; 10-9-75. 40172; 9-2-75

FEDERAL MARITIME COMMISSION

- Rate increases and surcharges; agreements; comments by 10-10-75. 33688; 8-11-75

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

- Food and Drug Administration—
Certification of antibiotic drugs; Facsimile transmission services; comments by 10-10-75. 33681; 8-11-75
- Medicated feeds; current good manufacturing practice; comments by 10-7-75. 33554; 8-8-75

Office of Education—

- Rules governing operation of programs in use of metric system of measurement; comments by 10-8-75. 41669; 9-8-75
- Social and Rehabilitation Service—
Unemployed fathers; definition; comments extended to 10-8-75. 41143; 9-5-75
- Social Security Administration—
Federal health insurance for the aged and disabled; validation of accreditation surveys; comments by 10-6-75. 40850; 9-4-75

INTERIOR DEPARTMENT

- Bureau of Indian Affairs—
Indian organizations; contracting; comments by 10-4-75. 41025; 9-4-75
- Fish and Wildlife Service—
Threatened or endangered fauna or flora; determination of critical habitat for the Mississippi Sandhill Crane; comments by 10-6-75. 40521; 9-3-75
- Office of Hearings and Appeals—
Procedural rules for disenrollment of Alaska natives; proposed rulemaking; comments by 10-10-75. 42020; 9-10-75

LABOR DEPARTMENT

- Federal Contract Compliance Office—
Federally involved construction contractors; Washington, D.C. area; affirmative action plan; comments by 10-7-75. 41149; 9-5-75

LEGAL SERVICES CORPORATION

- Freedom of Information Act; procedures for disclosure of information; comments by 10-11-75. 42374; 9-12-75

NATIONAL SCIENCE FOUNDATION

- Advisory Committee on Ethical and Human Value Implications of Science and Technology; to be held in Washington, DC (open), 10-8-75. 42916; 9-17-75

NUCLEAR REGULATORY COMMISSION

- "As low as practicable" limits; change in terminology; comments by 10-6-75. 33029; 8-6-75
- Financial assistance to participants in commission proceedings; comments by 10-9-75. 37056; 8-25-75

POSTAL SERVICE

- International special mail service; increase in fees. 43232; 9-19-75
- Special mail services for domestic and international money orders, and for other nonpostal services. 43233; 9-19-75

SMALL BUSINESS ADMINISTRATION

- Salt Lake City District Advisory Council; to be held in Provo, Utah (open), 10-10-75. 42919; 9-17-75

REMINDERS—Continued

STATE DEPARTMENT

Office of the Secretary—
Shipping Coordinating Committee; to be held in Washington, D.C. (open), 10-9-75..... 42580; 9-15-75

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—
Airworthiness review program; aircraft, engine, and propeller airworthiness, and procedures; comments by 10-9-75..... 29410; 7-11-75
Transport category airplanes; airworthiness directive; comments by 10-9-75.....

Federal Railroad Administration—
Acquisition and modernization loan assistance; comments by 10-10-75..... 39899; 8-29-75

Materials Transportation Bureau—
Flammable, combustible, and pyrophoric liquids aboard vessels; comments by 10-8-75..... 41537; 9-8-75

National Highway Traffic Safety Administration—
Exemption for inconsequential defect of Noncompliance; comments by 10-9-75..... 37047; 8-25-75

TREASURY DEPARTMENT

Customs Service—
Electronic products; proposed requirements for entry and release; comments by 10-7-75..... 41118; 9-5-75

Vessels in foreign and domestic trade; forms used with entry and clearance; comments by 10-6-75..... 33038; 8-6-75

Internal Revenue Service—
Employee Retirement Income Security Act of 1974: definitions of multi-employer plan and plan administrator; comments by 10-10-75..... 43034; 9-18-75

Employment taxes; requirements. 43226; 9-19-75

VETERANS ADMINISTRATION

Veterans benefits; increased compensation rates and clothing allowance; comments by 10-8-75..... 41540; 9-8-75

Next Week's Public Hearings

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—
Commercial fishing operations; reissuance of incidental take general permits; to be held at Washington, DC, on 10-9-75..... 41531; 9-8-75

FEDERAL POWER COMMISSION

Northern Natural Gas Co.; to be held in Washington, DC; 10-8-75..... 41844; 9-9-75

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Office of Interstate Land Sales Registration—
Candlewood Lakes; to be held in Washington, DC on 10-8-75..... 42592; 9-15-75

Groveland Highlands; to be held in Washington, DC; 10-10-75.....

41830; 9-9-75
Outdoor resorts at Orlando; to be held in Washington, DC on 10-9-75..... 42593; 9-15-75

Paradise Acres; to be held in Washington, DC; 10-9-75..... 41831; 9-9-75

Paradise Lakes and Highlands Park Estates; to be held in Washington, DC; 10-9-75..... 41832; 9-9-75

Screamer Mountain and Omni 2000; to be held in Washington, DC on 10-6-75..... 34625; 8-18-75

PANAMA CANAL COMPANY

Vessels; rules for measurement; to be held in Washington, DC on 10-6-75..... 34619; 8-18-75

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—
Airport Noise Policy to be held in Cleveland, Ohio, and Chicago, Illinois; 10-7, 10-8 and 10-9-75 respectively..... 43266; 9-19-75

Next Week's Meetings

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Informal Action; to be held in Washington, D.C. (open with restrictions), 10-10-75..... 43944; 9-24-75

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—
Shippers Advisory Committee Meetings; to be held in Lakeland, Fla. (open), 10-7 and 10-14-75..... 43526; 9-22-75

Handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas; container and pack requirements; comments by 10-6-75..... 42887; 10-6-75

Handling of oranges and grapefruit grown in Lower Rio Grande Valley in Texas; expenses and rate of assessment for the 1975-76 fiscal period; comments by 10-6-75..... 42886; 9-17-75

Forest Service—
Cascade Head Scenic-Research Area Advisory Council; to be held in Glendon Beach, Oreg. (open), 10-11-75..... 42384; 9-12-75

Modoc National Forest Grazing Advisory Board; to be held in Alturas, Calif. (open), 10-7-75..... 39537; 8-28-75

Tonto National Forest Grazing Advisory Board; to be held in Payson, Arizona (open), 10-10-75..... 42227; 9-11-75

CIVIL RIGHTS COMMISSION

New Jersey State Advisory Committee; to be held in Elizabeth, N.J. (open), 10-9-75..... 42390; 9-12-75

CIVIL SERVICE COMMISSION

Federal Employees Pay Council; to be held in Washington, D.C. (closed), 10-8-75..... 43758; 9-23-75

COMMERCE DEPARTMENT

Census Bureau—
Census Advisory Committee on the Black Population for the 1980 Census; to be held at the Bureau of the Census, Federal Building 3, Room 2424, Suitland, Md. (open), 10-10-75..... 41159; 9-5-75

Domestic and International Business Administration—

Foreign availability subcommittee of the numerically controlled machine tool technical advisory committee; to be held in Washington, D.C. (open), 10-6-75..... 40567; 9-3-75

New Technology subcommittee of the numerically controlled Machine Tool Technical Advisory Committee; to be held in Washington, D.C. (open), 10-6-75..... 40568; 9-3-75

Numerically Controlled Machine Tool Technical Advisory Committee; to be held in Washington, D.C. on 10-10-75..... 42042; 9-10-75

Numerically Controlled Machine Tool Technical Advisory Committee; to be held in Washington, D.C. (partially closed), 10-10-75..... 42041; 9-10-75

National Bureau of Standards—
Center for Building Technology Advisory Committee; to be held in Gaithersburg, Md. (open), 10-8-75..... 37244; 8-26-75

National Oceanic and Atmospheric Administration—
American Tunaboat Association; to be held in Washington, D.C., 10-9-75..... 43941; 9-24-75

COMMISSION ON CIVIL RIGHTS

Arkansas State Advisory Committee; to be held at Camelot Inn (Board Room), Broadway and Markham Streets, Little Rock, Ark. (open with restrictions), 10-6-75..... 43051; 9-18-75

West Virginia State Advisory Committee; to be held at Clements' Restaurant, 2805 Kanawha Blvd. E., Charleston, West Virginia (open with restrictions), 10-10-75..... 43051; 9-18-75

DEFENSE DEPARTMENT

Advisory Group on electron Devices; to be held in New York, N.Y. (closed), 10-8 and 10-9-75..... 42378; 9-12-75

Defense Advisory Committee on Women in the Services; to be held at Hilton Head Island, South Carolina (open), 10-5 thru 10-9-75..... 39907; 8-29-75

Army Department—
Army Military History Research Collection Advisory Committee; to be held in Carlisle Barracks, Pa. (open), 10-6 and 10-7-75..... 38172; 8-27-75

Defense Communication Agency—
Scientific Advisory Group; to be held in Arlington, Va. (closed), 10-9-75..... 39536; 8-28-75

Defense Intelligence Agency Scientific Advisory Committee; to be held at Pomponio Plaza, Rosslyn, Va. (closed), 10-8 and 10-9-75..... 43042; 9-18-75

REMINDERS—Continued

Navy Department—
Naval Research Advisory Committee,
to be held in Norfolk, Va. (closed),
10-9 and 10-10-75..... 43745;
9-23-75

**ENERGY RESEARCH AND
DEVELOPMENT ADMINISTRATION**
Committee of Senior Reviewers to be
held in Livermore, Calif. (closed),
10-7 and 10-8-75. 43273; 9-19-75

**FEDERAL COMMUNICATIONS
COMMISSION**
Common Carrier Bureau; to be held at
2025 M Street NW., Washington, D.C.,
10-6 thru 10-8-75..... 41182;
9-5-75
Private Land Mobile Advisory Commit-
tee; to be held in Washington, D.C.,
10-10-75..... 43546; 9-22-75

FEDERAL ENERGY ADMINISTRATION
Transportation Advisory Committee; to
be held in Washington, D.C. (open),
10-8-75..... 42779; 9-16-75

FEDERAL HOME LOAN BANK BOARD
Federal Savings and Loan Advisory Coun-
cil to be held in Washington, D.C. (par-
tially open), 10-6, 10-7, and 10-8-
75..... 43273; 9-19-75

**FEDERAL PREVAILING RATE ADVISORY
COMMITTEE**
To be held in Washington, D.C., 10-9-
75..... 42060; 9-10-75

GENERAL SERVICES ADMINISTRATION
Regional Public Advisory Panel on Archi-
tectural and Engineering Services; to
be held in Denver, Colo. (closed), 10-
6-75..... 43760; 9-23-75

**HEALTH, EDUCATION AND WELFARE
DEPARTMENT**
Center for Disease Control—
Immunization Practices Advisory Com-
mittee; to be held in Atlanta,
Georgia on 10-6 and 10-7-75.
42043; 9-10-75
National Institutes of Health—
Animal Resources Advisory Commit-
tee; to be held in Seattle, Wash.
(partially open), 10-7 and 10-8-
75..... 34019; 8-13-75
Cancer Control Grant Review Com-
mittee; to be held in Bethesda, Md.
(open with restrictions), 10-6 and
10-7-75..... 36412; 8-20-75
Cancer Special Program Advisory
Committee; to be held in Bethesda,
Md. (open with restrictions), 10-10
and 10-11-75..... 36412; 8-20-75
National Cancer Advisory Board; to be
held in Bethesda, Md. (open), 10-6
—10-8-75..... 42387; 9-12-75
National Commission on Diabetes; to
be held in Bethesda, Md. (open),
10-6 and 10-7-75..... 42387;
9-12-75
President's Cancer Panel; to be held
in Bethesda, Md. (open), 10-8-75.
43751; 9-23-75

INTERIOR DEPARTMENT
Land Management Bureau—
Idaho State Multiple Use Advisory
Board; to be held in Boise, Idaho
(open), 10-10-75..... 43932;
9-24-75
Utah State Advisory Board; to be held at
Four Seasons Hotel and Dixie Col-
lege Student Union Building, St.
George, Utah (open), 10-6 and 10-
8-75..... 43042; 9-18-75
National Park Service—
Gateway National Recreation Area; to
be held in Staten Island, N.Y., 10-
8-75..... 41286; 9-9-75
Gateway National Recreation Area; to
be held in Newark, N.J., 10-9-75.
41826; 9-9-75
Gateway National Recreation Area; to
be held in Breezy Point, N.Y., 10-
11-75..... 41826; 9-9-75

JUSTICE DEPARTMENT
Bureau of Prisons—
National Institute of Corrections Ad-
visory Board; to be held in Wash-
ington, D.C., 10-6 and 10-7-75.
42762; 9-16-75
Federal Advisory Committee on False
Identification; to be held in Washing-
ton, D.C. (open), 10-9-75..... 43518;
9-22-75

LABOR DEPARTMENT
Occupational Safety and Health
Administration—
Standards Advisory Committee on
Agriculture; to be held in Lincoln,
Nebr. (open), 10-8 thru 10-10-75.
43962; 9-24-75

**NATIONAL AERONAUTICS AND SPACE
ADMINISTRATION**
Research and Technology Advisory
Council Panel on Space Vehicles; to
be held in the Kennedy Space Center,
Fla. (open with restrictions), 10-8,
10-9-75..... 42797; 9-16-75
National Park Service—
Advisory Board on National Parks, His-
toric Sites, Buildings and Monu-
ments; to be held in Washington,
D.C. (open with restrictions), 10-6
through 10-8-75.. 42583; 9-15-75

**NATIONAL FOUNDATION ON THE ARTS
AND THE HUMANITIES**
Advisory Committee on Science, Tech-
nology and Human Values; to be held
in Washington, D.C. (open with re-
strictions), 10-8-75..... 42799;
9-16-75

NATIONAL SCIENCE FOUNDATION
Conferences on Undergraduate Science
Education; to be held in Minneapolis,
Minn. (open with restrictions), 10-9-
75; Chicago, Ill. (open with restric-
tions), 10-10-75..... 43961

NUCLEAR REGULATORY COMMISSION
Advisory Committee on Reactor Safe-
guards Working Group on Anticipated
Transients Without Scram; to be held
in Washington, D.C. (closed), 10-8-
75..... 43779; 9-23-75
Advisory Committee on Reactor Safe-
guards, Subcommittee on the Archi-
tect-Engineer Balance of Plant; to be
held in Washington, D.C. (open with
restrictions), 10-8-75..... 43779;
9-23-75

SMALL BUSINESS ADMINISTRATION
Clarksburg District Advisory Council; to
be held at Pipestem Resort, Pipestem,
W. Va. (open), 10-10-75..... 41206;
9-5-75
Syracuse District Advisory Council; to
be held in Syracuse, N.Y. (open), 10-
9-75..... 41862; 9-9-75

TRANSPORTATION DEPARTMENT
Coast Guard—
Coast Guard Academy Advisory Com-
mittee; to be held at the United
States Coast Guard Academy, New
London, Conn. (open), 10-9 and
10-10-75..... 41168; 9-5-75
Federal Railroad Administration—
Railroad Operating Rules Advisory
Committee; to be held in Buena
Park, Calif. (open), 10-9 and 10-
10-75..... 43756; 9-23-75
Tunneling Research and Develop-
ment Program; to be held in Wash-
ington, D.C. (open), 10-9 and 10-
10-75..... 42913; 9-17-75

TREASURY DEPARTMENT
American Bankers Association Govern-
ment Borrowing Committee; to be
held in Washington, D.C. (closed),
10-8 and 10-9-75..... 42378;
9-12-75
Securities Industry Association Govern-
ment Securities and Federal Agencies
Committee; to be held in Washington,
D.C. (closed), 10-8 and 10-9-75.
42378; 9-12-75

**UNITED STATES INFORMATION
AGENCY**
Information Advisory Commission; to be
held in Washington, D.C. (open), 10-
6-75..... 41571; 9-8-75

VETERANS ADMINISTRATION
Career Development Committee; to be
held in Washington, D.C. (open par-
tially), 10-10-75.....
Endocrinology Merit Review Board; to be
held in Washington, D.C. (open with
restrictions), 10-10-75..... 41862;
9-9-75
Geriatric Research and Clinical Centers
Advisory Committee; to be held in
Clearwater Beach, Fla. (open with re-
strictions and closed), 10-6 and 10-
7-75..... 39576; 8-28-75
Hematology Merit Review Board; to be
held in Washington, D.C. (open with
restrictions), 10-10-75..... 41862;
9-9-75

Table of Effective Dates and Time Periods—October 1975

This table is for use in computing dates certain in connection with documents which are published in the FEDERAL REGISTER subject to advance notice requirements or which impose time limits on public response.

Federal Agencies using this table in calculating time requirements for submissions must allow sufficient extra time for FEDERAL REGISTER scheduling procedures.

In computing dates certain, the day after publication counts as one. All succeeding days are counted except that when a date certain falls on a weekend or holiday, it is moved forward to the next Federal business day. (See 1 CFR 18.17)

A new table will be published monthly in the first issue of each month. All January dates are in 1976.

Dates of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
October 1	October 16	October 31	November 17	December 1	December 30
October 2	October 17	November 3	November 17	December 1	December 31
October 3	October 20	November 3	November 17	December 2	January 2
October 6	October 21	November 5	November 20	December 5	January 5
October 7	October 22	November 6	November 21	December 8	January 5
October 8	October 23	November 7	November 24	December 8	January 6
October 9	October 24	November 10	November 24	December 8	January 7
October 10	October 28	November 10	November 24	December 9	January 8
October 14	October 29	November 13	November 28	December 15	January 12
October 15	October 30	November 14	December 1	December 15	January 13
October 16	October 31	November 17	December 1	December 15	January 14
October 17	November 3	November 17	December 1	December 16	January 15
October 20	November 4	November 19	December 4	December 19	January 19
October 21	November 5	November 20	December 5	December 22	January 19
October 22	November 6	November 21	December 8	December 22	January 20
October 23	November 7	November 24	December 8	December 22	January 21
October 24	November 10	November 24	December 8	December 23	January 22
October 28	November 12	November 28	December 12	December 29	January 26
October 29	November 13	November 28	December 15	December 29	January 27
October 30	November 14	December 1	December 15	December 29	January 28
October 31	November 17	December 1	December 15	December 30	January 29

rules and regulations

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

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

Title 1—General Provisions

CHAPTER I—ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

CFR CHECKLIST

1975 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1975. New units issued during the month are announced on the back cover of the daily FEDERAL REGISTER as they become available.

The rate for subscription service to all revised volumes issued for 1975 is \$350 domestic, \$75 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR Unit (Rev. as of Jan. 1, 1975):

Title	Price
1	\$1.45
2	.70
3A 1974 Compilation	2.75
4	2.70
5	4.35
6 [Reserved]	
7 Parts:	
0-45	6.15
46-51	4.10
52	6.15
53-209	6.10
210-699	5.65
700-749	4.25
750-899	2.95
900-944	4.50
945-980	2.30
981-999	2.55
1000-1059	4.35
1060-1119	4.80
1120-1199	3.75
1200-1499	4.05
1500-end	6.30
8	2.45
9	6.25
10 Parts:	
0-199	4.90
200-end	3.00
11	1.35
12 Parts:	
1-299	6.35
300-end	6.40
13	3.60
14 Parts:	
1-59	5.85
60-199	6.10
200-end	7.15
15	4.50
16 Parts:	
0-149	6.05
150-end	5.50

CFR Unit (Rev. as of April 1, 1975):

Title	Price
17	\$6.30
18 Parts:	
1-149	4.65
150-end	4.65
19	5.40
20 Parts:	
1-399	\$2.45
400-end	9.70
21 Parts:	
1-9	2.10
10-199	6.75
200-299	1.60
300-499	5.80
500-599	3.60
600-1299	2.95
1300-end	1.90
22	4.75
23	3.55
24 Parts:	
0-499	5.80
500-end	5.45
25	4.40
26 Parts:	
1 (§§ 1.0-1-1.169)	5.90
1 (§§ 1.170-1.300)	3.65
1 (§§ 1.301-1.400)	2.90
1 (§§ 1.401-1.500)	3.45
1 (§§ 1.501-1.640)	4.00
1 (§§ 1.641-1.850)	4.40
1 (§§ 1.851-1.1200)	5.80
1 (§ 1.1201-end)	6.90
2-29	3.40
30-39	3.40
40-299	5.25
300-499	3.55
500-599 (Retain CFR Vol. Rev. 4-1-74)	3.15
600-end	1.70
27 (Rev. May 1, 1975)	7.70
CFR Unit (Rev. as of July 1, 1975):	
28	\$2.70
29 Parts:	
1920-end	3.50
30	5.80
31	4.90
32 Parts:	
400-589	4.90
590-699	2.35
800-999	5.35
1000-1399	2.05
1400-1599	3.65
1600-end	1.80
32A	2.85
33 Parts:	
1-199	5.95
200-end	4.60
34	1.70
35	3.90
36	3.55
37	2.10
39	3.10
40 Parts:	
0-49	2.90

41 Chapters:

Title	Price
1-2	6.75
3-6	6.05
7	1.80
8	1.80
10-17	3.85
19-100	3.25

1974 CFR volumes previously announced are available from the Superintendent of Documents at the prices listed below:

CFR Unit (Rev. as of Oct. 1, 1974):

Title	Price
42	\$4.45
43 Parts:	
1-999	3.95
1000-end	5.65
44 [Reserved]	
45 Parts:	
1-99	3.00
100-199	5.30
200-499	3.15
500-end	3.65
46 Parts:	
1-29	\$2.05
30-40	2.05
41-69	3.85
70-89	2.05
90-109	1.90
110-139	1.90
140-149	7.60
150-165	3.70
166-199	2.55
200-end	6.20
47 Parts:	
0-19	4.10
20-69	5.20
70-79	4.45
80-end	6.05
48 [Reserved]	
49 Parts:	
1-99	1.90
100-199	7.20
200-999	5.85
1000-1199	3.40
1200-1299 (Rev. Nov. 1, 1974)	7.55
1300-end	2.75
50	3.80

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

SUBPART H—DELEGATIONS OF AUTHORITY BY THE ASSISTANT SECRETARY FOR INTERNATIONAL AFFAIRS AND COMMODITY PROGRAMS

DELEGATION OF AUTHORITY TO THE DEPUTY ASSISTANT SECRETARY FOR INTERNATIONAL AFFAIRS AND COMMODITY PROGRAMS

Part 2, Subtitle A, Title 7, Code of Federal Regulations is amended to provide a

delegation of authority to the Deputy Assistant Secretary for International Affairs and Commodity Programs, as follows:

A new § 2.64 is added to read as follows:

§ 2.64 Deputy Assistant Secretary for International Affairs and Commodity Programs.

(a) *Delegations.* Pursuant to § 2.21 subject to reservations in § 2.22, and subject to policy guidance and direction by the Assistant Secretary, the following delegation of authority is made by the Assistant Secretary for International Affairs and Commodity Programs to the Deputy Assistant Secretary for International Affairs and Commodity Programs, to be exercised only during the absence or unavailability of the Assistant Secretary:

(1) Perform all the duties and exercise all the powers which are now or which may hereafter be delegated to the Assistant Secretary for International Affairs and Commodity Programs.

Effective date: October 1, 1975.

Dated: September 25, 1975.

RICHARD E. BELL,
Assistant Secretary for International Affairs and Commodity Programs.

[FR Doc.75-26174 Filed 9-30-75;8:45 am]

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Exemptions Under the Clean Air Act and the Federal Water Pollution Control Act and Representation on the Committee for Purchase From the Blind and Other Severely Handicapped

Part 2, Subtitle A, of Title 7, Code of Federal Regulations, is amended to delegate to the Assistant Secretary for Administration authority to review and approve exemptions for Department of Agriculture contracts, grants, agreements and loans from the requirements of the Clean Air Act, the Federal Water Pollution Control Act and Executive Order 11738; to delegate coordination and review responsibility for this activity to the Director, Office of Management and Finance; to delete the authority of the Assistant Secretary for Administration to designate the Department official for appointment by the President to the Committee For Purchase From the Blind and Other Severely Handicapped; and to delete the authority and responsibility of the Director, Office of Operations, to provide staff support for the Department's designee to the Committee.

Subpart C—Delegations of Authority to the Under Secretary, Assistant Secretaries, and Director of Agricultural Economics

1. Section 2.25 is amended to read as follows:

§ 2.25 Delegations of authority to the Assistant Secretary for Administration.

(b) *Related to management and finance.* * * *

(16) Review and approve exemptions for Department of Agriculture contracts, subcontracts, grants, subgrants, agreements, subagreements, loans and subloans from the requirements of the Clean Air Act, as amended (42 USC 1857 et seq.), the Federal Water Pollution Control Act, as amended (33 USC 1251 et seq.), and Executive Order 11738 when he determines that the paramount interest of the United States so requires as provided in the above acts and Executive Order and the regulations of the Environmental Protection Agency (40 CFR 15.5).

(f) *Related to operations.* * * *

(3) * * *

(ii) [Reserved]

Subpart J—Delegations of Authority by the Assistant Secretary for Administration

2. Section 2.75 is amended to read as follows:

§ 2.75 Director, Office of Management and Finance.

(a) * * *

(17) Coordinate and review requests for exemptions from the requirements of the Clean Air Act, as amended, the Federal Water Pollution Control Act, as amended, and Executive Order 11738 for Department of Agriculture contracts, subcontracts, grants, subgrants, agreements, subagreements, loans, and subloans as provided in the above acts and Executive Order and the regulations of the Environmental Protection Agency (40 CFR 15.5) and make appropriate recommendations to the Assistant Secretary for Administration concerning requested exemptions.

3. Section 2.79 is amended to read as follows:

§ 2.79 Director, Office of Operations.

(a) * * *

(3) * * *

(ii) [Reserved]

Effective Date: This amendment shall become effective on October 1, 1975.

For Subpart C:

Dated: September 26, 1975.

EARL L. BUTZ,
Secretary of Agriculture.

For Subpart J:

Dated: September 26, 1975.

JOSEPH R. WRIGHT, Jr.,
Assistant Secretary for Administration.

[FR Doc.75-26252 Filed 9-30-75;8:45 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Milk Order No. 46]

[Docket No. AO-123-A42]

PART 1046—MILK IN THE LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

Order Amending Order

Correction

In FR Doc. 75-25319, appearing at page 43716 in the issue for Tuesday, September 23, 1975, make the following changes:

1. In the third column on page 43717, the first line of paragraph "3." should read, "3. In § 1046.13, paragraphs (b) and (c) are re-".

2. Immediately above paragraph (c) of § 1046.13 on page 43717, insert a paragraph reading:

(b) Diverted by a handler from a pool plant pursuant to § 1046.7(a) to another pool plant for any number of days of the month. Milk so diverted shall be deemed to have been received by the diverting handler at the location of the pool plant from which diverted.

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Z]

PART 226—TRUTH IN LENDING

Open End Credit Accounts—Specific Disclosures; Correction

In FR document 75-24961 appearing at page 43199 of the issue for Friday September 19, 1975 the paragraph to be added was incorrectly numbered 226.7 (f). It should read 226.7(j).

Board of Governors of the Federal Reserve System, September 18, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-26189 Filed 9-30-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 75-SO-109]

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

Alteration of Control Zone; Correction

On September 12, 1975, Federal Register Document No. 75-24257 was published in the FEDERAL REGISTER (40 FR 42340), amending Part 71 of the Federal Aviation Regulations by altering the Atlanta, Ga. (Charlie Brown County Airport) control zone.

In the amendment, the reference to Charlie Brown County Airport was misspelled as Charley Brown County Air-

port. It is necessary to amend the FEDERAL REGISTER Document to reflect this change. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective immediately, FEDERAL REGISTER Document No. 75-24257 is amended as follows:

In line 4 of the description, " * * * (Charley Brown County Airport) * * * " is deleted and " * * * (Charlie Brown County Airport) * * * " is substituted therefor, and in line 5 of the description " * * * Charley Brown County Airport * * * " is deleted and " * * * Charlie Brown County Airport * * * " is substituted therefor.

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

Issued in East Point, Ga., on September 23, 1975.

GORDON W. BECKER,
Acting Director,
Southern Region.

[FR Doc. 75-26233 Filed 9-30-75; 8:45 am]

Title 15—Commerce and Foreign Trade

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

PART 370—EXPORT LICENSING GENERAL POLICY AND RELATED INFORMATION

PART 377—SHORT SUPPLY CONTROLS

Continuation of Short Supply Controls on Petroleum and Petroleum Products for the Fourth Quarter 1975

As part of its responsibilities under the Export Administration Act to protect the domestic economy from the excessive drain of scarce materials and to reduce the serious inflationary impact of foreign demand, the Department has conducted a comprehensive review of the domestic petroleum situation following the expiration of the Emergency Petroleum Allocation Act of 1973. As part of this review, the Department has analyzed available industry data and has consulted with the Federal Energy Administration, the Federal Power Commission and the Interior Department concerning both the petroleum outlook and the situation with regard to alternative fuels.

As a result of its review, the Department has concluded that export controls on crude oil and certain petroleum products must be continued for the Fourth Quarter 1975.

As was noted in the FEDERAL REGISTER of September 3, 1975 (40 FR 40507), with the expiration, on August 31, 1975, of the allocation and price control systems administered by the Federal Energy Administration, a post decontrol price situation applicable to individual refined petroleum products in the United States could offer attractive incentives for exports. If the Emergency Petroleum allocation Act is not extended, it would take

some time for the marketplace to work out the discrepancies between domestic and world prices for petroleum and petroleum products resulting from almost three years of a mandated domestic allocation system. During this period, current low prices in the world tanker market, together with extensive tanker capacity availability, could offer additional incentives for the export of petroleum products. Therefore, in order to prevent an excessive drain of these scarce supplies from the United States, and a further inflation in domestic petroleum prices that could result therefrom, the Department has determined that it is necessary to continue for the Fourth Quarter 1975, the present short supply controls on the export of petroleum and petroleum products.

Extension of Short Supply Controls to Cover Manufactured Gas and Synthetic Natural Gas. By authority of the Natural Gas Act of 1938, the U.S. Federal Power Commission has jurisdiction over the sale and transportation in interstate and foreign commerce of natural gas and mixtures of natural and artificial gas; and exports of these commodities are governed by regulations administered by the Federal Power Commission. However, neither manufactured gas (such as that produced from coal) nor synthetic natural gas, in their pure states, are subject to FPC jurisdiction, and they have heretofore been exportable without limitation under Commerce Department General License G-DEST. Yet, both these products can be used separately as fuels and may be, and often are, added to or substituted for natural gas. To some extent, they may also be substituted for butane, propane and natural gas liquids. In view of the domestic natural gas shortage, and the need to conserve our limited domestic energy resources, the Department, in consultation with the Federal Energy Administration, has concluded that it would be inappropriate to continue to permit the unrestricted export of artificial gases.

The Commodity Control List is being revised to require a validated license for the export to all destinations, including Canada, of manufactured gas (Scheduled B No. 341.2000)¹ and synthetic natural gas (which is included in Schedule B No. 341.1010) when not commingled with natural gas and thus not subject to regulation by the Federal Power Commission. As with other energy products now under short supply export control, a GLV limit² of \$250 has been established for the export of these gases.

Because exports of manufactured gas

¹ Refers to classification numbers in the Department of Commerce, Bureau of the Census publication, *Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States*.

² Refers to the maximum dollar value of the commodity that may be exported to specified Country Groups under the provisions of General License OLV. See generally, § 399.1(h) of the Export Administration Regulations.

and synthetic natural gas have heretofore been small, although growing, these products are not being made subject to quota limitation at this time, but will be subject to validated export licensing. Exporters are put on notice, however, that the Department will carefully scrutinize all applications to export these commodities and, if requests for licenses reach levels not consonant with previous export patterns with respect to quantities and destinations, export quotas may be established for these commodities during this quarter.

Clarification of Applicability of Export Administration Regulations to Shipments from the Outer Continental Shelf. While it has been the intent of the Department that its Export Administration Regulations apply to shipments to foreign destinations of commodities from those portions of the outer continental shelf over which the Federal Government has jurisdiction under the Outer Continental Shelf Lands Act, as well as offshore areas under State jurisdiction, it has come to our attention that the regulations as presently drafted are not clear in this regard. To clarify this intent, the definition of the "United States" contained in § 370.2(a)(4) is being appropriately revised. With respect to petroleum and petroleum products, it is intended that this revision have the effect of clearly indicating jurisdiction over such commodities produced or refined in such offshore areas.

Method of Licensing Crude Petroleum and Partly-Refined Crude Petroleum. Crude petroleum (Schedule B No. 331.0100) and petroleum partly refined for further refining (Schedule B No. 331.0290) will continue to be licensed to reflect the policies set forth in Section 28 of the Mineral Leasing Act of 1920, as amended by the Alaskan Pipeline Act of November 16, 1973, and that of avoiding an excessive drain of scarce domestic petroleum supplies—especially where such drain would impair the optimum utilization of domestic refinery capacity.

To implement these policies, crude oil and partly-refined crude oil—whether or not transported by pipeline over a Federal right-of-way granted pursuant to Section 28 of the Mineral Leasing Act of 1920—may be licensed for export, if it is demonstrated to the satisfaction of the Office of Export Administration that such export—(a) will directly result in the importation into the United States of an equal or greater quantity of crude oil, such transaction being carried out for convenience or increased efficiency of transportation, or (b) will be temporary, the crude oil being exported for convenience or increased efficiency of transportation across part of an adjacent foreign state and shall reenter the United States in the same form.

Where such transaction is of a continuing nature (as, for example, where oil leaves and re-enters the U.S. without leaving a pipeline), a letter of authorization may be issued in lieu of individual export licenses.

In addition to the foregoing, crude oil not transported by pipeline over Federal rights-of-way granted pursuant to Section 28 of the Mineral Leasing Act (and therefore not subject to the export policies set forth in that Act, as amended by the Alaskan Pipeline Act) may be licensed for export to the extent that it is demonstrated to the satisfaction of the Office of Export Administration that—(a) the crude oil was not and will not be in fact so transported, and (b) the proposed export is part of an overall transaction which will directly result in the importation into the United States of a quantity of petroleum products not less than the quantity of petroleum products which would be derived from the refining within the United States of the crude oil for which an export license is sought, and (c) the imported petroleum products will be sold at prices no higher than the lowest price at which they could reasonably have been sold, had the export not taken place, and the crude oil been refined at the nearest U.S. refinery capable of processing it within a reasonable period of time, and (d) for compelling economic or technological reasons, beyond the control of the applicant, the crude oil cannot reasonably be processed within the United States. A showing that there is an opportunity to sell at a higher price in a foreign market shall not be deemed, by itself, to constitute a compelling economic reason.

Method of Licensing Petroleum Products. The licensing system used in the Third Quarter 1975 for the export of petroleum products, other than crude oil and partially refined crude oil, is generally continued on the same basis during the Fourth Quarter 1975, except that the base period for determining exporters' shares of quota entitlements for Commodity Group I (butane, propane, and natural gas liquids) is changed to October 1, 1972, through December 31, 1972. This change in the base period recognizes seasonal fluctuations in the use of these products. All other product quotas, as in the past, have been calculated on a base period average spanning 1971, 1972, and the first six months of 1973. In addition, a Commodity Group J (artificial gas, including both manufactured gas and synthetic natural gas) has been added to the list of products subject to validated export licensing.

While exports of artificial gas are not at this time being subjected to quantitative restrictions, exporters are required to submit certain additional documentation, as described in a new § 377.6(e) (5), to support an application for an export license. As during the Third Quarter 1975, carbon black feedstock oils (Commodity Group H) will also not be subject to quota limitations, but will be subject to validated export licensing.

The country quotas for each Petroleum Commodity Group that will be available during the Fourth Quarter 1975 are announced in a revised Supplement No. 2 to Part 377 of the Export Administration Regulations which is contained herein. As in the past, 5 percent of the overall quota for each Commodity Group will be reserved for contingencies; the an-

nounced country quotas represent 95 percent of the maximum authorized exports.

All licenses issued during the Fourth Quarter 1975 will expire 30 days after the end of the calendar quarter. Requests for extension of the validity period of such licenses normally will not be entertained.

Establishment of Exception to Petroleum Short Supply Regulations for National Security and/or Foreign Policy Reasons. Without regard to established quotas or other provisions of these regulations, validated licenses may be issued to export commodities subject to the petroleum short supply controls, when (a) the Secretary of State, in consultation with the Secretary of Defense, as appropriate, has recommended such exports for overriding foreign policy and/or national security reasons, and (b) the Secretary of Commerce has determined that such exports are consonant with the purposes of the Export Administration Act. This special provision will not apply to crude oil subject to the export restrictions imposed by Section 28 of the Mineral Leasing Act, as amended by the Alaskan Pipeline Act.

Substantiation of Past Participation Statements and Realignment of Quotas for Petroleum Products. Export Administration Bulletin No. 142 of July 3, 1975, 40 FR 29705 required exporters of energy-related petroleum products desirous of receiving shares of quotas for export of these commodities, to submit for Departmental review and audit documentary evidence of the exports they reported on their previously submitted Past Participation Statements. This audit has been completed, and this Bulletin reflects changes in country quotas for all commodities subject to quantitative restrictions except Commodity Group I (butane, propane and natural gas liquids). The results of the audit of the documentation submitted by exporters of commodities in Petroleum Commodity Group I will be announced in a subsequent issue of the FEDERAL REGISTER. Meanwhile, in order to permit a continuation of exports of this product category at historical levels, exporters will be provided with a preliminary Fourth Quarter quota entitlement based upon data originally submitted to the Department. Pending further notice, which may be given on an individual basis as the audit of individual exporters' documentation is completed, licenses will be issued, upon proper application therefor, for 50 percent of the preliminary Fourth Quarter quota entitlement issued to each exporter of commodities in Petroleum Commodity Group I.

Exporters who have not, since the announcement of the petroleum and petroleum product export quota system on December 13, 1973, submitted Statements of Past Participation (Forms DIB-669P), and who are now desirous of receiving shares of quarterly quotas for the petroleum commodities under quantitative restriction, may do so under § 377.6. However, in addition to submitting the Statement of Past Participation, documentary evidence in the form of Shippers' Export Declarations, Bills of Lading and/or

Waybills, substantiating the claimed exports, must also be submitted. Copies of commercial invoices, letters of credit and other documentation tending to establish the commodity and quantity actually exported, and the identity of the exporter, should also be submitted, when available. This material will be audited by the Department, and the exporter will be advised of the results of such audit and the Quota Entitlement(s) awarded to him.

Accordingly, to effectuate the changes described above, the Export Administration Regulations (15 CFR Part 368 et seq.) are amended as follows:

1. Section 370.2(a)(4) is revised to read as follows:

§ 370.2 Definition of terms.

(a) * * *

(4) *United States.* Unless otherwise stated, the 50 states, including such offshore areas as are within their jurisdiction pursuant to Section 3 of the Submerged Lands Act (43 U.S.C. 1311), the District of Columbia, the Canal Zone, Puerto Rico, and all territories, dependencies, and possessions of the United States, including foreign trade zones established pursuant to 19 U.S.C. 81A-81U, and also including the outer continental shelf, as defined in Section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)).

2. Section 377.6(d) (1) is revised and paragraphs (d) (4), (5), and (e) (5) are added to read as follows:

§ 377.6 Petroleum and petroleum products.

(d) *Issuance of export licenses—(1) Group A.* An application for validated license to export a commodity from Petroleum Commodity Group A as established in Supplement No. 2 to this Part 377 will be considered under the rules of this subparagraph, if submitted with supporting documentation as required by paragraph (e) (1) of this section, by the date specified in Supplement No. 2 to the Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230. Such a license may be issued, if it is demonstrated to the satisfaction of the Office of Export Administration—

(i) That such export—(a) will directly result in the importation into the United States of an equal or greater quantity of that same commodity, such transaction being carried out for convenience or increased efficiency of transportation, or (b) will be temporary, the commodity being exported for convenience or increased efficiency of transportation across parts of an adjacent foreign state and shall reenter the United States in the same form; or

(ii) That—(a) the commodity was not and will not be transported over rights-of-way granted pursuant to Section 28 of the Mineral Leasing Act of 1920, (30 U.S.C. 185) and (b) such commodity will be exported as part of an overall transaction which will directly result in the importation into the United States of a

quantity of commodities from Petroleum Commodity Groups other than Group A which is not less than the quantity of such commodities which would be derived from the refining of the commodity for which an export license is sought, and (c) the commodities imported into the United States as part of this overall transaction will be sold at prices no higher than the lowest price at which they could have been reasonably sold, had the export not taken place and the Group A Commodity been refined at the nearest U.S. refinery capable of processing it within a reasonable period of time, and (d) for compelling economic or technological reasons, beyond the control of the applicant, the Group A commodity cannot reasonably be processed within the United States.

(4) *Group J.* Applications for validated licenses to export a commodity from Petroleum Commodity Group J as established in Supplement No. 2 will be considered without regard to quota limitation if the applications are accompanied by the supporting documentation required by paragraph (e) (5) of this section by the date specified in Supplement No. 2.

(5) *Exception for national security or foreign policy reasons.* When the Secretary of State, in consultation with the Secretary of Defense, as appropriate, has recommended that exports of petroleum or petroleum products be made for overriding foreign policy and/or national security reasons, and the Secretary of Commerce has determined that such exports are consonant with the purposes of the Export Administration Act, applications to export such commodities—except crude oil which has been or will be transported over rights-of-way granted pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185)—will be considered without regard to established quotas or other provisions of these regulations.

(e) * * *

(5) *Group J.* An application for a validated license to export a commodity from Petroleum Commodity Group J must be submitted with the same documentation required by paragraph (2) above, and with all of the following:

(i) An end use statement by the applicant, in affidavit form, indicating the name, location, type of facility, and annual BTU requirements of the end user.

(ii) An independent inspector's certificate of analysis of the product to be exported.

(iii) A statement by the applicant, in affidavit form, describing the manufacturing process utilized in developing the product to be exported and certifying that the product has not been commingled or intermingled with natural gas, or with liquefied natural gas.

3. Supplement No. 2 to Part 377 of the Export Administration Regulations (15 CFR Part 377) is revised to read as follows:

Supplement No. 2—Petroleum and Petroleum Products Subject To Short Supply Licensing Controls

Schedule B No.: *Commodity description*

PETROLEUM LICENSED ONLY IN ACCORDANCE WITH § 37.6 (d) (1)

GROUP A	
331.0100	Crude petroleum
331.0200	Petroleum partly refined for further refining

PETROLEUM PRODUCTS SUBJECT TO HISTORICAL QUOTAS

GROUP B	
332.1015	Aviation gasoline

GROUP C	
332.1030	Gasoline, n.e.c.
332.1050	Gasoline blending agents, hydrocarbon compounds only, n.e.c.

GROUP D	
332.2010	Kerosene, except kerosene-type jet fuel

GROUP E	
332.2020	Jet fuel

GROUP F	
332.3000	Distillate fuel oils

GROUP G	
332.4000	Residual fuel oils

GROUP I	
341.1025	Butane
341.1030	Propane
341.1040	Natural gas liquids, including LPG, n.e.c.

PETROLEUM PRODUCTS NOT SUBJECT TO QUOTAS

GROUP H	
332.9160	Carbon black feedstock oil

GROUP J	
341.1010	Synthetic natural gas ¹
341.2000	Gas, manufactured

Quantities: Report the above commodities, except Group J, in barrels of 42 gallons. Report Group J in MCF.
Shipping tolerance: 10%.
Submission dates: Not prior to the beginning of the applicable quarter, and not later than:

Commodity	Quarter
Historical exporters of petroleum commodities other than crude oils	4th quarter 1975
Hardships, crude oil exporters, and carbon black feedstock oil, synthetic natural gas, and manufactured gas exporters.	Dec. 22, 1975, At any time.

COUNTRY QUOTAS: FOURTH QUARTER 1975

COUNTRY QUOTAS FOR GROUP B
(Schedule B No. 332.1015, Aviation Gasoline)

Country:	Quota (barrel)
Bahamas	1,676
Belgium	78
Bolivia	2,761
Cameroon	65
Canada	3,313
Dahomey	58
French Pacific Islands	3,853

¹ Natural gas and liquefied natural gas (L.N.C.), Schedule B No. 341.1010, require export authorization from the U.S. Federal Power Commission.

Country:	Quota (barrel)
Gabon	115
Holland	18,940
Honduras	307
India	12,743
Ivory Coast	98
Mexico	13,607
Singapore	14,783
All other countries	165

COUNTRY QUOTAS FOR GROUP C
(Schedule B No. 332.1030, Gasoline, n.e.c.)

COUNTRY QUOTAS FOR GROUP D
(Schedule B No. 332.1050, Gasoline blending agents, hydrocarbon compounds only, n.e.c.)

Country:	Quota (barrel)
Australia	554
Austria	139
Bahamas	872
Belgium	3,929
Brazil	29,061
Canada	76,078
Denmark	76
Finland	182
France	635
French Pacific Islands	20,141
Holland	48,039
India	143
Iran	106
Italy	314
Japan	299
Leeward and Windward Islands	1,109
Mexico	149,791
Mozambique	66
Nigeria	143
Philippines	137
South Africa	556
Sweden	56
United Kingdom	3,111
Venezuela	165
West Germany	3,966
All other countries	513

COUNTRY QUOTAS FOR GROUP E
(Schedule B No. 332.2010, Kerosene, except kerosene-type jet fuel)

Country:	Quota (barrel)
Australia	1,118
Brazil	150
Canada	1,667
Chile	122
Congo	56
Egypt	88
France	59
French Pacific Islands	3,348
Gabon	266
Holland	349
Israel	586
Italy	467
Japan	2,354
Mexico	72
Nigeria	740
Peru	71
Philippines	89
Singapore	442
South Africa	371
United Kingdom	9,391
Venezuela	454
West Germany	7,047
All other countries	252

COUNTRY QUOTAS FOR GROUP F
(Schedule B No. 332.2020, Jet Fuel)

Country:	Quota (barrel)
Bahamas	31
Canada	42,797
Mexico	58,193

COUNTRY QUOTAS FOR GROUP F
(Schedule B No. 332.3000, Distillate fuel oils)

Country:	Quota (barrel)
Bahamas	3,125
Canada	113,393
Colombia	36,385

Country:	Quota (barrel)
Denmark	22,413
French Pacific Islands	11,616
Holland	58,895
Japan	49,195
Mexico	250,283
Netherlands Antilles	34,072
Peru	13,577
Surinam	327
United Kingdom	49,195
All other countries	1,359

COUNTRY QUOTAS FOR GROUP G

(Schedule B No. 332.4000, Residual fuel oils)

Country:	Quota (barrel)
Bahamas	110,780
Barbados	11,275
Belgium	12,865
Brazil	63,662
Canada	833,324
Canary Islands	14,182
Denmark	32,003
France	2,493
French Pacific Islands	16,967
Greece	19,798
Holland	50,108
Ireland	11,626
Italy	181,979
Jamaica	152,086
Japan	266,105
Leeward and Windward Islands	12,745
Mexico	643,500
Netherlands Antilles	99,078
Panama	74,793
Peru	39,821
Poland	2,070
Portugal	19,340
Singapore	15,455
South Africa	21,432
Spain	36,283
Sweden	75,413
United Kingdom	227,631
All other countries	814

COUNTRY QUOTAS FOR GROUP I

(Schedule B No. 341.102a, Butane)

(Schedule B No. 341.1030, Propane)

(Schedule B No. 341.1040, Natural gas liquids)

Country:	Quota (barrel)
Bahamas	10,046
Brazil	18,055
Canada	45,050
Japan	622,447
Mexico	2,500,400
All other countries	5,611

Base period: The base period for determining historical quota shares for Petroleum Commodity Group I in the fourth quarter 1975 is October 1, 1972 to December 31, 1972.

Effective date of action: September 29, 1975.

RAUER H. MEYER,
Director,

Office of Export Administration,

[FR Doc. 75-26294 Filed 9-29-75; 9:05 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. IA-477, File No. 87-567]

PART 275—RULES AND REGULATIONS, INVESTMENT ADVISERS ACT OF 1940

Maintenance of Books and Records of Non-resident Investment Advisers

The Securities and Exchange Commission adopted new paragraph (j) under

Rule 204-2 [17 CFR 275.204-2(j)] under the Investment Advisers Act of 1940 [15 U.S.C. 80b-1 et seq.] ("Advisers Act") effective October 31, 1975. That paragraph requires non-resident investment advisers¹ to maintain current books and records within the United States, or pursuant to a written undertaking to furnish, upon demand, such books and records to either the Commission's principal office in Washington, D.C. or any regional office designated in the demand.

The Commission had previously published notice of its proposal to adopt paragraph (j) under Rule 204-2, and interested persons were invited to comment on the proposal by July 18, 1975.² The Commission considered the comments, and it determined to adopt Rule 204-2(j) without change from the form originally proposed, pursuant to the authority contained in Sections 204, 311(a) and 211(b) of the Advisers Act.³

Rule 204-2 under section 204 of the Advisers Act sets forth the requirements for keeping, maintaining and preserving specified books and records of every investment adviser who makes use of the mails or any means or instrumentality of interstate commerce in connection with his or its business as an investment adviser (other than one specifically exempt from registration pursuant to Section 203(b) of the Advisers Act). Paragraph (e) of the rule requires in subparagraph (1) that books and records be maintained and preserved "in an easily accessible place," and in subparagraph (2) that partnership articles and corporate books and records be maintained at the investment adviser's principal office. In this regard, there has been some uncertainty as to whether places outside the territory of the United States are "easily accessible," or, for that matter, whether required books and records should be permitted to be maintained outside the United States, for purposes of conducting the inspections of such books and records contemplated by Section 204 of the Advisers Act.⁴

¹ The term "non-resident investment adviser" is defined in Rule 0-2(d)(3) under the Advisers Act to mean:

(i) in the case of an individual, one who resides in or has his principal place of business in any place not subject to the jurisdiction of the United States; (ii) in the case of a corporation, one incorporated in or having its principal place of business in any place not subject to the jurisdiction of the United States; (iii) in the case of a partnership, or other unincorporated organization or association, one having its principal place of business in any place not subject to the jurisdiction of the United States.

That definition is incorporated into Rule 204-2(j) pursuant to subparagraph 4 thereof.

² Investment Advisers Act Release No. 450 (May 30, 1975), 40 FR 24756 (June 10, 1975).

³ 15 U.S.C. 80b-4, 80b-11(a) and 80b-11(b).

⁴ Section 204 of the Advisers Act provides as follows:

Every investment adviser who makes use of the mails or of any means or instrumentality of interstate commerce in connection with his or its business as an investment adviser (other than one specifically exempted from registration pursuant to section 203(b) of this title), shall make and keep for prescribed periods such records (as defined in section 3(a)(37) of the Securities Exchange

New paragraph (j) under Rule 204-2 deals with this problem by requiring that copies of the books and records of an investment adviser be maintained and preserved within the United States, and that all non-resident investment advisers file a written notice with the Commission specifying the address of such place; except that a non-resident investment adviser may, at his option, file an undertaking to furnish copies of such books and records on demand, which undertaking would be in lieu of maintaining such books and records within the United States. Paragraph (j) of Rule 204-2 is substantially similar to Rule 17a-7 under the Securities Exchange Act of 1934 [17 CFR 240.17a-7] which imposes the same requirements on non-resident brokers and dealers.

Non-resident investment advisers who are registered or have an application for registration pending on October 31, 1975 (the date when the proposed amendment becomes effective) will be required to file either the notice or the undertaking within 30 days thereafter. Any non-resident who applies for registration after the effective date of the amendment will have to submit the notice or the undertaking with his application form.

The Commission is cognizant that the provisions of Rule 204-2(j) and of Rule 17a-7 under the Securities Exchange Act may not fully insure the accessibility of the books and records of non-resident investment advisers or broker-dealers. The Commission will continue to study this issue, and if appropriate may consider additional requirements in this area at some later date.

The text of new paragraph (j) under Rule 204-2 [§ 275.204-2(j)], as adopted by the Commission, effective October 31, 1975, is as follows:

§ 275.204-2. Books and records to be maintained by investment advisers.

(j) (1) Except as provided in paragraph (j) (3) hereof, each non-resident investment adviser registered or applying for registration pursuant to Section 203 of the Act shall keep, maintain and preserve, at a place within the United States designated in a notice from him as provided in paragraph (j) (2) of this section true, correct, complete and current copies of books and records which he is required to make, keep current, maintain or preserve pursuant to any provision of any rule or regulation of the Commission adopted under the Act.

(2) Except as provided in paragraph (j) (3) of this section, each nonresident investment adviser subject to this para-

Act of 1934), furnish copies thereof, and make and disseminate such reports as the Commission, by rule, may prescribe as necessary or appropriate in the public interest or for the protection of investors. All records (as so defined) of such investment advisers are subject at any time, or from time to time, to such reasonable periodic, special, or other examinations by representatives of the Commission as the Commission deems necessary or appropriate in the public interest or for the protection of investors.

graph (j) shall furnish to the Commission a written notice specifying the address of the place within the United States where the copies of the books and records required to be kept and preserved by him pursuant to paragraph (j)(1) hereof are located. Each non-resident investment adviser registered or applying for registration when this paragraph becomes effective shall file such notice within 30 days after such rule becomes effective. Each non-resident investment adviser who files an application for registration after this paragraph becomes effective shall file such notice with such application for registration.

(3) Notwithstanding the provisions of paragraphs (j)(1) and (j)(2) of this section, a non-resident investment adviser need not keep or preserve within the United States copies of the books and records referred to in said paragraphs (j)(1) and (j)(2), if:

(i) Such non-resident investment adviser files with the Commission, at the time or within the period provided by paragraph (j)(2) of this section, a written undertaking, in form acceptable to the Commission and signed by a duly authorized person, to furnish to the Commission, upon demand, at its principal office in Washington, D.C., or at any Regional Office of the Commission designated in such demand, true, correct, complete and current copies of any or all of the books and records which he is required to make, keep current, maintain or preserve pursuant to any provision of any rule or regulation of the Commission adopted under the Act, or any part of such books and records which may be specified in such demand. Such undertaking shall be in substantially the following form:

The undersigned hereby undertakes to furnish at its own expense to the Securities and Exchange Commission at its principal office in Washington, D.C. or at any Regional Office of said Commission specified in a demand for copies of books and records made by or on behalf of said Commission, true, correct, complete and current copies of any or all, or any part, of the books and records which the undersigned is required to make, keep current or preserve pursuant to any provision of any rule or regulation of the Securities and Exchange Commission under the Investment Advisers Act of 1940. This undertaking shall be suspended during any period when the undersigned is making, keeping current, and preserving copies of all of said books and records at a place within the United States in compliance with Rule 204-2(j) under the Investment Advisers Act of 1940. This undertaking shall be binding upon the undersigned and the heirs, successors and assigns of the undersigned, and the written irrevocable consents and powers of attorney of the undersigned, its general partners and managing agents filed with the Securities and Exchange Commission shall extend to and cover any action to enforce same.

(ii) Such non-resident investment adviser furnishes to the Commission, at his

own expense 14 days after written demand therefor forwarded to him by registered mail at his last address of record filed with the Commission and signed by the Secretary of the Commission or such person as the Commission may authorize to act in its behalf, true, correct, complete and current copies of any or all books and records which such investment adviser is required to make, keep current or preserve pursuant to any provision of any rule or regulation of the Commission adopted under the Act, or any part of such books and records which may be specified in said written demand. Such copies shall be furnished to the Commission at its principal office in Washington, D.C., or at any Regional Office of the Commission which may be specified in said written demand.

(4) For purposes of this rule the term "non-resident investment adviser" shall have the meaning set out in § 275.0-2 (d)(3) under the Act.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 26, 1975.

[FR Doc. 75-26229 Filed 9-30-75; 8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 75-230]

PART 210—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Articles Assembled Abroad With U.S. Components

Correction

In FR Doc. 75-24815, appearing at page 43021 in the issue of Thursday, September 18, 1975, in the second line of the Example under § 10.20 in the first column on page 43025 the word "propoer" should read "proper".

Title 21—Food and Drugs

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

[FRL 438-6; PAP5H5069/R11]

PART 123—TOLERANCES FOR PESTICIDES IN FOOD ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

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

2,2-Dimethyl-1,3-Benzodioxol-4-OL Methylcarbamate

On January 10, 1975, notice was given (40 FR 2256) that Fisons Corp., Two Preston Ct., Bedford MA 01736, had filed a pesticide petition (FAP 5H5069) with the Environmental Protection Agency (EPA). This petition proposed establishment of food and feed additive regulations for the safe use of the insecticide 2,3-Iso-propylidenedioxyphenyl N-meth-

ylcarbamate (the accepted name for this pesticide is 2,2-dimethyl-1,3-benzodioxol-4-ol methylcarbamate) in spot and/or crack and crevice treatments of food-handling establishments, including, but not limited to stores, warehouses, industrial buildings, houses, apartment buildings, schools, nursing homes, hospitals, and hotels.

Fisons Corp. subsequently amended the petition to include a proposed regulation for the safe use of the insecticide in food service, manufacturing and processing establishments, including, but not limited to restaurants, cafeterias, supermarkets, bakeries, breweries, dairies, meat slaughtering and packing plants, and canneries.

The data submitted in the petition and other relevant material have been evaluated, and it is concluded that the pesticide can be safely used in the prescribed manner when such use is in accordance with the label and labeling registered by the EPA. Therefore, the regulations are established as set forth below.

Any person adversely affected by these regulations may on or before October 31, 1975, file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M St., SW, East Tower, Room 1019, Washington DC 20460. Such objections should be submitted in quintuplicate and specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on October 1, 1975, Part 123 is amended by adding the new § 123.152 and Part 561 is amended by adding the new § 561.191 to read as follows.

(Section 409(e)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348(c)(1)) transferred to the Administrator EPA in Reorganization Plan No. 3 (35 FR 15623))

Dated: September 25, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

1. Part 123 is amended by adding the new § 123.152 to read as follows.

* * * * *

§ 123.152 2,2 - dimethyl - 1,3-benzodioxol-4-ol methylcarbamate.

(a) The insecticide 2,2-dimethyl-1,3-benzodioxol-4-ol methylcarbamate may be safely used in spot and/or crack and crevice treatments in food handling establishments, including food service, manufacturing and processing establishments, such as restaurants, cafeterias, supermarkets, bakeries, breweries, dairies, meat slaughtering and packing plants, and canneries.

(b) To ensure safe use of the additive, its label and labeling shall conform to that registered with the U.S. Environmental Protection Agency and it shall be used in accordance with such label and labeling.

2. Part 561 is amended by adding the new § 561.191 to read as follows.

§ 561.191 2,2 - dimethyl - 1,3-benzodioxol-4-yl methylcarbamate.

(a) The insecticide 2,2-dimethyl-1,3-benzodioxol-4-yl methylcarbamate may be safely used in spot and/or crack and crevice treatments in animal feed handling establishments, including feed manufacturing and processing establishments, such as stores, supermarkets, dairies, meat slaughtering and packing plants, and canneries.

(b) To ensure safe use of the additive, its label and labeling shall conform to that registered with the U.S. Environmental Protection Agency and it shall be used in accordance with such label and labeling.

[FR Doc. 75-26274 Filed 9-30-75; 8:45 am]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

[Docket No. 75N-0028]

PART 520—ORAL DOSAGE FORM; NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Trichlorfon Oral Liquid

The Commissioner of Food and Drugs has evaluated a new animal drug application (95-078V) filed by Bayvet Corp., Shawnee Mission, KS 66201, proposing safe and effective use of trichlorfon oral liquid as an anthelmintic for removal and control of bots, ascarids, and pinworms in horses and ponies. The application is approved, effective October 1, 1974.

The Commissioner is amending Part 520 to reflect this approval.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness of data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 2.120), Part 520 is amended by adding a new section to read as follows:

§ 520.2520c Trichlorfon oral liquid.

(a) *Chemical name.* Dimethyl(2,2,2-trichloro-1-hydroxyethyl)phosphonate.

(b) *Sponsor.* See No. 009859 in § 510.600 of this chapter.

(c) *Specifications.* Each fluid ounce of the drug contains 3.64 grams of trichlorfon.

(d) *Conditions of use.* (1) The drug is used for removal and control of bots (*Gastrophilus spp.*), ascarids (*Parascaris equorum*), and pinworms (*Oxyuris equi*) in horses and ponies.

(2) Administer by stomach tube at the rate of ½-fluid ounce of trichlorfon oral liquid (1.82 grams trichlorfon) per 100 pounds body weight. Do not fast animals prior to treatment.

(3) Do not treat colts under 4 months of age, mares in the last month of pregnancy, or animals other than horses or ponies. Horses severely debilitated, suffering from diarrhea or severe constipation, infectious disease, toxemia, or colic should not be treated until such conditions are corrected with proper therapy.

(4) Occasional slight transient diarrhea and/or colic may occur soon after administering the drug. Fasting prior to the administration of the drug will increase the likelihood of these side effects occurring in the animals.

(5) Not for use in horses intended for food.

(6) This drug is a cholinesterase inhibitor. Do not use this product on animals simultaneously with, or within 10 days before or after treatment with or exposure to, cholinesterase-inhibiting drugs, pesticides, or chemicals.

(7) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This order shall be effective October 1, 1975.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: September 25, 1975.

C. D. VAN HOUWELING,
Director,

Bureau of Veterinary Medicine.

[FR Doc. 75-26184 Filed 9-30-75; 8:45 am]

[Docket No. 75N-0217]

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Carbadox, Pyrantel Tartrate

The Commissioner of Food and Drugs has evaluated a new animal drug application (92-955V) filed by Pfizer, Inc., 235 East 42d St., New York, NY 10017, proposing safe and effective use of carbadox with pyrantel tartrate in swine feeds and swine feed supplements. The application is approved, effective October 1, 1975.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness of data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 2.120) Part 558 is amended in § 558.115 and § 558.485 as follows:

1. In § 558.115 by revising paragraph (e) (1) and by adding paragraph (f) (3) to read as follows:

§ 558.115 Carbadox.

(e) *Special considerations.* (1) The manufacture of finished feeds does not require compliance with the provisions of section 512(m) of the act when produced from feed supplements containing:

(i) Up to 0.055 percent carbadox and used as provided in paragraph (f) (1) or (2) of this section.

(ii) 0.055 percent carbadox with 0.0881 percent pyrantel tartrate and used as provided in paragraph (f) (3) of this section.

(f) *Conditions of use.*

(3) *Amount per ton.* Carbadox 50 grams (0.0055 percent) plus pyrantel tartrate, 95 grams (0.0106 percent).

(1) *Indications for use.* For control of swine dysentery (vibronic dysentery, bloody scours, or hemorrhagic dysentery); control of bacterial swine enteritis (salmonellosis or necrotic enteritis caused by *Salmonella choleraesuis*); aid in the prevention of migration and establishment of large roundworm (*Ascaris suum*) infections; aid in the prevention of establishment of nodular worm (*Oesophagostomum*) infections.

(2) *Limitations.* Do not feed to swine over 75 pounds; do not feed within 10 weeks of slaughter; consult a veterinarian before feeding to severely debilitated animals; feed continuously as sole ration. Do not use in complete feeds containing less than 15 percent crude protein.

2. In § 558.485 by revising paragraph (d) (2) and by adding paragraph (e) (4) to read as follows:

§ 558.485 Pyrantel tartrate.

(d) *

(2) The manufacture of finished feeds does not require compliance with the provisions of section 512(m) of the act when produced from feed supplements containing:

(i) Up to 0.0881 percent pyrantel tartrate and used as provided in paragraph (e) (1) or (2) of this section.

(ii) 0.0881 percent pyrantel tartrate with 0.055 percent carbadox and used as provided in paragraph (e) (4) of this section.

(e) *Conditions of use.* It is used in feed for swine as follows:

(4) *Amount per ton.* Pyrantel tartrate, 96 grams (0.0106 percent) and carbadox, 50 grams (0.0055 percent).

(1) *Indications for use.* For control of swine dysentery (vibronic dysentery, bloody scours or hemorrhagic dysentery); control of bacterial swine enteritis (salmonellosis or necrotic enteritis caused by *Salmonella choleraesuis*); aid in the prevention of migration and establishment of large roundworm (*Ascaris suum*) infections; aid in the prevention of establishment of nodular worm (*Oesophagostomum*) infections.

(ii) *Limitations.* Do not feed to swine weighing over 75 pounds; do not feed within 10 weeks of slaughter; consult a veterinarian before feeding to severely debilitated animals; feed continuously as sole ration. Do not use in complete feeds containing less than 15 percent crude protein.

Effective date. This regulation shall be effective October 1, 1975.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(1)).)

Dated: September 25, 1975.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc. 75-26165 Filed 9-30-75; 8:45 am]

[FRL 438-7; PAP5H5069/T4A]

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

N-(2,4-dimethylphenyl)-N-[[2,4-dimethylphenyl-imino]methyl]-N-methylmethanimidamide; Correction

In FR Doc. 75-23851 which appeared on September 9, 1975 (40 FR 41773), the word "methylanimidamide" in the 4th line beneath the heading "\$ 561.195 . . ." is corrected to read "methylmethanimidamide".

Dated: September 25, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

[FR Doc. 75-26275 Filed 9-30-75; 8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBPART B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-699]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Changes Made in Determinations of Charlotte County, Florida, Base Flood Elevations

On August 7, 1971, at 36 FR 11638, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and map numbers and locations where Flood Insurance Rate Maps were available for public inspection. The list included Flood Insurance Rate Maps for portions of Charlotte County.

The Federal Insurance Administration, after consultation with the Chief Executive Officer of the community, has determined that it is appropriate to modify the base (100-year) flood elevations of some locations in Charlotte County. These modified elevations are currently in effect and amend the Flood Insurance Rate Map, which was in effect prior to this determination. A revised rate map will be published as soon as possible. The modifications are made pursuant to Sec-

tion 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 24 CFR Part 1916.

For rating purposes, the new community number is 120061A, and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

From the date of this notice, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data. All interested parties are on notice that until the 90-day period elapses, the Administrator's new determination of elevations may itself be changed.

Any persons having knowledge or wishing to comment on these changes should immediately notify:

Mr. John R. Printon, Charlotte County Administrator, Courthouse Annex, Second Floor, 116 W. Olympia, Punta Gorda, Florida 33950.

Also, at this location is the map showing the new base flood elevations. This map is a copy of the one that will be printed. The numerous changes made in the base flood elevations on the Charlotte County Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the Charlotte County map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 17, 1975.

FRANCIS V. REILLY,
Acting Federal
Insurance Administrator.

[FR Doc. 75-26194 Filed 9-30-75; 8:45 am]

[Docket No. FI-698]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Changes Made in Determinations of the City of Punta Gorda, Florida, Base Flood Elevations

On October 30, 1970, at 35 FR 16799-16800, the Federal Insurance Adminis-

trator published a list of communities with Special Flood Hazard Areas and the map numbers and locations where Flood Insurance Rate Maps were available for public inspection. The list included Flood Insurance Rate Maps for portions of Punta Gorda.

The Federal Insurance Administration, after consultation with the Chief Executive Officer of the community, has determined that it is appropriate to modify the base (100-year) flood elevations of some locations in Punta Gorda. These modified elevations are currently in effect and amend the Flood Insurance Rate Map, which was in effect prior to this determination. A revised rate map will be published as soon as possible. The modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and 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 24 CFR Part 1916.

For rating purposes, the new community number is 120062A, and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

From the date of this notice, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data. All interested parties are on notice that until the 90-day period elapses, the Administrator's new determination of elevations may itself be changed.

Any persons having knowledge or wishing to comment on these changes should immediately notify:

Mr. J. Alvin Watts, Mayor, City of Punta Gorda, 326 West Marion Avenue, Punta Gorda, Florida 33950.

Also, at this location is the map showing the new base flood elevations. This map is a copy of the one that will be printed. The numerous changes made in the base flood elevations on the Punta Gorda Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the Punta Gorda map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as

amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 17, 1975.

FRANCIS V. REILLY,
Acting Federal
Insurance Administrator.

[FR Doc. 75-26195 Filed 9-30-75; 8:45 am]

[Docket No. FI-697]

PART 1916—MODIFICATION OF PREVIOUSLY DETERMINED BASE FLOOD ELEVATIONS

Modification of Existing Base Flood Elevations Determinations in Jefferson Parish, Louisiana

On June 25, 1969, at 34 FR 9804, on March 6, 1970, at 35 FR 4208-9, and on October 13, 1971, at 36 FR 19909, the Federal Insurance Administrator published lists of communities with Special Flood Hazard Areas and the map numbers and locations where Flood Insurance Rate Maps were available for public inspection. These lists included Flood Insurance Rate Maps for portions of Jefferson Parish, Louisiana.

The Federal Insurance Administration has determined that it is appropriate to modify the base (100-year) flood elevations of some locations in Jefferson Parish, Louisiana. These modified elevations are currently in effect and amend the Flood Insurance Rate Map, which was in effect prior to this determination. A revised rate map will be published as soon as possible. The modifications are made in accordance with Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and 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 24 CFR Part 1916.

For rating purposes, the new community number is 225199B and must be used for all new policies and renewals.

The changes in base flood elevations are as follows:

Previous FIA zones (as on map)	Previous base flood elevations (as on map) (MSL)	New FIA zones	New base flood elevations (MSL)
Zone A10.....	5.0	Zone A4..	1.5

The above changes apply to the area described as follows:

A certain piece or portion of ground situated in the State of Louisiana, Parish of Jefferson, being a portion of the Harvey Canal property west of Mississippi River, portion T14S, R23E and 24E and more fully described as follows:

Commencing at a concrete monument at the intersection of the westerly right-of-way line of Harvey Canal and the northerly right-of-way line of Lapalco Boulevard the point of beginning, measure thence south 17° 39' 09" east along said westerly right-of-way

line of Harvey Canal a distance of 6182.14 feet, thence south 72° 20' 20" west along the southerly line of the 120 foot Louisiana Power and Light Company right-of-way a distance of 533.98 feet, thence continuing along said 120 ft. Louisiana Power and Light Company right-of-way south 64° 10' 09" west a distance of 2933.73 ft., thence continuing along said 120 foot Louisiana Power and Light Company right-of-way south 72° 20' 20" west a distance of 2470.61 ft., thence N 17° 39' 09" west along the westerly line of subdivision a distance of 6688.05 ft., thence N 73° 12' 00" east along the northerly line of cousins canal a distance 5908.79 ft. to a point, the point of beginning.

The area specifically includes parcels C, D, E, F, H1, J, K, L, P1, P2, and R and that portion of parcels G, H2 and S lying north of the southerly line of the Louisiana Power and Light Company right-of-way, all as shown on a plan of survey by J. J. Krebs & Sons, Inc. dated May 15, 1973, revised September 26, 1973, and April 11, 1974, and approved by the Jefferson Parish Council on January 17, 1974, Ordinance No. 11506.

Under the above-mentioned Acts of 1968 and 1973 the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must enforce the flood plain management measures of the Program, using the revised elevations as shown on the existing FIA Flood Insurance Rate Map. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The modified elevations are in effect. However, from the date of this notice, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on scientific or technical data. All interested parties are on notice that until the 90-day period elapses, the Administrator's new determination of elevations may itself be changed.

Any person having knowledge or wishing to comment on these changes should immediately notify:

President, Jefferson Parish Police Jury, P.O. Box 7, Metairie, Louisiana 70005.

Also, at this location is the map showing the new base flood elevations. This may be a copy of the one that will be printed.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969) as amended 39 FR 2787, January 24, 1974.)

Issued: September 15, 1975.

J. ROBERT HUNTER,
Acting Federal
Insurance Administrator.

[FR Doc. 75-26196 Filed 9-30-75; 8:45 am]

[Docket No. FI-321]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Village of Glenview, Illinois

On August 6, 1974, in 39 FR 28253, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the Village of Glenview, Illinois, as an eligible community and included Map No. H 170096 03 which indicates that the proposed structures of Glenview Condominiums, Glenview, Illinois, as shown on the Grading Plan prepared by Clorba, Spies, Gustafson and Company on June 9, 1975, and recorded as Document No. 2813631 in the office of the Registrar of Torrens Titles of Cook County, Illinois, on June 17, 1975, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the proposed structures on the above property are not within the Special Flood Hazard Area. Accordingly, effective June 28, 1974, Map No. H 170096 03 is hereby corrected to reflect that the proposed structures on the above property are not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 15, 1975.

J. ROBERT HUNTER,
Acting Federal
Insurance Administrator.

[FR Doc. 75-26197 Filed 9-30-75; 8:45 am]

[Docket No. FI-446]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Overland Park, Kansas

On January 13, 1975, in 40 FR 2427, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Overland Park, Kansas, as an eligible community and included Map No. H 200174 12, which indicates that the Parkway 103 Condominium Units 5 through 7, 14 through 20, 22 through 31, and the Community Building, on land in Overland Park, Kansas, as recorded in Plat Book 36, Page 23, in the office of the Register of Deeds of Johnson County, Kansas, are in their entirety within the

[Docket No. FI-454]

PART 1920—PROCEDURE FOR MAP CORRECTION**Letter of Map Amendment for Chesterfield County, Virginia**

Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned structures are not within the Special Flood Hazard Area. Accordingly, effective January 3, 1975, Map No. H 200174 12 is hereby corrected to reflect that the above structures are not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: September 8, 1975.

FRANCIS V. REILLY,
*Acting Federal
Insurance Administrator.*

[FR Doc.75-26198 Filed 9-30-75;8:45 am]

[Docket No. FI-211]

PART 1920—PROCEDURE FOR MAP CORRECTION**Letter of Map Amendment for Washington Township, Ohio**

On September 20, 1973, in 38 FR 26368, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included Washington Township, Ohio, as an eligible community and included Map No. H 390598 01 which indicates that Lots 1, 5, 6, 15, 16, 17, 26, 27, 43, 44, 56, 57, 69, and 88, and the structures on Lots 30, 48 through 52, 58, 59, 61, 64, and 83, Point Pleasant Cove Subdivision, Washington Township, Ohio, as recorded in Volume 69, Page 31 in the office of the Recorder of Lucas County, Ohio, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, effective September 21, 1973, Map No. H 390598 01 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: September 8, 1975.

FRANCIS V. REILLY,
*Acting Federal
Insurance Administrator.*

[FR Doc.75-26199 Filed 9-30-75;8:45 am]

On January 28, 1975, in 40 FR 4134, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included Chesterfield County, Virginia, as an eligible community and included Map Nos. H 510035 70 and 71 which indicate that parts of Kendale Acres, Section 3, Chesterfield County, Virginia, as recorded in Plat Book 22, Pages 13 through 15 in the office of the Clerk of Chesterfield County, Virginia, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that Lots 1, 2, 7, 9 through 17, 22 through 31, 36 through 46, 50 through 59, and 63 through 66, Block A; Lots 2 through 11, and 16 through 68, Block B; Lots 1 through 24, Block C; Lots 1 through 15, Block D; and Lots 1 through 26, Block E of the above property are not within the Special Flood Hazard Area. Accordingly, effective January 10, 1975, Map Nos. H 510035 70 and 71 are hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: September 8, 1975.

FRANCIS V. REILLY,
*Acting Federal
Insurance Administrator.*

[FR Doc.75-26200 Filed 9-30-75;8:45 am]

Title 33—Navigation and Navigable Waters**CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION**

[CGD 75-093]

PART 3—COAST GUARD AREAS, DISTRICTS, MARINE INSPECTION ZONES, AND CAPTAIN OF THE PORT AREAS**Third Coast Guard District**

These amendments revise the descriptions of the captain of the port areas and marine inspection zones of the Third Coast Guard District in Part 3 of Title 33, Code of Federal Regulations.

The description of the New York Marine Inspection Zone in § 3.15-10 is revised to reduce the area in northwestern New Jersey within the zone, to exclude Newburgh, New York, and to correct errors in the zone boundary descriptions in Connecticut.

The Albany Marine Inspection Zone, currently described in § 3.15-15, and the Albany Captain of the Port, currently described in § 3.15-50, are revised by enlarging the Albany Marine Inspection Zone to include Newburgh, New York and by enlarging the Albany Captain of the Port to coincide with the new Albany Marine Inspection Zone boundaries. The description of the new Albany Marine Inspection Zone and Captain of the Port is contained in § 3.15-15. Section 3.15-50 is deleted.

The Philadelphia Marine Inspection Zone, described in § 3.15-25, is revised to include the area of northwestern New Jersey removed from the New York Marine Inspection Zone, and to correct errors in zone boundary descriptions in western Pennsylvania. The Philadelphia Captain of the Port area is enlarged to coincide with the Philadelphia Marine Inspection Zone. Section 3.15-65 is deleted.

The New Haven Captain of the Port description in § 3.15-57 is modified to exclude Hempstead Harbor, Long Island.

The New York Captain of the Port area, described in § 3.15-60, is enlarged to coincide with the New York Marine Inspection Zone, except for those areas included within the New London and New Haven Captain of the Port Areas, described in §§ 3.15-55 and 3.15-57, respectively.

Since these amendments are matters relating to agency organization, they are exempt from the notice of proposed rule-making requirements of 5 U.S.C. 553(b) (3) (A).

In accordance with the foregoing, Part 3 of Chapter 1 of Title 33 of the Code of Federal Regulations is amended as follows:

1. Section 3.15-10(b) is revised to read as follows:

§ 3.15-10 New York Marine Inspection Zone.

(b) The New York Marine Inspection Zone starts at the New Jersey shoreline at 39°57.0' N. latitude; thence westward to 39°57.0' N. latitude, 74°27.0' W. longitude; thence north-northwesterly to the junction of the New York, New Jersey, and Pennsylvania boundaries at Tristate; thence along the east bank of the Delaware River to 41°28.0' N. latitude near Barryville, New York; thence east to the New York-Connecticut boundary; thence north along the New York-Connecticut boundary to the junction of the New York, Connecticut, and Massachusetts boundaries; thence east along the Connecticut-Massachusetts boundary, including the waters of the Congamond Lakes to the Connecticut-Rhode Island boundary; thence south along the Connecticut-Rhode Island boundary, excluding the waters of Beach Pond, to 41°22.6' N. latitude, 71°50.0' W. longitude, at Westerly, Rhode Island; thence in a southerly direction along the east shore of the Pawcatuck River to Watch Hill Light; thence southwesterly to the eastern end of Plum Island at 41°11.3' N. latitude, 72°09.7' W. longitude; thence

southeasterly to False Point at 41°04.6' N. latitude, 71°52.1' W. longitude; thence easterly along the shoreline to Montauk Point Light, and including all islands and other land masses in Block Island Sound west of 71°51.6' W. longitude.

2. Section 3.15-15 is revised to read as follows:

§ 3.15-15 Albany Marine Inspection Zone and Captain of the Port.

(a) The Albany Marine Inspection Office and the Albany Captain of the Port Office are located in Albany, New York.

(b) The Albany Marine Inspection Zone and the Albany Captain of the Port Area start at the junction of the Massachusetts, Connecticut, and New York boundaries; thence in a southerly direction along the New York-Connecticut boundary to 41°28.0' N. latitude; thence due west to the east bank of the Delaware River near Barryville, New York; thence in a northwesterly direction along the east bank of the Delaware River to 42°00.0' N. latitude; thence due east to 74°39.0' W. longitude; thence due north to the Canadian border; thence east along the Canadian border to the northeast corner of the Orleans County line in Vermont; thence following the eastern and southern boundaries of Orleans, Franklin, Chittenden, Addison, and Rutland counties to the Vermont-New York boundary; thence south along the Vermont-New York boundary to its junction with the Massachusetts-New York boundary; thence south-southwesterly along the Massachusetts-New York boundary to the junction of the Massachusetts, New York, and Connecticut boundaries.

3. Section 3.15-25 is revised to read as follows:

§ 3.15-25 Philadelphia Marine Inspection Zone and Captain of the Port.

(a) The Philadelphia Marine Inspection Office and the Philadelphia Captain of the Port Office are located in Philadelphia, Pennsylvania.

(b) The Philadelphia Marine Inspection Zone and the Philadelphia Captain of the Port Area start at the New Jersey shoreline at 39°57.0' N. latitude; thence westward to 39°57.0' N. latitude, 74°27.0' W. longitude; thence north-northwesterly to the junction of the New York, New Jersey, and Pennsylvania boundaries at Tristate; thence north following the course of and including the waters of the Delaware River until it meets the New York boundary; thence west along the New York-Pennsylvania boundary to 78°55.0' W. longitude; thence south to 41°00.0' N. latitude; thence west to 79°00.0' W. longitude; thence south to the Pennsylvania-Maryland boundary; thence east to the junction of the Maryland-Delaware boundary; thence south and then east along the Maryland-Delaware boundary to the sea including Fenwick Island Light, but not including that portion of Delaware containing the reaches of the Nanticoke River and the Chesapeake and Delaware Canal.

4. Section 3.15-55 is revised to read as follows:

§ 3.15-55 New London Captain of the Port.

(b) The New London Captain of the Port area starts at Watch Hill Light, Rhode Island; thence southwesterly to the eastern end of Plum Island at 41°11.3' N. latitude, 72°09.7' W. longitude; thence along the southern shoreline of Plum Island to 41°09.9' N. latitude, 72°12.1' W. longitude; thence west to Orient Point Light; thence southwesterly along the northern shoreline of Long Island-New York to 72°38.0' W. longitude; thence due north to the Connecticut shoreline; thence westward along the Connecticut shoreline to 72°40.0' W. longitude; thence due north to the Connecticut-Massachusetts boundary; thence eastward along this boundary to the Rhode Island boundary; thence south along the Connecticut-Rhode Island boundary, excluding the waters of Beach Pond, to 41°22.6' N. latitude, 71°50.0' W. longitude at Westerly, Rhode Island; thence in a southerly direction along the east shore of the Pawcatuck River to Watch Hill Light; and including all islands and other land masses in Block Island Sound west of 71°51.6' W. longitude and north of 41°09.8' N. latitude.

5. Section 3.15-57(b) is revised to read as follows:

§ 3.15-57 New Haven Captain of the Port.

(b) The New Haven Captain of the Port area starts at the Connecticut-Massachusetts boundary at 72°40.0' W. longitude; thence south to the Connecticut shoreline; thence east along the shoreline to 72°38.0' W. longitude; thence due south to the Long Island-New York shoreline; thence west along the Long Island shoreline to 73°00.0' W. longitude; thence due south to 40°49.5' N. latitude; thence southwesterly to 40°41.5' N. latitude, 73°38.2' W. longitude; thence north to the north shore of Long Island at Dosoris Island at 40°53.7' N. latitude, 73°38.2' W. longitude; thence north-northwesterly to the southern shore of Manursing Island at 40°58.0' N. latitude, 73°40.0' W. longitude; thence north to the Connecticut-New York boundary at 41°01.5' N. latitude, 73°40.0' W. longitude; thence north to the Connecticut-New York boundary at 41°01.5' N. latitude, 73°40.0' W. longitude; thence northerly along the western boundary of Connecticut to the Massachusetts boundary; thence eastward along this boundary, including the waters of the Congamond Lakes, to 72°40.0' W. longitude.

6. Section 3.15-60(b) is revised to read as follows:

§ 3.15-60 New York Captain of the Port.

(b) The New York Captain of the Port area starts at the New Jersey shoreline at 39°57.0' N. latitude; thence westward

to 39°57.0' N. latitude, 74°27.0' W. longitude; thence north-northwesterly to the junction of the New York, New Jersey, and Pennsylvania boundaries at Tristate; thence along the east bank of the Delaware River to 41°28.0' N. latitude near Barryville, New York; thence due east to the New York-Connecticut boundary thence south along the New York-Connecticut boundary to 41°01.5' N. latitude, 73°40.0' W. longitude; thence due south to 40°58.0' N. latitude, 73°40.0' W. longitude at the southern shore of Manursing Island; thence south-south-easterly to the north shore of Long Island at Dosoris Island at 40°53.7' N. latitude, 73°38.2' W. longitude; thence due south to 40°41.5' N. latitude, 73°38.2' W. longitude; thence east-north-easterly to 40°49.5' N. latitude, 73°00.0' W. longitude; thence due north to the Long Island shoreline; thence east along the Long Island shoreline to Orient Point Light; thence easterly to the shoreline of Plum Island at 41°10.0' N. latitude, 72°12.1' W. longitude; thence along the southern shoreline of Plum Island to 41°11.3' N. latitude, 72°09.7' W. longitude; thence southeasterly to False Point at 41°04.6' N. latitude, 71°52.1' W. longitude, thence easterly along the shoreline to Montauk Point Light; and including all islands and other land masses in Block Island Sound west of 71°51.6' W. longitude and south of 41°09.8' latitude.

§ 3.15-50 and 3.15-65 [Revoked]

7. Sections 3.15-50 and 3.15-65 are deleted.

(6 U.S.C. 552; 14 U.S.C. 633; Sec. 6, Pub. L. 89-670, 80 Stat. 937 (49 U.S.C. 1655(b)); 35 FR 4958-59, 49 CFR 1.46(b))

Effective date: These amendments become effective on October 31, 1975.

Dated: September 23, 1975.

O. W. SILER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc. 75-26215 Filed 9-30-75; 8:45 am]

[CGD 1-75-2]

PART 127—SECURITY ZONES

Boston Harbor, Massachusetts, Termination

AUGUST 26, 1975.

The security zone at Pier 2B, Coast Guard Support Center, Boston, Massachusetts established by the Commander, First Coast Guard District on August 18, 1975 and published in the August 25, 1975 FEDERAL REGISTER (40 FR 37036) is terminated as of August 22, 1975.

In consideration of the foregoing, Part 127 of Title 33 of the Code of Federal Regulations is amended by revoking Section 127.102.

(50 U.S.C. 191; 49 U.S.C. 1655(b); E.O. 10173, E.O. 10277, E.O. 10352, E.O. 11249; 3 CFR 1949-1953 Comp. 356, 778, 873; 3 CFR 1964-1965 Comp. 349; 33 CFR Part 6, 49 CFR 1.46(b))

Effective date: This amendment is effective August 25, 1975.

Dated: August 26, 1975.

H. A. CRETELLA,
Captain, U.S. Coast Guard, Acting
Commander, First Coast
Guard District, Boston, Massachusetts.

[FR Doc. 75-26218 Filed 9-30-75; 8:45 am]

[CGD 3-75-7]

PART 127—SECURITY ZONES

Termination of Security Zone; Governors Island, N.Y.

The security zone established by the Captain of the Port, New York, as published in the August 25, 1975 issue of the FEDERAL REGISTER (40 FR 37037), was terminated on August 29, 1975.

§ 127.333 [Revoked]

Section 127.333 is revoked.

(40 Stat. 220, as amended, 6(b), 80 Stat. 937; 50 U.S.C. Art. 191, 49 U.S.C. Art. 1655(b); E.O. 10173, E.O. 10277, E.O. 10352, E.O. 11249; 3 CFR, 1949-1953 Comp. 356, 778, 873, 3 CFR 1964-1965 Comp. 349, 33 CFR Part 6, 49 CFR 1.46 (b)).

Dated: August 29, 1975.

FRANK OLIVER,
Captain, U.S. Coast Guard, Captain
of the Port, New York.

[FR Doc. 75-26218 Filed 9-30-75; 8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 3—ADJUDICATION

Pension, Compensation, and Dependency and Indemnity Compensation; Deletion of Obsolete Terms

The Administrator of Veterans' Affairs amends §§ 3.551, 3.556, 3.557, 3.558 and 3.559 of Part 3 of Title 38, Code of Federal Regulations to delete obsolete terms relating to discharges and absences from hospitals and position titles.

Many terms formerly used in connection with hospital absences have been eliminated and in some instances new terms have been substituted. The current terms relating to discharge or releases from inpatient care are "regular discharge", "irregular discharge", "non-bed care", and "out-patient treatment". "Regular discharges" are approved hospital separations upon completion of treatment. "Irregular discharges" are issued to patients who are released against medical advice, for disciplinary reasons, or who fail to return from authorized absences. A release to "non-bed care" is a termination of inpatient status where the veteran is considered to remain in the constructive custody of the chief officer of the institution. A release to "outpatient treatment" is a termination of inpatient or hospital status with treatment to be continued on an outpatient basis. Temporary absences are "authorized" or "unauthorized". "Authorized absences" of

up to 14 days may be granted to long-term patients. Other patients may be granted "authorized absences" up to 96 hours. "Unauthorized absence" is the status applicable to certain patients who are absent without authorization or failed to return from "authorized absence" and for whom irregular discharges are not in order under existing directives. The amendments to §§ 3.556 and 3.558 incorporate current terminology relating to hospital absences and discharges.

Certain nonlegal functions which were formerly under the jurisdiction of the Chief Attorney have been transferred to the Veterans Services Officer. Official titles in §§ 3.557 and 3.559 have been changed to reflect this change in jurisdiction.

Minor additional editorial changes are made in §§ 3.551, 3.557 and 3.558 to reflect agency policy to avoid any appearance of seeming to preclude benefits for female veterans, dependents or beneficiaries.

Compliance with the provisions of § 1.12 of this chapter, as to notice of proposed regulatory development and delayed effective date, is unnecessary in this instance and would serve no useful purpose since the amendments are editorial in nature and do not effect any change in benefits or entitlement.

1. In § 3.551, paragraph (c)(1), (d)

and (e) are revised to read as follows:

§ 3.551 Reduction because of hospitalization.

(c) Reduction after 2 months. * * *

(1) Where pension was being paid to a married veteran at the rate prescribed by 38 U.S.C. 521(b), all or any part of the rates payable under 38 U.S.C. 521(c) or (d) and (e) may be apportioned for an estranged wife or husband as provided in § 3.454(b). (38 U.S.C. 3203(a))

(d) *Computation of period.* In computing the period of hospitalization prior to reduction under paragraph (c) of this section, the period will be extended by reason of authorized absence in excess of 96 hours after the month of admission. An authorized absence of 96 hours or less is included as part of the period of hospitalization. For the purposes of paragraph (c) of this section, the veteran will be considered to have been hospitalized for 2 calendar months when he (or she) has received a total of 60 days of treatment or care, exclusive of authorized absences in excess of 96 hours.

(e) *Readmission.* (1) *Regular discharge.* Except as provided in paragraph (c) of this section, where a veteran has been given an approved discharge or release, readmission the next day to the same or any other Veterans Administration institution begins a new period of hospitalization, unless the veteran was released for purposes of admission to another Veterans Administration institution.

(2) *Irregular discharge.* When a veteran whose award is subject to reduction under paragraph (b) of this section has

been discharged or released from a hospital against medical advice or as the result of disciplinary action, reentry within 6 months from the date of a previous admission constitutes a continuation of that period of hospitalization, and the award will not be reduced prior to the first day of the seventh calendar month following the month of original admission, exclusive of authorized absences. Except as provided in the preceding sentence, if a veteran reenters a hospital within 6 months after an irregular discharge or release against medical advice or as a result of disciplinary action, the award will be reduced as of the date of readmission. A reentry 6 months or more after such discharge or release will be considered as a new admission. (Pub. L. 89-362)

2. In § 3.556, paragraphs (b), (c), (d), (e) and (f) are revised to read as follows:

§ 3.556 Adjustment on discharge or release.

(b) *Temporary absence—less than 30 days.* A temporary absence of less than 30 days, including the day of departure, will not require adjustment of the award. This applies to any approved absence. Any allowance for regular aid and attendance for such periods will be authorized after the veteran has been discharged from the hospital.

(c) *Adjustment based on need.* Where an award of pension was reduced under § 3.551(c), the full rate covering absences of less than 30 days may be restored, subject to prior payments, prior to discharge from hospitalization at the request of the Director of the hospital, center or domiciliary, where this action is necessary to meet the veteran's financial needs, if the veteran has been hospitalized for more than 6 months and the periods of absence exceed a total of 30 days.

(d) *Irregular discharge.* When a competent veteran is given an irregular discharge, the full rate will be restored effective the date of release from the hospital. Payment of any amount withheld under § 3.551(b) will not be authorized until the expiration of 6 months after termination of hospitalization unless the prior release is changed to a regular release. However, amounts not paid under paragraph (c) of this section covering absence of less than 30 days where the award was reduced under § 3.551(c) will be authorized immediately.

(e) *Regular discharge.* When a veteran, either competent or incompetent, is given a regular discharge or release, the full rate, including any allowance for regular aid and attendance will be restored effective the date of release from the hospital, subject to prior payments. The award will be based on the most recent rating and, where the award was reduced under § 3.551(b), will include, in the case of a competent veteran, any amounts withheld because of hospitalization. The amount withheld for an incompetent veteran will not be authorized

until the expiration of 6 months following a rating of competency by the Veterans Administration or 6 months following removal of legal disability, whichever is later. Any institutional award will be discontinued effective date of last payment, as provided in § 3.501(j). Where an apportionment made under § 3.551(c) is not continued, the apportionment will be discontinued effective the day preceding the date of the veteran's release from the hospital, or, if adjusted, effective the date of the veteran's release from the hospital, unless an overpayment would result. In the excepted cases, the awards to the veteran and apportionee will be adjusted as of date of last payment.

(f) *Types of discharges.* A discharge is considered regular if it is granted because of having received maximum hospital benefits. A discharge for disciplinary reasons or because of the patient's refusal to accept, neglect of or obstruction of treatment; refusal to accept transfer, or failure to return from authorized absence, is considered irregular.

3. In § 3.557, paragraphs (a), (b) and (d) are revised to read as follows:

§ 3.557 Incompetents; estate over \$1,500 and hospitalized.

(a) Where a veteran having neither wife, husband, child, nor dependent parent is being hospitalized by the Veterans Administration and is rated incompetent by the Veterans Administration by reason of mental illness, the pension of such veteran will be subject to reductions as provided in § 3.551.

(b) Effective December 1, 1959, where a veteran: (1) Is rated incompetent by the Veterans Administration by reason of mental illness, and (2) has neither wife, husband nor child, and (3) is hospitalized by the United States or any political subdivision, with or without charge, and (4) has an estate, derived from any source, which equals or exceeds \$1,500, further payments of pension, compensation or emergency officers' retirement pay will not be made, except as provided in paragraph (d) of this section, until the estate is reduced to \$500. If the veteran is hospitalized for observation and examination, the date treatment began is considered the date of admission.

(d) Payment of pension, compensation or emergency officers' retirement pay to a veteran subject to the provisions of paragraph (b) of this section will be discontinued from the first day of the month in which his or her estate equals or exceeds \$1,500. All or any part of the benefit not paid to the veteran may be apportioned for his or her dependent parents on the basis of need as determined by the Veterans Services Officer. If the veteran is not hospitalized by the Veterans Administration there may be paid out of any remaining amounts so much of the pension, compensation or emergency officers' retirement pay as equals the amount charged the veteran for his or her current care and maintenance in the institution in which the treatment or care is furnished, but not more than the amount determined to be the proper charge.

4. In § 3.558, paragraphs (b) and (c) (2) are revised to read as follows:

§ 3.558 Resumption — incompetents \$1,500 estate cases.

(b) Payments for the veteran will be resumed and apportionment awards discontinued under the applicable provisions of § 3.556 (a), (d) and (e) upon authorized absence from the hospital for 30 days or more or a regular or irregular discharge or release. Care and maintenance payments to an institution will not be made for any period the veteran is not receiving such care and maintenance.

(c) Any amount not paid because of the provisions of § 3.557 will be awarded:

(2) For a veteran rated incompetent by the Veterans Administration who had met the provisions of paragraph (c) (1) and who was again rated incompetent by the Veterans Administration before award action could be taken thereunder, if he or she has a proper dependent, and if there was no error in the intervening rating of competency. For the purpose of amounts not paid because of the provisions of § 3.557(a), a proper dependent is a wife, husband, child or dependent parent. For the purpose of amounts not paid because of the provisions of § 3.557 (b), a proper dependent is a wife, husband or child.

5. In § 3.559, paragraphs (a) and (b) are revised to read as follows:

§ 3.559 Resumption—\$1,500 cases where estate includes those in action.

(a) Where payments have been discontinued because of hospitalization and there exists only a claim against a defunct bank, or other institution, or the entire estate is the subject of litigation, or consists of investments of undetermined value, and there is no income to provide for clothing and other needs, and comforts for the veteran, the Veterans Services Officer may consider the guardian's statement setting forth the facts and estimating what the said claim or chose in action would sell for in the open market. If the Veterans Services Officer is satisfied that the value of the estate does not exceed \$500, he or she will prepare a certificate to that effect. Upon receipt of this certification by the Claims activity, payments will if otherwise in order be authorized effective the first day of the month in which award action is taken.

(b) When the claim is settled or litigation terminated the Veterans Services Officer will again review the case and, if the estate is then \$1,500 or more, will forward an appropriate certification to the Claims activity.

Effective date: These VA Regulations are effective September 24, 1975.

Approved: September 24, 1975.

By direction of the Administrator.

[SEAL] **ODELL W. VAUGHN,**
Deputy Administrator.

[FR Doc. 75-26184 Filed 9-30-75; 8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C-A: PROGRAMS

[FRL 438-3]

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Delegation of Authority To State of California on Behalf of Kern County and Trinity County Air Pollution Control Districts

Pursuant to the delegation of authority for the standards of performance for new stationary sources (NSPS) to the State of California on behalf of the Kern County Air Pollution Control District and the Trinity County Air Pollution Control District, dated August 18, 1975, EPA is today amending 40 CFR 60.4. Address, to reflect this delegation. A Notice announcing this delegation is published today at 40 FR 7777. The amended § 60.4 is set forth below. It adds the addresses of the Kern County and Trinity County Air Pollution Control Districts, to which must be addressed all reports, requests, applications, submittals, and communications pursuant to this part by sources subject to the NSPS located within these Air Pollution Control Districts.

The Administrator finds good cause for foregoing prior public notice and for making this rulemaking effective immediately in that it is an administrative change and not one of substantive content. No additional substantive burdens are imposed on the parties affected. The delegation which is reflected by this administrative amendment was effective on August 18, 1975, and it serves no purpose to delay the technical change of this addition of the Air Pollution Control District addresses to the Code of Federal Regulations.

This rulemaking is effective immediately, and is issued under the authority of Section 111 of the Clean Air Act, as amended. 42 U.S.C. 1857c-6.

Dated: September 25, 1975.

STANLEY W. LECRO,
Assistant Administrator for
Enforcement.

Part 60 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 60.4 paragraph (b) is amended by revising paragraph F, to read as follows:

§ 60.4 Address.

(b) * * *

(A)—(E) * * *

F—California—

Bay Area Air Pollution Control District,
939 Ellis St., San Francisco, CA 94109.

Del Norte County Air Pollution Control
District, Courthouse, Crescent City, CA 95531.

Humboldt County Air Pollution Control
District, 5600 S. Broadway, Eureka, CA 95501.

Kern County Air Pollution Control Dis-
trict, 1700 Flower St. (P.O. Box 997), Bakers-
field, CA 93302.

Monterey Bay Unified Air Pollution Con-
trol District, 420 Church St. (P.O. Box 487),
Salinas, CA 93901.

Trinity County Air Pollution Control District, Box AJ, Weaverville, CA 96093.

[FR Doc. 75-26271 Filed 9-30-75; 8:45 am]

[FRL 439-4]

PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Delegation of Authority to State of California on Behalf of Kern County and Trinity County Air Pollution Control Districts

Pursuant to the delegation of authority for national emission standards for hazardous air pollutants (NESHAPS) to the State of California on behalf of the Kern County Air Pollution Control District and the Trinity County Air Pollution Control District, dated August 18, 1975, EPA is today amending 40 CFR 61.04, Address, to reflect this delegation. A Notice announcing this delegation is published today at 40 FR 45221. The amended § 61.04 is set forth below. It adds the addresses of the Kern County and Trinity County Air Pollution Control Districts, to which must be addressed all reports, requests, applications, submittals, and communications pursuant to this part by sources subject to the NESHAPS located within these Air Pollution Control Districts.

The Administrator finds good cause for foregoing prior public notice and for making this rulemaking effective immediately in that it is an administrative change and not one of substantive content. No additional substantive burdens are imposed on the parties affected. The delegation which is reflected by this administrative amendment was effective on August 18, 1975, and it serves no purpose to delay the technical change of this addition of the Air Pollution Control District addresses to the Code of Federal Regulations.

This rulemaking is effective immediately, and is issued under the authority of Section 112 of the Clean Air Act, as amended. 42 U.S.C. 1857c-7.

Dated: September 25, 1975.

STANLEY W. LEGNO,
Assistant Administrator for
Enforcement.

Part 61 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 61.04 paragraph (b) is amended by revising subparagraph F, to read as follows:

§ 61.04 Address.

(b) * * *

(A)-(E) * * *

F—California—

Bay Area Air Pollution Control District, 939 Ellis St., San Francisco, CA 94109.

Del Norte County Air Pollution Control District, Courthouse, Crescent City, CA 95531.

Humboldt County Air Pollution Control District, 5600 S. Broadway, Eureka, CA 95501.

Kern County Air Pollution Control District, 1700 Flower St. (P.O. Box 997), Bakersfield, CA 93302.

Monterey Bay Unified Air Pollution Control District, 420 Church St. (P.O. Box 487), Salinas, CA 93901.

Trinity County Air Pollution Control District, Box AJ, Weaverville, CA 96093.

[FR Doc. 75-26272 Filed 9-30-75; 8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT

PART 3300—OUTER CONTINENTAL SHELF LEASING; GENERAL

Qualified Joint Bidders

Pursuant to the authority vested in the Secretary of the Interior with respect to the promulgation and amendment of regulations necessary to carry out the provisions of the Outer Continental Shelf Lands Act, 43 U.S.C. §§ 1331-1343 (1970), the existing regulations in 43 CFR Subparts 3300, 3302, and 3305 are hereby amended with the objective of improving competitive bidding for oil and gas leases granted on submerged lands of the Outer Continental Shelf.

In keeping with the Department of Interior's announced policy of affording the public an opportunity to participate in the rulemaking process, proposed regulations for this purpose were published in the FEDERAL REGISTER on April 24, 1974 (39 FR 14511), and a public hearing was held on June 25, 1974. Revised proposed regulations were published in the FEDERAL REGISTER on February 21, 1975 (40 FR 7673), and written comments were requested from all interested persons. The extensive comments received have been reviewed by the Department, and the proposed regulations published on February 21, 1975, have been revised again.

As now revised, the regulations will not require the submission of a detailed Report of Production in order to qualify for joint bidding at an OCS oil and gas lease sale, but instead will merely require a Statement of Production to be filed, indicating whether or not the prospective joint bidder is chargeable with an average daily worldwide production in excess of 1.6 million barrels of crude oil, natural gas, and liquefied petroleum products. The Director of the Bureau of Land Management will, however, retain his right to require the filing of a detailed Report of Production when needed to substantiate any statement made in the Statement of Production.

It has been determined that the promulgation of the following regulations is not a major federal action significantly affecting the quality of the human environment and thus no environmental impact statement is required, nor is an inflationary impact statement required. The following regulations are issued as final rule making, effective immediately.

1. Section 3300.1 is amended to read as follows:

§ 3300.1 Persons qualified to hold leases.

Mineral leases issued pursuant to section 8 of the Act may be held only by citizens and nationals of the United States, aliens lawfully admitted for permanent residence in the United States as defined in 8 U.S.C. § 1101(a) (20) private, public, or municipal corporations organized under the laws of the United States or of any State or Territory thereof, or associations of such citizens, na-

tionals, resident aliens, or private, public, or municipal corporations, States, or political subdivisions of States.

2. Section 3302.1 is amended to read as follows:

§ 3302.1 General.

Tracts will be offered for lease by competitive sealed bidding under conditions specified in the Notice of Lease Offer and in accordance with the provisions of §§ 3300.1, 3302.2, 3302.3 and 3302.4 of this Part. Each oil and gas lease issued pursuant to section 8 of the Act shall cover a compact area not exceeding 5,760 acres.

3. The following new sections are added to Subpart 3302 which reads as follows:

§ 3302.3 Qualified bidders.

§ 3302.3-1 Definitions.

The following definitions shall be applicable to § 3302.3:

(a) "Single bid" means a bid submitted by one person for an oil and gas lease under section 8(a) of the Act.

(b) "Joint bid" means a bid submitted by two or more persons for an oil and gas lease under section 8(a) of the Act.

(c) "Average Daily Production" is the total of all production in an applicable production period which is chargeable under section 3302.3-3 divided by the exact number of calendar days in the applicable production period.

(d) "Barrel" means 42 United States gallons.

(e) "Crude Oil" means a mixture of liquid hydrocarbons including condensate that exists in natural underground reservoirs and remains liquid at atmospheric pressure after passing through surface separating facilities, but does not include liquid hydrocarbons produced from tar sands, gilsonite, oil shale, or coal.

(f) "An Economic Interest" means any right to, or any right dependent upon, production of crude oil, natural gas, or liquefied petroleum products and shall include, but not be limited to, a royalty interest, or overriding royalty interest, whether payable in cash or in kind, a working interest, a net profits interest, a production payment, or a carried interest.

(g) "Liquefied Petroleum Products" means natural gas liquid products including the following: ethane, propane, butane, pentane, natural gasoline, and other natural gas products recovered by a process of absorption, adsorption, compression, or refrigeration cycling, or a combination of such processes.

(h) "Natural Gas" means a mixture of hydrocarbons and varying quantities of nonhydrocarbons that exist in the gaseous phase.

(i) "Oil and Gas Lease" means an oil and gas lease either offered or issued pursuant to the provisions of the Act.

(j) "Owned" means:

(1) With respect to crude oil—having either an economic interest in or a power of disposition over the production of crude oil;

(2) With respect to natural gas—having either an economic interest in or a power of disposition over the production of natural gas; and

(3) *With respect to liquefied petroleum products*—having either an economic interest in or a power of disposition over any liquefied petroleum product at the time of completion of the liquefaction process.

(k) *"Prior Production Period"* means the continuous six month period of January 1 through June 30 preceding November 1 through April 30 for joint bids submitted during the six month bidding period from November 1 through April 30, and means the continuous six month period of July 1 through December 31 preceding May 1 through October 31 for joint bids submitted during the six month bidding period from May 1 through October 31.

(l) *"Production"*—(1) *of crude oil* means the volume of crude oil produced worldwide from reservoirs during the prior production period. The amount of such crude oil production shall be established by measurement of volumes delivered at the point of custody transfer (e.g., from storage tanks to pipelines, trucks, tankers, or other media for transport to refineries or terminals) with adjustments for

(i) Net differences between opening and closing inventories, and

(ii) Basic sediment and water;

(2) *Of natural gas* means the volume of natural gas produced worldwide from natural oil and gas reservoirs during the prior production period, with adjustments, where applicable, to reflect

(i) The volume of gas returned to natural reservoirs; and

(ii) The reduction of volume resulting from the removal of natural gas liquids and nonhydrocarbon gases.

(3) *Of liquefied petroleum products* means the volume of natural gas liquids produced from reservoir gas and liquefied at surface separators, field facilities, or gas processing plants worldwide during the prior production period; these liquefied petroleum products include the following:

(i) *Condensate*—natural gas liquids recovered from gas well gas (associated and non-associated) in separators or field facilities;

(ii) *Gas Plant Products*—natural gas liquids recovered from natural gas in gas processing plants and from field facilities. Gas plant products shall include the following as classified according to the standards of the Natural Gas Processors Association (NGPA) or the American Society for Testing and Materials (ASTM):

(A) Ethane—C₂H₆;

(B) Propane—C₃H₈;

(C) Butane—C₄H₁₀, including all products covered by NGPA specifications for commercial butane.

(1) Isobutane,

(2) Normal butane,

(3) Other butanes—all butanes not included as isobutane or normal butane;

(D) Butane-Propane Mixtures—All products covered by NGPA specifications for butane-propane mixtures;

(E) Natural Gasoline—A mixture of hydrocarbons extracted from natural gas, which meet vapor pressure, end

point, and other specifications for natural gasoline set by NGPA;

(F) *Plant Condensate*—A natural gas plant product recovered and separated as a liquid at gas inlet separators or scrubbers in processing plants or field facilities; and

(G) *Other Natural Gas Plant Products* meeting refined product standards (i.e., gasoline, kerosene, distillate, etc.).

(m) *"Six Month Bidding Period"* means the six month period of time

(1) From May 1 through October 31; or

(2) From November 1 through April 30, respectively.

§ 3302.3-2 Joint bidding requirements.

(a) Any person who submits a joint bid for any oil and gas lease during a six month bidding period must have filed under oath with the Director a Statement of Production of crude oil, natural gas, and liquefied petroleum products, hereinafter referred to as a Statement of Production, no later than 45 days prior to the commencement of the applicable six month bidding period, except that for the initial bidding period commencing November 1, 1975, all Statements of Production must be filed no later than October 20, 1975. Statements of Production should be filed with the Director, Bureau of Land Management (attention 722), Washington, D.C. 20240. A Statement of Production shall state whether or not the person filing the Statement of Production was chargeable in accordance with § 3302.3-3 with an average daily production in excess of 1.6 million barrels of crude oil, natural gas, and liquefied petroleum products for the prior production period. The Director will, no less than semi-annually, publish in the Federal Register a "List of Restricted Joint Bidders," to be effective immediately upon publication and to continue in force and effect until a subsequent list is published. The List of Restricted Joint Bidders shall be made up of those persons who in the judgement of the Director, based on information available to him, including, but not limited to, sworn Statements of Production, are chargeable under § 3302.3-3 with an average daily production in excess of 1.6 million barrels of crude oil, natural gas, and liquefied petroleum products for the prior production period.

(b) When a person is placed on the List of Restricted Joint Bidders the Director shall serve that person either personally or by certified mail, return receipt requested, with a copy of the Director's Order placing that person on the List of Restricted Joint Bidders. Any appeal from that Order or from an adverse effect of that Order shall be made in accordance with the provisions of 43 CFR Part 4.

(c) The submission of a Statement of Production or of a detailed Report of Production under § 3302.4(d) which misrepresents the chargeable production of the reporting person shall constitute failure to comply with these regulations and any lease awarded in reliance on

that Statement or Report of Production may be canceled, pursuant to section 8(i) of the Act and regulations issued thereunder as having been obtained by fraud or misrepresentation.

§ 3302.3-3. Chargeability for production.

(a) As used in this section the following definitions shall control:

(1) *"Person"* means a natural person or company,

(2) *"Company"* means a corporation, a partnership, an association, a joint-stock company, a trust, a fund, or any group of persons whether incorporated or not; it also means any receiver, trustee in bankruptcy, or similar official acting for such a company.

(3) *"Subsidiary"* means a company 50 percent or more of whose stock or other interest having power to vote for the election of directors, trustees, or other similar controlling body of the company is directly or indirectly owned, controlled, or held with the power to vote by another company; a subsidiary shall be deemed a subsidiary of the other company owning, controlling, or holding 50 percent or more of the stock or other voting interest.

(4) *"Security or securities"* means any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, collateral-trust certificate, pre-organization certificate or subscription, transferable share, investment contract, voting-trust certificate, certificate of deposit for a security, fractional undivided interest in oil, gas, or other mineral rights, or, in general, any interest or instrument commonly known as a "security" or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase any of the foregoing.

(b) A person filing a Statement of Production under § 3302.3-2 shall be charged with the following production during the applicable prior production period:

(1) The average daily production in barrels of crude oil, natural gas, and liquefied petroleum products which it owned worldwide;

(2) The average daily production in barrels of crude oil, natural gas, and liquefied petroleum products owned worldwide by every subsidiary of the reporting person;

(3) The average daily production in barrels of crude oil, natural gas, and liquefied petroleum products owned worldwide by any person or persons of which the reporting person is a subsidiary; and

(4) The average daily production in barrels of crude oil, natural gas, and liquefied petroleum products owned worldwide by any subsidiary, other than the reporting person, of any person or persons of which the reporting person is a subsidiary.

(c) A person filing a Statement of Production shall be charged with, in addition to the production chargeable under

paragraph (b) of this section, but not in duplication thereof, its proportionate share of the average daily production in barrels of crude oil, natural gas, and liquefied petroleum products owned worldwide by every person: (1) Which has an interest in the reporting person, and (2) in which the reporting person has an interest, whether the interest referred to in paragraphs (c) (1) and (2) of this section is by virtue of ownership of securities or other evidence of ownership, or by participation in any contract, agreement, or understanding respecting the control of any person or of any person's production of crude oil, natural gas, or liquefied petroleum products, equal to said interest. As used in paragraph (c) of this section "interest" means an interest of at least 5 percent of the ownership or control of a person.

(d) All measurements of crude oil and liquefied petroleum products under this section shall be at 60° F.

(e) (1) For purposes of computing production of natural gas under § 3302.3-2, chargeability under this section, and reporting under § 3302.4(d), 5,626 cubic feet of natural gas at 14.73 pounds per square inch (msl) shall equal one barrel.

(2) For purposes of computing production of liquefied petroleum products under § 3302.3-2, chargeability under this section, and reporting under § 3302.4(d), 1,454 barrels of natural gas liquids at 60° F shall equal one barrel of crude oil.

§ 3302.3-4 Bids disqualified.

The following bids for any oil and gas lease will be disqualified and rejected in their entirety:

(a) A joint bid submitted by two or more persons who are on the effective List of Restricted Joint Bidders; or

(b) A joint bid submitted by two or more persons when one or more of those persons has not filed the required Statement of Production pursuant to § 3302.3-2 for the applicable six month bidding period, or when one or more of those persons has failed or refused to file a detailed Report of Production when required to do so under § 3302.4(d); or

(c) A single or joint bid submitted pursuant to an agreement (whether written or oral, formal or informal, entered into or arranged prior to or simultaneously with the submission of such single or joint bid, or prior to or simultaneously with the award of the bid upon the tract) which provides (1) for the assignment, transfer, sale, or other conveyance of less than a 100 percent interest in the entire tract on which the bid is submitted, by a person or persons on the List of Restricted Joint Bidders, effective on the date of submission of the bid, to another person or persons on the same List of Restricted Joint Bidders; or (2) for the assignment, sale, transfer or other conveyance of less than a 100 percent interest in any fractional interest in the entire tract (which fractional interest was originally acquired by the person making the assignment, sale, transfer or other conveyance, under the provisions of the Act) by a person or persons on the List of Re-

stricted Joint Bidders, effective on the date of submission of the bid, to another person or persons on the same List of Restricted Joint Bidders; or (3) for the assignment, sale, transfer, or other conveyance of any interest in a tract by a person or persons not on the List of Restricted Joint Bidders, effective on the date of submission of the bid, to two or more persons on the same List of Restricted Joint Bidders; or (4) for any of the types of conveyance described above in Paragraph (c) (1), (2), or (3) where any party to the conveyance has not filed a Statement of Production pursuant to § 3302.3-2 for the applicable six month bidding period. Assignments expressly required by law, regulation, lease, or stipulation to lease shall not disqualify an otherwise qualified bid; or

(d) A bid submitted by or in conjunction with a person who has filed a false, fraudulent or otherwise intentionally false or misleading Statement of Production or detailed Report of Production.

4. Section 3302.4 is amended by adding paragraphs (c) and (d) as follows:

§ 3302.4 What must accompany bids.

(c) In addition to the above, every joint bid submitted for any oil and gas lease shall be accompanied by a sworn statement by each joint bidder stating that the bid is not disqualified under § 3302.3-4(c).

(d) To verify the accuracy of any statement submitted pursuant to §§ 3302.3-2 and paragraph (c) of this section the Director may require the person submitting such information to (1) submit no later than 30 days after receipt of request by the Director a detailed Report of Production which shall list in barrels the average daily production of crude oil, natural gas, and liquefied petroleum products chargeable to the reporting person in accordance with § 3302.3-3 for the prior production period, and (2) permit the inspection and copying by an official of the Department of the Interior of such documents, records of production of crude oil, natural gas, and liquefied petroleum products, analyses and other material as are necessary to demonstrate the accuracy of any statement or information upon which any information in any Statement of Production or Report of Production was based or from which it was derived.

5. Section 3302.5 is amended to read as follows:

§ 3302.5 Award of leases.

Sealed bids received in response to the Notice of Lease Offer shall be opened at the place, date and hour specified in the notice. The opening of bids is for the sole purpose of publicly announcing and recording the bids received and no bids will be accepted or rejected at that time. In accordance with section 8 of the Act, leases will be awarded only to the highest qualified responsible bidder. The United States reserves the right and discretion to reject any and all bids received for any tract, regardless of the amount offered. Awards of leases will be made only by

written notice from the authorized officer. Such notices shall transmit the lease forms for execution. In the event the highest bids are tie bids, the bidders, unless they would be disqualified under § 3300.1, or disqualified under § 3302.3-4 if their bids had been a joint bid, may file with the Director, within 15 days after notification, an agreement to accept the lease jointly; otherwise all bids will be rejected. If the authorized officer fails to accept the highest bid for a lease within 30 days after the date on which the bids are opened, all bids for that lease will be considered rejected. Notice of his action will be transmitted promptly to the several bidders. If the lease is awarded, three copies of the lease will be sent to the successful bidder and he will be required not later than the 15th day after his receipt thereof, or the 30th day after the date of the sale, whichever is later, to execute them, pay the first year's rental and the balance of the bonus bid, and file a bond as required in § 3304.1. Deposits on rejected bids will be returned. If the successful bidder fails to execute the lease within the prescribed time or otherwise comply with the applicable regulations his deposit will be forfeited and disposed of as other receipts under the Act. If before the lease is executed on behalf of the United States the land which would be subject to the lease is withdrawn or restricted from leasing, the bidder will lose all right to the lease and all payments made by the bidder will be refunded to him. If the awarded lease is executed by an agent acting in behalf of the bidder, the lease must be accompanied by evidence that the bidder authorized the agent to execute the lease. When the three copies of the lease are executed by the successful bidder and returned to the authorized officer, the lease will be executed on behalf of the United States, and one fully executed copy will be mailed to the successful bidder.

Subpart 3305—Assignments or Transfers

6. Section 3305.1 is amended to read as follows:

§ 3305.1 Assignment of leases or interests therein.

Leases, or any undivided interest therein, may be assigned in whole, or as to any officially designated subdivision, subject to the approval of the authorized officer, to any one qualified under § 3300.1 to take and hold a lease. An assignment pursuant to any pre-lease agreement described in § 3302.3-4(c) as causing a bid to be disqualified will be void. Any assignment made under this section shall, upon approval, be deemed to be effective on and after the first day of the lease month following its filing in the appropriate office of the Bureau of Land Management, unless at the request of the parties an earlier date is specified in the Director's approval. The assignor shall be liable for all obligations under the lease accruing prior to the approval of the assignment.

7. Section 3305.2 is amended by the addition of a new paragraph (e) as follows:

§ 3305.2 Requirements for filing of transfers.

(e) Where the proposed assignment or transfer is by a person who, at the time of acquisition of his interest in the lease, was on the List of Restricted Joint Bidders, and that assignment or transfer is of less than the entire interest of the assignor or transferor, to a person or persons on the same List of Restricted Joint Bidders, the assignor or transferor must file a copy, prior to approval of the assignment, of all agreements applicable to the acquisition of that lease or a fractional interest therein.

Dated: September 26, 1975.

ROYSTON C. HUGHES,
Assistant Secretary of the Interior.
[FR Doc. 75-26212 Filed 9-30-75; 8:45 am]

Title 49—Transportation
CHAPTER X—INTERSTATE
COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND
REGULATIONS

[Second Revised Service Order No. 1171]

PART 1033—CAR SERVICE

Return of Hopper Cars

SEPTEMBER 26, 1975.

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

It appearing, That an acute shortage of hopper cars exists in certain sections of the country; that shippers are being deprived of hopper cars resulting in an emergency, forcing curtailment of their operations, and thus creating great economic loss and reduced employment of their personnel; that hopper cars, after being unloaded, are being appropriated and being retained in services for which they have not been designated by the car owners; that present regulations and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of hopper cars are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the

public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That

§ 1033.1171 Regulations for return of hopper cars.

(a) Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Exclude from all loading and return to owner empty, either via the reverse of the service route or direct, as agreed to by the owner, all hopper cars owned by the following railroads:

Illinois Central Gulf Railroad Company, Reporting Marks: GM&O, IC, ICG.
St. Louis-San Francisco Railway Company, Reporting Marks: SLSF.
Southern Railway System, Reporting Marks: CG, INT, NS, SOU.
¹ Union Pacific Railroad Company, Reporting Marks: UP.

(2) Carriers named in paragraph (a) (1) of this section are prohibited from loading all hopper cars foreign to their lines and must return such cars to the owner, either via the reverse of the service route or direct, as agreed to by the owner.

(b) For the purpose of improving car utilization and the efficiency of railroad operations, or alleviating inequities or hardships, modifications may be authorized by the Chief Transportation Officer of the car owner, or by R. D. Pfahler, Director, Bureau of Operations, Interstate Commerce Commission. Modifications authorized by the car owner must be confirmed in writing to W. H. Van Slyke, Chairman, Car Service Division, Association of American Railroads, Washington, D.C., for submission to, and approval by, R. D. Pfahler.

(c) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded hopper car, described in this order, contrary to the provisions of the order.

¹ Addition.

(d) The term hopper cars, as used in this order, means all freight cars assigned one of the mechanical designations described in the section "Class 'H'—Hopper Car Type," under the heading "General Service Freight Equipment" published on page 1120 of the Official Railway Equipment Register, ICC RER No. 396, issued by W. J. Trezise, or successive issues thereof, including cars bearing mechanical designations modified in the manner described in Notes 1, 2 or 3 of that section, and listed elsewhere in that tariff under the name of a railroad named in paragraph (a) (1) of this section.

(e) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(f) *Effective date.* This order shall become effective at 12:01 a.m., October 1, 1975.

(g) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., November 30, 1975, unless otherwise modified, changed or suspended by order of this Commission.

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

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

By the Commission, Railroad Service Board.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc. 75-26264 Filed 9-30-75; 8:45 am]

proposed rules

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

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

ENDANGERED AND THREATENED WILDLIFE

Proposed Endangered Status for the Red Hills Salamander

The Fish and Wildlife Service has evidence on hand that the Red Hills salamander (*Phaeognathus hubrichti*) is an endangered species as defined by the Endangered Species Act of 1973 (16 U.S.C. 1531-1543, 87 Stat. 884), hereinafter referred to as "the act."

Section 4(a) of the act states that the Secretary of the Interior (and the Secretary of Commerce) may determine a species to be an "endangered" species, or a "threatened" species, because of any of five factors. These factors, and their application to the Red Hills salamander, are as follows:

1. *The present or threatened destruction, modification or curtailment of its habitat or range.*

The entire geographic range of *Phaeognathus hubrichti* is confined to a small area of south central Alabama. Within its range there are approximately 60,000 acres of habitat currently capable of supporting populations of the Red Hills salamander. Within the Red Hills geographic province, *P. hubrichti* appears to be confined to moist, cool mesic forested ravines associated with the Tallahatta and Hatchetigbee geologic formations. It inhabits burrows along the slopes of mesic ravines shaded by an overstory of predominantly hardwood trees. Undisturbed, the forest floor is moist and relatively cool. Spiders, millipedes, and other invertebrate life which constitute the bulk of the diet of *P. hubrichti* are abundant.

Of the approximately 60,000 acres of remaining habitat approximately 60 percent is currently owned or leased by paper companies which use primarily clearcut techniques of forest management. This technique of forest management coupled with site preparation for replanting completely destroys the habitat of the Red Hills salamander. The remainder of the available habitat, the majority of which is in private ownership, is also subject to alteration. The conversion from forest land to pasture or cropland is occurring in this area and is equally destructive. The specialized habits of this species along with its low reproductive rate and inability to disperse preclude its movement into adjacent areas.

2. *Overutilization for commercial, sporting, scientific, or educational purposes.*

Overcollecting for commercial, scientific and educational purposes appears to have contributed to the decline of this species at some localities. The population at the type locality, which is well known to collectors, has been reduced.

3. *Disease or predation.*—Not applicable.

4. *The inadequacy of existing regulatory mechanisms.*

There are currently no regulatory mechanisms to protect *Phubrichti*.

5. *Other natural or manmade factors affecting its continued existence.*

The specialized, fossorial mode of existence of this species with its low reproductive rate and inability or reluctance to disperse has apparently contributed to its precarious status.

PUBLIC COMMENTS SOLICITED

The Director intends that finally adopted rules be as responsive as possible to the conservation of endangered and threatened species; he therefore desires to obtain the comments and suggestions of the public, other concerned governmental agencies, and private interests on these proposed rules. The Director has notified the governor of the State of Alabama of this review and has requested his comments and recommendations.

Final promulgation of the regulations on the Red Hills salamander will take into consideration the comments received by the Director. Such comments and any additional information received may lead the Director to adopt final regulations that differ from this proposal. The Director has under preparation an environmental assessment concerning this matter.

SUBMITTAL OF WRITTEN COMMENTS

Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received no later than December 1, 1975, will be considered. Supporting data and comments received will be available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

This notice of proposed rulemaking is issued under the authority contained in the Endangered Species Act of 1973 (16 U.S.C. 1531-43; 37 Stat. 884).

Dated: September 26, 1975.

LYNN A. GREENWALT,
Director,
Fish and Wildlife Service.

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below.

In section 17.12 in the list of reptiles and amphibians, add the following in alphabetical order:

§ 17.12 Endangered native wildlife.

Reptiles and amphibians:

Salamander, Red Hills; *Phaeognathus hubrichti*. (Range: South central Alabama; Portion of range where endangered: Entire range.)

[FR Doc.75-26265 Filed 9-30-75; 8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 982]

FILBERTS GROWN IN OREGON AND WASHINGTON

Proposed Expenses of the Filbert Control Board and Rate of Assessment for the 1975-76 Fiscal Year

Notice is given of a proposal regarding expenses of the Filbert Control Board, and rate of assessment, for the 1975-76 fiscal year, under §§ 982.60 and 982.61 of the marketing agreement, as amended, and Order No. 982, as amended (7 CFR Part 982), regulating the handling of filberts grown in Oregon and Washington. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The Board has recommended for the 1975-76 fiscal year beginning August 1, 1975, a budget of expenses in the total amount of \$36,129. Based on the volume of filberts estimated to be subject to this regulatory program during the 1975-76 fiscal year, an assessment rate of 0.20 cent per pound of assessable filberts is expected to provide sufficient funds to meet the estimated expenses of the Board.

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

The proposal is as follows:

§ 982.320 Expenses of the Filbert Control Board and rate of assessment for the 1975-76 fiscal year.

(a) *Expenses.* Expenses in the amount of \$36,129 are reasonable and likely to be incurred by the Filbert Control Board during the fiscal year beginning August 1, 1975, for its maintenance and functioning and for such purposes as the Secretary may, under this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for this fiscal year, payable by each handler under § 982.61, is fixed at 0.20 cent per pound of filberts.

Dated: September 25, 1975.

CHARLES R. BRADER,
Deputy Director,
Fruit and Vegetable Division.

[FR Doc.75-26249 Filed 9-30-75;8:45 am]

[7 CFR Part 1207]

[Amdt. 5]

POTATO RESEARCH AND PROMOTION PLAN

Nominations

Consideration is being given to the approval of a proposed amendment of the Rules and Regulations in § 1207.503, *Nominations*. The proposal would advance the date for holding nomination meetings so that nominations for membership on the National Potato Promotion Board would be submitted to the Secretary by February 1, instead of March 1. This would allow sufficient time for administrative processing of the nominations within the Department of Agriculture. The proposed amendment was directed by the Secretary, and concurred in by the Executive Committee of the National Potato Promotion Board. The Board was established pursuant to the Potato Research and Promotion Plan (7 CFR Part 1207; 37 FR 5008). The plan is effective under the Potato Research and Promotion Act (7 U.S.C. 2611-2627).

All persons who desire to submit data, views, or arguments in connection with this proposal should file the same in duplicate with the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than October 14, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Statement of consideration. Section 1207.503(a) now specifies that the Board will hold nomination meetings prior to March 1 of each year. Originally the Plan called for the term of office to begin July 1. However, the beginning date was changed to April 1 so that new appointees could participate in the annual meeting held on the first Monday in April. This change in dates has occasionally resulted in insufficient time for adequate administrative review of nominations and selection of new members prior

to the annual meeting. In order to correct this problem, it is proposed that nominations be submitted to the Secretary by February 1.

The proposal is as follows:

Revise § 1207.503(a) to read as follows:

§ 1207.503 Nominations.

(a) Pursuant to § 1207.322 of the plan, the Board shall hold or cause to be held a meeting or meetings of producers in the producing sections or States each year to nominate members for the Board. One individual shall be nominated for each position to become vacant. A list of nominees shall be submitted to the Secretary for his consideration by February 1 of each year.

Dated: September 26, 1975.

DONALD E. WILKINSON,
Administrator.

[FR Doc.75-26250 Filed 9-30-75;8:45 am]

[CFR Part 1251]

EGG RESEARCH AND PROMOTION ORDER

Decision

The public hearing, on the record of which the recommended decision was formulated, was held at Atlanta, Georgia, May 6 and 7; at Philadelphia, Pennsylvania, May 12; at Des Moines, Iowa, May 15; at Dallas, Texas, May 19; and at South San Francisco, California, May 22, 1975. This hearing was held pursuant to notice thereof which was published in the FEDERAL REGISTER, March 27, 1975, 40 FR 13513-13517, as corrected in the FEDERAL REGISTER, April 8, 1975, 40 FR 15906, and the applicable rules of practice and procedure governing proceedings to formulate an order, which were issued in the FEDERAL REGISTER, March 25, 1975, 40 FR 13198-13201, as corrected in the FEDERAL REGISTER, April 4, 1975, 40 FR 15065 (7 CFR 1250). Such notice of hearing set forth a proposed order submitted by 19 State, regional, and national producer organizations on behalf of egg producers in the 48 contiguous States of the United States. This proposal was submitted pursuant to authorization contained in the Egg Research and Consumer Information Act (7 U.S.C. 2701 et seq.).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Administrator, Agricultural Marketing Service, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings and the general findings of the recommended decision, which were published in the FEDERAL REGISTER, August 13, 1975, 40 FR 33982-33995, are hereby approved and adopted and are set

forth in full herein subject to modification of the following sections:

1. Alternate members,
2. Assessments, and
3. Right of the Secretary.

MATERIAL ISSUES

The material issues presented on the record of hearing are as follows:

(1) The existence of the right to exercise Federal jurisdiction;

(2) The need for the research and promotion order to effectuate the purposes of the act;

(3) The determination of the specific terms and provisions of the order as necessary to effectuate the declared policy of the act including:

(a) Definitions of terms used therein which are necessary and incidental to achieve the declared policy and objectives of the act;

(b) The establishment, maintenance, composition, procedure, powers, duties, and operation of a Board which shall be the administrative agency for this order;

(c) The procedure to levy assessments on eggs handled and to incur expenses;

(d) The authority for establishing and financing the development and carrying out of programs and projects of research, producer and consumer education, and promotion and advertising designed to improve, maintain, and develop domestic and foreign markets for eggs, egg products, spent fowl, and products of spent fowl;

(e) The procedure for making refunds of assessments to producers who request them;

(f) The provisions for recordkeeping requirements and reports by producers, handlers, and other applicable individuals under section 7(c) of the act;

(g) The need for additional terms and conditions as set forth in sections 1251.350 through 1251.363 of the order which are necessary to effectuate provisions of the act.

FINDINGS AND CONCLUSIONS

The findings and conclusions on the material issues are based upon the evidence presented at the hearing and the record thereof, and are as follows:

(1) Eggs are produced and marketed in commercial volume in each of the 48 contiguous States of the United States. The distribution of egg production is not proportionate to population distribution by States and regions. The record evidence shows that on a regional basis the West North Central, South Atlantic, East South Central, West South Central, and Pacific regions each produce substantial surpluses of eggs, whereas the regions of New England, Middle Atlantic, East North Central, and Mountain are in a deficit position (assuming uniform per capita consumption in all areas). (These regions are used by the Statistical Reporting Service of the U.S. Department of Agriculture for some egg industry statistics.) Of the top 10 producing States in the Nation, only two, Texas and Pennsylvania, are egg-deficit

States, meaning they do not produce enough eggs to supply their States' consumption. Egg-deficit States receive eggs from surplus-producing States in order to meet consumer demand. As a result, both eggs and spent fowl and their products move in large volume across State lines from producing to consuming areas. Import and export trade combined amounts to less than 1 percent of U.S. production.

Exhibit 5 received in evidence in Atlanta, entitled "Economic Characteristics of and Changes in the Market Egg Industry" shows that in 1969 processing plants producing frozen and dried eggs were concentrated in the Midwest and the South. For both shell eggs and processed eggs, there is little evidence of any trend toward self-sufficiency for every State or region. For example, while Boston receives the bulk of its eggs from the New England States, large shipments of eggs move from the Southern and Midwestern States into Boston and the balance of New England. In addition, eggs from California move to Colorado, Texas, Utah, and Wyoming.

Some eggs, spent fowl, and their products are consumed within the States where grown, but even these affect interstate commerce, because they compete with eggs, spent fowl, and products thereof that move in interstate commerce. With modern communications, egg prices and/or the supply situation in any one area are promptly known in all other areas and have a direct effect on egg prices and marketings in all production areas.

The record evidence supports the finding that all eggs, spent fowl, products of spent fowl, and derivatives of egg production produced in the 48 contiguous United States are either in the current of interstate and foreign commerce or directly burden or affect interstate commerce of these products. Therefore, it is found that the right to exercise Federal jurisdiction with respect to the order, as hereinafter set forth, is established.

(2) Eggs constitute one of the basic, natural foods in the human diet. Eggs are among the most economical, high protein foods in the supermarkets of America, yet the trend in demand is downward. The record evidence shows that many American consumers have not been adequately informed about the nutritional value of eggs. The order is needed to provide the egg industry with an opportunity to adopt a systematic program with which to get the facts about the advantages of using eggs to American consumers.

The record evidence shows that in 1974 farmers produced about 5.5 billion dozen eggs with gross sales amounting to approximately 3 billion dollars. The egg industry provides employment for many thousands of workers engaged directly in egg production and marketing, and for many more thousands of workers in allied industries, such as feed, transportation, equipment, and building. Total egg production in the United

States has been declining on an annual basis since 1971, but more significant is the rapid decline in per capita consumption of eggs. In 1974, per capita consumption of eggs was down to 287 compared to 393 in 1951. The downward trend in the demand for eggs has had a depressing effect on the egg and allied industries.

Growthwise, the egg industry has grown only 12 percent during the past 25 years. Total annual production of eggs in 1974 at 5.5 billion dozen was only 0.6 billion dozen above the 4.9 billion dozen eggs produced in 1950.

Egg prices have generally trended downward since the late 1940's. Prices paid to producers for eggs averaged 46 cents a dozen in 1947-49 according to Exhibit 8, received in evidence in Atlanta, entitled "Changes in the Egg Industry and Projections for 1980." Since 1950, prices generally trended downward to a low of 31 cents a dozen in 1967. Prices recovered strongly by 1969; however, they declined again to low levels in 1971-72 before improving to 53 cents per dozen in 1974 (partly because of inflation). Egg production by 1980 is projected to be about 6.3 billion dozen; however, this projection was based on an expected per capita consumption of about 300 at the end of this decade, whereas consumption has dropped well below that level to 287 per person in 1974 and the evidence is that the downward trend is continuing.

Shifts in geographical areas of production, shifts to fewer and larger units of production, marked changes in mechanization, vertical integration of a large part of the industry, and greatly increased costs of production, all have created problems for egg producers in recent years.

The egg industry in the last 2½ decades has not been subjected to price support programs. There are no Federal marketing allotments, production quotas, cash subsidies, or price guarantees for eggs or spent fowl. Some nationwide assistance has been provided through the former USDA Plentiful Foods Program and more recently by other USDA promotional assistance. In addition, USDA has purchased some quantities of the products of eggs and spent fowl during periods when the market suffered from surplus supply and resultant depressed prices. These actions have helped in a limited way to alleviate economic pressures on egg producers. However, the egg industry is still faced with problems of declining per capita consumption, surplus supplies, and low prices.

The number and size of egg-producing units have changed dramatically during the past 25 years. More eggs are being produced by fewer producers in a system that is moving toward a more coordinated, integrated form of production. The number of farms selling eggs fell sharply from 2.4 million in 1949 to 471,000 in 1969. The decline in the number of laying flocks and the trend to larger operations reflect many factors affecting the supply of and demand for eggs and spent fowl. Contract production has been steadily

increasing to the extent that probably about half of all eggs produced are from farms with some type of contractual, integrated structure between the grower and other firms associated with the industry. Contract production has come about largely because of the cost-price squeeze experienced by the industry. There have been major geographic shifts in production of eggs, mainly to the South and West, largely due to lower costs of production. The location of facilities for grading and cartoning eggs has changed mainly for economy reasons. These operations were first performed largely by wholesalers in central, terminal markets. Today, much of the grading and cartoning is done by producers or by assembler-packers in producing areas because costs are lower and general efficiency is improved.

While national per capita disposable incomes more than doubled since 1950, egg prices to farmers have increased not more than 10 percent on the average during that period.

The decline in per capita consumption of eggs from the high level around 1950 was testified to be due, in part, to changing life styles of many Americans. Many Americans no longer eat eggs at breakfast due in a large part to the availability of substitute foods or, because people are no longer eating any breakfast at all. The egg industry has so far been unable to interest consumers in the use of more eggs at other meals. The net result is that the egg industry has suffered from a declining demand for its products.

Egg producers have been trying unsuccessfully for years through voluntary, cooperative action to promote increased use of eggs and spent fowl, but only substantial investments in intensive research and promotion can help them. Major egg producing States have programs to collect funds and conduct advertising and promotion. These programs have had limited success because they have been too small in size and too limited in scope to reverse the downward trend in egg demand. Since 1939, when the egg industry formed the Poultry and Egg National Board, now the American Egg Board, it has attempted to carry out promotion and consumer information programs on a national scale with voluntary contributions. However, sufficient financing has not been available to carry out the program in the several major markets at the same time. The efforts of both State and national industry egg associations to promote and advertise eggs have been too little to stem the downward trend in egg consumption.

The research and promotion order has received widespread support of the egg industry. There were 19 national, regional, and State producer organizations which sponsored a proposed order. Record evidence shows that there is widespread industry support for the order. The evidence establishes a need for financing research as provided for in the order to find solutions to problems in production, handling, and marketing of eggs, spent fowl, and products thereof.

The evidence shows that the coordinated system of financing research and promotion, as envisioned by the order, is needed and will result in certain benefits to the egg industry and consumers as well. Consumers would benefit by being more knowledgeable about eggs and how they may be used in their diet.

It is concluded, from the record evidence, that the egg industry urgently needs a research and promotion program and that the order would provide such a program and would effectuate the declared policy of the act.

(3) (a) Certain terms applying to specific individuals, agencies, legislation, concepts, or things are used throughout the order. These terms should be defined for the purpose of designating specifically their applicability and establishing appropriate limitations on their respective meanings whenever they are used.

"Secretary" should be defined to include not only the Secretary of Agriculture of the United States, the official charged by law with the responsibility for this order, but any other officer or employee of the U.S. Department of Agriculture who is, or who may hereafter be, authorized to act in his stead.

"Act" should be defined to provide the correct legal citation for the statute pursuant to which the order may be put into effect and operated. The inclusion of this definition will make it unnecessary to refer to such law and statutory citation every time reference is made to the act in the provisions of the order. "Act" should be defined to include any future amendments that may be made to the Egg Research and Consumer Information Act.

"Fiscal period" should be defined to be the specific 12-month period corresponding with the calendar year. A clearly defined and predetermined fiscal period of 12 months can facilitate auditing, budgeting, accounting, and making of expenditures on an orderly basis. Promotional activities for the egg industry are normally conducted during several periods of the calendar year. A full calendar year of activities can be better evaluated in comparison with the total of the previous year's activities. There are advantages in contracting for promotional work for 12-month periods as contrasted to contracting for shorter periods. Record evidence indicates that companies in advertising, media, printing, etc., use the calendar year as their fiscal year. However, the Board should be given authority to recommend a change in the fiscal period if changes in circumstances, at any time, warrant a different fiscal period from the one specified in the order. For example, the Board might wish to recommend to the Secretary that the fiscal period begin on October 1 instead of January 1, and continue for a 12-month period, if the operation of the program warrants it. The section applicable to fiscal period in the order would permit this flexibility.

"Egg Board" or "Board" should be defined as the administrative agency or body charged with the duty to administer the order. Since the order would

be for the benefit of egg producers, the administrative agency should be composed of egg producers, or representatives of egg producers, selected by the Secretary from eligible organizations, associations, cooperatives, or producers. The act provides for the establishment of an administrative body to be known as the "Egg Board." A similar provision is included in the order. However, the term "Egg Board" may engender some confusion, considering the prior existence of the American Egg Board, the national voluntary promotion organization of the egg industry. In recognition of this potential confusion in terminology between the term specified in the act and an existing organization, the order should, with the approval of the Secretary, permit the "Egg Board" the discretion of adopting a name of its choice, if such alternative choice would tend to eliminate confusion on the part of producers and the general public.

"Commercial eggs" or "eggs." The definition of the sole commodity to be assessed and to be subject to the provisions of the order is necessary to distinguish it from other agricultural commodities.

The definition of "commercial eggs" or "eggs" is intended to include all commercially produced eggs from domesticated chickens in the production area and sold for human consumption either as shell eggs or egg products. The production area of the order is the 48 contiguous States of the United States. The record evidence justifies the fact that there should be exempted from the order persons engaged in producing eggs that are to be used primarily for hatching purposes. Their volume is only a small proportion of the total volume of eggs sold for table use or egg product use. The evidence adduced shows that their marketing pattern is often incidental and apart from normal distribution channels of shell eggs and egg products.

The order defines "United States." The evidence shows that this term should be defined the same as in the act. The evidence confirms that commercial egg production is a part of the economy of each of the 48 contiguous States of the United States, and that it would be impractical and unjustifiable to exclude any of them.

"Handler" should be defined in the order to identify the persons who would be subject to certain recordkeeping requirements provided for by the Board, and who would have the responsibility for collecting the assessments. This definition should include any person who receives or otherwise acquires eggs from an egg producer, and processes, prepares for marketing, or markets such eggs; it also should include producers who perform the aforesaid functions with eggs (whether or not of his own production), and all other persons who perform functions which place eggs in the current of commerce or cause the eggs to be placed in the current of commerce. Any act by any person whereby he purchases eggs from a producer or markets eggs from a producer should be included in the ac-

tions which would make such person a handler. If a person does nothing except buy the eggs from a producer and resell them to a processing plant, he would perform a marketing function and should be termed a "handler." To be a handler, a person need not necessarily grade or process the eggs, or put them in cartons. Thus, the definition of handler should include the person who receives eggs from a producer for resale, whether or not he grades and cartons them; it should also include any producer who grades, cartons, or otherwise performs handling functions of eggs of his own production, except that if a producer sells "nest run" eggs only, he should not be so defined. If a producer is a handler of only a portion of his production, then all eggs produced by him should be considered as handled.

The term "promotion" should be defined to include paid advertising, sales promotion, merchandising, consumer education, publicity, or any other activities which will enhance the image, acceptability, or desirability of eggs, egg products, spent fowl, or products of spent fowl, in either domestic or foreign markets. However, the order should prohibit the payment of funds to sponsor any advertising which includes brand names of eggs, spent fowl, or their products, except that cooperative advertising and promotion should be permitted whereby nonbranded eggs, or spent fowl, or their products combine with non-competing, compatible branded products to share the advertising message and cost.

"Research" should be defined to include any type of research intended to advance the image, desirability, marketability, production, or quality of eggs, egg products, spent fowl, or products of spent fowl. It should include market research, market testing, product research, packaging research, distribution research, consumer opinion polls and studies, attitude research, evaluation of promotion projects and research contracts, production research, and related research. However, research undertaken pursuant to the order should not, to the extent practicable, preempt, duplicate, or supplant research performed by the United States Department of Agriculture, the Land Grant Colleges, or other public or private research entities.

"Marketing" should be defined, based on the record evidence, with the same definition as specified in the act. However, the word "sale" or "disposition" should be interpreted in a broad sense. The marketing definition should include all activities that occur from the time the eggs are produced until they are sold to the ultimate consumer.

"Eligible organizations" should be defined on the basis of record evidence to include organizations, associations, and cooperatives representing egg producers nationwide, regionally, statewide, or in portions of States. The final determination of whether an organization is an eligible organization should rest with the Secretary of Agriculture in accordance with the criteria set forth in the act.

"Plans and projects" should be defined on the basis of record evidence and as specified in the act to indicate the type of activities which may be recommended to the Secretary by the Board. These terms are not intended to be limiting, but rather to include any types of research, development, advertising, and promotion which may be authorized.

"Part and subpart" should be defined in such a manner that the word "part" refers to the order plus all the rules, regulations, and supplemental orders or amendments subsequently issued and pertaining to the order. The term "subpart" should be defined to refer to the order itself, and to any other portion or segment of the "part."

"Person" should be defined in the order the same as that term is set forth in the act. For example, if a husband and wife are engaged in the commercial production of eggs as a single legal entity, they should be considered a person for purposes of the operation of the order. Likewise, two or more individuals, who have formed a legal partnership and are operating as such, should be a person for purposes of the order. Furthermore, any group of two or more individuals, who are functioning as a single business entity, whether or not they have gone through a legal process of organization, should be considered a person under the order.

"Egg producer" or "producer" should be defined in the order to identify the persons who will be responsible for the payment of the assessment under the order. In addition, producers are the persons who will have the right to vote in any referendum on the order and will be eligible to serve or be represented on the Board and to nominate others to serve on the Board.

The egg production business is carried on, to some extent, through a large number and variety of production contracts between egg farmers, feed companies, and a variety of other persons. The terms of these contracts govern the rights and obligations of the various parties to each, such as providing for the ownership of the laying hens, the obligation to feed and medicate the hens, the responsibility to provide and maintain the production facility, the risk of loss in the event of death or destruction of the flock, and so on. Depending on the particular contract, these rights and obligations may fall on one party or another. Therefore, from one contract to another, the ownership of the hens may be lodged in any one or more of the various parties to the contracts. A typical example would be a three-party contract between a feed company, a person owning a production facility, and a person with financial backing and know-how capable of running an egg production business. The terms of such a contract could provide that ownership of the laying hens be held by the feed company. Alternatively, ownership of the hens might be held by one or both of the other parties. The point is that, without an inspection of the contract to determine its terms, it would not be possible in many cases to tell

which party to the contract actually owns the laying hens. If all such contracts had to be reviewed by the Board or the Secretary to determine who owned the laying hens for the purpose of identifying each producer, it would generate an enormous amount of work that could place a severe burden on the operation of the program set up by the order.

The producer definition should therefore be written to allow sufficient identification of all persons who are owners of laying hens intended to be classified as producers under the order and at the same time to eliminate the need to review all of the various contracts under which the eggs are produced. Specifically, the definition should set up two categories of persons who would be producers under the order. The first category should be all egg farmers who do not produce eggs as a result of entering into contracts for the production of eggs, but, instead, acquire their own laying hens, started pullets, and/or chicks for the purpose of producing commercial eggs, and own laying hens engaged in the production of commercial eggs, and operate their own egg production business. Such egg farmers should be egg producers under the order by virtue of their ownership of the hens. The fact that such an egg farmer may sell his production of eggs under a sales contract with an egg handler will not affect his status as an egg producer under this definition.

Second, in all cases where an egg production business operation is based upon a contract for the production of eggs involving two or more persons, the party to the contract who acquires and supplies laying hens, started pullets, and/or chicks to the production operation will be presumed to be the owner of the hens engaged in the production of commercial eggs and, therefore, will be the producer under this definition. This presumption is based upon the fact that in the egg industry the party to an egg production contract who supplies the hens is most frequently the owner of them. In the event the contract involved is oral, and not evidenced by any written instrument, and the Secretary or the Board determines that the person who actually supplied the hens cannot be readily identified, the party to the contract who has actual possession and control of the hens at the production facility will be presumed to be the owner of the hens. However, in such a case, the parties to the contract may all sign a written notice and submit it to the Board or the Secretary identifying the actual owner of the hens, if other than the party presumed to be the owner. Finally, in any case where the party to the contract supplying the hens is presumed to be the owner but does not retain ownership in them, it may be established in writing, to the satisfaction of the Secretary or the Board, that one of the other parties to the contract actually owns the hens. In each situation specified above, the party identified as owning the hens would be the producer.

In summary, the producer definition must take into account and minimize the potential for dispute in the determination of ownership of the laying hens, and also eliminate to the greatest extent possible the need for reviewing a substantial number of egg production contracts in order to determine the ownership of the laying hens. The definition, as written, is based upon actual ownership of hens where such ownership can be readily determined and presumes ownership in situations where the actual determination of ownership might require extensive study and review of the applicable contracts. However, whenever such a presumption is made, the parties to the contract are provided the means to rebut the presumption and to notify the Board or the Secretary as to who is actually the owner of the hens and, thus, correctly identify the producer in the event the presumption is wrong.

The evidence adduced at the hearing brought out the need to define a "representative of a producer," due to the fact many producers in the egg industry are joined together and organized into business entities, each entity a person under the order, who, by necessity, must frequently speak or act through a representative. Therefore, the order should provide that a representative of a producer is an individual who is the owner, officer, or an employee of an egg producing firm who has been authorized to act in behalf of the producer.

The act defines a number of terms, which must be clearly understood in the operation of the order; however, it is not necessary to repeat all such definitions in the order for appropriate application of such terminology. The terms defined in the act and not specifically defined in the order include: "hen" or "laying hen," "case," "hatching eggs," "egg products," "spent fowl," "products of spent fowl," "hatchery operator," "started pullet," and "started pullet dealer."

(b) Record evidence shows that an administrative agency, known as the "Egg Board," should be established to administer the order. The Board should be composed of egg producers, or representatives of producers, selected by the Secretary from nominations made by eligible organizations, associations, cooperatives, or producers.

Evidence shows that there are several organizations, associations, and cooperatives representing egg producers in each geographic area of the United States. The definition of what constitutes eligibility of such organizations, associations, and cooperatives, to nominate members to the Board should include, but not be limited to, the criteria listed in the order. The final determination of eligibility should rest with the Secretary of Agriculture.

The composition of the Board should reflect several important factors. Eggs are produced commercially in all 48 contiguous States, so producers in all of these States should be represented. In order to hold the size of the Board down to an efficient and effective size, the States should be grouped into areas, as

hereinafter set forth. Proportionate representation should be given to the areas based upon the number of eggs produced. An overly large Board would entail unduly high administrative costs for Board meetings, and thereby reduce the amount of money available for carrying out plans and projects of research and promotion. On the other hand, an unduly small Board would make it difficult to get adequate representation from all segments of the egg industry. The act provides for the establishment of an Egg Board of not more than 18 members. Record evidence shows that an Egg Board of 18 members, with representation as hereinafter provided in § 1251.328, with a like number of alternates, should be a workable, equitable, representative Board providing adequate industry representation and assuring recommendations for administration reflective of the general consensus of the industry. It should also be adequate for the discharge of the other various Board duties and responsibilities.

Since a declared policy of the act is to strengthen the egg industry's position in the marketplace, it is appropriate that the members of the Board should be producers or representatives of producers. A democratic process for the selection of the Board is needed. Any egg organization, association, or cooperative should be permitted to seek to be qualified as an eligible spokesman for egg producers in the submission of nominations for Board membership and their alternates. However, if a substantial number of egg producers are not adequately represented by the eligible groups, they should also be permitted to submit nominations if they so desire. The Secretary should appoint the 18 members of the Board, and their alternates, from the nominations submitted to him.

The term of office for Board members should be 2 years, after the initial Board has been selected as set forth in the order. It is important that the terms be staggered to avoid the possibility of all Board members' term of office expiring at the same time. The initial Board should be appointed, proportionately, for terms of 2 and 3 years. This will provide continuity and, at the same time, it will allow producers to express changes in their thinking. The Secretary should give equal representation, as far as possible, to the geographic areas when determining expiring terms of the initial Board, and their alternates. One method for determining which members of the initial Board, and their alternates, should serve for 2-year terms, and which for 3-year terms, could be accomplished by a drawing of the names within each geographic area. The names of the first half of the Board members drawn, and their alternates, would serve for 3 years, and the second half for 2 years. Since the first and sixth area, as hereinafter provided in § 1251.328, each should have 3 Board members, and their alternates, a drawing could be made of these two areas. For the first area thus drawn, 2 members, and their alternates, would be appointed for 3 years and 1 member, and his alter-

nate, would be appointed for 2 years; in the remaining area, that is, the one not drawn first, 1 member, and his alternate, would be appointed for 3 years, and 2 members, and their alternates, would be appointed for 2 years.

After the initial appointments, 2-year terms of office for all Board members, and their alternates, should be made for several reasons. A term of less than 2 years does not provide adequate time for a Board member to become oriented to his responsibilities and apply his talents to the maximum benefit. A 2-year term is sufficient time to allow a Board member to be of valuable service to the Board, and to enable him and the producers he represents to determine whether a renewal of his term of office would be appropriate. The record evidence indicates that a renewal of a Board member's, or his alternate's, term of office may be in the best interests of the industry in some situations and not in others. Limiting members to not more than 3 consecutive terms would insure that new members would be coming into the organization with new ideas responsive to the needs of the industry. Finally, the provision that each member and alternate member continue to serve until such time as his successor is selected and has qualified would assure continuity of representation.

Nominations to the Secretary for each Board member, and alternate, should follow a systematic procedure. Adequate time should be provided to all producers and their representatives so that nominations may be agreed upon and submitted to the Secretary. Since there is more than one eligible organization, association, or cooperative within each geographic area, in the interest of obtaining the greatest possible unanimity in the nomination process, such eligible organizations, within each area, should caucus for the purpose of jointly nominating two qualified persons for each member, and each alternate member, to be appointed. If the producer representatives in any area do not caucus, or if a caucus fails to result in joint agreement upon any of the nominees, each eligible producer organization should be authorized to submit to the Secretary two nominations for each appointment to be made. A time period of 30 days from the approval of this order by referendum should be sufficient time for all eligible organizations, associations, or cooperatives, certified by the Secretary pursuant to § 1251.356, to caucus, make their selections, and submit their nominations. In addition, this would allow sufficient time for the submissions of nominations as further provided in § 1251.328. The record evidence indicates that most eligible organizations of producers are expected to caucus in advance of the results of any expected referendum, in anticipation that the results of the referendum would be favorable.

After the initial Board has been established, nominations for subsequent Board members and alternates should be provided for in the order. It is important to those who are to be nominated to have a

reasonable advance notice. Subsequent nominations (after initial appointments) should be submitted by a date that will give the Secretary ample time to select the members, to inform them of their selection, and to allow acceptance of such appointment before the beginning of the term of office for which they were appointed. Submissions of nominations to the Secretary for subsequent board members and alternates should be made not less than 60 days prior to the expiration of the terms of members and alternates previously appointed to the Board.

Section 8(b) of the act provides for producer representation on the basis of proportion of eggs produced in certain geographic areas, to the extent practicable. The proposal in the notice of hearing referred to geographic areas, as defined by the Secretary. However, testimony adduced at the hearing is to the effect that geographic areas should be specified in the order. A first consideration in the delineation of geographic areas should be the recognized areas of egg production. Historically, the producing segment of the egg industry has aligned itself within the geographic areas, as hereinafter designated. Industry meetings are generally attended within the designated areas. Therefore, the areas, hereinafter designated, will tend to simplify the needs for caucusing among groups and will reduce travel to a minimum for meetings. The designated geographic areas should provide adequate representation on the Board on the basis of proportion of eggs produced in those areas, provide for a harmonious working arrangement among the producers, and in general should tend to effectuate section 8(b) of the act relating to geographic areas.

Based on record evidence, the order should specify under § 1251.328 six geographic areas composed of the various States as follows: Area 1 (North Atlantic States) Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, Delaware, New Jersey, Maryland and the District of Columbia; Area 2 (South Atlantic) Virginia, West Virginia, North Carolina, South Carolina, Georgia, and Florida; Area 3 (East North Central) Ohio, Indiana, Illinois, Michigan, and Wisconsin; Area 4 (West North Central) Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, and Kansas; Area 5 (South Central) Kentucky, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, and Texas; Area 6 (Western) Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, Idaho, Washington, Oregon, and California.

The order should provide for the following number of members of the Board and an equal number of alternate members: North Atlantic—3, South Atlantic—4, East North Central—2, West North Central—2, South Central—4, and Western—3, for a total of 18. This distribution of Board members is based on the percentage of the total United States egg production in each area times

the total membership of the Board which is 18, rounded to the nearest whole number, except no area will be without representation. The available data received in evidence establishes that the percent of total U.S. egg production in each area is: North Atlantic—16 percent, South Atlantic—21 percent, East North Central—13 percent, West North Central—12 percent, South Central—20 percent, and Western—18 percent of U.S. egg production.

In the past, egg production has shifted in relative importance from State to State, and between areas. At times this shift in location importance has changed rapidly, and at other times it has changed very slowly. Provision should be made for mandatory review at any time, but not less often than once every 5 years, of the production by geographic areas and the pattern of area functioning of organizations, associations, and cooperatives, to determine (1) whether the areas should be redefined, and (2) whether the number of Board members, and their alternates, needs changing per geographic area of egg production so that representation on the Board, in so far as is practicable, is fair and equal.

Persons selected by the Secretary as Board members, and as alternates, should qualify by filing a written acceptance promptly after being notified of their selection so that the Board and the Secretary will know they have accepted their appointments, and of their intention to serve in the position to which they have been appointed.

Provision should be set forth in the order for the filling of any vacancies on the Board. In the event a vacancy occurs, the same procedure should be followed for the person or persons to be nominated, qualified, and appointed as specified for the normal reappointment or appointment of new members. Every effort should be made to fill a vacancy as soon as possible so that all areas will be fully represented. The order should provide sufficient time for eligible organizations, associations, or cooperatives to caucus, submit nominations, and for selection and appointment by the Secretary. A minimum of 60 days is considered reasonable for the nomination of persons to fill a vacancy. However, should a vacancy occur within 6 months of the expiration date of a member's term, the order should provide that the Secretary not be required to fill the vacancy for such a short period of time.

The order should contain a provision authorizing appointment of an alternate member to the Board for each Board member. There will be times when a person serving as a member of the Board will find it necessary to be absent from some of the Board meetings for legitimate reasons. The purpose of having an alternate member is to assure that the business affairs of the Board shall not be impaired during such situations. The alternate member should serve in the absence of the Board member. The alternate Board member should be assigned the same responsibilities as a Board member and should be authorized to act

when serving in the place and stead of a Board member. An alternate member should meet the same criteria for membership as a Board member and accept the responsibilities to perform such duties as assigned. Exception was taken to the language of § 1251.332 asserting that the section as written modifies the meaning of the proposal through the omission at the end of the first sentence of the phrase "and shall perform such other duties as assigned."

The exception has been considered in light of the record evidence, and it is concluded that the addition of the suggested language will tend to clarify the meaning of this section that alternate members to the Board should be authorized to participate in special projects or assignments at the direction of the Board, in addition to the performance of responsibilities in place of an absent Board member. In view of the above, the exception is adopted. A person serving as an alternate member should be eligible for consideration to be nominated as a Board member even after having served as an alternate, but this provision should not preclude the consideration of any other eligible person for nomination as a member of the Board. The same procedure should be followed in nominating "alternates" as is provided for the nomination of members to the Board. In the event of a vacancy of a Board member, for any reason his alternate should act for him until his successor is appointed and qualified.

The procedure for conducting meetings of the Board should conform with the by-laws and rules and regulations for such to be adopted by the Board and approved by the Secretary. However, such matters as the method of voting and what constitutes a quorum should be set forth in the order. The record evidence indicates that when the Board assembles, the presence of a majority of the members should be necessary to constitute a quorum. A quorum could be composed of both members and the alternates filling in for absent members. On any vote taken by the Board, a majority of those present and voting should concur before any action can be taken. The order should provide that all votes cast, at any assembled meeting, should be cast in person. Proxy voting at an assembled meeting should not be permitted.

The Board should have authority to follow procedures which will assure that it operates properly and efficiently. In order to facilitate the transaction of routine, noncontroversial business where it might be expensive and unreasonable to call an assembled meeting, or in instances when rapid action may be necessary, the Board should be authorized to conduct meetings by telephone, telegraph, or other means of communication. Such possibilities as conference telephone calls, or simultaneous meetings of groups of its members in two or more places with direct communications connections should be considered and utilized if advantageous to the operations of the order. However, the order should

provide that any such action by telephone be confirmed promptly in writing.

It is appropriate that the members and alternates of the Board be reimbursed for necessary expenses incurred when performing authorized Board business, since it would be unfair for them to bear personally such expense incurred in the interests of all egg producers. If an actual expense reimbursement procedure is preferred, the Board should adopt a standard expense account form and expense reimbursements should be made only when properly requested on such form and accompanied by receipts for all travel, room accommodations, and other reasonable expenses. Board members should serve without compensation.

The Board should be given those specified powers which are set forth in section 8(a) of the act. Such powers are necessary to enable an administrative agency of this character to function properly under the order. The Board should have the power and the responsibility to administer the order and to carry out the authorized plans and projects. The Secretary has responsibility to see that the Board does not exceed its authority.

The Board should have the power to develop and recommend rules and regulations, to be issued by the Secretary and subject to his approval, which will be the mechanics or procedures by which the Board will carry out its responsibilities under the order. Such rules or regulations should specify the assessment to be paid, when and how it is to be paid, and other requirements of the order.

It is possible that violations of the rules or regulations or of the order itself may occur. The Board should promptly investigate violations and reports of violations. A policy should be established and a procedure developed for handling all violations fairly and without prejudice. The Board should make an effort to make collections of assessments and settle alleged violations. However, in those cases when the Board cannot effect proper settlement, then the Board should report such violations to the Secretary for appropriate action.

There may be some problems arise, or conditions may change within the industry that would necessitate amendments to the order. The Board would be a logical entity to determine such need, and when such determination is made by them, they should have the power to recommend to the Secretary amendments to the order.

The Board's duties as set forth in the order are necessary for the discharge of its responsibilities. These duties are generally similar to those specified for administrative agencies under other programs of this nature, the necessity of which is justified by record evidence.

They include such duties as to meet and organize and to select from among its members a president or chairman and such other officers as may be necessary to handle the affairs of the Board; to select committees and subcommittees of Board members and to adopt such rules for its conduct as it may deem advisable. The Board should be authorized to estab-

lish advisory committees of individuals, without any voting rights under this order, other than Board members. The advisory committees should be advisory only and should not have final authority over any part of the plans or projects nor authority to expend funds. The Board would be composed only of producers or representatives of producers, and, therefore, should be authorized to establish advisory committees of persons other than Board members, since there may be other producers (not Board members), handlers, processors, distributors, State, regional and national association executive personnel, and others connected with the egg industry, who could be of great value to the Board by acting in an advisory capacity in formulating plans or projects and making decisions. It is proper that the members of each advisory committee should be reimbursed for necessary expenses incurred by them in carrying out their assignments under the order.

The Board should have the duty of appointing or employing such persons as it may deem necessary and to define the duties and determine the compensation of each. It is important that the chain of management responsibility be clearly defined.

Each fiscal period, and as may be necessary thereafter, the Board should prepare and submit to the Secretary, for approval, a budget of anticipated expenses for the coming year, listing the estimated costs for administration and for the various plans and projects, and recommending an appropriate rate of assessment for the ensuing fiscal year. The budget should be prepared in the form of a report, showing estimates of income and expenditures with accompanying analysis and explanation thereof.

The plans and projects that should be developed by the Board are expected to be sizeable and may require engaging other persons and organizations to carry them to completion. The Board should have the duty to enter into contracts with persons, State agencies, State, regional, and national associations, cooperatives, private agencies, and others involved in advertising, promotion, and research to effectuate the order. Each recommended contract should be based on requirements that the contractor develop and submit to the Board a plan or project together with a budget or budgets which should show estimated costs to be incurred for such projects, and that any such plan or project shall become effective only after approval by the Secretary. Each contractor should be required to maintain certain records, to keep the Board informed of progress made, to account for all funds received and expended, and to furnish any records or reports as may be required by the Secretary.

(c) The act provides that funds for operation of this order shall be acquired from assessments levied on producers of eggs, collected from the producers by handlers, and that such handlers shall pay the assessments to the Board. Such a procedure is provided for in the order. The rate of assessment should be established, within the limits provided in the

act, each fiscal period by the Secretary, upon recommendation of the Board and consideration of other available relevant information. Such rate of assessment may not exceed the statutory maximum of 5 cents per 30-dozen case of eggs marketed for human consumption. Evidence shows that a maximum assessment of 5 cents per 30-dozen case of eggs marketed for human consumption should provide sufficient funds to carry out the policy of the act and not create an undue burden on producers. An exception to the recommended provision on assessments was based upon the exceptors' assertion that the language in the recommended order, to the extent that it varies from the language in the proposal, creates an ambiguity in that it seems to limit the levying of assessments to eggs packed in 30-dozen-size cases only. Such a limitation is not intended under the act, nor is it supported by the evidence.

The rate of assessment should be based upon each 30 dozen eggs marketed regardless of the size of containers used or whether the eggs are marketed in containers at all. To avoid any ambiguity in the order language that might exist and to conform to the supporting evidence, the exception is adopted and the words "or the equivalent thereof" are inserted midway in the section immediately following the words "5 cents per 30-dozen case of eggs".

Handlers responsible for remitting the assessments to the Board, as provided in the order, may collect them from producers or deduct them from proceeds paid producers for eggs handled. The record evidence indicates that only the first handler of eggs should be required to collect and remit assessments to the Board. For purposes of administration, the "collecting handlers" should be distinguished from other handlers of eggs who are not responsible for collecting and remitting assessments. Each handler responsible for collecting and remitting assessments to the Board has been appropriately designated a "collecting handler" in the order.

Record evidence shows that marketing practices differ considerably from one producer to another and in the various egg producing areas of the United States. Differences may occur depending on whether eggs are graded for quality, sized, cartoned, and sold direct to retail outlets by the producer, or whether all of such marketing functions are performed by the person or firm acquiring the eggs from the producer. In other instances, buyers purchase "nest run" eggs from producers and sell them as such to another person or firm with the latter performing the sizing, grading, and packaging functions. Some persons help in the marketing of eggs by serving as brokers or sales representatives of producers, but do not actually acquire the eggs. Others assist producers in marketing eggs by providing information on market outlets and prices. In order to most effectively cope with these differences, the order should define the broad categories into which all collecting handlers may be classified and provide for the collection

of assessments. The record shows that in most cases the person who carries out the first marketing function should be designated as the collecting handler and required to collect and remit assessments. Of course, as previously noted in the definition of "handler," the producer who performs the first marketing function (such as grading, sizing, and cartoning) should become the first handler and consequently the collecting handler and, as such, he should be responsible for payment of the assessment on all of the eggs he produces.

Evidence presented on the methods of handling eggs shows that handlers responsible for collecting the assessment should be either the first person who performs a function of a handler or a producer who performs a function of a handler. However, evidence also indicates that if the Board finds that one or more other categories of persons needs to be designated, it shall do so. The order provides such provisions. It is noted that these provisions of the order are somewhat different than in the proposed order contained in the notice of hearing. But they are inclusive of all categories of collecting handlers as indicated by the record evidence. Exception was made to the recommended order provision on collecting handlers and collection asserting that certain provisions contained in the proposal were omitted from the recommended order and that administrative difficulty in the collection of assessments could therefore be created. The provision that the exceptors' claim was omitted provides: "Handlers defined in paragraph (a) (1) of this section who sell eggs on which assessment has been collected to another handler shall certify that with respect to such eggs he has complied with this Subpart and to the rules and regulations issued by the Board pursuant to this Subpart." Record evidence shows that the methods of handling eggs vary from area to area within the United States. Therefore, adoption of the suggested language could create a procedure that is burdensome or impossible for some handlers to conform to. In addition, it is concluded that it would be more efficient to defer such procedural details, for the collection of assessments, to the Board which could then establish those procedures deemed necessary by daily experience. Any such procedures could then be implemented by the issuance of rules and regulations by the Board. The exception is therefore denied.

In the United States eggs are produced by many persons, with the producing enterprises ranging in size from a few laying hens, used mainly to produce eggs for home consumption, up to large commercial operations of more than 1 million laying hens. During the hearing on this national program of research and promotion, the evidence was presented which shows that the cost of administration would be too great to include all small producers, and that all producers owning 3,000 or fewer laying hens should be exempt from the provisions of the order. However, producers owning more than 3,000 laying hens should be subject

to the provisions of the order. In addition, the evidence shows that the cost of collecting assessments on eggs sold for human consumption from persons producing eggs primarily for hatching purposes, likewise, would be excessive relative to the funds collected. It is therefore concluded that producers owning 3,000 or fewer laying hens and producers owning flocks producing eggs primarily for hatching purposes should be exempt from the assessment provisions of the order. The order so provides.

A number of egg research and promotion programs already are operating on a voluntary basis in some States. These programs, for the most part, are financed by the collection of assessments on eggs handled. Authority should be provided in the order that the Board may use available facilities of existing agencies or organizations to facilitate the collection of assessments on behalf of the Board in such States, if the Board finds the use of such State organizations or agencies would be efficient and desirable. Reasonable compensation for such services should be permitted.

The collecting handlers should be required to pay assessments to the Board promptly when they become due. A date 15 days after the end of the month in which eggs are handled would be reasonable as a due date. When eggs are handled as defined in the order, and any rules or regulations issued thereunder, the handler should be required to pay the assessment on them regardless of whether he has made settlement with the producer or has, in fact, collected the assessment from the producer. In all cases in which the collecting handler has collected such assessment from the producer or deducted such assessment from the proceeds paid the producer, he should furnish the producer a receipt for each collection or deduction.

As further consideration of the budget, good business practices require consideration for contingencies. The Board should be authorized to set aside funds in an operating reserve and to budget for such a reserve. It would be impractical to plan and carry out many programs or projects on a short-term basis. The record shows that in practice, research and promotion programs and projects in a given year probably will be financed in part by money collected the previous year. The record evidence indicates that a reserve fund for operating purposes would be desirable. The amount of the reserve fund should be determined by the Board, with the approval of the Secretary. A maximum in the reserve fund of an amount sufficient to operate for 1 year seems desirable based on evidence presented and information adduced at the hearing.

(d) The Board should have the authority to determine the type of research, development, advertising, and promotion activities to be undertaken, and it should be charged with the responsibility for initiating and recommending to the Secretary the establishment of such projects as are authorized by the act.

The projects and programs should be designed to assist, improve, or promote the marketing, distribution, utilization, and production of eggs, spent fowl, and their products. The authority should be broad and flexible to enable the Board to use the most efficient and effective methods of carrying out the purposes of the act.

Record evidence indicates that the order is not intended to reduce the efforts of groups, organizations, or agencies within the egg industry who are presently engaged in research and promotion activities, nor to compete with such groups. All organizations which have been so engaged should be encouraged to continue to promote and advertise as well as to engage in research and development projects for eggs and spent fowl and their products.

The Board should have the authority to recommend programs designed to expand sales in foreign markets for eggs and spent fowl and their products. The evidence indicates that the Board would be in an advantageous position to cooperate with private agencies or with the Government in developing such export markets.

The provision that no advertising or promotion should make any reference to private brand names of eggs, egg products, spent fowl, and products of spent fowl or use unfair or deceptive acts or practices with respect to quality, value, or use of any competing products is necessary to preclude discrimination. An organization, such as the Board, must be fair and helpful to all segments and elements of the egg industry. However, the prohibition against private brand names should not prevent the Board from cooperating with promotion efforts of other industries in which brand names are used that are in no way competitive with brand names of eggs, spent fowl, or their products.

The prohibition on the use of false or unwarranted claims in behalf of eggs or spent fowl or their products or false or unwarranted statements with respect to the attributes or use of competing products is also necessary for proper administration of the order. This provision is a safeguard against the possibility of overzealous claims in behalf of eggs and spent fowl and their products and to forestall any derogatory statements about competing products.

An adequate steady supply of eggs for consumers is clearly in the public interest. Maintenance of markets and the development of new markets, both here and abroad, are essential if the egg industry is to remain viable enough to fill the needs of the consumers. The order therefore provides the necessary authorizations for research and promotion designed to accomplish this objective. It would enable the Board to undertake such research as: consumer preference studies, research affecting egg sales, basic market research, new product development, production improvement, evaluation of the effectiveness of research or promotion, and other research

of marketing and production problems aimed at aiding the entire egg industry.

The order would permit research into consumer demand which is needed to insure that the products of the egg industry are disseminated to all appropriate markets. Studies pertaining to egg merchandising, advertising, and promotion should be authorized to improve marketing practices that will assure all market outlets have a constant, convenient, and reliable supply of quality products. Research projects which would improve transportation and handling procedures should be authorized. Furthermore, research into feed conversion, packaging, handling, and marketing should be included in the scope of work that could be performed by the Board.

The Board may either perform research or promotion work within its own organization, or be authorized to contract for such research, development, advertising, and promotion projects and programs with public and private research and development agencies which are properly staffed and equipped to do the type of work needed.

Prior to such contracting, the approval of the Secretary should be required to insure that the projects and programs contemplated are consistent with the provisions of the order.

While the projects and programs should be submitted to the Secretary for approval, it is recognized that considerable study and planning are involved in the development of such activities. Therefore, expenses which will be incurred in connection with such development should be authorized as part of the annual plan or budget prior to the time such projects are submitted.

It is concluded, therefore, that the provisions of the order as modified from the original proposal on the basis of record evidence, and as hereinafter set forth, are comprehensive and flexible enough to enable the Board to develop or carry out whatever research, development, advertising, promotion, and public information activities are needed for eggs and spent fowl and their products.

(e) Refunds of assessments to producers who request them should be provided for in the order. The act provides that any egg producer against whose commercial eggs any assessment is made and collected from him—and who is not in favor of the programs—shall have the right to demand and receive from the Board a refund of such assessment. The order includes such provision. The refund request should be made to the Board personally by the producer in accordance with regulations and on a form prescribed by the Board and approved by the Secretary. The Board should issue regulations allowing the producer a reasonable length of time from the date of payment to submit a request, which should include evidence that he paid the assessment for which such refund is claimed. However, in no event should such period be more than 90 days after the end of the month in which the assessment is due and collectable. Such refund

should be made by the Board within 60 days from the date the request is received. The refund provision is a key-stone in the overall concept of the order. It means no producer is forced to financially support an order that he does not favor. The refund forms should be readily available to producers from the Board. Also, each producer who asks for a refund must individually request it. This does not mean that he must physically go to the office of the Board, but that the producer must be the one to fill out the form requesting such refund and must provide the necessary information to show that he paid the assessment. Handlers, cooperatives, marketing associations, brokers, or others should not be able to request refunds on behalf of producers; each producer must file his own request. Handlers should not be entitled to refund even though they paid to the Board funds in the amount of a producer's assessment without collecting such funds from the producer. But, a handler who is also a producer and has paid the assessment as a producer is entitled to request and receive a refund. A producer is not eligible for a refund unless he actually paid the assessment, or the assessment was deducted from the proceeds of the sale of his eggs which were handled.

The Board should have the responsibility to recommend, for the Secretary's approval, rules or regulations concerning the method of obtaining refunds together with the form to be used for such purposes.

(f) Reports and recordkeeping are a necessity to most business operations. The procedure for establishing, reporting, and recordkeeping requirements which was set forth with the notice of hearing should be contained in the order. The act provides that hatchery operators, persons engaged in the sale of egg-type baby chicks and started pullet dealers, persons engaged in the production of commercial eggs, persons who receive or otherwise acquire eggs from such persons and process, prepare for market, or market such eggs, including eggs of their own production, and persons engaged in the purchase, sale, or processing of spent fowl, maintain and make available for inspection such books and records as may be required by any order issued pursuant to the act.

Collecting handlers and all other persons subject to section 7(c) of the act should be required to report to the Board periodically such information as is required, which may include: number of cases of eggs handled; number of cases of eggs on which an assessment was collected; name and address of each producer from whom any assessment is collected; and date collection of the assessment was made on each case of eggs handled. The specific guidelines for accomplishing the necessary reporting and recordkeeping objectives should be established through the rulemaking procedure. The Board should recommend, and the Secretary approve, rules and regulations which would require the least possible addition to records already being kept

by the persons referred to § 1251.351 and § 1251.352 of the order.

When a collecting handler reports to the Board the collection of assessments required by the order, he should have in his custody and make available for inspection by the Board, and the Secretary, such accounts or records necessary to establish the exact amount of funds collected. This does not mean that every person subject to the order and to section 7(c) of the act will be checked on all transactions. It is anticipated that only that amount of inspection will be performed as would be in keeping with prudent business practices to insure compliance with the provisions of the order. Necessary records to insure that all persons carry out the provisions of the order should be retained for at least 2 years beyond the fiscal year of their applicability in order that any audits or investigations authorized by the Board and the Secretary can be completed.

The confidential treatment of business records of all persons covered in the order is clearly stated in the order and the act. All information that, in any way, might reveal trade secrets should be kept confidential by employees of the Board and the Secretary. Certain employees of the Board should have access to the records and accounts of producers and handlers in order to insure full compliance with the assessment provision of the order.

The record indicates that certain information obtained from reports may be beneficial to the industry in general. Therefore, the provisions of the order do not prohibit the issuance of general statements based upon the reports of the number of persons subject to the order, or statistical data collected therefrom, which do not identify the information furnished by any person; the publication, as approved by the Secretary, of general statements relating to refunds made by the Board during any specific period of time; or the publication, as approved by the Secretary, of the name of any person violating the order, together with a statement of the particular provisions of the order violated by such person.

(g) Section 1251.350 prohibits the use of assessment funds to influence Government policy or action. The only exception permitted would be in recommending amendments to the order.

Various sections of the order have referred to the right of the Secretary to approve or disapprove every action under this part. The proposed order issued with the notice of hearing omitted a specific section specifying such right. Therefore, based on the record evidence, the order should include a section entitled "Right of the Secretary." An exception to the provision on the right of the Secretary strongly asserts the exceptors' position that the language contained in the recommended order is not only unsupported by record evidence, but is beyond the scope of authority contained in the act. The exceptors further assert that the recommended provision grants the Secretary much broader powers than necessary, that the section is

inconsistent with provisions in other similar programs, and that such language is not "generally included in programs of this type" as stated in the recommended decision. A review of the entire recommended order reveals that most of the rights of the Secretary, necessary to insure that the operation of this order program is consistent with the policy and purpose of the act, are already expressed in specific sections throughout the order. However, it is customary and appropriate to provide in a separate section those rights of the Secretary that are necessary to the proper operation of the order program. Upon further review of the evidence, it is concluded that the provision in the recommended order on the right of the Secretary is unduly broad and not fully supported by the evidence. Accordingly, the section has been rewritten to provide only for those rights that are necessary for the Secretary to discharge his responsibilities under the act and the order program.

Various sections of the order have referred to the right of the Secretary to approve or disapprove every action under this part. The proposed order issued with the notice of hearing omitted a specific section specifying such right. Therefore, based on the record evidence, the order should include a section entitled "Right of the Secretary."

The section concerning the right of the Secretary should specify that all fiscal matters, programs or projects, rules or regulations, decisions, determinations, or other proposed actions of the Board shall be submitted to the Secretary for his approval. These provisions are necessary and appropriate, as the Secretary is charged by law with the responsibility for the administration of the order in accordance with the policy and provisions of the act.

The provisions of sections 1251.357 through 1251.363, as hereinafter set forth, are generally included in programs of this type. Each section sets forth certain rights, obligations, privileges, or procedures which are necessary and appropriate for the effective operation of the order. These provisions are incidental to, not inconsistent with, the terms and conditions of the act, are necessary to effectuate the other provisions of the order, and are supported by the record evidence. The substance of such provisions, therefore, should be included in the order.

RULINGS ON BRIEFS, PROPOSED FINDINGS, AND CONCLUSIONS

At the conclusion of the hearing, the Administrative Law Judge fixed July 18, 1975, as the final date for interested parties to file briefs, proposed findings, and conclusions based on the evidence collected at the hearing.

Nine briefs were filed on behalf of the following interested parties: Glenn W. Kreuzer, Director, Nebraska Department of Agriculture, Lincoln, Nebraska; Henry Kreher, President, New York State Poultry Industry Coordinated Effort, Inc., Ithaca, New York; David Shetzich, President, The Maryland Egg Council, Simpsonville, Maryland; Olan D. Forker,

Professor of Marketing, New York State College of Agriculture and Life Sciences, Cornell University, Ithaca, New York; James L. Smith, Egg Producer, Owl Haven, Mundelein, Illinois; Robert J. Williams, Director, Illinois Department of Agriculture, Springfield, Illinois; Clinton L. Warner, President, Consumers League of Ohio, Cleveland, Ohio; Lee Campbell, Chairman, Egg Industry Task Force, Poultry and Egg Institute of America, Washington, D.C.; and Everett A. Elkenberry, Eaton, Ohio.

These briefs and any proposed findings and conclusions were considered in conjunction with the evidence in the record in making the findings and conclusions as set forth herein. Two of the briefs expressed strong support for the order.

One of the briefs, while expressing whole-hearted support for the order, requested that there be appointed to the Board a New York State commercial egg producer. Record evidence shows that under the proposed geographic distribution of members of the Board, the State of New York is a State in the North Atlantic area. New York State is a major production and consumption area for commercial eggs. The North Atlantic area would have three members of the Board, as provided for in the order. The evidence shows that the order makes adequate provision for nominations to be submitted by any eligible organization, association, or cooperative, or if the Secretary determines that a substantial number of egg producers are not members of, or their interests are not represented by, any such eligible organization, association, or cooperative, then nominations may be made by such egg producers in the manner authorized by the Secretary. Therefore, it is concluded that the wording of the order, as hereinafter set forth, relative to establishment and membership of the Board is fair and reasonable; and that the request to further refine the geographic distribution of the membership of the Board is not practical because, if granted for New York State, the same provision should be made for each of the 48 contiguous States in the United States, and this would result in a Board much larger than is authorized under the act.

One of the briefs requested that the language in the order be modified to direct the Board to conduct evaluative research. The brief further suggested that the order provide the Board a great deal of flexibility in deciding which programs and plans need evaluating, in selecting the techniques for evaluation, and in determining the amount of money to allocate to evaluative research. Evidence adduced at the hearing indicates that the Board should have the authority to determine the types of research activities to be undertaken, subject to approval by the Secretary. The authority should be broad and flexible to enable the Board to use the most efficient and effective methods of carrying out the policy of the act. It is expected that the Board will be prudent in the use of funds obtained by assessment against egg producers. The Secretary is also charged

with the responsibility of determining that the projects and programs of the Board are such as would tend to accomplish the policy of the act. It is concluded that the evaluative research needed is a normal part of good administrative procedure, that the wording in the order does not restrict such research, and that the amount and kind of such research to be carried out can be best determined by the Board and the Secretary. The recommended modification presented in the brief is hereby denied.

Two briefs were filed in opposition to the order. One was in general opposition and the other stated that small producers could not afford the assessment and recommended that all commercial egg producers with 100,000 laying hens, or fewer, should be exempt from the terms and conditions of the order. Record evidence shows substantial support for the order and for the exemption of producers having 3,000 or fewer laying hens from the assessment provisions based upon the economics of the cost of collection versus the amount of money collected. In addition, the record shows that the assessment of 5 cents per 30-dozen case of eggs sold would amount to considerably less than one-half of 1 percent of the usual selling price and that such assessment would not constitute an undue burden on producers with more than 3,000 laying hens. Furthermore, the act does not authorize exemption of producers with more than 3,000 laying hens. Therefore, these motions are denied.

A brief filed in support of the program recommended that the Board be required to enter into arrangements with existing organizations for research and promotion on a State and local basis. The evidence presented at the hearing shows that there is no justification or need to provide in the order that the Board should usurp any of the responsibilities of State, regional, or national organizations by preempting existing egg research and promotion programs. Furthermore, the order provides that the Board may authorize other organizations or agencies to collect assessments as its agent, and that it is the duty of the Board to "enter into contracts or agreements with persons, including, but not limited to, State, regional, or national agencies, or State, regional, or national egg organizations which administer research, education, or promotion programs . . . and egg producer organizations . . ." and that the Board should pay the cost thereof with funds collected pursuant to the order. It is concluded that the order adequately provides for the Board to exercise its discretion concerning matters referred to in the recommendation in the brief and that no modification of the order is necessary.

A brief filed in opposition stated that there is no demonstrated need for promoting eggs, and that the order would tend to increase prices of eggs through withholding of supply. However, the record contains a wealth of evidence showing conclusively that there is an urgent need to strengthen the egg industry's position in the marketplace, and main-

tain and expand domestic and foreign markets and uses for eggs, spent fowl, and their products. Further, the order has no provisions for regulating the supply of these commodities.

Another brief, while expressing strong support for the order, recommended: (1) that the order define a representative of an egg producer, and (2) deletion of subparagraphs (3) and (4) in § 1251.330(a), deletion of the first complete sentence in subsection (b) of the same section, and deletion of the words "paragraph (a) (1)" in the second sentence of subsection (b) of the same section all in the proposal contained in the notice of hearing.

The hearing evidence supports the need to define a representative of a producer as previously discussed herein. The order contains such definition.

Although the brief did not provide reasons for the second recommendation, evidence adduced at the hearing shows that the items marked (3) and (4) of § 1251.330(a) and all of subsection (b) of such section as written in the notice of hearing are either redundant, or are adequately provided for by the remaining provisions in § 1251.330 as proposed in the notice of hearing. The order, as written, accepts this recommendation and therefore complies with the intent of this brief.

Every point in each of the briefs was carefully considered along with the record evidence in making the findings and reaching the conclusions herein set forth. Several recommendations and suggestions made during the hearing were adopted and the provisions of the order have been revised from the proposed order which accompanied the notice of hearing. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions as set forth herein, the request to make such findings or reach such conclusions are denied for the reasons previously cited in this decision.

GENERAL FINDINGS

Upon the basis of the evidence introduced at the hearing and the record thereof, it is found that:

(1) The Egg Research and Promotion Order and all of the terms and conditions thereof, as hereinafter set forth, will tend to effectuate the declared policy of the act; and

(2) All handling of eggs produced in the 48 contiguous States of the United States, as defined in the said order, is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in eggs, spent fowl, and their products; and

(3) The following terms and conditions of the order are a detailed means of carrying out the declared policy of the act with respect to the establishment of an orderly procedure for the financing through adequate assessments on eggs produced in the 48 contiguous States of the United States for human consumption, and the carrying out of a program of research, development, advertising, consumer information, and promotion.

RULINGS ON EXCEPTIONS

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

EGG RESEARCH AND PROMOTION ORDER

It has been decided that the detailed and appropriate means of effectuating the foregoing conclusions is the Egg Research and Promotion Order which follows. However, this order shall not become effective unless and until the requirements of § 1250.15 of the rules of practice and procedure governing proceedings to formulate an order (7 CFR 1250) have been met.

PART 1251—EGG RESEARCH AND PROMOTION ORDER

DEFINITIONS

Sec.	
1251.301	Secretary.
1251.302	Act.
1251.303	Fiscal period.
1251.304	Egg Board or Board.
1251.305	Egg producer or producer.
1251.306	Commercial eggs or eggs.
1251.307	Person.
1251.308	United States.
1251.309	Handler.
1251.310	Promotion.
1251.311	Research.
1251.312	Marketing.
1251.313	Eligible organization.
1251.314	Plans and projects.
1251.315	Part and subpart.
1251.316	Representative of a producer.
Egg Board	
1251.326	Establishment and membership.
1251.327	Term of office.
1251.328	Nominations.
1251.329	Selection.
1251.330	Acceptance.
1251.331	Vacancies.
1251.332	Alternate members.
1251.333	Procedure.
1251.334	Compensation and reimbursement.
1251.335	Powers of the Board.
1251.336	Duties.

RESEARCH, EDUCATION, AND PROMOTION

1251.341	Research, education, and promotion.
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EXPENSES AND ASSESSMENTS

1251.346	Expenses.
1251.347	Assessments.
1251.348	Collecting handlers and collection.
1251.349	Producer refunds.
1251.350	Influencing governmental action.

REPORTS, BOOKS, AND RECORDS

1251.351	Reports.
1251.352	Books and records.
1251.353	Confidential treatment.

CERTIFICATION OF ORGANIZATIONS

1251.356	Certification of organizations.
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MISCELLANEOUS

1251.357	Suspension and termination.
1251.358	Proceedings after termination.
1251.359	Effect of termination or amendment.

Sec.	
1251.360	Personal liability.
1251.361	Right of the Secretary.
1251.362	Amendments.
1251.363	Separability.

AUTHORITY: Egg Research and Consumer Information Act (7 U.S.C. 2701 et seq.).

DEFINITIONS

§ 1251.301 Secretary.

"Secretary" means the Secretary of Agriculture or any other officer or employee of the Department of Agriculture to whom there has heretofore been delegated, or to whom there may hereafter be delegated, the authority to act in his stead.

§ 1251.302 Act.

"Act" means the Egg Research and Consumer Information Act and as it may be amended (Pub. L. 93-428).

§ 1251.303 Fiscal period.

"Fiscal period" means the calendar year unless the Egg Board, with the approval of the Secretary, selects some other budgetary period.

§ 1251.304 Egg Board or Board.

"Egg Board" or "Board" or other designatory term adopted by such Board, with the approval of the Secretary, means the administrative body established pursuant to § 1251.326.

§ 1251.305 Egg producer or producer.

"Egg producer" or "producer" means any person who either:

(1) Is an egg farmer who acquires and owns laying hens, chicks, and/or started pullets for the purpose of and is engaged in the production of commercial eggs; or

(2) Is a person who supplied or supplies laying hens, chicks, and/or started pullets to an egg farmer for the purpose of producing commercial eggs pursuant to an oral or written contractual agreement for the production of commercial eggs. Such person is deemed to be the owner of such laying hens unless it is established in writing, to the satisfaction of the Secretary or the Egg Board, that actual ownership of the laying hens is in some other party to the contract. In the event the party to an oral contract who supplied or supplies the laying hens cannot be readily identified by the Secretary or the Egg Board, the person who has immediate possession and control over the laying hens at the egg production facility shall be deemed to be the owner of such hens unless written notice is provided to the Secretary or the Egg Board, signed by the parties to said oral contract, clearly stating that the eggs are being produced under a contractual agreement and identifying the party (or parties) under said contract who is the owner of the hens.

§ 1251.306 Commercial eggs or eggs.

"Commercial eggs" or "eggs" means eggs from domesticated chickens which are sold for human consumption either in shell egg form or for further processing into egg products.

§ 1251.307 Person.

"Person" means any individual, group of individuals, partnership, corporation, association, cooperative, or any other entity.

§ 1251.308 United States.

"United States" means the 48 contiguous States of the United States of America and the District of Columbia.

§ 1251.309 Handler.

"Handler" means any person who receives or otherwise acquires eggs from an egg producer, and processes, prepares for marketing, or markets, such eggs, including eggs of his own production.

§ 1251.310 Promotion.

"Promotion" means any action, including paid advertising, to advance the image or desirability of eggs, egg products, spent fowl, or products of spent fowl.

§ 1251.311 Research.

"Research" means any type of research to advance the image, desirability, marketability, production, or quality of eggs, egg products, spent fowl, or products of spent fowl, or the evaluation of such research.

§ 1251.312 Marketing.

"Marketing" means the sale or other disposition of commercial eggs, egg products, spent fowl, or products of spent fowl in any channel of commerce.

§ 1251.313 Eligible organization.

"Eligible organization" means any organization, association, or cooperative which represents egg producers of any egg producing area of the United States certified by the Secretary pursuant to § 1251.356.

§ 1251.314 Plans and projects.

"Plans" and "projects" mean those research, consumer and producer education, advertising, marketing, product development, and promotion plans, studies, or projects pursuant to § 1251.341.

§ 1251.315 Part and subpart.

"Part" means the Egg Research and Promotion Order and all rules, regulations, and supplemental order issued pursuant to the act and the order. "Subpart" refers to the aforesaid order or any other portion or segment of this part.

§ 1251.316 Representative of a producer.

"Representative of a producer" means the owner, officer, or an employee of a producer who has been duly authorized to act in the place and stead of the producer.

EGG BOARD

§ 1251.326 Establishment and membership.

There is hereby established an Egg Board, hereinafter called the "Board," composed of 18 egg producers or representatives of egg producers, and 18 specific alternates, all appointed by the

Secretary from nominations submitted by eligible organizations, associations, or cooperatives, or by other producers pursuant to § 1251.328.

§ 1251.327 Term of office.

The members of the Board, and their alternates, shall serve for terms of 2 years, except initial appointments shall be, proportionately, for terms of 2 and 3 years. Each member and alternate member shall continue to serve until his successor is appointed by the Secretary and has qualified. No member shall serve for more than three consecutive terms.

§ 1251.328 Nominations.

All nominations authorized under § 1251.326 shall be made in the following manner:

(a) Within 30 days of the approval of this order by referendum, nominations shall be submitted to the Secretary for each geographic area as specified in paragraph (d) of this section by eligible organizations, associations, or cooperatives certified pursuant to § 1251.356, or, if the Secretary determines that a substantial number of egg producers are not members of, or their interests are not represented by, any such eligible organization, association, or cooperative, then from nominations made by such egg producers in the manner authorized by the Secretary;

(b) After the establishment of the initial Board, the nominations for subsequent Board members and alternates shall be submitted to the Secretary not less than 60 days prior to the expiration of the terms of the members and alternates previously appointed to the Board;

(c) Where there is more than one eligible organization, association, or cooperative within each geographic area, as defined by the Secretary, they may caucus for the purpose of jointly nominating two qualified persons for each member and for each alternate member to be appointed. If joint agreement is not reached with respect to any such nominations, or if no caucus is held within a defined geographic area, each eligible organization, association, or cooperative may submit to the Secretary two nominations for each appointment to be made;

(d) For purposes of nominating members, and their alternates, to the Board, the 48 contiguous States of the United States shall be grouped into 6 geographic areas, as follows: Area 1 (North Atlantic States) consisting of Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, and the District of Columbia; Area 2 (South Atlantic States) consisting of Virginia, West Virginia, North Carolina, South Carolina, Georgia, and Florida; Area 3 (East North Central States) Ohio, Indiana, Illinois, Michigan, and Wisconsin; Area 4 (West North Central States) Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, and Kansas; Area 5 (South Central States) Kentucky, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, and

Texas; and Area 6 (Western States) Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, Idaho, Washington, Oregon, and California.

The number of members of the initial Board, and their alternates, who shall be appointed from each area are: Area 1-3, Area 2-4, Area 3-2, Area 4-2, Area 5-4, and Area 6-3, for a total of 18 members from all areas. Changes to the Board as provided in (e) below shall be accomplished by determining the percentage of United States egg production in each area times 18 (total Board membership) and rounding to the nearest whole number; and

(e) After the establishment of the initial Board, the area grouping of the 48 contiguous States of the United States provided for in paragraph (d) of this section, including the area distribution of the 18 members of the Board and their alternates, shall be reviewed at any time not to exceed 5 years by the Board, or by a person or agency designated by the Board to perform such review, and the results shall be reported to the Secretary along with any recommendations by the Board regarding whether the delineation of the areas and the area distribution of the Board should continue without any change, or whether changes should be made in either the areas or the number of Board members to be appointed from each area, providing that each area shall be represented by not less than one Board member and any action recommended shall be subject to the approval of the Secretary.

§ 1251.329 Selection.

From the nominations made pursuant to § 1251.328, the Secretary shall appoint the members of the Board, and an alternate for each such member, on the basis of representations provided for in § 1251.326, § 1251.327, and § 1251.328.

§ 1251.330 Acceptance.

Any person appointed by the Secretary as a member, or as an alternate member, of the Board shall qualify by filing a written acceptance with the Secretary within a period of time prescribed by the Secretary.

§ 1251.331 Vacancies.

To fill any vacancy occasioned by the failure to qualify of any person appointed as a member, or as an alternate member, of the Board, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the Board, a successor for the unexpired term of such member or alternate member of the Board shall be nominated, qualified, and appointed in the manner specified in § 1251.326, § 1251.328(b), § 1251.329, and § 1251.330, except that replacement of a Board member, or alternate, with an unexpired term of less than 6 months is not necessary.

§ 1251.332 Alternate members.

An alternate member of the Board, during the absence of the member for whom he is the alternate, shall act in

the place and stead of such member and perform such other duties as assigned. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is appointed and qualified.

§ 1251.333 Procedure.

(a) A majority of the members, including alternates acting for members of the Board, shall constitute a quorum, and any action of the Board shall require the concurring votes of at least a majority of those present and voting. At assembled meetings, all votes shall be cast in person.

(b) For routine and noncontroversial matters which do not require deliberation and exchange of views, and in matters of an emergency nature when there is not enough time to call an assembled meeting of the Board, the Board may also take action upon the concurring votes of a majority of its members by mail, telephone, or telegraph, but any such action by telephone shall be confirmed promptly in writing.

§ 1251.334 Compensation and reimbursement.

The members of the Board, and alternates when acting as members, shall serve without compensation but shall be reimbursed for necessary and reasonable expenses, as approved by the Board, incurred by them in the performance of their duties under this subpart.

§ 1251.335 Powers of the Board.

The Board shall have the following powers:

(a) To administer the provisions of this subpart in accordance with its terms and provisions;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this subpart; and

(d) To recommend to the Secretary amendments to this subpart.

§ 1251.336 Duties.

The Board shall have the following duties:

(a) To meet and organize and to select from among its members a chairman and such other officers as may be necessary, to select committees and subcommittees of Board members, to adopt such rules for the conduct of its business as it may deem advisable, and it may establish advisory committees of persons other than Board members;

(b) To appoint or employ such persons as it may deem necessary and to define the duties and determine the compensation of each;

(c) To prepare and submit to the Secretary for his approval budgets on a fiscal-period basis of its anticipated expenses and disbursements in the administration of this subpart, including probable cost of plans and projects as estimated in the budget or budgets sub-

mitted to it by prospective contractors, with the Board's recommendations with respect thereto;

(d) With the approval of the Secretary, to enter into contracts or agreements with persons, including, but not limited to, State, regional, or national agencies or State, regional, or national egg organizations which administer research, education, or promotion programs, advertising agencies, public relations firms, public or private research organizations, advertising and promotion media, and egg producer organizations, for the development and submission to it of plans and projects authorized by § 1251.341 and for the carrying out of such plans or projects when approved by the Secretary, and for the payment of the cost thereof with funds collected pursuant to § 1251.347. Any such contracts or agreements shall provide that such contractors shall develop and submit to the Board a plan or project together with a budget or budgets which shall show estimated costs to be incurred for such plan or project, and that any such plan or project shall become effective upon approval by the Secretary. Any such contract or agreement shall also provide that the contractor shall keep accurate records of all of its transactions and make periodic reports to the Board of activities carried out and an accounting for funds received and expended, and such other reports as the Secretary may require;

(e) To review and submit to the Secretary any plans or projects which have been developed and submitted to it by the prospective contractor, together with its recommendations with respect to the approval thereof by the Secretary;

(f) To maintain such books and records and prepare and submit such reports from time to time to the Secretary as he may prescribe, and to make appropriate accounting with respect to the receipt and disbursement of all funds entrusted to it;

(g) To prepare and make public, at least annually, a report of activities carried out and an accounting for funds received and expended;

(h) To cause its books to be audited by a certified public accountant at least once each fiscal period and at such other times as the Secretary may request, and submit a copy of each such audit to the Secretary;

(i) To give the Secretary the same notice of meetings of the Board as is given to members in order that he or his representative may attend such meetings;

(j) To act as an intermediary between the Secretary and any producer or handler; and

(k) To submit to the Secretary such information pursuant to this subpart as he may request.

RESEARCH, EDUCATION, AND PROMOTION

§ 1251.341 Research, education, and promotion.

The Board shall develop and submit to the Secretary for approval any programs or projects authorized in this section. Such programs or projects shall provide for:

(a) The establishment, issuance, effectuation, and administration of appropriate programs or projects for advertising, sales promotion, and consumer education with respect to the use of eggs, egg products, spent fowl, and products of spent fowl: *Provided, however,* That any such program or project shall be directed towards increasing the general demand for eggs, egg products, spent fowl, or products of spent fowl;

(b) The establishment and carrying on of research, marketing and development projects and studies with respect to sale, distribution, marketing, utilization, or production of eggs, egg products, spent fowl, and products of spent fowl, and the creation of new products thereof in accordance with section 7(b) of the act, to the end that the marketing and utilization of eggs, egg products, spent fowl, and products of spent fowl may be encouraged, expanded, improved, or made more acceptable, and the data collected by such activities may be disseminated;

(c) The development and expansion of foreign markets and uses for eggs, egg products, spent fowl, and products of spent fowl;

(d) Each program or project authorized under (a), (b), and (c) of this section shall be periodically reviewed or evaluated by the Board to insure that each such program or project contributes to a coordinated national program of research, education, and promotion contributing to the maintenance of markets and for the development of new markets for and of new products from eggs, egg products, spent fowl, and products of spent fowl. If it is found by the Board that any such program or project does not further the national purpose of the act, then the Board shall terminate such program or project; and

(e) No advertising or promotion programs shall use false or unwarranted claims or make any reference to private brand names of eggs, egg products, spent fowl, and products of spent fowl or use unfair or deceptive acts or practices with respect to quality, value, or use of any competing product.

EXPENSES AND ASSESSMENTS

§ 1251.346 Expenses.

The Board is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the Board for its maintenance and functioning and to enable it to exercise its powers and perform its duties in accordance with the provisions of this subpart. The funds to cover such expenses shall be paid from assessments received pursuant to § 1251.347.

§ 1251.347 Assessments.

Each handler designated in § 1251.348 and pursuant to regulations issued by the Board shall collect from each producer; except that the following shall be exempt from the provisions of this section: (a) any egg producer whose aggregate number of laying hens at any time during a 3-consecutive-month period immediately prior to the date assessments are due and payable has not exceeded 3,000 laying

hens, and (b) any producer owning a flock of breeding hens whose production of eggs is primarily utilized for the hatching of baby chicks; and shall pay to the Board at such times and in such manner as prescribed by regulations issued by the Board, an assessment at the rate of 5 cents per 30-dozen case of eggs, or the equivalent thereof, or such lesser amount set by the Board and approved by the Secretary of such expenses and expenditures, including provisions for a reasonable reserve and those administrative costs incurred by the Department of Agriculture after this subpart is effective, as the Secretary finds are reasonable and likely to be incurred by the Board and the Secretary under this subpart, except that no more than one such assessment shall be made on any case of eggs.

§ 1251.348 Collecting handlers and collection.

(a) Handlers responsible for collecting the assessment specified in § 1251.347 shall be any one of the following:

(1) The first person to whom eggs are sold, consigned, or delivered by producers and who grades, cartons, breaks, or otherwise performs a function of a handler under § 1251.309, (2) a producer who grades, cartons, breaks, or otherwise performs a function of a handler under § 1251.309 for eggs of his own production, or (3) such other persons as designated by the Board under rules and regulations issued pursuant to this subpart.

(b) Handlers shall collect and remit to the Egg Board all assessments collected in the manner and in the time specified by the Board pursuant to rules and regulations issued by the Board.

(c) Handlers shall maintain such records as the Egg Board may prescribe pursuant to rules and regulations issued by the Board.

(d) The Board with the approval of the Secretary may authorize other organizations or agencies to collect assessments in its behalf.

§ 1251.349 Producer refunds.

Any egg producer against whose eggs any assessment is made under the authority of the act and collected from him and who is not in favor of supporting the programs as provided for in this subpart shall have the right to demand and receive from the Board a refund of such assessment upon submission of proof satisfactory to the Board that the producer paid the assessment for which refund is sought. Any such demand shall be made personally by such producer in accordance with regulations and on a form and within a time period prescribed by the Board and approved by the Secretary. However, in no event should such period be more than 90 days after the end of the month in which the assessments are due and collectable. Any such refund shall be made within 60 days after demand is received therefor.

§ 1251.350 Influencing governmental action.

No funds collected by the Board under this subpart shall in any manner be used

for the purpose of influencing governmental policy or action except to recommend to the Secretary amendments to this subpart.

REPORTS, BOOKS, AND RECORDS

§ 1251.351 Reports.

Each handler subject to this subpart and other persons subject to section 7(c) of the act may be required to report to the Board periodically such information as is required by regulations and will effectuate the purposes of the act, which information may include but not be limited to the following:

- (a) Number of cases of eggs handled;
- (b) Number of cases of eggs on which an assessment was collected;
- (c) Name and address of person from whom any assessment was collected; and
- (d) Date collection of assessment was made on each case of eggs handled.

§ 1251.352 Books and records.

Each handler subject to this subpart and persons subject to section 7(c) of the act shall maintain and make available for inspection by the Board or the Secretary such books and records as are necessary to carry out the provisions of the subpart and the regulations issued hereunder, including such records as are necessary to verify any reports required. Such records shall be retained for at least 2 years beyond the fiscal period of their applicability.

§ 1251.353 Confidential treatment.

(a) All information obtained from such books, records, or reports shall be kept confidential by all officers and employees of the Department of Agriculture and the Board, and only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing brought at the direction, or upon the request of the Secretary, or to which the Secretary or any officer of the United States is a party, and involving this subpart. Nothing in this subsection shall be deemed to prohibit (1) the issuance of general statements based upon the reports of the number of persons subject to this subpart or statistical data collected therefrom, which statements do not identify the information furnished by any person, (2) the publication, by direction of the Secretary, of general statements relating to refunds made by the Egg Board during any specific period of time, or (3) the publication, by direction of the Secretary, of the name of any person violating this subpart together with a statement of the particular provisions of this subpart violated by such person.

(b) All information with respect to refunds, except as provided in (a)(2) of this section, made to individual producers shall be kept confidential by all officers, and employees of the Department of Agriculture and the Board.

CERTIFICATION OF ORGANIZATIONS

§ 1251.356 Certification of organizations.

Any organization may request the Secretary for certification of eligibility to participate in nominating members and alternate members on the Board to represent the geographic area in which the organization represents egg producers. Such eligibility shall be based in addition to other available information upon a factual report submitted by the organization which shall contain information deemed relevant and specified by the Secretary for the making of such determination, including, but not limited to, the following:

- (a) Geographic territory covered by the organization's active membership;
- (b) Nature and size of the organization's active membership, proportion of total of such active membership accounted for by producers of commercial eggs, a chart showing the egg production by State in which the organization has members, and the volume of commercial eggs produced by the organization's active membership in such State(s);
- (c) The extent to which the commercial egg producer membership of such organization is represented in setting the organization's policies;
- (d) Evidence of stability and permanency of the organization;
- (e) Sources from which the organization's operating funds are derived;
- (f) Functions of the organization; and
- (g) The organization's ability and willingness to further the aims and objectives of the act.

The primary consideration in determining the eligibility of an organization shall be whether its egg producer membership consists of a substantial number of egg producers who produce a substantial volume of the applicable geographic area's commercial eggs to reasonably warrant its participation in the nomination of members for the Board or to request the issuance of an order. The Secretary shall certify any organization which he finds to be eligible under this section and his determination as to eligibility shall be final.

MISCELLANEOUS

§ 1251.357 Suspension and termination.

(a) The Secretary shall, whenever he finds that this subpart or any provision thereof obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this subpart or such provision.

(b) The Secretary may conduct a referendum at any time, and shall hold a referendum on request of 10 percent or more of the number of egg producers voting in the referendum approving this subpart, to determine whether egg producers favor the termination or suspension of this subpart, and the Secretary shall suspend or terminate such subpart

at the end of 6 months after he determines that suspension or termination of the subpart is approved or favored by a majority of the egg producers voting in such referendum who, during a representative period determined by the Secretary, have been engaged in the production of commercial eggs, and who produced more than 50 percent of the volume of eggs produced by the egg producers voting in the referendum.

§ 1251.358 Proceedings after termination.

(a) Upon the termination of this subpart the Board shall recommend not more than six of its members to the Secretary to serve as trustees for the purpose of liquidating the affairs of the Board. Such persons, upon designation by the Secretary, shall become trustees of all the funds and property then in the possession or under control of the Board, including claims for any funds unpaid or property not delivered or any other claim existing at the time of such termination.

(b) The said trustees shall: (1) continue in such capacity until discharged by the Secretary, (2) carry out the obligations of the Board under any contracts or agreements entered into by it pursuant to § 1251.336, (3) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Board and of the trustees, to such person as the Secretary may direct, and (4) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the Board or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered pursuant to this subpart shall be subject to the same obligation imposed upon the Board and upon the trustees.

(d) Any residual funds not required to defray the necessary expenses of liquidation shall be turned over to the Secretary to be disposed of, to the extent practicable, in the interest of continuing one or more of the research or promotion programs hitherto authorized.

§ 1251.359 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant hereto, or the issuance of any amendment to either thereof, shall not:

(a) Affect or waive any right, duty, obligation, or liability which shall have arisen or which may hereafter arise in connection with any provision of this subpart or any regulation issued thereunder;

(b) Release or extinguish any violation of this subpart or any regulation issued hereunder; or

(c) Affect or impair any rights or remedies of the United States, or of the Secretary, or of any person, with respect to any such violation.

§ 1251.360 Personal liability.

No member or alternate member of the Board shall be held personally responsible either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member or alternate, except for acts of dishonesty, or willful misconduct.

§ 1251.361 Right of the Secretary.

All fiscal matters, programs or projects, rules or regulations, reports, or other substantive action proposed and prepared by the Board shall be submitted to the Secretary for his approval.

§ 1251.362 Amendments.

Amendments to this subpart may be proposed, from time to time, by the Board, or by an organization certified pursuant to section 16 of the act, or by any interested person affected by the provisions of the act, including the Secretary.

§ 1251.363 Separability.

If any provision of this subpart is declared invalid or the applicability thereof to any person or circumstances is held invalid, the validity of the remainder of this subpart of the applicability thereof to other persons or circumstances shall not be affected thereby.

It is hereby ordered that this decision and the Egg Research and Promotion Order modifying the order contained in the recommended decision be published in the FEDERAL REGISTER.

Single copies of this decision and/or order may be obtained from the Poultry Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

REFERENDUM

The rules governing the procedure to conduct referenda on the Egg Research and Promotion Order are being promulgated at this time. A notice of referendum designating the time and manner for conducting the referendum on the order will be issued upon completion of the promulgation process for these rules.

Signed at Washington, D.C., on September 26, 1975.

JOHN DAMGARD,
Deputy Assistant Secretary.

[FR Doc. 75-26170 Filed 9-30-75; 8:45 am]

**DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE**

Food and Drug Administration

[21 CFR Parts 4, 7]

[Docket No. 75N-0212]

RECORDS ABOUT INDIVIDUALS

Proposed Rulemaking To Implement the
Privacy Act of 1974

Correction

In FR Doc. 75-22413, appearing at
page 39388 in the issue for Wednesday,

August 27, 1975, make the following changes:

1. On page 39390, the third column, in the second paragraph, line seven, add "s" to the word "action".

2. On page 39391, the third column, in paragraph (d), the second line, the word reading "or" should read "on".

3. On page 39398, add the following line at the top of the second column, "serviced by the General Services Administration". Delete the first line at the top of the third column.

4. On page 39403, in § 7.73, in paragraph (b), line 4, add a parenthesis at the end of the word "regulations".

Social Security Administration

[20 CFR Part 410]

[Regulations No. 10]

**FEDERAL COAL MINE HEALTH AND
SAFETY ACT OF 1969, AS AMENDED**

Entitlement to Benefits

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the amendments to the regulations set forth in tentative form below are proposed by the Commissioner of Social Security with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments would provide for resumption of benefit payments to black lung widow (or surviving divorced wife) beneficiaries whose Part B benefits were stopped because of a marriage which subsequently ended, without the need to file a new application.

Under section 402(e) of the Federal Coal Mine Health and Safety Act, as amended, an individual may, among other requirements, qualify as a widow of a miner for purposes of entitlement to benefits as long as she is not married. Social Security Regulations No. 10, § 410.210(b) provides, therefore, that such an individual is entitled to benefits if she is not married. In addition, § 410.211(b)(1) provides that entitlement to such benefits terminate if the widow marries. Where the marriage subsequently ended, the widow could again become entitled to Part B benefits provided she filed a claim for benefits in accordance with § 410.210(c) of the regulations.

Section 414(a) of the Federal Coal Mine Health and Safety Act as amended, however, requires that a claim for Part B benefits must be filed by a widow by December 31, 1973, or within 6 months after the death of her husband, whichever is later. Thus, in situations where the terminating marriage ends after the above limitations, the widow is barred from becoming reentitled on the basis of a new application. However, there is no provision in the Federal Coal Mine Health and Safety Act that requires that a widow's entitlement end when she remarries though clearly she may not be paid benefits while she is married. Further, Congress intended to treat black lung widows the same way widows are

treated for benefit purposes under title II of the Social Security Act, i.e., they may requalify for payment at the end of any remarriage. The proposed amendments to the regulations therefore, remove the regulatory barrier to unmarried widows requalifying for Part B benefits after December 31, 1973. The proposed amendments provide that while a widow may not receive Part B benefits while married, her marriage does not technically terminate her entitlement, so that if her marriage ends and the Social Security Administration is notified in writing to that effect, her benefit payments may thereafter be resumed. Benefits would then be payable to her beginning with the month after December 1973 in which the remarriage ends if the Social Security Administration receives written notice within 3 months of the end of the remarriage or within 3 months of final publication of the provision in the Federal Register, whichever is later. Otherwise, resumption of payment will begin with the month the widow provides such notice to the Social Security Administration. Resumption of benefits may be accomplished without a new application because, under the proposed amendments, the widow's remarriage would not terminate the entitlement established on the basis of her original application. Under the regulation in effect prior to the proposed amendment, a surviving child may have become entitled to benefits during such remarriage. Resumption of payments to the widow will require stoppage of payment to such child. However, the proposed amendments protect such child's rights by providing that if the widow dies or again remarries, payment to the child will be resumed. For purposes of entitlement of such child, the widow would be deemed not to be entitled during the period of any remarriage. Thus, such child could again qualify for benefit payments in his own right for months for which benefits are not payable to the widow. It would be unnecessary for the child to formally apply for resumption of payment. Further, while the widow is receiving payment, her benefit may be augmented because of the child. Appropriate notice of the proposed resumption of payment to the widow and stoppage of payment to the child must be provided to the child before his benefit payments are ended. If payment to a widow is resumed retroactively, payments already made to a child will not be affected.

Prior to a final adoption of the proposed amendments to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Department of Health, Education, and Welfare, Social Security Administration, Post Office Box 1585, Baltimore, Maryland 21203, on or before October 31, 1975.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Sec-

tion, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue, SW., Washington, D.C. 20201.

The proposed amendments are to be issued under the authority contained in sections 411(a), 426(a), and 508 of the Federal Coal Mine Health and Safety Act of 1969, as amended, 83 Stat. 793, as amended; 83 Stat. 798; 83 Stat. 803, 30 U.S.C. 921(a), 936(a), and 957.

(Catalog of Federal Domestic Assistance Program No. 13.806, Special Benefits for Disabled Coal Miners)

It is hereby certified that the economic and inflationary impacts of these proposed regulations have been carefully evaluated in accordance with OMB Circular A-107.

Dated: August 14, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: September 25, 1975.

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

Part 410 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. Section 410.210 is amended by revising paragraph (b) to read as follows:

§ 410.210 Conditions of entitlement; widow or surviving divorced wife.

(b) Is not married during her initial month of entitlement (or, for months prior to May 1972, had not remarried since the miner's death);

2. Section 410.211 is revised to read as follows:

§ 410.211 Duration of entitlement; widow or surviving divorced wife.

(a) An individual is entitled to benefits as a widow, or as a surviving divorced wife, for each month beginning with the first month in which all of the conditions of entitlement prescribed in § 410.210 are satisfied. If such individual remarries, payment of benefits ends with the month before the month of remarriage (see paragraph (b) of this section). Should the remarriage subsequently end, payment of benefits may be resumed beginning with the month after December 1973 in which the remarriage ends if the Social Security Administration receives notice in writing within 3 months of the end of such remarriage or within 3 months of final publication of this provision in the Federal Register, whichever is later. Where such notice is not provided within the prescribed time period, resumption of payment will begin with the month the individual provides such notice to the Social Security Administration.

(b) The last month for which such individual is entitled to such benefit is the month before the month in which

either of the following events first occurs:

(1) The widow or surviving divorced wife dies; or

(2) Where the individual has qualified as the widow of a miner under § 410.320 (d), she ceases to so qualify, as provided therein.

(c) Although payment of benefits to a widow or surviving divorced wife ends with the month before the month in which she marries (see paragraph (a) of this section), her entitlement is not terminated by such marriage. However, but solely for purposes of entitlement of a child under § 410.212(b), a widow is deemed not entitled to benefits in months for which she is not paid benefits because she is married.

3. Section 410.212 is amended by revising paragraph (b) to read as follows:

§ 410.212 Conditions of entitlement; child.

(b) A child is not entitled to benefits for any month for which a widow of a miner is entitled to benefits, except that (for purposes of entitlement of a child under this section) a widow is deemed not entitled to benefits in months for which she is not paid benefits because she is married (see § 410.211). Thus, a child may be entitled to benefits for months wherein such benefits are not payable to the widow because of marriage.

4. Section 410.213 is amended by revising the first sentence of paragraph (b), replacing the period at the end of paragraph (b) (5) with a semi-colon, and by adding a new paragraph (b) (6) to read as follows:

§ 410.213 Duration of entitlement; child.

(b) The last month for which such individual is entitled to or may be paid such benefit is the month before the month in which any one of the following events first occurs:

(5) If the child's entitlement is based on disability, the first month in no part of which such individual is under a disability;

(6) A widow's benefit payment, which was ended because of marriage, is resumed following termination of such marriage. (See § 410.211(a)). (In the month before the month in which a widow marries, payment of benefits to her ends and non-payment of such benefits continues for the duration of the marriage. Thereafter, if her remarriage ends, subject to the provisions of § 410.211 her benefit payments may be resumed. Should such widow again marry or die, payment of benefits to such child, if he is otherwise entitled, will be resumed effective with the month of such remarriage or death. In such event no action by or on behalf of such child is required for resumption of payment.)

[FR Doc. 75-26167 Filed 9-30-75; 8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 75 181]

HARLEM RIVER, EAST RIVER, AND GOWANUS CANAL, N.Y.

Drawbridge Operation Regulations

At the request of the City of New York, the Coast Guard is considering amending the regulations for:

(1) Three bridges across the Harlem River at mile 0.0, mile 3.2 and mile 6.0 to require that the draws open on signal from 10 a.m. to 5 p.m. if at least 6 hours notice is given; the draws of these bridges are presently required to open on signal from 10 a.m. to 5 p.m.

(2) The bridge across the East River at mile 6.4 to require that the draw open on signal if at least 6 hours notice is given at all times; the draw is presently required to open on signal at all times.

(3) Three bridges across the Gowanus Canal at mile 1.8, mile 2.0, and 2.1 to require that the draws open on signal from 1 October through 30 April, from 1 May through 30 September the draws shall open on signal if at least 6 hours notice is given; the draws of these bridges are presently required to open on signal at all times.

This change is being considered because of significant reductions in openings for vessel passages.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Third Coast Guard District, Governors Island, New York, New York 10004. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Third Coast Guard District.

The Commander, Third Coast Guard District, will forward any comments received before October 31, 1975, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by:

1. Adding a new paragraph (h) to § 117.160 to read as follows:

§ 117.160 Harlem River, N.Y.; bridges.

(h) The draws of the 103rd Street bridge, mile 0.0, the Macombs Dam bridge, mile 3.2, and the 207th Street bridge, mile 6.0 shall open on signal from 10 a.m. to 5 p.m. if at least 6 hours notice

is given. At all other times the draws need not open.

2. Adding a new § 117.161 immediately after § 117.160 to read as follows:

§ 117.161 East River, N.Y.; bridge.

The draw of the Roosevelt Island bridge, mile 6.4 shall open on signal at all times if at least 6 hours notice is given.

3. Adding a new § 117.166 immediately after § 117.165 to read as follows:

§ 117.166 Cowanus Canal, N.Y.; bridges.

(a) The draws of the Hamilton Avenue bridge at mile 1.2 and the Ninth Street bridge at mile 1.4 shall open on signal at all times.

(b) The draws of the Third Street bridge at mile 1.8, the Carroll Street bridge at mile 2.0, and the Union Street bridge at mile 2.1 shall open on signal at all times from 1 October through 30 April. From 1 May through 30 September the draw shall open on signal if at least 6 hours notice is given.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g) (2); 49 CFR 1.40(c) (5), 33 CFR 1.05-6(c) (4)).

Dated September 25, 1975.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Marine Environment and Systems.

[FR Doc. 75-26217 Filed 9-30-75; 9:45 am]

Federal Aviation Administration

[14 CFR Part 75]

[Airspace Docket No. 75-WE-22]

JET ROUTE

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that will realign a segment of Jet Route No. 92 between Beatty, Nev., and Boulder City, Nev., VORTACs.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received on or before October 31, 1975, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would realign J-92 between Beatty, Nev., and Boulder City, Nev., VORTACs via the Beatty 115°M (131°T) and Boulder City 269°M (184°T) radials.

The realignment will reduce the route mileage by approximately nine miles, reduce chart clutter by utilizing a segment of an existing jet route, and result in some savings in fuel consumption.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1938 (49 U.S.C. 1348 (a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on September 24, 1975.

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

[FR Doc. 75-26234 Filed 9-30-75; 9:45 am]

Materials Transportation Bureau

[49 CFR Part 192]

[Docket No. OPSO-30; Notice 75-5]

TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE

Offshore Pipeline Facilities

The safety standards in Part 192 of Title 49 of the Code of Federal Regulations, which are promulgated under the Natural Gas Pipeline Safety Act of 1968 (NGPSA) (49 USC 1671 et seq.), govern the design, construction, operation, and maintenance of gas pipeline facilities and the transportation of gas in or affecting interstate or foreign commerce. These safety standards apply to gas pipeline facilities and the transportation of gas onshore as well as on the "lands beneath navigable waters" and on the "outer continental shelf" as those areas are respectively defined in the Submerged Lands Act (43 USC 1301 et seq.) and the Outer Continental Shelf Lands Act (43 USC 1331 et seq.).

Development of natural gas resources on the lands beneath navigable waters and the outer continental shelf (hereinafter called "offshore") is being expanded to meet increased domestic energy needs and to reduce the Nation's dependence on foreign supplies. In view of this development, the Materials Transportation Bureau (MTB) is considering amending Part 192 to more clearly delineate the applicability of Part 192 to offshore pipelines and to enhance the level of safety of gas pipeline facilities and the transportation of gas offshore.

This notice is based, in part, on a petition for rulemaking submitted by the Interstate Natural Gas Association of America (INGAA) to change many of the standards in Part 192 with respect to offshore gas pipelines. Further, this notice reflects due consideration of all comments received in response to Notice 74-6 (39 FR 34568, Sept. 26, 1974), an advance notice of proposed rule making issued by the Office of Pipeline Safety (OPS). (After the advance notice was issued, however, the OPS was abolished,

and the authority to administer pipeline safety matters was delegated to the newly established MTB (40 FR 30821, July 23, 1975)).

Notice 74-6, which discussed a variety of alleged offshore gas pipeline safety problems, was issued to gain advance public comment before deciding upon the scope and nature of any proposed regulatory solution to those problems. Comments were received from 19 persons. The disposition of significant comments by the MTB in developing the amendments proposed by this notice as well as issues raised in Notice 74-6 for which an amendment is not proposed are discussed hereinafter. Additional problem areas which the MTB believes may exist offshore and for which regulatory solutions are being proposed are also discussed.

Section 192.1. The transportation of gas to which Part 192 applies includes the gathering, transmission, and distribution of gas by pipeline. Because, however, Part 192 is issued in its entirety under the NGPSA, it does not apply to the gathering of gas outside certain populated areas. As stated in § 192.1, Part 192 does not apply, for example, to the gathering of gas outside a city, town, or other designated residential or commercial area.

This exclusion of certain gathering lines, including most offshore gathering lines, is wholly consistent with the jurisdiction provided by the NGPSA, which specifically exempts gathering lines outside populated areas from coverage. The existing exclusion is not consistent, however, with the goal of providing adequate safety regulation for all pipelines located offshore used in the transportation of gas. Moreover, MTB believes that Federal safety standards for offshore gas gathering lines are warranted because of the greater likelihood of defects attributable to their being more difficult to install, monitor, maintain, and repair than onshore gathering lines.

As a consequence, MTB proposes to amend § 192.1 to expand the coverage of Part 192 to govern the design, construction, operation, and maintenance of offshore gathering lines. The authority for this proposed new regulation of offshore gathering lines is the Hazardous Materials Transportation Act (88 Stat. 2156, 49 USC 1801). That Act authorizes the Secretary of Transportation to prescribe and enforce "regulations for the safe transportation in commerce of hazardous materials" (49 USC 1803). This authority includes gas pipelines which are not subject to the jurisdiction of the NGPSA (49 USC 1811(c)). Sanctions applicable to violations of regulations promulgated under the Act include a civil penalty of not more than \$10,000, and for willful violations, a criminal fine of not more than \$25,000 or imprisonment for not more than 5 years, or both (49 USC 1809).

Section 192.3. A Definition of the term "offshore" is essential to distinguish those gas pipelines subject to the specific offshore requirements of Part 192. Therefore, MTB proposes to amend

§ 192.3 by adding the term "offshore" and defining it to mean areas covered by the terms "lands beneath navigable waters" and "outer continental shelf" as they are defined in the Submerged Lands Act and the Outer Continental Shelf Lands Act, respectively.

The proposed definition includes areas covered by tidal waters and nontidal waters. Thus, for example, the areas bordering the coast of the United States which are covered by the open seas would be classified as "offshore" as well as the areas of the Great Lakes, the Mississippi River, and other navigable inland waters. MTB believes that many pipelines crossing inland navigable bodies of water should be subject to the same requirements as pipelines crossing coastal waters because of the similarity of operating conditions. In developing the amendments proposed by this notice, however, MTB has taken into account the fact that many inland waters do not pose the same operating problems as coastal waters.

All areas not encompassed by the proposed definition of "offshore" would be within the meaning of the term "onshore" as it is used in the proposed amendments.

Section 192.5. This section presently classifies pipeline locations according to the number of inhabited buildings within a specific area and the proximity of a pipeline to inhabited buildings or occupied outside areas. Certain requirements in Part 192 vary in stringency according to the class location of a pipeline. The remaining requirements apply irrespective of a pipeline's class location.

Notice 74-6 discussed whether the existing classification scheme provides a suitable basis for varying the degree of safety required for offshore pipelines. In general, commenters indicated that the existing scheme is inappropriate when applied offshore because of the lack of populated areas. A consensus proposed, alternatively, that the required safety offshore should be based on a pipeline's stress level rather than its proximity to people. Under this proposal, where appropriate, more stringent requirements would apply to pipelines with higher stress level, regardless of location.

MTB agrees that stress level is a factor relevant to pipeline safety and has taken it into account in proposing amendments to §§ 192.111 and 192.145 where offshore platforms are concerned. MTB is not convinced, however, that the existing classification scheme is inappropriate to regulating the safety of offshore pipelines. The purpose of Part 192 is primarily to protect people who may be in the vicinity of a pipeline against potential harm or injury. While the number of people near an offshore gas pipeline may be fewer than those near an onshore pipeline, MTB believes this likelihood is not a sufficient reason to discontinue using proximity to people as a basis for offshore pipeline safety standards. People are regularly in the vicinity of offshore pipelines which are located near shorelines and on or near offshore platforms, and

the potential for external damage to pipelines increases in populated areas. Where offshore areas are occupied, MTB believes that Part 192 must continue to provide higher standards of safety to protect against the increased risk of personal injury and damage to the pipeline and other property.

As a result, rather than provide separate classification schemes in Part 192 based on the nearness of people to onshore and offshore pipelines, MTB is proposing to amend § 192.5 to clarify that the existing classification scheme applies to offshore pipelines as well as onshore pipelines. At the same time, where a different level of safety appears necessary for offshore pipelines in a particular class location than is now required by Part 192, MTB is proposing to amend the relevant standards accordingly, as described hereinafter.

Section 192.111. This section prescribes values for the design factor used in the design formula for steel pipe under § 192.105. MTB proposes to amend § 192.111 to require that a design factor of 0.50, or less, be used for steel pipe in Class 1 or Class 2 locations on and within 300 feet of an offshore platform.

Under the existing classification system in § 192.5, most offshore pipelines used in the transportation of gas are in Class 1 locations. The maximum design factor currently applicable to steel pipe in Class 1 locations is 0.72, or, for fabricated assemblies, 0.60. Establishing a maximum design factor of 0.50 for certain offshore pipelines in Class 1 and Class 2 locations would result in lower operating stress levels in pipelines installed in those locations after the amendment becomes effective. This extra protection is considered necessary for pipelines on or near platforms because of the possible isolation and confinement of people on offshore platforms. The proposal would not affect platforms in Class 3 or Class 4 locations because § 192.111 currently requires a maximum design factor of 0.50 or 0.40, respectively, for pipe in these locations.

This proposed amendment to § 192.111 would also bring the standard for offshore platforms in line with the requirement under § 192.111(d) that a design factor of 0.50, or less, be used for compressor stations, measuring stations, and regulator stations in a Class 1 or Class 2 location. Like offshore platforms, these are relatively confined areas where the potential for stress level is high, resulting in the need for a more stringent design factor to provide greater protection against failures.

Section 192.145. Under the existing rule, valves having pressure containing parts made of ductile iron are prohibited from use in the gas pipe components of compressor stations. Valves at compressor stations are subject to cyclic stresses and stresses due to vibration and temperature changes. On offshore platforms, valves are subject to similar stresses.

Although ductile iron valves have the same pressure ratings as steel valves, steel can withstand cyclic stresses better

than ductile iron. Moreover, ductile iron changes metallurgically to cast iron at high temperature. Normal cast iron valves, however, are made with thicker shells than ductile iron valves because cast iron is lower in strength. Consequently, on offshore platforms as in onshore compressor stations, where valves are subject to similar stresses, MTB believes that a thin wall ductile iron valve is potentially hazardous. Therefore, MTB is proposing to amend § 192.145(d) to extend the existing prohibition against the use of valves with ductile iron parts to apply to valves used on offshore platforms.

Section 192.161. Notice 74-6 asked whether any of the requirements of this section concerning pipeline supports and anchors should be amended to specifically cover offshore pipelines. In general, comments favored the application of paragraphs (b)-(e) to both offshore and onshore pipelines, but suggested that paragraph (f) should not apply offshore. The commenters stated that the most effective means of preventing undue stresses at branch connections offshore is with a flexible connection. In contrast, paragraph (f) now requires a firm foundation at connections to prevent lateral or vertical pipeline movement. MTB concurs with the commenters and proposes to amend paragraph (f) to exclude underground pipelines located offshore from the requirements of that paragraph.

Section 192.163. This section currently governs the design and construction of compressor station buildings, but does not distinguish between those located offshore and those onshore. Notice 74-6 requested comments on amending § 192.163 to provide for the differences. Most commenters urged that the section be revised to exclude compressor station buildings constructed on offshore platforms from the location requirements of paragraph (a). Those commenters noted that paragraph (a) is only appropriate for onshore buildings where open space can be utilized to protect against spreading fire. MTB concurs. Many offshore pipeline operators share platform space with others and have difficulty meeting the requirement that a compressor station building be on property under the operator's control. Moreover, space on an offshore platform is limited and cannot reasonably be used for fire prevention.

If the proposed exclusion under paragraph (a) is adopted, a compressor station building on an offshore platform would still be protected against spreading fire under the requirement of § 192.163(b) that buildings with 2-inch pipe or gas handling equipment be made of noncombustible materials.

Section 192.167. Paragraph (a) (4) (ii) requires that the emergency shutdown system for a compressor station be operable "near the exit gates in the station fence." Because Part 192 does not require that compressor stations have fences, a question arises how an operator is to comply with paragraph (a) (4) (ii) when a compressor station is not fenced, as is the case on offshore platforms. To

eliminate possible misinterpretation, this paragraph would be amended to require that the emergency shutdown system be operable near emergency exits when a compressor station is not fenced.

A further proposed amendment to § 192.167 would require that compressor stations used in the transportation of gas on offshore platforms be automatically shut down if (1) overpressure or fire occurs when the station is unattended, (2) the station is in a building and fire occurs in that building, and (3) the station is in a building with sources of ignition and a gas leak occurs in that building. MTB believes these additional safeguards are necessary for adequate safety of gas compressor stations on offshore platforms. Because of the confining nature of offshore platforms, any emergency situation, such as a gas leak or fire, is much more hazardous offshore than onshore. This is especially true when gas facilities in operation contribute to the hazard and cannot be controlled. The proposal for automatic shutdown is intended to alleviate this problem.

Section 192.179 When the requirements for sectionalizing block valves and a blowdown valve were adopted for transmission lines, offshore lines were exempted due to the impracticality of installing and operating the valves. That exemption is not compatible, however, with the need to control the flow of gas to or from an offshore platform in an emergency. Since § 192.179 was adopted, the use of large diameter pipe has become common offshore, resulting in larger volumes of gas moving to or from offshore platforms. Also, installation techniques have improved for both local and remote control valves. Further, MTB believes that installation and operation of valves on or near a platform is not impractical. Because of these developments and the presence of people on platforms, MTB is proposing that a new paragraph (d) be added to § 192.179 to require that offshore lines be equipped with valves or other means of shutting off the flow of gas to or from an offshore platform in an emergency.

Section 192.243. Paragraph (d) prescribes the percentages of each day's field butt welds which must be nondestructively tested on certain pipelines. In Class 1 locations, where most offshore pipelines lie, only 10 percent of the field butt welds made daily must be tested. At the same time, the rule provides that at crossings of major or navigable rivers, 100 percent of welds must be tested if practicable, but not less than 90 percent. Because these rivers would be subsumed by the proposed definition of "offshore" and there is an equal need for protection in other offshore areas, MTB is proposing to extend the 100 (or 90) percent test requirement to all offshore pipelines to which the rule applies. This change would eliminate the inconsistent coverage which the rule now provides for pipelines located under navigable rivers and those located on the Outer Continental Shelf or under other navigable waters. The additional safety which the proposal

is intended to provide is not just protection against leaks at underwater welds but reduction of the opportunity for damage which can result from lifting a pipeline to repair an underwater weld.

Section 192.245. In part, this section requires that (1) welds with a crack more than 2 inches long or that penetrate either the root bead or second bead, and (2) welds unacceptably repaired, must be removed. MTB believes, however, that removal of welds from pipelines being installed offshore from a lay barge is an unsafe practice. Loss of tension in the pipe string, barge motion, proper alignment, and limited access to the weld joint are serious problems which may arise during the removal process on board a lay barge. Considering the resulting possibilities of damage to the pipe string, reduced weld quality, and potential personnel hazards, MTB proposes to amend § 192.245 to permit the repair under applicable procedures of all unacceptable welds on pipelines being installed from a lay barge.

Section 192.317. This section would be amended to ensure that offshore gas pipelines are constructed to protect against various offshore hazards. The present wording primarily refers to hazards occurring onshore. Paragraph (a) would be amended to specifically include the hazards of mud slides, offshore currents, hurricanes, ship anchors, and fishing operations. Paragraph (b) would be amended to clarify that it applies only to pipelines constructed onshore. Lastly, a new paragraph (c) would be established to require protection against the hazard created when vessels accidentally contact pipelines, including pipe risers, on offshore platforms. Protection could be provided by installation of bumpers, locating the pipelines inside the confines of the platform, or by other means.

Section 192.319. In Notice 74-6, interested persons were asked to comment on whether the requirements of this section present problems offshore. Commenters pointed out that the requirements are inappropriate for offshore pipelines which are not installed in a ditch that is subsequently backfilled. Many offshore pipelines are installed by directing jets of water under a pipeline after it has reached the bottom, and cover results from the natural action of water currents. In view of this different method of installation used offshore, MTB proposes to amend § 192.319(b) to apply only when a ditch is backfilled.

In addition, § 192.319 would be amended to require that offshore pipelines installed where the mean low tide or watermark is at least 12 feet but not more than 200 feet above the natural bottom, be installed so that the top of the pipeline is below the natural bottom. Also, the proposed amendment provides that pipelines with at least 12 feet of water over them need not be buried if another means of protection is used, or if unstable soil conditions would subject a buried pipeline to greater external forces than if installed directly on the bottom.

In general, pipelines installed under water less than 200 feet deep are placed below the natural bottom to avoid interference by trawlers. Also, hurricanes have damaged pipelines that were not ditched in water depths up to 175 feet. The installation of pipelines below the bottom in water depths of 200 feet or more does not appear warranted from a cost and safety standpoint.

Section 192.327. Based on comments to Notice 74-6, MTB believes that for adequate safety, § 192.327 should be amended to require at least 36 inches of cover for offshore pipelines installed under water where the mean low tide or mean low watermark is less than 12 feet above the natural bottom. At the same time, the proposed amendment would require that offshore submerged pipelines in a river, stream, or harbor have at least 48 inches of cover.

In making this proposal, MTB has considered various factors affecting the need for cover: protection provided by depth of water, proximity to shore, bottom currents, soil characteristics, and interference by vessels. The proposed 36 inches of cover for pipelines in water depths less than 12 feet appears necessary to protect persons using these relatively near-shore areas and to protect the pipelines from possible external damage. A 48-inch cover requirement appears justified in rivers and streams, because of the underwater currents that can cause erosion, and in harbors because of the shipping traffic which could result in dredging activities and heavy anchor droppings. The proposed cover requirements are consistent with requirements of the U.S. Army Corps of Engineers.

Section 192.465. Paragraph (a) of this section currently requires that except where impractical on offshore pipelines, each pipeline under cathodic protection must be tested once a year to determine compliance with applicable cathodic protection requirements. Because leaks on offshore pipelines are more difficult to find and repair than leaks onshore and because the potential for corrosion in an offshore environment is greater than in an onshore environment, MTB believes that 11 offshore pipelines should be checked more frequently than onshore pipelines. Thus, MTB proposes to amend paragraph (a) to delete the exception for impractical offshore situations and to require that offshore pipelines be tested at intervals not exceeding 7 months.

Section 192.469. This standard provides that, except where impractical on offshore and wet marsh area pipelines, each pipeline under cathodic protection must have sufficient test stations or other contact points for electrical measurement to determine the adequacy of that cathodic protection. Because the state-of-the-art indicates that it is no longer impractical to conduct electrical measurement offshore, MTB proposes that § 192.469 be amended by deleting the exception for offshore and wet marsh area pipelines.

Section 192.481. Section 192.481 now requires that pipelines exposed to the atmosphere be evaluated once every 3

years. Offshore pipelines located above water are normally more susceptible to atmospheric corrosion than aboveground onshore pipelines due to the more severe environmental conditions. Therefore, MTB proposes that § 192.481 be amended to require that offshore pipelines exposed to the atmosphere be evaluated yearly to determine the adequacy of atmospheric corrosion protection.

Section 192.503. The prudence of permitting submerged offshore pipelines to be tested with air, natural gas, or inert gas, at 90 percent of specified minimum yield strength (SMYS) was discussed in Notice 74-6. Because, in general, commenters were opposed to increasing the permissible test level from 80 percent to 90 percent of SMYS due to the hazard of testing near the level of SMYS, MTB is not proposing that the general test requirements in § 192.503 be amended to allow the 90 percent stress level.

Section 192.553. In Notice 74-6, the need for checking a submerged segment of an offshore pipeline at the end of each incremental increase in pressure during uprating was questioned. While most commenters stated that the costs and difficulty involved in checking for leaks during uprating outweigh the safety advantages that are obtained, they did not submit any information to substantiate their point of view. MTB believes that in most cases, offshore pipelines may be checked for leaks without great difficulty or expense through the use of test gauges. Therefore, MTB is not proposing to change the existing requirements for uprating in § 192.553.

Section 192.557. Notice 74-6 discussed the need to conduct a leakage survey before increasing the maximum allowable operating pressure on offshore steel pipelines operated at less than 30 percent of SMYS that are subject to § 192.557 and whether the incremental increases required by § 192.557(c) are too restrictive. MTB is not persuaded, on the basis of comments received, that there is adequate justification for relaxing the existing requirements. Accordingly, MTB is not proposing that § 192.557 be amended.

Section 192.619. Offshore pipelines located underwater and on offshore platforms are normally subject to greater stress due to their environment than pipelines onshore. Pipelines installed underwater cannot be inspected as easily after installation as these onshore. Also, pipelines on offshore platforms pose a greater hazard to operating personnel than other pipelines because of the isolation and confining nature of the platform. As a means of providing increased protection against possible harm due to these conditions, MTB proposes that newly installed offshore pipelines and existing pipelines which are uprated be tested at a higher pressure level than currently required.

The required test pressure after construction for a steel pipeline operated at 100 psig or more and 30 percent or more of SMYS (which is the case for almost all offshore pipelines) is determined under § 192.505 by multiplying an applicable factor in § 192.619(a)(2)(ii)

times the desired maximum allowable operating pressure (MAOP). The required test pressure for uprating this pipeline is also determined by applying the factors in § 192.619(a)(2)(ii). Currently, the factor for Class 1 locations, which encompasses most offshore pipelines, is 1.1. A factor of 1.5 must be used for Class 3 locations, which would include, for example, pipelines on an offshore platform occupied by 20 or more people during normal use. Thus, under the existing rule an offshore pipeline in a Class 1 location must be tested to at least 110 percent of MAOP, while an offshore pipeline in a Class 3 location must be tested to at least 150 percent of MAOP. As an added safeguard, it is proposed to increase the factor for offshore pipelines in Class 1 locations from 1.1 to 1.25, and to establish a factor of 1.50 in the case of pipelines on offshore platforms. This change would result in at least a 25 percent difference between test pressure and MAOP for offshore pipelines in general, but a 50 percent difference for pipelines on offshore platforms.

Section 192.707. Notice 74-6 requested comments on the appropriateness of requiring operators to install line markers over offshore pipelines. Most commenters indicated that it is impractical to mark offshore pipelines and that the U.S. Army Corps of Engineers maintains and furnishes mariners maps showing the location of pipelines in navigable waters. In addition to supporting this view, MTB believes that the purpose for requiring that pipelines be marked—to alleviate the problem of damage by outsiders conducting excavation-related activities—is not applicable offshore, except perhaps near shorelines where the existing rule now requires the placement of a marker. For these reasons, MTB proposes that § 192.707 be amended to exempt pipelines lying offshore from the marking requirement.

At the same time, to protect pipe risers on offshore platforms from damage by vessels, MTB proposes to add § 192.707(g) to require that risers be marked in the same manner as onshore pipelines at navigable waterway crossings.

Sections 192.713 and 192.717. MTB proposes to amend these sections to permit the permanent field repair of submerged offshore pipelines by using mechanically applied full-encirclement split sleeves in lieu of welding procedures as now required. Underwater welding requires highly specialized equipment and trained welders that are not readily available when repairs are needed. Also, comments to Notice 74-6 indicate that mechanically applied sleeves provide satisfactory safety in offshore operations. Considering the difficulties and hazards to personnel associated with underwater welding and the comparable safety provided by mechanical sleeves, MTB believes that it is appropriate to permit the use of mechanically applied sleeves for permanent repairs on submerged pipelines.

Section 192.727. MTB proposes to amend § 192.727 to require that abandoned or inactivated offshore pipelines be filled with either water or inert ma-

terial. After offshore pipelines are purged of gas, in comparison with onshore lines, there is a greater probability that a residue of liquid hydrocarbons will remain in the line. The filling would eliminate air and any potential for explosion.

In consideration of the foregoing, MTB proposes to amend Part 192 of Title 49 of the Code of Federal Regulations as set forth below:

1. In § 192.1, a new paragraph (b)(3) would be added to read as follows:

§ 192.1 Scope of part.

- (b) * * *
- (3) Offshore

2. Section 192.3 would be amended by adding a definition of the term "offshore" to read as follows:

§ 192.3 Definitions.

As used in this part—

"Offshore" means the area covered by the "outer continental shelf" and the "lands beneath navigable waters" as those terms are defined in the Outer Continental Shelf Lands Act (43 USC 1331) and the Submerged Lands Act (43 USC 1301), respectively.

3. In Section 192.5(a), the first sentence would be revised to read as follows:

§ 192.5 Class locations.

(a) The Class location for an offshore or onshore pipeline is determined by applying the criteria set forth in this section. * * *

4. Section 192.111(d) would be revised to read as follows:

§ 192.111 Design factor (f) for steel pipe.

(d) For Class 1 and Class 2 locations, a design factor of 0.50, or less, must be used in the design formula in § 192.105 for each—

- (1) Steel pipe in a compressor station, regulating station, or measuring station;
- (2) Steel pipe, including pipe riser, located on an offshore platform; and
- (3) Steel pipe located within 300 feet measured horizontally from an offshore platform.

5. Section 192.145(d) would be revised to read as follows:

§ 192.145 Valves.

(d) A valve having pressure containing parts made of ductile iron may not be used:

- (1) In the gas pipe components of compressor stations; and
- (2) On offshore platforms.

6. Section 192.161(f) would be revised to read as follows:

§ 192.161 Supports and anchors.

(f) Except for offshore pipelines, each underground pipeline that is being connected to new branches must have a firm foundation for both the header and the

branch to prevent lateral and vertical movement.

7. Section 192.163(a) would be revised to read as follows:

§ 192.163 Compressor stations: design and construction.

(a) *Location of onshore compressor building.* Each main compressor building of an onshore compressor station must be located on property under the control of the operator. It must be far enough away from adjacent property, not under control of the operator, to minimize the possibility of fire being communicated to the compressor building from structures on adjacent property. There must be enough open space around the main compressor building to allow the free movement of fire-fighting equipment.

8. In § 192.167, paragraph (a) (4) (ii) would be revised and paragraph (c) would be added to read as follows:

§ 192.167 Compressor stations: emergency shutdown.

(a) * * *

(4) * * *

(ii) Near the exit gates, if the station is fenced, or near emergency exits, if not fenced; and

(c) On an offshore platform, the emergency shutdown system must be actuated automatically by each of the following events:

(1) In the case of an unattended compressor station—

(i) When the gas pressure equals the maximum allowable operating pressure plus 10 percent; or

(ii) When a fire occurs on the platform; and

(2) In the case of a compressor station in a building—

(i) When a fire occurs in the building; or

(ii) When a gas leak occurs in a building which has a source of ignition.

For the purpose of paragraph (c) (2) (ii) of this section, an electrical facility which conforms to Class 1, Group D of the National Electrical Code is not a source of ignition.

9. Section 192.179(d) would be added to read as follows:

§ 192.179 Transmission line valves.

(d) Offshore segments of transmission lines must be equipped with valves which comply with paragraph (b) of this section to shut off the flow of gas to and from an offshore platform in an emergency.

10. In § 192.243, paragraphs (d) (1)–(3) would be revised to read as follows:

§ 192.243 Nondestructive testing.

(d) * * *

(1) In Class 1 locations, except offshore, at least 10 percent.

(2) In Class 2 locations, except offshore, at least 15 percent.

(3) In Class 3 and Class 4 locations and Class 1 and Class 2 locations offshore, 100 percent if practicable, but not less than 90 percent.

11. Section 192.245 would be revised to read as follows:

§ 192.245 Repair or removal of defects.

(a) Each weld that is unacceptable under § 192.241(c) must be removed or repaired. Except for welds on a pipeline being installed from a lay barge, a weld must be removed if it has a crack that is more than 2 inches long or that penetrates either the root or second bead.

(b) Each weld that is repaired must have the defect removed down to clean metal and the segment to be repaired must be preheated. After repair, the segment of the weld that was repaired must be inspected to insure its acceptability. If the repair is not acceptable, the weld must be removed, except that additional repairs made in accordance with written welding procedures qualified under § 192.235 are permitted for welds on a pipeline being installed from a lay barge.

12. In § 192.317, paragraphs (a) and (b) would be revised and paragraph (c) would be added to read as follows:

§ 192.317 Protection from hazards.

(a) Each transmission line or main must be protected from washouts, floods, unstable soil, landslides, or other hazards that may cause the pipeline to move or to sustain abnormal loads. In addition, offshore pipelines must be protected from damage by mud slides, water currents, hurricanes, ship anchors, and fishing operations.

(b) Each onshore transmission line or main that is constructed above ground must be protected from accidental damage by vehicular traffic or other similar causes, either by being placed at a safe distance from the traffic or by installing barricades.

(c) Pipelines, including pipe risers, on each offshore platform must be protected from accidental damage by vessels.

13. In § 192.319, paragraph (b) would be revised and paragraph (c) would be added to read as follows:

§ 192.319 Installation of pipe in a ditch.

(b) When a ditch for a transmission line or main is backfilled, it must be backfilled in a manner that—

(1) Provides firm support under the pipe; and

(2) Prevents damage to the pipe and pipe coating from equipment or from the backfill material.

(c) Each offshore pipeline installed under water where the mean low tide or watermark is at least 12 feet but not more than 200 feet above the natural bottom must be installed so that the top of the pipeline is below the natural bottom unless—

(1) Due to unstable soil conditions, the pipeline would be subject to greater external forces below the bottom than if it is installed on the bottom; or

(2) The pipeline is protected in a manner equivalent to installation below the bottom.

14. In Section 192.327, the introductory clause of paragraph (a) would be revised and paragraph (e) would be added as follows:

§ 192.327 Cover.

(a) Except as provided in paragraph (c) of this section, each buried onshore transmission line must be installed with a minimum cover as follows:

(e) Each offshore pipeline installed under water where the mean low tide or watermark is less than 12 feet above the natural bottom must be installed with at least 36 inches of cover, except that pipe installed under water of any depth in a river, stream, or harbor must have at least 48 inches of cover.

15. Section 192.465(a) would be revised to read as follows:

§ 192.465 External corrosion control: monitoring.

(a) Each pipeline that is under cathodic protection must be tested in accordance with the following schedule to determine whether the cathodic protection meets the requirements of § 192.463:

Location of pipeline:	Testing frequency
Onshore	Once each calendar year, with intervals not exceeding 15 months.
Offshore	At intervals not exceeding 7 months.

However, if tests at those intervals are impractical for separately protected onshore service lines or short sections of protected onshore mains, not in excess of 100 feet, these service lines and mains may be surveyed on a sampling basis. At least 10 percent of these protected structures, distributed over the entire system, must be surveyed each calendar year, with a different 10 percent checked each subsequent year, so that the entire system is tested in each 10-year period.

16. Section 192.469 would be revised to read as follows:

§ 192.469 External corrosion control: test stations.

Each pipeline under cathodic protection required by this subpart must have sufficient test stations or other contact points for electrical measurement to determine the adequacy of cathodic protection.

17. Section 192.481 would be revised to read as follows:

§ 192.481 Atmospheric corrosion control: monitoring.

After meeting the requirements of §§ 192.479 (a) and (b), each operator shall, at intervals not exceeding 3 years for onshore pipelines and 1 year for offshore pipelines, reevaluate each pipeline that is exposed to the atmosphere and take remedial action whenever necessary to maintain protection against atmospheric corrosion.

18. Section 192.619(a) (2) (ii) would be amended by revising the table as follows:

§ 192.619 Maximum allowable operating pressure; steel or plastic pipelines.

- (a) * * *
- (2) * * *
- (ii) * * *

Class location	Factors	
	Segment installed before Nov. 12, 1970	Segment installed after Nov. 11, 1970
1	¹ 1.1	² 1.1
2	¹ 1.25	² 1.25
3	¹ 1.4	1.5
4	¹ 1.4	1.5

¹ The factor for an offshore pipe not located on an offshore platform is 1.25.

² The factor for an offshore pipe, including a pipe riser, located on an offshore platform is 1.5.

19. Section 192.707, paragraphs (a) and (b) would be amended by inserting the word "onshore" immediately after each word "buried," paragraph (c) would be amended by deleting "a" and inserting the words "an onshore," and a new paragraph (g) would be added to read as follows:

§ 192.707 Line markers for mains and transmission lines.

(g) *Offshore platforms.* Each pipe riser on an offshore platform that is exposed to damage by marine traffic must be marked with a sign which meets the requirements of paragraph (e) of this section.

20. Section 192.713 would be amended by revising paragraphs (a) and (b) and by deleting paragraph (c).

§ 192.713 Transmission lines: permanent field repair of imperfections and damages.

(a) Except as provided in paragraph (b) of this section, each imperfection or damage that impairs the serviceability of a segment of steel transmission line operating at or above 40 percent of SMYS must be repaired as follows:

(1) If it is feasible to take the segment out of service, the imperfection or damage must be removed by cutting out a cylindrical piece of pipe and replacing it with pipe of similar or greater design strength.

(2) If it is not feasible to take the segment out of service, a full encirclement welded split sleeve of appropriate design must be applied over the imperfection or damage.

(3) If the segment is not taken out of service, the operating pressure must be reduced to a safe level during the repair operations.

(b) An offshore pipeline may be repaired by mechanically applying a full encirclement split sleeve of appropriate design over the imperfection or damage.

21. Section 192.717 would be revised to read as follows:

§ 192.717 Transmission lines: permanent field repair of leaks.

(a) Except as provided in paragraph (b) of this section, each permanent field repair of a leak on a transmission line must be made as follows:

(1) If feasible, the segment of transmission line must be taken out of service and repaired by cutting out a cylindrical piece of pipe and replacing it with pipe of similar or greater design strength.

(2) If it is not feasible to take the segment of transmission line out of service, repairs must be made by installing a full encirclement welded split sleeve of appropriate design, unless the transmission line—

(i) Is joined by mechanical couplings; and

(ii) Operates at less than 40 percent of SMYS.

(3) If the leak is due to a corrosion pit, the repair may be made by installing a properly designed bolt-on-leak clamp; or, if the leak is due to a corrosion pit and on pipe of not more than 40,000 psi SMYS, the repair may be made by fillet welding over the pitted area a steel plate patch with rounded corners, of the same or greater thickness than the pipe, and not more than one-half of the diameter of the pipe in size.

(b) An offshore pipeline may be repaired by mechanically applying a full encirclement split sleeve of appropriate design over the leak.

22. In Section 192.727, paragraphs (b) and (c) would be revised to read as follows:

§ 192.727 Abandonment or inactivation of facilities.

(b) Each pipeline abandoned in place must be disconnected from all sources and supplies of gas; purged of gas; in the case of offshore pipelines, filled with water or inert material; and sealed at the ends. However, the pipeline need not be purged when the volume of gas is so small that there is no potential hazard.

(c) Except for onshore service lines, each inactive pipeline that is not being maintained under this part must be disconnected from all sources and supplies of gas; purged of gas; in the case of offshore pipelines, filled with water or inert materials; and sealed at the ends. However, the pipeline need not be purged when the volume of gas is so small that there is no potential hazard.

Proposed effective date. MTB recognizes that the gas pipeline industry will need a reasonable period of time in which to comply with some of the proposed amendments for offshore gas pipelines. MTB anticipates that proposed amendments which are adopted will be issued in early 1976. The NGPSA requires that new or amended standards become effective 30 days after issuance, unless the Secretary determines that an earlier or later date is necessary. If there are any proposed amendments in this

notice with which the industry could not reasonably comply given a lead time of 30 days, persons should identify the proposed amendment, state why a longer lead time is needed, and state a reasonable time needed for compliance.

Interested persons are invited to participate in this rule making action by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket and notice numbers and be submitted in duplicate to the Acting Director, Office of Pipeline Safety Operations, Department of Transportation, Washington, D.C. 20590.

All communications received by October 31, 1975, will be considered by the Director, MTB, before taking final action on the notice. Late filed comments will be considered so far as practicable. All comments will be available for examination by interested persons at the Office of Pipeline Safety Operations, Room 6226, 2100 Second Street, S.W., Washington, D.C., before and after the closing date for comments. The proposal contained in this notice may be changed in the light of comments received.

In commenting on the proposed definition of the term "offshore," interested persons should carefully consider the various situations in which pipelines would by definition be "offshore" pipelines. MTB requests comments on whether any of the amendments proposed herein should be changed because pipeline facilities in rivers, streams and other nontidal waters are not designed, constructed, operated, and maintained in substantially the same way as pipelines in tidal waters.

This notice is issued under the authority of section 3 of the Natural Gas Pipeline Safety Act of 1968 (49 USC 1672), Section 105 of the Hazardous Materials Transportation Act (49 USC 1804), § 1.64 of the regulations of the Office of the Secretary of Transportation (49 CFR 1.64), and the redelegation of authority to the Director, Office of Pipeline Safety Operations, set forth in Appendix A to Part 102 of the regulations of the Office of the Director, Materials Transportation Bureau (49 CFR Part 102).

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

CESAR DELMON,
Acting Director, Office of
Pipeline Safety Operations.

[FR Doc.75-26160 Filed 9-30-75;8:45 am]

[14 CFR Part 103]

[Docket No. 128; Notice No. 75-9]

CARRIAGE OF HAZARDOUS MATERIALS
ABOARD AIRCRAFT

Notice of Proposed Rule Making

The Materials Transportation Bureau (MTB) is considering a series of amendments to Part 103 which would codify into that body of permanent regulations authority which in the past has been

granted through the granting of administrative relief from various regulatory restrictions. They were granted by the Federal Aviation Administration on a case-by-case basis, to transport, subject to specific terms and conditions, certain materials on cargo-only aircraft when there was no other practicable means of transportation.

Each proposed amendment is based on the experience and favorable record of safety associated with the carriage of the material concerned over the last several years under exemptions or authorizations to deviate from the existing requirements of Part 103.

ACCESSIBILITY ON SINGLE PILOT, SMALL CARGO-ONLY AIRCRAFT

Section 103.31(b) of Title 14 CFR requires hazardous materials acceptable only for cargo aircraft to be carried in a location accessible to a crewmember in flight. Compliance with this regulation requires the presence of at least two crewmembers aboard the aircraft, even though only one person may be required to fly it. Materials that are not accessible to a crewmember in flight are subject to the quantity limitations prescribed for inaccessible materials in § 103.19 (a) and (c). As a consequence, the utilization of a small, cargo aircraft capable of operation by a single pilot is severely handicapped by the regulation due to its payload limitations and the expense of adding an additional crewmember.

The restriction imposed by § 103.31(b) bars the use of a small, single pilot aircraft to transport materials such as gasoline and other flammable liquids to remote communities, isolated sites of exploration teams, and other facilities located in areas not served by ground transportation or where roads can only be used during certain months, unless some administrative relief from that restriction is granted.

For a number of years the FAA, acting under the provisions of 14 CFR 103.5, has issued authorizations for small, single pilot cargo-only aircraft to deviate from the accessibility requirements of § 103.31 (b) to make deliveries of essential hazardous materials within the State of Alaska and other remote areas when other means of transportation were not practicable or in emergencies.

In view of the excellent safety record of operations involving the carriage of hazardous materials in small aircraft pursuant to the conditions and limitations prescribed in those authorizations, the MTB proposes to amend § 103.31 (b) by relieving small, single pilot, cargo-only aircraft from the accessibility requirements of that paragraph while being used to transport hazardous materials to places which cannot be supplied by other means of transportation. The MTB believes these small aircraft operations can be conducted under the proposed amendment at a level of safety equivalent to that otherwise achieved through compliance with Part 103, Section 103.19 (a) and (c) which also deals with accessibility would

also be amended to reflect the amendment to § 103.31 (b).

DOT SPECIFICATION 17E CONTAINERS FOR FUEL

Section 103.33(c) (1) of Title 14 CFR allows certain limited supplies of fuel to be carried by small passenger-carrying aircraft and helicopters in Alaska and other remote areas, in metal containers that are either DOT Specification 2A containers of not more than 5 gallons capacity, each packed in DOT Specification 12B fiberboard boxes, in one of three DOT specification wooden boxes, or in a non-specification wooden box at least 1/2-inch thick. Section 103.33(c) (2) allows the use of any 10-gallon container of at least 28-gauge metal, if packed in one of the three DOT specification wooden boxes, or the 1/2-inch wooden box.

The Specification 2A container is required to be constructed of 28-gauge metal (0.0129 inch minimum thickness). A DOT Specification 17E container of 5-gallon capacity is required to be constructed of 24-gauge metal (0.0209 inch minimum thickness). Thus, a 5-gallon 17E is more than 60% thicker than the Specification 2A. A 24-gauge container is more resistant to puncture than a 28-gauge container by an order of 800 inch-pounds to 600 inch-pounds. It is MTB's conclusion that a 24-gauge 17E drum, alone, is at least equivalent in integrity to a 28-gauge Specification 2A container packed in a Specification 12B fiberboard box. Accordingly, MTB proposes to amend § 103.33(c) by adding DOT Specification 17E containers of not more than 5 gallons capacity as a packaging authorized for use under that section.

ACCUMULATED EXPERIENCE UNDER EXEMPTIONS AND AUTHORIZATIONS TO DEVIATE

Section 103.9 provides that no person may carry any dangerous material in a cargo-only aircraft except those that: (1) are specified in 49 CFR 172.5 as acceptable for shipment by rail express; (2) do not exceed the maximum quantity for each outside container specified in 49 CFR 172.5 for rail express; and (3) are packaged, marked, and labeled as specified in 49 CFR Part 173 for shipment by rail express.

Over the past several years the need to deliver a number of particular commodities classified as hazardous materials to remote places in Alaska and elsewhere has given rise to the development of sets of special limitations and conditions for allowing those commodities to be transported by the only available means of transportation (i.e., cargo-only aircraft) in quantities in excess of the standard limitations prescribed for rail express in § 172.5. As a result, considerable experience has been gained and the techniques for safe transportation of these larger quantities of essential commodities have been perfected.

Therefore, the MTB proposes to add a § 103.37 to Part 103 expressly authorizing cargo-only aircraft operating under

special limitations and conditions designed to assure a high level of safety, to deliver to places not served by other practical means of transportation certain hazardous materials which the MTB believes have been demonstrated through the FAA's exemption and deviation authorization experience to be fully capable of being safely transported.

EXPLOSIVES FOR USE IN BLASTING OPERATIONS

To meet the need for explosives to perform essential blasting operations and to conduct geological testing activities at remote locations, it has been necessary for exemptions and authorizations to deviate from the rail express prohibitions relating to Explosives A. In each case, the carriage of the explosives has been subject to specific requirements to assure a high level of safety. Air cargo-only transportation of commercial explosives has been performed under these controlled conditions for avalanche control, firefighting in wilderness areas, tunnel and other major earth-moving construction in areas inaccessible by surface transportation, and oil and other mineral exploration and extraction activities in remote areas.

Therefore, the MTB proposes to incorporate into the permanent body of regulations governing the transportation of hazardous materials the authority to transport explosives for blasting operations as the exclusive cargo on cargo-only aircraft to remote places. Blasting caps would be authorized for carriage on separate flights under the same conditions or with other non-hazardous cargo when placed in special packaging designed and constructed to contain the explosive force of the blasting caps should they be initiated.

FLAMMABLE LIQUIDS IN 55-GALLON CONTAINERS

Gasoline and certain other flammable liquids, as defined in 49 CFR 173.115(a), are limited for rail express and thus also for cargo-only aircraft to a maximum quantity of 10 gallons for each outside container by 49 CFR 172.5.

A Special Federal Aviation Regulation (SFAR), No. 28, was issued on March 28, 1974 (39 FR 12337, published April 5, 1974), to permit the carriage of flammable liquids, other than pyroforic liquids, in cargo-only aircraft within the State of Alaska in quantities that exceed the maximum quantity limitations of 49 CFR 172.5 but are not in excess of 55 gallons per outside container. As set forth in the preamble to SFAR No. 28, the principal reason for its adoption was to meet the demand for flammable liquids in areas of Alaska where other means of transporting larger quantities are unavailable or impracticable.

This demand was met for a number of years prior to issuance of that SFAR and since its expiration in March of this year through the issuance of deviation authorizations under § 103.5.

In addition to Alaska, a number of requests for deviation authorizations to

carry flammable liquids in quantities in excess of the limitations of 49 CFR 172.5 via cargo-only aircraft to remote places elsewhere in the United States (primarily in the Pacific Northwest) have been granted during recent years. A review of operations under SPAR No. 28 and the related deviation authorizations indicates that no accidents or incidents have been recorded as a result of these operations.

Therefore, the MTB proposes to incorporate into the permanent body of regulations governing the transportation of hazardous materials the authority to transport gasoline and certain other flammable liquids used primarily for heating purposes by cargo-only aircraft in 55-gallon or smaller drums to remote places.

FLAMMABLE LIQUIDS IN INSTALLED BULK TANKS

The carriage of flammable liquids such as gasoline in bulk tanks, the installation of which has been approved under a supplemental type certificate has been permitted, pursuant to the exemption authority in Part 11 of the Federal Aviation Regulations (14 CFR Part 11) under certain limited circumstances. This means of transporting large quantities of flammable liquids has been employed for several years to supply the needs of isolated villages, exploration teams, Alaskan pipeline related operations, and other facilities not served by ground transportation or only seasonally served.

In view of these facts, the MTB proposes to authorize the carriage of certain flammable liquids to remote places where there are no other means of transportation in supplemental type certificate approved bulk tank installations subject to certain conditions developed and perfected through the exemption process experience. These conditions and limitations would, for the most part, govern the loading and unloading and carriage of liquids in the approved bulk tanks.

Interested persons are invited to submit views and comments on the proposal. A public hearing will be held for that purpose at 9:30 a.m. on October 23, 1975, in the third floor auditorium of Federal Office Building 10A (commonly referred to as the FAA Building) located at 800 Independence Avenue SW., Washington, D.C. Interested persons not desiring to present oral presentations are invited to submit their comments in writing. Comments should refer to the docket number and be submitted to: Docket Section, Materials Transportation Bureau, U.S. Department of Transportation, Trans Point Building, Washington, D.C. 20590. All comments received before the close of business on November 6, 1975, will be considered, and will be available in the docket for examination both before and after the closing date. Comments received after the closing date and too late for consideration will be treated as suggestions for future rule making.

To the extent the proposals made herein may be adopted, the MTB contemplates combining them with those

it adopts in new Part 175 of 49 CFR proposed under Docket HM-112 (39 FR 3022, January 24, 1974).

In consideration of the foregoing it is proposed to amend 14 CFR Part 103 as follows:

1. Revise § 103.19 (a) and (c) to read as follows:

§ 103.19 Quantity limitations.

(a) Except as provided in § 103.31(b) in the case of small, single pilot, cargo-only aircraft being used when other means of transportation are not available or impracticable, no person may carry more than 150 pounds net weight of nonflammable compressed gas in any inaccessible cargo pit or bin on any aircraft.

(c) Except as provided in § 103.31(b) in the case of small, single pilot, cargo-only aircraft being used when other means of transportation are not available or impracticable, no person may carry more than 50 pounds of any article that is subject to this part (other than an article specified in paragraph (a) or (b) of this section and magnetized materials) in any inaccessible cargo pit or bin of any aircraft.

2. Revise § 103.31(b) to read as follows:

§ 103.31 Cargo location.

(b) Except in the case of a small, single pilot aircraft being used where other means of transportation are not available or impracticable, each person carrying materials acceptable only for cargo aircraft shall carry those articles in a location accessible to a crewmember in flight. When materials acceptable for cargo-only aircraft are carried on a small, single pilot, cargo-only aircraft being used where other means of trans-

portation are not available or impracticable, they may be carried in a location that is not accessible to the pilot, subject to the following conditions:

(1) No person other than the pilot, an FAA inspector, the shipper or consignee of the material or a representative of the shipper or consignee so designated in writing, or a person necessary for handling the material may be carried on the aircraft.

(2) The pilot must be provided with written instructions on characteristics and proper handling of the material.

(3) Whenever a change of pilots occurs while the material is on board, the new pilot must be briefed under a hand-to-hand signature service provided by the operator of the aircraft.

3. Amend § 103.33(c) by adding a new paragraph (3) at the end thereof to read as follows:

§ 103.33 Transportation of gasoline, kerosene, or aviation gas in small, passenger-carrying aircraft.

(3) DOT Specification 17E containers of not more than 5 gallons capacity.

4. Add a new section 103.37 to read as follows:

§ 103.37 Cargo-only aircraft; only means of transportation.

(a) Notwithstanding § 103.9(a) (1) and (2), when means of transportation other than air are not available or are impracticable, hazardous materials listed in the following table may be carried on a cargo-only aircraft subject to the conditions stated in the table and in paragraph (b) and, when appropriate, paragraph (c) of this section:

Material description	Class	Conditions
Electric blasting caps (more than 1,000).	Class A explosives.....	Permitted only when no other cargo is aboard the aircraft.
Electric blasting caps (less than 1,000).	Class C explosives.....	Permitted only when no other cargo is aboard the aircraft. However, if the electric blasting caps are packed in a DOT MC 301 container (49 CFR 178.318) or an IME 22 container (see 49 CFR 171(d)(9)) they may be transported in the same aircraft with materials that are not classed as hazardous materials.
Gasoline.....	Flammable liquid.....	Permitted in metal drums having rated capacities of 55 gal. or less. May not be transported in the same aircraft with materials classed as class A, B, or C explosives, corrosive materials, or oxidizing materials. Permitted in installed metal tanks each having a capacity of more than 110 gal. subject to the conditions specified in par. (c) of this section.
High explosives.....	Class A explosives.....	Limited to explosives used for blasting and permitted only when no other cargo is aboard the aircraft.
Oil, not otherwise specified; petroleum oil; or petroleum oil, not otherwise specified.	Flammable liquid.....	Permitted in metal drums having rated capacities of 55 gal. or less. May not be transported in the same aircraft with materials classed as class A, B, or C explosives, corrosive materials, or oxidizing materials. Permitted in installed metal tanks each having a capacity of more than 110 gal. subject to the conditions specified in par. (c) of this section.
Combustible liquid, not otherwise specified.	Combustible liquid....	Limited to combustible liquids used for fuel. Permitted in installed metal tanks each having a capacity of more than 110 gal. subject to the conditions specified in par. (c) of this section.

(b) The following conditions apply to all carriage of hazardous materials performed under the authority of this section:

(1) No person other than a required flight crewmember, an FAA inspector, the shipper or consignee of the material or a representative of the shipper or consignee so designated in writing, or a

person necessary for handling the material may be carried on the aircraft.

(2) The operator of the aircraft must have advance permission from the owner or operator of each manned airport where the material is to be loaded or unloaded or where the aircraft is to land while the material is on board.

(3) At any airport where the airport owner or operator or authorized representative thereof has designated a location for loading or unloading the material concerned, the material may not be loaded or unloaded at any other location.

(4) If the material concerned can create destructive forces or have lethal or injurious effects over an appreciable area as a result of an accident involving the aircraft or the material, the loading and unloading of the aircraft and its operation in takeoff, enroute, and in landing must be conducted at a safe distance from heavily populated areas and from any place of human abode or assembly.

(5) If the aircraft is being operated by a holder of a certificate issued under Part 121 or Part 135 of this title, operations must be conducted in accordance with conditions and limitations specified in the certificate holder's operations specifications or operations manual accepted by the FAA. If the aircraft is being operated under Part 91 of this title, operations must be conducted in accordance with an operations plan accepted and acknowledged in writing by the operator's FAA District Office.

(6) Each crew of the aircraft must be provided written instructions on the conditions and limitations of the operation being conducted.

(7) The aircraft and the loading arrangement to be used must be approved for safe carriage of the particular materials concerned by the FAA District Office holding the operator's certificate and charged with overall inspection of its operations or the appropriate FAA District Office serving the place where the material is to be loaded.

(8) When explosives are carried under the authority of this section, the operator of the aircraft shall obtain route approval from the FAA inspector in the operator's FAA District Office.

(c) The following additional conditions apply to the carriage of flammable liquids and combustible liquids in metal tanks each having a capacity of more than 110 gallons under the authority of this section:

(1) The tanks and their associated piping and equipment and the installations thereof must have been approved under a supplemental type certificate.

(2) In the case of an aircraft being operated by a certificate holder, the operator shall list the aircraft and the supplemental type certificate approval information in its operating specifications. If the aircraft is being operated by other than a certificate holder, a copy of the supplemental type certificate must be carried on board the aircraft.

(3) The crew of the aircraft must be thoroughly briefed on the operation of the particular bulk tank system being used.

(4) During loading and unloading:

(i) Only those electrically operated bulk tank shutoff valves that have been approved under a supplemental type certificate may be electrically operated.

(ii) No person may smoke, carry a

lighted cigarette, cigar, or pipe, or operate any device capable of causing an open flame or spark within 50 feet of the aircraft.

(iii) No engine or electrical equipment, avionic equipment, or auxiliary power units may be operated, except position lights in the steady position and equipment required by loading or unloading procedures, as set forth in the operator's approved operations manual, or for operators that are not certificate holders, as set forth in a written statement.

(iv) No person may fill a container, other than an approved bulk tank, with a flammable or combustible liquid or discharge a flammable or combustible liquid from a container, other than an approved bulk tank, while that container is inside or within 50 feet of the aircraft.

(v) When filling an approved bulk tank by hose from inside the aircraft, the doors and hatches must be fully open to insure proper ventilation. If fumes remain after loading, air must be blown through all compartments until the fumes are dissipated.

(vi) Static ground wires must be connected between the storage tank or fueler and the aircraft, and between the aircraft and a positive ground device.

These amendments are proposed under the authority of § 902(h) (1) of the Federal Aviation Act of 1958 (49 U.S.C. 1472 (h) (1)); (49 CFR 1.53(h) and Part 102, App. A, paragraph (a) (3)).

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

ALAN L. ROBERTS,
Director, Office of Hazardous
Materials Operations.

[FR Doc. 75-26246 Filed 9-30-75; 8:45 am]

National Highway Traffic Safety
Administration

[49 CFR Part 571]

[Docket No. 75-27; Notice 01]

BRAKING STANDARDS AND
CONSUMER INFORMATION ITEM

Proposed Amendments

This notice proposes an amendment of Standard No. 105-75, *Hydraulic Brake Systems*, 49 CFR 571.105-75, that would revise the test procedure in the parking brake (S7.7) test and would modify the means for establishing the skid number of the surface on which stopping distance tests are conducted. Corresponding modification of skid number measurements are proposed for Standard No. 121, *Air Brake Systems*, 49 CFR 571.121, and Standard No. 122, *Motorcycle Brake Systems*, 49 CFR 571.122. In addition, this proposal would amend Subpart B of Part 575, *Consumer Information*, 49 CFR § 575.101, to replace the present test procedures in that section for passenger car testing with equivalent procedures from Standard No. 105-75.

Toyo Kogyo, U.S.A., has petitioned the NHTSA for rulemaking to modify the present parking brake test procedures found in S7.7 of Standard No. 105-75.

The procedure specifies application of the parking brake while the vehicle is held on the test incline by means of the service brake. If, upon release of the service brake, the vehicle does not remain stationary, the procedure permits reapplication of the service brake only, which has the effect of taking up parking brake system slack due to rotation of the brake shoes and drum prior to bottoming against the anchor pin. Reapplication of the parking brake is not permitted.

Toyo Kogyo requests a modification of the test procedure to permit reapplication of the parking brake. In the first application of the parking brake system on a new vehicle to the 125-pound (or 90-pound in the case of hand brakes) level of application force, many system components take a permanent set (brakes, guides, levers, etc.), or stretch may occur in the cables. As a result, the applied force is reduced, and the vehicle may not remain stationary on the grade. If the permissible force is reapplied once or twice to the brake control, the system will provide greater holding capability. Toyo Kogyo argues that this is representative of a normal driver action (in cases where the application appears to be insufficient to hold the vehicle).

The parking brake requirement was developed to provide a minimum level of static holding ability for the vehicle under foreseeable operating conditions. The 30-percent grade-holding requirement is specified to ensure adequate brake power for the occasions when the vehicle is parked on a steep grade. NHTSA testing confirms that reapplication of the parking brake after release of the service brake may in some cases be necessary. The NHTSA concludes that this reapplication of the parking brake after release of the service brake is a reasonable test procedure, and accordingly it is proposed by this notice.

British-Leyland Motors Ltd. has petitioned for rulemaking to modify the method by which the skid number of the stopping distance test surface is measured in Standard 105-75. At present, S6 of the standard specifies a surface with a skid number of 75, and "skid number" is defined in S4 as "the frictional resistance of a pavement measured in accordance with American Society for Testing and Materials Method E-274-65T at 40 mph, omitting water delivery as specified in paragraph 7.1 of that method." That ASTM method specifies the use of an ASTM E249 tire (for use in measuring the coefficient of friction) that is no longer manufactured. The NHTSA agrees with British Leyland that the standard should be modified to specify a measurement method that employs the new ASTM E501 tire to replace the tire that is no longer manufactured. In a May 8, 1975, letter the NHTSA granted the British Leyland petition to commence a rulemaking proceeding.

Substitution of the new tire for the old one has been undertaken with due regard for possible differences in the skid resistance of each. If such differences were ig-

nored, a manufacturer could be forced to build a new test surface simply to get the same skid resistance reading (SN) required for testing that the old tire registered on the existing test surface (SN 75 in the case of Standard No. 105-75). More important, the new surface necessary to get the SN 75 reading with the new tire might be sufficiently more "slippery" than present test surfaces to force reengineering of some vehicles to comply with the required stopping distances.

The NHTSA has, therefore, undertaken testing at its Safety Research Laboratory to determine the correlation (and consistency of correlation) in readings between the two tires on dry asphalt and concrete surfaces. The test data have been placed in this docket. Additionally, the Federal Highway Administration has conducted testing (also in the docket) on wet surfaces which shows a close correlation of skid number readings between the new and old tires on wet asphalt and concrete.

In the case of dry asphalt and concrete, surfaces which register as SN 75 with the old tire register approximately 6 numbers higher with the new tire. In the case of wet surfaces, the reading is consistently only 1-2 skid numbers higher for the new tire.

Based on this testing, the NHTSA has tentatively concluded that the new skid number specified for dry surfaces should be an SN 81 surface in place of the SN 75 surface.

In the case of wet surfaces, the new tire reads so closely to the old tire that it is concluded that no change of skid number is necessary. The slightly higher reading of the new tire should not necessitate any changes in the test surfaces presently used.

For these reasons, the NHTSA proposes, in specifying the braking test surfaces for Standard Nos. 105-75, 121, and 122, substitution of ASTM Method E-274-70 in place of the ASTM Method E-274-65T, and SN 81 in place of the SN 75 presently specified as the measure of coefficient of friction on the dry surface. A similar change would occur in the Consumer Information Item on braking performance, as a result of a separate revision proposed in this notice.

Manufacturers of passenger cars and motorcycles must, under 49 CFR Part 575, publish the stopping ability of their vehicles under various conditions of load, partial system failure, and inoperative brake power assist and power units. General Motors Corporation has petitioned for the elimination of this requirement in view of the upcoming effectiveness of Standard No. 105-75, or in the alternative, for revision of the regulations so that the same test procedures used in Standards No. 105-75 will be used in Part 575. The agency has granted General Motors' petition to make the test procedures of the regulation identical to those of the standard so that a single series of tests will permit development of data for both requirements. However, the petition to eliminate the consumer information item on braking perform-

ance altogether has been denied. The petition contained no evidence that publication of braking information on all passenger cars in a format which permits easy comparison of relative performance is not useful consumer information.

It is noted that with regard to all the changes proposed in this notice, the NHTSA does not intend to invalidate data collected using the present procedures in the event the new procedures are put into effect. Manufacturers can presumably certify on the basis of stopping distance tests conducted on a surface measured by the old tire.

In the case of consumer information, it appears that the requirements for providing literature to the Administrator in advance of sales and to the purchaser at the location of sale make necessary a transition period from the present consumer stopping information item to the new one based on 105-75 procedures. For this reason, it is proposed that the old and new test procedures be available as options to the manufacturer for a period that includes the model changeover until January 1, 1977.

The NHTSA also wishes to indicate that it has decided to grant the Japan Automobile Manufacturers Association (JAMA) petition to commence rulemaking to revise the test procedure (S7.16.2) for the water recovery requirements. The JAMA petition is filed in the NHTSA public docket as item 70-27-N11-007. It will take some time to evaluate the desirability of other changes to the procedure in addition to the modification of brake application interval, and therefore a proposal will be issued in the future.

All interested persons should understand that grant of the JAMA petition to commence a rulemaking proceeding does not signify that the rule in question will be issued. A decision on the issuance of the rule is made on the basis of all available information developed in the course of the rulemaking proceeding, in accordance with statutory criteria.

In consideration of the foregoing, it is proposed that the following amendments be made in Chapter V of Title 49, Code of Federal Regulations.

§ 571.105-75 [Amended]

I. Standard No. 105-75 (49 CFR 571.105-75) would be amended as follows:

1. The definition of "Skid number" in S4 would be amended by replacing the reference to ASTM Method E-274-65T with a reference to ASTM Method E-274-70, and by replacing the reference to paragraph 7.1 with a reference to 7.1 and 7.2.

2. In S6.9, the skid number of 75 would be replaced by a skid number of 81.

3. Paragraphs S7.7 and S7.7.1 would be revised to read:

S7.7 Parking brake test. The parking brake tests for any vehicle on different grades, in different directions, and for different loads may be conducted in any order. The force required for actuation of a hand-operated brake system shall

be measured at the center of the hand grip area or at a distance of 1½ inches from the end of the actuation lever, as illustrated in Figure II.

S7.7.1 Test procedure for requirements of S5.2.1.

S7.7.1.1 Condition the parking brake friction elements so that the temperature at the beginning of the test is at any level not more than 150°F (when the temperature of components on both ends of an axle are averaged).

S7.7.1.2 Drive the vehicle, loaded to GVWR, onto the specified grade with the longitudinal axis of the vehicle in the direction of the slope of the grade. Stop the vehicle and hold it stationary by application of the service brake control, and place the transmission in neutral.

S7.7.1.3 With the vehicle held stationary by means of the service brake control, apply the parking brake by a single application of force of not more than 125 pounds in the case of a foot-operated system, and not more than 90 pounds in the case of a hand-operated system, except that a series of applications to achieve the specified force may be made in the case of a parking brake system design that does not allow the application of the specified force in a single application.

S7.7.1.4 Following the application of the parking brake in accordance with S7.7.1.3, release all force on the service brake control and commence the measurement of time if the vehicle remains stationary. If the vehicle does not remain stationary, reapplication of the service brake to hold the vehicle stationary, with reapplication of a force to the parking brake control of not more than 125 pounds in the case of a foot-operated system and not more than 90 pounds in the case of a hand-operated system (without release of the ratcheting or other holding mechanism of the parking brake), may be used twice to attain a stationary position.

S7.7.1.5 Following observation of the vehicle in a stationary condition for the specified time in one direction, repeat the same test procedure with the vehicle orientation in the opposite direction on the specified grade.

S7.7.1.6 Check the operation of the parking brake application indicator required by S5.3.1(d).

4. The title of S7.2 would be amended to read:

S7.2 Test procedures for requirements of S5.2.2.

§ 571.121 [Amended]

II. Standard No. 121 (49 CFR 571.121) would be amended as follows:

1. The definition of "Skid number" in S4 would be amended by replacing the reference to ASTM Method E-274-65T with a reference to ASTM Method E-274-70, and by replacing the reference to paragraph 7.1 with a reference to paragraphs 7.1 and 7.2.

2. References to skid number 75 would be replaced with references to skid num-

ber 81 in paragraphs S5.3.1.1, S5.3.1.2, S5.3.1.3, S5.3.2.1, S5.7.1. (effective September 1, 1976), S5.7.2.3, S5.7.2.3.2, and S6.1.7, and in tables I, II, and IIIa:

§ 571.122 [Amended]

III. Standard No. 122 (49 CFR 571.122) would be amended as follows:

1. The definition of "Skid number" in S4 would be amended by replacing the reference to ASTM Method E-274-65T with a reference to ASTM Method E-274-70, and by replacing the reference to paragraph 7.1 with a reference to paragraphs 7.1 and 7.2.

2. In S6.7, the skid number of 75 would be replaced by a skid number of 81.

IV. Section 575.101 of Subpart B of the Consumer Information Regulations (49 CFR Part 575) would be amended as follows:

1. Section 575.101 (c) would be amended by revising the indented portion and the last sentence of the introductory text and the text of paragraphs (3) and (4) as follows:

§ 575.101 Vehicle stopping distance.

(c) *Required information.* Each manufacturer shall furnish the information in (c) (1) through (5) of this section, in the form illustrated in Figure 1, except that with respect to (c) (2) and (3) of this section, a manufacturer whose total motor vehicle production does not exceed 500 annually is only required to furnish performance information for maximum loaded vehicle weight. Each motorcycle in the group to which the information applies shall be capable, under the conditions specified in paragraph (d) of this section, and utilizing the procedures specified in paragraph (e) of this section, of performing at least as well as the information indicates. Each passenger car in the group to which the information applies shall be capable of performing at least as well as the information indicates, under the test conditions and procedures specified in S6 and S7 of Standard No. 105-75 of this chapter (49 CFR 571.105-75) or, in the case of passenger cars manufactured before January 1, 1977, and at the option of the manufacturer, under the conditions specified in paragraph (d) of this section and the procedures specified in paragraph (e) of this section.

* * * The weight requirements indicated in (c) (2), (3), and (4) of this section are modified for motorcycles (and at the option of the manufacturer, in the case of passenger cars manufactured before January 1, 1977) by the fuel tank condition specified in (d) (4) below.

(3) *Minimum stopping distance with partially failed service brake system.* (Applicable only to passenger cars with more than one service brake subsystem.) The minimum stopping distance attainable using the service brake control, expressed in feet, from 60 mph, for the most adverse combination of maximum or lightly loaded vehicle weight and par-

tial failure as specified in S5.1.2 of Standard No. 105-75 of this chapter.

(4) *Minimum stopping distance with inoperative brake power assist unit or brake power unit.* (Applicable only to passenger cars equipped with brake power assist unit or brake power unit.) The minimum stopping distance, expressed in feet, from 60 mph, using the service brake system, at maximum loaded vehicle weight, in accordance with the requirements of S5.1.3 of Standard No. 105-75 of this chapter.

2. Paragraph (d) (7) of § 575.101 would be revised to read:

(7) The roadway lane has a grade of zero percent, and the road surface has a skid number of 81, as measured by ASTM Method E-274-70 at 40 mph, omitting the water delivery as specified in paragraphs 7.1 and 7.2 of that method.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date. November 17, 1975.

Proposed effective date. Date of publication in the FEDERAL REGISTER.

(Sec. 103, 112, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8).

Issued on September 24, 1975.

ROBERT L. CARTER,
Associate Administrator
Motor Vehicle Programs.

[FR Doc. 75-26266 Filed 9-30-75; 8:45 am]

ENVIRONMENTAL PROTECTION
AGENCY

[40 CFR Part 52]

[FRL 429-4]

APPROVAL AND PROMULGATION OF
IMPLEMENTATION PLANS

Proposed Revision to the Virgin Islands Air
Quality Control Implementation Plan

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act

and 40 CFR 51, the Administrator of the Environmental Protection Agency (EPA) approved, as part of the implementation plan submitted by the Virgin Islands, a control strategy designed to provide for the attainment and maintenance of national ambient air quality standards for all criteria pollutants by January, 1975. The Virgin Islands has since determined that the provisions of section 204-23, paragraph (c) (2) of the Virgin Islands Air Pollution Control Code were too stringent when applied to the St. John Municipal Incinerator.

The Governor of the Virgin Islands, on July 9, 1975, submitted a proposed revision to the Virgin Islands Air Quality Control Implementation Plan which exempts the St. John Municipal Incinerator from the requirements of section 204-23, paragraph (c) (2) of the Virgin Islands Air Pollution Control Code. The material submitted in support of the proposed plan revision includes the following:

(1) A notice of a public hearing which was held on April 23, 1975.

(2) A copy of the variance granted to the St. John Municipal Incinerator.

(3) A certification from the Assistant Director, Natural Resources Management that a public hearing was held on the variance request on April 23, 1975.

(4) A summary of sulfur dioxide and particulate matter concentrations predicted to occur under varying atmospheric stabilities as a result of the variance granted to the St. John Municipal Incinerator.

The St. John Municipal Incinerator is a single chamber incinerator used to burn solid waste and is owned and operated by the Government of the Virgin Islands, Department of Public Works. Section 204-23, paragraph (c) (2) of the Virgin Islands Air Pollution Control Code states that, "No incinerator shall be used for the burning of refuse unless such incinerator is a multiple chamber incinerator." The operation of this incinerator presently violates this provision of the Code. Through its variance, the Virgin Islands has exempted this incinerator from the Code's requirements.

The calculations performed by the Virgin Islands show that the maximum predicted 24-hour sulfur dioxide and particulate matter concentrations are 21 $\mu\text{g}/\text{m}^3$ and 172 $\mu\text{g}/\text{m}^3$, respectively. It should be noted that the predicted maximum 24-hour particulate matter concentration of 172 $\mu\text{g}/\text{m}^3$ would contravene the secondary national ambient air quality standard for particulate matter which is 150 $\mu\text{g}/\text{m}^3$. Regional Office review of the calculations performed by the Virgin Islands has determined that the calculations were erroneous and overpredict the actual expected ambient air concentrations. The assumptions used by the Virgin Islands in the calculations were unrealistically conservative. Regional Office calculations demonstrate that the national secondary standard for particulate matter will not be contravened.

This notice is issued to advise the public that comments may be submitted on whether the proposed implementation plan revision should be approved or disapproved as required by section 110 of

the Clean Air Act. Only comments received within the 30-day public comment period will be considered. The Administrator's decision to approve or disapprove the proposed plan revision is based on whether it meets the requirements of section 110(a)(2) (A)-(H) and EPA regulations in 40 CFR Part 51.

Copies of the proposed revision submission are available for public inspection during normal business hours at the Air Branch, EPA, Region II, 26 Federal Plaza, New York, New York 10007, Room 907 and at the Department of Natural Resources Management, P.O. Box 1442, St. Thomas, Virgin Islands 00801. Copies are also available at the EPA Field Office, Public Health Service, Outpatient Clinic, Stop 8½, Fernandez Juncos Avenue, Puerto De Tierra, San Juan, Puerto Rico 00902 and at the Freedom of Information Center, EPA, 401 M Street, SW., Washington, D.C. 20460. All comments should be addressed to the Regional Administrator, Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10007.

(42 U.S.C. 1857c-5)

Dated: September 25, 1975.

JOHN QUARLES,
Acting Administrator.

[FR Doc. 75-26270 Filed 9-30-75; 9:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR 240]

[Rel. 34-11689; File No. 4-180]

EXCHANGE OFF-BOARD TRADING RULES

Amendment or Abrogation; Postponement of Commencement of Oral Hearings

The Securities and Exchange Commission today announced that it has postponed the commencement of oral hearings on rules of national securities exchanges which limit or condition the ability of members to effect transactions otherwise than on such exchanges ("off-

board trading rules"). The hearings originally scheduled to commence on Wednesday, October 1, 1975,¹ will now begin Tuesday, October 14, 1975, at 10 a.m., in Room 776 at the Commission's headquarters, 500 North Capitol Street, Washington, D.C. 20549.

The tentative schedule of witnesses for the hearings is as follows:

TUESDAY, OCTOBER 14, 1975

- 10:00—Harry M. Jacobson, Association for the Preservation of the Auction Market.
2:00—Jeffrey W. Casdin, Source Securities Corporation, New York, New York.
8:00—Margaret Cox Sullivan, Organization of Stockholders of America.

WEDNESDAY, OCTOBER 15, 1975

- 10:00—Elkins Wetherill, George S. Hender, Barry E. Tague, PBW Stock Exchange, Inc.
2:00—G. Robert Ackerman, Pacific Stock Exchange, Inc.

THURSDAY, OCTOBER 16, 1975

- 10:00—Donald Regan, Merrill Lynch, Pierce, Fenner & Smith, Incorporated, New York, New York.
2:00—Ralph Saul, INA Corporation.

FRIDAY, OCTOBER 17, 1975

- 10:00—Donald E. Weeden, Weeden & Co., Incorporated, New York, New York.
2:00—Robert H. B. Baldwin, Morgan, Stanley and Co. Incorporated, New York, New York.
3:00—Gerald Parsky, Department of the Treasury.

MONDAY, OCTOBER 20, 1975

- 10:00—David W. Hunter, Ad Hoc Committee of Regional Firms.
11:00—James E. Dowd, J. Stephen Putnam, Boston Stock Exchange.
2:00—Tom O'Hara, National Association of Investment Clubs.
3:00—H. Virgil Sherrill, Edward I. O'Brien, Securities Industry Association.

TUESDAY, OCTOBER 21, 1975

- 10:00—Paul Kolton, American Stock Exchange, Inc.
2:00—Michael E. Tobin, Midwest Stock Exchange, Inc.

¹ See Securities Exchange Act Release No. 11628 (September 2, 1975) (40 FR 41808).

WEDNESDAY, OCTOBER 22, 1975

10:00—James J. Needham, New York Stock Exchange, Inc.

Persons intending to appear are reminded that they should file with George A. Fitzsimmons, Secretary of the Commission, Room 892, 500 North Capitol Street, Washington, D.C. 20549, 30 copies of the text of any prepared statement not later than 48 hours prior to their appearance and are invited, at the time of their appearance, to make additional copies of their statements available for the benefit of the press and all other interested persons.

In conjunction with the postponement of the oral hearings, the Commission has determined to extend the time for submitting comments on off-board trading rules of exchanges. Persons wishing to make written submissions of views, data or arguments should file 30 copies thereof with the Secretary not later than October 31, 1975.² Persons wishing to submit written views, data or arguments in respect of submissions made by others or in respect of views, data and arguments presented at the oral hearings may do so until November 10, 1975.³ All comments should refer to Securities and Exchange Commission File No. 4-180 and will be available for public inspection.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 29, 1975.

[FR Doc. 75-26464 Filed 9-30-75; 12:01 am]

² The original deadline for submitting such views, data and arguments was October 17, 1975 (40 FR 41818).

³ The original deadline for submitting such views, data and arguments was October 31, 1975 (40 FR 41818).

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Office of the Secretary

[SUPPLEMENT TO DEPT. CIRCULAR
Public Debt Series—No. 29-75]

TREASURY NOTES

Interest Rate Announcement

SEPTEMBER 25, 1975.

The Secretary of the Treasury announced on September 24, 1975, that the interest rate on the notes described in Department Circular—Public Debt Series—No. 29-75, dated September 11, 1975, will be 8 percent per annum. Accordingly, the notes are hereby redesignated 8 percent Treasury Notes of Series G-1978. Interest on the notes will be payable at the rate of 8 percent per annum.

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.75-26157 Filed 9-30-75;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

SEPTEMBER 19, 1975.

The USAF Scientific Advisory Board General Meeting will be held on October 21, 1975 from 9 a.m. to 5 p.m. and on October 22, 1975, from 8:30 a.m. to 12:45 p.m. at Langley Air Force Base, Virginia.

The meeting will consist of classified briefings on the results of the 1975 Summer Study on Location, Identification and Destruction of Surface Targets by Tactical Air Forces Under Adverse Weather Conditions.

The meetings will concern matters listed in Title 5, U.S.C. 552(b) (1) (4) and (5), and therefore will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 202-697-8845.

JAMES L. ELMER,
Executive,
Directorate of Administration.

[FR Doc.75-26162 Filed 9-30-75;8:45 am]

Office of the Secretary

BOARD OF ADVISERS OF THE INDUSTRIAL COLLEGE OF THE ARMED FORCES AND THE BOARD OF CONSULTANTS OF THE NATIONAL WAR COLLEGE

Joint Meeting

The President of the National Defense University has scheduled a joint meeting of the Board of Advisers of the In-

dustrial College of the Armed Forces and the Board of Consultants of the National War College for Wednesday, 29 October 1975 from 0900 to 1600 hours and Thursday, 30 October 1975 from 0900 to 1200 hours. The meeting will open on 29 October at The National War College and continue on 30 October at the Industrial College; both colleges are located at Fort Lesley J. McNair.

The agenda will include a discussion of the National Defense University and the future of the two colleges under a university form, and a discussion of educational policies and methods.

The meeting is open to the public, and the limited space available for observers will be allocated on a first-come, first-served basis. Interested persons should call the National Defense University (693-1074) to reserve space.

MAURICE W. ROCHE,
Director, Correspondence and
Directives, OASD (Comptroller).

SEPTEMBER 26, 1975.

[FR Doc.75-26225 Filed 9-30-75;8:45 am]

DEPARTMENT OF JUSTICE

Antitrust Division

UNITED STATES v. CITIES SERVICE COMPANY, ET AL. AND COMPETITIVE IMPACT STATEMENT THEREON

Proposed Consent Judgment

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16 (b) through (h), that a proposed consent judgment and competitive impact statement, as set out below, have been filed with the United States District Court for the District of Massachusetts in Civil Action No. 68-213-S, *United States v. Cities Services Company, et al.* The Complaint in this case alleges that the acquisition of the gasoline marketing operations of Jenney Manufacturing Company by Cities Service Company substantially lessened competition in the marketing of gasoline in Massachusetts and New Hampshire. The proposed judgment requires Cities to divest retail outlets in the two state area which account for an annual volume of 15,275,000 gallons of gasoline and to offer purchasers of such outlets four year supply contracts. Jenney is required to make available up to 60 of its fee-owned outlets for divestiture. Cities may not acquire for five years retail marketing outlets in New England except in certain specified instances. Public comment is invited on or before December 2, 1975. Such comments and responses thereto will be published in the Federal Register and filed

with the Court. Comments should be directed to John C. Fricano, Antitrust Division, Department of Justice, Washington, D.C. 20530.

Dated: September 25, 1975.

THOMAS E. KAUPER,
Assistant Attorney General,
Antitrust Division.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
Civil Action No. 68-213-S

United States of America, Plaintiff, v. Cities Service Company, Cities Service Oil Company, Jenney Manufacturing Company, Chelsea Terminals, Inc., Defendants.

(Filed: September 25, 1975)

Stipulation

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. A Final Judgment in the form attached hereto may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. § 16), and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on the defendants and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to any consenting party in any subsequent proceedings.

Dated: September 25, 1975.

For the Plaintiff:

Thomas E. Kauper, Assistant Attorney General; Baddia J. Rashid; Charles F. B. McAleer; John C. Fricano; Rodney O. Thorson; Jill Devitt Radek; Robert J. Ludwig; Matthew E. Jaffe; Attorneys, Department of Justice.

For the Defendants:

Harold Hestnes, Hale and Dorr, Attorney for Cities Service Company Cities Service Oil Company, Chelsea Terminals, Inc.; Darrel A. Kelsey, Of Counsel for Cities Service Company, Cities Service Oil Company, Chelsea Terminals, Inc.; Robert E. Sullivan, Herrick, Smith, Donald, Farley & Ketchum, Attorney for Jenney Manufacturing Company.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
Civil Action No. 68-213-S

United States of America, Plaintiff, v. Cities Service Company, Cities Service Oil Company, Jenney Manufacturing Company, Chelsea Terminals, Inc., Defendants.

(Entered: —)

Final Judgment

Plaintiff, United States of America, having filed its Complaint herein on March 8, 1968 and the Plaintiff and the Defendants by their respective attorneys, having consented to the entry of this Final Judgment without admission by any party with respect to any issue and without this Final Judgment constituting evidence or an admission, by any party hereto with respect to any such issue;

NOW, THEREFORE, before any testimony has been taken herein, and without trial or adjudication of any issue of fact or law herein, and upon consent of the parties hereto, it is hereby

ORDERED, ADJUDGED AND DECREED as follows:

I.

This Court has jurisdiction over the subject matter of this action and of the parties hereto. The Complaint states claims upon which relief may be granted against the defendants under Section 7 of the Act of Congress of October 15, 1914, as amended (15 U.S.C. 18), commonly known as the Clayton Act. Entry of this Judgment is in the public interest.

II.

As used in this Final Judgment:

(A) Defendant "Cities" shall mean the Cities Service Company, the Cities Service Oil Company, and Chelsea Terminals, Inc.;

(B) Defendant "Jenney" shall mean Jenney Manufacturing Company;

(C) The "two-state area" shall mean the Commonwealth of Massachusetts and the State of New Hampshire;

(D) "New England" shall mean the Commonwealth of Massachusetts and the States of New Hampshire, Maine, Vermont, Connecticut and Rhode Island;

(E) "Retail volume" shall mean motor gasoline which is sold or distributed for eventual sale to the public through retail outlets;

(F) "Retail outlets" shall mean those service stations through which the defendants market their brand name petroleum products;

(G) "Person" shall mean an individual, partnership, corporation, firm or any other business or legal entity.

III.

The provisions of this Final Judgment shall apply to any defendant and to its officers, directors, agents, employees, subsidiaries, successors and assigns, and to those persons in active concert or participation with such defendants who receive actual notice of this Final Judgment by personal service or otherwise.

IV.

Chelsea Terminals, Inc., is hereby dismissed as a named defendant in this Final Judgment, but shall be bound by the terms thereof as long as it remains a subsidiary of Cities.

V.

(A) Defendant Cities is ordered and directed within three (3) years from the effective date of this Final Judgment, to divest itself of retail outlets accounting for an annual retail volume in the two-state area of not less than fifteen million two hundred seventy-five thousand (15,275,000) gallons in the calendar year immediately preceding the year of entry of this Final Judgment;

(B) Defendant Cities is ordered and directed to offer to each person initially acquiring any retail outlets to be divested pursuant to Paragraph V(A) or Paragraph VI of this Final Judgment contracts to supply such person for such periods as may be requested by such person not exceeding four (4) years,

upon reasonable terms and conditions, with annual quantities of motor gasoline equal to that sold at the retail outlets in the calendar year immediately preceding the year of entry of this Final Judgment, and each such person shall be free to allocate and sell such supply volumes among and through retail outlets as he sees fit. Provided, however, that should Cities' gasoline production increase during such period, additional volumes equal to the percentage of such increase of gasoline production shall be offered to such purchasers. Nothing in this Paragraph shall require defendant Cities to undertake any act inconsistent with any federal government regulations relating to the allocation and distribution of petroleum products;

(C) The divestiture required by this Section V shall be absolute and unconditional upon terms and conditions and to a person or persons first approved by the plaintiff or, failing such approval by the plaintiff, by the Court;

(D) Not less than sixty (60) days prior to the closing date of any divestiture made pursuant to this Section V, defendant Cities shall furnish plaintiff in writing the complete details of the proposed transaction. Plaintiff may request supplementary information concerning the proposed divestiture within twenty-five (25) days after receipt of the details of a proposed transaction or within twenty-five (25) days after receipt of previously submitted information, which supplementary information shall be promptly furnished in writing;

(E) If plaintiff objects to any divestiture proposed pursuant to this Section V, it shall notify defendant Cities of such objection in writing within thirty (30) days of receipt of the supplementary information submitted pursuant to plaintiff's last request for such information, or within thirty (30) days after the receipt by plaintiff of a statement from defendant Cities that it does not have some or all of the requested supplementary information. If plaintiff makes no request for supplementary information, notice of objection to any proposed divestiture must be given in writing to the defendant Cities within thirty (30) days of plaintiff's receipt of the originally submitted details of the proposed divestiture. If plaintiff objects to the proposed divestiture, then such divestiture shall not be consummated unless approved by the Court or unless plaintiff notifies defendant Cities in writing that its objection has been withdrawn. If plaintiff does not object within thirty (30) days of its receipt of the originally submitted details of a proposed divestiture, plaintiff may be deemed to have approved the divestiture;

(F) Any of the retail outlets divested pursuant to this Final Judgment repossessed or reacquired by defendant Cities shall be divested within one (1) year from the date of such repossession, or with the prior approval of the plaintiff, retail outlets with an equivalent retail volume shall be substituted therefor to the extent necessary to meet the divestiture requirements of this Final Judgment;

(G) The time period set forth in Section V(A) shall be tolled during the pendency of any proceedings in this Court under this Final Judgment relating to approval of a proposed divestiture.

VI.

If defendant Cities is unable to complete the divestiture required by this Final Judgment within the time period set forth in Section V hereof, the Court shall appoint a trustee who shall have authority to select and divest retail outlets in the two-state area accounting for such portion of the retail volume provided in Section V(A) which Cities has been unable to divest. All sales or

other disposition of retail outlets by such trustee shall be subject to prior approval of the Court and the Court shall provide the parties with opportunity for hearing on the terms of any sale or disposition of retail outlets prior to granting approval for same.

VII.

Under this Final Judgment the obligations of Jenney, and the rights of Cities with respect to Jenney fee-owned retail outlets, as affected by this Judgment, shall be limited as follows:

(A) When requested by Cities in order for Cities to complete the divestiture or divestitures under this Final Judgment or upon request of the Trustee pursuant to the Trustee's powers under Section VI, Jenney shall sell to Cities for resale by Cities to a third party or parties or to Cities to replace outlets sold by Cities to a third party or parties up to a total of sixty (60) fee-owned Jenney retail outlets upon terms determined under the Lease Agreement, dated July 1, 1953, between Jenney and Cities, as subsequently amended on September 23, 1975 (the "Lease"); provided, however, that in no event shall Jenney be required to sell (1) retail outlets the annual basic rentals allocable to which under the terms of the Lease aggregate to more than 25% of the total annual basic rental currently being received by Jenney under the Lease; or (2) replacement outlets having an annual gasoline sales volume, in the aggregate, in excess of such volume of the outlets replaced. Jenney shall have the right to be consulted concerning the selection of such sixty (60) fee-owned retail outlets and to be heard by the Court if it objects to the inclusion of any retail outlet or retail outlets and further shall have the right (exercisable within thirty days after written notice from Cities or the Trustee, as the case may be, of the selection thereof) to exclude from such selections a total of up to 10% of the retail outlets in which it held a fee interest on the date of entry of this Final Judgment.

(B) Cities may assign or sublet to others the lease of fee-owned retail outlets under the Lease and may assign its rights to extend the term of the Lease as provided in Paragraph 4 of the Lease, and may sublet during the present term and any extension thereof Jenney fee-owned outlets, all as permitted by and in accordance with the provisions of Paragraph 14-B of the Lease.

VIII.

Defendant Cities is ordered and directed to file with the plaintiff every three (3) months after the date of entry of this Final Judgment a written report setting forth the steps taken by it to accomplish the divestiture required by such Final Judgment.

IX.

For a period of five (5) years from the date of entry of this Final Judgment Cities shall not acquire from any person any interest in (a) any automotive gasoline retail marketing outlets in the two-state area, or (b) any automotive gasoline retail marketing outlets elsewhere in New England without prior written approval by the plaintiff or, failing such approval, by the Court; provided, however, that the prohibitions in (a) and (b) above shall not apply to acquisitions where (i) the consideration does not exceed one million dollars (\$1,000,000.00), (ii) the acquisition is of Cities branded distributors, or (iii) the acquisition is the result of enforcement of any bona fide lien, mortgage, deed of trust or any other security interest held by defendant Cities to secure any loan of ten million dollars (\$10,000,000.00) or less made to a distributor which, at the time of the loan, was a Cities branded distributor.

X.

The Stipulation and Order entered into by the parties on April 25, 1968 and ordered by this Court on April 25, 1968 is hereby revoked and its provisions are of no further effect.

XI.

A. For the purpose of determining or securing compliance with this Final Judgment, duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General, or the Assistant Attorney General in charge of the Antitrust Division, and upon reasonable notice to any defendant made to its principal office, be permitted, subject to any legally recognized privilege:

(a) Access, during office hours of such defendant, to all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession of or under the control of said defendant relating to any of the matters contained in this Final Judgment; and

(b) Subject to the reasonable convenience of any defendant to interview the officers and employees of said defendant, who may have counsel present, regarding any such matters.

B. Upon the written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, made to its principal office, each defendant shall submit such written reports with respect to any of the matters contained in this Final Judgment as from time to time may be requested.

C. No information obtained by the means provided in this Section XI shall be divulged to any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the plaintiff except in the course of legal proceedings to which the United States is a party for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

XII.

Jurisdiction is retained for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions thereof, for the enforcement of compliance therewith and for punishment of violations thereof.

Dated this _____ day of _____, 1975.

United States District Judge.

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MASSACHUSETTS

Civil Action No. 68-213-S

United States of America, Plaintiff, v. Cities Service Company, Cities Service Oil Company, Chelsea Terminals, Inc., and Jenney Manufacturing Company, Defendants.

(Filed: September 25, 1975)

Competitive Impact Statement

This Statement is made pursuant to the requirements of Section 5 of the Act of Congress of October 15, 1914, as amended, (15 U.S.C. § 16), commonly known as the Antitrust Procedures and Penalties Act.

I. Nature and Purpose of the Proceeding

1. This is a civil action instituted, March 8, 1968, against Cities Service Company, Cities Service Oil Company, Chelsea Terminals, Inc., and Jenney Manufacturing Company under Section 15 of the Act of Congress of Octo-

ber 15, 1914, as amended, (15 U.S.C. § 25), commonly known as the Clayton Act.

2. The purpose of the action is to prevent and restrain the continuing violation by the defendants of Section 7 of the Clayton Act, as amended, (15 U.S.C. § 18). The violation arose from a Comprehensive Agreement entered into on June 14, 1963, by Cities Service Oil Company, Chelsea Terminals, Inc., and Jenney Manufacturing Company, whereby Cities acquired a substantial interest in Jenney's gasoline marketing assets and operations.

II. The Events Giving Rise to the Alleged Violation

3. At the time of the acquisition Cities, an integrated major oil company, was the tenth ranking marketer of gasoline in the two state area of Massachusetts and New Hampshire. Cities' sales represented 4.7% of total tax-paid gasoline sales in the area. In 1962, the last full year before the acquisition, Cities marketed its brand name petroleum products through 486 service stations in the two state area with gasoline sales of approximately 77 million gallons valued at about \$14 million. Jenney, an established marketer in New England, had over 600 service stations, 95% of which were in the two state area. Of these stations, 220 were owned in fee by Jenney, 62 were leased, and 324 were contract dealers. Jenney also had a deep-water terminal at Chelsea, Massachusetts, with a storage capacity of more than 15,000,000 gallons. Jenney received gasoline at its Chelsea terminal from oceangoing tankers and transported it to its stations by its own fleet of tank trucks.

Although Jenney also sold gasoline to commercial account customers, the vast bulk of its sales was through its branded service stations. Jenney's total branded gasoline sales for 1962 were over 94 million gallons having a retail value of \$16 million. Jenney was the eighth ranking marketer in the two state area, accounting for 5.7% of total tax-paid gallonage.

4. Pursuant to a Comprehensive Agreement entered June 14, 1963, Cities acquired the gasoline marketing properties of Jenney. Included in the transaction which was consummated July 1, 1963, were twenty-year leases of Jenney's fee-owned stations, the assignment of all of Jenney's leased and contract service stations, and Jenney's commercial gasoline accounts, the sale of Jenney's marine terminal at Chelsea, Massachusetts, and the sale of Jenney's gasoline marketing equipment. Jenney retained the fee interest on its own real estate. The consideration for this transaction was a cash payment of \$6 million and annual rental payments of \$1,372,000 for the twenty years of the lease. The lease of the fee-owned stations is renewable at Cities' option for additional periods of up to 30 years. Cities also obtained the option to purchase up to 10% of the fee-owned stations.

5. An integral part of the Comprehensive Agreement was an Agency Agreement whereby Jenney agreed to continue operating the aforesaid properties for Cities on a commission basis. With respect to the marketing of gasoline, the Agency Agreement provided:

For the duration of this agreement, Cities hereby appoints Jenney, and Jenney shall act, in the Jenney name, as agent and representative for Cities in (a) soliciting sales, selling and delivering those grades and brands of petroleum products, other than heating oils, which Cities shall elect to market, to service stations, including without limitation, the Fee Stations, Leased Stations, and dealers and commercial consumers in substantially the same manner in which Jenney has heretofore

serviced such stations and commercial consumers in its operations on its own account.

The term of the Agency Agreement was for five years and for annual periods after June 30, 1968 subject to termination on the written notice by either party. The agreement also provided for the maintenance of the "Jenney" brand name at least until May 1968. After that time Cities could elect to have the products marketed under Cities' name or a combination of the Cities and Jenney names. The Agency Agreement also provided that upon its expiration Cities would purchase all of Jenney's delivery and handling equipment.

No public announcement of the acquisition or of the agency relationship was made either by Jenney or by Cities. Jenney did not advise any of its dealers or customers but informed only its stockholders who were members of the Jenney family. The first public disclosure came in April 1967, when the conversion to the "Citgo" brand was announced by Cities. The brand name changeover announcement made no mention of the 1963 acquisition or of the existing agency arrangement. Shortly thereafter Cities notified Jenney of its election to terminate the Agency Agreement effective July 1, 1968.

The complaint in this action was filed on March 8, 1968 and included in its prayer for relief is the request for an order requiring Cities to divest itself of the stations acquired from Jenney. The government originally sought to restrain the termination of the Agency Agreement upon the filing of the complaint. However, by a Stipulation and Order dated May 1, 1968 defendants were permitted to terminate it, but Cities has been required to preserve the acquired properties and to retain the Jenney name on those stations which had not already been converted to its own brand.

III. The Proposed Consent Judgment and Its Anticipated Effects on Competition

6. The proposed Final Judgment would require Cities to divest within three years retail outlets in the two state area of Massachusetts and New Hampshire which collectively accounted for an annual volume of gasoline in the amount of 15,275,000 gallons in 1974. The divestiture must be made to a purchaser or purchasers and under terms and conditions of sale acceptable to the Antitrust Division. The Decree would permit Cities, in order to effect this divestiture, to sell either acquired former Jenney stations or its own Citgo stations as part of the divestiture package and it would require Jenney to make available up to a total of 60 of its fee-owned stations for divestiture. Under this plan, Jenney would be required to sell such fee-owned stations to Cities either for resale to third parties or for use as replacements for Citgo stations sold by Cities to a third party. Jenney would retain certain powers to exclude some of its fee-owned stations from this arrangement and its obligations to sell stations to Cities for the completion of divestiture would also be limited in terms of the rental income and gasoline sales volume derived from the designated outlets. In order to further facilitate the proposed divestiture, the Decree would permit Cities to assign or sublet its leasehold rights originally acquired from Jenney.

The Decree also would require Cities to offer to the purchasers of the retail outlets to be divested contracts to supply them with gasoline for up to four years in volumes equal to that sold at the outlets during the year preceding the entry of the Decree, and that proportionate increases in such volumes be offered to the purchasers in the event

Cities' production of gasoline increases during the period of the supply contracts.

Cities would be required by the Decree to make quarterly reports to the Antitrust Division setting forth the steps taken to accomplish the divestiture. In the event that Cities fails to complete the required divestiture within the three year period the Decree would provide for the appointment of a trustee to select service station properties and make the required divestiture.

The Decree also would limit for five years the acquisitions that Cities may make of gasoline marketing outlets in New England without prior approval of the Antitrust Division or of the Court. In addition, the Decree would provide visitation rights to the government to inspect records and interview officers and employees of Cities in order to determine and secure compliance with the Decree.

7. The effect of this judgment and the divestiture under it will be to add one or more new entrants into the business of marketing gasoline in the two state area, or it may add to the market position of a small existing competitor to enable it to compete with the larger entrenched marketers. It will also serve to decrease concentration in gasoline marketing in the two state area.

IV. Remedies Available to Potential Private Plaintiffs

8. Any potential private plaintiffs who might have been damaged by the alleged violation will retain the same right to sue for monetary damages and any other legal and equitable remedies which they would have had, were the proposed consent decree not entered. However, this judgment may not be used as *prima facie* evidence in private litigation pursuant to Section 5(a) of the Clayton Act, as amended, 15 U.S.C. 16(a).

V. PROCEDURES AVAILABLE FOR THE MODIFICATION OF THE PROPOSED JUDGMENT

9. Within the statutory period of sixty (60) days, (15 U.S.C. § 16), of the filing of the proposed Judgment with the District Court for the District of Massachusetts, Boston, Massachusetts, any person may comment regarding the proposed Judgment in writing to:

John C. Fricano, Chief, Trial Section, Antitrust Division, United States Department of Justice, Washington, D.C. 20530.

Such comments and the Government's responses thereto will be filed with the Court and published in the Federal Register.

10. After the entry of the proposed Judgment, jurisdiction is retained by the United States District Court for the District of Massachusetts, Boston, Massachusetts, to enable the parties to the Judgment to apply to the Court for modifications of any of the provisions thereof.

VI. Alternatives to the Proposed Judgment Considered by the United States

11. An alternative to the proposed consent decree considered by the Antitrust Division of the Department of Justice was a full trial on the merits in order to attempt to obtain full divestiture by Cities of Jenney's marketing operations. The Antitrust Division determined that additional relief which might be obtained at trial did not justify the additional delay in obtaining relief especially in view of the changed market conditions. In 1962 the two companies had a combined market share of 10.4%, by 1972 their share had dropped to approximately 5.2% in the states of New Hampshire and Massachusetts. In addition to the decline in market share during the ten year period, Cities also experienced a decrease in absolute volume sold

through the outlets from approximately 170 million gallons to 100 million gallons. During this same time period there was a substantial growth of the independent private brand segment of the gasoline market, growing from about 7% to over 15% of the market. Under these circumstances, it was decided not to insist upon full divestiture as a condition of settlement. Aside from the uncertainty of outcome normally associated with the litigation of a case of this nature, there was no assurance in light of post-complaint market development that the Court would require full divestiture relief even if the government were successful in establishing the liability of the defendants under section 7 of the Clayton Act. The 15,275,000 gallons to be divested pursuant to the Judgment represents 15% of the present combined Cities-Jenney volume and approximately 25% of the volume of the remaining former Jenney outlets. Due to the decline of Cities' share and the growth of the independents it was felt the amount of gallonage required to be divested pursuant to the Judgment could serve to increase new entrants or strengthen the position of existing small independents and was an acceptable compromise under the circumstances of this case.

Consideration was also given to requiring specified stations to be divested. It was decided that this would not be feasible and that the more realistic approach would be to allow Cities and Jenney to negotiate stations to be divested with a prospective purchaser. Although Cities did not acquire a fee-interest in any of the Jenney stations, Jenney assented to making such an interest available in up to 60 of its stations which will serve to widen the selection of outlets for divestiture and increase the likelihood that relief will be effectively accomplished.

12. The Department also considered requiring the divestiture of the Chelsea terminal facility; however, it was determined that such relief was not appropriate in that it would be inconsistent with the theory of the case which was concerned only with the elimination of horizontal competition in retail gasoline marketing. In addition, the capacity of the terminal exceeds the amount of gallonage to be divested and Cities was willing to provide prospective purchasers with a four-year supply commitment up to the amount of gallonage accounted for by the stations divested.

VII. Other Materials Relating to the Proposed Judgment

13. The United States is submitting the following documents which it considered determinative in formulating the proposal pursuant to Section (b) of the Antitrust Procedures and Penalties Act 15 U.S.C. 16 (b):

(a) October 30, 1974 submission of Bronson H. Fargo, Sure Oil and Chemical Corporation to the Honorable Walter J. Skinner.

(b) Letter of reply by Rodney O. Thorson to the Honorable Walter J. Skinner dated November 8, 1974.

(c) Letter by Darrel A. Kelsey to Jill Devitt Radek dated April 1, 1975.

RODNEY O. THORSON and JILL DEVITT RADEK, Attorneys, Department of Justice.

SURE OIL AND CHEMICAL CORPORATION,
One Sure Office Park,
Worcester, Mass. 01604, October 30, 1974.

HON. WALTER JAY SKINNER,
United States District Court, 1525 Post Office and Court House Building, Boston, Mass. 02109.

DEAR JUDGE SKINNER: This letter refers to the proposed Final Judgment in the case of

the United States versus Cities Service/Jenney/et al. (Civil Action No. 68-213-S)

SURE Oil and Chemical Corporation is an independent gasoline marketer in the same territory involved in the subject case. SURE has been in this business for the past fifteen years and is a responsible and viable business entity.

It is our hope that you will give serious consideration to the contents of this letter and the enclosed Memorandum of Observations. This letter and its enclosure are submitted to you with respect for your Court and your responsibilities.

In an attempt to be helpful and to stress the importance of time in our request, we have set forth the first part of this letter in sequential form by date.

10/9/74 Stipulation and Final Judgment filed at Court, 30 day period begins.

10/16/74 SURE received 10/15/74 *Oil Daily* which reported proposed Consent Decree. We called court in Boston inquiring about the availability of Final Judgment. The clerk said that the files were available to the public.

10/17/74 Went to Boston to examine files. The Final Judgment was not in the files. The clerk reported that it was not docketed yet. The Stipulation was not available either.

10/21/74 Called clerk who now said that there was a third file that we had not been given.

10/22/74 Went to Boston again and looked at all of the files, including #3. The Stipulation was included, but the Final Judgment was not attached. The Clerk stated that the Final Judgment had not been signed by the Judge, that the Judge had removed it from the file, and that we could not see it. We called Attorney Rodney O. Thorson at the Justice Department in Washington, D.C. Mr. Thorson was concerned because he said, it was supposed to be available to the public for their examination. He said this was the purpose of the 30 day period. The Public could make comments to the Justice Department during this period. Mr. Thorson then called the clerk in Boston who finally produced the Final Judgment.

We earnestly request a 90 day extension during which the Justice Department may withdraw its consent to the Stipulation. This amount of time is needed for documentation of our objections mentioned in the enclosed Memorandum of Observations, and for further study of the files. The trouble that we experienced in seeing the files indicates that no one else has seen them either. The extended period would make it possible for public study of the files and subsequent comment to the Justice Department.

Thank you for reading this letter and its enclosure. Please forgive any inaccuracies or mistakes in legal terminology. It is our understanding that the 30 day period is for the scrutiny and consideration of the proposed Final Judgment by responsible, concerned, and affected individuals, companies, or groups. We definitely feel that we are affected and have a valid right to communicate our feelings. This is a businessman's attempt to correct serious omissions in a document that is the result of six years litigation and argument.

Respectfully yours,

BRONSON H. FARGO,
President.

To: United States District Court for the District of Massachusetts.
From: SURE Oil and Chemical Corporation, Bronson H. Fargo, President, 31 South-west Cutoff, Worcester, Massachusetts 01604. Telephone 617 755-8686.

Re: Final Judgment-Civil Action No. 68-213-S, United States of America, Plaintiff v. Cities Service Company, Cities Service Oil Company, Jenney Manufacturing Company, and Chelsea Terminals, Inc., Defendants.

Subject: Memorandum of Observations Regarding the Proposed Final Judgment.

SURE Oil and Chemical Corporation is the largest unaligned¹ gasoline marketing company in New England. SURE has been in business for 15 years under the same private ownership and management.

SURE feels that it, and companies like it, as well as the consumer, are within the class of individuals and businesses which the Justice Department was seeking to protect in this suit. SURE feels that it has been hurt badly by the takeover of Jenney by Citgo. The Final Judgment, in SURE's opinion, does nothing to protect the stated purposes of the Justice Department in this matter, but is merely a "token" or "face-saving" settlement, and actually hurts the independent market more than a "carte blanche" dismissal.

Some of the problems, and shortcomings, of the Final Judgment are summarized below:

1. Chelsea Terminal's 381,000 barrel deep-water terminal was not made a part of the token divestment. This is a very serious error of omission.

Prior to its acquisition by Citgo, Jenney was not only the largest private brand gasoline marketer in this region, but it was also, indirectly, the largest supplier of unbranded gasoline to small independents and medium size chain operators. All of this business was put through the Chelsea terminal, one of the very few terminals that allowed independents to buy at their racks. The gallonage was all sold by Jenney, to a long established broker/agent by the name of Oil Service Company of New England. When Jenney was acquired, the sale of gasoline to independents was immediately cut off at the Chelsea terminal. At that time, SURE's prime supplier was Oil Service and it remembers the situation well.

The major oil companies and the large independents have done everything in their power to make it impossible for independents without terminals to acquire, lease, or even make thruput arrangements in the existing terminals in Boston Harbor. Building new terminals is virtually impossible for a small independent like SURE for economic, environmental, and local political reasons.

SURE has been refused terminaling and/or thruput arrangements at practically all of the existing terminals in the Harbor. SURE tried several years ago (1972) to buy, lease, or rent terminal space from Citgo at the old Jenney plant. SURE was told that Citgo could do nothing until the final decision of their case with the Justice Department. In August 1974 SURE made a request to Citgo's Supply and Distribution Department to thruput gasoline for SURE at Citgo's Braintree terminal. The Supply and Distribution people were working out the thruput arrangements when the whole plan was vetoed by their marketing section. When news of the pending Final Judgment was reported in the trade press, SURE again called Citgo to ask if it would be interested in selling the Chelsea terminal. SURE was told that they hadn't decided what they were going to do with the plant. They indicated that the most likely possibility was to put the terminal into a package that they would design, made up of

Citgo fee and leased stations, Jenney fee and leased stations, and mixed dealer accounts. They would then offer the entire package for sale.

The package described would eliminate a small independent marketer like SURE and make the only potential buyers the other majors or minijors. These other large oil companies could then either buy the package or say that because of the old obsolete plant they didn't want to buy the package. Tying the plant and the gallons together gives Citgo the opportunity to stall a sale indefinitely. People wanting the plant might not want, or be able to buy, the gallonage or vice versa. Citgo might argue the reverse, but from a practical point of view, the two do not necessarily go together. This "package" gives Citgo the opportunity to eliminate "undesirable" customers if they choose, but if a "desirable" customer comes along, the package could be adjusted. It is entirely possible that the customer could be a major that would swap gallons and stations in another market for the New England package. Keeping this terminal off of the market hurts the independent greatly at a time when the lack of storage space is the excuse given by all existing terminal operators for failing to allow independents a chance to buy low price gasoline, store it in the existing terminals belonging to others, and then market it through their own independent stations. The net result is restrictive to the independents, profitable for the majors, and costly to the consumer.

The terminal has been allowed to deteriorate to a marked degree. The tanks have been used for storing heating oil but they badly need work and paint. The buildings have been leased on a tenant-at-will basis and show a real lack of care or concern. These things all added together indicate a desire on the part of Citgo to allow the terminal to pass out of existence by default and lack of use. Eliminating this terminal from the market by any of the above means, would strike a severe blow to the independents in the Boston area.

2. The amount of the divestment is, in SURE's opinion, an absurdly small amount that will do nothing more than to give Citgo a legal "excuse" to get away from all of the unprofitable business that it has on its books. Many a major and other marketer would jump at the chance to legally get rid of unprofitable business in a time when this is virtually impossible due to pressure from the FTC, Justice Department, Public Opinion, and their own legal departments, to say nothing of the FEA.

Whenever anyone acquires a large number of gallons there is bound to be a percentage of those that are unprofitable or undesirable. This could easily be in the range of from 10% to 30% in an acquisition the size of Jenney. The result of this divestment merely requires Citgo to drop out 10% of the acquired gallons, in other words, the undesirable gallons. Further, Citgo may include any of its own undesirable gallons in the amount to be divested.

There is nothing in the Final Judgment that says they have to sell these divested gallons—merely that they be divested. This could be done by the simple expedient of cancelling, or not renewing, certain unprofitable accounts. The order says "retail outlets", which includes "dealer agreement stations" which have little, if any, tenure. Any prospective buyer would not have much to buy in the remaining stations inasmuch as Jenney retained the fee interest in all of their stations. All that could be bought would be leasehold interests that are more than 1/2 used up. It is to be noted that Citgo could comply with the order by not selling any assets, but merely by dropping unprofitable contract business.

3. The order says that Citgo must offer to supply any person acquiring one, or more, of the divested stations with gasoline for up to four years upon "reasonable" terms and conditions. It could take five to ten years of litigation and discussion with Citgo, the Justice Department and the Court to determine what is "reasonable". Some of the things that are crucial to such a supply contract, other than price, which is the most important, are: no lead price differential, points of pickup, percentages of no lead gasoline, the fact that Citgo does not offer premium gasoline, credit terms, tax free purchases, acceptable truckers, that Citgo Braintree terminal requires bottom-loading trucks, market price level determination, plus scores of others.

4. The Justice Department is apparently not really concerned about the antitrust aspects of this case as shown by the Final Judgment to which they have conceded. There is, therefore, very little reason to include all of the language giving the plaintiff the right to object to a particular buyer, or to particular terms of an acquisition. It would appear that the Justice Department would like to forget the whole case. It is difficult for SURE to imagine that they will have any real interest in who offers to buy the divested gallonage, if in fact, any should be offered.

5. The Final Judgment says that Citgo has three years to complete the divestment, during which time they may continue to profit by the gallons, should they be profitable gallons, until they are in fact divested. If after three years they have not divested the gallons, a Trustee will start to accomplish the same task. There is no time limit on the Trustee's performance. If the gallons are profitable then Citgo can set an unrealistic price on the gallons to be divested and enjoy the profits during the three years. Once the Trustee has been established, and this could be a very time consuming process, with the Trustee experiencing many delays in trying to obtain information from the monolithic major, Citgo can continue to operate the stations and enjoy the gallons and the profits. This will continue while the Trustee tries to sell the stations to a shopworn market. Remember, that it is now 3 to 4 years later, and the leasehold interests have been diminished by 3 to 4 more years and very few now remain. During this long period there has to be loss of business through normal attrition caused by death, road changes, bankruptcy, etc. Any business so lost will naturally be included in the list of gallons "divested".

6. The order sets a "control" on the progress by requiring a written "progress report" every three months. This is a waste of time. If Citgo does not wish to divest profitable gallons these reports could all be drafted in the first month, dated ahead, and then mailed on a regular three months basis. By definition, the Justice Department and the Court have to rely on information from Citgo alone as to the progress, the results, and the attitude of the market. Citgo has been fighting this divestment for years so it is easy to imagine that they will not work at a break-neck speed to accomplish the divestment and the contents of the "progress reports" can be imagined well in advance. "Progress", or lack of it, are subjective determinations until the three years are up and then we learn objectively that there has been "no progress". A Trustee is then set up and the long stalling practice continues.

7. A restriction is put on Citgo for five years that they cannot acquire any retail outlets in a package that exceeds \$1,000,000. This means that they could lease, for example, SURE's chain of service stations for a 10, 20 or 30 year period, so long as the "consideration" does not exceed \$1,000,000.

¹ No supply contracts, ownership, terminaling, or marketing arrangement with any of the major or minijor companies.

It would be very easy for us to structure an acceptable lease takeover by Citgo in which the consideration was less than \$1,000,000. The restriction allows Citgo to buy, or lease, as many individual stations as it wants. The restriction also allows Citgo to take over any, or all, of its branded distributors without being in violation. Some of these distributors are very large and Citgo could force them to sell out and this would be acceptable, even condoned under this Judgment. As you see, the restriction does nothing to prevent Citgo from taking over the largest unaligned independent, or several very large branded distributors. The take-over of Jenney, who Citgo had supplied for 19 years, was very similar to taking over a closely aligned distributor, the only difference being the color of the pumps, buildings, and flag.

It is hoped that the Court and the Justice Department will look long and hard at the subject proposed Final Judgment to make sure that the result is not merely face saving tokenism. There has been too much of this to the detriment of the independents and the consumer. We feel that the amount of gallons to be divested should be a meaningful number and not a mere token as set forth in the proposed Final Judgment.

It is further hoped that the Court and the Justice Department will require that Citgo divest itself of its Chelsea terminal, separately from any gallons to be divested, and that the resulting sale will enable a true independent to enter the terminal market place with the ability to compete at all levels including buying, terminaling, wholesaling, and retailing. The world of terminal operators has been a closed book for many years and this is a chance to open the cover a little.

NOVEMBER 8, 1974.

HON. WALTER J. SKINNER,
United States District Judge, United States
District Court, 1525 John W. McCormack
Building, Boston, Mass. 02109.

Re: United States v. Cities Service Company,
et al., Civ. No. 68-213-S (D. Mass.).

DEAR JUDGE SKINNER: At our conference on November 6 you inquired as to the position of the Department of Justice with respect to the comments made by Mr. Bronson Fargo, President of Sure Oil and Chemical Corporation, in his letter dated October 30, 1974. As I advised your Honor at that time, we had received Mr. Fargo's letter and also have had discussions with him. Basic to his criticism of the proposed decree in this case is his contention that there are not enough independent deepwater terminals. He urges that the government should insist upon the separate sale of the Chelsea terminal which Cities Service acquired from Jenney. We have studied Mr. Fargo's presentation and have concluded that it would not be appropriate to seek the separate divestiture of the Chelsea terminal because that is not a part of the theory and issues of this case.

We are pursuing with counsel for Cities the modifications we have suggested to the existing proposed decree. We believe we can resolve these matters within the 15-day time limit imposed by your Honor at the conference. To this end we have the agreement by counsel for Cities to extend the period within which the plaintiff may withdraw its consent to the entry of the proposed Final Judgment for an additional 15 days. A formal stipulation and order to this effect is being prepared for signatures and transmittal to the Court.

Sincerely yours,

THOMAS E. KAUPER,
Assistant Attorney General,
Antitrust Division.

By: ROONEY O. THORSON, Attorney, Department of Justice.

cc: Harold Hestnes, Esq.,
Darrell A. Kelsey, Esq.,
Robert E. Sullivan, Esq.

CITIES SERVICE OIL COMPANY

LEGAL DIVISION

Cities Service Building,
Box 300, Tulsa, Oklahoma 74102,

April 1, 1975.

JILL DEYTT RADEK, Esq.,

Antitrust Division, U.S. Department of Justice,
Washington, D.C. 20530

Re: United States v. Cities Service Company,
et al., U.S.D.C., District of Massachusetts
(Jenney), Civil No. 68-213-J.

DEAR JILL: Confirming our discussion last week, it is appropriate for you to advise your people that there has been no significant change in the "CITGO" market shares for motor gasoline in the Two-State, Massachusetts and New Hampshire, area. Data published by the Massachusetts and New Hampshire Petroleum Councils indicate the CITGO market shares to be as follows:

	Percent
1972	5.3
1973	5.3
1974	5.8

As I pointed out to you, a preliminary analysis by our Tax Department has disclosed that no less than 21 million gallons of motor gasoline was "exchanged" with another marketer in Massachusetts and Cities assumed the tax liability on said volume. Although, at the present time, we do not have figures for all of 1974, based upon the data presently before us and making an adjustment for at least 21 million gallons, it would appear that the "CITGO" market share for the Two-State area for 1974 would be in the range of 4.9% to 5.1%.

Another item I had intended to mention to you when you called last week relates to Cities' disposal of a limited number of Jenney properties, in the routine course of business, where Cities has determined that said properties have lost their viability as a CITGO outlet. Please recall that at our meeting on March 1, 1974, it was agreed that Justice would have no objection to Cities' disposing of a limited number of properties under these circumstances. This was confirmed in my March 11, 1974 letter to Rod Thorson, at which time I advised of two such properties which Cities wished to dispose of at the earliest possible date. This is to advise that Cities now wishes to dispose of its interest in the following property:

Property No. 28-017-601, South Main and Linden Streets, Rochester, New Hampshire.

Unless you should advise me of the need for any additional information concerning this property, I will advise Cities' Management to proceed with negotiations with Jenney re purchase and sale of the facility. In the same manner as with the two properties I gave you notice of on March 11, 1974, Cities will include a statement as to the ultimate disposition of this New Hampshire property in the appropriate quarterly report.

Sincerely,

DARRELL A. KELSEY,
Senior Attorney.

cc: Harold Hestnes, Esq.,
Hale and Dorr,
28 State Street,
Boston, Massachusetts 02109.

[FR Doc.75-26145 Filed 9-30-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

PARKER-DAVIS AND COLORADO RIVER STORAGE PROJECTS

Final Allocation of Power

Pursuant to Pub. L. 83-373, May 28, 1954 (68 Stat. 143), and Public Law 84-485, April 11, 1955 (70 Stat. 105), and by virtue of authority under the Reclamation Project Act of 1939, August 4, 1939 (53 Stat. 1187, 1194, 1198), the Secretary of the Interior has reallocated power from the Parker-Davis Project and the Southern Division of the Colorado River Storage Project (CRSP).

There are 254,000 kW of Parker-Davis Project power reserved or reallocated and 26,650 kW of CRSP power reallocated.

Nineteen public comments were received on the proposed reallocation which was published by notice in the FEDERAL REGISTER on April 4, 1975.

A detailed review of the comments received was made, and copies of the comments and of this review are available for public inspection at either of the offices below.

Chief, Division of Power, Bureau of Reclamation, Room 7612, Department of the Interior, Washington, D.C. 20240. Telephone: (202) 343-5337.

Regional Supervisor of Power, Bureau of Reclamation, Room A-35, Department of the Interior, Lower Colorado Region, Boulder City, Nevada 89005. Telephone: (702) 293-8421.

Based on that review, the final allocation has been made and appears below. The principal changes made from the proposed allocation as a result of the review include:

1. Increasing the allocation to summer priority use by 1,300 kW to allow for a change from 2,100 kW to 3,400 kW for irrigation pumping on the Colorado River Indian Irrigation Project. This change was made to correct an error in the proposed allocation.

2. Decreasing the Ak-Chin Indian Community summer allocation from 5,500 kW to 4,500 kW in order to base it on actual 1973 on reservation use, plus transmission losses.

3. Reducing the Queen Creek summer allocation from 2,700 kW to 2,000 kW and San Tan from 1,300 kW to 950 kW in order to produce allocations that are more in line with the allocations to other entities.

4. Making minor changes in the summer allocations to other existing customers to incorporate the above adjustments.

The winter season allocations are the same as those published in the FEDERAL REGISTER on April 4, 1975.

Dated: September 24, 1975.

KENT FRIZZELL,
Acting Secretary of the Interior.

TABLE I.—Summer season allocations, Parker-Davis Project

Customer or load	Present allocation (in kilowatts)					Final reallocation (in kilowatts)				
	Permanent	Withdrawable	Total	CRSP	Total	Permanent	Withdrawable	Total	CRSP	Total
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Ak-Chin Indian Community									4,500	4,500
Arizona Electric Power Co-op	19,425		19,425	12,800	31,725	21,100		21,100	13,400	34,500
Arizona Power Authority		3,035	3,035		3,035		3,800	3,300		3,300
Chandler Heights Citrus Irrigation District				400	400				450	450
Colorado River Indian Agency	2,065	1,315	3,320	750	4,070	3,300		3,300	450	3,750
D.C.R.R. of Nevada	45,060	8,080	53,140	28,500	81,640	49,050	3,750	57,800	30,900	88,700
Edwards Air Force Base	15,030	2,020	17,050		17,050	16,350	2,150	18,500		18,500
Electrical District No. 2				10,400	10,400				11,350	11,350
Electrical District No. 3				8,650	8,650				9,450	9,450
Electrical District No. 4				5,250	5,250				5,750	5,750
Electrical District No. 5 (Pinal)				3,250	3,250				3,500	3,500
Electrical District No. 5 (Maricopa)				1,700	1,700				1,850	1,850
Electrical District No. 6				6,250	6,250				6,850	6,850
Electrical District No. 7				4,950	4,950				5,400	5,400
Imperial Irrigation District	30,055		30,055		30,055	32,550		32,550		32,550
Littlefield Electric Co-op				200	200				250	250
Maricopa County Municipal Water Conservation District				5,850	5,850				6,350	6,350
City of Mesa	9,590		9,590	4,850	14,440	10,450		10,450	5,250	15,700
Mohave Electric Co-op	2,515		2,515	400	2,915	2,700		2,700	450	3,150
Navajo Tribal Utility Authority				2,500	2,500				2,700	2,700
Ocotillo Water Conservation District				1,200	1,200				1,300	1,300
Queen Creek Irrigation District									2,000	2,000
Roosevelt Irrigation District				5,200	5,200				5,650	5,650
Roosevelt Water Conservation District				2,500	2,500				2,700	2,700
City of Safford				1,200	1,200				1,300	1,300
Salt River Project	30,000		30,000	101,500	131,000	31,700		37,700	111,250	142,950
San Carlos Irrigation Project	14,025	2,020	16,045	1,750	17,795	15,250	2,150	17,400	1,900	19,300
San Tan Irrigation District									950	950
Town of Thatcher	310		310	550	860	350		350	600	950
Wellton-Mohawk Irrigation and Drainage District	2,005	1,010	3,015	350	3,365	2,200	1,000	3,200	300	3,500
Williams Air Force Base				2,200	2,200				2,400	2,400
Yuma Irrigation District	1,500		1,500		1,500	1,000		1,000		1,000
Yuma Proving Ground	3,065	2,030	5,025	400	5,425	3,300	2,150	5,450	450	5,900
Priority uses	38,975		38,975		38,975	42,400		42,400		42,400
Private utilities	21,000		21,000		21,000					21,000
Total	234,500	19,300	254,000	213,350	467,350	231,500	19,500	254,000	280,000	494,000

TABLE II.—Winter season allocation, Parker-Davis Project

Customer or load	Present allocation (in kilowatts)					Final reallocation (in kilowatts)				
	Permanent	Withdrawable	Total	CRSP	Total	Permanent	Withdrawable	Total	CRSP	Total
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Ak-Chin Indian Community									3,300	3,300
Arizona Electric Power Co-op	14,570		14,570	500	15,070	16,200		16,200	1,400	17,600
Arizona Power Authority		2,275	2,275		2,275		2,550	2,650		2,650
Chandler Heights Citrus Irrigation District				150	150				200	200
Colorado River Indian Agency	1,565	985	2,400	400	2,850	4,200		4,200	400	4,600
D.C.R.R. of Nevada	33,810	6,060	39,870	11,450	51,320	36,300	6,000	42,300	17,600	59,900
Edwards Air Force Base	11,270	1,515	12,785		12,785	13,450	1,500	14,950		14,950
Electrical District No. 2				3,850	3,850				4,500	4,500
Electrical District No. 3				1,400	1,400				1,650	1,650
Electrical District No. 4				2,100	2,100				2,450	2,450
Electrical District No. 5 (Pinal)				1,500	1,500				1,750	1,750
Electrical District No. 5 (Maricopa)				700	700				800	800
Electrical District No. 6				700	700				800	800
Imperial Irrigation District	22,535		22,535		22,535	26,300		26,300		26,300
Littlefield Electric Co-op				100	100				150	150
Maricopa County Municipal Water Conservation District				1,300	1,300				1,500	1,700
City of Mesa	7,100		7,100	1,650	8,840	8,600		8,600	2,300	10,700
Mohave Electric Co-op	1,800		1,800	200	2,000	2,200		2,200	250	2,450
Navajo Tribal Utility Authority				1,000	1,000				1,150	1,150
Ocotillo Water Conservation District				500	500				600	600
Queen Creek Irrigation District										
Roosevelt Irrigation District				1,000	1,000				1,150	1,150
Roosevelt Water Conservation District				950	950				1,100	1,100
City of Safford				350	350				400	400
Salt River Project	22,500		22,500	20,550	52,050	22,500		22,500	38,250	60,750
San Carlos Irrigation Project	10,515	1,515	12,030	350	12,380	11,950	1,500	13,450	1,000	14,450
San Tan Irrigation District										
Town of Thatcher	230		230	200	430	250		250	250	500
Wellton-Mohawk Irrigation and Drainage District	1,505	790	2,295	100	2,395	1,850	750	2,600	150	2,750
Williams Air Force Base				550	550				650	650
Yuma Irrigation District	1,125		1,125		1,125	1,300		1,300		1,300
Yuma Proving Ground	2,355	1,515	3,770	200	3,970	2,900	1,500	4,400	250	4,650
Priority uses	24,700		24,700		24,700	24,700		24,700		24,700
Private utilities	15,750		15,750		15,750					15,750
Total	171,350	14,625	185,975	60,750	246,725	172,100	13,900	186,000	84,000	270,000

[FR Doc.75-28082 Filed 9-3-75; 8:45 am]

DEPARTMENT OF AGRICULTURE

[Amendment 2]

Commodity Credit Corporation

LOAN PROGRAMS—1973 AND SUBSEQUENT CROP PRICE SUPPORT PROGRAMS AND FARM STORAGE AND DRYING EQUIPMENT LOAN PROGRAM

Announcement of Interest Rate

The revised announcement by Commodity Credit Corporation published in the issue of Tuesday, October 1, 1974, at page 35403, as amended in the issue of March 31, 1975, at page 14347, of the rate of interest applicable to price support programs on 1973 and subsequent crops or production and to financing the purchase or construction of farm storage facilities and drying equipment is hereby amended to increase the interest rate on certain loans effective October 1, 1975.

Paragraph A1(c) is amended to read as follows:

(c) For 1974 crop for which applications are received on or after October 1, 1974, loans shall bear interest at the per annum rate of 9.375 percent from the date of disbursement through March 31, 1975, at the per annum rate of 6.125 percent from April 1, 1975, through September 30, 1975, and at the per annum rate of 7.500 percent from October 1, 1975, to the date of any subsequent change in the interest rate announced by Commodity Credit Corporation.

Paragraph A1(d) is amended to read as follows:

(d) For 1975 crop, loans shall bear interest at the per annum rate of 6.125 percent from the date of disbursement through September 30, 1975, and at the per annum rate of 7.500 percent from October 1, 1975, to the date of any subsequent change in the interest rate announced by Commodity Credit Corporation.

Paragraph B is amended to read as follows: **B. FARM STORAGE AND DRYING EQUIPMENT LOAN PROGRAM.**

Loans made for the purchase, construction, erection, or installation of farm storage facilities or drying equipment shall bear interest as follows: Loans disbursed by CCC on applications filed on or after October 1, 1974, shall bear interest at the per annum rate of 9.375 percent from the date of disbursement through March 31, 1975, at the per annum rate of 6.125 percent from April 1, 1975, through September 30, 1975, and at the per annum rate of 7.500 percent from October 1, 1975, to the date of any subsequent change in the interest rate announced by CCC.

Signed at Washington, D.C. on September 25, 1975.

E. J. PERSON,

Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.75-26171 Filed 9-30-75;8:45 am]

Forest Service

ROUTT NATIONAL FOREST GRAZING ADVISORY BOARD

Notice of Meeting

The Routt National Forest Grazing Advisory Board will meet October 24, 1975 at 10:00 a.m. at the Yampa Valley Electric Association building, Steamboat Springs, Colorado.

The purpose of the meeting is to discuss the impact of the new grazing permits and new tentative grazing regulations on the operations of local national forest grazing permittees and the local livestock industry.

The meeting will be open to the public. Persons who wish to attend and participate should notify Ken Stithem, Forest Supervisor's Office (303 879-1722) prior to the meeting. Public members may participate in discussions during the meeting at any time or may file a written statement following the meeting.

J. MERLE PRINCE,
Forest Supervisor.

SEPTEMBER 24, 1975.

[FR Doc.75-26219 Filed 9-30-75;8:45 am]

Office of the Secretary

KOOTENAI NATIONAL FOREST, MONT.

Change in Boundary of National Forest

Pursuant to authority vested in me by Section 11 of the Act of March 1, 1911 (36 Stat. 961) as amended, by the Act of September 2, 1958 (72 Stat. 1571), and 7 CFR 2, the boundary of the Kootenai National Forest is extended as described below. All lands within the Kootenai National Forest, as adjusted, which have been acquired by the United States by provisions of the aforesaid Act, or which otherwise attain status as National Forest land subject to such Act, are hereby designated for administration as part of the Kootenai National Forest.

KOOTENAI NATIONAL FOREST, MONTANA

MONTANA PRINCIPAL MERIDIAN

T. 31 N., R. 31 W.,
Sec. 35, SW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.

The areas described aggregate 72.5 acres, more or less.

Effective Date. This order takes effect on October 1, 1975.

Dated: September 26, 1975.

EARL L. BUTZ,
Secretary.

[FR Doc.75-26172 Filed 9-30-75;8:45 am]

SUPERIOR NATIONAL FOREST

Transfer of Certain Lands

Pursuant to the authority vested in me by the Act of January 8, 1971, Public Law 91-661 (84 Stat. 1970), the following

lands are hereby transferred from the administrative jurisdiction of the Forest Service, United States Department of Agriculture, to the administrative jurisdiction of the National Park Service, United States Department of the Interior.

Those certain lands now administered as a part of the Superior National Forest and being more particularly described as follows:

ST. LOUIS COUNTY

FOURTH PRINCIPAL MERIDIAN

T. 67 N., R. 17 W.,
Sec. 1, lots 4 and 7, SW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 2, lots 1 to 3, inclusive, and lot 9, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 3, lots 3 and 4, S $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 11, lot 1.
T. 68 N., R. 17 W.,
Sec. 1, lots 6 to 13, inclusive, unsurveyed island;
Sec. 2, unsurveyed island;
Sec. 3, lots 2, 7, and 9, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 4, lots 2, 5, 6, 9, 10, and 11, SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, riparian;
Sec. 5, lots 1 to 4, inclusive and lot 8;
Sec. 6, lots 3 to 6, inclusive, and lots 9 to 11, inclusive, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 7, lots 1 and 2, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 8, lots 3 and 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 9, unsurveyed island;
Sec. 10, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 11, N $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 12, unsurveyed island;
Sec. 14, lots 8 and 9;
Sec. 15, lots 6, 11, and 12;
Sec. 17, lots 1 to 4, inclusive, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 18, lots 2 to 7, inclusive, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 19, lots 1 to 3, inclusive, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 20, SW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, unsurveyed island;
Sec. 21, lots 2 and 7, N $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 22, lots 2 to 5, inclusive, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 23, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 25, unsurveyed island;
Sec. 26, lots 1 to 4, inclusive, unsurveyed island;
Sec. 27, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 28, lots 3 and 6, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 29, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 30, lot 1, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 31, lot 1, NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 32, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 33, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 34, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 35, lots 3 to 5, inclusive, unsurveyed island, riparian;
Sec. 36, lot 10, unsurveyed island.
T. 68 N., R. 18 W.,
Sec. 1, lots 1 and 2, SE $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 2, lots 1 to 4, inclusive, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 3, lots 1 to 5, inclusive, and lots 7 to 10, inclusive, S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, riparian;

- Sec. 4, lots 1, 2, and 8, S½NE¼, NE¼SE¼;
Sec. 5, S½NW¼, SW¼;
Sec. 6, lots 3 and 4, SW¼NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7, lots 2 and 3, NE¼NE¼, S½NE¼, SE¼NW¼, E½SE¼;
Sec. 8, NW¼, NE¼SW¼, W½SW¼;
Sec. 9, lots 1 to 4, inclusive, SE¼NE¼, NW¼NW¼, SE¼NW¼, E½SW¼, SW¼SE¼;
Sec. 10, lots 1 and 2, E½NE¼, SW¼NE¼, NW¼NW¼, S½NW¼, SE¼SW¼, E½SE¼, riparian;
Sec. 11, NE¼NE¼, S½NE¼, NW¼, SW¼, SE¼;
Sec. 12, NE¼, E½SW¼, SE¼, NW¼;
Sec. 13, lots 1 and 3, NW¼NW¼, N½SW¼;
Sec. 14, lots 1 and 5, NE¼, NE¼NW¼;
Sec. 24, lots 1 and 2, W½NE¼.
- T. 68 N., R. 19 W.,
Sec. 2, lot 3, SE¼NW¼;
Sec. 3, SE¼SW¼.
- T. 68 N., R. 20 W.,
Sec. 4, lots 3 and 4, SW¼NW¼, SW¼NE¼, W½SE¼.
- T. 69 N., R. 17 W.,
Sec. 20, lots 1 and 2;
Sec. 21, lots 1 to 8, inclusive;
Sec. 22, lots 1 and 2;
Sec. 27, lot 3 and lots 5 to 9, inclusive, unsurveyed island;
Sec. 28, lots 1 and 2, and lots 4 to 17, inclusive, unsurveyed island;
Sec. 29, lots 4 to 11, inclusive, S½SW¼, SW¼SE¼, unsurveyed island;
Sec. 30, lots 1 and 4, unsurveyed island;
Sec. 31, S½NE¼, SE¼, unsurveyed island;
Sec. 32, lots 1 to 4, inclusive, NE¼NE¼, S½NE¼, W½SW¼, SW¼NW¼;
Sec. 33, lots 1, 3, 4, 5, 12, 13, and 14, SW¼NW¼, unsurveyed island;
Sec. 34, lots 1 to 5, inclusive, and lots 7 and 10, NE¼NW¼, SE¼SW¼;
Sec. 35, lots 1 and 2, and lots 11 to 14, inclusive, unsurveyed island;
- T. 69 N., R. 18 W.,
Sec. 19, lot 6;
Sec. 25, lots 3 to 8, inclusive;
Sec. 26, lots 2 to 4, inclusive;
Sec. 27, lots 3 and 4, S½SW¼;
Sec. 28, lots 1 to 3, inclusive, and lot 7;
Sec. 29, lots 2, 5, 6, and 8, unsurveyed island;
Sec. 30, lots 8 to 11, inclusive, unsurveyed island;
Sec. 31, lots 1 to 7, inclusive, S. 510' of lot 8, SE¼SW¼, unsurveyed island;
Sec. 32, lots 1 and 2, NE¼, N½NW¼, NE¼SE¼, S½SE¼;
Sec. lot 2, N½NE¼, S½NW¼, NW¼SW¼, S½SW¼, S½SE¼;
Sec. 34, NE¼, NW¼, SW¼, NE¼SE¼, W½SE¼;
Sec. 35, lots 2 and 3, W½NW¼, SW¼, NW¼SE¼, S½SE¼.
- T. 69 N., R. 19 W.,
Sec. 1, SW¼;
Sec. 7, SE¼SW¼;
Sec. 10, NW¼NE¼, SW¼SE¼;
Sec. 11, NE¼SW¼, NW¼SE¼;
Sec. 12, lot 9, NW¼NW¼;
Sec. 13, lots 1 and 2, and lots 4 to 6, inclusive;
Sec. 14, lots 1 and 5;
Sec. 15, NW¼NE¼, E½NW¼, SW¼NW¼;
Sec. 17, lot 1, SE¼SW¼, SE¼NE¼, SW¼NW¼, NE¼SE¼;
Sec. 18, lots 2, 3, 7, and 9;
Sec. 19, lots 2 and 3;
Sec. 21, lots 10 to 12, inclusive;
Sec. 22, lots 9 and 10;
Sec. 23, lots 3 to 5, inclusive, and lot 10, NE¼SE¼;
Sec. 24, lot 5;
Sec. 26, lots 1, 2, 10, and 11;
Sec. 28, SE¼SW¼;
Sec. 30, lots 4, 8, and 9;
Sec. 31, SW¼NE¼, NW¼SE¼;
- Sec. 32, lots 1 and 2;
Sec. 33, NE¼NW¼;
Sec. 35, SW¼NE¼.
- T. 69 N., R. 20 W.,
Sec. 8, SW¼SW¼;
Sec. 9, SE¼NE¼, NE¼SE¼;
Sec. 10, NW¼NW¼, SE¼NW¼;
Sec. 12, lots 8 and 9;
Sec. 14, lot 8;
Sec. 15, lot 5, NE¼NE¼;
Sec. 18, lot 5;
Sec. 21, lot 3;
Sec. 25, lot 1;
Sec. 27, N½SW¼, SW¼SW¼;
Sec. 28, S½SW¼, SE¼;
Sec. 31, lots 3 and 4, and lots 6 to 9, inclusive, SE¼NW¼, S½NE¼;
Sec. 32, lot 4;
Sec. 33, S½SW¼.
- T. 69 N., R. 21 W.,
Sec. 8, lot 2.
- T. 70 N., R. 18 W.,
Sec. 19, lot 4;
Sec. 20, lots 2, 7, and 8;
Sec. 21, lot 3;
Sec. 27, lot 2;
Sec. 29, lot 3;
Sec. 30, lot 5, SW¼SE¼, E½SW¼;
Sec. 31, lots 5 and 8, NW¼NE¼, SE¼NE¼, SW¼NE¼;
Sec. 32, E½NW¼, SW¼NE¼, NE¼SW¼, W½SE¼;
Sec. 33, SE¼NW¼;
Sec. 34, lot 4.
- T. 70 N., R. 19 W.,
Sec. 19, lots 7 to 9, inclusive;
Sec. 21, lot 1;
Sec. 22, lots 3 to 6, inclusive, SE¼SW¼;
Sec. 23, lot 2, and lots 4 to 8, inclusive;
Sec. 24, lots 2 to 4, inclusive;
Sec. 25, lot 8;
Sec. 27, lots 4 and 5;
Sec. 33, lot 1.
- T. 70 N., R. 20 W.,
Sec. 5, lots 3 to 6, inclusive;
Sec. 6, lot 3, and lots 6 to 12, inclusive;
Sec. 7, lots 7 to 10, inclusive;
Sec. 8, lots 10 and 11;
Sec. 9, lot 9;
Sec. 10, lots 3 and 7;
Sec. 11, lot 6;
Sec. 13, lots 7 and 8;
Sec. 14, lot 3;
Sec. 15, lots 2, 9, and 10;
Sec. 19, SW¼SE¼;
Sec. 23, lots 8 and 9;
Sec. 24, lot 6, NE¼NW¼;
Sec. 34, lot 8.
- T. 70 N., R. 21 W.,
Sec. 1, lots 1 to 9, inclusive, and lots 11 and 12, SW¼NW¼;
Sec. 2, lot 1, S½NE¼, SE¼NW¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 3, lots 2 to 4, inclusive, SW¼NE¼, S½NW¼, NW¼SE¼;
Sec. 5, lots 1 and 2, S½S½;
Sec. 6, lots 1 to 3, inclusive, SE¼SE¼;
Sec. 8, SW¼NW¼;
Sec. 10, NE¼NE¼;
Sec. 11, NW¼NW¼;
Sec. 12, lot 1, and lots 6 to 8, inclusive;
Sec. 13, SE¼NE¼;
Sec. 18, lot 1, NW¼NE¼, NE¼NW¼;
Sec. 22, lot 1;
Sec. 26, N½NE¼, S½SE¼;
Sec. 29, lot 1;
Sec. 31, lots 1 and 2, and lots 5 to 7, inclusive;
Sec. 32, lots 2 and 6.
- T. 71 N., R. 20 W.,
Sec. 19, lot 2;
Sec. 30, lots 1 and 5;
Sec. 31, lot 5, and lots 10 to 16, inclusive, SE¼NW¼, NE¼SW¼;
Sec. 32, lots 1 and 5, and lots 10 to 17, inclusive;
Sec. 33, lots 1, 2, 4, 6, and 7.
- T. 71 N., R. 21 W.,
Sec. 19, lot 6;
Sec. 24, lots 3 to 6, inclusive;
Sec. 25, lots 5 and 8;
Sec. 26, lot 3;
Sec. 27, lot 2;
Sec. 28, lots 7 to 9, inclusive;
Sec. 30, lots 6 to 10, inclusive;
Sec. 31, lots 11 to 14, S½SE¼;
Sec. 32, lots 4, 6, 11, and 13;
Sec. 34, lots 4, 5, 9, 10, and 11, SW¼SW¼.

KOOSKICHING COUNTY

FOURTH PRINCIPAL MERIDIAN

- T. 69 N., R. 22 W.,
Sec. 11, lot 1;
- T. 70 N., R. 22 W.,
Sec. 1, SW¼NE¼, SE¼NW¼;
Sec. 10, lots 3 and 5;
Sec. 11, S½NW¼;
Sec. 24, NE¼NE¼, S½NE¼, SE¼NW¼, NE¼SE¼.
- T. 71 N., R. 22 W.,
Sec. 22, lot 2;
Sec. 23, lot 3;
Sec. 24, lots 4 and 5;
Sec. 26, lot 12;
Sec. 27, lots 11 to 15, inclusive;
Sec. 32, lot 4;
Sec. 34, lot 7.

The areas described aggregate 25,290.99 acres.

Effective date: This notice takes effect October 1, 1975.

EARL L. BUTZ,
Secretary.

SEPTEMBER 26, 1975.

[FR Doc.75-26173 Filed 9-30-75; 8:45 am]

Soil Conservation Service

FLINT CREEK WATERSHED PROJECT,
NEW YORKNotice of Availability of Draft
Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Flint Creek Watershed Project, Ontario, Steuben, and Yates Counties, New York, USDA-SCS-EIS-WS-(ADM)-76-1-(D)-NY.

The environmental impact statement concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment and 18.7 miles of enlargement or realignment of existing manmade or modified channels to provide for reduced flooding on 1,695 acres of muckland.

Under present conditions, 8.1 miles of the channels have intermittent flow while 10.6 miles flow perennially. The channels are located in and adjacent to an intensively cultivated agricultural area.

Copies of the draft environmental impact statement have been sent for comment to various federal, state, and local agencies, as outlined in the Council on

Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts. A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, Room 400-Midtown Plaza, 700 East Water Street, Syracuse, New York 13210.

Comments concerning the proposed action or requests for additional information should be addressed to Robert L. Hillard, State Conservationist, Soil Conservation Service, Room 400, Midtown Plaza, 700 East Water Street, Syracuse, New York 13210.

Comments must be received on or before November 21, 1975, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: September 24, 1975.

JOSEPH W. HAAS,
Deputy Administrator for Water
Resources, Soil Conservation
Service.

[FR Doc.75-26221 Filed 9-30-75; 8:45 am]

PINE RUN WATERSHED PROJECT, PENNSYLVANIA

Notice of Availability of Final Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the Pine Run Watershed Project, Montgomery County, Pennsylvania, USDA-SCS-EIS-WS-(ADM)-75-1-(F)-PA.

The EIS concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment, two flood-water retarding structures and a program of non-structural measures.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, Box 985 Federal Square Station, Harrisburg, Pennsylvania 17108.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: September 24, 1975.

JOSEPH W. HAAS,
Deputy Administrator for Water
Resources, Soil Conservation
Service.

[FR Doc.75-26220 Filed 9-30-75; 8:45 am]

National Oceanic and Atmospheric Administration

COMMERCIAL FISHING OPERATIONS

Additional Public Hearing

On September 8, 1975, notice was given in the FEDERAL REGISTER (40 FR 41531) that an informal public hearing would be held on October 9, 1975, in Washington, D.C., to obtain comments and views of interested persons primarily with respect to the reissuance of general permits to allow the taking of marine mammals incidental to commercial fishing operations.

Notice is hereby given that, in order to permit the interested public to personally participate to the fullest extent possible, an additional informal hearing on this subject will be held on October 24, 1975, commencing at 9 a.m. in the Harbor Room, Royal Inn at the Wharf, 1355 Harbor Drive, San Diego, California.

Dated: September 29, 1975.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

[FR Doc.75-26359 Filed 9-30-75; 8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

[Docket No. 75N-0176]

OVER-THE-COUNTER (OTC) MISCELLANEOUS EXTERNAL AND INTERNAL DRUG PRODUCTS

Safety and Effectiveness Review; Request for Data and Information

Correction

In FR Doc. 75-22644 appearing at page 38179, in the issue for Wednesday, August 27, 1975, on page 38180 make the following changes:

1. In the third column under the heading "Blemish remedies-skin", in the first entry the word reading "ureldohydrantoin" should read "ureldohydantoin".
2. In the third column under the heading "Chafing and chapping" the eighth entry reading "Amylidimethyl-" should read "Amylidimethyl-".

Alcohol, Drug Abuse, and Mental Health Administration

BOARD OF SCIENTIFIC COUNSELORS, NIMH

Notice of Meeting

BOARD OF SCIENTIFIC COUNSELORS, NIMH: October 23-24; 9:30 a.m.; Conference Room 1B-07, Bldg. 36, National Institutes of Health, Bethesda, Maryland; Open—October 23, 9:30-10:00 a.m.; Closed—Otherwise; Contact Dr. John C. Eberhart, Bldg. 36, Room 1A-05, NIH, Bethesda, Maryland 20014, 301-496-3501.

PURPOSE: The Board of Scientific Counselors provides expert advice to the Director, NIMH, on the mental health in-

tramural research program through periodic visits to the laboratories for assessment of the research in progress and evaluation of productivity and performance of staff scientists.

AGENDA: The Board will meet in Building 36, Room 1B-07, Bethesda, Maryland, for approximately 30 minutes for a report by the Director and Deputy Director of Intramural Research, NIMH, on recent administrative developments, and this portion of the meeting will be open to the public. The remainder of the first day's session will be devoted to the review of intramural research projects from the Section on Neuropsychology and the evaluation of individual scientific programs, and the second day will be devoted to further appraisal of the research presented on the first day and on preparation of recommendations concerning the future work of the Section on Neuropsychology, and these sessions will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions set forth in Section 552 (b) (6), Title 5 U.S. Code and Section 10 (d) of Public Law 92-463 (5 U.S.C. Appendix D).

Substantive information may be obtained from the contact person listed above.

The NIMH Information Officer who will furnish summaries of the meetings and rosters of the committee members is Mr. Edwin Long, Deputy Director, Division of Scientific and Technical Information, National Institute of Mental Health, Room 15-105, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, telephone 301-443-3600.

Dated: September 18, 1975.

CAROLYN T. EVANS,
Committee Management Officer,
Alcohol, Drug Abuse, and
Mental Health Administration.

[FR Doc.75-26222 Filed 9-30-75; 8:45 am]

Food and Drug Administration

[DOCKET NO. 75P-0251]

DOW CHEMICAL U.S.A.

Withdrawal of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b), 72 Stat. 1786 (21 U.S.C. 348(b))), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice of the procedural food additive regulations* (21 CFR 121.52), Dow Chemical U.S.A., 2030 Dow Center, Midland, MI 48640, has withdrawn its petition (FAP 5A3041) notice of which was published in the FEDERAL REGISTER of November 13, 1974 (39 FR 40057), proposing that § 121.1091 *Chemicals used in washing or to assist in the peeling of fruits and vegetables* (21 CFR 121.1091) be amended to provide for safe use of sodium monoalkylphenoxybenzenedisulfonate and sodium

dialkylphenoxybenzenedisulfonate mixtures, where the alkyl group is C₇-C₁₀, in the washing or to assist in the lye peeling of fruits and vegetables.

Dated: September 23, 1975.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc. 75-26163 Filed 9-30-75; 8:45 am]

Food and Drug Administration

[Docket No. 75N-0197]

IN VITRO DIAGNOSTIC PRODUCTS FOR HUMAN USE

Notice of Request for Data and Information To Establish a Product Class Standard for Products Intended for Use in Anti-rubella Antibody Tests

Correction

In FR Doc. 75-24873, appearing at page 43045 in the issue for Thursday, September 18, 1975, the second through fourth lines of the next to last full paragraph should read as follows:

"on or before December 17, 1975, to Food and Drug Administration."

Food and Drug Administration

[Docket No. 75N-0211]

PRIVACY ACT OF 1974

Notice of Systems of Records

Correction

In FR Doc. 75-22412, appearing at page 39073 in the issue for Wednesday, August 27, 1975, make the following changes:

1. In the first line of the first paragraph, the word reading "Commission" should read "Commissioner".

2. In the first column make the following changes to the numbered paragraphs:

a. Paragraph number 2. was inadvertently omitted. It should read: "2. Certified Retort Operators."

b. In paragraph number 5. the word reading "Cre-ential" should read "Cred-ential".

c. In paragraph number 6., line 2, "FDS" should read "FDA".

d. In paragraph number 11, the abbreviation "(SARP)" should read "(SARAP)".

Office of the Secretary

[Docket No. CC-10]

UNIVERSITY OF TEXAS AT AUSTIN

Notice of Proposed Ineligibility (Debarment)

Pursuant to Sections 208 and 209 of Federal Executive Order 11246 and 41 CFR § 60-1.26, notice is hereby given that Respondent University (University of Texas at Austin) will be given an opportunity to be heard on the Allegations set forth below. A copy of Executive Order 11246, a copy of the Regulation of the Office of Federal Contract Compliance, a copy of the Department's Pro-

cedural Rules for Proceedings under Executive Order 11246, are attached.

Within fourteen (14) days from receipt of this notice, Respondent may file an answer to this notice and may request a hearing. The request for hearing shall be included as a separate paragraph of the answer. The answer shall admit or deny specifically and in detail the matters set forth in each allegation of the notice unless Respondent is without knowledge, in which case the answer shall so state, and the statement shall be deemed a denial. Matters alleged as affirmative defenses shall be separately stated and numbered. If Respondent fails to file an answer, request a hearing, or otherwise formally contest the allegations in this notice within the 14-day period following receipt hereof, the matters alleged herein are deemed admitted and Respondent's opportunity for hearing is deemed waived. The Director, Office for Civil Rights, may enter an order declaring Respondent ineligible for award of Federal and Federally-assisted contracts or subcontracts, or extensions or other modifications of existing contracts, until the Respondent has satisfied the Secretary of Labor that it has established and will carry out personnel and employment policies and practices in compliance with the Order.

The answer, request for hearing, and all other documents permitted to be submitted by Respondents in this proceeding must be mailed or delivered to the Civil Rights Hearing Clerk, Department of Health, Education, and Welfare, Room 4519 North Building, 330 Independence Avenue, S.W., Washington, D.C. 20201. An original and two copies should be filed and an additional copy should be mailed or delivered to the attorney in the Office of General Counsel whose address is indicated below his/her signature hereon.

ALLEGATIONS

The General Counsel of the Department of Health, Education, and Welfare (hereinafter, "Department"), acting on behalf of the Department alleges as follows:

I. STATEMENT OF JURISDICTION

1. During the Fiscal Year of September 1, 1964, to August 31, 1965, Respondent University was awarded Federal contract monies for educational purposes directly from agencies within the United States Government.

2. Respondent University has continued to receive Federal contract monies from September, 1965 to the present, and has included the standard equal employment opportunities provisions set forth in Section 202 of Executive Order 11246 in all of its Federal contracts.

3. Such contracts consist of agreements, or modifications thereof, between the University and the corresponding Federal contracting agencies, for the furnishing of supplies or services, including research service, or for the use of real or personal property; including lease arrangements.

4. Section 401 of the Executive Order provides that the Secretary of Labor may

delegate to any Executive Agency any function or duty ascribed to him under the Order, with the exception of his general lawmaking power. Pursuant to this authority, the Office for Civil Rights, Department of Health, Education, and Welfare, is a compliance agency within the definition of 41 CFR 60-1.3(d), and 41 CFR 60-1.6, and is therefore responsible for enforcing the Executive Order and its implementing Regulations with regard to Universities which are Federal Contractors.

5. In assuming its role as a compliance agency, the Office for Civil Rights is empowered by Section 206(b) of the Executive Order to investigate complaints filed by employees of Universities which are Federal Contractors.

6. 41 CFR 60-1.40(a) (1972) provides that all Federal Contractors whose work force exceeds 50 employees and whose contracts exceed \$50,000 must develop and submit a written Affirmative Action Compliance Program.

7. On May 18, 1973, Respondent University submitted an Affirmative Action Program to the Office for Civil Rights, Department of Health, Education, and Welfare. The Affirmative Action Compliance Program was approved by the Department of Health, Education, and Welfare on July 6, 1973.

II. APPLICABLE LAW AND REGULATIONS

The following applicable law and regulations provide a basis for the proposed enforcement action:

8. Section 202 of Executive Order 11246 provides that all Government Contractors shall include in every Government contract the standard equal employment opportunity provisions set forth in Section 202 of Executive Order 11246.

9. 41 CFR 60-20.3(b) provides that Federal Contractors must guarantee to, "(e) employees of both sexes as equal opportunity to any available job that he or she is qualified to perform, unless sex is a bona fide occupational qualification." The regulation provides that Contractors must not make, "any distinction based upon sex in employment opportunities, wages, hours, or other conditions of employment," (41 CFR 60-20.3(c)), and that, "wage schedules must not be related to or based on the sex of employees," (41 CFR 60-20.5(a)).

10. 41 CFR 60-3.11 provides that, "disparate treatment . . . occurs where members of a group protected by Executive Order 11246, as amended, have been denied the same opportunities for . . . promotion as have been made available to other employees, . . ." Pursuant to this regulation, "(n)o new . . . selection standard can be imposed upon an individual or class of individuals . . . who, but for . . . prior discrimination, would have been granted the opportunity to qualify under less stringent selection standards previously in force." Selection standards are defined at 41 CFR 60-3.13 as employment criteria "not used uniformly as a basis for qualifying or disqualifying applicants" (for a position of employment) (41 CFR 60-3.13).

11. 41 CFR 60-3.16(a) provides that, "(t)he use of . . . selection techniques by Contractors as qualification standards for . . . promotion . . . shall be examined carefully for possible indications of non-compliance with the requirements of Executive Order 11246, as amended."

12. 41 CFR 60-1.32 provides that, "(t)he sanctions and penalties contained in Subpart D of the Order may be exercised . . . against any prime Contractor, Subcontractor or applicant who fails to take all necessary steps to ensure that no person intimidates, threatens, coerces or discriminates against any individual for the purpose of interfering with . . . any . . . activity related to the Order. . . ."

13. 41 CFR 60-1.7(a) (3) provides that Federal Contractors may be required "to keep employment or other records and to furnish, in the form requested, . . . such information as" the Office for Civil Rights shall deem necessary for the administration of the Executive Order. 41 CFR 60-1.43 requires that such Contractors provide the Office for Civil Rights with access to "books, records, accounts, and other material as may be relevant to (a) matter under investigation and pertinent to compliance."

14. 41 CFR 60-1.24(c) (3) provides that, "where any complaint investigation . . . indicates a violation of the equal opportunity clause and the matter has not been resolved by informal means," the Contractor shall be afforded an opportunity for a hearing. The procedures for a formal hearing are set forth at 41 CFR 60-1.26(b).

15. Section 208(b) of the Executive Order provides that a hearing may be held before sanctions or penalties may be imposed under Executive Order. Under this section, "(n)o order of debarment of any Contractor from further Government contracts under Section 209(a) (6) shall be made without affording the Contractor an opportunity for a hearing."

III. STATEMENT OF MATERIAL FACTS FURNISHING A BASIS FOR THE IMPOSITION OF SANCTIONS

16. On or about August 20, 1971, Ms. Janet Rollins Berry, (hereinafter, Ms. Berry), an Assistant Professor in Respondent's Art History Department, filed a complaint with the Office for Civil Rights, Department of Health, Education, and Welfare, in which she alleged that Respondent had discriminated against her on the basis of her sex.

17. The complaint was investigated by a review team from the Dallas Office for Civil Rights on or about September 13 to 17, 1971, and October 11 to 14, 1971.

18. On or about October 27, 1971, Respondent was notified by the Office for Civil Rights that it was in violation of the Executive Order and its implementing regulations.

19. The following facts reveal a violation of the Executive Order and its Ms. Berry's salary:

a. In 1964, Ms. Berry's adjusted initial salary was approximately 36% lower than that paid to male faculty members

within Respondent's Art History Department who were hired at approximately the same time as Ms. Berry, and whose qualifications were similar to Ms. Berry's.

b. Ms. Berry's average salary increase was approximately one-third less than the average salary increase awarded to male teachers within Respondent's Art History Department.

c. In 1968, Respondent's Art History Department paid a male faculty member who did not possess a doctoral degree approximately \$1,000 per year more than it paid Ms. Berry. Said male faculty member entered Respondent's Art History Department at the same time as Ms. Berry, and had no prior teaching experience.

d. In or around 1970, Respondent's Art History Department hired a male faculty member who possessed neither a doctoral degree nor prior teaching experience, and paid him approximately the same salary as that paid to Ms. Berry, who had six years of teaching experience.

20. Respondent's policies and practices with regard to faculty promotion within its Art History Department have been vaguely communicated, generally unwritten, and unevenly applied to the detriment of Ms. Berry, as compared to similarly qualified males within that Department.

a. Respondent hired Ms. Berry at the initial rank of instructor, while it hired all male employees with equivalent degrees and similar qualifications at the rank of assistant professor.

b. In or around November, 1970, Respondent's President reviewed Ms. Berry's unanimous Departmental recommendation for promotion to the rank of associate professor with tenure. The recommendation was denied because Ms. Berry had not completed her doctoral degree. Respondent had at no time prior to the denial issued a written policy, or consistently conformed to an unwritten policy, that would support its denial to promote Ms. Berry. Specifically:

i. A male who had not received a doctoral degree was appointed as chairman of Respondent's Art History Department.

ii. Prior to Respondent's President's denial of Ms. Berry's promotion, two male faculty members who had not received doctoral degrees had been appointed to the rank of associate professor or professor with tenure.

iii. Subsequent to the February 5, 1971, issuance by Respondent's College of Fine Arts of the policy on faculty promotion and compensation (hereinafter, "expected degree rule"), the policy was cited in a petition signed by approximately forty-nine members of Respondent's College of Fine Arts as a "new" policy. The policy, issued by the College Dean, provided that Art Historians are "expected to have a Doctor's Degree as a prerequisite for promotion to tenure, and that, for promotion in salary and rank, they would be expected to publish" and to "demonstrate competence in performance and/or creative activity in the Art for which they are educating audiences."

The policy did not indicate the specific rank for which the doctoral degree would serve as a prerequisite, where "promotion to tenure" was concerned.

iv. Respondent awarded Ms. Berry tenure on or about February 25, 1971.

v. Respondent President's November 18, 1971, "Policy on Faculty Promotion and Compensation", and Respondent's November 14, 1972, Promotion and Compensation Statement contained in Respondent's November 14, 1972, Affirmative Action Statement do not allude to the doctoral prerequisite for the associate professor with tenure rank. The latter document provides that an applicant's source, date and type of degree comprise only one factor to be considered in the salary and rank review process.

vi. Respondent's Affirmative Action Statement, dated November 14, 1972, provides that when apparent inequities in salary or rank are discovered, they shall be eliminated with corrective action.

vii. Respondent's Affirmative Action Compliance Program, dated on or about May 15, 1973, provides on Page one that it will promote women faculty members "on the same basis and at a rate equivalent to that for men."

21. Subsequent to the date Ms. Berry's complaint was filed, Respondent and its employees have directed numerous retaliatory actions against Ms. Berry and her husband, who was previously employed by Respondent.

a. When Ms. Berry protested Respondent's College of Fine Arts "expected degree rule," she was informally notified by Respondent's employees that the Dean had "certain" letters on file against her, and that he probably would use them if necessary; she was also informed that her husband might lose his job.

b. Both Mr. and Ms. Berry's salaries were frozen by Respondent, with the exception of mandatory across-the-board raises. Respondent's other faculty members received salary increments in addition to their mandatory raises.

c. When Ms. Berry requested leave for purposes of taking law courses, her request was initially denied by Respondent. Respondent generally grants faculty members with seven consecutive years of employment an annual term of absence. Respondent granted Ms. Berry leave only after several months of uncertainty, and only shortly in advance of her leave term.

d. The Chairman of Respondent's Art History Department, who had previously given strong support to Ms. Berry's recommendation for promotion, was represented later by Respondent's President as having withdrawn his support from Ms. Berry.

e. The Dean of Respondent's College of Fine Arts, who had at one time highly praised Ms. Berry's teaching qualifications, spoke unfavorably of Ms. Berry to H.E.W. investigators.

f. Both Mr. and Ms. Berry were relieved of all their committee responsibilities within Respondent's Art History Department.

g. Ms. Berry was not assigned by Respondent to teach advanced courses.

h. Mr. Berry was the only assistant professor within Respondent's Art History Department who had not been granted a salary increment for three consecutive years. No assistant professor was paid a lower salary, and, of all those receiving an equivalent salary, none had as much teaching experience as Mr. Berry.

22. Respondent has shown a continued refusal to cooperate or negotiate with the Office for Civil Rights in regard to its investigation and settlement of Ms. Berry's complaint.

a. Respondent's President notified investigators on or about September 13, 1971, that employees' personnel files would not be released for investigative purposes for privacy reasons, and that Ms. Berry's file would not be released because it might contain 'recommendations'.

b. When Respondent was apprised of the results of the complaint investigation, it refused to comply with the Office for Civil Rights' directive to promote Ms. Berry and increase her salary.

23. On or about April 26, 1974, Respondent's Administrators formally refused to provide the Office for Civil Rights with access to additional data determined relevant to Ms. Berry's complaint.

24. The Department has made adequate efforts to achieve Respondent's voluntary compliance with regard to its posture of non-compliance.

Wherefore, for the foregoing reasons, Respondent has failed to comply with Sections (1), (4), and (5) of the Equal Opportunity Clause of its contract as prescribed by the Office of Federal Contract Compliance Regulations (see 41 CFR 60-1.4(a)), and as prescribed by Federal Executive Order 11246 (Section 202), and with 41 CFR Part 60, Sections 60-1.7(a) (3), 1.32, 1.43, 3.11, 3.16(a), 20.3 (b) and (c), and 20.5(a).

Wherefore, the General Counsel requests that the Hearing Officer recommend that an Order be entered, pursuant to 41 CFR 60-1.26(b) (2) (vi):

1. Finding that Respondent failed to comply with Executive Order 11246, and the rules, regulations and orders issued and promulgated thereunder, as well as with its Affirmative Action Compliance Program;

2. Finding that the Department has been unable to achieve the voluntary compliance of Respondent through informal means;

3. Providing that currently-existing contracts or subcontracts funded in whole or in part with Federal funds, be cancelled and terminated; and

4. Providing that Respondent shall be ineligible for the award of any contracts or subcontracts or for the extension or other modification of any existing contracts funded in whole or in part with Federal funds until Respondent has satisfied the Secretary of Labor that Respondent has established and will carry out personnel and employment policies in compliance with the provisions of Executive Order 11246, and the rules, regulations and orders issued thereunder.

(Copy of certificate of service filed as part of the original document.)

Respectfully submitted.

For the General Counsel, Department of Health, Education, and Welfare:

JOHN M. STOKES,
Regional Attorney.

Dated: September 12, 1975.

CAROL BUEHRENS,
Assistant Regional Attorney,
Office of the General Counsel,
Department of Health, Education,
and Welfare.

[FR Doc.75-26235 Filed 9-30-75;8:45 am]

Office of the Secretary
INPATIENT HOSPITAL
Increase Deductible

Pursuant to authority contained in section 1813(b) (2) of the Social Security Act (42 U.S.C. 1395e(b) (2)), as amended, I hereby determine and announce that the dollar amount which shall be applicable for the inpatient hospital deductible, for purposes of section 1813(a) of the Act, as amended, shall be \$104 in the case of any spell of illness beginning during 1976.

The announced increase in the inpatient deductible will also result in proportionate changes in the other cost-sharing amounts under the hospital insurance program. Thus, for spells of illness beginning in 1976, the daily coinsurance for the 61st through the 90th days of hospitalization (one-fourth of the inpatient hospital deductible) shall be \$26; the daily coinsurance for the lifetime reserve days (one-half of the inpatient hospital deductible) shall be \$52; and the daily coinsurance for the 21st through the 100th days of extended care services (one-eighth of the inpatient hospital deductible) shall be \$13.

The new inpatient hospital deductible represents a 13 percent increase over the current deductible. It is important for me to point out that this increase is due in large measure to the continued inflation in the health care industry. Since the expiration of the Economic Stabilization Program controls in April 1974, hospital costs have been increasing 50 percent faster than the overall cost-of-living.

There follows a statement of the actuarial bases employed in arriving at the amount of \$104 for the inpatient hospital deductible for the calendar year 1976.

The law provides that, for spells of illness beginning in calendar years after 1963, the inpatient hospital deductible shall be equal to \$40 multiplied by the ratio of (1) the current average per diem rate for inpatient hospital services for the calendar year preceding the year in which the promulgation is made (in this case, 1974) to (2) the current average per diem rate for such services for 1966. The law further provides that, if the amount so determined is not an even multiple of \$4, it shall be rounded to the nearest multiple of \$4. Further, it is provided that the current average per diem

rates referred to shall be determined by the Secretary of Health, Education, and Welfare from the best available information as to the amounts paid under the program for inpatient hospital services furnished during the year by hospitals who are qualified to participate in the program, and for whom there is an agreement to do so, for individuals who are entitled to benefits as a result of insured status under the Old-Age, Survivors, and Disability Insurance program or the Railroad Retirement program.

The data available to make the necessary computations of the current average per diem rates for calendar years 1966 and 1974 are derived from individual inpatient hospital bills that are recorded on a 100 percent basis in the records of the program. These records show, for each bill, the number of inpatient days of care, the interim reimbursement amount, and the interim cost (the sum of interim reimbursement, deductible, and coinsurance).

Each individual bill is assigned both an initial month and a terminal month, as determined from the first day covered by the bill and the last day so covered. Insofar as the initial month and the terminal month fall in the same calendar year, no problems of classification occur.

Two tabulations are prepared, one summarizing the bills with each assigned to the year in which the period it covers begins, and the other summarizing the same bills with each assigned to the year in which the period it covers ends. The true value with respect to the costs for a given year on an accurate accrual basis should fall between the amount of total costs shown for bills beginning in that year and the amount shown for bills ending in that year.

The current average per diem rate for inpatient hospital services for calendar year 1966, on the basis described, is \$37.92, while the corresponding figure for calendar year 1974 is \$97.93. It may be noted that these averages are based on about 30 million days of hospitalization in 1966 (last 6 months of the year) and 80 million days of hospitalization in 1974. Accordingly the ratio of the 1974 rate to the 1966 rate is 2.583.

In order to accurately reflect the change in the average per diem hospital cost under the program, the average interim cost (as shown in the tabulations) must be adjusted for the effect of final cost settlements made with each provider of services after the end of its fiscal year to adjust the reimbursement to that provider from the amount paid during that year on an interim basis to the actual cost of providing covered services to beneficiaries. To the extent that the ratio of final cost to interim cost is different in the current year than it was in 1966, the increase in average interim per diem costs will not coincide with the increase in actual cost that has occurred. The best data available indicates that this adjustment does not change the ratio shown above by enough to result in a different deductible for 1976. The values shown in this report do not reflect this adjustment for final cost settlements. When

the ratio of 2.583 is multiplied by \$40, it produces an amount of \$103.32, which must be rounded to \$104. Accordingly, the inpatient hospital deductible for spells of illness beginning during calendar year 1976 is \$104.

Dated: September 29, 1975.

DAVID MATHEWS,
Secretary.

[FR Doc.75-26360 Filed 9-30-75; 8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-75-373]

ASSISTANT REGIONAL ADMINISTRATOR FOR INDIAN PROGRAMS REGION IX, SAN FRANCISCO

Redelegation of Authority

The Delegation of Authority published at 40 FR 26053 on June 20, 1975, and effective June 12, 1975, gave exclusive jurisdiction for the administration of all HUD programs, other than programs of FHA mortgage insurance, in relation to certain Indian reservations and Indian tribes named therein, to the Regional Administrator of the San Francisco Regional Office.

The Regional Administrator of the San Francisco Regional Office pursuant to and empowered by said delegation, hereby redelegates such authority with respect to all HUD programs, except programs of FHA mortgage insurance, to the Assistant Regional Administrator for Indian Programs in the San Francisco Regional Office.

Effective date: This redelegation of authority is effective on September 15, 1975.

ROBERT H. BAIDA,
Regional Administrator,
Region IX.

[FR Doc.75-26193 Filed 9-30-75; 8:45 am]

DEPARTMENT OF TRANSPORTATION

[Docket No. EX75-24; Notice 1]

LAFER AUTOMOTIVE OF BRAZIL Petition for Temporary Exemption

Lafer Automotive of Brazil (Sao Paulo) has applied for temporary exemption of its Spinnaker model from 11 Federal motor vehicle safety standards on the basis that compliance would cause it substantial economic hardship.

Lafer has manufactured 200 vehicles in its initial production period beginning September 1, 1974. It wishes to introduce to the American market a replica of the 1952 MG TD British sports car, employing a fiber glass body mounted upon a new Volkswagen chassis. Its request for a 3-year exemption may be summarized as follows.

Standard No. 101, *Control Location, Identification, and Illumination* (S4.3)—There is no direct lighting for the headlamp switch, the hazard warning switch, and the windshield wiper system switch. However, ambient lighting is provided by

lights for adjoining gauges. Rewiring and modifying the dash design would cost \$3,000.

Standard No. 105-75, *Hydraulic Brake Systems* (S5.3)—There is no brake system indicator lamp and engineering and testing costs would amount to \$10,000.

Standard No. 106-74, *Brake Hoses* (S5.2)—The hoses are not labeled. They otherwise comply with the standard.

Standard No. 114, *Theft Protection* (S4.1, S4.4)—There is no key-locking system or warning device. It would cost the company \$7,500 to correct the non-compliance.

Standard No. 201, *Occupant Protection in Interior Impact* (S3.1, S3.2, S3.4, S3.5)—The passenger side area of the console and the arm rests are not padded. There are no sun visors. Modification and testing would cost approximately \$8,000.

Standard No. 208, *Occupant Crash Protection* (S5, S7.3)—The vehicle has a Type 2 seat belt assembly, not required for open vehicles. Exemption is requested for the barrier tests and warning devices. Cost of testing would be \$7,000.

Standard No. 214, *Side Door Strength*—In the view of an independent consultant hired to judge compliance of the vehicle the Spinnaker meets Standard No. 214. However, an exemption would save the company \$600 in tests, and \$3,000 in engineering costs if changes are required.

Standard No. 215, *Exterior Protection*—The compliance status is unknown, but failure to comply would require redesign of the vehicle.

Standard No. 301-75, *Fuel System Integrity*—Petitioner believes that the vehicle conforms but compliance would require \$800 for a test plus the cost of one automobile.

Standard No. 302, *Flammability of Interior Materials*—The seats are covered with leather and probably comply. Compliance of the connectible top is unknown. Testing would cost \$600.

Petitioner will investigate means of compliance while the exemption is in effect, but will withdraw from the American market if the venture is not practicable. It projects sales of 3,000 vehicles over the next 3 years. The company had net losses of \$147,000 in 1974 and \$11,000 in the first 6 months of 1975.

This notice of receipt of a petition for a temporary exemption is published in accordance with the NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgement concerning the merits of the petition.

Interested persons are invited to submit comments on the petition for exemption of Lafer Automotive of Brazil. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials,

and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent practicable. Notice of final action on the petition will be published in the FEDERAL REGISTER.

Comment closing date: October 31, 1975.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159, (15 U.S.C. 1410); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.)

Issued on September 24, 1975.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.75-26267 Filed 9-30-75; 8:45 am]

Office of the Secretary

CITIZENS' ADVISORY COMMITTEE ON TRANSPORTATION QUALITY

Notice of Open Meeting

The Citizens' Advisory Committee on Transportation Quality of the Department of Transportation will meet at 2 p.m., October 16, and at 9 a.m., October 17, 1975, in Room 402, Main Terminal Building, San Francisco International Airport, San Francisco, California.

The Citizens' Advisory Committee on Transportation Quality recommends transportation initiatives to the Secretary of Transportation, and assesses transportation policies from the consumer's viewpoint.

The subject for the two-day meeting will be the development of a national airport noise policy.

The meeting is open to public observation. Those wishing to attend or to obtain additional information should contact Joseph DeVecchio, Executive Director, Citizens' Advisory Committee on Transportation Quality, Office of the Secretary of Transportation, TES-40, 400 Seventh Street, S.W., Washington, D.C. 20590, telephone 202/426-4283.

This notice is given pursuant to section 10 of the Federal Advisory Committee Act (Pub. L. 92-463).

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

HERBERT H. KAISER, JR.,
Acting Assistant Secretary for
Environment, Safety, and
Consumer Affairs.

[FR Doc.75-26224 Filed 9-30-75; 8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 27936; Order 75-9-95]

DELTA AIR LINES, INC.

Order Providing for Further Proceedings Accordance With Subpart N Expedited Procedures

Application of DELTA AIR LINES, INC. for amendment of its certificate of public convenience and necessity.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 25th day of September, 1975.

On June 11, 1975, Delta Air Lines, Inc. (Delta), filed an application pursuant to Subpart N of Part 302 of the Board's Procedural Regulations, for amendment of its certificate of public convenience and necessity for Route 8 so as to permit it to provide nonstop service between Memphis, Tennessee and Tampa, Florida.

Eastern filed a request for dismissal. Eastern holds unrestricted nonstop authority in the market but has never exercised it. TWA filed an answer in which it states it does not object to grant of the requested authority but requests that restrictions be imposed in beyond-area markets affected by the proposal. Civic parties in Broward County, Florida, Tampa and Memphis filed answers in support of Delta's application.

Upon consideration of the foregoing, we do not find that the application is not in compliance with, or is inappropriate for processing under the provisions of Subpart N. Accordingly, we order further proceedings pursuant to the provisions of Subpart N, section 302.1406-1410, with respect to the above application.¹

Accordingly, it is ordered that:

1. The application of Delta Air Lines, Inc., be and it hereby is set for further proceedings pursuant to Rules 1406-1410 of the Board's Procedural Regulations; and

2. This order shall be served on all parties served by Delta Air Lines, Inc., in its application.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.
[FR Doc.75-26231 Filed 9-30-75; 8:45 am]

[Docket 26494; Agreement C.A.B. 25370 R-1 through R-13; Agreement C.A.B. 25385 R-1 through R-3; Agreement C.A.B. 25386 R-1 through R-5; Order 75-9-100]

PASSENGER FARE AND CURRENCY MATTERS

Agreements Adopted by the Traffic Conferences of the International Air Transport Association

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 26th day of September, 1975.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreements were adopted at the composite passenger conference held in Freeport, July/August 1975, and by mail vote, and are to be effective November 1, 1975.

¹ In the event no person files an appropriate pleading in opposition to said application which requests a public hearing thereon, the Board may grant said application without further notice or hearing.

The agreements propose amendments to fare levels and currency-adjustment factors in various world areas, and would directly affect transportation to/from the United States only insofar as they involve fares to/from American Samoa, transatlantic currency-related surcharges from the United Kingdom and Ireland, and currency-related discounts from Australia and New Zealand. Fares within the Southwest Pacific area (which includes American Samoa), and from the Southwest Pacific to most other points in Traffic Conference 3 (Asia/Australia/Pacific) would be increased by four percent; and fares between the Southwest Pacific and Traffic Conference 2 (Europe/Africa/Middle East) would generally be increased by five percent.¹ The Board recently approved a general 10 percent fare increase between the United States and foreign points in the Southwest Pacific and we will approve the fare increases here proposed as consistent with that action.² In approving the earlier increase, the Board found that Pan American, the only U.S. carrier providing South Pacific service, has experienced a -4.85 percent return on investment in scheduled passenger operations in the most recently reported 12-month period,

¹ Normal first-class and economy fares to/from Europe and the Middle East would be increased by three percent.

² Order 75-7-80, July 17, 1975.

Agreement CAB	IATA No.	Title	Application
25370:			
R-3.....	003r	General Increase in Passenger Fares (New).....	2/3.
R-6.....	003w	General Increase in Passenger Fares (New).....	3.
R-12.....	002g	JT31 (South Pacific) Special Rules for Sales of Passenger Air Transportation (Amending).....	3/1.
R-13.....	022i	JT31 (South Pacific) Special Rules for Sales of Passenger Air Transportation (New).....	3/1.

Agreement CAB	IATA resolution	R-3	JT23 (Mall 367) 022f.
25385:			
R-2.....	JT23 (Mall 367) 003x. JT123 (Mall 763) 003x.		JT123 (Mall 763) 022f.

Agreement CAB	IATA No.	Title	Application
25386:			
R-3.....	022i	JT12 and JT123 (North Atlantic) Special Rules for Sales of Passenger Air Transportation (Amending).....	1/2; 1/23.
R-4.....	022n	JT12 and JT123 (Mid-Atlantic) Special Rules for Sales of Passenger Air Transportation (Amending).....	1/2; 1/23.

2. It is not found that the following resolutions, incorporated in the agreements indicated, and which have indirect application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA	Title	Application
25370:			
R-1.....	003p	General Increase in Passenger Fares (New).....	2.
R-2.....	003q	General Increase in Passenger Fares (New).....	2.
R-4.....	003a	General Increase in Passenger Fares (New).....	2.
R-5.....	003u	General Increase in Passenger Fares (New).....	2.
R-7.....	022a I	TC2 (Within Europe) Special Rules for Sales of Passenger Air Transportation (New).....	2.
R-8.....	022a II	TC2 (Within Europe) Special Rules for Sales of Passenger Air Transportation (New).....	2.
R-9.....	022aa	TC2 (Within Europe) Special Rules for Sales of Passenger Air Transportation (New).....	2.
R-10.....	023a	TC2 (Except Within Europe) Special Rules for Sales of Passenger Air Transportation (Amending).....	2.
R-11.....	023dd	TC2 (Except Within Europe) Special Rules for Sales of Passenger Air Transportation (Amending).....	2.

Agreement
CAB

IATA resolution

25385:

R-1

JT23 (Mail 367) 001gg.
JT123 (Mail 763) 001gg.

Agreement CAB	IATA No.	Title	Application
25385:			
R-1	003y	General Increase in Passenger Fares (New)	1/2 (S)
R-2	022h	JT12/JT123 (South Atlantic) Special Rules for Sales of Passenger Air Transportation (Amending)	1/2
R-5	022w	JT12 (South Atlantic) Special Rules for Sales of Passenger Air Transportation From TC2 to TC4 (Amending)	1/2

Accordingly, it is ordered that:

Agreements C.A.B. 25370, R-1 through R-13, C.A.B. 25385, R-1 through R-3, and C.A.B. 25386, R-1 through R-5, be and hereby are approved.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL]

EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-26232 Filed 9-30-75; 8:45 am]

[Docket 25280, Agreement C.A.B. 25413;
Order 75-9-94]

SPECIFIC COMMODITY RATES

Agreement Adopted by the Joint Traffic
Conferences of the International Air
Transport AssociationIssued under delegated authority Sep-
tember 25, 1975.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement names an additional specific commodity rate as set forth below, reflecting reductions from general cargo rates; and was adopted pursuant to unprotested notices to the carriers and promulgated in IATA letter dated September 17, 1975.

Specific Commodity	Description and Rate
Item No.: 2195	Yarn, Thread and/or Fibres, Natural and Synthetic Cloth ¹
	150 ² cents per kgs., minimum weight 100 kgs. From Bangkok to Guam

¹ See applicable tariffs for complete commodity descriptions.² Based on 021b rate 1 U.K. pence=USD 0.2605.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, it is ordered that:

Agreement C.A.B. 25413, is approved, provided that approval shall not consti-

tute approval of the specific commodity descriptions contained therein for purposes of tariff publications; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

By James L. Deegan, Chief, Passenger and Cargo Rates Division, Bureau of Economics.

[SEAL]

EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-26230 Filed 9-30-75; 8:45 am]

CONSUMER PRODUCT SAFETY
COMMISSION

FLAMMABLE FABRICS ACT

Notice of Policy on Exportation of
Noncomplying Goods

The purpose of this document is to notify the public, including manufacturers, importers, distributors, and retailers, of the Consumer Product Safety Commission's policy concerning the exportation of any product, fabric, or related material or product made of fabric or related material which fails to conform to applicable standards or regulations issued under the Flammable Fabrics Act, as amended (15 U.S.C. 1191-1204).

On May 14, 1973, the responsibilities of the Federal Trade Commission for enforcement of the Flammable Fabrics Act were transferred to the Consumer Product Safety Commission by section 30(b) of the Consumer Product Safety Act (15

U.S.C. 2079(b)). Since the transfer of the administration of the Flammable Fabrics Act, questions have arisen as to when goods that do not comply with the Act and with regulations promulgated thereunder may be exported from the United States. The Commission has therefore decided to articulate its policy concerning the export of such products in order to eliminate unnecessary uncertainty from market decisions, from administrative proceedings and from other enforcement actions this Commission is taking and will take to implement FPA standards.

POLICY STATEMENT

Section 3(a) of the Flammable Fabrics Act (15 U.S.C. 1192) prohibits, among other things, the manufacture for sale, the sale, or offering for sale in commerce or the importation into the United States of any product, fabric, or related material which fails to conform to an applicable standard or regulation issued under the Act. Section 3(b) of the Act prohibits the manufacture for sale, the sale, or the offering for sale, of any product made of fabric or related material which fails to conform to an applicable standard or regulation issued under the Act and which has been shipped or received in commerce. (In this notice, all the actions described in section 3 of the Act shall be referred to as "marketing or handling" of goods subject to the Act.)

Section 15(a) of the Act states that the Act "does not apply to any fabric, related material, or product which is to be exported from the United States, if such fabric, related material, or product and any container in which it is enclosed bears a stamp or label stating that such fabric, related material, or product is intended for export and such fabric, related material, or product is in fact exported from the United States," with the exception that the Act does apply to goods intended to be marketed to any installation of the United States located outside the United States.

Section 15(b) of the Act excludes from coverage "any fabric, related material, or product which is imported into the United States for dyeing, finishing, other processing, or storage in bond, and export from the United States," if certain requirements are met, with the exception that the Act does apply to any such imported goods manufactured for sale, offered for sale, or intended for shipment to any installation of the United States located outside of the United States.

The Federal Trade Commission did not consider the exemptions found in section 15 to apply to nonconforming goods which were intended for domestic distribution at the time of manufacture or original importation and which were not intended for exportation from the United States at the time they were manufactured or imported into the United States. The enforcement staff has been consistently following this policy.

The Consumer Product Safety Commission now affirms the basic policy adopted by the FTC and by this Notice

explicitly interprets section 15 of the Act as exempting non-conforming goods for exportation only when the manufacturer or importer intends at the time of original manufacture or importation that such goods are to be exported from the United States, to other than an installation of the United States located outside the United States, and manifests that intent by marking such goods for export and proceeds to export them. Therefore the exportation exemption found in section 15 cannot be claimed once any nonconforming product, fabric or related material or product made of nonconforming fabric or related material has originally been marketed or handled domestically or shipped to a U.S. installation without bearing the required exportation label.

The Flammable Fabrics Act has the dual objectives of discouraging the introduction of flammable goods into commerce and removing from the domestic marketplace flammable goods which have entered commerce. The Act must be interpreted in such a way as to preserve its total deterrent value as well as the integrity of the authorities given to the Commission by Congress to eliminate the risk of injury to the public.

If the Act were interpreted as to permit a person subject to the Act, who marketed or handled violative goods for domestic use, upon discovery of the violation, to export the nonconforming goods, the deterrent value of the Act's prohibitions would be seriously reduced. The incentive the Act gives a person to avoid the initial introduction of nonconforming goods into domestic channels of commerce would be reduced. Moreover such an interpretation would leave the public exposed to a continued risk of injury or property damage from products that did not comply with flammability standards. Such an interpretation would conflict with the Congressional intent to discourage the introduction of nonconforming goods into commerce and is not supported by any language in the Act. It must therefore be rejected by this Commission in favor of an interpretation that precludes exportation of any non-complying goods that were not intended for export at the time of original manufacture or importation, or which entered domestic commerce without the manifest intent of being exported (Section 15 of the Flammable Fabrics Act mandates a labeling requirement if the item was originally intended for export).

In any enforcement action taken by this Commission, the person who markets or handles nonconforming goods shall not be allowed to export domestically made goods unless the intent to export them was previously manifested at the time of manufacture nor shall a person be allowed to export foreign made noncomplying goods which were imported into the United States, unless the intent to export them was previously manifested at the time of the original importation. The Commission may in certain instances allow persons subject

to the Act the opportunity to re-work the violative goods in order to bring them into conformity with the law. Otherwise, nonconforming goods shall be destroyed.

Dated: September 26, 1975.

SADYE E. DUNN,
Secretary, Consumer
Product Safety Commission.

[FR Doc.75-26176 Filed 9-30-75;8:45 am]

POWER LAWN EQUIPMENT

Extension of a Period for Publishing a Proposed Consumer Product Safety Standard

Purpose: The purpose of this notice is to extend the period in which the Consumer Product Safety Commission must publish a rule proposing a consumer product safety standard for power lawn equipment or a notice withdrawing the notice of proceeding.

By notice in the FEDERAL REGISTER of July 22, 1974 (39 FR 26662), the Commission commenced a proceeding under Section 7 of the Consumer Product Safety Act (15 U.S.C. 2056) for the development of a recommended consumer product safety standard applicable to power lawn mowers. On October 17, 1974, the Commission accepted the offer of Consumers Union to develop a recommended standard and published a notice in the FEDERAL REGISTER (39 FR 37803) on October 24, 1974, announcing the acceptance. The Commission agreed to contribute \$66,745 toward the offeror's cost in developing the standard. These funds were to be used in connection with offeror personnel expenses, offeror personnel travel expenses, and certain administrative expenses. In addition, a contingency fund of \$25,000 was set aside for machine shop use and testing expenses if the offeror could not obtain these services without charge and could demonstrate a need for them.

The expiration period for the development of the standard was specified in the notice as December 19, 1974. However, Section 7(e)(3) of the Act (15 U.S.C. 2053(e)(3)) and the regulations issued under Section 7 (16 CFR 1105) provide that the Commission may extend the development period if good cause is shown and the reasons for such extension are published in the FEDERAL REGISTER.

By notice in the FEDERAL REGISTER of March 5, 1975 (40 FR 10228), the Commission extended the development period from December 19, 1974 to June 19, 1975. The Commission agreed to contribute an additional \$90,165 toward the offeror's cost in developing the standard. These funds were to be used for offeror personnel expenses, offeror personnel and consumer participant travel expenses and certain administrative expenses.

By notice in the FEDERAL REGISTER of July 23, 1975, (40 FR 30863), the Commission further extended the development period from June 19, 1975, to July 17, 1975. The extension was provided to permit the offeror time to complete work

on supporting materials required by 16 CFR 1105.8(c) (1) and (2) and compile test data referred to in 16 CFR 1105.8(a). Consumers Union was authorized to expend unused funds from the previous contributions to cost in previously allocable budget categories.

Section 7(f) of the CPSA (15 U.S.C. 2056(f)) specifies in relevant part that "not more than 210 days after publication of a notice of proceeding . . . (which time may be extended by the Commission by a notice published in the FEDERAL REGISTER stating good cause therefor), the Commission shall publish in the FEDERAL REGISTER a notice withdrawing such notice of proceeding or publish a proposed rule . . . which proposes a product safety standard."

In the FEDERAL REGISTER of March 5, 1975 (40 FR 10228), the Commission, in view of the fact that it had extended the development period, extended the period for withdrawing the notice of proceeding or publishing a proposed consumer product safety standard until August 18, 1975. In the FEDERAL REGISTER of July 23, 1975 (40 FR 30863), the Commission, in view of the fact that it had further extended the development period, extended the period for withdrawing the notice of proceeding or publishing a proposed consumer product safety standard until September 15, 1975.

After initial consideration of the recommended standard submitted by Consumers Union, the Commission has determined that, due to the lengthy and complex nature of the recommended standard and the need to adequately and fully review and analyze the provisions of that standard, it requires an additional five months for further analysis of the standard. During the five month period, Commission staff will (1) complete the evaluation of the adequacy of the requirements of the recommended standard and their relevance to the hazards addressed; (2) evaluate the test procedures in the recommended standard to determine their precision, repeatability, and acceptability; (3) correct immediately readily resolvable deficiencies perceived in the recommended standard (including ambiguities and word changes) and (4) recommend alternate strategies to correct deficiencies that are not susceptible to prompt correction.

In accordance with the provisions of section 7(f) of the Consumer Product Safety Act (15 U.S.C. 2056(f)), the Commission hereby extends for five months or until February 15, 1976, the time in which it must either publish a proposed consumer product safety standard applicable to power lawn equipment or withdraw the notice of proceeding. This period may be further extended by a notice published in the FEDERAL REGISTER stating good cause.

Dated: September 25, 1975.

SADYE E. DUNN,
Secretary, Consumer
Product Safety Commission.

[FR Doc.75-26177 Filed 9-30-75;8:45 am]

DEFENSE MANPOWER COMMISSION NOTICE OF MEETING

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that the Commissioners of the Defense Manpower Commission will meet on October 17, 1975 at 9 a.m. in the New Executive Office Building, Room 2008, 726 Jackson Place, N.W., Washington, D.C. 20036.

The meeting will be open to the public. Because of limited space, interested persons wishing to attend should telephone (202) 254-7803 prior to each meeting.

Dated: September 26, 1975.

BRUCE PALMER, Jr.,
General, USA (Ret),
Executive Director.

[FR Doc. 75-26226 Filed 9-30-75; 8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 437-3]

ENVIRONMENTAL IMPACT STATEMENTS AND OTHER ACTIONS IMPACTING THE ENVIRONMENT

Availability of Agency Comments

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of August 1, 1975 to August 15, 1975.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this review period. The listing includes the Federal agency responsible for the statement, a summary of the nature of EPA's comments, the number and title of the statement, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix IV contains a listing of final environmental impact statements reviewed but not commented upon by EPA during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, and the source of the EPA review as set forth in Appendix VI.

Appendix V contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and

commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the reference reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in Appendix VI.

Appendix VI contains a listing of the names and addresses of the sources of EPA reviews and comments listed in Appendices I, III, IV, and V.

Copies of the EPA Manual setting

forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Inquiries Branch, Office of Public Affairs, Environmental Protection Agency, Washington, DC 20460. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency.

Dated: September 18, 1975.

SHELDON MEYERS,

Director.

Office of Federal Activities.

[FR Doc. 75-25971 Filed 9-30-75; 8:45 am]

APPENDIX I.—Draft environmental impact statements for which comments were issued between Aug. 1, 1975, and Aug. 15, 1975

Identifying No.	Title	General nature of comments	Source of copies of comments
Department of Agriculture:			
D-AFS-76919-MT	North End planning unit, Deerledge National Forest, Mont.	LO-1	I
D-AFS-76104-OR	Wallowa Valley planning unit, Wallowa-Whitman National Forest, Ore.	ER-2	K
D-AFS-76106-ID	Lakeview planning unit and land use plan, Kaniksu National Forest, Idaho.	LO-1	K
D-AFS-76107-ID	Land use plan, Snake Creek planning unit, Boise National Forest, Idaho.	LO-1	K
D-SCS-F36025-IN	Prairie Creek watershed, Vigo County, Ind.	LO-2	F
D-SCS-73000-00	Watershed plan for Sedgwick-Sands Draws watershed, Colorado and Nebraska.	LO-2	I
D-SCS-83001-CA	Newman watershed project, Stanislaus County, Calif.	ER-2	J
D-REA-E98005-GA	Hal Wansley Powerplant, units 1 and 2, and associated transmission lines, Heard, Carroll Counties, Ga.	LO-2	E
Corps of Engineers:			
D-COE-D33001-MD	Stewart Investment Co., pier extension, Piney Point, St. Mary's County, Md.	LO-2	D
D-COE-E33007-KY	Kentucky River navigation project, operation and maintenance, Kentucky.	LO-1	E
D-COE-E33008-KY	Green and Barren Rivers navigation project, continued operation and maintenance, Kentucky.	LO-2	E
D-COE-E36025-KY	Beargrass Creek Basin flood control improvement, Jefferson County, Ky.	LO-1	E
D-COE-E83003-SC	Aquatic plant control program, South Carolina.	EU-2	E
D-COE-F03002-WI	Refined products terminal, Lakeside Pipe Line Co., Superior Harbor, Duluth, Wis.	ER-2	F
D-COE-G33018-TX	Maintenance dredging, Corpus Christi Ship Channel, Nueces County, Tex.	3	G
D-COE-G34013-NM	Operation and maintenance and implementation of master plan, Jemez Canyon Dam, Rio Grande, Sandoval County, N. Mex.	LO-2	G
D-COE-J30001-MT	Flathead flood control, Flathead and Clark Fork River Basin, Kalispell, Flathead County, Mont.	ER-2	I
D-COE-K33004-HI	Harbor maintenance dredging, Hawaii.	LO-2	J
D-COE-L34002-OR	Elk Creek Lake, Rogue River Basin, Ore.	EU-2	K
Department of Defense:			
D-USA-A12033-00	Lincoln experimental satellites 8 and 9 (LES 8/9)	ER-2	A
Federal Power Commission:			
D-FPC-K05003-CA	Helms Project No. 2735, Fresno and Madera Counties, Calif.	LO-2	J
General Services Administration:			
D-GSA-G81005-TX	Federal Youth Center, Bastrop County, Tex.	LO-2	G
D-GSA-K81003-CA	Federal Youth Center, Ventura County, Calif.	LO-2	J
Department of Housing and Urban Development:			
D-HUD-D80013-MD	Upton urban renewal, Baltimore, Md.	ER-2	D
D-HUD-F30011-IL	Community development program No. 38, drainageway cleaning, Carbondale, Ill.	LO-2	P
Department of the Interior:			
D-NPS-J08004-00	Glen Canyon Greenhaven Development, national recreation area, Arizona and Utah.	ER-1	I
Nuclear Regulatory Commission:			
D8-AEC-A00071-NV	Underground nuclear testing program, Nevada test site, Nye County, Nev. (WASH-1526).	LO-2	A
D-NRC-A06137-SC	Barnwell fuel receiving and storage station, Barnwell nuclear fuel plant, docket No. 70-1729, Barnwell County, S.C.	ER-2	A
D-NRC-A06153-AZ	Palo Verde nuclear generating station, units 1, 2, and 3, Buckeye, Ariz.	ER-2	A
Department of Transportation:			
D-CGD-D50001-VA	I-95, James River Bridge permit, downtown expressway, Richmond, Va.	ER-2	D
D-FAA-EM1008-AL	Elba Municipal Airport, Coffee County, Ala.	LO-2	E
D-FAA-H51008-IA	Lemars Municipal Airport, Lemars, Plymouth County, Iowa.	LO-2	H
D8-FHW-A41792-MD	MD-210, Old Fort Rd. to Charles County line, air analysis, Prince Georges County, Md.	LO-1	D
D8-FHW-A41793-MD	MD-45, White Marsh Blvd., I-95 to proposed Perring Freeway, air analysis, Maryland.	LO-1	D
D-FHW-C40015-NY	NY-109, city of Little Falls, southeast arterial, Montgomery and Herkimer Counties, N.Y.	LO-2	C
D-FHW-D40017-MD	MD-2 and MD-4 from MD-264 to Patuxent River Bridge, Calvert County, Md.	LO-2	D
D-FHW-E40044-GA	U.S. 78, Appalachian River to U.S. 29, Clarke and Oconee Counties, Ga.	LO-2	E
D-FHW-F40028-WI	Lang Dr., WI-35, city of La Crosse, La Crosse County, Wis.	EU-2	F
D-FHW-F40033-MI	U.S. 27, Lansing to Ithaca, Clinton and Gratiot Counties, Mich.	LO-2	F

APPENDIX I.—Draft environmental impact statements for which comments were issued between Aug. 1, 1975, and Aug. 15, 1975

Identifying No.	Title	General nature of comments	Source for copies of comments
D-FHW-F40034-MN	U.S. 169, Mille Lacs and Sherburne Counties, MN-95, Minn.	LO-2	F
D-FHW-G40033-OK	OK-74, Oklahoma City west bypass and OK-3, north-west highway, Oklahoma County, Okla.	ER-2	G
D-FHW-H40029-IA	IA-2, Bedford bypass, Taylor County, Iowa	LO-2	H
D-FHW-J40013-WY	Cheyenne, I-180, Laramie County, Wyo.	LO-2	I
D-FHW-J40016-MT	U.S. 33, Polson to Kallispell, Lake County, Mont.	LO-1	I
D-FHW-K40019-CA	March Lane expressway, Stockton, Calif.	ER-2	J
Water Resources Council:			
D-WRC-R30003-03	How to guide growth in southeastern New England, Rhode Island, and eastern Massachusetts.	LO-1	B

APPENDIX II

DEFINITIONS OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

Environmental Impact of the Action

LO—Lack of Objection

EPA has no objection to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental Reservations

EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

EU—Environmentally Unsatisfactory

EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

Adequacy of the Impact Statement

Category 1—Adequate

The draft impact statement adequately set forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient Information

EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate

EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

APPENDIX III.—Final environmental impact statements for which comments were issued between Aug. 1, 1975, and Aug. 15, 1975

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture:			
F-REA-A08025-CO	Transmission facilities, Gore Pass, Windy Gap, Fort Collins, Ault, Colo.	EPA generally had no objections to the proposed project.	I
F-REA-F07001-WI	Alma unit No. 6 and related 161 kV transmission lines, Alma, Buffalo County, Wis.	EPA continues to have environmental reservations based upon the loss of 105 acres of flood plain wetlands, unacceptable intake design and failure to provide adequate assurances of compliance with required effluent guidelines and standards for steam electric power generating stations. EPA believes that the construction of a rail loop be delayed until the status of the terminal coal storage facility is determined and that the marketability of ash material be examined as an alternative for ash disposal. Furthermore, EPA strongly recommends that the destruction of the wetland ecosystem not be permitted unless it is accompanied by a compensatory plan of wetland creation and preservation.	F
Corps of Engineers:			
F-COE-A33050-OH	Sandusky Harbor maintenance, Erie County, Ohio.	EPA still has objections to the intended disposal of polluted material in the open waters of Lake Erie and requests that interim measures for confinement of this material be explored and determined. Disposal of polluted dredge material from Sandusky into open water is considered environmentally unacceptable.	F
F-COE-A33119-FL	Oyster shell dredging, Tampa and Hillsborough Bays, Fla.	EPA generally had no objections to the proposed project.	E

APPENDIX III.—Final environmental impact statements for which comments were issued between Aug. 1, 1975, and Aug. 15, 1975

Identifying No.	Title	General nature of comments	Source for copies of comments
F-COE-A35121-00	Operation and maintenance, Upper Mississippi River, 9-ft navigational channel, pools 11-22 (F-COE-A35121-00 through F-COE-A35132-00).	EPA has expressed environmental reservations with several aspects of the proposed action. Specific concern was expressed with regard to the potential for perpetuated or increased wetland degradation, water quality degradation, and drainage and flooding problems. In addition, EPA identified several subjects which were inadequately addressed in the draft statement and which continue to be inadequately addressed in the final statement.	F/H
F-COE-A36297-MS	Yazoo headwater project, Ascalmore Creek, Tippecanoe Bayou, flood control, Mississippi.	EPA generally had no objections to the proposed project.	E
F-COE-F32004-MI	Keweenaw Waterway, Houghton County, Mich.	EPA generally had no objections to the proposed project. However, EPA encouraged the Corps to reevaluate the need to maintain channel depths at 26 ft because of the decline in the use of the waterway by large commercial vessels.	F
Department of Defense:			
F-UAF-D19001-VA	Proposed F-15 beddown, Langley Air Force Base, Va.	EPA generally had no objections to the proposed project.	D
Department of Housing and Urban Development:			
F-HUD-D89004-PA	Near northwest neighborhood improvements, Reading, Berks County, Pa.	do	D
F-HUD-D89005-PA	Parks and recreation projects, Reading, Berks County, Pa.	do	D
F-HUD-D89006-PA	Physical environment projects, Reading, Berks County, Pa.	do	D
F-HUD-D89007-PA	Northeast industrial development project, Reading, Berks County, Pa.	do	D
F-HUD-D89008-OO	Central business district urban renewal project, Essex County, Newburyport, Mass.	EPA generally had no objections to the proposed action. However, EPA feels that more quantitative data should be developed prior to project implementation.	B
F-HUD-D89008-PA	Court St. widening project, Reading, Berks County, Pa.	EPA generally had no objections to the proposed project.	D
F-HUD-D89009-PA	Housing programs and projects, Reading, Berks County, Pa.	do	D
F-HUD-D89010-PA	11th and Penn residential development project, Reading, Berks County, Pa.	do	D
F-HUD-E85006-FL	Dade county neighborhood development program, areas 1, 2, 3, 4, 6, 7, 8, 9, Dade County, Fla.	EPA had environmental reservations concerning the proposed action. We urge that the statement should identify actions and procedures to be taken during the project life to avoid water quality degradation. The statement should identify procedures to be followed to prevent erosion or construction waste runoff from degrading nearby canals and Biscayne Bay. Also, our draft comments on noise were not fully addressed in the final.	E
Department of the Interior:			
F-DOI-A61066-00	Imperial National Wildlife Refuge, Yuma County, Ariz., and Imperial County, Calif.	EPA generally had no objections to the proposed project.	J

APPENDIX IV.—Final environmental impact statements which were reviewed and no commented on between Aug. 1, 1975, and Aug. 15, 1975

Identifying No.	Title	Source of review
Department of Agriculture:		
F-AFS-E61001-KY	Beaver Creek unit, Daniel Boone National Forest, McCreary and Pulaski Counties, Ky.	E
F-AFS-J65014-WY	Timber management plan, Bighorn National Forest, Wyo.	I
F-AFS-L61001-ID	Multiple use plan, Kelly-Bullion planning unit, Nez Perce National Forest, Idaho.	K
F-REA-J08001-CO	Transmission line, Boone to Lamar, 230 kV and related facilities, Colo.	I
Department of the Interior:		
F-SPW-A61242-FL	Proposed J. N. Ding Darling Wilderness Area, National Wildlife Refuge, Fla.	E
Department of Transportation:		
FS-FHW-H40023-KS	I-670, Wyandotte County, Kans.	H
F-FHW-L40001-OR	Slater Creek-Mystic Creek, OR-42, Cods Bay-Roseburg, Douglas County, Oreg.	K
F-FHW-L40008-ID	Overland road, Cole Rd. to Orchard St., Boise, Idaho.	K
F-FHW-A42368-PR	Improvement of P.R.-23, FDR Ave. from Fernando I St. to Barbosa Ave., San Juan, P.R.	C

APPENDIX V.—Regulations, legislation, and other Federal agency actions for which comments were issued between

Identifying No.	Title	General nature of comments	Source for copies of comments
Nuclear Regulatory Commission: R-NRC-A88019-00..	10 CFR parts 71 and 73, radioactive material, packaging and transportation by air.	With regard to suspension on other limitations on air transportation of plutonium during the rulemaking period, EPA referenced an earlier letter stating that EPA was unable to determine the acceptability of such transport due to the lack of a risk assessment. EPA suggested that the use of alternative air terminals be considered while the assessment is being completed. EPA stressed that strong emphasis should be placed on NRC's risk assessment. It is important that both the probability of an accident event and the consequences of that event be developed in detail. Although determinations of accurate accident probabilities is complex, every effort should be made to perform an objective analysis on actual test data. EPA also indicated support for NRC's intent to prepare a generic environmental impact statement on the air transportation of radioactive materials.	A

APPENDIX VI

SOURCE FOR COPIES OF EPA COMMENTS

A. Director, Office of Public Affairs, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

B. Director of Public Affairs, Region I, Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

C. Director of Public Affairs, Region II, Environmental Protection Agency, 26 Federal Plaza, New York, New York 10007.

D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.

E. Director of Public Affairs, Region IV, Environmental Protection Agency, 1421 Peachtree Street NE., Atlanta, Georgia 30309.

F. Director of Public Affairs, Region V, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, Texas 75201.

H. Director of Public Affairs, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108.

I. Director of Public Affairs, Region VIII, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80203.

J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, California 94111.

K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

[FRL 437-5]

ENVIRONMENTAL IMPACT STATEMENTS AND OTHER ACTIONS IMPACTING THE ENVIRONMENT

Availability of Agency Comments

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of August 16, 1975 and August 31, 1975.

Appendix I contains a listing of draft environmental impact statements re-

viewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix IV contains a listing of final environmental impact statements reviewed but not commented upon by EPA during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, and the source of the EPA review as set forth in Appendix VI.

Appendix V contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the reference reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in Appendix VI.

Appendix VI contains a listing of the names and addresses of the sources of EPA reviews and comments listed in Appendices I, III, IV, and V.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Inquiries Branch, Office of Public Affairs, Environmental Protection Agency, Washington, D.C.

20460. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency.

Dated: September 24, 1975.

SHELDON MEYERS,
Director,
Office of Federal Activities.

[FR Doc. 75-26140 Filed 9-30-75; 8:45 am]

APPENDIX I.—Draft environmental impact statements for which comments were issued between Aug. 16, 1975 and Aug. 31, 1975

Identifying number	Title	General nature of comments	Source for copies of comments
Department of Agriculture:			
D-AFS-E6504-FL	Talladega timber management plan, Talladega National Forest, Ala.	LO-1	E
D-AFS-765020-MT	Bitterroot south planiffie unit, Bitterroot National Forest, Mont.	LO-1	I
D-AFS-765021-WY	Timber management plan, Shoshone National Forest, Wyo.	LO-2	I
D-AFS-765022-MT	Multiple use plan, Deerlodge National Forest, Mont.	LO-1	I
D-AFS-765010-AK	Tongass National Forest, Southern Chilkat study area, Alaska.	LO-1	K
D-DOA-E81007-FL	Fleming Key Animal Impact Center, Key West, Fla.	LO-2	E
Corps of Engineers:			
D-COE-C03003-NJ	Galx Corp., proposed terminal facility, Delaware River, east bank, West Deptford Township, Gloucester County, N.J.	EU-2	C
D-COE-C32006-NY	Dunkirk Harbor, proposed harbor improvements, Chautaugus County, N.Y.	3	C
D-COE-D82002-OO	Operation and maintenance navigation system, Monongahela River, Pa. and W. Va.	ER-2	D
D-COE-D82003-WV	Kanawha River navigation system, Fayette, Kanawha, Putnam, and Mason Counties, W. Va.	LO-1	D
D-COE-D82004-PA	Allegheny River, mile 0 to 72, operation and maintenance, navigation system, Pennsylvania.	LO-1	D
DS-COE-D85001-VA	Replacement study, Craney Island disposal area, Port of Hampton Roads, Va.	ER-2	D
D-COE-D85008-MD	Wicomico River East, operation and maintenance dredging, Wicomico County, Md.	LO-2	D
D-COE-E32010-GA	Selective snagging and clearing of the Altamaha, Oconee and Ocmulgee Rivers, Ga.	LO-2	E
D-COE-G82019-TX	Maintenance dredging, Trinity River and tributaries, Anahuac Channel and Channel to Liberty, Chambers and Liberty Counties, Tex.	LO-2	G
D-COE-G86029-OK	Lukfala Lake, Glover Creek, McCurtain County, Okla.	ER-3	G
D-COE-H32009-OO	Mississippi River between the Ohio and Missouri Rivers, regulating works, Missouri and Illinois.	ER-2	H
D-COE-H34010-KS	Operation and maintenance, Tuttle Creek Lake, Kans.	LO-2	H
D-COE-H36019-LA	Green Bay Levee and Drainage District No. 2, Lee County, Iowa.	LO-2	H
General Services Administration:			
D-GSA-D11003-MD	Disposal of a major portion of Fort Hoiabird, Baltimore, Md.	LO-2	D
D-GSA-G81005-NM	Federal parking facility, Santa Fe, N. Mex.	LO-2	G
Department of Health, Education, and Welfare:			
D-HEW-E28001-FL	Conveyance and expansion of a portion of the U.S. Navy aqueduct serving the Florida Keys, Monroe County, Fla.	ER-2	E
RD-FDA-A25033-OO	Plastic bottles for carbonated beverages and beer.	ER-1	A
Department of Housing and Urban Development:			
D-HUD-C85005-NY	New Elmdm urban renewal project, Elmdm, N.Y.	LO-2	C
D-HUD-F85006-IN	Eagle Valley Farms, Indianapolis, Marion County, Ind.	LO-2	F
Department of the Interior:			
D-NPS-761005-ND	Knife River Indian Villages National Historic Site, North Dakota.	LO-2	I
Department of Labor:			
RD-OSH-A88010-OO	Proposed regulation, noise, occupational exposure.	ER-2	A
Nuclear Regulatory Commission:			
D-NRC-A06155-OH	Davis-Besse Nuclear Power Station, unit 1, Toledo Edison Co. and Cleveland Electric Co., Docket No. 50-346, Ottawa County, Ohio.	ER-2	F
Department of Transportation:			
D-FAA-A88011-OO	Proposed noise reduction change and acoustical changes requirements for subsonic transport category, large airplanes and turbojet powered airplanes.	LO-1	A
DS-FHW-C40011-NY	I-88, New York.	ER-2	C
D-FHW-E40041-NC	Gastonia St. and track improvements, U.S. 80, Gaston County, N.C.	LO-2	E
D-FHW-E40042-MS	U.S. 45, Tupelo to Corinth, Lee, Prentiss, and Alcorn Counties, Miss.	LO-2	E
D-FHW-E40043-GA	Ga. 53, Rome to Calhoun, Floyd and Gordon Counties, Ga.	LO-2	E
D-FHW-E40045-KY	U.S. 27, Flatrock to Greenwood, Flatrock County, Ky.	LO-2	E
D-FHW-E40046-GA	U.S. 1 to Savannah River crossing, Bobby Jones Expressway, Augusta, Richmond County, Ga.	LO-1	E
D-FHW-E40047-KY	U.S. 31E and U.S. 231, Scottsville and Glasgow Rds., Allen County, Ky.	LO-2	E
D-FHW-J40011-UT	I-215, Southeast Beltway, Salt Lake City, Utah.	ER-2	I
D-FHW-J40014-UT	Mapleton Center St., Utah County, Utah.	LO-2	I

APPENDIX II.—DEFINITIONS OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS ENVIRONMENTAL IMPACT OF THE ACTION

LO—Lack of objection

EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental reservations

EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

EU—Environmentally unsatisfactory

EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed (including the possibility of no action at all).

ADEQUACY OF THE IMPACT STATEMENT

Category 1—Adequate

The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient information

EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate

EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

NOTICES

APPENDIX III.—Final environmental impact statements for which comments were issued between Aug. 16, 1975 and Aug. 31, 1975

Identifying number	Title	General nature of comments	Source for copies of comments
Department of Agriculture: F-AFS-K8206-NV.	Ruby Mountains land use plan, Humboldt National Forest, Elko County, Nev.	EPA generally had no objections to the proposed project.	J
Department of Defense: F-USN-K11005-CA	Proposed new ammunition facility at the Naval Air Station, North Island, San Diego, Calif.	do	J
General Services Administration: F-GSA-LS1003-AK	Federal building, courthouse, parking facility, Anchorage, Alaska.	EPA continues to have environmental reservations concerning the project since air quality standards are now violated and the project will substantially compound the existing air quality problem. EPA urges implementation of sufficient mitigating measures of alternative siting to assure that the facility will not increase carbon monoxide concentrations.	K
Department of Housing and Urban Development: F-HUD-D8903-WV.	Government Square, Triangle urban renewal projects, Charleston, W. Va.	EPA generally had no objections to the proposed project.	D
F-HUD-D89012-PA.	Gray's Ferry urban renewal, Philadelphia, Pa.	EPA generally had no objections to the project as proposed.	D
F-HUD-K80001-CA.	Santa Rosa Center urban renewal, Sonoma County, Calif.	EPA generally had no objections to the proposed project.	J
Department of the Interior: RE-DOI-A25681-OO.	Regulations governing the disposal of coal mine wastes, 30 CFR pt. 77.	EPA continued to express environmental reservations regarding the promulgation of the proposed regulations. EPA cited several recommendations where compatibility between environmental and health/safety considerations could have been achieved.	A
F-NPS-A61208-CO.	Dinosaur National Monument, wilderness preservation, Colorado.	EPA generally had no objections to the proposed project.	I
Department of Transportation: F-FHW-A40059-ML.	Russell Rd., Tecumseh, Lenawee County, Mich.	do	F
Department of State: F-STA-K29000-OO.	Colorado River international salinity control project.	EPA expressed environmental reservations about the proposed project. EPA seeks Bureau of Reclamation concurrence in the implementation of policies and active pursuit of authorization for programs necessary to support a basinwide Colorado River salinity control program. EPA believes that this issue should be addressed in the title II of Public Law 93-320 impact statement and in the planning of subsequent projects.	J

APPENDIX IV.—Final environmental impact statements which were reviewed and not commented on between Aug. 16, 1975 and Aug. 31, 1975

Identifying number	Title	Source of review
Department of Agriculture: F-AFS-A82057-OO	Vegetation control by mechanical, chemical, and FIR treatment, Arizona and New Mexico.	G
F-AFS-D65001-VA	Unit plan, Piney River unit, George Washington National Forest, Va.	D
F-AFS-J65008-ND	Rolling Prairie, Little Missouri national grasslands, Custer National Forest, N. Dak.	I
Corps of Engineers: F-COE-A32504-TX	Maintenance dredging, Texas City Channel, Tex.	G
F-COE-A32516-TX	Maintenance dredging, channel to Port Bolivar, Galveston County, Tex.	G
F-COE-A34118-UT	Little Dell Lake, Salt Lake City Streams, Utah.	I
F-COE-A39106-CO	Chatfield Lake project, Colorado.	I
F-COE-C85001-PR	Ponce Harbor, maintenance dredging, Puerto Rico.	C
F-COE-D26003-PA	Chartiers Creek local flood protection project, Washington and Allegheny Counties, Pa.	D
F-COE-G32004-TX	Maintenance dredging, Brazos Island Harbor, Tex.	G
F-COE-G99000-OK	Mud Creek local protection project, McCurtain County, Okla.	G
Department of Defense: FS-USN-A10045-OO	Project Sanguine system, research, development, test, and evaluation.	A
Federal Power Commission: F-FPC-K03001-CA	Santa Barbara Channel pipeline, Santa Barbara County, Calif.	J
General Services Administration: F-GSA-ES1005-FL	U.S. courthouse and Federal office building, parking facility, Fort Lauderdale, Fla.	E
Department of Transportation: F-DOT-A41353-ND	ND-30, north of Lehr, Logan County, N. Dak.	I
NE-FHW-A41659-KY	KY-61, Preston Highway, Jefferson and Bullitt Counties, Ky.	E
F-FHW-E40000-KY	I-24, Marshall, Livingston, Lyon, Caldwell, and Trigg Counties, Ky.	E
F-FHW-J40007-CO	Forest Highway Route 15, CO-15, CO-133, Colorado.	I

APPENDIX V.—Regulations, legislation and other Federal agency actions for which comments were issued between Aug. 16, 1975 and Aug. 31, 1975

Identifying number	Title	General nature of comments	Source for copies of comments
Corps of Engineers: A-COE-AS1254-00.	Study of land use for recreation and fish and wildlife enhancement.	In EPA's view, the report is useful in pointing out a number of environmental areas for corps management attention. EPA suggested Executive Order 11752 be referenced in the legal framework of the document since many of the problems raised directly to the corps' implementation of the Executive Order. EPA also suggested several additional modifications or additions in an effort to strengthen the report and improve its usefulness.	A
Federal Trade Commission: R-FTC-A88012-00.	16 CFR pt. 446, hearing aid industry, proposed trade regulation rule.	EPA generally had no objections to the proposed regulation. EPA suggested that consideration be given to devising schemes to prevent sellers from completing sales of hearing aids to individual prospective buyers without evidence of consultation by the buyers with an audiologist.	A

APPENDIX VI.—SOURCE FOR COPIES OF EPA COMMENTS

- A. Director, Office of Public Affairs, Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460.
- B. Director of Public Affairs, Region I, Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Massachusetts 02203.
- C. Director of Public Affairs, Region II, Environmental Protection Agency, 26 Federal Plaza, New York, New York 10007.
- D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.
- E. Director of Public Affairs, Region IV, Environmental Protection Agency, 1421 Peachtree Street, NE, Atlanta, Georgia 30309.
- F. Director of Public Affairs, Region V, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.
- G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, Texas 75201.
- H. Director of Public Affairs, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108.
- I. Director of Public Affairs, Region VIII, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80203.
- J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, California 94111.
- K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

[FR Doc.75-26140 Filed 9-30-75; 8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

Region IX

[FRL 438-5]

NEW STATIONARY SOURCES (NSPS) AND HAZARDOUS AIR POLLUTANTS (NESHAPS)

Delegation of Authority

On December 23, 1971 (36 FR 24876) and March 8, 1974 (29 FR 9308), pursuant to Section 111 of the Clean Air Act, as amended, the Administrator promulgated regulations in 40 CFR Part 60 establishing standards of performance for twelve categories of new stationary sources (NSPS). In addition, on April 6, 1973 (38 FR 8820), pursuant to Section 112 of the Clean Air Act, as amended,

the Administrator promulgated in 40 CFR Part 61 national emission standards for three hazardous air pollutants (NESHAPS). Sections 111(c) and 112(d) require the Administrator to delegate authority to implement and enforce the standards to any State which submits an adequate procedure. Nevertheless, the Administrator retains concurrent authority to implement and enforce the standards following delegation of authority to a State.

On August 19, 1973, the Regional Administrator, Region IX forwarded to the States in his Region information setting forth the requirements for an adequate procedure for implementing and enforcing the NSPS and NESHAPS. On June 12, 1975, William Simmons, Executive Officer of the State of California Air Resources Board, submitted a request on behalf of the Kern County and Trinity County Air Pollution Control Districts for delegation of authority to implement and enforce the NSPS and NESHAPS. Included in that request were copies of the NSPS and NESHAPS regulations adopted by the Kern County and Trinity County Air Pollution Control Districts and citations to State law and District regulations which provide the State and District with the requisite authority to implement and enforce the NSPS and NESHAPS.

After a thorough review of the request for delegation, the Regional Administrator has determined that for the source categories set forth in paragraphs (A) and (B) of the following official letter to Mr. Simmons, delegation is appropriate subject to the conditions set forth in paragraphs (1) through (11) of that letter:

Mr. William Simmons, Executive Officer, California Air Resources Board, 1709 11th Street, Sacramento CA 95814.

DEAR MR. SIMMONS: This is in response to your letter of June 12, 1975, requesting delegation of authority for implementation and enforcement of the Standards of Performance for New Stationary Sources (NSPS) and the National Emission Standards for Hazardous Air Pollutants (NESHAPS) to the State of California on behalf of the Kern

County and Trinity County Air Pollution Control Districts.

We have reviewed the pertinent laws of the State of California and the rules and regulations of the Kern County and Trinity County Air Pollution Control Districts, and have determined that they provide an adequate and effective procedure for implementation and enforcement of the NSPS and NESHAPS by the Air Pollution Control Districts and the State of California.

Therefore, we hereby grant delegation of the NSPS and NESHAPS to the State of California on behalf of the Kern County and Trinity County Air Pollution Control Districts as follows:

A. Authority for twelve categories of new sources located in the Kern County and Trinity County Air Pollution Control Districts subject to the standards of performance for new stationary sources promulgated in 40 CFR Part 60 as of the date of delegation. The categories of new sources covered by the delegation are fossil fuel-fired steam generators; incinerators; portland cement plants; nitric acid plants; sulfuric acid plants; asphalt concrete plants; petroleum refineries; storage vessels for petroleum liquids; secondary lead smelters; secondary brass and bronze ingot production plants; iron and steel plants; and sewage treatment plants.

B. Authority for all sources located in the Kern County and Trinity County Air Pollution Control Districts subject to the national emission standards for three hazardous air pollutants promulgated in 40 CFR Part 61 as of the date of delegation. The hazardous air pollutants covered by the delegation are asbestos, beryllium, and mercury.

This delegation is based upon the following conditions:

1. Semi-annual reports will be submitted to EPA by the Kern County and Trinity County Air Pollution Control Districts through the State of California Air Resources Board as specified in the State's Request for Delegation.

2. Enforcement of the NSPS and NESHAPS in the Kern County and Trinity County Air Pollution Control Districts will be the primary responsibility of the Districts and the State of California Air Resources Board. If either of the Districts and State determine that such enforcement is not feasible and so notify EPA, or where either of the Districts or State act in a manner inconsistent with the terms of this delegation, EPA will exercise its concurrent enforcement authority pursuant to Section 113 of the Clean Air Act, as amended, with respect to sources within the appropriate District subject to the NSPS and NESHAPS.

3. Acceptance of this delegation of presently promulgated NSPS and NESHAPS does not commit the State of California and the Kern County and Trinity County Air Pollution Control Districts to request or accept delegation of future standards and requirements. A new request for delegation will be required for any standards not included in the State's Request of June 12, 1975.

4. The State of California and the Kern County and Trinity County Air Pollution Control Districts are not requesting delegation of authority over Federal facilities within the District which are subject to the NSPS and NESHAPS. However, this does not relieve Federal facilities of the responsibility of complying with all applicable State laws and Kern County and Trinity County District regulations.

5. The Kern County and Trinity County Air Pollution Control Districts will at no time grant a variance from compliance with either Rule 422 or 423 of the Kern County District, or Rule 48 or 49 of the Trinity County District, respectively, except as provided in this paragraph. Should a District grant such a variance, EPA will consider the source receiving the variance to be in violation of the applicable Federal regulation and may initiate enforcement action against the source pursuant to Section 113 of the Clean Air Act. The granting of such variances by a District shall also constitute grounds for revocation of delegation by EPA. However, if the Kern County District or the Trinity County District in the future amend either Rule 422 or 423, or Rule 48 or 49, respectively, so as to make the District regulation more stringent than the applicable Federal regulation, the District may grant variances from the more stringent District regulation if such variances do not relieve subject sources of the responsibility of complying with standards equally as stringent as those contained in the applicable Federal regulations.

6. The Kern County and Trinity County Air Pollution Control Districts will utilize only the methods specified in 40 CFR Parts 60 and 61 in performing source tests pursuant to their NSPS and NESHAPS regulations. Any use of test methods by a District, after delegation, not in accordance with the terms and conditions of this delegation shall constitute grounds for revocation of delegation by EPA.

7. The Air Resources Board and EPA will develop a system of communication sufficient to guarantee that each office is always fully informed regarding the current compliance status of subject sources in the Kern County and Trinity County Air Pollution Control Districts and regarding interpretation of applicable regulations.

8. If at any time there is a conflict between a State or Kern County or Trinity County Air Pollution Control District regulation and a Federal regulation (40 CFR Part 60 or 61), the Federal regulation must be applied if it is more stringent than that of the State or District determine that it is unwilling or unable to apply the more stringent Federal regulation, it will so notify EPA. EPA, in consultation with the Air Resources Board and the District will then modify or revoke the terms of this delegation to the extent it determines to be appropriate.

9. If the Regional Administrator determines that a State or Kern County or Trinity County Air Pollution Control District procedure for enforcing or implementing the NSPS or NESHAPS is inadequate, or is not being effectively carried out, this delegation may be revoked in whole or in part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the Air Resources Board.

10. As of the date of this delegation, sources subject to the NSPS or NESHAPS located within either the Kern County or Trinity County Air Pollution Control District are required to submit all reports pursuant to the NSPS and NESHAPS directly to the Air Pollution Control District. Such sources are no longer required to submit reports to Region IX, EPA.

11. The Kern County Air Pollution Control District shall ensure that all sources subject to the NSPS located within the District shall submit to the Control Officer for each calendar quarter a written report of excess emissions as defined in applicable rules. The report shall include the magnitude of excess emissions as measured by the required monitoring equipment reduced to the units of the applicable standard, the date, and time of commencement and completion of each period of excess emissions. Periods of excess emissions due to startup, shutdown or breakdown shall be specifically identified.

A Notice announcing this delegation will be published in the FEDERAL REGISTER in the near future. This Notice will state, among other things, that, effective immediately, all reports required pursuant to the Federal NSPS and NESHAPS by sources located in the Kern County Air Pollution Control District should be submitted to the Air Pollution Control District Office at 1700 Flower Street, (P.O. Box 997), Bakersfield, CA 93302, and that all such reports by sources located in the Trinity County Air Pollution Control District should be submitted to the Air Pollution Control District Office at Box AJ, Weaverville, CA 96093. Any such reports which have been or may be received by EPA, Region IX, will be promptly transmitted to the appropriate District.

Since this delegation is effective immediately, there is no requirement that the State notify EPA of its acceptance. Unless EPA receives from the State written notice of objections within 10 days of the date of receipt of this letter, the State and Districts will be deemed to have accepted all of the terms of the delegation.

Sincerely,

PAUL DE PALCO, JR.,
Regional Administrator.

cc: Kern County Air Pollution Control District
Trinity County Air Pollution Control District

Therefore, pursuant to authority delegated to him by the Administrator, the Regional Administrator notified Mr. Simmons on August 18, 1975, that authority to implement and enforce the NSPS

and NESHAPS was delegated to the State of California on behalf of the Kern County and Trinity County Air Pollution Control Districts.

Copies of the request for delegation of authority and the Regional Administrator's letter of delegation are available for public inspection at the following addresses:

California Air Resources Board, 1709 11th Street, Sacramento CA 95814.
Environmental Protection Agency, Region IX, Enforcement Division, 100 California Street, San Francisco CA 94111.
Division of Stationary Source Enforcement, Waterside Mall, Room 3202, 401 "M" Street, SW., Washington, DC 20460.

Effective immediately, all reports required pursuant to the NSPS and NESHAPS by sources located in the Kern County Air Pollution Control District should be submitted to the office of the Air Pollution Control District, located at 1700 Flower Street, (P.O. Box 997), Bakersfield, CA 93302. Also effective immediately, all reports required pursuant to the NSPS and NESHAPS by sources located in the Trinity County Air Pollution Control District should be submitted to the office of the Air Pollution Control District, at Box AJ, Weaverville, CA 96093.

Dated: September 12, 1975.

L. RUSSELL FREEMAN,
Deputy Acting Regional
Administrator Region IX, EPA.

[FR Doc. 75-26273 Filed 9-30-75; 8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 20594, 20595; File No. 180-A-RL-55, 181-A-L-55]

SOWELL AVIATION CO., INC. AND PANAMA AVIATION

Application for Aeronautical Advisory Station

SEPTEMBER 23, 1975.

1. Sowell Aviation Company, Inc. (hereinafter called Sowell) has filed an application for renewal of its license for aeronautical advisory station KJN2 at the Panama City Airport, Panama, Florida and Panama Aviation (hereinafter called Panama) has filed an application for new aeronautical advisory facilities at the same airport. Section 87.251(a) of the Commission's rules provides that only one aeronautical advisory station may be authorized to operate at a landing area and, therefore, the above-captioned applications are mutually exclusive. Accordingly, it is necessary to designate the applications for a comparative hearing in order to determine which application should be granted. Except for the issues specified herein, each applicant is otherwise qualified.

2. By letter, dated August 4, 1975, Panama has alleged that Sowell has not provided aeronautical advisory service in conformity with the scope of service for such stations as set forth in Section 87.257; has used the instructional fre-

quency 123.3 MHz for Unicom service; has not operated the Unicom in an impartial manner; and fails to answer calls. Sowell should be prepared to present evidence on the matters contained in its August 4, 1975, letter.

3. In view of the foregoing, *It is ordered*, That, pursuant to the provisions of Section 309(e) of the Communications Act of 1934, as amended, and Section 0.331(b) (21) of the Commission's rules, the above-captioned applications are hereby designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order on the following comparative issues:

(a) To determine which applicant would provide the public with better aeronautical advisory service based on the following considerations:

(1) Location of the fixed-base operation and proposed radio station in relation to the landing area and traffic patterns;

(2) Hours of operation;

(3) Personnel available to provide advisory service;

(4) Experience of applicant and employees in aviation and aviation communications;

(5) Ability to provide information pertaining to primary and secondary communications as specified in Section 87.257 of the Commission's rules;

(6) Proposed radio system including control and dispatch points; and

(7) The availability of the radio facilities to other fixed-base operators;

(b) To determine the manner in which Sowell has operated aeronautical advisory station KJN2 and whether its operation was consistent with the Commission's rules, in particular, Section 87.257; and

(c) To determine in light of the evidence adduced on the foregoing issues which, if either, of the applications should be granted.

4. *It is further ordered*, That the burden of proof and the burden of proceeding with the introduction of evidence on issue (b) is on Sowell and on all other issues, the burdens are on each applicant with respect to its application except issue (c) which is conclusory.

5. *It is further ordered*, That to avail themselves of an opportunity to be heard, Sowell and Panama, pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this Order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for hearing and present evidence on the issues specified in this Order. Failure to file a written appearance within the time specified may result in dismissal of the application with prejudice.

Adopted: September 9, 1975.

Released: September 23, 1975.

[SEAL] CHARLES A. HIGGINBOTHAM,
Chief, Safety and Special
Radio Services Bureau.

[FR Doc.75-26190 Filed 9-30-75; 8:45 am]

NOTIFICATION LIST

In FR Doc. 75-25132, appearing at page 43761 in the issue for Tuesday, September 23, 1975, make the following changes:

1. On page 43761, under the heading "Location", the 11th line reading "Zambra, Mich." should read "Zamora, Mich."

2. On page 43763, under the heading "Call letters", delete the "2" immediately after the second entry.

3. On page 43763, under the heading "Location", the entry for XERAA reading "Atoya de Alvarez, Tro." should read "Atoya de Alvarez, Gro."

4. On page 43766, under the heading "Location", in the entry for "XEZW", the numbers reading "22°24'55'" should read "22°25'55'"

5. On page 43766, under the heading "Power watts", for the fifth entry from the bottom, delete the "3" in "5003D/250N".

FEDERAL ENERGY ADMINISTRATION

CONSUMER AFFAIRS/SPECIAL IMPACT ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), notice is hereby given that the Consumer Affairs/Special Impact Advisory Committee will meet Thursday, October 16, 1975, at 9 a.m., Conference Room B, Departmental Auditorium, Constitution Avenue between 12th & 14th Streets, NW., Washington, D.C.

The Committee was established to provide the Federal Energy Administration with diversified information possessed by a wide range of highly qualified individuals who have been extensively involved in planning, development, and implementation of programs to remedy the problems of the consumer, the poor, the elderly, and the handicapped persons in rural and urban America.

The agenda for the meeting is as follows:

1. Subcommittee Reports on:
 - a. Utility issues.
 - b. Social relief programs.
 - c. Mutual environmental and consumer issues.
 - d. Pricing, including natural gas.
 - e. Impact of energy policy on the cities.
 - f. Consumer participation.
2. Old business.
3. New business.

Subcommittees may meet informally in Washington the preceding evening, at the discretion of the Subcommittee chairmen. For further details, contact Lois G. Weeks, Advisory Committee Management Officer, at (202) 961-7022.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the

public who wish to make an oral statement should inform Lois Weeks at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

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

ROBERT E. MONTGOMERY, JR.,
General Counsel.

[FR Doc.75-26297 Filed 9-29-75; 10:00 am]

OIL IMPORT REGULATIONS

Payment of Import License Fees

On September 22, 1975, the Federal Energy Administration ("FEA") issued a notice providing that supplemental fees incurred in July and August would be due and payable September 30, 1975, and stating in pertinent part that:

"Since the decision in *Massachusetts v. Simon* (D.C. Cir., Aug. 11, 1975), in which the Court of Appeals for the District of Columbia Circuit declared that the present Mandatory Oil Import Program exceeds the President's authority, the FEA has received numerous inquiries regarding its authority to collect import license fees. In that case, however, the Court of Appeals stayed its mandate until September 15, 1975, and on September 10, the FEA petitioned the Supreme Court for a writ of certiorari. Under Rule 41(b) of the Federal Rules of Appellate Procedure, petitioning the Supreme Court for a writ of certiorari during the pendency of such a stay automatically extends the stay until final disposition of the case by the Supreme Court. Accordingly, by virtue of this stay, the FEA continues to have full authority to collect import license fees." (40 FR 43950, Sept. 24, 1975.)

Subsequent to this announcement, FEA received numerous inquiries concerning potential refunds of fee payments if the Supreme Court denies certiorari or affirms the Court of Appeals' decision. The purpose of this notice is to respond to such inquiries. This notice should not, however, be construed as a statement of intention on the part of the Government not to continue to seek reversal of the Court of Appeals' decision by the Supreme Court or, if that decision is eventually sustained by the Supreme Court, not to assert that the decision should not be applied so as to require refund of fees collected as of that time.

I. All Fees Paid Since August 11, 1975 Will Be Available For the Purpose of Making Applicable Refunds.

FEA has been advised by the Treasury Department that fees and supplemental fees paid will in the normal course be available for refund should the courts eventually hold that all or a portion of such fees are to be refunded. It is FEA's

intention to maintain the fees in this status, subject to any laws, procedures, or regulations bearing on the subject.

II. All Payments of Fees Made Since August 11, 1975 Shall Be Deemed to Have Been Made Under Protest.

FEA recognizes the concern of some importers that payment of fees after receiving notice of their potential invalidity, without formally protesting the payment and seeking recovery thereof in court, could provide the basis, under the so-called "voluntary payment" doctrine, for an assertion by the Government that payment of fees in such circumstances constitutes a waiver of the right to a refund. In order to avoid needless administrative protests and a multiplicity of lawsuits to perfect the right to a refund if the fees are held invalid, FEA hereby announces that all payments of fees and supplemental fees made since August 11, 1975, the date of the Court of Appeals' decision, shall be deemed by N to have been made under protest and that, accordingly, FEA does not intend to invoke the voluntary payment doctrine in defense of any attempt to obtain refunds of fees paid since that date.

It should be noted, however that this announcement does not apply to other defenses that might be asserted or to the assertion of the voluntary payment defense with regard to refunds of payments made prior to August 11, 1975.

III. FEA Will Attempt to Ensure That Those Bearing the Burden of the Fee Receive Applicable Refunds.

FEA recognizes that in many instances part or all of the costs of the fees incurred have been passed on to other distributors and eventually to ultimate consumers of refined products. In other instances, because of competitive conditions or other reasons, importers have themselves had to absorb the full amount of the fees. Therefore, FEA hereby announces its intention that if refunds are ordered by the courts, it will, to the greatest extent practicable and consistent with any applicable court orders and any other applicable law or regulation, take such action as is necessary to assure that the benefits of the refunds are received by those persons, whether they were the importers themselves or downstream customers who incurred the cost of the fees being refunded.

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

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

[FR Doc. 75-26281 Filed 9-26-75; 5:24 pm]

CONFERENCE TO DISCUSS POWER PLANT PRODUCTIVITY

Notice of Meeting

Notice is hereby given that a "Conference to Discuss Power Plant Productivity," will be held from 8:30 a.m., to 6 p.m., November 4, 1975, in the Ballroom of the San Francisco Hotel, 1231 Market Street, San Francisco, California.

The purpose of the conference is to provide for an exchange of information

and ideas among owner/operators of nuclear and large fossil-fired electric power generating units aimed at improving the productivity of these units.

Invitees to the conference will be from electric utilities located in FEA Regions IX and X, i.e., Arizona, California, Nevada, Hawaii, American Samoa, Guam, the Pacific Trust Territory, Washington, Idaho, Oregon, and Alaska that own/operate or have under construction or in planning nuclear and 390 megawatts and larger oil or coal-fired generating units.

The agenda for the meeting is as follows:

8:30-8:45 a.m.—FEA Introductory Remarks.
8:45-9:15 a.m.—FEA Status Report on Actions to Implement Recommendations Contained in Report on Improving the Productivity of Electric Power Plants.
9:15-12:15 p.m.—Utility Statements.
12:15-1:30 p.m.—Lunch Break.
1:30-4:30 p.m.—Utility Statements.
4:30-5:30 p.m.—Statements by Others.
5:30-6:00 p.m.—Summary by FEA & Questions/Answers.
6:00 p.m.—Adjourn.

The meeting is open to the public. The meeting chairman is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the conference chairman will be permitted to do so either before or after the meeting. Members of the public who wish to make oral statements should inform Evan Kovacic, (202) 961-6193, at least five days before the meeting and reasonable provisions will be made for their appearance on the agenda. Further information concerning this meeting may be obtained from Mr. Kovacic.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C., San Francisco, California, and Seattle, Washington.

FEA intends to hold similar meetings in the near future in other FEA Regions. These will be announced in the FEDERAL REGISTER.

Issued at Washington, D.C. on September 29, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

[FR Doc. 75-26412 Filed 9-29-75; 4:10 pm]

**FEDERAL MARITIME COMMISSION
ASSOCIATED NORTH ATLANTIC FREIGHT
CONFERENCES**

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New

York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before October 21, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Howard A. Levy, Esquire
Suite 727
17 Battery Place
New York, New York 10004

Agreement No. 9978-9, among the members of the above named association, modifies the basic agreement to provide for specific Commission approval of each arrangement wherein the Executive Director is authorized by the Board of Directors to provide self-policing, enforcement and/or inspection services for nonmember carriers or conferences and to provide for each such arrangement to be listed in Annex I to the agreement.

By Order of the Federal Maritime Commission

Dated: September 26, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 75-26248 Filed 9-30-75; 8:45 am]

[No. 72-35]

PACIFIC WESTBOUND CONFERENCE

Wastepaper and Woodpulp From United States West Coast to Far East; Intent To Make an Environmental Assessment

The above referenced proceeding is an investigation to determine whether the provisions of the Pacific Westbound Conference tariffs, and/or actions of its member lines pursuant thereto, relate to the movements of wastepaper and woodpulp from the United States West Coast ports to ports in Japan will:

1. Constitute unjust discrimination or unfair discrimination or treatment as between carriers, shippers or exporters or otherwise operate to the detriment of the commerce in violation of section 15 of the Shipping Act, 1916.

2. Make or give an undue or unreasonable advantage to any particular person, locality or description of traffic in any respect whatsoever, or subject any particular person, locality or description

of traffic to any undue prejudice or disadvantage in any respect whatsoever in violation of section 16, First.

3. Result in charging or collecting rates or charges which are unjustly discriminatory between shippers contrary to section 17.

4. Result in rates or charges so unreasonably high or low as to be detrimental to the commerce of the United States contrary to section 18(b) (5).

The Commission believes that its final resolution of the issues in this proceeding may constitute a major Federal action significantly affecting the quality of the human environment. Consequently, the environmental factors involved warrant consideration and evaluation before decision making is undertaken.

Therefore, Notice is hereby given that the Federal Maritime Commission intends to make an environmental assessment to determine whether its final decision in this proceeding will constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA). Written comments regarding possible environmental effects which may occur from the eventual resolution of the proceeding are invited. Such comments should be submitted within 30 days of the date of this Order to the Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-26247 Filed 9-30-75;8:45 am]

**TAMPA PORT AUTHORITY AND
ELLER & CO. INC.**

Notice of Agreement Filed

Correction

In FR Doc. 75-25324 appearing at page 43767 in the issue for Tuesday, September 23, 1975, in the first line of the last paragraph of column 3, the agreement No. reading "T-3078-1" should read "T-3079-1".

FEDERAL POWER COMMISSION

[Rate Schedule Nos. 3, et al.]

ARKLA EXPLORATION CO., ET AL.
Rate Change Filings Pursuant to
Commission's Opinion No. 699-H

SEPTEMBER 24, 1975.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable new gas national ceiling based on the interpretation of vintage concepts set forth by the Commission in its Opinion No. 699-H, issued December 4, 1974. Pursuant to Opinion No. 699-H the rates, if accepted, will become effective as of the date of filing.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before October 7, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure

(18 CFR 1.8 or 1.10). A protest will not serve to make the protestant a party to the proceeding. Any party wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

APPENDIX

Filing date	Producer	Rate schedule No.	Buyer	Area
Sept. 2, 1975...	Arkla Exploration Co., P.O. Box 1734, Shreveport, La. 71151.	3	Mississippi River Transmission Corp.	Other Southwest.
Sept. 8, 1975...	Texaco, Inc., P.O. Box 3109, Midland, Tex. 79701.	7	Northern Natural Gas Co.	Hugoton-Anadarko.
Do.....	do.....	143	do.....	Do.
Sept. 10, 1975...	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	149	do.....	Permian Basin.
Sept. 12, 1975...	Skelly Oil Co., P.O. Box 1650, Tulsa, Okla. 74102.	87	Texas Eastern Transmission Corp.	Texas Gulf Coast.
Sept. 15, 1975...	Amoco Production Co., P.O. Box 3092, Houston, Tex. 77001.	31	Mississippi River Transmission Corp.	Other Southwest.
Do.....	General American Oil Co. of Texas, Meadows Bldg., Dallas, Tex. 75206.	13	Lone Star Gas Co.	Do.

[FR Doc.75-26156 Filed 9-30-75;8:45 am]

[Docket Nos. E-9296, E-9297, E-9298]

IOWA PUBLIC SERVICE CO.

Notice of Conference

SEPTEMBER 24, 1975.

Take notice that on Wednesday, October 23, 1975, Staff is convening an informal conference for the purpose of discussing the issues in the above referenced dockets with a view toward settling these proceedings at 10:00 A.M., in Room 8402 at the offices of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. Pursuant to § 1.18 of the Commission's Rules of Practice and Procedure, all parties will be expected to come fully prepared to discuss the merits of all issues arising in these proceedings and to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference. Customers and other interested persons will be permitted to attend, but such attendance at the conference will not be deemed to authorize intervention as a party in the proceedings. A petition to intervene tendered pursuant to Section 1.8 of the Commission's Rules of Practice and Procedure is required for that purpose.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-26147 Filed 9-30-75;8:45 am]

[Docket No. RP74-100, PGA-76-2]

NATIONAL FUEL GAS SUPPLY CORP.

Notice of Proposed PGA Rate Adjustment

SEPTEMBER 24, 1975.

Take notice that on September 17, 1975, National Fuel Gas Supply Corporation (National) tendered for filing as part of its FPC Gas Tariff, Original Volume No. 1, Substitute Fifth Revised Sheet No. 4, proposed to be effective October 1, 1975.

National states that the sole purpose of this revised tariff sheet is to adjust National's rates pursuant to the PGA provisions in section 17 of the General Terms and Conditions. National further states that such tariff sheet reflects an adjustment in National's rates of (3.96¢) per MCF on Substitute Fifth Revised Sheet No. 4.

It is stated that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before October 17, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-26148 Filed 9-30-75;8:45 am]

[Docket No. ER76-50]

NORTHERN INDIANA PUBLIC SERVICE CO.

Notice of Supplement and Settlement Agreement

SEPTEMBER 24, 1975.

Take notice that on September 18, 1975, Northern Indiana Public Service Company (NIPSCO) tendered for filing a motion to make effective a Settlement Agreement dated September 5, 1975.

which NIPSCO states "reflects a settlement with the 12 Rural Electric Membership Corporations (REMCs) of all matters in controversy between NIPSCO and the REMCs in this docket." NIPSCO also requests by this motion a partial termination of the proceedings pending in this docket.

Docket No. ER76-50 was initiated when NIPSCO tendered for filing with the Federal Power Commission proposed changes in its FPC electric service tariff on August 1, 1975. Notice of this filing was issued on August 7, 1975, with comments due on or before August 18, 1975. Petitions for leave to intervene were filed on August 14, 1975, by 12 REMCs and Wabash Valley Power Association, Inc.¹ and on August 18, 1975, by 8 municipal utilities.²

On August 29, 1975, the Commission informed NIPSCO that, upon its review of the filing, the filing was assessed as deficient with respect to certain requirements of the Commission's Regulations under the Federal Power Act. To date NIPSCO has not cured this deficiency, and its filing remains incomplete. The Settlement Agreement therefore purports to settle a filing still incomplete and pending before the Commission.

On September 18, 1975, NIPSCO also tendered for filing as part of its FPC electric service tariff its supplement marked "Second Revised Volume No. 1", which contained the below listed tariff sheets applicable to wholesale electric service for resale to its 12 REMCs:

- (1) Substitute Revised Original Sheets No. 9 through 13, inclusive (Rates); and
- (2) Substitute Revised Original Sheets No. 19 through 25, inclusive (Service Agreements).

NIPSCO states that the purpose of this filing is to submit to the FPC the settlement rates applicable to the REMC customers which were agreed to by NIPSCO and the REMCs in a Settlement Agreement dated September 5, 1975. The bases and calculations in support of the rate changes underlying the Settlement Agreement and filing were submitted by NIPSCO in the following exhibits:

Volume I:

1. Revised pages 1 through 65 and 74 of 74 pages of Sales and Revenue Comparison for 12 months preceding and succeeding the proposed effective date (October 1, 1975 for REMC).

Volume II:

1. Period I—Revised Statement N.
2. Period II—Revised Statements G and N.

3. Substitute Revised Original Sheets No. 9 through 13 (Rate) and 19 through 25 (Service Agreement).

Volume IV:

1. Tax Effect of REMC Settlement Reduction in Period II (Statement N work paper).

2. Revised pages 1 through 66 and 75 of 75 pages of Sales and Revenue Comparison as included in Statement O for Period II (Statement O work paper).

¹ See Appendix A.

² See Appendix B.

The above submittal was made to provide the basis for making the rate changes effective under the terms of the Settlement Agreement. NIPSCO requested the Commission's Regulations be waived to the extent necessary to permit the proposed tariff sheets to become effective as proposed and as provided in said Settlement Agreement, on October 1, 1975.

Copies of the filing were served upon NIPSCO's jurisdictional customers, the Public Service Commission of Indiana and the United Rural Electrification Administration.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 10, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

APPENDIX A

Carroll County Rural Electric Membership Corporation.

Fulton County Rural Electric Membership Corporation.

Jasper County Rural Electric Membership Corporation.

Kankakee Valley Rural Electric Membership Corporation.

Kosciusko County Rural Electric Membership Corporation.

Lagrange County Rural Electric Membership Corporation.

Marshall County Rural Electric Membership Corporation.

Newton County Rural Electric Membership Corporation.

Noble County Rural Electric Membership Corporation.

Steuben County Rural Electric Membership Corporation.

Warren County Rural Electric Membership Corporation.

White County Rural Electric Membership Corporation.

APPENDIX B

Town of Argos.

Town of Bremen.

Town of Brookston.

Town of Chalmers.

Town of Etna Green.

Town of Kingford Heights.

Town of Walkerton.

Town of Winamac.

[Docket Nos. RP72-50, RP71-107 (Phase II), RP72-127]

**NORTHERN ILLINOIS GAS CO. AND
NORTHERN NATURAL GAS CO.**

**Notice of Motion To Consolidate
Proceedings**

SEPTEMBER 23, 1975.

Take notice that on September 17, 1975, the Federal Power Commission

Staff filed a motion to consolidate the above-captioned proceeding.

In Docket No. RP71-107 (Phase II) and RP72-127, a Commission order issued January 4, 1974 effectuated a Stipulation and Agreement between Northern Natural Gas Company (Northern) and Northern Illinois Gas Company (NI-Gas). This order reserved certain rate issues for decision by the Presiding Administrative Law Judge, including the "apportionment of increases in contract demand" issue. This issue has not been decided and is still pending.

On October 4, 1971, NI-Gas filed a complaint, Docket No. RP72-50, charging Northern with discriminatory operating practices which resulted in undue prejudice and disadvantage to the complainant. This complaint is also currently pending.

The motion states that because the reserved apportionment issue in Docket No. RP71-107 and the complaint of Docket No. 72-50 are so closely related as to be substantively identical, the Commission Staff moves to consolidate and thereby to expedite the resolution of these issues.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 6, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-26146 Filed 9-30-75; 8:45 am]

[Docket No. R-472]

REQUIREMENTS TO FILE FORM 69 REPORTS IN ACCORDANCE WITH ORDER NOS. 531 AND 531-A

Findings and Order Denying Request for Waiver

SEPTEMBER 24, 1975.

By order Nos. 531 and 531-A issued in Docket No. R-472 on July 25 and July 9, 1975, respectively, the Commission promulgated § 260.15 of Statements and Reports (Schedules) (18 CFR 260.15) which requires interstate natural gas pipeline companies to file on Form No. 69 quarterly information reports on alternate fuel demands of direct end-use customers due to natural gas curtailments, in a cooperative program with the Federal Energy Administration (FEA).

By letter of July 21, 1975, The Union Light, Heat and Power Company (Union) requests that it be exempted from filing Form No. 69, and states that it is pri-

marily a distribution company,¹ with approximately 2 percent of its sales in the base period of April 1, 1974, through March 31, 1975, being interstate in nature. Union states further that it falls within the definition of those companies that must file the report with the FEA and that the filing of the forms with both the Commission and the FEA would be a duplication of effort and information and could tend to distort the overall results of the data supplied to the Commission and the FEA in determining the extent to which alternate fuels may be utilized to meet the requirements of those end-use customers who will not be able to meet their needs for energy with natural gas.

Order No. 531 makes clear that a duplication of forms filed with the Commission and the FEA is not necessary, but that the Form No. 69 should be submitted to the Commission by those pipeline companies subject to the jurisdiction of the Commission and that those not subject to the jurisdiction of the Commission will be required to file a complementary and similar form with the FEA. It is further made clear that if a supplier of natural gas is subject to the jurisdiction of the Commission that "a single coordinated form may be filed with the Federal Power Commission and thereby satisfy the mutual requirements of both the FPC and the FEA for this data." Therefore, if Union acts in compliance with § 260.15, there will be no duplication of effort or information; and there will further be no distortion of the overall results of either the Commission or the FEA in the determination of the extent to which alternative fuels may be utilized to meet the requirements of those end-use customers who will not be able to meet their energy needs with natural gas.

The Commission finds:

The Union Light, Heat and Power Company has failed to demonstrate good cause for the waiver of the reporting requirement under § 260.15 of Statements and Reports (Schedules) to file FPC Form No. 69.

The Commission orders:

The request of Union for a waiver of the reporting requirement is denied.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-26153 Filed 9-30-75;8:45 am]

[Docket No. R-472]

REQUIREMENTS TO FILE FORM 69 REPORTS IN ACCORDANCE WITH ORDER NOS. 531 AND 531-A

Findings and Order Denying Request for Waiver

SEPTEMBER 25, 1975.

By Order Nos. 531 and 531-A issued in Docket No. R-472 on June 25 and July 9, 1975, respectively, the Commission promulgated § 260.15 of Statements and Re-

¹ Union is also an interstate natural gas pipeline company.

ports (Schedules) (18 CFR 260.15) which requires interstate natural gas pipeline companies to file on Form No. 69 quarterly information reports on alternate fuel demands of direct end-use customers due to natural gas curtailments.

By letter of August 19, 1975, Farmland Industries, Inc., a class D interstate pipeline company, requests that it be exempted from filing Form No. 69, and states that it supplies no gas to end-use customers directly. Farmland states that it transports gas owned by other parties for use at CRA, Inc.'s, Mertz Gas Products Plant, in Irion County, Texas, and delivers the residue to the transmission system of Northern Natural Gas Company for resale.

Part I, A. 1. of Form No. 69 requires that all interstate natural gas pipelines file the report with the Commission. Part I, B. 1. of FPC Form No. 69, however, provides for an abbreviated reporting requirement for those pipelines that have no direct end-use customers. This report in its abbreviated form should be filed with the Commission by Farmland notwithstanding its lack of direct sales.

The Commission finds:

Farmland Industries, Inc., has failed to demonstrate good cause for the waiver of the reporting requirements under § 260.15 of Statements and Reports (Schedules) to file FPC Form No. 69.

The Commission orders:

The request of Farmland for a waiver of the reporting requirement is denied.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-26154 Filed 9-30-75;8:45 am]

[Docket No. R-472]

REQUIREMENTS TO FILE FORM 69 REPORTS IN ACCORDANCE WITH ORDER NOS. 531 AND 531-A

Findings and Order Denying Request for Waiver

SEPTEMBER 25, 1975.

By Order Nos. 531 and 531-A issued in Docket No. R-472 on June 25, and July 9, 1975, respectively, the Commission promulgated § 260.15 of Statements and Reports (Schedules) (18 CFR 260.15) which requires interstate natural gas pipeline companies to file on Form No. 69 quarterly information reports on alternate fuel demands of direct end-use customers due to natural gas curtailments.

By letter dated August 28, 1975, Georgia-Pacific Corporation (Georgia-Pacific), an interstate natural gas pipeline company, states it has come to the conclusion that the reporting requirements promulgated by Order Nos. 531 and 531-A do not apply to it and that its letter of August 28, is written for the purpose of confirming this interpretation of the orders. Georgia-Pacific further states that it relies on excerpts from the rulemaking orders that emphasize "customers", "curtailment" and "direct sales" to indicate that the reporting requirements should apply only to inter-

state pipelines with direct sales obligations. Further Georgia-Pacific alleges that the information required by Form No. 69 would be reported to the Commission by Mississippi River Transmission Corporation, the regular supplier of gas to Georgia-Pacific's plant in Crossett, Arkansas. Georgia-Pacific operates an interstate pipeline that supplies backup gas to its own Crossett, Arkansas plant. Georgia-Pacific further states that if it is required to file FPC Form No. 69, there would be a duplication of effort and could be distortion of the aggregate figures if the Commission were to compile summaries of the information from the forms. Therefore, even if the interpretation of Georgia-Pacific of the filing requirements of Form No. 69 is incorrect, it requests an order exempting it from the filing requirements.

In FPC Form No. 69, Part I, A. 1. the requirements as to who must file the form are set forth. It is stated therein that "Part I... of FPC Form 69 must be completed and certified by all interstate natural gas pipeline companies." [Emphasis in original] However, Part I, B. 1. of FPC Form No. 69 provides for an abbreviated report from those pipelines which do not supply direct end-users. Georgia-Pacific's contentions that FPC Form No. 69 should either not apply to it or that it should be exempted from the filing requirements are incorrect, for the form addresses itself directly to the filing requirements of interstate natural gas pipelines in the situation of Georgia-Pacific and states that the form must be filed. Further, if Georgia-Pacific complies with the instructions of the form, there will be no distortion of figures or duplication of effort.

The Commission finds:

Georgia-Pacific has not interpreted correctly Order Nos. 531 and 531-A and is required to file FPC Form No. 69 with the Commission; and, further, Georgia-Pacific has failed to demonstrate good cause for the waiver of the requirements under § 260.15 of the statements and Reports (Schedules) to file FPC Form No. 69.

The Commission orders:

The request of Georgia-Pacific for a waiver of the reporting requirements is denied.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-26155 Filed 9-30-75;8:45 am]

[Docket No. RP73-49, PGA76-1a]

SOUTH GEORGIA NATURAL GAS CO.

Proposed Changes in FPC Tariff Under Purchased Gas Adjustment Clause Provision

SEPTEMBER 24, 1975.

Take notice that on September 12, 1975, South Georgia Natural Gas Company (South Georgia) tendered for filing as part of Original Volume No. 1 to its FPC

Gas Tariff the following revised tariff sheets:

Substitute Sheet No. 3A.	Thirteenth Revised	Sheet
Substitute Sheet No. 5.	Thirty-Eighth Revised	Sheet
Substitute Sheet No. 6.	Thirty-Seventh Revised	Sheet
Substitute Sheet No. 9.	Twenty-Ninth Revised	Sheet
Substitute Sheet No. 11.	Twenty-Eighth Revised	Sheet
Substitute Sheet No. 12B.	Thirty-Second Revised	Sheet

South Georgia states that the above substitute sheets represent a rate change under its PGA Clause, such clause approved to become effective April 14, 1973 by Commission Order in FPC Docket No. RP73-49 issued April 13, 1973. The Company further states that it proposes to increase its rates \$2,115,508 for the purpose of tracking a substitute rate increase filing in FPC Docket No. RP75-84 made by Southern Natural Gas Company (Southern), on September 9, 1975. Southern's substitute rate increase will increase South Georgia's cost of gas \$3,252,628 annually.

South Georgia states that Southern has advised that Southern's filing of September 9, 1975 included for the Commission's consideration an alternate substitute rate adjustment. The Company states that if the Commission places the alternate substitute rate adjustment of Southern in effect, then South Georgia's increased cost of purchased gas would be \$2,953,351. Therefore, South Georgia proposes an alternate substitute rate adjustment which would increase its jurisdictional rates \$1,974,953.

South Georgia requests that if Southern's substitute filing is placed in effect that South Georgia's substitute filing be placed in effect. The Company further requests that if the Commission places Southern's alternate substitute rate filing in effect then South Georgia's alternate substitute filing be placed in effect.

An effective date of October 16, 1975 is requested. The Company requests waiver of the forty-five (45) days notice requirements as set forth in Section 14.2 (e) of the General Terms and Conditions of South Georgia's FPC Gas Tariff. South Georgia states that its filing of September 2, 1975 constitutes good cause for waiver of the notice requirements to permit South Georgia's increased rates to become effective on the same date as Southern's.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 3, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any

person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[PR Doc. 75-26150 Filed 9-30-75; 8:45 am]

[Docket No. CP72-182]

TRANSCONTINENTAL GAS PIPE LINE CORP. AND TEXAS GAS TRANSMISSION CORP.

Notice of Petition To Amend

SEPTEMBER 24, 1975.

Take notice that on September 11, 1975, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001, and Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, jointly Petitioners, filed in Docket No. CP72-182 a petition to amend the order of the Commission of June 27, 1972 (47 FPC 1621), issued in said docket pursuant to Section 7(c) of the Natural Gas Act to authorize the exchange of natural gas at an additional point of delivery of gas by Texas Gas to Transco, and an additional point of delivery of gas by Transco to Texas Gas, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioners state that pursuant to an amendment dated August 15, 1975, to their exchange agreement, they have agreed that Texas Gas would deliver or cause to be delivered to Transco at an additional point of exchange on Transco's line in Block 246B, Ship Shoal Area, offshore Louisiana, and that Transco would redeliver an equivalent amount of gas at an existing interconnection of Petitioners' pipeline systems near Eunice, Louisiana. No new facilities are said to be required for the additional exchange. The volume of gas to be delivered under the amendment is said to be up to 5,000 Mcf per day.

The charge for the transportation of the gas by Transco is indicated to be 6.262755 cents per Mcf at 14.73 psia per Mcf of gas delivered by Texas Gas in Block 246B. This rate is said to be the same as that charged by Transco for similar transportation for others from offshore to onshore locations.

The proposed arrangement would assist Texas Gas in taking available gas into its system from Block 247, Ship Shoal Area, the application states.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 14, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) 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 petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[PR Doc. 75-26151 Filed 9-30-75; 8:45 am]

[Project No. 2716]

VIRGINIA ELECTRIC AND POWER CO.

Notice of Public Hearing

SEPTEMBER 25, 1975.

The purpose of this notice is to advise parties and other interested persons that a public hearing before a presiding administrative law judge will be held in Warm Springs, Virginia, commencing on October 9, 1975, for the purpose of giving interested members of the public the opportunity to express their views on the application of Virginia Electric and Power Company now pending before the Federal Power Commission in this docket.

The application seeks a license from the Federal Power Commission authorizing the construction, operation, and maintenance of the Bath County Pumped Storage Project to be located on Back Creek and Little Back Creek near Mountain Grove, Virginia, together with facilities, such as power transmission lines, associated with that project. In brief, the proposed project would consist of (1) an upper reservoir created by damming Little Back Creek; (2) a lower reservoir created by damming Back Creek; (3) water conduits between the two reservoirs; (4) a powerhouse located on the west side of the lower reservoir, housing six 350 megawatt reversible pumping-generated units; (5) a transmission switching station containing transformers to step-up the generator voltage to 500 kilovolts; (6) outlet works at the lower reservoir dam; and (7) two 500-kilovolt transmission lines leading from the project site. The application also calls for construction of a recreation complex downstream of the lower reservoir dam.

The hearing will be held in the Circuit Courtroom of the Bath County Circuit Court commencing at 10:00 A.M. on October 9, 1975. Interested persons are invited to attend the hearing and to make a statement of their views on the proposed project, or any feature of it, either orally, in writing, or both. Oral statements will be transcribed and will become part of the record of this proceeding but will not constitute evidence. Persons presenting oral or written statements will not be sworn or subject to cross-examination. Persons who wish to participate in the hearings should notify the Commission by letter not later than October 2, 1975, specifying whether their presentations will be in writing or oral and, if oral, the approximate amount of

time they request for making their presentations. Letters of notification should be addressed to:

Isaac D. Benkin, Presiding Administrative Law Judge, Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons who have given timely notification of their desire to make a statement will be heard from first at the hearing. Thereafter, statements from other persons will be received, if time permits.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-26152 Filed 9-30-75; 8:45 am]

FEDERAL POWER COMMISSION

[Project No. 2740—South Carolina
(Bad Creek Project)]

DUKE POWER CO.

Availability of Staff Draft Environmental Impact Statement

Notice is hereby given in the captioned Project, that on or about September 30, 1975, as required by Section 2.81(b) of Commission Order No. 415-C, a draft environmental impact statement prepared by the Staff of the Federal Power Commission was made available for comments. This statement deals with the environmental impact of the issuance of a license to Duke Power Company which would permit the construction of the proposed 1,000 Megawatt Bad Creek Pumped Storage Project. The proposed project would be located in Northwestern Oconee County, South Carolina, on lands owned in fee by Crescent Land and Timber Corporation, a wholly owned subsidiary of Duke Power Company, and within the boundaries of the Sumter National Forest and the State of South Carolina's Horse Pasture Game Management Area.

This statement has been circulated for comments to Federal, State, and local agencies, has been placed in the public files of the Commission, and is available for public inspection both in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426 and its Atlanta Regional Office located at 730 Peachtree Building, Room 500, Atlanta, Georgia 30308. Copies may be ordered from the Commission's Office of Public Information, Washington, D.C. 20426.

The proposed project would consist of dams across Bad and West Bad Creeks and a saddle dike which would impound a 318 acre upper reservoir, utilization of existing Lake Jocassee as a lower reservoir, tunneling to connect the reservoirs, an underground powerhouse containing four reversible pumping-generating units totaling 1,000 Megawatts of generating capacity, and a 525-kV transmission line approximately 18 miles in length.

Any person who wishes to do so may file comments on the staff draft statement for the Commission's consideration. All comments must be filed on or before November 14, 1975.

Any person who wishes to present evidence regarding environmental matters

in this proceeding must file with the Commission a petition to intervene pursuant to Section 1.8 of the Commission's Rules of Practice and Procedure. Petitioners must also file timely comments on the draft statement in accordance with Section 2.81(c) of Order No. 415-C.

All petitions to intervene must be filed on or before November 14, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-26369 Filed 9-30-75; 8:45 am]

[Docket No. RP72-64]

TEXAS GAS TRANSMISSION CORP.

Availability of Draft Environmental Impact Statement

SEPTEMBER 19, 1975.

Notice is hereby given in the above Docket, that on September 19, 1975, a Draft Environmental Impact Statement prepared by the staff of the Federal Power Commission was made available. This draft statement deals with the environmental impact of alternative permanent curtailment plans proposed in Docket No. RP72-64 across the Texas Gas Transmission Corporation system.

This draft statement has been circulated to Federal, State and Local agencies, and has been placed in the public files of the Commission, and is available for public inspection both in the Commission Office of Public Information Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426, Atlanta Regional Office located at 730 Peachtree Bldg., Room 500, Atlanta, Georgia 30308, Chicago Regional Office, located at 31st Floor, Federal Bldg., 230 S. Dearborn Street, Chicago, Illinois and Fort Worth Regional Office, located at 819 Taylor Street, Fort Worth, Texas 76102. Copies are also available in limited quantities from the Federal Power Commission's Office of Public Information, Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-26370 Filed 9-30-75; 8:45 am]

FEDERAL RESERVE SYSTEM

FIRST COMMUNITY BANCORP.

Proposed Acquisition of Life Insurance Company

First Community Bancorporation, Joplin, Missouri, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Conqueror Life Insurance Company, Phoenix, Arizona. Notice of the application was published on July 21, 1975 in the Joplin Globe, a newspaper circulated in Joplin, Missouri.

Applicant states that the proposed subsidiary would engage *de novo* in underwriting, as reinsurer, credit life and credit accident and health insurance directly related to extensions of credit by Applicant's subsidiaries. Such activities have been specified by the Board in

§ 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than October 28, 1975.

Board of Governors of the Federal Reserve System, September 24, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc. 75-26185 Filed 9-30-75; 8:45 am]

FIRST NATIONAL BOSTON CORP.

Acquisition of Bank

First National Boston Corporation, Boston, Massachusetts, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent (less directors' qualifying shares) of the voting shares of the successor by merger to Blackstone Valley National Bank, Whitinsville, Massachusetts. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 28, 1975.

Board of Governors of the Federal Reserve System, September 24, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc. 75-26186 Filed 9-30-75; 8:45 am]

MICHIGAN NATIONAL CORP.

Acquisition of Bank

Michigan National Corporation, Bloomfield Hills, Michigan, has applied for the Board's approval under section

3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent (less directors' qualifying shares) of the voting shares of the successor by merger to Commercial National Bank, Cassopolis, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 28, 1975.

Board of Governors of the Federal Reserve System, September 24, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-26187 Filed 9-30-75;8:45 am]

SOUTHERN ILLINOIS BANCORPORATION, INC.

Order Approving Formation of Bank Holding Company and Engaging in Insurance Activities as Agent

Southern Illinois Bancorporation, Inc., Highland, Illinois ("Applicant"), has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through the acquisition of 96.7 per cent of the voting shares of Farmers and Merchants Bank of Highland, Highland, Illinois ("Bank"). At the same time, Applicant has applied for the Board's approval under section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y, to engage *de novo* in the sale of credit life and credit health and accident insurance directly related to extensions of credit by Bank at Bank's office in Highland, Illinois. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(9)(ii)(a)).

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with sections 3 and 4 of the Act (39 FR 32795). The time for filing comments and views has expired, and none have been timely received. The applications have been considered in light of the factors set forth in section 3(c) of the Act, and section 4(c)(8) of the Act.

Applicant, a newly-formed nonoperating corporation, proposes to become a bank holding company through acquisition of Bank and also proposes to engage *de novo* as agent in the sale of credit-related insurance. Bank, with deposits of approximately \$36.7 million, representing 0.1 of one percent of the total commercial bank deposits in Illinois,¹ is the largest of four banks located in the high-

land banking market.² Since applicant has no present operations or subsidiaries, acquisition of Bank by Applicant would not adversely affect existing or potential competition.

The financial condition, managerial resources, and prospects of Bank are regarded as satisfactory and consistent with approval of the application. The management of Applicant is satisfactory, and Applicant's financial condition and prospects, which are dependent upon profitable operations of both Bank and the insurance agency, appear favorable. Although Applicant will incur debt in connection with the proposal, the projected income from Bank and the insurance agency activities should provide sufficient revenue to service the debt without impairing the financial condition of Bank. Accordingly, considerations relating to banking factors are consistent with approval of the application. Considerations relating to convenience and needs are also regarded as being consistent with approval of the application to acquire Bank. It has been determined that consummation of the proposal to form a bank holding company would be consistent with the public interest and the application should be approved.

Applicant also proposes to engage *de novo* in the sale of credit life and credit accident and health insurance directly related to extensions of credit by Bank. Approval of the application to engage in such activities would enable Applicant to offer Bank's customers a convenient source of credit-related insurance services, which result is regarded as being in the public interest. It does not appear that Applicant's proposed insurance activities would have any significant adverse effect on existing or future competition. Further, there is no evidence in the record indicating that consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices or other adverse effects on the public interest.

Based on the foregoing and other considerations reflected in the record, it has been determined, in accordance with the provisions of section 4(c)(8), that consummation of this proposal can reasonably be expected to produce benefits to the public that outweigh possible adverse effects and the application to engage in credit-related insurance activities should be approved.

Accordingly, the applications are approved for the reasons summarized above. The acquisition of Bank shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the date of this Order, and the *de novo* insurance activities shall be commenced not later than three months after the effective date of this Order, unless such periods are extended for good

¹ The Highland banking market is approximated by Madison County, Illinois, excluding the western portion of that county.

cause by the Board, or by the Federal Reserve Bank of St. Louis pursuant to delegated authority. The determination with respect to Applicant's insurance activities is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modification or termination of activities of a bank holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Secretary of the Board, acting pursuant to delegated authority for the Board of Governors, effective September 24, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-26188 Filed 9-30-75;6:45 am]

GOVERNMENT PRINTING OFFICE

DEPOSITORY LIBRARY COUNCIL TO THE PUBLIC PRINTER

Notice of Meeting

The Depository Library Council to the Public Printer will meet on October 23 and 24, 1975, at the Capitol Hill Quality Inn, Washington, D.C.

The purpose of this meeting is to discuss the Depository Library Program.

The meeting will be open to the public. Any member of the public who wishes to attend shall notify Mr. J. D. Livezey, Head, Library and Statutory Distribution Service, Government Printing Office, Washington, D.C. 20401 (Telephone Area Code 703-557-2050).

General participation by members of the public, or questioning of Council members or other participants, shall be permitted with approval of the Chairman.

Dated: September 30, 1975.

T. F. McCORMICK,
Public Printer.

[FR Doc.75-26465 Filed 9-30-75;12:14 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR NEUROBIOLOGY AND ADVISORY PANEL FOR PSYCHOBIOLOGY

Notice of Joint Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following joint meeting:

Name: Advisory Panels for Neurobiology and Psychobiology.

Date: October 20 and 21, 1975.

Time: 9 a.m. each day.

Place: Rm. 321, National Science Foundation, 1800 G St., NW., Washington, D.C.

Type of Meeting: Part Open—Open October 20 (9 a.m.—10 a.m.). Closed Oc-

¹ AM banking data are as of December 31, 1974.

tober 20 (10 a.m.-5 p.m.); October 21 (9 a.m.-5 p.m.).

Contact Person: Dr. James H. Brown, Program Director for Neurobiology or Dr. Robert D. Sorkin, Program Director for Psychobiology, Rm. 333, National Science Foundation, Washington, D.C. 20550, telephone 202/632-4264.

Summary Minutes (open portion): May be obtained from the Committee Management Coordination Staff, Management Analysis Office, Rm. 248, National Science Foundation, Washington, D.C. 20550.

Purpose of Advisory Panels: To provide advice and recommendations concerning support for research in Neurobiology and Psychobiology.

Agenda: Will include the following topics:

October 20 (9 a.m.-10 a.m.)
(Open Session)

Reorganization of the National Science Foundation

Budget status and prospects
Review policies and procedures

October 20 (10 a.m.-5 p.m.)
October 21 (9 a.m.-5 p.m.)
(Closed Session)

Review and evaluation of research proposals that have been assigned to the Neurobiology and Psychobiology Programs.

Reason for Closing: The proposals being reviewed contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

Authority to Close Meeting: These matters are within the exemptions of 5 U.S.C. (4), (5), and (6). The closing of this portion of the meeting is in accordance with the determination by the Director of the National Science Foundation, dated February 21, 1975, pursuant to the provisions of Section 10(d) of Public Law 92-463.

GAIL A. MCHENRY,
Acting Committee
Management Officer.

SEPTEMBER 26, 1975.

[FR Doc.75-26192 Filed 9-30-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-389]

FLORIDA POWER & LIGHT CO. (ST. LUCIE NUCLEAR POWER PLANT, UNIT NO. 2)

ORDER

SEPTEMBER 24, 1975.

The oral argument in this proceeding will be heard at 10:00 a.m. on Thursday, October 9, 1975 in Courtroom B (on the third floor) of the County Courthouse, Second Street, Fort Pierce, Florida.

A total of 2¾ hours is allotted for argument. The order of presentation will be as follows:

¹This represents a change from the previously announced time.

Intervenors—60 minutes.

Applicant—45 minutes.

NRC Staff—45 minutes.

Intervenors—15 minutes (rebuttal).

The applicant and Staff are to use the time allotted to them not only to respond to the intervenors' exceptions but to discuss the applicant's unopposed exception as well.

Generally, the parties are free to address any matter encompassed by the briefs filed before this Board. The Board does not wish, however, to hear argument on the intervenors' exception #4, dealing with the Price-Anderson Act. On the other hand, the Board is particularly interested in those of the intervenors' exceptions which are concerned with population projections and compliance with 10 CFR Part 100. In addition, the parties should be prepared to discuss the effect on this proceeding of the adoption of Appendix I to 10 CFR Part 50, as amended effective September 4, 1975 (40 F.R. 40816, September 4, 1975).

It is so ordered.

For the Atomic Safety and Licensing Appeal Board.

MARGARET E. DU FLO,
Secretary to the
Appeal Board.

[FR Doc.75-26180 Filed 9-30-75;8:45 am]

[Docket Nos. 50-348-OL, 50-384-OL]

ALABAMA POWER CO. (JOSEPH M. FARLEY NUCLEAR PLANT UNITS 1 AND 2)

Special Prehearing Conference

Notice is hereby given that, pursuant to the "Notice of Hearing on Application for Facility Operating Licenses" dated May 17, 1974 (39 FR 18131), and in accordance with § 2.751(a) of the Commission's rules of practice, 10 CFR Part 2, a second special prehearing conference will be held in the above-captioned proceeding on October 14, 1975 at 10:00 AM local time in "4th Floor Courtroom" at the Houston County Court House, Main and Oak Streets, Dothan, Alabama.

This Special Prehearing Conference will be held before the Atomic Safety and Licensing Board which was established in the aforementioned notice of hearing which is composed of Dr. Hugh Paxton, Dr. Harry Foreman and Mr. Andrew C. Goodhope.

This Special Prehearing Conference will deal with the following matters:

1. The identification and particularization of key issues in the proceeding;
2. Any steps necessary for further identification of the issues;
3. The need for discovery and the time required therefore;
4. The establishment of a schedule for further hearings; and
5. Any pending motions and such other matters as may aid in the orderly disposition of the proceeding including identification of witnesses and documentary evidence to be proffered at future hearings.

Members of the public are invited to attend this prehearing conference as well as the evidentiary hearing to be held

at a later date to be fixed by the Board. Members of the public wishing to make limited appearances may identify themselves at this prehearing conference but oral or written statements to be presented by limited appearances will not be received at this conference. The Board will receive such statements at the future evidentiary hearing.

The attorneys for the respective parties are directed to confer in advance of the Special Prehearing Conference, in such manner as they deem appropriate, and report to the Board at said conference on any stipulations regarding issues in controversy or any other mutually agreeable procedures to expedite this proceeding.

Dated this 24th day of September 1975 at Bethesda, Maryland.

By order of the Atomic Safety and Licensing Board.

ANDREW C. GOODHOPE,
Chairman.

[FR Doc.75-26179 Filed 9-30-75;8:45 am]

[Docket Nos. 50-282, 50-306]

NORTHERN STATES POWER CO. (PRAIRIE ISLAND NUCLEAR GENERATING PLANT, UNITS 1 AND 2)

Order

SEPTEMBER 25, 1975.

On the joint motion of the parties to this proceeding, and for good cause shown, the time for the filing of written testimony on the steam generator tube integrity issue is extended to and including Tuesday, October 14, 1975. All such testimony is to be in the hands of the Board no later than 5:00 p.m. on that date.

The grant of this motion necessitates a one-week postponement of the evidentiary hearing. That hearing will now commence at 9:00 a.m. (CDT) on Tuesday, October 28, 1975 in the Courtroom of the United States Court of Appeals for the Eighth Circuit, 5th floor, U.S. Federal Building and Courthouse, 316 North Robert Street, St. Paul, Minnesota.

As indicated to counsel during the course of a conference telephone call yesterday, the Board is extremely desirous that there be no further postponement of the hearing. Accordingly, the parties will be expected to exert every effort to insure that their written testimony is received by the Board by the newly-established deadline.

It is so ORDERED.

For the Atomic Safety and Licensing Appeal Board.

MARGARET E. DU FLO,
Secretary to the
Appeal Board.

[FR Doc.75-26181 Filed 9-30-75;8:45 am]

REGULATORY GUIDE

Notice of Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory

Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 3.31, "Emergency Water Supply Systems for Fuel Reprocessing Plants," describes sources of emergency water acceptable to the NRC staff and presents bases for the design of systems that furnish emergency water to the fuel storage pool, high-level radioactive waste storage, fire protection system, certain process vessels, and any other safety-related equipment or system requiring a supply of water to perform the design safety function, directly or indirectly.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 3.31 will, however, be particularly useful in evaluating the need for an early revision if received by November 28, 1975.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 3 Regulatory Guides currently being developed include the following:

- Control of Stainless Steel Welding for Safety-Related Components of Fuel Reprocessing Plants.
- Corrosion Testing and Evaluation of Metals for Application in Fuel Reprocessing Plants.
- General Fire Protection Guide for Fuel Reprocessing Plants.
- Standard Format and Content of License Applications for Plutonium Processing and Fuel Fabrication Plants.
- Standard Format and Content of License Applications for Commercial Waste Burial Facilities.
- Quality Assurance for the Design, Construction, and Operation of Fuel Reprocessing Plants.
- Guide for Design, Construction, and Operation of Ventilation Systems for Plutonium Fuel Manufacturing Plants.
- Design Criteria for Plutonium Processing and Fuel Fabrication Plants.

- Guide to the Preparation of Emergency Plans for Uranium and Plutonium Processing and Fuel Fabrication Plants.
- Design Criteria for Spent Fuel Storage Facilities at HTGR Sites.
- Guide for Design of Irradiated Fuel Receiving and Storage Facilities.
- Assumptions Used for Evaluating the Consequences of a Criticality Accident in LWR Fuel Fabrication Plants.
- Selection, Training, and Qualification of Personnel for Fuel Reprocessing Plants.
- Temporary Storage of High-Level Liquid Waste at Fuel Reprocessing Plants.
- Assumptions Used for Evaluating the Consequences of a Criticality Accident in Fuel Reprocessing Plants.
- Assumptions Used for Evaluating the Consequences of a Criticality Accident in Plutonium Processing and Fuel Fabrication Plants.
- Confinement Structures and Systems for Plutonium Processing and Fuel Fabrication Plants.
- Protection Systems for Fuel Reprocessing Plants and for Plutonium Processing and Fuel Fabrication Plants.
- Design Basis Floods for Fuel Reprocessing Plants.
- Criteria for Gaseous Radioactive Effluent Systems at Fuel Reprocessing Plants.
- Design Criteria for Decommissioning of Nuclear Fuel Reprocessing Plants.
- Definition of Radioactive Waste Categories. Codes Applicable to Quality Control and Fabrication of Metallic Structures, Systems, and Components for Fuel Reprocessing Plants.
- Administrative Controls for Nuclear Fuel Reprocessing Plants.
- Identification of Accidents To Be Considered in Safety Analysis Reports for Enrichment Facilities.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 24th day of September 1975.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director,
Office of Standards Development.

[FR Doc.75-26182 Filed 9-30-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on September 26, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

- DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
- National Center for Education Statistics, Elsegus VIII Part A-2, State Fiscal Report, 2350-6, annually, State education agencies, Joan Turek.
- Social Security Administration, Uniform Desk Review Program (hospital cost reports), SSA 3182, annually, part A intermediaries, Human Resources Division, Caywood, D. P., 395-3532.
- Office of Human Development, State Child Welfare Study Advance Questionnaire and Interview Guides, single-time, child welfare staffs of 25 States, Human Resource Division, Sunderhauf, M. B., 395-3532.

DEPARTMENT OF LABOR

- Departmental and other questionnaire for producers of metal fasteners, ILAB 34, single-time, firms manufacturing nuts, bolts, and screws of iron, steel, Peterson, M. O., 395-5631.

REVISIONS

THE RENEGOTIATION BOARD

- Standard Form of Contractor's Report; Statement of Non-Applicability, RB-1, RB-1A, RB-80, monthly, Defense and Aerospace contractors, Caywood, D. P., 395-3443.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-26399 Filed 9-30-75;8:45 am]

POSTAL RATE COMMISSION

UNITED STATES POSTAL SERVICE

Notice of Meeting

SEPTEMBER 25, 1975.

Notice is hereby given that employees of the Postal Rate Commission will be meeting with employees of the Postal Service for the purpose of discussing the Postal Service's accounting systems.

The meeting will be held on October 2, 1975, at 9:30 a.m., in the offices of the Postal Service at 475 L'Enfant Plaza West, SW., Washington, D.C.

By direction of the Commission.

JAMES R. LINDSAY,
Secretary of the Commission.

[FR Doc.75-26223 Filed 9-30-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 871]

ASSIGNMENT OF HEARINGS

SEPTEMBER 26, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be

made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

Correction

MC 110144 Sub 15, Jack C. Robinson d/b/a Robinson Freight Lines, now being assigned October 14, 1975, at Knoxville, Tennessee, (4 days), at the Ramada Inn-Kingston Pike, 7621 Kingston Pike, instead of Nashville, Tennessee.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 75-26259 Filed 9-30-75; 8:45 am]

[Notice No. 870]

ASSIGNMENT OF HEARINGS

SEPTEMBER 26, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 30844 Sub 532, Kroblin Refrigerated Xpress, Inc., now assigned November 3, 1975 at Wichita, Kansas, is canceled and reassigned October 29, 1975 (3 days) at Wichita, Kansas; in Internal Revenue Service Building, Rooms 118 & 120, 1412 South Main Street.

MC 115331 Sub 391, Truck Transport Incorporated, now assigned November 4, 1975 at Kansas City, Missouri, is canceled and the application is dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 75-26259 Filed 9-30-75; 8:45 am]

**FILING OF MOTOR CARRIER
INTRASTATE APPLICATIONS**

SEPTEMBER 26, 1975.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's Rules of Practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall

not be addressed to or filed with the Interstate Commerce Commission.

California Docket No. A55893, filed August 26, 1975. Applicant: MARINO BROS. TRUCKING CO., 3516 Newton Road, Stockton, Calif. 95205. Applicant's representative: Marquam C. George and Carl Silverhart, 401 South Hartz Avenue, Danville, Calif. 94526. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities*, as follows: (a) Between and including San Jose and Los Angeles and all points and places on and within 15 miles laterally of U.S. Highway 101. (b) Between and including Oakland and Santa Cruz and all points and places on and within 10 miles laterally of State Highway 17. (c) Between and including Santa Cruz and Monterey and all points and places on and within 10 miles laterally of State Highway 1. (d) Between and including Monterey and Salinas and all points and places on and within 10 miles laterally of State Highway 68. (e) Between Gilroy and the intersection of State Highway 152 and Interstate Highway 5 and all points and places within 10 miles laterally of State Highway 152. (f) Between and including Fresno and San Diego and all points and places on and within 30 miles laterally of U.S. Highway 99. (g) Between the intersection of Interstate Highway 5 and County Road J1 via Interstate Highway 5 to the California-Mexican border and all points and places on and within 10 miles laterally of Interstate Highway 5. (h) Between and including Los Angeles and Blythe and all points and places on and within 15 miles laterally of Interstate Highway 10 and U.S. Highway 60. (i) Between and including Bakersfield and Barstow and all points and places on and within 15 miles laterally of State Highway 58.

(j) Between and including Barstow and the California-Nevada State line and all points and places on and within 15 miles laterally of Interstate Highway 15. (k) Between and including Barstow and Needles and all points and places on and within 15 miles laterally of U.S. Highway 66. (l) Between Barstow and all points and places on and within 15 miles laterally of Interstate Highway 15 and U.S. Highway 66 and its intersection with Interstate Highway 10. (m) Between Mojave and all points and places on and within 15 miles laterally of State Highway 14 and its intersection with Interstate Highway 5. (n) Between and including San Bernardino and San Diego and all points and places on and within 15 miles laterally of U.S. Highway 395. (o) Between and including Indio and El Centro and all points and places on and within 15 miles laterally of State Highway 86. (p) Between the intersection of Interstate Highway 5 and Interstate Highway 8 and the California-Arizona State Line via Interstate Highway 8 and U.S. Highway 80, together with all points and places on and within 15 miles laterally of the said highways. (q) Between any and all routes and points set forth in paragraphs 1 through 16, inclu-

sive; and all routes and points presently certificated by Decision No. 83517 of the Public Utilities Commission of the State of California. (r) For operation convenience only, all roads, streets, and highways connecting the above points and routes. Subject to the restriction that no transportation shall be performed of the followings: (a) Used household goods, personal effects and office, store and institution furniture, fixtures and equipment not packed in salesmen's hand sample cases, suitcases, overnight or Boston bags, briefcases, hat boxes, valises, traveling bags, trunks, lift vans, barrels, boxes, cartons, crates, cases, baskets, pails, kits, tubs, drums, bags (jute, cotton, burlap, or gunny) or bundles (completely wrapped in jute, cotton, burlap, gunny, fibreboard, or straw matting).

(b) Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined; buses, and bus chassis. (c) Livestock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine, or wethers. (d) Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles. (e) Commodities when transported in motor vehicles equipped for mechanical mixing in transit. (f) Portland or similar cements in bulk or packages, when loaded substantially to capacity of motor vehicle. (g) Logs. (h) Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper. (i) Explosives subject to U.S. Department of Transportation Regulations governing the Transportation of Hazardous Materials. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time, and place not yet fixed. Requests for procedural information should be addressed to the Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

Texas Docket No. 2409, filed September 5, 1975. Applicant: DIXIE TRUCK LINE, INC., P.O. Box 968, Rosenberg, Tex. 77471. Applicant's representative: James M. Doherty, 500 West Sixteenth Street, P.O. Box 1945, Austin, Tex. 78767. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General Commodities*: Between Houston, Texas, and the plantsite of Western Electric Corporation located west of Houston, Tex., as follows: From Houston over Interstate Highway 10 to its intersection with Mason Road, thence over Mason

Road for approximately one-and-one-half miles to the plantsite of Western Electric Corporation, and return over the same route, serving the termini and all intermediate points. Applicant proposes to tack and to coordinate the proposed additional services with all services now authorized in intrastate commerce under Texas Certificate No. 2409 and with all services now authorized in interstate and foreign commerce under authorities granted in Docket MC 29971 and all subs thereunder. Applicant seeks no duplicating authority. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time, and place not yet fixed, but will be scheduled approximately 30 days after publication in the FEDERAL REGISTER. Requests for procedural information should be addressed to the Railroad Commission of Texas, Capitol Station, P.O. Drawer 12967, Austin, Tex. 78711, and should not be directed to the Interstate Commerce Commission.

Texas Docket No. 2627, filed September 19, 1975. Applicant: CENTRAL FREIGHT LINES INC., 303 South 12th Street, P.O. Box 238, Waco, Tex. 76703. Applicant's representative: Phillip Robinson, P.O. Box 2207, Austin, Tex. 78767. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities*, as follows: (1) Between New Braunfels and Spring Branch, Texas, as follows: From New Braunfels over Texas 46 to junction of Texas 46 and FM 311, thence along FM 311 to Spring Branch, and return over the same route, serving the termini and all intermediate points. (2) Between Smithsons Valley and Startzville, Texas, as follows: From Smithsons Valley over FM 3159 to Startzville, and return over the same route, serving the termini and all intermediate points. (3) Between junction of Texas 46 and FM 2722 and junction FM 2722 and FM 2673, as follows: From the junction of Texas 46 and FM 2722 over FM 2722 to junction FM 2722 and FM 2673, and return over the same route, serving the termini and all intermediate points.

(4) Between the junction of Interstate Highway 35 and FM 306 and junction FM 306 and FM 2673, as follows: From the junction of Interstate Highway 35 and FM 306 over FM 306 to junction FM 306 and unnumbered county road, thence along unnumbered county road to junction of FM 2673, thence along FM 2673 to the junction of FM 2673 and FM 306, and return over the same route, serving the termini and all intermediate points; and (5) Between the junction of FM 306 and FM 484 and junction FM 484 and FM 32, as follows: From the junction of FM 306 and FM 484 over FM 484 to the junction of FM 484 and FM 32, and return over the same route, serving the termini and all intermediate points. Intrastate, interstate and foreign commerce authority sought.

Hearing: Date, time and place will be scheduled approximately 30 days after publication in the FEDERAL REGISTER. Requests for procedural information should

be addressed to the Railroad Commission of Texas, Capitol Station, P.O. Drawer 12967, Austin, Tex. 78711 and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.
[FR Doc. 75-26263 Filed 9-30-75; 8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

SEPTEMBER 26, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before October 16, 1975.

FSA No. 43051—*Joint Rail-Water Container Rates—Italian Line*. Filed by Italian Line, (No. 1), for itself and interested rail carriers. Rates on general commodities, from rail and water carrier terminals on the U.S. Pacific Coast Seaboard, to ports and terminals in Europe.

Grounds for relief—Water competition.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.
[FR Doc. 75-26260 Filed 9-30-75; 8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

SEPTEMBER 26, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination Rules* (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before October 11, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 564 (Sub-E10), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, (1) between points in Iowa within 150 miles of Austin, Minn., on the one hand, and, on the other, points in that part of Washington on and west of U.S. Highway 97 (Wenatchee, Wash., and points in Montana)*; (2) between points in that part of Iowa on and east of Interstate Highway 35, on the one hand, and, on the other, points in that part of Washington on and west of U.S. Highway 97 (Wenatchee, Wash.; points in Montana; and points in that part of Illinois within 150 miles of Austin, Minn.)*. The purpose of this filing is to eliminate the gateway as indicated with asterisks.

No. MC 564 (Sub-E78), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* (1) between points in Michigan on the one hand, and, on the other, points in that part of Missouri on and north of a line beginning at the Kansas-Missouri State line and extending along U.S. Highway 24 to intersection with U.S. Highway 63, thence along U.S. Highway 63 to the Iowa-Missouri State line (points in Illinois within 150 miles of Austin, Minn.)*, and points in that part of Missouri on, south and west of a line beginning at the Kansas-Missouri State line, thence along U.S. Highway 54 to junction Missouri Highway 5, to the Missouri-Arkansas State line (points in Illinois)*. The purpose of this filing is to eliminate the gateways marked with asterisks.

No. MC 564 (Sub-E121), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of Missouri on, south and west of a line beginning at the Kansas-Missouri State line, thence along U.S. Highway 54 to Missouri Highway 5, to the Missouri-Arkansas State line, on the one hand, and, on the other, points in Minnesota (points in Iowa within 150 miles of Austin, Minn.)*; (2) between St. Louis, Mo., on the one hand, and, on the other, points in Minnesota (points in Illinois within 150 miles of Austin, Minn.)*. The purpose of this filing is to eliminate the gateways marked with asterisks.

No. MC 564 (Sub-E132), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Appli-

cant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, (1) between points in that part of Missouri on, south and west of a line beginning at the Kansas-Missouri State line, thence along U.S. Highway 54 to Missouri Highway 5 to the Arkansas-Missouri State line, on the one hand, and, on the other, points in Wisconsin (points in Illinois)*; (2) between points in Wisconsin, on the one hand, and, on the other, points in that part of Missouri on and west of Missouri Highway 19 (points in Illinois within 150 miles of Austin, Minn.)*; and (3) between St. Louis, Missouri, on the one hand, and, on the other, Green Bay, Wis. (points in Illinois within 150 miles of Austin, Minn.)*. The purpose of this filing is to eliminate the gateways marked with asterisks.

No. MC 564 (Sub-E137), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Minnesota, on the one hand, and, on the other, Lincoln, Nebr. The purpose of this filing is to eliminate the gateway of points in Iowa within 150 miles of Austin, Minn.

No. MC 29886 (Sub-E20) (Correction), filed May 23, 1974. Published in the FEDERAL REGISTER March 19, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (3) *New bus and truck chassis*, in driveway service, from Lansing, Mich., to points in Arkansas, Colorado, Montana, Nevada, North Dakota, Oklahoma, and Utah, those in Kansas on and west of U.S. Highway 59, those in Nebraska on and west of U.S. Highway 183, those in South Dakota on and west of a line beginning at the North Dakota-South Dakota State line and extending along U.S. Highway 83 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction South Dakota Highway 47, thence along South Dakota Highway 47 to the South Dakota State line, and Joplin, Mo. (Indiana, except Ft. Wayne, and Toledo, Ohio)*. (4) *New bus and truck chassis*, in initial movements, in driveway service from Lansing, Mich., to points in Texas (South Bend, Ind.)*; (5) *New truck chassis*, when moving with new trucks, in driveway service, from Lansing, Mich., to points in New Mexico, Arizona, and California (South Bend, Ind., and points in Texas on and west of U.S. Highway 83)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this correction is to include (4) and (5) above.

No. MC 60014 (Sub-E125), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William R. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, roofing and insulating material*, requiring special equipment, restricted so that, or provided that, the loading or unloading which necessitate the special equipment, is performed by the consignor, or consignee, or both (except in bulk), from the plantsite of Johns Manville Perlite Corporation, Rockdale, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont, Virginia, and the District of Columbia (Pennsylvania; points in New York within 10 miles of Greenwich, Conn.; Greenwich, Conn.; and points in Massachusetts within 35 miles of Boston); *Cement pipe* containing asbestos fibre, requiring special equipment, restricted so that, or provided that the loading or unloading, which necessitates the special equipment, is performed by the consignor, or consignee or both, from Waukegan, Ill., to points in Virginia (West Virginia)*, Connecticut, Delaware, Maine, Maryland, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, those in Massachusetts on and east of a line beginning at the Vermont-Massachusetts State line and extending along Massachusetts Highway 8 to junction Massachusetts Highway 2, thence along Massachusetts Highway 2 to junction Massachusetts Highway 8A, thence along Massachusetts Highway 8A to junction Massachusetts Highway 116, thence along Massachusetts Highway 116 to junction Massachusetts Highway 8A, thence along Massachusetts Highway 8A to junction Massachusetts Highway 9, thence along Massachusetts Highway 9 to junction Massachusetts Highway 112, thence along Massachusetts Highway 112 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Massachusetts Highway 8, thence along Massachusetts Highway 8 to the Massachusetts-Connecticut State line; and those in Vermont on and east of a line beginning at the United States-Canada International Boundary line and extending along Vermont Highway 5 to junction Vermont Highway 14, thence along Vermont Highway 14 to junction Vermont Highway 15, thence along Vermont Highway 15 to junction Vermont Highway 100, thence along Vermont Highway 100 to junction Vermont Highway 12, thence along Vermont Highway 12 to junction Vermont Highway 4, thence along Vermont Highway 4 to junction Vermont Highway 100, thence along Vermont Highway 100 to junction Vermont Highway 8A, thence along Vermont Highway 8A to the Vermont-Massachusetts State line, and the District of Columbia (points in Pennsylvania on and west of U.S. Highway 15; and points in New York within 10 miles of Greenwich, Conn.; Greenwich, Conn.; and points in Mas-

sachusetts within 35 miles of Boston)*. The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 60014 (Sub-E134), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William R. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials and construction supplies* used in connection therewith, between points in Connecticut, on the one hand, and, on the other, points in Delaware, Maryland, Virginia, West Virginia, those in Pennsylvania on and west of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 11 to junction Interstate Highway 81, thence along Interstate Highway 81 to junction Pennsylvania Highway 611, thence along Pennsylvania Highway 611 to the Pennsylvania-New Jersey State line, those in New Jersey on and east of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 94 to junction New Jersey Highway 521, thence along New Jersey Highway 521 to junction New Jersey Highway 519, thence along New Jersey Highway 519 to junction New Jersey Highway 23, thence along New Jersey Highway 23 to the New Jersey-New York State line, and the District of Columbia; and those in New York on and south of a line beginning at the New Jersey-New York State line and extending along Interstate Highway 87/287, thence along Interstate Highway 87/287 to junction Interstate Highway 287, thence along Interstate Highway 287 to junction Interstate Highway 95, thence along Interstate Highway 95 to the New York-Connecticut State line; and between those points in Connecticut on and east of a line beginning at the New York-Connecticut State line and extending along Interstate Highway 84 to junction Connecticut Highway 8, thence along Connecticut Highway 8 to junction U.S. Highway 6/202, thence along U.S. Highway 6/202 to junction Interstate Highway 84, thence along Interstate Highway 84 to junction Interstate Highway 91, thence along Interstate Highway 91 to junction Connecticut Highway 159, thence along Connecticut Highway 159 to the Connecticut-Massachusetts State line, on the one hand, and, on the other, those points in New York on and south of a line beginning at Lake Ontario and extending along New York Highway 31 to junction New York Highway 96, thence along New York Highway 96 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Interstate Highway 81, thence along Interstate Highway 81 to junction New York Highway 17, thence along New York Highway 17 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Interstate Highway 84, thence along Interstate Highway 84 to the New York-Connecticut State line (points in New York within 10 miles of Greenwich, Conn.)*; and

commodities, the transportation of which by reason of their size or weight require the use of special equipment, between those points in Connecticut on and south of a line beginning at the New York-Connecticut State line and extending along Interstate Highway 84, to junction Connecticut Highway 66, to junction Interstate Highway 91, to junction Interstate Highway 95, to the Long Island Sound, on the one hand, and, on the other, those points in Rhode Island on and east of a line beginning at the Rhode Island-Connecticut State line and extending along Rhode Island Highway 102, to junction U.S. Highway 44, to junction U.S. Highway 1, to junction Interstate Highway 195, to the Rhode Island-Massachusetts within 35 miles of Boston)*. The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 61825 (Sub E433), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 308, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Allen, Auglaize, Delaware, Defiance, Hardin, Licking, Logan, Mercer, Morrow, Putnam, Shelby, and Van Wert Counties, Ohio, on the one hand, and, on the other, points in North Carolina on and east of a line beginning at the North Carolina-Virginia State line at its junction with U.S. Highway 15, thence south along North Carolina Highway 15 to Durham, thence south along North Carolina Highway 55 to Lillington, thence south along U.S. Highway 401 to Fayetteville, thence south along U.S. Highway 301 to the North Carolina-South Carolina State line. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub E434), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 308, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Ashland, Crawford, Cuyahoga, Erie, Fulton, Hancock, Henry, Holmes, Huron, Lorain, Lucas, Medina, Ottawa, Paulding, Richland, Sandusky, Seneca, Summit, Wayne, Williams, Wood, and Wyandot Counties, on the one hand, and, on the other, points in Virginia bounded by a line beginning at the Atlantic Ocean and the Virginia-North Carolina State line, thence west along the Virginia-North Carolina State line to its junction with U.S. Highway 220, thence north along U.S. Highway 220 to Roanoke, thence east along U.S. Highway 460 to Lynchburg, thence north along U.S. Highway 29 to Lovington, thence east along Virginia Highway 56 to its junction with U.S. Highway 60, thence east along U.S. Highway 60 to Richmond, thence along

Interstate Highway 64 to Bottoms Bridge, thence along Virginia Highway 249 to its junction with Virginia Highway 33, thence along Virginia Highway 33 to its end at the Chesapeake Bay, thence south along the Chesapeake Bay and the Atlantic Ocean to the point of beginning; including points in the above described line. The purpose of this filing is to eliminate the gateway of Weirton, W. Va. and Lynchburg, Va.

No. MC 61825 (Sub E435), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 308, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Allen, Auglaize, Defiance, Hardin, Knox, Logan, Marion, Mercer, Morrow, Putnam, Shelby and Van Wert Counties, Ohio, on the one hand, and, on the other, points in Virginia bounded by a line beginning at the Atlantic Ocean at the Virginia-North Carolina State line, thence west along the Virginia-North Carolina State line to its junction with U.S. Highway 29, thence north along U.S. Highway 29 to Lovington, Va., thence east along Virginia Highway 56 to its junction with U.S. Highway 60, thence east along U.S. Highway 60 to Richmond, Va., thence along Interstate Highway 64, to Bottoms Bldge, Va., thence along Virginia Highway 249 to its junction with Virginia Highway 33, thence east along Virginia Highway 33 to the Chesapeake Bay, thence south along the Chesapeake Bay and the Atlantic Ocean to the point of beginning; including points on the above specified line. The purpose of this filing is to eliminate the gateways of Weirton, W. Va. and Lynchburg, Va.

No. MC 61825 (Sub E436), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 308, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Ashtabula, Carroll, Columbiana, Geauga, Harrison, Lake, Mahoning, Portage, Stark, and Trumbull Counties, Ohio, on the one hand, and, on the other, points in Virginia bounded by a line beginning at the Atlantic Ocean and the Virginia-North Carolina State line, thence west along the Virginia-North Carolina State line to its junction with U.S. Highway 220, thence north along U.S. Highway 220 to Roanoke, thence east along U.S. Highway 460 to Lynchburg, thence north along U.S. Highway 29 to Lovington, thence along Virginia Highway 56 to its junction with U.S. Highway 60, thence east along U.S. Highway 60 to Buckingham, thence south along U.S. Highway 15 to Farmville, thence east along U.S. Highway 460 to Petersburg, thence east along the James River to the Chesapeake Bay, thence south along the Chesapeake Bay and the Atlantic Ocean to the point of

beginning, including all points on the above described line. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub E437), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 308, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Coshocton, Delaware, and Licking Counties, Ohio, on the one hand, and, on the other, points in Virginia bounded by a line beginning at the Atlantic Ocean and the Virginia-North Carolina State line, thence west along the Virginia-North Carolina State line to its junction with U.S. Highway 29, thence north along U.S. Highway 29 to Lovington, thence east along Virginia Highway 56 to its junction with U.S. Highway 60, thence east along U.S. Highway 60 to Buckingham, thence south along U.S. Highway 15 to Farmville, thence east along the James River to the Chesapeake Bay, thence south along the Chesapeake Bay and the Atlantic Ocean to the point of beginning, including all points on the above described line. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-E438), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 308, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between Toledo, Ohio, on the one hand, and, on the other, points in Virginia bounded by a line beginning at the Virginia-North Carolina State line at the Atlantic Ocean and extending west along the Virginia-North Carolina State line to its junction with Virginia Highway 8, thence north along Virginia Highway 8 to Christiansburg, thence along Interstate Highway 91 to Lexington, thence east along U.S. Highway 60 to Amherst, thence north along U.S. Highway 29 to Charlottesville, thence east along U.S. Highway 250 to Zion Crossroads, thence north along U.S. Highway 15 to Boswells Tavern, thence along Virginia Highway 22 to Trevilians, thence along U.S. Highway 33 to its junction with Virginia Highway 54, thence along Virginia Highway 54 to Hanover, thence north along Virginia Highway 2 to Dawn, thence along Virginia Highway 33 to the Chesapeake Bay and the Atlantic Ocean to the point of beginning; including all points on the described line. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-E440), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 335, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate

as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between Rochester, N.Y., on the one hand, and, on the other, points in Amherst, Appomattox, Bedford, Campbell, Carroll, Charlotte, Craig, Floyd, Franklin, Grayson, Halifax, Henry, Lee, Lunenburg, Mecklenburg, Montgomery, Patrick, Pittsylvania, Prince Edward, Pulaski, Roanoke, Scott, Smyth, Washington, and Wythe Counties, Va., including independent cities bounded by the above named counties. The purpose of this filing is to eliminate the gateways of Weirton, W. Va. and Lynchburg, Va.

No. MC 61825 (Sub E441), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between Buffalo, New York, on the one hand, and, on the other, points in Amelia, Amherst, Appomattox, Bedford, Botetourt, Brunswick, Buckingham, Campbell, Carroll, Charlotte, Craig, Cumberland, Floyd, Franklin, Grayson, Halifax, Henry, Lee, Lunenburg, Mecklenburg, Montgomery, Nottoway, Patrick, Pittsylvania, Prince Edward, Pulaski, Roanoke, Scott, Smyth, Washington, and Wythe Counties, Va., including independent cities bounded by the above named counties. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub E442), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Niagara and Orleans Counties, New York, on the one hand, and, on the other, Amelia, Amherst, Appomattox, Bedford, Botetourt, Brunswick, Buckingham, Campbell, Carroll, Charlotte, Craig, Cumberland, Floyd, Franklin, Grayson, Halifax, Henry, Lee, Lunenburg, Mecklenburg, Montgomery, Nottoway, Patrick, Pittsylvania, Prince Edward, Pulaski, Roanoke, Scott, Washington, Wythe, and Smyth Counties, Va., including independent cities bounded by the above named counties. The purpose of this filing is to eliminate the gateways of Weirton, W. Va. and Lynchburg, Va.

No. MC 61825 (Sub E443), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Cattaraugus, Chautauqua, Erie, Genesee, Livingston, Monroe, and Wyoming Counties, N.Y., on the one hand, and, on the other, Appomattox, Bedford, Campbell,

Carroll, Charlotte, Floyd, Grayson, Halifax, Henry, Lee, Lunenburg, Mecklenburg, Patrick, Pittsylvania, Scott, Smyth, Washington and Wythe Counties, Va., including independent cities bounded by the above named counties. The purpose of this filing is to eliminate the gateway of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub E444), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between Buffalo, N.Y., on the one hand, and, on the other, points in North Carolina on and west of a line beginning at the North Carolina-Virginia State line at U.S. Highway 301, thence south along U.S. Highway 301 to Garysburg, thence along U.S. Highway 158 to Jackson, thence along North Carolina Highway 305 to Rich Square, thence along North Carolina Highway 308 to Windsor, thence south along U.S. Highway 17 to New Bern, thence along U.S. Highway 70 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub E445), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between Rochester, New York, on the one hand, and, on the other, points in North Carolina on and west of a line beginning at the North Carolina-Virginia State line at U.S. Highway 1, thence south along U.S. Highway 1 to Norlina, thence along U.S. Highway 401 to Louisburg, thence along North Carolina Highway 581 to Goldsboro, thence south along North Carolina Highway 111 to Beulaville, thence southeast along North Carolina Highway 24 to the Atlantic Ocean at Swansboro. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub E446), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Niagara and Orleans Counties, N.Y., on the one hand, and, on the other, points in North Carolina on and west of a line beginning at the North Carolina-Virginia State line at U.S. Highway 301, thence south along U.S. Highway 301 to Garysburg, thence along U.S. Highway 158 to Jackson, thence along North Carolina Highway 305 to Rich Square, thence along North Carolina Highway 308 to Windsor, thence south along U.S. High-

way 17 to New Bern, thence southeast along U.S. Highway 70 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub E447), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Cattaraugus, Chautauqua, Erie, Genesee, Livingston, Monroe and Wyoming Counties, N.Y., on the one hand, and, on the other, points in North Carolina on and west of a line beginning at the North Carolina-Virginia State line at U.S. Highway 1, thence south along U.S. Highway 1 to Norlina, thence along North Carolina Highway 58 to Wilson, thence south along U.S. Highway 117 to Wilmington, thence east along U.S. Highway 74 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub E448), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between Pittsburgh, Pa., and points in Allegheny County, Pennsylvania, on the one hand, and, on the other, points in Amherst, Appomattox, Bedford, Campbell, Charlotte, Halifax, Henry, Lunenburg, Mecklenburg, Nottoway, Patrick, Pittsylvania and Prince Edward Counties, Virginia, including independent cities bounded by the above named counties. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub E449), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Armstrong County, Pa., on the one hand, and, on the other, points in Amherst, Appomattox, Bedford, Campbell, Charlotte, Halifax, Henry, Lunenburg, Mecklenburg, Nottoway, Pittsylvania and Prince Edward Counties in Virginia, including independent cities bounded by the above named counties. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub E467), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over

Irregular routes, transporting: *materials used in the manufacture of furniture*, from points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along U.S. Highway 522 to junction U.S. Highway 15, thence north along U.S. Highway 15 to the Pennsylvania-New York State line, to points in Tennessee north and west of a line beginning on the Arkansas-Tennessee State line, and extending along U.S. Highway 64 to junction Tennessee Highway 100, thence east along Tennessee Highway 100 to junction Tennessee Highway 114, thence east along Tennessee Highway 114 to the Tennessee River, thence north along the Tennessee River to the Perry-Wayne County line, thence east along the Perry-Wayne County line to Tennessee Highway 13, thence east along Tennessee Highway 13 to junction Tennessee Highway 48, thence east along Tennessee Highway 48 to junction Tennessee Highway 99, thence east along Tennessee Highway 99 to junction Tennessee Highway 96, thence east along Tennessee Highway 96 to junction U.S. Highway 70, thence east along U.S. Highway 70 to junction Tennessee Highway 56, thence north along Tennessee Highway 56 to junction U.S. Highway 70-N, thence east along U.S. Highway 70-N to junction Tennessee Highway 84, thence north on Tennessee Highway 84 to junction Tennessee Highway 62, thence east along Tennessee Highway 62 to junction U.S. Highway 27, thence north along U.S. Highway 27 to junction Tennessee Highway 63, thence east along Tennessee Highway 63 to junction Interstate Highway 75, thence north along Interstate Highway 75 to the Tennessee-Kentucky State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub E466), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Materials used in the manufacture of furniture*, from points in Pennsylvania on, east and south of a line beginning on the Maryland-Pennsylvania State line, thence north along Interstate Highway 83 to junction U.S. Highway 30, thence east along U.S. Highway 30 to junction U.S. Highway 222, thence north along U.S. Highway 222 to junction Pennsylvania Turnpike Extension, thence north along the Pennsylvania Turnpike Extension to junction U.S. Highway 22, thence east along U.S. Highway 22 to junction Pennsylvania Highway 512, thence north along Pennsylvania Highway 512 to junction Pennsylvania Highway 191, thence north along Pennsylvania Highway 191 to junction Interstate Highway 80, thence east along Interstate Highway 80 to the Pennsylvania-New Jersey State line, to points in Kentucky on and south of a line beginning at the Illinois-Kentucky State line, thence east along Illinois Highway 56 to junction U.S. Highway 60, thence

east along U.S. Highway 60 to junction U.S. Highway 41, thence south on U.S. 41.

No. MC 61825 (Sub E466), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Materials used in the manufacture of furniture*, from points in Pennsylvania on, east and south of a line beginning on the Maryland-Pennsylvania State line, thence north along Interstate Highway 83 to junction U.S. Highway 30, thence east along U.S. Highway 30 to junction U.S. Highway 222, thence north along U.S. Highway 222 to junction Pennsylvania Turnpike Extension, thence north along the Pennsylvania Turnpike Extension to junction U.S. Highway 22, thence east along U.S. Highway 22 to junction Pennsylvania Highway 512, thence north along Pennsylvania Highway 512 to junction Pennsylvania Highway 191, thence north along Pennsylvania Highway 191 to junction Interstate Highway 80, thence east along Interstate Highway 80 to the Pennsylvania-New Jersey State line, to points in Kentucky on and south of a line beginning at the Illinois-Kentucky State line, thence east along Illinois Highway 56 to junction U.S. Highway 60, thence east along U.S. Highway 60 to junction U.S. Highway 41, thence south on U.S. Highway 41 to junction the Audubon Parkway, thence east along the Audubon Parkway to junction Kentucky Highway 54, thence east along Kentucky Highway 54 to junction U.S. Highway 62, thence east along U.S. Highway 62 to junction Kentucky Highway 224, thence east along Kentucky Highway 224 to junction Kentucky Highway 357, thence north along Kentucky Highway 357 to junction U.S. Highway 31-E, thence east along U.S. Highway 31-E to junction Kentucky Highway 84, thence east along Kentucky Highway 84 to junction U.S. Highway 68, thence east along U.S. Highway 68 to junction Kentucky Highway 34, thence east along Kentucky Highway 34 to junction Kentucky Highway 52, thence east along Kentucky Highway 52 to junction Kentucky Highway 21, thence east along Kentucky Highway 21 to junction U.S. Highway 421, thence east along U.S. Highway 421 to junction Kentucky Highway 30, thence east along Kentucky Highway 30 to junction Kentucky Highway 542, thence east along Kentucky Highway 542 to junction Kentucky Highway 404, thence east along Kentucky Highway 404 to junction U.S. Highway 23, thence north along U.S. Highway 23 to junction Kentucky Highway 3, thence east along Kentucky Highway 3 to junction Kentucky Highway 40, thence east along Kentucky Highway 40 to the Kentucky-West Virginia State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub E468), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 308, Col-

linsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *materials used in the manufacture of furniture*, from points in Pennsylvania, on and east of a line beginning on the Maryland-Pennsylvania State line, thence north along U.S. Highway 219 to junction Pennsylvania Highway 403, thence north along Pennsylvania Highway 403 to junction Pennsylvania Highway 56, thence east along Pennsylvania Highway 56 to junction Pennsylvania Highway 153, thence north along Pennsylvania Highway 153 to junction U.S. Highway 322, thence north along U.S. Highway 322 to junction Pennsylvania Highway 879, thence east along Pennsylvania Highway 879 to Karthaus, Pennsylvania, thence north along unnumbered highway through Piper, Pennsylvania to junction Pennsylvania Highway 872, thence north along Pennsylvania Highway 872 to junction U.S. Highway 6, thence west on U.S. Highway 6 to junction Pennsylvania Highway 44, thence north on Pennsylvania Highway 44 to junction Pennsylvania Highway 49, thence east on Pennsylvania Highway 49 to junction Pennsylvania Highway 449, thence north along Pennsylvania Highway 449 to the Pennsylvania-New York State line, to points in Tennessee, on, east and south of a line beginning on the Arkansas-Tennessee State line, thence east along U.S. Highway 64, to junction Tennessee Highway 100, thence east along Tennessee Highway 100 to junction Tennessee Highway 114, thence east along Tennessee Highway 114 to the Tennessee River, thence north along the Tennessee River to the Perry-Wayne County line, thence east along the Perry-Wayne County line to Tennessee Highway 13, thence east along Tennessee Highway 13 to junction Tennessee Highway 48, thence east along Tennessee Highway 48 to junction Tennessee Highway 99, thence east along Tennessee Highway 99 to junction Tennessee Highway 96, thence east along Tennessee Highway 96 to junction U.S. Highway 70, thence east along U.S. Highway 70 to junction Tennessee Highway 56, thence north along Tennessee Highway 56 to junction U.S. Highway 70-N, thence east along U.S. Highway 70-N to junction Tennessee Highway 84, thence north along Tennessee Highway 84 to junction Tennessee Highway 62, thence east along Tennessee Highway 62 to junction U.S. Highway 27, thence north along U.S. Highway 27 to junction Tennessee Highway 63, thence east along Tennessee Highway 63 to junction Interstate Highway 75, thence north along Interstate Highway 75 to the Tennessee-Kentucky State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-E469), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 308, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same

as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *new furniture*, from points in Virginia on, and east of a line beginning on the North Carolina-Virginia State line near Stuart, Va., thence north along Virginia Highway 8 to junction U.S. Highway 58, thence north along U.S. Highway 58 to junction Blue Ridge Parkway, thence north along the Blue Ridge Parkway to junction Virginia Highway 8, thence north along Virginia Highway 8 to junction U.S. Highway 221, thence north along U.S. Highway 221 to junction Virginia Highway 419, thence north along Virginia Highway 419 to junction Virginia Highway 311, thence north along Virginia Highway 311 to the Virginia-West Virginia State line, to points in Alabama. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-E470), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 308, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *new furniture*, from points in Virginia, on and east of a line beginning on the North Carolina-Virginia State line, thence north along Virginia Highway 89 to junction U.S. Highway 58, thence north along U.S. Highway 58 to junction U.S. Highway 52, thence north along U.S. Highway 52 to Interstate Highway 81, thence west along Interstate Highway 81 to junction Interstate Highway 77, thence north along Interstate Highway 77 to junction U.S. Highway 52, thence north along U.S. Highway 52 to the Virginia-West Virginia State line and points located west of a line beginning on the North Carolina-Virginia State line near Stuart, Virginia, thence north along Virginia Highway 8 to junction U.S. Highway 221, thence north along U.S. Highway 221 to junction Virginia Highway 419, thence north along Virginia Highway 419 to junction Virginia Highway 311 thence north along Virginia Highway 311 to the Virginia-West Virginia State line, to points in Alabama on and south of a line beginning on the Mississippi-Alabama State line near Coffeeville, thence east along U.S. Highway 84 to junction U.S. Highway 43, thence north along U.S. Highway 43 to junction Alabama Highway 27, thence north along Alabama Highway 27 to Dickinson, thence east along unnumbered highway to junction Alabama Highway 35, thence north along Alabama Highway 35 to junction Alabama Highway 12, thence east along Alabama Highway 12 to junction Alabama Highway 41, thence north along Alabama Highway 41 to junction Alabama Highway 28, thence east along Alabama Highway 28 to Alabama Highway 21, thence east along Alabama Highway 21 to junction U.S. Highway 80, thence east along U.S. Highway 80 to the Alabama-Georgia State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-E471), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 308, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *new furniture*, from points in Virginia in and east of Craig, Montgomery, Floyd, and Patrick Counties, Va., to points in Mississippi. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-E472), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 308, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *new furniture*, from points in Virginia on and east of U.S. Highway 21 and west of Craig, Montgomery, Floyd, and Patrick Counties to points in Mississippi on and south of a line beginning on the Louisiana-Mississippi State line near Vicksburg, thence east along Interstate Highway 20 to junction U.S. Highway 49, thence south along U.S. Highway 49 to junction Mississippi Highway 42, thence east along Mississippi Highway 42 to junction Mississippi Highway 63, thence east along Mississippi Highway 63 to junction Mississippi Highway 594, thence east along Mississippi Highway 594 to the Mississippi-Alabama State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va., and points in Georgia.

No. MC 61825 (Sub E474), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 308, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *new furniture*, from points in Virginia on and east of Virginia Highway 16 and west of a line beginning on the North Carolina-Virginia State line and extending along U.S. Highway 221 to junction Virginia Highway 94, thence north along Virginia Highway 94 to junction Virginia Highway 11, thence east along Virginia Highway 11 to junction Virginia Highway 100, thence north along Virginia Highway 100 to junction U.S. Highway 460, thence west along U.S. Highway 460 to the Virginia-West Virginia State line to points in Louisiana on and south of a line beginning on the Texas-Louisiana State line and extending along Louisiana Highway 8 to junction Louisiana Highway 28, thence east along Louisiana Highway 28 to junction Louisiana Highway 1, thence east along Louisiana Highway 1 to junction Louisiana Highway 15, thence north along Louisiana Highway 15 to the Outflow Channel, thence east along the Outflow Channel to the Mississippi River. The purpose of this filing is to eliminate the gateways of Martinsville, Va., and points in Georgia.

No. MC 61825 (Sub E475), filed May 13, 1974. Applicant: ROY STONE

TRANSFER CORPORATION, P.O. Box 308, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *new furniture*, from points in Virginia on and east of a line beginning at the Tennessee-Virginia State line, thence north along the Scott-Washington County line to the Scott-Russell County line to Virginia Highway 65, thence west along Virginia Highway 65 to junction Virginia Highway 72, thence north along Virginia Highway 72 to junction Alternate U.S. Highway 58, thence west along Alternate U.S. Highway 58 to junction Virginia Highway 78, thence north along Virginia Highway 78 to the Virginia-Kentucky State line and points located west of U.S. Highway 21 to points in Florida on and south of a line beginning on the Gulf of Mexico, thence east along Florida Highway 60 to junction U.S. Highway 92, thence east along U.S. Highway 92 to junction U.S. Highway 27, thence south along U.S. Highway 27 to junction Florida Highway 60, thence east along Florida Highway 60 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Martinsville, Va., and points in Georgia.

No. MC 61825 (Sub E477), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 308, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *new furniture*, from points in Alabama to points in Virginia, on, east, and north of a line beginning at the North Carolina-Virginia State line, thence north along U.S. Highway 501 to junction U.S. Highway 60, thence west along U.S. Highway 60 to the Virginia-West Virginia State line. The purpose of this filing is to eliminate the gateways of Lynchburg and Pulaski, Va.

No. MC 61825 (Sub E478), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 308, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *new furniture*, from points in Alabama on and south of U.S. Highway 84 to points in Bedford, Botetourt, and Roanoke Counties, Va., those points in Alleghany and Rockbridge Counties, Virginia, south of U.S. Highway 60 and those points in Campbell and Halifax Counties, Virginia, west of U.S. Highway 501. The purpose of this filing is to eliminate the gateways of Lynchburg and Pulaski, Va.

No. MC 61825 (Sub E479), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 308, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *new furniture*, from points in Alabama to

Martinsville, Virginia. The purpose of this filing is to eliminate the gateway of Pulaski, Va.

No. MC 61825 (Sub E480), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 308, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *new furniture*, from points in Florida to those points in Virginia on and north of a line beginning at the Virginia-West Virginia State line, and extending east along U.S. Highway 60 to Clifton Forge, thence south along U.S. Highway 220 to Roanoke, thence east along U.S. Highway 460 to Farmville, thence east along U.S. Highway 360 to Reedville. The purpose of this filing is to eliminate the gateways of Pulaski, and Lynchburg, Va.

No. MC 61825 (Sub E481), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 308, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *new furniture*, from points in Florida in and south of Lee, Hendry, and Palm Beach Counties, to points in Virginia on, east, and south of a line beginning at the North Carolina-Virginia State line and extending north along U.S. Highway 29 to Lynchburg, thence east along U.S. Highway 460 to Farmville, thence east along U.S. Highway 360 to Reedville, thence east across the Chesapeake Bay to Pocomoke Sound, thence east along the Maryland-Virginia State line to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Pulaski and Lynchburg, Va.

No. MC 61825 (Sub E482), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 308, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Tuscarawas County, Ohio, within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub E483), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 483, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Belmont County, Ohio, on the one hand, and on the other, points in Berkeley, Hampshire, Jefferson, Morgan, Grant, Hardy, and Mineral Counties, West Virginia. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub E484), filed May 13, 1974. Applicant: ROY STONE TRANS-

FER CORPORATION, P.O. Box 308, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Guernsey County, Ohio, within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in Berkeley, Hampshire, Jefferson, Morgan, Tucker, Grant, Hardy, Mineral, and Pendleton Counties, W. Va. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub E485), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 308, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Carroll County, Ohio, on the one hand, and, on the other, all points in West Virginia except points in Marion, Monongalia, and Preston Counties. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub E486), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 308, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between points in Columbiana County, Ohio, on the one hand, and, on the other, points in West Virginia except points in Hancock County. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub E487), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 308, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Harrison County, Ohio, on the one hand, and on the other, points in Berkeley, Boone, Cabell, Clay, Fayette, Grant, Greenbriar, Hampshire, Hardy, Jefferson, Kanawha, Lincoln, Logan, McDowell, Mercer, Mineral, Mingo, Monroe, Morgan, Nicholas, Pendleton, Pocahontas, Putnam, Raleigh, Ritchie, Summers, Wayne, and Webster Counties, W. Va. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub E488), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 308, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products* between points in Jefferson County, Ohio, on the one hand, and, on the other, points in Berkeley, Boone, Cabell, Clay, Fayette, Greenbriar, Hampshire, Hardy, Jefferson, Kanawha, Lin-

coln, Logan, McDowell, Mercer, Mineral, Mingo, Monroe, Morgan, Nicholas, Pocahontas, Putnam, Raleigh, Ritchie, Summers, Wayne, and Webster Counties, West Virginia. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub E489), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 308, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Mahoning County, Ohio, within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in West Virginia except points in Hancock County. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub E490), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 308, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products* between points in Stark County, Ohio, within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in West Virginia except points in Hancock County. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub E491), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 308, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Tuscarawas County, Ohio, within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in Berkeley, Boone, Cabell, Fayette, Grant, Greenbriar, Hampshire, Hardy, Jefferson, Kanawha, Lincoln, Logan, McDowell, Mercer, Mineral, Mingo, Monroe, Morgan, Nicholas, Pendleton, Pocahontas, Raleigh, Randolph, Summers, Taylor, Tucker, Wayne, Webster, and Wyoming Counties, W. Va. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub E492), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 308, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Ohio County, West Virginia, on the one hand, and, on the other, points in the State of New York. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub E493), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 308, Col-

linsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Hancock County, W. Va., on the one hand, and, on the other, points in New York except points in Chautauqua County. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub E494), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 308, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Marshall County, W. Va., on the one hand, and, on the other, points in New York. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub E510), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment and supplies used in the manufacture and distribution of new furniture and furniture parts* (except in bulk), from points in Minnesota on, north and west of a line beginning at the South Dakota-Minnesota State line and extending along U.S. Highway 12, to junction U.S. Highway 75, thence north along U.S. Highway 75 to junction Minnesota Highway 27, thence east along Minnesota Highway 27 to junction Minnesota Highway 54, thence north along Minnesota Highway 54 to junction Minnesota Highway 79, thence east along Minnesota Highway 79 to junction Minnesota Highway 78, thence north along Minnesota Highway 78 to junction U.S. Highway 10, thence north along U.S. Highway 10 to Frazee, thence north along unnumbered Highway to Minnesota Highway 34, thence east along Minnesota Highway 34 to junction U.S. Highway 71, thence north along U.S. Highway 71 to the United States-Canada International Boundary line to points in Virginia bounded by a line beginning on the North Carolina-Virginia State line near Independence, Va., thence north along U.S. Highway 221 to junction Virginia Highway 94, thence north along Virginia Highway 94 to junction U.S. Highway 11, thence north along U.S. Highway 11 to junction Virginia Highway 100, thence north along Virginia Highway 100 to U.S. Highway 460, thence east along U.S. Highway 460 to junction Virginia Highway 635, thence north along Virginia Highway 635 to the Virginia-West Virginia State line to Virginia Highway 55, thence east along Virginia Highway 55 to junction U.S. Highway 11, thence north along U.S. Highway 11 to junction Virginia Highway 7, thence east along Virginia Highway 7 to junction U.S.

Highway 15, thence north along U.S. Highway 15 to junction Virginia Highway 655, thence east along Virginia Highway 655 to the Virginia-Maryland State line, thence south along the Maryland-Virginia State line to Woodbridge, thence west along Virginia Highway 123 to junction Virginia Highway 640, thence west along Virginia Highway 640 to junction Virginia Highway 642, thence west along Virginia Highway 642 to junction Virginia Highway 663, thence west along Virginia Highway 663 to junction Virginia Highway 28, thence west along Virginia Highway 28 to junction Virginia Highway 619, thence west along Virginia Highway 619 to junction U.S. Highway 211, thence west along U.S. Highway 211 to junction Virginia Highway 260, thence west along Virginia Highway 260 to junction Virginia Highway 42, thence south along Virginia Highway 42 to junction U.S. Highway 60, thence west along U.S. Highway 60 to junction Virginia Highway 616, thence south along Virginia Highway 616 to junction Virginia Highway 621, thence south along Virginia Highway 621 to junction Virginia Highway 615, thence south along Virginia Highway 615 to junction Virginia Highway 311, thence south along Virginia Highway 311 to junction Virginia Highway 419, thence south along Virginia Highway 419 to junction U.S. Highway 221, thence south along U.S. Highway 221 to junction Virginia Highway 8, thence south along Virginia Highway 8 to the Blue Ridge Parkway, thence south along the Blue Ridge Parkway to the Carroll-Patrick County line, thence south along the Carroll-Patrick County line to the Virginia-North Carolina State line, thence west along the Virginia-North Carolina State line to the point of beginning. The purpose of this filing is to eliminate the gateway of points in Smyth County, Va., and Lynchburg, Va.

No. MC 61825 (Sub E511), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies used in the manufacture and distribution of new furniture and furniture parts* (except in bulk), from points in Minnesota to points in Virginia bounded by a line beginning on the North Carolina-Virginia State line near Mount Airy, North Carolina, thence north along Carroll-Patrick County line to the Blue Ridge Parkway, thence north along the Blue Ridge Parkway to junction State Highway 8, thence north along State Highway 8 to junction U.S. Highway 221, thence north along U.S. Highway 221 to junction State Highway 419, thence north along State Highway 419 to junction State Highway 311, thence north along State Highway 311 to junction State Highway 615, thence north along State Highway 615 to junction State Highway 621, thence north along State Highway 621 to junction State Highway 616,

thence north along State Highway 616 to junction U.S. Highway 60, thence east along U.S. Highway 60 to junction State Highway 42, thence north along State Highway 42 to junction State Highway 260, thence east along State Highway 260 to junction U.S. Highway 211, thence east along U.S. Highway 211 to junction State Highway 619, thence east along State Highway 619 to junction State Highway 28, thence east along State Highway 28 to junction State Highway 663, thence east along State Highway 663 to junction State Highway 642, thence east along State Highway 642 to junction State Highway 640, thence east along State Highway 640 to junction State Highway 123, thence east along State Highway 123 to the Virginia-Maryland State line, thence east along the Virginia-Maryland State line to the Atlantic Ocean, thence south along the Atlantic Shore to the Virginia-North Carolina State line, thence west along the Virginia-North Carolina State line to the point of beginning including points on Highways specified. The purpose of this filing is to eliminate the gateways of points in Smyth County, Va., and Lynchburg, Va.

No. MC 61825 (Sub E512), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *new furniture*, from Sumter, S.C., to points in Kansas and Minnesota, and those points in Oklahoma and Texas on and west of a line beginning at the Oklahoma-Arkansas State line at Oklahoma Highway 20 and extending west along Oklahoma Highway 20 to junction Interstate Highway 44, thence southwest along Interstate Highway 44 to junction U.S. Highway 75, thence south along U.S. Highway 75 to junction Oklahoma Highway 1, thence southwest along Oklahoma Highway 1 to junction Oklahoma Highway 3, thence south along Oklahoma Highway 3 to junction Oklahoma Highway 99, thence south along Oklahoma Highway 99 to junction U.S. Highway 70, thence west along U.S. Highway 70 to junction U.S. Highway 81, thence south along U.S. Highway 81 to the Oklahoma-Texas State line, thence south along U.S. Highway 81 to junction Texas Highway 59, thence south along Texas Highway 59 to junction U.S. Highway 281, thence south along U.S. Highway 281 to junction U.S. Highway 180, thence west along U.S. Highway 180 to junction Texas Highway 16, thence south along Texas Highway 16 to junction U.S. Highway 377, thence south along U.S. Highway 377 to junction U.S. Highway 87, thence south along U.S. Highway 87 to junction Texas Highway 16, thence south along Texas Highway 16 to junction Texas Highway 27, thence south along Texas Highway 27 to junction Texas Highway 173, thence south along Texas Highway 173 to junction Texas Highway 97, thence east along Texas Highway 97 to junction

U.S. Highway 281, thence southeast along U.S. Highway 281 to junction Interstate Highway 27, thence southeast along Interstate Highway 37 to junction Texas Highway 358, thence east along Texas Highway 358 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub E513), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *new furniture*, from points in South Carolina on and east of a line beginning at the North Carolina-South Carolina State line at U.S. Highway 1 and extending south on U.S. Highway 1 to junction U.S. Highway 52, thence south along U.S. Highway 52 to junction U.S. Highway 76, thence east along U.S. Highway 76 to junction U.S. Highway 501, thence southeast along U.S. Highway 501 to the Atlantic Ocean to points in Kansas and Oklahoma, and those points in Arkansas and Texas on and west of a line beginning at the Tennessee-Arkansas State line at Arkansas Highway 18, and extending east along Arkansas Highway 18 to junction Arkansas Highway 39, thence south along Arkansas Highway 39 to junction Arkansas Highway 14, thence west along Arkansas Highway 14 to junction Arkansas Highway 37, thence south along Arkansas Highway 37 to junction Arkansas Highway 33, thence south along Arkansas Highway 33 to junction U.S. Highway 79, thence southwest along U.S. Highway 79 to junction Arkansas Highway 8, thence west along Arkansas Highway 8 to junction U.S. Highway 67, thence southwest along U.S. Highway 67 to junction Arkansas Highway 29, thence south along Arkansas Highway 29 to junction Arkansas Highway 160, thence west along Arkansas Highway 160 to the Arkansas-Texas State line, thence west along Texas Highway 249 to junction U.S. Highway 59, thence south along U.S. Highway 59 to junction Texas Highway 155, thence southwest along Texas Highway 155 to junction U.S. Highway 287, thence southeast along U.S. Highway 287 to junction U.S. Highway 59, thence south along U.S. Highway 59 to junction Texas Highway 146, thence south along Texas Highway 146 to junction Texas Highway 105, thence southeast along Texas Highway 105 to junction Texas Highway 365, thence south along Texas Highway 365 to junction Texas Highway 140C, thence south along Texas Highway 140C to junction Texas Highway 124, thence south along Texas Highway 124 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub E514), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as

a common carrier, by motor vehicle, over irregular routes, transporting: *new furniture*, from points in South Carolina on and bounded by a line beginning at the North Carolina-South Carolina State line at U.S. Highway 21 and extending south along U.S. Highway 21 to junction U.S. Highway 178, thence southeast along U.S. Highway 178 to junction U.S. Highway 78, thence southeast along U.S. Highway 78 to junction Interstate Highway 26, thence southeast along Interstate Highway 26 to the Atlantic Ocean at Charleston, S.C., thence northeast along the Atlantic Ocean to U.S. Highway 501 to junction U.S. Highway 76, thence west along U.S. Highway 76 to junction U.S. Highway 52, thence north along U.S. Highway 52 to junction U.S. Highway 1, thence north along U.S. Highway 1 to North Carolina-South Carolina State line to the point of beginning to those points in Kansas, Oklahoma and Texas on, north and west of a line beginning at the Missouri-Kansas State line at U.S. Highway 54 extending west along U.S. Highway 54 to junction Kansas Highway 99, thence south along Kansas Highway 99 to junction U.S. Highway 160, thence west along U.S. Highway 160 to junction U.S. Highway 77, thence south along U.S. Highway 77 to Kansas-Oklahoma State line, thence west along Kansas-Oklahoma State line to junction U.S. Highway 281, thence south along U.S. Highway 281 to junction U.S. Highway 64, thence west along U.S. Highway 64 to junction U.S. Highway 283, thence south along U.S. Highway 283 to junction U.S. Highway 60, thence southwest along U.S. Highway 60 to the Texas-Oklahoma State line, thence southwest along U.S. Highway 60 to junction U.S. Highway 83, thence south along U.S. Highway 83 to junction U.S. Highway 66, thence west along U.S. Highway 66 to junction Texas Highway 207, thence south along Texas Highway 207 to junction Texas Highway 86, thence west along Texas Highway 86, to junction Texas Highway 378, thence south along Texas Highway 378 to junction Texas Highway 145, thence west along Texas Highway 145 to junction Texas Highway 400, thence south along Texas Highway 400 to junction U.S. Highway 87, thence south along U.S. Highway 87 to junction Texas Highway 349, thence south along Texas Highway 349 to junction U.S. Highway 67, thence west along U.S. Highway 67 to junction U.S. Highway 385, thence south along U.S. Highway 385 to junction Texas Highway 118, thence east along Texas Highway 118 to United States-Mexico International Boundary line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub E515), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, MacDonald & McNery, 1000 Sixteenth St. N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *materials used in*

the manufacture of furniture, from points in Ohio on and east of a line beginning on Lake Erie near Ashtabula, Ohio, thence south along the Ashtabula River to Ohio Highway 46, thence south along Ohio Highway 46 to junction Ohio Highway 5, thence south along Ohio Highway 5 to junction Ohio Highway 45, thence south along Ohio Highway 45 to junction Ohio Highway 9, thence south along Ohio Highway 9 to junction Ohio Highway 644, thence south along Ohio Highway 644 to junction Ohio Highway 164, thence south along Ohio Highway 164 to junction Ohio Highway 9, thence south along Ohio Highway 9 to junction Ohio Highway 149, thence south along Ohio Highway 149 to junction Interstate Highway 70, thence west along Interstate Highway 70 to junction Ohio Highway 800, thence south along Ohio Highway 800 to junction Ohio Highway 145, thence south along Ohio Highway 145 to junction Ohio Highway 821, thence south along Ohio Highway 821 to junction Ohio Highway 60, thence south along Ohio Highway 60 to the Ohio River to points in Louisiana on and south of a line beginning at the Texas-Louisiana State line near Leesville, Louisiana, thence east along Louisiana Highway 8 to junction Louisiana Highway 28, thence east along Louisiana Highway 28 to junction Louisiana Highway 112, thence east along Louisiana Highway 112 to junction U.S. Highway 71, thence east along U.S. Highway 71 to junction Louisiana Highway 29, thence east along Louisiana Highway 29 to junction Louisiana Highway 115, thence north along Louisiana Highway 115 to junction Louisiana Highway 1, thence east along Louisiana Highway 1 to junction Louisiana Highway 15, thence north along Louisiana Highway 15 to Outflow Channel, thence east along Outflow Channel to the Mississippi River. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub E516), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. Applicant's representative: Henry J. Jordan, MacDonald & McNery, 1000 Sixteenth St. N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *new furniture*, from points in South Carolina on, south and east of a line beginning at the South Carolina-Georgia State line at Interstate Highway 85 and extending northeast along Interstate Highway 85 to junction U.S. Highway 25, thence north along U.S. Highway 25 to the North Carolina-South Carolina State line, to points in Minnesota. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub E517), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Henry J. Jordan, MacDonald & McNery, 1000 Sixteenth St. N.W., Wash-

ington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *new furniture*, from points in South Carolina on, north and west of a line beginning at the South Carolina-North Carolina State line at U.S. Highway 25 and extending south along U.S. Highway 25 to junction Interstate Highway 65, thence southwest along Interstate Highway 85 to the South Carolina-Georgia State line, to points in Minnesota on, north and west of a line beginning at the Wisconsin-Minnesota State line at U.S. Highway 63, and extending south along U.S. Highway 63 to junction U.S. Highway 61, thence west along U.S. Highway 61 to junction Minnesota Highway 19, thence west along Minnesota Highway 19 to junction U.S. Highway 65, thence south along U.S. Highway 65 to the Minnesota-Iowa State line. The purpose of this filing is to eliminate the gateway of Martinsville, W. Va.

No. MC 61825 (Sub E518), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Henry J. Jordan, MacDonald & McNery, 1000 Sixteenth St. N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *new furniture*, from points in South Carolina on and bounded by a line beginning at the Atlantic Ocean and extending along Interstate Highway 26 to junction Interstate Highway 20, thence east along Interstate Highway 20 to junction South Carolina Highway 341, thence south along South Carolina Highway 341 to junction South Carolina Highway 512, thence south along South Carolina Highway 512 to junction U.S. Highway 52, thence south along U.S. Highway 52 to junction South Carolina Highway 527, thence southeast along South Carolina Highway 527 to junction South Carolina Highway 41, thence south along South Carolina Highway 41 to junction U.S. Highway 521, thence southeast along U.S. Highway 521 to the Winyah Bay, thence southeast along the Winyah Bay to the Atlantic Ocean, thence south on the Atlantic Shore to the point of beginning to points in Arizona, California, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming on and west of a line beginning at the United States-Canada International Boundary line at the North Dakota-Minnesota State line and extending south along the North Dakota-Minnesota State line to the Minnesota-South Dakota State line, thence south along the Minnesota-South Dakota State line to the South Dakota-Iowa State line, thence south along the South Dakota-Iowa State line to the Nebraska-Iowa State line, thence south along the Nebraska-Iowa State line to junction U.S. Highway 30, thence west along U.S. Highway 30 to junction U.S. Highway 77, thence south along U.S. Highway 77 to junction Nebraska Highway 92, thence west along Nebraska Highway 92 to junc-

tion U.S. Highway 81, thence south along U.S. Highway 81 to junction U.S. Highway 6, thence west along U.S. Highway 6 to junction U.S. Highway 281, thence south along U.S. Highway 381 to the Nebraska-Kansas State line, thence west along the Nebraska-Kansas State line to the Kansas-Colorado State line, thence south along the Kansas-Colorado State line to junction U.S. Highway 50, thence west along U.S. Highway 50 to junction U.S. Highway 350, thence southwest along U.S. Highway 350 to junction Interstate Highway 25, thence south along Interstate Highway 25 to the Colorado-New Mexico State line, thence west along the Colorado-New Mexico State line to junction New Mexico Highway 3, thence south along New Mexico Highway 3 to junction U.S. Highway 64, thence south along U.S. Highway 64 to junction U.S. Highway 285, thence south along U.S. Highway 285 to junction U.S. Highway 85, thence south along U.S. Highway 85 to junction U.S. Highway 60, thence west along U.S. Highway 60 to junction New Mexico Highway 78, thence south along New Mexico Highway 78 to junction New Mexico Highway 61, thence south along New Mexico Highway 61 to junction New Mexico Highway 90, thence south along New Mexico Highway 90 to junction U.S. Highway 70, thence southeast along U.S. Highway 70 to junction New Mexico Highway 81, thence south along New Mexico Highway 81 to junction New Mexico Highway 9, thence east along New Mexico Highway 9 to the Luna-Hidalgo County line, thence south along the Luna-Hidalgo County line to the United States-Mexico International Boundary line. The purpose of this filing is to eliminate the gateway of Lynchburg and points in Smyth County, Va.

No. MC 61825 (Sub E519), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Henry J. Jordan, MacDonald & McNery, 1000 Sixteenth St. N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *new furniture*, from points in South Carolina on and bounded by a line beginning at the North Carolina-South Carolina State line at U.S. Highway 25 and extending south along U.S. Highway 25 to junction U.S. Highway 276, thence southeast along U.S. Highway 276 to junction Interstate Highway 26, thence southeast along Interstate Highway 26 to junction Interstate Highway 20, thence southwest along Interstate Highway 20 to the South Carolina-Georgia State line, thence north along the South Carolina-Georgia State line to the South Carolina-North Carolina State line, thence east along the South Carolina-North Carolina State line to the point of beginning to those points in California, Idaho, Montana, Nevada, North Dakota, Oregon, Utah, Wyoming and Washington, on and west of a line beginning at the Canada-United States International Boundary line at North Dakota Highway 256, thence south along North

Dakota Highway 256 to junction U.S. Highway 83, thence south along U.S. Highway 83 to junction North Dakota Highway 23, thence west along North Dakota Highway 23 to junction North Dakota Highway 22, thence south along North Dakota Highway 22 to junction U.S. Highway 10, thence west along U.S. Highway 10 to the North Dakota-Montana State line, thence west along U.S. Highway 10 to junction U.S. Highway 89, thence south along U.S. Highway 89 to the Montana-Wyoming State line, thence south along U.S. Highway 89 to junction Wyoming Highway 22, thence west along Wyoming Highway 22 to the Wyoming-Idaho State line, thence west along Idaho Highway 31 to junction U.S. Highway 26, thence west along U.S. Highway 26 to junction U.S. Highway 91, thence south along U.S. Highway 91 to the Idaho-Utah State line, thence south along U.S. Highway 91 to junction Utah Highway 56, thence west along Utah Highway 56 to the Utah-Nevada State line, thence west along Nevada Highway 25 to junction U.S. Highway 6, thence west along U.S. Highway 6 to junction U.S. Highway 95, thence south along U.S. Highway 95 to junction Nevada Highway 3, thence west along Nevada Highway 3 to the Nevada-California State line, thence southwest along California Highway 168 to junction U.S. Highway 395, thence south along U.S. Highway 395 to junction California Highway 14, thence south along California Highway 14 to junction California Highway N-3, thence south along California Highway N-3 to junction California Highway 2, thence south along California Highway 2 to junction California Highway 118, thence south along California Highway 118 to junction State Highway 7, thence south along California Highway 7 to the Pacific Ocean near Long Beach, California. The purpose of this filing is to eliminate the gateways of Lynchburg and points in Smyth County, Va.

No. MC 61825 (Sub E520), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Henry J. Jordan, MacDonald & McNery, 1000 Sixteenth St. N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *new furniture*, from points in South Carolina on and bounded by a line beginning at the North Carolina-South Carolina State line at U.S. Highway 25 and extending south along U.S. Highway 25 to junction U.S. Highway 276, thence southeast along Interstate Highway 26 thence southeast along Interstate Highway 26 to junction Interstate Highway 20, thence east along Interstate Highway 20 to junction South Carolina Highway 341, thence northwest along South Carolina Highway 341 to junction U.S. Highway 521, thence north along U.S. Highway 521 to the South Carolina-North Carolina State line to point of beginning, to points in Arizona, California, Colorado, Idaho, Montana, Nebraska, Nevada, North Dakota, Ore-

gon, South Dakota, Utah, Wyoming and Washington on and west of a line beginning at the United States-Canada International Boundary line at North Dakota Highway 30 and extending south along North Dakota Highway 30 to U.S. Highway 2, thence west along U.S. Highway 2 to junction North Dakota Highway 3, thence south along North Dakota Highway 3 to junction U.S. Highway 52, thence west along U.S. Highway 52 to junction North Dakota Highway 14, thence south along North Dakota Highway 14 to junction North Dakota Highway 200, thence west along North Dakota Highway 200 to junction North Dakota Highway 41, thence south along North Dakota Highway 41 to junction U.S. Highway 83, thence south along U.S. Highway 83 to junction U.S. Highway 10, thence west along U.S. Highway 10 to junction North Dakota Highway 6, thence south along North Dakota Highway 6 to junction North Dakota Highway 21, thence west along North Dakota Highway 21 to junction North Dakota Highway 31, thence south along North Dakota Highway 31 to the North Dakota-South Dakota State line, thence south along South Dakota Highway 31 to junction U.S. Highway 12, thence east along U.S. Highway 12 to junction South Dakota Highway 65, thence south along South Dakota Highway 65 to junction U.S. Highway 212, thence west along U.S. Highway 212 to junction U.S. Highway 79, thence along South Dakota Highway 79 to junction U.S. Highway 385, thence south along U.S. Highway 385 to junction U.S. Highway 20, thence west along U.S. Highway 20 to the Nebraska-Wyoming State line, thence west along U.S. Highway 20 to junction U.S. Highway 87, thence south along U.S. Highway 87 to junction Wyoming Highway 34, thence southwest along Wyoming Highway 34 to junction U.S. Highway 287, thence south along U.S. Highway 287 to junction Wyoming Highway 230, thence southwest along Wyoming Highway 230 to the Wyoming-Colorado State line, thence south along Colorado Highway 127 to junction Colorado Highway 125, thence south along Colorado Highway 125 to junction Colorado Highway 14, thence south along Colorado Highway 14 to junction U.S. Highway 40, thence west along U.S. Highway 40 to junction Colorado Highway 131, thence south along Colorado Highway 131 to junction U.S. Highway 6, thence west along U.S. Highway 6 to the Colorado River, thence west along Colorado River to the Colorado-Utah State line, thence south along Colorado River to junction U.S. Highway 163, thence northwest along U.S. Highway 163 to junction U.S. Highway 6, thence west along U.S. Highway 6 to junction Utah Highway 24, thence south along Utah Highway 24 to junction Utah Highway 12, thence southwest along Utah Highway 12 to junction U.S. Highway 89, thence south along U.S. Highway 89 to junction Utah Highway 15, thence west along Utah Highway 15 to junction U.S. Highway 91, thence south along U.S. Highway 91 to the

Utah-Arizona State line, thence south along U.S. Highway 91 to the Arizona-Nevada State line, thence south along Arizona-Nevada State line to junction U.S. Highway 93, thence south along U.S. Highway 93 to junction U.S. Highway 66, thence south along U.S. Highway 66 to junction Arizona Highway 95, thence south along State Highway 95 to junction U.S. Highway 95, to junction U.S. Highway 95, thence south along U.S. Highway 95 to the United States-Mexico International Boundary line. The purpose of this filing is to eliminate the gateway of Lynchburg, and Smyth County, Va.

No. MC 61825 (Sub E521), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Henry J. Jordan, MacDonald & McNery, 1000 Sixteenth St. N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: new furniture, from points in South Carolina on and bounded by a line beginning at the Atlantic Ocean and extending along Interstate Highway 26 to junction Interstate Highway 20, thence southwest along Interstate Highway 20 to the South Carolina-Georgia State line to the Atlantic Ocean, thence northeast on the Atlantic Shore to the point of beginning to points in California, Colorado, Idaho, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Wyoming, and Washington, on and west of a line beginning at the United States-Canada International Boundary line at the North Dakota-Minnesota State Line and extending south along the North Dakota-Minnesota State line to the Minnesota-South Dakota State line to junction U.S. Highway 212, thence west along U.S. Highway 212 to junction South Dakota Highway 63, thence south along South Dakota Highway 63 to junction Interstate Highway 90, thence west along Interstate Highway 90 to junction South Dakota Highway 79, thence south along South Dakota Highway 79 to junction U.S. Highway 385, thence south along U.S. Highway 385 to the South Dakota-Nebraska State line, thence south along U.S. Highway 385 to junction U.S. Highway 20, thence west along U.S. Highway 20 to the Nebraska-Wyoming State line, thence west along U.S. Highway 20 to junction Wyoming Highway 220, thence southwest along Wyoming Highway 220 to junction Wyoming Highway 789, thence south along Wyoming Highway 789 to the Wyoming-Colorado State line, thence south along Colorado Highway 789 to junction Colorado Highway 64, thence west along Colorado Highway 64 to junction Colorado Highway 139, thence south along Colorado Highway 139 to junction U.S. Highway 6, thence west along U.S. Highway 6 to the Colorado-Utah State line, thence west along U.S. Highway 6 to junction unnumbered Highway near Harley Dome, Utah, thence south along unnumbered Highway to junction Utah Highway 128, thence south along Utah Highway 128

to junction U.S. Highway 163, thence north along U.S. Highway 163 to junction Interstate Highway 70, thence west along Interstate Highway 70 to junction U.S. Highway 89, thence south along U.S. Highway 89 to junction Utah Highway 14, thence west along Utah Highway 14, to junction Utah Highway 56, thence west along Utah Highway 56 to the Utah-Nevada State line, thence along Nevada Highway 25 to junction U.S. Highway 93, thence south along U.S. Highway 93 to junction Nevada Highway 25, thence along Nevada Highway 25 to junction U.S. Highway 6, thence west along U.S. Highway 6 to junction U.S. Highway 95, thence south along U.S. Highway 95 to junction Nevada Highway 29, thence south along Nevada Highway 29 to the Nevada-California State line, thence south along California Highway 127 to junction Interstate Highway 15, thence south along Interstate Highway 15 to junction unnumbered Highway near Barstow, Calif., thence south along unnumbered Highway to junction California Highway 18, thence south along California Highway 18 to junction unnumbered Highway near Baldwin Lake, Calif., thence southeast along unnumbered Highway to junction California Highway 62, thence south along California Highway 62 to junction Interstate Highway 10, thence west along Interstate Highway 10 to junction California Highway 111, thence south along California Highway 111 to junction California Highway 74, thence west along California Highway 74 to junction California Highway 71, thence west along California Highway 71 to junction California Highway 79, thence south along California Highway 79 to junction Interstate Highway 8, thence west along Interstate Highway 8 to junction Interstate Highway 5, thence south along Interstate Highway 5 to the California-Mexico International Boundary line. The purpose of this filing is to eliminate the gateway of Lynchburg and Smyth County, Va.

No. MC 66886 (Sub-E56), filed July 28, 1975. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64108. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *printing and publishing equipment*, which because of size or weight requires the use of special equipment, between points in New Mexico, on the one hand, and, on the other, points in Oklahoma, Wisconsin, Indiana, Ohio, Minnesota, Maine, New York, Kentucky, Pennsylvania, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, Virginia, West Virginia, Maryland, District of Columbia, Delaware, New Jersey, Florida, Georgia, Arkansas, Tennessee, Mississippi, Louisiana, Alabama, North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway of Texas.

No. MC 66886 (Sub-E57), filed July 28, 1975. Applicant: BELGER CARTAGE

SERVICE INC., 2100 Walnut Street, Kansas City, Mo. 64108. Applicant's representative: Frank W. Taylor, Jr., 2121 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *printing and publishing equipment*, which because of size or weight requires the use of special equipment, between those points in New Mexico on and south of U.S. Highway 70, on the one hand, and, on the other, those points in Wyoming on and east of Interstate Highways 25 and 90. The purpose of this filing is to eliminate the gateway of Texas.

No. MC 66886 (Sub-E58), filed July 28, 1975. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64108. Applicant's representative: Frank W. Taylor, Jr., 2121 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *printing and publishing equipment*, which because of size or weight requires the use of special equipment, between those points in New Mexico on and east of a line beginning at the New Mexico-Colorado State line and extending along U.S. Highway 285, to junction U.S. Highway 84, to junction Interstate Highway 40, to junction Interstate Highway 24, to junction New Mexico Highway 20, to the United States-Mexico International Boundary line; on the one hand, and, on the other, those points in California on, north, and west of a line beginning at the California-Nevada State line and extending along Interstate Highway 15, to junction California Highway 58, to junction California Highway 14, to the Pacific Ocean. The purpose of this filing is to eliminate the gateway of Texas.

No. MC 66886 (Sub-E59), filed July 28, 1975. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64108. Applicant's representative: Frank W. Taylor, Jr., 2121 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *printing and publishing equipment*, which because of size or weight requires the use of special equipment, between those points in New Mexico on and east of a line beginning at the New Mexico-Colorado State line and extending along U.S. Highway 285, to junction U.S. Highway 84, to junction Interstate Highway 40, to junction Interstate Highway 25, to junction New Mexico Highway 20, to the United States-Mexico International Boundary line, on the one hand, and, on the other, points in Washington. The purpose of this filing is to eliminate the gateway of Texas.

No. MC 66886 (Sub-E60), filed July 28, 1975. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64108. Applicant's representative: Frank W. Taylor,

Jr., 2121 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *printing and publishing equipment* which because of size or weight require the use of special equipment, between those points in New Mexico-Colorado State line and extending along U.S. Highway 285 to junction U.S. Highway 84, to junction Interstate Highway 25, to junction Interstate Highway 40, to junction New Mexico Highway 20 to the United States-Mexico International Boundary line, on the one hand, and, on the other, points in Oregon. The purpose of this filing is to eliminate the gateway of Texas.

No. MC 29886 (Sub-E79), filed April 11, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Indiana 46627. Applicant's representative: Paul C. Ogrin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *trucks and truck chassis*, in truckaway service, from Macomb County, Mich., (South of 14 Mile Road and west of Gratiot Avenue, except Fraser, East Detroit, and Roseville, Mich.), to points in Alabama, Georgia, Florida, Mississippi, Louisiana, and Wyoming, (South Bend, Ind.); (2) *new trucks* equipped with camper or office facilities, in initial movements, from South Bend, Ind., to points in the United States (except those in Alaska, Hawaii, Indiana, those in Lake, Kane, Cook, DuPage, Kendall, Will, Kanehaee Counties, Ill., those in Iroquois County, Ill., north of U.S. Highway 24, those in Berrien, Cass, Van Buren Counties, Mich., and those in Allegan County, Mich., south and west of Michigan Highway 40) (Elkhart County, Ind.). The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 108341 (Sub-E4), filed May 13, 1974. Applicant: MOSS TRUCKING CO. INC., P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Jack T. Counts (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Gypsum, gypsum products, and building materials (except stone, marble, granite, and slate), restricted to the transportation of commodities which because of size or weight require the use of special equipment, and commodities which because of size or weight do not require the use of special equipment when transported as part of the same shipment with commodities which because of size or weight require the use of special equipment, (1) between those points in Florida on and east of U.S. Highway 231, on the one hand, and, on the other, points in that part of Kentucky on and east of a line beginning at the Kentucky-Ohio State line and extending along Kentucky Highway 11 to junction Kentucky Highway 15, thence along Kentucky Highway 15 to junction Kentucky Highway 7, thence along Kentucky Highway 7 to junction Kentucky Highway 160, thence along Kentucky Highway 160 to the Kentucky-Virginia State line; (2) between points in that part of Florida on and south of a line beginning at the Gulf of Mexico and extending along Florida Highway 60 to junction Interstate Highway 4, thence along Interstate Highway 4 to the Atlantic Ocean, on the one hand, and, on the other, points in that part of Kentucky north and east of a line beginning at the Kentucky-Indiana State line and extending along Interstate Highway 64 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Kentucky-Tennessee State line; (3) between points in Florida, on the one hand, and, on the other, points in Johnson, Sullivan, Unicoi and Washington Counties, Tenn.

(4) Between points in and south of Brevard, Lake, Orange, Pasco and Sumter Counties, Fla., on the one hand, and, on the other, points in that part of Tennessee east of a line beginning at the Tennessee-North Carolina State line and extending along U.S. Highway 24 to junction U.S. Highway 25E, thence along U.S. Highway 25E to the Tennessee-Kentucky State line; (5) between points in that part of Georgia on and east of a line beginning at the Georgia-South Carolina State line and extending along U.S. Highway 29 to junction U.S. Highway 129, thence along U.S. Highway 129 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Georgia Highway 257, thence along Georgia Highway 257 to junction Georgia Highway 91, thence along Georgia Highway 91 to the Georgia-Florida State line, on the one hand, and, on the other, points in that part of Kentucky on and east of a line beginning at the Kentucky-Ohio State line and extending along Kentucky Highway 11 to junction Kentucky Highway 15, thence along Kentucky Highway 15 to junction Kentucky Highway 7, thence along Kentucky Highway 7 to junction Kentucky Highway 160, thence along Kentucky Highway 160 to the Kentucky-Virginia State line; (6) between those points in South Carolina on and east of U.S. Highway 321, on the one hand, and, on the other, points in that part of Kentucky on and north of a line beginning at the Kentucky-Indiana State line and extending along Interstate Highway 64 to junction Kentucky Highway 15, thence along Kentucky Highway 15 to junction Kentucky Highway 7, thence along Kentucky Highway 7 to junction Kentucky Highway 160, thence along Kentucky Highway 160 to the Kentucky-Virginia State line; (7) between points in Chesterfield, Darlington, Dillon, Florence, Georgetown, Horry, Marion and Williamsburg Counties, S.C., on the one hand, and, on the other, points in that part of Tennessee on and east of U.S. Highway 231, (except those south of a line beginning at U.S. Highway 231 and extending along U.S. Highway 70S to junction U.S. Highway 70, thence along U.S. Highway 70 to the Tennessee-North Carolina State line); (8) between points in that part of Kentucky on and east of a line beginning at the Kentucky-Tennessee State line

thence along Kentucky Highway 160 to the Kentucky-Virginia State line; (2) between points in that part of Florida on and south of a line beginning at the Gulf of Mexico and extending along Florida Highway 60 to junction Interstate Highway 4, thence along Interstate Highway 4 to the Atlantic Ocean, on the one hand, and, on the other, points in that part of Kentucky north and east of a line beginning at the Kentucky-Indiana State line and extending along Interstate Highway 64 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Kentucky-Tennessee State line; (3) between points in Florida, on the one hand, and, on the other, points in Johnson, Sullivan, Unicoi and Washington Counties, Tenn.

and extending along U.S. Highway 231 to Bowling Green, thence along U.S. Highway 31-W to Louisville, thence along U.S. Highway 42 to the Kentucky-Ohio State line, on the one hand, and, on the other, points in North Carolina (except those west of U.S. Highway 321).

(9) Between points in that part of Tennessee on and east of U.S. Highway 231, on the one hand, and, on the other, points in that part of North Carolina on and east of North Carolina Highway 87; (10) between points in that part of North Carolina bounded by a line beginning at the North Carolina-Tennessee State line and extending along U.S. Highway 321 to junction U.S. Highway 64, to junction N.C. Highway 87 to the North Carolina-Virginia State line, thence along the North Carolina-Virginia State line to the North Carolina-Tennessee State line, thence along the North Carolina-Tennessee State line to the points of beginning, on the one hand, and, on the other, points in that part of Tennessee bounded by a line beginning at the Tennessee-Kentucky State line and extending along U.S. Highway 231 to junction Tennessee Highway 130, thence along Tennessee Highway 130 to junction Tennessee Highway 55, thence along Tennessee Highway 55 to junction Tennessee Highway 30, thence along Tennessee Highway 30 to junction Tennessee Highway 101, thence along Tennessee Highway 101 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 11W, thence along U.S. Highway 11W to junction U.S. Highway 23, thence along U.S. Highway 23 to the Tennessee-Virginia State line, thence along the Tennessee-Virginia State line to the point of beginning, and (11) between points in Virginia (except those in and west of Giles, Montgomery, Floyd, and Patrick Counties, and in and north of Shenandoah, Warren, Fauquier, and Prince William Counties), on the one hand, and, on the other, points in that part of Tennessee on and east of U.S. Highway 231, and that part of Kentucky on and east of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 231 to Bowling Green, Kentucky, thence along U.S. Highway 31-W to Louisville, Kentucky, and thence along U.S. Highway 31-W to Louisville, Kentucky, and thence along U.S. Highway 42 to the Kentucky-Ohio State line near Cincinnati, Ohio (except Boyd, Carter and Greenup, Counties, Kentucky). The purpose of this filing is to eliminate the gateway of Plas-teico, Virginia.

No. MC 108341 (Sub-E6), filed May 13, 1974. Applicant: MOSS TRUCKING CO., INC., P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Jack T. Counts (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass, and glass glazing units*, restricted to the transportation of commodities which because of size or weight require the use of special equipment and commodities which because of

size or weight do not require the use of special equipment when transported as part of the same shipment with commodities which because of size or weight require the use of special equipment. (1) from points in Florida to points in Maine, New Hampshire, Pennsylvania, and Vermont; (2) from points in Georgia to points in Maine, New Hampshire, and Vermont; (3) from points in South Carolina to points in Maine, Montana, New Hampshire, North Dakota (except those east of North Dakota Highway 1), and Vermont; (4) from those points in North Carolina east of North Carolina Highway 226 to points in Montana; (5) from those points in Florida East of the Suwannee River to points in Michigan, Minnesota, Montana, North Dakota, Ohio (except points south of U.S. Highway 35), South Dakota, West Virginia, Wisconsin and Wyoming; (6) from points in that part of Georgia on and east of Interstate Highway 95, to points in Colorado, Michigan, Minnesota, Nebraska, North Dakota, South Dakota, West Virginia, Wisconsin, and Wyoming.

(7) From points in that part of Georgia on and south of a line beginning at the Georgia-Alabama State line and extending along Georgia Highway 62 to junction Georgia Highway 91, thence along Georgia Highway 91 to junction Georgia Highway 257, thence along Georgia Highway 257 to junction U.S. Highway 280, thence along U.S. Highway 280 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction Interstate Highway 95, thence along Interstate Highway 95 to the Georgia-South Carolina State line, to those points in Pennsylvania west of the Susquehanna River; and from those points in Georgia on and east of U.S. Highway 1, to points in Montana; (8) from points in South Carolina on and east of U.S. Highway 52, to points in Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Nebraska, New Mexico, North Dakota, Ohio, Pennsylvania, South Dakota, West Virginia, Wisconsin, and Wyoming; (9) from points in that part of South Carolina on and east of U.S. Highway 52, to points in Kentucky, Missouri, Oklahoma, Texas, and those in Arkansas on and west of U.S. Highway 67; (10) from points in that part of North Carolina south and east of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 401 to junction North Carolina Highway 24, to the White Oak River, to the Atlantic Ocean, to points in Alabama, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Michigan, Minnesota, Missouri, New Hampshire, Ohio, Vermont, West Virginia, Wisconsin, and those in Pennsylvania west of the Susquehanna River; (11) from points in that part of North Carolina on and east of U.S. Highway 1 to points in Arkansas, Kansas, Louisiana, Mississippi, Oklahoma, Texas, and those in Tennessee on and west of U.S. Highway 41; and, (12) from points in North Carolina on and east of U.S. Highway 29, to points in Colorado, Montana, Nebraska, New Mexico, North Da-

kota, South Dakota and Wyoming. The purpose of this filing is to eliminate the gateway of Clinton and Laurinburg, N.C.

No. MC 115331 (Sub-No. E3), filed April 22, 1974. Applicant: TRUCK TRANSPORT, INC., 230 Saint Clair Ave., East St. Louis, Ill., Applicant's representative: S. Stephen Heisley, 666 Eleventh St. N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Dry chemicals*, in bulk, (1) from St. Louis, Mo., to points in Louisiana and Texas (except those on and north of U.S. Highway 70 and points in Chambers, Montgomery, Harris, Ft. Bend, Galveston, Liberty, and Brazoria Counties), restricted against the transportation of spent catalysts to points in Texas and Louisiana, and fertilizer and fertilizer ingredients to points in Louisiana (Malvern, Ark.*); (2) from St. Louis, Mo., to points in Minnesota and Wisconsin, restricted against traffic destined to points in Canada (El Paso, Ill., and points within 5 miles thereof*); (3) from the plantsites of the Olin Mathieson Chemical Corporation at or near Ordill, Ill., to points in Wisconsin and Minnesota (St. Louis, Mo., and El Paso, Ill., and points within 5 miles thereof*); (4) from El Paso, Ill., and points within 5 miles thereof, to points in Arkansas, Oklahoma, Tennessee, those points in Missouri on and south of Interstate Highway 70, and those points in Kansas south and west of a line beginning at the Kansas-Missouri State line extending along U.S. Highway 73 to junction Kansas Highway 9, thence along Kansas Highway 9 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Kansas-Nebraska State line, restricted against traffic destined to points in Canada (points in Illinois within the St. Louis, Mo. commercial zone, except East St. Louis, Ill.*).

(5) From El Paso, Ill., and points within 5 miles thereof, to points in Texas (except those on and north of U.S. Highway 70 and points in Chambers, Montgomery, Harris, Ft. Bend, Galveston, Liberty, and Brazoria Counties), Louisiana (except those points on and east of a line beginning at the Louisiana-Arkansas State line extending along U.S. Highway 167 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Louisiana-Mississippi State line), restricted against the transportation of spent catalyst to points in Louisiana and Texas, fertilizer ingredients to points in Louisiana and traffic destined to Canada (points in Illinois within the St. Louis, Mo. commercial zone, except East St. Louis, Ill.*); (6) from the facilities of Olin Corporation at Joliet, Ill., to points in Arkansas, Kansas, Oklahoma and those points in Tennessee on and east of Interstate Highway 65, restricted to shipments originating at the named facilities (St. Louis, Mo.*); (7) from the facilities of Olin Corporation at Joliet, Ill., to points in Louisiana and points in Texas (except those on and north of U.S. Highway 70 and those in Chambers, Montgomery, Harris, Ft. Bend, Galveston,

Liberty and Brazoria Counties), restricted to shipments originating at the above-named facilities and further restricted against the transportation of spent catalyst to points in Louisiana and Texas and fertilizer and fertilizer ingredients to points in Louisiana (St. Louis, Mo., and Malvern, Ark.*); (8) from the facilities of Olin Corporation at Joliet, Ill., to points in North Dakota, South Dakota, Wyoming, and points in Nebraska beginning at the Nebraska-Iowa State line extending along Interstate Highway 80 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Nebraska-Kansas State line, restricted to shipments originating at the above-named facilities (the Port Neal Industrial Complex, and Big Soo Terminal, and the plantsite of an warehouses and storage facilities utilized by Terre International, Inc., American Cyanamid Co., and Monsanto Company, located in Woodbury County, Iowa*)

(B) *Chemicals*, in bulk, in tank vehicles, (1) from the plantsite of the Olin-Mathieson Chemical Corporation at or near Ordill, Ill., to those points in Louisiana on and west of a line beginning at the Louisiana-Arkansas State line extending along U.S. Highway 165 to junction U.S. Highway 167, thence along U.S. Highway 167 to junction U.S. Highway 90, thence along U.S. Highway 90 to the Gulf of Mexico, and points in Texas (except those in Chambers, Montgomery, Harris, Ft. Bend, Galveston, Liberty, and Brazoria Counties) restricted against the transportation of spent catalyst to Louisiana and Texas, and fertilizer and fertilizer ingredients to Louisiana (Malvern, Ark.*); (2) from Port Neal Industrial Complex, and Big Soo Terminal, and the plantsite of warehouses and storage facilities utilized by Terre International, Inc., American Cyanamid Co., and Monsanto Company, located in Woodbury County, Iowa, and Dakota County, Nebr., to points in Louisiana, Mississippi, restricted against the transportation of spent catalyst to Louisiana and against fertilizer and fertilizer ingredients to points in Louisiana and Mississippi (Malvern, Ark.*); and (C) *Dry acids and chemicals*, in bulk, (1) from those points in Illinois on and south of U.S. Highway 50 to points in Iowa (except the sites of glass manufacturing plants in that part of Iowa within 10 miles of the Iowa-Illinois State line (St. Louis, Mo.*); (2) from those points in Illinois bounded by a line beginning at the Illinois-Indiana State line extending along U.S. Highway 36 to junction Illinois Highway 48, thence along Illinois Highway 48 to junction Interstate Highway 55, thence along Interstate Highway 55 to junction U.S. Highway 460, thence along U.S. Highway 460 to the Illinois-Indiana State line, thence along the Illinois-Indiana State line to the point of beginning, to points in Kansas, Oklahoma, those points in Missouri south and west of a line beginning at the Missouri-Kansas State line, thence on and west of Interstate Highway 29 to junction Interstate Highway 70, thence on and south of Interstate Highway 70 to junction U.S.

Highway 63, thence along U.S. Highway 63 to the Missouri-Arkansas State line (St. Louis, Mo.*).

(3) From those points in Illinois on and south of U.S. Highway 36 and on and north of Interstate Highway 70, to points in Louisiana and Texas (except those on and north of U.S. Highway 70, and those in Chambers, Montgomery, Harris, Ft. Bend, Galveston, Liberty, and Brazoria Counties), restricted against the transportation of spent catalyst to points in Louisiana and Texas, and fertilizer and fertilizer ingredients to points in Louisiana (St. Louis, Mo., and Malvern, Ark.*); (4) from points in Illinois on and south of U.S. Highway 50 and on and west of U.S. Highway 51, to points in Minnesota and those in Wisconsin on and north of U.S. Highway 14 and on and west of U.S. Highway 51, restricted against the transportation of traffic destined to points in Canada (St. Louis, Mo., and El Paso, Ill.*); and (5) from those points on and south of U.S. Highway 36 and on and west of Interstate Highway 55 to points in Arkansas, those in Kentucky west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway Alternate 41 to junction Kentucky Highway 109, thence along Kentucky Highway 109 to the Kentucky-Illinois State line, and those in Tennessee west of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway Alternate 41 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Tennessee-Georgia State line (St. Louis, Mo.*). The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 125433 (Sub-No. E5), filed June 4, 1974. Applicant: F-B TRUCK LINE CO., 1819 W. 2100 S., Salt Lake City, Utah 84119. Applicant's representative: David J. Lister (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Boundary, Bonner, Kootenai, Benewah, Latah, Clearwater, Shoshone, Nez Perce, Lewis, Idaho, Adams, Valley, Washington, Payette, Gem, Boise, Canyon, and Ada Counties, Idaho, to points in Colorado and Utah, and points in Lincoln, Sublette, Uinta, Sweetwater, Carbon, Albany, Platte, Goshen, and Laramie Counties, Wyo. The purpose of this filing is to eliminate the gateway of Ontario, Ore.

No. MC 125433 (Sub-No. E7), filed June 4, 1974. Applicant: F-B TRUCK LINE CO., 1819 W. 2100 S., Salt Lake City, Utah 84119. Applicant's representative: David J. Lister (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery and other commodities*, the transportation of which, because of size and weight, requires the use of special equipment, and *related machinery parts, equipment, and supplies*, when the transportation thereof is incidental to the transportation of heavy machinery and other commodities which by reason of size or weight require the use of special equipment, between

points in Siskiyou and Shasta Counties, Calif. (except to or from points on U.S. Highway 99 in Siskiyou and Shasta Counties), on the one hand, and, on the other, points in Clatsop, Tillamook, Yamhill, Polk, Linn, Benton, Washington, Columbia, Lane, Marion, Clackamas, Multnomah, Hood River, Wasco, Jefferson, Wheeler, Sherman, Gilliam, Morrow, Umatilla, Wallowa, Union, and Baker Counties, Ore.; that part of Grant and Crook Counties, Ore., on and north of U.S. Highway 26; that part of Deschutes County, Ore., on and north of a line beginning at the Deschutes-Jefferson County line, thence along U.S. Highway 20 to junction U.S. Highway 97, thence along U.S. Highway 97 to junction Oregon Highway 126, thence along Oregon Highway 126 to the Deschutes-Crook County line; points in Washington; that part of Idaho north of Idaho County; and that part of Montana on and east of a direct north and south line extending from the northwest corner of Wyoming to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gateway of Salem, Ore.

No. MC 125433 (Sub-No. E10), filed April 9, 1975. Applicant: F-B TRUCK LINE CO., 1945 South Redwood Park, Salt Lake City, Utah 84104. Applicant's representative: David J. Lister (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Ex Parte No. MC 45, *Descriptions in Motor Carrier Certificates*, Appendix V, 61 M.C.C. 209, at 276 (except mining and construction materials, equipment, and supplies), between points in Placer, El Dorado, Sacramento, Yolo, Napa, Solano, Sonoma, Marin, San Francisco, San Mateo, Santa Clara, Alameda, Contra Costa, San Joaquin, Amador, Calaveras, Stanislaus, and Merced Counties, Calif., and that part of Fresno County, Calif., on and west of Interstate Highway 5, on the one hand, and, on the other, Umatilla, Wallowa, Union, and Baker Counties, Ore., and that part of Malheur County, Ore., on and north of U.S. Highway 26, and Ferry, Stevens, Pend Oreille, Spokane, Lincoln, Grant, Adams, Whitman, Benton, Franklin, Walla Walla, Columbia, Garfield, and Asotin Counties, Wash. The purpose of this filing is to eliminate the gateway of Parma, Idaho.

No. MC 125777 (Sub-No. E2), filed June 4, 1974. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Ave., Gary, Ind. 46403. Applicant's representative: J. S. Gray, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone and limestone products (except dolomite)*, in bulk, in dump vehicles, from points in Putnam County, Ind., to points in Wisconsin and Minnesota. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 125777 (Sub-No. E40), filed June 4, 1974. Applicant: JACK GRAY

TRANSPORT, INC., 4600 East 15th Ave., Gary, Ind. 46403. Applicant's representative: J. S. Gray, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone and limestone products*, in bulk, in dump vehicles, from Portland, Ind., to points in Lucas, Wood, Fulton, Ottawa, Erie, Henry, Williams, and Defiance Counties, Ohio, and Lenawee, Monroe, Hillsdale, Jackson, Washtenaw, and Wayne Counties, Mich. (points in Steuben, DeKalb, or Allen Counties, Ind.)*; and to points in Minnesota, Iowa, and Wisconsin (Chicago, Ill.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 125777 (Sub E44), filed June 4, 1974. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Ave., Gary, Ind. 46403. Applicant's representative: J. S. Gray, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Slag*, in bulk, in dump vehicles, from Hamilton, Ohio to points in Wisconsin, Minnesota, and that part of Iowa west and north of a line beginning at the Missouri-Iowa State line, thence along U.S. Highway 65 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-Illinois State line. The purpose of this filing is to eliminate the gateways of points in Illinois and the plant site of H. B. Reed & Company at Gary, Indiana.

No. MC 125777 (Sub-No. E77), filed June 4, 1974. Applicant: JACK GRAY TRANSPORT, INC., 4600 E. 15th Ave., Gary, Ind. 46403. Applicant's representative: J. S. Gray, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron*, in dump vehicles, from Palmerton, Pa., to points in Iowa, Wisconsin, Minnesota, Missouri, Arkansas (Chicago, Ill.)*; Oklahoma, Texas, Colorado (the plant site of Interlake Steel Corporation at Chicago, Ill.)*; and Nebraska, Kansas, Arizona, New Mexico, Nevada, Washington, Oregon, California, Idaho, Montana, Wyoming, Utah, North Dakota, and South Dakota (Chicago, Ill., and Keokuk, Iowa)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 125777 (Sub-No. E100), filed June 4, 1974. Applicant: JACK GRAY TRANSPORT, INC., 4600 E. 15th Ave., Gary, Ind. 46403. Applicant's representative: J. S. Gray, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron*, in dump vehicles, from Chicago, Ill., to points in Washington, Oregon, California, Idaho, Montana, Wyoming, Utah, Arizona, New Mexico, Louisiana, and Nevada. The purpose of this filing is to eliminate the gateway of Keokuk, Iowa.

No. MC 126625 (Sub-No. E1), filed May 3, 1974. Applicant: MURPHY SURF-AIR TRUCKING CO., INC., Blue Grass Field, Lexington, Ky. 40505. Appli-

cant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Standiford Field, Louisville, Ky., on the one hand, and, on the other, O'Hare International Airport, Chicago, Ill.; (2) between Standiford Field, Louisville, Ky., on the one hand, and, on the other, Weir-Cook Airport near Indianapolis, Ind.; and (3) between O'Hare International Airport, Chicago, Ill., on the one hand, and, on the other, James Cox Municipal Airport, Vandalia, Ohio. The purpose of this filing is to eliminate the gateways of Oldham County, Ky., and Boone County, Ky., restricted in (1), (2), and (3) above to the transportation of traffic having an immediately prior or subsequent movement by air.

No. MC 127974 (Sub-No. E1), filed January 30, 1975. Applicant: P. LIEDTKA TRUCKING, INC., 110 Patterson Ave., Trenton, N.J. 08610. Applicant's representative: Philip Liedtka (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractors' equipment and such commodities* as require specialized handling or rigging because of size or weight, between those points in Pennsylvania within 125 miles of Bangor, Pa., which are on and east of a line beginning at the Pennsylvania-New Jersey State line and extending along the Pennsylvania Turnpike Northeast Extension to junction U.S. Highway 209, thence along U.S. Highway 209 to junction Pennsylvania Highway 93, thence along Pennsylvania Highway 93 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Pennsylvania Highway 42, thence along Pennsylvania Highway 42 to junction Pennsylvania Highway 442, thence along Pennsylvania Highway 442 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to junction Pennsylvania Highway 44, thence along Pennsylvania Highway 44 to junction Pennsylvania Highway 414, thence along Pennsylvania Highway 414 to junction Pennsylvania Highway 287, thence along Pennsylvania Highway 287 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line, on the one hand, and, on the other, points in Delaware. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 127974 (Sub-No. E2), filed January 30, 1975. Applicant: P. LEIDTKA TRUCKING, INC., 110 Patterson Ave., Trenton, N.J. 08610. Applicant's representative: Philip Liedtka (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractors' equipment and such commodities*

as require specialized handling or rigging because of size or weight; (1) between points in New Jersey on and north of U.S. Highway 30, on the one hand, and, on the other, points in Delaware; (2) between points in New York, on the one hand, and, on the other, points in Delaware; and (3) between those points in Pennsylvania on and east of a line beginning at the Pennsylvania-New Jersey State line and extending along Interstate Highway 76 to junction Pennsylvania Highway 320, thence along Pennsylvania Highway 320 to junction U.S. Highway 202, thence along U.S. Highway 202 to junction Pennsylvania Turnpike Extension Northeast, thence along Pennsylvania Turnpike Extension Northeast to junction Pennsylvania Highway 115, thence along Pennsylvania Highway 115 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction Pennsylvania Highway 29, thence along Pennsylvania Highway 29 to the Pennsylvania-New York State line, on the one hand, and, on the other, those points in Maryland on and east of a line beginning at the Maryland-Pennsylvania State line and extending along Interstate Highway 83 to junction U.S. Highway 1, thence along U.S. Highway 1 to the Potomac River, thence along the Potomac River south to the Chesapeake Bay, and those in Maryland east of the Chesapeake Bay. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 127974 (Sub-No. E3), filed January 30, 1975. Applicant: P. LIEDTKA TRUCKING, INC., 110 Patterson Ave., Trenton, N.J. 08610. Applicant's representative: Philip Liedtka (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractors' equipment and such commodities* as required specialized handling or rigging because of size or weight; (1) between those points in New Jersey on and north of a line beginning at the Atlantic Ocean, and extending along U.S. Highway 322 to junction New Jersey Highway 47, thence along New Jersey Highway 47 to junction County Highway 534, thence along County Highway 534 to junction unnumbered highway at Thoro-fare, thence along unnumbered highway to the Delaware River, on the one hand, and, on the other, those points in Maryland on and east of a line beginning at the Maryland-Pennsylvania State line and extending along Interstate Highway 83 to junction U.S. Highway 1, thence along U.S. Highway 1 to the Potomac River, to the Chesapeake Bay, and those in Maryland east of the Chesapeake Bay; and (2) between those points in New York on and east of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 26 to junction New York Highway 17, thence along New York Highway 17 to Oswego, thence along New York Highway 96 to junction New York Highway 96B, thence along New York Highway 96B to Ithaca, thence along New York Highway 34 to Auburn, thence along New York

Highway 38 to junction New York Highway 370, thence along New York Highway 370 to junction New York Highway 104, thence along New York Highway 104 to Alton, thence along New York Highway 14 to Lake Ontario, on the one hand, and, on the other, those points in Maryland as described in (1) above. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 127974 (Sub-No. E4), filed January 30, 1975. Applicant: P. LIEDTKA TRUCKING, INC., 110 Patterson Ave., Trenton, N.J. 08610. Applicant's representative: Philip Liedtka (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Contractors' equipment and such commodities as required specialized handling or rigging because of size or weight, between those points in Pennsylvania on and east of a line beginning at the Pennsylvania-New Jersey State line and extending along Interstate Highway 76 to junction Pennsylvania Highway 320, thence along Pennsylvania Highway 320 to junction U.S. Highway 202, thence along U.S. Highway 202 to junction Pennsylvania Highway 611, thence along Pennsylvania Highway 611 to the Delaware River, on the one hand, and, on the other, those points in Maryland on and east of Interstate Highway 81, and between points in New Jersey and those points in New York on and east of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 52 to junction New York Highway 17 to junction unnumbered highway at Roscoe, thence along unnumbered highway to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 38, thence along New York Highway 38 to junction Interstate Highway 90, thence along Interstate Highway 90 to the St. Lawrence River, on the one hand, and, on the other, points in Maryland on and east of Interstate Highway 81 (except those on and east of a line beginning at the Maryland-Pennsylvania State line and extending along Interstate Highway 83 to junction U.S. Highway 1, thence along U.S. Highway 1 to the Potomac River to the Chesapeake Bay, and those east of the Chesapeake Bay).* The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 127974 (Sub-No. E5), filed January 30, 1975. Applicant: P. LIEDTKA TRUCKING, INC., 110 Patterson Ave., Trenton, N.J. 08610. Applicant's representative: Philip Liedtka (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Contractors' equipment, and such commodities as require specialized handling or rigging because of size or weight; (1) between those points in Pennsylvania on and east of a line beginning at the Pennsylvania-Delaware State line and extending along U.S. Highway 202 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction U.S. Highway*

Business Route 322, thence along U.S. Highway Business Route 322 to West Chester, thence along Pennsylvania Highway 100 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Pennsylvania Highway 29, thence along Pennsylvania Highway 29 to junction Pennsylvania Highway 113, thence along Pennsylvania Highway 113 to junction Pennsylvania Highway 611, thence along Pennsylvania Highway 611 to the Delaware River, on the one hand, and, on the other, points in Maryland; (2) between those points in New York on and east of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 17 to Deposit, thence along New York Highway 8 to junction New York Highway 7, thence along New York Highway 7 to junction New York Highway 28, thence along New York Highway 28 to junction New York Highway 29, thence along New York Highway 29 to junction New York Highway 29A, thence along New York Highway 29A to junction New York Highway 10, thence along New York Highway 10 to junction New York Highway 8, thence along New York Highway 8 to junction New York Highway 30, thence along New York Highway 30 to the United States-Canada International Boundary line, on the one hand, and, on the other, points in Maryland.

(3) Between those points in Pennsylvania on and east of a line beginning at the Delaware River and extending along Pennsylvania Highway 420 to junction Pennsylvania Highway 320, thence along Pennsylvania Highway 320 to Broomall, thence along Pennsylvania Highway 3 to Newton Square, thence along Pennsylvania Highway 252 to junction Pennsylvania Highway 23, thence along Pennsylvania Highway 23 to Phoenixville, thence along Pennsylvania Highway 29 to junction Pennsylvania Turnpike Northeast Extension, thence along Pennsylvania Turnpike Northeast Extension to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Pennsylvania Highway 437, thence along Pennsylvania Highway 437 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction Pennsylvania Highway 29, thence along Pennsylvania Highway 29 to the Pennsylvania-New York State line, on the one hand, and, on the other, the District of Columbia; (4) between those points in New Jersey on and north of a line beginning at the Atlantic Ocean and extending along U.S. Highway 322 to junction New Jersey Highway 47, thence along New Jersey Highway 47 to junction County Highway 534, thence along County Highway 534 to junction unnumbered highway at Thorofare, thence along unnumbered highway to the Delaware River, on the one hand, and, on the other, the District of Columbia; (5) between those points in New York on and east of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 26 to junction New York Highway 17, thence along New York Highway 17 to Owego, thence along New York Highway 96 to junction New

York Highway 96B, thence along New York Highway 96B to Ithaca, thence along New York Highway 34 to Auburn, thence along New York Highway 38 to junction New York Highway 370, thence along New York Highway 370 to junction New York Highway 104, thence along New York Highway 104 to Alton, thence along New York Highway 14 to Lake Ontario, on the one hand, and, on the other, the District of Columbia.

(6) Between those points in Pennsylvania on and east of a line beginning at the Delaware River, and extending along Pennsylvania Highway 455 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Pennsylvania Highway 261, thence along Pennsylvania Highway 261 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction Pennsylvania Highway 352, thence along Pennsylvania Highway 352 to junction Pennsylvania Highway 3, thence along Pennsylvania Highway 3 to West Chester, thence along Pennsylvania Highway 100 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Pennsylvania Highway 29, thence along Pennsylvania Highway 29 to junction Pennsylvania Highway 113, thence along Pennsylvania Highway 113 to junction Pennsylvania Turnpike Northeast Extension, thence along Pennsylvania Turnpike Northeast Extension to junction Pennsylvania Highway 663, thence along Pennsylvania Highway 663 to junction Pennsylvania Highway 212, thence along Pennsylvania Highway 212 to junction Pennsylvania Highway 611, thence along Pennsylvania Highway 611 to the Delaware River, on the one hand, and, on the other, those points in Virginia on and west of a line beginning at the Virginia-Maryland State line and extending along U.S. Highway 15 to Culpeper, thence along U.S. Highway 522 to junction U.S. Highway 211, thence along U.S. Highway 211 to New Market, thence along Virginia Highway 260 to junction Virginia Highway 42, thence along Virginia Highway 42 to junction Virginia Highway 259, thence along Virginia Highway 259 to the Virginia-West Virginia State line; and (7) between those points in New York on and east of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 52 to junction New York Highway 17, thence along New York Highway 17 to junction unnumbered highway at Roscoe, thence along unnumbered highway to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 38, thence along New York Highway 38 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction New York Highway 12, thence along New York Highway 12 to the St. Lawrence River, on the one hand, and, on the other, those points in Virginia on and west of a line beginning at the Virginia-Maryland State line and extending along U.S. Highway 15 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction U.S. Highway 211, thence along U.S. Highway 211 to junction Virginia High-

way 260, thence along Virginia Highway 260 to junction Virginia Highway 42, thence along Virginia Highway 42 to junction Virginia Highway 259, thence along Virginia Highway 259 to the Virginia-West Virginia State line. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 127974 (Sub-No. E6), filed January 30, 1975. Applicant: P. LIEDTKA TRUCKING, INC., 110 Patterson Ave., Trenton, N.J. 08610. Applicant's representative: Philip Liedtka (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Contractors' equipment and such commodities as require specialized handling or rigging because of size or weight*; (1) between points in New Jersey, on the one hand, and, on the other, points in Virginia; (2) between those points in Pennsylvania on and east of a line beginning at the Pennsylvania-Delaware State line, and extending along U.S. Highway 202 to junction U.S. Highway Business Route 322, thence along U.S. Highway Business Route 322 to West Chester, Pa., thence along U.S. Highway 322 to Downingtown, thence along Pennsylvania Highway 282 to junction Pennsylvania Highway 82, thence along Pennsylvania Highway 82 to junction U.S. Highway 422, thence along U.S. Highway 422 to Reading, thence along U.S. Highway 222 to junction Pennsylvania Highway 737, thence along Pennsylvania Highway 737 to junction Pennsylvania Highway 143, thence along Pennsylvania Highway 143 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 267, thence along Pennsylvania Highway 267 to the Pennsylvania-New York State line, on the one hand, and, on the other, points in Virginia bounded by a line beginning at the Virginia-West Virginia State line and extending along Virginia Highway 259 to junction Virginia Highway 42, thence along Virginia Highway 42 to junction Virginia Highway 260, thence along Virginia Highway 260 to junction U.S. Highway 211, thence along U.S. Highway 211 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Virginia-West Virginia State line, thence along the Virginia-West Virginia State line to the point of beginning.

(3) Between those points in New York on and east of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 282 to junction New York Highway 17C, thence along New York Highway 17C to Owego, thence along New York Highway 96 to junction New York Highway 96B, thence along New York Highway 96B to Ithaca, thence along New York Highway 96 to junction New York Highway 5, thence along New York Highway 5 to junction New York Highway 14, thence along New York Highway 14 to Lake On-

tarlo, on the one hand, and, on the other, those points in Virginia, bounded by a line beginning at the Virginia-West Virginia State line and extending along Virginia Highway 259 to junction Virginia Highway 42, thence along Virginia Highway 42 to junction U.S. Highway 260, thence along U.S. Highway 260 to junction U.S. Highway 211, thence along U.S. Highway 211 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Virginia-West Virginia State line, thence along the Virginia-West Virginia State line to the point of beginning; (4) between those points in Pennsylvania on and east of a line beginning at the Pennsylvania-Delaware State line and extending along Pennsylvania Highway 82 to junction Pennsylvania Highway 724, thence along Pennsylvania Highway 724 to junction Interstate Highway 176, thence along Interstate Highway 176 to Reading, thence along Pennsylvania Highway 61 to junction Pennsylvania Highway 895, thence along Pennsylvania Highway 895 to junction Pennsylvania Highway 443, thence along Pennsylvania Highway 443 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction Pennsylvania Highway 93, thence along Pennsylvania Highway 93 to junction Pennsylvania Highway 239, thence along Pennsylvania Highway 239 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Pennsylvania Highway 29, thence along Pennsylvania Highway 29 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-New York State line, on the one hand, and, on the other, those points in Virginia on and bounded by a line beginning at junction U.S. Highway 501, and extending along U.S. Highway 60 and U.S. Highway 501, and extending along U.S. Highway 60 to junction Virginia Highway 26, thence along Virginia Highway 26 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Virginia Highway 47, thence along Virginia Highway 47 to junction Virginia Highway 40, thence along Virginia Highway 40 to junction Virginia Highway 122, thence along Virginia Highway 122 to junction U.S. Highway 501, thence along U.S. Highway 501 to the point of beginning.

(5) Between those points in New York on and east of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 282 to junction New York Highway 17C, thence along New York Highway 17C to Owego, thence along New York Highway 96 to junction New York Highway 96B, thence along New York Highway 96B to Ithaca, thence along New York Highway 96 to junction New York Highway 96A, thence along New York Highway 96A to junction U.S. Highway 20, thence along U.S. Highway 20 to junction New York

Highway 332, thence along New York Highway 332 to junction New York Highway 96, thence along New York Highway 96 to junction Interstate Highway 490, thence along Interstate Highway 490 to Rochester, thence along New York Highway 18 to Lake Ontario, on the one hand, and, on the other, those points in Virginia bounded by a line beginning at the junction of U.S. Highway 60 and U.S. Highway 601, and extending along U.S. Highway 60 to junction Virginia Highway 26, thence along Virginia Highway 26 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Virginia Highway 47, thence along Virginia Highway 47 to junction Virginia Highway 40, thence along Virginia Highway 40 to junction Virginia Highway 122, thence along Virginia Highway 122 to junction U.S. Highway 501, thence along U.S. Highway 501 to the point of beginning; (6) between those points in Pennsylvania on and east of a line beginning at the Pennsylvania-Delaware State line and extending along Pennsylvania Highway 82 to junction Pennsylvania Highway 724, thence along Pennsylvania Highway 724 to junction Interstate Highway 176, thence along Interstate Highway 176 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to junction Pennsylvania Highway 895, thence along Pennsylvania Highway 895 to junction Pennsylvania Highway 443, thence along Pennsylvania Highway 443 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction Pennsylvania Highway 93, thence along Pennsylvania Highway 93 to junction Pennsylvania Highway 239, thence along Pennsylvania Highway 239 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Pennsylvania Highway 29, thence along Pennsylvania Highway 29 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction Pennsylvania Highway 29, thence along Pennsylvania Highway 29 to the Pennsylvania-New York State line, on the one hand, and, on the other, those points in Virginia bounded by a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 60 to junction U.S. Highway 501, thence along U.S. Highway 501 to junction Virginia Highway 122, thence along Virginia Highway 122 to junction Virginia Highway 40, thence along Virginia Highway 40 to junction Virginia Highway 8, thence along Virginia Highway 8 to junction U.S. Highway 460, thence along U.S. Highway 460 to the Virginia-West Virginia State line, thence along the Virginia-West Virginia State line to the point of beginning.

(7) Between those points in New York on and east of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 26 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction New York Highway 79, thence along New York Highway 79 to junction New York Highway 38, thence along New York Highway 38 to junction New York High-

way 104A, thence along New York Highway 104A to Lake Ontario, on the one hand, and, on the other, those points in Virginia bounded by a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 60 to junction U.S. Highway 501, thence along U.S. Highway 501 to junction Virginia Highway 122, thence along Virginia Highway 122 to junction Virginia Highway 40, thence along Virginia Highway 40 to junction Virginia Highway 8, thence along Virginia Highway 8 to junction U.S. Highway 460, thence along U.S. Highway 460 to the Virginia-West Virginia State line to the point of beginning; (8) between those points in Pennsylvania east of a line beginning at the Pennsylvania-Delaware State line and extending along Pennsylvania Highway 41 to junction Pennsylvania Highway 10, thence along Pennsylvania Highway 10 to Reading, thence along Pennsylvania Highway 183 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to Ashland, thence along Pennsylvania Highway 42 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-New York State line and those points in New York on and east of a line beginning at the New York-Pennsylvania State line, and extending along U.S. Highway 15 to junction New York Highway 63, thence along New York Highway 63 to junction New York Highway 258, thence along New York Highway 258 to junction New York Highway 36, thence along New York Highway 36 to junction New York Highway 31, thence along New York Highway 31 to junction New York Highway 19, thence along New York Highway 19 to Lake Ontario, on the one hand, and, on the other, those points in Virginia bounded by a line beginning at the Virginia-North Carolina State line and extending along Virginia Highway 8 to junction Virginia Highway 40, thence along Virginia Highway 40 to junction Virginia Highway 47, thence along Virginia Highway 47 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Virginia-North Carolina State line, thence along the Virginia-North Carolina State line to the point of beginning. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 127974 (Sub-No. E7), filed January 30, 1975. Applicant: P. LIEDTKA TRUCKING, INC., 110 Patterson Ave., Trenton, N.J. 08610. Applicant's representative: Philip Liedtka (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractors' equipment and such commodities as require specialized handling or rigging because of size or weight*; (1) between those points in Pennsylvania on and east of a line beginning at the Pennsylvania-Delaware State line and extending along Pennsylvania Highway 28 to junction Pennsylvania Highway 724, thence along Pennsylvania Highway 724 to junction Interstate Highway 176, thence along Interstate Highway 176 to junction

Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to junction Pennsylvania Highway 895, thence along Pennsylvania Highway 895 to junction Pennsylvania Highway 443, thence along Pennsylvania Highway 443 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction Pennsylvania Highway 93, thence along Pennsylvania Highway 93 to junction Pennsylvania Highway 239, thence along Pennsylvania Highway 239 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Pennsylvania Highway 29, thence along Pennsylvania Highway 29 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-New York State line, on the one hand, and, on the other, those points in Virginia west of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 460 to junction Virginia Highway 8, thence along Virginia Highway 8 to the Virginia-North Carolina State line; (2) between those points in New York on and east of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 282 to junction New York Highway 17C, thence along New York Highway 17C to junction New York Highway 96, thence along New York Highway 96 to junction New York Highway 5, thence along New York Highway 5 to junction New York Highway 14, thence along New York Highway 14 to Lake Ontario, on the one hand, and, on the other, those points in Virginia west of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 460 to junction Virginia Highway 8, thence along Virginia Highway 8 to the Virginia-North Carolina State line.

(3) Between those points in Pennsylvania on and east of a line beginning at the Delaware River and extending along Pennsylvania Highway 352 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Pennsylvania Highway 29, thence along Pennsylvania Highway 29 to Phoenixville, thence along Pennsylvania Highway 23 to junction Pennsylvania Highway 724, thence along Pennsylvania Highway 724 to junction Pennsylvania Highway 100, thence along Pennsylvania Highway 100 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction Pennsylvania Highway 873, thence along Pennsylvania Highway 873 to junction Pennsylvania Turnpike Northeast Extension, thence along Pennsylvania Turnpike Northeast Extension to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Pennsylvania Highway 437, thence along Pennsylvania Highway 437 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction unnumbered highway at Ashley, thence along unnumbered highway to junction unnumbered highway at Newtown, thence along unnumbered high-

way to junction unnumbered highway at Nanticoke, thence along unnumbered highway to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Pennsylvania Highway 29, thence along Pennsylvania Highway 29 to the New York-Pennsylvania State line, on the one hand, and, on the other, those points in Virginia north and east of a line beginning at the Virginia-Maryland State line and extending along U.S. Highway 15 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Virginia Highway 54, thence along Virginia Highway 54 to junction U.S. Highway 360, thence along U.S. Highway 360 to junction unnumbered highway at Reedville, thence along unnumbered highway to the Chesapeake Bay (except those east of the Chesapeake Bay); and

(4) Between those points in New York on and east of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 17 to junction New York Highway 34, thence along New York Highway 34 to junction New York Highway 224, thence along New York Highway 224 to junction New York Highway 14, thence along New York Highway 14 to junction New York Highway 14A, thence along New York Highway 14A to junction New York Highway 364, thence along New York Highway 364 to junction New York Highway 247, thence along New York Highway 247 to junction U.S. Highway 20, thence along U.S. Highway 20 to Canandaigua, thence along New York Highway 332 to junction New York Highway 96, thence along New York Highway 96 to junction New York State Thruway, thence along New York State Thruway to junction U.S. Highway 15, thence along U.S. Highway 15 to Rochester, thence along New York Highway 18 to Lake Ontario, on the one hand, and, on the other, those points in Virginia north and east of a line beginning at the Virginia-Maryland State line and extending along U.S. Highway 15 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Virginia Highway 54, thence along Virginia Highway 54 to junction U.S. Highway 360, thence along U.S. Highway 360 to junction unnumbered highway at Reedville to the Chesapeake Bay. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 75-26256 Filed 9-30-75; 8:45 am]

[Notice No. 12]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 26, 1975.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to op-

erate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before October 31, 1975.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 697) (Correction) GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077, filed September 9, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Pasadena, Calif., over Interstate Highway 210 to junction Interstate Highway 10, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Pasadena, Calif., over unnumbered highway to junction Figueroa St., thence over Figueroa St., to Los Angeles, Calif., thence over Interstate Highway 10 to junction Interstate Highway 210 and return over the same route. The purpose of this republication is to correctly reflect the above Deviation Number as 697 in lieu of 637 as previously published.

No. MC 1515 (Deviation No. 698), GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077, filed September 10, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From junction Interstate Highway 5 and Interstate Highway 805 over Interstate Highway 805 to San Diego, Calif., and (2) From San Diego, Calif., over Interstate Highway 805 to San Ysidro, Calif., and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From junction Interstate Highway 5 and unnumbered highway (South Carlsbad Junction) over unnumbered highway to San Diego, Calif., thence over Interstate Highway 5 to junction San Ysidro Blvd.,

south of San Ysidro, Calif., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.
[FR Doc.75-26261 Filed 9-30-75;8:45 am]

[Notice No. 35]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 26, 1975.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route therein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before October 31, 1975.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 29555 (Deviation No. 16), BRIGGS TRANSPORTATION CO., 2360 W. County Road C, St. Paul, Minn. 55113, filed September 16, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Minneapolis-St. Paul, Minn., over Interstate Highway 94 to Madison, Wis., thence over Interstate Highway 90 to junction U.S. Highway 20 and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Minneapolis-St. Paul, Minn., over Interstate Highway 35 (U.S. Highway 65) to junction U.S. Highway 218, thence over U.S. Highway 218 to Cedar Falls, Iowa, thence over U.S. Highway 20 to junction Interstate Highway 90 and return over the same route.

No. MC 107605 (Deviation No. 4), ADVANCE UNITED EXPRESSWAYS, INC., 2601 Broadway Rd., Minneapolis, Minn. 55413, filed September 5, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation

route as follows: From Harvard, Ill., over U.S. Highway 14 to junction Illinois Highway 23, thence over Illinois Highway 23 to junction U.S. Highway 20 to Marenco, Ill., thence over U.S. Highway 20 to Chicago, Ill., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Harvard, Ill., over U.S. Highway 14 to Chicago, Ill., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.
[FR Doc.75-26262 Filed 9-30-75;8:45 am]

[Notice No. 77]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 26, 1975.

The following publications include motor carrier, water carrier, broker, freight forwarder and rail proceedings indexed as follows: (1) grants of authority requiring republication prior to certification; (2) notices of filing of petitions for modification of existing authorities; (3) new operating rights applications directly related to and processed on a consolidated record with finance applications filed under Sections 5(2) and 212(b); (4) notices of filing of Sections 5(2) and 210a(b) finance applications; and (5) notices of filing of Section 212(b) transfer applications.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application in compliance with the requirements of 49 CFR § 1100.250.

Protests to the granting of the requested authority must be filed with the Commission on or before October 31, 1975, (unless otherwise specified). Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest should comply with section 247(d) or section 240(c) as appropriate of the Commission's General Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and a detailed description of the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest (except for petitions and Finance Dockets under

Rule 40 requiring the original and six (6) copies of the protest) shall be filed with the Commission, and a copy shall be served concurrently upon applicant's or petitioner's representative, or applicant or petitioner if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d) (4) or section 240(c) (4) of the special rules, and shall include the certification required therein.

No. MC 128247 (Sub-No. 26) (Republication), filed August 6, 1974, and published in the FEDERAL REGISTER issue of September 6, 1974, and republished this issue. Applicant: BURSAL TRANSPORT, INC., 3839 South La Fountain, Kokomo, Ind. 46901. Applicant's representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, Ill. 60603. An Initial Decision of the Commission, Administrative Law Judge Frank W. Vanderheyden, served August 14, 1975, which became the Order of the Commission September 2, 1975, served September 16, 1975, finds that operation by applicant in interstate or foreign commerce as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) iron and steel articles, from Centerville, Iowa, to points in Alabama, Arkansas, Georgia, Florida, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia; West Virginia and Wisconsin; and (2) materials, equipment and supplies used in manufacture and distribution of iron and steel articles from the destination points named in (1) above to Centerville, Iowa, restricted to a continuing contract or contracts with Penn-Dixie Steel Corporation, of Kokomo, Ind., and against the transportation of commodities in bulk other than scrap iron and metal that applicant is fit, willing and able to perform the service for which authority is granted, and to conform to the requirements of the Interstate Commerce Act, and the Commission's rules and regulations promulgated thereunder. The purpose of this republication is to indicate the contracting shipper to be Penn-Dixie Steel Corporation, of Kokomo, Ind., instead of Iowa Steel & Wire Co., of Centerville, Iowa. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 136301 (Sub-No. 1) (Republication), filed February 24, 1975, and published in the FEDERAL REGISTER issue of March 27, 1975, and republished this

issue. Applicant: MER LOU TRANSPORTATION, INC., P.O. Box 333, Millsboro, Del. 19966. Applicant's representative: John P. Bond, 2766 Douglas Road, Miami, Fla. 33133. An Order of the Commission, Operating Rights Board, dated August 13, 1975, and served September 15, 1975, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, (1) of pickled products, in containers, (a) from Greenville, Miss., to Millsboro, Del., and (b) between Bridgeport, Imlay City, and Memphis, Mich., on the one hand, and, on the other Greenville, Miss., and (2) of materials and supplies used in the processing and manufacture of pickled products (except in bulk), (a) from Millsboro, Del., to Greenville, Miss., Bridgeport, Imlay City, and Memphis, Mich., and (b) between Bridgeport, Imlay City, and Memphis, Mich., on the one hand, and, on the other, Greenville, Miss., under a continuing contract or contracts with Vlasic Foods, Inc., of West Bloomfield, Mich., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 3256 (Sub-No. 2) (Notice of filing of petition to add an origin point), filed August 20, 1975. Petitioner: BURKAM BROTHERS, INC., 385 Route 22, Hillside, N.J. 07205. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Petitioner holds a motor contract carrier permit in No. MC 3256 (Sub-No. 2, issued February 8, 1974), authorizing transportation, as pertinent, over irregular routes, of Paper, paper products, and products used in the manufacture of paper (except liquid commodities in bulk, and commodities which, because of size or weight, require the use of special equipment), between Hillside, N.J., on the one hand, and, on the other, points in that part of the New York, N.Y., Commercial Zone as defined in Commercial Zones and Terminal Areas, 54 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of Section 203(b) (8) of the Act (the "exempt" zone), points in Nassau, Suffolk, Orange, Rockland, and Westchester Counties, N.Y., points in New Jersey, Philadelphia, Pa., and points in Fairfield County, Conn., under a continuing contract, or contracts with Rothesay Shipping, Ltd.,

of Saint John, New Brunswick, Canada; Riegel Products Corporation, of New York, N.Y.; and Rexham Corporation of Charlotte, N.C. By the instant petition, petitioner seeks to add Jersey City, N.J., as an origin point in the above territorial description. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 89723 (Sub-No. 4) (Notice of filing of petition to modify restriction), filed September 8, 1975. Petitioner: MISSOURI PACIFIC TRUCK LINES, INC., 210 N. 13th Street, Room 912, St. Louis, Mo. 63103. Petitioner's representative: Robert S. Davis, 2008 Missouri Pacific Building, St. Louis, Mo. 63103. Petitioner holds a motor common carrier certificate in No. MC 89723 (Sub-No. 4), issued May 13, 1975, authorizing transportation, over regular routes, of General commodities, (1) Between points in Texas, serving the intermediate and offroute points specified below: (1) From Longview over U.S. Highway 259 to Henderson, thence over U.S. Highway 79 to Round Rock, thence over U.S. Highway 81 to Laredo, and return over the same route; (2) From Kilgore over Texas Highway 135 to Troup, and return over the same route; (3) From junction Texas Highway 323 and Texas Highway 135, near Overton, over Texas Highway 323 to junction U.S. Highway 259, and return over the same route; (4) From Mineola over U.S. Highway 69 to Tyler, thence over Texas Highway 110 to New Summerfield, and return over the same route; (5) From Taylor over Texas Highway 95 to junction Texas Highway 29, thence over Texas Highway 29 via Jonah to Georgetown, thence over U.S. Highway 81 to Round Rock, and return over the same route; (6) From Round Rock over unnumbered county road to Charles, and return over the same route; (7) From San Antonio south over U.S. Highway 281 to George West, thence over Texas Highway 59 to junction Texas Highway 9, thence over Texas Highway 9 to Edroy; also from junction U.S. Highway 281 and Texas Highway 9 over Texas Highway 9 to Edroy; and return over the same routes.

(8) From junction Texas Highway 9 and U.S. Highway 77, over Texas Highway 9 to Corpus Christi, and return over the same route; (9) From Edroy over Texas Highway 234 to Odem, and return over the same route; (10) From junction unnumbered highway and Texas Highway 9 at Sweeney Switch, over unnumbered highway running west and southwest to Mount Lucas, and return over the same route; (11) From Pleasanton over Texas Highway 97 via Fowlerton to Cotulla, and return over the same route; (12) From San Antonio over Texas Highway 16 to junction Texas Highway 1518, thence over Texas Highway 1518 via Somerset to junction Texas Highway 476, thence over Texas Highway 476 via Pooteet to North Pleasanton, and return over the same route; (13) From Uvalde

over U.S. Highway 83 to Catarina, thence over Texas Highway 133 via Light to Artesia Wells, and return over the same route; (14) From Carrizo Springs over Texas Highway 85 via Big Wells and Ratama to Dilley, and return over the same route; (15) From Uvalde over U.S. Highway 90 to junction Texas Farm Road 1022, thence over Texas Farm Road 1022 to Blewett, and return over the same route; (16) From Austin over U.S. Highway 183 to Charles, and return over the same route; (17) From Fort Worth over U.S. Highway 287 to Waxahachie, thence over U.S. Highway 77 to Waco, and return over the same route; (18) From Midlothian over U.S. Highway 67 to Venus, and return over the same route; (19) From Waxahachie over Texas Highway 66 to Maypearl, and return over the same route; (20) From Hillsboro eastward over Texas Highway 22 to Mertens, thence over Texas Farm Road 308 via Malone and Leroy to Elm Mott, and return over the same route;

(21) From junction Texas Highways 22 and 171, approximately 4 miles east of Hillsboro, over Texas Highway 171 to Malone, and return over the same route; (22) From Mart over unnumbered highway via Otto to junction Texas Highway 6, thence over Texas Highway 6 to Navasota, thence over Texas Highway 105 to Plantersville, thence over Texas Farm Road 1774 to junction Texas Farm Road 149, thence over Texas Farm Road 149 to Houston, and return over the same route; (23) From Navasota over Texas Highway 90 to Madisonville, and return over the same route; (24) From Roans Prairie over Texas Highway 30 to Huntsville, thence over U.S. Highway 190 to junction Texas Farm Road 2296, thence over Texas Farm Road 2296 to Phelps, thence return from Phelps over Texas Farm Road 2296 to junction U.S. Highway 190, near Phelps, thence over U.S. Highway 190 to junction Texas Farm Road 405, thence over Texas Farm Road 405 via Dodge to Riverside, and return over the same route; (25) From Palestine over U.S. Highway 287 to Crockett, thence over Texas Highway 19 to Huntsville, thence over U.S. Highway 75 to Houston, and return over the same route; (26) From Orange over U.S. Highway 10 to Houston, thence over Texas Highway 35 to junction Texas Farm Road 616 near Blessing, thence westward over Texas Farm Road 616 to Vanderbilt, thence over Texas Farm Road 234 to El Toro, thence over U.S. Highway 59 to Victoria, thence over U.S. Highway 77 via Sinton, Kingsville, and Raymondville to Harlingen, and return over the same route; (27) From junction Texas Highway 62 and U.S. Highway 90, near Orange, over Texas Highway 62 to Buna, thence over U.S. Highway 96 to Kirbyville, thence over Texas Highway 363 to Bleakwood, thence over Texas Highway 87 to Newton, and return over the same route; (28) From Orange over Texas Highway 87 to junction Texas Highway 12, thence over Texas Highway 12 to the Texas-Louisiana State Line, at Deweyville, and return over the same route; (29) From

Beaumont over Texas Highway 105 to Sour Lake, thence over Texas Highway 326 to Nome, and return over the same route;

(30) From Liberty over Texas Highway 146 to Hardin, and return over the same route; (31) From Houston over unnumbered highway via Baytown and Pelly to Goose Creek, and return over the same route; (32) From Houston over Alternate U.S. Highway 90 to Sugar Land, and return over the same route; (33) From Alcoa over Texas Highway 6 to Alvin, and return over the same route; (34) From Victoria over U.S. Highway 87 to junction Texas Highway 35, near Port Lavaca, and return over the same route; (35) From junction U.S. Highway 87 and Texas Highway 35 over Texas Highway 35 to junction Texas Highway 185, at Green Lake, thence over Texas Highway 185 to Seadrift, and return over the same route; (36) From junction Texas Highways 35 and 185, at Green Lake, over Texas Highway 35 to Tivoli, and return over the same route; (37) From junction Texas Highway 113 and U.S. Highway 77 over Texas Highway 113 via Tivoli and Maud Low to Austwell, and return over the same route; (38) From Corpus Christi over Texas Highway 44 to Robstown, and return over the same route; (39) From Raymondville over Texas Highway 186 to junction unnumbered highway, thence over unnumbered highway via Lasara to Hargill, thence over Texas Farm Road 493 via Engleman Gardens to junction Texas Highway 107, thence over Texas Highway 107 to Edcouch, and return over the same route; (40) From junction Texas Highway 107 and Texas Farm Road 493 over Texas Highway 107 to Edinburg, thence over U.S. Highway 281 to Pharr, and return over the same route; (41) From Mission over Texas Farm Road 1016 via Madero to Hidalgo, and return over the same route; and (42) Serving all intermediate and off-route points within 10 miles of above routes, which points whether intermediate or off-route, are stations on lines of the Missouri Pacific Railroad Company; and'

(II) (1) Between points in Texas, in connection with carrier's regular-route operations, serving no intermediate points: (a) From Tyler over U.S. Highway 69 to Jacksonville, and return over the same route; (b) From Tyler over Texas Highway 64 to Henderson, and return over the same route; (c) From Tyler over Texas Highway 31 to Kilgore, and return over the same route; (d) From junction Texas Highway 42 and U.S. Highway 259, near Kilgore, over U.S. Highway 259 to junction U.S. Highway 79, southwest of Henderson, and return over the same route; (e) from West Columbia over Texas Highway 36 to Brazoria, and return over the same route; (f) From junction unnumbered county road and Texas Highway 35 near Blessing, over Texas Highway 35 to Port Lavaca, and return over the same route; and (2) Between Refugio, Tex., and Maud Low, Tex., in connection with carrier's regular-route operations, serving no intermediate points, and with no serv-

ice at Maud Low; From Refugio eastward over Texas Farm Road 774 to junction Texas Highway 35, thence over Texas Highway 35 to Maud Low, and return over the same route. Restriction: The service authorized herein is subject to the following conditions: (1) The service by motor vehicle to be performed by carrier shall be limited to service which is auxiliary to, or supplemental of, rail service of the railroad above named, hereinafter called the Railway; (2) Shipments may be handled at motor carrier rates on Missouri Pacific Truck Lines, Inc., billing. Substitution of Missouri Pacific Railroad Company rail services for motor service is authorized between points which cannot be served by highway because of restrictions in this Certificate. No rail traffic shall be transported by carrier in all-highway service at a rate lower than if it had moved on a motor carrier bill of lading;

(3) Carrier shall not serve any point not a station on a rail line of said Railway; (4) No shipment shall be transported (a) between any of the following points, or through, or to, or from, more than one of said points: San Antonio, Laredo, Fort Worth, Waco, Houston, and Hearne-Valley Junction (to be considered as a single Key point), (b) from Corpus Christi, from Raymondville, or from points south or west of Raymondville, to points north or east of Houston, points north of San Antonio, and points on or west of U.S. Highway 81 from San Antonio to Laredo, including Laredo, or between Houston and Dallas and beyond in interline service with the Texas and Pacific Motor Transport Company, or (c) southward through Odem, Tex., unless it shall have had a prior movement by rail, except REA Express traffic from Houston, Tex., to points between Odem and Brownsville, Tex., including Brownsville via Raymondville and Harlingen, Tex.; (d) the Waco and Hearne-Valley Junction Key point restriction shall not apply to shipments having an immediately prior or subsequent movement by rail, except that the Hearne-Valley Junction Key point restriction will apply to shipments imported to or exported from the United States which move through Laredo, Tex., and (e) the Laredo Key point restriction shall not apply to shipments moving to, from, or through San Antonio, Tex., provided it shall have had a prior movement by rail, except REA Express traffic from San Antonio, Tex., to points between Laredo and Brownsville via McAllen and Harlingen, Tex.; (5) All contractual arrangements, between carrier and the Railway shall be reported to this Commission and shall be subject to revision if and as we may find it necessary in order that such arrangements shall be fair and equitable to the parties; and (6) Such further specified conditions as the Commission in the future may find necessary to impose in order to restrict said carrier's operations by motor vehicle to service which is auxiliary to, or supplemental of, the rail service of the Railway mentioned.

By the instant petition, petitioner seeks to modify the authority in the above de-

scribed certificate to provide that the San Antonio Key point restriction shall not apply to traffic having an immediately prior or subsequent movement by rail, by amending the restriction in (4) (d) above so as to read: "The Waco, Hearne-Valley Junction, and San Antonio Key point restrictions shall not apply to shipments having an immediately prior or subsequent movement by rail, except that the Hearne-Valley Junction Key point restriction will apply to shipments imported to or exported from the United States which move through Laredo, Tex." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 128233 and (Sub-No. 1) (NOTICE OF FILING OF PETITION TO ADD CONTRACT SHIPPER), filed April 30, 1975. Petitioner: OLIE M. ERICKSEN, P.O. Box 107, Transfer, Pa. 16154. Petitioner's representative: John A. Vuono and William A. Gray, 2310 Grant Building, Pittsburgh, Pa. 15219. Petitioner holds a motor contract carrier permit in No. MC 128233 and Sub-No. 1 issued October 29, 1968 and June 10, 1969, respectively, authorizing transportation, as pertinent, over irregular routes, of: (1) 128233, *Scrap metals*, from points in Connecticut, Illinois, Maryland, Massachusetts, New Jersey, New York, Ohio, Rhode Island, and Wisconsin, to points in Pymatuning Township, Mercer County, Pa., with no transportation for compensation on return except as otherwise authorized; (2) *processed scrap metals*, from points, in Pymatuning Township, Mercer County, Pa., to Baltimore, Md., Philadelphia, Pa., and points in Illinois, Massachusetts, New Jersey, New York, Ohio, and Wisconsin, with no transportation for compensation on return except as otherwise authorized, under a continuing contract, or contracts with Mercer Alloys Corporation; and in Sub-No. 1: (1) *Scrap metals and processed scrap metals*, between points in Pymatuning Township, Pa., on the one hand, and, on the other, points in Alabama, California, Colorado, Connecticut, Delaware, Indiana, Louisiana, Maryland, Michigan, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, and West Virginia; and

(2) *Alloys*, between points in Pymatuning Township, Pa., on the one hand, and, on the other, Chicago, Ill., and points in Alabama, California, Connecticut, Delaware, Louisiana, Maryland (except alloys from Baltimore, Md.), Massachusetts, New Jersey, New York, North Carolina, Ohio, (except alloys, in bulk, in dump vehicles, to and from points in Ashtabula, Cuyahoga, Lake, Summit, Muskingum, Licking, Franklin, and Wayne Counties, Ohio, and except alloys to and from points in Waterford Township, Washington County, Ohio), Oklahoma, Pennsylvania (except alloys, in dump vehicles, from Philadelphia, Pa.),

Rhode Island, South Carolina, Tennessee, Texas, and West Virginia, under a continuing contract, or contracts, with Mercer Alloys Corp. of Greenville, Pa. By the instant petition, petitioner seeks to modify permits to include National Nickel Alloy Corp., as a contract shipper. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 136658 (Sub-No. 2) (NOTICE OF FILING OF PETITION TO ADD AN ADDITIONAL SHIPPER), filed February 14, 1975. Petitioner: ARALDO C. RICHIE, doing business as A. R. TRUCKING, 738 Franklin Avenue, Nutley, N.J. 07110. Petitioner's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Petitioner holds a motor contract carrier permit in No. MC 136658 (Sub-No. 2), issued March 30, 1973, authorizing transportation, as pertinent, over irregular routes, of (1) *Such commodities* as are dealt in by a manufacturer of gas and electrical appliances and gas and electrical fixtures, from Kearny and Clifton, N.J., to points in Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, the District of Columbia, that part of New York on, south and east of a line beginning at the Massachusetts-New York State line and extending along New York Highway 2 to junction New York Highway 7, thence along New York Highway 7 to junction Interstate Highway 81, thence along Interstate Highway 81 to the New York-Pennsylvania State line, those points in Pennsylvania and Maryland on and east of Interstate Highway 81, points in that part of Virginia on, east and north of a line beginning at the Virginia-West Virginia State line and extending along Interstate Highway 81 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Potomac River; and (2) *used commodities* of the same description in (1) above, from destination points in the above-described territory, to Kearny and Clifton, N.J., under a continuing contract, or contracts, with the Tappan Company. By the instant petition, petitioner seeks to add Westinghouse Electric Corporation as a contract shipper. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 136814 (Sub-No. 2) (NOTICE OF FILING OF PETITION TO MODIFY PERMIT), filed September 17, 1975. Petitioner: JESSE E. MATLOCK, doing business as MATLOCK TRANSPORTATION, 456 Valley Boulevard, Rialto, Calif. 92376. Petitioner's Representative: Jerry Solomon Berger, 433 North Camden Drive, Beverly Hills, Calif. 90210. Petitioner holds a motor contract carrier

permit in No. MC 136814 (Sub-No. 2) issued May 15, 1975, authorizing transportation, over irregular routes, of: (1) *Magazines*, from Los Angeles, Calif., to Chico and Redding, Calif., Medford, Eugene and Portland, Oreg., and Seattle, Olympia and Tacoma, Wash.; and (2) *Magazine paper*, from Oregon City, Oreg., to Los Angeles, Calif., under a continuing contract or contracts with Time, Incorporated, of Los Angeles, Calif., Newsweek, Inc., and U.S. News and World Report, Inc. By the instant petition, petitioner seeks to add the following authority to the above described permit: (1) *Scrap or waste paper* for recycling, and (2) *materials and supplies* used in the operation and production of printing and publishing plants (except in bulk), from points in Arizona, Colorado, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and St. Francisville, La., to points in California; and (3) *magazines, publications, and printed matter*, from points in California, to points in Arizona, California, Colorado, Nevada, New Mexico, Oregon, Texas, Utah and Washington, under a continuing contract or contracts with Arcata Graphics. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210(a) (b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210(a) (b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 C.F.R. 1.240).

MOTOR CARRIERS OF PROPERTY

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE.

No. MC 54200 (Sub-No. 3) (CORRECTION), filed June 18, 1975, published in the FEDERAL REGISTER issue of September 17, 1975, and republished as corrected this issue. Applicant: SIEGLE'S EXPRESS, 81 Porete Avenue, North Arlington, N.J. 07032. Applicant's representative: A. David Millner, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) between points in Nassau County, N.Y. on the one hand, and, on the other, Philadelphia, Pa. The purpose of this filing is to eliminate a gateway at points in Bergen, Essex, Hudson, Morris, Passaic or Somerset Counties, N.J. (2) be-

tween points in Union County, N.J. on the one hand, and, on the other, Philadelphia, Pa. The purpose of this filing is to eliminate a gateway at New York, N.Y.

(3) between Trenton, N.J. on the one hand, and, on the other, points in the New York, N.Y. Commercial zone. The purpose of this filing is to eliminate a gateway at Philadelphia, Pa.

(4) between points in Middlesex County, N.J. on the one hand, and, on the other, points in the New York, N.Y. Commercial Zone. The purpose of this filing is to eliminate a gateway at Philadelphia, Pa.

NOTE.—The purpose of this republication is to indicate the FEDERAL REGISTER publication date of the Section 5(2) proceeding, erroneously omitted in the previous publication. This is a gateway elimination request and is directly related to MC-F-12537 published in the FEDERAL REGISTER issue of June 11, 1975. If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 58152 (Sub-No. 23), filed September 8, 1975. Applicant: OGDEN & MOFFETT COMPANY, a Corporation, 1515 Busha Highway, Marysville, Mich. 48084. Applicant's representative: Walter N. Bleneman, 101 W. Long Lake Road, Bloomfield Hills, Mich. 48013. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment (1) Between Grand Rapids, Mich. and Charlotte, Mich., serving all intermediate points and the off-route point of Maple Grove: From Grand Rapids over Michigan Highway 37 to Hastings (also from Grand Rapids over Interstate Highway 96 to junction Michigan Highway 50, thence over Michigan Highway 50 to junction Kent County Road north of Freeport, Mich., thence over Kent County Road through Freeport to junction Michigan Highway 43, thence over Michigan Highway 43 to Hastings), thence over Michigan Highway 79 to Charlotte, and return over the same route; (2) Between Kalamazoo, Mich. and Hastings, Mich., serving all intermediate points and the off-route points within six miles of Kalamazoo: From Kalamazoo over Michigan Highway 43 to Hastings and return over the same route; (3) Between Battle Creek, Mich. and Hastings, Mich., serving all intermediate points: From Battle Creek over Michigan Highway 37 to Hastings, and return over the same route.

(4) Between Lansing, Mich. and junction Eaton County Road and Michigan Highway 79, serving all intermediate points: From Lansing over U.S. Highway 27 to Potterville, thence over Eaton County Road via Vermontville to junction Michigan Highway 79, and return over the same route; (5) Between Grand Rapids, Mich. and Manistee, Mich., serving all intermediate points and the off-route points of North Muskegon, Whitehall, Montague, Hart, Pentwater and Ludington, (except traffic originating at Muskegon or points intermediate to

Grand Rapids shall be transported to Grand Rapids or vice versa): From Grand Rapids over Interstate Highway 96 to junction U.S. Highway 31, thence over U.S. Highway 31 to Manistee, and return over the same route; (6) Between Grand Rapids, Mich. and Kalamazoo, Mich., serving only those intermediate points otherwise authorized and off-route points within six miles of Kalamazoo: From Grand Rapids over U.S. Highway 131 to Kalamazoo, and return over the same route; (7) Between the junction of U.S. Highway 131 and Michigan Highway 89 and the junction of Michigan Highway 89 and Michigan Highway 37, serving all intermediate points: From the junction of U.S. Highway 131 and Michigan Highway 89 over Michigan Highway 89 to junction Michigan Highway 37, and return over the same route; (8) Between Cascade, Mich., and junction Michigan Highway 11 and Interstate Highway 96, west of Grand Rapids, serving all intermediate points: From Cascade over Kent County Road to junction Interstate Highway 96, thence, over Interstate Highway 96 to junction Michigan Highway 11 west of Grand Rapids, and return over the same route;

(9) Between Hastings, Mich. and Lansing, Mich., serving no intermediate points: From Hastings over Michigan Highway 43 to Lansing, and return over the same route; (10) Between Charlotte, Mich. and junction of Michigan Highway 50 with Interstate Highway 96, serving all intermediate points: From Charlotte over Michigan Highway 50 to junction Interstate Highway 96, and return over the same route; (11) Between Nashville, Mich. and the junction of Michigan Highway 66 with Michigan Highway 50, serving all intermediate points: From Nashville over Michigan Highway 66 to junction with Michigan Highway 50, and return over the same route; (12) Between the junction of Interstate Highway 96 and Michigan Highway 50 east of Grand Rapids and the junction of Michigan Highway 66 with Michigan Highway 50, serving no intermediate points: From the junction of Interstate Highway 96 and Michigan Highway 50 east of Grand Rapids, over Interstate Highway 96 to junction Michigan Highway 66, thence over Michigan Highway 66 to junction Michigan Highway 50, and return over the same route; (13) Between Ludington, Mich. and Grand Rapids, Mich., serving no intermediate points, but serving the junction of U.S. Highway 10 and Michigan Highway 37 for joinder only: From Ludington over U.S. Highway 10 to junction Michigan Highway 37, thence over Michigan Highway 37 to Grand Rapids, and return over the same route; (14) Between Lansing, Mich. and the junction of Interstate Highway 96 and Michigan Highway 66, serving no intermediate points: From Lansing over Interstate Highway 96 to junction Michigan Highway 66, and return over the same route;

(15) Between Grand Rapids, Mich. and Lansing, Mich., serving only those intermediate points otherwise authorized:

From Grand Rapids over Interstate Highway 96 to Lansing, and return over the same route; (16) Between Freeport, Mich. and Middleville, Mich., serving all intermediate points: From Freeport over Barry County Road to Middleville and return over the same route; (17) Between Potterville, Mich., and Battle Creek, Mich., serving only those intermediate points otherwise authorized: (A) From Potterville over Michigan Highway 78 to junction Michigan Highway 66, thence over Michigan Highway 66 to Battle Creek and return over the same route; and also (B), from Potterville over U.S. Highway 27 to junction Interstate Highway 94, thence over Interstate Highway 94 to Battle Creek, and return over the same route; (18) Between Battle Creek, Mich. and Nashville, Mich., serving all intermediate points: From Battle Creek over Michigan Highway 66 to Nashville, and return over the same route; (19) Between Kalamazoo, Mich. and Battle Creek, Mich., serving only those intermediate points otherwise authorized: From Kalamazoo over Interstate Highway 94 to Battle Creek, and return over the same route; (20) Between Lansing, Mich. and Manistee, Mich., serving only those intermediate points otherwise authorized, but serving the junction of Michigan Highway 55 and Michigan Highway 37 and the junction of U.S. Highway 10 and Michigan Highway 115 for joinder only: From Lansing over U.S. Highway 27 to junction U.S. Highway 10, thence over U.S. Highway 10 to junction Michigan Highway 115, thence over Michigan Highway 115 to junction Michigan Highway 55, thence over Michigan Highway 55 to junction U.S. Highway 31, thence over U.S. Highway 31 to Manistee, and return over the same route;

(21) Between junction U.S. Highway 10 and Michigan Highway 115 and the junction of U.S. Highway 10 and Michigan Highway 37, serving no intermediate points: From the junction of U.S. Highway 10 and Michigan Highway 115 over U.S. Highway 10 to junction Michigan Highway 37, and return over the same route; (22) Between junction of U.S. Highway 10 and Michigan Highway 37 and junction of Michigan Highway 37 and Michigan Highway 55, serving no intermediate points: From junction U.S. Highway 10 and Michigan Highway 37 over Michigan Highway 37 to junction Michigan Highway 55, and return over the same route. Note: The purpose of this application is to convert a Certificate of Registration applicant seeks to acquire to a Certificate of Public Convenience and Necessity. This is a matter directly related to a Section 5(2) proceeding in MC-F-12632 published in the FEDERAL REGISTER issue of September 24, 1975. If a hearing is deemed necessary, the applicant requests it be held at Lansing, Mich.

No. MC 59135 (Sub-No. 29), filed July 29, 1975. Applicant: RED STAR EXPRESS LINES OF AUBURN, INCORPORATED, 24-50 Wright Avenue, Auburn, N.Y. 13021. Applicant's representative:

Leonard A. Jaskiewicz, 1730 M Street, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except commodities in bulk, household goods as defined by the Commission, Classes A and B explosives, and those requiring special equipment) (A) REGULAR ROUTES (1) Between Albany and Utica, N.Y.: From Albany over New York Highway 5 (and also New York Highway 5s), to Utica; and (2) Between Albany and Schenectady, N.Y.: From Albany over New York Highway 32 to junction New York Highway 7, thence over New York Highway 7 to Schenectady, serving in connection with (1) and (2) above, all intermediate points and the off route points of Gloversville, Johnstown, Rensselaer and Troy, N.Y. (B) IRREGULAR ROUTES: (1) Between points in Onondaga County, N.Y.; (2) between points in Oneida County, N.Y.; (3) from points in Onondaga County, N.Y.; to points in Herkimer, Madison and Oneida Counties, N.Y.; (4) from points in Oneida County, N.Y., to points in Herkimer, Madison and Onondaga Counties, N.Y.; (5) from points in Madison County, N.Y., to points in Herkimer, Oneida and Onondaga Counties, N.Y.; (6) from points in Herkimer County, N.Y., to points in Onondaga County, N.Y. Note: Common control may be involved. By the instant application applicant seeks to convert a Certificate of Registration it is seeking to acquire to a Certificate of Public Convenience and Necessity. This is a matter directly related to a Section 5(2) application in MC-F-12591 published in the FEDERAL REGISTER issue of July 30, 1975. If a hearing is deemed necessary, applicant requests it be held at either Syracuse, N.Y. or Washington, D.C.

No. MC 106051 (Sub-No. 49), filed September 12, 1975. Applicant: OLD COLONY TRANSPORTATION CO., INC., 676 Dartmouth Street, So. Dartmouth, Mass. 02748. Applicant's representative: Louis A. Perras, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, Between Watertown, N.Y. and the village of Carthage (Jefferson County), N.Y.: From Watertown over New York Highway 3 to the village of Carthage, and return over the same route, serving all intermediate points and the off-route point of Camp Drum (Jefferson County), N.Y.

Note.—The purpose of this application is to convert a Certificate of Registration applicant seeks to acquire to a Certificate of Public Convenience and Necessity. This is a matter directly related to a Section 5(2) proceeding in MC-F-12635 published in the FEDERAL REGISTER issue of September 24, 1975. If a hearing is deemed necessary, the applicant requests it be held at either Syracuse or Albany, N.Y.

No. MC 107403 (Sub-No. 930) (PARTIAL CORRECTION), filed January 31, 1975, published in the FEDERAL REGISTER issue of March 6, 1975, and republished, as corrected in part, this issue. Appli-

cant: MATLACK, INC., 10 West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). (18) *Liquid fertilizer*, in bulk, in tank vehicles and liquid caustic soda, in bulk, in tank vehicles, from Kentucky Apshalt Terminal, near Louisville, Ky., to points in Connecticut, Delaware, Maryland, Massachusetts, Pennsylvania, New Jersey, Rhode Island and Michigan. The purpose of this filing is to eliminate the gateway at Cincinnati, Ohio. (60) *Whiskey*, in bulk, in tank vehicles, from New Orleans, La. and points in Indiana and Kentucky, to points in West Virginia within 150 miles of Monogahela, Pa. The purpose of this filing is to eliminate the gateway of Zanesville, Ohio. (61) *Whiskey*, in bulk, in tank vehicles, from New Orleans, La. and points in Indiana and Kentucky, to points in Connecticut, Delaware, New Jersey and Rhode Island. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa. (62) *Whiskey*, in bulk, in tank vehicles, from New Orleans, La. and points in Indiana and Kentucky to points in Maine, New Hampshire and Vermont. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

(67) *Liquefied petroleum gas*, in bulk, in tank vehicles, from Farmington, Ill. and Siloam, Ky., to points in Connecticut, Massachusetts, New Hampshire and Rhode Island. The purpose of this filing is to eliminate the gateway of Canton, Ohio. (68) *Liquefied petroleum gas*, in bulk, in tank vehicles, from Crossville, Ill., to points in Connecticut, Massachusetts, New Hampshire and Rhode Island. The purpose of this filing is to eliminate the gateway of Athens, Ohio. (71) *Petroleum products*, in bulk, in tank vehicles, from Madison, Seymour, Troy, Evansville and Princeton, Ind., Louisville, Henderson, Daviess County and West Point, Ky., Lawrenceville, Ill. and Pascagoula, Miss., to points in Connecticut, Maine, Maryland, Massachusetts, New Jersey, New Hampshire, New York, Rhode Island and Vermont. The purpose of this filing is to eliminate the gateway of Athens, Ohio. (72) *Petroleum products*, in bulk, in tank vehicles, from Madison, Seymour and Troy, Ind., Pascagoula, Miss. and Louisville, Ky., to points in Michigan, Pennsylvania, and West Virginia. The purpose of this filing is to eliminate the gateway of Lebanon, Ohio. (83) *Liquefied petroleum gas*, in bulk, in tank vehicles, from Farmington and Crossville, Ill. and Siloam, Ky., to points in Maine and Vermont. The purpose of this filing is to eliminate the gateway of Canton, Ohio. (86) *Non-Flammable liquid chemicals*, in bulk, in tank vehicles, from points in Connecticut, Massachusetts and Rhode Island, to points in Arkansas, Kansas, Louisiana, Oklahoma and Texas. The purpose of this filing is to eliminate the gateway of Calvert City, Ky.

(118) *Dry chemicals*, in bulk, in tank vehicles, from points in Ashtabula, Cuyahoga, Lake, Summit, Muskingum, Licking, Franklin and Wayne Counties, Ohio, to points in Kentucky, Arkansas, Kansas,

Alabama, Louisiana, Mississippi, Ohio, to points in Kentucky, Arkansas, Kansas, Alabama, Louisiana, Mississippi, Oklahoma and Texas. The purpose of this filing is to eliminate the gateway of Calvert City, Ky. (119) *Calcium carbide residue, fly ash, plastic granules, and resin powder*, in bulk, in tank vehicles, from points in Ashtabula, Cuyahoga, Lake, Summit, Muskingum, Licking, Franklin and Wayne Counties, Ohio, to points in Kentucky and Tennessee. The purpose of this filing is to eliminate the gateway of Louisville, Ky. (120) *Calcium carbide*, in bulk, from points in Ashtabula, Cuyahoga, Lake, Summit, Muskingum, Licking, Franklin and Wayne Counties, Ohio, to points in Kentucky, Alabama, Georgia and Tennessee. The purpose of this filing is to eliminate the gateway of Louisville, Ky. (141) *Petroleum chemicals*, (except liquefied petroleum gas and anhydrous ammonia), in bulk, in tank vehicles, from Abbeville, La., to points in Alabama, Florida, Georgia and Kentucky. The purpose of this filing is to eliminate the gateway of Pascagoula, Miss. (152) *Liquid alum*, in bulk, in tank vehicles, from Monroe, La., to points in Maine, Maryland, Massachusetts, New Hampshire, New York, Pennsylvania and Vermont. The purpose of this filing is to eliminate the gateways of Robertson County, Tenn. and Ashland, Ky.

(153) *Liquid alum*, in bulk, in tank vehicles, from Monroe, La., to points in Indiana, Kentucky, Michigan, North Carolina, Ohio and Virginia. The purpose of this filing is to eliminate the gateway of Robertson County, Tenn. (154) *Liquid alum*, in bulk, in tank vehicles, from Monroe, La., to points in Delaware, Connecticut, New Jersey and Rhode Island. The purpose of this filing is to eliminate the gateways of Robertson County, Tenn. and Ashland, Ky. (177) *Chemicals* (not including liquefied petroleum gas) in bulk, in tank vehicles, from Lake Charles, La. and points within 5 miles thereof, to Kingsport, Tenn. The purpose of this filing is to eliminate the gateway of Robertson County, Tenn. (183) *Liquid alum*, in bulk, in tank vehicles, from New Orleans, La., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, New Hampshire, New York, Rhode Island and Vermont. The purpose of this filing is to eliminate the gateways of Robertson County, Tenn. and Ashland, Ky. (186) *Liquid aluminum sulfate*, in bulk, in tank vehicles, from Bastrop and Springhill, La., to points in Minnesota and Wisconsin. The purpose of this filing is to eliminate the gateway of Robertson County, Tenn. and the plantsite of Baird Chemicals Industries, at or near Mapleton, Ill.

(209) *Sulphuric acid*, in bulk, in tank vehicles, from Avondale, La., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio and West Virginia (except Brooke, Hampshire, Hancock, Monogahela and Ohio Counties, W. Va.). The purpose of this filing is to eliminate the gateway of McIntosh, Ala. (255) *Dimethyl sulfoxide*, in bulk, in tank vehicles, from Bogalusa, La., to points in Kentucky. The purpose

of this filing is to eliminate the gateway of McIntosh, Ala. (256) *Dry chemicals*, in bulk, in tank vehicles, from Gramercy, La., to points in Ohio. The purpose of this filing is to eliminate the gateways of Baton Rouge, La. and points in Robertson County, Tenn. (257) *Liquid chemicals*, in bulk, in tank vehicles, from Gramercy, La., to points in Ohio. The purpose of this filing is to eliminate the gateways of Baton Rouge, La. and points in Robertson County, Tenn. (258) *Dry Chemicals*, in bulk, in tank vehicles, from Taft, La., to points in Ohio. The purpose of this filing is to eliminate the gateway of points in Robertson County, Tenn. (259) *Nitro-paraffines and derivatives thereof*, in bulk, in tank vehicles, from Sterlington, La., to points in Ohio. The purpose of this filing is to eliminate the gateway of points in Robertson County, Tenn.

(260) *Liquid chemicals*, in bulk, in tank vehicles, from Avondale, La., to points in Ohio. The purpose of this filing is to eliminate the gateway of points in Robertson County, Tenn.

NOTE.—The purpose of this partial republication is to correct the authority described in (18) through (255) above, previously published in error, and to add (256) through (260) above to the authority originally published. The rest of the notice remains as previously published. This application is a gateway elimination request filed pursuant to the Commission's Policy Statement in Ex Parte No. 55 (Sub-No. 8) noticed in the FEDERAL REGISTER issue of December 9, 1974; and is directly related to MC-F-12302 published in the FEDERAL REGISTER issue of September 18, 1974.

No. MC-F-12639. Authority sought for purchase by E. K. MOTOR SERVICE, INC., 2005 North Broadway, Joliet, IL 64053, of the operating rights of JOE N. MOSELEY, BILLIE R. MOSELEY AND VIRGIE D. MANKIN, doing business as M & M TRANSPORT, P.O. Box 175, Highway 150 West (Apache Flats), Jefferson City, MO 65101, and for acquisition by KRETSINGER & RUDEN ENTERPRISES, INC., also of Joliet, IL 64053, of control of such rights through the purchase. Applicants' attorney: Tom B. Kretsinger, Suite 910 Fairfax Bldg., 101 West Eleventh St., Kansas City, MO 64105. Operating rights sought to be transferred: *Bark, logs, sawdust, and wood chips*, as a common carrier over irregular routes, from points in Missouri to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Nebraska, Ohio, Oklahoma, and Tennessee; *barrel staves and heading*, from points in Missouri to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Nebraska, Ohio, Oklahoma, and Tennessee; *lumber*, from points in Missouri to points in Kentucky, from points in Missouri (except points south of U.S. Highway 66, east of U.S. Highway 65, and west of U.S. Highway 67) to points in Illinois, Indiana, Iowa, Kansas, Michigan, Nebraska, Ohio, Oklahoma, and Tennessee, with restriction. Vendee is authorized to operate as a common carrier in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Nebraska,

North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Virginia, West Virginia and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12640. Authority sought for merger by THURSTON MOTOR LINES, INC., 600 Johnston Rd., Charlotte, NC 28206, of the operating rights and property of BUSH MOTOR FREIGHT, INC., P.O. Box 1558, Lenoir, NC 28645, and for acquisition by THURSTON, INC., which is controlled by D. J. THURSTON, Jr., also of Charlotte, NC 28206, of control of such rights and property through the transaction. Applicants' attorney: Drew L. Carraway, 618 Perpetual Bldg., 1111 E Street, N.W., Washington, DC 20004. Operating rights sought to be merged: *General commodities*, excepting among others, dangerous explosives, and commodities in bulk, as a common carrier over regular routes, between Boone, and Conover, N.C., between Conover, and Charlotte, N.C., between Lenoir, and Morganton, N.C.; *glass*, over irregular routes, from Ford City, Pa., to Lenoir, N.C., and points and places within five miles of Lenoir; *paper*, from Hopewell, Va., to Lenoir, N.C., and points and places within five miles of Lenoir; *roofing*, from York, Pa., to points and places in North Carolina on and west of U.S. Highway 1; *nursery stock*, from Lenoir, N.C., and points and places within 45 miles of Lenoir, to Washington, D.C., New York, N.Y., to points and places on Long Island, N.Y., and those in Maryland, Pennsylvania, Delaware, and New Jersey, from Jonas Ridge, N.C., to points in Virginia, and New York (except New York, N.Y., and points on Long Island, N.Y.); *new furniture*, from Lenoir, N.C., and points and places within five miles of Lenoir, to Spartanburg, Greenville, Anderson, and Columbia, S.C., Roanoke, Norfolk, Newport News, Richmond, and Staunton, Va., Baltimore, Md., Philadelphia, Pittsburgh, and New Castle, Pa., Charleston, Clarksburg, and Morgantown, W. Va., Knoxville and Chattanooga, Tenn., Camden, N.J., and points and places in that part of New York and New Jersey within 15 miles of Columbus Circle, New York, N.Y., and the District of Columbia, from Lenoir, N.C., and points and places within five miles of Lenoir, to points and places in Virginia (except Roanoke, Norfolk, Newport News, Richmond, and Staunton), those in Maryland (except Baltimore), those in Pennsylvania (except Philadelphia, Pittsburgh and New Castle), those in New Jersey (except Camden and those in New Jersey within 15 miles of Columbus Circle, New York, N.Y.), and those in Delaware; and return with *damaged or rejected shipments of new furniture*;

General commodities, with exceptions, from New York, N.Y., Philadelphia, Pa., Baltimore, Md., and Richmond, Roanoke, and Norfolk, Va., to Lenoir, N.C., and points and places in North Carolina within 45 miles of Lenoir; and return with *empty containers for general commodities*; *petroleum products*, in containers, from Coraopolis, Pa., to Lincolnton, N.C., and return with *empty pe-*

roleum products containers; *tobacco pipes, burls, stumps, stummels, and dimension wood blocks*, and materials including machinery and equipment used in the manufacture and shipping of tobacco pipes, such machinery and equipment limited to individual pieces weighing 1,000 pounds or less and not requiring special equipment to transport, between Boone, N.C., and points and places in North Carolina within 75 miles of Boone, on the one hand, and, on the other, points and places in Virginia, Maryland, Pennsylvania, New Jersey, Delaware, New York, and the District of Columbia; *nursery materials, supplies and equipment*, from Stroudsburg, Pa., to Jonas Ridge, N.C.; *petroleum oils and greases*, in containers, from Marcus Hook and Oil City, Pa., to Whitnel, N.C.; *general commodities*, excepting among others, classes A and B explosives household goods, and commodities in bulk, between Morganton, Brookford, Rhodhiss, Newton, Boone, Conover, Charlotte, N.C., and points in North Carolina located on line (1) extending along U.S. Highway 221 from Boone to Blowing Rock, N.C., thence over U.S. Highway 321 to Hickory, N.C., and thence over U.S. Highway 70 to Conover, N.C. and (2) extending along North Carolina Highway 16 between the junction of North Carolina Highways 16 and 150 and Charlotte, N.C., including said junction, on the one hand, and, on the other, points in Virginia (except from Richmond, Roanoke, and Norfolk, Va.), Maryland (except from Baltimore), Pennsylvania (except from Philadelphia), Delaware, New Jersey, the District of Columbia, and points in New York within the New York, N.Y. Commercial Zone, as defined by the Commission (except from New York City), with restriction;

New furniture and new furniture parts, from the plant sites of Broyhill Furniture Factories, at or near Rutherfordton, in Rutherford County, N.C., to points in Virginia, Maryland, Pennsylvania, New Jersey, Delaware, New York, N.Y., and points in New York within 15 miles of Columbus Circle, N.Y., Spartanburg, Greenville, Anderson and Columbia, S.C., Charles Town, Clarksburg and Morgantown, W. Va., Knoxville and Chattanooga, Tenn., and the District of Columbia; and return with *returned shipments of new furniture and new furniture parts* manufactured by Broyhill Furniture Factories at or near Rutherfordton, in Rutherford County, N.C. THURSTON MOTOR LINES, INC., is authorized to operate as a common carrier in New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, North Carolina, South Carolina, Tennessee, Georgia, Alabama, and Mississippi. Application has not been filed for temporary authority under section 210a(b).

NOTE.—Pursuant to MC-F-11018, transferee acquired control of transferor by report adopted June 20, and served July 14, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 75-26257 Filed 9-30-75; 8:45 am]

federal register

WEDNESDAY, OCTOBER 1, 1975



PART II:

FEDERAL ELECTION COMMISSION

■

FEDERAL ELECTION CAMPAIGN ACT

Advanced Notice of Proposed
Rulemaking; Advisory Opinions;
Advisory Opinion Requests

FEDERAL ELECTION COMMISSION

[Notice 1975-52]

ADVISORY OPINION

Federal Election Campaign Act

The Federal Election Commission announces the publication today of Advisory Opinion 1975-20. The Commission's opinion is in response to questions raised by individuals holding Federal office, candidates for Federal office and political committees, with respect to whether any specific transaction or activity by such individual, candidate, or political committee would constitute a violation of the Federal Election Campaign Act of 1971, as amended, of Chapter 95 or Chapter 96 of Title 26 United States Code, or of sections 608, 610, 611, 613, 614, 615, 616, or 617 of Title 18 United States Code.

The Commission points out that this advisory opinion should be regarded as an interim ruling which is subject to modification by future Commission regulations of general applicability. In the event that a holding in either opinion is altered by the Commission's regulations, the person to whom the opinion was issued will be notified.

ADVISORY OPINION 1975-20

STATUS OF POLITICAL ACTION COMMITTEE—COMMITTEE FOR THOROUGH AGRICULTURAL POLITICAL EDUCATION

This advisory opinion is rendered under 2 U.S.C. § 437f in response to a request for an advisory opinion submitted by Mr. J. S. Stone, Secretary of the Committee for Thorough Agricultural Political Education, and published in the July 29, 1975 FEDERAL REGISTER (40 FR 31878). Interested parties were given an opportunity to submit written comments pertaining to the request.

The Committee for Thorough Agricultural Political Education (C-TAPE) is a registered political committee which files periodic reports of receipts and expenditures with the Commission. C-TAPE contemplates undertaking some or all of a series of activities, described below, and requests guidance as to which are attributable to contribution and expenditure limitations and which must be reported.

The Commission has been advised, and assumes that all monetary outlays for C-TAPE's activities are made from a single, general account and that this account contains no corporate monies. Until such time as C-TAPE creates a separate, segregated fund solely utilized for contributions to and independent expenditures on behalf of Federal candidates, C-TAPE must report all receipts and disbursements which finance its suggested activity. The Commission relies upon the authority provided in the Federal Election Campaign Act of 1971, as amended (the Act) at 2 U.S.C. § 434 (b) (13) in order to require disclosure of disbursements which may not be considered "expenditures" subject to the limitations of Title 18. Unless total outlays for these activities are reported, there would be no conceivable way to account for cash balance on C-TAPE's

periodic statements; such an inevitable difficulty in auditing C-TAPE's reports would thwart the Commission's effective enforcement of the Act.

1. Voter registration drives and get-out-the-vote activities

C-TAPE inquires whether "expenses incurred in voter registration drives and get-out-the-vote activities" are chargeable independent expenditures. Under 18 U.S.C. § 608(e), independent expenditures "relative to a clearly identified candidate" cannot exceed an aggregate of \$1,000 per year. But, the definition of "expenditure" explicitly excludes "non-partisan activity designed to encourage individuals to register to vote or to vote." [18 U.S.C. § 591(f) (4) (B)]. It is the opinion of the Commission that disbursements for such activities which do not expressly or impliedly advocate the election or defeat of a particular candidate are not attributable to the independent expenditure limitation of § 608(e). To be exempt, C-TAPE's voter activity must be nondiscriminatory, with no efforts made to determine the candidate or party preference of individuals registered or turned out to vote.

2. Educational campaign seminars

The Commission regards in a similar manner any cost "of educating and training dairy farmers to be efficient and effective in organizing and participating in (1) political campaigns, (2) voter registration drives and (3) get-out-the-vote activities." The costs of these workshops are generally not attributable as independent expenditures if the nature and goals of the activity cannot be associated with the advancement of a "clearly identified candidate."

However, the Commission may regard the costs of political campaign seminars as chargeable, if the candidate allegiance of C-TAPE is known and if the seminars are conducted within the district of an endorsed candidate for the House of Representatives, or within the State of an endorsed Senatorial candidate.

3. Reimbursed travel

Third, C-TAPE asks whether "travel expenses of dairy farmers, their spouses, and employees of dairy cooperatives," in respect to the following, need be charged against contribution or expenditure ceilings: (1) travel to testify at hearings held by elected officials or public agencies; (2) travel to visit the public officials who represent them in either State or Federal offices; (3) travel to attend fundraising dinners or political rallies. C-TAPE further inquires whether per diem payment, in addition to reimbursed expenses, is chargeable.

It is the opinion of the Commission that official legislative hearings, those financed by congressionally appropriated monies, are an integral part of the legislative process, and that participation in official administrative rulemaking or adjudicatory hearings and in congressional committee hearings is participation in the legislative process. Support for the

Commission's views can be found in *Gravel v. U.S.*, 408 U.S. 606 (1972) at 626, where the Supreme Court held that a Congressman's holding of committee hearings is "within the sphere of legitimate legislative activity." As the purposes of testifying may be presumed to be essentially unrelated to the advocacy of the defeat or election of a Federal candidate, reimbursed travel expenses will not count against the independent expenditure or "in-kind" contribution limitations.

Likewise, where the purpose of a visit to public officials is not campaign-oriented, reimbursed travel expenses are not contributions or expenditures. However, if dairy farmers or cooperative employees, during the course of their visit, undertake volunteer work for a portion or all of their visiting time on behalf of a candidate or the candidate's campaign committees, C-TAPE makes an "in-kind" contribution or independent expenditure in the amount of the reimbursed travel and per diem expenses. Under 18 U.S.C. § 591(e) (5) (A) personal services must be "provided without compensation" in order to be excluded from the definition of "contribution." Reimbursement of travel and per diem costs is a thing of value, and would be an attributable contribution "in-kind" independent expenditure by C-TAPE to candidates or campaign committees.

In the third case, the Commission may regard refunding for travel to fund-raising dinners or political rallies as subject to the independent expenditure limitations of 18 U.S.C. § 608(e). C-TAPE provides a direct benefit to its members by subsidizing their transportation to a campaign function, and this benefit may inure to the benefit of the candidate.

The Commission has been advised that per diem expenses, as paid by C-TAPE, include the cost of hiring substitute labor for the farms of those members and employees of dairy cooperatives who travel to testify at hearings, to visit public officials and to attend political functions. In each case considered, per diem payment will be treated in the same manner as travel reimbursement.

4. Information expenses

C-TAPE lists, as other possible expenses, the "costs of informing public officeholders, consumers, and the general public about farmer cooperatives, dairy industry, beef and dairy imports, and agriculture" by films, speakers, advertisements and other techniques. Unless C-TAPE specifically endorses or supports a clearly identified candidate through these methods, or alerts the public to its political activities relative to a clearly identified candidate, such costs are not attributable independent expenditures.

5. Official non-campaign functions

C-TAPE may plan to "share in the expenses of non-campaign meetings or functions held by public officials," examples including (1) Governor's conferences, (2) annual meetings of associations of local and State public officials,

and (3) inaugural balls. Assuming that office-related activities on the State or local level are not conducted to directly assist the Federal campaign of any "clearly identified candidate," expenses for a Governor's conference or an association's annual meeting are not attributable to the ceiling of 18 U.S.C. § 608(e) [See, in general AO 1975-14, The FEDERAL REGISTER, 40 FR 34084]. Similarly, unless ticket money from inaugural balls held for State or Federal officials is contributed to or expended on behalf of a Federal candidate or the candidate's committees, the purchase of tickets for inaugural balls is not subject to limitations by the Act.

6. Small gifts

Sixth, C-TAPE requests whether "the purchase of small Christmas or birthday gifts... i.e. cheese (\$5-\$25)" to Federal candidates or officeholders must be considered "in-kind" contributions, and applied toward the \$1,000 or \$5,000 contribution limitation, 18 U.S.C. § 608(b) (1)-(2). It is the opinion of the Commission that such small "bona fide" gifts are not "in-kind" contributions. Unlike earmarked monies to a principal campaign committee or to a Federal office account, a gift of dairy products is not directed by the donor for use in "political activities." [See AO 1975-14, The FEDERAL REGISTER, 40 FR 34084]. The Commission's opinion on this point is influenced by the minimal value of C-TAPE's suggested gifts.

The Commission notes that, at best, such gifts stand at the periphery of that area of activity which led the Congress to enact 18 U.S.C. § 203, over which the Commission has no jurisdiction.

7. Honorariums

Finally, C-TAPE requests a decision as to the status of honorariums paid to Federal public officeholders for appearances before dairy farm organizations. A Federal officeholder may not accept an honorarium of more than \$1,000 for any one appearance, speech or article, or accept honorariums aggregating more than \$15,000 in any calendar year, 18 U.S.C. § 616. If a Federal official is, under the Act, a candidate for Federal office at the time that he makes an appearance or speech before a substantial number of people within his electorate, any honorarium given for these actions shall be treated as a contribution subject to the mission ruled in AO 1975-8 that "... an individual (including an officeholder) becomes a candidate for Federal office, all speeches made before substantial numbers of people, comprising a part of the electorate with respect to which the individual is a Federal candidate, are presumably for the purpose of enhancing the candidacy." 46 FR at 36747. A public appearance of a candidate before a substantial audience, whose members "could be influenced to take affirmative action in support of his candidacy as a result of that appearance," is made, in the Commission's view, for the purpose of influencing a Federal election. [See AO

1975-13, The FEDERAL REGISTER, 40 FR 36747.] Any payment by a political committee to a candidate for Federal office in connection with such an appearance must accordingly be treated as an attributable contribution.

It is to be particularly noted that "contributions" and "expenditures" by national banks, corporations or labor unions are separately defined in 18 U.S.C. § 610; the Commission's determinations respecting the attribution of contribution and expenditure limits to C-TAPE's activity as defined in 18 U.S.C. § 591 should not be read to control the application of 18 U.S.C. § 610 to similar activity.

This advisory opinion is issued on an interim basis only pending promulgation by the Commission of rules and regulations or policy statements of general applicability.

Dated: September 25, 1975.

THOMAS B. CURTIS,
Chairman for the
Federal Election Commission.

[FR Doc. 75-26071 Filed 9-30-75; 8:45 am]

[Notice 1975-55, AOR 1975-43 and
1975-73—1975-78]

ADVISORY OPINION REQUESTS Federal Election Campaign Act

In accordance with the procedures set forth in the Commission's Notice 1975-4, published on June 24, 1975 (40 FR 26660), Advisory Opinions Requests 1975-43 and 1975-73 through 1975-78 are published today. Some of the Requests consist of similar inquiries from several sources which have been consolidated in cases where appropriate.

Interested persons wishing to comment on the subject matter of any Advisory Opinion Request may submit written views with respect to such requests within 10 calendar days of the date of the publication of the request in the FEDERAL REGISTER. Such submission should be sent to the Federal Election Commission, Office of General Counsel, Advisory Opinion Section, 1325 K Street, NW., Washington, D.C. 20463. Persons requiring additional time in which to respond to any Advisory Opinion Request will normally be granted such time upon written request to the Commission. All timely comments received by the Commission will be considered by the Commission before it issues an advisory opinion. The Commission recommends that comments on pending Advisory Opinion Requests refer to the specific AOR number of the Request commented upon, and that statutory references be to the United States Code citations, rather than to the Public Law Citations.

AOR 1975-43: Establishment by Corporation of Voluntary Employee Political Donation Program (Request Edited by the Commission).

Note: The following supplements the original request AOR 1975-43 published on September 3, 1975, at 40 FR 40676.

Gentlemen:

[This letter explains the distinction between the TRW Good Government Program and the TRW Good Government Fund. The "Fund" is but one aspect of our "Program" and was the aspect which registered with the Commission on August 7, 1975. By this letter we are also supplementing our original request for an advisory opinion.]

The TRW Good Government Program

TRW uses the phrase "Good Government Program" to include all activity on the part of TRW to encourage our employees to participate in the political process including visits by candidates to our plants, discussion of the issues by the employees, the urging of all employees to vote and the encouragement of employees to financially support the candidate or committee of their choice by direct contributions or by designated contributions through payroll deduction. The employee designates the recipient of his financial support and the amount to TRW and TRW simply withholds the amount and forwards it to the designated recipient on behalf of the employee. * * *

TRW Good Government Fund

The TRW Good Government Fund is one aspect of the TRW Good Government Program involving a separate segregated fund to which employees may contribute but allowing a committee of TRW employees to use their discretion as to which candidates or parties should be supported. Obviously, the TRW Good Government Fund is a "political committee" under the new law and therefore, the registration * * * was filed.

Our request for advice involved only the designated portion of our program. * * * [We would like to supplement our request for advice by this letter of clarification and, in addition, would like to formally request advice from the FEC on the following points:

- (1) Is there any registration requirement for the designated portion of our program and, if so, precisely what form of registration would be called for?
- (2) At what intervals must the money withheld from the employees be distributed to the designated recipients? * * *

WILLIAM A. HANCOCK,
Senior Counsel.

Source: William A. Hancock, Senior Counsel, TRW, Inc., 23555 Euclid Avenue, Cleveland, Ohio 44117 (September 8, 1975).

AOR 1975-73: A. Senior Citizens Conference—Contributions by Companies; Expenses paid from Member's Stationery Account; Use of Room owned by Chamber of Commerce. B. Travel to Members District—Expenses Paid by Sponsoring Civic Group or from Member's Stationery Account. (Request Edited and Paraphrased by the Commission)

A. On the understanding that * * * questions concerning the proposed cam-

paigned laws may be resolved via an advisory opinion from the Commission, I herewith submit the following inquiry for an opinion from the Commission.

Every summer since coming to Congress, I have held a Senior Citizens Conference for the elderly in my district. This Conference has many facets which cause me to question how the Commission would rule should proposed Federal Election Commission rules [Notice 1975-13, "Office Accounts and Franking Accounts"; Excess Campaign Contributions", 40 FR 32951, August 5, 1975] go into effect.

The Conference is held to aid the elderly with their problems dealing with the Federal government. For each Conference I have had on hand representatives from agencies like Social Security, Veterans Service Office, social services, city and county fire departments and police departments, city and county officials, and the State Office on Aging to answer the often perplexing questions the elderly may have.

What worries me, however, are the underlying foundations on which the Conference is supported. I refer to the contributions of refreshments, mailings (about the Conference), decorations, and door prizes by local companies. The latter items not only enhance the Conference's drawing power, but set an informal atmosphere in which the senior citizens may feel comfortable to ask questions which they normally may not ask. [How would the Senior Citizens Conference be treated under the proposed regulation, i.e. is it "political" or "legislative"? What effect does such a determination have upon: (1) the contributions by the companies, and (2) the attendance of the various Federal, State, and local officials?]

*** [S]hould the Conference be viewed as a campaign event, I would like to be advised on the legality of using my stationary account, an account that is allotted to me by law to use at my discretion, to help finance the Conference.

Also, please advise me as to *** [my use of] a room for the Conference owned by a non-profit corporation (Chamber of Commerce).

B. ***

As you know, a Member of Congress is entitled to a certain number of trips to and from the district. The trips are paid out of the money allotted by law. Should a civic group in my district ask me to address them, how would the Commission rule if the travel expenses were paid for (a) by the sponsoring civic group? or (b) from my stationary account (after exhausting my Congressionally allotted trips)?

JAMES G. MARTIN,
Member of Congress.

Source: Honorable James G. Martin, U.S. House of Representatives, 115 Cannon House Office Building, Washington, D.C. 20515 (September 10, 1975).

AOR 1975-74: Contributions by Individuals to National Political Parties in Non-election Years (Request Edited by the Commission).

*** [on behalf] of the Republican National Committee, we *** [request advisory opinions] regarding several interpretations of the law ***.

1. *Question*—If a contributor gives \$25,000 to the National Committee of a major political party in 1975, does this \$25,000 apply or in any way count against what the contributor may give to the same National Committee and/or any Federal candidate in 1976?

2. *Question*—if a contributor to the National Committee of a major political party makes a contribution which is not earmarked to the National Committee in 1975 and that National Committee contributes some money to the principal campaign Committee of a Federal candidate in 1976, is the contributor in violation of the law if he contributes to that same candidate in 1976? Assume that the aggregate of these contributions is something in excess of \$1,000.

3. *Question*—if a contributor gives \$1,000 in 1975 to a Federal candidate for his 1976 primary, if the candidate does not win the primary, is the \$1,000 contribution counted against the contributor's over-all \$25,000 in 1976?

EDMUND E. PENDLETON,
FOR WILLIAM C. CRAMER,
Counsel to the Republican National
Committee.

Source: Republican National Committee, by Counsel, William C. Cramer, Cramer, Haber & Becker, 475 L'Enfant Plaza, SW., Suite 4100, (August 14, 1975).

AOR 1975-75: Contributions by the Legislative Interest Committee of Illinois Dentists to a Federal Candidate or to a Political Committee (Request Edited by the Commission).

DEAR MR. CHAIRMAN: Recently the Commission issued an opinion, AO 1975-16, pertaining to contributions from an incorporated membership organization. The opinion stated, "If a non-profit organization is created expressly and exclusively to engage in political activities, however, and has incorporated for liability purposes only, the general prohibitions in Section 610 will not apply."

There is a non-profit organization of dentists incorporated under the law of the State of Illinois known as the Legislative Interest Committee of Illinois Dentists or LICID.

Article II of its Constitution states it shall be a corporation not for profit.

Article III lists its objectives as follows: The objective of this organization shall be to promote and further the interests of the public and dental profession in matters of legislation and administrative regulations, to develop among the public and the dental profession an awareness of political issues

which relate to public health and welfare, and to disseminate dental health information to the public.

Article V states membership shall be comprised of any dentist licensed to practice his profession in the state of Illinois and who makes payment of dues... etc.

LICID was organized by the Illinois State Dental Society about fifteen years ago. Its only function was and is to support candidates to the Illinois legislature. It does not get involved in legislative issues as this item is handled by the state dental society. It does not disseminate information on dental health. This also is handled by the state dental society.

Our question is twofold: can such an incorporated organization contribute to the support of a federal candidate? Can we as an unincorporated organization that supports candidates for federal office accept contributions from such an incorporated organization?

EDWARD M. DONELAN.

Source: Edward M. Donelan, Executive Secretary, American Dental Political Action Committee, Suite 1006, 1101 17th Street, NW., Washington, D.C. 20036 (September 10, 1975).

AOR 1975-76: Use of Opinion Poll Results by Candidates (Request Edited by the Commission).

DEAR MR. CURTIS: This is an Advisory Opinion Request.

Suppose a multi-candidate political committee, not authorized by any candidate, contracts with a public opinion polling firm to make a national sampling of voter opinion on political issues and potential policy proposals which might be advanced by candidates for Federal office. Then, suppose the committee decides to make copies of the poll results and give them to one or more selected candidates. Is this treated as an in-kind contribution? If it is treated as an in-kind contribution, what value, above the cost of copying the poll, should be placed on the transmittal of the poll results? Assuming the cost of the poll to be \$20,000, how should the following cases be treated?

Case 1. The Committee decides on June 1, 1976 to give copies of the Poll to four Federal candidates. Should the Committee report \$5,000 of in-kind contributions to each candidate?

Case 2. Three months after Case 1, on September 1, 1976, the Committee decides to give copies of the same poll to four other selected Federal candidates. How should the committee report these acts?

Case 3. Suppose that, instead of giving the results to many candidates, the Committee decides June 1, it wants to give the results only to one Federal candidate. Would giving the candidate a copy of the poll exceed the \$5,000 maximum allowed contribution to candidates for Federal office?

Case 4. The Committee decides to give the poll results to four Federal candidates and one gubernatorial candidate. Does giving the poll results to non-Fed-

eral candidates affect how the committee must report its giving of the poll results to Federal candidates?

Polls are often taken by multi-candidate committees for individual Congressional Districts. Suppose a committee contracts with a polling firm to run a \$10,000 poll covering candidate preference and in a given Congressional District. How should the following cases be treated?

Case 5. The poll is taken before any candidate has declared. The Committee, partly on the basis of the poll results, decides to support a person who subsequently declares his candidacy. Would giving the poll to their chosen candidate exceed the \$5,000 contribution limit? Should the fact that the poll had value to the Committee in its internal decision-making process affect the evaluation of the in-kind contribution?

Case 6. The poll is taken before any candidate has declared. The committee decides to give copies of the poll to three of the six candidates who, subsequently, file in the Congressional race. How should the committee report these acts? Would it make any difference if one or more of the three candidates given the poll had been filed as a candidate before the poll was taken?

Case 7. The poll is taken after all six candidates have filed, and the information obtained by committee from the poll indicates that voters in the district strongly feel that previous experience in the armed services is desirable for a congressional candidate. Only one of the six candidates is a veteran. The committee decides to support the veteran. It gives him a \$1,000 contribution. But it mails each candidate a copy of the section of the public opinion poll which refers to the voters' strong preference for veterans. No other campaign finds this information useful, but the veteran, who had not previously planned to do so, works his military experience into his campaign media plans. How should the committee report these acts? What if the committee had not made the decision to support the veteran but still mailed all the poll results to all six candidates containing information which, in the event, was used only by the veteran?

Case 8. A Federal candidate has already spent all the money he is allowed to spend in a close two-man general election campaign. He is scheduled to participate in a major television debate with his opponent on the weekend before the election. Without informing the candidate in advance, the committee decides to mail the candidate at his home address a detailed synopsis of a \$3,000 political-issue voter survey. The candidate receives and opens the envelope and reads the useful poll results just before going to the TV station for the debate. Just by reading his mail, has the candidate accepted an in-kind contribution which puts him in violation of the spending limits? Or must multi-candidate committees (and individuals) not give political advice to a Federal candidate if having

the advice would put the candidate over the spending limits? * * *

MORTON C. BLACKWELL.

Source: Morton C. Blackwell, Chairman, Committee for Responsible Youth Politics, 3128 N. 17th Street, Arlington, Virginia 22201 (September 10, 1975).

AOR 1975-77: Whether Royalties Are Subject to Limitations on Acceptance of Excessive Honorariums (Request Edited by the Commission).

DEAR MR. CURTIS: In accordance with the new financial disclosure law (P.L. 93-443) I would like to request an advisory opinion with respect to Title 18 U.S.C. 616.

According to my understanding, the law places a \$1,000 limit in payment for speeches, articles and honorariums, not to exceed an aggregate sum of \$15,000 per year.

I would like your opinion on whether royalties from the publication of a book by a Congressman would fall under this statute of limitations.

J. BRIAN SMITH.

Source: Congressman John J. Rhodes by J. Brian Smith, Press Secretary, 2310 Rayburn House Office Bldg., Washington, D.C. 20515 (September 10, 1975).

AOR 1975-78: Fundraising Costs Exempt From Expenditure Limits (Request Edited by the Commission).

DEAR MR. CURTIS: I am writing to obtain the guidance of the Commission * * * [as to] what items of expense may properly be included as a cost "incurred by a candidate in connection with the solicitation of contributions by such candidate," in order that the expenditure not be counted toward the expenditure limits set in the law.

In the case of a fund-raising dinner, for example, would any or all of these items be includable as fund-raising costs:

- (1) Mailing costs for ticket solicitation.
- (2) Costs of printing tickets, invitations and solicitations.
- (3) Costs of lunches and transportation for volunteers working on the project.
- (4) Costs of food at the dinner.
- (5) Costs of beverages and favors furnished at the dinner.
- (6) Costs of associated expenses such as parking, entertainment, hall rental, honorarium for speaker, and costumes for attendants.

SPARK MATSUNAGA,
Member of Congress.

Source: Representative Spark Matsunaga, House of Representatives, 442 Cannon House Office Building, Washington, D.C. 20515 (September 10, 1975).

Dated: September 25, 1975.

THOMAS B. CURTIS,
Chairman for the
Federal Election Commission.

[FR Doc.75-26129 Filed 9-30-75;8:45 am]

[Notice 1975-54]

ADVISORY OPINION

Federal Election Campaign Act

The Federal Election Commission announces the publication today of Advisory Opinion 1975-22. The Commission's opinion is in response to questions raised by individuals holding Federal office, candidates for Federal office and political committees, with respect to whether any specific transaction or activity by such individual, candidate, or political committee would constitute a violation of the Federal Election Campaign Act of 1971, as amended, of Chapter 95 or Chapter 96 of Title 26 United States Code, or of sections 608, 610, 611, 613, 614, 615, 616, or 617 of Title 18 United States Code.

The Commission points out that these advisory opinions should be regarded as interim rulings which are subject to modification by future Commission regulations of general applicability. In the event that a holding in either opinion is altered by the Commission's regulations, the persons to whom the opinions were issued will be notified.

ADVISORY OPINION 1975-22

Transfer From Principal Campaign Committee to State Political Party: Expenditures on Behalf of a Candidate

This opinion is issued pursuant to 2 U.S.C. §437f in response to a request for an advisory opinion by Senator Strom Thurmond and published in the FEDERAL REGISTER of July 29, 1975 (40 FR 31879). Interested persons were given an opportunity to submit written comments pertaining to the request.

Senator Thurmond has requested a determination of the proper treatment of two factual situations under the Federal Election Campaign Act of 1971, as amended. The first situation is as follows:

1. The principal campaign committee of a candidate is the payee of a check. Upon receiving the check, the only action taken is an endorsement by the treasurer and immediate forwarding to a State committee of a political party. Does this constitute a receipt and expenditure by the principal campaign committee?

By endorsing the check, the treasurer of the principal campaign committee has exercised sufficient control over the check to amount to a receipt by that committee. In addition, all contributions received by the principal campaign committee must be deposited in the candidate's designated campaign depository. 2 U.S.C. 437b.

The principal campaign committee may transfer funds to a State political party by a check drawn on this account. Any such transfer, from one political committee to another, at least where the latter committee is a political committee under the Act, is an expenditure under 18 U.S.C. 591(f).

The second question the Senator raised is as follows:

2. If a person or political committee is specifically authorized to solicit and re-

ceive contributions, and specifically unauthorized to make expenditures, will the incidental expenditure of that person or committee be treated as expenditures by the candidate's principal campaign committee or as independent expenditures.

Under Title 18, a candidate may not authorize or request a person or political committee to undertake activity which necessarily includes the incurring of costs without authorizing the person or political committee to make the ordinary and necessary expenditures inherent in such activity. In this situation, the costs incurred in connection with a solici-

tion of funds for a candidate would be an expenditure within the meaning of 18 U.S.C. 591(f) (1), subject, however, to any exemption under 591(f) (4). An expenditure is made on behalf of a candidate if it is made by any person authorized or requested by the candidate, an authorized committee of the candidate, or an agent of the candidate, 18 U.S.C. 608(c) (2) (B) (ii). An expenditure made on behalf of a candidate is chargeable against the candidate's limitation in 18 U.S.C. 608(c) (1). If a person or political committee solicits contributions for a candidate without being authorized or requested by the candidate, an authorized

committee of the candidate, or an agent of the candidate, then the costs incurred would be an independent expenditure and subject to the limitation of 18 U.S.C. 608(e).

This advisory opinion is issued on an interim basis only pending promulgation by the Commission of rules and regulations or policy statements of general applicability.

Dated September 25, 1975.

THOMAS B. CURTIS,
Chairman for the
Federal Election Commission.

[FR Doc.75-26130 Filed 9-30-75;8:45 am]

FEDERAL ELECTION COMMISSION

[11 CFR Part 107]

[Notice 1975-56]

ALLOCATION OF CAMPAIGN EXPENDITURES AND CONTRIBUTIONS; IMPLEMENTATION OF FEDERAL ELECTION CAMPAIGN ACT

Advance Notice of Proposed Rulemaking

The Federal Election Commission (FEC) was established by the Federal Election Campaign Act Amendments of 1974 (Pub. L. 93-443, 2 U.S.C. 431 et seq.). The FEC is responsible for the administration of, for obtaining compliance with, and for formulating policy with respect to the Federal Election Campaign Act of 1971, as amended (the Act), and sections 608, 610, 611, 613, 614, 615, 616, and 617 of Title 18, United States Code (the Act and these sections are collectively referred to herein as the "Statutory Provisions"). Pursuant to these responsibilities, the FEC is preparing regulations to implement certain of the Statutory Provisions; the FEC proposes to make rules with respect to some or all of the allocation situations set forth herein below. Such regulations will be designed to insure that all persons and organizations subject to the Statutory Provisions are equally treated, and that the public interest requiring a clear development of constitutional safeguards is served. In addition, such regulations will be designed to be reasonable and practical, so that they may be understood and effectively used by the public and those who are subject to them.

Any interested person or organization is invited to submit written comments to the FEC concerning any part of this notice. The facts, opinions, and recommendations presented in writing, in response to this notice will be considered in drafting regulations related to the Statutory Provisions.

Set forth below is a general description of the subjects and issues concerning allocation that the FEC believes require the most immediate attention:

GENERAL ALLOCATION SITUATIONS

A. The Commission seeks guidance and comments on the allocation or attribution of contributions and expenditures made with the intent or effect of influencing the campaign of one or more candidates for federal office. Specifically, the Commission is concerned with the appropriate allocation of contributions and expenditures:

1. By a single candidate who engages in campaign activity in the course of other business or personal activities;
2. By one candidate campaigning on behalf of another, or among two or more candidates campaigning together;
3. Between a political party committee and the candidate(s) it supports;
4. By a non-party political committee among the candidate(s) it supports;
5. By other "persons" on behalf of candidate(s).

CONSIDERATIONS IN ALLOCATION

B. The Commission solicits public comment on the development of basic

principles and policy guidelines for the allocation of contributions and expenditures by, between and among candidates and committees. For example:

1. Should the Commission seek to promulgate rules that permit reasonable estimated allocations to be determined by candidates and committees themselves, recognizing that this may risk inequities and difficulties in enforcement; or should the rules be specific, thereby giving candidates and committees greater guidance?

2. Should the rules establish a single strict formula (such as an allocation of contributions and/or expenditures equally among candidates benefitted) or should a more detailed and specific formula or formulas be established by the Commission? This involves the same question of possible inequities and enforcement difficulties vs. more complex rules as in #1 above.

3. Should enforcement of allocation rules and/or formulas rely on self-policing or on Commission enforcement and compliance actions?

4. Should party and non-party political committees be treated the same or differently?

EXAMPLES OF ALLOCATION QUESTIONS

C. The Commission invites public comment on the following questions as illustrative of those to which general principles and specific regulations would apply:

1. Allocation of activities of a single candidate:

a. Incumbent President: How should the political travel, appearance and fund-raising expenses of an incumbent President be allocated or attributed? For security reasons, Presidents use special transportation such as Air Force One. For both safety and official government activities with those that are political or campaign-related in nature, to what extent should activities be classified as political expenditures and be attributable to expenditure limitations?

b. Non-incumbent candidate for President: Are all travel expenses by a non-incumbent candidate for President chargeable to the candidate's expenditure limitation?

c. Expenses for incumbent Members of Congress: Members of Congress are allowed a specified number of trips to their State or Districts at Government expense. Are all trips above this allotment a "political expenditure"? Are such "official business" trips campaign expenditures if political appearances are made?

d. Travel expenses for non-incumbent candidates for Congress: How should such trips be treated?

e. Expenses between private personal expenses and campaign expenditures? A candidate incurs both normal and extraordinary travel and living expenses while campaigning. To what extent are such activities campaign expenditures?

f. Of fundraising expenses for Presidential candidates? Should fundraising expenses for Presidential candidates be allocated on a state-by-state basis?

g. Of expenditures made jointly by or on behalf of both State or local and Federal candidates?

h. Of contributions and expenditures between primary and general elections?

1. Of expenditures made in two or more States?

2. Allocation among two or more candidates:

a. Of travel expenses for candidates campaigning on behalf of other candidates: Should such costs be charged to the appropriate limits of candidates, a portion to each candidate, or to neither candidate?

b. Of expenditures made jointly by two or more Federal candidates on their own behalf?

3. Allocation between party-related organizations and candidate:

a. Of National Party expenditures for headquarters, benefitting Presidential candidate, and other Federal, state, and local candidates?

b. Of expenditures for partisan registration and get-out-the-vote activities which benefit, directly or indirectly, candidates for Federal office?

c. Of expenses for mass mailings, phone banks and other similar activities by multi-candidate and political party committees on behalf of two or more Federal candidates?

d. Of goods and services provided by the Senate Recording Studio, House Recording Studio, Republican or Democratic Senatorial Campaign Committee, the Democratic National Congressional Committee or National Republican Congressional Committee to Members of Congress or candidates for Federal office?

e. Of paid workers, headquarters and other goods and services provided by political parties to all candidates on the Party ticket.

f. Of day-to-day administrative and general overhead expenses of political party committees?

4. Allocation by committees other than party committees among candidates:

a. Of consulting, polling, photographic and recording services and other similar services provided on a pooled basis by multi-candidate and political party committees to two or more Federal candidates?

b. Of fundraising expenses by multi-candidate committees made directly or indirectly, on behalf of identifiable candidates for Federal office?

5. By other "persons":

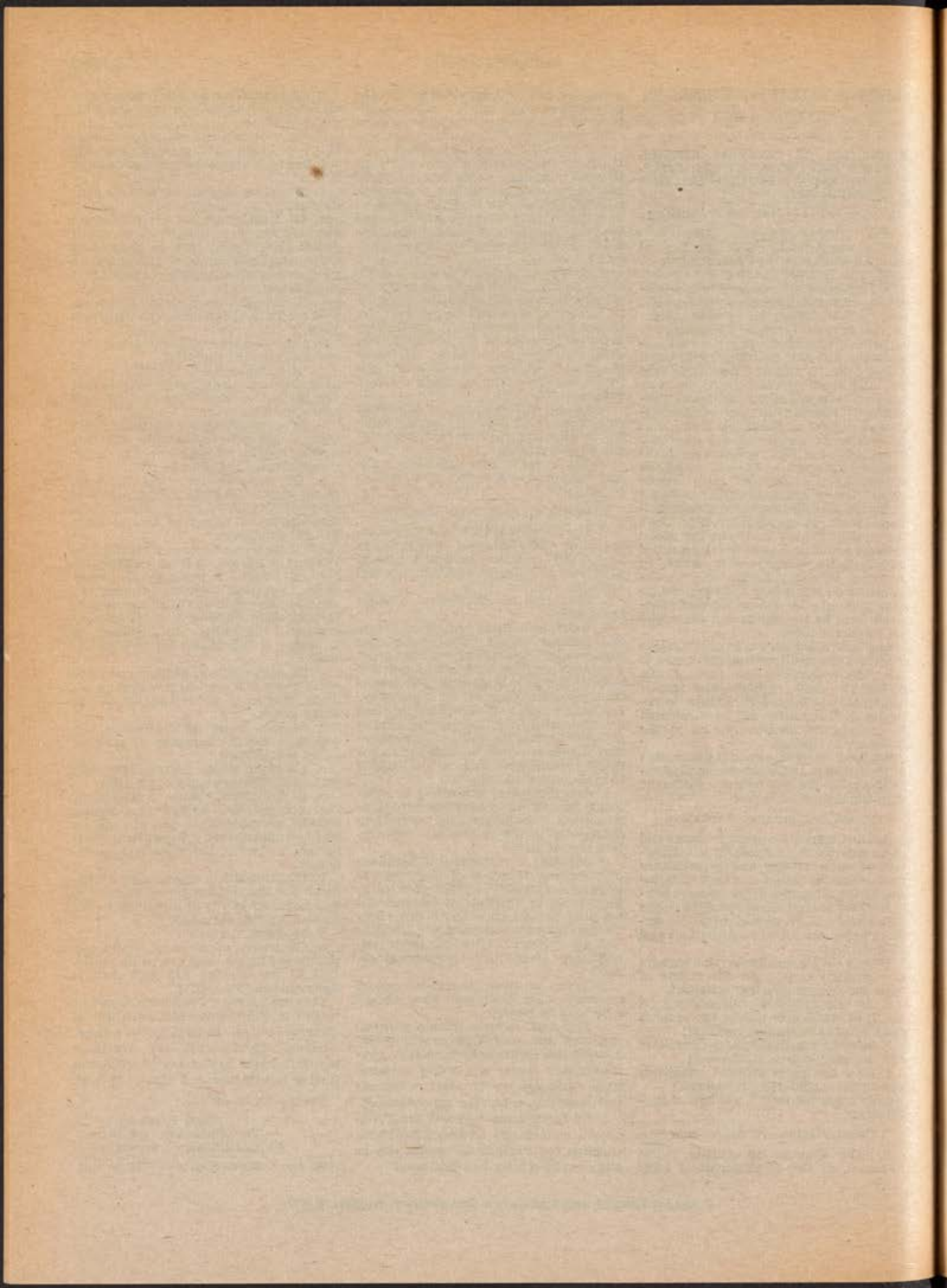
a. Of travel expenses of nationally prominent figures who campaign on behalf of candidates? Are such outlays contributions "in-kind"?

Comment Period. Comments should be mailed to Rulemaking Section, Office of General Counsel, Federal Election Commission, 1325 K Street, NW., Washington, D.C. 20463 by October 14, 1975. For further information call (202) 382-5162.

SEPTEMBER 26, 1975.

NEIL STAEBLER,
Vice Chairman, for the
Federal Election Commission.

[FR Doc.75-26295 Filed 9-30-75;8:45 am]



federal register

WEDNESDAY, OCTOBER 1, 1975



PART III:

PRIVACY ACT OF
1974



VARIOUS AGENCIES

Title 45—Public Welfare
CHAPTER X—COMMUNITY SERVICES
ADMINISTRATION
PART 1006—PRIVACY ACT
REGULATIONS

On August 27, 1975 there was published in the FEDERAL REGISTER (40 F.R. 38165) a notice of proposed rulemaking adding a new Part 1006 to Title 45 of the Code of Federal Regulations. This proposed new Part would promulgate the Community Services Administration's regulations for implementation of the Privacy Act of 1974, Public Law 93-579.

No comments on the proposed regulations were received. Aside from a few minor corrections, two changes have been made: first, at the end of § 1006.6 (d), the words, "and will be destroyed when it has been answered" have been deleted as this information must be retained in order to comply with the accounting provisions of 5 U.S.C. 552a(c); second, in § 1006.11(c) (1) \$2.00 has been changed to \$5.00, thus allowing a requester to receive up to \$5.00 of copying services without charge. Accordingly, with these changes, the proposed CSA Privacy Act Regulations are adopted as set forth below.

Sec.	
1006.1	Purpose and scope.
1006.2	Definitions.
1006.3	Procedures for requests pertaining to individual records in a records system.
1006.4	Times, places, and requirements for identification of individuals making requests.
1006.5	Disclosure of requested information to individuals.
1006.6	Special procedures; medical records.
1006.7	Request for correction or amendment to record.
1006.8	Agency review of request for correction or amendment of record.
1006.9	Appeal of initial adverse agency determination on correction or amendment.
1006.10	Disclosure of record to person other than the individual to whom it pertains.
1006.11	Fees.
1006.12	Penalties.
1006.13	General exemptions.
1006.14	Specific exemptions.
Appendix A	Addresses of Privacy Act Officer and Privacy Act Reviewing Officers.
Appendix B	Systems of Records Notified by Other Agencies and Applicable to CSA.

AUTHORITY: 5 U.S.C. 552a.

§ 1006.1 Purpose and scope.

(a) The purpose of this part is to establish policies and procedures for implementing the Privacy Act of 1974 (Pub. L. 93-579), particularly 5 U.S.C. 552a as added by the Act. The main objectives are to facilitate full exercise of rights conferred on individuals under the Act and to insure the protection of privacy as to individuals on whom CSA maintains records in systems of records under the Act. CSA accepts the responsibility to act promptly and in accordance with the Act

upon receipt of any inquiry, request or appeal from a citizen of the United States or an alien lawfully admitted for permanent residence into the United States. Further, CSA accepts the obligations to maintain only such information on individuals as is relevant and necessary to the performance of its lawful functions, to maintain that information with such accuracy, relevancy, timeliness and completeness as is reasonably necessary to assure fairness in determinations made by CSA about the individual, to obtain information from the individual to the extent practicable, and to take every reasonable step to protect that information from unwarranted disclosure. CSA will maintain no record describing how an individual exercise rights guaranteed by the First Amendment unless expressly authorized by statute or by the individual about whom the record is maintained, or unless pertinent to and within the scope of an authorized law enforcement activity.

(b) Matters outside the scope of this part include the following:

(1) Requests under the Freedom of Information Act (5 U.S.C. 552);

(2) Requests involving information pertaining to an individual which is in a record or file but not within the scope of a system of records notice published in the FEDERAL REGISTER.

§ 1006.2 Definitions.

(a) All terms used in this part which are defined in 5 U.S.C. 552a shall have the same meaning herein.

(b) As used in this part:

(1) The term "Act" means the Privacy Act of 1974, Pub. L. 93-579.

(2) The term "CSA" means the Community Services Administration, formerly Office of Economic Opportunity (OEO).

(3) The term "Privacy Act Officer" means the official who carries the responsibility for implementing and overseeing the Act in the Community Services Administration, making final determinations on appeals and preparing rules and notices for publication in the FEDERAL REGISTER and reports to Congress, OMB and the President.

(4) The term "Privacy Act Reviewing Officer" means the official designated at a specified CSA geographical location to oversee implementation of the Privacy Act within that designated area, to administer the records management program and related training program within his jurisdiction, to act as liaison between the Privacy Act Officer and System Managers, to assist local System Manager on Privacy Act access and amendment requests.

(5) The term "System Manager" means the official responsible for the operation, maintenance, accuracy, security, and use of a stated system of records and the individual who will receive and act upon requests to access, amend, annotate or copy an individual's record in that system.

(6) The term "inquiry" means either a communication asking for general information regarding the Act and/or

CSA regulations thereunder or a communication from an individual asking if CSA maintains any record in a system of records pertaining to him or her.

(7) The term "inquirer" means any individual directing an inquiry, as defined above, to CSA.

(8) The term "request" means any written communication seeking disclosure or correction and/or amendment of a record or a copy of a record under the provisions of the Act.

(9) The term "requester" means any individual submitting a request, as defined above, to CSA.

(10) The term "appeal" means a written communication asking CSA to review and reverse an initial denial of a request for correction or amendment of a record.

(11) The term "working days" means Monday through Friday, excepting Federal holidays.

§ 1006.3 Procedures for requests pertaining to individual records in a records system.

(a) Pursuant to 5 U.S.C. 552a (d) (1), any individual has the right to inquire concerning records pertaining to him and to request disclosure thereof without giving any justification for his inquiry or request. An individual may not request disclosure of records not pertaining to him under this Act (see § 1006.12 for penalties). CSA will respond to any inquiry or request concerning records maintained by CSA according to the procedures set out in this part.

(b) (1) An inquiry under the Privacy Act may be made either in person or by mail addressed to the appropriate system manager (see CSA notice of systems of records published in this issue) at 1200 19th Street, N.W., Washington, D.C. 20506, if the record is maintained in CSA Headquarters or to the appropriate system manager in the appropriate Regional Office, if the record is maintained in a Regional Office (see CSA notice of systems of records published in this issue). If the inquirer is unsure where the record is maintained, if he cannot locate the system manager, or if he believes CSA maintains a record pertaining to him, but does not know which system of records might contain it, he may seek assistance in person from any Privacy Act Reviewing Officer listed in Appendix A to this part, or he may write to Privacy Act Officer, Community Services Administration, 1200 19th Street, N.W., Washington, D.C. 20506. The offices of Privacy Act Reviewing Officers and System Managers in CSA Headquarters are open to the public 9:30 a.m. to 5:00 p.m. on working days; for the Regional Office see "Geographical Guidance for Accessing Systems of Records" published in the CSA Notice of Systems of Records.

(2) An inquiry submitted by mail should be identified prominently both on the envelope and within the text as a "Privacy Act Request."

(c) If an inquiry is for general information regarding the Act and CSA regulations thereunder, no particular information is required. If an inquiry asks that CSA determine whether it main-

tains a record pertaining to the inquirer, the following information should be submitted:

- (1) Name, address, telephone number (optional) and signature of the inquirer;
- (2) Name, address and telephone (optional) of the individual to whom the record pertains, if the inquirer is either the parent of a minor or the legal guardian of the individual to whom the record pertains, and a certified or authenticated copy of documents establishing parentage or guardianship;

(3) Whether the individual to whom the record pertains is a citizen of the United States or an alien lawfully admitted for permanent residence into the United States;

(4) Name of the system of records, as published in the FEDERAL REGISTER;

(5) Location of the system of records, published in the FEDERAL REGISTER;

(6) Such additional information as the inquirer believes might assist CSA in responding to the inquiry and in verifying identity (for example, date of birth, place of birth, names of parents, place of work, dates of employment, position title, etc.);

(d) (1) The effect of failure to provide the information listed in (c) (1)-(6) of this section may be to delay or prevent CSA's answering the inquiry.

(2) CSA reserves the right to require compliance with the procedures appearing at § 1006.4(b) or (c) where circumstances warrant.

(e) CSA will make every effort to answer each inquiry within 10 working days of its receipt. If this is not possible, CSA will send an acknowledgement to the inquirer, informing him of the status of the inquiry and asking for any further information needed in processing it. Absent unusual circumstances (as described in § 1006.5(b)(2)), all inquiries will be answered within 30 working days of their receipt.

§ 1006.4 Times, places, and requirements for identification of individuals making requests.

(a) Any individual may request access to records pertaining to him or her. The requester should make his request either by mail or in person to the appropriate system manager as provided in § 1006.3(b)(1)—see CSA notice of systems of records published in this issue—and if unable to ascertain the appropriate system manager, to the appropriate Privacy Act Reviewing Officer or to the Privacy Act Officer (see Appendix A).

(b) All requests submitted by mail must:

- (1) Be signed by the requester and include his address and (optional) his telephone number.
- (2) Be identified prominently both on the envelope and in the letter as "Privacy Act Request."

(3) Include a certificate of a notary public or equivalent official empowered to administer oaths substantially in accord with the following text:

City of _____ County of _____
 ss _____
 name of individual
 who affixed (his) (her) signature below in
 my presence, came before me, a _____
 title
 in and for the aforesaid County and State,
 this _____ day of _____, 19____, and estab-
 lished (his) (her) identity to my satisfaction.
 My commission expires _____

 signature

(4) A statement signed by the requester that "I _____ am aware that I am liable to criminal penalties under the Privacy Act, 5 U.S.C. 552a(i)(3) if I request a record under false pretenses."

(c) Each individual making a request in person will be required to:

(1) Sign and date a statement that "I _____ am requesting access to the following record(s) under the Privacy Act. I have read 5 U.S.C. 552a(i)(3), and I am aware that I am liable to criminal penalties thereunder if I request a record under false pretenses."

(2) Furnish a reasonable amount of personal identification equivalent to that normally required for such commercial transactions as the acceptance of a personal check—i.e. employment identification card, driver's license, credit cards.

(3) In the case of especially sensitive records, CSA may seek independent verification of a requester's identity by such means as telephone calls to his home or business address, personal identification by CSA employees, or other means which may seem appropriate.

(d) (1) The disclosure of the information listed in paragraphs (b) and (c) of this section is voluntary, the effects of not providing it may be to prevent or delay the processing of his request and the information furnished will be used only to process his request or to enforce the provisions of 5 U.S.C. 552a(i)(3)—see § 1006.12 and paragraphs (b) and (c) of this section.

(2) When requesting the information listed in paragraph (c), the system manager shall inform the requester of the matters stated in paragraph (d)(1) of this section.

(3) If a requester refuses to or is unable to comply with paragraph (b) or (c) of this section, CSA will consider alternative suggestions from the requester for establishing his identity. However, acceptance of such suggestions is at the discretion of CSA and failure to comply with paragraph (b) or (c) of this section may altogether prevent the processing of a request.

(e) An individual acting as the parent of a minor or the legal guardian of the individual to whom a record pertains shall establish his or her personal identity in the same manner prescribed in either § 1006.4 (b) or (c). In addition, such an individual shall establish his or her identity in the representative capacity of parent or legal guardian. In the case of a legal guardian of an individual who has been declared incompetent due to physical or mental incapacity or age

by a court of competent jurisdiction, the proof of identity shall be a certified or authenticated copy of the court's order. A parent or legal guardian may act only for a living individual, not for a decedent.

§ 1006.5 Disclosure of requested information to individuals.

(a) Within 10 working days of the receipt of a request by the appropriate system manager, he shall send the requester a written acknowledgement thereof, unless the request has been answered within this period. This acknowledgement shall include the date of his receipt thereof (which may be considerably delayed if a request by mail is not addressed and marked as required by § 1006.4(b) (1) and (2) or if the requester has been unable to identify the appropriate system manager) and shall inform the requester of any further information needed in the processing of the request. Pursuant to 5 U.S.C. 552a(e)(3), CSA shall inform the requester whether such information is required to process the request under the Privacy Act or if it would merely facilitate processing the request. CSA shall also inform him that disclosure thereof is voluntary, that there is no penalty for failure to respond, that the effects of not providing the information may be to prevent or delay the processing of his request, and that the information furnished will be used only to process his request or for enforcement of the provisions of 5 U.S.C. 552a(i)(3)—see § 1006.12.

(b) (1) CSA will attempt whenever possible to review and answer requests within 10 working days of their receipt by the appropriate system manager. Absent unusual circumstances (as described below), CSA will answer a request within 30 working days of the receipt thereof by the system manager, or within 20 working days of his receipt of the further information requested.

(2) "Unusual circumstances" shall include circumstances where a search for and collection of requested records from inactive storage, field facilities or other establishments is required, cases where a voluminous amount of data is involved, instances where information on other individuals must be separated or expunged from the particular record, and cases where consultation with other agencies having a substantial interest in the determination of the request is necessary.

(c) *Grant of access*—(1) *Notification.* An individual shall be granted access to a record pertaining to him or her, except where the provisions of paragraph (h) of this section apply. The Privacy Act Officer shall notify the individual of such determination and provide the following information:

(i) The methods of access, as set forth in paragraph (c)(2) of this section.

(ii) The place at which the record may be inspected.

(iii) The earliest date on which the record may be inspected and the period

of time that the records will remain available for inspection. In no event shall the earliest date be later than thirty days from the date of notification.

(iv) The estimated date by which a copy of the record could be mailed and the estimate of fees pursuant to § 1006.11 of this part. In no event shall the estimated date be later than thirty days from the date of notification.

(v) The fact that the individual, if he or she wishes, may be accompanied by another individual during personal access, subject to the procedures set forth in paragraph (g) of this section.

(vi) Any additional requirements needed to grant access to a specific record.

(2) *Methods of access.* The following methods of access to records by an individual may be available depending on the circumstances of a given situation:

(i) Inspection in person may be had in the office specified by the system manager granting access, during the hours indicated in § 1006.3(b)(1).

(ii) Transfer of records to a Federal facility more convenient to the individual may be arranged, but only if the system manager determines that a suitable facility is available, that the individual's access can be properly supervised at that facility, and that transmittal of the records to that facility will not unduly interfere with operations of CSA or involve unreasonable costs, in terms of both money and manpower.

(iii) Copies may be mailed at the request of the individual, subject to payment of the fees prescribed in section 1006.11 of this part. CSA, at its own initiative, may elect to provide a copy by mail, in which case no fee will be charged.

(d) Access to medical records is governed by the provisions of § 1006.6.

(e) CSA shall supply such other information and assistance at the time of access as to make the record intelligible to the individual.

(f) CSA reserves the right to limit access to copies and abstracts of original records, rather than the original records. This election would be appropriate, for example, when the record is in automated data media such as tape or disc, when the record contains information on other individuals, and when deletion of information is permissible under exemptions (for example, 5 U.S.C. 552a(k)(2)). In no event shall original records of CSA be made available to the individual except under the immediate supervision of the system manager or his designee. Title 18, United States Code, section 270

(a) makes it a crime to conceal, mutilate, obliterate, or destroy any record filed in a public office, or to attempt to do any of the foregoing.

(g) A requester may be accompanied by one other individual of his or her choice. The requester shall submit to the system manager a signed, dated authorization of the presence of the other individual, specifically naming the other individual and describing the record requested. The other individual shall also sign this authorization in the presence of

the system manager. A requester shall not be asked to give any reason for deciding to be accompanied by another individual during personal access to a record.

(h) A requester may be denied access to a record pertaining to him or her only upon a determination by a system manager that:

(1) The record is subject to an exemption under § 1006.13 or § 1006.14, including an exemption determined by another agency as discussed in § 1006.13 (b);

(2) The record is information compiled in reasonable anticipation of a civil action or proceeding;

(3) The requester has unreasonably failed to comply with the procedural requirements of this part.

(i) The system manager shall notify the requester in writing of denial of access to records and this notice shall include the following information:

(1) The system manager's name and title or position;

(2) The date of the denial;

(3) The reasons for the denial including appropriate citations to the Act and/or these regulations;

(4) The procedures for seeking further administrative review of the denial, including the name and identity of the responsible official.

(j) (1) For denials under paragraph (h) (1) of this section the sole procedure is petition for the issuance, amendment or repeal of a rule under 5 U.S.C. 553(e). If the exemption was determined by CSA, such petition shall be filed with the Director. If the exemption was determined by another agency, CSA will provide the requester with the name and address of that agency and any relief sought shall be under the regulations of that agency. Within CSA, no such denial shall be final until such a petition has been filed by the requester and disposed of on its merits by the Director of CSA.

(2) A requester may appeal a denial under paragraph (h) (2) or (3) of this section to the Privacy Act Officer, Community Services Administration, 1200 19th Street, N.W., Washington, D.C. 20506. The procedures of § 1006.9 shall be followed by both CSA and the requester as far as possible.

(k) If a request is partially granted and partially denied, the system manager shall follow the appropriate procedures of this section as to the records within the grant and those within the denial.

§ 1006.6 Special procedures: medical records.

(a) Whenever a requester seeks access to his medical records the system manager will ask the requester for:

(1) The name and address of his physician or psychologist;

(2) Specific, written consent for CSA to consult this physician or psychologist if CSA believes such consultation advisable;

(3) Specific, written consent for CSA to provide these records to this physician or psychologist if CSA believes the re-

quester's access thereto should be effected under the guidance of his physician or psychologist.

(b) The system manager will concurrently forward the requester's medical record to a CSA medical officer for review and a determination whether consultation with and/or transmittal of this record to the requester's physician or psychologist is indicated. If the medical officer finds either or both of these procedures to be indicated, he shall proceed accordingly. In any event, the medical officer shall inform the system manager regarding the recommended conditions for the requester's access to his or her medical records.

(c) If the requester refuses to give any or all of the information sought under section (a) (1) or refuses the consents sought under (a) (2) and (a) (3) and the CSA medical officer has found that disclosure without safeguards would be likely to have an adverse effect on him or her, CSA will refuse the requester access to the record, following the procedures of § 1006.5 (1).

(d) When asking for the information and consents listed in section (a) the system manager shall inform the requester that response is purely voluntary, that there is no penalty for refusal to respond, that the effects of not responding or of a partial response may be as stated in section (c), and that the information and consents given will be used only to process the request and will be destroyed when it has been answered.

§ 1006.7 Request for correction or amendment to record.

(a) Pursuant to 5 U.S.C. 552a(d)(2) any individual has the right to request a correction or amendment of a record or records pertaining to him, including the deletion of material or the inclusion of additional material therein. An individual may not seek amendment of records not pertaining to him under this Act (see § 1006.12 for penalties). CSA will respond to any request for such records maintained by CSA according to the procedures set out in this part, except that requests for amendment of records originating in another agency will be referred to that agency within ten working days and notice of such referral will be sent to the requester.

(b) All requests for correction or amendment of records must:

(1) Be submitted in writing, be signed by the requester, and include his address and (optional) his telephone number;

(2) Specify the record(s) and system(s) of records involved (e.g. description, title, date and portion of record to be corrected or amended);

(3) Specify the exact changes requested indicating specific deletions, substitutions, and additions (submission of an edited copy of the record(s) showing all changes requested is desirable as it would facilitate consideration of the request and prevent misunderstanding of the changes requested).

(4) State that the request is made pursuant to the Privacy Act—for re-

quests by mail, the letter should be identified prominently both on the envelope and within the text as a "Privacy Act Request."

(5) Be addressed or presented in person to the appropriate system manager as provided for inquiries in § 1006.3 (b) (1) (see CSA notice of systems of records published in this issue for appropriate system manager).

(6) Include a statement of the basis for the requested correction or amendment, with all supporting documents and materials the requester believes relevant; this statement should, at a minimum, identify the standard(s) under the Act which the requester wishes to invoke—i.e. whether the information in the record is unnecessary, irrelevant, inaccurate, or incomplete (see 5 U.S.C. 552a(e) (5)).

(c) Special identification requirements:

Normally a request for correction or amendment of a record will have been preceded by a request for disclosure of this record under § 1006.4. If the requester has already identified himself, no proof of his identity other than his signature (see § 1006.7(b) (1)) will normally be required. In the event that CSA is not satisfied as to the requester's identity, the requester may be required to comply with the requirements for identification set forth in § 1006.4(b). In such cases, CSA will notify the requester within 10 days of the identification required and will proceed with the processing of his request, but will not comply with or deny the request until requester furnishes the required identification.

§ 1006.8 Agency review of request for correction or amendment of record.

(a) Within 10 working days from the receipt of a request by the appropriate system manager, he shall send the requester a written acknowledgement of the receipt thereof, unless the request has been answered within this period. This acknowledgement shall follow the format indicated in § 1006.5(a).

(b) (1) CSA will attempt whenever possible to review and answer requests within 10 working days of their receipt by the appropriate system manager. Absent unusual circumstances (as described in § 1006.5(b) (2)), CSA will answer a request within 30 days of the receipt thereof by the system manager, or within 20 working days of his receipt of the further information requested.

(2) If owing to unusual circumstances, CSA cannot make a determination within these time limits, the requester will be advised in writing of the reason therefor and the estimated date by which the response will be made.

(c) In its response, CSA will either:

(1) Make the requested correction or amendment and advise the individual in writing of such action, providing either a copy of the corrected or amended record or a statement as to the means whereby the correction or amendment was effected in cases where a copy cannot be provided (for example, erasure of

information from a record maintained only in an electronic data bank); or

(2) Inform the individual in writing that his or her request is denied and provide the following information:

(i) The system manager's name and title and position;

(ii) The date of the denial;

(iii) The reasons for the denial, including citation to the appropriate sections of the Act and this part; and

(iv) The procedures for appeal of the denial as set forth in § 1006.9 including the name and address of the Privacy Act Officer.

(d) Whenever an individual's record is corrected or amended pursuant to a request by that individual, the system manager shall see to the notification of all persons and agencies to which the corrected or amended position of the record has been disclosed prior to its correction or amendment, if an accounting of such disclosure required by the Act was made. The notification shall require a recipient agency maintaining the record to acknowledge receipt of the notification, to correct or amend the record, and to apprise any agency or person to which it had disclosed the record of the substance of the correction or amendment.

(e) The following criteria will be considered by the system manager in reviewing a request for correction or amendment:

(1) The sufficiency of the evidence submitted by the individual;

(2) The factual accuracy of the information;

(3) The relevance and necessity of the information in terms of purpose for which it was collected;

(4) The timeliness and currency of the information in light of the purpose for which it was collected;

(5) The completeness of the information in terms of the purpose for which it was collected;

(6) The degree of possibility that denial of the request could unfairly result in determinations adverse to the individual;

(7) The character of the record sought to be corrected or amended; and

(8) The propriety and feasibility of complying with the specific means of correction or amendment requested by the individual.

(f) CSA will not undertake to gather evidence for the individual, but does reserve the right to verify the evidence which the individual submits.

(g) Correction or amendment of a record requested by an individual will be denied only upon a determination by the system manager that:

(1) The individual has failed to establish, by a preponderance of the evidence, the propriety of the correction or amendment in light of the criteria set forth in paragraph (e) of this section;

(2) The record sought to be corrected or amended was compiled in a terminated judicial, quasi-judicial or quasi-legislative proceeding to which the individual was a party or participant;

(3) The information in the record sought to be corrected or amended, or the record sought to be amended, is the subject of a pending judicial, quasi-judicial or quasi-legislative proceeding to which the individual is a party or participant;

(4) The correction or amendment would violate a duly enacted statute or promulgated regulation; or

(5) The individual unreasonably has failed to comply with the procedural requirements of this part.

(h) If a request is partially granted and partially denied, the system manager shall follow the appropriate procedures of this section as to the records within the grant and the records within the denial.

§ 1006.9 Appeal of initial adverse agency determination on correction or amendment.

(a) When a request has been denied initially under § 1006.8 the requester may submit an appeal in writing to the Privacy Act Officer, Room 436, Community Services Administration, 1200 19th Street, N.W., Washington, D.C. 20506. Such an appeal shall be submitted in person or postmarked within 30 days of the denial, and an appeal by mail should be identified both on the envelope and within the text as a "Privacy Appeal".

(b) An appeal shall include a copy of the original request, the initial denial, and a statement of the reasons why the requester believes the initial denial to be in error. The Privacy Act Officer may seek additional information needed to assure that his final determination is fair and equitable; in such instances, the additional information shall be disclosed to the requester to the greatest extent possible and he shall be allowed an opportunity to comment thereon. No personal appearance or hearing will be allowed.

(c) The Privacy Act Officer shall determine the appeal and mail his determination in writing to the requester within 30 days of his receipt of the appeal, unless the Director of CSA extends this period for an additional 30 working days at the request of the Privacy Act Officer. The Director shall take such an extension only if he deems it necessary for a fair and equitable determination of the appeal and he shall notify the requester of the reasons for any such extension.

(d) If the appeal is determined in favor of the requester, the final determination shall include the specific corrections or amendments to be made and a copy thereof shall be transmitted promptly both to the individual and to the system manager who issued the initial denial. Upon receipt of such final determination, the system manager shall promptly take the actions set forth in § 1006.8 (b) (1) and (c).

(e) If the appeal is denied, the final determination shall be transmitted promptly to the individual and shall cite the reasons for the denial. The notice of final determination shall also include the following information:

(1) That the individual has a right to file a concise statement of reasons for

disagreeing with the final determination; the statement ordinarily should not exceed one page and CSA reserves the right to reject a statement of excessive length; such a statement shall be filed with the Privacy Act Officer, should identify the date of the final determination, and should be signed by the individual; the Privacy Act Officer shall acknowledge receipt of such statement and inform the individual of the date on which it was received.

(2) That any such disagreement statement filed by the individual will be noted in the disputed record and that a copy of the statement will be provided to persons and agencies to which the record is disclosed subsequent to the date of receipt of such statement.

(3) That CSA may append to any such disagreement statement filed by the individual, a copy of the final determination or summary thereof which also will be provided to persons and agencies to which the disagreement statement is disclosed.

(4) That the requester has a right to judicial review of the final determination under 5 U.S.C. 552a(g)(1)(A), as limited by U.S.C. 552a(g)(5).

(f) In making the final determination, the Privacy Act Officer shall employ the criteria set forth in § 1006.8(e) and shall deny an appeal only on the grounds set forth in § 1006.8(g).

(g) If an appeal is partially granted and partially denied, the Privacy Act Officer shall follow the appropriate procedures of this section as to the records within the grant and those within the denial.

(h) Although a copy of the final determination, or a summary thereof, will be treated as part of the individual's record for purposes of disclosure in instances where the individual has filed a disagreement statement, it will not be subject to correction or amendment by the individual.

§ 1006.10 Disclosure of record to person other than the individual to whom it pertains.

(a) CSA may disclose a record pertaining to an individual to a person other than the individual only in the following instances:

(1) Upon written request by the individual, including authorization under §§ 1006.5(g) and 1006.6;

(2) With the prior written consent of the individual;

(3) To a parent or legal guardian under 5 U.S.C. 552a(h);

(4) When required by the Act and not covered explicitly by the provisions of 5 U.S.C. 552a(b); and,

(5) When permitted under 5 U.S.C. 552a(b)(1) through (11), which read as follows:

(1) To those officers and employees of the agency which maintains the record who have a need for the record in the performance of their duties;

(2) Required under section 562 of this title;

(3) For a routine use as defined in subsection (a)(7) of this section;

(4) To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of title 13;

(5) To a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

(6) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

(7) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the agency which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought;

(8) To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual;

(9) To either House of Congress, or to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

(10) To the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

(11) Pursuant to the order of a court of competent jurisdiction.

(b) The situations referred to in paragraph (a)(4) of this section include the following:

(1) 5 U.S.C. 552a(c)(4) requires dissemination of a corrected or amended record or notation of a disagreement statement by CSA in certain circumstances;

(2) 5 U.S.C. 552a(d) requires disclosure of records to the individual to whom they pertain, upon request;

(3) 5 U.S.C. 552(g) authorizes civil action by an individual and requires disclosure by CSA to the court;

(4) Section 5(e)(2) of the Act authorizes release of any records or information by CSA to the Privacy Protection Study Commission upon request of the Chairman; and

(5) Section 6 of the Act authorizes the Office of Management and Budget to provide CSA with continuing oversight and assistance in implementation of the Act.

(c) The system manager shall keep an accounting of each disclosure by him of any record contained in a system of records in accordance with 5 U.S.C. 552a(c)(1) and (2). Except for a disclosure made under 5 U.S.C. 552a(b)(7), the system manager shall make such accounting available to any individual, insofar as it pertains to that individual, on request submitted in accordance with § 1006.4 of this part. The system manager shall make reasonable efforts to notify any individual when any record

in a system of records is disclosed to any person under compulsory legal process, promptly upon being informed that such process has become a matter of public record. He shall also transmit to the individual's last known address notification of any disclosure pursuant to a showing of compelling circumstances under 5 U.S.C. 552a(b)(8).

§ 1006.11 Fees.

(a) The only fees charged a requester under the provisions of this part shall be for copying records at his or her request.

(b)(1) The copying fees charged under the Privacy Act shall be:

(i) For duplication of paper documents up to 8" x 14" \$.10 per copy page.

(ii) For duplication of microfiche in 4 x 6 inch diazo film copies at 24 x reduction \$.10 per fiche.

(iii) For duplication of paper records from microfiche records \$.10 per page.

(iv) For computer records. In most instances records maintained in the computer data base are available also in printed form and the standard fee of \$.10 per copy page shall apply. However, a record must exist at the time of the request, and it is not required that a record be "created" or compiled from the data base for the purpose of furnishing information not already provided in existing records. A record that is maintained by computer is normally deemed to exist for this purpose only if retrievable in approximately the form desired, without reprogramming.

(2) When no specific fee has been established for a copying service, the Privacy Act Officer is authorized to establish an appropriate fee based on the direct costs of providing the service in question.

(3) Services performed that are not required under the Privacy Act, such as formal certification or authentication of records may be subject to charges under the Federal User Charge Statute (31 U.S.C. 483a) or other applicable statutes, depending on the services performed.

(c)(1) CSA will waive any copying fee totaling less than \$5.00 but contemporaneous requests shall be added together to determine the total fee.

(2) The Privacy Act Officer may, at his discretion, waive fees based on a petition for waiver by a requester stating that he or she is indigent and unable to pay said fees.

(3) It is the policy of CSA to provide the requester with one copy of each record corrected or amended pursuant to § 1006.8(c).

(4) As required by the United States Civil Service Commission, CSA will charge no fee for a single copy of a personnel record covered by the Commission's government-wide published notice of systems of records.

(d)(1) If a requester is requesting a copy of a record, the request should state that he will promptly pay all applicable fees. In his request he may either:

(i) Agree to pay all fees up to a specified limit; or

(ii) Indicate that he wishes to be advised of the estimated fees.

(2) If the requester elects alternative (ii) or if the estimated fees exceed the limit he has indicated, the request shall be processed as indicated in § 1006.5, but no copies shall be sent to the requester until he has been informed of the estimated fees and agreed to pay them, except that if their estimated amount is less than \$10.00, copies will be sent the requester without such notification unless he has specifically set a limit of less than \$10.00. Estimates of fees will be communicated to the requester as soon as possible so as to avoid delay in furnishing copies of records requested. If the requester is unwilling to pay the estimated fees, he may reduce the volume of copies requested so as to reduce the fee to an amount he is willing to pay.

(e) Full or partial payment of fees in advance may be required if the estimated fees are in excess of \$50.00, or if the requester is known to have failed to pay any previous fee due to CSA under either 45 CFR or 1005 or 1006.

(f) Remittances shall be in the form of a certified personal check or bank draft drawn on a bank in the United States or a postal money order. Remittances shall be made payable to the Community Services Administration and mailed to Privacy Act Officer, Community Services Administration, 1200 19th Street, N.W., Washington, D.C. 20506.

§ 1006.12 Penalties.

In 5 U.S.C. 552a(i) the Act established criminal penalties for certain actions in violation thereof. The provisions of 5 U.S.C. 522a(i) (3) concern the actions of requesters; the section reads thus:

Any person who knowingly and willfully requests or obtains any record concerning an individual from an agency under false pretenses shall be guilty of a misdemeanor and fined not more than \$5000.

§ 1006.13 General Exemptions.

(a) CSA does not assert any general exemptions under 5 U.S.C. 552a(j).

(b) Individuals may not have access to records maintained by CSA but originating with another agency which has determined by regulation that such information is subject to a general exemption under 5 U.S.C. 552a(j). If such records are within a request for access, CSA

will advise the requester of their existence and of the name and address of the source agency which the requester must contact for any further information.

§ 1006.14 Specific Exemptions.

Under the authority granted him by 5 U.S.C. 552a(k) (2), the Director of CSA hereby exempts the system entitled "Inspection Reports on Grantees, Contractors, and CSA employees" from the provisions of 5 U.S.C. 552a(c) (3), (d), (e) (1), (e) (4), (G), (H), and (I) and (f). The reasons for asserting this exemption are to maintain the ability to obtain necessary information, to prevent subjects of investigation from frustrating the progress of the investigation or of subsequent law enforcement activities, to avoid revelation of the identities of persons who have furnished or will furnish information to CSA in confidence, and to ensure the safety of these sources and of personnel engaged in investigations conducted for law enforcement purposes.

APPENDIX A

There is one Privacy Act Officer for CSA. Inquiries or requests whether by mail or in person should be directed to: Privacy Act Officer, Room 436, 1200 19th Street, N.W., Washington, D.C. 20506. Inquiries should only be directed to the Privacy Act Officer if the individual cannot ascertain the appropriate Privacy Act Reviewing Officer for the inquiry.

There are eight CSA Headquarters Offices each of which has a Privacy Act Reviewing Officer. Inquiries or requests whether in person or by mail should be directed to the Privacy Act Reviewing Officer of the appro-

priate office in CSA Headquarters, e.g., Privacy Act Reviewing Officer, Community Services Administration, Office of Economic Development, 1200 19th Street, N.W., Washington, D.C. 20506. The eight offices are:

- Office of Administration
- Office of Civil Rights
- Office of Congressional Affairs
- Office of the Controller
- Office of Economic Development
- Office of General Counsel
- Office of Program Management
- Office of Public Affairs

There are 10 CSA Regional Offices each of which has a Privacy Act Reviewing Officer. Inquiries or requests whether in person or by mail should be directed to the Privacy Act Reviewing Officer at the appropriate Regional Office, e.g. Privacy Act Reviewing Officer, Community Services Administration, Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

- The 10 Regional Offices are:
- Region I—John F. Kennedy Federal Building, Boston, Massachusetts 02203.
 - Region II—26 Federal Plaza, 32nd Floor, New York, New York 10007.
 - Region III—Gateway Building, 3535 Market Street, Philadelphia, Penn. 19104.
 - Region IV—730 Peachtree Street, N.E., Atlanta, Georgia 30308.
 - Region V—300 South Wacker Drive, 24th Floor, Chicago, Illinois 60606.
 - Region VI—1200 Main Street, Dallas, Texas 75202.
 - Region VII—911 Walnut Street, Kansas City, Missouri 64106.
 - Region VIII—Federal Building, 1961 Stout Street, Denver, Colorado 80202.
 - Region IX—100 McAllister Street, San Francisco, Calif. 94102.
 - Region X—Arcade Plaza Building, 1321 Second Avenue, Seattle, Washington 98101.

APPENDIX B

SYSTEM OF RECORDS NOTICED BY OTHER AGENCIES APPLICABLE TO THE COMMUNITY SERVICES ADMINISTRATION

<i>Category of records</i>	<i>Other Federal agency</i>
Employees and personnel systems including:	
Appeal, Grievances, and Complaints Records.....	Civil Service Commission.
Confidential Employment and Financial Interest Statements.	Do.
General Personnel Records.....	Do.
Personnel Investigations Records.....	Do.
Recruiting, Examining, and Placement Records....	Do.
Federal Employee Compensation Act Records.....	Department of Labor.
Federal Motor Vehicle Accidents.....	General Services Administration.
Equal Employment Opportunity Under E.O. 11246, as amended.	Department of Labor.

Effective date. These regulations are effective September 27, 1975.

Dated: September 26, 1975.

BERT A. GALLEGOS,
Director.

[FR Doc.75-26074 Filed 9-26-75; 12:31 pm]

COMMISSION OF FINE ARTS

[36 CFR Part 1002]

PRIVACY ACT

Notice of Proposed Rulemaking

Notice is hereby given that the Commission of Fine Arts (sometimes hereinafter referred to as CFA) is considering promulgating Chapter III, Part 1302 of Title 5, Code of Federal Regulations. The proposed regulations implement the provisions of section 5 U.S.C. 552a(f), Public Law 93-579 of December 31, 1974 (the Privacy Act of 1974) (88 Stat. 1896).

Interested persons are invited to submit written comments, suggestions, or objections regarding these proposed rules to the Secretary, Commission of Fine Arts, 708 Jackson Place, N.W., Washington, D.C. 20006. All relevant material received before October 30, 1975 will be considered. All written comments received will be available, upon request, for public inspection at the above address between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday (excluding legal Federal holidays), during the 30-day period described above, and for 10 days thereafter.

The proposed new part 1302 would read as follows:

PART 1002—PRIVACY ACT PROCEDURES

Sec.	
1002.1	Rules for determining if an individual is the subject of a record.
1002.2	Requests for access.
1002.3	Access to the accounting of disclosures from records.
1002.4	Requests for copies of records.
1002.5	Requests to amend records.
1002.6	Requests for review.
1002.7	Schedule of fees.

AUTHORITY: Pub. L. 93-579, 88 Stat. 1896 (5 U.S.C. 552a(f)).

§ 1002.1 Rules for determining if an individual is the subject of a record.

(a) Individuals desiring to know if a specific system of records maintained by the Commission of Fine Arts contains a record pertaining to them should address their inquiries to the Secretary, Commission of Fine Arts, 708 Jackson Place, N.W., Washington, D.C. 20006. The written inquiry should contain a specific reference to the system of records maintained by CFA listed in the CFA Notices of Systems of Records or it should describe the type of record in sufficient detail to reasonably identify the system of records. Notice of CFA Systems of Records will be made in the Federal Register and copies of the notices will be available upon request to the Secretary when so published. A compilation of such notices will also be made and published by the Office of the Federal Register in accordance with section 5 U.S.C. 552a(f).

(b) At a minimum, the request should contain sufficient identifying information to allow CFA to determine if there is a record pertaining to the individual making the request in a particular system of records. In instances where identification is insufficient to insure disclosure to

the individual to whom the information pertains in view of the sensitivity of the information, CFA reserves the right to solicit from the requester additional identifying information.

(c) Ordinarily the requester will be informed whether the named system of records contains a record pertaining to the requester within 10 days of the receipt of such a request (excluding Saturdays, Sundays, and legal Federal holidays). Such a response will also contain or reference the procedures which must be followed by the individual making the request in order to gain access to the record.

(d) Whenever a response cannot be made within 10 days, the Secretary will inform the requester of the reasons for the delay and the date by which a response may be anticipated.

§ 1002.2 Requests for access.

(a) *Requirement for written requests.* Individuals desiring to gain access to a record pertaining to them in a system of records maintained by CFA must submit their request in writing in accordance with the procedures set forth in subsection (b), below.

(b) *Procedures.* (1) Content of the request. The request for access to a record in a system of records shall be addressed to the Secretary, at the address cited above, and shall name the system of records or contain a description (as concise as possible) of such system of records. The request should state that the request is pursuant to the Privacy Act of 1974. In the absence of such a statement, if the request is for a record pertaining to the requester maintained by CFA in a system of records, the request will be presumed to be made under the Privacy Act of 1974. The requester should include any other information which may assist in the rapid identification of the record for which access is being requested (e.g., maiden name, dates of employment, etc.).

(c) *CFA action on request.* A request for access will ordinarily be answered within 10 days (excluding Saturdays, Sundays, and legal Federal holidays), except when the Secretary determines otherwise, in which case the requester will be informed of the reason for the delay and an anticipated date by which the request will be answered. When the request can be answered within 10 days, it shall include the following:

(i) A statement that there is a record as requested or a statement that there is not a record in the system of records maintained by CFA;

(ii) A statement as to whether access will be granted only by providing a copy of the record through the mail; or the address of the location and the date and time at which the record may be examined. In the event the requester is unable to meet the specified date and time, alternate arrangements may be made with the official specified in paragraph (b) (1) of this section;

(iii) A statement, when appropriate, that examination in person will be the

sole means of granting access only when the Secretary has determined that it would not unduly impede the requester's right of access;

(iv) The amount of fees charged, if any (see §§ 1002.4 and 1002.7); and

(v) The name, title, and telephone number of the CFR official having operational control over the record.

(A) *Access by the parent of a minor, or legal guardian.* A parent or a minor, upon presenting suitable personal identification, may access on behalf of the minor any record pertaining to the minor maintained by CFA in a system of records. A legal guardian may similarly act on behalf of an individual declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction, upon the presentation of documents authorizing the legal guardian to so act; and upon suitable personal identification of the guardian.

(B) *Granting access when accompanied by another individual.* When an individual requesting access to his or her record in a system of records maintained by CFA wishes to be accompanied by another individual during the course of the examination of the record, the individual making the request shall submit to the official having operational control of the record a signed statement authorizing that person access to the record.

(vi) *Medical records.* The records in a system of records which are medical records shall be disclosed to the individual in such a manner and following such procedures as the Secretary shall direct. When CFA, in consultation with a physician, determines that the disclosure of medical information could have an adverse effect upon the individual to whom it pertains, CFA may transmit such information to a physician named by the individual.

(vii) *Exceptions.* Nothing in this section shall be construed to entitle an individual the right to access to any information compiled in reasonable anticipation of a civil action or proceeding.

§ 1002.3 Access to the accounting of disclosures from records.

Rules governing the granting of access to the accounting of disclosures are the same as those for granting access to the records outlined in § 1002.2, above.

§ 1002.4 Requests for copies of records.

Rules governing requests for copies of records are the same as those for the granting of access to the records outlined in § 1002.2, above (see also § 1002.7 for rules regarding fees).

§ 1002.5 Requests to amend records.

(a) *Requirement for written requests.* Individuals desiring to amend a record that pertains to them in a system of records maintained by CFA must submit their request in writing in accordance with the procedures set forth herein unless this requirement is waived by the official having responsibility for the system of records. Records not subject to the Privacy Act of 1974 will not be

amended in accordance with these provisions; however, individuals who believe that such records are inaccurate may bring this to the attention of the CFA.

(b) *Procedures.* (1) (i) The request to amend a record in a system of records shall be addressed to the Secretary, included in the request shall be the name of the system and a brief description of the record proposed for amendment. In the event the request to amend the record is the result of the individual's having gained access to the record as set forth above, copies of previous correspondence between the requester and CFA will serve in lieu of a separate description of the record.

(ii) Individuals desiring assistance in the preparation of a request to amend a record should contact the Secretary at the address cited above.

(iii) The exact portion of the record the individual seeks to have amended should be clearly indicated. If possible, the proposed alternative language should also be set forth, or, at a minimum, the facts which the individual believes are not accurate, relevant, timely, or complete, should be set forth with such particularity as to permit CFA not only to understand the individual's basis for the request, but also to make an appropriate amendment to the record.

(iv) The request must also set forth the reasons why the individual believes his record is not accurate, relevant, timely, or complete. In order to avoid the retention by CFA of personal information merely to permit the verification of records, the burden of persuading CFA to amend a record will be upon the individual. The individual must furnish sufficient facts to persuade the official in charge of the system of the inaccuracy, irrelevancy, timeliness, or incompleteness of the record.

(2) *CFA action on the request.* To the extent possible, a decision upon a request to amend a record will be made within 10 days (excluding Saturdays, Sundays, and legal Federal holidays). In the event that a decision cannot be made within this time frame, the individual making the request will be informed within the 10 days of the expected date for a decision. The decision upon a request for amendment will include the following:

(i) The decision of the Commission of Fine Arts whether to grant in full, or deny any part of the request to amend the record;

(ii) The reasons for the determination for any part of the request which is denied;

(iii) The name and address of the official with whom an appeal of the denial may be lodged;

(iv) The name and address of the official designated to assist, as necessary, and upon the request of, the individual making the request in preparation of the appeal;

(v) A description of the review of the appeal within CFA (see § 1002.6); and

(vi) A description of any other procedures which may be required of the individual in order to process an appeal.

§ 1002.6 Request for review.

(a) Individuals wishing to request a review of the decision by CFA with regard to an initial request to amend a record in accordance with the provisions of § 1002.5 above, should submit the request for review in writing and, to the extent possible, include the information specified in paragraph (a) of this section. Individuals desiring assistance in the preparation of their request for review should contact the Secretary at the address provided herein.

(b) The request for review should contain a brief description of the record involved or in lieu thereof, copies of the correspondence from CFA in which the request to amend was denied and also the reasons why the requester believes that the disputed information should be amended. The request for review should make reference to the information furnished by the individual in support of his claim and the reasons as required by § 1002.5 above set forth by CFA in its decision denying the amendment. Appeals filed without a complete statement by the requester setting forth the reasons for the review will, of course, be processed. However, in order to make the appellate process as meaningful as possible, the requester's disagreement should be understandably set forth. In order to avoid the unnecessary retention of personal information, CFA reserves the right to dispose of the material concerning the request to amend a record if no request for review in accordance with this section is received by CFA within 180 days of the mailing by CFA of its decision upon an initial request. A request for review received after the 180-day period may, at the discretion of the Secretary, be treated as an initial request to amend a record.

(c) The request for review should be addressed to the Secretary.

(d) Upon receipt of a request for review, the Secretary will convene a review group composed of the Secretary and the Chairman. This group will review the basis for the requested review and will develop a recommended course of action

to the office's Committee on Freedom of Information and Privacy (hereinafter referred to as the Committee). If at any time additional information is required from the requestee, the Secretary is authorized to acquire it or authorize its acquisition from the requester.

(e) The Committee is composed of:

- (1) The Chairman;
- (2) The Secretary;
- (3) The Assistant Secretary;
- (4) The Administrative Assistant.

(f) The Committee will review the request for review and the recommended course of action and will recommend a decision on the request for review to the Chairman, who has the final authority regarding appeals.

(g) The Chairman will inform the requester in writing of the decision on the request for review within 30 days (excluding Saturdays, Sundays, and legal Federal holidays) from the date of receipt by CFA of the individual's request for review unless the Chairman extends the 30-day period for good cause. The extension of and the reasons therefor will be sent by CFA to the requester within the initial 30-day period. Included in the notice of a decision being reviewed, if the decision does not grant in full the request for review, will be a description of the steps the individual may take to obtain judicial review of such a decision, and a statement that the individual may file a concise statement with CFA setting forth the individual's reasons for his disagreement with the decision upon the request for review. The Secretary has the authority to determine the "conciseness" of the statement, taking into account the scope of the disagreement and the complexity of the issues. Upon the filing of a proper concise statement by the individual, any subsequent disclosure of the information in dispute will have the information in dispute clearly noted and a copy of the concise statement furnished, as well as a concise statement by CFA setting forth its reasons for not making the requested changes, if CFA chooses to file such a statement. A copy of the individual's statement, and, if it chooses, CFA's statement will be sent to any prior transferee of the disputed information who is listed on the accounting required by 5 U.S.C. 552a(c).

§ 1302.7 Schedule of fees.

No fees will be charged for search, review, or copies of the record.

CHARLES H. ATHERTON,
Secretary.

[FR Doc. 75-26205 Filed 9-26-75; 2:48 pm]

Title 10—Energy

CHAPTER III—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

PART 708—RECORDS MAINTAINED ON INDIVIDUALS

Privacy Act of 1974; Implementation

On August 26, 1975, ERDA published in the FEDERAL REGISTER at pages 38025-38030 its proposed regulations for implementation of the Privacy Act. In the same issue at page 38030 ERDA also published provisions concerned with its regulation for Exempted Systems of Records. Interested persons were invited to submit written comments. As of September 25, 1975, no comments have been received.

The proposed regulations and the exemptions are hereby adopted with the following editorial changes:

1. Section 708.2(c), delete quotation marks in lines 5 and 11.

2. Section 708.5(b), delete subparagraph (12) and renumber subparagraphs "(13)" and "(14)" to "(12)" and "(13)" respectively.

3. Section 708.6(a)(1), line 1 after the word, "if," insert, "information on"; in line 2 substitute the word "included" for "listed."

4. Section 708.6(b)(1)(ii), after the word "Officer," insert "or if it is inconvenient or impossible to ascertain the appropriate Privacy Act Administration Officer, requests may be directed to the Privacy Act Administration Officer, ERDA Headquarters, Washington, D.C. 20545."

5. Section 708.8(c)(4), substitute the word "decline" for the word "refuse."

6. Section 708.8(e), in line 3 after the word "days" insert "after his receipt of the request".

7. Section 708.8(g)(3), delete the words "as provided by 5 U.S.C. 552a(h)."

8. Section 708.17(a), after the word "Offices," line one, insert "Headquarters,".

9. Section 708.17(b)(2), substitute the words "or maintain" for the words, "from individuals"; and following the word "information" insert the words, "about individuals."

10. Section 708.17(c), after the word "Offices," line 1, insert "Headquarters,".

11. Section 708.18(a), in line 4 after the word "in," insert "accordance with"; and after the word "format," insert "and rules".

12. Section 708.18(b), at the end of the first line insert "the formal annual"; and after "(a)(4)" in line 3 insert "(routine uses)".

Accordingly with these changes, the proposed regulations are adopted as set forth below.

Effective date: September 27, 1975.

For the Administrator,

ROBERT F. ALLNUT,
Deputy Assistant Administrator
for Administration.

Sec.	
708.1	Purpose and scope.
708.2	Policy.
708.3	Definitions.
708.4	Delegation of authority.

Sec.	
708.5	Privacy Act Administration Officers.
708.6	Requests for information, access or amendment.
708.7	Identification of individuals making requests.
708.8	Disclosure of requested information to individuals.
708.9	Medical and psychological records.
708.10	Disclosure of record to person other than the individual to whom it pertains.
708.11	Accounting for disclosures.
708.12	Appeal of initial adverse ERDA determinations for access or amendment.
708.13	Specific exemptions.
708.14	Establishment of new or revised systems of records.
708.15	Fees.
708.16	Requests under false pretenses.
708.17	Employee standards of conduct with regard to privacy.
708.18	Publication of annual notices.
708.19	Requirements for annual report.
708.20	Litigation.
708.21	Effect of Freedom of Information Act.
708.22	Use and collection of social security numbers.
708.23	Exempted system of records.

AUTHORITY: (5 U.S.C. 552a(f)); (42 U.S.C. 5815); (42 U.S.C. 2201).

§ 708.1 Purpose and scope.

(a) This part contains the regulations of ERDA implementing the Privacy Act of 1974, Pub. L. 93-579. The regulations apply to all records maintained by ERDA which are identifiable by individual name or identifier and all systems of such records which are retrieved by name or other identifier. These regulations are also applicable to contractors and their employees to the extent required by 5 U.S.C. 552a(m). The regulations set forth the procedures by which individuals may seek access to records concerning themselves and request correction of those records. The regulations also set forth the requirements applicable to ERDA employees maintaining, collecting, using or disseminating such records.

§ 708.2 Policy.

In compliance with the Privacy Act of 1974, 5 U.S.C. 552a and in accordance with the requirements and procedures of this part, ERDA has a positive and continuing obligation to:

(a) Identify each system of records which ERDA maintains and review the content of the system to assure that only that information is maintained which is necessary and relevant to a function which ERDA is authorized to perform by law or Executive order, and that no information about the political or religious beliefs and activities of individuals is maintained except as provided in the Act.

(b) Collect information to the greatest extent practicable directly from the subject individual when the information which may result in adverse determinations about that individual's rights, benefits, and privileges under Federal programs; and inform individuals whom ERDA asks to supply information about themselves of the purposes for which the information will be used and their rights, benefits, or obligations with respect to supplying that data.

(c) Establish reasonable administrative, technical, and physical safeguards to assure that records are disclosed only to those who are authorized to have access and otherwise to protect against any anticipated threats or hazards to their security or integrity which could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom information is maintained.

(d) Maintain an accounting of all disclosures of information from systems of records except those to personnel within ERDA who have an official need to know or to the public under the Freedom of Information Act, and make that accounting available as provided in the Act.

(e) When using a record or disclosing it to someone other than an agency, assure that it is as accurate, relevant, timely and complete as is reasonably necessary to assure fairness to the individual.

(f) Permit individuals to have access to records pertaining to themselves and to have an opportunity to request that such records be amended.

(g) Inform prior recipients when a record is amended pursuant to the request of an individual or when a statement of disagreement has been filed; advise any subsequent recipient that a record is disputed; and provide a copy of the statement of disagreement to both prior and subsequent recipients of the disputed information.

§ 708.3 Definitions.

As used in this part:

(a) The term "agency" means agency as defined in U.S.C. 552a(a). It includes any executive department, military department, Government corporation, Government-controlled corporation or other establishment in the executive branch of the Government including the Executive Office of the President or any independent regulatory agency.

(b) The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence, but does not include proprietorships, businesses and corporations.

(c) The term "maintain" means maintain, collect, use, or disseminate.

(d) The term "record" means any item, collection, or grouping of information about an individual that is maintained by or for ERDA, including, but not limited to, education, financial transactions, medical history, and criminal or employment history and that contains that individual's name, or the identifying particulars assigned to that individual, such as a finger or voice print or photograph.

(e) The term "system of records" means a group of any records under ERDA control from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particulars assigned to the individual.

(f) The term "statistical record" means a record in a system of records maintained for statistical research or reporting purposes only and is not used in whole or in part in making any determination about an identifiable individual, except as provided by 13 U.S.C. section 8.

(g) The term "routine use" means with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

(h) The term "ERDA" means the Energy Research and Development Administration established by the Energy Reorganization Act of 1974 (Pub. L. 93-438).

(i) The terms "ERDA Officer or employee," and "ERDA personnel" mean employees, consultants, and members of advisory boards, committees and panels of ERDA; members of boards designated by the Administrator, Deputy Administrator, or other designees of the Administrator or Deputy Administrator to preside at adjudicatory proceedings; where assigned to duty with ERDA, officers or employees of other Government agencies, including military personnel; and contractors and employees of contractors having access to ERDA records or operating a system of records on behalf of ERDA to accomplish an ERDA function, to whom the requirements of 5 U.S.C. 552a are deemed to be applicable.

(j) The term "Administrator" means the Administrator of the Energy Research and Development Administration provided for in section 102(a) of the Energy Reorganization Act of 1974.

(k) The term "Deputy Administrator" means the Deputy Administrator provided for in section 102(b) of the Energy Reorganization Act of 1974.

(l) The term "Assistant Administrator" means an Assistant Administrator provided for in section 102(d) of the Energy Reorganization Act of 1974 or such other Assistant Administrators as appointed under section 102(f) of the Energy Reorganization Act of 1974.

(m) The term "System Manager" means the ERDA official who is responsible for an ERDA system of records as designated in the system notice of that system of records published by ERDA in the FEDERAL REGISTER.

(n) The term "Privacy Act Administration Officer" (PAAO) is the designated official at ERDA installations (identified in § 708.5 (a) and (b)) to whom an individual shall address any request for information concerning records, for correction of records, or otherwise, in exercising individual rights under the Privacy Act.

(o) The term "Privacy Review Official" means the Deputy Administrator, or any Deputy Assistant Administrator, who bears an appeal of a denial to amend records or a denial to gain access to records.

(p) The term "working days" means all days except Saturdays, Sundays, and legal public holidays.

§ 708.4 Delegation of authority.

(a) The Administrator has designated the Assistant Administrator for Admin-

istration to exercise control and supervision over the ERDA compliance with 5 U.S.C. 552a, to carry out on behalf of ERDA the provisions of 5 U.S.C. 552a with respect to the responsibilities for implementing the Act for ERDA, including:

(1) Designation of personnel at Headquarters to carry out the various functions as necessary to the implementation of the Act.

(2) Publish ERDA rules, public notices of systems of records, rules pertaining to exemptions.

(3) Provide procedures and training to employees as appropriate.

(4) Maintain liaison with heads of field organizations in connection with their responsibilities under the Privacy Act.

(b) Directors of Energy Research Centers and Managers of Operations Offices are designated to administer the provisions of the Act and applicable regulations within their respective jurisdictions; to act as Systems Managers with respect to systems or parts of systems maintained within their jurisdictions; and to name personnel as appropriate to perform the functions of Privacy Act Administration Officer.

§ 708.5 Privacy Act Administration Officers.

(a) There shall be designated at ERDA Headquarters by the Assistant Administrator for Administration a Privacy Act Administration Officer whose address is U.S. Energy Research and Development Administration, Headquarters, Washington, D.C. 20545.

(b) There shall be designated by the Director or Manager for each of the following ERDA field organizations a Privacy Act Administration Officer with the following specified mailing addresses:

(1) U.S. Energy Research and Development Administration, Albuquerque Operations Office, P.O. Box 5400, Albuquerque, New Mexico 87115.

(2) U.S. Energy Research and Development Administration, Bartlesville Energy Research Center, Box 1398, Bartlesville, Oklahoma 74003.

(3) U.S. Energy Research and Development Administration, Chicago Operations Office, 9800 South Cass Avenue, Argonne, Illinois 60439.

(4) U.S. Energy Research and Development Administration, Grand Forks Energy Research Center, University Station, Grand Forks, North Dakota 58201.

(5) U.S. Energy Research and Development Administration, Idaho Operations Office, 550 2nd Street, Idaho Falls, Idaho 83401.

(6) U.S. Energy Research and Development Administration, Laramie Energy Research Center, P.O. Box 3395, University Station, Laramie, Wyoming 82070.

(7) U.S. Energy Research and Development Administration, Morgantown Energy Research Center, Box 880, Morgantown, West Virginia 26505.

(8) U.S. Energy Research and Development Administration, Nevada Operations Office, P.O. Box 14100, Las Vegas, Nevada 89114.

(9) U.S. Energy Research and Development Administration, Oak Ridge Op-

erations Office, P.O. Box E, Oak Ridge, Tennessee 37830.

(10) U.S. Energy Research and Development Administration, Pittsburgh Energy Research Center, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213.

(11) U.S. Energy Research and Development Administration, Richland Operations Office, P.O. Box 550, Richland, Washington 99352.

(12) U.S. Energy Research and Development Administration, San Francisco Operations Office, 1333 Broadway, Wells Fargo Building, Oakland, California 94616.

(13) U.S. Energy Research and Development Administration, Savannah River Operations Office, P.O. Box A, Aiken, South Carolina 29801.

§ 708.6 Requests for information, access or amendment.

(a) The procedures outlined below apply to the following types of requests under the Privacy Act of 1974 made by individuals concerning records about themselves:

(1) Request to determine if information on the requestor is included in a system of records.

(2) Request for access to a record.

(3) Request for an accounting of disclosures.

(4) Request for amendment of a record.

(b) (1) Request under paragraph (a) of this section must conform to the following:

(i) All requests must be in writing unless waived by the System Manager.

(ii) All requests must be directed to the appropriate Privacy Act Administration Officer or if it is inconvenient or impossible to ascertain the appropriate Privacy Act Administration Officer, requests may be directed to the Privacy Act Administration Officer, ERDA Headquarters, Washington, D.C. 20545.

(iii) The requestor must supply the Privacy Act Administration Officer with information sufficient to process the request.

(2) Minimum information is:

(i) Name and address of individual.

(ii) Identity of the system of records.

(iii) Nature of the request. If a request for amendment, a complete and comprehensive description of the amendment.

(iv) Required identifying information such as location if known, full name, birth date, etc. as specified in the "Notice of System of Records" to assist in identifying the request.

(c) Processing requests:

(1) The Privacy Act Administration Officer will record the date and time of receipt of a request.

(2) Within 10 working days of receipt of a request completed in accordance with paragraph (b) of this section, the Privacy Act Administration Officer will ascertain the responsible System Manager, and will dispatch the request to him.

(3) The Privacy Act Administration Officer will acknowledge the request to the individual within 10 working days of receipt of the request.

(1) If the request is incomplete or incomprehensible, the Privacy Act Administration Officer will request additional information or clarification of the initial request in the acknowledgment, and will offer assistance to the individual as appropriate.

(2) If the request is sufficient for processing, the acknowledgment should identify the System Manager.

(3) Access to ERDA records maintained in National Archives and Record Systems Centers may be obtained in accordance with the regulations issued by the General Services Administration.

§ 708.7 Identification of individuals making requests.

The following minimum standards are applicable to any individual who requests records concerning himself but additional requirements for verification of identity with respect to particularly sensitive records may be required.

(a) An individual seeking access to records about himself in person may establish his identity by the presentation of a single document bearing a photograph (such as a passport or identification badge) or by the presentation of two items of identification which do not bear a photograph but do bear both a name and address (such as a driver's license, or credit card).

(b) An individual seeking access to records about himself by mail shall establish his identity by a signature, address, date of birth, employee identification number, if any, and one other identifier such as a photocopy of a driver's license or other document.

(c) An individual seeking access to records about himself by mail or in person who cannot provide the necessary documentation of identification may provide a notarized statement, swearing or affirming to his identity and to the fact that he understands the penalties for false statements pursuant to 18 U.S.C. 1001.

§ 708.8 Disclosure of requested information to individuals.

(a) The System Manager will record the date and time of his receipt of a request.

(b) Preliminary review of the request should be completed within 10 days and if conditions such as the ones below exist, the individual should be apprised of them as soon as possible. Conditions include:

(1) The system of records exempted in whole or in part from the provision(s) requiring compliance with the request.

(2) Need for further information by the System Manager to process the request, e.g., more data is required to determine the location of the record.

(c) Upon receipt of a request from the Privacy Act Administration Officer, the System Manager shall promptly take the following actions, as appropriate:

(1) Inform the individual whether or not any information on him is included in the system.

(2) Grant or deny access to records.

(3) Grant or deny access to accounting of disclosures.

(4) Amend or decline to amend a record.

(d) If a request is denied, the individual must be informed of the System Manager's determination, including an explanation of the reasons for not granting the request, the procedures for requesting review of the denial, and the name and address of the ERDA official to contact for appeal. Denial of a request may be based in whole or part on an exemption. If material has been deleted from a record furnished to the individual there shall also be furnished a brief explanation of why the material was deleted.

(1) Requests for access to classified information shall be coordinated with a representative of the Division of Classification or the field organization counterpart prior to final action.

(2) Nothing in this part shall allow an individual access to any information compiled in reasonable anticipation of any civil action or proceeding in either a court or an administrative tribunal.

(e) If the System Manager is unable, for good cause, to complete action on the request within 30 calendar days after his receipt of the request, the individual should be informed in writing within such 30 days as to the reasons for the delay and when completion of the action is anticipated.

(f) When information is sought from a system of records that includes information from another Federal agency, the System Manager receiving the request shall consult with the appropriate agency prior to determining whether the information may be disclosed or not, but the decision as to whether the record shall be disclosed, shall be made by the System Manager maintaining the record.

(g) Granting Access—Special Considerations:

(1) Associates in attendance—When an individual is granted access to his record, he may be accompanied by a person of his choosing. The System Manager may require the individual to furnish a written statement authorizing discussions of the record in the accompanying person's presence.

(2) Copies of the record—Once access is granted, the individual has the right to have a copy made of all or any portion of the record upon payment of fees to the extent provided for in § 2708.15.

(3) The parent of a minor or legal guardian, may act on behalf of the individual for purposes under this part. The System Manager shall require the person to provide proper identification establishing guardianship. The parent or guardian of a minor or a person judicially determined to be incompetent shall, in addition to establishing the identity of the minor or other person he represents as required in section 708.7, establish his own parentage or guardianship by furnishing a copy of a birth certificate showing parentage or a court order establishing the guardianship.

§ 708.9 Medical and psychological records.

When an individual requests medical or psychological records concerning himself, the System Manager may advise the individual that these records will be provided only to a physician designated in writing by the individual. Upon receipt of the designation and upon proper verification of identity, the System Manager will permit the physician to review the records or to receive copies of the records for purposes of determining whether any such records should not be disclosed to the individual because of possible harm.

§ 708.10 Disclosure of record to person other than the individual to whom it pertains.

(a) ERDA shall not disclose any record which is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains, unless the disclosure of such record falls within one of the disclosure categories enumerated below in section 708.10(a) (1) through 708.10(a) (11) of this part. Disclosure categories:

(1) Disclosure to ERDA officers or employees who have a need for the record in the performance of their duties.

(2) Disclosure required under the Freedom of Information Act.

(3) Disclosure for a routine use as defined in § 708.3(g) of this part and described in the notice of the system of records as published in the FEDERAL REGISTER.

(4) Disclosure to the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of Title 13 of the U.S. Code.

(5) Disclosure to a recipient who has provided the System Manager of the system of records from which he has requested a record with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable. It is the responsibility of the System Manager of the system of records from which it is desired to disclose a record of an identifiable individual to assure that the identity of the individual cannot be determined or deduced by combining various statistical records. Records may be disclosed by ERDA for statistical research or reporting purposes only after ERDA has received and evaluated a written statement which:

(i) states the purpose for requesting the records; and

(ii) certifies that they will only be used as statistical records.

(6) Disclosure to the National Archives of the United States of a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value.

(7) Disclosure to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to ERDA specifying the particular portion desired and the law enforcement activity for which the record is sought. Blanket requests for all records pertaining to an individual are not permitted, but a court order may be sought as a basis for disclosure. (See paragraph (a) (11) of this section.) A record may also be disclosed by ERDA to a law enforcement agency at the initiative of ERDA when a violation of law is suspected, provided that such type of disclosure has been established in advance as "routine use."

(8) Disclosure to a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual. The individual to whom the record pertains need not necessarily be the individual whose health or safety is at peril.

(9) Disclosure to either House of Congress, or to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee.

(10) Disclosure to the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office.

(11) Disclosure pursuant to the order of a court of competent jurisdiction.

§ 708.11 Accounting for disclosures.

(a) As soon as possible, but not later than September 27, 1975, each System Manager shall establish a system of accounting for all disclosures of records, either orally or in writing, made to other than ERDA personnel. Accounting procedures may be established in the least expensive and most convenient form that will permit the System Manager to advise individuals, promptly upon request, of the persons or agencies to which records concerning them have been disclosed.

(b) Accounting records, at a minimum, shall include the identification of the particular record disclosed, the name and address of the person or agency to which disclosed, and the date of the disclosure.

(c) Accounting is not required to be kept for disclosure made pursuant to the Freedom of Information Act.

§ 708.12 Appeal of initial adverse ERDA determinations for access or amendment.

(a) If an individual's request, either for access or amendment of records made under procedures set forth in this part, is denied in whole or in part by the System Manager, as provided in section 708.3, the individual shall have the right to appeal such initial determination of denial to the ERDA Privacy Review Of-

ficial; and the individual shall be notified of the System Manager's determination and the procedure for exercising the right of appeal therefrom.

(b) Appeals shall be filed by the requesting individual within 60 calendar days after receipt of the initial denial by written request mailed to the Privacy Act Administration Officer at ERDA Headquarters. Both the appeal letter and its covering envelope should be marked "Privacy Act Appeal" or otherwise so as to clearly identify that a Privacy Act appeal is being made. The 60 day time limit may be waived by the Privacy Review Official for good cause shown.

(c) Appeals shall be deemed to have been received on the date and time stamped thereon by the Privacy Act Administration Officer, at ERDA Headquarters.

(d) Upon receipt of an appeal, the Privacy Act Administration Officer at ERDA Headquarters, shall promptly so advise the Privacy Review Official and the System Manager responsible for the original denial. The System Manager shall arrange to have the appropriate records, including the initial written denial transmitted to the Privacy Review Official.

(e) Final determination of the Privacy Review Official of an appeal shall be completed within 30 working days from date of receipt of the appeal by the Privacy Act Administration Officer at Headquarters unless the Administrator determines that a fair and equitable review cannot be completed within that time. If additional time is required, the individual will be informed by the Privacy Review Official in writing of the reasons for the delay and of the date on which the review is expected to be completed.

(f) The Privacy Review Official shall consult with counsel prior to making a determination.

(g) If the Privacy Review Official determines that access to or amendment of the record is not warranted on the facts, he shall advise the individual of his refusal to authorize access or amendment, in whole or in part, and he shall advise the individual of his right to provide for the record a "statement of disagreement." The individual shall be advised also of his right to judicial review pursuant to the Privacy Act of 1974.

(h) A statement of disagreement may be furnished by the individual within 30 calendar days of the date of his receipt of the notice of refusal of the Privacy Review Official to authorize access or amendment. Such statement of disagreement shall be addressed to Privacy Act Administration Officer, ERDA Headquarters, Washington, D.C. 20545. Upon receipt of a statement of disagreement in accordance with this section the System Manager shall include the statement in the system of records in which the disputed record is maintained, and he shall have the original record marked as to indicate that the record is subject to a statement of disagreement, and where, within the system of records, that statement may be found.

(i) When a record has been corrected or a statement of disagreement has been filed, the System Manager shall, promptly thereafter, advise all prior recipients of the record whose identity can be determined pursuant to the accounting required by the Privacy Act or any other accounting previously made of the correction or of the filing of the statement of disagreement. Any dissemination of a record after the filing of a statement of disagreement shall be accompanied by a copy of that statement and any statement of ERDA giving reasons for refusing to correct included in the file.

(j) Decisions of the Privacy Review Official shall be the final decisions of the Administrator.

§ 708.13 Specific exemptions.

(a) The Administrator may promulgate rules, in accordance with the requirements (including general notice) of sections 553(b) (1), (2), and (3), (c), and (e) of the Administrative Procedure Act to exempt any system of records within ERDA from subsections (c) (3), (d), (e) (1), (e) (4), (G), (H), (I), and (f) of section 3 of the Privacy Act, if the system of records is:

(1) ERDA records that are specifically authorized under criteria established under statute or an Executive Order to be kept secret in the interest of national defense or foreign policy, and are in fact properly classified pursuant to such Executive Order. Restricted Data and Formerly Restricted Data under the Atomic Energy Act of 1954, as amended, are included in this exemption.

(2) Investigatory material compiled for law enforcement purposes. 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 September 27, 1975, under an implied promise that the identity of the source would be held in confidence.

(3) Required by statute to be maintained and used solely as statistical records.

(4) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence.

(5) 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.

(b) Establishing exemptions:

(1) It will be the responsibility of the System Manager of a system of records, all or a portion of which he feels should be exempted from certain of the provisions of the Privacy Act, to inform the Administrator through the Assistant Administrator for Administration of the need for such an exemption giving a description of the system of records, or portion thereof, which is to be exempt; a statement of the provision or provisions of the Privacy Act from which it is desired to exempt the system of records or portion thereof; and the reasons therefor.

(2) Before seeking any exemption for systems of records under § 708.13(a)(1), the System Manager shall consult with the cognizant representative of the Division of Classification, ERDA Headquarters.

(3) When the Administrator determines that a system of records or portion thereof maintained by ERDA should be exempted from certain of the provisions of 5 U.S.C. 552a, a notice shall be published in the FEDERAL REGISTER which specifies the name of the system of records involved, and the specific provisions of the Privacy Act from which the system of records or portion thereof is to be exempted and the reasons therefor.

(c) Prior to making a determination to deny access to a record in a system of records having an approved exemption for classified material (See § 708.13(a)(1)), the System Manager shall consult with the Division of Classification, or its field organization counterpart, to verify the current classification status of the information in the requested record.

§ 708.14 Establishment of new or revised systems of records.

(a) In designing or developing a proposed system of records the proposer of such system shall consider if:

(1) The system of records is relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or by an Executive Order of the President.

(2) The information is collected to the greatest extent practicable directly from the subject individual when the information may result in adverse determinations about an individual's rights, benefits and privileges under Federal programs.

(b) The Assistant Administrator for Administration shall report the details of a new or revised system of records to the Office of Management and Budget and Congress to permit an evaluation of the privacy impact of the proposal and the impact on the system before the system can become operational. A copy also must be provided to the Privacy Protection Study Commission.

(c) A system notice shall be published in the FEDERAL REGISTER for each new or revised system of records at least 30 calendar days before its effective date.

(d) The System Manager must assure that adequate administrative, technical and physical safeguards have been designed into the system of records to insure the security and confidentiality of the records as required by law.

§ 708.15 Fees.

(a) No charge shall be made for duplication of records when the cost is less than \$10.

(b) No fee will be charged when ERDA makes a copy of a record as a necessary part of the process of making the record available for review as distinguished from responding to a request by an individual for a copy of a record.

(c) No charge shall be made to an individual for the time spent searching for requested records, or for time spent in reviewing records to determine if they fall within the requirements of the Act.

(d) When an individual requests copies of his record in cases other than above, the following charges shall apply:

(1) Sizes up to 8½x14 inches made on office copying machines—10 cents per page copy. Larger sizes—10 cents for each 8½x14 inch unit or fraction thereof per page copy.

(2) For copies made on other than office copying machines, the fee charged will be ERDA's direct cost of making the copy (printing, typing, or photocopying and related personnel and equipment costs).

(e) No records shall be made available to a requestor until the charges provided herein are paid in full. Checks, drafts, or other negotiable instruments shall be made payable to the Energy Research and Development Administration.

§ 708.16 Requests under false pretenses.

Title 5 U.S.C. 552a(1)(3) provides that any person who knowingly and willfully requests or obtains any record concerning an individual from an agency under false pretenses shall be guilty of a misdemeanor and fined not more than \$5,000.

§ 708.17 Employee standards of conduct with regard to privacy.

(a) Heads of Divisions and Offices, Headquarters, Directors of Energy Research Centers and Managers of Operations Offices shall assure that ERDA personnel subject to their supervision are advised of the provisions of the Privacy Act, including the criminal penalties and civil liabilities provided therein, and that such ERDA personnel are made aware of their responsibilities to protect the security of personal information, to assure its accuracy, relevance, timeliness and completeness, to avoid unauthorized disclosure either orally or in writing, and to insure that no system of records concerning individuals, no matter how small or specialized, is maintained without public notice.

(b) ERDA personnel shall:

(1) Collect no information of a personal nature from individuals unless authorized to collect it to achieve a function or carry out a responsibility of ERDA;

(2) Collect or maintain only that information about individuals which is necessary to ERDA functions or responsibilities;

(3) Collect information, wherever possible, directly from the individual to whom it relates;

(4) Inform individuals from whom information is collected of the authority for collection, the purposes thereof, the uses that will be made of the information, and the effects, both legal and practical, of not furnishing the information;

(5) Neither collect, maintain, use nor disseminate information concerning an individual's religious or political beliefs or activities or his membership in associations or organizations, unless (i) the individual has volunteered such information for his own benefit; (ii) the information is expressly authorized by statute to be collected, maintained, used or disseminated; or (iii) the activities involved are pertinent to and within the scope of an authorized investigation or adjudication activity;

(6) Advise their supervisors of the existence or contemplated development of any system of records which retrieves information about individuals by individual identifier;

(7) Maintain an accounting, in the prescribed form, of all disclosures of information to other than ERDA personnel, whether made orally or in writing;

(8) Disclose no information concerning individuals to other than ERDA personnel except when authorized by 5 U.S.C. 552a or pursuant to a routine use published in the FEDERAL REGISTER;

(9) Maintain and process information concerning individuals with care in order to insure that no inadvertent disclosure of the information is made to other than ERDA personnel; and

(10) Call to the attention of the proper ERDA authorities any information in a system maintained by ERDA which is not authorized to be maintained under the provisions of the Privacy Act of 1974, including information on First Amendment activities, information that is inaccurate, irrelevant or so incomplete as to risk unfairness to the individual concerned.

(c) Heads of Divisions and Offices, Headquarters, Directors of Energy Research Centers and Managers of Operations Offices shall, at least annually, review the system of records subject to their supervision to insure compliance with the provisions of the Privacy Act of 1974.

§ 708.18 Publication of annual notices.

(a) A system notice of the existence and character of an ERDA system of records shall be published annually in the FEDERAL REGISTER in accordance with the format and rules prescribed by the General Services Administration, which notice shall include:

- (1) The name and location(s) of the system;
- (2) The categories of individuals on whom records are maintained in the system;
- (3) The categories of records maintained in the system;
- (4) Each routine use of the records contained in the system, including the categories of users and the purpose of such use;
- (5) The policies and practices of ERDA regarding storage, retrievability, access controls, retention, and disposal of the records;
- (6) The official title and business address of the official who is the System Manager responsible for the system of records; and
- (7) The categories of sources of records in the system.

(b) At least 30 calendar days prior to the formal annual publication of information under paragraph (a) (4) (routine use or intended routine use of the information in the system, and shall provide an opportunity for interested persons to submit written data, views, or arguments to ERDA.

(c) In accordance with reporting requirements issued by the Office of Management and Budget, and following the publication of the initial notices of ERDA system of records existing on September 27, 1975, ERDA shall provide to Congress, the Office of Management and Budget, and the Privacy Protection Study Commission advance notice of any proposal to establish or alter any ERDA system of records.

§ 708.19 Requirements for annual report.

Each year, ERDA shall submit a report covering the preceding calendar year to the Office of Management and Budget for referral by the President to the Congress. The report shall include the information requested in instructions of and at the time specified by the Office of Management and Budget.

§ 708.20 Litigation.

In any instance in which ERDA or an ERDA employee is sued in connection with any requirement or responsibility under this part, the matter shall promptly be referred to the General Counsel together with a report on the details.

§ 708.21 Effect of Freedom of Information Act.

ERDA shall not rely on any exemption contained in the Freedom of Information Act (5 U.S.C. 552(b)) to withhold from the individual to which it pertains, any record which is otherwise accessible to such individual under this part.

§ 708.22 Use and collection of social security numbers.

(a) The System Manager of each system of records which utilizes social security numbers as a method of identification without statutory authorization or authorization by regulation adopted prior to January 1, 1975, shall take steps

to revise the system to avoid future collection and use of the social security numbers.

(b) Heads of Divisions and Offices, Directors of Energy Research Centers and Managers of Operations Offices shall take such measures as are necessary to insure that employees authorized to collect information from individuals are advised that individuals may not be required to furnish social security numbers without statutory or regulatory authorization, and that individuals who are requested to provide social security numbers voluntarily must be advised that furnishing the number is not required and that no penalty or denial of benefits will flow from the refusal to provide it.

§ 708.23 Exempted systems of records.

(a) The following ERDA systems of records are exempted from 5 U.S.C. 552a, (c) (3), (d), (e) (1), (e) (4) (G), (H), (I), and (f). These exemptions apply only to information in these systems which is exempt pursuant to 5 U.S.C. 552a(k) (1), (2) and (5):

- (1) Alien Visits and Participation—ERDA (ERDA 1).
- (2) Clearance Board Cases Administrative Review and Personnel—ERDA (ERDA 5).
- (3) Security Correspondence File—ERDA (ERDA 8).
- (4) Foreign Travel—ERDA (ERDA 19).
- (5) Investigative Files—ERDA (ERDA 21).
- (6) Legal Office—Claims, Litigations, Criminal Violation, Patents, and other Legal Files—ERDA (ERDA 23).
- (7) Personnel Security Clearance Files—ERDA (ERDA 32).
- (8) Personnel Security Clearance Files Index (Automated)—ERDA (ERDA 33).
- (9) Special Access Authorization for Categories of Classified Information—ERDA (ERDA 36).

(b) The following systems of records are exempt from 5 U.S.C. 552a, (c) (3), (d), (e) (1), (e) (4) (G), (H), (I), and (f). These exemptions apply only to information in these systems which is exempt pursuant to 5 U.S.C. 552a(k) (5) and (6):

- (1) ERDA Personnel Applicant Records—ERDA (ERDA 12).
- (2) ERDA Personnel-Supervisor Records—ERDA (ERDA 11).
- (3) ERDA Personnel/General Employment Records—ERDA (ERDA 15).

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Title 18—Conservation of Power and Water Resources

CHAPTER II—TENNESSEE VALLEY AUTHORITY

PART 301—PROCEDURES

Privacy Act of 1974

On August 27, 1975, a document was published in the FEDERAL REGISTER (40 FR 39374) proposing to amend Title 18, Part 301 by adding new Subpart B—Privacy Act which implements the provisions of section 3 of the Privacy Act of 1974 ("Act"). The proposed Subpart provides procedures by which an individual may exercise the rights granted by the Act to determine whether a TVA system contains a record pertaining to

him; to gain access to such records; to have a copy made of all or any portion thereof; and to request administrative correction or amendment of such records. It prescribes fees to be charged for copying records; establishes identification requirements; lists penalties provided by statute for certain violations of the Act; and establishes exemptions from certain requirements of the Act for certain TVA systems or components thereof.

An opportunity for the public to comment on or object to the proposed regulations was given. No comments or objections were received. No changes have been made in the proposed regulations except for minor corrections of the text and the addition of paragraph (c) to § 301.11 dealing with referral of requests for records of other agencies in TVA's possession. This addition closes a hiatus in the regulations and permits prompt compliance with the Act in cases where TVA receives requests for records which are considered legally the records of other agencies although they may be physically in TVA's possession.

Accordingly, Subpart B of Part 301 is hereby adopted as set forth below.

Effective date. This Subpart is effective on September 27, 1975.

By direction of the Board of Directors.

Dated September 25, 1975.

LYNN SEEBER,
General Manager.

Subpart B—Privacy Act

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| Sec. | |
| 301.11 | Purpose and scope. |
| 301.12 | Definitions. |
| 301.13 | Procedures for requests pertaining to individual records in a record system. |
| 301.14 | Times, places, and requirements for identification of individuals making requests. |
| 301.15 | Disclosure of requested information to individuals. |
| 301.16 | Special procedures—Medical records. |
| 301.17 | Requests for correction or amendment of record. |
| 301.18 | TVA review of request for correction or amendment of record. |
| 301.19 | Appeals on initial adverse agency determination on correction or amendment. |
| 301.20 | Disclosure of record to persons other than individual to whom it pertains. |
| 301.21 | Fees. |
| 301.22 | Penalties. |
| 301.23 | General exemptions. |
| 301.24 | Special exemptions. |

Subpart B—Privacy Act

§ 301.11 Purpose and scope.

(a) The regulations in §§ 301.11 to 301.24 implement section 3 of the Privacy Act of 1974, 5 U.S.C. § 552a, with respect to systems of records maintained by TVA. They provide procedures by which an individual may exercise the rights granted by the Act to determine whether a TVA system contains a record pertaining to him; to gain access to such records; to have a copy made of all or any portion thereof; and to request administrative correction or amendment of

such records. They prescribe fees to be charged for copying records; establish identification requirements; list penalties provided by statute for certain violations of the Act; and establish exemptions from certain requirements of the Act for certain TVA systems or components thereof.

(b) Nothing in §§ 301.11 to 301.24 entitles an individual to any access to any information or record compiled in reasonable anticipation of a civil action or proceeding.

(c) Certain records of which TVA may have physical possession are the official records of another government agency which exercises dominion and control over the records, their content, and access thereto. In such cases, TVA's maintenance of the records is subject to the direction of the other government agency. Except for a request for a determination of the existence of the record, when TVA receives requests related to these records, TVA will immediately refer the request to the controlling agency for all decisions regarding the request, and will notify the individual making the request of the referral.

§ 301.12 Definitions.

For purposes of § 301.11 to § 301.24:

(a) The "Act" means section 3 of the Privacy Act of 1974, 5 U.S.C. § 552a;

(b) The terms "individual," "maintain," "record," "system of records," "statistical record," and "routine use" have the meaning provided for by the Act;

(c) The term "TVA system" means a system of records maintained by TVA;

(d) The term "TVA system notice" means a notice of a TVA system published in the FEDERAL REGISTER pursuant to the Act. TVA has published TVA system notices about the following TVA systems:

Apprentice Training Record System—TVA.
 Consultant and Personal Service Contractor Records—TVA.
 Cooperative Training Program for Construction Craftsmen—TVA.
 Demonstration Farm Records—TVA.
 Discrimination Complaint File—TVA.
 Employee Accident Information System—TVA.
 Employee Accounts Receivable—TVA.
 Employee Alleged Misconduct Investigatory Files—TVA.
 Medical Record System—TVA.
 Employee Statements of Employment and Financial Interests—TVA.
 Employee Supplementary Vacancy Announcement Records—TVA.
 Employee Travel Advance Records—TVA.
 Employment Applicant File—TVA.
 Grievance Records—TVA.
 Land Between The Lakes Register of Hunter Applications—TVA.
 Land Between The Lakes Register of Law Violations—TVA.
 Management Appraisal Records—TVA.
 Payroll Records—TVA.
 Personnel Files—TVA.
 Prospective Condemnation Witness File—TVA.
 OEDC Quality Assurance Personnel Records—TVA.
 Questionnaire—Farms in Vicinity of Proposed Nuclear Power Plant—TVA.
 Radiation Dosimetry Personnel Monitoring Records—TVA.

Reforestation, Erosion Control, and Plantation Case History Record—TVA.
 Rehabilitation and Career Counseling Records—TVA.
 Retirement System Records—TVA.
 Test Demonstration Farm Records—TVA.
 Wildland Owner Survey Records—TVA.

(e) The term "appellant" means an individual who has filed an appeal pursuant to § 301.19(a) from an initial determination refusing to amend a record on request of the individual;

(f) The term "reviewing official" means TVA's General Manager, or another TVA official designated by him in writing to decide an appeal pursuant to § 301.19;

(g) The term "day," when used in computing a time period, excludes Saturdays, Sundays, and legal public holidays.

§ 301.13 Procedures for requests pertaining to individual records in a record system.

(a) An individual may, in accordance with this section (1) request a TVA determination whether a record retrieved by the individual's name or other personal identifier is maintained in a TVA system, and (2) request access to such a record. A request for determination may be combined with a request for access.

(b) Requests under this section shall:

(1) Be in writing and signed by the individual seeking the determination or access;

(2) Include the individual's mailing address;

(3) Name the TVA system as listed in the TVA system notice;

(4) Include any additional identifying information specified in the paragraph headed "Notification procedure" in the applicable TVA system notice;

(5) Specify whether the request is for determination only or for both determination and access; and

(6) Include such proof of identity as may be required by § 301.14 and the applicable system notice.

Requests may be presented in person or by mail. In-person requests shall be presented during normal TVA business hours, as set out in § 301.14(g).

(c) Requests for determination only shall be presented to the official designated in the paragraph headed "Notification procedure" in the TVA system notice for the TVA system concerned. Requests for both determination and access shall be presented to the official designated in the paragraph headed "Access procedure" in the TVA system notice for the TVA system concerned. Certain TVA system notices designate officials at field locations of TVA systems. With respect to such TVA systems, an individual who believes his record is located at the field location may present a request to the designated official at the field location. If the record is not available at that field location, the request will be forwarded to the appropriate TVA office.

(d) If a request is for determination only, the determination will normally be made within 10 days after receipt of the request. If the determination cannot be

made within 10 days after receipt of a request, the designated official will acknowledge the request in writing and state when the determination will be made. Upon making a determination, the designated official will notify the individual making the request whether the record exists. The notice will include any additional information necessary to enable the individual to request access to the record.

(e) A request which includes a request for access will be acknowledged within 10 days after receipt. If access can be granted as requested, the acknowledgment will provide a time and place for disclosure of the requested record. Disclosure will normally be made within 30 days of the date of the acknowledgement, but the designated official may extend the 30-day period for reasons found by him to be good cause. In case of an extension, TVA will notify the individual, in writing, that disclosure will be delayed, the reasons for delay, and the anticipated date on which the individual may expect the record to be disclosed. TVA will attempt to accommodate reasonable requests for disclosure at specified times and dates, as set forth in a request for access, so far as compatible with the conduct of TVA business.

§ 301.14 Times, places, and requirements for identification of individuals making requests.

(a) TVA will require proof of identity, in accordance with this section, before it will disclose a record under § 301.15 of this part to an individual requesting access to the record, and before it will disclose the existence of a record to a requester under § 301.13 of this part. If TVA determines that disclosure of the existence of such record would constitute an unwarranted invasion of personal privacy.

(b) Identification normally required would be an identification card such as a valid state driver's license or TVA or other employee identification card. A comparison of the signature of the requester with either the signature on the card or a signature in the record may be used to confirm identity.

(c) Because of the sensitivity of the subject matter in a TVA system, a TVA system notice may prescribe special identification requirements for the disclosure of the existence of or access to records in that TVA system. In such case, the special identification requirements prescribed in the TVA system notice shall apply in lieu of those prescribed by paragraph (b) of this section.

(d) If TVA deems it warranted by the nature of identification presented, the subject matter of the material to be disclosed, or other reasons found by TVA to be sufficient, TVA may require the individual requesting access to sign a statement asserting identity and stating that the individual understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine of up to \$5,000.

(e) Where TVA is requested to provide access to records by mailing copies of records to the requester, the request shall contain or be accompanied by adequate identifying information to make it likely the requester is the person he purports to be and a notarized statement asserting identity and stating that the individual understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine of up to \$5,000.

(f) Where sensitivity of record information may warrant (i.e., unauthorized access could cause harm or embarrassment to the individual) or disclosure by mail to third persons is requested, TVA may require in-person confirmation of identity. If in-person confirmation of identity is required, the individual may arrange with the designated TVA official to provide such identification at any of these TVA locations convenient to the individual: Knoxville, Nashville, and Chattanooga, Tennessee; Muscle Shoals, Alabama; Washington, D.C., or another location agreed upon by the individual and the designated TVA official. Upon request the TVA official will provide an address and an appropriate time for such identification to be presented.

(g) In general, TVA offices located in the eastern time zone are open 8 a.m. to 4:45 p.m., and those in the central time zone 7:30 a.m. to 4:15 p.m. Construction project offices and Land Between The Lakes are generally open 7 a.m. to 3:30 p.m. Offices are closed on Saturdays, Sundays, and the following holidays: New Year's Day, Washington's Birthday, Memorial Day, Fourth of July, Labor Day, Columbus Day, Veterans Day, Thanksgiving, and Christmas Day.

§ 301.15 Disclosure of requested information to individuals.

(a) All disclosure and examination of records shall normally be made in the presence of a TVA representative. If an individual wishes to be accompanied by a third person of the individual's choosing when the record is disclosed, TVA may require the individual to furnish TVA, in advance of disclosure of the record, a statement signed by the individual authorizing discussion and disclosure of the record in the presence of the accompanying person. If desired by the individual, TVA shall provide copies of any documents reviewed in the record which are requested at the time of review. Fees shall be charged for such copies in accordance with the fee schedule in § 301.21, and shall be payable prior to delivery of the copies to the individual.

(b) Where permitted by § 301.14, copies of an individual's record will be made available by mail. A charge for copies will be made in accordance with § 301.21 of this part. All fees due shall be paid prior to mailing of the materials. However, if TVA is unable to allow in-person review of the record, the first copy will be made available without charge.

§ 301.16 Special procedures—Medical records.

If, in the judgment of TVA, the transmission of medical records, including psychological records, directly to a requesting individual could have an adverse effect upon such individual, TVA may refuse to disclose such information directly to the individual. TVA will, however, disclose this information to a licensed physician designated by the individual in writing.

§ 301.17 Requests for correction or amendment of record.

(a) An individual may request amendment of records pertaining to him in a TVA system to the extent permitted by the Act in accordance with this section. A request for amendment shall:

- (1) Be in writing and signed by the individual seeking the amendment;
- (2) Name the TVA system in which the record is maintained;
- (3) Describe the item or items of information to be amended;
- (4) Describe the nature of the amendment requested; and
- (5) Give the reasons for the requested change.

(b) Requests shall be made to the official designated in the paragraph headed "Contesting record procedures" in the TVA system notice for the TVA system concerned. Before considering a request, TVA may require proof of identity of the requester similar to that required under § 301.14 to gain access to the record.

(c) The individual requesting amendment has the responsibility of providing TVA with evidence of why his record should be amended, and must provide adequate evidence to TVA to justify his request.

(d) TVA's Director of Information, Knoxville, Tennessee 37902, will provide advice and assistance to individuals relating to amendment of TVA records, including information on preparing requests to amend records, and appeals from initial adverse determinations on amendment requests. He can also provide information on the Act's provisions for judicial review.

(e) The provisions of §§ 301.11 to 301.24 of this Part do not permit the alteration of evidence presented or to be presented in the course of judicial or administrative proceedings; neither do they permit collateral attack on a prior judicial or administrative action, or provide a collateral remedy for a matter otherwise judicially or administratively cognizable.

§ 301.18 TVA review of request for correction or amendment of record.

(a) TVA will acknowledge a request for amendment within 10 days of receipt. The acknowledgment will be in writing, will request any additional information TVA requires to determine whether to make the requested correction or amendment, and will indicate the date by which TVA expects to make its initial determination.

(b) TVA will, except in unusual circumstances, complete its consideration of requests to amend records within 30 days. If more time is deemed necessary, TVA will notify the individual of the delay and of the expected date of completion of the review.

(c) If TVA determines that a record should be corrected or amended, in whole or in part, in accordance with a request, it will advise the requesting individual in writing of its determination, and correct or amend the record accordingly. If an accounting of disclosures has been made, TVA will, to the extent of the accounting, inform prior recipients of the record of the fact that the correction was made and the substance of the correction.

(d) If TVA, after initial consideration of a request, determines that a record should not be corrected or amended, in whole or in part, in accordance with a request, it will notify the individual in writing of its refusal to amend the record and the reasons therefor. The notification will inform the individual that the refusal may be appealed administratively and will advise the individual of the procedures for such appeals.

§ 301.19 Appeals on initial adverse agency determination on correction or amendment.

(a) An individual may appeal an initial determination refusing to amend that individual's record in accordance with this section. An appeal must be taken within 20 days of receipt of notice of TVA's initial refusal to amend the record, and is taken by delivering a written notice of appeal to the General Manager, Tennessee Valley Authority, Knoxville, Tennessee 37902. Such notice shall be signed by the appellant and shall state:

- (1) That it is an appeal from a denial of a request to amend the individual's records under these regulations and under the Privacy Act of 1974;
- (2) The reasons why the appellant believes the denial to have been erroneous;
- (3) The date on which the denial was issued; and
- (4) The date on which the denial was received by the appellant.

(b) Appeals shall be determined by a reviewing official. Such determination may be based on information provided for the initial determination; any additional information which TVA or the appellant may desire to provide; and any other material the reviewing official deems relevant to the determination. The reviewing official, in his sole discretion, may request TVA or the appellant to provide additional information deemed relevant to the appeal. The appellant will be given an opportunity to respond to any information provided by TVA or independently procured by the reviewing official. If in the sole discretion of the reviewing official a hearing is deemed necessary for resolution of the appeal, the reviewing official may conduct a hearing upon notice to TVA and the appellant, at which both TVA and the

appellant shall be afforded an opportunity to be heard on the appeal. The rules governing any hearing will be set forth in the notice of hearing.

(c) The reviewing official shall make final determination on the appeal within 30 days after it is received unless such period is extended for good cause. If the reviewing official finds good cause for an extension, TVA will inform the appellant in writing of the reason for the delay and of the approximate date on which the reviewing official expects to complete his determination of the appeal.

(d) If the reviewing official determines that a record should be amended in whole or in part in accordance with an appellant's request, TVA will inform the appellant in writing of its determination and correct or amend the record. If an accounting of disclosures has been made, TVA will, to the extent of the accounting, inform prior recipients of the record of the fact that the correction was made and of the substance of the correction.

(e) If the reviewing official determines not to amend a record, in whole or in part, in accordance with a request, TVA will advise the individual;

(1) Of its refusal to amend and the reasons therefor;

(2) Of the appellant's right to file a concise statement of reasons for disagreement with the refusal as set out in paragraph (f) of this section;

(3) Of the procedures for filing a statement of disagreement;

(4) That any statement of disagreement will be made available to anyone to whom the record is subsequently disclosed together with any statement by TVA summarizing its reasons for refusing to amend the record;

(5) That prior recipients of the disputed record will be provided a copy of any statement of dispute to the extent that an accounting of disclosures was maintained; and

(6) Of his or her right to seek judicial review of the agency's refusal to amend a record.

(f) If the reviewing official's final determination of an appeal is a refusal to correct or amend a record, in whole or in part, in accordance with the request, the appellant may file with TVA a concise statement setting forth the reasons for his or her disagreement with the refusal of TVA to amend the records. Such statements normally should not exceed 100 words. A statement of disagreement should be submitted within 30 days of receipt of notice of the reviewing official's decision on the appeal, and should be sent to system manager. In any disclosure containing information about which the individual has filed a statement of disagreement which occurs after the filing of the statement, TVA will clearly note any portion of the record which is disputed and provide copies of the statement with the disclosure. Copies of the statement will also be furnished to persons or other agencies to whom the record has been disclosed to the extent that an accounting of disclosures was made. TVA may attach to the statement of disagreement a brief summary of TVA's reasons for refusing to amend the record. Such summaries will be disclosed to the indi-

vidual, but are not subject to amendment.

§ 301.20 Disclosure of record to persons other than individual to whom it pertains.

For purposes of § 301.11 to § 301.24, the parent of any minor or the legal guardian of any individual who has been declared incompetent due to physical or mental incapacity or age by a court of competent jurisdiction may act on behalf of the individual. TVA may require proof of the relationship prior to allowing such action. The parent or legal guardian may not act where the individual concerned objects to the action of the parent or legal guardian, unless a court otherwise orders.

§ 301.21 Fees.

(a) Fees to be charged, if any, to any individual for making copies of his or her record exclude the cost of any search and review of the record. The following fees are applicable:

(1) For reproduction of material consisting of sheets no larger than 8½ by 14 inches, ten cents per page; and

(2) For reproduction of other materials, the direct cost of photostate or other means necessarily used for duplication.

§ 301.22 Penalties.

Section 552a(i), title 5, United States Code provides that:

(1) Criminal Penalties.—Any officer or employee of an agency, who by virtue of his employment or official position, has possession of, or access to, agency records which contain individually identifiable information the disclosure of which is prohibited by this section or by rules or regulations established thereunder, and who knowing that disclosure of the specific material is so prohibited, willfully discloses the material in any manner to any person or agency not entitled to receive it, shall be guilty of a misdemeanor and fined not more than \$5,000.

(2) Any officer or employee of any agency who willfully maintains a system of records without meeting the notice requirements of subsection (e)(4) of this section shall be guilty of a misdemeanor and fined not more than \$5,000.

(3) Any person who knowingly and willfully requests or obtains any record concerning an individual from an agency under false pretenses shall be guilty of a misdemeanor and fined not more than \$5,000.

§ 301.23 General exemptions.

(a) Individuals may not have access to records maintained by TVA but which were provided by another agency which has determined by regulation that such information is subject to general exemption under 5 U.S.C. 552a(j). If such exempt records are within a request for access, TVA will advise the individual of their existence and of the name and address of the source agency. For any further information concerning the record and the exemption, the individual must contact that source agency.

(b) The TVA system "Land Between The Lakes Register of Law Violations—TVA" is exempted from subsections (c) (3), (4); (d); e(1), (2), (3), (4)(G), (4)(H), (4)(I), (5); (f); (g); and (h) of the Act and corresponding sections of these rules pursuant to section 3(j) (2) of the Privacy Act (5 U.S.C. 552a(j) (2)). Application of these provisions of the Privacy Act to the criminal law enforce-

ment records in this system might interfere with effective law enforcement at the Land Between The Lakes.

§ 301.24 Specific exemptions.

(a) The TVA system Employee Alleged Misconduct Investigatory Files—TVA is exempted from subsections (c) (3); (d); (e) (1), (4)(G), (4)(H), (4)(I); and (f) of the Act and corresponding sections of these rules pursuant to section 3(k) (2) of the Privacy Act (5 U.S.C. 552a(k) (2)). This TVA system is exempted because applications of these provisions to this system might impair investigations of employee misconduct.

(b) (1) The TVA Systems Apprentice Training Record System-TVA, Consultant and Personal Service Contractor Records-TVA, Cooperative Training Program for Construction Craftsmen-TVA, Employment Applicant File-TVA, Personnel Files-TVA, Quality Assurance Personnel Records-TVA are exempted from subsections (d); (e) (4)(H); (f) (2), (3) and (4) of the Act, and corresponding sections of these rules to the extent that disclosure of material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence. These TVA systems are exempted pursuant to section 3(k) (5) of the Privacy Act of 1974 (5 U.S.C. 552a(k) (5)).

(2) Each of these TVA systems contain reference letters and information concerning employees and other individuals who perform services for TVA. TVA has received this information in the past under both express and implied promises of confidentiality and consistent with the Privacy Act these promises will be honored. Pledges of confidentiality will be necessary in the future to ensure that unqualified or unsuitable individuals are not selected for TVA positions. Without the ability to make these promises, a potential source of information may be unwilling to provide needed information, or may not be sufficiently frank to be of value in personnel screening.

(c) The TVA systems Apprentice Training Record System-TVA, Consultant and Personal Service Contractor Records-TVA, Cooperative Training Program for Construction Craftsmen-TVA, Employment Applicant File-TVA, Personnel Files-TVA are exempted from subsections (d); e(4)(H); f(2), (3), and (4) and corresponding sections of these rules to the extent that disclosure of testing or examination material used solely to determine individual qualifications for appointment or promotion in the federal service would compromise the objectivity or fairness of the testing or examination process. These systems are exempted pursuant to section 3(k) (6) of the Privacy Act of 1974 (5 U.S.C. § 552a(k) (6)).

(2) This material is exempted because its disclosure would reveal information about the testing process which would potentially give an individual an unfair competitive advantage in selection based on test performance.

(Sec. 3, Pub. L. 93-579, 88 Stat. 1897 (5 U.S.C. 552a))

[FR Doc. 75-26236 Filed 9-26-75; 4:00 pm]

COMMODITY FUTURES TRADING COMMISSION

SYSTEMS OF RECORDS

Implementation of Privacy Act

On August 28, 1975 the Commission published in the FEDERAL REGISTER, 40 FR 39713, proposed notices of systems of records to implement the Privacy Act of 1975, 5 U.S.C. 552a (Pub. L. 93-579).¹ The Commission invited interested persons to participate in the rulemaking process by making written submissions to the Commission, although no comments were received.

The Commission in its proposals described 27 systems of records which it maintains. Except as noted hereinafter, the final notices as adopted herein are in substantially the same form as published originally.

In systems CFTC-7, CFTC-9, and CFTC-10, certain of the provisions as published in the proposed notices were misarranged. These three notices are being reprinted correctly in their entirety in this release.

Among the information required to be included in each system notice is a list of "routine uses" for information in that system. Along with the proposed systems notices, the Commission published a list of eight general routine uses, applicable to a number of the systems maintained by the Commission, which the Commission proposed to incorporate by reference in the notices applicable to individual systems. Six of those routine uses are being adopted in the final notices as set forth hereinafter. The list has been revised to eliminate two items. Item 5 provided:

The information may be included in a public report to be issued by the Commission following an investigation, to the extent that this is authorized under Section 8 of the Commodity Exchange Act, 7 U.S.C. 12, Section 8 authorizes publication of such reports but contains restrictions on the publication of certain types of sensitive business information developed during an investigation. In certain contexts, some of this information might be considered personal in nature.

This has been eliminated from the general routine uses and is being included as a routine use only for system CFTC-14, Investigation Files.

The sixth item listed in the proposed general routine uses published previously has also been deleted. This item dealt with information to be provided to other federal agencies and a determination was made that it has been adequately covered by other categories of published uses.

¹ A "system of records" covered by the Privacy Act is defined as a group of records under the control of the Commission from which information is retrieved by the name of the individual or by some other identifier unique to the individual.

In addition the following routine use is being inserted in system CFTC-14 and CFTC-15:

Information concerning traders and their activities may be disclosed and made public by the Commission to the extent permitted by law when deemed appropriate to further the practices and policies of the Commodity Exchange Act.

The full text of the introduction to the system notices and the full text of systems CFTC-7, CFTC-9, and CFTC-10, are set forth below. Because the changes in the other systems are non-substantive and because of the substantial costs involved in preparing the notices to be reprinted in their entirety, only the corrections in the notices of the remaining systems are set forth.

While the Commission's initial comment period, prior to adoption of the notices, has passed, the Commission will consider any comments subsequently received with a view to later amendment if appropriate.

INTRODUCTION

Pursuant to the provisions of the Privacy Act of 1974, 5 U.S.C. 552a, the Commodity Futures Trading Commission has published rules relating to records maintained by the Commission concerning individuals [17 CFR, Part 146]. The rules deal with an individual's right to know what information the Commission has in its files concerning him, his right to have access to these records, his right to petition the Commission to have inaccurate or incomplete records amended or corrected, and his right not to have personal information disseminated to unauthorized persons [40 FR 41056 (September 4, 1975)].²

To implement further the requirements of the Privacy Act the Commission is required annually to publish a notice of the existence and character of each "system of records" it maintains which contains information about individuals. When read in conjunction with the Commission's rules, these "system notices" will provide the individual with the information he needs fully to exercise his rights under the Privacy Act.

CONTENT OF SYSTEM NOTICES

Each system notice contains the following information:

1. The name and location of the system;
2. The categories of individuals on whom records are maintained in the system;
3. The categories of records maintained in the system;

² The full text of the Commission's rules implementing the Privacy Act should be consulted for a detailed description of the procedures to be followed.

4. Each routine use of the records contained in the system, including the categories of users and the purpose of each use;

5. The policies and practices of the agency regarding storage, retrievability, access controls, retention, and disposal of records;

6. The title and business address of the agency official who is responsible for the system of records;

7. The agency procedures by which an individual can find out whether the system of records contains a record pertaining to him;

8. The agency procedures by which an individual can find out how he may gain access to any record pertaining to him contained in the system of records, and how he can contest the content of the record; and

9. The categories of sources of records in the system.³

THE LOCATION OF SYSTEMS OF RECORDS

The first and sixth items described above call for the address of the Commission office involved. The Commission maintains offices in the following locations:

1120 Connecticut Avenue N.W., Washington, D.C. 20035. Telephone: (202) 254-8630.

141 West Jackson Boulevard, Room A-1, Chicago, Illinois 60604. Telephone: (312) 353-5990.

356 Board of Trade Building, 4800 Main Street, Kansas City, Missouri 64112. Telephone: (816) 374-2994.

61 Broadway, Room 2101, New York, New York 10006. Telephone: (212) 264-1028.

Two Embarcadero Center, Suite 975, San Francisco, California 94111. Telephone: (415) 556-7503.

610 Grain Exchange Building, Minneapolis, Minnesota 55415. Telephone: (612) 725-2025.

Where multiple locations are involved in a system notice, rather than listing each address the notice merely identifies the offices and refers to this introductory section for each address. In the system notice, the Washington office is referred to as the "principal office," the Chicago, Kansas City and New York offices as the "regional offices," and all offices collectively are described as "all CFTC offices."

In many cases records within a system will not all be available at each of the offices listed in the system notice. For example, investigation files are basically

³ Two systems of records, one relating to investigatory material compiled for law enforcement purposes and the other relating to confidential information obtained during employee background investigations, have been exempted in the Commission's rules from certain requirements of the Privacy Act, as authorized under the Privacy Act, 5 U.S.C. 552a(k). Among the requirements from which these systems have been exempted is the requirement that the above information listed under items (7), (8), and (9) above, be furnished.

maintained in the office where the investigation is being conducted, but certain information may be maintained in other offices as well. Similarly, many but not necessarily all employee records are maintained in the particular office where the employee works. In addition, the Commission's computer is physically located in Chicago, although information in computer printout form may be available in any office.

Of course, it will be the Commission's responsibility, unless otherwise specified in the system notice, to determine where the particular records being sought are located. However, if the individual seeking the records in fact knows the location, it would be helpful to the Commission if he would indicate that location.

SCOPE AND CONTENT OF RECORDS

The Privacy Act applies to personal information about individuals; it does not apply to the extent that the individual is acting in an entrepreneurial capacity. Since the Commission's responsibilities pertain to the regulation of business entities or to individuals who are acting in a business capacity, much of the information contained in the Commission's records does not come within the purview of the Privacy Act.

On the other hand, personal information subject to the provisions of the Privacy Act may sometimes be found in a system of records that might appear to relate solely to commercial matters. For example, the system of records entitled "registration of futures commission merchants"⁴ contains essentially business information. However, the application for registration contains a few items of personal information concerning key personnel of the registrant firm. Since the capability exists through the Commission's computer to retrieve information from this system of records not only by use of the name of the futures commission merchant but also by the use of the name of these individuals this information is within the purview of the Privacy Act.⁵

Such a capability would generally not exist, however, in a Commission staff investigation of the activities of the futures commission merchant. Thus, if the investigation were opened under the name of the futures commission merchant, information would be retrievable only under that name. Accordingly, information about principals of a firm under investigation which might be developed during the investigation would generally not be retrievable by the name of the individual, and the provisions of the Privacy Act would not apply.

⁴ A futures commission merchant is someone engaged in soliciting or in accepting orders for the purchase or sale of commodity futures in the manner defined in Section 2(a) of the Commodity Exchange Act, 7 U.S.C. 2.

⁵ See definition of system of records in footnote 1.

GENERAL STATEMENT OF ROUTINE USES

A principal purpose of the Privacy Act is to restrict the unauthorized dissemination of personal information concerning the individual. In this connection, the Privacy Act and the Commission's rules prohibit all dissemination except for specific purposes.⁶

The Act and the proposed rules specifically provide that disclosure may be made with the consent of the individual to whom the record pertains. Disclosure may also be made to those officers and employees of the Commission who need the record in the performance of their duties. Furthermore, disclosures are authorized if they are made pursuant to the terms of the Freedom of Information Act, 5 U.S.C. 552.

In addition, the Privacy Act and the Commission's rules permit disclosure of individual records if it is for a "routine use," which is defined as a use of a record which is compatible with the purpose for which it was collected. The system notice for each system of records is required to list each of these routine uses.

Many of the routine uses of Commission records are applicable to a number of systems. These include the following:

1. The information in the system may be used by the Commission in connection with any administrative proceeding before the Commission, any injunctive action authorized under the Commodity Exchange Act, 7 U.S.C. 1 et seq. or any other action or proceeding in which the Commission or any member of the Commission or its staff participates as a party or the Commission participates as *amicus curiae*, and may be disclosed in response to a subpoena issued in the course of a proceeding to which the Commission is not a party.

2. The information may be given to the United States Department of Justice, the United States Securities and Exchange Commission, the United States Postal Service, the United States Internal Revenue Service, the United States Department of Agriculture, the United States Civil Service Commission and to other federal, state or local law enforcement or regulatory agencies for use in meeting responsibilities assigned to them under law, or made available to any member of Congress who is acting in his capacity as a member of Congress.

3. The information may be given to any board of trade designated as a contract market by the Commission if the Commission has reason to believe this will assist the contract market in carrying out its responsibilities under the Commodity Exchange Act, 7 U.S.C. 1, et seq.

⁶ Individuals should refer to the full text of the Privacy Act, 5 U.S.C. 552a(b) and to the Commission's rules [17 CFR, Part 146] for a complete list of authorized disclosures. Only those arising most frequently have been mentioned herein.

4. At the discretion of the Commission staff, the information may be given or shown to anyone during the course of a Commission inquiry or the investigation if the staff has reason to believe that the person to whom it is disclosed may have further information about the matters discussed therein, and those matters appear relevant at the time to the subject of the investigation.

5. The information may be disclosed to a prospective employer in response to its request in connection with the hiring or retention of an employee, to the extent that the information is believed to be relevant to the prospective employer's decision in the matter.

6. The information may be disclosed to any person, pursuant to Section 12(a) of the Commodity Exchange Act, 7 U.S.C. 16(a), when disclosure will further the policies of that Act or of other provisions of law. Section 12(a) authorizes the Commission to cooperate with various other government authorities or with "any person."

To avoid unnecessary repetition of these routine uses, where they are generally applicable the system notice refers the reader to the above description. Unless otherwise indicated, where the system notice contains a reference to the foregoing routine uses all of the six routine uses listed above apply to that system.

SYSTEM NOTICES

Except for the three systems being published in their entirety, only variations from the proposed system notices are listed in the descriptions which follow. For each system which includes changes, the system number and name is given, followed by the title of the subsection which contains the change.

CFTC-7

System name: Employee Records Maintained by the National Finance Center/USDA—CFTC.

System location: National Finance Center, U.S. Department of Agriculture, New Orleans, Louisiana 70160.

Categories of individuals covered by the system: All CFTC employees.

Categories of records in the system: The National Finance Center is used by the Commission to provide data processing capability for various personnel, payroll and accounting related matters. The records in the system include:

a. General records relating to the employee including information from the notification of personnel action (Form 350 and 350A) prepared and submitted by the CFTC, and other related sources. The information includes the name, social security or other employee number, birth date, veteran's preference, tenure, leave group, insurance coverage, retirement coverage, type of employment, date service commenced and ended, title of position, number of position, grade and step, base salary, duty station, various computation dates, leave

codes and status, employing office and other miscellaneous information.

b. Various payroll related information for CFTC employees, including payroll and leave data for each employee relating to rate and amount of pay, leave, and hours worked, and leave balances, tax and retirement deductions, life insurance and health insurance deductions, savings allotments, savings bond and charity deductions, mailing addresses and home addresses. This includes copies of the CFTC time and attendance reports as well as authorizations relating to deductions.

c. Travel vouchers and related material.

Authority for maintenance of the system: 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information from these records is transmitted to the U.S. Treasury to effect reimbursement of travel expenses and issuance of paychecks, as well as distribution of pay to other sources according to employee instructions. Appropriate information from these records is also forwarded to taxing authorities and others receiving proceeds from the employee's pay.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders, magnetic tape.

Retrievability: Indexed by social security number or equivalent employee number and by name of employee.

Safeguards: Protection is afforded by limiting access to the offices where the records are maintained. Certain records are kept in lockable file cabinets.

Retention and disposal: Records are maintained indefinitely on tape; paper records are sent to the Federal Records Center after an appropriate period.

System manager(s) and addresses: Director, National Finance Center, U.S. Department of Agriculture, Office of Management and Finance, New Orleans, Louisiana 70160.

Notification procedure: Individuals seeking to determine whether this system of records contains information about them should address their inquiries to the Privacy Unit, Commodity Futures Trading Commission, 1120 Connecticut Avenue, N.W., Washington, D.C. 20036, Telephone: (202) 254-8630.

Record access procedures: Individuals seeking access to records about themselves in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Contesting record procedures: Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Record source categories: Records furnished by the CFTC.

CFTC—9

System name: Exempted Employee Background Investigation Material—CFTC.

System location: These records are maintained in the Personnel Office of the Commission's principal offices at 1120 Connecticut Avenue, N.W., Washington, D.C. 20036.

Categories of individuals covered by the system: Employees and prospective employees of the CFTC.

Categories of records in the system: The records in this system contain investigatory material compiled for the purpose of determining suitability, eligibility, or qualifications for employment with the CFTC, which were obtained under an express promise that the identity of the source would be held in confidence, or which were obtained prior to September 28, 1975, under an implied promise of confidentiality.

Authority for maintenance of the system: 44 U.S.C. 3101; 5 U.S.C. 552a(k) (5).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses applicable to this system of records are set forth in the introduction to these system notices under the caption "general statement of routine uses" except that general routine use number (3) is not applicable. Disclosure pursuant to the other routine uses may be subject to the consent of the person furnishing the information.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: By the name of the employee.

Safeguards: The records are maintained in lockable cabinets in secured offices or in secured buildings.

Retention and disposal: These records are maintained for 3 years, then destroyed.

System manager(s) and address: Personnel Officer, Commodity Futures Trading Commission, 1120 Connecticut Avenue, N.W., Washington, D.C. 20036.

Systems exempted from certain provisions of the act: The records in this system have been exempted by the Commission from certain provisions of the Privacy Act, 5 U.S.C. 552a(k) (5), and the Commission's rules promulgated thereunder, 17 CFR 146.12. These records are exempt from the notification procedures, record access procedures and record contest procedures set forth in the system notices of other record systems, and from the requirement that the sources of records in the system be described.

CFTC—10

System name: Exempted Investigatory Records—CFTC

System location: These records are maintained in the Commission's principal offices and in each of the regional offices. The address and telephone number of each of these offices is set forth in the introduction to these system notices under the caption "location of systems of records."

Categories of individuals covered by the system: a. Individuals whom the staff of the Commission has reason to believe have violated, are violating, or are about to violate the Commodity Exchange Act

and the rules, regulations and orders promulgated thereunder.

b. Individuals whom the staff of the Commission has reason to believe may have information concerning violations of the Commodity Exchange Act and the rules, regulations and orders promulgated thereunder.

c. Individuals involved in investigations authorized by the Commission concerning the activities of members of the Commission or its employees based upon formal complaint or otherwise.

d. Individuals filing Form 4 R (registration as an associated person) or Form 94 (biographical information questionnaire) in connection with an application for registration with the Commission.

Categories of records in the system: The records in this system consist of investigatory materials compiled for law enforcement purposes, whose disclosure the Commission staff has determined could impair the effectiveness and orderly conduct of the Commission's regulatory and enforcement program, or compromise Commission investigations. This exemption could include all or any part of the records developed during the investigation or inquiry.

Authority for maintenance of the system: Section 8 of the Commodity Exchange Act, 7 U.S.C. 12; 44 U.S.C. 3101; 5 U.S.C. 552a(k) (2).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses applicable to this system of records are set forth in the introduction to these system notices under the caption "general statement of routine uses" except that general routine use number (5) is not applicable.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: The records are maintained by assigned case number or by the title of the case. Cases filed by number are cross-indexed by case title.

Safeguards: In addition to normal office and building security, certain of those records are maintained in locked file cabinets. All employees are aware of the sensitive nature of the information gathered during investigations.

Retention and disposal: The records are maintained in this system until it is determined that exemption is no longer necessary. They are then returned to the appropriate non-exempt system.

System manager(s) and address: Deputy General Counsel for Enforcement and Compliance, Commodity Futures Trading Commission, 1120 Connecticut Avenue, N.W., Washington, D.C. 20036.

Systems exempted from certain provisions of the act: The records in this system have been exempted by the Commission from certain provisions of the Privacy Act of 1974 pursuant to the terms of the Privacy Act, 5 U.S.C. 552a(k) (2) and the Commission's rules promulgated thereunder, 17 CFR 146.12. These records are exempt from the notification procedures, record access procedures and record contest procedures set forth in the system notices of other record systems,

and from the requirement that the sources of records in the system be described.

CFTC-1 Complaint Register and Complaint Indices

Categories of records in the system:

Item b: last three lines should be at the left margin.

Item c: Insert a comma (,) after the word 'register' and before the word 'but' in the second sentence.

Notification procedure: Change semicolon (;) after the words 'Commission' and 'N.W.' to a comma (,).

CFTC-2 Correspondence Files

Categories of records in the system: Strike the last sentence.

System manager(s) and address:

Add a new letter '(b) Deputy General Counsel for Enforcement and Compliance' and change the following letters accordingly.

Notification procedure: Change semicolon (;) after the words 'Unit', 'Commission', and 'N.W.' to commas (,).

CFTC-4 Employee Leave, Time and Attendance

System location: Insert 'addresses set forth in the introduction to these system' between the word 'the' and the word 'notices' in the second line.

Routine uses of records maintained in the system:

Item a: Change first two lines to read: 'a. In response to requests the information may be provided to other federal agencies for . . .

Item b: Change 'Justice Department' to 'United States Department of Justice'.
Safeguards: Change 'records' to 'records'.

Retention and Disposal: Change the word 'three' to the number '3' and the word 'ten' to the number '10'.

System manager(s) and address: On the fourth line capitalize the words 'administrative' and 'officer'.

CFTC-5 Employee Personnel Records

Routine uses of records maintained in the system:

Item b: Change 'Justice Department' to 'United States Department of Justice'.

System manager(s) and address: On the fourth line capitalize the word 'officer'.

CFTC-6 Employee Travel Records

Retention and disposal: Change the word 'three' to the number '3'.

System manager(s) and address: On the third line capitalize the word 'administrative' and on the fourth line capitalize the word 'officer'.

CFTC-8 Employment Applications

Safeguards: Change the word 'locked' to 'lockable'.

Retention and disposal: Change the word 'two' to the number '2'.

System manager(s) and address: Change the word 'Office' to the word 'Officer' in the first line.

CFTC-11 Fitness Files

Retention and disposal: Change the word 'five' to the number '5' twice in the final sentence.

CFTC-13 Interpretation Files

Routine uses of records maintained in the system: Change 'tge' to 'the' in the last sentence.

Retention and disposal: Strike the words 'in the Office of the General Counsel'.

System manager(s) and address: Change all semicolons (;) to commas (,).

CFTC-14 Investigation Files

Routine uses of records maintained in the system: Insert at the end of the paragraph. 'In addition information concerning traders and their activities may be disclosed and made public by the Commission to the extent permitted by law when deemed appropriate to further the practices and policies of the Commodity Exchange Act. Furthermore, information collected during the investigation may be included in a public report to be issued by the Commission following an investigation, to the extent that this is authorized under Section 8 of the Commodity Exchange Act, 7 U.S.C. 12.'

System manager(s) and address: Substitute 'Deputy General Counsel for Enforcement and Compliance' for 'General Counsel' at the beginning of the sentence.

CFTC-15 Large Trader Report Files

Categories of records in the system:

Item 3: Last sentence, 'Commission,s' should read 'Commission's'.

Routine uses of records maintained in the system: Should read 'Information concerning traders and their activities may be disclosed and made public by the Commission to the extent permitted by law when deemed appropriate to further the practices and policies of the Commodity Exchange Act. Other routine uses applicable to this system of records are set forth in the introduction to these system notices under the caption "general statement of routine uses."'

CFTC-16 Litigation Files

System location: Strike 'in the Compliance Bureau' in the first sentence.

System manager: Insert 'the Deputy General Counsel for Enforcement and Compliance and' after the words 'These records are maintained by' and before the words 'the Director of the Compliance Bureau.'

Notification procedure: Insert the words 'Commodity Futures Trading Commission' after the words 'Privacy Unit' and before the address.

CFTC-17 Litigation Files-OGC

Authority for maintenance of the system: Substitute '1' for '2' after '7 U.S.C.' in the second line.

Retrievability: Insert 'the' between 'by' and 'caption' in the last line.

Retention and disposal: Strike the words 'in the Office's "precedent files".'

CFTC-18 Logbook on Speculative Limit Violations

Categories of individuals covered by the system: Strike 'Record of all' at the beginning of the sentence.

Notification procedure: Change all semicolons (;) to commas (,).

CFTC-21 Registration of Commodity Trading Advisors

System location: Add "caption 'location of systems of records'" to the end of the sentence.

CFTC-23 Registration of Futures Commission Merchants

Categories of individuals covered by the system: Insert 'per cent' after '10' and 'stockholder'. Lines 9-16 should be brought out to left margin.

Retention and disposal: Substitute the number '3' for the word 'three' and the number '7' for the word 'seven'.

System manager(s) and address: 'Region' should read 'region' in line two.

Notification procedure: 'LL20' should read '1120'.

CFTC-24 Registration and Fitness of Associated Persons

Retention and disposal: Change the word 'three' to the number '3', the word 'seven' to the number '7', the word 'five' to the number '5', and the word 'five' to the number '5'.

CFTC-25 Stipulation of Compliance File

Routine uses of records maintained in the system: Strike the word 'none'.

CFTC-26 Subpoena File

Safeguards: Line 2. Change second 'in' to the word 'on'.

CFTC-27 Violation Follow-Up Files

Authority for maintenance of the system: 'Commission,s' should read 'Commission's'.

Safeguards: Strike the sentence and substitute 'Protection is afforded by general office security measures. Records are located in secured rooms or on secured premises with access limited to those whose official duties require access.'

Notification procedure: Change all semicolons (;) to commas (,).

Issued in Washington, D.C. on September 24, 1975.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures
Trading Commission.

[FR Doc.75-26242 Filed 9-26-75;4:01 pm]

Title 10—Energy

CHAPTER III—ENERGY RESEARCH AND
DEVELOPMENT ADMINISTRATION

PART 715—INTERPRETATIONS

Redesignation

The Energy Research and Development Administration (ERDA) has affirmed and continued in effect the pertinent rules and regulations of the Atomic Energy Commission, Title 10 CFR, Chapter I, Parts 0 through 170, as a result of the Energy Reorganization Act of 1974, Public Law 93-438. (40 FR 3242, Janu-

ary 20, 1975). Such rules and regulations have been redesignated as Parts 700 through 870 respectively of Chapter III of Title 10. (40 FR 8794, March 3, 1975). Under the redesignation, Part 8 of 10 CFR, "Interpretations" became Part 708 of Title 10, Chapter III.

Upon the recommendation of the Office of the Federal Register that agencies position their Privacy Act Regulations adjacent numerically to their Freedom of Information Regulations, ERDA has determined it to be appropriate to use Part 708 of Title 10 CFR for its Privacy Act Regulations.

The material entitled "Interpretations," previously published as 10 CFR Part 8, which became 10 CFR Part 708 is hereby redesignated as 10 CFR Part 715.

(42 U.S.C. 5815; 42 U.S.C. 2201).

Effective date: September 27, 1975.

For the Administrator:

ROBERT F. ALLNUTT,
*Deputy Assistant Administrator
for Administration.*

[FR Doc. 75-26240 Filed 9-26-75; 4:01 pm]

Title 32—National Defense
CHAPTER XIX—CENTRAL
INTELLIGENCE AGENCY

PART 1901—RULES AND REGULATIONS
TO IMPLEMENT THE PRIVACY ACT OF
1974

On August 28, 1975, there was published in the FEDERAL REGISTER (32 CFR Part 1901) a notice of proposed rules to implement the provisions of sections 2 and 3 of the Privacy Act (Public Law 93-579). The public was given the opportunity to submit, not later than September 15, 1975, comments regarding the proposed rules. No comments have been received, and the proposed rules are hereby adopted without change and are set forth below.

Effective date. This notice shall be effective September 27, 1975.

Dated: September 26, 1975.

JOHN F. BLAKE,

Deputy Director for Administration.

Title 32, Chapter XIX, Code of Federal Regulations is amended by establishing a new Part 1901, as follows:

Sec.	
1901.1	Purpose and scope.
1901.3	Definitions.
1901.11	Procedures for requests pertaining to individual records in a record system.
1901.13	Requirements for identification of individuals making requests.
1901.15	Disclosure of requested information to individuals.
1901.17	Appeal of determination to deny access to requested record.
1901.19	Special procedures for disclosure of medical and psychological records.
1901.21	Request for correction or amendment to record.
1901.23	Appeal of initial adverse agency determination on correction or amendment.
1901.31	Disclosure of record to person other than the individual to whom it pertains.
1901.41	Fees.
1901.51	Penalties.
1901.61	General exemptions.
1901.71	Specific exemptions.

AUTHORITY: 5 U.S.C. 552a; 5 U.S.C. 553.

§ 1901.1 Purpose and scope.

(a) This proposed regulation is published pursuant to the Privacy Act of 1974 (5 U.S.C. 552a). This proposed regulation establishes procedures by which an individual may request notification of whether the Central Intelligence Agency maintains a record pertaining to him in any non-exempt portion of a system of records or any non-exempt system of records, request a copy of such record, request that the record be amended, appeal any initial adverse determination of any request to deny access to or amend a record and submit additional data to augment or correct such record. The proposed regulation further specifies those systems of records or portions of systems of records the Director has determined

to exempt from the procedures established by this regulation and from certain provisions of the Act.

(b) The purpose of the proposed general exemption, in the instance of polygraph records, is to prevent access and review of records which intimately reveal a CIA security method. The purpose of the proposed general exemption from the provisions of subsections (c) (3) and (e) (3) (A-D) is to avoid disclosures that may adversely affect ongoing operational relationships with other intelligence and related organizations and thus reveal or jeopardize intelligence sources and methods or risk exposure of intelligence sources and methods in the processing of covert employment applications.

(c) The purpose of the proposed general exemption from subsections (d), (e) (4) (G), (f) (1) and (g) of the Act is to protect only those portions of systems of records which if revealed would risk exposure of intelligence sources and methods or hamper the ability of the CIA to effectively use information received from other agencies or foreign services.

(d) It should be noted that by subjecting information which would consist of, reveal or pertain to intelligence sources and methods to separate determinations by the Director of Central Intelligence under § 1901.61 (c) and (d) regarding access and notice, an intent is established to apply the exemption from access and notice only in those cases where notice in itself would constitute a revelation of intelligence sources and methods. In all cases where only access to information would reveal such source or method, notice will be given upon request.

(e) The purpose of the proposed specific exemptions provided for under section (k) of the Act is to exempt only those portions of systems of records which would consist of, pertain to or reveal that information which is enumerated in the above noted section (k).

(f) In each case, the Director of Central Intelligence has determined that the enumerated classes of information should be exempt in order to comply with directives in Executive Order 11652 dealing with the proper classification of national defense or foreign policy information; protect the privacy of other persons who supplied information under an implied or express grant of confidentiality in the case of law enforcement or employment and security suitability investigations or promotion material in the case of the armed services; protect information used in connection with assisting in protective services under 18 U.S.C. 3056; protecting the efficacy of testing materials; and protect information or grouping of information about required by statute to be maintained and used solely as statistical records.

§ 1901.3 Definitions.

For the purposes of this Part:

(a) "Agency" means each authority of the United States Government as defined in 5 U.S.C. 552 (e).

(b) "Individual" means a citizen of the United States or an alien lawfully ad-

mitted for permanent residence who is a living being and to whom a record might pertain.

(c) "Maintain" means maintain, collect, use, or disseminate.

(d) "Record" means an item, collection which would constitute information of an individual that is maintained by the Central Intelligence Agency.

(e) "System of Records" means a group of any records under the control of the Central Intelligence Agency from which records are retrieved by the name of the individual or by some identifying number, symbol or other identifying particular assigned to the individual.

(f) "Routine use" means (with respect to the disclosure of a record) the use of such record for a purpose which is compatible with the purpose for which the record is maintained.

§ 1901.11 Procedures for requests pertaining to individual records in a record system.

(a) An individual seeking notification of whether a system of records contains a record pertaining to him or an individual seeking access to information or records pertaining to him which is available under the Act shall address his request in writing to the Privacy Act Coordinator, Central Intelligence Agency, Washington, D.C. 20505.

(b) In addition to meeting the identification requirements set forth in § 1901.13 individuals seeking notification or access shall, to the best of their ability, describe the nature of the record sought and the system in which it is thought to be included, as described in the Notices of Records Systems which is published in the August 28, 1975 issue of the FEDERAL REGISTER.

§ 1901.13 Requirements for identification of individuals making requests.

(a) An individual seeking access to or notification of the existence of records about himself shall provide in the letter of request his full name, address, date and place of birth together with a notarized statement swearing to or affirming his identity. If it is determined by the Privacy Act Coordinator that this information does not sufficiently identify the individual, the Privacy Act Coordinator may request additional identification from the individual or clarification of information submitted by the individual.

(b) In the case of an individual who is an alien lawfully admitted for permanent residence, said individual shall provide, in addition to the information required under paragraph (a) of this section, his or her Alien Registration number.

(c) The parent or guardian of a minor or a person judicially determined to be incompetent shall, in addition to establishing the identity of the minor or person represented as required in paragraph (a) or (b) of this section, establish evidence of such parentage or guardianship by providing a copy of the minor's birth certificate or the court order establishing such guardianship.

§ 1901.15 Disclosure of requested information to individuals.

(a) Responses to requests made pursuant to § 1901.11 will be made promptly by the Privacy Act Coordinator.

(b) The Privacy Act Coordinator upon receipt of a request made pursuant to § 1901.11 shall refer the request to the responsible components.

(c) The responsible components shall:

- (1) Determine whether a record exists; and
- (2) Determine whether access may be available under the Act.

(d) The responsible components shall inform the Privacy Act Coordinator of any determination made pursuant to paragraph (c) (1) or (2) of this section. The Privacy Act Coordinator shall, in turn, notify the individual of the determination and shall provide copies of records determined to be accessible if copies have been requested. In the event that information pertaining to the individual in a CIA record system was received from another Federal agency, the individual will be so notified and that information shall be referred to the originating agency.

(e) If a determination has been made not to give access to requested records the Privacy Act Coordinator shall inform the individual of the reason therefore and the right of appeal of this determination by the responsible components under § 1901.17.

(f) This section shall not be construed to allow access to information determined to be exempt under determinations made pursuant to 5 U.S.C. 552a (j) and (k).

§ 1901.17 Appeal of determination to deny access to requested record.

(a) Any individual whose request made pursuant to § 1901.11 is refused may appeal such refusal within thirty days of receipt of notice of refusal.

(b) Appeals shall be sent in writing to the Privacy Act Coordinator and shall identify the particular record system, if possible, which is the subject of the appeal and shall state the basis for the appeal.

(c) The Privacy Act Coordinator, upon receipt of the appeal letter, shall promptly refer the appeal to the Deputy Directors of the responsible components and shall inform the Deputy Directors of the date of receipt of the appeal and shall request the Deputy Directors make a determination on the appeal within thirty days (excluding Saturdays, Sundays or legal holidays).

(d) The Deputy Directors of the responsible components, or senior officers designated by them, shall review the initial decision to deny access to the requested records and shall inform the Privacy Act Coordinator of the review determination. The Privacy Act Coordinator shall, in turn, notify the individual of the result of the determination. If the determination reverses the initial denial, the Privacy Act Coordinator shall provide copies of the records requested. If the determination upholds

the initial denial the Privacy Act Coordinator shall inform the individual of his right to judicial review as provided for by this Part.

§ 1901.19 Special procedures for disclosure of medical and psychological records.

(a) When a request for copies of medical records is made by an individual and when the Privacy Act Coordinator determines that such medical and psychological records are not exempt from disclosure, the Privacy Act Coordinator, after consultation with Director of Medical Services, may determine (1) which medical or psychological records may be sent directly to the requestor and (2) which medical or psychological records should not be sent directly to the requestor because of possible harm to the individual. In the case of paragraph (a) (2) of this section, the Privacy Act Coordinator shall so notify the requestor.

(b) When a determination has been made not to make medical or psychological records noted in paragraph (a) of this section available to the individual the Privacy Act Coordinator shall inform the individual that the medical or psychological record will be made available to a physician of the individual's choice if the individual specifically requests. Upon receipt of such request and after proper verification of the identity of the physician, the Privacy Act Coordinator shall send such records to the named physician.

§ 1901.21 Request for correction or amendment of record.

(a) An individual may request amendment or correction of a record pertaining to him by addressing such request by mail to the Privacy Act Coordinator, Central Intelligence Agency, Washington, D.C. 20505. The request shall identify the particular record the individual wishes to amend or correct, the nature of the correction or amendment sought, and a justification for such correction or amendment.

(b) Within ten days of receipt of the request by the Privacy Act Coordinator (excluding Saturdays, Sundays and legal holidays) the Privacy Act Coordinator shall acknowledge receipt of the request.

(c) The Privacy Act Coordinator shall refer such requests to the components responsible for the record upon receipt of such request, shall advise the responsible components of the date of receipt and shall request that the responsible components make an initial determination on such request within thirty days of receipt (excluding Saturdays, Sundays and legal holidays).

(d) The responsible components shall:

- (1) Make any correction or amendment to any portion of the record which the individual believes is not accurate, relevant, timely or complete and shall inform the Privacy Act Coordinator of this action, and the Privacy Act Coordinator shall, in turn, promptly inform the requestor; or
- (2) Determine that the requested correction or amendment will not be made

and shall so inform the Privacy Act Coordinator who, in turn, shall promptly inform the individual, setting out the reasons for the refusal and advising the individual of the right of appeal to Deputy Directors of the responsible components under § 1901.23.

§ 1901.23 Appeal of initial adverse agency determination on correction or amendment.

(a) Any individual whose request made pursuant to § 1901.21 is refused may appeal such refusal within thirty days of receipt of notice of refusal.

(b) Appeals shall be sent in writing to the Privacy Act Coordinator and shall identify the particular record which is the subject of the appeal and shall state the basis for the appeal.

(c) The Privacy Act Coordinator, upon receipt of the appeal letter, shall promptly refer the appeal to the Deputy Directors of the responsible components and shall inform the Deputy Directors of the date of receipt of the appeal and shall direct that the Deputy Directors make a determination on the appeal within thirty days (excluding Saturdays, Sundays or legal holidays).

(d) The Deputy Directors of the responsible components, or senior officers designated by them, shall determine whether or not to amend the record and shall inform the Privacy Act Coordinator of the determination. The Privacy Act Coordinator shall, in turn, notify the individual of the result of the determination, and inform the individual of his right to submit a statement pursuant to paragraph (e) of this section or to judicial review as provided for in this Part.

(e) If on appeal the refusal to amend or correct the record is upheld, the individual may file a concise statement setting forth the reasons for his disagreement with the determination. This statement shall be sent to the Privacy Act Coordinator, Central Intelligence Agency, Washington, D.C. 20505 within thirty days of notification of refusal to correct or amend the record.

(f) The Director of Central Intelligence may extend up to thirty days the time period prescribed in paragraph (c) of this section within which to make a determination on an appeal from a refusal to amend or correct a record if it is found that a fair and equitable review cannot be completed within the prescribed time.

§ 1901.31 Disclosure of a record to a person other than the individual to whom it pertains.

(a) No record which is within a system of records shall be disclosed by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains, unless disclosure of the record would be:

- (1) To those officers and employees of the agency which maintains the record who have a need for the record in the performance of their duties;

(2) Required under 5 U.S.C. 552.

(3) For a routine use as defined in section 1901.3(f), as contained in the Notice of Systems published in the FEDERAL REGISTER of August 28, 1975 and as described in subsection (e) (4) (D) of the Act.

(4) To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of title 13;

(5) To a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

(6) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

(7) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the agency which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought;

(8) To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual;

(9) To either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

(10) To the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

(11) Pursuant to the order of a court of competent jurisdiction.

§ 1901.41 Fees.

(a) No fee shall be charged for the provision of copies of records requested under the Privacy Act (5 U.S.C. 552a).

§ 1901.51 Penalties.

(a) Criminal penalties may be imposed against any officer or employee of the CIA who, by virtue of his employment, has possession of, or access to, Agency records which contain information identifiable with an individual, the disclosure of which is prohibited by the Act or by these rules, and who knowing that disclosure of the specific material is so prohibited, willfully discloses the material in any manner to any person or agency not entitled to receive it.

(b) Criminal penalties may be imposed against any officer or employee of the

CIA who willfully maintains a system of records without meeting the requirements of subsection (e) (4) of the Act (5 U.S.C. 552a(e) (4)).

(c) Criminal penalties may be imposed upon any person who knowingly and willfully requests or obtains any record concerning an individual from the CIA under false pretenses.

§ 1901.61 General exemptions.

(a) Pursuant to authority granted in section (j) of the Act (5 U.S.C. 552a(j)) the Director of Central Intelligence has determined to exempt from all sections of the Act except 552a(b), (c) (1) and (2), (e) (1) (4) (A) through (F), (e) (5), (6), (7), (9), (10), and (11), and (l) the following systems of records or portions of records in a system of record:

(1) Polygraph records.

(b) Pursuant to authority granted in section (j) of the Act the Director of Central Intelligence has determined to exempt from subsections (c) (3) and (e) (3) (A through D) of the Act all systems of records maintained by the CIA.

(c) Pursuant to authority granted in subsection (j) of the Act the Director of Central Intelligence has determined to exempt from notification under subsections (e) (4) (G) and (f) (1) those portions of each and all systems of records which have been exempted from individual access under subsection (j), in those cases where the Privacy Act Coordinator determines after advice by the responsible components, that confirmation of the existence of a record may jeopardize intelligence sources and methods. In such cases the CIA may choose to neither confirm nor deny the existence of the record and may advise the individual that there is no record which is available to him pursuant to the Privacy Act of 1974.

(d) Pursuant to authority granted in subsection (j) of the Act the Director of Central Intelligence has determined to exempt from access by individuals under subsection (d) of the Act those portions and only those portions of all systems of records maintained by the CIA that;

(1) Consist of, pertain to, or would otherwise reveal intelligence sources and methods

(2) Consist of documents or information provided by foreign, federal, state, or other public agencies or authorities.

(e) Pursuant to authority granted in subsection (j) of the Act the Director of Central Intelligence has determined to exempt from judicial review under subsection (g) of the Act all determinations to deny access under section (d) of the Act and all decisions to deny notice under subsections (e) (4) (G) and (f) (1) of the Act pursuant to determination made under paragraph (c) of this section when it has been determined by an appropriate official of the CIA that such access would disclose information which would;

(1) Consist of, pertain to or otherwise reveal intelligence sources and methods;

(2) Consist of documents or informa-

tion provided by foreign, federal, state, or other public agencies or authorities.

§ 1901.71 Specific exemptions.

(a) Pursuant to authority granted in subsection (k) of the Act (5 U.S.C. 552a(k)) the Director of Central Intelligence has determined to exempt from subsection (d) those portions and only those portions of all systems of records maintained by the CIA that would consist of, pertain to or would otherwise reveal information that is;

(1) Subject to the provisions of section 552(b) (1) of Title 5 U.S.C.;

(2) Investigatory material compiled for law enforcement purposes, other than material within the scope of subsection (j) (2) of the Act; *provided, however*, That if any individual is denied any right, privilege, or benefit that 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 the information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence;

(3) Maintained in connection with providing protective services to the President of the United States or other individuals pursuant to section 3055 of title 18;

(4) Required by statute to be maintained and used solely as statistical records;

(5) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence;

(6) Testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service the disclosure of which would compromise the objectivity or fairness of the testing or examination process; or

(7) Evaluation material used to determine potential for promotion in the armed services, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

[FR Doc. 75-26284 Filed 9-26-75; 5:07 pm]

**CENTRAL INTELLIGENCE AGENCY
PRIVACY ACT OF 1974**

Notice of Systems of Records

On August 28, 1975, there was published in the *FEDERAL REGISTER*, pages 39778 through 39801, a notice of proposed Central Intelligence Agency systems of records in accordance with 5 U.S.C. 552a (e) (4) and (11), section 3 of the Privacy Act of 1974 (Public Law 93-579). The public was given the opportunity to submit, not later than September 15, 1975, written comments concerning the proposed systems of records. No comments were received and the proposed notice of

systems of records is hereby adopted with the following change to system CIA-42, Library Open Literature Ready Reference File, cited on page 49795. Under routine uses of records, correct the first sentence to read as follows: "To provide traditional library reference service to CIA and other Government officials."

Effective date. This notice shall be effective September 27, 1975.

Dated: September 26, 1975.

JOHN F. BLAKE,

Deputy Director for Administration.

[FR Doc.75-26285 Filed 9-26-75; 5:07 pm]

TENNESSEE VALLEY AUTHORITY

PRIVACY ACT OF 1974

Final Notice of System of Records

On August 27, 1975, the Tennessee Valley Authority published in the FEDERAL REGISTER (40 FR 38685) a Notice of Systems of Records in accordance with 5 U.S.C. 552a(e) (4) and (11), section 3 of the Privacy Act of 1974 (Pub. L. 93-579) ("Act"). An opportunity for the public to comment on or object to the proposed notice of systems of records was given. No comment was received. The August 27, 1975, Notice is adopted as TVA's final Notice of System of Records with changes set forth below.

The final notice contains some additional information and minor corrections to and clarification of language of the earlier notice. Because of the bulk which would be caused by republication of the entire Notice of Systems of Records, these additions and changes are being published separately but will be included with TVA's Notice published in the FEDERAL REGISTER's final compilation. TVA will be separately publishing a notice of additional routine uses for a few TVA systems of records. In addition to these TVA documents the office of the FEDERAL REGISTER is publishing a correction document for TVA system Test Demonstration Farm Records—TVA (TVA-27) and is making a number of typographical corrections which will appear in the final compilation.

Effective date. TVA's final Notice of Systems of Records is effective September 27, 1975.

Dated: September 25, 1975.

LYNN SEEBER,
General Manager.

In FR Doc. 75-22258 appearing at pages 38685-38698 in the FEDERAL REGISTER of Wednesday, August 27, 1975, the following additions, revisions and changes are made:

1. On page 38685 the system location paragraph for system TVA-1 (Apprentice Training Record System—TVA) is revised to include an additional location and reads as follows:

System location: Personnel Correspondence File, MIB, Tennessee Valley Authority, Knoxville, Tennessee 37902; Personnel Management Information System, MIB, Tennessee Valley Authority, Knoxville, Tennessee 37902.

2. On page 38686, the system location paragraph for system TVA-2 (Personnel Files—TVA) is corrected by deleting in the first line of that paragraph the letters "B-1 MIB," which appear immediately following the words "Division of Personnel," and immediately before the words "Tennessee Valley Authority."

3. On page 38687 the storage paragraph for system TVA-4 (Demonstration Form Records—TVA) should be revised to read as follows:

Storage: Records are maintained in files, magnetic tape, disc, punched cards, microfilm and microfiche.

4. On page 38688 the paragraph for *Categories of individuals covered by the system* for system TVA-5 (Discrimination Complaint File—TVA) should be corrected by changing the third line to read "discrimination based on race, color, religion, sex, national origin, or age."

5. On page 38688 the system location paragraph for system TVA-7 (Employee Accounts Receivable—TVA) should include an additional location and is revised to read as follows:

System location: Division of Finance, Tennessee Valley Authority, Knoxville, Tennessee 37902; Division of Law, Tennessee Valley Authority, Knoxville, Tennessee 37902.

6. On page 38689 the paragraph for *System Manager(s) and address* for system TVA-7 (Employee Accounts Receivable—TVA) is corrected to read as follows:

System manager(s) and address: Comptroller, Tennessee Valley Authority, Knoxville, Tennessee 37902.

7. On page 38689 the *System name* of system TVA-9, presently called "Employee Medical Record System—TVA" is revised as follows:

System name: Medical Record System—TVA.

8. On page 38689 an additional category of records is included for system TVA-9 (Medical Record System—TVA). The category of records shall be listed at the end of the paragraph for *Categories of records in the system* following the category ending with the words "alcohol-drug abuse program;" and reads as follows:

Medical information relative to nuclear plant security.

9. On page 38690 the paragraph for the *Authority for Maintenance of the System* for system TVA-9 (Medical Record System—TVA) is corrected by changing the authority on the ninth, tenth, and eleventh line of that paragraph which presently reads "Public health laws (state and Federal) related to the reporting to communicate diseases or other epidemiological information;" to read as follows:

Public health laws (state and federal) related to the reporting of health hazards, communicable diseases, or other epidemiological information;

10. On page 38690, in the paragraph for *Retention and disposal* for system TVA-9 (Medical Record System—TVA), the fifth sentence which presently reads "Compensation claim records are maintained by TVA for 10 years, then forwarded to the Federal Records Center for permanent retention" is revised to read as follows:

Medical records of employees who have filed compensation claims are maintained by TVA for 10 years, then forwarded to the Federal Records Center for permanent retention.

11. On page 38690 an additional record source category is included for system TVA-9 (Medical Record System—TVA). The source shall be listed at the end of the paragraph for *Record source*

categories following the category "TVA personnel records;" and reads as follows: other health agencies and departments.

12. On page 38691, the *Storage* paragraph of system TVA-11 (Payroll Records—TVA) is revised in the first line by adding the word "disc" immediately following the words "magnetic tape," and immediately before the words "hard copy printouts."

13. On page 38691, the paragraph for *System manager(s) and address* for system TVA-11 (Payroll Records—TVA) is corrected to read as follows:

System manager(s) and address: Comptroller, Tennessee Valley Authority, Knoxville, Tennessee 37902.

14. On page 38691, the paragraph for *System manager(s) and address* for system TVA-12 (Employee Travel Advance Records—TVA) is corrected to read as follows:

System manager(s) and address: Comptroller, Tennessee Valley Authority, Knoxville, Tennessee 37902.

15. On page 38695 the paragraph for *Authority for maintenance of the system* in system TVA-20 (Prospective Condemnation Witness File—TVA) is corrected to read as follows:

Authority for maintenance of the system: Tennessee Valley Authority Act of 1933, 16 USC 831-831dd.

16. On page 38695 the *System name* of system TVA-21, presently called "Quality Assurance Personnel Records—TVA" is revised as follows:

System name: OEDC Quality Assurance Personnel Records—TVA.

17. On page 38695, the system location paragraph for system TVA-21 (OEDC Quality Assurance Personnel Records—TVA) is revised to include two additional locations and to read as follows:

System location: Office of Engineering Design and Construction, Tennessee Valley Authority, at the following locations: 400 Fidelity Bank Building, Knoxville, Tennessee 37902; 802 Walnut Street, Knoxville, Tennessee 37902; 200 Mercantile Building, Knoxville, Tennessee 37902; Singleton Marine Way, Alcoa, Tennessee 37701; 617 Walnut Street, Knoxville, Tennessee 37902.

Records for employees at a TVA nuclear power plant are maintained in the office of the Supervisor, Quality Assurance, of Quality Control Units at the TVA nuclear power plant.

18. On page 38696 the paragraphs for *Notification procedure*, *Record access procedures*, and *contesting record procedures* each provide that inquiries, contact, or requests should be made to the "system manager named above." In each of these three paragraphs the words "system manager named above" should be deleted and replaced with "Quality Assurance Manager, Office of Engineering Design and Construction, Tennessee Valley Authority, Knoxville, Tennessee 37902."

19. On page 38696 the *Storage* paragraph for system TVA-22 (Questionnaire-Farms in the Vicinity of Proposed

Nuclear Power Plant—TVA) is revised to read as follows:

Storage: Records are maintained in file folders.

20. On page 38696 the *Retention and Disposal* paragraph for system TVA-22 (Questionnaire-Farms in the Vicinity of Proposed Nuclear Power Plant—TVA) is revised to read as follows:

Retention and Disposal: Records are maintained indefinitely or for the life of the plant.

21. On page 38696 the title of the paragraph immediately following the paragraph entitled *Notification procedure* and immediately preceding the paragraph entitled *Contesting record procedures* for system TVA-22 (Questionnaire-Farms in the Vicinity of Proposed Nuclear Power Plant—TVA), presently called "Record source categories" is corrected to be *Record access procedures*.

22. On page 38698 the paragraph for *System manager(s) and address* for system TVA-26 (Retirement System Records—TVA) is corrected to read as follows:

Chief, Retirement Services Branch, Division of Finance, Tennessee Valley Authority, Knoxville, Tennessee 37902.

[FR Doc. 75-26237 Filed 9-26-75; 4:00 pm]

PRIVACY ACT OF 1974

Notice of Proposed Routine Uses

On August 27, 1975, the Tennessee Valley Authority published in the *FEDERAL REGISTER* a Notice of Systems of Records pursuant to subsections (e) (4) and (e) (11) of section 3 of the Privacy Act of 1974 (Pub. L. 93-579). This Notice of Systems of Records listed the proposed routine uses of information in TVA systems and invited public comment on those routine uses. This Notice of Systems of Records was subsequently adopted by TVA as a final notice.

TVA proposes to make the following additions, revisions, and changes to the routine uses adopted in TVA's final notice. It appeared that the routine uses described with respect to the systems hereinafter mentioned were either too narrow to accurately describe the existing uses of the record or else were in-

advertently omitted. Because the August 27, 1975, notice is the only complete notice which will be published in the *FEDERAL REGISTER* until the final compilation, these revisions are described by reference to that notice. Any person interested in this notice may submit written data, views, or arguments to the Privacy Act Coordinator, Division of Personnel, Tennessee Valley Authority, Knoxville, Tennessee 37902, on or before October 29, 1975. All written comments received through that date will be considered by TVA before taking action on a final notice. The comments received will be available for public inspection at the office of the TVA Director of Information, 333 New Sprinkle Building, 500 Union Avenue, Knoxville, Tennessee, between the hours of 9 a.m. and 4 p.m., Monday through Friday (except holidays).

Effective date. This notice shall be effective on October 1, 1975.

Dated: September 25, 1975.

LYNN SEEBER,
General Manager.

In FR Doc. 75-22258 appearing at pages 38685-38698 in the *FEDERAL REGISTER* of Wednesday, August 27, 1975, the following additions and revisions are proposed to be made:

1. On page 38686, the following additional routine use is proposed to be included for system TVA-2 (Personnel Files—TVA). This routine use shall be listed at the end of the routine use paragraph for this system following the routine use ending with the words "equal employment opportunity procedures." The new routine use reads as follows: "To TVA contractors and subcontractors engaged in studies and evaluation of TVA personnel management."

2. On page 38688, the following additional routine use is proposed to be included for system TVA-5 (Discrimination Complaint File—TVA). This routine use shall be listed at the end of the routine use paragraph for this system following the routine use ending with the words "in the course of discovery." The new routine use reads as follows: "To complainants, their representatives, and

complaints examiners in the course of TVA investigation and decision of discrimination complaints under TVA equal employment opportunity procedures."

3. On page 38690, the third routine use in the routine use paragraph of system TVA-9 (Medical Record System—TVA) which presently reads "Alcohol-drug program records may be exchanged with a physician or treatment center working with an employee" is proposed to be revised to read: "Alcohol-drug program records may be exchanged with a physician or treatment center working with an employee, or in accordance with the provisions of Pub. L. 93-282."

4. On page 38691, the third routine use in the routine use paragraph of system TVA-11 (Payroll Records—TVA) which presently reads "To transmit payroll deduction information to employee credit unions, administrators of employee benefit plans, and the Combined Federal Campaign" is proposed to be revised to read: "To transmit payroll deduction information to financial institutions and employee organizations."

5. On page 38691, the following additional routine uses are proposed to be included for system TVA-11 (Payroll Records—TVA). These routine uses shall be listed at the end of the routine use paragraph for this system following the routine use ending with the words "benefits to health insurance carriers." The new routine uses read as follows:

"To TVA contractors and subcontractors engaged in studies and evaluations of TVA payroll and personnel management.

"To union representatives exercising their responsibilities under TVA collective bargaining agreements."

6. On page 38695, the first routine use in the routine use paragraph of system TVA-21 (OEDC Quality Assurance Personnel Records—TVA) which presently reads "To disclose to the Nuclear Regulatory Commission for inspection purposes" is proposed to be revised to read as follows: "To the Nuclear Regulatory Commission or its authorized representatives for inspection or evaluation of TVA Quality Assurance procedures."

[FR Doc. 75-26238 Filed 9-26-75; 4:00 pm]

**COMMUNITY SERVICES
ADMINISTRATION
PRIVACY ACT OF 1974
Notice of Systems of Records**

On September 4, 1975 there was published in the Federal Register (40 FR 41062) a notice of proposed rulemaking setting forth the systems of records maintained by the Community Services Administration (formerly the Office of Economic Opportunity) and the routine uses thereof. This notice of systems of records and routine uses thereof by the Community Services Administration (CSA) was published in compliance with the provisions of the Privacy Act of 1974, Public Law 93-579.

CSA received no comments on the proposed notice of systems of records and routine uses thereof. Aside from a few minor corrections, two additions to this notice have been made: First, the phrase "employee retirement data to the Civil Service Commission" has been added to the routine uses of the system of records, CSA-2; secondly, systems of records CSA-8 through CSA-11 have been added to this notice, although these systems are already noticed Government-wide by other agencies. The purpose of this addition is to allow individuals to find all the systems pertaining to CSA in one notice and to notify them of the system location and manager. For details concerning these systems, notices CSA-8 through CSA-11 refer individuals to the full notices as published by these other agencies. Accordingly, with these corrections and additions the proposed notices of systems and routine uses are adopted as set forth below.

Authority: 5 U.S.C. 552a.

Effective Date. This notice is effective September 27, 1975.

Dated: September 26, 1975.

Bert A. Gallegos,
Director.

**PREFATORY STATEMENT OF GENERAL ROUTINE USES FOR
THE COMMUNITY SERVICES**

Administration Systems of Records

The following routine uses apply to and are incorporated by reference into, each system of records set forth below:

(1) In the event that records in this system of records indicate a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by statute or by regulation, rule or order issued pursuant thereto, the records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. Furthermore, presentation of evidence and disclosure to counsel for litigants before any court, magistrate, or administrative tribunal, or in the normal process of discovery attendant to such litigation or procedures shall constitute a routine use of records in this system of records.

(2) Records from this system of records may be disclosed as a "routine use" to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

(3) Records from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

(4) A record from this system of records may be disclosed, as a routine use, to a member of Congress seeking information concerning the individual, but only when the individual is a constituent of the member and has requested assistance from the member with respect to the subject matter of the record.

Geographical Guidance for Accessing Systems of Records

Many CSA systems of records are maintained wholly or partially in the CSA Regional Offices. To facilitate access to such records, a listing of the CSA Regional Offices, the states served thereby, their addresses and telephone numbers are provided:

Region I

Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont. John F. Kennedy Federal Building, Room E400, Boston, Massachusetts 02203 (617) 223-4025.

Region II

New Jersey, New York, Puerto Rico, Virgin Islands. 26 Federal Plaza, 32nd Floor, New York, New York 10007 (212) 264-1900.

Region III

Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia. Gateway Building, 3535 Market Street, Room 2260, Philadelphia, Pennsylvania 19104 (215) 597-1000.

Region IV

Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee. 730 Peachtree Street, Room 1100, N.E., Atlanta, Georgia 30308 (404) 526-3172.

Region V

Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin. 300 South Wacker Drive, 24th Floor, Chicago, Illinois 60606 (312) 353-5987.

Region VI

Arkansas, Louisiana, New Mexico, Oklahoma, Texas. 1200 Main Street, Room M130, Dallas, Texas 75202 (214) 749-1301.

Region VII

Iowa, Kansas, Missouri, Nebraska. 911 Walnut Street, Room 1300, Kansas City, Missouri 64106 (816) 374-3364.

Region VIII

Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming. Federal Building, 1961 Stout Street, Room 12424, Denver, Colorado 80202 (303) 837-4767.

Region IX

Arizona, California, Guam, Hawaii, Nevada, Pacific Trust Territories. 100 McAllister Street, Room 1407, San Francisco, California 94102 (415) 556-3706.

Region X

Alaska, Idaho, Oregon, Washington. Arcade Plaza Building, Mail stop 105A, 1321 Second Avenue, Seattle, Washington 98101 (206) 442-4910.

INDEX OF COMMUNITY SERVICES ADMINISTRATION

Systems of Records Under The Privacy Act of 1974

- CSA 1 Employee Applicants for Upward Mobility Program.
- CSA 2 Employee Attendance, Leave & Payroll Records.
- CSA 3 Employee Employment History.
- CSA 4 Employee Suggestion System.
- CSA 5 Employee of CSA and Other Government Agencies & Invited Travelers' Travel Records.
- CSA 6 Freedom of Information Act Requests for Records.
- CSA 7 Inspection Reports on Grantees, Contractors and CSA Employees.
- CSA 8 Employee and Personnel System.
- CSA 9 Equal Employment Opportunity System.
- CSA 10 Federal Employee Compensation Act System.
- CSA 11 Federal Motor Vehicle Accident Reporting System.

CSA-1

System name: Employee applicants for upward mobility program—CSA

System location: See system manager title and address below for location.

Categories of individuals covered by the system: CSA employees making application for crossover positions.

Categories of records in the system: Applications include, name, address, social security number, job title, grade, service time, sex,

organizational element, present supervisor, work experience, education, training, awards, association memberships, co-worker evaluation and job evaluation.

Authority for maintenance of the system: FPM Chapter 410, EEO Act of 1972.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Forms in file folders.

Retrievability: Filed by name.

Safeguards: Locked metal file cabinets accessible by authorized personnel only.

Retention and disposal: Maintained for one year or until employee resigns, transfers or retires, then destroyed.

System manager(s) and address: Training Officer, Manpower Management and Personnel Division, Community Services Administration, 1200 19th Street, N.W., Washington, D.C. 20506

Notification procedure: Information may be obtained from the Privacy Act Reviewing Officer at the appropriate address listed in Appendix A of the CSA rules and regulations published in this issue of the Federal Register.

Record access procedures: Requests and inquiries from individuals should be addressed to the system manager at the appropriate address and under the position title listed above.

Contesting record procedures: The CSA's rules for access to records and for contesting content and appealing initial determinations by the individual concerned appear in the CSA rules and regulations published in this issue of the Federal Register.

Record source categories: Subject individuals, supervisors and co-workers.

CSA-2

System name: Employee Attendance, Leave & Payroll Records—CSA

System location: See System Manager title and address below for location. (Magnetic tapes of this system of records are located at the CSA Data Processing Center, 7981 Eastern Avenue, Silver Spring, Maryland 20910; and a currently updated record (one month) for emergency backup at the General Services Administration, Region 3, 7th and D Streets, N.W., Washington, D.C.)

Categories of individuals covered by the system: Current and past employees of the Community Services Administration and its predecessor agency, the Office of Economic Opportunity.

Categories of records in the system: Individual employee pay data and leave records which include a pay folder containing copies of Allotment Forms, Health Benefit Forms, SF-50 Personnel Action forms, Payroll Listing and Tax Deductions. The system also produces Master Earnings History Files and numerous reports such as Bond Listings, Tax Withholdings, W-2 Listings with addresses, etc. The records contain name, social security number and employee number, grade, step, and salary; organization (code), retirement or FICA data as applicable; Federal, state, and local tax deductions, as appropriate; IRS tax lien date; savings bond and charity deductions; regular and optional Government life insurance deduction(s), health jury duty data; military leave data; pay differentials; union dues deductions; allotments, by type and amount; financial institution code and employee account number; leave status and leave data of all types (including annual, compensatory, jury duty, maternity, military, retirement disability, sick, transferred, and without pay); time and attendance records, including number of regular, overtime, holiday, Sunday, and other hours worked; pay period number and ending date; cost of living allowances; mailing address; co-owner and/or beneficiary of bonds, marital status and number of dependents; and "Notification of Personnel Action." The individual records listed herein are included only as pertinent or applicable to the individual employee.

Authority for maintenance of the system: Title 6, GAO Policy and Procedures Manual, pursuant to 5 U.S.C. and sections 112(a) and 113 of the Budget and Accounting Procedures Act of 1950.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Transmittal of data to U.S. Treasury to effect issuance of paychecks to employee and distribution of pay according to employee directions for savings bonds, allotments, financial institutions and other authorized pur-

poses. Reporting of: tax withholdings to Internal Revenue Service and appropriate State and local taxing authorities; FICA deductions to the Social Security Administration; dues deductions to the employee union; withholdings for health insurance to the insurance carriers and the U.S. Civil Service Commission; charity contribution deductions to agents of charitable institutions; annual W-2 statements to taxing authorities and the individual; employee retirement data to the Civil Service Commission.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Both manual and computer-produced paper copy, and magnetic tape.

Retrievability: By name of employee and/or social security number.

Safeguards: Physical, technical, and administrative security is maintained, with all storage equipment and/or rooms locked when not in use. Admittance, when open, is restricted to authorized personnel only. All payroll personnel and computer operators and programmers are instructed and cautioned on the confidentiality of the records.

Retention and disposal: Retained on site until after GAO audit, then disposed of, or transferred to Federal Records Storage Centers in accordance with the fiscal records program approval by GAO, as appropriate, or General Record Schedules of GSA.

System manager(s) and address: Chief, Financial Policies, Procedures & Payroll Division, Office of the Controller, Community Services Administration, 1200 19th Street, N.W., Washington, D.C. 20506

Notification procedure: Information may be obtained from the Privacy Act Reviewing Officer at the appropriate address listed in Appendix A of the CSA rules and regulations published in this issue of the Federal Register.

Record access procedures: Requests and inquiries from individuals should be addressed to the system manager at the appropriate address and under the position title listed above.

Contesting record procedures: The CSA's rules for access to records and for contesting content and appealing initial determinations by the individual concerned appear in the CSA rules and regulations published in this issue of the Federal Register.

Record source categories: Subject individuals, supervisor, timekeepers, official personnel records and IRS.

CSA-3

System name: Employee employment history—CSA

System location: See System Manager title and address below for location. (Magnetic tapes of this system of records are located at the CSA Data Processing Center, 7981 Eastern Avenue, Silver Spring, Maryland 20910; and a currently updated record (one month) for emergency backup at the General Services Administration, Region 3, 7th and D Streets N.W., Washington, D.C.)

Categories of individuals covered by the system: Current and past employees of the Community Services Administration and its predecessor agency, the Office of Economic Opportunity.

Categories of records in the system: Data relating to the employment of each CSA employee including name, social security number, position title, organizational element, veterans preference, entrance on duty date, pay plan and occupational code, last promotion date, tour of duty, total federal service date, salary grade and step, retirement system, within-grade due date, actual salary, position type, physical handicap, educational level, appointment status, college major, birth date, and related data necessary to maintain the accuracy of the file.

Authority for maintenance of the system: Title 5, U.S.C. Sections 1302, 2951, 4118, 4308, and 4506.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in Prefatory Statement.

To provide information to a prospective employer of a Government employee.

To provide statistical and background information to Civil Service Commission.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: System is maintained on magnetic tape.

Retrievability: By social security number/name.

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 personnel and computer operators and programmers are instructed and cautioned on the confidentiality of the records.

Retention and disposal: Retained on site, then disposed of, or transferred to Federal Records Storage Centers, as appropriate, in accordance with General Record Schedules of GSA.

System manager(s) and address: Chief, Manpower Management and Personnel Division, Community Services Administration, 1200 19th Street, N.W., Washington, D.C. 20506.

Notification procedure: Information may be obtained from the Privacy Act Reviewing Officer at the appropriate address listed in Appendix A of the CSA rules and regulations published in this issue of the Federal Register.

Record access procedures: Requests and inquiries from individuals should be addressed to the system manager at the appropriate address and under the position title listed above.

Contesting record procedures: The CSA's rules for access to records and for contesting content and appealing initial determinations by the individual concerned appear in the CSA rules and regulations published in this issue of the Federal Register.

Record source categories: Subject individuals, supervisors and official personnel records.

CSA-4

System name: Employee Suggestion System—CSA

System location: See system manager title and address below for location.

Categories of individuals covered by the system: Current and past employees of CSA.

Categories of records in the system: Name, position title, grade, social security number, organization element, appraisal of suggestion and supervisory evaluator's name.

Authority for maintenance of the system: FPM Chapter 451-7.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Forms and description of suggestion in file folders.

Retrievability: File is retrieved by individual's name.

Safeguards: Locked metal file cabinets accessible by authorized personnel only.

Retention and disposal: Maintained two years after close of case and then destroyed.

System manager(s) and address: Chief, Manpower Management and Personnel Division, Community Services Administration, 1200 19th Street, N.W., Washington, D.C. 20506, and at each CSA Regional Office the Personnel Officer, address above under "Geographical Guidance for Accessing Systems of Records."

Notification procedure: Information may be obtained from the Privacy Act Reviewing Officer at the appropriate address listed in Appendix A of the CSA rules and regulations published in this issue of the Federal Register.

Record access procedures: Requests and inquiries from individuals should be addressed to the system manager at the appropriate address under the position title listed above.

Contesting record procedures: The CSA's rules for access to records and for contesting content and appealing initial determinations by the individual concerned appear in the CSA rules and regulations published in this issue of the Federal Register.

Record source categories: Subject individual and evaluators of suggestion.

CSA-5

System name: Employees of CSA and Other Government Agencies & Invited Travelers' Travel Records—CSA

System location: Paper records, see System Manager Title and address below. Supporting records are maintained in other offices at Headquarters and each of the Regional Offices listed under Geographical Guidance above. Magnetic tape records are at the CSA Data Processing Center, 7981 Eastern Avenue, Silver Spring, Maryland 20910.

Categories of individuals covered by the system: Employees of CSA, members of CSA Advisory Committees, other government agency employees and private persons traveling under invitation on official program matters.

Categories of records in the system: 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 and receipts.

Authority for maintenance of the system: Chapter 57, Subchapter 1 of U.S.C. 5, Budget & Accounting Act of 1921, Accounting & Auditing Act of 1950, and Federal Claim Collection Act of 1966.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Transmittal to U.S. Treasury for payment, to GAO for audit support of Accountable Offices and internally to support disbursement of Federal funds.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual and computer-produced paper copy, and magnetic tape.

Retrievability: Filed by name, social security number or travel order number.

Safeguards: Physical, technical, and administrative security is maintained, with all storage equipment and/or rooms locked when not in use. Admittance, when open, is restricted to authorized personnel only. All processing personnel, including computer operators and programmers are instructed and cautioned on the confidentiality of the records.

Retention and disposal: Retained according to GSA Federal Travel Regulations and on site until after GAO audit, then disposed of, or transferred to Federal Records Storage in accordance with the fiscal records program approval by GAO, as appropriate, or General Record Schedules of GSA.

System manager(s) and address: Chief, Finance & Grants Management Division, Office of the Controller, Community Services Administration, 1200 19th Street, N.W., Room 320, Washington, D.C. 20506.

Notification procedure: Information may be obtained from the Privacy Act Reviewing Officer at the appropriate address listed in Appendix A of the CSA rules and regulations published in this issue of the Federal Register.

Record access procedures: Requests and inquiries from individuals should be addressed to the system manager at the appropriate address and under the position title listed above.

Contesting record procedures: The CSA's rules for access to records and for contesting content and appealing initial determinations by the individual concerned appear in the CSA rules and regulations published in this issue of the Federal Register.

Record source categories: Subject individuals, supervisors, and finance or accounting office standards references.

CSA-6

System name: Freedom of Information Act Requests for Records—CSA

System location: See System Manager's Title and location below. Supporting records are maintained in other offices at Headquarters and the Regional Offices.

Categories of individuals covered by the system: Individuals who have requested records from CSA under the provisions of the Freedom of Information Act, as amended.

Categories of records in the system: Name, address, and telephone number of requester; description or identification of records requested, furnished and/or denied; dates of request and response; amount of fees paid, reduced or waived, if any; payment delinquencies, if any; appeals of denials, final determinations; and names and titles of denying officials and determining officials.

Authority for maintenance of the system: Freedom of Information Act, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Annual Report to the Congress under section (d) of the Freedom of Information Act, as amended, and available for public inspection at all times. Also see routine use paragraphs of the Prefatory Statement above.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Correspondence in file folders, manual chronological log, suspense control card file and accounts receivable record.

Retrievability: Filed by requester name and/or chronological dates of action steps.

Safeguards: Records are retained in locked furniture in secured rooms with access limited to those whose official duties require access, and under supervisory controls as defined in the CSA Rules and Regulations published in the Federal Register.

Retention and disposal: Retained on site, then disposed of, or transferred to Federal Records Storage Center, as appropriate, in accordance with General Record Schedules of GSA.

System manager(s) and address: FOIA Records Officer, Office of Administration, Community Services Administration, 1200 19th Street, N.W., Washington, D.C. 20560.

Notification procedure: Information may be obtained from the Privacy Act Reviewing Officer at the appropriate address listed in Appendix A of the CSA rules and regulations published in this issue of the Federal Register.

Record access procedures: Requests and inquiries from individuals should be addressed to the system manager at the appropriate address and under the position title listed above.

Contesting record procedures: The CSA's rules for access to records and for contesting content and appealing initial determinations by the individual concerned appear in the CSA rules and regulations published in this issue of the Federal Register.

Record source categories: Requesters for information under FOIA and CSA officials and employees engaged in processing or making determinations on FOIA requests.

CSA-7

System name: Inspection reports on grantees, contractors, and CSA employees—CSA

System location: See system manager title and address below for location.

Categories of individuals covered by the system: Inspection reports of investigations in complaints alleging misfeasance, malfeasance and nonfeasance by employees of CSA, grantees, contractors and consultants.

Categories of records in the system: Name, address, date and place of birth, citizenship, physical characteristics, employment history, financial records, education, arrest records, Federal employee's relatives, names of spouses, relatives, references, personal associates, activities and conflict of interest.

Authority for maintenance of the system: Title 18 U.S.C. including sections 201, 287, 508, 641, 1001, and 1913 and sections 602, 603, and 626 of the Community Services Act of 1974 (42 U.S.C. 2942, 2943, and 2971f).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Indexed by Grantees, Regional Officer, and/or individual respondents against whom complaints have been filed.

Safeguards: Padlock, bar type filing cabinets and used only by authorized screened personnel.

Retention and disposal: Retired to Federal Records Center 3 years

after close of case.

System manager(s) and address: Chief, Inspection Division, Office of General Counsel, Community Services Administration, 1200 19th Street, N.W. Washington, D.C. 20506.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a (k) (2), this system is exempted from 5 U.S.C. 552a (c) (3), (d), (e) (1), (e) (4) (g), (h), and (l), and (f). The exemption of this information is necessary to facilitate the enforcement of the Community Services Act of 1974 and other relevant statutes, and to avoid revealing and endangering sources of information.

CSA-8

System name: Employee and Personnel System—CSA

System location: Chief, Manpower Management and Personnel Division, Community Services Administration, 1200 19th Street, NW., Washington, D.C. 20506, and at each CSA Regional Office, the Personnel Officer, address above under "Geographical Guidance for Accessing Systems of Records."

System manager(s) and address: Same as above.

All other information relating to this system of records is contained in the published notices by the Civil Service Commission in the Federal Register (40 FR 40782), August 27, 1975.

CSA-9

System name: Equal Employment Opportunity System—CSA

System location: Associate Director, Office of Civil Rights, Community Services Administration, 1200 19th Street, NW., Washington, D.C. 20506, and at each CSA Regional Office, the Equal Employment Opportunity Officer, address above under "Geographical Guidance for Accessing Systems of Records."

System manager(s) and address: Same as above.

All other information relating to this system of records is contained in the published notice on Equal Employment Opportunity under E.O. 11246, as amended—published by the Department of Labor in the Federal Register (40 FR 41739), September 8, 1975.

CSA-10

System name: Federal Employee Compensation Act System—CSA

System location: Chief, Manpower Management and Personnel Division, Community Services Administration, 1200 19th Street, NW., Washington, D.C. 20506, and at each CSA Regional Office, the Personnel Officer, address above under "Geographical Guidance for Accessing Systems of Records."

System manager(s) and address: Same as above.

All other information related to this system of records is contained in the published notices by the Department of Labor in the Federal Register (40 FR 41739), September 8, 1975.

CSA-11

System name: Federal Motor Vehicle Accident Reporting System—CSA

System location: Chief, Office Services, Community Services Administration, 1200 19th Street, NW., Washington, D.C. 20506, and at each CSA Regional Office, the Property Officer, address above under "Geographical Guidance for Accessing Systems of Records."

System manager(s) and address: Same as above.

All other information relating to this system of records is contained in the published notices by the General Services Administration in the Federal Register (40 FR 39137), August 27, 1975.

**NUCLEAR REGULATORY COMMISSION
PRIVACY ACT OF 1974
Notices of Systems of Records**

On August 27, 1975, as required by 5 U.S.C. 552a(e)(4), enacted into law by section 3 of the Privacy Act of 1974 (Public Law 930579), the Nuclear Regulatory Commission (NRC) published in the Federal Register (40 FR 38997039011) notices of those systems of records maintained by the NRC which contain personal information about individuals and from which such information can be retrieved by an individual identifier. The published notice for each system of records stated the name and location of the record system, the authority for and manner of its operation, the categories of individuals which it covered, the types of records which it contained, the sources of information for the records, and the proposed "routine uses" of the record system.

The notice invited interested persons to submit written comments by September 26, 1975 on the routine uses proposed for each system of records. Through inadvertence the Prefatory Statement of General Routine Uses included in the original notice and incorporated by reference in the notices of several systems of records was not published in the Federal Register until September 2, 1975 (40 FR 40492). Accordingly, interested persons were given until October 1, 1975 to submit written comments on the proposed general routine uses included in the Prefatory Statement.

As of September 18, 1975, two comments had been received on the proposed routine uses described in the notices of systems of records published in the Federal Register on August 27, 1975 (40 FR 38997039011) or in the correction notice published in the Federal Register on September 2, 1975 (40 FR 40492). These comments were considered but were not adopted. For purposes of clarification and accuracy a number of minor language changes have been made in the notices of systems of records as previously published. These minor editorial revisions are more particularly described as follows:

1. Immediately preceding the list of NRC systems of records a new centerhead is inserted which reads as follows:

"NRC Systems of Records"

2. In the list of NRC systems of records, item 16., 24., 26., 29., and 30. are corrected to read as set forth below.

3. In notice NRC-1, the words "and reassignment" are added at the end of the sentence describing the categories of individuals covered by the system.

4. In the paragraph relating to exemptions in notices NRC-5, NRC-6, NRC-9, NRC-11, NRC-18, NRC-22, NRC-23, NRC-24, NRC-28 and NRC-31, the words "the Commission proposes to exempt portions" are changes to read "the Commission has exempted portions" and the words "The proposed exemption rule is contained" are changes to read "The exemption rule is contained".

5. In notice NRC-15, the following paragraphs are revised to read as set forth below.

5a. In notice NRC-16, the following paragraphs are revised to read as set forth below.

6. In notice NRC-20, in the paragraph relating to storage, the word "on" is inserted immediately before the word "disks". The paragraphs on categories of records in the system and record source categories are revised to read as set forth below.

7. In notice NRC-21, the paragraph on categories of records in the system is revised to read as set forth below.

8. In notice NRC-22, the typographical error is corrected in the word "performance" which appears in the paragraph relating to categories of records in the system.

8a. In notice NRC-23, delete the words "in a locked room" from the paragraph headed "Safeguards."

9. In notice NRC-24, the system name is corrected to read "Personnel Security Files and Associated Records—NRC," and the words "Primary System" are deleted from the paragraph headed "System location."

10. In notice NRC-26, the references to "Office of Administration, NRC" and "Office of Administration," which appear respectively in the paragraphs headed System location and System manager(s) and address, are changed to read "Office of the Executive Director for Operations, NRC" and "Office of the Executive Director for Operations."

11. In notice NRC-27, in the paragraph headed Record source categories, the word "visitors," is inserted between the words "monitored worker" and "worker's employer,"

12. In notice NRC-29, the system name is changed to read "Central Personnel Security Clearance Index—NRC."

13. In notice NRC-30, the following paragraphs are revised to read as set forth below.

14. In notice NRC-33, the following paragraphs are revised to read as set forth below.

15. In part 1 of Addendum I, the following new paragraphs j and k are added to the list of NRC headquarters offices, to read as set forth below.

Notice is hereby given that the Nuclear Regulatory Commission has adopted the following notices of systems of records, including the routine uses specified in those notices and in the Prefatory Statement of General Routine Uses accompanying those notices, in the form set forth below.

Notice is also given that the Nuclear Regulatory Commission has found that good cause exists for making the routine use portions of the notices of systems of records effective immediately upon expiration of the applicable 30 day comment period and without a further 30 day notice period following publication of this notice.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552, 552a, and 553 of Title 5 of the United States Code, the following notices of NRC systems of records are published as a document subject to publication in the annual compilation of Privacy Act documents.

Effective Date: The routine uses specified in the notices of systems of records identified as NRC-1 through NRC-33 inclusive shall become effective on September 27, 1975. The general routine uses specified in the Prefatory Statement of General Routine Uses shall become effective on October 1, 1975.

Dated at Bethesda, Maryland this 19th day of September, 1975.
For the Nuclear Regulatory Commission.

Lee V. Gossick,
Executive Director for Operations.

Notices of Systems of Records

NRC Systems of Records

1. Appointment and Promotion Certificate Records—NRC.
2. Biographical Information Records—NRC.
3. Byproduct Material License Records—NRC.
4. Conflict of Interest Files—NRC.
5. Contracts Records Files—NRC.
6. Development and Advancement for Regulatory Employees (DARE) Records—NRC.
7. Division of Administrative Operations Workload Assignment and Production Records—NRC.
8. Employee Appeals, Grievances and Complaints Records—NRC.
9. Equal Employment Opportunity Records Files—NRC.
10. Freedom of Information Act (FOIS) and Privacy Act Requests Records—NRC.
11. General Personnel Records (Official Personnel Folder and Related Records)—NRC.
12. Government Motor Vehicle Operators license File—NRC.
13. Incentive Awards File—NRC.
14. Medical Records—NRC.
15. National Standards Committee Membership Files—NRC.
16. Facility Operator Licenses Records File (10 CFR Part 55)—NRC.
17. Occupational Injuries and Illness Records—NRC.
18. Office of Inspector and Auditor Index File and Associated Records—NRC.
19. Official Personnel Training Records Files—NRC.
20. Official Travel Records—NRC.
21. Payroll Accounting Records—NRC.
22. Personnel Performance Appraisals—NRC.
23. Personnel Research and Test Validation Records—NRC.
24. Personnel Security Files and Associated Records—NRC.
25. Photo Badge Request File—NRC.
26. Principal Correspondence File—NRC.
27. Radiation Exposure Information and Reports System (REIRS) Files—NRC.
28. Recruiting, Examining and Placement Records—NRC.
29. Central Personnel Security Clearance Index—NRC.
30. Regulatory Management System (RMS) Records Files (manpower module only)—NRC.
31. Secretariat Records Facility Files—NRC.

32. Source and Special Nuclear Material Administrative Management Records—NRC.

33. Standards Development Greenbook Task File—NRC.

These systems of records are those systems maintained by the Nuclear Regulatory Commission which contain personal information about individuals, and from which such information can be retrieved by reference to an individual identified.

The notice for each system of records states the name and location of the record system, the authority for and manner of its operation, the categories of individuals which it covers, the types of records which it contains, the sources of information in those records, and the proposed "routine use" of each system of records. Each notice also includes the business address of the NRC official who will inform interested persons of the procedures whereby they may gain access to and correct records pertaining to themselves.

One of the purposes of the Privacy Act, as stated in Section 2(b)(4), is to provide certain safeguards for an individual against an invasion of personal privacy by requiring Federal agencies to "... disseminate any record of identifiable personal information in a manner that assures that such action is for a necessary and lawful purpose, that information is current and accurate for its intended use, and that adequate safeguards are provided to prevent misuse of such information." The NRC intends to follow such principles in transferring information to another agency or individual as a "routine use", including assuring that the information is relevant for the purposes for which it is transferred.

Prefatory Statement of General Routine Uses

The following routine uses apply to each system of records notice set forth below which specifically references this Prefatory Statement.

1. In the event that a system of records maintained by the NRC to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

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 NRC 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 discovery and in presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

NRC-1

System name: Appointment and Promotion Certificate Records - NRC

System location: Division of Organization and Personnel, Office of Administration, NRC, 4865 Cordell Avenue, Bethesda, Maryland.

Categories of individuals covered by the system: Candidates for employment and NRC employees who are being considered for promotion and reassignment.

Categories of records in the system: This system of records contains personnel qualifications statements, job descriptions, the results of reference checks, supervisory evaluation forms, and performance appraisals.

Authority for maintenance of the system: a. 5 U.S.C. 1302.

b. Sec. 161(d), Atomic Energy Act of 1954, as amended, 42 U.S.C. 2201(d).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records may be used:

- To prepare reports for the Civil Service Commission;
- By the Civil Service Commission to resolve complaints and grievances regarding employment and promotion selection;
- For audit and review by the Civil Service Commission; and
- For any of the routine uses specified in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records maintained in file folders.

Retrievability: Information accessed by numbers associated with names contained in the General Personnel Records files.

Safeguards: Records are maintained in locked file drawers and access is limited to those persons whose official duties require such access and to individuals who have complaints or grievances regarding selections. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Active records retained two years after selection. Inactive records are destroyed.

System manager(s) and address:

Chief, Personnel Operations Branch
Division of Organization and Personnel
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Notification procedure:

Director, Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Record access procedures: Same as "Notification procedure."

Contesting record procedures: Same as "Notification procedure."

Record source categories: Individual on whom the record is maintained, individual's current and previous supervisors, references, general personnel records (Official Personnel Folders and related records), and other Federal agencies.

NRC-2

System name: Biographical Information Records - NRC

System location: Primary system - Office of Public Affairs, NRC, 7920 Norfolk Avenue, Bethesda, Maryland.

Duplicate systems - duplicate systems exist, in whole or in part, at the location listed in Addendum I, Part 1 (e).

Categories of individuals covered by the system: Commissioners, members of the Atomic Safety and Licensing and Appeal Board Panels, and senior NRC staff members.

Categories of records in the system: These records contain information relating to education and training, and employment history, and other general biographical data relating to the Commissioners, members of the Atomic Safety and Licensing Board and Appeal Board Panels, and senior NRC staff members.

Authority for maintenance of the system: a. Sections 201, 203(a), 204(a), 205(a), 209, Energy Reorganization Act of 1974, 42 U.S.C. 5841, 5843(a), 5844(a), 5845(a), 5849; and

b. Section 191, Atomic Energy Act of 1954, as amended, 42 U.S.C. 2241.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records may be used:

- To provide information to the press; and
- To provide information to other persons and agencies requesting this information.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are accessed by name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access.

Retention and disposal: Stored indefinitely or until association with NRC is discontinued.

System manager(s) and address:

Director, Office of Public Affairs
U.S. Nuclear Regulatory Commission

Washington, D.C. 20555

Notification procedure:

Director, Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Record access procedures: Same as "Notification procedure."

Contesting record procedures: Same as "Notification procedure."

Record source categories: Information in this system of records is provided by each individual or from personnel records, rewritten by the Office of Public Affairs, and approved for use by the individual involved.

NRC-3

System name: Byproduct Material License Records - NRC

System location: Primary system - Division of Materials and Fuel Cycle Facility Licensing, Office of Nuclear Material Safety and Safeguards, NRC, 7735 Old Georgetown Road, Bethesda, Maryland.

Duplicate systems - duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Part 2.

Categories of individuals covered by the system: Applicants and licensees (active and inactive) for byproduct materials licenses.

Categories of records in the system: Information contained in this system reflects data supplied by applicants and licensees and developed by the NRC staff in the license review and authorization process with respect to the possession and use of byproduct material. System component records developed and maintained by the NRC staff also include summary and index type data promoting quick access to and breakout of such information as:

- Alphabetical listings of active and inactive license and applicants for licenses arranged by state and by a master listing;
- Cross indexes of names to assigned license numbers;
- Dates of license issuance and expiration; and
- Geographic location of licensees by state and town.

Authority for maintenance of the system: Sec. 161(o), Atomic Energy Act of 1954, as amended, 42 U.S.C. 2201(o).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records may be used:

- To provide records to state health departments for their information and use;
- To provide information to Federal, state and local health officials, and other persons in the event of incident or exposure, for purposes of their information, investigation and protection of public health and safety; and
- For any of the routine uses specified in the Prefatory Statement.

In addition, certain of the information provided in this category is routinely placed in the NRC's Public Document Room.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in correspondence and NRC forms and in such physical media as card systems, logs, computer tapes and printouts, punch tape and microfilm.

Retrievability: System data is indexed by licensee/applicant name within state; alphabetically by licensee name within license expiration time periods; by assigned license number in juxtaposition with licensee name.

Safeguards: Records contained in standard filing equipment under visual control of files supervisor within a security patrolled building; access to records limited to technical and administrative personnel of the division possessing security clearances.

Retention and disposal: Records are continuously changed or amended as new information is developed or individual licenses are cancelled or terminated; license files are transferred to Federal Records Center in Suitland, Maryland when they become inactive or are terminated. Obsolete data, except for record copy maintained at Federal Records Centers, is destroyed by waste paper incineration.

System manager(s) and address:

Director, Division of Administrative Operations
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Notification procedure:

Director, Office of Administration
U.S. Nuclear Regulatory Commission

Washington, D.C. 20555

Record access procedures: Same as "Notification procedure."

Contesting record procedures: Same as "Notification procedure."

Record source categories: Data supplied by applicants and licensees and developed by NRC technical staff.

NRC-4

System name: Conflict of Interest Files - NRC

System location: Primary system - Office of the General Counsel, NRC, 4350 East West Highway, Bethesda, Maryland.

Duplicate systems - duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Part 1 (c), (e), and (f).

Categories of individuals covered by the system: Persons who are employees, special employees and consultants of NRC.

Categories of records in the system: These records contain information relating to:

- General biographical data (i.e., name, birthdate, home address, position title, home and business telephone, citizenship, educational history, employment history, professional society membership, honors, fellowships received, publications, licenses, and special qualifications;
- Financial status (i.e., nature of financial interests and in whose name held, creditors, character of indebtedness, interest in real property, monthly U.S. Civil Service Annuity, and status as Uniformed Services Retired Officer);
- Determination (i.e., no conflict or apparent conflict of interest, questions requiring resolution, steps taken toward resolution; and
- Information pertaining to appointment (i.e., proposed period of NRC service, estimated number of days of NRC employment during period of service, proposed pay, clearance status, description of services to be performed and explanation of need for the services, justification for proposed pay, description of expenses to be reimbursed and dollar limitation, and description of government-owned property to be in possession of appointee).

Authority for maintenance of the system: a. 18 U.S.C. 201 .

b. Executive Order 11222, May 8, 1965.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records may be used:

- To allow the Commission, its counselor, or deputy counselors to determine whether employee's financial interests or non-governmental employment might involve them in actual or potential conflicts of interest under applicable Federal laws, Commission regulations, and/or Executive Orders;
- To provide the U. S. Department of Justice and the U. S. Civil Service Commission with information concerning an employee in instances where this office has reason to believe a Federal law may have been violated or where this office desires the advice of the Department or the Commission concerning potential violations of Federal law; and
- To serve as evidence in any court proceeding or in any Commission proceeding, adjudication or other determination.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are accessed by name.

Safeguards: Records are secured in a repository.

Retention and disposal: Retained in office file for two years after employee leaves position in which statement is required, or for two years after separation, whichever is earlier, then destroyed as waste disposal.

System manager(s) and address:

General Counsel
Office of the General Counsel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Contesting record procedures:

Director, Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Record access procedures: Same as "Notification procedure."

Contesting record procedures: Same as "Notification procedure."

Record source categories: Information in this system of records either comes from the individual to whom it applies, or is derived

from information he or she supplied, or comes from the office to which the individual is to be assigned.

NRC-5

System name: Contracts Records Files - NRC

Pursuant to 5 U.S.C. 552a(k)(1) and (5), the Commission has exempted portions of this system of records from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). The exemption rule is contained in Section 9.95 of the NRC regulation (10 CFR 9.95).

System location: Primary system - Division of Contracts, NRC, 7735 Old Georgetown Road, Bethesda, Maryland.

Duplicate systems - duplicate systems exist, in whole or in part, at locations listed in Addendum I, Part 1 (b), (c), (d), (e), and (f) and Part 2.

Categories of individuals covered by the system: Persons who are employed as NRC consultants or contractors.

Categories of records in the system: These records contain personal information (such as technical qualifications, education, rates of pay, employment history) of contractors and their employees, and other contracting records.

Authority for maintenance of the system: a. Sections 31 and 161, Atomic Energy Act of 1954, as amended, 42 U.S.C. 2051 and 2201.

b. Section 205, Energy Reorganization Act of 1974, 42 U.S.C. 5845.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records may be used:

a. To provide information to Department of Health, Education and Welfare, Defense Contract Audit Agency and other Federal agencies for audits and reviews; and

Record source categories: Information in this system of records comes from the contractor or potential contractor.

b. For any of the routine uses specified in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are accessed by contract number, purchase order number, and name of consultant, contractor, or vendor.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access.

Retention and disposal: Retained while active; transferred to Federal Records Center after three years of inactivity.

System manager(s) and address:

Director, Division of Contracts
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Notification procedure:

Director, Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Record access procedures: Same as "Notification procedure." Some information is classified pursuant to Executive Order 11652 and will not be disclosed. Some information was received in confidence and will not be disclosed to the extent that disclosure would reveal a confidential source.

Contesting record procedures: Same as "Notification procedure."

NRC-6

System name: Development and Advancement for Regulatory Employees (DARE) Records - NRC

Pursuant to 5 U.S.C. 552a(k)(5) and (6), the Commission has exempted portions of this system of records from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). The exemption rule is contained in Section 9.95 of the NRC regulation (10 CFR 9.95).

System location: Division of Organization and Personnel, Office of Administration, NRC, 4865 Cordell Avenue, Bethesda, Maryland.

Categories of individuals covered by the system: NRC employees who desire to enhance their training and experience qualifications for movement into administrative, paraprofessional and professional ranks.

Categories of records in the system: This system of records contains personnel qualification statements, job descriptions, self-evaluation forms, examination results, supervisory evaluation forms, performance appraisals, DARE counselors' reports, training guides, course plans and related correspondence.

Authority for maintenance of the system: a. 42 U.S.C. 2000e, b. Section 401, Energy Reorganization Act of 1974, 42 U.S.C. 5871.

c. Executive Order 11478, August 8, 1969.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records may be used:

a. To prepare reports for transmittal to the Civil Service Commission pursuant to applicable requirements; and

b. For any of the routine uses specified in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records maintained in file folders.

Retrievability: Information accessed by name.

Safeguards: Records are maintained in locked desk drawer and access is limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Active records retained indefinitely. Inactive records of DARE participants transferred to National Record Center, St. Louis, Missouri. Records of nonselected DARE applicants destroyed.

System manager(s) and address:

a. DARE Program Coordinator
Division of Organization and Personnel
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

b. Director, Office of Equal Employment Opportunity
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

c. Chief, Labor Management and Employee Relations Branch
Division of Organization and Personnel
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Notification procedure:

Director, Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Record access procedures: Same as "Notification procedure." Some information was received in confidence and will not be disclosed to the extent that disclosure would reveal a confidential source. Testing material may not be disclosed to the extent such disclosure would compromise the testing process.

Contesting record procedures: Same as "Notification procedure."

Record source categories: Individual on whom the record is maintained, individual's current and previous supervisors within and outside NRC, and the DARE counselors and program coordinator.

NRC-7

System name: Division of Administrative Operations Workload Assignment and Production Records - NRC

System location: Division of Administrative Operations units are located in the following buildings:

a. Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland
b. Nicholson Lane Building, 5650 Nicholson Lane, Rockville, Maryland

c. East West Towers Building, 4350 East West Highway, Bethesda, Maryland

d. Maryland National Bank Building, 7735 Old Georgetown Road, Bethesda, Maryland

Categories of individuals covered by the system: NRC employees assigned to word processing and printing/reproduction and graphic units.

Categories of records in the system: These records contain, under employee name, listings of work assignments and individual production records.

Authority for maintenance of the system: a. Section 161(d), Atomic Energy Act of 1954, as amended, 42 U.S.C. 2201(d).

b. 31 U.S.C. 21, 22, 24, 49, 54, and 66a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records may be used by the Division of Administrative Operations for any of the routine uses specified in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on form and log sheet format.

Retrievability: Indexed by employee name within period reports.

Safeguards: Files relating to comparative employee production and analysis thereof are maintained in locked cabinets. Budgetary and staffing projection data maintained in locked and unlocked equipment. All files under immediate control of supervisory staff although employees are allowed access to their own production records.

Retention and disposal: Records are retained in office files for two years and are then destroyed by waste incineration.

System manager(s) and address:

Director
Division of Administrative Operations
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Notification procedure:

Director, Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Record access procedures: Same as "Notification procedure."

Contesting record procedures: Same as "Notification procedure."

Record source categories: Individual employees; supervisory assignment and analysis records.

NRC-8

System name: Employee Appeals, Grievances and Complaints Records - NRC

System location: Division of Organization and Personnel, Office of Administration, NRC, 4865 Cordell Avenue, Bethesda, Maryland.

Categories of individuals covered by the system: Applicants for NRC employment, current and former NRC employees, and annuitants who have filed complaints or initiated grievance or appeal proceedings as a result of a determination made by the NRC, the Civil Service Commission, or a Board or other entity established to adjudicate such grievances and appeals.

Categories of records in the system: This file includes all documents related to grievances, arbitrations, negative determinations regarding within-grade salary increases and exit interviews. It contains information relating to determinations affecting individuals made by the NRC or the Civil Service Commission. The records consist of the initial appeal or complaint, letters or notices to the individual, record of hearings when conducted, materials placed into the record to support the decision or determination, affidavits or statements, testimony of witnesses, investigative reports, instructions to an NRC office or division concerning action to be taken to comply with decisions, and related correspondence, opinions and recommendations.

Authority for maintenance of the system: Sec. 161(d), Atomic Energy Act of 1954, as amended, 42 U.S.C. 2201(d).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The records may be used:

a. To furnish information to the Civil Service Commission pursuant to applicable requirements relative to grievances and appeals;

b. To provide appropriate data to union representatives and third parties in connection with grievances, arbitration actions and appeals. Third parties may include the Federal Service Impasses Panel, Department of Labor and Federal Labor Relations Council; and

c. For any of the routine uses specified in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders, binders, and index cards.

Retrievability: These records are indexed by the names of the individuals on whom they are maintained.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: The records are maintained up to two years and are then transferred to the National Personnel Records Center, St. Louis, Missouri. They are destroyed by the Federal Records Center when the records are 7 years old.

System manager(s) and address:

Chief, Labor Management and Employee Relations Branch
Division of Organization and Personnel
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Notification procedure:

Director, Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Record access procedures: Same as "Notification procedure." Some information was received in confidence and will not be disclosed to the extent that disclosure would reveal a confidential source.

Contesting record procedures: Same as "Notification procedure."

Record source categories: Individuals to whom the record pertains; NRC and/or Civil Service Commission officials; affidavits or statements from employees, union representatives, or other persons; testimony of witnesses; and official documents relating to the appeal, grievance, or complaint, Official Personnel Folder, and other Federal agencies.

NRC-9

System name: Equal Employment Opportunity Records Files - NRC

Pursuant to 5 U.S.C. 552a(k)(5), the Commission has exempted portions of this system of records from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). The exemption rule is contained in Section 9.95 of the NRC regulation (10 CFR 9.95).

System location: Office of Equal Employment Opportunity, NRC, 7735 Old Georgetown Road, Bethesda, Maryland.

Categories of individuals covered by the system: Applicants for NRC employment and current and former NRC employees who have filed a complaint of discrimination with the Office of Equal Employment Opportunity or the Equal Employment Opportunity Officer.

Categories of records in the system: This system of records contains copies of written reports by counselors; the investigative file; documentation of withdrawn, cancelled, rejected and/or adjusted discrimination complaints; complainant's name, title and grade; kind of discrimination alleged; description of action, decision, or condition giving rise to the complaint; description of remedial action; description of disciplinary action, if any; and copy of the letter of proposed disposition of the complaint and right to a hearing; and record of appeals examiner's finding, analysis, and recommended decision.

Authority for maintenance of the system: a. 42 U.S.C. 2000e

b. Section 401, Energy Reorganization Act of 1974, 42 U.S.C. 5891.

c. Executive Orders 11246, Sept. 24, 1965; 11375, Oct. 13, 1967; and 11478, Aug. 8, 1969.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: a. Information relative to EEO matters furnished to the Civil Service Commission in accordance with applicable requirements.

b. The records may be used for any of the routine uses specified in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders, binders, and index cards.

Retrievability: Accessed by name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Records are maintained in locked file cabinets.

Retention and disposal: Retained indefinitely.

System manager(s) and address:

Director
Office of Equal Employment Opportunity

U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Notification procedure:

Director, Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Record access procedures: Same as "Notification procedure." Some information was received in confidence and will not be disclosed to the extent that disclosure would reveal a confidential source.

Contesting record procedures: Same as "Notification procedure."

Record source categories: Individual to whom the record pertains, counselors, NRC and/or Civil Service Commission officials, affidavits or statements from employees, testimony of witnesses, and official documents relating to the complaints.

NRC-10

System name: Freedom of Information Act (FOIA) and Privacy Act Requests Records - NRC

System location: Division of Rules and Records, Office of Administration, NRC, 7735 Old Georgetown Road, Bethesda, Maryland.

Categories of individuals covered by the system: Persons who have made FOIA or Privacy Act requests for NRC records.

Categories of records in the system: This system contains a copy of the letter from the requester, the NRC response, and related documents.

Authority for maintenance of the system: a. 5 U.S.C. 552.
b. 5 U.S.C. 552a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records may be used:

- a. If an appeal or Court suit is filed with respect to any records denied;
- b. For preparation of annual reports required by 5 U.S.C. 552 and 5 U.S.C. 552a;
- c. For any of the routine uses specified in the Prefatory Statement.

In addition, some of the FOIA records are placed in the Public Document Room and made available to the public.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are filed under individual names.

Safeguards: Records are located in lockable metal file cabinets in areas where access is limited to those whose official duties require access. Copies of some of the FOIA records are publicly available in the NRC Public Document Room.

Retention and disposal: The records are retained until no longer needed, then destroyed.

System manager(s) and address:

Director, Division of Rules and Records
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Notification procedure:

Director, Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Record access procedures: Same as "Notification procedure."

Contesting record procedures: Same as "Notification procedure."

Record source categories: Requests are made by individuals or other requesters. The response to the request is based upon information contained in NRC records.

NRC-II

System name: General Personnel Records (Official Personnel Folder and Related Records) - NRC

Pursuant to 5 U.S.C. 552a(k)(5) and (6), the Commission has exempted portions of this system of records from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). The exemption rule is contained in Section 9.95 of the NRC regulation (10 CFR 9.95).

System location: Primary system - Division of Organization and Personnel, Office of Administration, NRC, 4865 Cordell Avenue, Bethesda, Maryland.

Duplicate systems - duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Parts 1 and 2. The duplicate systems may contain information of specific applicability to a particular office in addition to that information contained in the primary system.

Categories of individuals covered by the system: Current NRC employees, consultants, and those formerly employed by the NRC (death, resignation, retirement, and separation).

Categories of records in the system: These records contain information about an individual's birth date, social security account number, veteran preference status, tenure, physical handicaps, past and present salaries, grades, position titles, training, test performance, minority group designator, life insurance, health benefits, beneficiaries, performance ratings and awards. These records also contain letters of commendation and reprimand, documentation of charges and decisions on charges, notices of reductions-in-force, locator files; information related to personnel actions, including but not limited to appointment, reassignment, demotion, detail, promotion, transfer, and separation; and data documenting the reasons for personnel actions or decisions made about an individual related to the status of the individual. Some duplicate records may contain office-related employee performance evaluations, office-specific applications, personnel qualification statements (SF-171), resumes and applicant evaluations and intra-office conflict of interest correspondence, in addition to that contained in the primary system.

Authority for maintenance of the system: a. Section 161(d), Atomic Energy Act of 1954, as amended, 42 U.S.C. 2201(d).
b. Executive Order 10561, September 15, 1954.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records may be used:

- a. By the Civil Service Commission for making a decision when an NRC employee or former NRC employee questions the validity of a specific document in an individual's record;
- b. To provide information to a prospective employer of a Government employee. Upon transfer of the employee to another Federal agency, the information is transferred to such agency;
- c. To update the following Civil Service Commission systems: Federal Automated Career Systems (FACS), Executive Inventory File and security investigations index hires, adverse actions, and terminations;
- d. To provide statistical reports to Congress, agencies, and the public on characteristics of the Federal work force;
- e. To provide information to the Civil Service Commission for review and audit purposes;
- f. To provide members of the public with the names, position titles, grades, salaries, appointments (temporary or permanent) and duty stations of employees; and
- g. For any of the routine uses specified in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, magnetic tape, disk, punched cards and microfilm.

Retrievability: Records are indexed by any combination of name, birth date, social security account number, or identification number.

Safeguards: Records are located in lockable metal file cabinets, electro-mechanical file organizer, or in metal file cabinets in areas with access limited to those whose official duties require access.

Retention and disposal: The Official Personnel Folder is sent to the National Personnel Records Center within 30 days of the date of the employee's separation from the Federal service. Some records such as letters of reprimand, indebtedness, and vouchers are maintained for two years or destroyed when an individual resigns, transfers, or is separated from the Federal service. SF-7, 'Service Record Card', retained indefinitely.

System manager(s) and address:

Chief, Personnel Operations Branch
Division of Organization and Personnel
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Notification procedure:

Director, Office of Administration
U.S. Nuclear Regulatory Commission

Washington, D.C. 20555

Record access procedures: Same as "Notification procedure." Some information was received in confidence and will not be disclosed to the extent that disclosure would reveal a confidential source. Testing material may not be disclosed to the extent that disclosure would compromise the testing process.

Contesting record procedures: Same as "Notification procedure."

Record source categories: Information in this system of records comes from the individual to whom it applies, is derived from information supplied by that individual, or is provided by agency officials, other Federal agencies, or persons, including references.

NRC-12

System name: Government Motor Vehicle Operators License File - NRC

System location: Primary system - Division of Administrative Operations, Office of Administration, NRC, 7920 Norfolk Avenue, Bethesda, Maryland.

Duplicate systems - duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Part 2.

Categories of individuals covered by the system: NRC Headquarters and Regional Office employees licensed to drive government vehicles.

Categories of records in the system: These records contain identifying data on individuals, including but not limited to name, social security account number, hair color, and sex.

Authority for maintenance of the system: a. 40 U.S.C. 491.

b. E.O. 10579, December 1, 1954.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The records may be used for any of the routine uses specified in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on 5 x 8" cards.

Retrievability: Indexed alphabetically by employee name.

Safeguards: Maintained under visual control of supervisors in security protected buildings with usage restricted to supervisory personnel.

Retention and disposal: Records are retained in office files for 3 years or until cancellation of individual licenses, and then destroyed.

System manager(s) and address:

Chief, Building and Operations Branch
Division of Administrative Operations
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Notification procedure:

Director, Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Record access procedures: Same as "Notification procedure."

Contesting record procedures: Same as "Notification procedure."

Record source categories: Individuals on whom the record is maintained and medical examiners.

NRC-13

System name: Incentive Awards File - NRC

System location: Division of Organization and Personnel, Office of Administration, NRC, 4865 Cordell Avenue, Bethesda, Maryland.

Categories of individuals covered by the system: NRC employees who merit special recognition for achievements either within or outside the employee's job responsibilities and for length of service to the Government.

Categories of records in the system: This system of records contains employee's name, title, grade, and salary; justification to support recommendation and authorization for cash award; actions by approving officials; record of individuals receiving awards; suggestions and evaluations of suggestions; citation to be used; and related correspondence.

Authority for maintenance of the system: a. 5 U.S.C. 4501-4506.

b. 5 U.S.C. 5336.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The records may be used:

a. By the Civil Service Commission to process and approve nominations for awards;

b. By the Offices of the Attorney General and the President of the United States in reviewing recommended awards;

c. To make reports to the Civil Service Commission;

d. By other government agencies to recommend whether suggestions should be adopted in instances where the suggestion made by an NRC employee affects the functions or responsibilities of the agencies; and

e. For any of the routine uses specified in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records maintained in file folders and stored in metal file cabinets.

Retrievability: Information is accessed by name.

Safeguards: Records are maintained in unlocked metal file cabinets. The area is accessible only to authorized personnel who are properly screened, cleared and trained and whose duties require them to be in the area.

Retention and disposal: Records are maintained for a two year period and then transferred to the National Personnel Records Center, St. Louis, Missouri.

System manager(s) and address:

Chief, Labor Management and Employee Relations Branch
Division of Organization and Personnel
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Notification procedure:

Director, Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Record access procedures: Same as "Notification procedure."

Contesting record procedures: Same as "Notification procedure."

Record source categories: Supervisors of employees, individuals submitting suggestions, evaluators of suggestions, Division of Organization and Personnel staff, Civil Service Commission, Official Personnel Folders, and other Federal agencies.

NRC-14

System name: Medical Records - NRC

System location: Primary system - Division of Organization and Personnel, Office of Administration, NRC, 4865 Cordell Avenue, Bethesda, Maryland.

Duplicate systems - duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Part 2.

Categories of individuals covered by the system: Current and former NRC employees.

Categories of records in the system: This system of records contains information and documents relating to: a medical decision or determination made by the NRC or by another Federal agency; an individual's medical qualifications to hold a position in the Federal Government; an individual's capability (physical and mental) to satisfactorily perform the duties of a position; an employee's participation in an occupational health services program; and an employee's participation in the Federal Civil Employee Alcoholism and Drug Abuse Program.

Authority for maintenance of the system: a. 5 U.S.C. 7901.

b. 42 U.S.C. 4561.

c. 21 U.S.C. 1180.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records may be provided to the Public Health Service in connection with Health Maintenance Examinations and to other Federal agencies responsible for Federal benefit programs administered by:

a. Office of Workmen's Compensation Programs (Dept. of Labor); and

b. Civil Service Commission.

These records may also be used for any of the routine uses specified in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in folders.

Retrievability: Records are indexed by name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: a. Medical certificates and other medical records of examination used to determine an employee's fitness for a job: Forwarded to the individual's new agency, and transferred to the National Personnel Records Center upon an employee's separation from the Federal service, where they are destroyed after 75 years.

b. Miscellaneous medical records, correspondence, dispensary records, and similar papers: Destroyed upon an employee's separation from the agency.

System manager(s) and address:

Chief, Personnel Operations Branch
Division of Organization and Personnel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Notification procedure:

Director, Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Record access procedures: Same as "Notification procedure."

Contesting record procedures: Same as "Notification procedure."

Record source categories: a. The individual to whom the record pertains.

b. Private and Federal physicians.

c. Medical institutions.

d. Veterans Administration Pension Benefits Program.

e. Office of Workmen's Compensation Programs.

NRC-15

System name: National Standards Committee Membership Files - NRC

System location: Office of Standards Development, NRC, 5650 Nicholson Lane, Rockville, Maryland.

Categories of individuals covered by the system: NRC employees who are serving on committees, subcommittees, working groups, etc., that are developing nuclear standards.

Categories of records in the system: This system is a comprehensive record of NRC personnel on the nuclear standards committees and contains members' names and the names of the committees to which they belong.

Authority for maintenance of the system: Section 161(b), Atomic Energy Act of 1954, as amended, 42 U.S.C. 2201(b).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records may be used to provide information to persons or agencies requesting this information.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on forms, lists and index cards in file folders.

Retrievability: Records are indexed by the individual's name, by the technical or professional society developing the standard, and by the title of the standard.

Safeguards: Open access.

Retention and disposal: Updated when information is out of date.

System manager(s) and address:

Director
Office of Standards Development
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Notification procedure:

Director, Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Record access procedures: Same as "Notification procedure."

Contesting record procedures: Same as "Notification procedure."

Record source categories: Information in this system of records comes from the individual to whom it applies or from his supervisor.

NRC-16

System name: Facility Operator Licensees Records File (10 CFR Part 55)—NRC.

System location: a. Reactor Operator Licensees Records—

Primary system: Division of Reactor Licensing, Office of Nuclear Reactor Regulation, NRC, 7920 Norfolk Ave., Bethesda, Maryland.

Duplicate systems: Duplicate systems exist, in whole or in part, at the location listed in Addendum I, Part 1(i).

b. Fuel Reprocessing Operator Licensees Records—
Division of Materials and Fuel Cycle Facility Licensing, Office of Nuclear Material Safety and Safeguards, NRC, 7735 Old Georgetown Road, Bethesda, Maryland.

Categories of individuals covered by the system: Individuals licensed pursuant to 10 CFR Part 55, new applicants whose applications are being processed, and individuals whose licenses have expired.

Categories of records in the system: These records contain information relating to the applications for a license, certification of competency, certification of medical history and results, and license or denial letter.

Authority for maintenance of the system: Sections 107, 161(i), Atomic Energy Act of 1954, as amended, 42 U.S.C. 2137, and 2201(i).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records may be used:

a. To determine if the individual meets the requirements of 10 CFR Part 55 to take an examination or to be issued an operator's license; and

b. For any of the routine uses specified in the Prefatory Statement, except paragraph number 3.

In addition, information related to the application, certification of competency, and license or denial letter will routinely be made available in the NRC's Public Document Room.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on paper in file folders.

Retrievability: Records are accessed by name and docket number.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access.

Retention and disposal: Reactor Operator Licensees Records:

a. Medical information: retained for four years after the individual's license expires, then destroyed.

b. Examination and examination results: retained for two years after the issuance of a license or denial letter. A summary report is retained until four years after the individual's license expires.

c. Other information: destroyed when it becomes two years old.

d. Docket information: destroyed four years after an individual's latest license expires.

Fuel Reprocessing Operator Licensees Records—

Stored indefinitely until no longer needed, then destroyed.

System manager(s) and address: Reactor Operator Licensees Records:

Chief, operator Licensing Branch
Division of Reactor Licensing
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Fuel Reprocessing Operator Licensees Records—

Chief, Fuel Cycle Licensing Branch 2
Division of Materials and Fuel Cycle Facility Licensing
Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Notification procedure: Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Record access procedures: Same as "Notification procedure."

Contesting record procedures: Same as "Notification procedure."

Record source categories: Information in this system of records either comes from the individual applying for a license, the facility manager, a licensed physician, members of the Operator Licensing Branch, Fuel Cycle Licensing Branch, or contractor personnel.

NRC-17

System name: Occupational Injuries and Illness Reports - NRC

System location: Building and Operations Branch, Division of Administrative Operations, Office of Administration, NRC, 7920 Norfolk Avenue, Bethesda, Maryland.

Categories of individuals covered by the system: All NRC employees.

Categories of records in the system: These records contain descriptions of injury or illness, treatment, and disposition.

Authority for maintenance of the system: a. 29 U.S.C. 657 (c).

b. E.O. 11612, July 26, 1971.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records may be used:

a. By the NRC Safety Officer and/or Branch supervisor, to prepare periodic statistical reports on employees' health and injury status and health and safety hazards in NRC physical structures, all for transmission to and review by the Department of Labor;

b. For transmittal to the Secretary of Labor or his authorized representative in accordance with duly promulgated regulations;

c. For transmittal to Civil Service Commission as required to support individual claims; and

d. For any of the routine uses specified in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in paper copy on form stock.

Retrievability: Indexed by assigned employee case number or name under report category.

Safeguards: Housed in locked file cabinet under visual observation of section employees. Use of information is restricted to NRC Health and Safety personnel and authorized representatives of the Secretary of the Department of Labor.

Retention and disposal: Records are retained in office files for 6 years after date of report and are then destroyed by waste incineration.

System manager(s) and address:

Director, Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Notification procedure: Same as "System manager."

Record access procedures: Same as "System manager."

Contesting record procedures: Same as "System manager."

Record source categories: NRC Public Health Unit, NRC Headquarters and Regional Office feeder reports and forms with original information largely supplied by employees concerned.

NRC-18

System name: Office of Inspector and Auditor Index File and Associated Records - NRC

Pursuant to 5 U.S.C. 552a(k)(1) and (5), the Commission has exempted portions of this system of records from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). The exemption rule is contained in Section 9.95 of the NRC regulation (10 CFR 9.95).

System location: Office of Inspector and Auditor, NRC, 4922 Fairmont Avenue, Bethesda, Maryland.

Categories of individuals covered by the system: Individuals referred to in potential or actual cases and matters of concern to the Office of Inspector and Auditor and correspondents on subjects directed or referred to the Office of Inspector and Auditor.

Categories of records in the system: The system consists of an alphabetical index file bearing individual names. The index provides access to associated records which are arranged by subject matter, title, or identifying number(s) and/or letter(s). The system incorporates the records of all Office of Inspector and Auditor correspondence, cases, matters, memoranda, and materials, including but not limited to audit reports, investigative reports, inspection reports, correspondence to and from the Office of Inspector and Auditor, memoranda, legal papers, evidence, exhibits, audit data, investigative data, and work papers.

Authority for maintenance of the system: a. Section 25(c), Atomic Energy Act of 1954, as amended, 42 U.S.C. 2035.

b. Section 201(f), Energy Reorganization Act of 1974, 42 U.S.C. 5841(f).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: a. In the event that this

system of records maintained by the Office of Inspector and Auditor to carry out its functions suggests or indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system may be referred to the appropriate Federal, state, local or foreign agency charged with responsibility for investigating or prosecuting such case or matter or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

b. In the course of auditing, inspecting, or investigating a case or matter falling within the purview of the Office of Inspector and Auditor or in the course of auditing, inspecting, or investigating a case or matter potentially or actually in violation of any law, whether civil, criminal, or regulatory in nature, whether arising by general statute, or by regulation, rule, order issued pursuant thereto, or during the course of a trial, hearing or any judicial, regulatory or administrative proceeding or the preparation for a trial, hearing or any judicial, regulatory or administrative proceeding for such violation, a record in the system of records may be disclosed as a routine use, to a Federal, state, local or foreign agency, or to an individual or organization, if there is any reason to believe that such agency, individual or organization possesses information relating to the case or matter falling within the purview of the Office of Inspector and Auditor, or possesses information relating to potential or actual violation of law whether arising by general statute or by regulation, rule or order issued pursuant thereto, or possesses information relating to the trial, hearing or any judicial, regulatory or administrative proceedings and the disclosure is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant.

c. A record in the system of records relating to a case or matter may be disclosed as a routine use, to the appropriate Federal, state, local or foreign court or grand jury in accordance with established constitutional, substantive, or procedural law, or practice.

d. A record in the system of records relating to a case or matter may be disclosed as a routine use to a Federal, state, local or foreign administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceedings or hearing.

e. A record in the system of records relating to a case or matter may be disclosed as a routine use to an actual or potential party or his attorney for the purpose of negotiation or discussion on matters such as but not limited to compromise or settlement of the case or matter.

f. A record in the system of records relating to a case or matter falling within the purview of the Office of Inspector and Auditor that has been referred for audit, inspection or investigation may be disclosed as a routine use to the referring agency, group, organization or individual to notify such agency, group, organization, or individual of the status of the case or matter or of any decision or determination that has been made.

g. A record in the system of records relating to an individual held in custody pending arraignment, trial, or sentence, or after conviction, may be disclosed as a routine use to a Federal, state, local or foreign prison, probation, parole or pardon authority, or to any other agency or individual concerned with the maintenance, transportation, or release of such an individual.

h. A record in the system of records relating to a case or matter may be disclosed as a routine use to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States.

i. A record in the system of records may be disclosed as a routine use to a Federal, state, local or foreign law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency.

j. A record may be disclosed from the system of records as a routine use to a Federal, state, local or foreign agency in connection with the investigation, 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 by the requesting agency to the extent that the information relates to the requesting agency's decision on the case or matter.

k. A record from the system of records may be disclosed as a routine use to a Federal, state, local or foreign agency if necessary to obtain information relevant to a Commission decision concerning the investigation, 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.

1. A record in the system of records in the nature of an audit, inspection or investigation report relating to the integrity and efficiency of the Commission operation and management may be disseminated outside the Commission as part of the Commission's responsibility to inform the Congress and the public about Commission operations.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information contained in this system is stored manually on index cards and in file jackets.

Retrievability: Information is retrieved from index cards by the name of the individual and from the jackets by number(s) and/or letter(s) assigned and appearing on the index card.

Safeguards: Information is safeguarded and protected in accordance with applicable Office of Inspector and Auditor rules.

Retention and disposal: Information and associated records other than index cards contained in this system in part will be retained in NRC records and disposed of in accordance with NRC policy. Other records will be retained in the Office of Inspector and Auditor and disposal plans are to be established.

System manager(s) and address:

Director
Office of Inspector and Auditor
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Notification procedure:

Director, Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Record access procedures: Same as "Notification procedure." Information classified pursuant to Executive Order 11652 will not be disclosed. Information received in confidence will not be disclosed to the extent that disclosure would reveal a confidential source.

Contesting record procedures: Same as "Notification procedure."

Record source categories: The information in this system of records is obtained from sources including, but not limited to, U.S. Nuclear Regulatory Commission officers and employees, Federal, state, local, and foreign agencies, and persons.

NRC-19

System name: Official Personnel Training Records Files - NRC

System location: Primary system - Division of Organization and Personnel, NRC, 4865 Cordell Avenue, Bethesda, Maryland.

Duplicate systems - duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Part 1 (b), (e), (f), and (h) and Part 2.

Categories of individuals covered by the system: Individuals who have applied for or were selected for either NRC or other government/non-government training courses or programs.

Categories of records in the system: These records contain information relating to the NRC employee's educational background and training courses including training requests, authorizations for training, course grades or evaluations and other related personnel training information and correspondence.

Authority for maintenance of the system: a. 5 U.S.C. 4103.

b. E.O. 11348, April 20, 1967.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information may be extracted from and made available to the Civil Service Commission, other government agencies, state and local governments and educational institutions for use in training programs related to NRC employees.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records maintained in file folders and in three-ring binders which are in metal file cabinets.

Retrievability: Information is accessed by name.

Safeguards: Records are maintained in locked metal file cabinets. The area is accessible only to authorized personnel who are properly screened, cleared and trained and whose duties require them to be in the area.

Retention and disposal: Records are maintained for a five-year period or until no longer needed, and then destroyed.

System manager(s) and address:

Chief, Training Branch

Division of Organization and Personnel
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Notification procedure:

Director, Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Record access procedures: Same as "Notification procedure."

Contesting record procedures: Same as "Notification procedure."

Record source categories: Information in this system of records is obtained as follows: 1) from the individual to whom it applies; 2) from the employee's supervisor; and 3) from training groups, agencies or educational institutions.

NRC-20

System name: Official Travel Records - NRC

System location: Primary system - Office of the Controller, NRC, 4922 Fairmont Avenue, Lugenbeel Building, Bethesda, Maryland.

Duplicate systems - duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Part 1 (c), (e), and (f).

Categories of individuals covered by the system: NRC employees, prospective NRC employees, consultants, and invitational travelers for NRC programs.

Categories of records in the system: These records contain Request and Authorization for Official Travel forms, Travel Advance Worksheet, Travel Vouchers for Professional Services, Travel and Miscellaneous Expenses from consultants.

Authority for maintenance of the system: a. 31 U.S.C. 21, 22, 24, 49, 54, 66a and 952.

b. 5 U.S.C. 5701.

c. Federal Travel Regulations, Federal Property Management Regulations, Part 101-7.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records may be used:

a. For transmittal to the U.S. Treasury for payment;

b. For transmittal to the Department of State for passports; and

c. For any of the routine uses specified in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and on disks.

Retrievability: Records are accessed by name, social security account number, authorization number, estimated travel start day, authorization process day, and voucher process day.

Safeguards: File folders are stored in file cabinets in same room with users. For ADP records, a key word, initials, and NRC Office of the Controller's account number must be known in order to retrieve information.

Retention and disposal: File folders are retained three years and then destroyed. ADP information is retained on disks for one year, transferred to and retained on magnetic tape for five years, and then the tape is degaussed.

System manager(s) and address:

Controller
Office of the Controller
Lugenbeel Building
4922 Fairmont Avenue
Bethesda, Maryland

Notification procedure:

Director, Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Record access procedures: Same as "Notification procedure."

Contesting record procedures: Same as "Notification procedure."

Record source categories: Information is provided by the individual, the organizational component approving the travel, outside transportation agents and rate books for cost information.

NRC-21

System name: Payroll Accounting Records - NRC

System location: Primary system - Office of the Controller, NRC, Lugenbeel Building, 4922 Fairmont Avenue, Bethesda, Maryland.

Duplicate systems - duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Part 1 (c), (e), (f), and Part 2.

Categories of individuals covered by the system: NRC employees.

Categories of records in the system: Pay, leave, and allowance histories.

Authority for maintenance of the system: 31 U.S.C. 21, 22, 24, 49, 54, 66a, and 952.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records may be used:

a. For transmittal of data to U.S. Treasury to effect issuance of paychecks to employees and distribution of pay according to employee directions for savings bonds, allotments, financial institutions, and other authorized purposes;

b. For reporting tax withholding to Internal Revenue Service and appropriate state and local taxing authorities;

c. For FICA deductions to the Social Security Administration;

d. For dues deductions to labor unions;

e. For withholdings for health insurance to the insurance carriers and the U.S. Civil Service Commission;

f. For charity contribution deductions to agents of charitable institutions;

g. For annual W-2 statements to taxing authorities and the individual;

h. (When P.L. 93-579 becomes effective, it is anticipated that appropriate statements will be issued to employees, spouse-recipients, and the courts involved);

i. For transmittal to the Office of Management and Budget for review of budget requests; and

j. For any of the routine uses specified in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders and micro-fiche.

Retrievability: Indexed by name.

Safeguards: File folders and micro-fiche are maintained in a locked file cabinet from 5:00 p.m. to 8:15 a.m. During office hours only authorized personnel have access to files.

Retention and disposal: Records are maintained for four years after transfer or separation of employee and then destroyed.

System manager(s) and address:

Controller, Office of the Controller
U.S. Nuclear Regulatory Commission
Lugenbeel Building
4922 Fairmont Avenue
Bethesda, Maryland

Notification procedure:

Director, Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Record access procedures: Same as "Notification procedure."

Contesting record procedures: Same as "Notification procedure."

Record source categories: Information is provided by the individual and the Division of Organization and Personnel.

NRC-22

System name: Personnel Performance Appraisals - NRC

Pursuant to 5 U.S.C. 552a(k)(5) and (6), the Commission has exempted portions of this system of records from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f). The exemption rule is contained in Section 9.95 of the NRC regulation (10 CFR 9.95).

System location: Division of Organization and Personnel, Office of Administration, NRC, 4865 Cordell Avenue, Bethesda, Maryland.

Categories of individuals covered by the system: NRC employees, including candidates who apply for job vacancies under the NRC vacancy announcement system.

Categories of records in the system: This system of records contains evaluations of applicants and employees, evaluation criteria and methods, employee placement follow-up interview reports, appraisals from other individuals who are knowledgeable of the applicant's abilities, supervisory appraisals of performance and career development potential, and other related records.

Authority for maintenance of the system: Section 161(d), Atomic Energy Act of 1954, as amended, 42 U.S.C. 2201(d).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records may be used:

a. By the Civil Service Commission to resolve grievances or complaints related to promotion or appointment selections; and

b. For any of the routine uses specified in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in paper file folders.

Retrievability: Records are accessed by name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Files are periodically screened to eliminate inactive records. Inactive records are destroyed.

System manager(s) and address:

Chief, Personnel Operations Branch
Division of Organization and Personnel
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Notification procedure:

Director, Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Record access procedures: Same as "Notification procedure." Some information was received in confidence and will not be disclosed to the extent that disclosure would reveal a confidential source. Testing material may not be disclosed to the extent that such disclosure would compromise the testing process.

Contesting record procedures: Same as "Notification procedure."

Record source categories: Individual to whom record pertains, employee's supervisors, Division of Organization and Personnel staff members, general personnel records (Official Personnel Folder and related records), and other Federal agencies.

NRC-23

System name: Personnel Research and Test Validation Records - NRC

Pursuant to 5 U.S.C. 552a(k)(6), the Commission has exempted portions of this system of records from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f). The exemption rule is contained in Section 9.95 of the NRC regulation (10 CFR 9.95).

System location: Division of Organization and Personnel, Office of Administration, NRC, 4865 Cordell Avenue, Bethesda, Maryland.

Categories of individuals covered by the system: NRC employees and applicants for NRC employment.

Categories of records in the system: These records include education and employment history, test scores, responses to test items and questionnaires, interview data and ratings of supervisors regarding the individuals to whom the records pertain. Data are collected on a project basis and are used for the construction, analysis and validation of written tests; for research on personnel measurement and selection methods and techniques and research on personnel management practices such as performance evaluation or productivity.

Authority for maintenance of the system: a. Section 161(d), Atomic Energy Act of 1954, as amended, 42 U.S.C. 2201(d).

b. 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in this system of records may be:

a. Exchanged between the NRC, Civil Service Commission, and other Federal agencies for personnel research purposes and used to aid in identifying employees included in research studies that extend over a period of time; and

b. Used for the routine uses listed in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, on punched cards, computer tape, and computer storage.

Retrievability: Records are maintained by project. Personal information can be retrieved by name or personal identifier only for certain research projects such as those that involve longitudinal studies.

Safeguards: Records are kept in locked files and access is limited to staff.

Retention and disposal: Indefinite.

System manager(s) and address:

Chief, Management and Policy Branch
Division of Organization and Personnel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Notification procedure:

Director, Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Record access procedures: Same as "Notification procedure." Some records contain information received in confidence and will not be disclosed to the extent that disclosure would reveal a confidential source. Testing material may not be disclosed to the extent such disclosure would compromise the testing process.

Contesting record procedures: Same as "Notification procedure."

Record source categories: Individual Federal employees or applicants, supervisors, assessment center assessors, Civil Service Commission, or NRC personnel files and records, and other Federal agencies.

NRC-24

System name: Personnel Security Files and Associated Records - NRC

Pursuant to 5 U.S.C. 552a(k)(1) and (5), the Commission has exempted portions of this system of records from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f). The exemption rule is contained in Section 9.95 of the NRC regulation (10 CFR 9.95).

System location: Division of Security, Office of Administration, NRC, 7735 Old Georgetown Road, Bethesda, Maryland.

Categories of individuals covered by the system: Persons who are NRC employees and applicants; NRC consultants; NRC contractors; guards; licensees; other government agency personnel (e.g., General Services Administration personnel); and other persons who have been considered for a personnel clearance.

Categories of records in the system: These records contain information relating to employee or applicant name, address, date and place of birth, social security account number, citizenship, residence history, employment history, foreign travel, education, personal references, organizational membership, security clearance history. These records also contain copies of investigative reports from other agencies (primarily from the Civil Service Commission or the Federal Bureau of Investigation), summaries of investigative reports, reports of employee and applicant personnel security interviews, clearance action information (e.g., grants and terminations), a security acknowledgment, fingerprint card, reports of security infractions, 'Request for Visit or Access Approval' (form NRC-277), and other related personnel security processing documents.

Authority for maintenance of the system: Sections 145 and 161(i), Atomic Energy Act of 1954, as amended, 42 U.S.C. 2165 and 2201(i).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records is used or a record may be used by the Division of Security, Personnel Security Board Members or Personnel Security Review Board Members, Civil Service Commission, Federal Bureau of Investigation, and other Federal agencies:

- To determine clearance eligibility;
- To certify clearances;
- To maintain the NRC personnel security program; and
- For any of the routine uses specified in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: Indexed by file number.

Safeguards: Records are maintained on shelves in an alarmed vault type area which is secured with a 3-way combination door lock.

Retention and disposal: Records maintained as long as the individual has an active security clearance and then destroyed by an approved means ten years after clearance is terminated.

System manager(s) and address:

Director
Division of Security
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Notification procedure:

Director, Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Record access procedures: Same as "Notification procedure." Some information is classified pursuant to Executive Order 11652 and will not be disclosed. Other information has been received in confidence and will not be disclosed to the extent that disclosure would reveal a confidential source.

Contesting record procedures: Same as "Notification procedure."

Record source categories: Information in this system of records either comes from the individual to whom it applies, the Civil Service Commission, the Federal Bureau of Investigation, or other Federal agencies.

NRC-25

System name: Photo Badge Request File - NRC

System location: Division of Security, Office of Administration, NRC, 7735 Old Georgetown Road, Bethesda, Maryland.

Categories of individuals covered by the system: Persons who are NRC employees; consultants; guards; and other government agency personnel (e.g., General Services Administration personnel).

Categories of records in the system: These records contain information, including photographs, relating to name; social security account number, date of birth; physical descriptions such as sex, height, weight and color of hair and eyes; employment status; level of clearance; date of clearance; employment location; citizenship; and badge category.

Authority for maintenance of the system: Section 145, Atomic Energy Act of 1954, as amended, 42 U.S.C. 2165.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records may be used for any of the routine uses specified in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on a 5 x 8" form.

Retrievability: Accessed by name.

Safeguards: Records are maintained at receptionist/guard location which is manned 24 hours a day. If not manned they are secured in a security container.

Retention and disposal: Records maintained until the individual terminates his association with NRC, after which they are destroyed by an approved means. N

Director, Division of Security
Office of Administration
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555

Notification procedure:

Director, Office of Administration
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555

Record access procedures: Same as "Notification procedure."

Contesting record procedures: Same as "Notification procedure."

Record source categories: Information in this system of records comes from the individual to whom it applies and the NRC staff.

NRC-26

System name: Principal Correspondence File - NRC

System location:

Administrative & Correspondence Branch
Office of the Executive Director for Operations, NRC
7920 Norfolk Ave.
Bethesda, Maryland

Categories of individuals covered by the system: Correspondents with the Executive Director for Operations, Congressional correspondents and correspondents referred by the Secretariat.

Categories of records in the system: This system contains incoming correspondence from individuals noted above and replies thereto.

Authority for maintenance of the system: 44 U.S.C. 3101

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records may be used:

- To refer, where appropriate, inquiries to Federal agencies or persons for their reply or action; and
- For any of the routine uses specified in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders stored in metal file cabinets.

Retrievability: Information accessed by control number or accessed by name.

Safeguards: Access is limited to those persons whose official duties require such access.

Retention and disposal: Records held indefinitely.

System manager(s) and address:

Chief, Administrative & Correspondence Branch
Office of the Executive Director for Operations
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Notification procedure:

Director, Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Record access procedures: Same as "Notification procedure."

Contesting record procedures: Same as "Notification procedure."

Record source categories: Records contain information and requests from correspondents and replies thereto prepared by the NRC staff.

NRC-27

System name: Radiation Exposure Information and Reports System (REIRS) Files - NRC

System location: Primary system - Union Carbide Corporation, Computing Technology Center, Business Systems Departments, P. O. Box P, Oak Ridge, Tennessee 37830.

Duplicate system - duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Part 1 (f) and Part 2.

Categories of individuals covered by the system: Individuals monitored for radiation exposure while employed by or visiting or temporarily assigned to certain NRC licensed facilities; individuals who are exposed to radiation or radioactive materials in incidents required to be reported pursuant to 10 CFR 20.403 and 20.405 by all NRC licensees; monitored individuals terminating their service with the Navy, as required by NAVMED P-5055, Radiation Health Protection Manual; and monitored employees of all the registrants of the State of Illinois.

Categories of records in the system: These records contain information relating to individual's name; social security account number; date of birth; period of employment; place and period date of exposure; name, address, and license number of individual's employer; licensee name and number reporting the incident; radiation doses or estimates of exposure received during this period; type of radiation; part(s) or organ(s) exposed; and nuclide(s) involved. Between January, 1972 and May, 1974 the following information was also recorded: sex, training experience, regular occupation of the exposed individuals; device or method used to determine dose(s); brief statement describing the incident and the causes; corrective actions taken; status of exposed individual (i.e., medical treatment); type, age and manufacturer of malfunctioning equipment; and cumulative dose prior to incident.

Authority for maintenance of the system: Sections 53, 63, 65, 81, 103, 104 and 161(o), Atomic Energy Act of 1954, as amended, 42 U.S.C. 2073, 2095, 2111, 2133, 2134, and 2201(o).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records may be used:

a. To provide data to other Federal and state agencies involved in monitoring and/or evaluating radiation exposure received by individuals employed as radiation workers on a permanent or temporary basis and on monitored visitors; and

b. For any of the routine uses specified in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are computerized and maintained on magnetic tape, maintained in log books, and filed as either a computer printout or original paper document.

Retrievability: Records are accessed by individual name, social security account number, and by licensee name or number.

Safeguards: Information maintained at the Computing Technology Center is accessible only to the programmers assigned to the REIRS system and released only to the Division of Technical Review. Reports kept by the Division of Technical Review are in file cabinets and bookcases in a secured building. A log is maintained of both telephone and written requests for information.

Retention and disposal: a. original paper document - destroyed after two years.

b. magnetic tape - permanently stored at Computing Technology Center.

c. log books - kept indefinitely; no names.

d. computer printouts - destroyed when updated.

System manager(s) and address:

Leader
Radiation Protection Section
Radiological Assessment Branch
Division of Technical Review
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Notification procedure:

Director, Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Record access procedures: Same as "Notification procedure."

Contesting record procedures: Same as "Notification procedure."

Record source categories: Information in this system of records either comes from the monitored worker, visitors, worker's employer, or the person in charge of the facility to which the worker has been assigned.

NRC-28

System name: Recruiting, Examining and Placement Records - NRC

Pursuant to 5 U.S.C. 552a(k)(5), the Commission has exempted portions of this system of records from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f). The exemption rule is contained in Section 9.95 of the NRC regulation (10 CFR 9.95).

System location: Primary system - Division of Organization and Personnel, Office of Administration, NRC, 4865 Cordell Avenue, Bethesda, Maryland.

Duplicate systems - duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Part 1 (b), (c), (d), (e), (f), and (h) and Part 2.

Categories of individuals covered by the system: Persons who have applied for Federal employment with the U.S. Nuclear Regulatory Commission or are employed in the Federal Service.

Categories of records in the system: These records contain information relating to the education, training, employment history, earnings, past performance, criminal convictions, if any, written achievement test, potential, honors, awards, or fellowships, military service, veteran preference status, birthplace, birth date, social security account number, and home address of persons who have applied for Federal employment with the NRC or are employed in the Federal service.

Authority for maintenance of the system: Section 161(d), Atomic Energy Act of 1954, as amended, 42 U.S.C. 2201(d).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records may be used:

a. To furnish information to agencies relative to transfer or consideration of employment; and

b. For any of the routine uses specified in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained primarily on forms, lists and index cards in file folders. Also, certain data is maintained on magnetic tapes, disk and punch cards.

Retrievability: Records are indexed by name and an identification number assigned to each individual.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: a. Register of Eligible Applications - retained for one year or until no longer needed, then destroyed.

b. Index Cards - destroyed when no longer needed.

c. Other related recruitment and placement documents - destroyed when no longer needed.

System manager(s) and address:

Chief, Recruitment Branch
Division of Organization and Personnel
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Notification procedure:

Director, Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Record access procedures: Same as "Notification procedure." Some information was received in confidence and will not be disclosed to the extent that disclosure would reveal a confidential source.

Contesting record procedures: Same as "Notification procedure."

Record source categories: Information in this system of records either comes from the individual to whom it applies or is derived from information supplied by that individual, with the exception of reports from medical personnel on physical qualifications, results of examinations, vouchers filled out by references and educational institutions whose names were supplied by applicant, and information from other Federal agencies.

NRC-29

System name: Central Personnel Security Clearance Index - NRC

System location: Primary system - Division of Security, Office of Administration, NRC, 7735 Old Georgetown Road, Bethesda, Maryland.

Duplicate system: Energy Research and Development Administration, Room CA-007, Headquarters Building, Germantown, Maryland.

Categories of individuals covered by the system: Persons who are NRC employees and applicants; NRC consultants; NRC contractors; guards; licensees; other government agency personnel (e.g., General Services Administration personnel); and other persons who have been considered for NRC clearances.

Categories of records in the system: These records contain selected personal identifiers such as name, date of birth, social security account number, and employer. These records also contain current and past security clearance information, including date of clearance, level of clearance, date of termination, date of last investigation and NRC file number.

Authority for maintenance of the system: Sections 145 and 161(i), Atomic Energy Act of 1954, as amended, 42 U.S.C. 2165 and 2201(i).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The records may be used for any of the routine uses specified in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained primarily on magnetic tape and disk packs. Reports maintained on computer print-out hard copy.

Retrievability: Indexed by name, social security account number or case file number.

Safeguards: Records are stored and used in a secured and controlled security area. Building access is controlled by guards. Computer area access limited to authorized "Q" cleared computer and programming personnel. Computer print-outs are stored within an alarmed vault type area which is secured by a three way combination door lock.

Retention and disposal: Computer records are stored indefinitely. Print-outs are retained until next updating report is published.

System manager(s) and address:

Director, Division of Security
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Notification procedure:

Director, Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Record access procedures: Same as "Notification procedure."

Contesting record procedures: Same as "Notification procedure."

Record source categories: Information in this system of records comes from the NRC applicant, employee, licensee, consultant, and other affiliated personnel at the time their application is submitted for clearance processing and as a result of security processing actions.

NRC-30

System name: Regulatory Management System (RMS) Records Files (manpower module only)—NRC.

System location: Energy Research and Development Administration, Computer Center CA-007, Germantown, Maryland.

Categories of individuals covered by the system: All NRC employees.

Categories of records in the system: These records contain information relating to number of regular and nonregular hours worked and the nature of the work.

Authority for maintenance of the system: a. Sections 251 and 261, Atomic Energy Act of 1954, as amended, 42 U.S.C. 2016, 2017.

b. Sections 209, 305, 307(c), Energy Reorganization Act of 1974, 42 U.S.C. 5849, 5875, 5877.

c. 31 U.S.C. 21, 22, 24, 49, 54, 66a and 66b.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in computer files, on tape and disks.

Retrievability: Records are accessed by social security account number, project or program numbers, and activity numbers.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access.

Retention and disposal: Computer tapes and disks are retained indefinitely but are subject to periodic review to determine relevancy.

System manager(s) and address:

Director,
Office of Management Information and Program Control
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Notification procedure:

Director, Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Record access procedures: Same as Notification Procedure.

Contesting record procedures: Same as Notification Procedure.

Record source categories: Information in this system of records comes from the individual to whom it pertains.

NRC-31

System name: Secretariat Records Facility Files - NRC

Pursuant to 5 U.S.C. 552a(k)(1), the Commission has exempted portions of this system of records from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f). The exemption rule is contained in Section 9.95 of the NRC regulation (10 CFR 9.95).

System location: Office of the Secretary, NRC, 1717 H Street, N.W., Washington, D.C. 20555.

Categories of records in the system: Agencies, organizations and individuals who have corresponded with the NRC through the Office of the Secretary.

Categories of records in the system: These records contain correspondence from agencies, organizations, and individuals, the re-

lated replies for the official Commission records and correspondence control documents.

Authority for maintenance of the system: a. Section 201, Energy Reorganization Act of 1974, 42 U.S.C. 5841; b. 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The records may be used for any of the routine uses specified in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are accessed by subject matter headings. Access to the subject matter headings may be provided through the correspondence control documents.

Safeguards: Access to these records is limited to the staffs of the Commissioners and the Secretary, and to those specifically granted access by the Office of the Secretary. Classified materials are kept in approved safes, and unclassified records are secured in locked file cabinets. Access is granted only through a records clerk. The folders are signed out to individuals when released, and controlled.

Retention and disposal: Stored indefinitely.

System manager(s) and address:

Supervisor, Records Facility
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Notification procedure:

Director, Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Record access procedures: Same as "Notification procedure." Some information is classified pursuant to Executive Order 11652 and will not be disclosed.

Contesting record procedures: Same as "Notification procedure."

Record source categories: Information in this system of records comes from communications to the Commission and responses thereto.

NRC-32

System name: Source and Special Nuclear Material Administrative Management Records - NRC

System location: Primary system - Division of Materials and Fuel Cycle Facility Licensing, Office of Nuclear Material Safety and Safeguards, NRC, 7735 Old Georgetown Road, Bethesda, Maryland.

Duplicate systems - duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Part 2.

Categories of individuals covered by the system: Applicants for and licensees under Source and Special Nuclear Materials licensing programs.

Categories of records in the system: Information contained in this system reflects data supplied by applicants and licensees and developed by the NRC staff in the license review and authorization process with respect to the possession and use of source and special nuclear material. System component records developed and maintained by the NRC staff also include summary and cross-indexing type data promoting quick access to and breakout of such license information as:

- Alphabetical listings of active and inactive licenses and applicants for licenses arranged by state and by a master listing;
- Cross indexes of names to assigned license numbers;
- Dates of license issuance and expiration; and
- Geographic location of licensees by state and town.

Authority for maintenance of the system: a. Sections 53, 63, 65, 161(b), (i) and (o), Atomic Energy Act of 1954, as amended, 42 U.S.C. 2073, 2093, 2095, 2201(b), (i) and (o).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records may be used:

- To provide records to state health departments for their information and use;
- To provide information to other Federal, state and local health officials in the event of incident or exposure, for purposes of their information, investigation and protection of public health and safety;

c. To provide ERDA with information concerning special nuclear material licenses for purposes of control related transfers and safeguards accountability; and

d. For any of the routine uses specified in the Prefatory Statement.

In addition, certain of the information provided in this category is routinely placed in the NRC's Public Document Room.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in correspondence and NRC forms and in such physical media as card systems, logs, punch tape, and microfilm.

Retrievability: Indexed by applicant and licensee name in juxtaposition with assigned license number.

Safeguards: Records maintained in standard filing equipment under control of supervisory personnel within a security patrolled building. Access to and use of records is limited to technical and administrative personnel of the division processing security clearances.

Retention and disposal: Records are continuously changed or amended as new information is developed or individual licenses are cancelled or terminated; license files are transferred to Federal Records Center in Suitland, Maryland, when they become inactive or are terminated. Obsolete data except for record copy maintained at Federal Records Centers, is destroyed by waste paper incineration.

System manager(s) and address:

Director
Division of Administrative Operations
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Notification procedure:

Director, Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Record access procedures: Same as "Notification procedure."

Contesting record procedures: Same as "Notification procedure."

Record source categories: Forms and information submitted by applicants and licensees; information developed by NRC personnel from such forms and information.

NRC-33

System name: Standards Development Greenbook Task File - NRC

System location: National Institutes of Health, Computer Facility, C/O Office of Management Information and Program Control, NRC, 7920 Norfolk Avenue, Bethesda, Maryland.

Categories of individuals covered by the system: All Office of Standards Development employees assigned as leaders of Greenbook tasks.

Categories of records in the system: This system of records contains a listing of the activities necessary for the development of such tasks as preparation of regulations and regulatory guides that employees are scheduled to complete in a three month period.

Authority for maintenance of the system: Sections 161(b), Atomic Energy Act of 1954, as amended, 42 U.S.C. 2201(b).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on computer magnetic tape.

Retrievability: Records are accessed by name.

Safeguards: Access is limited to all Standards Development employees.

Retention and disposal: Retained for three to four months after completion of task and then destroyed.

System manager(s) and address:

Director
Office of Standards Development
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Notification procedure:

Director, Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Record access procedures: Same as "Notification procedure."

Contesting record procedures: Same as "Notification procedure."

Record source categories: Information in this system of records comes from the individual to whom it applies, his supervisors, or is derived from information supplied by individuals who submit a Task Initiation Request.

ADDENDUM I

LIST OF U.S. NUCLEAR REGULATORY COMMISSION LOCATIONS

PART 1

NRC headquarters offices

- a. Cordell Building, 4865 Cordell Avenue, Bethesda, Maryland
- b. East West Towers Building, 4350 East West Highway, Bethesda, Maryland
- c. Landow Building, 4915 St. Elmo Avenue, Bethesda, Maryland
- d. Lugenbeel Building, 4922 Fairmont Avenue, Bethesda, Maryland
- e. Maryland National Bank Building, 7735 Old Georgetown Road, Bethesda, Maryland
- f. Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland

- g. Woodmont Building, 8120 Woodmont Avenue, Bethesda, Maryland
- h. Nicholson Lane Building, 5650 Nicholson Lane, Rockville, Maryland
- i. Matomic Building, 1717 - H Street, N.W., Washington, D.C.
- j. Energy Research and Development Administration Building, Germantown, Maryland.
- k. Century XXI, Energy Research and Development Administration, Germantown, Maryland.

PART 2

NRC regional offices

- a. NRC Region I, 631 Park Avenue, King of Prussia, Pennsylvania 19406
- b. NRC Region II, 230 Peachtree Street, N.W., Suite 818, Atlanta, Georgia 30303
- c. NRC Region III, 799 Roosevelt Road, Glen Ellyn, Illinois 60137
- d. NRC Region IV, 611 Ryan Plaza Drive, Suite 1000, Arlington, Texas 76012
- e. NRC Region V, 1990 N. California Boulevard, Suite 202, Walnut Creek, California 94596

[FR Doc.75-25763 Filed 9-25-75;8:45 am]

Department of Health, Education, and Welfare

Privacy Act of 1974

Systems of Records and Notice of Proposed Routine Uses Thereof

Pursuant to the Privacy Act of 1974 (Public Law 93-579) as prescribed in 5 U.S.C. 552a(e)(4), the following notice of systems of records that are maintained by the Department of Health, Education, and Welfare is published as set forth below. Any omissions due to oversight will be published at a later date.

Prior to the final adoption of the proposed routine uses for new notices of systems of records or additional routine uses for corrected notices, consideration in accordance with the requirements of 5 U.S.C. 552a(e)(11) will be given to comments which are submitted in writing on or before October 28, 1975.

Comments should be addressed to the Director, Fair Information Practice Staff, Department of Health, Education, and Welfare, 330 Independence Ave., S.W., Washington, D.C. 20201. Comments received will be available for inspection in Room 4513, at the above address.

Preamble to Supplementary Submission 2

This supplement includes new notices of systems of records from various Department of Health, Education, and Welfare components and corrections to some of the previously published notices in the August 27, 1975 issue of the Federal Register, Part II, Section 1, pages 38391-38683, and the September 22, 1975 issue Part IV, pages 43700-43711. The relevant substantive information from the Preamble to the Department of Health, Education, and Welfare's Supplementary Submission No. 1 to the September 22, 1975 issue of the Federal Register should also be noted. In the corrected notices, additional routine uses can be ascertained by comparing the routine uses of the corrected notices with those previously published in the Federal Register issues cited above.

September 26, 1975.

Thomas S. McFee

Acting Assistant Secretary for Administration and Management.

CDC NIOSH 0117.00

System name: Supervisory effects on worker safety in the roofing industry -- HEW/CDC/NIOSH.

Security classification: None.

System location:

Division of Laboratories and Criteria Development, NIOSH
1014 Broadway
Cincinnati, Ohio 45202

Management Sciences Company
724 Ninth St.
San Pedro, California

2 Embarcadero Center (2775)
San Francisco, California

Categories of individuals covered by the system: Workers in the roofing industry.

Categories of records in the system: Occupational history, demographic data, attitudinal questionnaires.

Authority for maintenance of the system: Occupational Safety and Health Act Section 20 (29 U.S.C. 669)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix of Routine Uses, item 100.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual files, computer cards, computer tapes, computer listings.

Retrievability: The main purpose of this system is to provide information to recommend policies to improve the safety of workers in the roofing industry. There is no transfer of this data outside NIOSH, except to the contractor. Name and case number are the indexes used to retrieve records from this system.

Safeguards:

Evening guard service in building

Locked building; locked rooms
Personnel screening
Locked computer room and computer tape vaults
Locked file cabinets

Retention and disposal: Personal identifiers will be removed from the file at the end of the study, as only statistical summaries are needed. Computer tapes are erased; paper records are shredded or burned.

System manager(s) and address:

Director
National Institute for Occupational Safety and Health
5600 Fishers Lane, Park Bldg - Room 3-32
Rockville, Maryland 20852

Notification procedure:

Privacy Act Coordinator
Management Analysis Office
Center for Disease Control
Atlanta, Georgia 30333

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information is obtained directly from the individual.

Systems exempted from certain provisions of the act: None.

CDC NIOSH 0118.00

System name: Study of Noise and Hearing in Paper Working Industry -- HEW/CDC/NIOSH.

Security classification: None.

System location:

Division of Laboratories and Criteria Development, NIOSH
1014 Broadway
Cincinnati, Ohio 45202

Categories of individuals covered by the system: Paper workers in Ohio.

Categories of records in the system: Occupational history, medical history, results of medical tests, demographic data.

Authority for maintenance of the system: Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix of Routine Uses, item 100.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual files, computer cards, computer tapes, computer listings.

Retrievability: The purpose of this system is to develop composite data to support the creation of standards to improve safety and health conditions in the workplace. There is no transfer of this information outside NIOSH. Name and case number are the indexes used to retrieve records from this system.

Safeguards:

Evening guard service in building
Locked building; locked rooms
Personnel screening
Locked computer room and computer tape vaults
Locked file cabinets

Retention and disposal: This information will be kept for about four years. Computer tapes are erased; paper records are shredded or burned.

System manager(s) and address:

Director
National Institute for Occupational Safety and Health
5600 Fishers Lane, Park Bldg - Room 3-32
Rockville, Maryland 20852

Notification procedure:

Privacy Act Coordinator
Management Analysis Office
Center for Disease Control
Atlanta, Georgia 30333

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information is obtained directly from the individual and from employee records.

Systems exempted from certain provisions of the act: None.

CDC NIOSH 0119.00

System name: Study of workers exposed to heavy metals (lead, cadmium, etc.) -- HEW/CDC/NIOSH.

Security classification: None.

System location:

Division of Field Studies and Clinical Investigations, NIOSH
U.S. Post Office and Courthouse
Cincinnati, Ohio 45202

Categories of individuals covered by the system: Employees exposed to heavy metals at various industrial plants.

Categories of records in the system: Occupational histories, medical histories, demographic data, results of medical tests.

Authority for maintenance of the system: Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix of Routine Uses, item 100.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual files, microfilm, microfiche, computer tape.

Retrievability: The purpose of this system is to determine the cause and prevention of occupationally-related diseases. There is no transfer of this information outside NIOSH. Name and assigned number are the indexes used to retrieve records from this system.

Safeguards:

24-hour guard service in building

Locked building; locked rooms

Personnel screening

Locked computer room and computer tape vaults

Locked file cabinets

Computer tapes are password protected

Retention and disposal: Records are retained indefinitely. Disposal methods include erasing computer tapes and burning or shredding paper materials.

System manager(s) and address:

Director
National Institute for Occupational Safety and Health
5600 Fishers Lane, Park Bldg - Room 3-32
Rockville, Maryland 20852

Notification procedure:

Privacy Act Coordinator
Management Analysis Office
Center for Disease Control
Atlanta, Georgia 30333

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information is obtained directly from the individual. Vital status information is obtained from Federal, State, and Local governments and other available sources. Other information is obtained from employer records.

Systems exempted from certain provisions of the act: None.

CDC NIOSH 0120.00

System name: Medical and test record results of individuals involved in NIOSH laboratory studies -- HEW/CDC/NIOSH.

Security classification: None.

System location:

Division of Laboratories and Criteria Development, NIOSH
1014 Broadway
Cincinnati, Ohio 45202

Categories of individuals covered by the system: Volunteer subjects from the general population.

Categories of records in the system: Occupational history, medical history, results of medical tests, demographic data.

Authority for maintenance of the system: Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix of Routine Uses, item 100.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual files, computer cards, computer tapes, computer listings, microfilm.

Retrievability: The purpose of this system is to develop composite data summaries to support the development of criteria for occupational safety and health standards, and to provide other recommendations for improving worker safety and health. There is no transfer of this information outside NIOSH. Name and case number are the indexes used to retrieve records from this system.

Safeguards:

Evening guard service in building

Locked building; locked rooms

Personnel screening

Locked computer room and computer tape vaults

Locked file cabinets

Retention and disposal: Personal identifiers are destroyed as soon as they are no longer necessary for the protection of the individuals involved. Computer tapes are erased; paper records are shredded or burned.

System manager(s) and address:

Director
National Institute for Occupational Safety and Health
5600 Fishers Lane, Park Bldg - Room 3-32
Rockville, Maryland 20852

Notification procedure:

Privacy Act Coordinator
Management Analysis Office
Center for Disease Control
Atlanta, Georgia 30333

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information is obtained directly from the individual.

Systems exempted from certain provisions of the act: None.

CDC NIOSH 0121.00

System name: Study at work-sites where agents suspected of being occupational hazards exist 00 HEW/CDC/NIOSH.

Security classification: None.

System location:

Division of Laboratories and Criteria Development, NIOSH
1014 Broadway
Cincinnati, Ohio 45202

Categories of individuals covered by the system: Volunteer subjects employed at specific sites under study.

Categories of records in the system: Occupational history, medical history, results of medical tests, demographic data, employee records.

Authority for maintenance of the system: Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix of Routine Uses, item 100.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual files, computer cards, computer tapes, computer listings, microfilm.

Retrievability: The purpose of this system is to determine the relationship between worker exposure to hazardous agents or stressors, and occupational disease. This information will be used to recommend procedures to reduce the incidence of occupational disease. There is no transfer of this information outside NIOSH. Name and case number are the indexes used to retrieve records from this system.

Safeguards:

Evening guard service in building

Locked building; locked rooms

Personnel screening

Locked computer room and computer tape vaults

Locked file cabinets

Retention and disposal: Personal identifiers are destroyed as soon as the system has stabilized, and statistical summaries can be run. Computer tapes are erased; paper records are shredded or burned.

System manager(s) and address:

Director
National Institute for Occupational Safety and Health
5600 Fishers Lane, Park Bldg - Room 3-32
Rockville, Maryland 20852

Notification procedure:

Privacy Act Coordinator
Management Analysis Office
Center for Disease Control
Atlanta, Georgia 30333

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information is obtained directly from the individual and from employee records.

Systems exempted from certain provisions of the act: None.

CDC NIOSH 0122.00

System name: Mortality and morbidity study among oil shale workers -- HEW/CDC/NIOSH.

Security classification: None.

System location:

Western Area Laboratory for Occupational Safety and Health,
NIOSH
390 Wakara Way
Salt Lake City, Utah 84108

Categories of individuals covered by the system: U.S. Bureau of Mines employees from 1948 to 1956 in Rifle, Colorado; employees at five oil companies in Rifle, Colorado between 1966 and 1969; employees in retort process at Bureau of Mines in Laramie, Wyoming.

Categories of records in the system: Occupational and medical histories, demographic data, results of medical tests.

Authority for maintenance of the system: Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix of Routine Uses, item 100.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual files, computer cards, computer tapes, computer listings.

Retrievability: The purpose of this system is to determine the cause and prevention of occupationally-related diseases. There is no transfer of this data outside NIOSH. Name and case number are the indexes used to retrieve records from this system.

Safeguards:

Locked building; locked rooms
Personnel screening
Locked computer room and computer tape vaults
Locked file cabinets

Retention and disposal: Records are retained indefinitely. Disposal methods include erasing computer tapes and burning or shredding paper materials.

System manager(s) and address:

Director
National Institute for Occupational Safety and Health
5600 Fishers Lane, Park Bldg - Room 3-32
Rockville, Maryland 20852

Notification procedure:

Privacy Act Coordinator
Management Analysis Office
Center for Disease Control
Atlanta, Georgia 30333

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information is obtained directly from the individual and from employer records.

Systems exempted from certain provisions of the act: None.

CDC NIOSH 0123.00

System name: Equipment field test studies -- HEW/CDC/NIOSH.

Security classification: None.

System location:

Division of Laboratories and Criteria Development, NIOSH
1014 Broadway
Cincinnati, Ohio 45202

Categories of individuals covered by the system: Volunteer subjects.

Categories of records in the system: Medical history, results of medical tests, demographic data, individual's description of his experience with the equipment.

Authority for maintenance of the system: Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix of Routine Uses, item 100.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual files.

Retrievability: The purpose of this study is to determine the suitability of particular pieces of personal protective equipment in the hazards of the workplace. There is no transfer of this information outside NIOSH. Name and case number are the indexes used to retrieve records from this system.

Safeguards:

Evening guard service in building
Locked building; locked rooms
Personnel screening
Locked file cabinets

Retention and disposal: All personal identifiers are destroyed at the end of the study (which takes approximately one year). Paper records are shredded or burned.

System manager(s) and address:

Director
National Institute for Occupational Safety and Health
5600 Fishers Lane, Park Bldg - Room 3-32
Rockville, Maryland 20852

Notification procedure:

Privacy Act Coordinator
Management Analysis Office
Center for Disease Control
Atlanta, Georgia 30333

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information is obtained directly from the individual.

Systems exempted from certain provisions of the act: None.

CDC NIOSH 0124.00

System name: Mortality of Dairymen -- HEW/CDC/NIOSH.

Security classification: None.

System location:

Western Area Laboratory for Occupational Safety and Health,
NIOSH
390 Wakara Way
Salt Lake City, Utah 84108

Categories of individuals covered by the system: 5000 men who worked as dairy farmers from 1950 to 1955.

Categories of records in the system: Occupational and medical histories, demographic data, results of medical tests.

Authority for maintenance of the system: Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix of Routine Uses, item 100.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual files, computer cards, computer tapes, computer listings.

Retrievability: The purpose of this system is to determine the cause and prevention of occupationally-related diseases. There is no transfer of this data outside NIOSH. Name and case number are the indexes used to retrieve records from this system.

Safeguards:

Locked building; locked rooms
Personnel screening
Locked computer room and computer tape vaults
Locked file cabinets

Retention and disposal: Records are retained indefinitely. Disposal methods include erasing computer tapes and burning or shredding paper materials.

System manager(s) and address:

Director
National Institute for Occupational Safety and Health
5600 Fishers Lane, Park Bldg - Room 3-32
Rockville, Maryland 20852

Notification procedure:

Privacy Act Coordinator
Management Analysis Office
Center for Disease Control
Atlanta, Georgia 30333

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information is obtained from dairy cooperatives. Vital status information is obtained from Federal, State, and Local governments; from relatives; and from other available sources, including individuals in the study.

Systems exempted from certain provisions of the act: None.

CDC NIOSH 0125.00

System name: Study of workers exposed to inorganic chemicals -- HEW/CDC/NIOSH.

Security classification: None.

System location:

Division of Field Studies and Clinical Investigations, NIOSH
U.S. Post Office and Courthouse
Cincinnati, Ohio 45202

Categories of individuals covered by the system: Employees exposed to inorganic chemicals at various industrial plants.

Categories of records in the system: Occupational histories, medical histories, demographic data, results of medical tests.

Authority for maintenance of the system: Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix of Routine Uses, item 100.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual files, microfilm, microfiche, computer tape.

Retrievability: The purpose of this system is to determine the cause and prevention of occupationally-related diseases. There is no transfer of this information outside NIOSH. Name and assigned number are the indexes used to retrieve records from this system.

Safeguards:

24-hour guard service in building
Locked building; locked rooms
Personnel screening
Locked computer room and computer tape vaults
Locked file cabinets
Computer tapes are password protected

Retention and disposal: Records are retained indefinitely. Disposal methods include erasing computer tapes and burning or shredding paper materials.

System manager(s) and address:

Director
National Institute for Occupational Safety and Health
5600 Fishers Lane, Park Bldg - Room 3-32
Rockville, Maryland 20852

Notification procedure:

Privacy Act Coordinator
Management Analysis Office
Center for Disease Control
Atlanta, Georgia 30333

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information is obtained directly from the individual. Vital status information is obtained from Federal, State, and Local governments and other available sources. Other information is obtained from employer records.

Systems exempted from certain provisions of the act: None.

CDC NIOSH 0126.00

System name: Study of workers exposed to airborne carcinogens in woodworking shops -- HEW/CDC/NIOSH.

Security classification: None.

System location:

Western Area Laboratory for Occupational Safety and Health,
NIOSH
390 Wakara Way
Salt Lake City, Utah 84108

Categories of individuals covered by the system: Wood workers exposed to sawdust and other wood shop environments.

Categories of records in the system: Occupational and medical histories, demographic data, results of medical tests.

Authority for maintenance of the system: Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix of Routine Uses, item 100.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual files, computer cards, computer tapes, computer listings.

Retrievability: The purpose of this system is to determine the cause and prevention of occupationally-related diseases. There is no transfer of this data outside NIOSH. Name and case number are the indexes used to retrieve records from this system.

Safeguards:

Locked building; locked rooms
Personnel screening
Locked computer room and computer tape vaults
Locked file cabinets

Retention and disposal: Records are retained indefinitely. Disposal methods include erasing computer tapes and burning or shredding paper materials.

System manager(s) and address:

Director
National Institute for Occupational Safety and Health
5600 Fishers Lane, Park Bldg - Room 3-32
Rockville, Maryland 20852

Notification procedure:

Privacy Act Coordinator
Management Analysis Office
Center for Disease Control
Atlanta, Georgia 30333

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information is obtained directly from the individual and from employer records.

Systems exempted from certain provisions of the act: None.

CDC NIOSH 0127.00

System name: Study of workers exposed to toluene diisocyanate (TDI) -- HEW/CDC/NIOSH.

Security classification: None.

System location:

Division of Laboratories and Criteria Development, NIOSH
1014 Broadway
Cincinnati, Ohio 45202
Tulane University
New Orleans, Louisiana
Louisiana State University
New Orleans, Louisiana

Categories of individuals covered by the system: Male volunteers at the Olin Chemical Company at Lake Charles, Louisiana.

Categories of records in the system: Occupational history, medical history, results of medical tests, demographic data, employee records.

Authority for maintenance of the system: Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix of Routine Uses, item 100.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual files, computer cards, computer tapes, computer listings, microfilm.

Retrievability: The purpose of this system is to determine the effect of TDI exposure in the workplace. This information will be

used in the development of an occupational standard for TDI exposure. There is no transfer of this information outside NIOSH. Name and case number are the indexes used to retrieve records from this system.

Safeguards:

Evening guard service in building
 Locked building; locked rooms
 Personnel screening
 Locked computer room and computer tape vaults
 Locked file cabinets
 Computer tapes are password protected

Retention and disposal: Personal identifiers will be retained only as long as need to protect the individuals exposed, or as required by statute or regulation. Computer tapes are erased; paper records are shredded or burned.

System manager(s) and address:

Director
 National Institute for Occupational Safety and Health
 5600 Fishers Lane, Park Bldg - Room 3-32
 Rockville, Maryland 20852

Notification procedure:

Privacy Act Coordinator
 Management Analysis Office
 Center For Disease Control
 Atlanta, Georgia 30333

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information is obtained directly from the individual and from employee records.

Systems exempted from certain provisions of the act: None.

CDC NIOSH 0128.00

System name: Development of biologic standards by breath analysis -- HEW/CDC/NIOSH.

Security classification: None.

System location:

Division of Laboratories and Criteria Development, NIOSH
 1014 Broadway
 Cincinnati, Ohio 45202
 Department of Environmental Medicine
 Medical College of Wisconsin
 Milwaukee, Wisconsin

Categories of individuals covered by the system: Volunteer subjects from the general population.

Categories of records in the system: Occupational history, medical history, results of medical tests, demographic data.

Authority for maintenance of the system: Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix of Routine Uses, item 100.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual files, computer cards, computer tapes, computer listings, microfilm.

Retrievability: The purpose of this system is to develop criteria and other recommendations for improving the safety and health environment of the workplace. There is no transfer of this information outside NIOSH. Name and case number are the indexes used to retrieve records from this system.

Safeguards:

Evening guard service in building
 Locked building; locked rooms
 Personnel screening
 Locked computer room and computer tape vaults
 Locked file cabinets
 Computer tapes are password protected

Retention and disposal: Personal identifiers are retained only as long as needed for the protection of the subjects, or as required by statute or regulation. Computer tapes are erased; paper records are shredded or burned.

System manager(s) and address:

Director
 National Institute for Occupational Safety and Health
 5600 Fishers Lane, Park Bldg - Room 3-32

Rockville, Maryland 20852

Notification procedure:

Privacy Act Coordinator
 Management Analysis Office
 Center for Disease Control
 Atlanta, Georgia 30333

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information is obtained directly from the individual.

Systems exempted from certain provisions of the act: None.

CDC NIOSH 0129.00

System name: Study of workers exposed to organic chemicals -- HEW/CDC/NIOSH.

Security classification: None.

System location:

Division of Field Studies and Clinical Investigations, NIOSH
 U.S. Post Office and Courthouse
 Cincinnati, Ohio 45202

Categories of individuals covered by the system: Employees exposed to organic chemicals at various industrial plants.

Categories of records in the system: Occupational histories, medical histories, demographic data, results of medical tests.

Authority for maintenance of the system: Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix of Routine Uses, item 100.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual files, microfilm, microfiche, computer tape.

Retrievability: The purpose of this system is to determine the cause and prevention of occupationally-related diseases. There is no transfer of this information outside NIOSH. Name and assigned number are the indexes used to retrieve records from this system.

Safeguards:

24-hour guard service in building
 Locked building; locked rooms
 Personnel screening
 Locked computer room and computer tape vaults
 Locked file cabinets
 Computer tapes are password protected

Retention and disposal: Records are retained indefinitely. Disposal methods include erasing computer tapes and burning of shredding materials.

System manager(s) and address:

Director
 National Institute for Occupational Safety and Health
 5600 Fishers Lane, Park Bldg - Room 3-32
 Rockville, Maryland 20852

Notification procedure:

Privacy Act Coordinator
 Management Analysis Office
 Center for Disease Control
 Atlanta, Georgia 30333

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information is obtained directly from the individual. Vital status information is obtained from Federal, State, and Local governments and other available sources. Other information is obtained from employer records.

Systems exempted from certain provisions of the act: None.

CDC NIOSH 0130.00

System name: Pilot agricultural noise study -- HEW/CDC/NIOSH.

Security classification: None.

System location:

Western Area Laboratory for Occupational Safety and Health,
 NIOSH
 390 Wakara Way
 Salt Lake City, Utah 84108

Categories of individuals covered by the system: 100 tractor operators at several locations, and 100 individuals from the general population between 40 and 50 years old.

Categories of records in the system: Occupational and medical histories, demographic data, results of medical tests.

Authority for maintenance of the system: Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix of Routine Uses, item 100.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual files, computer cards, computer tapes, computer listings.

Retrievability: The purpose of this system is to determine the cause and prevention of occupationally-related diseases. There is no transfer of this data outside NIOSH. Name and case number are the indexes used to retrieve records from this system.

Safeguards:

Locked building; locked rooms
Personnel screening
Locked computer room and computer tape vaults
Locked file cabinets.

Retention and disposal: Records are retained indefinitely. Disposal methods include erasing-computer tapes and burning or shredding paper materials.

System manager(s) and address:

Director
National Institute for Occupational Safety and Health
5600 Fishers Lane, Park Bldg. - Room 3-32
Rockville, Maryland 20852

Notification procedure:

Privacy Act Coordinator
Management Analysis Office
Center for Disease Control
Atlanta, Georgia 30333

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information is obtained directly from the individual.

Systems exempted from certain provisions of the act: None.

CDC NIOSH 0131.00

System name: Mortality study of Tennessee Valley Authority (TVA) workers exposed to coal handling processes -- HEW/CDC/NIOSH.

Security classification: None.

System location:

Appalachian Center for Occupational Safety and Health,
NIOSH
944 Chestnut Ridge Road
Morgantown, West Virginia
Medical Division of TVA
Edney Building
Chattanooga, Tennessee

Categories of individuals covered by the system: TVA workers exposed to coal handling processes from 1955 to 1965.

Categories of records in the system: Occupational histories, medical histories, medical records obtained with individual's permission.

Authority for maintenance of the system: Coal Mine Health and Safety Act Section 501 (30 U.S.C. 951).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix of Routine Uses, item 100.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual files, computer cards, computer tapes, computer listings.

Retrievability: The purpose of this system is to determine the mortality of individuals exposed to coal handling processes. There is no transfer of this information outside of NIOSH (most of the information comes from TVA). Name and code number are the indexes used to retrieve records from this system.

Safeguards:

24-hour guard service in building
Locked building; locked rooms
Personnel screening
Locked computer room and computer tape vaults
Locked file cabinets

Retention and disposal: All personal identifiers will be destroyed by June, 1977, when the system is stabilized and statistical summaries can be run. Disposal methods include the erasing of computer tape and the burning or shredding of paper materials.

System manager(s) and address:

Director
National Institute for Occupational Safety and Health
5600 Fishers Lane, Park Bldg - Room 3-32
Rockville, Maryland 20852

Notification procedure:

Privacy Act Coordinator
Management Analysis Office
Center for Disease Control
Atlanta, Georgia 30333

Record access procedures: Same as above.

Contesting record procedures: same as above.

Record source categories: Information is obtained directly from the individual and from employer records.

Systems exempted from certain provisions of the act: None.

CDC NIOSH 0132.00

System name: Health effects study of dust and diesel exhaust on non-coal underground miners -- HEW/CDC/NIOSH.

Security classification: None.

System location:

Appalachian Center for Occupational Safety and Health,
NIOSH
944 Chestnut Ridge Road
Morgantown, West Virginia

Categories of individuals covered by the system: Metal and non-metal underground miners (excluding coal miners).

Categories of records in the system: Medical histories, occupational histories, demographic data, results of medical tests.

Authority for maintenance of the system: Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix of Routine Uses, item 100.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual files, X-rays, microfilm, computer tapes, computer cards, computer listings.

Retrievability: The purpose of this system is to conduct occupational respiratory research leading to the establishment of rules governing exposure to diesel exhaust. There is no transfer of this information outside NIOSH. Name and case number are the indexes used to retrieve records from this system.

Safeguards:

24-hour guard service in building
Locked building; locked rooms
Personnel screening
Locked computer room and computer tape vaults
Locked file cabinets
Computer tapes are password protected

Retention and disposal: Records will be retained for a period not to exceed 30 years. Disposal methods include the erasing of computer tapes and the burning or shredding of paper materials.

System manager(s) and address:

Director
National Institute for Occupational Safety and Health
5600 Fishers Lane, Park Bldg - Room 3-32
Rockville, Maryland 20852

Notification procedure:

Privacy Act Coordinator
Management Analysis Office
Center for Disease Control
Atlanta, Georgia 30333

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information is obtained directly from the individual and from employer records.

Systems exempted from certain provisions of the act: None.

CDC NIOSH 0133.00

System name: Study of workers exposed to mineral fibers -- HEW/CDC/NIOSH.

Security classification: None.

System location:

Division of Field Studies and Clinical Investigations, NIOSH
U.S. Post Office and Courthouse
Cincinnati, Ohio 45202

Categories of individuals covered by the system: Employees exposed to mineral fibers at various industrial plants.

Categories of records in the system: Occupational histories, medical histories, demographic data, results of medical tests.

Authority for maintenance of the system: Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix of Routine Uses, item 100.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual files, microfilm, microfiche, computer tape.

Retrievability: The purpose of this system is to determine the cause and prevention of occupationally-related diseases. There is no transfer of this information outside NIOSH. Name and assigned number are the indexes used to retrieve records from this system.

Safeguards:

24-hour guard service in building
Locked building; locked rooms
Personnel screening
Locked computer room and computer tape vaults
Locked file cabinets
Computer tapes are password protected

Retention and disposal: Records are retained indefinitely. Disposal methods include erasing computer tapes and burning or shredding paper materials.

System manager(s) and address:

Director
National Institute for Occupational Safety and Health
5600 Fishers Lane, Park Bldg - Room 3-32
Rockville, Maryland 20852

Notification procedure:

Privacy Act Coordinator
Management Analysis Office
Center for Disease Control
Atlanta, Georgia 30333

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information is obtained directly from the individual. Vital status information is obtained from Federal, State, and Local governments and other available sources. Other information is obtained from employer records.

Systems exempted from certain provisions of the act: None.

CDC NIOSH 0134.00

System name: Study of health hazards in animal confinement housing -- HEW/CDC/NIOSH.

Security classification: None.

System location:

Western Area Laboratory for Occupational Safety and Health,
NIOSH
390 Wakara Way
Salt Lake City, Utah 84108

Categories of individuals covered by the system: Persons working in settings where many animals are confined.

Categories of records in the system: Occupational and medical histories, demographic data, results of medical tests.

Authority for maintenance of the system: Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix of Routine Uses, item 100.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual files, computer cards, computer tapes, computer listings.

Retrievability: The purpose of this system is to determine the cause and prevention of occupationally-related diseases. There is no transfer of this data outside NIOSH. Name and case number are the indexes used to retrieve records from this system.

Safeguards:

Locked building; locked rooms
Personnel screening
Locked computer room and computer tape vaults
Locked file cabinets

Retention and disposal: Records are retained indefinitely. Disposal methods include erasing computer tapes and burning or shredding paper materials.

System manager(s) and address:

Director
National Institute for Occupational Safety and Health
5600 Fishers Lane, Park Bldg - Room 3-32
Rockville, Maryland 20852

Notification procedure:

Privacy Act Coordinator
Management Analysis Office
Center for Disease Control
Atlanta, Georgia 30333

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information is obtained directly from the individual.

Systems exempted from certain provisions of the act: None.

CDC NIOSH 0135.00

System name: Early warning indicators of pesticides exposure -- HEW/CDC/NIOSH.

Security classification: None.

System location:

Western Area Laboratory for Occupational Safety and Health,
NIOSH
390 Wakara Way
Salt Lake City, Utah 84108

Categories of individuals covered by the system: Pesticides formulators.

Categories of records in the system: Occupational and medical histories, demographic data, results of medical tests, eye/hand coordination test results, attitudinal data.

Authority for maintenance of the system: Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix of Routine Uses, item 100.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual files, computer cards, computer tapes, computer listings.

Retrievability: The purpose of this system is to determine the cause and prevention of occupationally-related diseases. There is no transfer of this data outside NIOSH. Name and case number are the indexes used to retrieve records from this system.

Safeguards:

Locked building; locked rooms
Personnel screening
Locked computer room and computer tape vaults
Locked file cabinets

Retention and disposal: Records are retained indefinitely. Disposal methods include erasing computer tapes and burning or shredding paper materials.

System manager(s) and address:

Director
National Institute for Occupational Safety and Health
5600 Fishers Lane, Park Bldg - Room 3-32
Rockville, Maryland 20852

Notification procedure:

Privacy Act Coordinator

Management Analysis Office
Center for Disease Control
Atlanta, Georgia 30333

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information is obtained directly from the individual and from employer records.

Systems exempted from certain provisions of the act: None.

CDC NIOSH 0136.00

System name: Alaska pipeline cold stress study -- HEW/CDC/NIOSH.

Security classification: None.

System location:

Western Area Laboratory for Occupational Safety and Health,
NIOSH
390 Wakara Way
Salt Lake City, Utah 84108

Categories of individuals covered by the system: Persons exposed to cold weather working directly on the Alaska pipeline.

Categories of records in the system: Occupational and medical histories, demographic data, results of medical tests.

Authority for maintenance of the system: Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix of Routine Uses, item 100.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual files, computer cards, computer tapes, computer listings.

Retrievability: The purpose of this system is to determine the cause and prevention of occupationally-related diseases. There is no transfer of this data outside NIOSH. Name and case number are the indexes used to retrieve records from this system.

Safeguards:

Locked building; locked rooms
Personnel screening
Locked computer room and computer tape vaults
Locked file cabinets

Retention and disposal: Records are retained indefinitely. Disposal methods include erasing computer tapes and burning or shredding paper materials.

System manager(s) and address:

Director
National Institute for Occupational Safety and Health
5600 Fishers Lane, Park Bldg - Room 3-32
Rockville, Maryland 20852

Notification procedure:

Privacy Act Coordinator
Management Analysis Office
Center for Disease Control
Atlanta, Georgia 30333

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information is obtained directly from the individual and from employer records.

Systems exempted from certain provisions of the act: None.

CDC NIOSH 0137.00

System name: Byssinosis Study -- HEW/CDC/NIOSH.

Security classification: None.

System location:

Appalachian Center for Occupational Safety and Health,
NIOSH
944 Chestnut Ridge Road
Morgantown, West Virginia

Categories of individuals covered by the system: Employees at cotton textile mills and a sample of people from the general population.

Categories of records in the system: Medical histories, occupational histories, results of medical tests.

Authority for maintenance of the system: Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix of Routine Uses, item 100.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual files, computer tape, computer cards, computer listings.

Retrievability: The purpose of this system is to conduct research in occupational respiratory disease. This information is not transferred outside NIOSH. Name and case numbers are the indexes used to retrieve records from this system.

Safeguards:

24-hour guard service in building
Locked building; locked rooms
Personnel screening
Locked computer room and computer tape vaults
Locked file cabinets

Retention and disposal: This information will be retained for approximately seventeen years. Disposal methods include erasing computer tape and burning or shredding paper materials.

System manager(s) and address:

Director
National Institute for Occupational Safety and Health
5600 Fishers Lane, Park Bldg - Room 3-32
Rockville, Maryland 20852

Notification procedure:

Privacy Act Coordinator
Management Analysis Office
Center for Disease Control
Atlanta, Georgia 30333

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: The information is obtained directly from the individual.

Systems exempted from certain provisions of the act: None.

CDC BE 0138.00

System name: Investigation of Vascular Access Site Infections - HEW/CDC/BE.

Security classification: None.

System location: Bureau of Epidemiology

Bldg. 1, Rm. 5067, CDC
Atlanta, GA 30333

Categories of individuals covered by the system: Hahnemann Hospital, Philadelphia, Pa., patients referred to Biomedical Applications of Philadelphia for Hemodialysis, and dialysis technicians and nurses employed at these hospitals.

Categories of records in the system: Medical records and Daily Dialysis Assignment Records

Authority for maintenance of the system: Public Health Service Act, Section 301 (42 U.S.C. 241).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Medical records, Biomedical Applications of Philadelphia and Central Philadelphia Infectious Diseases Division, Hahnemann Hospital

Storage: File Folders.

Retrievability: Retrieved by name. The purpose of the record is to determine risk factors and rates of infection at vascular access sites.

Safeguards: Locked filing cabinets.

Original records will be sent to CDC, analyzed in six weeks and destroyed by shredding.

System manager(s) and address:

Director, Bureau of Epidemiology, CDC
Bldg. 1, Rm. 5009
Atlanta, GA 30333

Notification procedure:

Center for Disease Control
Attn: Privacy Act Coordinator
Management Analysis Office
Atlanta, GA 30333

Record access procedures: Same as above during existence of records of CDC.

Contesting record procedures: Same as above.

Record source categories: Biomedical Applications, Philadelphia, PA.

Systems exempted from certain provisions of the act: None.

CDC BE 0139.00

System name: Epidemiologic Study of Special Disease Problems - HEW/CDC/BE

Security classification: None.

System location:

Bureau of Epidemiology
Center for Disease Control
Bldg. 1 - Room 5009
Atlanta, Georgia 30333

Categories of individuals covered by the system: Individuals with reported diseases and other preventable conditions of public health significance

Categories of records in the system: Case reports, line listings, hand sort cards

Authority for maintenance of the system: Public Health Service Act, Sec. 301 (42 U.S.C. 241)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Health Departments and other public health or cooperating medical authorities

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Computer tapes or file folders.

Retrievability: By name of individual.

Safeguards: Personnel screening during working hours; secured building with guard after working hours.

Retention and disposal: Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed by program official.

System manager(s) and address:

Director, Bureau of Epidemiology
Center for Disease Control
Bldg. 1 - Room 5009
Atlanta, Georgia 30333

Notification procedure:

Center for Disease Control
Attention: Privacy Act Coordinator
Management Analysis Office
Atlanta, Georgia 30333

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individuals, private physicians, State and local health departments, and other health providers

Systems exempted from certain provisions of the act: None.

HSA BMS 0027.00

System name: Accounts Receivable DHEW/HSA/BMS

Security classification: None.

System location: Financial Management Offices - see attached list.

Categories of individuals covered by the system: Patients, Employees, Attorneys.

Categories of records in the system: Billing to individuals.

Authority for maintenance of the system: Public Health Service Act Section 321 (42 U.S.C. 248).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information may be provided to any government agency which had requested or arranged for treatment or care of an individual by the BMS.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: Retrievable by name. Purpose: To collect funds due Federal Government. Uses: Billing and collecting. Users: Billing clerk, cashier, HEW Audit Agency, HEW Claims Officer.

Safeguards: Physical security - financial management personnel have access.

Retention and disposal: Number of years held at HSA - Until audited. How destroyed: Incinerator.

System manager(s) and address:

Chief, Financial Management Branch, BMS
11th Floor, Federal Center Bldg. 03
6525 Belcrest Rd., W. Hyattsville, Md. 20782

Notification procedure: Financial Management Offices - as listed under location.

Record access procedures: Financial Management Offices - as listed under location.

Contesting record procedures: Financial Management Offices - as listed under location.

Record source categories: From individual via the medical record Hospital Administrative Department.

Systems exempted from certain provisions of the act: None.

Address all correspondence to:

Chief, Financial Management, at the appropriate location

USPHS Hospital
3100 Wyman Park Drive
Baltimore, Md. 21211

USPHS Hospital
77 Warren St.
Boston (Brighton) Mass. 02135

USPHS Hospital
Carville, La. 70721

USPHS Hospital
4400 Avenue N
Galveston, Texas 77550

USPHS Hospital
210 State St.
New Orleans, La. 70118

USPHS Hospital
6500 Hampton Blvd., Larchmont
Norfolk, Virginia 23508

USPHS Hospital
1131 14th Ave. South
Seattle, Wash. 98114

USPHS Hospital
Bay and Vanderbilt Sts.
Staten Island, New York 10304

USPHS Hospital
15th Ave. & Lake St.
San Francisco, Calif. 94118

USPHS Outpatient Clinic
HEW South Bldg.
4th & C Sts., SW
Washington, D. C. 20201

USPHS Outpatient Clinic
1600 Clifton Rd., NE
Atlanta, Georgia 30333

HSA BMS 0028.00

System name: Accounts Payable, DHEW/HSA/BMS.

Security classification: None.

System location: Financial Management Offices - see attached listing.

Categories of individuals covered by the system: Patients, Consultants, Contractors.

Categories of records in the system: Contracts - treatment authorizations - emergency authorizations - purchase orders.

Authority for maintenance of the system: Public Health Service Act Section 321 (42 U.S.C. 248).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: Retrievable by name. Uses: Paying for services. Users: Voucher clerk, audit clerk, HEW Audit Agency.

Safeguards: Physical security - Financial Management personnel have access.

Retention and disposal: Number of years held at HSA - until audited. How destroyed: Incinerator.

System manager(s) and address:

Chief, Financial Management Branch, BMS
11th Floor, Federal Center Bldg. 03
6525 Belcrest Rd.
W. Hyattsville, Md. 20782

Notification procedure: Financial Management Offices - see attached listing.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Medical record of individual, Procurement Section.

Systems exempted from certain provisions of the act: None.

Address all correspondence to:

Chief, Financial Management, at the appropriate location

USPHS Hospital
3100 Wyman Park Drive
Baltimore, Md. 21211

USPHS Hospital
77 Warren St.
Boston (Brighton) Mass. 02135

USPHS Hospital
Carville, La. 70721

USPHS Hospital
4400 Avenue N
Galveston, Texas 77550

USPHS Hospital
210 State St.
New Orleans, La. 70118

USPHS Hospital
6500 Hampton Blvd., Larchmont
Norfolk, Virginia 23508

USPHS Hospital
1131 14th Ave. South
Seattle, Wash. 98114

USPHS Hospital
Bay and Vanderbilt Sts.
Staten Island, New York 10304

USPHS Hospital
15th Ave. & Lake St.
San Francisco, Calif. 94118

Financial Management Branch, BMS
11th Floor, Federal Center Bldg. 03
6525 Belcrest Rd.
W. Hyattsville, Md. 20782

HSA IHS 0029.00.

System name: Administrative Services Record System, DHEW/HSA/IHS.

Security classification: None.

System location: IHS Area Procurement Section and Regional Federal Records Center.

Categories of individuals covered by the system: Contractor, supply and service centers, Government employees.

Categories of records in the system: Administrative data.

Authority for maintenance of the system: 42 U.S.C. 2001 et. seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Performance Evaluation sent to Department of Labor, verification of payment for legal and tax purposes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders and locked file cabinets.

Retrievability: Index by vendor or commodity, number, and name. Accounting services, award of contract, contract surveillance for quality assurance, list of prohibitive contractors, accountability and management. Users: Authorized Indian Health Service personnel.

Safeguards: Locked file cases.

Retention and disposal: Number of years held at IHS: varies by Area Procurement Section Number of years held at Federal Records Center before disposal: up to 10 years. How destroyed: shredded or burned.

System manager(s) and address: Same as systems location not including Federal Records Center. See attached list.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual contractors, financial institutions, former customers, and references supplied by contractor.

Systems exempted from certain provisions of the act: None.

Address all correspondence to:

Chief, Administrative Services Procurement Br., at the appropriate location

Aberdeen Area Indian Health Service
Federal Building
115 Fourth Avenue, S.E.
Aberdeen, South Dakota 57401

Albuquerque Area Indian Health Service
Room 4005, Federal Office Building
500 Gold Avenue, S.W.
Albuquerque, New Mexico 87101

Alaska Area Native Health Service
P.O. Box 7-741
Anchorage, Alaska 99510

Billings Area Indian Health Service
P.O. Box 2143
Billings, Montana 59103

Navajo Area Indian Health Service
P.O. Box G
Window Rock, Arizona 86415

Oklahoma City Area Indian Health Service
388 Old Post Office and Court House Bldg.
Oklahoma City, Oklahoma 73102

Phoenix Area Indian Health Service
801 East Indian School Road
Phoenix, Arizona 85014

Portland Area Indian Health Service
Room 200 - Pittock Block
921 S.W. Washington Street
Portland, Oregon 97205

United Southeastern Tribes
Indian Health Service
Oak Towers Bldg.
1102 Kermit Drive
Nashville, Tenn. 37217

Office of Research and Development
Indian Health Service
P.O. Box 11340
Tucson, Arizona 85734

Bemidji Program Office

203 Federal Building
Bemidji, Minnesota 56601

HSA IHS 00030.00

System name: Financial Management Systems DHEW/HSA/IHS

Security classification: None.

System location: Service Units within Indian Health Service Areas and Headquarters and Regional Federal Records Center.

Categories of individuals covered by the system: Employees of Indian Health Service and suppliers of services and supplies.

Categories of records in the system: Financial.

Authority for maintenance of the system: Public Health Service Act Section 321 (42 U.S.C. 248); 42 U.S.C. 2001.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose: Report of earnings and verification of payment for tax and legal purposes. Users: GAO, other Audit Agencies, Treasury Dept.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files and computer.

Retrievability: Retrievable by name. Purpose: Accounting services.

Safeguards: Coded.

Retention and disposal: Number of years held at IHS: up to 10. Number of years held at Federal Records Center before disposal: indefinite. How destroyed: Burned.

System manager(s) and address: Chief, Financial Management Branch, Area Office - see attached list.

Notification procedure: Name and address of person to be notified: same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Obligor documents.

Systems exempted from certain provisions of the act: None.

Address correspondence to:

Chief, Financial Management Branch, at the following locations

Aberdeen Area Indian Health Service
Federal Office Building
115 4th Avenue, S.E.
Aberdeen, South Dakota 57401

Alaska Area Native Health Service
P.O. Box 7-741
Anchorage, Alaska 99510

Albuquerque Area Indian Health Service
Room 4005, Federal Office Building and U.S. Courthouse
500 Gold Avenue, S.W.
Albuquerque, New Mexico 87101

Bemidji Sub-Area Office
203 Federal Building
Bemidji, Minnesota 56601

Billings Area Indian Health Service
2727 Central Avenue
P.O. Box 2143
Billings, Montana 59103

Navajo Area Indian Health Service
P.O. Box G
Window Rock, Arizona 86515

Oklahoma City Area Indian Health Service
388 Old Post Office & Courthouse Bldg.
Oklahoma City, Oklahoma 73102

Phoenix Area Indian Health Service
801 East Indian School Road
Phoenix, Arizona 85014

Portland Area Indian Health Service
Room 200 - Pittock Block

921 S.W. Washington Street
Portland, Oregon 97205

Office of Research and Development
Indian Health Service
P.O. Box 11340
Tucson, Arizona 85734

United Southeastern Tribes
Indian Health Service
1970 Main Street
Sarasota, Florida 33577

HSA OA 0026.00

System name: Medical Fellowships and Educational Loans, DHEW/HSA/OA.

Security classification: None.

System location:

DHEW/HSA/OA/OFS - Rm. 16-23
Parklawn Bldg. - Rockville, Md.
and Regional Federal Records Center.

Categories of individuals covered by the system: Private Citizens (Loan Applicants).

Categories of records in the system: Fellowship, Grants and Loans Applications.

Authority for maintenance of the system: Public Health Service Act Section 301 (42 U.S.C. 241).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: Indexed by name. Purpose: To support HSA accounting records. Users: HSA Accounting Clerks, Accountants and Auditors.

Safeguards: File cabinets and normal Government building security.

Retention and disposal: Number of years held at HSA: 2 yrs. 1 yr warehouse. Number of years held at Federal Records Center before disposal: 7 yrs. How destroyed: in accordance with current regulations.

System manager(s) and address:

HSA-OA (HQ) Chief Accounting & Finance Section
5600 Fishers Lane - Parklawn Bldg. Rm. 16-23
Rockville, Md. 20852

Notification procedure:

Director, Office of Management Policy, HSA
Rm. 14A31
5600 Fishers Lane
Rockville, Md. 20852

Record access procedures: Same as System Manager.

Contesting record procedures: Same as above.

Record source categories: Promissory note signed by the individual receiving the loan.

Systems exempted from certain provisions of the act: None.

NIH NHLI 0003.00

System name: Advisory Groups: Consultant File. HEW/NIH/NHLI.

Security classification: None.

System location:

Westwood Building
5333 Westbard Avenue
Bethesda, MD 20016

Categories of individuals covered by the system: List of consultants available for use in evaluation of NHLI special grants and contracts.

Categories of records in the system: Names, resumes, summary statements of NHLI grants, lists of publications.

Authority for maintenance of the system: 42 U.S.C. 241(d), 281.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: By name. Management information for NHLI only.

Safeguards: Limited access by NHLI management personnel only.

Retention and disposal: Held at NIH indefinitely.

System manager(s) and address:

Administrative Office, DEA
Westwood Building, Room 5A-15
5333 Westbard Avenue
Bethesda, MD 20016

Notification procedure:

Privacy Act Coordinator, NHLI
Building 31, Room 5A-50, NIH
9000 Rockville Pike
Bethesda, MD 20014

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Subject individual.

Systems exempted from certain provisions of the act: None.

NIH NICHD 0006.00

System name: Contracts: Administration. HEW/NIH/NICHD.

Security classification: None.

System location:

Landow Building, Room A621
7910 Woodmont Avenue
Bethesda, MD 20014

Categories of individuals covered by the system: Principal investigators, project officers, and contract specialists.

Categories of records in the system: Contract records.

Authority for maintenance of the system: 42 U.S.C. 241(g), 289(d).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information may be used to respond to Congressional inquiries. See also Appendix of Routine Uses, item 2.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folder and computer tape.

Retrievability: Retrieved by name. Institute staff for review, award and administration of contracts.

Safeguards: Limited access.

Retention and disposal: Held at NIH for 3 years. Held at Federal Records Center for 2 years.

System manager(s) and address:

Chief, Office of Grants and Contracts
Landow Building, Room A621
7910 Woodmont Avenue
Bethesda, MD 20014

Notification procedure: Same as System Manager.

Record access procedures: Same as System Manager.

Contesting record procedures: Same as System Manager.

Record source categories: Individual, review panels.

Systems exempted from certain provisions of the act: None.

NIH NIGMS 0011.00

System name: Contracts: Administration. HEW/NIH/NIGMS.

Security classification: None.

System location:

Building 31, Room 4A46, NIH
9000 Rockville Pike
Bethesda, MD 20014

Categories of individuals covered by the system: Principal investigators, project officers, and contract specialists.

Categories of records in the system: Research personnel, protocols and progress reports.

Authority for maintenance of the system: 42 U.S.C. 241(c).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information may be used to respond to Congressional inquiries. See also Appendix of Routine Uses, item 2.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders and ADP records.

Retrievability: Retrieved by name/contract number. Research program management, monitoring of progress and research performance by institute staff.

Safeguards: Limited access.

Retention and disposal: Held at NIH for 5 years. Held at Federal Records Center for 10 years.

System manager(s) and address:

Executive Secretary, Scientific Directorate
Building 31, Room 4A33, NIH
9000 Rockville Pike
Bethesda, MD 20014

Notification procedure:

Research Reports Officer
Building 31, Room 4A46, NIH
9000 Rockville Pike
Bethesda, MD 20014

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual, review panels.

Systems exempted from certain provisions of the act: None.

NIH DCG 0027.00

System name: Contracts: NIH Management Records. HEW/NIH/DCG.

Security classification: None.

System location:

Building 31, Room 1B-33, NIH
9000 Rockville Pike
Bethesda, MD 20014

Categories of individuals covered by the system: Principal investigators, project officers, and contract specialists.

Categories of records in the system: Contract management.

Authority for maintenance of the system: 42 U.S.C. 241(g).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information may be used to respond to Congressional inquiries, and furnished to other Federal agencies for financial and statistical uses. See also Appendix of Routine Uses, item 2.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in file folders.

Retrievability: Retrieved by name. Management of NIH contracts.

Safeguards: Limited access.

Retention and disposal: Years at NIH: 1.

System manager(s) and address:

Director, DCG
Building 31, Room 1B03, NIH
9000 Rockville Pike
Bethesda, MD 20014

Notification procedure: Same as System Manager.

Record access procedures: Same as System Manager.

Contesting record procedures: Same as System Manager.

Record source categories: Individual, audit agency, other Federal contracting agencies.

Systems exempted from certain provisions of the act: None.

NIH NINCDS 0077.00

System name: Contracts: Administration. HEW/NIH/NINCDS.

Security classification: None.

System location:

Federal Building, Room 704
7550 Wisconsin Avenue
Bethesda, MD 20014

Categories of individuals covered by the system: Principal investigators, project officers, and contract specialists.

Categories of records in the system: Contract records.

Authority for maintenance of the system: 42 U.S.C. 241(g).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information may be used

to respond to Congressional Inquiries. See also Appendix of Routine Uses item 2.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in file folders.

Retrievability: Retrieved by name. Used by institute management to review, award, and manage contracts.

Safeguards: Limited access.

Retention and disposal: Years at NIH: 2. Years at FRC: 4.

System manager(s) and address:

Contracting Officer, Research Contracts Section,
Federal Building, Room 704
7550 Wisconsin Avenue
Bethesda, MD 20014

Notification procedure: Same as System Manager.

Record access procedures:

Head, Administration Mgmt. Section
Building 31, Room 8A47, NIH
9000 Rockville Pike
Bethesda, MD 20014

Contesting record procedures: Same as above.

Record source categories: Information obtained from Principal Investigator listed on contract.

Systems exempted from certain provisions of the act: None.

NIH FIC 0124.00

System name: Contracts: Administration. HEW/NIH/FIC.

Security classification: None.

System location:

Building 31, Room 2C03, NIH
9000 Rockville Pike
Bethesda, MD 20014

Categories of individuals covered by the system: Employees covered by Intergovernmental Personnel Act.

Categories of records in the system: Contracts and related correspondence.

Authority for maintenance of the system: 42 U.S.C. 241 (g) 2421. (d)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information may be used to respond to Congressional Inquiries. See also Appendix of Routine Uses, item 2.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in file folders.

Retrievability: Retrieved by name. Programmatic information involving purposes and results of contract. Copies to Divisions of Administrative Services, Contracts and Grants, and Financial Management.

Safeguards: Limited access.

Retention and disposal: Years at NIH: 1.

System manager(s) and address:

Executive Office, Fogarty International Center
Building 31, Room 2C03, NIH
9000 Rockville Pike
Bethesda, MD 20014

Notification procedure: Same as System Manager.

Record access procedures: Same as System Manager.

Contesting record procedures: Same as System Manager.

Record source categories: Information obtained from individuals.

Systems exempted from certain provisions of the act: None.

NIH NIAMDD 0150.00

System name: Biographies: Curricula Vitae. HEW/NIH/NIAMDD

Security classification: None.

System location:

Building 31, Room 9A35, NIH
9000 Rockville Pike
Bethesda, MD 20014

Categories of individuals covered by the system: Consultants, scientists, advisory boards, and commission members.

Categories of records in the system: Employment, education, personal and achievement histories.

Authority for maintenance of the system: 42 USC 241(d) 289a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used in press releases or published articles.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in file folders.

Retrievability: Retrieved by name. Used by NIAMDD staff for releases, award citations, personnel actions, presentation of papers, source of information to inquiries, and promotion reviews.

Safeguards: Limited access.

Retention and disposal: Years at NIH: 5.

System manager(s) and address:

Administrative Assistant, NIAMDD
Building 31, Room 9A35, NIH
9000 Rockville Pike
Bethesda, MD 20014

Notification procedure: Same as System Manager.

Record access procedures: Same as System Manager.

Contesting record procedures: Same as System Manager.

Record source categories: Individuals.

Systems exempted from certain provisions of the act: None.

NIH NIAMDD 0154.00

System name: Contracts: Administration. HEW/NIH/NIAMDD.

Security classification: None.

System location:

Building 12, NIH
9000 Rockville Pike
Bethesda, MD 20014

Categories of individuals covered by the system: Principal investigators, project officers, and contract specialists.

Categories of records in the system: Contract index.

Authority for maintenance of the system: 42 USC 241(g) 289a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information may be used to respond to Congressional inquiries. See also Appendix of Routine Uses, item 2.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored on magnetic tape.

Retrievability: Retrieved by name. Used by NIAMDD staff for financial and administrative management of R&D contract programs.

Safeguards: Limited access.

Retention and disposal: Years at NIH: indefinitely.

System manager(s) and address:

Financial Management Officer
Building 31, Room 9A35, NIH
9000 Rockville Pike
Bethesda, MD 20014

Notification procedure:

Administrative Assistant
Building 31, Room 9A35, NIH
9000 Rockville Pike
Bethesda, MD 20014

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual and review panels.

Systems exempted from certain provisions of the act: None.

NIH NIDR 0164.00

System name: Contracts: Administration. HEW/NIH/NIDR.

Security classification: None.

System location:

Westwood Building, Room 551
5333 Westbard Avenue
Bethesda, MD 20016

Categories of individuals covered by the system: Principal investigators, project officers, and contract specialists.

Categories of records in the system: Contract proposals, review reports, progress reports, correspondence, curriculum vitae and contract fund.

Authority for maintenance of the system: 42 USC 241(g) 288.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information may be used to respond to Congressional inquiries. See also Appendix of Routine Uses, item 2.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in file folders and on magnetic tape.

Retrievability: Retrieved by name, contract number and organization. Used by contracting and program officials to determine compliance with contractual obligations. Also used by NIH and DHEW contracting officials to determine compliance with Federal and Departmental Procurement Regulations.

Safeguards: Limited access.

Retention and disposal: Years at NIH: 5. Years at FRC: 5.

System manager(s) and address:

Contracting Officer, NIDR
Westwood Building, Room 557
5333 Westbard Avenue
Bethesda, MD 20016

Notification procedure: Same as System Manager.

Record access procedures:

NYDR Personnel Officer
Building 31, Room 2C23, NIH
9000 Rockville Pike
Bethesda, MD 20014

Contesting record procedures: Same as above.

Record source categories: Individual's proposals, technical merit reviewers' opinions and project officers' evaluations.

Systems exempted from certain provisions of the act: None.

NIH NIAID 0176.00

System name: Biographies: Employees and Consultants. HEW/NIH/NIAID.

Security classification: None.

System location:

Building 31, Room 7A32, NIH
9000 Rockville Pike
Bethesda, MD 20014

Categories of individuals covered by the system: Current and former key professional employees of the Institute and consultants.

Categories of records in the system: Press releases, curriculum vitae, nominations for awards and photographs.

Authority for maintenance of the system: 42 USC 241(d) 289a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Public announcements or press releases based on these files may be released to the news media.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in file folders.

Retrievability: Retrieved by name. Used by NIAID staff for background records to provide drafts of public announcements.

Safeguards: Limited access.

Retention and disposal: Years at NIH: indefinitely.

System manager(s) and address:

Chief, Of. of Research Reporting & Public Response
Building 31, Room 7A32, NIH
9000 Rockville Pike
Bethesda, MD 20014

Notification procedure: Same as System Manager.

Record access procedures: Same as System Manager.

Contesting record procedures: Same as System Manager.

Record source categories: Individuals and newspaper clippings.

Systems exempted from certain provisions of the act: None.

NIH NIAID 0194.00

System name: Research Resources: H-2 Soluble Antigen and H-2 Antiserum. HEW/NIH/NIAID.

Security classification: None.

System location:

Building 31, Room 7A23, NIH
9000 Rockville Pike
Bethesda, MD 20014

Categories of individuals covered by the system: Scientific investigators concerned with histocompatibility typing who have applied for research materials.

Categories of records in the system: Applications for Research Materials.

Authority for maintenance of the system: 42 USC 241, 263, 289a, 289c.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Data regarding scientific investigators may be published in reagents catalogue and maybe used to respond to public inquiries.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in file folders.

Retrievability: Retrieved by name. NIH Use: Used by NIAID staff to keep records of active investigators using the reagents and as a means of controlling scarce reagents.

Safeguards: Limited access.

Retention and disposal: Years at NIH: indefinitely.

System manager(s) and address:

Chief, Transplantation and Immunology Branch
Building 31, Room 7A23, NIH
9000 Rockville Pike
Bethesda, MD 20014

Notification procedure: Same as System Manager.

Record access procedures:

Chief, ORR and PR, NIAID
Building 31, Room 7A32, NIH
9000 Rockville Pike
Bethesda, MD 20014

Contesting record procedures: Same as above.

Record source categories: Individuals.

Systems exempted from certain provisions of the act: None.

NIH NIAID 0195.00

System name: Research Resources: HL-A Antiserum and Tray Users. HEW/NIH/NIAID.

Security classification: None.

System location:

Building 31, Room 7A23, NIH
9000 Rockville Pike
Bethesda, MD 20014

Categories of individuals covered by the system: Scientific and clinical investigators concerned with histocompatibility typing.

Categories of records in the system: Applications for Research Materials.

Authority for maintenance of the system: 42 USC 241, 263, 289a, 289c.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Data regarding investigators may be published in reagents catalogue and may be used to respond to public inquiries.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in file folders and on computer tapes.

Retrievability: Retrieved by name. NIH Use: Used by NIAID staff as a record of active investigators using the research materials and as a means of controlling the scarce reagents.

Safeguards: Limited access.

Retention and disposal: Years at NIH: indefinitely.

System manager(s) and address:

Chief, Transplantation and Immunology Branch
Building 31, Room 7A23, NIH
9000 Rockville Pike
Bethesda, MD 20014

Notification procedure: Same as System Manager.

Record access procedures:

Chief, ORR and PR, NIAID

Building 31, Room 7A32, NIH
9000 Rockville Pike
Bethesda, MD 20014

Contesting record procedures: Same as above.

Record source categories: Individuals.

Systems exempted from certain provisions of the act: None.

NIH NHLI 0201.00

System name: Contracts: Administration. HEW/NIH/NHLI.

Security classification: None.

System location:

Westwood Building, Room 5A15
5333 Westbard Avenue
Bethesda, MD 20014

Categories of individuals covered by the system: Principal investigators, project officers, and contract specialists.

Categories of records in the system: Contract files.

Authority for maintenance of the system: 42 USC 241(g), 287.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information may be used to respond to Congressional inquiries. See also Appendix of Routine Uses, item 2.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in file folders.

Retrievability: Retrieved by contract number and contractor. Used by institute staff for review, award and administration of contracts.

Safeguards: Limited access.

Retention and disposal: Years at NIH: 3. Years at FRC: indefinitely.

System manager(s) and address:

Administrative Officer, DEA
Westwood Building, Room 5A15
5333 Westbard Avenue
Bethesda, MD 20014

Notification procedure:

Privacy Act Coordinator, NHLI
Building 31, Room 5A50, NIH
9000 Rockville Pike
Bethesda, MD 20014

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Contract Proposal.

Systems exempted from certain provisions of the act: None.

NIH NEI 0207.00

System name: Administration: General Files. HEW/NIH/NEI.

Security classification: None.

System location:

Building 31, Room 6A03, NIH
9000 Rockville Pike
Bethesda, MD 20014

Categories of individuals covered by the system: Donors of gifts, employees, correspondents of the National Eye Institute.

Categories of records in the system: Budget, Administrative Services, correspondence.

Authority for maintenance of the system: 42 USC 289i.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in file folders.

Retrievability: Retrieved by name and subject area. Used in the day-to-day administrative operations of the institute. (Contain records of gifts, travel, various permits, procurement, property, employee suggestions and awards, manpower studies, letters of request for service or information, mailing lists for distribution of institute information to interested outside community.)

Safeguards: Limited access.

Retention and disposal: Years at NIH: 1.

System manager(s) and address:

Executive Officer, NEI
Building 31, Room 6A05, NIH
9000 Rockville Pike
Bethesda, MD 20014

Notification procedure:

Records Management Officer
Building 31, Room 6A31, NIH
9000 Rockville Pike
Bethesda, MD 20014

Record access procedures: Same as System Manager.

Contesting record procedures: Same as System Manager.

Record source categories: Individuals.

Systems exempted from certain provisions of the act: None.

NIH NEI 0211.00

System name: Contracts: Administration. HEW/NIH/NEI.

Security classification: None.

System location:

Building 31, Room 6A51, NIH
9000 Rockville Pike
Bethesda, MD 20014

Categories of individuals covered by the system: Principal investigators, project officers, and contract specialists.

Categories of records in the system: Bids for contracts and contracts administration.

Authority for maintenance of the system: 42 USC 241(g), 289i.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information may be used to respond to Congressional inquiries. See also Appendix of Routine Uses, item 2.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in file folders.

Retrievability: Retrieved by contract number and name of contractor. Used by NIH staff to evaluate, award and administer contracts.

Safeguards: Limited access.

Retention and disposal: Years at NIH: 3. Years at FRC: 10.

System manager(s) and address:

Ass. Dir. for Extramural & Collaborative Program
Building 31, Room 6A04, NIH
9000 Rockville Pike
Bethesda, MD 20014

Notification procedure: Same as System Manager.

Record access procedures:

Administrative Officer.
Building 31, Room 6A31, NIH
9000 Rockville Pike
Bethesda, MD 20014

Contesting record procedures: Same as above.

Record source categories: Contractor, evaluation panels.

Systems exempted from certain provisions of the act: None.

NIH NCI 0221.00

System name: Administration: Journal of the National Cancer Institute. HEW/NIH/NCI.

Security classification: None.

System location:

Blair Building, Room 2A01
8300 Colesville Road
Silver Spring, MD 20910

Categories of individuals covered by the system: Authors and manuscript reviewers and members of the JNCI editorial board.

Categories of records in the system: Accepted, rejected and pending manuscripts and reviewing comments.

Authority for maintenance of the system: 42 USC 241, 281

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in file folders.

Retrievability: Retrieved by name and manuscript number. Manuscript review by NCI staff for possible publication or oral presentations.

Safeguards: Limited access.

Retention and disposal: Years at NIH: 1.

System manager(s) and address:

Managing Editor
Blair Building Room 2A01
8300 Colesville Road
Silver Spring, MD 20910

Notification procedure: Same as System Manager.

Record access procedures: Same as System Manager.

Contesting record procedures: Same as System Manager.

Record source categories: Authors and reviewers.

Systems exempted from certain provisions of the act: None.

NIH NCI 0222.00

System name: Biographies: Who's Who in the National Cancer Institute. HEW/NIH/NCI.

Security classification: None.

System location:

Building 12, NIH
9000 Rockville Pike
Bethesda, Md. 20014

Categories of individuals covered by the system: NCI employees, grade GS-13 and above.

Categories of records in the system: Employee's name, organizational listing, education, work experience, and honors.

Authority for maintenance of the system: 42 USC 281.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored on computer discs.

Retrievability: Retrieved by name. To provide brief biographical information on the individuals listed for the administrative use of NCI staff.

Safeguards: Access to computer system limited to specific individuals through use of passwords.

Retention and disposal:

Years at NIH: indefinitely.

System manager(s) and address:

Ass. Dir. for Cancer Communications, NCI
Building 31, Room 10A29, NIH
9000 Rockville Pike
Bethesda, MD 20014

Notification procedure: Same as System Manager.

Record access procedures: Same as System Manager.

Contesting record procedures: Same as System Manager.

Record source categories: Individuals to whom the records pertain.

Systems exempted from certain provisions of the act: None.

NIH NCI 0256.00

System name: Contracts: Carcinogenesis Contracts & Intramural Projects. HEW/NIH/NCI.

Security classification: None.

System location:

Building 12, NIH
9000 Rockville Pike
Bethesda, MD 20014

Categories of individuals covered by the system: Principal investigators, project officers, and contract specialists.

Categories of records in the system: Projects titles and descriptors and cost data.

Authority for maintenance of the system: 42 U.S.C. 241(g), 281.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information may be used to respond to Congressional inquiries. See also Appendix of Routine Uses, item 2.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored on magnetic tape.

Retrievability: Retrieved by name. Used by staff for general administrative purposes in compliance with program requirements.

Safeguards: Limited access.

Retention and disposal: Years at NIH: indefinitely.

System manager(s) and address:

Coordinator, Information Activities
Landow Building, Room C325
7910 Woodmont Avenue
Bethesda, MD 20014

Notification procedure: Same as System Manager.

Record access procedures: Same as System Manager.

Contesting record procedures: Same as System Manager.

Record source categories: Contracts, proposals and annual reports.

Systems exempted from certain provisions of the act: None.

NIH NCI 0257.00

System name: Contracts: Contract Management System. HEW/NIH/NCI.

Security classification: None.

System location:

Building 12, NIH
9000 Rockville Pike
Bethesda, MD 20014

Categories of individuals covered by the system: Principal investigators, project officers, and contract specialists.

Categories of records in the system: Project titles and descriptions and cost data.

Authority for maintenance of the system: 42 U.S.C. 241(g), 281.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information may be used to respond to Congressional inquiries. See also Appendix of Routine Uses, item 2.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored on magnetic tapes and on-line discs.

Retrievability: Retrieved by name. Used by staff for general administrative purposes in compliance with program requirements.

Safeguards: Limited access.

Retention and disposal: Years at NIH: 10.

System manager(s) and address:

Supervisory Systems Analyst
Landow Building, Room C216
7910 Woodmont Avenue
Bethesda, MD 20014

Notification procedure: Same as System Manager.

Record access procedures: Same as System Manager.

Contesting record procedures: Same as System Manager.

Record source categories: Negotiated Contract and NIH 1688 Form - Project Objective and Progress Report.

Systems exempted from certain provisions of the act: None.

NIH NCI 0258.00

System name: Contracts: Division of Cancer Control and Rehabilitation. HEW/NIH/NCI.

Security classification: None.

System location:

Building 12, NIH
9000 Rockville Pike
Bethesda, MD 20014

Categories of individuals covered by the system: Principal investigators, project officers, and contract specialists.

Categories of records in the system: Project titles and descriptions and cost data.

Authority for maintenance of the system: 42 U.S.C. 241(g), 281.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information may be used to respond to Congressional inquiries. See also Appendix of Routine Uses, item 2.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored on magnetic tapes.

Retrievability: Retrieved by name. Used by staff for general administrative purposes in compliance with program requirements.

Safeguards: Limited access.

Retention and disposal: Years at NIH: 2.

System manager(s) and address:

Administrative Officer, DCCRC
Blair Building, Room 730
8300 Colesville Road
Silver Spring, MD 20910

Notification procedure: Same as System Manager.

Record access procedures: Same as System Manager.

Contesting record procedures: Same as System Manager.

Record source categories: Contracts, proposals and annual reports.

Systems exempted from certain provisions of the act: None.

NIH NCI 0259.00

System name: Contracts: Viral Oncology Contracts.
HEW/NIH/NCI.

Security classification: None.

System location:

Building 12, NIH
9000 Rockville Pike
Bethesda, MD 20014

Categories of individuals covered by the system: Principal investigators, project officers, and contract specialists.

Categories of records in the system: Project titles and descriptions and cost data.

Authority for maintenance of the system: 42 U.S.C. 241(g), 281.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information may be used to respond to Congressional inquiries. See also Appendix of Routine Uses, item 2.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored on computer file and tapes.

Retrievability: Retrieved by name. Used by staff for general administrative purposes in compliance with program requirements.

Safeguards: Limited access.

Retention and disposal: Years at NIH: 5.

System manager(s) and address:

Biochemists, NCI
Building 37, Room 1A01
9000 Rockville Pike
Bethesda, MD 20014

Notification procedure: Same as System Manager.

Record access procedures: Same as System Manager.

Contesting record procedures: Same as System Manager.

Record source categories: Contracts, proposals, and annual reports.

Systems exempted from certain provisions of the act: None.

The following are corrections to the Federal Register of Wednesday, August 27, 1975, Part II, Section 1.

HSA BMS 0001.01

System name: Division of Federal Employee Health, Employee Health Records HEW/HSA/BMS.

Security classification: None.

System location: See Appendix and Regional Federal Records Center.

Categories of individuals covered by the system: Federal employees enrolled in PHS/DFEH Health Units.

Categories of records in the system: Health records.

Authority for maintenance of the system: 5 USC 7901, 5 USC 8101, OMB Circular No. A-72.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose: Access to those files of persons claiming compensation benefits due to personal in-

jury while on the job. Certain records may be disclosed to medical libraries, medical consultants, or computer processing firms under a service contract agreement. In the event of a change in sponsorship of a PHS/DFEH health care unit or in a case of mass transfer of employees covered by a PHS/DFEH health care unit to one served by a non-departmental organization, the health records will be transferred to the custodianship of the new organization. Users: U. S. Department of Labor, Office of Worker's Compensation Program.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Folders.

Retrievability: Purpose: employees are provided occupational health services (on a voluntary basis). The data resulting from these services are included in the employee health records. Users: physicians, nurses, other health professionals. Retrievability: alphabetically by last name.

Safeguards: Stored in locked cabinets; access limited to authorized personnel.

Retention and disposal: Number of years held at HSA - 6 years. Number of years held at Federal Records Center before disposal - 20 years. How destroyed: Unknown.

System manager(s) and address:

Director, Division of Federal Employee Health
FCB 03, 6525 Belcrest Road
Hyattsville, Maryland 20782

Notification procedure: Same as above. Individuals must provide treatment location.

Record access procedures: See appendix.

Contesting record procedures: See appendix.

Record source categories: Data resulting from the clinical and preventive services offered by the PHS/DFEH Health Unit. Data obtained from individual.

Systems exempted from certain provisions of the act: None.

Appendix Location and Access

Washington, D.C. area
Medical Officer in Charge
PHS/DFEH Health Unit
Energy Research and Development Administration
Room A-075
Germantown, Maryland 20767

Nurse in Charge
PHS/DFEH Health Unit
Brown Building, Room 559
1200 - 19th Street, NW
Washington, D.C. 20036

Medical Officer in Charge
PHS/DFEH Health Unit
Bureau of Engraving & Printing
Room 320
14th and C Streets, SW
Washington, D.C. 20226

Nurse in Charge
PHS/DFEH Health Unit
Capitol Mall North Building
Room 325
500 N. Capitol Street, NW
Washington, D.C. 20549

Nurse in Charge
PHS/DFEH Health Unit
Columbia Plaza Bldg., Rm. 4061
2401 E Street, NW
Washington, D.C. 20506

Nurse in Charge
PHS/DFEH Health Unit
E Street Building, Rm. 908
1201 E Street, NW
Washington, D.C. 20226

Nurse in Charge
PHS/DFEH Health Unit

Federal Office Bldg. 06, Rm. A-039
400 Maryland Avenue, SW
Washington, D.C. 20202

Nurse in Charge
PHS/DFEH Health Unit
FOB 07, New Executive Office Bldg.
Room 6101
726 Jackson Place, NW
Washington, D.C. 20503

Nurse in Charge
PHS/DFEH Health Unit
Federal Office Bldg. 08, Room 1010
200 C Street, SW
Washington, D.C. 20204

Nurse in Charge
PHS/DFEH Health Unit
Franconia Warehouse, Bldg. A
Federal Supply Service, GSA
Springfield, Virginia 22150

Nurse in Charge
PHS/DFEH Health Unit
Franklin Square North Building
Room 824
1325 K Street, NW
Washington, D.C. 20225

Medical Officer in Charge
PHS/DFEH Health Unit
General Accounting Office Building
Room 1455
441 G Street, NW
Washington, D.C. 20548

Nurse in Charge
PHS/DFEH Health Unit
GSA Main Building, Rm. 1008
18th and F Streets, NW
Washington, D.C. 20405

Nurse in Charge
PHS/DFEH Health Unit
GSA Region III Building, Rm. 4114
7th and D Streets, SW
Washington, D.C. 20407

Medical Officer in Charge
PHS/DFEH Health Unit
HEW-North Building, Rm. 1165-A
4th Street & Independence Avenue, SW
Washington, D.C. 20201

Medical Officer in Charge
PHS/DFEH Health Unit
HEW-Switzer Bldg., Rm. 3050
4th and C Streets, SW
Washington, D.C. 20201

Medical Officer in Charge
PHS/DFEH Health Unit
Dept. of Housing & Urban Development
Room 7239
7th and D Streets, SW
Washington, D.C. 20410

Nurse in Charge
PHS/DFEH Health Unit
Imperial Building, Room 202
1441 L Street, NW
Washington, D.C. 20416

Medical Officer in Charge
PHS/DFEH Health Unit
Internal Revenue Service Bldg.
Room 1302
12th and Constitution Avenue, NW
Washington, D.C. 20224

Nurse in Charge
PHS/DFEH Health Unit
Justice Department Main Bldg.
Room 1410
10th and Constitution Avenue, NW
Washington, D.C. 20530

Nurse in Charge
PHS/DFEH Health Unit
U.S. Customs Service Bldg., Rm. 5126
14th and Constitution Avenue, NW
Washington, D.C. 20210

Nurse in Charge
PHS/DFEH Health Unit
810 Vermont Avenue, NW
Washington, D.C. 20420

Nurse in Charge
PHS/DFEH Health Unit
Liberty Loan Building, Room 546
(Check Claims Division)
401 - 14th Street, SW
Washington, D.C. 20226

Nurse in Charge
PHS/DFEH Health Unit
'M' Street 02 Building (F.C.C.)
Room 529
1919 'M' Street, NW
Washington, D.C. 20554

Nurse in Charge
'M' Street Building
Room 2121
2000 'M' Street, NW
Washington, D.C. 20461

Nurse in Charge
PHS/DFEH Health Unit
Maiatico Building, Room 1220
806 Connecticut Avenue, NW
Washington, D.C. 20525

Nurse in Charge
PHS/DFEH Health Unit
Matomic Building (USIA)
Room 433
1717 H Street, NW
Washington, D.C. 20547

Nurse in Charge
PHS/DFEH Health Unit
National Archives & Records Service
Room G-2
8th and Pennsylvania Avenue, NW
Washington, D.C. 20408

Nurse in Charge
PHS/DFEH Health Unit
National Labor Relations Board Bldg.
Room 360
1717 Pennsylvania Avenue, NW
Washington, D.C. 20570

Nurse in Charge
PHS/DFEH Health Unit
National Technical Information Service
Room 1225
5285 Port Royal Road
Springfield, Virginia 22161

Nurse in Charge
PHS/DFEH Health Unit
Northwestern Federal Bldg., Rm. 700
1405 'I' Street, NW
Washington, D.C. 20537

Nurse in Charge
PHS/DFEH Health Unit
One McPherson Square Bldg., Rm. 1040

1425 K Street, NW
Washington, D.C. 20525

Medical Officer in Charge
PHS/DFEH Health Unit
Parklawn Building, Room 5B-16
5600 Fishers Lane
Rockville, Maryland 20852

Nurse in Charge
PHS/DFEH Health Unit
Patrick Henry Bldg., Room 5509
601 D Street, NW
Washington, D.C. 20213

Medical Officer in Charge
PHS/DFEH Health Unit
Phillips Building, Room P-132
7920 Norfolk Avenue
Bethesda, Maryland 20545

Nurse in Charge
PHS/DFEH Health Unit
Public Debt Bldg., Room 709
13th and C Streets, SW
Washington, D.C. 20226
Nurse in Charge
PHS/DFEH Health Unit
Rock-Wall Building, Room 729
11400 Rockville Pike
Rockville, Maryland 20852

Nurse in Charge
PHS/DFEH Health Unit
Thomas Circle - South Building
Room 605
1121 Vermont Avenue, NW
Washington, D.C. 20425

Nurse in Charge
PHS/DFEH Health Unit
Todd Building, Room 803
550 - 11th Street, NW
Washington, D.C. 20530

Nurse in Charge
PHS/DFEH Health Unit
Treasury Dept. - Main Building
Room 1445
15th and Pennsylvania Avenue, NW
Washington, D.C. 20220

Nurse in Charge
PHS/DFEH Health Unit
Twinpark Building 01, Suite 142
12720 Twinbrook Parkway
Rockville, Maryland 20852

Nurse in Charge
PHS/DFEH Health Unit
Union Center Plaza, Room 3101
825 North Capitol Street, NE
Washington, D.C. 20426

Nurse in Charge
PHS/DFEH Health Unit
Universal Building North
Room 540 (CAB Mail Room)
1875 Connecticut Avenue, NW
Washington, D.C. 20428

Nurse in Charge
PHS/DFEH Health Unit
U.S. Tax Court Bldg., Room G-64
400 Second Street, NW
Washington, D.C. 20217

Nurse in Charge
PHS/DFEH Health Unit
Washington National Records Center
Room 126

Washington, D.C. 20409

California

Nurse in Charge
PHS/DFEH Health Unit
Federal Building and Courthouse
Room 2304
1130 O Street
Fresno, California 93721

Medical Officer in Charge
PHS/DFEH Health Unit
New Federal Building, Room 5008
300 N. Los Angeles Street
Los Angeles, California 90012

Medical Officer in Charge
PHS/DFEH Health Unit
U.S. Courthouse, Room 1005
312 N. Spring Street
Los Angeles, California 90012

Nurse in Charge
PHS/DFEH Health Unit
U.S. Courthouse and Federal Bldg.
Room 6515
650 Capitol Mall
Sacramento, California 95814

Nurse in Charge
PHS/DFEH Health Unit
FOB-Cottage Way, Room E-1720
2800 Cottage Way
Sacramento, California 95825

Medical Officer in Charge
PHS/DFEH Health Unit
New Federal Building
Room 5210, Box 36115
450 Golden Gate Avenue
San Francisco, California 94102

Nurse in Charge
PHS/DFEH Health Unit
Tishman Building, 32nd Floor
525 Market Street
San Francisco, California 94105

Nurse in Charge
PHS/DFEH Health Unit
Appraisers Stores Building
Room 1123
630 Sansome Street
San Francisco, California 94111

Nurse in Charge
PHS/DFEH Health Unit
Federal Office Building, Room 40
50 Fulton Street
San Francisco, California 94102

Nurse in Charge
PHS/DFEH Health Unit
Federal Building & Custom House
Room 1519
300 South Ferry Street
Terminal Island
San Pedro, California 90731

Colorado

Medical Officer in Charge
PHS/DFEH Health Unit
Denver Federal Center
Building 040
Denver, Colorado 80225

Medical Officer in Charge
PHS/DFEH Health Unit
Denver Federal Center

Building 025
Denver, Colorado 80225

Nurse in Charge
PHS/DFEH Health Unit
Federal Building & U.S. Courthouse
Room 8028
1961 Stout Street
Denver, Colorado 80202

Connecticut

Nurse in Charge
PHS/DFEH Health Unit
Federal Building and U.S. Courthouse
Room G-1
450 Main Street
Hartford, Connecticut 06103

Florida

Nurse in Charge
PHS/DFEH Health Unit
Federal Office Building, Room 1310
51 S.W. First Avenue
Miami, Florida 33130

Georgia

Medical Officer in Charge
PHS/DFEH Health Unit
Peachtree-7th Street Bldg., Rm. 517
50 - 7th Street, NE
Atlanta, Georgia 30323

Medical Officer in Charge
PHS/DFEH Health Unit
Room 535
730 Peachtree Street, NE
Atlanta, Georgia 30308

Medical Officer in Charge
PHS/DFEH Health Unit
Room 218
1371 Peachtree Street, NE
Atlanta, Georgia 30309

Medical Officer in Charge
PHS/DFEH Health Unit
Room 910
1720 Peachtree Street, NW
Atlanta, Georgia 30309

Medical Officer in Charge
PHS/DFEH Health Unit
Room 155
1776 Peachtree Street, NW
Atlanta, Georgia 30309

Nurse in Charge
PHS/DFEH Health Unit
DCASR - Room 311
3100 Maple Drive, NE
Atlanta, Georgia 30305

Illinois

Medical Officer in Charge
PHS/DFEH Health Unit
Everett McKinley Dirksen Building
Room 1419
219 South Dearborn Street
Chicago, Illinois 60604

Nurse in Charge
PHS/DFEH Health Unit
Federal Building - Room 187
536 South Clark Street
Chicago, Illinois 60605

Nurse in Charge

PHS/DFEH Health Unit
Wacker Building, Room 2046
300 South Wacker Drive
Chicago, Illinois 60606

Iowa

Nurse in Charge
PHS/DFEH Health Unit
Federal Office Building, Room 711
210 Walnut Street
Des Moines, Iowa 50309

Kentucky

Nurse in Charge
PHS/DFEH Health Unit
P.O. Box 267
Covington, Kentucky 41012

Massachusetts

Nurse in Charge
PHS/DFEH Health Unit
Post Office & Court House Building
Room 1805
Boston, Massachusetts 02109

Medical Officer in Charge
PHS/DFEH Health Unit
John F. Kennedy Building, Room E-120
Government Square
Boston, Massachusetts 02203

Nurse in Charge
PHS/DFEH Health Unit
Waltham Federal Center
424 Trapelo Road
Waltham, Massachusetts 02154

Michigan

Nurse in Charge
PHS/DFEH Health Unit
Federal Office Building and U.S. Courthouse, Rm. 1050
231 W. Lafayette Street
Detroit, Michigan 48226

Minnesota

Nurse in Charge
PHS/DFEH Health Unit
Federal Office Building, Rm. 248
Fort Snelling, Minnesota 55111

Nurse in Charge
PHS/DFEH Health Unit
Federal Building & U.S. Courthouse
Room 167
316 Robert Street
St. Paul, Minnesota 55101

Missouri

Medical Officer in Charge
PHS/DFEH Health Unit
Federal Office Building, Rm. 1211
911 Walnut Street
Kansas City, Missouri 64106

Nurse in Charge
PHS/DFEH Health Unit
Federal Building (GSA)
Corridor 16, Sub-basement
1500 East Bannister Road
Kansas City, Missouri 64131

Medical Officer in Charge
PHS/DFEH Health Unit
Federal Building, Room 901
601 E. 12th Street

Kansas City, Missouri 64106

Nurse in Charge
PHS/DFEH Health Unit
Tucker Building
Basement Floor, Room 2
103 W. 10th Street
Rolla, Missouri 65401

Nurse in Charge
PHS/DFEH Health Unit
210 North 12th Boulevard Building
Room 1045
210 North 12th Boulevard
St. Louis, Missouri 63101

Nebraska

Nurse in Charge
PHS/DFEH Health Unit
Federal Building, Room 8408
215 N. 17th Street
Omaha, Nebraska 68102

New Jersey

Nurse in Charge
PHS/DFEH Health Unit
Building T-2
Belle Mead Depot
Belle Mead, New Jersey 08502

Nurse in Charge
PHS/DFEH Health Unit
Federal Office Building, Room 905
970 Broad Street
Newark, New Jersey 07102

New Mexico

Nurse in Charge
PHS/DFEH Health Unit
Federal Building & U.S. Courthouse
Room 5206
500 Gold Avenue, SW
Albuquerque, New Mexico 87101

New York

Medical Officer in Charge
PHS/DFEH Health Unit
Federal Building, 8th Floor
29th Street and Third Avenue
Brooklyn, New York 11232

Nurse in Charge
PHS/DFEH Health Unit
Federal Building, Room 915
111 W. Huron Street
Buffalo, New York 14202

Nurse in Charge
PHS/DFEH Health Unit
Astor Plaza Building
Room 3210
1515 Broadway
New York, New York 10036

Medical Officer in Charge
PHS/DFEH Health Unit
U.S. Customs Court & Federal Bldg.
Foley Square
26 Federal Plaza
New York, New York 10007

North Carolina

Nurse in Charge
PHS/DFEH Health Unit
Building D, Room 100
Environmental Protection Agency

Research Triangle Park, North Carolina 27711

Ohio

Nurse in Charge
PHS/DFEH Health Unit
National Environmental Research Center
Room SB-47
4676 Columbia Parkway
Cincinnati, Ohio 45268

Medical Officer in Charge
PHS/DFEH Health Unit
Federal Office Building, Room 1515
550 Main Street
Cincinnati, Ohio 45202

Nurse in Charge
PHS/DFEH Health Unit
Environmental Control Administration
Room 411
5555 Ridge Road
Cincinnati, Ohio 45268

Nurse in Charge
PHS/DFEH Health Unit
Federal Building, Room 517
234 Summit Street
Toledo, Ohio 43604

Pennsylvania

Nurse in Charge
PHS/DFEH Health Unit
U.S. Customs House & Federal Building
Room 111
2nd and Chestnut Streets
Philadelphia, Pennsylvania 19106

Nurse in Charge
PHS/DFEH Health Unit
William J. Green, Jr. Federal Bldg.
Room 4306/4310
600 Arch Street
Philadelphia, Pennsylvania 19106

Nurse in Charge
PHS/DFEH Health Unit
Gateway Building, Room 1320
3535 Market Street
Philadelphia, Pennsylvania 19104

Nurse in Charge
PHS/DFEH Health Unit
Federal Office Building
12th Floor
1000 Liberty Avenue
Pittsburgh, Pennsylvania 15222

Texas

Medical Officer in Charge
PHS/DFEH Health Unit
Room 1106
1100 Commerce Street
Dallas, Texas 75202

Medical Officer in Charge
PHS/DFEH Health Unit
Federal Building, Room 13A25
819 Taylor Street at 10th
Fort Worth, Texas 76102

Medical Officer in Charge
PHS/DFEH Health Unit
Federal Center
P.O. Box 6567
Fort Worth, Texas 76115

Utah

Nurse in Charge
PHS/DFEH Health Unit
Federal Office Building, Room 3103
125 South State Street
Salt Lake City, Utah 84138

Washington

Nurse in Charge
PHS/DFEH Health Unit
Arcade Plaza Building, Room 5051
1321 Second Avenue
Seattle, Washington 98101

Nurse in Charge
PHS/DFEH Health Unit
Federal Center South Building
Room 184
4735 E. Marginal Way
Seattle, Washington 98134

Nurse in Charge
PHS/DFEH Health Unit
New Federal Building, Room 570
915 Second Avenue
Seattle, Washington 98104

Wisconsin

Nurse in Charge
PHS/DFEH Health Unit
Federal Building & U.S. Courthouse
Room 420
517 East Wisconsin Avenue
Milwaukee, Wisconsin 53202

HSA BCHS 0021.01

System name: National Health Service Corps (NHSC) applicant recruitment and provider file HEW/HSA/BCHS.

Security classification: None.

System location:

Parklawn Building
5600 Fishers Lane
Rockville, Maryland 20852

Categories of individuals covered by the system: NHSC applicants and their spouses, if any, who wish to be assigned to critical health manpower shortage areas.

Categories of records in the system: Employment data and preference for site-selection.

Authority for maintenance of the system: Public Health Service Act Section 329 (42 U.S.C. 254a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Locked file cabinets and computer tape.

Retrievability:

Purpose: Matching applicant and spouse, if any, for assignment to critical health manpower shortage areas most suited to their interests.

Users: Used by Regional Offices to negotiate assignments, and used PHS-wide for recruitment programs.

Retrievability: applicant number.

Safeguards: Locked file cabinets and used only by Recruitment Services Branch, NHSC staff and Regional Recruiters.

Retention and disposal: Maintained for three years, then destroyed.

System manager(s) and address:

Chief, Recruitment Services Branch
Division of Clinical Services, BCHS
5600 Fishers Lane
Rockville, Maryland 20852

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Letters of inquiry, NHSC Site Selection Questionnaire For Physicians, NHSC Site Selection Questionnaire For Dentists and NHSC Site Selection Questionnaire For Spouses.

Systems exempted from certain provisions of the act: None.

The following are corrections to the September 22, 1975 Federal Register, Part IV.

ADAMHA NIAAA 0033.01

System name: Records of Research on Alcohol Abusers and Addicts. HEW/ADAMHA/NIAAA.

Security classification: None.

System location:

Intramural Research Branch
National Institute on Alcohol Abuse and Alcoholism
Rm. 493, Wm. A. White Building
Saint Elizabeths Hospital
Washington, D.C. 20032

Categories of individuals covered by the system: Alcohol abusers and addicts.

Categories of records in the system: Case studies, medical records of individuals involved in studies between 1969 and 1973 in the Intramural Research Laboratory pertaining to alcohol abuse and alcoholism; medical, non-medical, test and laboratory data, observation data, data from interviews, data from previous records, data from epidemiological, biochemical, and behavioral areas, and other data from investigations in medical and related sciences.

Authority for maintenance of the system: Public Health Service Act, Sections 301,303 (42 U.S.C. 241, 242(a), 4551).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Documents filed in metal file cabinets and in cardboard boxes.

Retrievability: By case study number and/or by patient's last name.

Safeguards: Only authorized personnel have access to the files and the files themselves may not leave the premises.

Retention and disposal: Case studies and patient records will be retained for five years and then transferred to the Federal Records Center.

System manager(s) and address:

Chief, Intramural Research Branch
National Institute on Alcohol Abuse and Alcoholism
Rm. 493, Wm. A. White Building
Saint Elizabeths Hospital
Washington, D.C. 20032

Notification procedure: An individual may have access to his/her record upon written request, with notarized signature, addressed to the System Manager identified above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Directly from the individual and from observation during research studies.

Systems exempted from certain provisions of the act: None.

HSA BMS 0007.02

System name: Patients Medical Record System PHS Hospitals/Clinics HEW/HSA/BMS.

Security classification: None.

System location: See appendix 1, and 2 and Regional Federal Records Center.

Categories of individuals covered by the system: Individuals examined/treated at Public Health Service Hospitals and Clinics.

Categories of records in the system: Medical examination, diagnostic and treatment data, information for proof of eligibility, social data, disease registers, treatment logs, statistical summaries, correspondence.

Authority for maintenance of the system: Public Health Service Act, Section 321 (42 U.S.C. 248).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose: Reporting

results of medical examination and treatment; billing the individual or third parties for care of patient; reporting as required by state law, e.g., birth, death, communicable diseases, violent injuries, etc.; litigation in protection of the government; research study; health care evaluation program; education of health professionals; duplication by a non-HEW or private duplication service for distribution to multiple users. Users: any community health organization, or government agency, private physicians and/or company which had requested or arranged for an examination, treatment or care of an individual by the Bureau of Medical Services may upon request, be furnished clinical information regarding such examination, treatment or care. Army, Navy, Air Force for reports of uniformed service personnel and their dependents examination/treatment; Coast Guard for reports of uniformed Service personnel and their dependents; Coast Guard for reports of American seamen found to be suffering from conditions that render them hazardous to themselves or to others aboard ship; NOAA for reports of uniformed Service and other personnel of that agency. INS for reports of aliens examined and treated for and in behalf of that agency. Department of Justice for investigation or litigation in protection of the government. Bureau of Prisons for reports of examination and treatment of patients examined and/or treated for and on behalf of the BP. Department of Health or other agency of a state for reports required under state law or regulation. Professional Standards Review Organization of the area of the facility, U.S. Department of Labor, Office of Workers Compensation Programs, for persons claiming compensation benefits due to personal injury while employed by the government. Qualified research personnel with a research protocol approved by the Director, Division of Hospitals and Clinics, when no identification data are abstracted or when participating in an approved disease register. Accreditation and health education program agencies. Health Professionals students serving an affiliation at the institution. Non-agency physicians for continued care of the patient.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders, magnetic tape, punch cards, microfilm.

Retrievability: Purpose: communication for patient care by health care team and related personnel. Administrative use for facility management and medical care evaluation, by medical and related staff, administrative staff of the facility. Educational uses to education and train medical and allied health personnel. Research, study of disease cause, treatment and methods of care delivery. Users: health care team and other medical personnel and allied medical personnel. Medical and allied health students. Administrative personnel for determination of eligibility for care. Reports of examination/treatment of individuals at request of DHEW-OP, CPOD. Reports of adverse drug reaction - FDA. Recover cost of care - PHS Claims Officer. Retrievability: indexed by name, register number, number control register, disease and operation.

Safeguards: Locked storage area, personnel training and instruction, PHS Policy on release of information, job description responsibility.

Retention and disposal: Numbers of years held at HSA (since 1970) - 5 years after last activity. Number of years held at Federal Record Center before disposal - 50 years active service, 25 years all others. Microfilmed records prior to 1970 - permanent. How destroyed: According to FRC policy.

System manager(s) and address:

Director, Division of Hospitals and Clinics
Federal Center Building 03, 6525 Belcrest Road
Hyattsville, Maryland 20782

Notification procedure: Same as system location. Not including Regional Federal Records Centers. Individual must contact appropriate facility directly.

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: Individual, health care personnel, other hospitals and physicians, employers, social agencies, maritime unions, shipping companies.

Systems exempted from certain provisions of the act: None.

Appendix 1

Director, USPHS Hospital
3100 Wynam Park Drive
Baltimore, Maryland 21211

Director, USPHS Hospital
77 Warren Street
Boston (Brighton), Massachusetts 02135

Director, USPHS Hospital
4400 Avenue N
Galveston, Texas 77550

Director, USPHS Hospital
210 State Street
New Orleans, Louisiana 70118

Director, USPHS Hospital
6500 Hampton Boulevard
Larchmont
Norfolk, Virginia 23508

Director, USPHS Hospital
15th Avenue and Lake Street
San Francisco, California 94118

Director, USPHS Hospital
Box 3145 or
1132 14th Avenue South
Seattle, Washington 98114

Director, USPHS Hospital
Bay Street and Vanderbilt Avenue
Staten Island, New York 10304

Director, USPHS Hospital
Carville, Louisiana 70721

Appendix 2

Director
USPHS Outpatient Clinic
Annette Island, Alaska 99920

Director
USPHS Outpatient Clinic
1600 Clifton Road, N.E.
Atlanta, Georgia 31333

Director
USPHS Outpatient Clinic
Balboa Heights, C.Z.

Director
USPHS Outpatient Clinic
50 High Street, R. 609
Buffalo, New York 14203

Director
USPHS Outpatient Clinic
214 Federal Building
334 Meeting Street
Charleston, S. C. 29403

Director
USPHS Outpatient Clinic
P. O. Box 8
Charlotte Amalie, V. I. 00807

Director
USPHS Outpatient Clinic
1439 S. Michigan Avenue
Chicago, Illinois 60605

Director
USPHS Outpatient Clinic
P. O. and Courthouse Building
5th and Walnut Street
Cincinnati, Ohio 45202

Director
USPHS Outpatient Clinic
New P. O. Building, West 3rd Street and Prospect Ave.

Cleveland, Ohio 44115

Director
USPHS Outpatient Clinic
14700 Riverside Drive
Detroit, Michigan 48215

Director
USPHS Outpatient Clinic
Box 1410 or
591 Ala Moana Boulevard
Honolulu, Hawaii 96807

Director
USPHS Outpatient Clinic
204 U. S. Customs Building
701 San Jacinto Street
Houston, Texas 77002

Director
USPHS Outpatient Clinic
Box 4788 or 428 Federal Building
311 West Monroe Street
Jacksonville, Florida 32201

Director
USPHS Outpatient Clinic
P. O. Box 890
Juneau, Alaska 99802

Director
USPHS Outpatient Clinic
969 Madison Avenue
Memphis, Tennessee 38104

Director
USPHS Outpatient Clinic
51 S. W. 1st Avenue, Room 712
Miami, Florida 33130

Director
USPHS Outpatient Clinic
125 Federal Building
Mobile, Alabama 36602

Director
USPHS Outpatient Clinic
245 West Houston Street
New York, New York 10014

Director
USPHS Outpatient Clinic
Room 700
US Customs House
2nd & Chestnut Sts
Philadelphia, Penna. 19106

Director
USPHS Outpatient Clinic
U. S. Post Office and Courthouse
7th Avenue and Grant Street
Pittsburgh, Penna. 15219

Director
USPHS Outpatient Clinic
209 Federal Office Building
5th Street and Austin Avenue
Port Arthur, Texas 77640

Director
USPHS Outpatient Clinic
331 Veranda Street
Portland, Maine 94103

Director
USPHS Outpatient Clinic
220 Courthouse
Broadway and Main Street
Portland, Oregon 97205

Director
USPHS Outpatient Clinic

1520 Market Street
St. Louis, Missouri 63103

Director
USPHS Outpatient Clinic
2105 Fifth Avenue
San Diego, California 92101

Director
USPHS Outpatient Clinic
Box 3788
San Juan, Puerto Rico 00904

Director
USPHS Outpatient Clinic
Box 831
San Pedro, California 90733

Director
USPHS Outpatient Clinic
P. O. Box 9625
Savannah, Georgia 31402

Director
USPHS Outpatient Clinic
P. O. Box 1611
Tampa, Florida 33601

Director
USPHS Outpatient Clinic
HEW South Building
Washington, D. C. 20201 /*

OS OGC 7

System name: Federal Private Relief Legislation. HEW/OS/OGC.

Security classification: None.

System location: This system is located in the:

Division of Legislation
Office of the General Counsel
Office of the Secretary
Room 5109, North Building
Department of Health, Education, and Welfare
330 Independence Ave., S.W.
Washington, D.C. 20201

Categories of individuals covered by the system: Private individuals, groups, or institutions for whom a United States Congressman or Senator has introduced a private relief bill.

Categories of records in the system: Background which gives rise to the individual's, group's, or institution's claim for private relief legislation.

Authority for maintenance of the system: 5 U.S.C. 301; OMB Circular A-19.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information is used to prepare reports to the Congress, most commonly to the Judiciary Committees of the Senate and the House of Representatives, which reports are thereafter made available to the public under the provisions of 5 U.S.C. 552. In connection with the preparation of those reports, the information contained in this system of records will, as a routine use, be disclosed to officers and employees of 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 various stages of the legislative coordination and clearance process as set forth in that Circular, and may, as a routine use, be disclosed to officers or employees of agencies (as defined in 5 U.S.C. 551(i) and 552(e) other than the agency that maintains the record.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders kept in legal size filing cabinets.

Retrievability: By bill number using card systems maintained by name and by subject.

Safeguards: Immediate access to these records are only by authorized staff. Building is locked at close of business.

Retention and disposal: Retained indefinitely either at System Location or at Federal Record Center where files are sent on a regular, predetermined schedule.

System manager(s) and address:

Chief, Legislative Reference and Control Service
Division of Legislation
Office of the General Counsel
Department of Health, Education, and Welfare
330 Independence Avenue, S.W.
Washington, D. C. 20201

Notification procedure: Any inquiries by mail, by telephone, or in person regarding the records in question should be made at the above address where the records are kept.

Record access procedures: Individuals can obtain information on the procedures for gaining access to records from the System Manager.

Contesting record procedures: Individuals can obtain information regarding contesting procedures from the System Manager.

Record source categories: The information in this system comes from the principal operating components of the Department, the Public Health Service Agencies, the Education Agencies, the Office of the Secretary, Congressional Committees, individual Congressmen and Senators, and, in some cases, the subject individual, group, or institution.

Systems exempted from certain provisions of the act: None.

OS ASAM PT 18

System name: Unfair Labor Practice Records. HEW/OS.

Security classification: None.

System location: Personnel Offices of the Department shown in (See Application for Employment Records, HEW System 1) Appendix 1 and offices of operating officials in organizational units serviced by those Personnel Offices.

Categories of individuals covered by the system: Current HEW employees and union officials.

Categories of records in the system: This system of records consists of a variety of records relating to an unfair labor practice charge. Examples of information which may be included in this system are the employee's name, Social Security Number, grade, job title, employment history and a variety of work and personnel records associated with the charges and required under proceedings established by Executive Order 11491 and Department of Labor Regulations.

Authority for maintenance of the system: Executive Order 11491, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in this system may be released to:

1. The Department of Labor.
2. In accordance with Item (1), Appendix B, 45 CFR 5b.
3. In accordance with Item (3), Appendix B, 45 CFR 5b.
4. In accordance with Item (4), Appendix B, 45 CFR 5b.
5. In accordance with Item (7), Appendix B, 45 CFR 5b.
6. In accordance with Item (8), Appendix B, 45 CFR 5b.
7. The Federal Labor Relations Council.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are retrievable by name. They are used to make a determination on and to document a decision made on an unfair labor practice charge filed by an employee or union official. Information from this system may be used by Department officials for preparing statistical summary or management reports.

Safeguards: When not in use by authorized persons, these records are stored in lockable metal file cabinets. Access to and use of these records are limited to personnel who have a need for the records in performance of official duties.

Retention and disposal: The case files are maintained as long as they may be pertinent for purposes of precedent or as management information devices. When no longer useful for such purposes, they are destroyed.

System manager(s) and address: Personnel Officer shown in Appendix 1 who services the organizational unit in which the individual is employed.

Notification procedure: Contact the systems manager and provide name, approximate date of record, the unfair labor practice charge as specified by the complainant, and management component in which the charge was filed.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information in this system of records is:

1. Supplied directly by the individual, or
2. Derived from information supplied by the individual, or
3. Supplied by testimony of witnesses, or
4. Supplied by union officials, or
5. Supplied by Department officials.

Systems exempted from certain provisions of the act: None.

OS OGC 8

System name: Motor Vehicle Accident Reports - HEW/OS/OGC.

Security classification: None.

System location:

Office of the Regional Attorney
Department of Health, Education, and Welfare
19th and Stout Streets
Denver, Colorado 80202

Categories of individuals covered by the system: Individuals involved in automobile accidents concerning Federal motor vehicles or while on Federal business; this includes both Federal and non-Federal employees.

Categories of records in the system: The information in this record relates to the circumstances of the accident.

Authority for maintenance of the system: 44 U.S.C. Section 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine uses include writing to law enforcement agencies and officers requesting accident reports, to public or private hospitals, to private attorneys and insurance companies, to private citizens involved in the accident, to other Federal agencies, to State and local governments, their agencies and instrumentalities, all purposes incident to resolution of responsibility for the accident.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are kept in legal size files in filing cabinets.

Retrievability: Retrievable by name.

Safeguards: Offices in which these files are kept are locked after the close of the business day.

Retention and disposal: Retained indefinitely at system location or at Federal Records Center where files are sent on a regular predetermined schedule.

System manager(s) and address: The agency official responsible for the system policies and practices outlined above is:

Ronald S. Luedemann
Regional Attorney
Department of HEW
19th and Stout Streets
Denver, Colorado 80202

Notification procedure: Any inquiries by mail or in person regarding the records in question should be made at the above address where the records are kept. Required identifying information will be in keeping with Department requirements.

Record access procedures: Individuals can obtain information on the procedures for gaining access to and contesting records from the System Manager.

Contesting record procedures: Same as above.

Record source categories: Federal Motor Vehicle Accident Reports, accident reports from law enforcement agencies and officers, hospital and insurance company reports, statements from employees and private parties.

Systems exempted from certain provisions of the act: None.

OS OGC 9

System name: Social Security Code Cards. HEW/OS/OGC.

Security classification: None.

System location:

Office of the Regional Attorney
Department of Health, Education, and Welfare
19th and Stout Streets
Denver, Colorado 80202

Categories of individuals covered by the system: Individuals referred to in this system are Social Security claimants or wage-earners who have been the subject of Social Security precedent opinions.

Categories of records in the system: The information in this system consists of the name of the individual on a 3 x 5 card and a code which cross-references to the location of the actual opinion. These cards are separate and distinct from the digest cards which are distributed nationally by the Office of the General Counsel.

Authority for maintenance of the system: 44 U.S.C. Section 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These cards are used to enable the researcher to obtain the appropriate social security precedent opinion which may then be cited in subsequent opinions distributed within OGC and SSA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The subject information is kept on 3 x 5 cards which are kept in an office locked after the close of the business day. The opinions which are cross-referenced by the cards are kept in the files in the same office.

Retrievability: Retrievable by name.

Safeguards: Office locked at the close of the business day.

Retention and disposal: Retained indefinitely at system location or at Federal Records Center where files are sent on a regular predetermined schedule.

System manager(s) and address: The agency official responsible for the system policies and practices outlined above is:

Ronald S. Luedemann
Regional Attorney
Department of HEW
19th and Stout Streets
Denver, Colorado 80202

Notification procedure: Any inquiries by mail or in person regarding the records in question should be made at the above address where the records are kept. Required identifying information will be in keeping with Departmental requirements.

Record access procedures: Individuals may obtain information on the procedures for gaining access to and contesting records from the System Manager.

Contesting record procedures: Same as above.

Record source categories: The information on the cards is gleaned from precedent opinions nationwide as well as those issued from Region VIII.

15
None.

The following are corrections to the Federal Register of Wednesday, August 27, 1975, Part II, Section 1.

OS ASAM PT 1.01

System name: Applicants for Employment Records, HEW/OS.

Security classification: None.

System location: This system is located in personnel offices and other offices of the Department authorized to receive applications for employment. See Personnel Appendix 1.

Categories of individuals covered by the system: Persons who have applied for Federal employment or are employed in the Federal service.

Categories of records in the system: These records contain information relating to the education and training; employment history and earnings; appraisal of past performance; convictions and offenses against the law; results of written tests; appraisal of potential; honors, awards or fellowships; military service; veteran preference, birthplace; birth date; social security number; and home address of persons who have applied for Federal employment or are employed in the Federal service; and correspondence related thereto. These records may also include information concerning the date of application, qualification status, employment consideration, priority grouping, and other information relating to the consideration of the individual for employment.

Authority for maintenance of the system: 5 U.S.C. 1302, 3301, 3302, Executive Order 10577.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records may be used: 1) to respond to requests for information from the Civil Service Commission, Members of Congress, or other inquirers from outside the Department, to the extent their request is comparable

with the purpose for which the records are maintained; 2) to Department of Justice for Freedom of Information consultations; 3) to other federal agencies for Suitability checks; 4) to other federal agencies under subpoena by such agencies as IRS, Civil Rights Commission, etc; 5) to the public where the Department exercises a discretionary release under FOI regulation; 6) to Department of Justice for possible legal action.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on magnetic tapes, punched cards, microfiche, cards, lists, and forms.

Retrievability: Records are indexed by any combination of name, birth date, social security number and identification number. Records are used to refer applicants to officials of the Department for placement in positions for which applicant has applied and is qualified.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Destroy 2 years after date application or correspondence is filed, or incorporate in official personnel folder when applicant enters on duty as a Department employee.

System manager(s) and address: Personnel Officers of the Department. See Personnel Appendix 1.

Notification procedure: Personnel office to which application is made (see Personnel Appendix 1). Individual should provide name, date of birth, social security number, approximate date of record and title of position for which application was made.

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: Information in this system of records is provided by the individual to whom it applies; is derived from information he or she supplied; or is obtained from vouchers supplied by references.

Systems exempted from certain provisions of the act: None.

Appendix 1

Personnel Offices in Department of Health, Education, and Welfare

Department Staff Personnel Office:

Deputy Assistant Secretary for Personnel and Training
Office of Personnel and Training
Assistant Secretary for Administration and Management,
Office of the Secretary
Department of Health, Education, and Welfare
330 Independence Avenue, S. W.
Washington, D. C. 20201

Headquarters Personnel Offices:

Personnel Officer
Division of OS Personnel
Office of the Secretary
Department of Health, Education, and Welfare
Room 4361 - 4th Floor
330 Independence Avenue, S. W.
Washington, D. C. 20201

Personnel Officer
Personnel and Training Division
Office of Education
Department of Health, Education, and Welfare
Room 1087 - FOB06
400 Maryland Avenue, S. W.
Washington, D. C. 20202

Personnel Officer
Personnel Division
National Institute of Education
Department of Health, Education, and Welfare
Room 821 - Marsh Building
1832 M Street, N. W.
Washington, D. C. 20208

Personnel Officer
 Division of Personnel
 Social and Rehabilitation Service
 Department of Health, Education, and Welfare
 Room 2068
 330 C Street, S. W.
 Washington, D. C. 20201

Personnel Officer
 Office of Human Development
 Department of Health, Education, and Welfare
 Room 3742 - Donohoe Building
 400 6th Street, S. W.
 Washington, D. C. 20024

Personnel Director
 Office of Personnel Management
 Public Health Service
 Department of Health, Education, and Welfare
 Room 18A-55 - Parklawn Building
 5600 Fishers Lane
 Rockville, Maryland 20852

Director
 Division of Personnel Management
 Alcohol, Drug Abuse, and Mental Health Administration
 Department of Health, Education, and Welfare
 Room 12105 - Parklawn Building
 5600 Fishers Lane
 Rockville, Maryland 20852

Personnel Officer
 Saint Elizabeths Hospital
 Department of Health, Education, and Welfare
 Room 120 - E Building
 2700 Martin Luther King Avenue, S. E.
 Washington, D. C. 20032

Personnel Director
 Division of Personnel Management
 National Institutes of Health
 Department of Health, Education, and Welfare
 Room 21 - Building 1
 9000 Rockville Pike
 Bethesda, Maryland 20014

Personnel Officer
 Personnel Office
 National Library of Medicine
 Department of Health, Education, and Welfare
 8600 Wisconsin Avenue
 Bethesda, Maryland 20014

Chief
 Personnel Management Branch
 National Cancer Institute
 Department of Health, Education, and Welfare
 Room 3A32 - Building 31
 9000 Rockville Pike
 Bethesda, Maryland 20014

Chief
 Personnel Management Branch
 National Heart and Lung Institute
 Department of Health, Education, and Welfare
 Room 5A32 - Building 31
 9000 Rockville Pike
 Bethesda, Maryland 20014

Director
 Personnel Management
 Health Resources Administration
 Department of Health, Education, and Welfare
 Room 10A-30 - Parklawn Building
 5600 Fishers Lane
 Rockville, Maryland 20852

Director
 Office of Personnel
 Health Services Administration
 Department of Health, Education, and Welfare

Room 14A-30 - Parklawn Building
 5600 Fishers Lane
 Rockville, Maryland 20852

Personnel Director
 Food and Drug Administration
 Department of Health, Education, and Welfare
 Room 10-85 - Parklawn Building HFA-400
 5600 Fishers Lane
 Rockville, Maryland 20852

Personnel Officer
 Bureau of Health Resources Development
 Department of Health, Education, and Welfare
 Room 3C19 - Building 31
 9000 Rockville Pike
 Bethesda, Maryland 20014

Personnel Officer
 Office of the Assistant Secretary for Health
 Department of Health, Education, and Welfare
 Room 5077 - 5th Floor
 330 Independence Avenue, S. W.
 Washington, D. C. 20202

Regional Personnel Offices:

Regional Personnel Officer
 Regional Personnel Office I
 Department of Health, Education, and Welfare
 John F. Kennedy Federal Building
 Government Center - Room 1503
 Boston, Massachusetts 02203

Regional Personnel Officer
 Regional Personnel Office II
 Department of Health, Education, and Welfare
 Federal Building
 26 Federal Plaza
 New York, New York 10007

Regional Personnel Officer
 Regional Personnel Office III
 Department of Health, Education, and Welfare
 3535 Market Street, Room 9460
 Philadelphia, Pennsylvania 19101

Regional Personnel Officer
 Regional Personnel Office IV
 Department of Health, Education, and Welfare
 Room 415
 50 Seventh Street, N. E.
 Atlanta, Georgia 30323

Regional Personnel Officer
 Regional Personnel Office V
 Department of Health, Education, and Welfare
 31st Floor
 300 S. Wacker Drive
 Chicago, Illinois 60606

Regional Personnel Officer
 Regional Personnel Office VI
 Department of Health, Education, and Welfare
 14th Floor
 1114 Commerce Street
 Dallas, Texas 75202

Regional Personnel Officer
 Regional Personnel Office VII
 Department of Health, Education, and Welfare
 Room 468
 601 E. 12th Street
 Kansas City, Missouri 64106

Regional Personnel Officer
 Regional Personnel Office VIII
 Department of Health, Education, and Welfare
 Room 1103
 Federal Office Building
 1961 Stout Street

Denver, Colorado 80202

Regional Personnel Officer
Regional Personnel Office IX
Department of Health, Education, and Welfare
50 Fulton Street
San Francisco, California 94102

Regional Personnel Officer
Regional Personnel Office X
Department of Health, Education, and Welfare
Arcade Plaza
1321 Second Avenue, M/S 627
Seattle, Washington 98101

Chief, Personnel Office
Cleveland Branch Office
Region V
Department of Health, Education, and Welfare
14725 Detroit Avenue, Room 250
Cleveland, Ohio 44107

Other Servicing Personnel Offices:

Personnel Officer
U. S. Public Health Service Hospital
Personnel Section
Department of Health, Education, and Welfare
Carville, Louisiana 70721

Personnel Officer
U. S. Public Health Service Hospital
Personnel Section
Department of Health, Education, and Welfare
440 Avenue N.
Galveston, Texas 77550

Personnel Officer
U. S. Public Health Service Hospital
Personnel Section
Department of Health, Education, and Welfare
1131 14th Avenue South
Seattle, Washington 98114

Personnel Officer
U. S. Public Health Service Hospital
Office of Personnel
Department of Health, Education, and Welfare
Bay and Vanderbilt Streets
Staten Island, New York 10304

Personnel Officer
U. S. Public Health Service Hospital
Personnel Section
Department of Health, Education, and Welfare
15th Avenue and Lake Street
San Francisco, California 94118

Personnel Officer
U. S. Public Health Service Hospital
Personnel Section
Department of Health, Education, and Welfare
77 Warren Street
Boston, Massachusetts 02135

Personnel Officer
U. S. Public Health Service Hospital
Personnel Section
Department of Health, Education, and Welfare
210 State Street
New Orleans, Louisiana 70118

Personnel Officer
U. S. Public Health Service Hospital
Personnel Section
Department of Health, Education, and Welfare
6500 Hampton Boulevard
Larchmont
Norfolk, Virginia 23508

Personnel Officer

U.S. Public Health Service Hospital
Personnel Management Branch
Department of Health, Education, and Welfare
3100 Wyman Park Drive
Baltimore, Maryland 21211

Personnel Officer
Indian Health Service
Personnel Management Branch
Department of Health, Education, and Welfare
P.O. Box 2143
Billings, Montana 59101

Personnel Officer
U. S. Public Health Service Hospital
Personnel Section
Department of Health, Education, and Welfare
4005 Federal Office Building
500 Gold Avenue, S. W.
Albuquerque, New Mexico 87101

Personnel Officer
Indian Health Service
Personnel Management Branch
Department of Health, Education, and Welfare
405 Citizens Building
115 4th Avenue, S. E.
Aberdeen, South Dakota 57401

Personnel Officer
Indian Health Service
Personnel Management Branch
Department of Health, Education, and Welfare
801 East Indian School Road
Phoenix, Arizona 85014

Personnel Officer
Indian Health Service
Personnel Branch
Department of Health, Education, and Welfare
388 Old Post Office and Courthouse
Oklahoma City, Oklahoma 73102

Personnel Officer
Alaska Area Office
Indian Health Service
Department of Health, Education, and Welfare
P. O. Box 7-741
Anchorage, Alaska 99501

Personnel Officer
Indian Health Area Office
Office of Personnel
Department of Health, Education, and Welfare
Room 200
921 S. W. Washington Street
Portland, Oregon 97205

Personnel Officer
Indian Health Service
Office of Personnel
Department of Health, Education, and Welfare
P. O. Box G
Window Rock, Arizona 86515

Personnel Officer
Division of Personnel
Social Security Administration
Department of Health, Education, and Welfare
Room G-2208, West High Rise Building
6401 Security Boulevard
Baltimore, Maryland 21235

Personnel Officer
Bureau of Hearings and Appeals
Social Security Administration
Department of Health, Education, and Welfare
Room 306, Webb Building
4040 B. Fairfax Drive
Arlington, Virginia 22203

OS ASAM PT 2.01

Chief, Personnel Branch
Mid-Atlantic Program Center
Social Security Administration
Department of Health, Education, and Welfare
P. O. Box 12837
Philadelphia, Pennsylvania 19108

Chief, Personnel Branch
Northeastern Program Center
Social Security Administration
Department of Health, Education, and Welfare
P. O. Box 100
San Francisco, California 94101

Chief, Personnel Branch
Southeastern Program Center
Social Security Administration
Department of Health, Education, and Welfare
2001 12th Avenue, North
Birmingham, Alabama 35285

96-05 Horace Harding Expressway
Flushing, New York 11368

Chief, Personnel Branch
Western Program Center
Social Security Administration
Department of Health, Education, and Welfare
Chief, Personnel Branch
Great Lakes Program Center
Social Security Administration
Department of Health, Education, and Welfare
165 North Canal Street
Chicago, Illinois 60606

Chief, Personnel Branch
Mid-America Program Center
Social Security Administration
Department of Health, Education, and Welfare
Room 1466, Federal Office Building
601 East 12th Street
Kansas City, Missouri 64106

Personnel Officer
Albuquerque Data Operations Center
Social Security Administration
Department of Health, Education, and Welfare
P. O. Box 4429, Station 'A'
Albuquerque, New Mexico 87106

Personnel Director
Personnel Management Office
Center for Disease Control
Department of Health, Education, and Welfare
Building 1, Room 153A
1600 Clifton Road, N. E.
Atlanta, Georgia 30333

Personnel Officer
Addiction Research Center
National Institute of Drug Abuse
Department of Health, Education, and Welfare
P. O. Box 12390
Lexington, Kentucky 40511

Personnel Officer
National Institute for Occupational Safety and Health
Department of Health, Education, and Welfare
Room 540
U. S. Post Office and Courthouse

th and Walnut Street
Cincinnati, Ohio 45202

Personnel Officer
National Institute of Environmental Sciences
Department of Health, Education, and Welfare
P. O. Box 12233
Research Triangle Park, North Carolina 27709

System name: Complaints and Inquiries Records - Miscellaneous.
HEW/OS.

Security classification: None.

System location: Personnel offices shown in (See Application for Employment Records, HEW System 1) Appendix 1 and offices of operating officials in organizational units serviced by those personnel offices, in which employees are employed.

Categories of individuals covered by the system: Current Federal employees of the Department.

Categories of records in the system: This system consists of records relating to correspondence concerning an individual's employment status or conduct while employed by the Department. Examples of these records include: correspondence from employees, Members of Congress, and members of the public alleging misconduct by an employee of the Department, miscellaneous complaints not covered by the Department's formal or informal grievance procedure, informal complaints handled by labor union officials, and miscellaneous debt correspondence received from creditors.

Authority for maintenance of the system: Executive Orders 11222, 10561 and 11491.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records may be used: a) to refer, where there is an indication of a violation or potential violation of law, to the appropriate agency, whether Federal, state or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto; b) by the Civil Service Commission in carrying out its functions; c) to respond to Members of Congress and members of the public with regard to complaints or inquiries presented by them; d) to Department of Justice for Freedom of Information consultants; e) to the public where the Department exercises a discretionary release under FOI regulation.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Filed in folders and index cards.

Retrievability: Records are filed by name. Records are used to take action on and respond to a complaint about a DHEW employee; to produce summary descriptive statistics and analytical studies in support of the functions for which the records are collected and maintained and for related personnel management functions or pay studies; and for other purposes compatible with the intent for which the records system was created.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access.

Retention and disposal: Information in this system of records is disposed of 6 months after transfer or separation of employee.

System manager(s) and address: Personnel Officers shown in Appendix to Applicants for Employment Records, HEW System 1 who service organizational units in which individuals are employed.

Notification procedure: Operating officials in organizational unit in which employee is employed or personnel offices shown as systems managers in Appendix 1 Applicants for Employment Records, HEW System 1. Individuals should provide name, organization in which employed, and date of birth.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information in this system of records is obtained: 1) directly from the individual, or 2) derived from information supplied by the individual, or 3) from information supplied by members of the public, other employees, Members of Congress, Department management officials, or 4) from police and court records relevant to the complaint about the employee.

OS ASAM PT 3.01

System name: Conflict of Interest Records System. HEW/OS.

Security classification: None.

System location: Personnel Offices of the Department (See Applicants for Employment Records, HEW System 1) or levels of approving officials to be identified by those Personnel Offices.

Categories of individuals covered by the system: Incumbents of Department positions the duties of which are of such a nature that incumbent's financial interests, debts, ownership of real property or outside employment may come in conflict with the incumbent's official duties.

Categories of records in the system: The Conflict of Interest Records System consists of a variety of records relating to an employee's financial interest, conduct and outside activities. In addition to the name of the employee, SSAN, position title, grade, salary, pay plan, and employing organization, the system includes information about outside employment and financial interests, creditors, interests in real property, outside compensation and related information.

Authority for maintenance of the system: Executive Order 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in this system of records may be used: a) by the Civil Service Commission in carrying out its functions; b) by the Department of Justice for possible legal action.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Conflict of Interest Records are maintained in file folders.

Retrievability: Records are retrievable by name. They are used for the purpose of determining whether an employee's financial interest, conduct or outside activities is in conflict with the employee's duties as a Federal official. They also may be used for production of summary descriptive statistics and analytical studies in support of the functions for which the records are collected and maintained and for other purposes compatible with the intent for which the records system was created.

Safeguards: These records are treated as Personnel-Confidential and made available only to persons specifically authorized to receive them.

Retention and disposal: Information in this records system is disposed of 2 years after the employee leaves a position in which a statement is required or two years after the employee leaves the Department, whichever is earlier, in the case of regular employees. Information for consultants is disposed of five years after termination of consulting services.

System manager(s) and address: Personnel Office of the Department shown in Appendix 1 to Applicants for Employment Record, HEW System 1.

Notification procedure: For incumbents who are in position under the Executive Schedule; Office of the Secretary Staff Office Heads; or Regional Directors:

Deputy Assistant Secretary for Personnel and Training
Office of Personnel and Training
Department of Health, Education, and Welfare
330 Independence Avenue, S. W.
Washington, D. C. 20201

For incumbents of other positions included in this records system, the Personnel Officer shown in Appendix 1 to Applicants for Employment Records, HEW System 1 who services the organizational units in which the individual is employed. The individual should indicate name, position title, grade and series, and organization in which located.

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: Information in this system of records is: 1) supplied directly by the individual, or 2) derived from information supplied by the individual, or 3) supplied by Department officials or other persons such as trustee, attorney, accountant, relative.

OS ASAM PT 4.01

System name: Discrimination Complaints Records System, HEW/OS.

Security classification: None.

System location:

Office of Equal Employment Opportunity, DHEW
330 Independence Avenue, S. W.
Washington, D. C. 20201
Offices of designated EEO Officers in Principal Operating Components, Office of the Secretary, Health Agencies, Education Agencies and Regional Offices. See Personnel Appendix 1 for exact locations.

Categories of individuals covered by the system: Individuals or organizations which have consulted an EEO Counselor or have filed a complaint alleging discrimination on the basis of race, color, religion, sex, national origin or age, because of a determination or decision made by a Department official.

Categories of records in the system: This system of records contains information or documents concerning pre-complaint processing and discrimination complaints. The records consist of counselors' reports, the initial complaints, letters or notices to the individual or organization, record of hearings when conducted, materials placed into the record to support or refute the decision or determination, affidavits or statements, testimonies of witnesses, investigative reports, instructions about action to be taken to comply with decisions, and related correspondence, opinions and recommendations.

Authority for maintenance of the system: Executive Order 11478, P. L. 92-261 and P. L. 93-259.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in the records may be used:

- To respond to a request from a Member of Congress regarding the status of an appeal, complaint or grievance;
- To refer to CSC in connection with an appeal or review;
- For referral where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.
- To request information from a Federal, state or local agency maintaining civil, criminal, or other relevant enforcement files or other pertinent information, such as licenses, if necessary to obtain relevant information for an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.
- To provide information to a Federal agency, in response to its request, in connection with the hiring or retention 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 that matter.
- To unions recognized under Executive Order 11491 when required under the union contract.
- To the public when the Department exercises a discretionary release under FOI regulation.
- To Department of Justice for Freedom of Information consultations.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders, binders, and index cards.

Retrievability: These records are indexed by the names of the individuals or organizations on whom they are maintained. They may be used: to adjudicate an appeal, complaint, or grievance; to provide a basis for a corrective action related to the discrimination situation; 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; and to locate specific individuals for personnel research or other personnel management functions.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access.

Retention and disposal: The records are maintained up to two years after final disposition, after which time, they will be destroyed in accordance with CSC guidelines.

System manager(s) and address: See Personnel Appendix 1 for General Coordinator and appropriate Immediate System Manager.

Notification procedure: Individuals and organizations which have filed complaints or appeals are aware of that fact and have provided a copy of the record. They may, however, write the appropriate immediate system manager indicated above, or the general coordinator if the immediate system manager is unknown, regarding the existence of such records pertaining to them. The inquirers, as appropriate, should provide their name, date of birth, agency in which employed or agency in which the complaint arose if different from employing agency, the approximate date, and the kind of action taken, when making inquiries about records.

Record access procedures: Same as Systems Manager.

Contesting record procedures: Individuals and organizations which have appealed a decision or determination made about conditions existing in the Department have already been provided a copy of the record. The contest, amendment, or correction of an appeal record is permitted during the prosecution of the appeal or complaint by the individual to whom the record pertains. However, after the appeal or complaint case has been closed, the inquirer may gain access to, or contest the official copy of the appeal or complaint record by writing the appropriate immediate system manager indicated above, or the general coordinator if the immediate system manager is unknown.

Record source categories:

- a. Individual to whom the record pertains
- b. Department or other officials
- c. Affidavits or statements from employees
- d. Testimonies of witnesses
- e. Official documents relating to the appeal or complaint
- f. Correspondence from specific organizations or persons.

Personnel Appendix 1

List of Locations and System Managers for EEO Matters

Family Educational Rights and Privacy Act

Department of Health Education and Welfare (General Coordinator)

Director, Equal Employment Opportunity Staff
Room 4766
330 Independence Avenue, S.W.
Washington, D.C. 20201

Immediate Locations and System Managers

Office of the Secretary, Washington
Director, EEO Staff, OS
Room 2038
330 C Street, S.W.
Washington, D.C. 20201

Regional Offices of the Secretary

REGION I

EEO Officer
Room 1500
JFK Federal Building
Boston, Massachusetts 02203

REGION II

EEO Officer
Room 3838-D
26 Federal Plaza
New York, New York 10007

REGION III

EEO Officer
Room 9200
3535 Market Street
Philadelphia, Pennsylvania 19101

REGION IV

EEO Officer
Room 404
50 Seventh Street, N.E.
Atlanta, Georgia 30323

REGION V

EEO Officer
Room, 35th Floor
300 S. Wacker Drive
Chicago, Illinois 60606

REGION VI

EEO Officer
Room 904
1114 Commerce Street
Dallas, Texas 75202

REGION VII

EEO Officer
Room 616D
601 East 12th Street
Kansas City, Missouri 64106

REGION VIII

EEO Officer
Room 10001
1961 Stout Street
Denver, Colorado 80202

REGION IX

EEO Officer
Room 413
50 Fulton Street
San Francisco, California 94102

REGION X

EEO Officer
Room 6068, Arcade Bldg.
1322 Second Avenue
Seattle, Washington 98101

Principal Operating Components and Agencies

Social Security Administration

Director, Special Staff for EEO
Room 739, Administration Bldg.
6401 Security Boulevard
Baltimore, Maryland 21235

Social and Rehabilitation Service

EEO Officer
Room 3413
330 C Street, S.W.
Washington, D.C. 20201

Office of Education

EEO Officer
Room 2117
400 Maryland Avenue, S.W.
Washington, D.C. 20202

National Institute of Education

EEO Officer
Room 717
1200 19th Street, N.W.
Washington, D.C. 20208

Assistant Secretary for Health

EEO Advisor
Room 18-07, Parklawn Bldg.
5600 Fishers Lane
Rockville, Maryland 20852

Health Resources Administration

EEO Officer
Room 10-35, Parklawn Bldg.
5600 Fishers Lane
Rockville, Maryland 20852

Health Services Administration

EEO Officer

Room 1734, Parklawn Bldg.
5600 Fishers Lane
Rockville, Maryland 20852

Food and Drug Administration

EEO Officer
Room 16-B-07, Parklawn Bldg.
5600 Fishers Lane
Rockville, Maryland 20852

Alcohol, Drug Abuse & Mental Health Administration

EEO Officer
Room 18-B-19, Parklawn Bldg.
5600 Fishers Lane
Rockville, Maryland 20208

National Institutes of Health

EEO Officer
Room 2-B-32, Bldg. 31
NIH, Bethesda
Bethesda, Maryland 20014

Center for Disease Control

EEO Officer
Room 2104, Bldg. 1
1600 Clifton Road, N.E.
Atlanta, Georgia 30333

OS ASAM PT 9.01

System name: Grievances Filed Under the Informal Grievance Procedures. HEW/OS.

Security classification: None.

System location: Offices of the immediate supervisors and the first officials within the Department excluding the immediate supervisor, with line authority to decide on the matter grieved. Such offices are located within the organizational units serviced by personnel offices shown in Applicants For Employment Records, HEW System 1, Appendix 1.

Categories of individuals covered by the system: Department employees individually or as a group who have requested personal relief in a matter of concern or dissatisfaction which is subject to the control of Department management.

Categories of records in the system: Information or documents relating to the grievance and personal relief sought; documented materials used in consideration of the grievance, and correspondence related to disposition of the grievance.

Authority for maintenance of the system: 5 U.S.C. 1302, 3301, 3302; Executive Order 10577.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in this system of records may be used:

- a. To refer, where there is an indication of a violation or potential violation of law, to the appropriate agency, whether Federal, state or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.
- b. By the Civil Service Commission in carrying out its functions.
- c. To respond to requests from Members of Congress.
- d. To refer to the Department of Justice for Freedom of Information consultations.
- e. To provide information to the public where the Department exercises a discretionary release under FOI regulations.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained in file folders, binders and index cards.

Retrievability: Records are indexed by name of individual filing the grievance. Records are used to consider and resolve informal grievances and to provide background data to further consideration of grievances if later pursued through formal grievance procedures.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Records are maintained for 6 months to 2 years or upon separation, or transfer of the employee, whichever is sooner, at which time they are destroyed.

System manager(s) and address: Heads of personnel offices which service organizational units in which employees who submit informal grievances are located. See Applicants for Employment Records, HEW, System 1, Appendix 1.

Notification procedure: Individuals who have filed grievances are aware of that fact and have been provided information in writing concerning the disposition of the grievance. They may contact the official who signed the written notice, or the System Manager indicated above. They should provide their name, organization in which employed and date of birth and approximate date of the filing of the informal grievance.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information in this system of records is: 1) supplied directly by the individual, or 2) derived from information supplied by the individual, or 3) supplied by Department officials.

OS ASAM PT 10.01

System name: Grievance Records Filed Under Procedures Established by Labor-Management Negotiations. HEW/OS.

Security classification: None.

System location: Personnel offices shown in Applicants for Employment Records, HEW System 1 Appendix 1 and offices of operating officials in organizational units serviced by those personnel offices.

Categories of individuals covered by the system: Current Federal employees of the Department covered by a collective bargaining agreement.

Categories of records in the system: This system of records consists of a variety of records relating to an employee's grievance filed under procedures established by labor-management negotiations. Examples of information which may be included in this system of records are the employee's name, SSAN, grade, job title, testimony of witnesses, material placed into the record to support the decision, the arbitrator's decision, the arbitrator's report, and a record of an appeal to the Federal Labor Relations Council.

Authority for maintenance of the system: Executive Order 11491 as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in this system may be released to:

1. The Civil Service Commission in carrying out its functions.
2. In accordance with Item (1), Appendix B, 45 CFR 5b.
3. In accordance with Item (3), Appendix B, 45 CFR 5b.
4. In accordance with Item (4), Appendix B, 45 CFR 5b.
5. In accordance with Item (7), Appendix B, 45 CFR 5b.
6. In accordance with Item (8), Appendix B, 45 CFR 5b.
7. The Department of Labor.
8. The Federal Labor Relations Council.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are retrievable by name. They are used to make a determination on and to document a decision made on a grievance filed by an employee under the negotiated grievance procedures. Information from this system may be used by Department officials for preparing statistical, summary or management reports.

Safeguards: Records maintained by management are stored in secured rooms with access limited to those whose official duties require access.

Retention and disposal: As negotiated by the local parties to the contract.

System manager(s) and address: Personnel Officers shown in Applicants for Employment Records, HEW System 1 Appendix 1 who service the organizational unit in which the individual is employed.

Notification procedure: Same as above. Individuals should include their name, grade, title and organizational unit when contacting the system manager.

Record access procedures: Same as above

Contesting record procedures: Same as above.

Record source categories: Information in this system of records is: 1) supplied directly by the individual, or 2) derived from information supplied by the individual, or 3) supplied by testimony of witnesses, or 4) supplied by union officials, or 5) supplied by Department officials.

Systems exempted from certain provisions of the act: None.

OS ASAM PT 12.01

System name: Pay, Leave and Attendance Records. HEW/OS.

Security classification: None.

System location:

Division of Central Payroll
Department of Health, Education, and Welfare
330 Independence Avenue, S. W.
Washington, D. C. 20201

Payroll Liaison Representatives. See Personnel Appendix 1.

Timekeepers in organizational units serviced by Payroll

Liaison Representatives shown in Personnel Appendix 1.

Categories of individuals covered by the system: All paid employees of the Department of Health, Education, and Welfare including PHS Commissioned Corps Personnel.

Categories of records in the system: The Pay and Leave Records system consists of a variety of records relating to pay and leave determinations made about each employee of the Department of Health, Education, and Welfare. In addition to the name of the employee, the system includes information such as the employee's date of birth, social security number, home address, grade or rank, employing organization, timekeeper number, salary, Civil Service Commission retirement fund contributions, pay plan, number of hours worked, annual and sick leave accrual rate and usage, annual and sick leave balance, FICA withholdings, Federal, state and city tax withholdings, Federal Employees Government Life Insurance withholdings, Federal Employees Health Benefits withholdings, garnishment documents, savings allotments, union and management association dues withholdings allotments, savings bonds allotments, and combined Federal Campaign allotments; for Commissioned Corps personnel information such as the allotments; for Commissioned Corps personnel information such as the following is included: years of service, payroll number, base pay, incentive pay, hazardous pay, allowances and Servicemen's Group Life Insurance.

Authority for maintenance of the system: 5 U.S.C. 5501 et. seq., 5525 et. seq., 6301 et. seq.; 42 U.S.C. 201 et. seq.; and P.L. 90-83.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in this system of records is used or may be used:

- To prepare W-2 Forms to submit to the Internal Revenue Service, state and city revenue departments for the purposes of informing them of the employee's earned income and amount of Federal, state and city taxes withheld, if any.
- To refer, where there is an indication of a violation or potential violation of law, to the appropriate agency, whether Federal, state or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.
- By the Civil Service Commission in the performance of its functions.
- By the Department of Labor to make compensation determination in connection with a claim filed by the employee for compensation on account of a job-connected injury or disease.
- To respond to court orders for garnishment of an employee's pay for alimony or child support.
- To respond to orders from IRS for garnishment of an employee's pay for Federal income tax purposes.
- By the Department of Justice for possible legal action.
- To Department of Justice for Freedom of Information Consultations.
- To unions recognized under Executive Order 11491 when required under a union contract.
- To the public when the Department exercises a discretionary release under FOI regulations.
- To the Department of Treasury for the purposes of preparing and issuing employee salary and compensation checks and U.S. Savings Bonds.

l. By state offices of unemployment compensation in connection with claims filed by former DHEW employees for unemployment compensation.

m. To provide pertinent information to other Federal agencies in connection with the transfer or the potential transfer of an employee from one agency to another.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape, microfilm, punch cards and forms.

Retrievability: Records are maintained by pay period and are retrievable by name, SSAN and Timekeeper number within each pay period. They are used to insure that each employee receives the proper pay and allowances; that proper deductions and authorized allotments are made from the employee's salary; that the employee is credited and charged with the proper amount of sick and annual leave. Records are also used to produce summary descriptive statistics and analytical studies in support of the functions for which the records are collected and maintained and for related personnel management functions or pay studies, and for other purposes compatible with the intent for which the records system was created.

Safeguards: Access to and use of these records are limited to personnel whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: A record (continuously updated) is maintained on the data disc for as long as employed. Source document microfilm records are kept 4 years then destroyed. Time card microfilm is kept 5 years then destroyed. Data file microfilm is kept 6 years then destroyed.

System manager(s) and address:

Director, Division of Central Payroll
P. O. Box 1825
Washington, D. C. 20013

Notification procedure: Same as System Manager. Also may contact Payroll Liaison Representatives in Personnel Appendix 1. Provide name, social security number, timekeeper number and pay period about which inquiring.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information in this system of records is 1) supplied directly by the individual, or 2) derived from information supplied by the individual, or 3) supplied by timekeepers and other Department officials.

Systems exempted from certain provisions of the act: None.

Personnel Appendix 1

Division of Central Payroll Liaison Officers

OS
TK RANGE
00010 - 00497

Payroll Liaison Officer
Office of the Secretary
Room 4309 - HEW North Bldg.
330 Independence Avenue, S. W.
Washington, D. C. 20201

OE
TK RANGE
04000 - 04999

Payroll Liaison Officer
Office of Education
Room 3092 - E, FOB 06
400 Maryland Ave., S. W.
Washington, D. C. 20202

NIE
TK RANGE
06000 - 06999

Payroll Liaison Officer
National Institute of Education
Room 821 - Marsh Bldg.
1832 M Street, N. W.

Washington, D. C. 20208

SRS

Payroll Liaison Officer
Social and Rehabilitation Service
Room 1219 - HEW South Bldg.
330 C Street, S. W.
Washington, D. C. 20201

Social Security Administration Headquarters

SSA HQ
TK RANGE
80000 - 89999

Payroll Liaison Officer
SSA Headquarters
Room 1M10, Annex Bldg.
6401 Security Blvd.
Baltimore, Maryland 21235

SSA HQ

Payroll Liaison Officer
BRSI Financial Mgmt. Branch
Room 237, West Bldg.
6401 Security Blvd.
Baltimore, Maryland 21235

SSA
TK RANGE
00620 - 00624

Payroll Liaison Officer
Universal Bldg., Room 93
1875 Connecticut Ave., N. W.
Washington, D. C. 20009

Social Security Administration Program Centers

MID ATLANTIC
MATPC
TK RANGE
20000 - 20499

Payroll Liaison Officer
SSA, HEW Program Center
P. O. Box 12807
Philadelphia, Pennsylvania 19108

NORTH EASTERN
NEPC
TK RANGE
20500 - 20499

Payroll Liaison Officer
SSA Program Center
9605 Horace Harding Expressway
Flushing, New York 11368

SOUTH EASTERN
SEPC
TK RANGE
40000 - 40999

Payroll Liaison Officer
Birmingham Program Center
P. O. Box 1031
Birmingham, Alabama 35201

GREAT LAKES
GLPC
TK RANGE
50000 - 50999

Payroll Liaison Officer
Chicago Program Center
165 North Canal Street
Chicago, Illinois 60606

MID-AMERICAN
MAMPC
TK RANGE
60000 - 60999

Payroll Liaison Officer
601 East 12th Street - Room 1459
Kansas City, Missouri 64106

WESTERN
WPC
TK RANGE
70000 - 70999

Payroll Liaison Officer
San Francisco Program Center
P. O. Box 2000
Richmond, California 94802

Boston
TK RANGE
26086 - 27707

Payroll Liaison Officer
John F. Kennedy Federal Bldg.
SSA
Government Center
Boston, Massachusetts 02203

New York
TK RANGE
27800 - 28435

Payroll Liaison Officer
26 Federal Plaza
Room 737
New York, New York 10007

Philadelphia
TK RANGE
31675 - 32146

Payroll Liaison Officer
P. O. Box 8788
Philadelphia, Pennsylvania 19101

Atlanta
TK RANGE
47115 - 47365

Payroll Liaison Officer
Room 226, Peachtree-Seventh Bldg.
50 7th Street, N. W.
Atlanta, Georgia 30323

Cleveland
TK RANGE
56408 - 56675

Payroll Liaison Officer
Room 100
14725 Detroit Ave.
Cleveland, Ohio 44107

Chicago
TK RANGE
55535 - 56359

Payroll Liaison Officer
SSA Admin. BDOO
300 South Wacker Drive
Chicago, Illinois 60606

Kansas City
TK RANGE
65765 - 66030

Payroll Liaison Officer
Regional Representatives
DHEW SSA
601 E. 12th Street

Kansas City, Missouri 64106

Dallas
TK RANGE
67366 - 67780

Payroll Liaison Officer
DHEW SSA BDOO
Room 624
1114 Commerce Street
Dallas, Texas 75202

Denver
TK RANGE
69100 - 69230

Payroll Liaison Officer
Federal Office Bldg.
19th and Stout Streets
Denver, Colorado 80202

Seattle
TK RANGE
79505 - 79559

Payroll Liaison Officer
DHEW Regional Representatives BDOO
RFK Plaza Bldg.
Seattle, Washington. 98101

San Francisco

Payroll Liaison Officer
DHEW Personnel
50 Fulton Street
San Francisco, California 94102

Baltimore

Payroll Liaison Officer
SSA
Room 245 - Altmeyer Bldg.
6401 Security Blvd.
Baltimore, Maryland 21235

BHA
TK RANGE

Payroll Liaison Officer
Room 335 - Webb Bldg.
801 N. Randolph Street
Arlington, Virginia 22203

Regional Offices

Boston

Payroll Liaison Officer
HEW Personnel
Room 1503
JFK Federal Bldg
Boston, Massachusetts 02203

New York

Payroll Liaison Officer
Room 937
26 Federal Plaza
New York, New York 10007

Philadelphia

Payroll Liaison Officer
Financial Management
P. O. Box 13716
Philadelphia, Pennsylvania 19101

Atlanta

Payroll Liaison Officer
Room 404

50 7th Street, N. E.
Atlanta, Georgia 30323

Chicago

Payroll Liaison Officer
DHEW Personnel
300 S. Wacker Drive
Chicago, Illinois 60606

Dallas

Payroll Liaison Officer
Region VI Personnel Office
DHEW, Room 1410
1114 Commerce Street
Dallas, Texas 75202

Kansas

Payroll Liaison Officer
Office of Regional Directors, DHEW
601 East 12th Street
Kansas City, Missouri 64106

Denver

Payroll Liaison Officer
Room 9019
Federal Office Bldg.
19th and Stout Street
Denver, Colorado 80202

San Francisco

Payroll Liaison Officer
DHEW Personnel
50 Fulton Street
San Francisco, California 94102

Seattle

Payroll Liaison Officer
Regional Personnel Office
RFK Plaza Bldg., MS 627
Seattle, Washington 98101

Cleveland

Payroll Liaison Officer
Room 500
14600 Detroit Ave.
Cleveland, Ohio 44107

Black Lung

Payroll Liaison Officer
Room 423
P. O. Box 2518
Washington, D. C.

Data Operations Center

Payroll Liaison Officer
Room 423
P. O. Box 2518
Washington, D. C.

Data Operations Center

Payroll Liaison Officer
Data Operations Center
P. O. Box 2247
Albuquerque, New Mexico 87103

U. S. Public Health Service Hospitals

San Francisco
TK RANGE
72000 - 72284

Payroll Liaison Officer
USPHS Hospital
15th and Lake Street
San Francisco, California 94118

Seattle
TK RANGE
73000 - 73300

Payroll Liaison Officer
USPHS Hospital
P. O. Box 3145
Seattle, Washington 98114

Staten Island
TK RANGE
23300 - 23840

Payroll Liaison Officer
USPHS Hospital
Bay and Vanderbilt Street
Staten Island, New York 10304

Saint Elizabeths
TK RANGE
08010 - 08910

Payroll Liaison Officer
St. Elizabeths Hospital
Room 120, E Bldg.
2700 Martin Luther King Ave., S.E.
Washington, D. C. 20032

Baltimore
TK RANGE
24500 - 24610

Payroll Liaison Officer
USPHS Hospital
3100 Wyman Park Drive
Baltimore, Maryland 21211

Boston
TK RANGE
23005 - 23250

Payroll Liaison Officer
USPHS Hospital
77 Warren Street
Boston, Massachusetts 02135

Carville
TK RANGE
46500 - 46710

Payroll Liaison Officer
USPHS Hospital
Carville, Louisiana 70721

Galveston
TK RANGE
62000 - 62100

Payroll Liaison Officer
USPHS Hospital
4400 Avenue N.
Galveston, Texas 77550

New Orleans
TK RANGE
46000 - 46415

Payroll Liaison Officer
USPHS Hospital
210 State Street
New Orleans, Louisiana 70118

Norfolk
TK RANGE
24900 - 25155

Payroll Liaison Officer
USPHS Hospital
6500 Hampton Blvd.
Norfolk, Virginia 23508

Indian Health Service

Aberdeen
TK RANGE
53400 - 53490

Payroll Liaison Officer
PHS Indian Health Service
Room 300 - Citizens Bldg.
Aberdeen, South Dakota 57401

Albuquerque
TK RANGE
62700 - 63325

Payroll Liaison Officer
Albuquerque Indian Health Service
Federal Office Bldg. and U. S. Courthouse
Room 4006
500 Gold Avenue
Albuquerque, New Mexico 87101

Anchorage
TK RANGE
74005 - 75450

Payroll Liaison Officer
Alaska Native Medical Center
P. O. Box 7-741
Anchorage, Alaska 99501

Billings
TK RANGE
53900 - 54155

Payroll Liaison Officer
Indian Health Area Office
P. O. Box 2134
Billings, Montana 59103

Oklahoma
TK RANGE
63400 - 63985

Payroll Liaison Officer
Oklahoma City Area
Indian Health Service
388 Old Post Office and Courthouse Bldg.
Oklahoma City, Oklahoma 73102

Saratoga
TK RANGE
63917

Payroll Liaison Officer
Indian Health Service
1970 Main Street
Saratoga, Florida 33577

Phoenix
TK RANGE
73501 - 73519
73521 - 73952

Payroll Liaison Officer
Phoenix Area Indian Health
801 E. Indian Medical Center
Phoenix, Arizona 85021

Phoenix
TK RANGE
73520

Payroll Liaison Officer
Phoenix Indian Medical Center
4212 No. 16th Street

Phoenix, Arizona 85016

Tucson

Payroll Liaison Officer
IHS - HPSC
P. O. Box 11340
Tucson, Arizona 85734

Public Health Service

CDC
TK RANGE
45000 - 45600
74005 - 74085

Payroll Liaison Officer
Center for Disease Control
Financial Management
1600 Clifton Road, N. E.
Atlanta, Georgia 30330

NIH
TK RANGE
10010 - 16571

Payroll Liaison Officer
National Institutes of Health
Room B1B, Bldg. 11
9000 Rockville Pike
Bethesda, Maryland 20014

FDA
TK RANGE
09000 - 09934

Payroll Liaison Officer
FDA Payroll Liaison Office
Accounting Systems & Procedures Branch
CA - 130., Room 11057 - Parklawn Bldg.
5600 Fishers Lane
Rockville, Maryland 20852

NIOSH (CDC)
TK RANGE
03500 - 03579
03600 - 03608
52936 - 52949
52930 - 52935
69120

Payroll Liaison Officer
DHEW, CDC, NIOSH
Financial Mgmt. Branch
Parklawn Bldg.
DANAC 3 - 32 F
5600 Fishers Lane
Rockville, Maryland 20852

NIH

Payroll Liaison Officer
National Institute of Environmental Health Sciences, NIH
P. O. Box 12233
Research Triangle Park
North Carolina 27709

HSMHA
TK RANGE
02000 - 03878

Payroll Liaison Officer
HSMHA (Parklawn)
Room 1649 - Parklawn Bldg.
5600 Fishers Lane
Rockville, Maryland 20852

NIMH
TK Range
03900 - 03999
52000 - 52120

Payroll Liaison Officer
NIMH
Room 1399 - Parklawn Bldg.
5600 Fishers Lane
Rockville, Maryland 20852

DHEW HSA FHPS
TK RANGE
03400 - 03420

Payroll Liaison Officer
Administrative Asst.
6525 Belcrest Road
West Hyattsville, Maryland 20782

OS ASAM PT 13.01

System name: Personnel Records in Operating Offices. HEW/OS.

Security classification: None.

System location: Operating Offices of the Department at the organizational level of the individual's employment. Such offices are located within organizational components serviced by personnel offices shown in Applicants for Employment Records, HEW System 1, Appendix 1.

Categories of individuals covered by the system: Current employees of the Department.

Categories of records in the system: This system consists of a variety of records relating to personnel actions and determinations made about an individual while employed. These records may contain information about an individual relating to name; birth date; home address; telephone number; emergency addressee; social security number; veterans preference; tenure; work connected injuries; handicap code; employment history; qualifications background; past and present salaries, grades and position titles; training; awards and other recognition; counseling; performance appraisal; conduct; pay and leave; and data documenting reasons for personnel actions, decisions or recommendations made about an employee; and background data and documentation leading to an adverse action being taken against an employee.

Authority for maintenance of the system: 5 U.S.C. 1302, 2951, 4118, 4308, 4506, 7501, 7511, 7521 and Executive Order 10561.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records may be used:

1. By an agency of the Federal Government having oversight or review with regard to Civil Service Commission activities.
2. In the event an appeal is made outside the Department, records which are relevant may be referred to the appropriate agency charged with rendering a decision on the appeal.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, magnetic tape, and index cards.

Retrievability: Records are indexed by any combination of name, birth date, social security number, or identification number. Records are used by operating officials in carrying out their personnel management responsibilities. They may be used in this connection in recommending or taking personnel actions such as are related to appointments, transfers, promotions, reassignments, adverse actions; as a base for employee development, training, recognition, reprimands, and disciplinary actions; for making decisions on employee complaints; and as a base for staffing and budgetary planning and control, organizational planning, and for manpower utilization purposes; and for preparing statistical or summary reports. They may also be used by appropriate officials in making decisions on grievances, appeals and adverse actions.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access.

Retention and disposal: Retained during the period of employment of the individual. Destroyed or transferred to the Official Personnel Folder, as appropriate, when an individual resigns, transfers or is separated from the Federal service.

System manager(s) and address: Personnel Officers of the Department. See Applicants for Employment Records, HEW, System 1, Appendix 1.

Notification procedure: Immediate supervisors of individuals or the administrative offices of the organizational units in which employed. The system manager shown above may also provide further information concerning the existence of this system of records. Individuals should provide their name, social security number, and organization in which employed.

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: Information in this system of records either comes from the individual to whom it applies, is derived from information he supplied, or is provided by Department officials.

Systems exempted from certain provisions of the act: None.

OS ASAM PT 15.01

System name: Suitability for Employment Records. HEW/OS.

Security classification: None.

System location: Personnel Offices shown in Applicants for Employment Records, HEW, System 1, Appendix 1.

Categories of individuals covered by the system: Federal employees of the Department.

Categories of records in the system: This system consists of a variety of records relating to an employee's suitability for employment in terms of character, reputation and fitness, including letters of reference, responses to pre-employment inquiries, National Agency Checks and Inquiries material received from the Civil Service Commission relating to non-sensitive positions, qualifications and character investigations, and other information which may relate to the suitability of the employee for the position.

Authority for maintenance of the system: 5 U.S.C. 3301, 3302, 7301; Executive Order 10577; Executive Order 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records may be used:

- By the Civil Service Commission in carrying out its functions.
- By other Federal agencies having an interest for employment purposes and a need to evaluate qualifications, and suitability.
- To Department of Justice for possible legal action.
- To Department of Justice for Freedom of Information Consultations.
- To other Federal agencies for suitability checks.
- To the public where the Department exercises a discretionary release under FOI regulation.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by any combination of name, birth date, Social Security Number, or identification number. Information in these records is used by designated appointing and selecting authorities to determine an individual's suitability for employment by consideration of factors present in such records.

Safeguards: During the employment of the individual, records are maintained in confidential files separate from the Official Personnel Folder and are located in lockable metal file cabinets or in metal file cabinets in secured rooms with access limited to those whose official duties require access.

Retention and disposal: NACI information is retained during the period of employment with the Department and upon transfer or separation of employee, is returned to the Civil Service Commission. Other records are retained during the period of employment or for two years whichever is earlier. After that time they are destroyed.

System manager(s) and address: Heads of personnel offices which service organizational units in which individual is employed. See Applicants For Employment Records, HEW, System 1, Appendix 1.

Notification procedure: Same as above. Individuals should indicate name, Social Security Number, date of birth, and organization in which employed.

Record access procedures: Current Department employees should contact the appropriate system manager shown above. Former Department employees who are employed by the Federal Government who wish to gain access or contest the records maintained on them

while employed by the Department should contact the appropriate official of their current employing agency in accordance with the appropriate records system notice of that agency. Former Department employees who have separated from Federal service should direct a request to:

National Personnel Records Center
General Services Administration
111 Winnebago Street
St. Louis, Missouri 63118

Contesting record procedures: Same as above.

Record source categories: Information contained in the system is obtained from the categories of sources:

- Applications and other personnel and security forms furnished by the individual.
- Information furnished by other Federal agencies.
- Information provided by sources such as, employers, schools, references, former employers.

Systems exempted from certain provisions of the act: Individuals will be provided information from the above record system except when in accordance with the provisions of 5 U.S.C. 552a(k)(5); 1. disclosure of such information would reveal the identity of a source who furnished information to the Government under a express promise that the identity of the source would be held in confidence, or 2. if the information was obtained prior to the effective date of Section 3, P. L. 93-579, disclosure of such information would reveal the identity of a source who provided information under an implied promise that the identity of the source would be held in confidence.

OS ASAM PT 16.01

System name: Training Manpower Information System. HEW/OS.

Security classification: None.

System location:

Department of Health, Education, and Welfare
330 Independence Avenue, S. W.
Washington, D. C. 20201

Categories of individuals covered by the system: All employees who receive training in a course which was more than 8 hours in length and which was authorized under the authority of the Government Employees Training Act.

Categories of records in the system: The Training Management Information System consists of a variety of records relating to training received by an employee. In addition to the name of the employee, the system includes information about the employee's Social Security Account Number, position title, grade, salary, pay plan, series, tenure, years of continuous service, hours of prior non-government training, nature of training taken, cost of training and dates of training.

Authority for maintenance of the system: 5 U.S.C. 4101 et. seq.; Executive Order 11348.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in this system of records is used:

- By Department officials to refer, where there is an indication of a violation or potential violation of law, to the appropriate agency, whether Federal, state or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.
- By the Civil Service Commission in carrying out its functions.
- To Department of Justice for possible legal action.
- To Department of Justice for Freedom of Information consultations.
- To unions recognized under Executive Order 11491 where required under the union contract.
- To the public where the Department exercises a discretionary release under FOI regulation.
- To other Federal agencies or private organizations to authorize training.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data tape.

Retrievability: Records are indexed by any combination of name, birth date, SSAN or transaction number. Information is used to maintain a history of training of the individual during his employment with the Department, as a basis for determining future train-

ing needs of the individual, for evaluating the Department's training program, for auditing and budgetary planning purposes and for related analytical and operational personnel management functions.

Safeguards: The information is available only to authorized personnel. Personnel screening is used to prevent unauthorized disclosure.

Retention and disposal: Retained in the data file until separation of employee from the Department. Training records are retained indefinitely in the Official Personnel Folder.

System manager(s) and address:

Deputy Assistant Secretary for Personnel and Training
Office of Personnel and Training
Department of Health, Education, and Welfare
330 Independence Avenue, S.W.
Washington, D. C. 20201

Notification procedure: Contact the Deputy Assistant Secretary for Personnel and Training for information. The individual should indicate name, position title, grade and series and organization in which located.

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: Information in this system of record is: 1) supplied directly by the individual, or 2) derived from information supplied by the individual, or 3) supplied by Department or by source of training officials.

Systems exempted from certain provisions of the act: None.

OS ASAM PT 17.01

System name: Volunteer EEO Support Personnel Records.
HEW/OS.

Security classification: None.

System location:

Office of Equal Employment Opportunity, DHEW
330 Independence Avenue, S. W.
Washington, D. C. 20201

Offices of the designated EEO Officers in Principal Operating Components, Office of the Secretary, Health Agencies, Education Agencies and Regional Offices. See Discrimination Complaints Records System, HEW System 4 Appendix 4 for exact locations.

Categories of individuals covered by the system: Individuals who have volunteered or have been proposed for duty as EEO Counsellors and discrimination complaint investigators on a part-time basis.

Categories of records in the system: This system of records contains information or documents concerning personal characteristics of EEO counsellors and investigators. The records consists of the name and other identifying data, title, location, training received, information concerning qualifying background, case assignments, and evaluations of EEO counsellors and investigators serving on a part-time basis, and related information.

Authority for maintenance of the system: Executive Order 11478, P. L. 92-261, P. L. 93-259.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in the records may be used:

- To provide resource to another Federal agency, in response to its request for loan of investigators or counsellors.
- To provide information to another Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, to issuance of a license, grant, or other benefit by the requesting agency to the extent that it is necessary and relevant to the requesting agency's decision on that matter.
- To unions recognized under Executive Order 11491 when required under the union contract.
- By the Civil Service Commission in carrying out its functions.
- To the Department of Justice for possible legal action.
- To the Department of Justice for Freedom of Information consultations.
- To the public when the Department exercises a discretionary release under FOI regulation.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders, binders and index cards.

Retrievability: These records are indexed by the names of the individuals on whom they are maintained. They may be used: for identification, location and determination of availability of volunteer counsellors and investigators for assignment to counsel complaints and to investigate complaints; to respond to inquiries regarding availability of counsellor resources or determination regarding location and the jurisdictional propriety of an investigator resource; for determining training needs of EEO counsellors and investigators; to provide 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; and to locate specific individuals for personnel research or other personnel management functions.

Safeguards: Access to and use of these records are limited to those persons whose official duties require access.

Retention and disposal: The records are maintained up to one year after volunteer has terminated his services, at which time they are destroyed.

System manager(s) and address: See Discrimination Complaints Records System, HEW System 4 Appendix 4 for General Coordinator and appropriate Immediate System Manager.

Notification procedure: Individuals who have volunteered or been proposed as counsellors or investigators are aware of that fact and the information contained in the record. They may, however, write the immediate system manager or coordinator indicated above regarding the existence of such records pertaining to them. The inquirers, as appropriate, should provide to the immediate system manager or coordinator, their name, agency in which they were proposed or served when making inquiries about records.

Record access procedures: Individuals who have been certified as counsellors or investigators on a part-time basis have either provided the information themselves or are aware of the information. The inquirer, who has been certified as a counselor or investigator may gain access to or contest the official record by writing the immediate system manager or coordinator indicated above.

Contesting record procedures: Contact Systems Manager.

Record source categories:

- Individuals to whom the record pertains
- Department or other officials
- Official documents relating to appointments and case assignments as counselors and investigators
- Correspondence for specific persons or organizations
- Formal reports submitted by the individual in the performance of official volunteer work.

15

None. /*

E ASE NC 211

System name: Occupational and Educational Attainments of 1974-1975 College Graduates.

Security classification: None.

System location:

Room 3067 - FOB 06
400 Maryland Avenue, SW
Washington, D.C. 20202

11600 Nebel Street
Rockville, Maryland 20852

Categories of individuals covered by the system: Sample of recent (7/74-6/75) graduates (bachelors and masters) with emphasis on persons prepared to teach from a nationally representative sample of 200 4-year colleges surveyed in winter 1975-76.

Categories of records in the system: Name, address, college, major field of study, date of graduation, age, sex, occupational and educational statuses, career orientation.

Authority for maintenance of the system: 20 USC 1221e-1

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Released to contractors for data gathering, processing and analysis.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Survey forms, lists and tapes will be stored in locked cabinets in contractor's and/or project sponsor's offices.

Retrievability: Data will ordinarily not be retrieved in personally identifiable form. Each respondent will be assigned a unique case

number. Name and number will be kept in one place; number and questionnaire data will be kept in another physically separate place. Use is by authorized agency personnel and contractors only. Individual identifiers are associated with data only for purposes of data gathering, matching new data with old, establishing sample composition, and authenticating data collections or obtaining missing data. Data are collected for statistical purposes only, and not for the determination of any individual's benefit or entitlements.

Safeguards: Access restricted to authorized agency and contractor personnel; data will be kept in locked files or desks. Exception: Subject to disclosure requirements of Privacy Act.

Retention and disposal: Tapes will be retained for use in 1978 follow-up.

System manager(s) and address:

Statistician, EMSB
Room 3067 - FOB 06
400 Maryland Avenue, SW
Washington, D.C. 20202

Notification procedure: System manager will respond to inquirers. For general inquiries specify name of school and individual; system name and I.D. number.

Record access procedures: Same as above.

Contesting record procedures: Contact System Manager.

Record source categories: Individuals and schools who voluntarily participate in survey.

Systems exempted from certain provisions of the act: None.

E ASE NC 231

System name: Operation Follow-Up, The National Longitudinal Study of the High School Class of 1972. HEW E.

Security classification: None.

System location:

P.O. Box 12194
Research Triangle Park, North Carolina 27709

Room G-721, HEW North
330 Independence Avenue, SW
Washington, D.C. 20201

Room 3066, 400 Maryland Avenue, SW
Washington, D.C. 20202

Categories of individuals covered by the system: Members of the High School Class of 1972 who volunteered to participate in the National Longitudinal Study. Respondents have completed survey forms on several occasions since their graduation from high school.

Categories of records in the system: Name, address, high school, family income, employment history, postsecondary education, aspirations, career plans and other data, updated periodically over the last four years.

Authority for maintenance of the system: 20 U.S.C. 1221e-1.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Released to contractors for data gathering, processing, and analysis.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data are stored on computer tapes and disks, microfilm, and paper files.

Retrievability: Data are stored by 6 digit code assigned by NCES. In order to retrieve data by identifier, three different tapes must be used. These are three physically separate files which may only be used by the authorized agency or contractor personnel. Individual identifiers are associated with data only for purposes of data gathering, matching new data with old, establishing sample composition, and authenticating data collections or obtaining missing data. Data are collected for statistical purposes only, and not for the determination of any individual's benefits or entitlements.

Safeguards: The microfilm is stored under locked file. The tapes must be used in conjunction with a program to decrypt names and addresses. There is restricted access to computer facilities and information. Computer tapes not found at the computation facility are kept in locked storage. Data are available to authorized agency and contractual personnel. Exception: subject to disclosure requirements of Privacy Act.

Retention and disposal: Identifiers will be kept until completion of the last survey.

System manager(s) and address:

Project Director
National Longitudinal Study of the High School Class of 1972
Room 3066, FOB-6
400 Maryland Avenue, SW,
Washington, D.C. 20202

Notification procedure: System Manager (see above) will respond to inquirers. Persons making the requests should state their full name, 6 digit NLS ID number, address, high school attended, and the name of system.

Record access procedures: Same as above.

Contesting record procedures: Contact System Manager.

Record source categories: Data were collected voluntarily from individuals through mail-out questionnaires and personal interviews. Additional data were collected from high school records.

Systems exempted from certain provisions of the act: None.

E ASE NC 232

System name: Concept 71, The National Longitudinal Study of the High School Class of 1972. HEW E.

Security classification: None.

System location:

P.O. Box 12194
Research Triangle Park, North Carolina 27709

Room G-721, HEW North
330 Independence Avenue, SW
Washington, D.C. 20201

Room 3066, 400 Maryland Avenue, SW
Washington, D.C. 20202

Categories of individuals covered by the system: Members of the High School Class of 1972 who volunteered to participate in the National Longitudinal Study. Respondents have completed survey forms on several occasions since their graduation from high school.

Categories of records in the system: Name, address, social security number, high school, family income, employment history, postsecondary education, aspirations, career plans and other data, updated periodically over the last four years.

Authority for maintenance of the system: 20 U.S.C. 1221e-1.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Released to contractors for data gathering, processing, and analysis.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data are stored on computer tapes and disks, microfilm, and paper files.

Retrievability: Data are stored by 6 digit code assigned by NCES. In order to retrieve data by identifier, three different tapes must be used. These are three physically separate files which may be used only by the authorized agency or contractor personnel. Individual identifiers are associated with data only for purposes of data gathering, matching new data with old, establishing sample composition, and authenticating data collections or obtaining missing data. Data are collected for statistical purposes only, and not for the determination of any individual's benefits or entitlements.

Safeguards: The microfilm is stored under locked file. The tapes must be used in conjunction with a program to decrypt names and addresses. There is restricted access to computer facilities and information. Computer tapes not found at the computation facility are kept in locked storage. Data are available only to authorized agency and contractual personnel. Exception: subject to disclosure requirements of Privacy Act.

Retention and disposal: Identifiers will be kept until completion of the last survey.

System manager(s) and address:

Project Director
National Longitudinal Study of the High School Class of 1972
Room 3066, FOB-6

400 Maryland Avenue, SW
Washington, D.C. 20202

Notification procedure: System Manager (see above) will respond to inquirers. Persons making the requests should state their full name, 6 digit NLS ID number, address, high school attended, and the name of system.

Record access procedures: Same as above.

Contesting record procedures: Contact System Manager.

Record source categories: Data were collected voluntarily from individuals through mail-out questionnaires and personal interviews. Additional data were collected from high school records.

Systems exempted from certain provisions of the act: None.

E OE EDA 2

System name: Consultants used in Production of Film on New Opportunities in Education for Women. HEW E.

Security classification: None.

System location:

U.S. Office of Education
Office of Public Affairs
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Categories of individuals covered by the system: Anyone in the general population who is involved in, or aware of, activities that might relate to the film.

Categories of records in the system: Name, address, phone number, education, work history and a description of activities performed that might be used in film.

Authority for maintenance of the system: 44 USC 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To contractors for services and analysis of the records by authorized personnel. For uses 1,2,3,5,6,8,9,101 and 102 in Appendix B of the Departmental Regulations (45 CFR 5b).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained on paper and are filed in a standard filing cabinet.

Retrievability: Retrieved by name by Office of Public Affairs staff involved in the production of the film (including prime contractor) for the purpose of researching the contents of the film.

Safeguards: Staff of Office of Public Affairs has access for the purpose of producing a final document. System is stored in a file cabinet or folder in a building that is guarded at night. Exception: Subject to disclosure requirements of Privacy Act.

Retention and disposal: All background material will be disposed of 7 years after release of final film prints. The records may be destroyed by maceration, burning, or other appropriate means by the General Services Administration Records Center.

System manager(s) and address:

Project Officer, Public Affairs Contracts
Room 4159
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Notification procedure: System manager (see above) will respond to inquirers. Individual must provide system I.D. number and name.

Record access procedures: Contact system manager.

Contesting record procedures: Same as above.

Record source categories: Selection of names and method of inquiry are random. Information provided by the individual is both voluntary and solicited.

Systems exempted from certain provisions of the act: None.

E OE EDF 2

System name: American College Testing Service National Sample of 1972-73 High School Juniors. HEW E.

Security classification: None.

System location:

P.O. Box 168
Iowa City, Iowa 52240
and
111 Prospect Street
New Haven, Connecticut 06520

Categories of individuals covered by the system: Individuals included in 1972-73 American College Testing Service National Sample of High School Juniors.

Categories of records in the system: Name, address, high school attended, education, marital status, labor force status, and college (if any) attended.

Authority for maintenance of the system: Section 416 of the General Education Provisions Act as amended (20 USC 1226b).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For use 9 in appendix B of the Departmental Regulations (45 CFR 5b).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The data are stored on magnetic tape which is locked in a metal filing cabinet.

Retrievability: Data indexed by name, address, and high school. Data are used by authorized agency personnel in the design and administration of a follow-up survey and in statistical analyses.

Safeguards: Tapes and coded list are kept in a locked room. Access is restricted to authorized personnel only. Exception: Subject to disclosure requirements of Privacy Act.

Retention and disposal: List of names will be kept indefinitely for purposes of future follow-up surveys.

System manager(s) and address:

ACT Follow-up Project Manager
U.S. Office of Education
Room 4079, 400 Maryland Avenue, S.W.
Washington, D.C. 20202

Notification procedure: Written inquiries must be made to the system manager at the address above and must include the inquirer's name, address, high school attended, dates of previous correspondence (if any) and the system ID number and name.

Record access procedures: Contact system manager.

Contesting record procedures: Contact system manager.

Record source categories: Information is obtained from questionnaires completed by high school principals and parents. All data are furnished on a voluntary basis.

Systems exempted from certain provisions of the act: None.

E OE EDF 3

System name: Participants in ESEA Title VII Bilingual Education Program National Impact Evaluation of Elementary Programs - HEW/E.

Security classification: None.

System location:

P.O. Box 1113
1791 Arastradero Road
Palo Alto, California 94302

Categories of individuals covered by the system: Elementary school students in grades 2, 3, 4, 5, and 6 during school year 1975-76 (and possibly 1976-77) in schools participating in the evaluation of ESEA Title VII bilingual elementary programs.

Categories of records in the system: Name, school, grade, name of teacher, school district, scores of pre-and/or post tests in English language, Spanish language, and mathematics.

Authority for maintenance of the system: Section 416 of the General Education Provisions Act as amended (20 USC 1226b) and Section 731(c) of P.L. 93-380 (20 USC 880 b-10).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For use 9 in Appendix B of the Departmental Regulations (45 CFR 5b). Student achievement test scores to appropriate school districts for their own internal project evaluation.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained on paper and on magnetic tape and are stored in locked metal filing cabinets.

Retrievability: Student name and ID number are kept in one file. In a separate file, the data base itself is kept; data are indexed by Student ID number only. These data contain further identifiers based on district, school building, grade and classroom. A separate file will indicate what kinds of data were collected on the total student population at different points in time. The data base file consists of computer tapes. Test instruments will be kept stored separately, indexed by type of data, district, school building, grade and classroom. Retrieval by Contractor for purposes of analysis and further data collection. Retrieval may be done by Contractor for System Manager for purposes consistent with this evaluation and the Privacy Act.

Safeguards: The student name and ID number 'link' file is kept separately from the data base. Access to this file, which is kept under locke is restricted to the data base manager and to senior project staff, i.e., the project director and the principal investigator. The 'link' file will be utilized only during the data-collection and data-analysis phases and will be destroyed once the data analysis for the study has been completed. Exception: Subject to disclosure requirements of the Privacy Act. Before any data are released by the Contractor to the Government, not only will the link file be destroyed, but entirely new randomly assigned code numbers will be applied to each student data record. It will be done in such a way that not even the district from which the student's record comes will be identifiable. This will eliminate any possible remaining connection between student name on the one hand and the student records provided to the Government on the other hand.

Retention and disposal: All data will be destroyed upon completion of contract requirements. Paper files will be destroyed by maceration and magnetic tapes will be erased.

System manager(s) and address:

Program Officer
Bilingual Impact Evaluation
U.S. Office of Education
Room 4087, 400 Maryland Avenue, S.W.
Washington, D.C. 20202

Notification procedure: System manager (see above) will respond to inquirers. Individual must provide student name, district name, school, name of teacher, dates on which student was a participant in project, system name and ID number.

Record access procedures: Contact System Manager.

Contesting record procedures: Contact system manager.

Record source categories: Data are obtained from tests administered to students.

Systems exempted from certain provisions of the act: None.

E OE EDH 101

System name: Interpreters of the Deaf, National Advisory Committee on the Handicapped. HEW E.

Security classification: None.

System location:

Room 2604 ROB 3
7th and D Streets, S.W.
Washington, D.C. 20202

Categories of individuals covered by the system: Interpreters of the Deaf used by the National Advisory Committee on the Handicapped (NACH) and the National Advisory Committee on Education of the Deaf or might be used by the NACH.

Categories of records in the system: Name, address, social security number, phone number, correspondence, background information, requisition of services.

Authority for maintenance of the system: P.L. 92-463, Sec. 12, (b)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: System is maintained in paper files and stored in file cabinet.

Retrievability: This system is accessed by area of expertise and then by name. The NACH staff uses this system to obtain the necessary interpreters for the deaf person(s) on the NACH while attending NACH meetings or representing NACH.

Safeguards: System is available only to Bureau or NACH staff briefed on use of system. Exception: Subject to disclosure requirements of Privacy Act.

Retention and disposal: Continuing records, updated periodically.

System manager(s) and address:

Executive Secretary
National Advisory Committee on the Handicapped
Bureau of Education for the Handicapped
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Notification procedure: System manager (see above) will respond to inquiries. Requestor should provide name, address, system I.D. and system name.

Record access procedures: Contact System Manager.

Contesting record procedures: Contact System Manager.

Record source categories: Individual data subject himself (interview by phone) and by other interpreters of the deaf.

Systems exempted from certain provisions of the act: None.

E OE EDH 102

System name: Presidential Scholars Files of Selected Participants. HEW E.

Security classification: None.

System location:

ROB 3, Room 2006
7th and D, S.W.
Washington, D.C. 20202

Categories of individuals covered by the system: Selected Participants for the Presidential Scholars Program 1964-1975.

Categories of records in the system: Name, address, school grades, test scores, biographical information supplied by student, recommendations by principal.

Authority for maintenance of the system: Executive Order No. 11155, Sec. 4.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To Commission on Presidential Scholars for historical archives and current data to be used for annual selection of scholars; to authorized agency officials and employees as well as contracting officers which change yearly for arrangements for Presidential Scholars activities during their visit to Washington, D.C.; to researchers for specific and/or longitudinal studies; to authorized agency officials and employees for public affairs, press releases, etc.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are kept in file cabinets in paper files.

Retrievability: By name, state, and year of selection.

Safeguards: Used only by authorized personnel for specific purposes with permission of individual whose name is on file.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address:

Deputy Director, Office of Gifted and Talented
Office of Education
400 Maryland Avenue
Washington, D.C. 20202

Notification procedure: Contact system manager. Requester should provide name, address, system I.D., and system name.

Record access procedures: Contact system manager.

Contesting record procedures: Contact system manager.

Record source categories: Individual data subject himself by questionnaire. Records of College Entrance Examination Board containing information about the data subject individual from their test performance and their answers to questionnaires. Recommendations from school principal with permission of data subject.

Systems exempted from certain provisions of the act: None.

E OE EDH 103

System name: Field Readers to the Office of the Gifted and Talented. HEW E.

Security classification: None.

System location:

Regional Office Building
Room 2006
7th and D, S.W.
Washington, D.C. 20202

Categories of individuals covered by the system: Experienced persons in the education of gifted and talented.

Categories of records in the system: Name, address, social security number, educational record, employment record, professional qualifications.

Authority for maintenance of the system: P.L. 93-579

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in paper files and stored in file cabinet.

Retrievability: By name.

Safeguards: Available only to program staff, who are briefed on the use of the system.

Retention and disposal: Revised yearly, inactive files destroyed.

System manager(s) and address:

Director, Office of Gifted and Talented
Office of Education
Regional Office Building 3, Room 2006
7th and D, S.W.
Washington, D.C. 20202

Notification procedure: Contact system manager. Requestor should provide Federal Register identifier, name of system, and name of inquirer.

Record access procedures: Contact system manager.

Contesting record procedures: Contact system manager.

Record source categories: Individual data subject himself by information received from data subject on curriculum vitae or other evidence of expertise.

Systems exempted from certain provisions of the act: None.

E OE EDH 208

System name: Field Reader Retrieval System, Bureau of Education for the Handicapped. HEW E.

Security classification: None.

System location:

Room 2012 ROB 3
7th and D Streets, S.W.
Washington, D.C. 20202

Categories of individuals covered by the system: Experts in special education and related disciplines.

Categories of records in the system: Name, address, social security number, phone number, areas of expertise, variable additional data.

Authority for maintenance of the system: Education of the Handicapped Act: Public Law 91-230, Title VI, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Basic information is coded on a TREND Keydex system. Updated vitae, addresses, etc. are maintained in paper files.

Retrievability: This system is generally accessed by area of expertise, but may be accessed by name or identifying number.

Safeguards: System is available only to Bureau program staff briefed on use of system.

Retention and disposal: Continuing records, updated periodically.

System manager(s) and address:

Program Manager
Handicapped Research Program
Bureau of Education for the Handicapped
400 Maryland Avenue, S.W.
Washington, D. C. 20202

Notification procedure: Contact System Manager. Requestor should provide name, address, system I.D. and system name.

Record access procedures: Contact System Manager.

Contesting record procedures: Contact System Manager.

Record source categories: Individual data subject himself by submission of request to be included, curriculum vita, and/or other evidence of areas of expertise.

Systems exempted from certain provisions of the act: None.

E OE EDH 209

System name: Learning Disabilities Mailing List of Potential Applicants for Funding, Bureau of Education for the Handicapped. HEW E.

Security classification: None.

System location:

Room 2036 ROB
7th and D Streets, S.W.
Washington, D. C. 20202

Categories of individuals covered by the system: Individuals and organizations interested in applying for funding for model demonstration centers.

Categories of records in the system: Name, address, phone number.

Authority for maintenance of the system: Education of the Handicapped Act, Public Law 91-230, Title VI, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Card index kept in file cabinet.

Retrievability: This system is generally accessed by name, but may be accessed by State.

Safeguards: System is available only to Bureau program staff briefed on use of system.

Retention and disposal: Continuing records, retained for one year past the contract application data, then disposed of in trash.

System manager(s) and address:

Program Manager
Learning Disabilities Program
Bureau of Education for the Handicapped
400 Maryland Avenue S.W.
Washington, D. C. 20202

Notification procedure: Contact Systems Manager. Requestor should provide name, address, system I.D. and system name.

Record access procedures: Contact System Manager.

Contesting record procedures: Contact System Manager.

Record source categories: Individual Data Subjects themselves, by requests by mail, telephone, or personal visit.

Systems exempted from certain provisions of the act: None.

E OE EDH 210

System name: Consultant and Site Visitor list, Network of Innovative Schools. HEW E.

Security classification: None.

System location:

The Manufactory
Merrimac, Massachusetts 01860.

Categories of individuals covered by the system: Individuals with requisite expertise to serve as consultants and/or site visitors, in learning disabilities.

Categories of records in the system: Name, address, agency name, phone number, areas of expertise, vitae, social security number.

Authority for maintenance of the system: Education of the Handicapped Act: Public Law 91-230, Title VI as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files in file cabinets.

Retrievability: This system may be accessed by name or by area of expertise.

Safeguards: System is available to Bureau program staff and to technical assistance personnel employed by the contractor.

Retention and disposal: Continuing records, updated periodically.

System manager(s) and address:

Program Manager
Learning Disabilities Program
Bureau of Education for the Handicapped
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Notification procedure: Contact System Manager. Requestor should provide name, address, system I.D. and system name.

Record access procedures: Contact System Manager.

Contesting record procedures: Contact System Manager.

Record source categories: Individual requests by mail, telephone, or personal visit.

Systems exempted from certain provisions of the act: None.

E OE EDH 211

System name: Handicapped Children's Early Education Development Data. HEW E.

Security classification: None.

System location:

505 King Ave.
Columbus, Ohio 43201

Categories of individuals covered by the system: Randomly (by number) selected children enrolled in 32 randomly selected Handicapped Children's Early Education projects, and their parents, and graduates of the projects.

Categories of records in the system: Identifier number of projects, identifier number of children, developmental skills data.

Authority for maintenance of the system: Education of the Handicapped Act: Public Law 91-230, Title VI, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Basic information is coded by identifier number in a computer.

Retrievability: This system is accessed by identifier number only.

Safeguards: This system is accessed by project director and staff on need to know basis. Names are not maintained by the contractor.

Retention and disposal: Raw developmental skills data to be returned to projects serving the children, or destroyed upon completion of contract.

System manager(s) and address:

Project Monitor
Handicapped Children's Early Education Program
Bureau of Education for the Handicapped
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Notification procedure: Contact System Manager.

Record access procedures: Contact System Manager.

Contesting record procedures: Contact System Manager.

Record source categories: Developmental milestone data from Children's Early Education Development scale; observation of child behavior, performance in certain skills and activities; interviews with parents, questionnaires on parents and individual projects.

Systems exempted from certain provisions of the act: None.

E OE EDP 11

System name: Readers for Planning Demonstration Centers for Extension and Continuing Education Programs.

Security classification: None.

System location:

Room 4674, G. S. A. Regional Office Bldg. 03
7th & D Sts., S.W.
Washington, D.C. 20202

Categories of individuals covered by the system: Readers actually used and prospective readers.

Categories of records in the system: Records include name, address, position, university affiliation, reimbursement information and general correspondence.

Authority for maintenance of the system: Section 705, Title VII of the Higher Education Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For the routine uses set forth in Appendix B of 45CFR Part b5.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in hard copy form in a standard file cabinet.

Retrievability: Records are accessed by name by program officials for purposes of panel selection, appointment and correspondence.

Safeguards: Only program officials are authorized to have access to files. Exception: Subject to the disclosure requirements of Privacy Act.

Retention and disposal: The file is a revolving one. Names are added continually and deleted at periodic intervals as individuals express no interest in being retained for this purpose.

System manager(s) and address:

Director, Division of Training and Facilities
Bureau of Postsecondary Education, USOE
400 Maryland Avenue
Washington, D.C. 20202

Notification procedure: Contact system manager.

Record access procedures: Contact system manager.

Contesting record procedures: Contact system manager.

Record source categories: Lists are derived from individuals themselves, colleagues in the field and associations. Information on readers selected comes directly from the reader. 15
None.

E OE EDP 12

System name: Readers for the Public Service Education Program.

Security classification: None.

System location:

Room 4674, G.S.A. Regional Office Bldg. 03
7th & D Sts., S.W.
Washington, D.C. 20202

Categories of individuals covered by the system: Readers actually used and prospective readers.

Categories of records in the system: Records include names of readers, address, position, university or other affiliation, reimbursement information and general correspondence.

Authority for maintenance of the system: Title IX, Parts A and C, of the Higher Education Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For the routine uses set forth in Appendix B of 45CFR Part b5.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in hard copy form in a standard file cabinet.

Retrievability: Records are accessed by individual name by program officials for purposes of selecting, appointing and corresponding with readers.

Safeguards: Only program officials are authorized to have access to files. Exception: Subject to the disclosure requirements of Privacy Act.

Retention and disposal: The file is a revolving one. Names are added continually and deleted at periodic intervals as individuals express no interest in being retained for this purpose.

System manager(s) and address:

Director, Division of Training and Facilities
Bureau of Postsecondary Education, USOE
400 Maryland Avenue
Washington, D.C. 20202

Notification procedure: Contact system manager.

Record access procedures: Contact system manager.

Contesting record procedures: Contact system manager.

Record source categories: Reader lists are derived from individuals themselves, colleagues in the field and associations. Information on readers selected comes directly from the readers.

Systems exempted from certain provisions of the act: None.

E OE EDP 13

System name: Readers for Domestic Mining and Mineral and Mineral Fuel Conservation Fellowship Program.

Security classification: None.

System location:

Room 4674, G.S.A. Regional Office Bldg. 03
7th & D Sts., S.W.
Washington, D.C. 20202

Categories of individuals covered by the system: Readers actually used and prospective readers.

Categories of records in the system: Records include names of readers, address, position, university or other affiliation, reimbursement information, and general correspondence.

Authority for maintenance of the system: Title IX, Part D of the Higher Education Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For the routine uses set forth in Appendix B of 45CFR Part b5.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in hard copy in standard file cabinet.

Retrievability: Records are accessed by individual name by program officials for purposes of selecting, appointing and corresponding with readers.

Safeguards: Only program officials are authorized to have access to files. Exception: Subject to the disclosure requirements of Privacy Act.

Retention and disposal: The file is a revolving one. Names are added continually and deleted at periodic intervals as individuals express no interest in being retained for this purpose.

System manager(s) and address:

Director, Division of Training and Facilities
Bureau of Postsecondary Education, USOE
400 Maryland Avenue
Washington, D.C. 20202

Notification procedure: Contact system manager.

Record access procedures: Contact system manager.

Contesting record procedures: Contact system manager.

Record source categories: Reader lists are derived from individuals themselves, colleagues in the field, and from associations. Information on readers selected comes directly from the readers.

Systems exempted from certain provisions of the act: None.

E OE EDP 14

System name: Readers for Higher Education Personnel Training Programs.

Security classification: None.

System location:

Room 4674, G.S.A. Regional Office Bldg. 03
7th & D Sts., S.W.
Washington, D.C. 20202

Categories of individuals covered by the system: Readers actually used and prospective readers.

Categories of records in the system: Records include names of readers, address, position, university or other affiliation, reimbursement information, and general correspondence.

Authority for maintenance of the system: Title IX, Part E of the Higher Education Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For the routine uses set forth in Appendix B of 45CFR Part b5.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in hard copy in standard file cabinet.

Retrievability: Records are accessed by individual name by program officials for purposes of selecting, appointing and corresponding with readers.

Safeguards: Only program officials are authorized to have access to files. Exception: Subject to the disclosure requirements of Privacy Act.

Retention and disposal: The file is a revolving one. Names are added continually and deleted at periodic intervals as individuals express no interest in being retained for this purpose.

System manager(s) and address:

Director, Division of Training and Facilities
Bureau of Postsecondary Education, USOE
400 Maryland Avenue
Washington, D.C. 20202

Notification procedure: Contact system manager.

Record access procedures: Contact system manager.

Contesting record procedures: Contact system manager.

Record source categories: Reader lists are derived from individuals themselves, colleagues in the field, and from associations. Information on readers selected comes directly from the readers.

Systems exempted from certain provisions of the act: None.

E OE EDP 15

System name: Readers for Cooperative Education Program.

Security classification: None.

System location:

Room 4674, G.S.A. Regional Office Bldg. 03
7th & D Sts., S.W.
Washington, D.C. 20202

Categories of individuals covered by the system: Readers actually used and prospective readers.

Categories of records in the system: Records include names of readers, address, position, university or other affiliation, reimbursement information and general correspondence.

Authority for maintenance of the system: Title IV, Part D of the Higher Education Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For the routine uses set forth in Appendix B of 45CFR Part b5.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in hard copy in standard file cabinet.

Retrievability: Records are accessed by individual name by program officials for purposes of selecting, appointing and corresponding with readers.

Safeguards: Only program officials are authorized to have access to files. Exception: Subject to the disclosure requirements of Privacy Act.

Retention and disposal: The file is a revolving one. Names are added continually and deleted at periodic intervals as individuals express no interest in being retained for this purpose.

System manager(s) and address:

Director, Division of Training and Facilities
Bureau of Postsecondary Education, USOE
400 Maryland Avenue
Washington, D.C. 20202

Notification procedure: Contact system manager.

Record access procedures: Contact system manager.

Contesting record procedures: Contact system manager.

Record source categories: Reader lists are derived from individuals themselves, colleagues in the field, and from associations. Information on readers selected comes directly from the readers.

Systems exempted from certain provisions of the act: None.

E OE EDP 16

System name: Readers for Special Community Service and Continuing Education Projects.

Security classification: None

System location:

Room 4674, G.S.A. Regional Office Bldg. 03
7th & D Sts., S.W.
Washington, D.C. 20202

Categories of individuals covered by the system: Readers actually used and prospective readers.

Categories of records in the system: Records include names of readers, address, position, university or other affiliation, reimbursement information, and general correspondence.

Authority for maintenance of the system: Title I of the Higher Education Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For the routine uses set forth in Appendix B of 45FR Part b5.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in hard copy in standard file cabinet.

Retrievability: Records are accessed by individual name by program officials for purposes of selecting, appointing and corresponding with readers.

Safeguards: Only program officials are authorized to have access to files. Exception: Subjects to the disclosure requirements of Privacy Act.

Retention and disposal: The file is a revolving one. Names are added continually and deleted at periodic intervals as individuals express no interest in being retained for this purpose.

System manager(s) and address:

Director, Division of Training and Facilities
Bureau of Postsecondary Education, USOE
400 Maryland Avenue
Washington, D.C. 20202

Notification procedure: Contact system manager.

Record access procedures: Contact system manager.

Contesting record procedures: Contact system manager.

Record source categories: Reader lists are derived from individuals themselves, colleagues in the field, and from associations. Information of readers selected comes directly from the readers.

Systems exempted from certain provisions of the act: None.

E OE EDP 17

System name: Readers for International Studies Programs.

Security classification: None.

System location:

Room 3921, G. S. A. Regional Office Bldg. 03
7th & D Sts., S.W.
Washington, D.C. 20202

Categories of individuals covered by the system: Readers actually used and prospective readers.

Categories of records in the system: Records on readers include: name, address, position, university or other affiliation, reimbursement information and general correspondence.

Authority for maintenance of the system: Title VI of the National Defense Education Act and Mutual Educational and Cultural Exchange Act. (Sec. 102B-6).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For the routine uses set forth in Appendix B of 45CFR Part b5.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in hard copy in a standard file cabinet.

Retrievability: Records are accessed by individual name by program officials for purposes of selecting, appointing, corresponding with readers.

Safeguards: Only program officials are authorized to have access to files. Exception: Subject to the disclosure requirements of Privacy Act.

Retention and disposal: The file is a revolving one. Names are added continually and deleted at periodic intervals as individuals express no interest in being retained for this purpose.

System manager(s) and address:

Director, Division of International Education
Bureau of Postsecondary Education, USOE
400 Maryland Avenue
Washington, D.C. 20202

Notification procedure: Contact system manager.

Record access procedures: Contact system manager.

Contesting record procedures: Contact system manager.

Record source categories: Lists are derived from individuals themselves, colleagues in the field, and from associations. Information on readers selected comes directly from the reader.

Systems exempted from certain provisions of the act: None.

E OE EDP 18

System name: Readers for the Ethnic Heritage Studies Program.

Security classification: None.

System location:

Room 4674, G. S. A. Regional Office Bldg. 03
7th & D Sts., S.W.
Washington, D. C. 20202

Categories of individuals covered by the system: Readers actually used and prospective readers.

Categories of records in the system: Records on readers include: name, address, position, university or other affiliation, reimbursement information and general correspondence.

Authority for maintenance of the system: Title IX of the Elementary and Secondary Education Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For the routine uses set forth in Appendix B of 45CFR Part b5.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in hard copy in a standard file cabinet.

Retrievability: Records are accessed by individuals name by program officials for purposes of selecting, appointing and corresponding with the readers.

Safeguards: Only program officials are authorized to have access to files. Exception: Subject to the disclosure requirements of Privacy Act.

Retention and disposal: The file is a revolving one. Names are added continually and deleted at periodic intervals as individuals express no interest in being retained for this purpose.

System manager(s) and address:

Director, Division of International Education
Bureau of Postsecondary Education, USOE
400 Maryland Avenue
Washington, D.C. 20202

Notification procedure: Contact system manager.

Record access procedures: Contact system manager.

Contesting record procedures: Contact system manager.

Record source categories: Lists are derived from individuals themselves, colleagues in the field, or from associations. Information on readers selected comes directly from the reader.

Systems exempted from certain provisions of the act: None.

E OE EDP 19

System name: Readers for the Developing Institutions Program.

Security classification: None.

System location:

Room 4060, G. S. A. Regional Office Bldg. 03
7th & D Sts., S.W.
Washington, D.C. 20202

Categories of individuals covered by the system: Readers actually used and prospective readers.

Categories of records in the system: Records on readers include: name, address, position, university or other affiliation, field of specialization, degrees held, reimbursement information and general correspondence.

Authority for maintenance of the system: Title III of the Higher Education Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For the routine uses set forth in Appendix B of 45CFR Part b5.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in hard copy in a standard file cabinet, loose leaf notebook, and 3 x 5 file box.

Retrievability: Records are accessed by individual name by program officials for purposes of selecting, appointing, and corresponding with readers.

Safeguards: Only program officials are authorized to have access to files. Exception: Subject to the disclosure requirements of Privacy Act.

Retention and disposal: The file is a revolving one. Names are added continually and deleted at periodic intervals as individuals express no interest in being retained for this purpose.

System manager(s) and address:

Director, Division of Institutional Development
Bureau of Postsecondary Education, USOE
400 Maryland Avenue
Washington, D.C. 20202

Notification procedure: Contact system manager.

Record access procedures: Contact system manager.

Contesting record procedures: Contact system manager.

Record source categories: Lists are derived from individuals themselves, colleagues in the field, and from associations. Information on readers selected comes directly from the reader.

Systems exempted from certain provisions of the act: None.

E OE EDP 20

System name: Readers from Community and Junior Colleges.

Security classification: None.

System location:

Room 4931, G. S. A. Regional Office Bldg. 03
7th & D Sts., S.W.
Washington, D.C. 20202

Categories of individuals covered by the system: Prospective readers.

Categories of records in the system: Records include: prospective reader's name, address, position and community or junior college affiliation.

Authority for maintenance of the system: Title X, Part C of the Higher Education Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For the routine uses set forth in Appendix B of 45CFR Part b5.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in hard copy in a standard file cabinet.

Retrievability: Records are accessed by individual's name for purposes of recommending junior and community college readers to various Federal funding agencies.

Safeguards: Only program officials are authorized to have access to files. Exception: Subject to the disclosure requirements of Privacy Act.

Retention and disposal: The file is a revolving one. Names are added continually and deleted at periodic intervals as individuals express no interest in being retained for this purpose.

System manager(s) and address:

Director, Community College Unit
Bureau of Postsecondary Education, USOE
400 Maryland Avenue
Washington, D.C. 20202

Notification procedure: Contact system manager.

Record access procedures: Contact system manager.

Contesting record procedures: Contact system manager.

Record source categories: Information is submitted directly by potential readers and by institutional officers with the approval of the potential reader.

Systems exempted from certain provisions of the act: None.

E OE EDS 2

System name: Environmental Education Program--Curriculum Vitae and Lists of Field Readers. HEW E.

Security classification: None.

System location:

Room 2025, Federal Office Building 06
400 Maryland Avenue, S.W.
Washington, D. C. 20202

Categories of individuals covered by the system: Individuals engaged as field readers for review of proposals for funding support.

Categories of records in the system: Standard curriculum vitae submitted by individuals who serve as field readers. Lists of names and place of employment are also maintained.

Authority for maintenance of the system: Environmental Education Act (P.L. 91-516, as amended by P.L. 93-278; 20 U.S.C. 1531-1536).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Lists of individuals serving as field readers are disseminated upon request to members of Congress, applicants for funding and the general public. In addition, use may be made of all records in accordance with items 1,3, 4,5,6,8 and 9 Appendix B of the Departmental Regulations.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are filed in folders in standard file cabinets.

Retrievability: The records are indexed by name of individual and in chronological order based on year of service. Lists and vitae are available to the Deputy Commissioner for approval and the Application Control Center for general information purposes.

Safeguards: Direct access is restricted to EE staff.

Retention and disposal: Vitae are maintained as long as they are current. Outdated vitae are destroyed.

System manager(s) and address:

Director, Office of Environmental Education
Room 2025, Federal Office Building 06
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Notification procedure: System manager (see above) will respond to inquiries.

Record access procedures: Same as above.

Contesting record procedures: Contact system manager, above.

Record source categories: Records are submitted by the individuals concerned on a voluntary basis.

Systems exempted from certain provisions of the act: None.

E OE EDS 3

System name: Panelists for ETV and Special Projects of ESAA for Technical Review of Applications. HEW E.

Security classification: None.

System location:

Room 2017 FOB-6
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Categories of individuals covered by the system: Specialists in ETV, education, arts, and/or human relations.

Categories of records in the system: Name, address and title of individual, brief description of area of special expertise.

Authority for maintenance of the system: Emergency School Assistance Act, P.L. 92-318 and 93-380; 45 CFR 185.74(g), 185.91-2(b)(6), 185.92-2(a)(6), 185.93-3(a)(8).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For uses 1,3,5,6,8 and 9 in Appendix B of the Departmental Regulations (45 Code of Federal Regulations Part 5b).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files in file cabinet.

Retrievability: Indexed by name, address, and specialty. Used by program officers to select panel members for evaluating applications and, possibly, auditing programs.

Safeguards: Access is limited to program officers and their supervisors. Subject to disclosure requirements of Privacy Act.

Retention and disposal: Retained until completion of audits at which time records will be sent to depository.

System manager(s) and address:

Director, Program Operations Division
Room 2011, FOB-6
400 Maryland Avenue, S.W.
Washington, D.C. 20202.

Notification procedure: System Manager will respond to inquirers. For general inquires, name and date of previous correspondence, if any for complaint/investigative materials, name and address. Address is same as above.

Record access procedures: Same as above.

Contesting record procedures: Contact System Manager above.

Record source categories: Names solicited from professional personnel in the field of specialty.

Systems exempted from certain provisions of the act: None.

E OE EDS 4

System name: Panelists for General Assistance Centers - Type B (Lau) for Technical Review of Applications Under CRA, Title IV. HEW E.

Security classification: None.

System location:

Room 2001, FOB-6
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Categories of individuals covered by the system: Specialists in bilingual/bicultural education.

Categories of records in the system: Name address and title of individual, brief description of area of special expertise.

Authority for maintenance of the system: Civil Rights Act of 1964, Section 403; RFP 75-79.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For uses 1,3,5,6,8 and 9 in Appendix B of the Departmental Regulations (45 Code of Federal Regulations Part 5b).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files in file cabinet.

Retrievability: Indexed by name, address, and specialty. Used by program officers to select panel members for evaluating applications and, possibly, audit program.

Safeguards: Access is limited to program officers and their supervisors. Subject to disclosure requirements of Privacy Act.

Retention and disposal: Retained until completion of audits at which time records will be sent to depository.

System manager(s) and address:

Associate Commissioner, Equal Educational Opportunity Programs
Room 2001, FOB-6
400 Maryland Avenue, S.W.
Washington, D.C. 20202.

Notification procedure: System Manager will respond to inquirers. For general inquires, name and date of previous correspondence, if any for complaint/investigative materials, name and address. Address is same as above.

Record access procedures: Same as above.

Contesting record procedures: Contact System Manager above.

Record source categories: Names are solicited from professional personnel in the field of specialty.

Systems exempted from certain provisions of the act: None.

E OE EDS 5

System name: ESEA, Title III - Supplementary Educational Centers and Services; Guidance, Counseling, and Testing -- Validators. HEW E.

Security classification: None.

System location:

Room 3616, ROB-3
7th & 'D' Streets, S. W.
Washington, D. C. 20202

Categories of individuals covered by the system: Validators for Title III, ESEA - On-site Project Validation

Categories of records in the system: Name, Title, Address, Telephone Number.

Authority for maintenance of the system: P.L. 93-380

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine use of records mentioned in the system, including categories of users and the purposes of such uses: For uses 1, 3, 5, 6, 9, and 102 in Appendix B of the Departmental Regulations (45 Code of Federal Regulations Part 5b).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Validators indexed by State or Territories in terms of area of validation notification; lists may be used by U.S. Office of Education personnel to select consultants or readers as required by specific legislative acts.

Safeguards: List is not confidential; State education agencies and U.S. Office of Education personnel have access.

Retention and disposal: List is thrown into waste paper basket when it becomes out of date.

System manager(s) and address:

Division Director
Division of Supplementary Centers and Services
Room 3616, ROB-3, Office of Education
400 Maryland Avenue, S. W.
Washington, D.C. 20202

Notification procedure: System manager will respond to inquires.

Record access procedures: See above.

Contesting record procedures: Contact system manager above.

Record source categories: Names are submitted by State educational agencies.

Systems exempted from certain provisions of the act: None.

E OE EDS 6

System name: Alcohol and Drug Education Program--List of National Action Committee for Drug Abuse Education Consultants. HEW E.

Security classification: None.

System location:

Room 2049, FOB 6

400 Maryland Avenue, S. W.
Washington, D. C. 20202

Categories of individuals covered by the system: Experts in the field of drug and alcohol education who are available to provide technical assistance to USOE projects, upon request from the National Action Committee (technical assistance contractor to OE).

Categories of records in the system: Name, address and title of individual, brief description of area of special expertise.

Authority for maintenance of the system: P.L. 93-422.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine use of records maintained in the system, including categories of users and the purposes of such uses: For uses 1, 3, 5, 6, 8 and 9 of Appendix of Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The list of consultants is maintained in a paper file in a standard file cabinet.

Retrievability: On the roster, names are listed alphabetically. The list is available to in-house program staff involved in correspondence with, and monitoring of National Action Committee contract.

Safeguards: Direct access is limited to Drug Education Program Staff; access to room in which file cabinet is maintained is limited during non-working hours to those with keys to the room.

Retention and disposal: List of consultants is updated annually; names of individuals no longer available to act as consultants are no longer maintained.

System manager(s) and address:

Director, Alcohol and Drug Education Program
Room 2049, FOB 6
400 Maryland Avenue, S. W.
Washington, D. C. 20202

Notification procedure: System manager will respond to inquirers.

Record access procedures: See above.

Contesting record procedures: Contact system manager above.

Record source categories: Individuals are contacted by the NAC to determine their interest and willingness to act as NAC consultants. All data are submitted voluntarily by those interested individuals.

Systems exempted from certain provisions of the act: None.

E OE EDS 8

System name: Field Readers File for HEA, II-B (Library Research and Demonstration and Training Programs). HEW E.

Security classification: None.

System location:

Room 5913, Regional Office Bldg. 3
7th & D Streets, S. W.
Washington, D.C. 20202

Categories of individuals covered by the system: Individuals who are professionals with a high degree of specialization in various aspects of library education.

Categories of records in the system: Names, addresses, social security numbers, business address, telephone number, present and previous employment, highest academic degree, and publications

Authority for maintenance of the system: Sec. 221-223 of P.L. 89-329, 82 Stat. 1037, & 79 Stat. 1277 as renumbered and amended by Sec. 111 of P.L. 92-318, 86 Stat. 238 (20 U.S.C. 1034); and Part B of Title II of the Higher Education Act of 1965, as amended and renumbered by section 111 of the P.L. 92-318, 86 Stat. 238 (20 U.S.C. 1031-1034).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Appendix B of the Departmental regulations (45 Code of Federal Regulation part 5b) No. 1, 3, 5, 6, 8, 9, 100-103.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in hard-copy filed in standard file cabinets.

Retrievability: Records are indexed by name of individual. Records are utilized; agency staff involved in the selection of individuals to review proposals submitted under the various agency programs by proper agency staff to reimburse these individuals for services rendered and to control expenditures.

Safeguards: Above records are secured in locked files of the Division of Library Programs of the Office of Libraries and Learning Resources. Access is limited to authorized OE staff. Subject to disclosure requirements of the Privacy Act.

Retention and disposal: Above records are maintained on a permanent basis.

System manager(s) and address:

Chief, Library Education and Postsecondary Resources Branch
Room 5929, ROB-3
7th and D Streets, S. W.
Washington, D. C. 20202

Chief, Library Research and Demonstration Branch
Room 5909, ROB-3
7th & D Streets, S. W.
Washington, D. C. 20202

Director, OLLR
Room 5901, ROB-3
7th & D Streets, S. W.
Washington, D.C. 20202

Notification procedure: System manager(s) (See above) will respond to inquirers. Request for information should include: 1) the system name 2) all identifiers in the system (e.g., name, address, etc.)

Record access procedures: See above.

Contesting record procedures: Contact System manager above.

Record source categories: Information obtained on a voluntary basis directly from individuals listed in the system of records.

Systems exempted from certain provisions of the act: None.

E O E R 3

System name: Field Reader File System.

Security classification: None.

System location: See Appendix.

Categories of individuals covered by the system: Persons with various kinds of expertise in education.

Categories of records in the system: Name, office and home address, title of position, and special educational professional expertise of the persons. Purchase order with the person for services to be rendered and travel and fee voucher.

Authority for maintenance of the system: General Education Provisions Act, Title IV, P.L. 90-247

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records maintained in paper files, in file cabinets.

Retrievability: Indexed by name. Field readers are used in reviewing project applications and making recommendations for funding decisions under the Emergency School Aid Act, Upward Bound, Talent Search, Special Services for Disadvantaged Students in institutions of higher education and similar discretionary project grant programs delegated to the Regional Office. Field readers also make recommendations for funding of institutions of higher education applications for student financial aid. Records are used by authorized agency officials and employees to select individuals as field readers in program areas commensurate with their educational professional expertise.

Safeguards: Access limited to authorized staff. Exception: Subject to disclosure requirements of the Privacy Act.

Retention and disposal: Records maintained for three years after termination of contract. Records disposed through regular refuse services.

System manager(s) and address: See Appendix.

Notification procedure: See System manager; address as indicated to Appendix EOE 3, inquiries should be addressed to the System Manager in the region in which the inquirer resides (e.g., Florida resident will address Region IV System Manager). Provide System ID number and System name. Also provide the name, address and social security number of the individual inquiring about his/her record.

Record access procedures: Same as above.

Contesting record procedures: Contact Systems Manager

Record source categories: Individuals requested by Office of Education employees to serve as field readers. Information provided on OE Form 5249-3.

Systems exempted from certain provisions of the act: None.

Appendix Regional Contracts Officers

Field Reader File System Record Location and System Manager

Region I: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont

P.O. Box 8370
Boston, Massachusetts 02114

Region II: New Jersey, New York, Puerto Rico, Virgin Islands

Office of Education/DHEW
26 Federal Plaza Room 406
New York, New York 10007

Region III: Delaware, Maryland, Pennsylvania, Virginia, Washington, D.C., West Virginia

Office of Education/DHEW
3535 Market Street Room 16200
Philadelphia, Pennsylvania 19104

Region IV: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee

Office of Education/DHEW
50 Seventh Street, N.E. Room 513
Atlanta, Georgia 30323

Region V: Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin

Office of Education/DHEW
300 South Wacker Drive, 32nd Floor
Chicago, Illinois 60606

Region VI: Arkansas, Louisiana, New Mexico, Oklahoma, Texas

Office of Education/DHEW
1114 Commerce Street
Dallas, Texas 75202

Region VII: Iowa, Kansas, Missouri, Nebraska

Office of Education/DHEW
Federal Office Building, Room 360
601 East 12th Street
Kansas City, Missouri 64106

Region VIII: Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming

Office of Education/DHEW
Federal Office Bldg., Room 3444A
1961 Stout Street
Denver, Colorado 80202

Region IX: Arizona, California, Hawaii, Nevada, American Samoa, Trust Territory of the Pacific, Guam, Wake Islands

Office of Education/DHEW, Room 240
50 Fulton Street
San Francisco, California 94102

Region X: Alaska, Idaho, Oregon, Washington

Office of Education/DHEW
Arcade Plaza Building Room 515
1321 Second Avenue
Seattle, Washington 98101

RO9 1

System name: Office of Federal Property Assistance, Concerned with administration of the DHEW Office of Surplus Property Utilization in HEW/RO9.

Security classification: None.

System location:

112 McAllister Street
Room 2
San Francisco, CA 94102

Categories of individuals covered by the system: Persons who have been delegated by the appropriate State Agency to act for the agency in locating, inspecting and reporting on surplus property usable and needed for health, educational, or civil defense purposes and other duties in connection with screening, pick up, or shipment of such surplus personal property as may be appropriate.

Categories of records in the system: Name of individuals, Agency represented, job title, physical description (age, height, weight, color eyes, color hair), social security number.

Authority for maintenance of the system: The Federal Property and Administrative Services Act of 1949, Public Law 152, 81st Congress.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: A current record of persons who are authorized to represent a State Agency in the acquisition, maintenance, and donation of available Federal surplus personal property. This information is disclosed to prospective users and donors of the surplus property.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained in hard copy filed in standard file cabinet.

Retrievability: Records are maintained by State and within state alphabetically by representatives name. Records are retrieved directly by the name of the individual.

Safeguards: Access is restricted to authorized OFPA staff.

Retention and disposal: Records are maintained for the duration of the individual's authority to act. When an individual's authority is revoked records are moved to inactive portion of file.

System manager(s) and address:

Director, OFPA
112 McAllister Street, Room 2
San Francisco, CA 94102

Notification procedure: Systems manager for all types of inquiries. Address is same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Supplied by Head of State Agency who delegates individuals to act for the Agency.

Systems exempted from certain provisions of the act: None.

E NIE EEG 4

System name: Compensatory Education Study. HEW E.

Security classification: None.

System location: See Appendix A and Appendix B.

Categories of individuals covered by the system: The subjects are school children in the elementary and intermediate grades (1-9); parents of such children; teachers and paraprofessionals involved in compensatory education programs; administrators at the local, district, state, and federal levels and lawyers and auditors involved in Title I cases. Additionally, subjects include community leaders; other teachers and administrators (i.e., principals, superintendents, analysts, evaluators) at the local, district, state and federal levels; and persons in educational research, both past and currently.

Categories of records in the system: The records consist of data regarding children's involvement in compensatory education or other school programs, including background information and achievement data; parents', teachers' and other staffs' perceptions regarding education programs and their administration; administrators' perceptions and problems regarding compensatory education programs; and researchers' views, both empirically based and intuitive.

Authority for maintenance of the system: Sec. 821 of the Education Amendments of 1974 (P. L. 93-380).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The records will be available to contractors for services and analysis by authorized personnel. Achievement and other program data in personally-identifiable form will be available only to the school in which it was collected for purposes of planning and evaluation by school personnel.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained on disc, tape, IBM cards, and in hard copy filed in standard file cabinets.

Retrievability: The records are indexed by age, grade, agency, geographic location, time sequence, topics, codes, or ID number. They will be used for reporting purposes or statistical research, in a non-personally identifiable format.

Safeguards: The records are safeguarded by permission and involvement of parents, teachers, administrators, and researchers. Names of individuals are primarily stored separately from the records and are accessible only to authorized personnel. Exception: Subject to disclosure requirements of the Privacy Act.

Retention and disposal: The records are maintained indefinitely.

System manager(s) and address:

Chief, Compensatory Education Division
1200 19th Street, N.W., Room 808
Washington, D. C. 20208

Notification procedure: Inquiry must be made in writing to the system manager (address above) and must include the inquirer's name, address, dates of previous correspondence, if known, and any system ID number and name.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Data were collected by observation, interview, questionnaires administered both personally and through the mail, conference notes, testing, and re-analysis of previously collected data.

Systems exempted from certain provisions of the act: None.

Appendix A

District Survey I

Stanford Research Institute
Menlo Park, California

Demonstration Projects
Colorado Department of Education
Denver, Colorado

Kansas State Department of Education
Topeka, Kansas

New Mexico Department of Education
Santa Fe, New Mexico

Arizona Department of Education
Phoenix, Arizona

Oklahoma Department of Education
Oklahoma City, Oklahoma

North Carolina Department of Public Instruction
Raleigh, North Carolina

State Education Department
Albany, New York

West Virginia Department of Education
Charleston, West Virginia

Texas Education Agency
Austin, Texas

California Department of Education
Sacramento, California

Wisconsin Department of Public Instruction
Madison, Wisconsin

Massachusetts Department of Education
Boston, Massachusetts

Rhode Island Department of Education
Providence, Rhode Island

Research Syntheses

Stanford Research Institute
Menlo Park, California

Harvard Graduate School of Education
Cambridge, Massachusetts

International Reading Association
Newark, Delaware

Contract Research Corporation
Belmont, Massachusetts

Ohio State University
Columbus, Ohio

Alternative Designs to Compensatory Education

UCLA Graduate School of Education
Los Angeles, California

Stanford Research Institute
Menlo Park, California

University of Kansas Department of Human Development
Lawrence, Kansas

Fanon Research & Development Center
Los Angeles, California

Research on Demonstration Projects

Abt Associates, Inc.
Cambridge, Massachusetts

Individualized Instruction Designs

Learning Research & Development Center
University of Pittsburgh
Pittsburgh, Pennsylvania

Education Turnkey Systems
Washington, D.C.

Research for Better Schools
Philadelphia, Pennsylvania

Contemporary Research Incorporated
Los Angeles, California

Survey of Legal Standards

Lawyers' Committee for Civil Rights under Law
Washington, D.C.

Appendix B

Contractors for following projects:
Study of Individualization Implementation
Relationships between Theory & Practice in Reading
Study of State Administration, Title I and State Programs
Poverty Measures Study
Achievement Measures Study
Calculation of Effects of Eligibility Criteria
Testing Synthesis
Effects of Alternative Procedures for Allocating Title I Funds
Study of State Testing and Accountability Programs
Research on Relationship between Poverty & Achievement
Study of Subcounty Allocation
Study of Individualized Lesson Plans
Study of Teacher Training
Study of Districts with High Concentration of Funds

Study of Program Regulations

E NIE OID 5

System name: National Council on Educational Research Mailing Lists. HEW E.

Security classification: None.

System location:

Room 729, Brown Building
1200 - 19th Street, N.W.
Washington, D.C. 20208

Categories of individuals covered by the system: Members of various governmental agencies and the public.

Categories of records in the system: Names and addresses of individuals receiving: minutes of Council meetings, resolutions adopted by the Council, lists of names and addresses of Council members (current), annual report of the Council, miscellaneous materials available for dissemination.

Authority for maintenance of the system: Section 405(b) of the General Education Provisions Act (20 U.S.C. 1221e(b)).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Dissemination of information resulting from the meetings of the National Council on Educational Research.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Correspondence files and the mailing lists are maintained in file folders in unlocked area.

Retrievability: Records are filed by name of correspondent and are used by authorized staff to disseminate information on Council activities.

Safeguards: Access to mailing lists available only to authorized personnel. Exception: subject to disclosure requirements of Privacy Act.

Retention and disposal: Records maintained as long as mailing lists are active.

System manager(s) and address:

Chief, Policy and Administrative Coordination
National Council on Educational Research
Room 722, Brown Building
1200 - 19th Street, N.W.
Washington, D.C. 20208

Notification procedure: Written inquiries must be made to the system manager, address above, and must include inquirer's name, address, dates of previous correspondence, the assigned system I.D. number and system name.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: From the correspondents themselves.

Systems exempted from certain provisions of the act:

None.

E NIE OID 6

System name: National Council on Educational Research Current and Past Information on Members of the Council and Consultants. HEW E.

Security classification: None.

System location:

Room 729, Brown Building
1200 - 19th Street, N.W.
Washington, D.C. 20208

Categories of individuals covered by the system: Current and past members of the National Council on Educational Research and consultants.

Categories of records in the system: Current and past records of the Council pertaining to: Personnel matters (personal records, biographical data, etc.), lists of names and addresses of members, records on Council nominees, Council fiscal records.

Authority for maintenance of the system: Section 405(b) of the General Education Provisions Act (20 U.S.C. 1221e(b)).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To contractors for services and analysis of the records by authorized personnel.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records maintained in file folders and kept in locked file cabinets.

Retrievability: Records are indexed by name - some by date. Records available only to authorized personnel on a 'need-to-know' basis (working files and reference, estimating future budget needs, current names and addresses of Council members provided to individuals upon request).

Safeguards: File cabinets are locked during nonworking hours. Access is limited to authorized personnel. Exception: subject to disclosure requirements of Privacy Act.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address:

Chief, Policy and Administrative Coordination
National Council on Educational Research
Room 722, Brown Building
1200 - 19th Street, N.W.
Washington, D.C. 20208

Notification procedure: Written inquiries must be made to the system manager, address above, and must include inquirer's name, address, dates of previous correspondence, the assigned system ID, number and system name.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information from Council members and other areas of the agency.

Systems exempted from certain provisions of the act: None.

E NIE OID 7

System name: National Council on Educational Research Attendance Lists. HEW E.

Security classification:

None.

System location:

Room 729, Brown Building
1200 - 19th Street, N.W.
Washington, D.C. 20208

Categories of individuals covered by the system: Individuals from the private sector and various state and federal agencies.

Categories of records in the system: Names, addresses and telephone numbers of individuals who plan to attend and those who actually attend Council meetings.

Authority for maintenance of the system: Section 405(b) of the General Education Provisions Act (20 U.S.C. 1221e(b)).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For uses 1 through 9 in Appendix B of the Departmental Regulations (45 CFR Part 5b).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Lists of attendees are made a part of the official record of the Council meeting.

Retrievability: Lists are filed under date of Council meetings. Used to provide information to Director of agency and Chairman of Council, and agency staff for provision of adequate facilities to accommodate attendees at meetings of the Council. Provides information regarding attendees if any should request permission to address the Council during meeting. Provides information needed if materials must be mailed to attendees.

Safeguards: Council files are kept in locked file cabinets and are accessible only to authorized personnel. Exception: subject to disclosure requirements of Privacy Act.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address:

Chief, Policy and Administrative Coordination
National Council on Educational Research
Room 722, Brown Building
1200 - 19th Street, N.W.
Washington, D.C. 20208

Notification procedure: Written inquiries must be made to the system manager, address above, and must include inquirer's name, address, dates of previous correspondence, the assigned system ID, number and system name.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information provided by attendees.

Systems exempted from certain provisions of the act: None.

E OE EDW 1

System name: Field Reader Candidates in Vocational Education. HEW E.

Security classification: None.

System location:

Room 5042, ROB 3
7th & D Streets, S.W.
Washington, D.C. 20202

Categories of individuals covered by the system: Professionals claiming special qualifications to review applications for grants in Vocational Education.

Categories of records in the system: Name, address, personal histories, and resumes.

Authority for maintenance of the system: Vocational Education Act (20 USC 1284).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For uses 1, 3, 5, 6, and 8 in Appendix B of the Departmental Regulations (45 CFR 56).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained in hard-copy filed in standard file cabinets.

Retrievability: Filed by name. The file is manually searched whenever review panels are formed and non-federal reviewers are required.

Safeguards: Locked file cabinet.

Retention and disposal: Indefinite.

System manager(s) and address:

Director, Division of Research and Demonstration
Room 5042, ROB 3
7th
D Streets, S.W.
Washington, D.C. 20202

Notification procedure: System manager (see above); inquirers must provide name of individual.

Record access procedures: Contact system manager.

Contesting record procedures: Contact system manager.

Record source categories: Individuals requesting their name be placed on file.

Systems exempted from certain provisions of the act: None. /*

The following are corrections to the Federal Register of Wednesday, August 27, 1975, Part II, Section 1.

SSA EA PJ 0175.01

System name: Automated Controlled Correspondence Extraction System HEW SSA.

Security classification: None.

System location:

Office of Public Inquiries
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: Records are maintained for individuals who forward a request for information directly to the Commissioner of the Social Security Administration and for individuals whose requests to members of Congress, the President, etc. are forwarded to the Commissioner for response.

Categories of records in the system: Information is maintained in the system solely to aid in the control of correspondence through the various processing steps. Information in the records includes the following: name of individual involved, social security number (if given), name of third party inquirer (if present), Congressman's name (if a congressional inquiry), address-to-code (official to whom inquiry is directed), signature code (indicates more than one inquiry about an individual), subject matter code, location information (component within the Social Security Administration that received the inquiry and date of receipt), and response information (type and date of Social Security Administration response).

Authority for maintenance of the system: Sections 205(a) and 1631 of the Social Security Act, and Section 413 of the Federal Coal Mine Health and Safety Act (Black Lung).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: No routine uses for disclosure.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained on magnetic tape and computer discs.

Retrievability: The system is indexed by both name and by computer identification number, which are cross-referred.

Safeguards: Records are safeguarded by limiting access to specific system terminals located in correspondence processing areas. The limited amount of identifying data (name, social security number, and subject matter code) contained in any given record does not warrant elaborate safeguards.

Retention and disposal: Records are maintained on-line in the system from the time of control until 13 months after the final response is released. The records are then maintained on magnetic tape for an additional 24 months before being erased.

System manager(s) and address:

Assistant Commissioner for Public Inquiries
Social Security Administration
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure:

Chief, Office of Public Information Analysis Staff
Social Security Administration
6401 Security Boulevard
Baltimore, Maryland 21235

Identifying information should include the name of the person inquired about, the person to whom the inquiry was sent, and the date of the inquiry.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Inquiries directed to the Commissioner of Social Security Administration from members of the public.

SSA HI 0175.01

System name: Health Insurance Master Record--HEW SSA.

Security classification: None.

System location:

Bureau of Data Processing
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: Records are maintained on the following categories: Individuals age 64 or over who currently are, or have been, entitled to health insurance benefits under Title XVIII of the Social Security Act; individuals under age 65 who have been entitled for not less than 24 consecutive months to disability benefits under Title II of the Act or under the railroad retirement system; and the spouse or dependent children of a person fully insured under social security and who has chronic renal disease.

Categories of records in the system: The system contains information on enrollment, entitlement, Part A (Hospital) and B (Supplementary Medical) utilization, query and reply activity, health insurance bill and payment record processing, and Health Insurance Master Record maintenance.

Authority for maintenance of the system: Section 1814 and 1833 of Title XVIII of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Health Insurance Master Record is updated daily from the Health Insurance Daily Master File, which ultimately creates the Carrier Alphabetic State List (BEST List). The Health Insurance Master Record is also used to update the Health Insurance Utilization Microfilm and the Chronic Renal Disease Beneficiary History File. Data from this system is also disclosed to the Railroad Retirement Board, Group Prepayment Practice Plans, and Health Maintenance Organizations.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records maintained on paper.

Retrievability: System is indexed by health insurance claim number.

Safeguards: Unauthorized personnel are denied access to the records area. Disclosure is limited to routine use.

Retention and disposal: Records are closed out at the end of the calendar year in which paid, held 2 additional years, transferred to the Federal Records Center, and destroyed after another 6 years.

System manager(s) and address:

Director, Bureau of Health Insurance
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: Inquiries and requests for system records should be addressed to the most convenient social security office or to the Social Security Administration, Bureau of Health Insurance, Health Insurance Inquiries Branch, Baltimore Maryland 21235. The individual should furnish his or her health insurance claim number and name as shown on social security records.

Record access procedures: The individual can obtain information on the procedures for gaining access to and contesting records from the most convenient social security office or from SSA, Bureau of Health Insurance, Health Insurance Inquiries Branch, Baltimore, Maryland 21235.

Contesting record procedures: Same.

Record source categories: The data contained in these records is furnished by the individual. There are cases, however, in which the identifying information is provided to the physician by the individual; the physician then adds the medical information and submits the bill to the carrier for payment.

SSA HI 0375.01

System name: Group Health Plan System HEW SSA.

Security classification: None.

System location:

Bureau of Data Processing
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: Recipients of Part A (Hospital Insurance) and Part B (supplementary medical) Medicare services.

Categories of records in the system: The system contains information about a beneficiary's health insurance entitlement and supplementary medical benefits usage.

Authority for maintenance of the system: Sections 1866 and 1876 of Title XVIII of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Group health plans notify the Social Security Administration, usually on a monthly basis, of new members to be added to the membership roll or of terminations to be deleted from the roll. The Group Health Plan operation passes records of these changes to the health insurance master record for checking eligibility to health insurance. Once eligibility is confirmed, the Group Health Plan operation records the changes on the Group Health Plan master file. On a monthly basis, the operation prepares a listing of all transactions submitted by each plan, indicating those accepted, rejected, or held pending for further processing. The listing is mailed to the plans for reconciling (or adjusting) member records. Once a month the Group Health Plan system sends a tape record of active members to the health insurance master file update operation which posts prorata credits to the member's health insurance master record. Any changes to group health plan member records noted in the health insurance master file (e.g., death terminations) are relayed back to the Group Health Plan system for updating of the Group Health Plan master record. These items are shown on the monthly listing of transactions provided to the plans.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape and paper listing.

Retrievability: The system is indexed by health insurance claim number.

Safeguards: Only authorized personnel have direct access to information in the Group Health Plan system. In addition, Group Health Plan personnel are advised that information is confidential.

Retention and disposal: Health insurance materials used to support the accuracy of the charge per service billed by the plan are retained for 3 years, then destroyed.

System manager(s) and address:

Director, Bureau of Health Insurance

6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: Inquiries and requests for system records should be addressed to the Social Security Administration, Bureau of Health Insurance, Division of Direct Reimbursement, Group Practice Prepayment Plan Branch, Baltimore, Maryland 21235. The individual should furnish his or her health insurance claim number as shown on social security records.

Record access procedures: Same.

Contesting record procedures: Same.

Record source categories: The identifying information contained in these records is obtained from the group health plans (which obtained the data from the individual concerned).

SSA HI 0675.01

System name: Medicare Beneficiary Correspondence Files HEW SSA.

Security classification: None.

System location:

Social Security Administration
Bureau of Health Insurance
Baltimore, Maryland 21235

All Health Insurance Regional Offices (see Appendix C, Section 2).

Intermediaries and carriers (see Appendix C, Sections 3 and 4).

Categories of individuals covered by the system: Beneficiaries and others who correspond with the Social Security Administration, Bureau of Health Insurance, and/or its carriers and intermediaries.

Categories of records in the system: Correspondence containing inquiries, complaints, or suggestions received by the Social Security Administration district offices, Central Office, regional offices, intermediaries, and carriers.

Authority for maintenance of the system: Section 1872 of Title XVIII of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: No routine uses for disclosure, made in connection with Medicare.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records maintained in file cabinets.

Retrievability: The system is indexed by health insurance claim number. If the correspondent has not furnished his claim number, the correspondence is filed alphabetically, using the last name of the correspondent.

Safeguards: The file area is closed to unauthorized personnel.

Retention and disposal: Correspondence is destroyed 1 year after the close of the year in which the records are dated; except where records are required to document a specific claim, reconsideration, appeal, or similar case, the files are treated in accordance with the instructions for the specific file.

System manager(s) and address:

Director, Bureau of Health Insurance
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: Inquiries and request for records should be directed to the same address as that with which the correspondence was initiated.

Record access procedures: The individual can obtain information on the procedures for gaining access to and contesting records from the most convenient social security office or the Social Security Administration, Bureau of Health Insurance, Health Insurance Inquiries Branch, Baltimore, Maryland 21235.

Contesting record procedures: Same.

Record source categories: The initial correspondence in these records is prepared by the beneficiary or other inquiries; the response is prepared by the appropriate Social Security Administration component.

SSA HI CAR 0175.01

System name: Carrier Medicare Claims Records HEW SSA.

Security classification: None.

System location: Carriers, under contract to Social Security Administration (See Appendix C, section 4).

Categories of individuals covered by the system: Recipients of Part B (Supplementary Medical) Medicare benefits.

Categories of records in the system: Request for Payment; Provider Billing for Patient Services by Physician; Prepayment Plan for Group Medicare Practices Dealing through a Carrier; Request for Claim Number Verification; Payment Record Transmittal; Statement of Person Regarding Medicare Payment for Medical Services Furnished Deceased Patient; Report of Prior Period of Entitlement; itemized bills and other similar documents from beneficiaries required to support payments to physicians and other suppliers of Part B Medicare services.

Authority for maintenance of the system: Sections 1842 and 1874 of title XVIII of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The record is prepared by the beneficiary and is used by the carriers to determine amount of and entitlement to Part B benefits. The bills are retained by the carriers. The record is also used to update the Part B Physician/Supplier

25,000 listing.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records maintained on paper.

Retrievability: System is indexed by health insurance claim number.

Safeguards: Unauthorized personnel are denied access to the records area. Disclosure is limited.

Retention and disposal: Close out at the end of the calendar year in which paid, two additional years, transferred to Federal Records Center and destroy after another six years.

System manager(s) and address:

Director, Bureau of Health Insurance
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: Inquiries and requests for system records should be addressed to the most convenient social security office or to Social Security Administration, Bureau of Health Insurance, Health Insurance Inquiries Branch, Baltimore, Maryland 21235. The individual should furnish his or her health insurance claim number and name as shown on social security records.

Record access procedures: The individual can obtain information on the procedures for gaining access to and contesting records from the most convenient social security office or from Social Security Administration, Bureau of Health Insurance, Health Insurance Inquiries Branch, Baltimore, Maryland 21235.

Contesting record procedures: Same.

Record source categories: The data contained in these records is furnished by the individual. In most cases, the identifying information is provided to the physician by the individual. The physician then adds the medical information and submits the bill to the carrier for payment.

SSA MA EO 0175.01

System name: Employee Housing Request Files HEW SSA.

Security classification: None.

System location:

Special Staff for Equal Opportunity, Office of Management
and Administration
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: SSA employees who have requested housing counseling services.

Categories of records in the system: This system of records contains the employee's name, home address, position, grade, work location, work telephone number, race, housing assistance requested and assistance given.

Authority for maintenance of the system: Section 703 of Title VII of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information is used by housing counselors to assist employee in finding suitable housing. Statistical data furnished to U.S. Dept. of Housing and Urban Development.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: Indexed by the employee's name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access.

Retention and disposal: These records are maintained for 1 year and then destroyed.

System manager(s) and address:

Director, Special Staff for Equal Opportunity
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: Contact the System Manager and provide name, clerk number or other identifier, and place of SSA employment or former employment.

Record access procedures: Same.

Contesting record procedures: Same.

Record source categories: Information provided by the employee.

SSA MA HR 0275.01

System name: Employee Production and Accuracy Records HEW SSA

Security classification: None.

System location:

Employees in Baltimore or Washington Headquarters Components, and Alexandria, Virginia
Director - Bureau or Office
6401 Security Boulevard
Baltimore, Maryland 21235

Employees in Social Security Administration Program Centers (see Appendix A)
Data Operations Centers (see Appendix H)

Employees in Field Installations:
Social Security Administration Regional Commissioner (See Appendix I), Chief Administrative Law Judges, Bureau of Hearings and Appeals (See Appendix G)

Categories of individuals covered by the system: Social Security Administration employees.

Categories of records in the system: Work measurement records with the following items: employee name, grade, organization unit and shift, social security number, clerk number, Supervisor's name, production data (monthly, weekly, daily), accuracy data, backlog information, error ratio, processing time data, operating and production control codes, leave usage.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: No routine uses for disclosure.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on punch cards, magnetic tape, and on paper forms in file cabinets.

Retrievability: Indexed alphabetically and in social security number or clerk number sequence. Used by Social Security Administration management for manpower planning, production control (to identify backlogs, and systems and procedure problems, manpower utilization, budget estimations, appraisal of employees).

Safeguards: Released to employees or management who have a need to know.

Retention and disposal: Kept for two years and destroyed.

System manager(s) and address:

Employees in Baltimore or Washington Headquarters Components
Director - Bureau or Office
6401 Security Boulevard
Baltimore, Maryland 21235

Employees of the Bureau of Hearings and Appeals in Arlington, Virginia
Director, Bureau of Hearings and Appeals
801 North Randolph Street
Arlington, Virginia 22203

Employees in Social Security Administration Program Centers or Data Operations Centers
Director
Appropriate Program Center or Data Operations Center
Appropriate City and State

Employees in Field installations:
Social Security Administration Regional Commissioner (or Chief Administrative Law Judge, Bureau of Hearings and Appeals)
Appropriate address, City and State

Notification procedure: Contact the systems manager and provide name, clerk number, or other identifier, and place of Social Security Administration employment or former employment.

Record access procedures: Same.

Contesting record procedures: Same.

Record source categories: Employee completed cards or records records completed by supervisor or control personnel, information furnished by time keeper.

SSA MA HR 0475.01

System name: Requests for review of proposed contracts with experts and consultants HEW SSA.

Security classification: None.

System location:

Division of Personnel
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: Individuals for whom personal service contracts are proposed.

Categories of records in the system: Form SSA-2112 Requisition for Services and related correspondence concerning review by the Division of Personnel in order to determine whether services should be obtained by the appointment or by the procurement method. Record may contain individual's name, education, work experience and qualifications, social security number, and date of birth.

Authority for maintenance of the system: 5 USC 3109.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: No routine uses for disclosure.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Retrievable by name.

Safeguards: Lockable file.

Retention and disposal: Indefinite.

System manager(s) and address:

Director
Division of Personnel
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure:

Director
Division of Personnel
6401 Security Boulevard
Baltimore, Maryland 21235

Record access procedures: Same.

Contesting record procedures: Same.

Record source categories: Information furnished by individual and SSA Bureau and Office Management Component.

SSA MA OF 0175.01

System name: Social Security Administration Contract Files HEW SSA.

Security classification: None.

System location:

Office of Management and Administration
Supply Building
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: Individual consultants.

Categories of records in the system: Name, address, contract number, qualifications and the amount of the contract.

Authority for maintenance of the system: Sections 205(a), 1634 and 1842 of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: No routine uses for disclosure.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Indexed by name and contract number.

Safeguards: Files are maintained in locked filing equipment.

Retention and disposal: Each file is maintained for a period of 6 years, 2 years at Social Security Administration and 4 years in a Federal Records Center where they are destroyed.

System manager(s) and address:

Associate Commissioner for Management and Administration
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure:

Chief
Property Management Branch
Supply Building
6401 Security Boulevard
Baltimore, Maryland 21235.

Record access procedures: Same.

Contesting record procedures: Same.

Record source categories: Information in the files comes directly from the individual consultant as well as bureau or office requesting the service in question.

SSA MA OF 0475.01

System name: General Criminal Investigation Files HEW SSA.

Security classification: None.

System location:

Office of Management and Administration
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: Reported violators of Federal and State criminal laws on Social Security Administration property.

Categories of records in the system: Investigative efforts to resolve reported crimes and evidence obtained for judicial prosecution.

Authority for maintenance of the system: Section 535 of Title 28, United States Code.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To facilitate the investigation and solution of crimes and the prosecution of offenders. Disclosures are routinely made to the Justice Department.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Heavy-weight Kraft file folders in fireproof, locked, steel cabinets.

Retrievability: Indexed alphabetically by names of subject of investigation.

Safeguards: Access limited in storage area to Protective Security Section only.

Retention and disposal: Seven years, then shredded.

System manager(s) and address:

Chief
Protective Security Section
Office of Management and Administration
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: An individual can determine if this system contains a record pertaining to him by sending a request in writing to the Systems Manager. The request should contain full name, date of birth, as well as work location in the Social Security Administration.

Record access procedures: Per 5 U.S.C. 552a(k)(2), the records in this system are exempt from access by the individual named in the records. However, access to information which is a matter of

public record or documents furnished by the individual will be permitted.

Contesting record procedures: Same.

Record source categories: Information in files comes from interviews of persons believed knowledgeable about crimes under investigation who furnish relevant facts which can serve to identify possible violators and secure the conviction of the guilty.

Systems exempted from certain provisions of the act: Exemption of this system to the access provisions is claimed under section (k)(2) of the Privacy Act inasmuch as these records are investigatory materials compiled for law enforcement in anticipation of a criminal proceeding.

SSA MA OF 0575.01

System name: Employee Identification Card Files (Building Passes) HEW SSA.

Security classification: None.

System location:

Operations Management Unit
Office of Management and Administration
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: All social security employees. All non-social security employees - i.e., vendors and contractors.

Categories of records in the system: Name, social security number, Bureau/Office, office telephone number, color code for type of pass.

Authority for maintenance of the system: Federal Property Management Regulations, 41 CFR 101-20.301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: No routine uses for disclosure.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information maintained on Social Security Administration Forms 364 and 1860.

Retrievability: The forms are indexed by social security number. They are used for admission to social security buildings.

Safeguards: Forms 364 are in locked files; forms 1860 are destroyed after forms 364 are issued.

Retention and disposal: Forms 364 are kept during the length of service of the individual and then destroyed; picture pass is forwarded to Protective Security Office, Social Security Building, 6401 Security Boulevard, Baltimore, Maryland 21235, for destruction.

System manager(s) and address:

Associate Commissioner for Management and Administration
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure:

Chief
Operations Management Unit
Office of Management and Administration
6401 Security Boulevard
Baltimore, Maryland 21235

For replacement, individual is required to fill out Social Security Form 1860, Request for Replacement.

Record access procedures: Same.

Contesting record procedures: Same.

Record source categories: Information in these files is received from the Division of Personnel as well as individual employees, contractors, or vendors.

SSA MA QA 0375.01

System name: Quality Assurance Casefile.

Security classification: None.

System location: Twenty-five (25) field offices located throughout the United States (See Appendix D-4).

Categories of individuals covered by the system: Applicant/Beneficiary—An individual who filed a prescribed application for SSI benefits/ an aged, blind, or disabled person who meets the SSI requirement.

Categories of records in the system: The Quality Assurance Casefile contains information from SSA records and information obtained by Quality Assurance Specialists from SSI beneficiaries and from collateral sources. This information relates to the sampled beneficiary's eligibility for SSI payments and to his payment amount. The information is used in conjunction with similar information obtained on a random basis nationwide to determine the effectiveness of SSA's administration of the SSI program and to whether or not policies and procedures relating to his program are being administered in a correct and uniform manner.

Authority for maintenance of the system: Sections 1631(d)(1) and 1631(e)(1)(B) of title XVI of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in a file may be used to contact third-party sources to verify the beneficiary's statements, and to locate the beneficiary when his whereabouts are unknown. State Welfare Department pursuant to agreements with the Social Security Administration for administration of State supplementation payments, for determinations of eligibility for Medicaid per 1634, and for enrollment of welfare recipients for medical insurance under Section 1843 of the Social Security Act.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manilla folder.

Retrievability: The Quality Assurance Casefiles can be retrieved if social security number, name, and address are known.

Safeguards: The casefiles are stored in the Quality Assurance Field Offices that have jurisdictional responsibility for the review of the selected SSI sample case either in locked cabinets and/or locked rooms or in space serviced by GSA guards.

Retention and disposal: The Quality Assurance Casefile is retained 18 months after the month the case was selected for QA sample case review.

System manager(s) and address:

Director
Division of Quality Review
Office of Quality Assurance
Office of Management and Administration
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: Requests may be forwarded to the Program Review Officers (See Appendix D-3).

Contesting record procedures: Same.

Record source categories: Information in the Supplemental Security Income Quality Assurance System is furnished by applicants for and beneficiaries of Supplemental Security Income, representative payees of such individuals (where appropriate), Social Security Administration offices, and other Federal and State agencies, and (with prior written permission of the applicant or beneficiary) from private sources, such as banks, landlords, etc.

SSA PO DI 0775.01

System name: Disability Data Record HEW SSA.

Security classification: None.

System location:

Office of Data Development
Office of Management and Administration
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: Social security disability beneficiaries or claimants whose application for a disability benefit has been allowed or denied.

Categories of records in the system: Social security numbers of the claimant and other demographic and statistical information relating to the disability decision.

Authority for maintenance of the system: Section 221 of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosures are made to the Energy Resources Development Administration for their study of the long term effects of low-level radiation exposure.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tapes.

Retrievability: Access is by use of the social security number. This tape is used for various special studies.

Safeguards: Only authorized personnel having a need for this information in the performance of their official duties have access to this data under stringent security measures involving guards, identity cards and photographs, etc.

Retention and disposal: Tapes are maintained indefinitely.

System manager(s) and address:

Director
Bureau of Disability Insurance
Baltimore, Maryland 21241

Notification procedure: Contact the systems manager, and furnish social security number, name, approximate date and place claim was filed, type of claim (disability, black lung, supplemental security income) and return address.

Record access procedures: An individual may request access to any information maintained about him in this system by contacting the systems manager in writing.

Contesting record procedures: An individual, upon review, may contest data about him by contacting the same social security official with information (see notification), plus identifying the contested data and reason therefor.

Record source categories: The record represents data extracted from the From SSA-831 - Disability Determination and Transmittal which summarizes information contained in the file folder which was obtained from the individual or someone acting on the individual's behalf.

SSA PO DI 0975.01

System name: Administrative Disallowance Records for Technical Denials HEW SSA.

Security classification: None.

System location:

Office of Data Development
Office of Management and Administration
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: Any disability applicant whose claim has been disallowed for technical reasons, generally for failure to meet the insured status provisions at any time.

Categories of records in the system: The name and social security number of the claimant together with other pertinent data such as district office code, disallowance code, date claim filed, disallowance notice number and date processed.

Authority for maintenance of the system: Section 205(a) of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

No routine uses for disclosure purposes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tapes.

Retrievability: Access is by use of the social security number. The record serves as a statistical and workload accounting source for disability decisions on applicants who never met or do not meet the insured status provisions in relation to the date disability began.

Safeguards: Only authorized personnel having a need for this information in the performance of their official duties have access to this data under stringent security measures involving guards, identity cards and photographs, etc.

Retention and disposal: Tapes are retained indefinitely.

System manager(s) and address:

Director
Bureau of Disability Insurance
Baltimore, Maryland 21241

Notification procedure: Contact the systems manager, and furnish social security number, name, approximate date and place claim was filed, type of claim (disability, black lung, supplemental security income) and return address.

Record access procedures: An individual may request access to any information maintained about him in this system by contacting the systems manager in writing.

Contesting record procedures: An individual, upon review, may contest data about him by contacting the same social security official with information (see notification), plus identifying the contested data and reason therefor.

Record source categories: The information for this record is taken from Form SSA-201B, Determination of Disallowance - Disability Claim which is completed by a Social Security Administration employee to document the reason for the determination.

SSA PO DP 0175.01

System name: Master files of Social Security Number Holders HEW SSA.

Security classification: None.

System location:

Bureau of Data Processing
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: All individuals who have obtained social security numbers.

Categories of records in the system: This system contains all of the information received on original applications for social security numbers and any changes in the information on the applications that are submitted by the social security number holder. Cross-reference may be noted where multiple numbers have been issued to the same individual; an indication that benefit claim has been made under this social security number.

Authority for maintenance of the system: Section 205(a) of the Social Security Act; Section 205(c) (2) of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. The State Unemployment Compensation Agencies to verify social security numbers in unemployment compensation claims cases.
2. Employers are notified, on written request, of the social security number of an employee in order to complete their records for reporting FICA to the Social Security Administration.
3. State welfare agencies are notified on written request, of the social security numbers of AFDC applicants or recipients.
4. The Department of Justice (Federal Bureau of Investigation and United States Attorneys) for investigating and prosecuting violations of the Social Security Act.
5. The Department of Justice (Immigration and Naturalization Service) for the identification and location of aliens.
6. The Department of Justice (Federal Bureau of Investigation) and the Department of Treasury (United States Secret Service) for national security matters and in connection with threats on the life of the President or other dignitaries.
7. A person or agency showing compelling circumstances affecting the health or safety of someone, or relating to the identity of an amnesic, mentally incompetent, or unconscious individual.
8. The Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Acts relating to railroad employment.
9. Energy Resources Development Administration for their study of the long-term effects of low-level radiation exposure.
10. Treasury Department for collection of social security taxes and for verification of taxpayers' identification number (social security number).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records in this system are maintained as paper forms, paper lists, punchcards, magnetic tape, microfilm, and microfiche files.

Retrievability: Records in this system are indexed both by social security number and by name. This information is used for the following purposes: by Social Security Administration as basic control for retained earnings information; by Social Security Administration as a basic control and data source to prevent issuance of multiple social security numbers; by Social Security Administration as the means to correctly identify incorrectly reported names or social security numbers on earnings reports; by Social Security Administration for resolution of earnings discrepancy cases; by Social Security Administration for document history in processing claims; by Social Security Administration for statistical studies.

Safeguards: All magnetic tapes are within an enclosure attended by security guards. Anyone entering or leaving this enclosure must have special badges issued only to authorized personnel. All microfilm, microfiche, and paper files are accessible only by authorized personnel who have a need to know.

Retention and disposal: All paper forms are retained until they are filmed or are entered on tape and the accuracy verified, then they are destroyed by shredding. All tape, microfilm, microfiche files are updated periodically. The out-of-date magnetic tapes are erased. The out-of-date microfiche is shredded by the application of heat.

System manager(s) and address:

Director
Bureau of Data Processing
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: An individual may present a request for information as to whether this system contains records pertaining to himself by providing his name and social security number, or if the social security number is not known, date of birth, place of birth, mother's maiden name and father's name, and evidence of identity to the Assistant Bureau Director, Systems, Bureau of Data Processing, 6401 Security Boulevard, Baltimore, Maryland 21235.

Record access procedures: An individual may obtain information maintained about him in the system by writing to the Assistant Bureau Director, Systems, Bureau of Data Processing.

Contesting record procedures: An individual may, upon review, contest any information about him in this system by writing to the same official, providing the same information under notification, stating his reason for contesting and identifying the contested portion of the record.

Record source categories: Social security number applicants; or individual acting on their behalf. The social security number itself is assigned to the individual as a result of internal processes of this system.

SSA PO DP 0275.01

System name: Earnings Recording and Self-Employment Income System HEW SSA.

Security classification: None.

System location:

Bureau of Data Processing
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: Any person who has been issued a social security number and who may or may not have earnings under social security or self-employment income.

Categories of records in the system: This contains records of all social security number holders, their name, date of birth, sex, race, a summary of their yearly earnings, quarters of coverage, special employment codes (i.e., self-employment, military, agriculture, and railroad), benefit status and employer identification.

Authority for maintenance of the system: Section 205(a) of the Social Security Act and section 205(c)(2) of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: State social security administrators for correcting and reconstructing State employee earnings records for social security tax purposes; the Treasury Department (Internal Revenue Service) for collecting social security taxes; the Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Acts relating to railroad employment; the Department of Justice (Federal Bureau of Investigation and United States Attorneys) for investigating and prosecuting violations of the Social Security Act; the Department of Justice (Immigration and Naturalization Service) for the identification and location of aliens; State Departments of Public Welfare for quality control studies of grants-in-aid recipients; to the Energy Resources Development Administration for their study of the long-term effects of low-level radiation exposure; to the Department of Labor for administering provisions of Title IV of the Federal Coal Mine Health and Safety Act and for studies of the effectiveness of training packages to combat poverty, and to the Civil Service Commission.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records in this system are maintained as paper forms, paper lists, punchcards, microfilm and magnetic tape files.

Retrievability: Records in this system are indexed by social security number and name. This information is used for the following purposes: As a primary working record file of all social security number holders; as a quarterly earnings record detail file to provide full data in wage investigation cases; to provide information for

determining amount of benefits; to record all incorrect or incomplete earnings items; to reinstate incorrectly or incompletely reported earnings items; to record the latest employer of a wage earner; for statistical studies; for identification of possible overpayments of benefits; for identification of individuals entitled to additional benefits; provide information to employers and former employers for correcting or reconstructing earnings records and for social security tax purposes; workers and self-employed individuals in the form of earnings statements or quarters of coverage statements; provide information to Social and Rehabilitation Service/Health, Education and Welfare for locating deserting parents.

Safeguards: All magnetic tapes are within an enclosure attended by security guards. Anyone entering or leaving this enclosure must have special badges which are issued only to authorized personnel. All microfilm and paper files are accessible only by authorized personnel with a need to know.

Retention and disposal: All paper forms and cards are retained until they are filmed or are entered on tape and the accuracy verified, then they are destroyed by shredding. All tapes and microfilm files are updated periodically. The out of date magnetic tapes are erased. The out of date microfilm is shredded.

System manager(s) and address:

Director
Bureau of Data Processing
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: An individual may present a request for information as to whether this system contains records pertaining to himself by providing his social security number, name, signature, or other personal identification and referring to this system to Assistant Bureau Director, Systems, Bureau of Data Processing, 6401 Security Boulevard, Baltimore, Maryland 21235.

Record access procedures: An individual may obtain information maintained about him in this system by writing to the Assistant Bureau Director, Systems, Bureau of Data Processing, 6401 Security Boulevard, Baltimore, Maryland 21235.

Contesting record procedures: An individual may, upon review, contest any portion of a record maintained on him in this system. He should write to the same official, providing the same information, referencing this system, and identifying that portion of the record contested, and the reason therefor.

Record source categories: Social security number applicants, employers, self-employed individuals, Department of Justice (Immigration and Naturalization Service), Department of Treasury (Internal Revenue Service) master beneficiary record of Social Security Administration.

SSA FO DP 0475.01

System name: Record of Earnings Information Furnished for Non-Program Purposes HEW SSA.

Security classification: None.

System location:

Bureau of Data Processing
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: Any individual or his survivor, or the legal representative of the individual or his estate, requesting earnings information for a non-program purpose.

Categories of records in the system: 1. Correspondence and/or related documents as well as copies of replies to the correspondence concerning earnings information from an individual's record. 2. Annotated index cards indicating individual case disposition.

Authority for maintenance of the system: Section 205 of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: No routine uses for disclosure.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manila Folders and Index Card File.

Retrievability: Index Card - Alphabetical; Manila Folders - Quarterly, by Social Security Number.

Safeguards: Only authorized personnel are permitted access to the files.

Retention and disposal: No specific authority. Records are maintained as a working file for a period of three to six months and then destroyed.

System manager(s) and address:

Director
Bureau of Data Processing
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: a. Assistant Bureau Director (Systems), Bureau of Data Processing, 6401 Security Boulevard, Baltimore, Maryland 21235.

b. Individual should provide the Social Security Administration with his full name and social security number when obtaining information from the system.

Record access procedures: a. Assistant Bureau Director (Systems), Bureau of Data Processing, 6401 Security Boulevard, Baltimore, Maryland 21235.

b. Individual should provide the Social Security Administration with his full name and social security number when obtaining information from the system.

Contesting record procedures: Same.

Record source categories: Correspondence received from individuals or their legal representatives, and copies of subsequent replies to this correspondence.

SSA PO FO 0175.01

System name: Pending Social Security Number Applications HEW SSA.

Security classification: None.

System location: District and branch office (see Appendix F).

Categories of individuals covered by the system: Individuals requesting social security numbers and replacement cards for lost social security numbers.

Categories of records in the system: Photocopy of SS-5 (Application for Social Security Number) or roster containing individual's name, social security number. Also contains the name and telephone number of the third party (employer, bank, welfare agency) to whom the individual has requested his correct social security number be furnished. Not all offices maintain this record. Some annotate the SS-5 with the name of the third party to be contacted on the reverse side.

Authority for maintenance of the system: Section 205(a) of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: No routine uses for disclosure.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: May be photocopy of SS-5 or roster with third party's name and telephone number.

Retrievability: By name and social security number.

Safeguards: Usually available on a need to know basis.

Retention and disposal: Photocopy or roster is destroyed when the third parties are notified.

System manager(s) and address:

Director
Bureau of Field Operations
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: District or branch manager (see Appendix F).

Record access procedures: Same.

Contesting record procedures: Same.

Record source categories: Applicant.

SSA PO FO 0575.01

System name: Congressional Inquiry File HEW SSA.

Security classification: None.

System location: District and branch office (see Appendix F).

Categories of individuals covered by the system: Congressional representative.

Categories of records in the system: Correspondence to and from congressional representative.

Authority for maintenance of the system: Section 205(a) of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: No routine uses for disclosure.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in manila type folders.

Retrievability: Usually by name in alphabetical order.

Safeguards: Usually available to personnel on a need to know basis.

Retention and disposal: Generally retained for 6 months and may be retained longer.

System manager(s) and address:

Director
Bureau of Field Operations
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: District or branch manager (see Appendix F).

Record access procedures: Same.

Contesting record procedures: Same.

Record source categories: Congressional representative.

SSA PO RSI 0175.01

System name: Claims Folders and Post-Adjudicative Records of Applicants and Beneficiaries for Social Security Administration Benefits HEW SSA.

Security classification: None.

System location: Retirement and Survivors Insurance Claims: Claims folders are maintained primarily in the Retirement and Survivors Insurance Program Centers and the Division of International Operations (see Appendix A). Disability Insurance Claims: Bureau of Disability Insurance (see Appendix B) or Division of International Operations (see Appendix A.) Black Lung Claims: Bureau of Disability Insurance (see Appendix B). Supplemental Security Income Claims: Claims for benefits based on age - Retirement and Survivors Insurance Program centers (see Appendix A). Claims for Disability or Blind - Benefits - Bureau of Disability Insurance (see Appendix B). In addition, claims folders are transferred to numerous other locations throughout the Social Security Administration, and infrequently may be temporarily transferred to other Federal agencies (Department of Justice, or Office of the General Counsel, Department of Health, Education, and Welfare). The disability claims folders are also transferred to State agencies for disability and vocational rehabilitation determinations (see Appendix B). The claims folders are generally set up in district or branch offices when claims for benefits are filed. They are retained there until all development has been completed, then are transferred to the appropriate reviewing office as set out above. Supplemental security income claims folders are held in district or branch offices pending establishment of a payment record, or until the appeal period, in a denied claim situation, has expired. The folders are then transferred to the reviewing office. For district or branch office information, see Appendix F.

Categories of individuals covered by the system: Claimants for retirement, survivors, disability, health insurance, or black lung benefits or supplemental security income payments.

Categories of records in the system: The claims folder is established when a claim for benefits is filed. It contains applications for benefits, earnings record information established and maintained by the Social Security Administration, documents supporting factors of entitlement and continuing eligibility, payment documentation, and correspondence to and from claimants and/or representatives. It may also contain data collected as a result of inquiries or complaints; and evaluation and measurement study of effectiveness of claims policies. Separate files may be maintained of certain actions which are entered directly into the computer processes. These relate to reports of changes of address, work status, and other post-adjudicative reports.

Authority for maintenance of the system: Payment of benefits is directed by the following sections: Sections 202(a)-(i), 223, 226, 228, and 1611 of the Social Security Act and Section 411 of the Federal Coal Mine and Health Safety Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine uses for disclosure may be to:

a. Third party contacts by the Social Security Administration (without the consent of the individual to whom the information pertains) in situations where the party to be contacted has, or is expected to have, information relating to the individual's capability to manage his affairs or his eligibility for or entitlement to benefits under the social security program when:

(1) The individual is unable to provide the information being sought (an individual is considered to be unable to provide certain types of information when any of the following conditions exist: individual is incapable or of questionable mental capability, cannot read or write, cannot afford the cost of obtaining the information, a language barrier exists, or the custodian of the information will not, as a matter of policy, provide it to the individual), or

(2) The data are needed to establish the validity of evidence or to verify the accuracy of information presented by the individual, and it concerns one or more of the following: the individual's eligibility to benefits under a social security program; the amount of a benefit payment; any case in which the evidence is being reviewed as a result of suspected abuse or fraud; concern for program integrity, or for quality appraisal, or evaluation and measurement system activities.

b. Third party contacts by the Social Security Administration where necessary to establish or verify information provided by representative payees or payee applicants.

c. A person (or persons) on the rolls when a claim is filed by an individual which is adverse to the person on the rolls; that is:

(1) An award of benefits to a new claimant precludes an award to a prior claimant; or

(2) An award of benefits to a new claimant will reduce the benefit payments to the individual(s) on the rolls; but only for information concerning the facts relevant to the interests of each party in a claim.

d. Employers or former employers for correcting or reconstructing earnings records and for social security tax purposes only. f. The Treasury Department for collecting social security taxes or as otherwise pertinent to tax and benefit payment provisions of the Social Security Act, (including social security number verification services) and for investigating alleged theft, forgery, or unlawful negotiation of social security checks.

f. The United States Postal Service for investigating alleged forgery or theft of social security checks.

g. The Department of Justice for investigating and prosecuting violations of the Social Security Act to which criminal penalties attach, for representing the Secretary, and for investigating issues of fraud by agency officers or employees, or violation of civil rights.

h. The Department of State and the Veterans' Administration Regional Office Philippines for administering provisions of the Social Security Act in foreign countries through facilities and services of those agencies.

i. The Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Act relating to railroad employment.

j. The Veterans' Administration for the purpose of administering 38 U.S.C. 412 (special payments to certain survivors of uninsured persons who die after 1956 while on active duty, active duty for training, or inactive duty training, or who die after 1956 due to a service-connected disability incurred after September 15, 1940).

k. The Department of Labor for administering provisions of Title IV of the Federal Coal Mine Health and Safety Act.

l. The Bureau of Census when it performs as a collecting agent or data processor for research and statistical purposes directly relating to the Social Security Act.

m. The Department of the Treasury, Office of Tax Analysis, for studying the effects of income taxes and taxes on earnings.

n. The Civil Service Commission for study of the relationship of civil service annuities to minimum social security benefits, and the effects on the trust fund.

o. State social security administrators for administration of agreements pursuant to section 218 (State and local).

p. State Welfare Departments for administering Sections 205(c)(2)(B)(i)(II) and 402(a)(25) of the Social Security Act requiring information about assigned social security numbers

- for Aid to Families with Dependent Children program purposes only.
- q. State Welfare Department pursuant to agreements with the Social Security Administration for administration of State supplementation payments, for determinations of eligibility for Medicaid per section 1634, and for enrollment of welfare recipients for medical insurance under Section 1843 of the Social Security Act.
- r. State Vocational Rehabilitation agencies for rehabilitation services. s. State audit agencies for auditing State supplementation payments and Medicaid eligibility considerations.
- t. Professional Standards Review Organizations (PSRO) and State Licensing Boards for review of unethical practices or nonprofessional conduct as provided in section 1165.
- u. Providers and suppliers of services directly or dealing through fiscal intermediaries or carriers for administration of provisions of title XVIII.
- v. Private medical and vocational consultants for use in making preparation for, or evaluating the results of, consultative medical examinations or vocational assessments which they were engaged to perform by the Social Security Administration or a State agency acting in accord with sections 221 or 1633.
- w. Energy Resources Development Administration for their study of the long-term effects of low-level radiation exposure. x. Specified business and other community members and Federal, State, and local agencies for verification of eligibility for benefits under section 1631(e).
- y. Institutions or facilities approved for treatment of drug addicts or alcoholics as a condition of the individual's eligibility for payment under section 1611e and as authorized by regulations issued by the Special Action Office for Drug Abuse Prevention.
- z. Contractors under contract to the Social Security Administration for the performance of research and statistical activities directly relating to the Social Security Act.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Claims folders are maintained in file cabinets by service area as set out in Location above.

Retrievability: Filed in numerical sequence by social security number. The folders are used throughout the Social Security Administration for the purposes of determining, organizing, and maintaining documents for making normal determination as to eligibility to benefits, the amount of benefits, reviewing continuing eligibility, holding hearings or administrative review processes, and to ensure that proper adjustments are made based on events affecting entitlement. The folder may be referred to State Disability Determination Sections or Vocational Rehabilitation Agencies in disability cases. They may also be used for quality review, evaluation, and measurement studies, and other statistical and research purposes.

The claims folder constitutes the basic record for payments and determinations under the Social Security Act and the Federal Coal Mine Health and Safety Act (black lung). Data are used to produce and maintain the master beneficiary record system (see Systems Notice) which is the automated payment system for retirement, survivors, and disability benefits; the supplemental security income automated system for the aged, blind, and disabled payments; the black lung payment process for black lung claims; and the Health Insurance and Billing and Collection Master record systems for Hospital and supplementary medical (medicare) insurance benefits.

This paper file is controlled by the Social Security Administration Claims Control System while the claim is pending development for adjudication in the district or branch office, and by the Case Control System once the folder has been transferred to the reviewing office (program centers, Division of International Operations, or the Bureau of Disability Insurance).

Safeguards: Claims folders are protected through limited access to Social Security Administration records, limited employee access to need to know. All employees are instructed in Social Security Administration confidentiality rules as a part of their initial orientation training.

Retention and disposal: The claims folder is maintained in the reviewing office until the social security number becomes inactive (no one is entitled to benefits). It is then transferred for storage to the Federal Archives and Records Center to await destruction based on predetermined destruction dates: 5-year retention - no record of surviving potential beneficiaries; 20-year retention - withdrawn claims, claims disallowed or lump-sum death payments only; and 55-year retention - potential future claimants indicated in the file. When a subsequent claim is filed on the social security number, the claims file is recalled from the Records Center. Similarly, the claims files may be recalled from the Records Center at any time by the Social Security Administration as necessary in the administration of the social security programs.

System manager(s) and address:

Director
Bureau of Retirement and Survivors Insurance
6401 Security Boulevard
Baltimore, Maryland 21235

Director
Bureau of Supplemental Security Income
6401 Security Boulevard
Baltimore, Maryland 21235

Director
Bureau of Disability Insurance
6401 Security Boulevard
Baltimore, Maryland 21235

Director
Bureau of Health Insurance
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: Contact the most convenient social security office (see Appendix F for address and telephone information).

Record access procedures: In order to find out if this system contains information about him, an individual may contact the most convenient social security office in person or in writing. The inquirer should provide his name, social security number, identify the type of claim he filed (retirement, survivors, disability, health insurance, black lung, special minimum payments, or supplemental security income) (if more than one claim was filed, each should be identified); whether he is or has been receiving benefits; whether payments are being received under his own social security number, and if not, the name and social security number under which received; if benefits have not been received, the approximate date and the place the claim was filed; and his return address or his telephone number.

Contesting record procedures: If, upon review of the record, the individual wishes to contest any part of it, he may do so at the same office where he accessed the record.

Record source categories: This information is obtained from the claimants, accumulated by the Social Security Administration from reports of employers or self-employed individuals, various local, State, and Federal agencies, claimant representatives and other sources to support factors of entitlement and continuing eligibilities.

SSA PO RSI 0275.01

System name: Master Beneficiary Record HEW SSA.

Security classification: None.

System location:

Bureau of Data Processing
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: All social security beneficiaries currently entitled to receive retirement, survivors, disability, and special minimum social security benefits; records for beneficiaries whose entitlement has been terminated because of a termination event as defined in the Social Security Act; and denied and disallowed cases.

Categories of records in the system: The master beneficiary data contains data applicable to all beneficiaries maintained on the record within a particular account and reflects the social security number under which benefits are awarded, the primary insurance amount (insured) or quarters of coverage required and earned (uninsured); provides information regarding benefit computation, insured status, use of railroad or military credits, and information

for statistical and control purposes; contains the effective date of onset of disability for disability cases or date and proof of death for death cases; contains information pertinent to all beneficiaries receiving payment on the record and the name and address (including ZIP Code) of the payee, the servicing social security district office code and the amount of the monthly check payable; reflects any special status of a payment being made; contains statistical and identifying information for each individual on the record such as the beneficiary subscript, beneficiary name, date of birth, date of entitlement, sex, race, and benefit payment status; contains information for those beneficiaries enrolled in the health or supplemental medical insurance provision of the Social Security Act; contains information relating to annual reports of earnings, representative payee data, and cross-reference data pertinent to any other account on which the beneficiary may be entitled to benefits; and a chronological sequence of payment history for each beneficiary. The records may be in the following form: Master Beneficiary Record Computer File; Online Data Base (Query and Response); Various Microform Files as follows: Master File - a master record in account number order, Alpha File - an alphabetic list of beneficiaries, Transaction File - monthly supplement (accretions, deletions, and changes) to the master file, in account number order, Offline Query and Response, Treasury Payment Tape Files and Related Transaction Files, Various One-Time Work Tape Files used in computer sorting of records and in subsystems processing of the master beneficiary record. After use they are returned to stock, Payment Reference Listing.

Authority for maintenance of the system: Payment of benefits is directed by the following sections: Sections 202a-i, 223, 226, 228, and 1611 of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine uses for disclosure may be to:

- a. Third party contacts by the Social Security Administration (without the consent of the individual to whom the information pertains) in situations where the party to be contacted has, or is expected to have, information relating to the individual's capability to manage his affairs or his eligibility for or entitlement to benefits under the social security programs when:
 - (1) The individual is unable to provide the information being sought (an individual is considered to be unable to provide certain types of information when any of the following conditions exist: individual is incapable or of questionable mental capability, cannot read or write, cannot afford the cost of obtaining the information, a language barrier exists, or the custodian of the information will not, as a matter of policy, provide it to the individual), or
 - (2) The data are needed to establish the validity of evidence or to verify the accuracy of information presented by the individual, and it concerns one or more of the following: the individual's eligibility to benefits under a social security program; the amount of a benefit payment; any case in which the evidence is being reviewed as a result of suspected abuse or fraud, concern for program integrity, or for quality appraisal, or evaluation and measurement system activities.
- b. Third party contacts by the Social Security Administration where necessary to establish or verify information provided by representative payees or payee applicants.
- c. A person (or persons) on the rolls when a claim is filed by another individual which is adverse to the person on the rolls:
 - (1) An award of benefits to a new claimant precludes an award to a prior claimant; or
 - (2) An award of benefits to a new claimant will reduce the benefit payments to the individual(s) on the rolls; but only for information concerning the facts relevant to the interests of each party in a claim.
- d. The Treasury Department for collecting social security taxes or as otherwise pertinent to tax and benefit payment provisions of the Social Security Act, (including social security number verification services) and for investigating alleged theft, forgery, or unlawful negotiation of social security checks.
- e. The United States Postal Service for investigating alleged forgery or theft of social security checks.
- f. The Department of Justice for investigating and prosecuting violations of the Social Security Act to which criminal

penalties attach, for representing the Secretary, and for investigating issues of fraud by agency officers or employees, or violation of civil rights.

- g. The Department of State and the Veterans' Administration Regional Office Philippines for administering provisions of the Social Security Act in foreign countries through facilities and services of those agencies.
- h. The Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Acts relating to railroad employment.
- i. The Veterans' Administration for the purpose of administering 38 U.S.C. 412 (special payments to certain survivors of uninsured persons who die after 1956 while on active duty, active duty for training, or inactive duty training, or who die after 1956 due to a service-connected disability incurred after September 15, 1940).
- j. The Bureau of Census when it performs as a collecting agent or data processor for research and statistical purposes directly relating to the Social Security Act.
- k. The Department of the Treasury, Office of Tax Analysis, for studying the effects of income taxes and taxes on earning.
- l. The Civil Service Commission for the study of the relationship of civil service annuities to minimum social security benefits, and the effects on the trust fund.
- m. State social security administrators for administration of agreements pursuant to section 218 (State and local).
- n. State Welfare Departments for administering Sections 205(c)(2) (B)(i)(II) and 402(a)(25) of the Social Security Act requiring information about assigned social security numbers for Aid to Families with Dependent Children program purposes and for determining a recipient's eligibility under the AFDC and Medicaid programs.
- o. Energy Resources Development Administration for their study of the long-term effects of low-level radiation exposure.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape, microfilm, and paper.

Retrievability: Based on social security number on magnetic tape, microfilm readers and printers, listings, and online computer terminals. Master beneficiary record data are used by a broad range of social security employees for responding to inquiries, generating followups on beneficiary reporting events, computer exception processing, statistical studies, conversion of benefits, and to generate payment records for Treasury. Data are channelled from this system to State Welfare Departments, with consent of the individual, for Aid to Families with Dependent Children program purposes; and data are received from the States regarding health insurance third party premium payment/buy-in information.

Safeguards: Magnetic tape and microfilm files are protected through standard security measures used for all of the Social Security Administration's computer records. Paper records are subject to the same safeguards as all other information in the Social Security Administration relating to claims and beneficiary records—limited access to social security offices, limited employee access to need to know; all employees receive instruction in Social Security Administration confidentiality rules in an initial orientation.

Retention and disposal: Magnetic tape records are retained up to 90 days; the majority of magnetic tape reels are erased and returned to stock after processing is completed. Microfilm is disposed of by shredding after periodic replacement of a complete file. Paper records are usually destroyed after use, by shredding, except where needed for documentation of the claims folder, in which case they are retained therein indefinitely (see notices for claims folders and post-adjudicative records of applicants and beneficiaries for social security benefits).

System manager(s) and address:

Director
Bureau of Retirement and Survivors Insurance
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: Contact the most convenient social security office (see Appendix F). The social security claim number (social security number plus alphabetic symbols), and name and address must be furnished with proper identification.

Record access procedures: Contact may be in person, or in writing to the most convenient social security office.

Contesting record procedures: Same.

Record source categories: The information for the master beneficiary record comes primarily from the claims folder and/or is furnished by the beneficiary at the time of filing for benefits, via the application form and necessary proofs, and during the period of entitlement when notices of events such as changes of address, work, marriage, are given the Social Security Administration by the beneficiary; from States regarding health insurance buy-in cases.

SSA PO RSI 0375.01

System name: Social Security Administration Claims Control System HEW SSA.

Security classification:

None.

System location:

Bureau of Data Processing
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: A control record is established when a claim(s) for Retirement, Survivors, Disability, and/or Health Insurance Benefits is filed on a particular social security number (SSN). Only one record is established for each social security number even though more than one claim may be filed simultaneously—e.g., claims for the wage earner, his wife, and children on one social security number.

Categories of records in the system: The record content is: social security number and wage earner's name; the date the application was filed—for a few cases it is not included because it is not known when the record is established; the type of action—i.e., Retirement, Survivors, Disability, and/or Health Insurance Benefits; the potential month of entitlement—for monthly benefits this will be the first month for which benefits may be paid; the code for the district office that processed the application; the district office that released the claim to the State agency or program center; the present location of the claim; the date the claim was released by one office and received by another.

Authority for maintenance of the system: Section 205q of the Social Security Act—This provision necessitates a systems control of claims to ensure payment within prescribed time pars.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosures are made to the Energy Resources Administration for their study of the long-term effects of low-level radiation exposure.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape.

Retrievability: Indexed by social security number. Controlling claims from the point they originate in a district office until they are finally processed to completion enables the Administration to identify those claims for which inordinate delays occur. Once identified, expeditious processing is initiated. Moreover, the data present in the system is useful in the reconstruction of a claim if the application were to be lost.

Safeguards: Magnetic tape records protected through standard security measures used for all SSA's computer records—limited access to Social Security Administration offices—limited employee access to computer facilities based on specific authorization.

Retention and disposal: The records on the magnetic tapes are purged when the decision of award or disallowance is made on the social security number or at 1 year from the date the record is established, whichever occurs first. The old versions of tapes are erased and returned to stock.

System manager(s) and address:

Director
Bureau of Retirement and Survivors Insurance
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: Social Security District Offices and Branch Offices (See Appendix F.)

Record access procedures: Social Security District Offices and Branch Offices. The data in this system are extremely limited since the system is a mechanism used by the agency to control and expedite the processing of claims. An individual may access the information about him in the system by contacting the most convenient social security office, referencing the system, providing name, social security number, approximate date and place claim was filed, type of claim (retirement, survivors, disability, or health insurance), and return address or phone number.

Contesting record procedures: It is maintained that little of the data in this system is contestable; however, should an individual wish to contest it upon review, he may discuss the matter with the social security office staff.

Record source categories: The data are derived from the information furnished by the claimant on his application and by control data that is received as the claim is sent from the district office to other social security offices.

SSA PO RSI 0775.01

System name: Health Insurance Overpayment Ledger Cards HEW SSA.

Security classification: None.

System location:

Retirement and Survivors Insurance
Program Centers
Division of International Operations (See Appendix A)

Bureau of Disability Insurance
6401 Security Boulevard
Baltimore, Maryland 21241

Categories of individuals covered by the system: All social security health and supplemental medical insurance enrollees who received incorrect medicare payments or services, who are determined liable, and against whom it is not possible to adjust subsequent Part A (Hospital) or Part B (Supplementary Medical) benefits.

Categories of records in the system: A clerical record of each overpaid medicare benefit, name and address of the individual(s) involved. Recovery efforts made and the date of each action. Planned future actions.

Authority for maintenance of the system: Sections 1814, 1833 and 1870 of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: No routine uses for disclosure.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Card stock in metal cabinets.

Retrievability: By social security number. The users of this system are selected employees of both social security program centers as well as Division of International Operations and Bureau of Disability Insurance. The information recorded by the program centers is used to maintain control of medicare overpayments referred to the program center from Bureau of Health Insurance for recovery action. In these cases, Bureau of Health Insurance is unable to recoup the overpayment by adjusting subsequent medicare benefits. The information on the ledger cards is also used to produce periodic accounting, management, and statistical reports.

Safeguards: Records protected through standard security means for all of the Social Security Administration's clerical records, limited access to buildings and limited access by employees on a need to know basis.

Retention and disposal: Retained in the program center for a period of one year after collection efforts terminated and then transferred to the Federal Records Center where they are retained for 3 years, then destroyed.

System manager(s) and address:

Director
Bureau of Retirement and Survivors Insurance
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure:

Retirement and Survivors Insurance Program Centers
Division of International Operations (See Appendix A)
Bureau of Disability Insurance
6401 Security Boulevard
Baltimore, Maryland 21241

Record access procedures: An individual may access any information maintained about him in this system. He should write to the appropriate office (based on social security number) as set out in Appendix A, providing his social security number, and referencing this system of records.

Contesting record procedures: The data subject may contest the accuracy or content of the records by writing to the appropriate office, identifying the information contested, the reason for contesting the data, and referencing this system of records.

Record source categories: The information is received indirectly from the providers of Medicare services through the Bureau of Health Insurance and directly from the Bureau of Health Insurance as a result of their audit procedures.

SSA PO RSI 0875.01

System name: Control System for Delayed, Critical, or Sensitive Case Inquiries HEW SSA.

Security classification: None.

System location:

Bureau of Retirement and Survivors Insurance, Critical Case Staff
6401 Security Boulevard
Baltimore, Maryland 21235

Inquiry and Expediting Staffs of the Retirement and Survivors Insurance Program Centers (see Appendix A for addresses) the Division of International Operations' Sensitive Case Staff
6401 Security Boulevard
Baltimore, Maryland 21235

Copies of individual files are also maintained by the district or branch office at which an inquiry of this nature originates (see Appendix F).

Categories of individuals covered by the system: Social security beneficiaries or persons inquiring on their behalf who are reporting failure to receive a check or checks which they believe are due or are inquiring about other matters which have been determined to be of a critical or sensitive nature (e.g., failure to receive a check).

Categories of records in the system: The name and social security number of the individual and identifying information about the source of the inquiry (e.g., the individual, congressman, authorized representatives), the problem involved, and its subsequent resolution.

Authority for maintenance of the system: Section 205(q) of the Social Security Act (42 U.S.C. 405(q)).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Respond to the inquirer; may include contact with the Treasury Department to determine if payment was issued or check returned for cash.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Control cards and inquiry sheets; copies of letters to individuals or persons writing on their behalf (e.g., congressmen, authorized representatives) advising them of the resolution of their inquiries.

Retrievability: By name and/or social security number.

Safeguards: The control records are subject to the same rules and safeguards as all other information in Social Security Administration relating to claims and beneficiary records—limited access to the Social Security Administration offices, and limited employee access based on need to know.

Retention and disposal: Control cards are maintained for 6 months after which they are destroyed by shredding. Inquiry sheets are destroyed after 1 year by shredding. Letters are maintained for 2 years and then destroyed by shredding, except those originating in the program centers and the Division of International Operations. They are maintained in the claims folder as part of the file. District and branch office copies are destroyed after the investigation has been completed.

System manager(s) and address:

Director
Bureau of Retirement and Survivors Insurance
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: In order to ascertain whether or not this system contains information about him/her, an individual should contact the most convenient social security office and provide the system name, social security number, and return address, or phone number.

Record access procedures: In order to ascertain whether or not this system contains information about him/her, an individual should contact the most convenient social security office in person or writing.

Contesting record procedures: An individual may, upon review of information maintained about him in this system, contest it in person or writing at the same social security office at which the information was accessed. Information provided should identify that part of the record contested, and the reasons for contesting it as well as provide the information set out under notification above.

Record source categories: The information is derived from the individual or someone on his behalf, the individual's claims record, and the contacts within the Social Security Administration or outside the Social Security Administration (e.g., Treasury Department) needed to obtain the information.

SSA PO RSI 0975.01

System name: Program Integrity Case Files HEW SSA.

Security classification: None.

System location:

Bureau of Retirement and Survivors Insurance
6401 Security Boulevard
Baltimore, Maryland 21235
and its program centers (see Appendix A)

Bureau of Disability Insurance
Baltimore, Maryland 21241
its regional office locations (see Appendix B)

Bureau of Health Insurance
6401 Security Boulevard
Baltimore, Maryland 21235
or the Health Insurance Regional Office locations (see Appendix C)

Office of Management and Administration
6401 Security Boulevard
Baltimore, Maryland 21235
or the Supplemental Security Income Regional Office locations (see Appendix D)

Categories of individuals covered by the system: Persons suspected of having violated the criminal provisions of the Social Security Act where substantial basis for criminal prosecution exists, and defendants in criminal prosecution cases.

Categories of records in the system: Information maintained in each record includes the identity of the suspect, the nature of the alleged offense, documentation of the investigation into the alleged offense, and the disposition of the case by the Social Security Administration or the United States Attorney.

Authority for maintenance of the system: Sections 206, 208, 221, 222, 1106, 1107, 1631(d)(3), 1632, 1633, 1816, 1842, 1872, 1874, 1876, 1877 of the Social Security Act, and sections 413 and 427 of the Federal Coal Mine Health and Safety Act. Material in this system of records is routinely used by SSA staff to determine if a violation of the penal provisions of the Social Security Act or related provisions of the United States Code has been committed. If so, such material is used as the basis for referral of the case to the Department of Justice for consideration of prosecution, and is disclosed to that agency. The material is also used to determine the direction of investigation of potential fraud situations, which includes contact with third parties for the purpose of establishing or negating a violation. Cases involving fraudulent tax returns or forgery of social security checks are disclosed to the Treasury Department.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual system, records maintained in manila folders and stored in filing cabinets.

Retrievability: Records are indexed and retrieved by social security number or by name of the subject of the investigation. The information in this record system pertains to suspected violations and fraud investigations. Cases may move through several levels of the Social Security Administration organization at the district, regional and/or central office locations during the course of documenting a suspected fraudulent situation.

Safeguards: Records are maintained in locked filing cabinets and are accessed only by employees with a job-related need for the information.

Retention and disposal: Records may be retained 3 - 6 years after final disposition of the case. At the end of the retention period, the records are destroyed by shredding. (Supplemental security income

cases are scheduled for 6 year retention, all others 3 years; once experience has been gained with the former types of case, it may be possible to reduce it to 3 years.)

System manager(s) and address:

Director
Office of Quality Assurance
6401 Security Boulevard
Baltimore, Maryland 21235

Director
Bureau of Disability Insurance
Baltimore, Maryland 21241

Director
Bureau of Health Insurance
6401 Security Boulevard
Baltimore, Maryland 21235

Assistant Commissioner
Office of Quality Assurance
Office of Management and Administration
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: An individual can determine if this system contains a record pertaining to him by requesting such information in writing from the appropriate program center for retirement and survivors cases (see Appendix A); Bureau of Disability Insurance for disability, black lung, or Supplemental Security Income disabled or blind cases; the appropriate Health Insurance Regional Offices for health insurance cases (see Appendix C); or the appropriate Quality Assurance Field Staff for supplemental security income cases (see Appendix D). The request should include the individual's name and social security number, any social security number on which he has filed for or received benefits, the type of such claim, and current claim status.

Record access procedures: Per 5 United States Code 522a (k)(2), the records in this system are exempt from access by the individual named in the records. However, access to information which is a matter of public record or documents furnished by the individual will be permitted.

Contesting record procedures: Same.

Record source categories: The information contained in this record system is the result of criminal investigation and may be derived from such sources as the suspect, witnesses, or Social Security Administration employees with a knowledge of the case.

Systems exempted from certain provisions of the act: Exemption of this system to the access provisions is claimed under section k(2) of the Privacy Act inasmuch as these records are investigatory materials compiled for program (law) enforcement in anticipation of a criminal proceeding.

SSA PO RSI 1275.01

System name: Litigation Activity File HEW SSA.

Security classification: None.

System location:

Bureau of Retirement and Survivors Insurance
Program Policy
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: Plaintiffs who have filed court actions against the Secretary of HEW.

Categories of records in the system: Basically, the file is used as a reference and control vehicle for analysts involved in litigation activity. The records contain documentation regarding the various activities carried on by the Division of Entitlement concerning specific litigation cases. For example, documentation includes copies of suggested replies to interrogatories and factual summaries, copies of memoranda to implement court decisions, requests for information from Office of General Counsel and in response to the Office of General Counsel's requests for information, etc. Also included is documentation regarding telephone calls, personal contacts, and letters concerning routine activity on a particular litigation case.

Authority for maintenance of the system: Section 205(g) of the Social Security Act, 42 U.S.C. 402(g).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: No routine uses for disclosure.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information is stored in file cabinets.

Retrievability: File maintained in alphabetical order by plaintiff's last name.

Safeguards: Limited access based on need to know.

Retention and disposal: Files are maintained until all final actions are completed. After final actions are completed, files are destroyed by shredding.

System manager(s) and address:

Director
Bureau of Retirement and Survivors Insurance
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: Contact the systems manager in writing, and provide name, social security number, return address, and system name.

Record access procedures: By mail direct or through authorized representative.

Contesting record procedures: An individual, upon review, may contest any portion of the record maintained about him by writing to the systems manager, identifying the system, and providing his return address, the portion of the record contested, and the reason therefor.

Record source categories: Information is recorded from the complaint received from the Office of General Counsel and other correspondence, decisions, recommendations, etc.

SSA PO RSI 1375.01

System name: Court Case Record File HEW SSA.

Security classification: None.

System location:

Bureau of Retirement and Survivors Insurance, Program Policy
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: Plaintiffs who have filed court actions against the Secretary of HEW.

Categories of records in the system: Record contains: Plaintiff's name, wage earner's name, Social Security number, the date the complaint was filed, the issue involved (e.g., plaintiff contesting HEW's date of birth determination), action taken on complaint, cross reference to litigation folder (see systems notice regarding Litigation Activity File).

Authority for maintenance of the system: Section 205(g) of the Social Security Act, 42 U.S.C. 402(g).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: No routine uses for disclosure.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Cards are stored in a file cabinet.

Retrievability: They are filed alphabetically by plaintiff's last name. Information from the court case record cards are used for the statistical portion of the Civil Litigation Report sent to the Commissioner of the Social Security Administration from the Bureau of Retirement and Survivors Insurance. Also, these cards are used as reference cards and locator cards to find the litigation material.

Safeguards: Limited access to Social Security Administration offices; limited employee access based on need to know.

Retention and disposal: Never destroyed. Closed cases after litigation report is completed are placed in boxes in alphabetical order.

System manager(s) and address:

Director
Bureau of Retirement and Survivors Insurance
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: Contact the systems manager in writing and provide name, social security number, return address, and systems name.

Record access procedures: Via direct mail or through authorized representative.

Contesting record procedures: An individual, upon review, may contest any portion of the record maintained about him by writing to the systems manager, identifying the system, and providing his return address, the portion of the record contested, and the reason therefor.

Record source categories: Information is recorded from the complaint received from the Office of the General Counsel and other correspondence, decisions, recommendations, etc. The identification number is received from the Bureau of Retirement and Survivors Insurance Reference Room.

SSA PO RSI 1475.01

System name: Fee Ledger System for Representatives; HEW SSA.

Security classification: None.

System location: Records pertaining to representatives in retirement, survivors, disability, health insurance, supplemental security income and black lung benefit claims are maintained at the following locations:

Bureau of Retirement and Survivors Insurance
6401 Security Boulevard
Baltimore, Maryland 21235

(For all claims involving retirement, survivors, and supplemental security for the aged)

Bureau of Disability Insurance
6401 Security Boulevard
Baltimore, Maryland 21241

(For all claims involving disability benefits, black lung and supplemental security income for the blind and disabled)

Bureau of Hearings and Appeals
801 North Randolph Street
Arlington, Virginia 22203

(For all claims that involve a hearing for disability, retirement, survivors benefits, health insurance, black lung, or supplemental security income)

Bureau of Health Insurance
6401 Security Boulevard
Baltimore, Maryland 21235

(For Health Insurance Claims)

Bureau of Supplemental Security Income
6401 Security Boulevard
Baltimore, Maryland 21235

(For claims involving only supplemental security income benefits)

Categories of individuals covered by the system: Attorneys and non-attorney representatives of claimants before the Social Security Administration.

Categories of records in the system: Name and address of representative, firm affiliation, if any, claimant's social security number, fee requested by representative, amount of fee approved by the Social Security Administration, amount withheld from claimant's past-due benefits, date the fee was approved, type of services rendered, reviewing and approving offices.

Authority for maintenance of the system: Sections 206 and 1631(d) of the Social Security Act, and section 413(b) of the Federal Coal Mine Health and Safety Act of 1969.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The purpose of this system is to record the amount of fees paid to individual representatives. The records are also used to determine if unauthorized fees have been collected. If an apparent violation of the fee provisions of the Social Security act is detected, action may be recommended to prosecute the representative, and information from the record may then be disclosed to the Department of Justice and to the office of General Counsel, Department of Health, Education, and Welfare. These records serve to support the contention that a representative has previously appeared before the Social Security Administration and should be aware of fee petitioning requirements.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The central reference files are maintained by the Bureau of Retirement and Survivors Insurance on ledger cards, and kept in metal file cabinets. In addition, when the ledger cards are destroyed, an alphabetic listing, which is manually maintained, is

prepared to indicate that the representative has appeared before the Social Security Administration in the past. The Bureau of Disability Insurance, Health Insurance, and Supplemental Security income may maintain carbon copies of the Petition to obtain approval of a fee for representing a social security claimant. These copies, when maintained, may include a copy of the Social Security Administration's authorization to charge and receive a fee, and are filed in metal filing cabinets; in the case of the Bureau of Hearings and Appeals, they are maintained in file books.

Retrievability: Records are generally indexed alphabetically by name of the representative. If the representative is an attorney and no specific name is furnished the record is filed according to the name of the firm. The Bureau of Hearings and Appeals, however, maintains its file based on social security number of the claimant.

Safeguards: Normal security measures are imposed. Only those Social Security Administration employees with a job-related need for the information can have access to the records in this system.

Retention and disposal: Ledger records are retained for a period of 5 years from the date of the latest entry. If no entries are recorded within this period the record is destroyed. When the ledger is destroyed, the name, address of the representative, and at least one social security number of an involved claim, is recorded and indexed for indefinite retention. Copies of the representatives petition are maintained in the Bureau of Retirement and Survivors Insurance until pertinent data are transferred to the ledger cards; then the copies are destroyed by shredding. Records in the Bureaus of Disability Insurance, Health Insurance, Supplemental Security Income, and Hearings and Appeals are maintained indefinitely.

System manager(s) and address: See location for appropriate manager to contact.

Director, Bureau of Retirement and Survivors Insurance
6401 Security Boulevard
Baltimore, Maryland 21235

Director, Bureau of Disability Insurance
6401 Security Boulevard
Baltimore, Maryland 21241

Director, Bureau of Hearings and Appeals
801 North Randolph Street
Arlington, Virginia 22203

Director, Bureau of Health Insurance
6401 Security Boulevard
Baltimore, Maryland 21235

Director, Bureau of Supplemental Security Income
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: An individual can determine if this system contains a record pertaining to him by writing to the appropriate system manager. When the appropriate manager cannot be identified, the individual may contact the Director, Bureau of Retirement and Survivors Insurance. All requests should include the representative's name and address, type of claim, date the fee was approved, and social security number under which the claim was filed.

Record access procedures: The system may be accessed by writing to the appropriate system manager.

Contesting record procedures: The system may be accessed by writing to the appropriate systems manager.

Record source categories: All information is extracted and compiled from Forms SSA-1560, Petition to Obtain Approval of a Fee for Representing a Social Security Claimant, which is completed by the representative and Form SSA-1560A, Authorization to Charge and Receive a Fee, which is prepared by the Social Security Administration.

SSA PO SSI 0175.01

System name: Supplemental Security Income Record HEW SSA.

Security classification: None.

System location:

Bureau of Data Processing
6401 Security Boulevard
Baltimore, Maryland 21235

District Offices, Branch Offices and BSSI Regional Offices

(See Appendices D and F)

Categories of individuals covered by the system: This file contains a record for each aged, blind, or disabled individual who has applied for supplemental security income payments.

Categories of records in the system: This file contains data regarding eligibility, citizenship, residence, eligibility for other benefits, alcoholism or drug addiction data (if applicable), income data, resources, payment amounts and living arrangements for all persons who have applied for SSI payments.

Authority for maintenance of the system: Section 1631 of Title XVI of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information from this file is used by the Treasury Department to prepare supplemental security income benefit checks, and by the States to establish the minimum income level for computation of State supplement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic Tape, microfiche.

Retrievability: Magnetic tape and Microfiche indexed by social security number. Supplemental security income records begin in the social security district office where an individual files an application for supplemental security income payments. This application contains data which may be used to prove the identity of the applicant, determine his eligibility for SSI payments and in cases where eligibility is determined, to compute the amount of the payment. Information from the application in addition to data used internally to control and process SSI cases is used to create the Supplemental Security Income Record. The Supplemental Security Income Record is also used as a means of providing a historical record of all activity on a particular individual. In addition, statistical data is derived from the Supplemental Security Income Record for actuarial and management information purposes.

Safeguards: The magnetic tape records are protected through standard security measures used for all computer records housed within the Social Security Administration. The microfiche are stored in a locked rack, kept in a locked room, and only personnel having a need for information have access.

Retention and disposal: Original input transaction tapes received which contain initial claims and posteligibility actions are retained indefinitely although these are processed as received and incorporated into processing tapes which are updated to the master supplemental security income tape file on a monthly basis.

System manager(s) and address:

Director, Bureau of Supplemental Security Income
6401 Security Boulevard
Baltimore, Maryland 21235 11

Social Security District Offices and Branch Offices (See Appendix F).

Record access procedures: Same.

Contesting record procedures: Same.

Record source categories: The information contained within the Supplemental Security Record is obtained for the most part from the applicant for SSI payments and is derived from the claims folder.

SSA PO SSI 0275.01

System name: Supplemental Security Income Claims Data HEW SSA.

Security classification: None.

System location:

Bureau of Data Processing
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: This file contains a record for each aged, blind, or disabled individual who has applied for supplemental security income payments.

Categories of records in the system: The supplemental security income online claims data base contains data regarding eligibility, citizenship, residence, eligibility for other benefits, alcoholism and drug addiction data (if applicable), income data, resource, payment amounts, and living arrangements for all persons who have applied for supplemental security income payments.

Authority for maintenance of the system: Sections 1602, 1611, 1612, 1613, 1614, 1615, 1631, 1633, and 1634 of Title XVI of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information from these records is disclosed to State vocational rehabilitation agencies and rehabilitation services.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic disc.

Retrievability: Magnetic disc indexed by social security number. The online claims data are used to expeditiously provide supplemental security income data, upon request, to social security field offices around the nation.

Safeguards: The magnetic disc records are protected through standard security measures used for all computer records housed within the Social Security Administration--limited employee access to specific authorization by individual.

Retention and disposal: The online claims data are retained for an indefinite period.

System manager(s) and address:

Director, Bureau of Supplemental Security Income
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: Social security district offices and branch offices (see Appendix F).

Record access procedures: See Notification.

Contesting record procedures: Same.

Record source categories: From materials in the appropriate claims file.

SSA PP RSO 1075.01

System name: Continuous Work History Sample (Statistics) HEW SSA.

Security classification: None.

System location:

Bureau of Data Processing
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: A sample of persons with social security numbers issued through the cutoff date of the file. Included are those working for the Federal government and those covered by the Railroad Retirement Act, as well as those covered under social security.

Categories of records in the system: Demographic characteristics; employer information; type of work information; earnings information; self-employment information; insured status information; benefit status; geography information (residence).

Authority for maintenance of the system: Section 702 of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosures are made to the Energy Resources Development Administration for their study of the long-term effects of low-level radiation exposure; and to the Department of Labor for administering provisions of Title IV of the Federal Coal Mine Health and Safety Act and for studies on the effectiveness of training packages to combat poverty.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data are stored on magnetic tape.

Retrievability: The file is indexed with social security numbers. Disclosure to the Census Bureau in connection with studies conducted for Social Security Administration purposes.

Safeguards: After initial processing by Census Bureau, all magnetic tape files are retained in secure storage areas accessible only to authorized persons within the Bureau of Data Processing of the Social Security Administration. During the matching steps which occur at the Social Security Administration, identifiable data is under the control of a limited number of social security employees who have sworn to uphold the Census statute as well as the Social Security Act. All employees having access to records have been notified of criminal sanctions for unauthorized disclosure of information on individuals.

Retention and disposal: This is a longitudinal sample. Records with identifiers will be retained as long as needed to permit addition of future earnings and other Social Security Administration, program data for individuals in sample.

System manager(s) and address:

Assistant Commissioner, Office of Research and Statistics
Social Security Administration, Room 1121
1875 Connecticut Avenue, NW
Washington, D.C. 20009

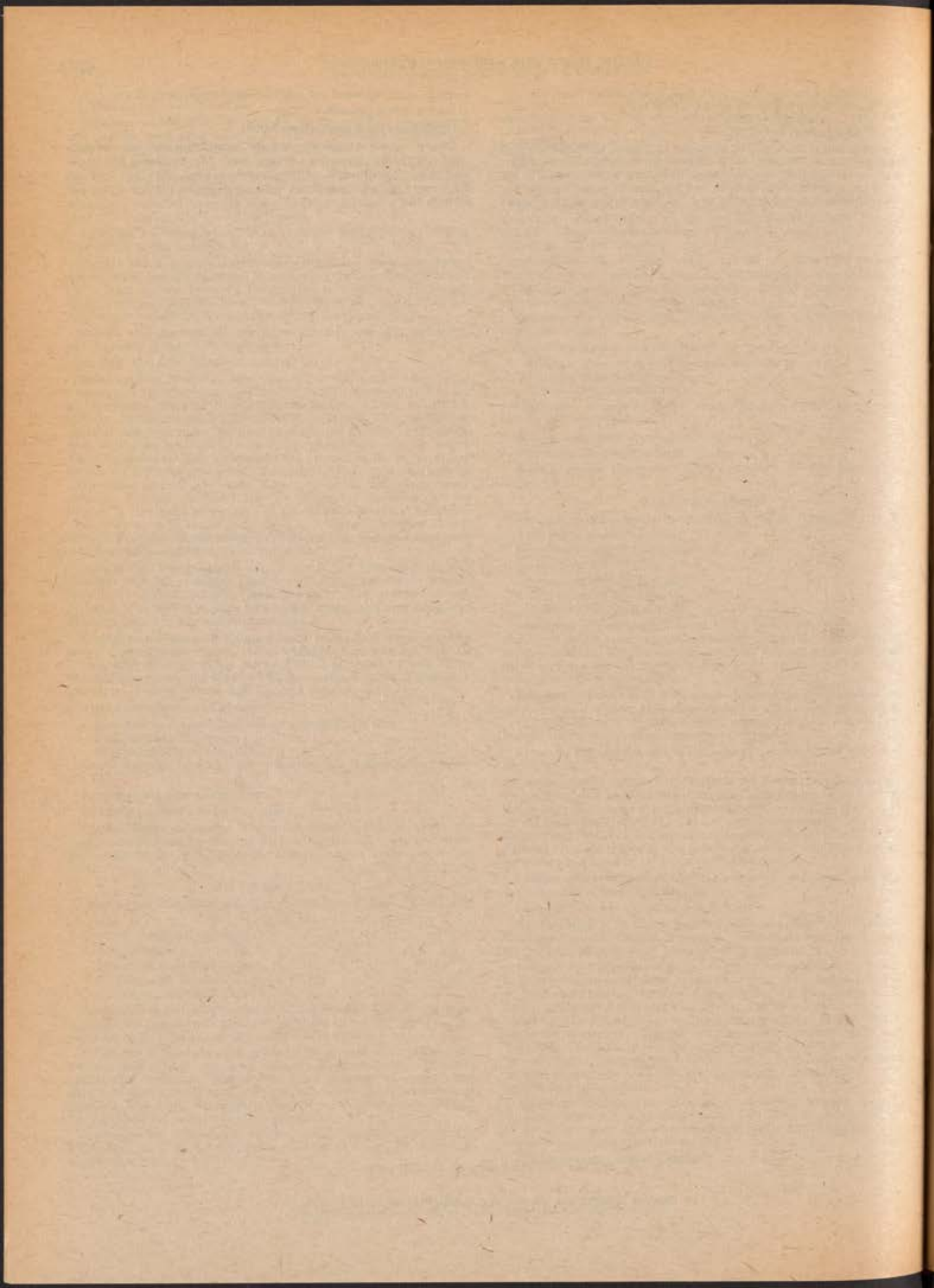
Notification procedure: For purposes of access, write the systems manager; he will require name of system, social security number, and for verification purposes, name (woman's maiden name, if applicable), address, date of birth and sex, and to ascertain whether the individual's record is in the system, years during which covered

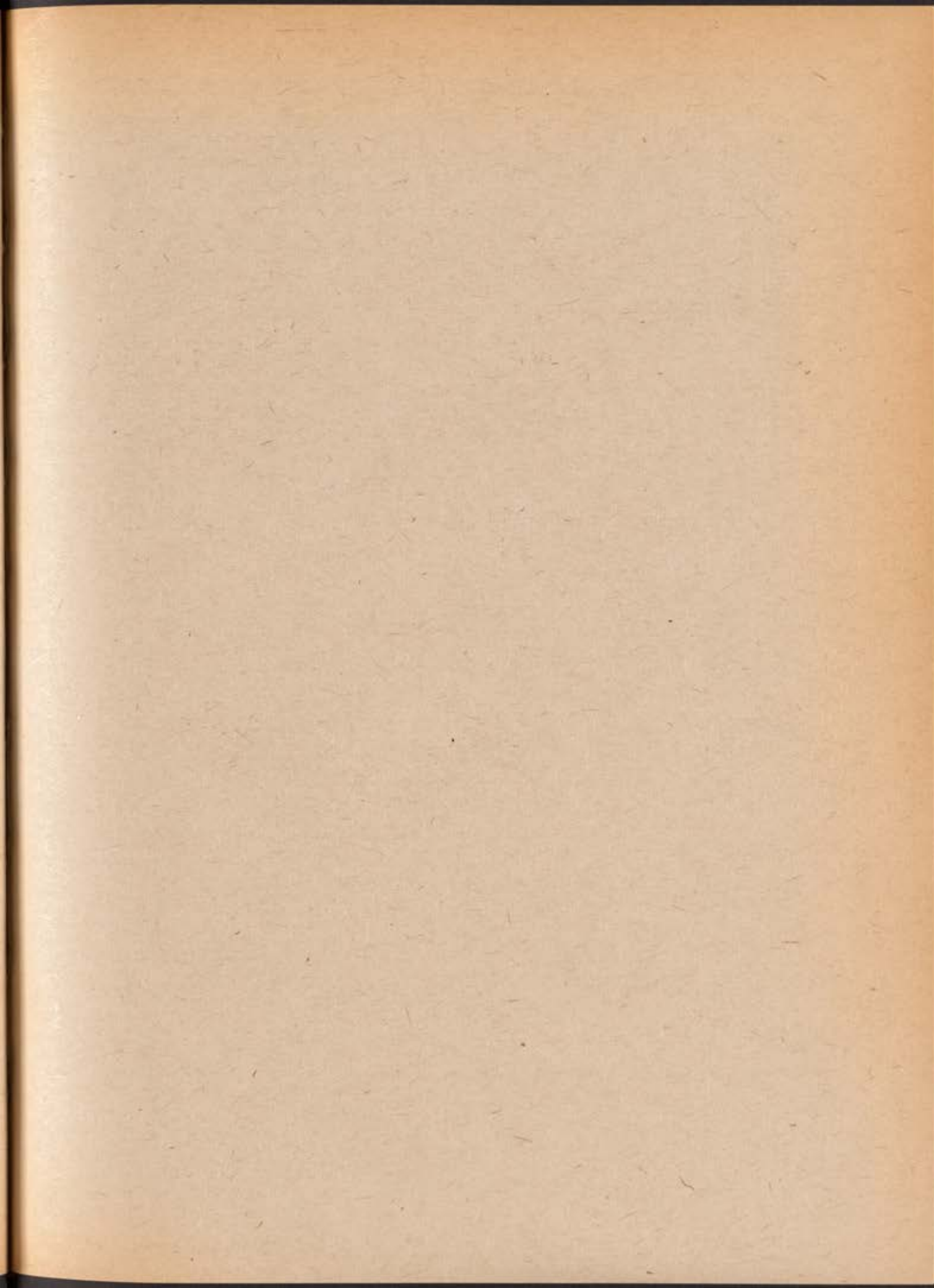
earnings were reported and years of self-employment, if any.

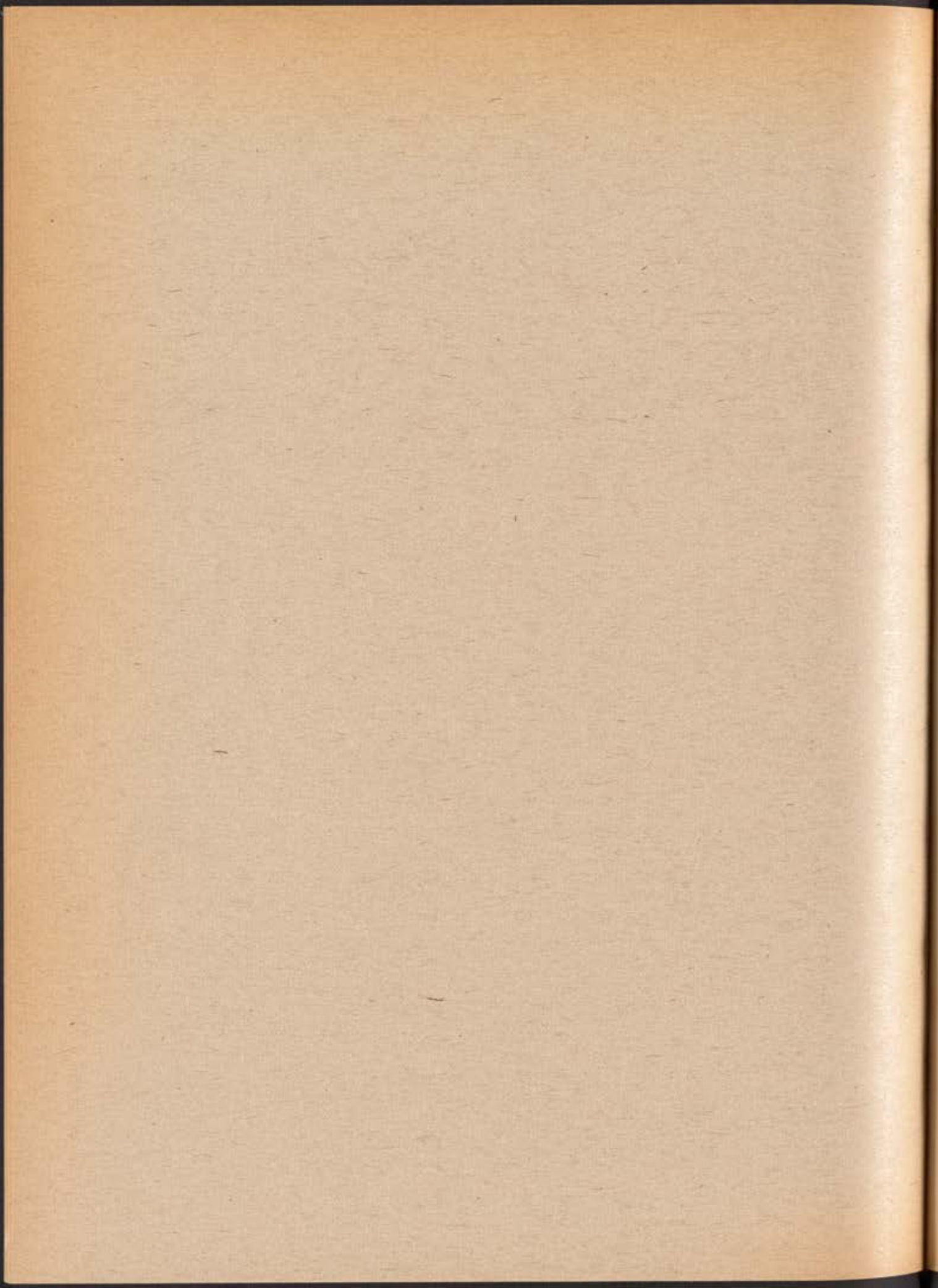
Record access procedures: Same.

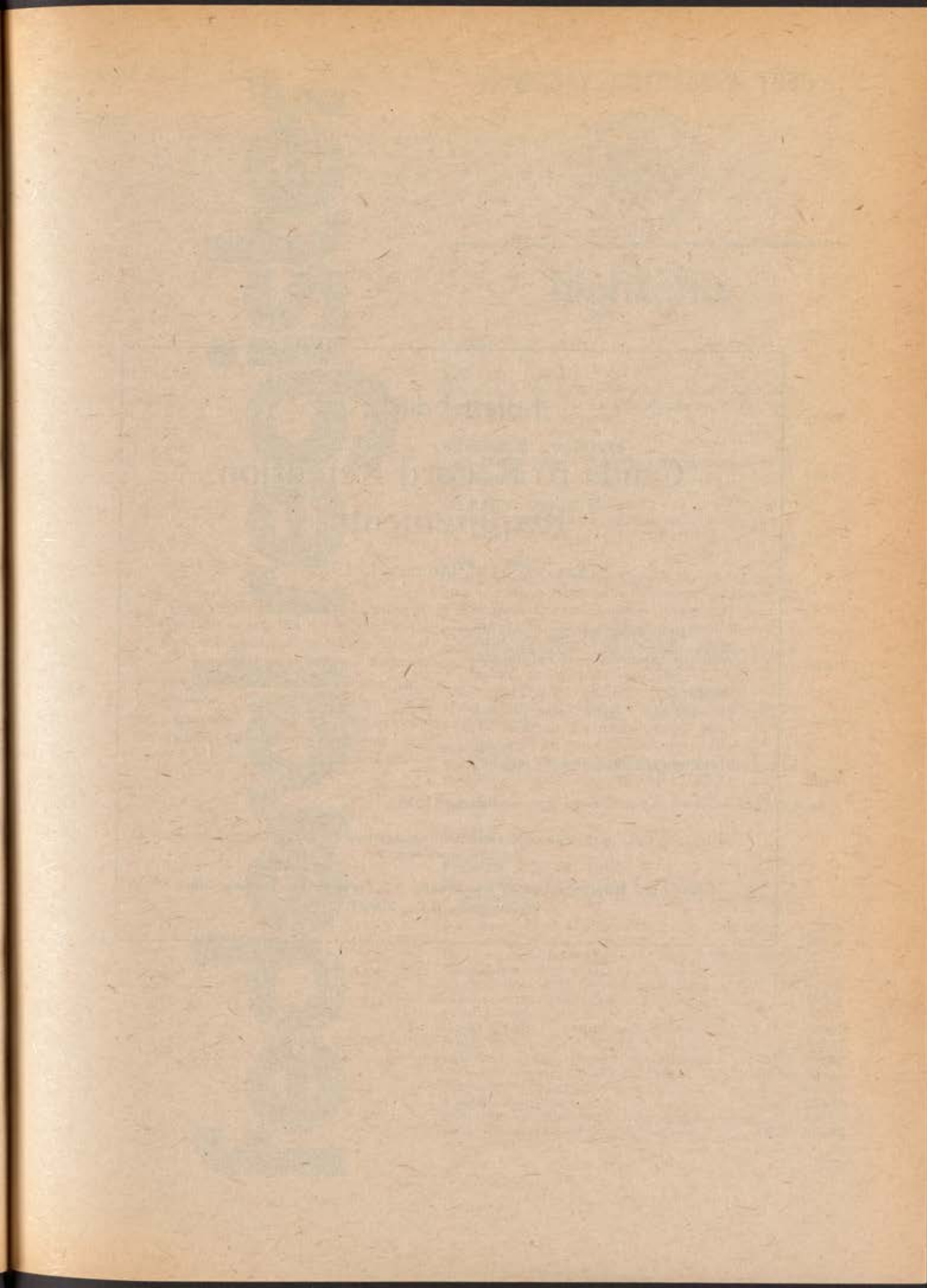
Contesting record procedures: Same.

Record source categories: Master beneficiary record; earnings summary record; quarterly earnings items file; employer identification file; 'Notification of Personnel Action' (SF-50); Railroad Retirement Board master file; Internal Revenue Service name and address file. /*









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